

EVENT AND VENUE MANAGEMENT: MINIMIZING LIABILITY THROUGH EFFECTIVE CROWD MANAGEMENT TECHNIQUES

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Events are part of a booming industry that continues to grow both domestically and internationally. This increase in popularity has led to larger and more diverse attendees, making crowd management and crowd control a necessary and integral part of the planning process for any event. This study explores the significance of crowd management and crowd control. It discusses the need for proper operating procedures and the impact of inadequate crowd management and control. The study also provides and analysis of recent legal opinions depicting both adequate and inadequate crowd management techniques.

Crowd management	Crowd control	Reasonable care	Liability	Crowd security
Communication	Signage	Operating procedures		

Events are part of a booming industry that continues to grow both domestically and internationally. As events grow in popularity, attendances also increase. Due to this rapid increase, crowd management and crowd control are now important issues in this industry.

Crowd management and crowd control are two distinct but interrelated concepts. The former includes the facilitation, employment, and movement of crowds, while the latter comprises steps taken once a crowd (or sections of it) has begun to behave in a disorderly or dangerous manner. Crowd management procedures involve planning an event, training employees, forming scenarios, and collecting data. Crowd control techniques include creating situation models and decision-making processes needed for the successful direction of equipment and manpower

under a unified command (Alghamdi, 1993). With the growing significance of crowd management within the realm of tourism, and more specifically sporting events, event managers must develop procedures for efficient and effective crowd management and control.

This study will explore the significance of crowd management and the need for proper operating procedures. In addition, the impact of inadequate crowd management and control will be examined through both domestic (United States) and international legal case analysis. Through these legal case analyses, event managers will be able to obtain a valuable understanding of the necessity for crowd control and the preventive measures they can utilize in preparing for an event. Specifically the objectives of this study are to:

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1. examine the impact of inadequate crowd management and control;
2. review and analyze legal case studies to determine positive and negative event management procedures;
3. identify event manager's liability risks from failures to take appropriate preparations and actions; and
4. make recommendations on how event/venue managers can minimize their liability.

While a primary focus is placed on US law and court cases, it is nonetheless the case that event/venue managers can gain meaningful insights regarding what action or inaction is considered reasonable with respect to crowd control and management from the examples presented here.

Justification

This study will explore crowd management and control from the perspective of event managers producing sporting events. The need for research in this area can be found in the potential that events possess for personal harm and the legal and other costs (including the loss of goodwill) associated with such harm. The results of this study may be used as a benchmark to mitigate devastating financial losses and to protect event/venue managers from liability.

The extent to which crowd control and crowd management are presently factored into the overall event process is debatable. This is so because the temptation is omnipresent for arena and event managers to ignore dangers and underestimate challenges in their efforts to maximize profits and minimize costs.

Crowd Management

Crowd management is concerned with effectively organizing the movement of crowds—a crowd being defined as a large number of persons collected into a somewhat compact body without order (Merriam-Webster's Collegiate Dictionary, 1993). More specifically, crowds contain a large number of faceless individuals that follow a certain lead without really contemplating the reasons why. Crowds can be furious and perform acts leading to possible destruction, hooliganism, and murder. However, individual members of a crowd generally would not perform any of these acts without the anonymity that the crowd provides.

Understanding basic crowd behavior assists event managers in formulating effective plans. It is important to understand that no two crowds are the same. Crowds can behave violently, resulting in destruction of property, personal injury, and, in extreme cases, death. Crowd management plans should be adjusted to meet the needs of the event and the potential crowd.

A crowd management plan involves consideration of a number of key matters, specifically reviewing: the potential crowd's sociological behavior; seating arrangements; transportation; time; parking; weather conditions; demographics; size; box office; and concession stands (Berlonghi, 1994). In reviewing seating arrangements, for example, event managers must consider seating capacity, assembly of seating, and location of seating. Unassigned seating should be avoided as people can be trampled trying to get a good seat. With respect to assigned seating, an event manager may want to ensure that rival teams' fans are not seated together.

The case of *Gallagher v. Cleveland Brown Football Company* (1996) serves to illustrate the legal implications surrounding improper seating arrangements. This case involves an action brought by a television sportscaster against a professional football team, corporation, and stadium for injuries received in a collision with the football players. The plaintiff alleged that the defendants were negligent in failing to provide him with a safe place from which to videotape the game. In effect, he was required to kneel in an unprotected area of the field, which made him prone to collisions with oncoming players. While the ruling of this case ultimately turns on a technical matter, namely not raising the assumption of the risk defense in a timely manner, this case effectively illustrates the issues concerning assumption of the risk and depicts the elements of the law associated with this defense. The Supreme Court of Ohio held that "only those risks directly associated with the activity in question are within the scope of the assumption of the risk defense, so that no jury question arises when the injury resulting from such a direct risk is at issue" (*Id.* at 432). Thus, it appears that no duty is owed by a defendant (event/venue manager) to protect a plaintiff from such a risk. Additionally, primary assumption of the risk "prevents a plaintiff from establishing the duty element of a negligence case and so entitles a defendant to judgment as a matter of law" (*Id.* at 433). In the instant case, the defendants conceding that a duty was owed to the plaintiff to warn of hidden dangers of

which the defendant had actual knowledge. The event/venue managers were ultimately held responsible for improper standards of crowd management.

