

## Security Protection-Customer/Public

Business organizations have a duty to provide a reasonable level of security to protect customers and the public from criminal activity. Failure to provide protection may result in legal action for "Security Liability".

Recognition of the potential for security liability losses and implementation of control measures will prevent or limit criminal acts and resulting legal action for alleged failure to provide adequate security.

### What Can Be Done?

A security program should be designed to protect customers and members of the public from foreseeable crime losses.

### Awareness is Important

A key factor in determining the adequacy of security programs is the suitability of a particular security effort to meet "foreseeable" losses. Of course, it is not possible to know when or where a crime will occur. By examining certain factors, the extent of security program needs can be determined. The following should be considered:

1. Security Assessment
  - Evaluation of security should include a professional security assessment. This should be carried out to examine loss potential and develop specific preventive recommendations. Lack of a security assessment, or failure to carry out valid recommendations contained in assessments, may later be used as evidence that management did not recognize or properly discharge the duty to protect others.
2. Ownership, possession, control of property
  - Management should evaluate the security of all areas under its ownership, possession or control. Properties utilized by customers on a regular basis such as nearby parking lots, may be considered by courts to be the security responsibility of the business or organization even though they are the property of others.
3. Physical Security
  - Physical security requirements should be provided when the need is indicated.
    - Locks should be substantial (deadbolt type recommended).
    - Key control should be carefully monitored with records current.
    - Lighting should be provided dusk to dawn.

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- All existing security equipment should be in good working order.
- Overgrown foliage should be removed or trimmed.
- Parking lots should be fenced with a minimum 8 ft. high man-proof fence.

#### 4. Employees

- Employees are vital to crime prevention. Proper hiring, training and supervision allows employees to effectively deter criminal activity and reduces the potential for hiring/retaining employees who will themselves commit crimes. Proper documentation of personnel procedures is a powerful defense against security liability legal actions. Special emphasis should be placed on screening of prospective employees for security positions. In all cases, references, including financial stability, arrest/convictions and credit should be checked.

#### **Adequacy of Security**

The level of security provided should be commensurate with actual crime history or foreseeable crime risk. “Cutbacks” of security without a corresponding decrease in crime or crime risk may be viewed as an invitation to the would be criminal and thus a factor in security liability.

#### **Adequacy of Security**

Falsely advertising security (“secure apartment” or “safe parking”, etc.) should be avoided. Such statements invite security liability legal actions. Display of inoperative security equipment may have the same effect.

#### **Conclusion**

Increasingly, businesses and organizations are at risk, not from the violent criminal directly, rather losses may stem from the liability arising out of third party crimes against their customers or the public. Through awareness, assessment of physical security, employee selection/training and cautious advertising, management can and should take action to reduce the chance of loss.

Contact your local Great American Loss Prevention Specialist for additional information and assistance

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