

 **NRF LOSS PREVENTION**
CONFERENCE & EXPO

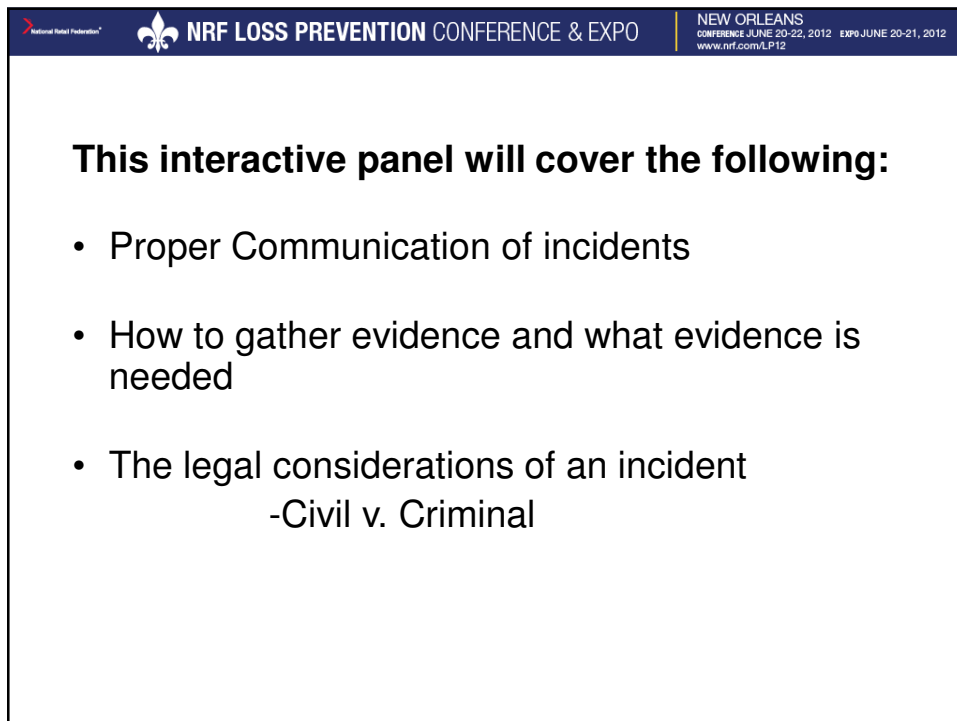
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Securing the Facts:
How to Document Incidents and
Succeed in Litigation

June 2012








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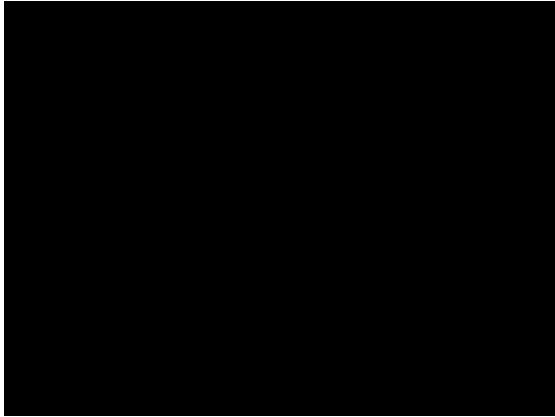
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This interactive panel will cover the following:

- Proper Communication of incidents
- How to gather evidence and what evidence is needed
- The legal considerations of an incident
-Civil v. Criminal

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Incident #1 – Armed Robbery



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Incident #2 – Difficult Shoplifting Apprehension




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COMMUNICATION

Proper Communication of incidents:

- Who to notify (AP/LP, police, legal, HR, Risk Management, Public Relations Office)
- How to notify (Call, Email, In Person)

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GATHERING EVIDENCE

- What Evidence is Needed?
 - Photos, video, statements, fingerprints
 - Securing the Scene
 - Statements
 - Taken by AP/LP or Police or Legal Counsel?
 - Who to take them from?
 - Employees
 - Witnesses
- How to Gather Evidence


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LEGAL CONSIDERATIONS

- Civil Suits

- Brand Protection

- Criminal Cases

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CIVIL CONSIDERATIONS


- Discipline/Termination of Associates

- Possible Civil Suits
 - External party (shoplifter, bystanders)
 - Internal party (Termination Suit, Injury of Asset Protection/Loss Prevention Associates)

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BRAND PROTECTION

- Economic Impact
- Damage of Reputation
- Stock value

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CRIMINAL CONSIDERATIONS

- Wrongdoing by Asset Protection/Loss Prevention Associates (excessive force, unlawful detention)
- Prosecution of Cases

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PROSECUTING A CASE

- Getting your case prosecuted is about marketing yourself and your investigation
- Cases should be easy for a jury to understand
- Anticipate questions that a prosecutor may have by explaining it in a written report

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PROSECUTING A CASE, Cont.

- The strongest cases consist of an admission of wrongdoing, video, and a witness
- Its important to build a prior relationship with the police and prosecutor's office so that all cases (including the weaker ones) are addressed and taken seriously

THE BASICS OF A CASE– WHAT YOU SHOULD BRING TO THE PROSECUTOR

- Case Summary
- Background of the Subject
- Particulars of How the Offense was Committed
 - Explain your company’s systems or specialized knowledge of your business
 - Explain each act committed by the subject and the evidence to support it.
- Putting it All Together – Case File and Evidence