



Best Practices for Nightlife Establishments

2019

COLUMBIA POLICE DEPARTMENT

**THE PURPOSE OF THIS BEST PRACTICE GUIDE IS TO
PROVIDE NIGHTLIFE ESTABLISHMENTS WITH THE
NECESSARY INFORMATION TO MAINTAIN A SAFE
ATMOSPHERE FOR CLUB-GOERS.**

CONTENTS

	DEVELOPING A SAFE NIGHTLIFE ATMOSPHERE	1
	SECURITY	2
	INTOXICATION	4
	SEXUAL ASSAULTS	5
	EMPLOYEES	7
	AGE VERIFICATION	8
	CLUB POLICIES	9
	POLICE - COMMUNITY RELATIONS	10
	RESPONSE TO SERIOUS CRIMINAL INCIDENTS	11
	RELEVANT STATE AND LOCAL LAWS	12


DEVELOPING A SAFE NIGHTLIFE ATMOSPHERE



This publication is intended to assist nightlife business owners in maintaining safe bars, lounges, and clubs free from illegal activity including: drug sales, underage drinking, over consumption of alcohol, violence, prostitution and sex offenses.

The Columbia Police Department has adopted and expanded guidelines presented by the New York Police Department, New York Night Life Association, the Washington, DC Metropolitan Police Department and the Providence Rhode Island Police Department, as suggested ways to achieve that goal. These guidelines intend to convey a general road map for owners and managers. The information included does not include laws that are applicable to all establishments and situations. There are separate sections regarding how to respond to a serious criminal incident. Use your best judgment while keeping these suggestions in mind and adapting them to your specific establishment.

If an establishment wishes to have a police presence at a venue which falls under the jurisdiction of the Columbia Police Department, the establishment should contact the Columbia Police Department **Special Events Coordinator at (803) 545-3500** for more information.



SECURITY



1. As a general guideline, there should be a minimum of one licensed and trained security guard in every premise per every 75 patrons present at the same time. Any full time security supervisor shall be included when counting the total number of security guards employed. Discretion should be used by management to determine the appropriate number of security guards needed based on the event and crowd to ensure safety and lawfulness.
2. If the establishment uses the services of a security guard company rather than employing its own security guards, the security company must be licensed by the South Carolina Law Enforcement Division.
3. Security guards should be trained in techniques to de-escalate potentially violent encounters and difficult situations.
4. Establishment policy should mandate that security separate and remove all potentially violent patrons in a manner consistent with the law that is designed to prevent a continuation of violent activity inside or outside the establishment. Staff from the establishments must call 9-1-1 to report criminal activity and notify police for assistance in these circumstances. Similarly, call 9-1-1 to report serious medical emergencies such as drug overdoses.
5. It is recommended that for every five security guards, there be one security supervisor to ensure a minimum span of control.
6. It is recommended that security guards be distinctively and uniformly attired – very easily identified.
7. It is recommended that security guards be placed throughout the establishment and not only at the entrance or exit.
8. Perpetrators should be detained by security through lawful means. Witnesses should be encouraged to wait for the police to arrive in order to assist with the investigation. At a minimum, witnesses should be asked to provide their identifying information to be contacted by the police in the future. Establishments should act as complainants in appropriate cases.
9. Establishments should encourage employees and witnesses to go to court and testify when requested, and pay wages to them for their time.

10. Digital video of any unlawful conduct should be identified and provided to the Columbia Police Department when requested.
11. Identifying information on ejected and/or arrested patrons should be retained on a "banned list" database. These patrons should not be allowed subsequent entry.
12. It is recommended that properly working and maintained surveillance cameras be mounted in front of the establishment (both inside and outside), at all entry doors and outside bathroom doors.
13. It is helpful to learn if all of these efforts are working. To that end, hire an independent security consultant to ensure the establishment security and other laws and policies, including laws prohibiting sales to minors, are being adhered to.
14. Ensure that levels of lighting inside and outside the establishment are sufficient for observation by security.
15. All of those awaiting admission should be placed in a line, not blocking the sidewalk. All individuals in admission lines should be informed that if they are not orderly, they will not be admitted. Individuals who will not be admitted should be encouraged to leave the area.
16. At closing, security is to ensure orderliness when patrons are exiting the establishment.
17. If metal detectors are used, every patron should get scanned in accordance with establishment policy. VIP's, DJ's, promoters, entourages, etc. should not receive special treatment and should likewise be scanned.
18. Establishments should safeguard evidence connected following a commission of a crime on the premises and should maintain the integrity of any crime scene.
19. Spot checks of employees should be conducted to ensure compliance with establishment policies and applicable laws and rules, including integrity tests for false ID and underage sales.
20. Management should know and make readily available the telephone number of the Police Department's Community Police Officers, if applicable.

