

# SECURITY FOR TAVERNS AND NIGHTCLUBS

By

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The goal of most taverns and nightclubs is to provide a hospitable place where patrons can have a good time, often by listening to the entertainment or dancing, while purchasing and consuming the establishment's primary product, alcoholic beverages. It is the latter item, the service of alcoholic beverages that tend to lessen or remove inhibitions in many people, which is the frequent cause of problems for tavern and club operators.

One result of such problems is increasing litigation against such taverns and nightclubs charging excessive or inappropriate force used by their security personnel against patrons, and/or a failure on the part of the establishment to protect innocent customers from assaults by others.

Because of their lack of prior problems, or because of the types of crowds their atmosphere and (any) entertainment attracts, many taverns and nightclubs don't use specifically designated or identifiable security personnel. Rather, they rely on their servers, bartenders and management to handle those problems that might occasionally arise. And this is sufficient for them unless their circumstances change.

Some establishments do, however, have a history of fights or violence. These taverns or clubs often cater to a younger, more risk-prone crowd. Trendy nightclubs, especially on weekends, may have long lines of young persons eager to get into the current "hot spot." The playing of pop music, especially by a live band (or DJ), may also be a risk factor. These type establishments usually need security personnel, and sometimes security equipment. In many urban nightclubs catering to young-adult crowds, it is becoming increasingly common to use metal detectors at the doors to prevent the introduction of knives and guns, as some patrons seek bring outside conflicts (and violence) into the club.

In each case, however, the establishment's management has a responsibility to use reasonable measures to provide a safe environment for its customers and employees. That responsibility includes in the club's parking lot, and sometimes the sidewalks and other areas immediately around or adjacent to the building. These days failing to warn or protect customers from reasonably foreseeable assaults, or the use of excessive or inappropriate

force by employees to quell a disturbance, will most likely result in a lawsuit against the club. The following “best practices” will help avoid that.

## FIRST COMES THE PLAN

Nightclubs should have a security plan in place. Management decides which customers it will seek to attract based on the club’s location, and the atmosphere and music format it provides. Promotions of two-for-one drinks, or large over-sized drinks, also set a tone and attract specific types of patrons. That “tone” will often determine what type problems are likely to arise, and what type and level of security should be provided. Management can, at any time, change that “tone” by changing the music, adding or changing the amount of (any) door cover charge, increasing or relaxing the dress code, changing décor, and other measures appropriate to that facility.

A security plan should generally be written (at least in outline), and should include management’s realistic expectations as to what security problems are likely to occur. Once the potential problems are identified, counter-measures can be developed and club personnel trained in their implementation.

## THE DOOR-PERSON

The first line of defense for many nightclubs is a door-person. Stationed at the entry door(s), the doorperson (who often is a security person) checks IDs to ensure that people seeking entrance are of legal age. They also attempt to deny entry to persons who are obviously intoxicated, or who are known to have previously caused problems and/or been barred by management.

## BARTENDERS AND SERVERS

A second line of defense for any establishment is the bartenders and servers. Each should be trained to identify patrons who are visibly becoming intoxicated or becoming loud, obnoxious and “looking for trouble,” and in basic non-confrontational methods to use to cut such people off from further drinking.

## SECURITY PERSONNEL

The next and final line of defense for most establishments are the inside security personnel, often referred to as “bouncers.” The term “bouncers” presents an image of an untrained, physically large ex-football player or wrestler who handles drunk or unruly patrons by physically grabbing them

and tossing them out the door. Unfortunately, this image is all too often real, and the actions of these untrained employees are what frequently give rise to subsequent injuries, deaths, lawsuits, and negative publicity.

The true job of inside security personnel is to monitor the crowd to ensure that no one becomes unruly. Patrons should be able to have a good time, but within established limits set by the club. To do this, security employees should be carefully screened and trained, and have specific written instructions or guidelines on exactly what action(s) management wants taken.

Their duties for the most part should be limited to "security" type duties so that they do not become distracted, or find themselves elsewhere when problems arise. Requiring security personnel to clear tables, empty ashtrays and re-stock the bar not only lessens their image in the eye of patrons, it almost guarantees that in many cases they will be elsewhere when a situation arises that needs their "security" presence.

Management sets the tone and atmosphere of the club. Within that environment, inside security personnel accomplish their jobs by first being highly visible to all present. They usually should wear a security-type uniform or a brightly colored (usually red or yellow) shirt or jacket. Such shirts or jackets usually bear the words "Staff," "Courtesy Staff," or "Security" on the front and back in black letters. The highly visible presence of these security persons as they circulate constantly reminds patrons that their conduct is being scrutinized.

If establishment rules are being violated, the security person or other employee should explain the rule(s), then immediately enforce them. Usually this "warning" is all that is needed to effect compliance. Other security personnel, servers and management should be alerted to keep an eye on that particular person or party. Where an initial warning doesn't do the job, a second less-friendly, but still courteous warning should be issued, and if not previously involved, a management person should be notified and given a "heads-up" as to the developing situation.

