

**DEL SUR COMMUNITY ASSOCIATION  
SECURITY CAMERA POLICY  
Effective July 26<sup>th</sup>, 2022**

**PREAMBLE**

Many residential communities are now using security cameras to help prevent and solve crimes and governing document violations within the common areas of their communities. Del Sur Community Association (hereinafter "Del Sur") is no exception. Because Del Sur utilizes security cameras for these purposes, it has developed this policy to protect the legitimate privacy of Del Sur residents and to ensure that its cameras are used strictly as intended.

All residents should note that, while Del Sur utilizes security cameras, **Del Sur does not provide real-time monitoring of the footage captured by these cameras. Further, Del Sur and its Board of Directors cannot and do not in any way assume responsibility for, or guarantee the security of, Del Sur residents, guests and property.** All Del Sur residents are urged to undertake their own reasonable safety precautions, such as locking their doors and windows, and not leaving valuables unattended in the Community Common Area.

**POLICY**

This policy, which applies to all Del Sur Board members, management company employees, vendors and all other Del Sur agents and representatives, shall govern the use of Del Sur authorized security cameras, including their video monitoring and recording systems.

Security cameras shall only be used in a manner that does not interfere with residents' reasonable expectation of privacy as defined by law. Therefore, Del Sur cameras shall only be used to monitor the Community Common Area.

The Board shall determine the locations in and on the Community Common Area where cameras will be placed.

Cameras may be placed in the interior and/or exterior of any Community Common Area building, including the Ranch House, or on any other property owned or managed and controlled by Del Sur, except that no cameras shall be placed inside any Community Common Area restroom, shower area or other area designed and regularly used for dressing.

The primary goals of the cameras are as follows:

1. **Vandalism:** To record acts of vandalism to Community Common Areas and Del Sur owned property on video so that the Board and/or law enforcement can pursue reimbursement and/or prosecute the perpetrator(s). Examples of "vandalism" include placing soap and/or other foreign agents in a Community Common Area pool, destroying plant material, spray-painting or otherwise placing graffiti on the surface of any Community Common Area improvement.
2. **Property Crimes:** To capture acts of theft to Del Sur owned property on video so the Board and/or law enforcement can pursue recovery or reimbursement, as well as prosecute the perpetrator(s).
3. **Personal Crimes:** To capture acts of illegal drug use, public intoxication, violence against residents and/or their guests and other illicit and/or illegal acts on video so that law enforcement can prosecute the perpetrator(s).
4. **Violations to Governing Documents and California Law:** To capture violations to the Del Sur governing documents.

**APPROPRIATE USES OF CAMERAS**

The Board shall use security cameras where it deems the cameras may enhance:

1. The health and/or physical protection of residents and guests;
2. The physical protection of Del Sur equipment, facilities or other property;
3. The investigation of criminal activity; and
4. The investigation of governing document violations.

Cameras shall not be used for the following purposes:

1. To infringe on any resident or guest's reasonable expectations of privacy;
2. Voyeurism;
3. Criminal activity;
4. For personal matters or agendas;
5. Monitoring pool bathrooms and/or other areas designed and generally used for dressing;
6. Surveillance of the interior of any residential property or fenced in yard area; or
7. To intentionally embarrass or harass a Del Sur resident or guest.

## **GUIDELINES**

General Guidelines:

1. Information obtained from the cameras shall be used exclusively for law and/or governing document enforcement purposes only.
2. All camera installation and use shall be subject to federal and state laws.
3. Areas subject to camera use shall be clearly identified with a sign. These signs shall be posted in the areas where the cameras are located. These notice signs shall provide a telephone number where interested persons can call to receive information regarding the cameras.
4. Access to the video shall be limited to those authorized by the Board of Directors and law enforcement officials.
5. Videos shall be retained until they are automatically overwritten unless they are being used to investigate a crime or governing document violation. Videos used to investigate, prosecute or otherwise litigate shall be retained until the investigation, prosecution and/or legal action is complete. Videos provided to law enforcement for the purpose of investigating and/or prosecuting a crime shall be kept by the agency for the period that agency deems appropriate.

Specific Guidelines:

1. **There shall be no real-time monitoring of the footage captured on the cameras by Board Members, management or other parties.** Videos shall only be reviewed under the following circumstances:
  - a. Vandalism is observed or reported;
  - b. Any act that may be considered a crime is observed or reported;
  - c. Police or other law enforcement personnel request review of the video for official law enforcement purposes; and

