

# ADVISORY

## USE OF CAMERAS/VIDEO SURVEILLANCE ON CAMPUS

Surveillance cameras or devices may be acquired, installed, modified, replaced, or removed only if prior approval is obtained from the UCSB Police Chief or his/her designee. (Section III. F. UCSB Policy on Police Services and Responsibilities)

Our campus practice is guided by Fourth Amendment protections, balancing the employer's right to video surveillance and the employee's privacy rights.

When considering whether to permit the installation of a surveillance camera in a particular location, two primary questions are:

1. Is there a reasonable expectation of privacy in the proposed location, and
2. Is that expectation of privacy reasonable?

In California, it's generally reasonable to expect that a locker room and bathroom are private. On the other hand, a parking lot, most outdoor areas, and public lobbies are generally viewed as public and one's expectation of privacy is minimal.

Whether an individual's office or particular hallways are "private" is dependent on a number of factors. Whether the space is perceived as private depends on how open the building and hallway is to the public. If anyone can enter the building at any time, and walk down the hallway, it's perceived as a public space, with little or no reasonable expectation of privacy on the part of individuals when they are in that space. On the other hand, some interior corridors on our campus could be reasonably considered private because the building and/or hallway is closed to everyone other than a small number of individuals. In the semi-public/semi-private areas the expectation of privacy is limited as one encounters others who also have proper access to the space. As a university rather than a corporation, our employees generally have a greater expectation of privacy than perhaps the typical community population. Therefore, if a camera was installed in this type of semi-private space, individuals with proper access to that space (such as faculty with offices) might consider the installation to be invasive of their privacy. On the other hand, if the cameras were there to monitor expensive research equipment, their installation may be very welcomed.

Thus, in addition to the reasonableness of privacy expectations, considerations include:

1. What is the purpose for the camera surveillance?
2. Will the camera will be hidden or in view?
3. Will there be signage?
4. Will the camera be monitored and by whom?
5. If monitored and a crime is seen, who will be notified, who will respond?
6. Will a tape be produced and how will it be secured, who will have access to the tape?
7. At what will the camera be pointed (scope of view), will it capture computer screens, telephone keypads, part or all of the space?
8. How long will the camera be in place?
9. Will sound be recorded? (If sound will be recorded, we must abide by the Electronic Communication Privacy Act of 1986 (ECPA). "Silent" video recording isn't covered by the ECPA).

When the focus has been to discourage crime, the camera is visible and accompanied by signage that calls attention to the camera's presence. If the cameras are not monitored, signage should say so to ensure the cameras' presence doesn't create a false sense of security for an individual in the space. Posting signage, per counsel, reflects typical practice across the University.

When there is a good argument that a hidden camera is permissible anything captured on the camera can be used as evidence in judicial proceedings. It must pass certain tests for admissibility in court. However, our disciplinary proceedings can use as evidence material that might not be admissible in a court of law because our proceedings are a more informal process. Counsel's concern has been not what we might be able to use as evidence, but whether what is proposed violates individuals' rights to privacy.

After the various factors have been considered, the Police Chief will make a decision. The Police Chief will consult with the General Counsel as needed.

Some examples of approved requests on our campus:

We have security cameras in various computer labs in residence halls, on the main campus, and in the bookstore.