



Best Practices for
Nightlife Establishments

October, 2007



Developed in cooperation with the
New York City Police Department and the New York Nightlife Association

BEST PRACTICES FOR NIGHTLIFE ESTABLISHMENTS

DEVELOPING A SAFE NIGHTLIFE ATMOSPHERE

The goal of this document is to assist nightlife 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 NYPD together with the New York Nightlife Association have developed these guidelines as suggested ways to achieve that goal. They are meant as a general road map for owners and managers, not as a list of laws applicable to all establishments and all situations. Use your best judgment while keeping these suggestions in mind and adapting them to your specific establishment.

SECURITY:

1. As a general guideline, there should be a minimum of one licensed and trained security guard in every premise when 75 or more patrons are present at the same time. For larger premises, there should be one such security guard for every 75 club patrons present. 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 based on the event or 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 guard company must be licensed by the NYS Department of State.
3. Security guards should be trained in techniques to de-escalate potential 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 club. Establishments must call 911 to report criminal activity, and may call 911 or otherwise notify police for assistance in these circumstances. Similarly, call 911 to report serious medical emergencies such as drug overdoses.
5. It is recommended that for every five (5) security guards there be one (1) security supervisor to ensure a minimum span of control of one (1) security supervisor for every five (5) subordinates.
6. It is recommended that security guards be distinctively and uniformly attired – very easily identified.
7. It is recommended that security guards be spread throughout the establishment and not just at the door.
8. Coat check should include the customer's ability to check bags. It is recommended that establishments install anti-theft environmental designs such as drawers, shelves and hooks for customers who choose not to check bags. Ensure control and order are maintained in coat check area, especially at closing time. Customers should be encouraged to check coats and bags so as to avoid thefts.
9. Perpetrators should be detained by security through lawful means. Witnesses should be encouraged to wait for the police to arrive in order to assist in the investigation. At a minimum, they should be asked to provide their identifying information so that they may be contacted by the police in the future. They should also be encouraged to make a statement to establishment personnel regarding the incident, if the establishment so requests. Establishments should act as complainants in appropriate cases.

SECURITY (cont'd):

10. Establishments should encourage employee witnesses to go to court and testify when requested, and pay wages to them for their time.
11. Digital video of any unlawful conduct should be identified and provided to the NYPD when requested.
12. Identifying information on ejected and/or arrested patrons should be retained on a "banned list" database. These patrons should not be allowed subsequent re-entry.
13. 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 the bathroom doors.
14. It is helpful to learn if all of these efforts are working. To that end, hire an independent security consultant to ensure club security and other laws and policies, including laws prohibiting sales to minors, are being adhered to.
15. Ensure that levels of lighting inside and outside the establishment are sufficient for observation by security.
16. All those awaiting admission should be placed in a line, not blocking the sidewalk. All individuals on 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.
17. At closing, security is to ensure orderliness when patrons are exiting the establishment.
18. If metal detectors are used, **every patron should get mag'ed** in accordance with establishment policy, and vip's, dj's, entourages, etc. **should not receive special treatment.**
19. Establishments should safeguard evidence connected with commission of a crime on the premises and should maintain the integrity of any crime scene.
20. 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.
21. Management should know and make readily available the telephone number of the local precinct and the name of the commander of the precinct cabaret squad, if applicable.

EMPLOYEES:

22. All employees must have a photo ID on file in the location, with a description of his/her position and contact information.
23. Establishments should also have contact information for all individuals contracted to provide operational services such as DJ's and promoters.
24. 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 the hours of operation, must be available to appropriate government agencies.
25. 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.

EMPLOYEES (cont'd):

26. Designate specific employees to conduct occupancy counts periodically throughout the night.
27. Managers should identify themselves to responding government agencies.

