



GUIDE BOOK

# Crime Reduction Practices

## Residential Property Owners

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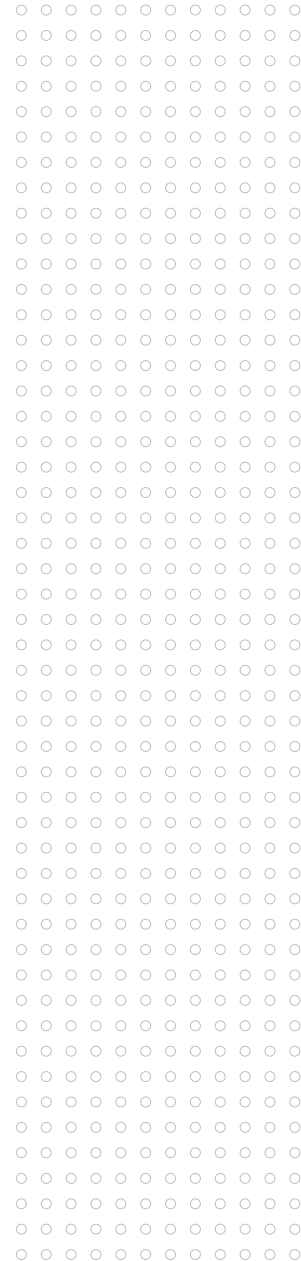


According to two key North American crime rate metrics there was a notable uptick in serious crime between 2013 and 2017. According to the FBI Uniform Crime Reporting Program, violent crime in the United States increased 6.8% during that time frame<sup>1</sup>, while the Canada Center for Justice Statistics reports three consecutive annual increases in the Crime Severity Index<sup>2</sup>. To help mitigate crime related hazards and risk there are a number of preventative steps residential property owners can take to protect people, property, and business interests.

<sup>1</sup> <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/table-1/#overview>

<sup>2</sup> Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey. "Police-reported crime statistics in Canada, 2017." Juristat. Statistics Canada Catalogue no. 85-002-X.

# Negligent Security Liability



Negligent security liability is an extension of premises liability law. Although a criminal is directly responsible for injuries, through a negligent or inadequate premises security action, a victim injured by a third-party attack while on another's property can also pursue remedy for their suffering against those responsible to maintain the property. Actions by the victim or surviving family may be brought against any business or landowner.

Since the 1970's, high profile crime cases led the way to an era of civil litigation establishing negligent premises security liability. Today, numerous law firms specify negligent security as a specialty practice area. Studies have shown settlements and jury verdicts can be substantial at hundreds of thousands of dollars or exceeding a million dollars.<sup>3</sup> Although any landowner is susceptible to such actions, residential providers are routinely scrutinized following a violent attack. No residential complex can guarantee the safety of its tenants or guests from violent crime; however, courts have held a duty to use reasonable care is owed. The duty of care owed by a landowner to invitees for protection from criminal acts is dependent upon the foreseeability of such acts.

Consider the case of a guest visiting a friend residing within an apartment complex that was primarily renting to college students. A large party hosted by a tenant led to a fight within the parking lot. The guest victim was attacked and killed. The apartment complex owners settled the wrongful death action for negligent security in the amount of \$850,000.<sup>4</sup> When determining foreseeability and whether the injury was preventable, existing standards, crime statistics within the area, event history at the complex, community standards and specific risk considerations are all contemplated.

For apartment owners, the ambiguous terms of foreseeable and reasonable provide little guidance. Some jurisdictions have enacted codes to address minimum requirements geared at security measures, but these are only minimum standards. Crime activity can quickly change both within a complex and its immediate surroundings.

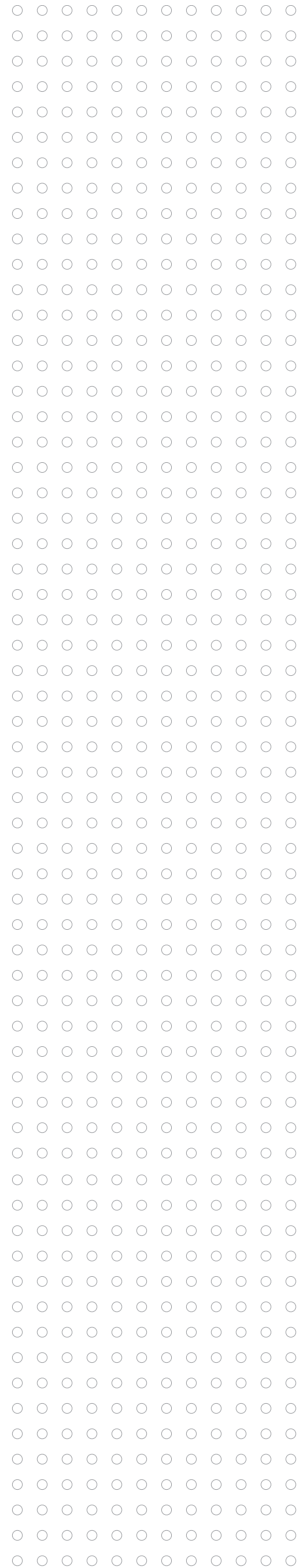
While insurance companies afford protection to residential operators and owners, one large negligent security payout can result in severe consequences to renewal term pricing, or whether a renewal term is offered. Should a jury determine a property owner egregiously disregarded security controls; a punitive damages verdict could cause significant out-of-pocket cost when insurance policy or legal jurisdiction restrictions apply. Reputational harm and losing quality tenants can add additional financial consequences.

Apartment owners and managers are in the best position to prevent criminal activity and defend against negligent security actions when diligent controls are in place.

<sup>3</sup> <http://www.liabilityconsultants.com/images/form.jpg>

<sup>4</sup> <http://www.vallaw.com/CM/VerdictsSettlements/Settlement-in-Negligent-Security-Action-Against-College-Apartment-Complex.asp>

# Security and Crime Prevention Suggestions



## DEMONSTRATING CRIME INTOLERANCE TO TENANTS

- Lease addresses criminal activity of tenant or tenant guests and can terminate residency
- Apartment crime watch participation engaged with local police
- Monthly newsletter solicits reports of alarming activity and communicates crime prevention tips

## SCHEDULED AND DOCUMENTED MONITORING OF AREA CRIME

- Published neighborhood crime statistics are reviewed at least annually and documented
- Local crime activity is monitored and security controls are assessed at least quarterly
- On-site vandalism, thefts, public disturbance reports or any reported crime are handled appropriately and documented

## MEETING THE MINIMUM REGULATORY REQUIREMENTS

- City and County Rental Housing Safety or “Crime Free” Ordinances
- State Multi-Family Housing Safety Statutes

## EMPLOYEE, CONTRACTOR AND TENANT SELECTION

- Employee background checks include criminal and reference checks
- Licensed and bonded contractors are used
- Each tenant is named on the lease with a background, criminal and reference check
- Property Manager monitors for unauthorized occupants

## CREATING PHYSICAL BARRIERS AND DETERRENTS

- Consider installing fences and gates in necessary areas in order to keep out intruders and to deter crime
- Ensure that the fences and gates are in good repair and are fixed so that an intruder cannot crawl under, through or over
- Change locks whenever a resident terminates their lease (moves out)
- Ensure that all doors have locks and that only appropriate personnel have access
- Make sure that all windows have locks
- Restrict building access to non-residents using call boxes, buzzers and/or concierge staffing (ideally 24/7)

## LIGHTING

- Ensure there is adequate lighting at all entrances, exits, walkways, parking areas, pools playgrounds, and other common areas that may be accessible to tenants
- It is advised to add motion sensor lighting in other dark areas and on sidewalks
- Make sure your facility has emergency lighting in the event of a power outage

