

## Bag Checking and Searching

There is currently no specific legislation dealing with a business owner's right to check a customer's bags or search a person. You can set conditions of entry ie. including presenting bags, parcels, cartons, or containers for checking by staff.



One method of displaying conditions of entry is using prominently displayed notices that clearly set out conditions of entry. The notices should be as large as practicable and displayed at a point where they can be seen clearly prior to entry to the business.

However, even though a customer may read the sign and enter the store he/she is under no legal obligation to allow a search of their bags, even a visual search. The business may ask to see inside the bag, but if refused they cannot demand.

### Consensual bag checks

- Obtain verbal consent.
- Any request to check bags should be polite and courteous.
- Any checks conducted should minimise the degree of intrusion.
- Staff should request that the customer personally open the bag.
- Staff should not physically touch the customer or bag at any time.
- If an object obstructs the view into the bag, staff may ask the customer to remove the obstruction. Staff should not touch the obstruction themselves.
- If something is found inside the bag notify police and security immediately.

## No consent for bag check

- Request that the customer speaks to the manager about the conditions of entry.
- Explain the conditions and point out the signs outlining the conditions of entry.
- Once you have explained the conditions, ask again to check the bag.
- Do not enter into arguments over checking any bags or suspected theft.
- Ask the person to leave.

You cannot arrest someone just because they have refused to let you check their bags. Unless you have reasonable grounds to believe an offence has been committed the customer is free to leave the store.



## Training your staff

Anyone involved in checking bags should be trained properly in the legal procedures and requirements relating to bag checking. This should include citizen's arrest, shop stealing prevention and shop stealing detection.

## Refusing entry of customer bags

There is no legal power to make customers place their personal bags in an allocated area. As such should an individual be requested or required to place their bag in a nominated area you may potentially be held liable for any losses received by the customers.

A person who attempts to enter the store carrying a bag may be refused entry.