AGE VERIFICATION:

28. **The use of ID scanning machines** is strongly recommended. While they do not reject legal ID's being used by another individual nor are they foolproof in rejecting fake ID's, they are extremely helpful in recording who is entering the establishment.
29. Some machines are able to:
 - Verify an ID is valid (ABC Law requires government issued ID only)
 - Record notes – identify problem people
30. Retain ID for 14 day minimum – must be turned over or made available to the Police Department on request and in some circumstances may be used in defending a charge of serving a minor.
31. 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 club.
32. Machines are not to be used for marketing or advertising.

CLUB POLICIES - SHOULD BE CLEAR AND WELL KNOWN:

33. **DO NOT ADMIT ANYONE UNDER 21, except that those under 21 may be admitted to establishments when operated primarily as restaurants during those hours in which meals are served.**
34. 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 over consumption.
35. 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.:
 - illnesses or injuries
 - fights
 - patron refuses search or pat down
 - disorderly patron
 - false ID
 - drug use
 - citizen arrest
 - recovered weapon
36. The establishment policy handbook should also include:
 - emergency evacuation plan
 - exit plan – gradual staged exit at closing to ensure orderliness
 - order maintenance outside premises

CLUB POLICIES - SHOULD BE CLEAR AND WELL KNOWN (cont'd):

37. A professional looking sign containing patron code of conduct rules should be displayed inside the establishment.
38. When an establishment has residential neighbors on the same block, post a sign encouraging patrons to be quiet and sensitive to the neighbors.
39. All permits must be kept up to date and readily available if needed.
40. Management is to ensure that club policies are adhered to.
41. If a criminal incident occurs, an incident report listing full details should be generated and maintained for three years. Attached is a suggested form which may be used for this purpose. Also attached is a set of best practices which has been developed for responding to serious criminal incidents.

POLICE – COMMUNITY RELATIONS:

42. A list of all scheduled events should be sent to the community affairs officer in the local precinct. In the case of a special event, such as a celebrity performance or party, 72 hours' notice, when possible, should be given to the precinct, and the establishment should ensure that adequate and additional security personnel are employed to meet the specific expected crowd.
43. Each establishment should have a search policy and adhere to it. (This may vary from no one is searched, to all bags are searched, to random searches are conducted, to everyone is searched.) This ensures that upon arrival, the precinct commander and the officers will have a basis to know if the occupants have been searched and what, if anything was found.
44. Representatives of establishments are welcome at Precinct Community Council meetings, and should attend as many as possible.
45. The Precinct Commander and establishment owners should meet as necessary in order to discuss with each other operational issues, solutions to common problems, problem locations, etc.

RESPONSE TO SERIOUS CRIMINAL INCIDENTS – **“THE CRIME SCENE”**

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 physical assault is either unconscious, or is obviously in need of immediate medical treatment, for a serious or 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 fall within the 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 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 911 immediately.
2. Establishments should make clear to all managers, employees and private contractors that they are expected to tell the truth to the Police investigators.
3. Do not clean up 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 yellow “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 assaults will rarely have recognizable evidence at the scene of the occurrence. Establishments should therefore “overprotect” 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 are 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, to asking for and retaining their ID's, and giving them to the responding Police Officers.
7. Establishments should know what parking facilities are commonly used by their patrons. 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 by which they left, and the identity or description of any people they left with should be provided to the responding Police Officers.

Post-Incident (cont'd):

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 the club. This material should be identified to the responding police officers immediately. Employees of nightlife establishments should be cognizant that in certain circumstances, tampering with physical evidence can be a crime. See, for example, Penal Law § 215.35 Tampering with physical evidence; definitions of terms, and Penal Law § 215.40 Tampering with physical evidence, which are included at the end of this document.
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 the rest rooms, should have enhanced lighting. This will make the images 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 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 need not be a witness to the incident, but is responsible for interviewing the witnesses and completing the report. The report should be maintained by the establishment for a minimum of the three-year statute of limitations for negligence law suits.
13. Obviously, these best practices apply to serious incidents that occur inside the establishments. However, important evidence may exist inside the establishment even if the crime occurs outside the establishment, 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:
 - financial records of their purchases
 - video images of involved parties
 - images of scanned ID's
 - glasses and utensils used by the involved parties, which may yield identifying information such as fingerprints and DNA
 - observations of witnesses which may aid in a subsequent ID of involved parties

Relevant Penal Law Sections:

Section 215.35 Tampering with physical evidence; definitions of terms.

The following definitions are applicable to section 215.40:

1. "Physical evidence" means any article, object, document, record or other thing of physical substance which is or is about to be produced or used as evidence in an official proceeding.
2. "Official proceeding" means any action or proceeding conducted by or before a legally constituted judicial, legislative, administrative or other governmental agency or official, in which evidence may properly be received.

Section 215.40 Tampering with physical evidence.

A person is guilty of tampering with physical evidence when:

1. With intent that it be used or introduced in an official proceeding or a prospective official proceeding, he (a) knowingly makes, devises or prepares false physical evidence, or (b) produces or offers such evidence at such a proceeding knowing it to be false; or
2. Believing that certain physical evidence is about to be produced or used in an official proceeding or a prospective official proceeding, and intending to prevent such production or use, he suppresses it by any act of concealment, alteration or destruction, or by employing force, intimidation or deception against any person.

Tampering with physical evidence is a class E felony.

INCIDENT REPORT

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ESTABLISHMENT INFORMATION									
Corporate Name					Doing Business As				
Date of Incident	Time of Incident <input type="checkbox"/> AM <input type="checkbox"/> PM	Location of Incident	<input type="checkbox"/> Coat Check	<input type="checkbox"/> Bar	<input type="checkbox"/> Rest Room	<input type="checkbox"/> Dance Floor	<input type="checkbox"/> Outside	<input type="checkbox"/> Other (Specify)	
Report Prepared By					Signature			Date of Report	
PATRONS INVOLVED OR WITNESSING INCIDENT (Use Additional Form(s) if Necessary)									
1. Name		<input type="checkbox"/> Victim	Race		<input type="checkbox"/> White	<input type="checkbox"/> White Hispanic	<input type="checkbox"/> Other (Specify)		
		<input type="checkbox"/> Aggressor			<input type="checkbox"/> Black	<input type="checkbox"/> Black Hispanic			
		<input type="checkbox"/> Witness			<input type="checkbox"/> Amer. Ind.	<input type="checkbox"/> Asian/Pacific Isl			
Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Height	Weight	Eye Color	Hair Color	Date of Birth	ID Source			
Address			Apt. No.	City	State		Zip Code		
Home Phone No.		Cellphone No.	Business Phone No.		Fax No.		Email Address		
Vehicle Make/Model/Color					License Plate or Taxi Medallion No.				
Distinguishing Marks (Describe Any Scars Tattoos etc.)									
Was Patron Asked To Leave Premises? <input type="checkbox"/> Yes <input type="checkbox"/> No		Patron Escorted From Premises? <input type="checkbox"/> Yes <input type="checkbox"/> No		If Yes, How Was Patron Escorted From Premises					
Did Patron Resist? <input type="checkbox"/> Yes <input type="checkbox"/> No		If Yes, Describe				Was Intoxication Noticeable Before Or After The Incident?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Name		<input type="checkbox"/> Victim	Race		<input type="checkbox"/> White	<input type="checkbox"/> White Hispanic	<input type="checkbox"/> Other (Specify)		
		<input type="checkbox"/> Aggressor			<input type="checkbox"/> Black	<input type="checkbox"/> Black Hispanic			
		<input type="checkbox"/> Witness			<input type="checkbox"/> Amer. Ind.	<input type="checkbox"/> Asian/Pacific Isl			
Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Height	Weight	Eye Color	Hair Color	Date of Birth	ID Source			
Address			Apt. No.	City	State		Zip Code		
Home Phone No.		Cellphone No.	Business Phone No.		Fax No.		Email Address		
Vehicle Make/Model/Color					License Plate or Taxi Medallion No.				
Distinguishing Marks (Describe Any Scars Tattoos etc.)									
Was Patron Asked To Leave Premises? <input type="checkbox"/> Yes <input type="checkbox"/> No		Patron Escorted From Premises? <input type="checkbox"/> Yes <input type="checkbox"/> No		If Yes, How Was Patron Escorted From Premises					
Did Patron Resist? <input type="checkbox"/> Yes <input type="checkbox"/> No		If Yes, Describe				Was Intoxication Noticeable Before Or After The Incident?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
3. Name		<input type="checkbox"/> Victim	Race		<input type="checkbox"/> White	<input type="checkbox"/> White Hispanic	<input type="checkbox"/> Other (Specify)		
		<input type="checkbox"/> Aggressor			<input type="checkbox"/> Black	<input type="checkbox"/> Black Hispanic			
		<input type="checkbox"/> Witness			<input type="checkbox"/> Amer. Ind.	<input type="checkbox"/> Asian/Pacific Isl			
Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Height	Weight	Eye Color	Hair Color	Date of Birth	ID Source			
Address			Apt. No.	City	State		Zip Code		
Home Phone No.		Cellphone No.	Business Phone No.		Fax No.		Email Address		
Vehicle Make/Model/Color					License Plate or Taxi Medallion No.				
Distinguishing Marks (Describe Any Scars Tattoos etc.)									
Was Patron Asked To Leave Premises? <input type="checkbox"/> Yes <input type="checkbox"/> No		Patron Escorted From Premises? <input type="checkbox"/> Yes <input type="checkbox"/> No		If Yes, How Was Patron Escorted From Premises					
Did Patron Resist? <input type="checkbox"/> Yes <input type="checkbox"/> No		If Yes, Describe				Was Intoxication Noticeable Before Or After The Incident?		<input type="checkbox"/> Yes <input type="checkbox"/> No	