INTOXICATION

1. State law SC Code § 61-6-2220 and common sense prohibit a nightlife establishment from serving alcohol to a person who is visibly intoxicated, or permitting someone else from serving the intoxicated person. It is of course in the best interest of everyone involved to prevent the kinds of behavior which are associated with intoxicated patrons, and all employees should be aware of the signs of intoxication;

- Speech slurred, confused, abusive, profane, antagonistic or incoherent
- Appearance in disarray, clothing stained
- Balance unsteady, or body swaying, using a wall or furniture as a prop
- Face pale or flushed
- Eyes bloodshot, red, puffy
- Fumbling or dropping of glass, ID, case, etc. or misjudging distance
- Unusual physiological symptoms, e.g., vomiting, excessive hiccups, losing focus, sleepy or fainting

2. Ensure that all employees maintain continual awareness of the level of intoxication of patrons, as well as whether individuals are buying drinks for others who may have in fact been cut off.

SEXUAL ASSAULTS

1. Although sexual assaults may not occur within a nightlife establishment itself, managers and employees can help to prevent their premises from being exploited by sexual predators, who may seek to take advantage of vulnerable patrons. Alcohol consumption can be a strong contributing factor to the loss of judgment and failure to perceive danger which can lead to tragedy.
2. In a nightlife environment, certain patrons, primarily young females, are especially vulnerable to potential attackers who may present themselves as friendly, seeking to getting to know them, buying them drinks, or otherwise displaying romantic interest. A common scenario is for an attacker to initiate an interaction in the premise and them persuade or invite the victim to leave with him. Employees should be attuned to behavior that seems overly familiar, aggressive or seductive under the circumstances, especially if the potential victim is visibly intoxicated or seems to be impaired.
3. Establishment personnel should offer to call a vulnerable or impaired person a cab to otherwise watch as patrons leave to see if they seem to be able to navigate safely. Security personnel at the door maintaining order outside are well positioned to observe when patrons leave. Note that predators may seek to get victims drunk or drugged, encouraging them to get some air, and then pull up in a car or hail a cab to take them away.
4. If establishment personnel sense that something is awry when a patron leaves with a person suspected of being a potential predator, they should make it clear that they have noted the departure, communicating the fact that the potential predator has been seen and the situation noted, for example, commenting on an item of clothing or asking if they need any help getting a cab. If possible, it would be a good idea to make a note of the circumstances, the description of the parties, or any other information that could be relevant at a later time.
5. Encourage groups to designate one person to chaperone, perhaps identified by a wristband, which could be served nonalcoholic beverages at a discount for the night.

6. Regarding preventing assaults within the premises, it is recommended that cameras be monitored through the night. Ensure that the storage area and other restricted areas are kept locked and secured; any closed, dark areas represent a potential danger.

7. Support staff, including porters, bar backs, busboys, and kitchen staff, should also be encouraged to be aware of patron behavior as possible dangers of sexual assaults, especially as these employees work in or pass through areas that are dark or restricted. They should be instructed to immediately report any suspicious or problematic behavior to a supervisor or manager.

8. Perhaps most important, management and employees should trust their instincts regarding possible predatory behavior they may observe; if something doesn't seem right, it probably isn't. Again, if possible, it would be a good idea to make notes of the observation, for later reference if needed.

EMPLOYEES

1. All employees must have a photo ID on file in the location, with a description of his/her position and contact information. Consider using ID scanning not only for patrons but also for employees, to identify all employees on the premises.
2. Establishments should also have contact information for all individuals contracted to provide operational services such as DJs and promoters.
3. There must be a person designated to be in charge of the premises. The name and phone number of both the manager and the person designated to be in charge of the premises, if different, during hours of operation, must be available to appropriate government agents.
4. Designate clean-up crews inside and outside the establishment. All flyers, handbills, cups, debris, etc. should be cleaned from in front of the premises throughout the night.
5. Designate specific employees to conduct occupancy counts periodically throughout the night.
6. Managers should identify themselves to responding government agencies.

AGE VERIFICATION



1. ID's should be checked for every person seeking to enter the establishment who reasonably appears to be less than 21 years of age. There should be no exceptions made to this policy, including for anyone brought into the establishment by an employee or promoter. Management should monitor the door and make it clear to promoters that they are not to steer patrons around security in order to evade ID checks.
2. It is unlawful to sell alcoholic liquors to a person under the age of twenty-one. SC Code § 61-6-4080 states in part; "failure of a person to require identification to verify a person's age is prima facie evidence of a violation of this section."
3. The use of ID scanning machines is strongly recommended. While they do not reject legal ID's that are being used by another individual, they are extremely helpful in recording who is entering the establishment.
4. Some machines are available to:
 - a. Verify an ID is valid (ABC Law requires government issued ID only)
 - b. Record notes and identify problem people
5. Confiscated ID's must be turned over or made available to the Police Department.
6. Digital video cameras and ID scanners, when used, should be time stamped so that ID scanning information can be compared to video of patrons entering the club.

