



## EXECUTIVE SUMMARY

According to the Centers for Disease Control and Prevention (CDC), there are approximately 3,500 drowning fatalities in the U.S. per year. Sadly, Connecticut municipalities are not immune to this type of occurrence. A thoughtfully developed and well-executed Aquatics Risk Management Program could assist municipalities in providing safe swimming areas and reducing liability.

## SCENARIO

On a sunny day in late July, a family of six were among the many people enjoying the weather at a man-made lake. The six-member family consisted of two adults and four children. The incident occurred at approximately 7:00 pm, about four hours after the family first arrived at the lake.

All six family members were in the water at the time the incident occurred. At that point, the two adults were alerted by screams from the children. One of the children, a nine-year-old boy, had gone under the water but did not resurface. The adults, which were about 15 feet away from where the boy went under water, swam to the area and attempted to locate him. Unfortunately, the water was too murky and the efforts of the two adults to locate the child were unsuccessful.

A call was placed to 911 and help arrived on scene at approximately 7:20 pm. At approximately 8:30 pm divers located the body of the boy and he was transported to the hospital via ambulance. The boy was later declared deceased at the hospital at approximately 10:00 pm.

## INVESTIGATION AND DAMAGES

The family of six had gone to the lake “a couple” of times before the date of the incident; however, this was the first time they swam in the lake during this particular year. In total, there were reportedly 15 to 20 families present at the lake on the day of the incident. The lake is the property of, maintained, and staffed by a CIRMA-member municipality.

When the family first arrived at the lake, there was a lifeguard on duty. The lifeguard’s shift ended at 6:00 pm, one hour before the incident. The lifeguard’s process of ending her shift included uncovering the “NO LIFEGUARD ON DUTY” sign, which was placed on the lifeguard stand, and also by notifying patrons that there will no longer be no lifeguard on duty for the remainder of the evening. The lifeguard verified that on the day of the incident she did uncover the sign and noted that she only told the patrons that were on dry land that her shift was ending. The family of the

deceased denies ever being told that the lifeguard’s shift had ended.

The lake had designated swimming areas, with the “No Swim” zones roped off and signage present stating “NO SWIMMING BEYOND THE ROPE”. However, the post-incident investigation found that there was a significant drop-off well within the designated swimming area on the way to the “No Swim” zone. The incident occurred around this area.

It was discovered that the town had been made aware of this drop-off, likely caused by erosion, earlier in the season however, they had not yet adjusted the designated swimming areas. Documentation of this notice can be traced back to May of that year. Furthermore, although the town has a policy stating that the lake would be inspected annually, inspection documentation could not be produced for that year or the two prior years.

The family of the deceased filed a motion with intent to sue the CIRMA-member town, the lifeguards, the supervisor, trainers, and others responsible for park safety for wrongful death and negligence. A motion for summary judgement was denied. Ultimately, a settlement totaling \$850,000 was agreed upon by the CIRMA-member town and the plaintiff.

## LESSONS LEARNED

The following recommendations can be included in a municipality’s Aquatics Risk Management Program.

- **Consider posting signage at access points, which clearly indicate lifeguard on-duty hours.** Strategically placed signage can be a useful risk management tool in communicating information to patrons as they enter the swimming area. Adjust signage to clearly communicate in a legible manner the hours of operations and lifeguard on-duty hours at each of the most commonly used entry points.
- **Make public addresses notifying patrons when the life-guard is ending his or her shift.** This may include, but is not limited to, using a bullhorn to make a series of announcements indicating the end of the lifeguard’s on-duty shift.

- **Adjust ropes and signage to indicate changes in water depth and other swim areas.** The design of a swim area can enhance safety and reduce the risk of drowning death and other injuries. The boundaries of a designated swim area should be clearly marked to provide a safer area for people to swim and play. Boundaries may consist of anchored artificial floats connected with ropes, buoys marking the perimeter, or other floating materials. Bottom conditions and water depths should be regularly evaluated at lakes and other flat-water beaches due to hidden hazards such as holes, drop offs, and underwater obstructions.
- **Consider referencing the CIRMA *Aquatics Risk Management Best Practices Guide*.** This aquatics safety and liability best practices guide provides an overview of the Connecticut statutes, the legal matters surrounding municipal liability, and methods to address and manage these risks. The guide can be ordered through CIRMA's Media Library on CIRMA.org.

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For more information on this topic, please contact your CIRMA Risk Management Consultant.