

Premises Liability Security Negligence The consequences of CPTED

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Disclaimer

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Premises Liability Issues

- Victims of crime and accidents are seeking compensation from owners and managers of the properties on which crime takes place with increasing frequency.
- These cases, commonly known as premises liability cases are based on allegations made by the victim that the property owner failed to provide adequate security or safety and thus contributed to the occurrence of the incident.

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We think our buildings are safe



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But in reality they can be deathtraps



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And can be scary places!



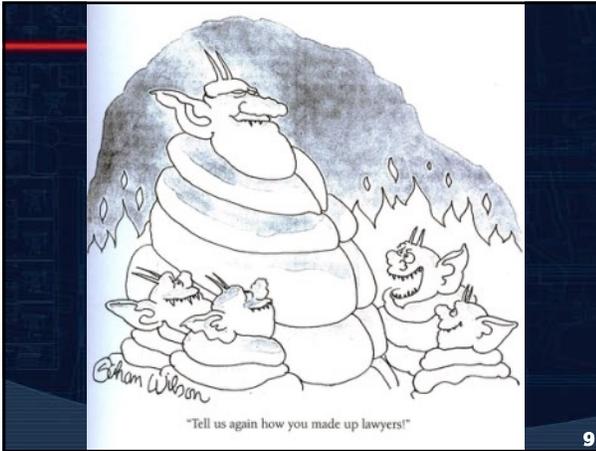
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Where crimes occur in lawsuits 1993-1997

• Parking lots	21%
• Store	12%
• Interior Common	11%
• Apartment Unit	10%
• Exterior Common Area	7%
• Bar	7%
• Off property	5%
• School Grounds	4%

Source: Norman Bates – Liability Consultants

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Elements of a Liability Lawsuit

To prevail in a lawsuit, a plaintiff/victim must...

- Have suffered a loss
- Must prove that the defendant had a duty owe to provide security
- Prove that the defendant breached that duty
- Prove that the breach of duty was the cause in fact of the injury or loss

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Foreseeability

- To eliminate the ambiguity of foreseeability and incorporate a standard that judges could automatically apply, early liability cases developed the notion that a crime was not foreseeable unless it had occurred at that particular premises before. This became known as the “**prior similar incidents rule**”
- The prior similar incidents rule had the effect of being a “**one free rape or murder**” rule
- Now standard of **care is totality of circumstances**

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Foreseeability

- Foreseeability can stem from prior criminal acts that are lesser in degree than the one committed against the plaintiff. It can also arise from prior criminal acts that occurred in close proximity to the defendant's premise.
- Other factors considered are the properties size and location; the absence of any security; the architectural design in relation to where the crime occurred; the size of the parking lot; the types of business defendant operates; the nature and circumstances of nearby businesses; and the increasing level of crime in the general neighborhood.

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SOUTH FLORIDA SunSentinel

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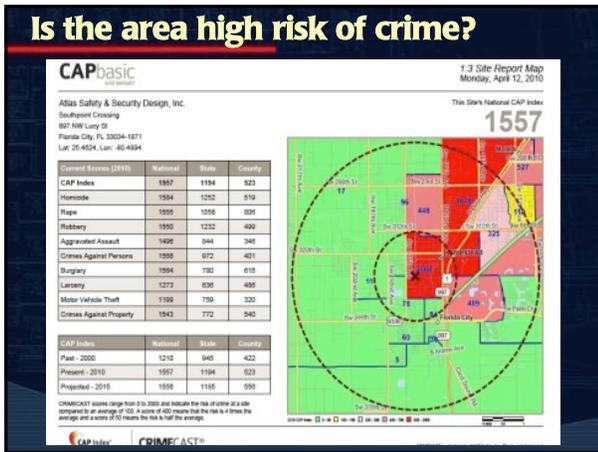
PARKLAND SHOOTING COMMISSION REPORT

'The most preventable school shooting' Teachers need guns, schools need security, panel concludes

By DAVID FARRAR AND SYLVIA SWINER South Florida has learned...

