



## **CONFIDENTIAL, ATTORNEY-CLIENT PRIVILEGE**

### **MEMORANDUM**

**TO: ASHA Executive Board**  
**FROM: David Schless, President**  
**DATE: March 23, 2021**  
**RE: Executive Board Crisis Communications Alert**

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This is an update on the impending murder trial in Dallas County, Texas, involving senior living communities.

In March 2018, Billy Chemirmir was apprehended in the Dallas-Ft. Worth area in the investigation of a woman's death at an independent living community. He has been incarcerated since then and now faces 18 murder charges and six civil lawsuits in Texas. His criminal trial is expected to begin April 5, 2021.

In cases involving senior living communities, the suspect allegedly posed as a home health care or maintenance worker. Once he gained entrance into a resident's apartment, he would suffocate the victim and then steal various valuables.

Media coverage has largely been limited to the Dallas-Ft. Worth area. However, the number of alleged victims and the attention our industry has received over the last year requires each ASHA member to be prepared for speculative lines of questioning.

### **ASHA RESPONSE READINESS**

It is our intention to speak reactively only on behalf of the ASHA membership and industry. We cannot speak to anything that is connected to the investigation or trial, either during or after. Below are key messages and a holding statement ASHA will use.

- This is a terrible tragedy for everyone involved.
- The highest priority of every American Seniors Housing Association member has been and always will be our residents' safety.
- ASHA and its members are looking forward to working with the Texas legislature on proposed legislation.

"The American Seniors Housing Association (ASHA) is watching the Chemirmir case closely, and we are deeply saddened by the acts of violence allegedly committed against residents of senior living communities in the Dallas area.

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“The safety and well-being of the residents has been and always will be the highest priority for the senior living industry. Resident and family peace of mind is at the heart of everything we do every day for our residents. More than 2 million seniors call our communities home. Since the discovery of these crimes, ASHA and its members have reviewed housing safety and security procedures to help identify key practices and procedures that can further support and improve security at our communities. Spurred also by the COVID pandemic, we have reviewed and improved our standards for family communications.

Meanwhile, we remain committed to upholding the highest standards for the nation's senior living communities that enrich the lives of those we serve. We keep the victims and their families in our thoughts and prayers.”

### YOUR ORGANIZATION SHOULD BE PREPARED

While an overwhelming majority of ASHA members are not involved in this painful situation, its sensational nature may still create waves in mainstream media far beyond the Dallas-Ft. Worth market. ASHA membership needs to be prepared for speculative lines of questioning related to resident safety and security. Also, although we would trust media to be up front, it is prudent to assume some outlets may test your security with hidden camera engagements or other covert tactics.

To be prepared, your organization should re-visit your media inquiry process. On p. 21 of the revised ASHA Crisis Communications Handbook (attached) we provide some direction in how to work with media in the context of crisis. If your organization decides to react to media queries, two key recommendations are to *keep interviews off-camera (ask for cameras to be turned off on premises) and to get the line of questions for written replies*. While some media may be sympathetic, expect a number to go the sensational route (e.g., "How safe are our retirement communities?").

You should also have reviewed your own community's/communities' operations record. Don't hide bad news, it only gets worse. Specifically, there are five areas that could be of interest:

- Operations regulatory compliance
- Safety and security procedures
- Staff hiring and training procedures
- Vendor relationships
- History of incidents

### CONTINUOUS REVIEW OF OPERATIONS AND RESIDENT/FAMILY COMMUNICATIONS

ASHA members are encouraged to continuously review their security procedures in light of what investigators have and/or may further reveal regarding how the suspect gained access to senior living communities and residents. Page 22 of the Handbook outlines two critical areas of preparation:

- Identify Potential Threats: There are many areas of exposure at your communities since you serve a potentially vulnerable population. You must therefore be prepared to deal with a variety of crises that could affect your communities.