## SECURITY SYSTEMS

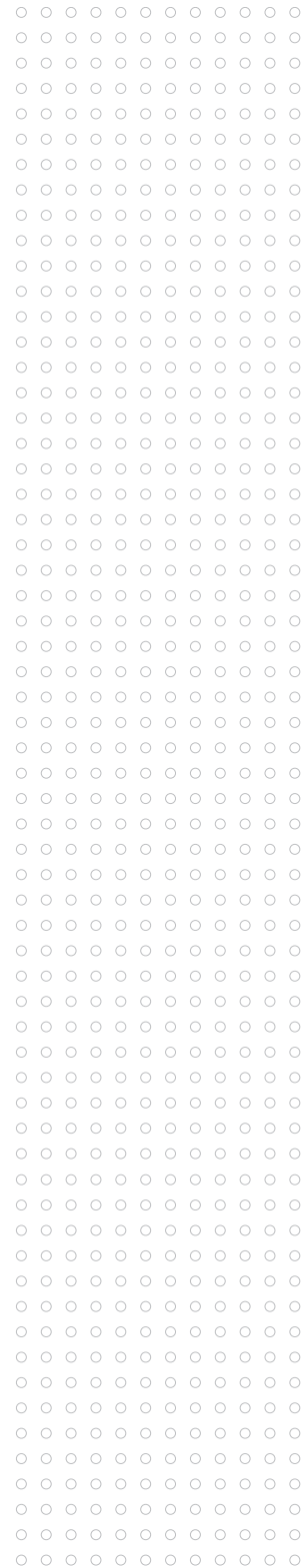
- Consider burglar alarms for restricted building areas or common areas (i.e. roof access door alarms, motion detectors in laundry rooms after hours, etc.)
- Any alarm system should be monitored by a UL listed central station monitoring company that has 24/7 response and the ability to quickly contact local authorities
- Consider installation of camera systems such as CCTV and motion based cameras. Typically monitored areas may include entrances, exits, parking lots, courtyards, recreation facilities, general common areas, elevators, etc.
- Select systems which are recorded on a local hard drive or a web-based platform (remotely accessible)

## SECURITY GUARDS

- Job references and criminal background checked or required of the guard company hired
- Clearly outline the guard's duties in writing
- Hired guard company contracts should include indemnification in favor of the property
- Require detailed written activity logs for review and filing
- Be aware of local and state laws regarding use of force, weapons, and other regulations relating to private security
- Consider patrolling of premises, with special focus on remote areas and vacant units/buildings

## SELF-INSPECTIONS TO IDENTIFY VULNERABILITIES

- Conduct self-inspections on a regular basis, consider weekly frequency in higher crime areas
- Maintain landscaping, as overgrown trees and shrubs provide potential hiding places for criminals
- Make sure any construction areas are properly secured
- Focus on vacant units and/or buildings, ensure that lighting and physical protection features are functional and security is adequate
- Develop a security checklist (sample provided)



GENERAL PREMISES	YES	NO	N/A	Corrective Action(s) Needed
Adequate lighting provided at all entrances, exits, walkways, parking areas, pools, playgrounds, etc.				
Fences and gates are properly maintained and in good working order				
Vehicular gates are in good working order				
Shrubbery is maintained in order to create visibility				
All trash/debris is moved away from building				
Local police patrol the complex				
Apartment complex provides private security services				
Locks are provided on all entrances/exits of building				
Security systems are functional and tested per manufacturer's guidelines				
Use of doorman or buzzer for guests and deliveries				
Cameras are located at each entrance/exit				

INDIVIDUAL UNITS	YES	NO	N/A	Corrective Action(s) Needed
Use restricted key blanks which cannot be duplicated				
Locks have been changed prior to all new tenant move-ins				
Mailboxes are lockable and in good condition				
Residents' names are NOT printed on the mailboxes				
Unit numbers and building address are visible from the street or within corridor				
Designated visitor parking spaces available				
Each unit has a 180-degree peephole				
Unit doors have deadbolt locks				
All exterior unit doors are made of solid core wood or metal				
All windows locked and only accessible from the inside				
Cameras are located at each entrance/exit				

## Protecting the places where we live and work

HUB can help you with all of your needs as a property owner or manager - from protecting against crime to mitigating weather or catastrophe related damage to mitigating water damage, and much more.

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and use the resources we have for you today at:

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