Shootings raise questions of owners' duties

By Elisa Weinbach

ELENA WERNER/Staff Photographer

The largeest depicted, the big circle, is all property owners. Within that universe are property owners (bars, restaurants, shopping centers, etc.), who own or operate within a specified geographic area. In this case, that area is the immediate vicinity of the restaurant. Thus far, the heightened foreseeability of criminal acts has not rippled out to adjacent geographic areas. Owners of the restaurant and the bar are all property owners whose duty to prevent crimes is analogous to the duty of the restaurant to prevent crimes.

Weinstein went on to say that the increased foreseeability is not limited to the immediate vicinity of the restaurant. Rather, it is a duty to take reasonable steps to prevent crimes from occurring in a reasonable area of the restaurant’s property, even if those crimes are not directly related to the restaurant’s operations.

Weinstein further noted that the heightened foreseeability of criminal acts is not limited to the restaurant industry. Rather, it applies to all property owners who have a duty to take reasonable steps to prevent crimes from occurring on their property.

Weinstein concluded by saying that the heightened foreseeability of criminal acts has significant implications for property owners. It is incumbent upon property owners to take reasonable steps to prevent crimes, even if those crimes are not directly related to their business operations. Property owners who fail to do so may be found liable for failing to prevent crimes from occurring on their property.

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