

HOTEL, MOTEL, RESORT AND CASINO SECURITY

By

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From the earliest times, thieves and robbers often subjected travelers to attacks. Outside of walled cities and castles travelers could find shelter and protection only in wayside inns. From this custom grew the principle that innkeepers were responsible for providing their guests not only food and lodging, but also security and protection against criminal attack.

While the duty of innkeepers to protect their guests is not quite as ironclad today as it once was, lodgings, including gaming casinos with attached hotels, still owe a responsibility to their guests and other invitees. And guests continue to be at risk today! Criminals often look at lodgings as attractive targets filled with unsuspecting potential victims, most of whom will leave town soon after being robbed or victimized.

In most states the legal responsibility owed to their guests by lodging management requires the operator to "exercise reasonable care" in identifying potential crime risks, and to take reasonable measures to prevent those crimes, or to warn his or her guests against them. In general, the greater the likelihood of future crime or injury, the greater the innkeepers responsibility to defend or warn against it. In other words, the innkeeper is likely to be found negligent and liable for a criminal attack on a guest, when: (1) the criminal act was foreseeable; and (2) the innkeeper's response, in light of that foreseeability of crime is unreasonable, and is not consistent with prudence and care.

Foreseeability

Determining what crime is reasonably foreseeable requires a thorough review of the facts in each particular case. Some states use the "prior similar crimes" test, which analyzes previous crimes on the property. How similar the crimes and how recent the prior occurrences are matters usually determined by each court in each case.

Other states use the "totality of the circumstances" standard, which examines other factors in addition to prior similar crimes on the property. Such factors can include:

- **Nature and operation of the facility:** For example, gaming casinos, which by their nature invite guests to bring large amounts of cash, and

hotels catering to conventions and trade shows are more likely to attract criminals than is a family-oriented motel or a bed-and-breakfast facility. A resort facility that attracts more affluent vacationers is more likely to be the target of some types of criminals than the traditional roadside motel.

- **Location of the lodging facility:** Some cities have higher crime rates than others, and some areas within most all cities have higher crime rates than the average for that city or area. Being located in or near one of those "high crime" areas may increase the crime risk to a specific lodging.
- **Actual past crimes on the property:** These are frequently one of the best means of predicting future crimes, since what has occurred already is likely to recur if changes in security haven't been made.
- **Security problems created by the facility's design or layout:** For example, "blind spots," where criminals may loiter or hide, and broken lines of sight that reduce visibility. Both problems may increase specific crime risks.
- **Shrubs, bushes and low-hanging trees** also offer hiding places when not trimmed. Shrubs should be not higher than 30 inches above ground, and tree branches trimmed so that they hang not less than eight feet above the ground.
- **Alcoholic beverage service on the property:** Alcohol not only reduces inhibitions, it reduces alertness and wariness – a situation many criminals like to exploit.

Many other factors may also be applicable to assessing crime foreseeability, and many are specific to a given property and its unique operation, or to its surrounding area. A professional security consultant can help management identify them.

Reasonable Security

Almost any lodging facility, depending on its location and the nature of its operation, should utilize some or all of the following security measures:

- **Screening and background checks of employees:** This is a basic step for all lodging security. Many lodging employees have some access to guestrooms and belongings, or to confidential information about the

guests or about inn security. If the staff is untrustworthy, most other security measures will fail.

- **Adequate doors and locking hardware:** The most basic of precautions. If the guest room door, its frame and its hardware are insufficient to resist moderate force; all guests are at risk. Likewise, providing appropriate locking devices is crucial. The standard, especially in larger lodgings, is evolving toward the use of electronic locks which can (and should) be changed immediately when a guest departs, or a key is reported lost. Where traditional metal keys are used, an effective key control and monitoring program is essential.

All guestroom entry doors should be equipped with a minimum of two locks, one of them a dead bolt, and a wide-angle peephole viewer in the door. Sliding balcony-type doors should be equipped with a second locking device, such as a "charley bar" or through-the-door pin.

