

By Paul DeMarco

Uptick in Litigation Increases Importance of In-Store Camera Video System for the Retail Industry

A young man enters a retailer wearing a mask in 2020. In the midst of COVID, that was not unusual. However, in this case the mask was not for health reasons, but for ill intent. He began to grab bottles of liquid soap detergent and squirt it on the floors and merchandise. Unfortunately, shortly thereafter a customer of the store slipped and fell on the liquid soap on the floor.

While the vandal was never caught, the incident resulted in the customer filing a civil complaint against the store alleging she was injured. However, video showed the Plaintiff slipped within three minutes of the soap being sprayed on the floor before employees knew the vandal had even struck.

Thus, with the video evidence in hand, the lawsuit was eventually dismissed, and the retailer cleared. Without the video, the lawsuit would have proceeded.

The impact of the pandemic on restaurants and retailers was tremendous in so many ways - employees, supply chain shortages and inflation.

Yet, another way the retail industry has been effected is the increase in litigation and large jury verdicts against corporate defendants. There are a lot of factors behind the increase, regardless the business community has to be more vigilant about what happens on their premises now.

One of the ways retailers can protect themselves is to ensure they have a good video system in place in their stores.

The old saying a picture is worth a thousand words is more apropos than ever in modern society. Juries are used to seeing all of the bells and whistles on fictional legal television dramas. Thus, a store that has video of an incident that happens in its store is in a better position to defend itself in a lawsuit.

In a number of states, plaintiffs have up to two years from the date of a personal injury incident to file a lawsuit. Of course, after that much time has passed so has the memory of witnesses and documents lost.

The importance of a video system that covers both inside the store and parking lot are essential. Capturing an incident on video can be the difference between a suit being dismissed, settled and won or lost at trial. Many cases have been won simply on visual aid that showed what really happened as opposed to the account of a Plaintiff who had a different story.

And more important is ensuring that the video is immediately preserved and maintained on a permanent hard drive and the cloud. Technology has really advanced from grainy black and white to color and clear that can be magnified. The cost of a system is worth the investment for the inevitable criminal or civil incident it may capture.

There has been a lot that has changed since the beginning of COVID and the use of surveillance video has gotten even more important.

Paul DeMarco is a partner at the law firm of Parsons, Lee & Juliano, PC, is the general counsel for the Alabama Grocers Association and a former member of the Alabama House of Representatives.

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