The assumption of the risk defense is usually successful in cases where spectators sue for being hit by foul balls at sporting events, such as baseball, football, and hockey games. In effect, this defense overrides the problem of instituting improper seating arrangements. In two other examples, *Guenther v. Charlotte Baseball* (1994) and *Lawson v. Salt Lake Trappers, Inc.* (1995), the court held that spectators could not recover damages from management because the plaintiffs' assumption of the risk precluded any liability on the part of management. In effect, the plaintiff's assume the natural risk of being struck by the foul ball by merely attending the game. Furthermore, the court held in *Lawson* that the stadium owners did not breach a duty to provide screen seats to as many spectators as might have reasonably been expected to request them (*Id.* at 1014). The court stated that "while the majority rule insures that those spectators desiring protection from foul balls will be accommodated and that seats in the most dangerous areas of the stadium will be safe; this rule also recognises baseball stadiums and customer preference by not requiring management to screen the entire stadium" (*Id.* at 1015). The plaintiff Ben Lawson did not offer any evidence of inadequate protection or lack of screening at the stadium. On the other hand, the assumption of the risk doctrine will not always preclude the defendant from liability. For example, in *Lowe v. California League of Professional Baseball* (1997), a spectator at a baseball game sued for injuries he sustained when he was struck by a foul ball while attending the game. The court held that generally baseball team owners owed no duty to the plaintiff to protect him from foul balls under the doctrine of assumption risk, however, "the defendant did owe a duty not to increase the inherent risk to which the spectator at the game was regularly exposed and which a spectator would assume" (*Id.* at 113). In effect, the team's mascot temporarily distracted the plaintiff who as a result could not react to the incoming foul ball. According to the court, "antics of the mascot were not an essential or intricate part of playing the game, and issues of fact existed on whether those antics increased the inherent risk to the spectator or whether the spectator assumed the risk of being struck by the foul ball after he was distracted by the mascot" (*Id.* at 122).

Crowd Management and Communication

Another element of an effective crowd management plan entails adequate communication among employees, guests, and between management and guests. Effective communication should lead to successful coordination between these parties. According to Watt (1998), effective communication has several objectives:

1. to send a message;
2. to have a message received;
3. to insure understanding;
4. to achieve corrective action; and
5. to exchange information.

Watt also explores five methods of communication that must be used effectively. Verbal communication is one of the primary methods used in event coordination. This is not the most effective communication as it cannot be witnessed or returned by the receiver. Non-verbal communication consists of body language, facial expressions, or gestures and may be used only if individuals readily understand each other. Written communication is quite common but often misused. In effect, written messages should be kept specific, short, and to the point, as people might disregard longer messages. Visual communication is mostly utilized to train employees and to promote products. Finally, electronic communication is considered the most effective in recent times. The use of two-way radios, cell phones, instant messaging services, the Internet, etc., bring enormous benefits to event managers as most of the events occur in large areas where written and/or visual communication is difficult. The communication process must be flexible in case the environment of the event changes, and the information transferred must be "clear, concise, courteous, correct, complete, and correctly directed" (Watt, 1998, p. 41).

Signage

Another form of communication that is significant from an event manager's perspective is signage. Signage can serve to warn (e.g., slippery when wet), instruct (e.g., No alcohol beyond this point), inform (e.g., Exit only), and direct a crowd (e.g., Car park entrance 100 meters). In so doing, signage fulfills the requirement to advise spectators of potential dangers and risks. Signage should be clear, concise, unambiguous, well written, and must be readily recognizable for maximum effect.

According to Berlonghi (1994, p. 186), key considerations in the clarity of signage are:

1. type of sign information (e.g., security, medical, lost and found, promotions);
2. size and dimension, shape, height, width, depth;
3. material (e.g., cloth, plastic, flag panels, billboards, streamers, colors);
4. wording and language specifications; and
5. location.

Clarity may also be achieved by increasing visibility and strategically positioning the signs. The safety and security of signs must also be considered as they pertain to posting and mounting.

In *Van Dyke v. S.K.I. Ltd.* (1999), the court addressed the signage issue as it pertains to traffic flow. In this case, a ski resort increased the risk of harm to a skier by posting a sign post in the midst of a ski run. According to the court, “although defendants generally have no duty to eliminate risk inherent in the sport itself, the defendants have a duty to use due care not to increase the risk to a participant over and above those inherent in the sport” (*Id.* at 1315). The sign was barely visible to a patron, and, therefore, unavoidable or unforeseen as he made his way downhill.

Crowd Management, Ushering, and Security

An appropriate plan for crowd management also entails ushering and security personnel. Ushers can be used to communicate information from the stands to the main office and to assist guests to their seats. They may reduce disputes among spectators by monitoring the guests’ behavior, reporting any accidents and safety hazards, alerting security of any potential problems, and checking whether people may need medical attention. Their duties represent a marriage of hands-on assistance and behind-the-scenes observation. Therefore, their importance cannot be underestimated.

