

**ARKANSAS RETAIL MOTOR FUEL
FACILITIES/CONVENIENCE STORES:**

CRIME PREVENTION/DETECTION

By John Johnson, Mitchell Williams Law Firm

On March 15, 2019, Air Force Specialist Shawn McKeough was visiting the Valero gas station located at 601 West Broadway in North Little Rock, Arkansas. He was there with friends to buy some items from the convenience store section of the store. As his friends, other patrons, and he were shopping or waiting to check out, two individuals armed with handguns burst into the store and immediately ordered the clerk at the store to give them money. While the clerk was attempting to open the cash register door, Specialist McKeough rushed one of the robbers to thwart the aggravated robbery and was shot and killed. The two gunmen fled, having taken five dollars off the counter and the life of an American serviceman.

Nationwide, out of a total of 675,715 violent crimes reported to the National Incident-Based Reporting System (NIBRS), 20,108 incidents occurred at convenience stores in 2020. An additional 11,795 violent crimes occurred at gas stations. This means that convenience stores accounted for about 3% of violent crime, overall, in this country in 2020, and gas stations accounted for about 2%, according to new statistics released by the Federal Bureau of Investigation (FBI).

These statistics make convenience stores and gas stations the fourth and seventh most common locations for violent crime, respectively. Restaurants are the eighth most common location. NIBRS breaks down the statistics by reported instances of homicide, rape, robbery, aggravated assault, and property crime, which includes arson, burglary, larceny theft, and motor vehicle theft.

In 2020, Arkansas ranked fifth in the country in per capita violent crime according to data compiled by the FBI, with an occurrence rate of 671.9 violent crimes per 100,000 residents.

In other words, in North America, there are only four other states where one is more likely to be the victim of a violent crime at a gas station/convenience store/restaurant than in Arkansas. This is a foreseeable problem in search of a solution if not mitigation.

MAKING THE STORE SAFER FOR EMPLOYEES

While gas stations and convenience stores are frequently the scene of violent crime, some steps can be taken to deter criminal behavior and protect both employees and patrons.

Reduce access to the business:

All stores have multiple entrances for delivery, maintenance, and other intermittent, non-general public access. Without exception, all doors allowing entrance to the business, with the obvious exception of the main entrance, should always remain locked, except when necessary for deliveries, maintenance, and other permitted access when store employees monitor that door.

Create a safe room/storage room:

Store owners should consider utilizing and equipping their storage rooms for employee safety. All stores have storage rooms that are readily accessible to the store employees. Those storage rooms should be equipped with a lock that can only be locked and unlocked from the inside. These safe rooms should also be stocked with a cell phone to allow for emergency communication from inside the room. Finally, the safe room should be equipped with a panic button that would set off a loud alarm to scare away any potential robbers and notify law enforcement.

Panic button at the counter:

Suppose a vigilant employee recognizes that a robbery or other crime is occurring or is about to occur. In that case, a silent panic button under the counter that notifies law enforcement without undue risk to the employee may be advisable.

Install, maintain, and make noticeable security cameras:

The priority of any security system should be to deter crime from happening. Solving the crime and/or catching the criminal should be a secondary consideration. Open and notorious security cameras can address both the issues of deterrence and crime-solving. Install security cameras in obvious places that also allow for all areas of the store to be monitored. Proudly

display signs that alert all that enter the store that they are being videoed. Consider installing a monitor that shows a live stream of the people coming and going from the store. Don't skimp on outside cameras that cover the property and the immediate surrounding area. Finally, maintain the cameras in a way that allows for accurate time and date recording and ensure that recordings stay in the system for at least 48 hours.

Improved lighting in the store on the parking lot:

It goes without saying that good lighting and clear sightlines for neighboring businesses and streets will make any store a less likely target.

Be an active member of the community:

Gas stations/convenience stores are surrounded by other businesses or a neighborhood. In either case, they are an integral part of a community that mutually benefits all parties. Make it a priority to engage in outreach with your neighbors and agree to keep an eye out for each other.

Collaborate with law enforcement:

Frequently, robberies of gas stations and convenience stores come in waves, with either the same individual or group of individuals being responsible for committing a series of crimes. Communication with and training by law enforcement to learn what will most help with their investigations will assist store employees in knowing what is important to law enforcement in evidence collection.

Any information regarding objects touched by the suspects and preserving those objects or areas could be vital in catching a robber and preventing future robberies. Giving law enforcement access to any video of the robbery could also be critical in stopping further robberies.

