



KANSAS ASSOCIATION OF COUNTIES

The Legal Risks in Emergency Management

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Kansas Association of Counties



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How Emergency Managers See the World

How Lawyers See the World

How They Can Help Each Other

Best Practices



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Mitigation

Reduce the impact of future disasters





Preparedness

The precautions that we
take every day





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Response

Putting plans into action





Recovery

What happens after the threat has subsided





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Liability Risk

The risk that you will be responsible for the injury of another person or their property.



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Liability Risk





Legal Basis

1. The theory of Negligence
 - Duty of Care
 - Breach
 - Causation

2. The theory of Strict Liability
 - No intent required
 - Causation



Causation

The “but for” rule:

But for defendants conduct (action or inaction) plaintiffs harm would not have resulted.



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Mitigation

Reduce the impact of future disasters





Mitigation

Talk about what future risks are exist in your county, and how to reduce liability for your county.





Mitigation

Think about different types of disasters and how you respond to determine county exposure.





Preparedness

The precautions that we
take every day





Preparedness

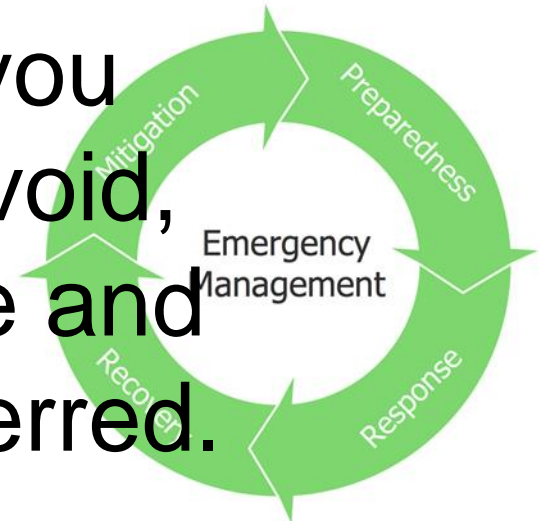
Get your county counselor involved in your preparedness plan.





Preparedness

Part of being prepared is knowing what risks you accept, which you avoid, what you can reduce and what must be transferred.





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Response

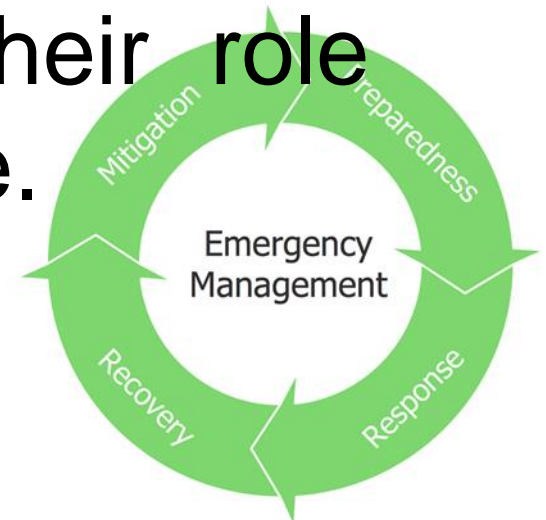
Putting plans into action





Response

Make sure your county counselor knows their role in disaster response.





Response

Make sure that disaster response is executed according to plan and within best practices.





Recovery

What happens after the threat has subsided





Recovery

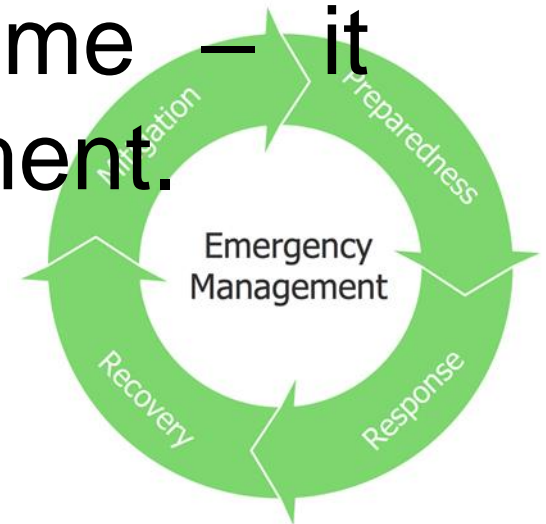
There should be a de-brief after a disaster to determine how to limit future liability





Recovery

The goal of the de-brief should not be blame — it should be improvement.





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The central graphic features two black silhouettes of human heads in profile, facing each other. Between them are two overlapping speech bubbles, one light yellow and one golden yellow. The text 'Be multi-lingual' is centered within the light yellow bubble.

Be multi-lingual



Mitigation

Ask about potential county liability





Preparedness

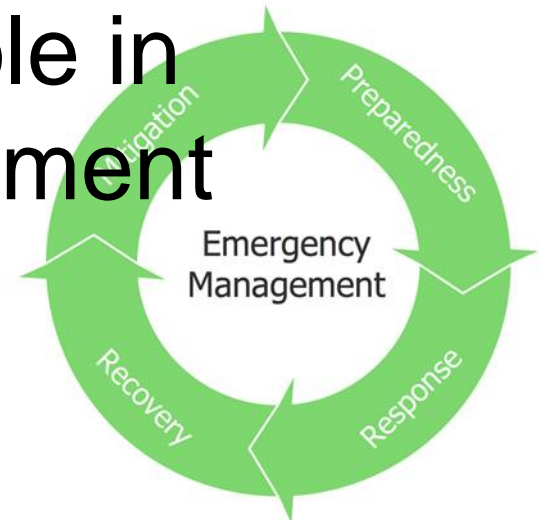
Understand the resources necessary in (and the risk associated with) a best, mid, and worst case scenario





Response

Make sure everyone understands their role in emergency management





Recovery

Elements of a good debrief:

1. Recency
2. Everything up for discussion
3. Ask lots of questions
4. Humility



Questions?



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