



Nightclub and Bar Security Bouncers, Doormen and Security Guards

You Are Security!

By J. Patrick Murphy

Authors note: I am a nightclub security expert witness. I've never worked in a bar. What qualifies me as an expert is my decades-long experience in security management. Security personnel are known under many different titles such as, most commonly, bouncers but they are also called ushers, greeters, door men, crowd control specialists, etc. The truth, however, is that there are basic tenants to any security program, regardless of business environment, and bars and nightclubs are no different with the exception of alcohol. Bouncer = Security.

Alcohol-fueled guests present a variety of issues that can ultimately lead to serious injury or death. Litigation or law suits follow these incidents and the club is generally poorly prepared to defend themselves in court.

I am providing some insight into the common areas that I explore as a nightclub security expert when working for the plaintiff's attorney. This should not be considered legal advice. Always consult with your attorney on security matters. Hopefully this will assist in preparing a workable security plan.

Introduction

From an expert witness's point of view, the issues cited within law suits against clubs are fairly universal thus the following is an overview of the hiring, training and supervision of security personnel in the night club business. Use this information as a guide when considering the security management aspects of your club. One size does not fit all and therefore managers must consider facets of their business that may be unique. The context of this article is based upon common areas of litigation that results from an incident at a club or on their parking lots. There is no protection from a person suing a club however it would be comfort to your attorney in knowing that the critical areas usually reviewed by a plaintiff's expert witness have previously been explored.

A nightclub bouncer, regardless of the job title, is simply a security guard in a specific environment. A security guard, however, has met minimum state-required training and a criminal background check to be certified to conduct those duties. Unfortunately, some states do not require training or background checks. Regardless, the authority vested in the individual security person is no different than that of any ordinary person. Said another way: Bouncers and security guards have limited authority for an actual arrest and their ability to use force in making that "arrest" or "detention" is extremely narrow.

A bouncer is known by many titles in the nightclub and bar industry but the job title is unimportant. Their job function, however, is. Their primary functions may include age verification, crowd control,



dress code enforcement, intervener in altercations, first aid, and, in some cases, ejecting certain patrons from the establishment for causing disturbances or fights. The manner by which the security staff accomplish their job duties is critical.

The security function in any organization requires reasonable hiring practices, adequate training and, above all, adequate supervision. The following are offered as guidelines for the establishment's owner/manager and/or management of club security. These are offered only as guidelines which can be considered when developing a security plan. There are no industry standards therefore the club, itself, creates their own standards. This is the primary reason for having a documented security plan.

Hiring Guidelines

1. **Formal Application.** A written application that asks for references, job history, and asks if the applicant has been convicted of any crime (other than traffic offenses) for a specific time frame. A common time frame is 7 years.
2. **Background check.** A background check should be conducted on every potential employee. This may include calling references and conducting a criminal check. Regardless of what a company's "background check" process is, the same method must be followed and should be consistently documented. Failure to conduct a background check may result in hiring a person who has been repeatedly fired from previous similar jobs or the hiring of someone with a violent criminal history. These omissions may expose a club to liability in the event of a law suit.
3. **Job description.** It should never be assumed that a person applying for a job knows the expectations of an employer. A bouncer may have had a previous employer who had their security personnel take a very aggressive approach with customers. That may not be appropriate for your particular clientele or vice versa. Create a written job description, train to those requirements, and place a signed copy in their personnel file. If new duties are created, have a document for signature outlining changes in responsibilities. It is recommended that all job descriptions and subsequent changes contain the date created/revised.
4. **Skills.** A bouncer's strength and commanding presence should not be the first line of defense. Their ability to communicate and attempt to defuse and de-escalate situations will be used more often. There are recognized barriers present such as loud music, poor lighting, and, of course, the person(s) involved are probably intoxicated, impaired on drugs or both. Clubs also serve a mixture of alcohol and energizer drinks which may cause a patron to be easily agitated. In short, the use of force should be the last resort, not the only resort.

Appropriate skills for security personnel:

- a. Good listener
- b. Focus on customer service



- c. Firm but fair approach
- d. Calm under stress
- e. The ability to control emotion in potentially volatile situations.