Security is also a significant feature of a crowd management plan. Security personnel should be experienced in handling disputes, protecting from theft, implementing emergency services, and providing an overall safe and secure environment for the guests. Berlonghi (1994) stresses the importance of a written security plan that may also be used to limit organizers’ liability for negligence. In addition, the plan should be tailored to a particular event and should avoid adopting any redundant language from previous events. It should also provide

for the required number of guards and propose a budget for the security plan. The key elements of an effective security plan, according to Berlonghi, are:

1. thorough risk analysis,
2. assessment of security needs,
3. clockwork scheduling,
4. adequate training,
5. job descriptions, and
6. careful selection of personnel.

Effective positioning of the officers is an additional factor in identifying, thwarting, or dissipating a dispute, as time is of the essence (Miller, 1997). While security may represent an aspect of crowd control, especially as it pertains to emergency procedures, it may also be effectively utilized as a part of a broader crowd management plan.

Roth v. Costa (1995) reveals crowd management problems as they pertain to the issues surrounding the absence of adequate security. In addition, this case links crowd management to the legal issues of criminal negligence. In this instance, the plaintiff, a concert attendee, sued the owner of a concert hall for negligence for failing to protect her from criminal attack. The plaintiff alleged that the defendant was negligent by not hiring and training an adequate number of security guards to patrol the parking lot. The court held that the concert attendee was a business invitee for purposes of determining the appropriate duty of care (*Id.* at 595). Therefore, the owner owed the plaintiff a duty to exercise reasonable care to protect her from foreseeable injury—in this particular case, a criminal attack (*Id.* at 596).

Crowd Management and Event Conditions

Because fans act differently depending on the event, event managers must consider the conditions of the event being hosted so as to predict fan behavior and implement the appropriate security measures. For example, football games might necessitate more rigorous security and detailed crowd management than tennis matches. Another consideration for sport event managers is the surrounding facility or environment. For instance, sporting events taking place in high crime areas may create the possibility of third-party attacks. Therefore, according to Miller (1997), managers must thoroughly investigate the areas hosting the event and take appropriate protective measures.

Considering known or past rivalries may also neutralize future confrontations. According to Berlonghi (1994), crowd conditions such as moods or emotions must be assessed. Spectators may be angry or excited due to tardiness, overnight waiting, or intense rowdiness. Furthermore, managers must consider event circumstances, including cancellation, no shows, crowd congestion, lack of parking, the use of special effects, and the presence of obscene/violent performing acts. Social factors must also be assessed, as rival tensions or rival gangs may precipitate violent situations. Rivalry and controversy may spell disaster for an event. For example, an event may be depicting controversial themes or issues related to abortion, AIDS, racism, or religious tension. Thus, event managers should determine whether opposing groups will be attending the event as a recognized group and take proper precautions to protect both groups (Berlonghi, 1994).

External stimuli and environmental factors must also be assessed. For instance, the noise level of the event itself may become a problem if it lasts a long time at an intense level. If this happens, the spectator's health, safety, welfare, and enjoyment may be jeopardized because effective communication is hindered. More importantly, surrounding areas of the community may be negatively affected, thereby increasing the chances for lawsuits and the revoking of permits. Other controllable environmental factors involve providing ventilation/air conditioning and minimizing cigarette smoke. However, some situations cannot be prevented as they come unexpectedly. They include climatic elements, such as rain and heat. Managers must be aware of this unpredictability and must plan accordingly to diminish the possibility for control problems. For example, a thunderstorm may lead to a crowd's scrambling for shelter, thereby undermining security and increasing the chance for injury.

The following case serves to illustrate the problems of not considering event conditions. *Deerhake v. DuQuoin State Fair Association, Inc.* (1989) exemplifies the interaction between improper sports event management and premises liability. An injured spectator and the widow of a man killed in an unauthorized drag race at the defendant's racetrack sued the owner. The court held that the owner owed a duty to protect the plaintiffs from the hazards of unauthorized motorcycle drag racing and that the \$750,000 award was not excessive (*Id.* at 374). In effect, the plaintiffs were injured by the negligence of a third party on the defendant's property.

The defendant not only knew of the criminal activity but also used it to his advantage by charging parking, camping, and admissions fees. He did nothing to prevent the illegal activity. The court stated, "a possessor of land who holds it open for the public for entry for his business is subject to liability to members of the public while they are upon the land for such a purpose; for physical harm done caused by the accidental, negligent, or intentionally harmful act of third person; and by the failure of the possessor to exercise reasonable care" (*Id.* at 382). In effect, a duty was imposed on the defendant to have considered the dangers—or even criminal nature—of his activity, a duty that he ignored and for which he was held liable.

Crowd Management and Alcohol Issues

Having assessed various event conditions, a manager must then consider issues related to alcohol distribution. Alcohol sales and consumption may lead to excessive drinking and result in personal injury and property damage. According to Miller (1997), while alcohol sales generate financial gains, statutes, which hold the event manager liable for any injury a third party incurs as a result of an intoxicated person, and common law negligence "place [the] (event) sport manager in a perilous position" (p. 279). Miller also highlights various suggestions offered by the Miller Brewing Company regarding alcohol distribution. For instance, personnel should follow proper policies associated with their own alcohol consumption. They should not drink on the job and should be trained to deal with intoxicated people. In addition, participants are not allowed to drink during their performance, and highly intoxicated individuals will not be allowed to enter the venue. Policies concerning alcohol consumption should be created prior to the sale of alcohol. For instance, alcohol should not be sold where crowd problems are foreseeable. Age requirements must be strictly followed and enforced by regularly checking identification. Security should also be positioned where alcohol is sold. Intoxicated individuals must not be served, and a purchase limit should always be established. More importantly, alcohol should never be the event's primary source of income.

