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Negligent security

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Negligent or insufficient security is a type of premises liability that presents a growing concern for many businesses, especially real estate operations. Negligent security cases, which were unheard of not too long ago, now represent a large percentage of cases filed in urban jurisdictions and have the potential to result in multi-million dollar verdicts.

Real estate owners and managers have a duty to protect their residents and customers and see that they are safe from violent incidents such as robbery, rape, shootings, and other similar events. When a property owner or manager fails to provide a reasonably safe environment, those victims that are attacked or victimized on the property may allege negligent security was to blame.

While real estate owners and managers are not generally liable for crimes committed on their property, if a property or rental building is in an area known for criminal activity, the law will require the owner to have reasonable security measures in place to protect customers or residents. The doctrine of negligent security allows recovery by injured parties against property owners and property managers for "foreseeable" criminal attacks by third parties. Something is foreseeable if its occurrence can or should be reasonably anticipated or if a person of ordinary cautiousness would expect it to occur or exist under the circumstances.

To combat the issue of "foreseeability," it is necessary to identify and regularly reassess the potential risk of these types of crimes in the vicinity of the property. Property owners and managers should also identify and implement reasonable safeguards including adequate lighting in parking lots, doorways, stairwells, and elevators as well as sturdy locks on windows and doors and gated entrances. It is essential that all security efforts are well documented as they are crucial to the defense of these very costly claims.

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