Security and Safety Planning

1. Do you even have a written plan? A written security plan can help owners and managers plan responses to specific situations. Without a plan, employees do what they think is best which may not be effective or may actually compound a problem. The security plan should also include the emergency plan in case of fire, a shooting or robbery, or some other emergency that would require the immediate evacuation of the building. The plan should be part of the initial and on going training of all staff and it should be practiced. Having no formal plan in place will prove to be problematic, if not catastrophic, in the event of an emergency. All one needs to do is research club fires over the years to understand the absolute need for a plan.
2. A club's genre, such as a dance club, strip club, country and western, or hip hop, presents their own unique problems. A club does not need to have a reputation for strong-arm tactics to be successful in maintaining peace. However, some clubs have a general reputation of not calling police in an effort to build "street credibility" or in an effort to avoid potential investigation by the State's Alcohol Control Board. It is highly recommended that clubs adopt a very firm but fair ejection policy and that the police are called if anyone is belligerent and refusing to leave. Keep in mind that in litigation, a club's policy and history of calling the police may, in fact, be a positive factor. Check with your State Alcohol Control agency to ensure understanding of any reporting requirements they have.
3. Parking lots are crime attractants. Offenders know your patrons may have diminished capacity of recognizing a threat which allows crimes such as robbery, rape and assault to occur. The parking lot is an important facet of security planning and should be considered for staffing, lighting, and physical security. This is especially true when a club has designated remote parking. "Designated" is the important term.

If your club has an agreement (verbal or written) with a nearby parking lot owner and employees direct customers to park there then there may be a legal duty regarding security for club patrons. Check with your attorney and ensure how the law is structured in your state. There is also case law that suggests if a customer is directed to an overflow parking area that has no relationship with the club, the club may bear some duty regarding the safety of those patrons. If your staff directs customers to other parking lots, the practice should be reviewed by legal counsel and appropriate policies/training be put in place.

Training



Training is key for any type of company as it establishes a base line of policies and procedures and dictates the desired behavior of employees. Training, regardless of style and delivery, is critical. Documenting that training is also important. Whatever process is used to train personnel, it should be documented as to what the topics were and who provided the training. Training checklists are helpful especially for on-the-job training because it ensures consistency. Any individual who is conducting training should have absolute clarity on how the club wants the security function to perform.

1. If there is no documentation of training there is no way to prove it exists or what topics were covered.
2. When can I use force? Do you have a written policy on this topic? Do bouncers and other security personnel understand the term "reasonable force"? Do they understand the exact moment when they have made a detainment or an arrest?
3. What role is customer service in their training? Bouncers should always be an ambassador for a club first and security second. Most situations can be resolved without resorting to force.
4. Ejecting unruly patrons is not uncommon but club management must establish the policy and procedures related to that. Does management need to give approval before ejecting a customer? Is there a report written every time or does it have to involve force? Is a photo copy of a driver's license maintained? Is a photo taken of the customer? Is there a document that the customer signs acknowledging they have been given a trespass warning?
5. Ejected patrons may be told not to return to the club. Management should dictate the length of time for the "violation". It is difficult, at best, to recall every ejected customer much less to manage a list of ejected patrons. If management decides to ban a patron and they return, call the police.
6. Verbal abuse of a bouncer is common during a confrontation. It is very important to remember the effect alcohol has on a person's ability to manage their emotions. Verbal abuse IS NOT a basis for the use of force.
7. Enforcement of house rules. Bouncers and bar staff are always tasked with identifying dress code violations or other violations of in-house rules. Those "rules" should be clearly visible to all patrons in multiple areas of the business.
8. Fair warnings. Sometimes people just need to be reminded that their behavior is disruptive. This is a difficult conversation at times because the person is intoxicated and has no concept of "disruptive". These calls are certainly subjective but should always be courteous and professional. "Disruptive behavior" is the area where bouncers commonly become the "Attitude Police". Bouncers are not employed to decide what is particularly disruptive and bothersome to them *personally*. While it is a judgment call, there should be sound basis by club policy as to actions taken. Warnings can quickly escalate if the security personnel allow an argument to become personal. When making decisions based on emotion there is a certain "flash point" where the bouncer feels that the only resolution is to eject the patron. The security staff, depending on the circumstances, always have the option of simply walking away



after the warning has been given and not engage the person further. If the behavior continues, a protocol should be in place that guides the security person as to their authority to eject the person, how it is to be accomplished, and what, if any, actions (call police) are to be taken afterwards.

9. Calling the police. Calling the police seems to be discouraged except in the most extreme situations. There may also be a feeling by security personnel that they are not capable of doing their jobs if they have to call police. Again, there should be a written policy that is consistently followed in this regard. If it takes physical force to restrain a customer, I recommend that police be called. This protects the bouncer, the club, and the patron. If a customer is injured during an ejection the police should be called. Club staff should be trained regarding the need for EMS. Regardless of the circumstances, an unconscious person should be given the benefit of immediate emergency aid.