CLUB POLICIES

1. Do not admit anyone under 21, except those under 21 may be admitted to establishments when operating primarily as restaurants during those hours in which meals are served.
2. If bottle purchases are allowed, DO NOT ADMIT ANYONE UNDER 21. Establishments must take sufficient steps to ensure that the tables are closely monitored so as to prevent underage drinking or consumption.
3. An establishment policy handbook should be in the premises at all times and should be distributed to all employees. The handbook should, to the degree practicable, incorporate the guidelines suggested in this document. The handbook should inform all employees how to handle situations that arise frequently and which often lead to problems e.g.;
 - a. Illness and injury
 - b. Fights
 - c. Patron refusing search or pat down
 - d. Disorderly patron
 - e. False ID
 - f. Drug use
 - g. Citizen arrest
 - h. Recovered weapon
4. The establishment policy handbook should also include:
 - a. Emergency evacuation plan
 - b. Exit plan- gradual staged exit at closing to ensure orderliness
 - c. Order maintenance outside premises
5. A professional looking sign containing patron code of conduct rules should be displayed inside the establishment.
6. When an establishment has residential neighbors on the same block, post a sign encouraging patrons to be quiet and sensitive to the neighbors.
7. All permits must be kept up to date and readily available if needed.
8. Management is to ensure that club policies are adhered to.
9. If a criminal incident occurs, an incident report listing full details should be generated and maintained for three years.

POLICE - COMMUNITY RELATIONS

1. A list of all scheduled events should be sent to the Special Events Coordinator at the Columbia Police Department. In the case of a special event, such as the celebrity performance or party, 72 hours notification should be given to the Columbia Police Department, when possible. The establishment should ensure that adequate and additional security personnel are employed to meet the specific expected crowd.
2. Each establishment should have a search policy and adhere to it (this may vary from no one is searched to all bags are searched, random searches are conducted, to everyone is searched). This ensures that upon arrival, the Columbia Police Department will have a basis to know if the occupant has been searched and what, if anything has been found.
3. Representatives of establishments are welcome to attend community meetings, and should attend as many as possible.
4. The Regional Commander, or his designee, and establishment owners should meet as necessary in order to discuss operational issues, solutions to common problems, problem locations, etc.

RESPONSE TO SERIOUS CRIMINAL INCIDENTS

These best practices are designed to apply to serious criminal incidents, usually assaults that are physical and/or sexual in nature. For these purposes, assaults are deemed serious when the victim of the assault is either unconscious, or in need of immediate medical treatment, for a serious life threatening injury, such as a stabbing or slashing. This is more serious in nature than a bar fight with minor injuries. An exception to this general rule is sexual assault crimes where the victim may have no visible injuries. Sexual assaults are serious criminal incidents, and as such within purview of these guidelines.

PRE-INCIDENT

1. All establishments should maintain a list of all employees and independent contractors (such as DJ's, promoters, and other entertainers) who are present on any individual night. Also maintained should be contact information for these employees to aid in contacting them as a part of a post-incident investigation.
2. Establishments should request and maintain contact information for a representative of any private group who has a function or event at the establishment.

POST-INCIDENT

1. Call 9-1-1 immediately.
2. Establishments should make it clear to all managers, employees and private contractors that they are expected to tell the truth to the police investigators.
3. Do not clean the crime scene. Protect it from any changes. Crime scenes can be protected by temporarily surrounding them with velvet ropes or yellow "caution" tape using chairs, velvet rope stanchions, or even potted plants to support the tape. To this end, inexpensive "Caution Tape" should be kept in the establishment.
4. Nightlife establishment employees should be aware that important physical evidence may not be readily visible or obvious. Incidents involving sexual assault will rarely have recognizable evidence at the scene of the occurrence. Establishments should therefore "over protect" the area of the crime by safeguarding an area larger than they initially believe the crime scene to be.

