

Video Surveillance Procedures

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RESOURCES:

- Office of Transportation's Video Camera Procedures (Posted on their Web site and is part of the publication, *Parents' and Students' Guide to Transportation*), <http://www.bcps.org/offices/transportation/pdf/Parents-Students-Guide.pdf>
 - Training Acknowledgment Form for Video Surveillance Procedures, PS 708, Form 1
 - Copy Charges and Receipt for Video Surveillance, PS 708, Form 2
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Use of Video Surveillance Cameras and Equipment for Safety and Security: The use of video surveillance within Baltimore County Public Schools (BCPS) and on school buses has grown exponentially over the past 10 years. The use of video surveillance equipment has been initiated at great expense to the school system and its citizens to promote and ensure that we meet one of the major systemwide goals: *to ensure a safe, orderly learning environment for students and staff.*

I. Definition of Terms:

- A. Chain of Custody - Chain of custody refers to the person(s) who has physical or proprietary custody or control of a document, image, and video recording that could be considered as evidence at a hearing.
- B. COMAR - Maryland State agency regulations are compiled in the Code of Maryland Regulations (COMAR). COMAR contains 33 titles, with each title usually corresponding to a department or agency.
- C. Digital Video Monitoring System - Digital monitoring systems are videows used for building security systems that can be used with a VCR, DVR, or personal computer.
- D. Electronic Surveillance System - Used to protect schools from break-ins, burglary, and assault. Can be in the form of burglar alarms that notify the police, security cameras, and closed circuit television systems.

- E. FERPA – The Family Educational Rights Privacy Act is a federal law passed in 1974 that defines educational records and indicates who, and under what circumstances, an individual may have access to a student’s educational records.
- F. Redacted - The process of blacking out names, descriptions, images or characteristics that could clearly identify witnesses under the age of 18 years of age.
- G. Video Surveillance System - The electronic system used to ensure the safety and security of the building and its occupants. Can be in the form of burglar alarms, analog cameras that notify the central station, security cameras, and closed circuit television systems.
- H. Tape Number - Sequential number of tape, including date and camera location.

II. Purchase, Installation, and Maintenance of Surveillance Cameras and Equipment:

- A. All video/electronic surveillance cameras, equipment, recordings, and images that are electronically and digitally stored on computers and hard copies are considered property of Baltimore County Public Schools (BCPS) and are subject to the rules, policies, and regulations set by the Board of Education of Baltimore County, as well as meeting the statutory standards established by local, state, and federal laws.
- B. Currently, there are a variety of technologies used in the video surveillance in schools and offices. Some schools are using video (VHS) format, while others are using digital or analog surveillance equipment.
- C. All video/electronic surveillance equipment must be purchased through approved BCPS’ vendors based upon the specific guidelines and specifications set forth in the bids and contracts as developed by BCPS. The installation and maintenance of all surveillance equipment must be completed under the direction and supervision of the Department of Physical Facilities to ensure that all building code and safety standards are met. This includes the hiring and approval of contractual agreements made between BCPS and outside contractors.

III. Location for Use/Operation of Surveillance Cameras:

- A. Installation of cameras may be located in public areas such as hallways, cafeteria, entryways to monitor the inside of the school, and on outside areas to monitor parking lots and school grounds. The areas chosen for surveillance shall be determined by the school principal/office head in cooperation with school resource officer, safety and security, and physical facility personnel. The use of school discipline data and anecdotal records of areas where disruptive behaviors occur should also be considered to determine camera locations.
- B. Video monitors shall be located out of view of students, teachers, staff, and the public to ensure privacy. Cameras will not be located in any area where individuals have the

- right to expect privacy. This includes, but is not limited to, restrooms, locker rooms, dressing rooms, faculty rooms, and private offices.
- C. Cameras located on the exterior of buildings and offices will be mounted, positioned, and operated in a manner that is not directed toward private property.
 - D. Office of Transportation's Video Camera Procedures, are located at <http://www.bcps.org/offices/transportation/pdf/Parents-Students-Guide.pdf> are to be viewed for all transportation applications.
 - E. Only trained, authorized personnel shall have access to operating, monitoring, and retrieving data from school security cameras. Unauthorized use or misuse of any surveillance equipment or disabling or tampering with video cameras or related equipment by unauthorized personnel or students would be grounds for disciplinary action as covered by the BCPS' telecommunication policy, student discipline policies, or employee discipline procedures. Authorized personnel would include principals, office heads, assistant principals, deans, school resource officers, or others as designated by the principal or office head. Central office personnel in the Office of Safety and Security, members of the Critical Incident Response Team, and others as designated by the Superintendent would also be authorized personnel.