Staffing

There are no standards as to the correct ratio of security personnel to patrons. The ratio of 1 security person to every 50 patrons has been mentioned in many recommendations but that number has no basis. That number may be appropriate for a country club dinner but may not be for a post Super Bowl party or a live broadcast of an MMA title fight. Many factors should be considered; cost should not be one of them.

1. Staffing is dependent on the type of attendees/patrons, venue/building size, and the duties needed to reasonably secure people and property.
2. Consider the hot spots within your club, such as restrooms, where criminal activity is likely to occur. Restrooms are the most likely place for fights, drug activity, and sexual assaults to take place. Make appropriate staffing assignments to be at or visit them regularly. Restroom visibility is important as well.
3. What is the staffing plan when multiple security personnel must react to a situation? Planning is needed to ensure an appropriate response is effective but does not pull everyone from their assigned areas. Keep in mind that diversions can be created to draw personnel to another part of a club to facilitate criminal activity. Additionally, having too many people involved in an altercation may, in fact, exacerbate the situation. Have a plan.
4. Doormen are the first and last layer of defense. They are critical for age verification and crowd control. The area around the main entrance is the most likely place for fights to take place among patrons if they were involved in an earlier altercation. Staff must be trained as to the reasonable steps they can take when fights start outside the club. Your legal counsel should be consulted and appropriate policy and procedures created. Ejected customers who demand to be allowed back into the club are always a challenge. If verbal warnings are not sufficient to make the person leave, call the police. It is not reasonable to further engage a person who has



already been ejected from a club. Bouncers are not the “Attitude Police” and simply cannot allow themselves to reengage in verbal exchanges outside the club. Those patrons who “insist” they come back into the club are problematic. Bouncers should clearly understand the difference between assaultive behavior and a person merely trying to push their way in. Policy should be in place to dictate what steps are to be taken. I recommend the police be called immediately.

5. If your club has a “right to search” policy, it is recommended that the policy is heavily signed throughout the club and at the entrance. Your search policy should be well defined and appropriately trained (and documented). The use of metal detection wands at the entrance is a reasonable practice when staff is trained on the proper use of the wands and how to best investigate activations. Pat down searches should be discussed with legal counsel and policy and procedure written accordingly. Males should not pat down female patrons.

Daily Preparation

Formal meetings with all security staff (in-house and/or contract guards) may be difficult so it is important that there is time set aside before opening for short “huddles”. These are quick, to-the-point, discussions about assignments, equipment checks, and the time for supervisors to reinforce policy and procedure.

1. Ensure all radios have fresh batteries and functioning ear pieces. Conduct radio checks with each unit. Check to ensure each person has a working flashlight.
2. If the club has a CCTV system, check each camera individually to ensure it is working. Ensure that the date/time on the DVR is correct.
3. Assign someone to walk the parking lot to check for any lighting issues and to ensure it is clear of any potential hazards. Document any light checks.
4. Check all emergency exits. This is one of the most important pre-opening tasks that should be done. Ensure all exits are clearly marked and that they are not blocked in any way. Ensure the doors are not locked in any way. If they have a panic bar alarm, check to ensure it is working properly. This also prevents people from unauthorized use of the door as an exit. Make certain the area outside the door is clear of any obstructions. If there is any possibility that a car can be parked in front of an emergency exit, the doors should be checked throughout the night.
5. Utilize this time to also discuss incidents. This is a training opportunity to both reinforce correct behavior when dealing with customers and to openly discuss areas of improvement. The ultimate goal of these discussions is to lay the foundation of how security personnel are to respond. It is the responsibility of club management to ensure that the actions of security personnel are predictable in the sense of consistency of their actions. These discussions are also invaluable for management to receive feedback from their staff.



Use of Force

The use of force by bouncers and other security personnel or bar staff should be foreseen as highly probable and potentially high risk. Clear written policies must be in place and documented training should be in a personnel file. Reinforcement of this topic should be frequent. Club management is responsible for the method and manner in which patrons are handled during altercations. This includes the actions of contract guards. The security person is responsible the actual manner and method they employ. The vast majority of litigation comes from this facet of security operations. It should be clearly understood that “force” can be defined as mere touching as in an effort to redirect someone. When any level of force is employed against a patron, that patron may be considered, depending on State law, under arrest.

A club should carefully review their use of force policy. Force by security personnel is usually met with force from the patron. It is not something that can be undone.

