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About the Guidelines

For a third consecutive year, NRF is issuing its Effective Crowd Management Guidelines report. Special events and promotional sales at retail stores and shopping centers are occurrences retail, mall security and law enforcement officials plan and prepare for in tandem. There are also unplanned events and crowds retailers are now beginning to see in the form of flash mobs. Trends indicate these events will continue in the future, so the guidelines have been updated with new events and information for 2011. www.nrf.com/crowdmanagement

About the National Retail Federation

As the world's largest retail trade association and the voice of retail worldwide, NRF's global membership includes retailers of all sizes, formats and channels of distribution as well as chain restaurants and industry partners from the United States and more than 45 countries abroad. In the U.S., NRF represents an industry that includes more than 3.6 million establishments and which directly and indirectly accounts for 42 million jobs – one in four U.S. jobs. The total U.S. GDP impact of retail is \$2.5 trillion annually, and retail is a daily barometer of the health of the nation's economy. www.nrf.com

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2011

Effective Crowd Management

**Guidelines on how to maintain the safety and security
of your customers, employees and store**

www.nrf.com/crowdmanagement

Representative Angus McKelvey, Chair
Representative Isaac Choy, Vice Chair
Committee on Economic Revitalization and Business
State Capitol, Honolulu, Hawaii 96813



HEARING Tuesday, January 31, 2012
8:30 am
Conference Room 312

RE: **HB 2077, Relating to Occupational Safety and Health**

Chair McKelvey, Vice Chair Choy, and Members of the Committee:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing about 200 members and over 2,000 storefronts, and is committed to supporting the retail industry and business in general in Hawaii.

RMH opposes HB2077, which requires employers to adopt crowd management safety plans for events where large crowds are expected to gather, such as at retail sales events.

This measure is not necessary. In 2011, the National Retail Federation released "Effective Crowd Management – Guidelines on how to maintain the safety and security of your customers, employees and stores," establishing a comprehensive set of plans and strategies for retailers and shopping mall management. (The title page, introduction and table of contents are attached to my testimony; the chair and vice chair have received electronic copies.) At that time, RMH circulated this document to our members, including shopping centers, in preparation for the 2011 holiday season. We continue to make it available.

With respect to disruptive and destructive actions affecting retailers, RMH continues to be proactive. In 2009, in cooperation with the Honolulu Police Department, RMH held an **Active Shooter Awareness** seminar, targeting retailers, shopping centers and loss prevention/security professionals. Hand out materials included "**Active Shooter – How to Respond**," a publication from the US Department of Homeland Security, and "**NRF-ICSC Emergency Response Protocols to Active Shooters**," a supplement to the DHS manual. (Both were provided to the chair and vice chair).

On March 14th, RMH is conducting another seminar in partnership with FEMA, "**Disaster Readiness ~ Plan NOW for YOUR Business**," presented by Colby Stanton, Director, FEMA Region IX Pacific Area. The focus is on providing the tools for retailers to develop policies to improve their ability to survive a disaster, focusing on employees, customers and business operations.

Hawaii's retailers, through our partnerships with national organizations as well as government agencies, continue to remain at the forefront of awareness to ensure the safety and security of our customers and employees. Admittedly, there are a lot of disturbed individuals in our communities who have neither regard nor concern for their fellow human beings. We are doing the best we can.

We respectfully ask the Committee to hold this measure. Thank you for your consideration and for the opportunity to comment on this measure.

Carol Pregill, President

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Testimony for HB2077

Members of the committee, my name is Raleigh Ferdun and I am the one who suggested this legislation.

During this past Christmas season, there were several articles in the national press detailing incidents where people had been trampled, pepper sprayed, and even shot or otherwise hurt during retail "door buster" events. These are events where a limited quantity of an item is advertised at a very low price. Typically, crowds line up outside the store, the doors are opened at a set time and a stampede ensues. It is a dog-eat-dog atmosphere where stronger customers wrest items from the grasp of weaker patrons and, as previously mentioned, people get hurt.

Door buster events are probably an effective tool for retailers to get customers into a store and to build buying enthusiasm, so I don't recommend that they be banned. However, I do request that retailers be required to conduct such events in a manner that does not cause injury to the buying public. Retailers should be required to implement such measures as:

1. Providing for effective crowd control.
2. Providing adequate security.
3. Allowing only a limited number of customers into the store at a time.
4. Setting up a procedure for orderly access to the limited quantity items.
5. Providing a process for people with disabilities to have equal access to the limited quantity items.
6. Provide adequate employee training.

I further request that should injuries or altercations result from a door buster event, that store managers be held criminally responsible for inciting a riot, creating a public nuisance or other offences as appropriate.

Thank you for considering my testimony.

Testimony for ERB 1/31/2012 8:30:00 AM HB2077

Conference room: 312

Testifier position: Support

Testifier will be present: Yes

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Submitted on: 1/29/2012

Comments: