

Danger And Liability From Drunks Acting Up In And Out Of Hotel Bars.

Hotel bars remain a focal point of liability potential especially when fueled by incorrect and risky reactions by hotel employees--bartenders, bouncers, security officers--to the drunken behavior of patrons. That's the conclusion of three hotel security consultants who specialize in training hotel personnel in defusing potentially violent situations that can also lead to lawsuits and liability.

"There are a lot of hidden risks in hotels that don't come up in other kinds of alcohol establishments," says Bob Pomplun, Golden Valley, MN, a consultant specializing in hotel security. "Most lawsuits occur from happy festive events, like wedding receptions with open bars and special events where people stay overnight. When the intent is to drink more than the norm, you have to be aware and serve them less...Very few servers understand the criminal liability they have." The best way to address the danger is before the fact, he notes. "Have a solution to it before the problem occurs. Every employee should give the same response for a solution based on what they're told to do and how to do it. That's how you address the problem before it has opportunity to become a tragedy."

Ideally, establishments would have a full-time employee dedicated to security in the bar, but most do not, observes Mark Gleckman, a consultant with Security Management Services, Valencia, CA. "The hotel will have a security officer, but if he's elsewhere in the hotel when trouble breaks out, by the time he gets to the lounge it's too late," Gleckman says. "Then what's the bartender supposed to do--jump over the bar and get in the middle of it? My recommendation is always to have a lounge manager trained in how to handle a situation as opposed to a big, burly guy at the door." Security should be there to protect other patrons, observe and report what happened, and not get in the middle of a fight between drunks without a strong advantage in numbers. "That's how you get yourself killed. A drunk isn't going to listen to you. If you have three people against one, that's a different story. But otherwise it's a hard thing to do. Who's going to jump in there besides some masochist? These guys aren't afraid to break a bottle over your head. Now you're dealing with weapons, and security officers are unarmed.

"Call the police," Gleckman says. "Call the hotel manager. You don't want to let it go on and on nor take it on yourself, so bring as many people as you've got in there as a show of force. If everyone was trained on conflict resolution, that

would really help though I haven't seen many places doing that." Failing that, he suggests other measures: serve water, not coffee, to calm down a drunk. The caffeine in the coffee is a stimulant and will make him more agitated. Also, pay attention to patrons' speech and movements to recognize someone who has had enough.

Finally, when a security officer becomes involved, be diplomatic about it, says Gleckman. "When a macho type of security officer stands in front of a guy with his arms crossed, looking down with an attitude that says, 'Yeah, try it,' he's going to set the guy off. Instead, stand at an angle; give him three feet between you. There's a way to be diplomatic about the whole thing and a way to be macho, and people react to that. If the subject is a hotel guest and you know his name, it's best to address him by name. That has a calming effect because he knows you know who he is. People have a tendency to react differently than if you just said, 'Will you shut up?'"

Dennis Rovere, Calgary, Alberta, teaches members of the Canadian hospitality industry about liability and security techniques. "Some people we find working in bars have martial arts backgrounds, but they've all learned techniques they shouldn't be using," Rovere says. "They can be dangerous and in some cases leave residual physical damage." Instead of a "physical intervention," he suggests a diplomatic approach. "Present yourself in a positive light. A bouncer may say 'settle down or I'll break your arm.' But then you've established intent to harm. I had a client whose bouncer said something like that and escorted a patron outside. Then the patron stumbled, fell down, and broke his arm. He found a number of people inside the bar who testified to what the bouncer said, and now the bouncer has a criminal record for assault."

Verbal skills are more important than physical ones for bar security almost every time, according to Rovere. "Ninety-nine percent of the times bouncers use restraints, they're asking for trouble because they're using them wrongly." Should that approach fail, two precautions can be helpful in protecting an establishment from a liability suit, Rovere says. First, write and post guidelines to inform staff of proper procedures. "It's best to do these in conjunction with legal counsel. It's one thing to tell the employees what to do, but it's better to put a whole package of material together so the staff can refer to it at any time." Second, keep an incident log with the basic facts of every occurrence: who, what, when, where, and why. "Then even if your doorman isn't there anymore, you can look it up six months later when he tries to sue you and find out your employee didn't even touch the guy. Memory is a wonderful thing but it's not very good most of the time. Having something written can save a lot of problems."

One such case, in Canada, demonstrates that drunk bar patrons can spell liability trouble for drinking establishments, sometimes even after they leave. At James Shymka's Town and Country Motor Hotel in Calgary, the patron, a regular at the club, had actually left the bar before an incident on September 30, 1994. Encountering a couple in the parking lot, he "stuck his nose into their conversation." Then the man punched the bar patron, flooring him. The patron then sued the bar for liability, specifically for failing to provide security in the parking lot.

What can a landlord do? Even barring the expense of adding parking lot security, posting bouncers outside the establishment is dangerous because it can prolong conflicts between them and expelled patrons, Shymka says. "When you eject someone causing trouble, nine times out of 10 he's deflated and goes home. He doesn't want to be outside in the parking lot. When bouncers are out there with him, that's when he tries to provoke them and ultimately gets hurt." The case is still pending.