High school. The state commission investigating the shooting that killed 17 people on Feb. 14 released a final report Wednesday listing a series of failures by Denton County agencies and recommendations for avoiding a similar tragedy in the future. The 407-page report, which is not final, found that deputies didn't rush into the school to stop the rampage, and school staff concealed numerous security breaches, including leaving doors unlocked and not calling a "Code Red" alarm quickly enough. The panel also voted to include a controversial proposal allowing classroom teachers to carry guns in schools if they go through a selection process that would include background checks and training. Such a change would require the state Legislature's approval. Right now, school systems are allowed under a guardian program to arm certain school employees, such as security guards, administrators or librarians. Pick County Sheriff Grady Judd, a member of the panel, said he supports the program. See SHOOTING, B4

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Screening of Personnel

- Staff must be prescreened or there is:
- Negligent hiring
- Negligent retention
- Negligent supervision

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Negligent Hiring and Retention

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Who is accountable?

Apartment residents demand safety changes after teen's death

By Grace Trohler
Orlando Sentinel

ORLANDO — Brinna Boylan said she was frightened recently when a maintenance worker entered her apartment without an announcement or her permission, an invasion of privacy she's since learned was not an isolated incident.

She said the employee, who she didn't recognize, didn't act inappropriately with her or her roommate but she was disturbed by someone walking unexpectedly into her Arden Villas apartment in Florida City, an experience she described as "horrifying."

"It was very shocking," Boylan said, a 20-year-old UCF student who moved into the complex in August. "I was very freaked out but I was able to enter my apartment without incident."

The UCF area apartment complex is where 19-year-old Miya Marcano had moved from Pembroke Pines before she was found dead on Monday after a weekend search.

Boylan is now among a group of residents at the complex who are demanding safety and security improvements in light of the tragedy.

A change.org petition launched by concerned residents, which calls the apartment complex negligent for allowing safety concerns to persist, has prompted Marcano's disappearance, gained almost 5,000 signatures as of late Monday.

Arden Villas is owned and operated by North Carolina-based student housing company The Pines Company. The Pines Company is a subsidiary of the University of Florida.

Boylan said she was shocked when she was told that the person who had been in her apartment was a maintenance worker. She said she was told that the person who had been in her apartment was a maintenance worker.

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'It happened way too close to home'

Death of Pembroke Pines teen living away at school sparks scrutiny on apartment safety

By Skyler Bender
SunSentinel.com

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Bill seeks to improve apartment safety

'Miya's Law' named for murdered S. Florida teen

By Skyler Bender
SunSentinel.com

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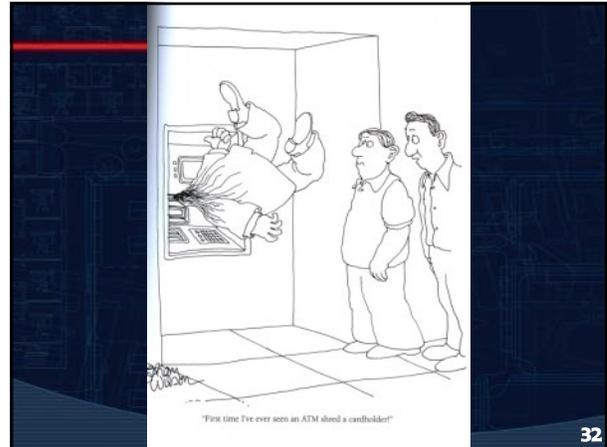
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Physical Security Measures

- Inadequate locks
- Poor key control
- Inoperative and improper equipment
- Inadequate lighting
- Video systems failure