- **Appropriate levels of lighting for all areas of risk, including parking lots:** Many criminals prefer to commit their crimes in darkness, thus avoiding detection and possible identification. Appropriate levels of lighting are critical to deter crime in such risk areas as stairwells, hallways, exterior walkways, and parking areas and garages. Surface/ground parking lot lighting should be a minimum of 3-foot candles (0.3 fc or 30 lux). Covered and underground garages, including any interior stairwells, should have a minimum of 6-foot candles of illumination. Interior spaces should be illuminated 24-hours per day as sufficient sunlight seldom, if ever, enters such facilities.
- **Appropriate security equipment, such as cameras and alarms:** Depending on their size, layout, staffing and crime risk, properties may utilize security equipment to supplement manpower. Management must not only select and install appropriate equipment for the tasks, it must maintain it and promptly repair it if it fails. To have a guest rely to their detriment on visible but non-working security equipment is almost to invite a jury to award damages.
- **Gaming casinos:** Casinos often appear to have dozens or even hundreds of cameras protecting its guests; however, in many cases the majority of these cameras are utilized (by state or local law) only to ensure the integrity of the games, not for general security purposes. To be effective, and reasonable, a casino property must provide for both.

- **Appropriate staffing for security duties:** In small properties, a night clerk monitoring the lobby and front desk may be all that is necessary; although, some locations may require bullet-resistant materials for protection, depending on the risk of armed robbery. In larger or more spread-out properties, or those with certain crime histories or risks, patrols by in-house or contract security officers may be required both to observe what is happening, and, by their observable uniformed presence, to deter criminal offenders. Note that doors leading to the interior of lodgings should usually be locked and/or monitored to control access during hours of darkness.
- **Appropriate training for staff:** Security is the responsibility of all staff members; however, they can't perform that duty unless they are trained and made individually responsible for it. This is especially true of those who have specific daily security duties, such as front-desk clerks, bellhops and security personnel. But maids, maintenance personnel and others should have clear reporting or other security duties.
- **Record-keeping:** Maintaining records reflecting adherence to security procedures is critical for management to detect deviations from procedures, make corrections, and defend against future claims of negligent security. As one federal agency is fond of saying about safety, "If it wasn't documented, it didn't occur." Security incidents should always be documented so that management can review the issues and take appropriate corrective actions.
- **Periodic risk assessments by management:** To know its risks and effectively plan to manage them, management of any facility should periodically assess not only its own crime experience, but that of similar nearby lodgings (or casinos, or resorts), and any actual or potential changes impacting its operation. For example, is the property attracting more female business travelers or airline flight crews, either of which may be attractive targets for thieves or sexual predators? Or, is the property planning to host a jewelry trade show, or is it hosting increasing numbers of foreign visitors who may be unfamiliar with the local area, its customs, language, and its crime? All these factors and more can change both the crime risk and the potential liability for a lodging facility.

While this article cannot hope to cover all aspects of lodging security, it was written to provide the reader with a starting point in assessing crime risks to his or her lodging property. It also provides an overview of those basic security measures needed to counter such risks. Those desiring additional

information in a specific area should contact a professional with hotel, motel, resort, condo or casino security expertise for assistance, and property owners and managers should always consult with their attorneys.

DISCLAIMER: This article is based on generally accepted security principles, and on data gathered from what are believed to be reliable sources. This article is written for general information purposes only and is not intended to be, and should not be used as a primary source for making security decisions. Each situation is or can be unique. The author is not an attorney, is not engaged in the practice of law, and is not rendering legal advice. Readers requiring advice about specific security problems or concerns should consult directly with a security professional. The author of this article shall have no liability to any person or entity with respect to any loss, liability, or damage alleged to have been caused by the use or application of any information in this article, nor information contained on this or any linked or related web site.

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