In addition to alcohol, the security personnel should consider illegal drugs so that they reduce the risk of injury and other crowd problems. Security personnel should be trained to recognize various types of drugs

and the symptoms they create. They should be positioned strategically in suspicious areas like dark corners, parking lots, etc. Moreover, the use of TV monitors at the concession stands or at the spectators seating area may be useful to spot trouble so as to allow for immediate intervention (Waddell, 1997).

A case relating to liability for alcohol and related violence is *Bishop v. Fair Lanes Georgia Bowling* (1986). In *Bishop*, two groups were situated on adjacent bowling lanes. One group complained to the bowling alley's management of harassing behavior by the other group. The management took no action and, moreover, continued to serve the harassing group alcohol despite their obvious intoxication. At 2:30 a.m., members of the two groups were the last individuals to leave the facility. The intoxicated group, which had been the aggressor all evening, attacked the other group in the alley's parking lot. The court concluded that a jury could reasonably find that the management knew, or should have known, of the potentially dangerous situation between patrons before the altercation occurred, and would, therefore, be negligent for taking no action and failing to make its premises safe for invitees.

On-Site Legal Counseling

Finally, an effective crowd management plan should involve hiring or training specialized management professionals in case the event/venue manager is not familiar with the intricate aspects of event management or in case he/she is lacking adequate resources, such as time or personnel. One particular type of professional who should be hired is an On-Site Legal Counsel (OLC). This is an important measure to ensure safety from the beginning to the end of an event. The OLC is typically an attorney who participates in the organization of the event. He or she bears the responsibility for the day-to-day legal decisions and for offering valuable legal advice during the event. According to Costello and Delphy (1995), hiring individual attorneys as on-site legal counsels will allow an event/venue manager or organizer the benefit of legal advice regarding certain decisions and the implication of these decisions. More importantly, on-site legal counseling is an extra step that will save financial resources and mitigate economic losses. The OLC should be part of the management team and, more specifically, a member of the overall communication center. He/she should be aware of crowd control problems and be able to assess information given to

him/her by police or security. When hiring an OLC, event managers must consider the counsel's expertise. In addition, the OLC should be familiar with the local modifications of the law and the local authorities, such as the police chief, local judge, or other high ranking officials (Costello & Delphy, 1995). Being attentive to these factors may enhance the effectiveness of the overall crowd management plan and allow for the success of the event.

Crowd Control

Having explored the practical measures surrounding an effective crowd management plan, an event manager can now assess the factors that comprise a successful crowd control plan. As previously stated, crowd control represents the steps and procedures that should be taken once a crowd has lost control. These techniques include creating situations, models, and decision-making processes needed for the successful direction of equipment under a unified command (Alghamdi, 1993).

A successful crowd control plan involves measures that should be implemented at certain stages of the event. This part of the discussion will trace these measures from the beginning to the end of the event. To begin, the manager must consider preventive or pre-event procedures that may reduce the need for emergency tactics at the event. According to Janowski (1996), a successful crowd control plan first includes a statement of purpose that focuses the plan and provides for crowd control goals. He states that a goal may be "to provide all visitors, participants, and support personnel with a safe and secure environment to enjoy the activity" (p. 46). At this first stage, an event/venue manager attempts to understand the dangers of overcrowding, such as panic, violence, injury, and ultimately liability. In addition, an event/venue manager must know what triggers violence. According to Berlonghi (1994), a crowd may become violent if it perceives security to be using excessive force in its response to a situation. In effect, crowd control problems may first be precipitated through a domino effect of action/reactions.

Pre-crisis Stage

At the pre-event or pre-crisis stage, a manager must consider certain preventive tactics to avoid *crowd control* problems. This should involve appropriate staffing and training, facility management, and setting up a control center. Personnel for crowd control may include

security, emergency medical services, risk management, and support personnel (Janowski, 1996). The number of security personnel will vary according to the type of event. They should be trained to readily respond to any crisis or emergency. Security should also be in uniform so they are clearly visible. Effective strategic positioning of the officers is also an important factor in identifying, thwarting, or dissipating a dispute, as time is of the essence. Security personnel should move with the crowd. Their placement in special areas will help manage the crowd's behavior (Miller, 1997). They should also be equipped with other tools such as binoculars, to enhance their supervisory efforts. In addition to security, plainclothes investigators may supervise to ensure personnel are following proper procedures. They can assist in detecting any crowd problems. Emergency medical services should also be implemented, and "first response personnel should be strategically located throughout the facility" (Janowski, 1996, p. 46). Establishing a centralized first-aid station is also highly recommended. Risk management professionals should ensure that the event runs smoothly. For instance, they must monitor situations that could cause liability. Support personnel are likely to be contract or part-time, so they may require extra training. According to Janowski (1996), these groups should attend a pre-event meeting, along with vendors, promoters, and facility managers, to review goals and requirements for the event. In addition, they should be trained according to their specialized positions, but they should also be able to communicate effectively. For instance, hand signals or nonverbal means of communication may assist ushers in requesting help from security (Berlonghi, 1994). Janowski (1996) stresses that personnel should also be trained to communicate with the crowd through effective verbal and hands-on techniques. This approach may assist personnel in directing huge crowds to a desired area.

