

BEST PRACTICES FOR PUBLIC SAFETY AT LATE NIGHT BUSINESSES

Louisville, KY

A Collaboration
Between:



Goals of the Late Night Safety Plan

This plan was developed in collaboration with Alcohol Beverage Control (ABC), Louisville Metro Police Department (LMPD), the District 8 Metro Council Office, and stakeholders from the late-night community. The goal of this document is to provide businesses operating in the late-night space with guidance about how to promote holistic safety. Following any particular recommendation is voluntary, and each business will make its own decisions about how to promote safety. It is the hope of the contributors that businesses will use the recommendations contained in this report to develop a comprehensive safety plan that is appropriate for their particular establishment.

Generally speaking, these recommendations are meant to address the needs of businesses that are licensed to sell alcohol after midnight. The authors recognize that there are many different types of businesses that fit these criteria, ranging from large nightclubs to small restaurants. These recommendations are designed to give flexibility to these different types of businesses and their unique needs.

These guidelines are adapted and expanded from the original “Best Practices in Public Safety for Nightlife Establishments,” published by the Boston Police Department and its partner organizations (2019).

This document will be reviewed periodically to ensure it reflects best practice recommendations.

Security Personnel

Businesses should have security present if they anticipate 50 or more patrons. Businesses with live entertainment after midnight are especially encouraged to hire security. Businesses should have one security guard for every 50 patrons. Managers should use discretion to determine the appropriate number of security personnel for any events based on the anticipated crowd. The goal of having security personnel present is to ensure public safety and maintain order. Businesses should consider that safety benefits are often amplified when they hire security personnel to work in pairs.

For every five security guards, businesses should hire one security supervisor to oversee the security team.

Security personnel should be visible and be distinctively and uniformly attired.

When feasible, security guards should be spread out and roaming throughout the licensed premise and not just watching the door.

Training

Businesses should ensure all employees are adequately trained for their position.

All staff should include training on how to de-escalate encounters that have the potential to turn violent. De-escalation training is particularly important for security personnel.

Security staff should also be trained on identification checking, working the door, and line management techniques.

All staff should be trained on alcohol intoxication and signs that someone has been overserved. This training is particularly important for any staff that is expected to serve alcohol. Businesses can be liable for harm that results from patrons that they overserved.

Staff should also be trained on the signs of drug intoxication, drug overdose, and drug trafficking.

All staff should be trained in preventing sexual assault. Training should include information on how to identify predatory behavior and how to appropriately

intervene. More information on this recommendation is included in the Sexual Assault section below.

All staff should complete the appropriate trainings within 30 days of hire and be required to attend refresher courses on an annual basis.

Businesses should maintain communication with ABC and LMPD about trainings being offered through the late-night safety work group, and encourage their employees to attend these free trainings.

Proactive Security Procedures

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Businesses should ensure that lighting inside and outside of the business is sufficient to allow security personnel to monitor safety concerns.

Businesses should provide free phone charging stations for their patrons to ensure that patrons can communicate and call for assistance if they need help, or can be located if they are missing. These stations should be clearly marked.

Businesses are encouraged to utilize license readers and retain the data for at least 30 days. Louisville Metro ABC currently utilizes a program called Age ID by Intellicheck. The program can be used on a smartphone or tablet to detect fake IDs. The program is very user friendly and can store records for long periods of time. Age ID can also create a “ban list”.

Patrons waiting to enter an establishment should be placed in a line that does not block the sidewalk. All individuals in admission lines should be informed that if they are not orderly, they will not be admitted. Individuals who are not planning to enter the business should be encouraged to leave the line area so as to ensure order and not block the sidewalks.

Businesses are responsible for ensuring that all patrons depart the area in a timely and safe manner. It is recommended that security or other staff check the outside perimeter of the business thirty minutes after closing to ensure that all patrons have safely exited the area.

All bathrooms, hallways and other rooms should be checked at closing time for any patrons to ensure all patrons have safely exited.

Larger businesses should set aside an area as a “customer care” area to facilitate the rendering of aid should a patron need assistance. This area should be clearly marked.

Video Surveillance

Businesses should have surveillance cameras mounted to show patrons entering and exiting licensed premises. Larger businesses should also consider additional cameras to cover additional entrances, exits, restroom entrances/exits, dance floors, hallways, stairwells, and—if necessary—parking lots.

Businesses should have protocols in place to ensure selected employees are designated to oversee the camera system, that all cameras are checked on a periodic basis to ensure they are working properly, and that footage is maintained and is available if needed. Camera footage should be maintained for at least 30

days, and businesses should make footage available to LMPD or ABC upon request.