## REMOVING PATRONS

Sometimes visible presence, rule enforcement, and verbal warnings aren't enough, and, for the safety of staff and customers alike an unruly patron must be ejected. Whenever possible, two or more security people should be present (the rule of thumb is to have, wherever possible, at least one more

security person than the number of patrons being asked to leave – if possible).

Escorting a patron out of a club involves first explaining why they are being asked to leave, then verbally requesting that they comply. If the customer has previously been warned, they already know why they are being asked to leave, and if treated courteously, many will leave without problem. If the customer hasn't been violent or overly aggressive, they should be given a moment or two to collect themselves and perhaps finish their cigarette, or take a last sip of their drink before leaving. Rushing things at this point can exacerbate the situation as the customer tries to regain his or her dignity (or self-esteem) by demonstrating that "no one is going to throw them out." A fight often results.

When a cover charge has been collected for entry, a dispute sometimes arises with the patron being ejected. It is usually wise to have management refund the cover charge in an effort to get the patron to peacefully leave, rather than risk a verbal confrontation which can quickly evolve into a physical one.

## USE OF FORCE

In escorting a patron out, blocking movements by the security officers using their body, and slight touching or holding to guide or direct the person are permitted, but no greater force should be used except in self-defense, or in protecting some other person against injury or assault. Verbal abuse of the security officer or management is usually not against the law, and physical force should never be used against a patron who has used only words. *People's actions, not their words, are the key!*

Only "reasonable force sufficient to hold an attacker, or overcome an attacker's use of force" is legally authorized in most jurisdictions. Such force should not be greater than the force being used by the person being subdued or ejected. The key word is "*reasonable*," as in "reasonable to a judge or jury." Security officers punching, kicking, tackling, dragging, or using "strangle" or "choke-holds" against patrons are always inappropriate and should be specifically prohibited by club management, in writing. Any greater force than the attacker is using could subject the security personnel to criminal charges of assault, and possibly civil charges against both the security officers and the club. Obviously, defending against a deadly attack involving knives, guns, clubs or similar weapons is an exception to this rule.

When two patrons are being ejected for fighting with each other, the more aggressive patron should be ejected first. Only after he or she has been

observed by security or management to leave the property (including the parking lot if applicable) should the second person be ejected, through a separate door if possible. Throwing both combatants out the door together to let them “duke it out” is inappropriate, and just asking for trouble.

When several persons are engaged in a fight, security personnel may have to “peel” them from the crowd, one-by-one, and in an effort to break up the fight, and escort them outside. The key there is separating the combatants and then preventing those ejected from re-entering the establishment or the fight. Where possible, one security person should remain outside and attempt to get ejected patrons to leave so that the fight does not re-start or continue outside as others are ejected. In such a situation the police should usually be called for assistance as early in the situation as possible.

It should go without saying that if a patron, even an intoxicated, obnoxious and combative patron is injured; they should be offered medical attention, usually by calling EMS or an ambulance. If the person is unconscious, medical help should always be called for them. Never eject a visibly injured person from an establishment without first offering to help them obtain medical treatment. A written report should be prepared in such cases, *especially* if an injured person refuses medical attention.

If a patron refuses verbal requests or commands to leave after management has requested he or she leave, or fails to leave the property after exiting the club, in most states he or she is guilty of criminal trespass. The police should be called promptly. If a patron physically resists removal, usually the police should be called and the patron removed and arrested. Management, however, will have to make the decision to criminally prosecute the individual for trespass before calling the police, or make it a general rule when the police are called.

## OUTSIDE THE CLUB

Security employees should monitor the parking lot (if any) starting 30 minutes before closing time, and continuing until all patrons and staff have left. This is especially critical if there have been prior incidents in the parking lot. Sometimes past activity will dictate that security personnel monitor the parking lot the entire time the club is open. Incidents sometimes may erupt outside the club, but still on the club’s property. The presence of security may deter such incidents from happening, or, if not deterred, security is in a position to call the police and intervene. If large numbers of patrons leaving at the same time have caused problems for the police in the past, club management should work with the police to arrive at workable solutions to

the problem. Management that fails to do so may incur the opposition, rather than the cooperation of the police.

## CONCLUSION

While lawsuits and bad publicity concerning security at nightclubs are on the rise throughout the country, they don't have to be. This overview and the guidelines described here can significantly reduce the exposure of establishments that use them to such lawsuits. These guidelines and suggestions are not intended, however, to provide the reader with a complete security program for their specific bar, lounge, tavern or nightclub. Rather, they are a starting point, and provide basic security considerations derived from well-accepted security principals and the "best practices" of many establishments.

It should be remembered that each establishment differs in its size, layout, clientele, and specific risks, and that the clientele and risks may change over time, sometimes a very short time. Always consult with your attorney. Another good idea: contact a professional security consultant for assistance in developing your security program.

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