

CUSTOMER BAG CHECKS - Your Questions Answered By Renata Ringin

Why retailers request that customers produce their bags for inspection?

Requesting that a customer produce their private bags for inspection by retail staff is primarily done as a preventative strategy, to show customers that they may be asked, hoping that this will act as a deterrent to shopstealing and increase the fear of being detected.

Are there any legal requirements for the retailer when making a customer bag check request?

There is no legislation that governs the area of customer bag check requests.

The right to request a customer bag check is based on the fact that most retail premises are considered private property and, therefore, it is the retailer's right to place conditions on the customer's entry to the premises.

A retailer can impose conditions and make requests of customers at the point that they enter the premises, or during their visit, which the customer can accept and comply with, or can refuse to comply with.

It is implied that the customer accepts the conditions of entry (whether or not they are displayed in signage) when the customer enters the store. At this point there is an accepted licence for the customer to enter the premises to inspect merchandise with a view to buying.

Is there an accepted 'Code of Practice' for retailers to follow when requesting customer bag checks?

Yes, in order to provide a consistent approach and educate customers regarding the practice of customer bag checks, the code advises that the following points are followed if a retailer intends to make customer bag check request.

- Display signage that is visible on entry to the premises, advising the customer of the condition of entry
- Refrain from requesting to check personal handbags which are smaller than a foolscap page
- Make requests in a courteous manner
- Request that the customer personally open their own bag
- That the requesting staff member does not touch or have any physical contact with the customers personal property (a request to move/remove items can be made)

Does a sign have to be displayed advising customers that a bag check may be requested?

There is no requirement to display a 'bag check sign', however, it is advisable, particularly if customer bag checks are routinely requested, to advise customers with signage to get the full benefit of the strategy as a deterrent and to allow the customer to understand the conditions, prior to entering the premises.

Renata has spent the past 18 years in the areas of Law Enforcement, Loss Prevention, Retail Operations, and training.

As a former Detective in the Criminal Investigation Branch of the Victoria Police, and as a Senior Loss Prevention manager with a multi-national retailer, she gained extensive experience in retail loss prevention and security.

Renata is now the Managing Director of Pro Active Strategies Pty Ltd, an independent loss prevention consultancy which is the resource to ARAV members.



If there is a 'bag check sign' displayed, does the customer have to display the contents of their bag to the requesting staff member?

No. A bag check request is just that: A REQUEST.

If the customer refuses to comply (whether or not a sign is displayed), the retailer can –

- Politely advise the customer of the condition of entry required for future visits to the store (if the request has been made routinely, and not in response to suspicions of theft)
- End the customer's licence to be on the premises – ask the customer to leave
- Sue for breach of contract (an extreme measure which would be potentially impractical and costly)

Does the situation change if the customer is suspected of concealing merchandise in a bag with intent of stealing it?

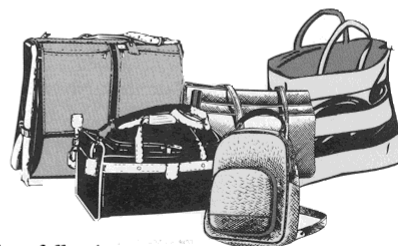
The bag check requirements are the same irrelevant of whether it is a routine request or a request specifically because the customer is suspected of having unpaid for merchandise concealed in a bag.

However, if a request is made to provide the suspect with the opportunity to produce the merchandise prior to leaving the store, and the customer refuses to comply, the retailer may take further action, ie arrest, only if the legal requirements for an arrest are present.

The customer cannot be arrested merely for failing to comply with a bag check request.

Can any staff member make a customer bag check requests?

Any staff member can act as an agent of the retailer in making a bag check request.



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There are no specific requirements for training, however, it is advisable that staff making requests have a good understanding of the policy and expectations of the business, and be suitably experienced to provide for a positive outcome should a customer refuse the request.

How should a request for a bag check be made?

A polite request, 'Excuse me madam/sir, may I check your bags', is more less intrusive and more acceptable to customers than the use of terms such as, 'search' or 'inspect'.

What should the condition of entry signs say?

Signage should be in simple language and prominently displayed, and include that the request can apply to bags, parcels, prams etc.

Where should I go for more advice?

Contact Renata Ringin of Pro Active Strategies Loss Prevention Consultancy (the ARAV Authorised referral for ARAV members) on 03 9439 9485.

Your Questions Answered

