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PREMISES LIABILITY

(SIU) SPECIAL INVESTIGATION UNIT



What is Premises Liability?

Calculate your workplace premises liability risk

Premises liability is a legal concept that typically comes into play in personal injury cases where the injury was caused by some type of unsafe or defective condition on someone's property. Most personal injury cases are based on negligence, and **premises liability** cases are no exception.

This requires organizations to take measures to prevent workplace crime, injury, illness, and other forms of harm. This applies to everyone in the workplace including employees, customers, visitors, vendors and solicitors. Maintaining safety and well-being are part of an employer's duty.

However, keeping people safe is not the only reason to reduce your premises liability. Should your workplace not comply with OSHA's regulations or otherwise prove to be unsafe, you may face large fines. What's more, even if your insurance company covers the fees, your organization's reputation will suffer.



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Premises Liability

(PAR) is an effective security evaluation. In Premises-Liability cases, the "existence of a Legal Duty" element is essentially split into four parts:

- 1.Plaintiff was an invitee
- 2.Defendant exercised control over the premises
- 3.A dangerous premises condition existed
- 4.Defendant had actual or constructive knowledge of the dangerous condition

A visual inspection of the condition of your property, surrounding property, general utilities and infrastructure are critical in making an appropriate assessment. This inspection serves to identify the property's vulnerabilities. The Perimeter Assessment Report will provide you with mitigation solutions for your consideration.

With this complete evaluation in hand the property management owners will have the necessary information to lower risk in the following areas:

- Reduce the number of motivated offenders
- Make crime / offense more difficult to commit
- Anticipate new types of crimes and find ways to stop them from occurring

The primary focus of the report is on physical security and crime prevention remedies through environmental design.



Physical Security Assessment Scope

For a crime to occur, three conditions must be in place

1. Someone who wants to commit a crime
2. A victim (Business) that does not present to many challenges
3. No one to intervene and prevent the crime from occurring

To combat crime your options are:

- Reduce the number of motivated offenders
- Make crime / offense more difficult to commit
- Anticipate new types of crimes and find ways to stop them from occurring

Security measures is not a one size fits all. No two properties are the same therefore their security needs cannot be the same. Depending on the size, location, layout, and other factors adjustments must be made to meet the unique need.

Every property should have some type of security, but which approach is best for you? Remember that no matter what type of property you manage or own you should have a proactive, active and reactive security measures in place.

With testing, improvements, and a course adjustment in the plan of action, mitigates risk.



PROACTIVE

Proactive Security

Is any measure set in place to deter criminal activity before it happens

Basic practices such as making sure doors and windows are locked and lights are on when appropriate is elementary. The most important aspect of Proactive Security provides a visual deterrent. Criminals seek an opportunity for the highest reward with the least risk. Why would a car thief attempt to steal a vehicle in a well-lit, secure area when he can go to a dark area with no gates? This may sound obvious but often lights burn out and property gates become broken or are left unlocked. This is an invitation for crime and Active Security may be the answer.

Don't gamble with your company's liability risk.

Proactive Security is not exclusively a guard watching your property. It can include standing guard or patrol services, but it can also include monitored camera services, neighborhood watch organizations and other onsite manager protocols. A combination of these security measures may afford your property with the best protection.

Even with Proactive Security, the inevitability of some type of crime occurring exists. This being the case, it is essential to have reactive measures in place to help catch the bad actors.



Reactive Security

Reactive security is one of two things, cameras or people

Obviously, it is best to have a combination of the two, and I highly recommend this. I do not need to go in depth about how cameras help catch the bad actors, but make sure you understand how the system works and how to use it.

Make sure cameras cover all areas of risk and they work well at night. Having someone monitoring the property on foot, via patrol car and camera is the best possible scenario. An individual will not only be able to recall an incident but also call the proper authorities in a timely manner and the cameras can capture the event in progress.

Active patrol services play an important role in public safety by responding to incidents and deterring crimes. It can give security to people who need protection and discouragement to those who are seeking to commit a crime.

These measures can all be costly but with an appropriate assessment with a qualified security professional, many options addressing environmental design can also be made.

Keep track of incidents, both potential and real.



Perform Risk / Gap Analysis

Deterrence Methods

In conducting the risk assessment of the property exposure metrics are used. These metrics are a scoreboard. This allows the security professional to make the best possible risk-based solutions by quantitatively exposing areas of vulnerability.

The goal for deterrence is to convince potential criminals that a successful crime is unlikely due to a strong defense. The first line of security for buildings, offices and other physical spaces successfully use environmental design to deter threats. Warning signs, window stickers, fences, vehicle barriers, restricted access points, security lighting and even trenches surrounding a property put criminals on notice their bad intentions will not succeed.

Anything that increases the likelihood that criminal actions will be observed and reported to police or security personnel is a deterrent. In general, open and well-lit areas are less susceptible to crime. The visible presence of security measures and the use of access control devices and barriers are deterrents. Strategic landscaping and the use of natural barriers are deterrents. Alert employees, security personnel and legitimate residence are deterrents as well.

Increased delay usually equates to decreased opportunity in the criminal mind.



Perform Risk / Gap Analysis

Detect

Even with the best security measures, there is always a chance that criminal activity will occur. Total security does not exist but with early detection, the odds that the criminal will be apprehended greatly increase.

Early detection can be accomplished in a variety of ways. During business operations the best detection is alert people who have been educated in security measures. After hours electronic devices can be used to detect criminal activity. It is essential to make sure the electronic devices are positioned and active in all exposed areas capturing any untoward activity.

These measures send a message to potential criminals that their actions are going to be detected, and serve as a possible deterrent, thus reducing the criminal element.

Security measures must be tested. This must be done at different hours, days and shifts as the environment being secured is not static, but rather fluid. With testing, improvements, and a course adjustment in the plan of action to mitigate risk can be obtained.

The information obtained through testing can be used by the CEO's, CISO's, IT and Security Directors to make the necessary decisions which can reduce the property and organizations risk. Testing, if done consistently, allow organizations to be vigilant and constantly aware of all the aspects of threat protection.

The presence of delaying measures increases both the difficulty and risk associated with criminal's activities



Perform Risk / Gap Analysis

Physical Security

Physical security involves the use of multiple layers of inert dependent systems which include multi-sensor pan and tilt (PTZ) systems, security guards, protective barriers, locks, access control protocols, and many other techniques.

Physical security teams must be implemented correctly to prevent attackers from gaining physical access and take what they want. All the firewalls, cryptography and other security measures would be useless if that were to occur.

Physical security teams must implement a security program that balances security measures and safety concerns.

Decreasing the amount of dense, tall vegetation in the landscaping. This will help prevent that attackers or intruders from concealing themselves within it or placing critical resources in areas where intruders would have to cross over a wide, open space to reach them. (Making it more likely that someone would notice them).

When proactive security measures are taken, it can dramatically reduce the elements of risk to your property.

The priority of physical security is to ensure that all personnel is safe, the second is to secure company

