Preventing Crime on Your Premises

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Imagine the shock of discovering that one of your employees, volunteers, or service recipients has been the victim of a crime. Now, imagine the even worse shock of discovering that the crime was committed on your organization's property, and that you could have prevented it.

Such incidents can devastate the victims and the organization. Increasingly, victims are suing the owner or renter of the premises where an attack occurs. Nonprofits are not immune from this legal trend, as *Sallah A. Johnson v. Westminster Presbyterian Church* illustrates. The Westminster church regularly offered breakfast to homeless people. In the past, fights had broken out during the breakfasts, but the church instituted no security precautions. Then another fight occurred, and an eight-year-old girl was injured.

The girl's lawsuit against the church went all the way to the Delaware Supreme Court. The court noted that organizations have a responsibility to protect "public invitees" who partake of their services. According to the court, since fights had occurred in the past, the church should have foreseen the possibility of future violence and exercised reasonable care to prevent it. The court ruled that the church could be held liable for the girl's injury.

In *Frances T. v. Village Green Owners' Association,* the California Supreme Court ruled that board members could be held liable for a rape at a condominium. In that case, a woman whose condominium had been burglarized asked the board to install lights in her courtyard. When the board refused, she had the lights installed on her own. The board then ordered her to turn them off. She asked permission to leave them on, noting that they were wired to the same switch as the light in front of her building. The board told her to turn them off anyway. She complied, and was raped the same night. Based on this record, the court ruled that the board members could be held personally liable.

How can you prevent incidents like these? The following suggestions can help to discourage criminals and limit your liability.

1. **Keep informed about neighborhood crime.** As the above two cases show, if crimes occur on your property or in the neighborhood, a court may conclude that you should have foreseen and tried to prevent similar crimes. Consequently, you must keep informed about incidents you might prefer to ignore.
2. **Are you adequately informed?** Do you have an incident reporting system within your own organization? Particularly if you work for a large organization, you might never hear about an incident on or near your property, unless you have a systematic reporting procedure and encourage people to use it. You can also read the paper, check police reports and talk with other organizations in your area.
3. **Respond to neighborhood crime.** Once you know what's happening in the area, you can take steps to guard your property against similar incidents. Most prevention measures are common sense and cost-effective. The condominium association could have let the woman leave the lights on. The church could have developed a policy on assault, communicated the policy to the breakfast attendees, and assigned volunteers with training in conflict management to the breakfasts. Taking these steps might have prevented the incidents, and could have provided a legal defense had the incidents still occurred.

4. **Two points about responding to crime warrant special attention.** First, as the above cases show, requests for increased security must be taken seriously. If you ignore someone's reasonable request, you are greatly increasing your chances of being held liable. If you are found liable after refusing a request, you may be subject to punitive damages in addition to actual losses.
5. **Second, adequate security is sometimes measured by "keeping up with the Joneses."** Maintaining fewer security measures than others may be considered negligent. For, example, as conditions change, the risks of an open-door policy may become unacceptable. Do you have the only building around open at night without a front-desk attendant?
6. **Consider offering conflict intervention training.** Training key staff in how to deal with threatening situations can help to keep people calm and safe during times of crisis. Your local police department's crime prevention unit may know of training programs in your area.
7. **Install adequate security equipment.** Depending on your circumstances, locks, lights, alarms, or cameras may be appropriate. Few facilities need to become Fort Knox, but brighter lights in the parking lot, locks on the restroom doors, or bars on first-story windows may prove to be wise investments.
8. **If you do purchase security equipment, be sure to maintain it well.** Otherwise, an attorney has the makings of a strong case that a crime was foreseeable, since your organization at one time took measures to prevent it.
9. **Control building access and keys.** You might consider limiting the number of entrances to the building, and/or staffing entrances, particularly at night. Policies for storing, signing out, and returning organization keys should be developed and followed rigorously. If a criminal uses one of your keys to gain access, the chances are great that your organization will be held liable and have to pay substantial damages. Keys hanging on the wall at the front desk or in an unlocked drawer are an invitation to trouble. If someone loses a key, consider changing the locks immediately.
10. **Beware of threats from within.** Even if you keep intruders out, the premises may not be secure. Staff, visitors, and others who legitimately visit your premises may commit crimes. Several cases against residential facilities allege that staff stole from or abused residents. Particularly if you care for vulnerable individuals, you have a responsibility to protect them.
11. **Monitor security officers.** If you use security officers, clearly communicate their responsibilities to them and review their performance regularly. An officer whose nose is buried in War and Peace is not going to stop many criminals.
12. **Vigilance is essential even if you contract with another firm to provide security.** Although using a contractor can insulate you from liability in many situations, some courts have ruled that the duty to maintain a secure facility cannot be delegated.
13. **Post warnings about crime.** According to past court decisions, you are not required to warn employees, volunteers, and service recipients about every crime that takes place in the neighborhood. However, you should warn people about serious crimes that take place on your property. This is a tricky one. You want people to be alert, but you don't want them to panic or become jaded by multiple reports. Keep your audience in mind here, use your judgment, and consider posting crime warnings, especially in conjunction with other measures–for example, "Due to the recent robberies, we are now instituting a policy that volunteers working at night shall walk to the bus stop in groups."
14. **Keep an eye open for changing conditions.** As with other aspects of risk management, measures that were adequate at one time may not be sufficient in the future.