1. Develop written policies. Train to those policies and discuss prior to every business day.
2. Know where your property line (thus your authority) ends. An angry, mouthy ejected patron on the sidewalk is not a threat to the club or their personnel. Do not verbally engage these situations. Call the police. Teaching someone a lesson by assaulting them is battery and comes with criminal and civil liability.
3. The use of handcuffs should be thoroughly reviewed by legal counsel. If handcuffs are allowed then proper training should be mandatory and documented. Handcuffs are a restraining device and not a weapon. Serious injury can occur if handcuffs are improperly applied. If a patron is ever handcuffed, law enforcement should be called.
4. Restraining a person often involves grappling on the floor or pavement. Using a “takedown” technique should only be used in extreme circumstances. Security staff, bar management and bar employees should understand the term **positional asphyxia** and be trained to eliminate those conditions. Positional asphyxia, in short, is death that results from when a person’s position (usually on their chest/stomach) restricts their ability to breathe. The National Law Enforcement Technology Center published “**Positional Asphyxia – Sudden Death**” in 1995. <https://www.ncjrs.gov/pdffiles/posasph.pdf> and the AELE published in a Monthly Law Journal an article, with case law citations, entitled **Restraint Ties and Asphyxia**, 2009 (<http://www.aele.org/law/2009all01/2009-01MLJ101.pdf>). These papers also discuss use of choke holds and pepper spray.
5. Foot chases must be prohibited.
6. Use of force to prevent re-entry of ejected patrons. If you go on YouTube you can find numerous videos of bouncers/door staff having to deal with someone who feels they were wrongfully ejected. There are two immediate problems at hand: 1.: the person(s) are intoxicated and have reduced mental resources to full understand what they are doing. And 2.:



They are standing (as usually is the bouncer) on a public sidewalk and not on the property of the club. At times the person is so insistent on returning they begin to threaten the bouncer and even get chest to chest. The reasonable action: Do not re-engage someone who is no longer your customer and who is not on your property. Call the police and let them handle the drunk. Have a written plan.

Another situation that often occurs is where several patrons are involved in some sort of altercation and are escorted out the same door. While the situation is slightly different, the bouncers, knowing that all the combatants are now clustered at the door, should ensure they all go on their way. A person who is attacked and injured by another patron, in full view of the security staff, may have a legal course of action. Create your policy and procedure to handle these specific occurrences. Additionally, understand where your property ends and the public's begins.

Injury to Patrons and Staff

An injury of any kind should be reported immediately to club management and should be thoroughly documented in a report. This policy and procedure must be in writing. Security staff should have the immediate recourse to contact EMS for any set of circumstances. This includes apparent medical emergencies. Protocols should be established to reduce the amount of time required to make decisions regarding emergency medical service.

1. If a patron is injured (for any reason) ask them if they want an ambulance called. Keep in mind a person who is intoxicated may not be the best judge of the extent of their injury.
2. If a patron is unconscious, call EMS.
3. Where possible, consider having your staff trained on basic first aid and CPR.
4. Consider having AEDs (Automated External Defibrillators) on site. Here is a link to a Red Cross article on AEDs. (<http://www.redcross.org/prepare/location/workplace/easy-as-aed>)
5. Document all cases of injury.

Supervision

Supervision is the ultimate layer of responsibility and accountability in any business. Bouncers and other security staff must have a supervisor. It could be the club manager but they may not be working every day. There should be a person who is directly responsible for the security function any time the club or bar is open. This would require a designated person for given shift regardless of who they ultimately report to. This could be a senior security staffer, the head bar tender, or a manager on duty. Someone must be able to make management-level security related decisions at any time.



Supervision extends beyond a person on duty. Ultimately it means that operational information is passed to the ultimate authority for review and possible action. This is why policies and procedures are critical to a security function. Within those policies and procedures there should be a methodology to advise the appropriate person, such as the club manager or owner, about incidents. Verbal communication is unreliable and simply cannot be recalled years after the fact. Written reports are often seen as dangerous records of past activity but, ultimately, they could prove to be vital to show adequacy of supervision. **Important note:** Record retention is a usual and customary business practice. The length of that retention is dictated by the individual business as it relates to incident or security-related reports. Whether that time frame is 10 days or 10 years, there should be a written policy that establishes the duration, manner and method for document retention.