INCIDENT REPORT

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POLICE INFORMATION			
Were Police Called? <input type="checkbox"/> Yes <input type="checkbox"/> No	Responding Officer (Rank, Name)		Officer's Shield No.
Visible Injuries to Patron(s):		Complaint Report Taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Complaint No.
SPRINT No.: (Can be obtained from Responding Officer)			
Were Medical Services Offered? <input type="checkbox"/> Yes <input type="checkbox"/> No	Were Medical Services Refused? <input type="checkbox"/> Yes <input type="checkbox"/> No	Did EMS/Ambulance Service Respond? <input type="checkbox"/> Yes <input type="checkbox"/> No	Patron(s) Removed? <input type="checkbox"/> Yes <input type="checkbox"/> No

INCIDENT INFORMATION			
<i>Employees Involved (Describe How Below)</i>			
Name _____ Home Phone No. _____ Cell Phone No. _____			
Name _____ Home Phone No. _____ Cell Phone No. _____			
Name _____ Home Phone No. _____ Cell Phone No. _____			
<i>Employees Witnessing Incident</i>			
Name _____ Home Phone No. _____ Cell Phone No. _____			
Name _____ Home Phone No. _____ Cell Phone No. _____			
Name _____ Home Phone No. _____ Cell Phone No. _____			
Is There Video Surveillance of Premises? <input type="checkbox"/> Yes <input type="checkbox"/> No	Was Incident Captured on Video? <input type="checkbox"/> Yes <input type="checkbox"/> No	Was ID Scanned Upon Entry? <input type="checkbox"/> Yes <input type="checkbox"/> No	If Not, Was Record Made of ID? <input type="checkbox"/> Yes <input type="checkbox"/> No
Was Any Physical Evidence Recovered? <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, Describe Evidence _____		

DESCRIBE INCIDENT (Use Additional Form if Necessary)

This booklet is available on the internet at:
www.nyc.gov/nypd