Many cases serve to illustrate the importance of proper staffing and personnel management, especially within the area of security. In *Greenville Memorial Auditorium v. Martin* (1990), a patron at a rock concert was struck by a glass bottle thrown from the balcony of an auditorium owned by the city. He sued the city and presented evidence that only 14 security guards were provided to control a crowd of 6000, that no reserve seating existed on the main floor, and that no apparent effort was made by the security personnel to control drinking, smoking, or pushing (*Id.* at 245). The court

ruled that the defendant was liable and the patron's injuries were foreseeable: "in order to establish liability for personal injury as the result of negligence, it is efficient that he should have foreseen his negligence would probably cause injury to someone" (*Id.* at 247). In effect, a tortfeasor (person committing the wrongful act) need not have contemplated the particular event that occurred, as he may be held liable for anything that could be a natural and probable consequence of his actions. Here, the defendants were negligent in not adequately securing and maintaining the premises during the concert, and these oversights created a reasonably foreseeable risk of the third party's criminal act of throwing the glass bottle.

In addition to staffing, an event manager must consider appropriate measures for facility management at this initial level of crowd control planning. Proper facility layout and design is crucial to effective management. The area must be inspected before the crowd gathers to insure that "no explosives, fire hazards, or other panic-producing conditions are present" (Berlonghi, 1994, p. 224). Attendance must be checked daily to be sure maximum capacity is not exceeded. Aisles or barricades may also prevent the accumulation of excessive crowds. In addition, proper entrance and exit procedures should be implemented. Gate supervisors should communicate regularly with the control center to impart the status of the traffic flow. At times, gates may need to be opened earlier or closed later than originally planned to reduce the possibility of overcrowding. Additional entrances may need to be created if overcrowding is an issue. According to Janowski (1996), "a method for guests to exit the facility must be available throughout the event" (p. 49). Egress personnel should be positioned where the patrons are leaving. All entrance/exit doors should open one way because revolving or two-way doors breed overcrowding and congestion. Adequate signage to provide assistance and an effective public address system might also prevent crowd control problems. Furthermore, providing an adequate number of restrooms and concession stands may alleviate long lines. Provisions for parking should also be established.

Several cases serve to illustrate the problems associated with having improper standards of facility management as it pertains to crowd control. In *William v. Walnut Creek Amphitheater Partnership* (1996), the plaintiff attended a concert at an amphitheater operated by the defendant. After the concert, the plaintiff

was attempting to leave the concert without waiting for the crowd to dissipate. In her attempt, she was pushed by the crowd and fell down a hill that boarded the amphitheater. She asserted that there was “no lighting, no barriers between the hill and the theater, and no attendants to assist the crowd” (*Id.* at 350). According to the court, a material fact issue existed as to whether the owner created an unsafe condition in constructing this amphitheater and by admitting too many patrons knowing that pushing and shoving would occur after the concerts (*Id.* at 651). In effect, the court considered the elements of negligence in that “a possessor of land is liable for any injuries caused to his invitee when the possessor negligently creates a condition causing injury or negligently fails to correct this condition after notice of its existence” (*Id.* at 650). Moreover, even if a steep hill could be considered an obvious danger, this fact would not relieve the owner of liability if he should happen to have anticipated that the patrons could be injured on the hill (*Id.* at 651).

In *Queen v. City of Douglasville* (1998), a young girl’s injury and her sister’s death were caused by an oncoming train at a parade held by the city. The city was sued for negligence, nuisance, premise liability, and man-trap claims. According to the court, genuine issues of fact precluded summary judgment for the city. In effect, the negligent conduct of the city “went beyond issues of police protection to choices made by the city in planning the parade” (*Id.* at 68). Evidence was presented that the city was aware of the congestion and the pedestrian traffic around the railroad as it had occurred in connection with the parade in prior years (*Id.* at 68). The city should have foreseen the possibility of such injury when it planned the parade and should have taken proper measures to control the crowd after notice of potential danger. A jury would have to resolve the question of whether the defendant failed to exercise ordinary care to anticipate and guard against such injury, whose proximate cause was within its control.

Tooth v. City of Wilmington (1970) is a distinguishing case that reveals similar issues of negligence and premises liability as they pertain to concerts and exhibitions. The plaintiff in the instant case fell into the orchestra pit of a theater under lease to the defendant while assisting church choir members with various tasks. She asserted that the walkway did not have adequate lighting and that she was not forewarned by the defendant as to the conditions of the premises. However, in this case, the plaintiff did not establish duty on the part of

the defendant, since “an individual who invites others to come onto his premises to view an event is not an insurer of their safety and is liable only for injuries proximately caused by his failure to use reasonable care to protect against dangerous occurrences on the premises” (*Id.* at 175). In effect, an owner’s duty will vary with the nature of the exhibition, the portion of the building involved, and the degree of injury reasonably foreseeable (*Id.* at 174). Furthermore, the owner was not required to take safety measures that would unreasonably impair the establishment’s attractiveness. The plaintiff should have anticipated these surroundings, as they were not out of the ordinary. The defendant was not liable.