- d. A violation of Del Sur’s governing documents is observed or reported in or on the Community Common Area. (e.g. illegal drug use, smoking and/or consuming alcohol, possessing glass bottles or skateboarding in the pool area)
2. The release of video to others:
- a. Any Board member may release Del Sur security video to any law enforcement officer provided the conditions listed in 1.a., 1.b. and/or 1.c. above are satisfied. Any Del Sur management employee, vendor or other agent may release video to any law enforcement officer upon receipt of written authorization by any Board member to do so.
  - b. Video shall not be released to owners, residents or other parties except upon court order.
  - c. Where persons of interest related to an alleged crime or governing document violation can be identified via an issued card key or some other reasonable means, security video may still be viewed to confirm the identity of that person or persons. However, the video shall not be generally disseminated to the Del Sur community. Additionally, that video may be used for the purpose of proving the identity of a perpetrator or perpetrators at a Board or court hearing, as well as the condition or existence of the harmed person or property prior to the alleged conduct.
  - d. The Board shall not release videos on any “public” conduit, including, but not limited to, social media, and all other web-based mass dissemination forums, except as stated in 2.e below.
  - e. The Board may release still photographs taken from security video for the purpose of identifying a person or persons of interest related to an apparent crime or governing document violation, or a witness or witnesses to such conduct. Before any photographs may be released in this manner, a majority of a quorum of the Board members must approve the dissemination. Once the Board has identified the unknown person or persons, the photographs shall be withdrawn, to the extent possible. No mention of the alleged crime or governing document violation shall be included with the posted photographs. However, the content of the photographs may themselves reveal the nature of the violation or crime. If the Board knows or suspects that the unidentified person it seeks to identify is less than eighteen (18) years of age, the Board shall endeavor to post photographs that do not reveal the nature of the violation and/or crime.

This Security Camera Policy will be adopted by the Board of Directors for Del Sur Community Association at its open meeting held on **July 26<sup>th</sup>, 2022**.

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President

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Secretary

June 17, 2022

To: All Del Sur Community Association Members  
From: Board of Directors

Re: **PROPOSED DEL SUR SECURITY CAMERA POLICY; INFORMATION REGARDING OWNER/RESIDENT INSTALLED SECURITY CAMERAS**

Dear Del Sur Community Association Member:

As you know, the Board of Directors ("Board") for Del Sur Community Association is responsible for the management and operation of the Del Sur community, and the maintenance and control of the Community Common Areas. In keeping with this responsibility, the Board recently worked with the Association's legal counsel to develop a formal Security Camera Policy.

The purpose of this policy is to control and restrict the manner in which security cameras can be used in the Del Sur community, as well as control, restrict and articulate when and how video footage from the Association's cameras can be viewed and used. The intended effects of this policy are to protect the privacy rights of residents, prevent misuse and concerns of misuse of the equipment, and protect the Association (i.e., the members collectively) from potential liability for invasion of privacy and other potential camera misuses.

California Civil Code ("Code") Section 4360 grants members a twenty-eight (28) day period to review and comment on most new or amended rules, regulations and policies adopted by the Association. In accordance with the Code, please review the enclosed document, which contains the verbatim language of the proposed Security Camera Policy, and forward to the Board of Directors, by way of Del Sur's General Manager, Darryn Marshall, any comments that you would like it to consider prior to adopting this policy.

All comments made in writing must be received by Mr. Marshall via mail at Del Sur Community Association, 15455 Paseo Del Sur, San Diego, CA 92127, or via e-mail at [darryn.marshall@fsresidential.com](mailto:darryn.marshall@fsresidential.com), no later than **5:00 p.m. on July 20<sup>th</sup>, 2022**. Additionally, comments may be made at the beginning of the Board Meeting whereat the Board will consider and vote on whether to adopt this Security Camera Policy. This Board Meeting will be held on **day, July 26<sup>th</sup>, 2022 at 6:30 p.m. at the Community Ranch House**. Please note that if adopted by the Board, this policy will go into effect immediately.

Thank you in advance for taking the time to review the proposed Security Camera Policy and provide the Board with your feedback on the same.

### **OWNER/RESIDENT USE OF SECURITY CAMERAS**

The Board understands that some owners are also interested in installing security cameras. Please note that in order to do so, all the following requirements must be satisfied:

1. A completed Property Improvement for Design Review Committee (D4) form must be submitted to the Association for the proposed security camera(s) and written approval from the Design Review Committee obtained;
2. The proposed location(s) of the camera(s) must be within the owner's own separate interest property. No camera(s) shall be installed in any portion of the Community Common Area or another owner's separate interest property;
3. The camera(s) shall only be positioned to capture the installing owner's own separate interest property and/or any exclusive use area appurtenant to his or her separate interest. The camera(s) may also capture Community Common Area, provided the area(s) to be captured are not areas where residents and guests have a reasonable expectation of privacy (e.g., streets and sidewalks);
4. Under no circumstances shall the camera(s) be positioned to capture any portion of the interior of another owner's home or unit, or any enclosed yard area of another owner; and

Please contact General Manager Darryn Marshall @ [darryn.marshall@fsresidential.com](mailto:darryn.marshall@fsresidential.com) or 858-779-2411. if you have any questions regarding the process to install security cameras or make other alterations to requiring Design Review Committee approval.

Sincerely,

Board of Directors  
Del Sur Community Association