

# Food Forum: Protect and Preserve. Five Things Grocery Stores Should Know About Preserving Video Surveillance

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Grocery stores use video surveillance for many reasons, including anti-theft and loss management purposes. Oftentimes, video surveillance is useful in circumstances of potential liability, such as incidents involving a slip and fall. This type of surveillance can assist defense counsel in defending a negligence action against the grocery store owner. When an incident occurs, it is important to promptly and properly capture this footage so that it can be viewed and accessed at a later date. Below are five tips to assist grocers with the preservation of video surveillance.

## **When to preserve**

As soon as any incident is reported, immediately take steps to prevent the loss or destruction of the video. If the video surveillance is recorded at an offsite location, reach out to the personnel at that office to ensure the footage is not recorded over or deleted. Err on the side of caution and make every effort to preserve video surveillance of any incident in the event a claim does ultimately arise. If an incident is not reported, but a grocer receives a preservation request from a potential claimant or the claimant's counsel, steps should be taken to preserve the video surveillance if it is still in existence.

## **What to preserve**

In addition to preserving footage of an incident, there are other portions of the video surveillance that should be preserved. At a minimum, preserve the portion of the video beginning from the time the customer enters the store and is first seen on the video until the customer exits the store. This segment should include coverage of the alleged incident. If possible, also preserve any footage that shows the last inspection of the sales floor prior to the customer's alleged incident through the time the customer exits the store. All camera angles should be preserved and a date and time stamp should be included, if possible. Doing so can assist with determining the areas of the grocery store the customer visited both before and after the alleged incident.

## **How to preserve**

Have the pertinent portions of the video copied onto a CD or DVD. During this step, it is also necessary to ensure that the appropriate viewing software program is also saved for future use. It is helpful to have the video surveillance copied onto the same CD or DVD as the viewing software. Copying the viewing software program will allow the viewer to watch the surveillance

in a similar fashion, as it existed on the date it was originally recorded.

### **How long to preserve**

All surveillance videos should be preserved until the statute of limitations (time deadline to assert a claim) has expired or the plaintiff's claim and/or case has concluded.

### **What to do after preservation**

Forward a copy of the video surveillance and software to risk management, if applicable. Should the grocer be notified of a claim, a copy of the video surveillance should be provided to the grocer's

insurance carrier and/or defense attorney as soon as possible.

Video surveillance is an important tool in the grocer's risk management arsenal. When managed properly, such footage can be the key to defending personal injury and other claims made against the business.



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