McLellan v. City of Chicago Heights (1995) also serves as a distinguishing case within the contexts of city planning and special event management. In this case, spectators were injured at a fireworks display and brought a negligence action against the city. They claimed that the city allowed them to sit too close to the launching site. The court held, however, that the city was immune from liability due to the provisions of the Tort Immunity Act (*Id.* at 578). In effect, crowd control and traffic management at this celebration constituted police functions that barred the plaintiffs’ claims—“Neither a local public entity nor a public employee is liable for failure to provide adequate police protection . . . or for failure to detect or solve crimes” (*Id.* at 578). However, simply because the city was immune from liability does not mean that it was not negligent. A private promoter would not have been granted the same immunity.

In her article entitled “Unmasking the Secrets of Mardi Gras Security,” Anderson (1995) explores numerous crowd control issues as they pertain to Mardi Gras parades in New Orleans. For instance, reducing the amount of space between the bottom of the floats and the ground may prevent injuries to children. Glass or metal cans must not be allowed along the parade route, and a designated area should be indicated for lost children.

Krewe of Argus, Inc. v. Giarranto (1984) also involves injuries sustained by a spectator during a Mardi Gras parade. According to the facts, the plaintiff was struck in the eye by a favor that was thrown from a float. (Favors are traditionally Mardi Gras beads and other items thrown from floats for the crowds to catch. They are generally regarded as souvenirs from the event.) One issue encountered in this case was whether the plaintiff

assumed the risk by positioning himself close to the floats. The court assessed the plaintiff's actual knowledge of the dangerous condition, appreciation of such conditions, and voluntary assumption of the dangers (*Id.* at 532). The plaintiff claimed that he had never seen this particular favor that injured him and that unusual favors were typically handed down in plastic bags. The court concluded that the plaintiff did not assume the risk because he was unable to appreciate the danger of the unusual favor. Another issue evidenced in this case was whether the defendant was negligent in failing to set out basic safety guidelines for its members to follow, in failing to educate its members as to the potential types of injuries that might occur, and in failing to supervise the types of favors thrown by the individual members (*Id.* at 533). In effect, the court concluded that the defendant was liable for negligence by failing to act reasonably or by omission in failing to properly train the members of the Krewe.

The following two cases depict the problems that may result from a lack of adequate personnel and the absence of proper facility standards. *Woolworth v. Kirby* (1974) entails a Ping-Pong ball drop event where the plaintiff was knocked down by a crowd that had gathered in response to the defendant's promotional advertisement. The court ruled that "when a proprietor causes a crowd to assemble pursuant to a promotional activity, he owes a duty of reasonable care to protect those assembled from injuries resulting from pressure, pushing, shoving, or other crowd activities" (*Id.* at 252). The main issue determined by the court was whether the defendant should have foreseen the risks or dangers involved with the activity of dropping Ping-Pong balls containing prize-winning numbers from airplanes. The court stated: "In accord with the concepts of foreseeability, a duty to prevent the crowding of a business establishment may arise in those situations where a proprietor can foresee that a customer may suffer injuries due to the pressure of the crowd" (*Id.* at 501).

In the instant case, the defendant did not give warning of the danger involved, he did not take steps to control or police the crowd with supervisory personnel, and he did not use loud speakers to warn the crowd of any potential dangers (*Id.* at 252). Furthermore, the question of general crowd behavior was relevant to the plaintiff's allegation that the store failed to adequately police the crowd.

In *Boll v. Chicago Park District* (1992), a football stadium invitee fell from the concourse as he was at-

tempting to exit the arena. He sued the stadium owner for negligence as no proper management existed to direct the extremely crowded conditions. Witnesses described the crowd as "fighting the mass going east or west" (*Id.* at 953). The jury concluded that the pushing of the crowd caused the plaintiff to go over the railing and that the fall was not a result of his own negligence. According to the court, the plaintiff's reasonable foreseeability of injury was an important but not exclusive concern, as the defendant was aware of the fans climbing over railings in trying to escape the crowds (*Id.* at 958). The defendant did nothing to ameliorate the flow of traffic neither via stadium design nor through proper management. The court referring to Restatement (Second) of Tort, section 343 stated: "A possessor of a land is not liable to his invitees for physical harm caused to them by any activity or condition on the land whose danger is known or obvious to them, unless the possessor should anticipate the harm despite such knowledge" (*Id.* at 960).