IV. Access and Use of Video Cameras and Related Equipment:

- A. The use, by way of monitoring, viewing, printing, and copying any images from any and all surveillance equipment within the school or on school property, is under the direct control of the principal/office head, or Office of Safety and Security. The principal/office head has ultimate responsibility to ensure that the video equipment and the use, storage, and release of any information or images are in keeping with procedures and guidelines established within this document.
- B. The principal/office head shall maintain a master list of those individuals who have been authorized to be trained to use, view, retrieve, or copy images or data from video surveillance equipment in the school or office. The authorization of such privileges should be restricted to the fewest number of staff as practical. It would be reasonable to expect that the following staff would receive such authorization from the principal or office head: assistant principals, deans, or others as designated by the principal/office head. The school resource officer or police may monitor surveillance cameras and recordings as appropriate.
- C. The principal/office head will ensure that authorized personnel receive operational training of the equipment and that they practice fair and ethical use of the surveillance equipment including an annual training, which includes a review of PS 708, equipment use/maintenance, and all privacy measures. The Training Acknowledgement Form for Video Surveillance Procedures, **PS 708, Form 1**, is to be used to show that such training has been provided.

V. Scope of Use of Video Surveillance Cameras and Equipment within Schools/Offices:

- A. Care and caution shall be taken by the principal/office head and those authorized to view, monitor, print, or access images and information from surveillance equipment to ensure that the privacy rights of students, staff, and other adults are protected as required by FERPA guidelines and all local, state, and federal statutes.
- B. The use of surveillance equipment primarily serves as a deterrent to inappropriate behaviors or the intrusion of trespassers within the school/office or on school/office grounds. In order to be effective, there must be consistent and planned monitoring of security system cameras. Using information gained through the analysis of past security/behavior incidences, the school's/office's administrative team should use the video system in monitoring these high priority areas, both inside and outside the school/office building. The persons monitoring the cameras must immediately report to the principal/office head or his/her designee any actions that appear to warrant investigation. It is the responsibility of the administrative team to conduct any and all investigations. The school resource officer must report suspected illegal activity to the administrative team immediately so that the school may conduct an investigation. The school resource officer should not investigate suspected illegal activity independent of the principal's/office head's investigation unless the incident viewed creates a clear and immediate threat to the safety and security of those individuals involved.
- C. The use of the video images may be used to identify those persons involved in an incident of alleged misbehavior or of those suspected of violating the BCPS' behavior policy. The principal/office head should complete a thorough investigation and compile written statements from all witnesses to support the school's/office's contention that there was a violation of the policy. The investigation should be fair and impartial with the following elements as part of a thorough investigation in addition to video evidence:
 - 1. Prior to charging and suspending any student for a violation of the Baltimore County Board of Education Policies 5540 and 5550, the principal or his/her designee must conduct a thorough and impartial investigation to determine the facts of the case.
 - 2. The principal or his/her designee is to interview all witnesses reported by the victim, offenders, and others. Review video tapes, if available. Video tapes should not be the sole evidence or basis of disciplinary action.
 - 3. All witnesses, students and adults, are to be requested to write (using black pen or dark, soft lead pencil) statements of facts. The witnesses should indicate the "who, what, why, when, and where" of the incident. The principal or his/her designee should not select or edit statements by witnesses. Original documents should be maintained at the school by the principal or his/her designee.