5. Immediately identify and preserve financial transaction information for all parties involved or who was believed to be witnesses. This includes debit and credit transactions.
6. Involved parties or witnesses should be detained if possible. There are several techniques to accomplish this, from asking them to stay, to offering them complimentary admission on a subsequent date. Establishments should request identification and provide it to the responding police officers.
7. Establishments should know what parking facilities are commonly used by their patrons and provide this information to police investigators.
8. If the perpetrators or witnesses leave, a description of the vehicle in which they left (with license plate number), the direction and means they left, and the identity or description of people they left with should be provided to the responding police officers.
9. The table or area where the involved parties sat or stood, including their beverage glasses, utensils, and any other evidence should be preserved and left untouched inside of the club. This material should be identified to the responding officers immediately. Employees of nightlife establishments should be cognizant that in certain circumstances, tampering with physical evidence can be a crime.
10. Video of people inside the club during the evening the crime took place should be preserved for the police, even if it appears to have no probative value. Often these videos can be enhanced to reveal important evidence. To increase the usefulness of these images in establishments which are often dark, one area of the club, such as a hallway immediately outside of the restroom, should have enhanced lighting. This will make the image of people passing through that area more identifiable. It is recommended that properly working and maintained digital cameras be mounted in front of the establishment (both inside and outside), at all entry doors, and outside of the bathroom doors. These digital videos should be recorded, maintained, and provided to the responding police investigators.
11. ID scanner information should be preserved and made available to the responding police officers.

12. Serious assaults should always be the subject of a uniform incident report being completed by a managerial level employee of the establishment who was present at the time of the incident. This manager needs not be a witness to the incident, but is responsible for identifying witnesses and potential suspects, and documenting internally.

13. Obviously, these best practices apply to serious incidents that occur inside the establishment. However, important evidence may exist inside the establishment even though the crime occurred outside, and therefore there will be circumstances where these best practices apply to incidents that take place outside of the establishment. For example, if the circumstances of an assault are such that the involved parties were in the establishment before the assault, and the assault subsequently took place outside of the establishment, the evidence that the involved parties left behind must be safeguarded. This includes:

- a. Financial records of their purchases
- b. Video images of involved parties
- c. Images of scanned IDs
- d. Glasses and utensils used by the involved parties, which may yield identifying information such as fingerprints and DNA.
- e. Observations of witnesses which may aid in a subsequent ID of involved parties.

RELEVANT STATE AND LOCAL LAWS

SEC. 8-31. - COMMON NUISANCES

(a) A common nuisance is defined as an offense against the public order and economy of the city, by unlawfully doing any act, or by omitting to perform any duty, which the common good, public decency or morals of the public right to life, health and the use of property requires and which at the same time annoys, injures, endangers, renders insecure or interferes with the rights of property of the whole community, or any considerable number of persons.

(b) Any person who creates a common nuisance, as defined in subsection (a) of this section, shall be guilty of a misdemeanor, punishable, upon conviction, in accordance with section 1-5. The city manager may cause to be abated any common nuisance as defined in subsection (a) of this section. This section shall be cumulative in its effect and shall not be construed to repeal any existing ordinances in regard to nuisances.

SEC. 11-45. - SUSPENSION OR REVOCATION OF LICENSE

(b) Authority of chief of police. When the chief of police determines, upon investigation, that:

(1) A business license has been mistakenly or improperly issued or issued contrary to law;

(2) A business licensee has breached any condition upon which his business license was issued or has failed to comply with the provisions of this article;

(3) A business licensee has obtained a business license through fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the business license application;

(4) A business licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude or an unlawful sale of merchandise or prohibited goods; or

(5) A business licensee has engaged in an unlawful activity or nuisance related to the business; he may direct that the city business license inspector revoke or suspend the business license in the manner provided in this article.

SEC. 61-6-2220. SALES TO INTOXICATED PERSONS

A person or establishment licensed to sell alcoholic liquors or liquor by the drink pursuant to this article may not sell these beverages to persons in an intoxicated condition; these sales are considered violations of the provisions thereof and subject to the penalties contained herein.

SEC. 61-6-4070. TRANSFER TO PERSON UNDER THE AGE OF TWENTY-ONE YEARS

It is unlawful for a person to transfer or give to a person under the age of twenty-one years for the purpose of consumption of alcoholic liquors in the State. A person who violates this section is guilty of a misdemeanor and, upon conviction: for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both.

The provisions of this section do not apply to a person eighteen years of age and over lawfully employed to serve or remove beer, wine, or alcoholic beverages in establishments licensed to sell these beverages are not considered to be in unlawful possession of the beverages during the course and scope of their duties as an employee. The provisions of this subsection do not affect the requirement that a bartender must be at least twenty-one years of age

SEC. 61-6-4070. TRANSFER TO PERSON UNDER THE AGE OF TWENTY-ONE YEARS

(A) A person engaged in the sale of alcoholic liquors who knowingly sells the alcoholic liquors to a person under the age of twenty-one is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both.

(B) Failure of a person to require identification to verify a person's age is prima facie evidence of a violation of this section.

(C) A person who violates the provisions of this section also is required to successfully complete a DAODAS approved merchant alcohol enforcement education program. The program must be a minimum of two hours and the cost to the person may not exceed fifty dollars.





1 Justice Square
Columbia, SC 29201
(803) 545 - 3500
www.ColumbiaPD.net



@ColumbiaPDSC