In effect, the defendant had reason to anticipate such chaotic conditions, but choose to ignore them. Ultimately the defendant was held liable for failure to take appropriate measures to protect the plaintiff. This case may be readily distinguished from *Hartzell v. U.S.* (1976), where a spectator at a football game at a stadium owned by the government sued to recover for injuries sustained in a fall on the stadium stairway. The court held that the government's efforts to remove the ice and snow prior to the game were reasonable and the government's failure to warn the spectators of the obvious condition was not unreasonable (*Id.* at 539). The evidence showed that the plaintiff knew of the adverse weather conditions. Furthermore, he assumed the risk by braving such conditions to get to the stadium. For the above reasons the defendant was not held liable.

The last component of crowd control may be referred to as the control/command center that allows event managers to maintain control and coordination throughout the event. This area should be centrally located and should be comprised of representatives from all personnel departments (Janowski, 1996). Representatives should communicate regularly with other personnel and vice versa. This center should also make the major safety and security decisions during emergencies caused by malfunctions in communications (Berlonghi, 1994). Furthermore, it should be secure from fires, disorderly crowds, etc., and only certain individuals should have

access to the post. Media should not be allowed in the command center. Finally, a chain of command should be established to facilitate the orderly operation of the event.

Crisis Stage

If the preventive measures discussed previously fail, event/venue managers may find themselves needing to manage an emergency situation. According to Berlonghi (1994), not all emergencies should be handled in the same manner. Certain emergencies may require evacuation procedures, while others entail crisis management. First assess the possible emergency situations that exist within the area of crowd control. They include natural disasters, poor weather conditions, fires, terrorism, bomb threats, riots, accidents, mass casualties, and last minute event cancellations. Each of these scenarios can breed fan violence, overcrowding, injury, and even death if not handled effectively.

Practical crowd control measures will eliminate certain problems if the crowds have lost control and must be restrained from unlawful or unsafe behavior. First, if an event is upstaged by an emergency, procedures for rapid but orderly evacuations may be necessary. Evacuation procedures should be made by an experienced announcer whose voice or demeanor does not evoke further crowd panic. He/she should read a prewritten script that conforms to the situation at hand. Personnel should remain calm throughout the crisis and the event should not resume once it has been canceled as reverse traffic flow could cause further problems. Security, barricades, and access control should prevent people from reentering the venue. Furthermore, parking attendants should be positioned in the parking lots to prevent people from driving in a panic-ridden state. The evacuation plan must be orderly and practiced routinely (Miller, 1997) before a crisis occurs. In addition, event planners should gather necessary information and be ready to speak with the media and the authorities.

While evacuation plans may be reserved for the most serious control problems, other procedures must be followed in cases of fan violence or fighting. For instance, security should not participate in arguments among patrons. Assistance should be requested from police or management in these situations. Having such a procedure might deter disorderly fans from claiming they were provoked by security. Those involved in

heated arguments might simply be removed from the crowd. However, before ejecting someone, he/she should be given a chance to stop any offensive behavior or activity. Highly belligerent or violent individuals should be ejected swiftly and quietly. Again, security must not handle ejection alone but should be assisted by police officers.

Finally, simple problems of overcrowding may be dealt with before they escalate into crisis situations. In effect, maximum capacity delineation should be respected, and managers must not hesitate to turn away individuals if full capacity has been reached. Not doing so could create fire hazards and other threatening situations. Dealing with overcrowding should be attempted when large masses have dissipated to a narrow point (Berlonghi, 1994) so as to facilitate crowd maneuvering.

Palmieri v. Ringling and Barnum (1997) depicts the dangers of overcrowding, as they pertain to safety concerns. In this case, a circus patron was injured when the crowd pushed her down a stairway. She claimed that the circus operators were negligent in failing to provide adequate crowd control measures (*Id.* at 590). Luckily for management, the plaintiff did not establish that she could not find a place of safety or that her free movement was hindered due to overcrowding conditions. Therefore, the defendant was not held liable for negligence in this case (*Id.* at 590).

Crowd control at this stage should also entail crisis management. According to Watt (1998), the key to successful crisis management is not to panic: "a good manager faces crises and handles them calmly and effectively" (p. 30). Crisis management also requires a team approach or effort. People can solve any problem if they comprise a group who share a common goal or purpose to resolve or handle crisis. According to Watt (1998, p. 30), the following are basic steps to resolving a crisis situation once it occurs:

1. coolly analyze the situation,
2. reexamine the objectives,
3. examine the possibilities,
4. consider the consequences of various solutions,
5. select the least damaging option,
6. implement the approach action,
7. consider monitoring to avoid repetition.

In effect, personnel must be prepared for crisis through appropriate training, planning, and practice that are mainly preventive, precrisis activities.

At this stage, one should properly document every incident, as it may become evidence. According to Miller (1997), "facility maintenance, injury reports, ejection of patrons, and evaluation measures serve as important defense tools should subsequent litigation ensue" (p. 84). Evidence may be efficiently documented using closed-circuit television systems and other electronic tools. Police and management reports may also aid in this process. Incidents should be reported according to fact and not opinion, so as to memorialize the occurrence. Crimes, arrests, injuries, pedestrian/traffic accidents, property damage, and crowd disturbances should be properly documented. Accuracy and detail are both hallmarks of accomplishing an incident report that specifies dates, times, locations, witnesses, victims, and suspects, incidents, and all actions taken. Furthermore, documentation must be properly labeled, organized, and stored in a safe place.

