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Premises Liability and Negligent Security: How Courts Analyze Duty

Updated 2026-08-04 · 10 min read · Cluster: casebook ·
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California courts generally analyze a property owner's duty to provide security through a foreseeability lens, asking whether prior similar incidents or other evidence made criminal conduct on the property reasonably predictable. The California Supreme Court's decisions in *Ann M. v. Pacific Plaza Shopping Center* and *Delgado v. Trax Bar & Grill* remain the leading touchstones for how that foreseeability analysis works in practice.

Foreseeability drives the duty analysis

Negligent security claims generally allege that a property owner failed to take reasonable steps, such as adequate lighting, locks, or guard staffing, to protect people from foreseeable criminal acts by third parties.

In *Ann M. v. Pacific Plaza Shopping Center*, the California Supreme Court addressed how much prior similar criminal activity is required before a landowner's duty to provide guards can be triggered, emphasizing that the burden of a proposed security measure should be weighed against the degree of foreseeable harm.

In *Delgado v. Trax Bar & Grill*, the California Supreme Court later clarified that a heightened showing of prior similar incidents is not always required, particularly where imminent danger becomes apparent in the moment and a minimal response, such as calling police, would have been enough.

Together these cases illustrate that courts look closely at what was known or knowable before the incident, and at whether the specific security measure sought was proportionate to that known risk.

Key negligent security concepts

Case or doctrine	What the court addressed	What it means for a working guard or client
<i>Ann M. v. Pacific Plaza Shopping Center</i>	How much prior crime is needed before hiring guards becomes a legal duty	Prior incident logs and crime data matter when scoping a security contract

Case or doctrine	What the court addressed	What it means for a working guard or client
Delgado v. Trax Bar & Grill	Whether minimal steps, like calling police during an escalating incident, can be required even without a strong prior-incident showing	Staff and guards should be trained to call police early when danger becomes apparent
Balancing test	Weighing the burden of a security measure against the foreseeable harm it would prevent	Contracts should document why a chosen staffing or technology level was considered adequate
Third-party criminal conduct	Liability of the property owner, not the criminal actor, for failing to take reasonable precautions	Security providers should keep records showing patrols, checks, and responses actually occurred

What this means for security planning

- Keep documented crime and incident history for a property to support any staffing or coverage decisions
- Record patrol frequency, guard presence, and response times so the actual security posture can be demonstrated later
- Escalate visibly dangerous situations to police immediately rather than relying solely on guard presence
- Review lighting, access control, and camera coverage periodically as part of an ongoing risk assessment

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Quick answers

What is negligent security in California?

It is a premises liability claim alleging a property owner failed to take reasonable precautions against foreseeable third-party crime.

Does a property need prior crimes on record to be liable?

Not always; Delgado clarified that in some situations minimal responsive steps can be required even without a strong prior-incident history.

What did Ann M. establish?

It established a balancing approach weighing the burden of proposed security measures against the degree of foreseeable harm.

How does this affect a security services contract?

It underscores the value of documenting crime history, patrol activity, and response protocols to show reasonable precautions were taken.

Primary sources — read the official text

Ann M. v. Pacific Plaza Shopping Center	Justia U.S. Supreme Court Center	https://law.justia.com/cases/california/supreme-court/4th/6/666.html
Delgado v. Trax Bar & Grill	Justia U.S. Supreme Court Center	https://law.justia.com/cases/california/supreme-court/4th/36/224.html
Civil Code Section 1714 (General Duty of Care)	California Legislative Information	https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1714
California Courts Self-Help	Judicial Council of California	https://www.courts.ca.gov/selfhelp.htm

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