



ALTUS LEGAL LLC

CONDO AND HOA LAW

LEGAL TIPS

Can the Association Install Fake Security Cameras to Save Money? (Condos / HOAs)

Answer – **Legally-speaking, yes.** Should you? **Probably not.** Let me explain.

It is legal and within the board’s discretion to place conspicuously-mounted, fake “dummy” cameras in common areas to deter would-be criminals or vandals. However, if the board chooses to do so, it should be careful and take certain steps to limit the association’s liability.

But first, a quick primer on “real” cameras.

1). Security vs. Surveillance Cameras

Physically, security and surveillance cameras are usually indistinguishable (the names are awfully similar as well, and thus confusing). The main difference between security and surveillance cameras is how their footage is collected and reviewed. **Both record footage, but surveillance cameras are monitored in real-time by a person and security cameras are not.** Unless you live in a Vegas casino or are a live in a community with very high assessments, your association is unlikely staffed to have a person monitoring the common area surveillance cameras 24/7. **Instead, most associations install security cameras that are motion-activated and digitally record footage that can be reviewed as necessary by the association or the police. This post will thus assume the association is considering installing either security or fake “dummy” cameras.**

2). Be Careful with the False Sense of Security

The association is exposed to liability with conspicuously-mounted security OR fake cameras because there is the risk that individuals may assume they are monitored and thus take chances they otherwise wouldn’t, thinking that there’s an “eye in the sky” watching them if they walk unattended through the parking garage late at night, or confront a suspicious individual in the mailroom. **When cameras are visibly-mounted, people assume the cameras are monitored constantly and therefore that a high level of security exists.** If a criminal act were to take place inuring a person, the injured party may allege that the association has some liability because the person relied on the presence of what they believed were “monitored” surveillance cameras. **In short, people may engage in more risky behavior when they think there’s someone watching out for them.**

3). Fake vs. Security Camera

As I said, legally, yes, the board can opt to install a fake camera instead of a functioning security camera to save money, but the association still must be careful about giving owners a false sense of security. **In the case of fake cameras, the cameras will obviously not be monitored ever.** In order to protect the association’s

liability, the board should post a warning near any camera stating “Cameras are not monitored by an individual.”

You’re now wondering: “Why would we blow our cover by telling would-be criminals that no one is monitoring the camera?” You have a point; the efficacy of the “dummy” cameras is contingent upon the widely-held belief that they are actual, functioning cameras. **However, in the case of dummy cameras, the sign the board posts serves the dual purpose of not only *protecting* the association from liability but also *adding* to the authenticity of the cameras (i.e. why would the association put up signs like that for fake cameras?).**

With new technology, the cost of security cameras that record on a motion-sensor straight to a computer has gone down considerably. **So when considering between real security cameras and fake “dummy” cams, the board should weigh the added costs of installing real cameras against the possibility that the footage could actually be used to solve a crime.** While a fake camera may *deter* crime, it’s never going to help solve one. Also, it will likely take only one incident (say, a package being stolen from the lobby or some kind of altercation) for the fake camera myth to be blown with occupants (i.e. the board would have to confess that there is no footage to help identify the attacker or vandal, and likely explain to owners why that is).

If your board is considering mounting fake cameras, it should probably just cough up the money for real security cameras.