



INSTITUTE FOR JUSTICE

February 13, 2024

**Via E-Mail**

CEO Michael L. Thurmond  
Commissioner Robert Patrick  
Commissioner Michelle Long Spears  
Commissioner Larry Johnson  
Commissioner Steve Bradshaw  
Commissioner Mereda Davis Johnson  
Commissioner Ted Terry  
Commissioner Lorraine Cochran-Johnson  
1300 Commerce Drive  
Decatur, GA 30030

*RE: Proposed Amendments to DeKalb County's Video Surveillance Ordinance*

Dear Mr. Thurmond & Board of Commissioners:

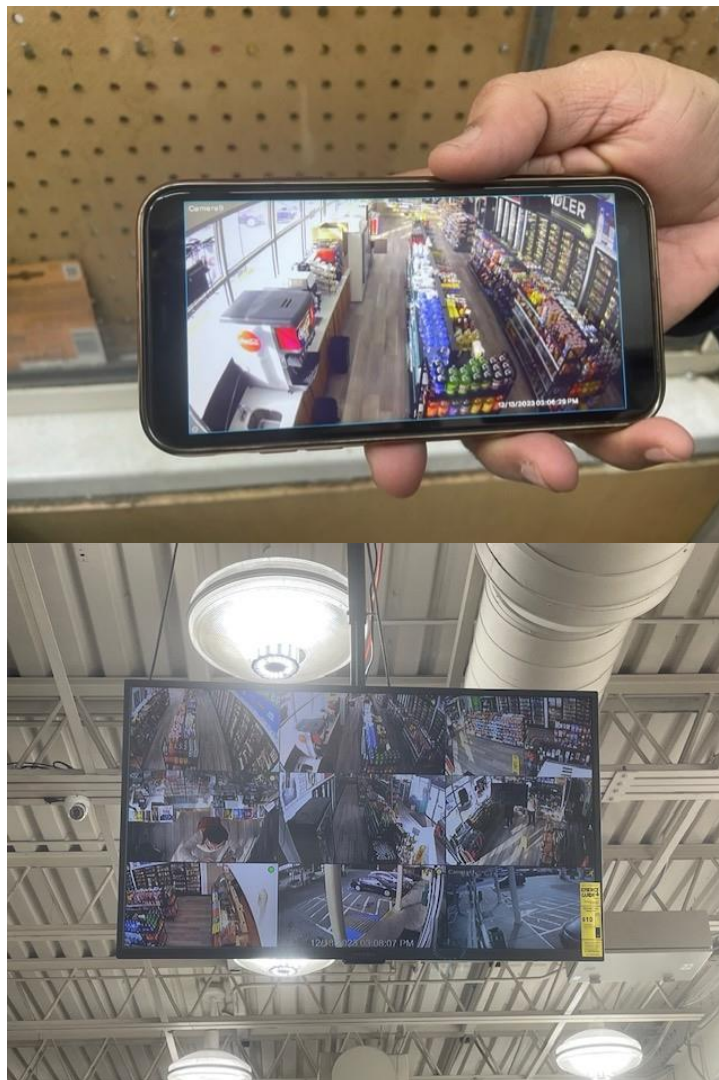
The Institute for Justice is writing to you about the proposed amendments to DeKalb County's Video Surveillance Ordinance that the Board will consider tomorrow. On October 12, 2023, IJ sent a letter explaining that the ordinance violated the Fourth Amendment by requiring business owners to conduct surveillance on the government's behalf and then turn over the footage on demand. So, we are happy to see that the Board is amending the law to clarify that business owners may either comply voluntarily with a request for footage or insist on a warrant, thereby bringing that provision into compliance with the Constitution.

While we applaud the Board for eliminating one constitutional infirmity, IJ has identified other issues with the Video Surveillance Ordinance. The most glaring of these is the ordinance's technical requirements for the number and quality of cameras, which force gas stations and convenience stores to bear high costs without doing anything to improve public safety. By relaxing these requirements, the Board would immediately bring many more stores into compliance without sacrificing the ordinance's purpose.

As the Board has surely learned by now, the reason most stores are not in compliance with the ordinance's original requirements is that the costs are prohibitive. Our discussions with local security contractors have revealed that even small convenience stores with only four gas pumps are being quoted over \$10,000 to bring their systems into compliance with the ordinance—despite those stores already having quality cameras installed. Forcing these small businesses to

spend over \$10,000 on additional surveillance equipment will do very little—if anything—to make the public safer. On the contrary, many of these non-compliant stores are already personally invested in their customers' safety. They have purchased and installed cameras that provide clear images of the entire store and parking lot. And some have even hired private security guards. The County shouldn't saddle these small businesses with extra fees just so their perfectly fine security systems will comport with the ordinance's needlessly stringent requirements.

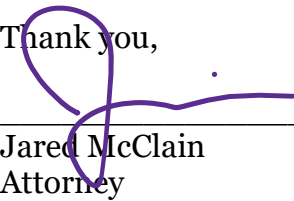
Consider a couple of examples from one of IJ's visits to non-compliant stores in DeKalb. These pictures show the quality of the surveillance technology that the County has determined is not good enough.



These stores already have quality security systems. Requiring them to pay for a \$10,000 upgrade will do nothing to serve their business interests. Instead, the ordinance's demanding specifications serve only the government's ostensible surveillance needs. But the County cannot pass on the costs of its own surveillance needs to businesses that are already doing their best to protect their customers, employees, and the community. If the County decides that it's in the public interest for certain businesses to install new cameras and store the footage for public use, it must compensate those businesses for the costs they incur. *See Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 425-27, 436-37 & n.5, n.13 (1982) (A "permanent physical occupation" is an "extreme form" of a taking for which courts "never deny compensation," even if the encroachment is minor and serves a compelling public interest).

Accordingly, IJ urges the Board to take one of two tacks when it amends the Video Surveillance Ordinance tomorrow. The Board should either (1) relax the camera requirements to make it easier for stores with pre-existing cameras to comply with the ordinance or (2) create a fund to compensate those businesses that must purchase new equipment for the public's benefit.

Thank you,



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