Businesses should maintain a diagram of the floor plan that includes the location of all security cameras. This information should be kept with the security plan (if applicable), and an electronic copy should be available to provide to LMPD if necessary.

Ejection/Removal Policy

Licensed premise's policy should mandate an ejection protocol.

The protocol should contain:

- Procedures for handling unruly or violent patrons, including when and how to notify LMPD
- Procedures for safely removing any severely intoxicated person

KRS 244.080 prohibits retail sales to a “actually or apparently under the influence of alcoholic beverages, controlled substances, other intoxicating substances, or any of these substances in combination, to the degree that the person may endanger any person or property, or unreasonably annoy persons in the vicinity.”

For example, a policy regarding safe removal of severely intoxicated persons might include the following:

Security officers or other staff should consult with the manager before a decision is made to remove a severely intoxicated patron. If a severely intoxicated patron is removed, all efforts should be made to identify a companion/friend of the party prior to the removal and to ensure that the companion/friend plans to get the patron safely home. If no companion can be found, the patron should be escorted out by security and/or a manager.

Once outside, if a responsible person cannot be located to assist this patron then the manager should call 574-7111 or 574-2111 for Metrosafe to request police or other appropriate assistance. Businesses are encouraged to familiarize themselves with the available resources and make sure that staff understand what resources are most appropriate in a given situation. Reasonable attempts, absent physical restraint, should be made to prevent a severely intoxicated patron from leaving by themselves due to safety concerns. If appropriate to the circumstances, businesses should consider calling the intoxicated person a taxi, or a ride company, such as Uber or Lyft. If a severely intoxicated patron leaves a business by themselves then security personnel should note the person's physical and clothing description and the direction the intoxicated patron was heading and provide that information to the Metrosafe dispatcher/calltaker and (if applicable) the first responders. If possible, a photo should be taken of the

intoxicated person to provide to first responders upon their arrival. Businesses should communicate with other nearby establishments regarding the severely intoxicated person and the fact that they have been ejected from the premises.

Searches

If metal detectors are used for entry, every patron should be scanned by magnetometer in accordance with the business's policy. VIPs, DJs, promoters, entourages, etc. should not receive special treatment and should likewise be scanned.

For special events, businesses should have a search policy and adhere to it. (This may vary from no one being searched, to all bags being searched, to random searches being conducted, to everyone being searched). This ensures that, in the event of an incident, the responding Louisville Metro officials will have a basis to know if the occupants have been searched and what, if anything, was found.

Owners / Management

Management should establish open lines of communication with other businesses to share information on individuals of concern (i.e. individuals who start violent altercations, have engaged in sexually predatory behavior, etc.). Businesses are encouraged to utilize mobile applications for real time sharing of pertinent information.

Management should establish open lines of communication with their LMPD Division Commander or his/her representatives.

Management should periodically review their security plan, and applicable laws and regulations with employees at staff meetings. Businesses should conduct background checks on security personnel to check for any incidents involving unjustified use of violence in the staff members past. Management should verify local licensing for security personnel if the security personnel are armed. Businesses should not hire unlicensed armed security personnel. Management should know and make readily available to all staff the telephone number of the local police division.

Businesses should encourage employee witnesses to go to court and testify when necessary and should consider provide paid time off to do so.

Problem Patrons

Identifying information on patrons who have been removed for public safety concerns should be retained on a “barred list” database. Patrons who have been barred should not be allowed subsequent re-entry for a set period of time. Businesses are encouraged to share information about patrons who have caused public safety concerns with other businesses. Public safety concerns could include, but not be limited to, bringing weapons into establishments, engaging in sexually predatory behavior, engaging in violent acts.

Establishments should safeguard evidence connected with the commission of a crime on the premises and should isolate and preserve any area in which a crime was committed in order to maintain the integrity of any crime scene.

Establishments should not begin cleaning up any debris, blood, or other items until so instructed by the police. Establishments should contract with a hazardous waste remediation company to respond and clean any areas that have biohazards such as blood.

Intoxication

Kentucky law and common sense prohibit a licensed premise from serving alcohol to a person who is intoxicated or appears to be intoxicated, or from permitting someone else to serve the intoxicated person. It is of course in the best interest of everyone to prevent incidents. All employees should be highly aware of the signs of severe intoxication. These include:

- 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, or puffy.
- Fumbling or dropping of glass, ID, cash, etc., or misjudging distance.
- Unusual physiological symptoms, e.g., vomiting, excessive hiccuping, losing focus, sleepy or fainting.

