

Giving ATM Video Tapes To Law Enforcement

by Barbara Hurst, BOL Gurus
[BIO AND CONTACT INFO](#)

QUESTION: Law enforcement recently demanded our video tape for an incident that occurred at our ATM. Should we give them the entire video tape? Are there privacy issues involved here? I'm looking for some guidelines to follow. There was no subpoena involved.

ANSWER: Law enforcement can "demand" all they want - you better not think about giving them that tape. You'll be open for all kinds of lawsuits! What you CAN do is either require a subpoena, or get a "hold-harmless" statement from them, and sit down with them in your office, and review JUST the part of the tape they are concerned with. That tape should NEVER show up in a courtroom without a subpoena!

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Guidelines For Saving Security Camera Tapes

Answers by Barbara Hurst, Barry Thompson and Dana Turner

QUESTION: How long should we keep our security camera tapes before we reuse them? We normally recycle the tapes after 30 days but recently we had a request from the police for tapes of over six months ago. Are there any guidelines or what do you recommend?

ANSWER by Barbara Hurst

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Law enforcement would like you to keep them forever! And believe it or not, there are some financial institutions that do just that. I've discovered the standard used to be about three months, but more and more financial institutions are shifting to the recommended six months. The problem is not how long you hold them, but how often you reuse them. If you recycle the tapes more than three times it starts to give less than quality pictures. We've heard of tapes used as many as 20 or 30 times! You may as well not bother to put them in the recorder by that time. You can't identify anyone in the frame. Try not to use them more than three times - hold them for at least six months (longer if possible).

ANSWER by Barry Thompson

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A few years ago problem Treasury Checks wouldn't be returned to the financial institution for at least one year. At that time my CCTV library held approximately 14 months in back history. In recent times, I found that six months of history was more than adequate. This is a judgement call based on your past experience. Occasionally something will happen that you can't expect. I once had a kidnap case where the accused had made a bank transaction during the time he was supposed to be elsewhere. The police wanted our video; the only problem was we found out about the transaction six months too late.

ANSWER by Dana Turner

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You have maintenance and quality and both legal systems' issues to consider. The maintenance

and quality issues have to do with your videocamera and videotape. The legal issues have to do with your state's civil and criminal codes, and the term "statute of limitations".

You should only use the videotape a maximum of three (3) times because the quality of the image becomes so degraded as to be virtually useless for identification purposes.

States often have different statutes of limitations for the same offense -- so be certain to find out about your state's rules. The term "statute of limitation" refers to the maximum amount of time in which a matter may be brought to trial. Infractions and misdemeanors are generally prosecutable for up to one (1) year of their commission. Most felonies are prosecutable for up to three (3) years from the date of their commission. To err on the side of caution, keep your tapes for five (5) years.

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Security Video Tape Retention Guidelines

by Barbara Hurst

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QUESTION: What is the current banking practice for the retention of security video tapes?

ANSWER: I wish I could say a year - because that would be what law enforcement and security would like best. But I'm afraid that scarcely half of our financial institutions are keeping tapes six months. Many are keeping them less. The length of time you keep the tapes is not the only problem. The number of times you use them over is also very important. After the 5th or 6th time, the quality of the tape is so awful, they're virtually useless for identification. The recommendation is no more that three times - store for a year.

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Surveillance Film

by [Barry Thompson](#), BOL Guru

Question: What guidance or rules are there as to retention of bank surveillance film?

Answer: Some states have passed laws mandating the length of time ATM surveillance film should be retained. In those states I wouldn't recommend keeping any surveillance film for less time.

If your state doesn't have a requirement I would ask if you use the surveillance film for fraud cases? Based on my experience you would need to keep the film at least for three months. A good example would be a customer who has a problem with the date of September 1. Your statements are prepared with a cutoff date of Sept. 30. Your statements are mailed Oct. 15, and your customer is on a two weeks vacation. The first notice you would receive of the problem could be during the first two weeks of November.

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