4. All witnesses must sign and date their written statements. This is part of the investigation and comes before a student may be suspended.
 5. The principal or his/her designee is to review all written statements to make certain they are legible. All statements may be used at the hearing and will be reproduced. If statements are illegible, it may help to have a secretary type them verbatim with spelling and grammar errors included. A copy of the original handwritten statements must be attached to the typed versions. All statements are to be copied and redacted (blackened out) prior to putting them in the packet for the superintendent's designee. All original statements unaltered and unredacted should be kept on file at the school by the principal or his/her designee.
 6. Police and SROs may submit independent narratives describing incidents and their involvement. The narratives must be signed and dated. The official police criminal report should not be placed in the designee's packet for suspension.
 7. Staff members should be directed to not write notes or comments on witness statements. The statements may be invalidated if altered or edited. The Board of Education reinforces this requirement.
 8. The principal or his/her designee is to copy and redact (black out) all students' names in all statements (FERPA–privacy issues) included in the suspension packets sent to the superintendent's designee, keeping originals. Refer to students and witnesses as A, B, C or 1, 2, 3. The principal or his/her designee should maintain a master listing of who has been identified by letter or number. Do not redact (black out) dates and times, leave them on the form.
- D. The use of the video tape or images should not be referenced in the administrative report or investigation beyond the initial reference of determining the identity of the participants. The use of the video documentation should not be the sole basis of evidence used in the investigation. A thorough, well-documented investigation, supported by a variety of independent interviews and statements of eye witnesses, adults, and students provides the best documentation for the school's case.
- E. The principal may designate and direct one or more of the approved operators of the video surveillance equipment to show/print the images of a third party (parent, student, or others) if the other student(s) directly involved are also offered this same opportunity. The principal must ensure that a clear chain of custody has been documented for the release of all images, video, digital, or print.
- F. The principal has the responsibility to ensure that the privacy of all parties is protected under local, state, and federal mandates and laws. When questions arise involving the use of the video images, the principal or his/her designee should consult with the Office of Law and/or the superintendent's designee for advice.

VI. Disclosure and Protection of Information:

A. The use of video surveillance images from cameras and security equipment is considered educational records for the students directly involved in the behavior being investigated and are, therefore, subject to FERPA policy and guidelines. Others who are pictured in the video and or print images are not protected under FERPA. Therefore, it is not necessary to redact (black out) the faces of those individuals.

VII. Permission to View Video Surveillance Images:

A. Parents or guardians have the right to view educational records. If a parent or guardian of a student who is directly involved in an incident requests an opportunity to view the images by video or print format, the principal or his/her designee must also offer this same opportunity to the other student's family. If a third party is injured or physically involved in the incident, he/she too has a right to view the images or video. Others who are passive witnesses to an incident do not have a right to view the images or the video. There is no need to redact the images or identifying features of any others in the video as the images are not considered educational records for those students and thus they are not protected under FERPA.

VIII. Permission to Request Copies of Video Surveillance Images:

A. Parents or guardians of students who are directly involved in disruptive behaviors captured on video surveillance equipment have the right to request in writing that copies be provided to them at cost. Principals must complete the Copy Charges and Receipt for Video Surveillance form, **PS 708, Form 2**. COMAR regulations do not require that copies be provided. If a parent or guardian requests copies of images from surveillance equipment, the principal or his/her designee will copy and charge the parent or guardian the customary fees for such copying. The school will ensure that the request is made in writing and that a receipt is provided. Under no circumstances should the principal/office head release the original tape or video to the parent, guardian, or his/her representative. If a parent or guardian of one of the principal parties involved in an incident requests the right to have a copy of the video or images, the principal/office head must notify and get permission from the others directly involved before such video or images can be released. If one or more of the parents or guardians refuse to give permission, the principal/office head may not release any images or copies of images from the surveillance equipment. In all cases, the Office of Law should be contacted for clarification if the principal is unsure of how to proceed.

IX. Security/Control and Maintenance of Recording Images:

A. Security, control, storage, and maintenance of all recorded, digital, or hard copies of images shall be the responsibility of the principal/office head as directed by the Board of Education. The disclosure of any and all information related to the use of video

- surveillance, whether electronic, digital, or print, shall be consistent with local, state, and federal laws including FERPA.
- B. All copies of tapes, digital, electronic, or print will be properly maintained to ensure compliance with local, state, and federal laws (FERPA).
 - C. The Log Sheet for Video Surveillance, **PS 708, Form 3**, containing information related to stored images shall be maintained at each school or office site. The log of stored images, including tapes, discs, etc. will include the camera location, date and time frame of the recordings. These recordings, stored tapes, and/or discs shall be stored in a secure location with access to only authorized personnel. The log sheet will be maintained and used to track anyone who uses or views the stored tapes or images. The chain of custody of any tapes, discs, or printed images that leave the school/office location must also be maintained on the Log Sheet for Video Surveillance.
 - D. Videos and images will not be stored at the video site beyond thirty (30) calendar days after the initial recording unless they are being requested or used for disciplinary or criminal cases.
 - E. The school system shall notify students, teachers, parents, and the community at large in writing each year of video surveillance through the *Student Handbook* and school newsletter. (Notice in *Student Handbook* - BCPS possesses the ability to videotape students on school property and to videotape students (including audiotape) while on its school buses. At the discretion of the Superintendent or his designee, videotapes may be used for disciplinary purposes.)

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