Businesses should 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. Employees must notify a manager of

any severely intoxicated patron, so that the manager may watch over the individual, provide for the safety of the intoxicated patron, and (if necessary) assist in escorting the intoxicated patron from the premise.

If bottle purchases are allowed, staff must take sufficient steps to ensure that the tables are closely monitored to prevent underage drinking or over consumption. Note: A bottle of wine with a meal is the only allowable way to purchase a bottle in Kentucky. Establishments with Quota Retail Drink (Liquor) may only serve “by the drink”. If an establishment has a package license, the bottle can not be opened or consumed on the premises.

Sexual Assaults

Management and employees can help to prevent their premises from being exploited by sexual aggressors, who may seek to take advantage of vulnerable patrons. Alcohol is the most common substance aggressors use to facilitate sexual assault. The environment around a sexual aggressor can make a difference in the behavior.

Young women are statistically more likely to be the target of unwanted sexual attention and aggression, but anyone may be a target. Aggressors often present themselves as friendly, seeking to get to know a target, buying them drinks, or otherwise displaying a romantic interest. Aggressors may also engage in unwanted contact such as pressing up against someone on the dance floor, groping, or “up-skirt” grabbing. If bar staff notice any of these behaviors, it may be useful for them to ask the target if they would like any intervention and/or keep a close eye on the situation, and call 911 if necessary.

Escalation can also take place off-premises. A common scenario is for an aggressor to initiate an interaction on the premises, isolate the target from his/her friends, and then persuade or pressure the target to leave with him/ her. Employees should be attuned to behavior that seems overly familiar or aggressive under the circumstances, especially if the potential target is visibly intoxicated or seems impaired.

Business staff should offer to call a cab for the vulnerable or impaired person, and closely observe as patrons leave to see if they seem to be able to navigate safely. Security personnel at the door or outside are well-positioned for this responsibility and should observe when patrons leave. They should also take general note of whom patrons arrive with and whether they leave with the same group or someone else. Note that aggressors may seek to get targets drunk or drugged,

encourage them to get some air, and then pull up in a car or hail a cab to take them away.

If staff sense that something is awry, staff should intervene and ask the potential target in front of others how they're doing or if they need some help. Staff can also use distraction techniques to separate the target from aggressor, such as telling the potential target that his/her friends are looking for him/her. Managers and staff should make every reasonable effort to keep patrons safe and proactively intervene if they observe any suspicious or problematic behavior.

All staff should receive sexual assault awareness training that will help them be aware of patron behavior and recognize potential perpetrator behaviors that may lead to sexual assault, especially as these employees work in or pass through areas that are dark or restricted. As part of their training, employees should be instructed to immediately report any suspicious behavior to a supervisor or manager.

Businesses are encouraged to send a clear message that there is zero tolerance for sexual assault by posting signs letting patrons know that their safety is a priority. Signs should state that patrons should approach any staff member for assistance.

Management should communicate to employees, ideally by establishing a written policy, that they should support proactive efforts to address suspicious, aggressive, or predatory behavior.

Employees

Businesses should maintain a file of contact information for all employees and for all individuals contracted to provide operational services such as DJs, security personnel, lighting and sound technicians and promoters.

Businesses should designate a specific person to be in charge of the premises at all times. The contact information of this person should be made available to LMPD and ABC.

Businesses should provide contact information for 24-hour access to the premises in case of emergency.

Businesses should discourage employees from drinking alcoholic beverages or taking drugs while on duty, particularly if the employees are responsible for overseeing the safety of others.

Businesses should designate clean-up staff inside and outside the venue. All flyers, handbills, cups, debris, etc. should be cleaned from in front of the premises throughout the night and 30 minutes after closing.

Businesses should designate specific employees to occasionally conduct occupancy counts and inspect fire exits to ensure they are clear.

Age Verification

ID should be checked for every person seeking to purchase, obtain, possess, or consume alcohol. There should be no exceptions made to this policy, including for anyone brought into the premises by an employee or promoter. Management should make it clear to promoters, DJs and others that they are not to steer underage patrons around security in order to evade ID checks. If a business is not using wristbands or other means to distinguish minors from other patrons, the business should conduct a second check of the ID at the time of purchase.

Promoters

Businesses that contract with promoters will be held responsible if promoters engage in or encourage irresponsible or unsafe activity in the premises. Therefore it is incumbent upon management to take adequate precautions when dealing with promoters, who are much less likely to suffer the consequences of illegal conduct, incidents or administrative violations than the business itself. Businesses should work with promoters who have proven records of responsible performance.

Businesses should only work with promoters who are professional. Promoters should be required to provide full contact information for themselves and anyone they hire to work in the establishment. If the promoter is insured, the venue should be listed as an additional insured on all relevant policies.