Duties

A bouncer's should have a job description and their duties outlined writing. If a club is using uniformed contract security guards, their contract should outline in what is known as "Post Orders". There are no standards within the industry for a list of required tasks or functions. These are dictated by many factors thus the importance of having them in writing. Many times security personnel are hired because of their prior experience. It is critical that the new-hire bouncers or contract guards know exactly the manner and method the club management wants their duties carried out. If policy and procedures are not formalized then a person's actions are going to be based on past experience or on their interpretation of what they were told.

In the event of litigation, policies and procedures will be requested by the plaintiff's counsel. If there are only verbal policies there is no way to confirm what they actually are. Have a plan.

Physical Security Measures

The simple mantra: If you have it, it must work and work adequately.

1. Cameras. Security cameras can be an excellent tool and they are even more cost effective today than ever. When a camera goes down, have it repaired or replaced immediately. Talk to your security camera vendor about the amount of video your DVR will maintain. When planning your camera system, try to archive at least two weeks of video so that prior incidents can be reviewed. A DVR with a DVD burner is recommended so that a permanent record can be stored and filed away.
2. Emergency exits were mentioned before but they are critical to life safety. Test and check the exits daily and ensure there is nothing being stored in this evacuation route.
3. Communication is vital in a club environment. Radios and earpieces are the best combination to enable quick response to problems. Cell phone communication between bouncers and



management is slow and ineffective. Don't forget the bar staff. Some of them may need to have radios as well.

4. Metal detectors are becoming more common in the club environment. Hand held wands have pluses and minuses in their implementation so the decision to use these should be considered carefully. On the positive side they are easy to use, quick to scan, and have a low rate of false alarm. The negatives include delays at the door, a perceived intrusion on privacy, and deciding what is to be done if the wand alerts. If wands are utilized, they are generally ineffective on a woman's purse. Those would need to be visually inspected. Protocols should be established for searching a purse.

Additional Considerations

1. **Hotspots.** There are certain places within every club where additional emphasis may be needed for physical security or personnel security. "Hotspots" such as restrooms are ideal locations for fights, drug activity and sex crimes to be committed. Every club has experience where problems most frequently occur. Use that knowledge to plan security accordingly.
2. **Parking lots.** Parking lots are ideal locations for assaults and robberies. Patrons who are walking to their car may not be able to judge a threat and may not be paying attention to their surroundings. They make easy prey for offenders looking for a quick victim who may have trouble identifying them. If your club has experienced violent crime on the parking lot, the security of the particular lot should be reviewed. Is the lighting adequate? Should we employ a guard service? Property crimes such as car break ins and vandalism could potentially threaten the safety of a customer as well. Consider those in your overall crime assessment. The local police department can provide crime statistics. A security consultant would be able to provide a crime analysis and assist in the decision making process.
3. **Guard companies.** Guard companies are often hired for numerous functions. Regardless of their particular duties, they should be well written in what are known as Post Orders. Security guards are typically minimum wage personnel with little training. They clearly are not trained for your particular establishment. Keep your contract guard service under close scrutiny and limit their duties to fit your basic needs. The "hiring, training, and supervision" triangle is partly a club's burden as well.
4. **Weapons:** Non-lethal weapons use in a bar and club environment should be carefully reviewed by legal counsel. The use of pepper spray, Tasers, ASPs, or any other potential "weapon" carries a great deal of responsibility and, ultimately, accountability. Training is absolutely mandatory and all efforts in this regard should be documented. Any use of weapons during the course of business should be documented in a report. Check with your State and local administrative law as to reporting requirements to those agencies. Reminder: a bouncer or security guard has no more power/authority than a person walking the street. It is paramount that this is clearly understood.
5. **Emergency Procedures:** Someone thinking it would be funny tosses three or four large firecrackers into the crowd. Patrons thinking it's gunfire panic and flee to the closest exit.



People fall over each other and are trampled in the process. The doorways become clogged with humanity and soon death and serious injury.

This scenario can be altered in a number of ways but, without a plan, disaster is always the end result.

Every company should have an emergency plan that takes into account the worst scenarios. The nightclub and bar industry have an added dynamic during an emergency that is unique: intoxicated people. There are going to be people in various stages of sobriety who may over react or who may not have the capacity to appreciate the nature of the danger. Have a plan. Practice the plan.

Conclusion

These guidelines and suggestions are not intended to provide a club manager or security supervisor with a comprehensive security program for their specific bar or nightclub. These topics are intended to provide discussion points and considerations when mapping out a plan. Use the services of your legal counsel and your insurance carrier to thoroughly review policies and procedures. Where possible, retain the services of a security consultant as another source of information.

6-15-13