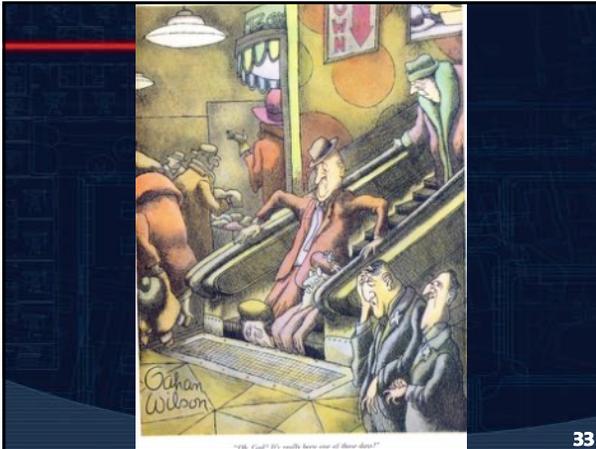
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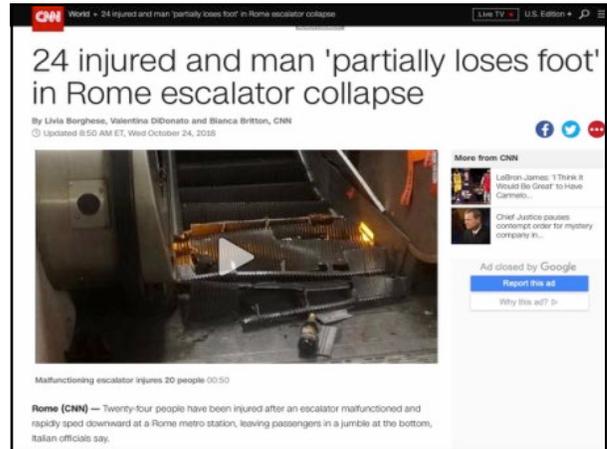
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Dangerous work environments



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Physical Security Measures

- Inadequate locks



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Physical Security Measures

- Poor key control



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Key Control



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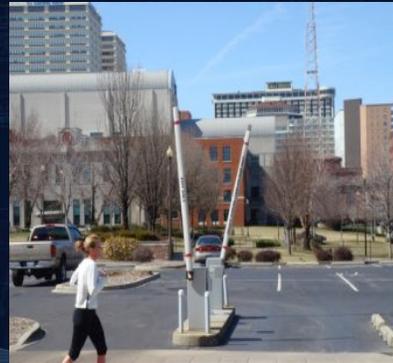
Key Control

- A system should be established for controlling the distribution of keys to the property
- Access to master keys should be controlled and be located in a secure manner
- Hotels have adopted card access control locks as an industry standard for strict accountability and prevention of piggybacking

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Access Control



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Security gates – access control



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Physical Security Measures

- Inoperative equipment



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Physical Security Measures

- Inoperative equipment
- Inadequate lighting



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Lighting

- Lighting systems should be in compliance with all state and local codes
- The nationally recognized standard for lighting is the IES Lighting Handbook
- Lighting fixtures should be specified to be inspected at least annually for operability and illumination levels
- Documentation of all inspections and tests should be kept on file for jurisdiction statute of limitations

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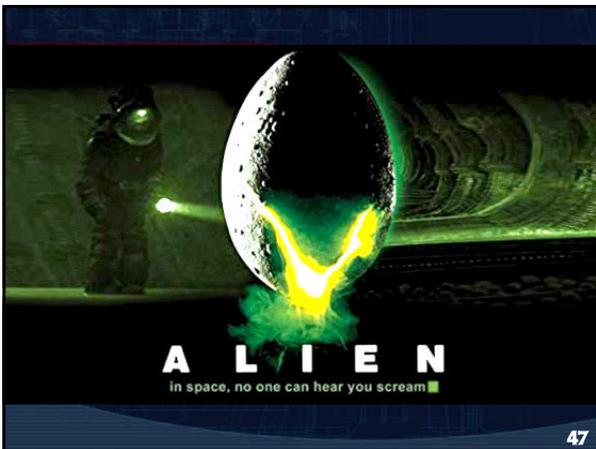
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Parking Garages can be scary



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Lack of Visibility



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Negligent Maintenance



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How many movie have a garage scene?



Source: The Call

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Proper lighting – poor placement



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Physical Security Measures

- Video surveillance systems failure



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Video Surveillance Systems

- Video systems are used in public-access areas in facilities for identification and surveillance purposes
- Appropriate applications of video include lobbies to identify visitors requesting entry, in parking lots to monitor criminal activity, in hotel hallways, and in the elevators of buildings
- If video is used it must be operable, and it implies someone is watching otherwise it is “an illusion of security”.