Allow law enforcement to collaborate with you:

Encourage law enforcement and local government to invest in innovative investigative tools such as those recently being implemented in Little Rock, Arkansas, by the Little Rock Police Department (LRPD). LRPD is implementing a two-tiered system utilizing cameras that businesses and individuals already have in place or asking businesses to invest in a system that integrates with a network that allows real-time monitoring and quick response when an emergency occurs.

According to <https://connectlittlerock.org>. The first tier of this developing system is camera registration. A business owner or individual can register their security camera with LRPD via a secure online portal. That way, when a crime occurs, the police know exactly who to ask for access to security camera data at the crime scene and in the general area and probable escape routes. According to the website, there is no cost associated with registering one's camera(s), and there is no direct access allowed to one's camera by LRPD simply by registering.

The second tier is what LRPD is calling "camera integration." This "integration" allows LRPD to access the citizen-camera

feed when an emergency call goes out in that citizen-camera or camera system. To share one's camera feed with the police, all that is required is installing a small box called a fususCORE that plugs into the citizen-camera system. According to the above LRPD website, the camera or camera system owner can tailor the access to their comfort level once the installation is complete.

The value of having eyes that never blink or forget at the scene of a crime is both an invaluable deterrent to crime (if open and notorious to all who enter an establishment) and in solving crimes when they inevitably occur.

WHAT TO DO WHEN THE INEVITABLE OCCURS

Despite all the preventive measures a store can put in place, statistics don't lie, making it likely that a robbery will occur at one of your stores. Proper training of your employees may very well save the lives of your employees and customers who are present at the time of the robbery.

When an employee is hired, make sure they understand the importance of the following strategies:

- 1) Do not make any sudden moves.
- 2) Never confront the robber in an attempt to stop the robber.
- 3) Never chase the robber. If the robber is leaving, let them.
- 4) Do not make eye contact with the robber. Make your employees understand that it is the camera's job to capture the robber's image.
- 5) Tell your employees to let their hands be visible at all times.
- 6) Comply with all the robber's demands.
- 7) Keep all communication with the robber at a minimum.

Be sure to review these strategies with your employees regularly. Have the safety of your employees become part of your corporate culture.

DEALING WITH EMPLOYEE-RELATED VIOLENCE

What is misleading about the crime statistics regarding violent crimes at gas stations and convenience stores is the assumption that the perpetrator is a stranger to the store. All too often, violent crimes are committed by:

- 1) Coworkers,
- 2) Spouses, significant others, acquaintances of employees, or
- 3) People who have been given inside information regarding the business, making it an attractive target and/or vulnerable to robbery or other violent crime.



The only control a store owner has over who comes into their establishment is those hired to work there.

Effective pre-employment screening can help an employer identify and avoid hiring someone who could bring danger to the workplace by identifying people who are violent or have other behavioral issues that could put their coworkers at risk. A thorough background check can help an employer discover and avoid hiring those with a criminal history or drug use. Pre-screening applicants may be the most cost-effective way to avoid hiring people with violent or other criminal tendencies.

Despite best practices, bad hiring decisions are unavoidable. Therefore, employers should train their supervisors and staff to be on the lookout for warning signs of trouble. OSHA says certain behaviors indicate likely violent tendencies:

- Implied or overt threats
- Poor self-control (slamming doors, swearing)
- Frequent complaints about unfair treatment
- Blaming others
- Refusal to accept criticism
- Deteriorating personal habits such as poor hygiene
- Deteriorating work habits such as absenteeism and poor work quality

If it is determined that one has a problem employee, the best solution is to terminate that employee. Ignoring warning signs for fear of a wrongful termination lawsuit merely exposes your other workers to the risk of being victimized and your business to even greater legal peril should the unthinkable, yet avoidable, happen.


Obviously, the owner and supervisory staff can't be everywhere and see everything. The best information about a problem employee will come from the other employees. To ensure that one has the best information available, employers should listen to their employees and ensure that they know that they can voice their concerns confidentially without fear of retribution. The employees should be encouraged to share their observations about who is at risk of committing workplace violence. They should be trained to understand that certain behaviors, such as bullying, harassment, and other disrespectful behavior, can lead to workplace violence and should be reported, not tolerated. Then the owner/supervisor should eliminate the risk by firing the problem employee.

CONCLUSION





This article does not address every possible solution to the problem of being the target of violent crime. Also, the ideas discussed herein are not practicable in every situation. It is hoped, however, that the takeaway from this article is summed up best by Benjamin Franklin: "By failing to prepare, you are preparing to fail." The preceding are some suggestions of adaptations owners can make so their employees and patrons are safer. ■

Sources:

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