Postcrisis Stage

Having discussed the first two stages of crowd control, one may now address the procedures involved in the final or third stage. They include procedures for postevent security and a mechanism for review and evaluation after the event (Janowski, 1996). A planning committee may conduct a review of the event to determine whether security responded effectively and efficiently. In addition, all personnel should meet after the event to assess their performance so as to ameliorate any aspects of the crowd control plan. Furthermore, the plan "must be flexible enough to allow for periodic review and modification yet be rigid enough to be effective" under a variety of circumstances (Janowski, 1996, p. 50). Although this stage of the plan appears to lack detail and seems to be rather simple, its importance should not be underestimated or ignored for it is crucial to the overall success of a crowd control plan.

Conclusion

As crowd management and crowd control are interrelated, a well-conceived crowd management plan hopefully will eliminate the need for extensive crowd control. Waddell (1997), referring to Bob Quintella, a staunch supporter of the integrated plan view, states, "to keep management from crossing over into crowd control, one of the most important things to do is correctly assess the mood of the crowd" (p. 1). Following the basic measures set out in this article might eradicate the need for

crowd control and protect both the public and the event/venue manager from injury (Waddell, 1997).

However, in order for event managers to limit their liability, to preserve their financial stability, and to secure the success of the event, they must focus on both crowd management and crowd control. Developing crowd management and crowd control plans in conjunction with the suggestions given in this article will help protect managers and employees as well as the public. By reviewing legal case event/venue managers can develop a better understanding of what both the public and law expects from them in terms of protecting their guests. Thus, creating plans with an eye toward these legal issues, event/venue managers may avoid legal liability and other negative implications (e.g., loss of goodwill). Through effective planning and organization, they will achieve financial success as well as a safe event.

References

- Alghamdi, A. (1993). Crowd control model with a management information system approach for command and control. *DAI-A*, 53(8), 2995.
- Anderson, T. (1995). Unmasking the secrets of Mardi Gras security. *Security Management*, 39(9), 40-47.
- Berlonghi, A. (1994). *The special event risk management manual* (rev. ed.). Dana Point, CA: Berlonghi.
- Bishop v. Fair Lanes Georgia Bowling, 803 F. 2d 1548 (11th Cir. 1986).
- Boll v. Chicago Park District, 249 III App. 3d 952, 620 N.E. 2d 1082 (1992).
- Costello, B. K., & Delphy, A. L. (1995). Layering on the front lines: On-site legal counseling for major sporting events [Online]. *Marquette Sports Law Journal*. Available: <http://webb.lexis-nexis.com/universe>
- Deerhake v. DuQuoin State Fair Association, Inc., III. App. 3d 374, 541 N.E. 2d 719 (1989).
- Gallagher v. Cleveland Brown Football Company, 74 Ohio St. 3d 427, 659 N.E. 2d 1232 (1996).
- Greenville Memorial Auditorium v. Martin, 301 S.C. 242, 391 S.E. 2d 546 (1990).
- Guenther v. Charlotte Baseball, 854 F. Supp. 424 (South Carolina, 1994).
- Hartzell v. U.S. 539 F. 2d 65 (10th Cir. 1976).
- Janowski, J. B. (1996). Defense strategy scores high: Crowd control and public venue security [On-line]. *American Society for Industrial Security*. Available: <http://web.lexis-nexis.com/univers/docu>
- Krewe of Argus, Inc. v. Giarranto, 449 So. 2d 530 (5th Cir. 1984).
- Lawson v. Salt Lake Trappers, Inc. 901 P. 2d 1013 (Utah, 1995).
- Lowe v. California League of Professional Baseball, 56 Cal. App. 4th 112, 65 Cal. Rptr. 2d 105 (1997).
- McLellan v. City of Chicago Heights, 61 F. 3d 577 (7th Cir. 1995).

- Merriam-Webster's collegiate dictionary* (10th ed.). (1993). Springfield, MA: Merriam-Webster.
- Miller, K. L. (1997). *Sport business management*. Gaithersburg, MD: Aspen Publishers, Inc.
- Palmieri v. Ringling and Barnum, 237 A.D. 589, 655 N.Y.S. 2d 646 (1997).
- Queen v. City of Douglasville, 232 6a. App. 68,500 S.E. 2d 918 (1998).
- Roth v. Costa, 272 III. App. 3d 594, 650 N.E. 2d 545 (1995).
- Tooth v. City of Wilmington, 8 N.C. App. 171, 174 S.E. 2d 286 (1970).
- Van Dyke v. S.K.I. Ltd., 67 Cal. App. 4th 1310, Cal. Rptr. 2d 775 (1999).
- Waddell, R. (1997). Quintella talks crowd management: Director Bob Quintella of Oakland Coliseum, California [On-line]. *BPI Communications*. Available: <http://web.nexis.com/univers/docu...a>
- Watt, C. D. (1998). *Event management in leisure and tourism*. Harlow, Essex, England: Addison Wesley Longman.
- William v. Walnut Creek Amphitheater Partnership, 121 N.C. App. 649, 468 S.E. 2d 501 (1996).
- Woolworth v. Kirby, 293 Ala. 248, 302 So. 2d 67 (1974).