Businesses should require that all promotional materials be approved by the venue prior to being published or released to the public.

Businesses should make absolutely clear to promoters what their policies are, especially regarding admission of those under 21 years of age, and make clear that promoters are expected to fully adhere to these policies.

Businesses should have representation at the door to ensure that all door policies are adhered to by promoters and their employees. Management should reserve

the right to refuse entrance to any guest pursuant to their existing admission policies.

All guests and members of the promotional team must be treated the same as all other patrons, with respect to the establishments search and ID checking policies.

Businesses should check the past performance of promoters before considering contracting with them, by inquiring of any past problems, how they operate, and how responsive they are to problems or concerns.

Premises Policies/ Security Plans

Businesses are encouraged to have written policies and security plans that incorporate the guidelines suggested in this document. The security plan should inform all employees how to handle situations

- Illnesses or injuries from fights
- Disorderly patron
- False ID, drug use
- Recovered weapon

The plan should also include:

- Procedures for permitting patron entry
- Emergency evacuation plan
- Exit plan for a gradual staged exit prior to and at closing time
- to establish and maintain order inside and outside the premises.
- Security training (conflict resolution, handling violent incidents, contacting LMPD, crowd control, preventing overcrowding)
 - How security staff employees are stationed inside and outside of the establishment
 - The number and location of security cameras
 - Criteria for items to be entered in the establishment's "activity and incident log"

A professional looking sign containing a patron code of conduct should be displayed inside the business, and the rules of this code of conduct should be enforced.

When a business has residential neighbors in the same block, they should post a sign at the exit(s) encouraging patrons to be quiet and sensitive to the neighbors as they depart the venue.

Businesses must keep all licenses and permits up to date and conspicuously posted for public review.

Businesses must ensure that their policies are adhered to.

Serious Incident Policy

If a crime or serious incident occurs:

- Call 911
- Generate an incident report with full details
- Preserve the crime scene

Businesses should take these steps regardless of if an incident occurs inside or outside of an establishment.

Nightclub Fire Safety Best Practices

Nightclubs are one of the most challenging assembly occupancies regarding fire issues. The challenges are complicated by: loud music, limited lighting, alcohol impairment, crowding, and the desire by promoters to use pyrotechnics, sparklers, and additional set-ups.

All staff must know and practice the emergency fire evacuation plan. Staff should be aware of the status of all exits and keep them free and clear of any obstructions both inside and outside leading to the public way. Keep the front (main) entrance clear and free of obstructions, particularly patrons entering or waiting to enter.

Do not delay the notification of any fire incident to the fire department; call 911 immediately.

Ensure that valet services do not block exits, fire hydrants and Fire Department Connections (FDC) to the Standpipe/Sprinkler Systems.

Ensure all exit signs are illuminated and working and that all emergency lighting is functioning properly. Utilize the test button to ensure its operation. Remember some emergency lighting may be powered by the building generator system.

Pay particular attention to fire extinguishers. They should be present, properly mounted, and fully charged. Extinguishers should have current inspection tags (within 1 year) and be of appropriate size and type.

Furniture shall be arranged in accordance with the approved occupant/ egress plan. Be mindful of the placement of valet, vendors, and event set-ups. Make

sure they are not placed in such a way that would interfere with emergency and or evacuation procedures, routes, and exits.

Trash and combustibles should be removed from the building on a regular basis to avoid the possibility of ignition. Full trash cans are a ready source for ignition.

Terrorism and the Nightlife Industry

This section is not intended to alarm business owners, but rather is intended to provide information about terrorism and best practices for the nightlife industry. Terrorism is a criminal act designed to manipulate an audience beyond the immediate victims. There have been many examples of terrorist acts occurring in nightlife establishments in recent years.

Establishments should have a Counterterrorism Awareness and Response Plan. It should be simple, clear, and flexible.

Establishments should assign responsibility for counterterrorism awareness and security planning to one senior managerial employee, usually the same person responsible for other types of security. This individual should have sufficient resources and authority to accomplish this responsibility.

The Counterterrorism Awareness and Response Plan should include:

- Details of the security measures to be implemented, including personnel assigned to carry them out, with designated back-up personnel assignments.
- How to respond to a threat, such as a bomb threat or threat of attack delivered by telephone or in person.
- How to respond to the discovery of a suspicious device.
- A search plan.
- An emergency evacuation plan.
- A communications plan, which includes instructions for liaison with the police and other emergency services, and guidance for dealing with inquiries from the media, and inquiries from concerned family members.

