

Private Eyes—They’re Watching You

Why a Policy on Video Surveillance Might Help

Video surveillance systems are commonplace in homeowners associations. They are primarily used to allow after-the-fact investigation of crimes or violations of the governing documents. Video surveillance cameras are generally not used where residents and guests would have an expectation of privacy, such as the interior of homes or bathrooms. They are also not normally used to “spy” on association employees, because of the legal implications.

Recording the activities in a community is a double-edged sword. The existence of visible cameras may potentially deter crime and inappropriate behavior. But, the existence of cameras can also increase association liability if the residents rely on the cameras as a substitute for remaining aware of their surroundings and generally using common sense.

There is, however, another, more-complicated issue created by the use of a video surveillance systems. It stems from the fact that people do not always get along. And, people tend to remember emotional events differently. This combination can result in a resident demanding the association’s video footage to wage a battle against their “enemy.” Not having a policy on when footage will be released (and to whom) can create problems for directors and management. But proactively creating a policy, and publishing that policy, can serve to decrease liability and establish expectations appropriately.



Here are some tips on how to write a policy:

- 1. Start by explaining why the association has video surveillance and how it is used.**
- 2. Explain who is entitled to view the footage. Usually, this would be directors, management and employees (if there are employees).**
- 3. If the images are not monitored all the time, but are instead just captured for future use, that information should be included.**
- 4. Make it clear that the video is the property of the association.**
- 5. Indicate that footage is available to the police upon request and encourage residents to report criminal activity to the authorities.**
- 6. Indicate that footage is not available to residents or the general public without a subpoena.**
- 7. If there are limitations in the system, disclose them. For example, if the recordings are written over every thirty days, let everyone know so that police requests can be timely made. If images are grainy at night, disclose that too.**
- 8. Remind residents, over and over again, that they are responsible for their own security and should never assume that someone is monitoring the cameras or will be able to provide assistance.**

Even after you have established a policy, let common sense prevail. If management is aware of an incident in which footage might be relevant, preserve a clip. If no one knows how to preserve a clip, find out how, before you are faced with a police request for footage that is due to be written over the next day. If the clip is part of an on-going investigation or legal proceeding, save multiple copies in different manners. For example, if the only existing copy is on a computer that may catch a virus, burn a copy to a DVD that is stored in a locked file drawer.

When it comes to video surveillance systems, being proactive is the best way to avoid chaos after a traumatic event occurs.

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