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- Prepared Action Items: You should be ready to communicate effectively with your residents and their families. And, of course, you will want to be prepared to meet the communication needs of your employees. Pre-planning will allow you to be ready for a situation that places your community in the glare of the media and regulatory spotlight.

### FOUNDATION FOR CRISIS RESPONSE

Prepare a spokesperson for media engagement. Never speculate. Focus answers on four key elements:

- Empathy: Express concern for all residents, families and staff affected
- Actions: Inform public of response plan activities. Emphasize steps you've taken in the past two years, as well as actions planned to ensure this remains an isolated incident
- Cooperative efforts (if involved in investigations/trial): How you are working with authorities? Express intent to keep the public informed, as legally allowed
- Resolve: Emphasize your commitment to resident safety and security

### SAMPLE Q&A

Your organization can anticipate potential questions from local media looking to regionalize this story. Below are concise model answers for such questions. Being able to include messaging is a critical component, but providing examples of HOW your organization executes (ONE example per answer brings focus) is what provides context and proof. Remember to only provide answers with respect to your organization and to the safety and security issue at hand.

#### 1) **How stringent are your security procedures?**

We can only speak to our communities. Our operational safety procedures to maintain safety and security within our communities meet the equally stringent requirement of the states in which we operate.

For Example:

- Criminal background checks and drug testing
- Latest access and surveillance technologies
- Check-in procedures at front desks and assigning visitor name tags

The highest priority always is the safety of our residents.

#### 2) **Do senior living communities spend enough on security?**

We can only speak to our communities. We comply with a host of stringent state requirements related to resident safety.

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For Example:

- Access control: latest door/key card technology
- 24-hour video surveillance
- Panic notifications
- Connected monitoring systems
- Security personnel

The highest priority always is the safety of our residents.

3) **Is there a need for federal safety standards for senior living communities?**

The safety and security of our residents is our highest priority. Senior living communities are highly-regulated by every state and there is no reason to believe that additional legislation is needed to refine security measures. Our operational safety procedures to maintain safety and security within our communities meet the equally stringent requirement of the states in which we operate.

4) **Are there security measures communities can add to prevent future assaults?**

The safety and security of our residents is our highest priority. We continuously review our security processes to see how we might make the already stringent processes even stronger under similar circumstances.

5) **Are seniors safer living in their own private homes?**

We can only speak to our communities. There is a critical difference between assisted living, independent living and living at home. Senior living communities typically have staffing and security measures not found in most private residences and non-senior specific living situations.

For Example:

- Access control: latest door/key card technology
- 24-hour video surveillance
- Panic notifications
- Connected monitoring systems
- Wander detection
- Security personnel

As the safety and security of residents is always the highest priority, we regularly re-assess those practices and procedures.

6) **Isn't it true assisted living communities are poorly staffed by inadequately trained personnel?**

We can only speak to our communities. The safety and security of residents is a top priority. Like all assisted living residences, ours operate with appropriate staffing of trained personnel.

For Example:

- Criminal background checks
- Competencies acquired through appropriate training and experience
- Drug tests

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7) **What may be the financial fallout for senior living communities?**

Financial health is a moot point if our industry doesn't put resident safety and security first. We do that, and we consistently review all security and staffing procedures to confirm that.

8) **Is it unusual to provide access beyond residents, staff, and family and friends?**

We can only speak to our communities, it is common for some residents to receive services from outside providers.

For Example:

- Private duty aides
- Nurses
- Physical rehabilitation specialists

The safety and security of our residents is the top priority, so we spend a lot of time balancing the highest standards in security with a home-like environment.

9) **Do seniors housing communities need to do a better job at vetting contracting partners?**

We can only speak to our communities. Our residents' safety and security are the top priorities every hour of every day, so our vendors need to share that concern.

For Example:

- Ensuring vendors have background checks in hiring process

As noted above, attached is a recently revised edition of the ASHA Crisis Communication Handbook. It includes a deeper dive into proactive and reactive media relations, crisis communication response, and a new section on social media management.