The Counterterrorism Awareness and Response plan should include the “Seven Key Instructions,” for dealing with most incidents involving the discovery of an unusual situation or a suspicious item or package:

1. Notify the police immediately.

2. Do not touch the suspicious items.
3. Move *everyone* away to a safe distance.
4. Prevent others from approaching the suspicious item. Cordon off the suspicious item with yellow tape.
5. Communicate with staff and patrons in a manner designed not to create alarm.
6. Do not use radios and cellular phones in the immediate vicinity of the suspicious item.
7. Ensure that witnesses—whenever found the item or witnessed the incident—remain present to talk to the police.

All staff should be trained on the counterterrorism awareness and response plan so that they understand their responsibilities, and have a general understanding of sound counterterrorism practices. Refresher training and training of new employees should be conducted periodically.

All staff should be trained as to when and how to notify the police and senior management. Management should be notified whenever staff notices anything unusual or suspicious in any way. The police should be notified any time a possible threat exists. Call 911 for emergencies and crimes occurring or about to occur.

All establishments should have a written evacuation plan. All employees should be trained on the plan, understand their specific responsibilities under the plan, and should have a general understanding of the workings of the plan.

The evacuation plan must include clear communication to staff and patrons. All routes, exit plans and assembly areas must be well defined. Staff members should be trained to act as marshals (leaders/coordinators) and contacts once the evacuation assembly area is reached. The plan should include at least two alternative evacuation assembly areas.

In case of an evacuation, the establishment must notify the police regarding the reason for the evacuation, and the evacuation route and the assembly area being used.

Establishments should notify neighboring businesses and consult with them when designing an evacuation plan to ensure that both establishments are not planning on using the same assembly areas.

Small maps of various evacuation routes can be printed on the reverse of employee's ID cards and/or access control cards.

When designing evacuation plans, establishments should remember that secondary explosives are used by terrorists to inflict casualties on people fleeing an initial attack. Therefore, the evacuation plan should include alternate assembly areas. This will make the use of a secondary device at the assembly area more difficult for the terrorists.

Business should have a communications plan for communicating with employees, vendors, and neighboring businesses in the case of an incident.

Rideshare Safety

Rideshares, such as Uber and Lyft, can improve public safety by providing patrons who have been drinking with a safe option to get home. Rideshares are encouraged, and businesses should develop a plan for how to allow patrons to utilize ridesharing without creating traffic safety hazards. For

example, businesses may want to consider setting aside a designated “ride share pickup” area outside their establishment.

If requesting a ride late at night, riders should consider requesting a ride while still inside so as to avoid spending unnecessary time alone outside. Riders should make sure that they get in the correct vehicle and that they buckle up.

Reminder of Legal Obligations Under State and Local Law

Below are some of the most common issues enforcement partners encounter at late-night businesses. Businesses should regularly remind their staff of these legal obligations.

- **Noise Ordinance:** Metro Code of Ordinances § 99.02 makes it unlawful for anyone to “to make, continue, or cause to be made or continued, any unreasonably loud, harsh or excessive noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others[.]” The ordinance defines an “unreasonably loud, harsh, or excessive noise” as “any manufactured noise plainly audible at a distance of 50 feet from its point of origination or emanation.” This means that any business that is playing music loud enough to be plainly heard 50 feet away from the building is in violation of the noise ordinance and can be cited.
- **Gun Prohibitions:** KRS 244.125(1) prohibits any one from carrying a loaded firearm in a room where alcoholic beverages are being sold at a retail establishment licensed to sell alcohol “by the drink.” This means that late night businesses making most of their revenue from selling alcohol by the drink should not permit people to carry loaded firearms into their facility. Businesses violating this law can be cited.
- **Litter:** Metro Code of Ordinances § 156.052 requires owners maintain their property “in a clean, safe and sanitary condition, free of all garbage, rubbish, debris, waste, and trash.” It also states that it is “unlawful for any person to place, throw, leave, or permit to remain any rubbish waste, debris, or garbage upon any real property of which they are an owner or occupant.” This means that businesses

owners—regardless of if they own their property or not—are responsible for ensuring that the property is litter-free. Businesses in violation can be cited.

- **Nuisance:** Metro Code of Ordinances § 156.057 clearly states that criminal activity—such as drug trafficking, assault, and drug paraphernalia offenses—on a business property can be grounds for declaring the property a public nuisance. It further states that the owner is “deemed to have knowledge of such [criminal] activity” once they have been given notice by Codes and Regulations. If a second violation occurs, and the nuisance is not abated, Codes and Regulations can issue an order to close and vacate. This means that if you are allowing criminal activity to occur on your property, you run the risk that your business will be closed.