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Video Surveillance

- Camera system may deter crime by its visible presence causing criminals to reconsider their plans
- “Dummy” or fake Camera cameras should not be used since they provide a false sense of security
- A real-time or time-lapse recording should be used to record all activities monitored by the video surveillance system. The ability to retrieve the videos may provide critical evidence of the nature and actors of the crime.

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Securing Restricted Spaces

Are all roof, basement, utility, and mechanical doors secured to prevent unlawful entry?



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What can you say?



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Securing ladders from unintended use



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Why women live longer than men



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Environmental Conditions

- Overgrown foliage
- Physical design of facility
- Nature of facility
- Accessibility of facility
- Adjacent buildings/ wooded areas



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Misrepresentations of Security

- Promoting facility as safe
- Advertising and marketing materials
- Creating Illusion of Security
- Violation of industry standards



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The medium is the message



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How bad does it have to be?



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Role of Architecture in Liability

- Architecture impacts the safety and security of a building in many different features including stairs and ramp design; handrails; interior and exterior lighting; floor material; parking lot design; blind spots; appliances; doors; windows; and access control systems; building circulation patterns; elevators; etc.

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The role of the architect

- Decides the selection of materials
- Decides on methods of construction
- Specifies slippery or slip resistant materials: terrazzo, marble, ceramic tile
- Specify maintenance of materials chosen



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Slips, Trips, and Falls



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Unexpected changes in surface



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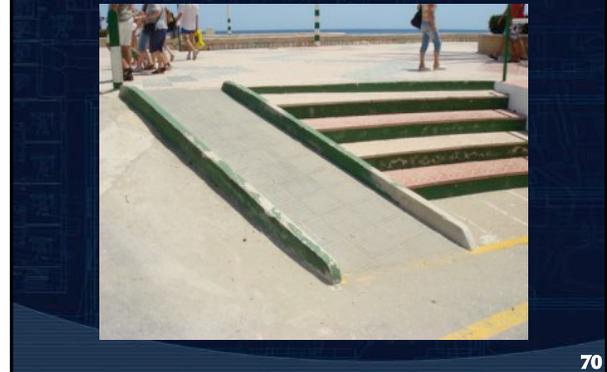
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What happens when floors get wet?

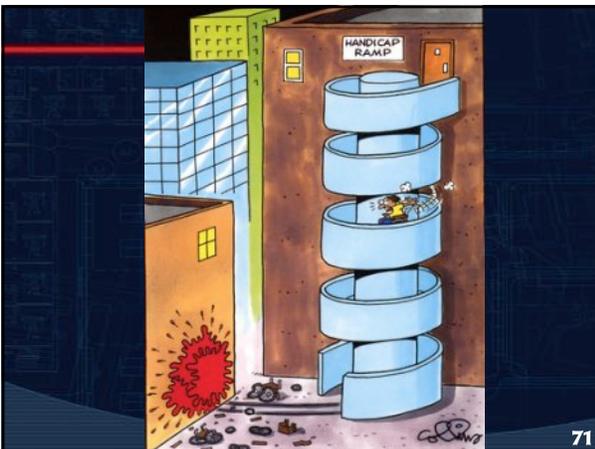


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Dangerous Level Changes



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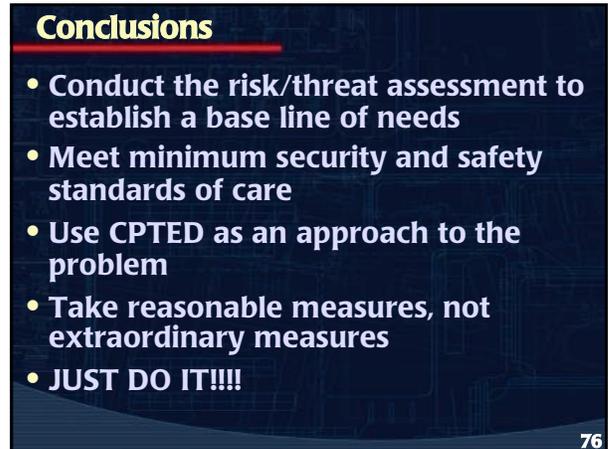
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