Premises Liability Accidents: Do's and Don'ts

After any accident it is important to investigate and document what happened, names of witnesses and pictures of the accident scene. To facilitate the investigation, the person investigating the accident should remember the following;

Do:

1. Prepare an incident report.
2. Identify (name, address, phone, e-mail) witnesses, interview witnesses, document what is said and have them sign it or have witnesses write out a statement and sign/date it.
3. Preserve CCTV or other video surveillance footage for that day – inside and outside (at least from injured party's arrival on the premises to departure, even if the incident itself is not shown).
4. Have a camera available, take pictures and have the means to store/preserve them.
5. Offer medical assistance if someone is injured and document if they refuse.
6. If 911 or an ambulance is called, document which agencies and/or companies respond (fire department, police, ambulance company).
7. Document inspections/maintenance/cleaning of the premises.
8. Place warnings/barricades around hazards and promptly repair, correct or clean-up. Take damaged/broken furniture and equipment out of service and preserve it along with any broken pieces/parts.
9. Make sure all employees know who should be notified about an incident and how to contact him/her.
10. Notify your insurance company when an accident happens.

Don't:

1. Blame or criticize the injured person.
2. Admit responsibility/fault.
3. Deny responsibility/fault.
4. Post anything about the incident on social media.
5. Offer to pay for medical care.
6. Fail to follow established cleaning/inspection and/or maintenance procedures.
7. Take pictures and leave them on a memory card in the camera or on a cell phone, they will get lost or erased.
8. Talk about the incident with anyone other than management, insurance representatives or counsel.
9. Delay placing warnings/barricades once a hazard is known.
10. Defer repair of a hazard and assume warnings/barricades/etc. will remain in place.

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