



Written by [Jack Kenny](#) on August 22, 2014

Should Movie Theaters Hire SWAT Teams?

Coming soon to a theater near you — airport-like security measures at movie theaters, shopping malls, and just about any other public gathering place, thanks to the perpetrator of the 2012 deadly movie-theater shooting in Aurora, Colorado, and 20 lawsuits alleging the theater owner should have anticipated it.

U.S. District Court Judge R. Brooke Jackson last week denied a motion for summary judgment against 20 civil suits pending against Cinemark, owner of the Century Aurora 16 theater, alleging that the company could have anticipated the possibility of the shooting attack that killed 12 people and wounded 58 others in the theater and should have had in place security measure to prevent the attack or impede it once it began. The alleged shooter, James Holmes, has pled not guilty by reason of insanity. The ruling allows the civil suits to proceed, with a trial expected to begin in February, the *Denver Post* reported.



The plaintiffs claim Cinemark had lax security at its theater in the Denver suburb when the gunman opened fire on July 20, 2012 during a midnight screening of the *Batman* film, “The Dark Knight Rises.” Jackson noted that 80 of Cinemark’s 300 theaters hired off-duty police or private security firms for the midnight viewing of the *Batman* movie, but the Aurora theater did not. The judge emphasized, however, that he was not issuing a judgment on the merits of the suits, but leaving the issues to be decided at trial.

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“I reiterate that this Court is in no way holding as a matter of law that Cinemark should have known of the danger of someone entering one of its theaters through the back door and randomly shooting innocent patrons,” Jackson wrote. “A genuine fact dispute must be resolved by the trier of fact, not by a court’s granting summary judgment.” Jackson issued a similar ruling in April 2013 when lawyers for Cinemark argued for a motion to dismiss.

Cinemark’s lawyers claimed, “It would be patently unfair, and legally unsound, to impose on Cinemark, a private business in the entertainment industry, the duty and burden to have foreseen and prevented the criminal equivalent of a meteor falling from the sky.”

“Perhaps the defining feature of crazy people is that they’re unpredictable,” wrote Scott Greenfield on his blog, Simple Justice. Noting the judge’s observation that movie theaters had, prior to the Aurora shooting, “been spared a mass shooting incident,” Greenfield questioned the reasonableness of creating



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“liability for a wholly unpredictable nightmare.”

“So because it’s never happened before, the likelihood that it was going to happen was sufficiently predictable that the theater should have been prepared for it?” Greenfield wrote. “Extrapolate that reasoning to all the places where no one has ever been slaughtered by a madman and consider the ramifications.”

The lawsuits could turn movie houses and other public places into armed citadels, Greenfield predicted. “The biggest growth job in America will be armed guard. Every theater will require its own SWAT team, perhaps a MRAP [Mine Resistant Ambush Protective vehicle] or Bearcat [armored vehicle]. Office buildings, parks, skating rinks, pretty much anywhere more than three people gather, could be the next target of a madman. They will all need security, armed with the weapons needed to take out any crazy.”

The possibilities are virtually endless. “What if someone comes in and shoots up our book club?” asked Lenore Skenazy at Reason.com, challenging the notion of a duty to imagine “the worst case scenario first” and then “proceeding as if it’s likely to happen.”

“Worst-first thinking promotes constant panic,” wrote Skenazy. “The word for that isn’t *prudence*. It’s *paranoia*.” (Emphasis in the original.)



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