

# **The 5<sup>th</sup> Annual Hospitality Law Conference**

**February 8-9, 2007**

## **CCTVs: The Good, the Bad, & the Ugly**

**Presented By:**

**Charles Hoff**  
**Taylor, Busch, Slipakoff & Duma, LLP**  
**1600 Parkwood Circle Ste 200**  
**Atlanta, GA 30339**  
**(678) 336-7135**  
**choff@taylor-busch.com**

**Bill McSchane**  
*Director of Loss Prevention/Life Safety*  
**Affinia Hotels**

## **Charles Hoff**

Charles Hoff is a corporate lawyer who manages the Taylor-Busch Hospitality Law practice group. Charles is a member of the Executive Committee of the Board of Directors for the Georgia Restaurant Association (GRA) and serves as their General Counsel. Charles formerly served as Senior Vice President & International Counsel for Equifax Inc. Charles worked at Equifax for almost 20 years and garnered extensive experience in most every facet of corporate legal work inclusive of managing litigation; executing merger and acquisition transactions around the globe; employment and labor matters; regulatory and compliance issues, and technology transactions.

Charles prides himself on representing a diverse mix of clients of all sizes and from varied industries. Charles has served on a multitude of Boards and has enjoyed working in the capacity as General Counsel for the Georgia Restaurant Association, Georgia Hotel & Lodging Association, Georgia Electronic Commerce Association, Atlanta Franchise Association and YES!Atlanta. Boards capitalize on his ability to help them apply best practices in corporate governance while being able to efficiently execute their missions.

## **Bill McShane**

As a former Supervisory Special Agent with the Federal Bureau of Investigation and as the Director of Corporate Security for a New York based hotel chain, Mr. McShane has over thirty-seven years of experience in all aspects of both public and private sector security management.

His FBI experience as a Supervisory Special Agent included managing both technical and security programs as well as diversified investigative experience. Assignments included both field supervision and complex program management responsibilities.

As the Director of Security for Affinia Hospitality, a distinctive collection of luxury and business hotels and New York's largest all-suite hotel group he administers and directs the activities of the loss prevention and life safety force for ten hotels, corporate offices and other commercial holdings of the company. His responsibilities include supervision of all investigative efforts to which the company is a party, specifying, testing, operating and maintaining security devices and establishing policies and procedures for the protection of company assets, employees and hotel guests.

In addition to these duties he serves on the Commercial Facilities Sector Coordinating Committee, representing the Lodging Industry to the Department of Homeland Security, the Loss Prevention Committee of the American Hotel and Lodging Association, the Safety and Security Committee of the Hotel Association of New York City and is the immediate past Chairman of the Lodging Security Council, ASIS International.

Mr. McShane is endorsed by the American Society of Industrial Security as a Certified Protection Professional (CPP), the Security Management Institute as a Certified Security Executive (CSE), the American Hotel and Lodging Association as a Certified Lodging Security Director (CLSD), is a member of the Association of Certified Fraud Examiners and licensed by New York State as a Private Investigator. He served with the United States Marine Corps (05/1960 - 01/1969) as a naval aviator and participated in combat operations in South East Asia as an aircraft commander, section and division leader. He was certified in aircraft maintenance, training and flight standards and was qualified as an instructor and maintenance test pilot.

5<sup>th</sup> Annual Hospitality Law Conference  
Presents

CCTV's:  
The Good, the Bad, & the Ugly

Presented by:  
Charles Hoff &  
Bill McShane



Charles  
Hoff

- Corporate lawyer who manages the Taylor-Busch Hospitality Law practice group
- Charles is a member of the Executive Committee of the Board of Directors for the Georgia Restaurant Association (GRA) and serves as their General Counsel
- He also chairs the GRA's Restaurant Operations General Counsel and Franchising Roundtables where he provides helpful information on the most up-to-date legal issues and trends confronting the industry



Bill  
McShane

- Director of Loss Prevention / Life Safety of Affinia Hotels
- Directs the activities of the loss prevention and life safety force for ten hotels, corporate offices and other commercial holdings of the company
- former Supervisory Special Agent with the Federal Bureau of Investigation Mr. McShane has over thirty-seven years of experience in all aspects of both public and private sector security management.

CCTV's  
The Good, the Bad, & the  
Ugly

Presented by  
Bill McShane &  
Charles Hoff

### The Obvious

- A **visual assessment** tool.
- Not be used independently from other security measures.
- Cannot respond or notify the Police or Fire Department.
- Merely records events as they occur as an enhancement to existing security.
- Human participation required.

### Applicability

- Protection of buildings and property - *Building perimeter, entrances and exits, lobbies and corridors, receiving docks, special storage areas, cashier locations, etc.*
- Monitoring of access control systems - *Monitor and record restricted access transactions at entrances to buildings and other areas.*
- Verification of security alarms - *Intrusion alarms, exit door controls, hold-up alarms, etc.*
- Video patrol of public areas - *Parking lots, Lobbies, Meeting Rooms, telephone banks, etc.*
- Criminal investigation - *Robbery, burglary, and theft surveillance.*

### Constitutional Issues

- The Fourth Amendment guarantee against unreasonable searches and seizures.
- The Fourteenth Amendment - the right of personal privacy, a generic term encompassing various rights recognized to be inherent in the concept of ordered liberty.
- Public areas and "reasonable expectation of privacy."
- Expectation recognized as reasonable

## Privacy Expectations

- *Katz v. United States*, 389 U.S. 347 (1967).
- Public Places and Activities vs. the Fourth Amendment guarantee against unreasonable searches and the Fourteenth Amendment's personal privacy rights.
- Prohibited - Monitoring and recording where reasonable expectation of privacy exists.
- Monitoring outside of privacy areas.
- Audio monitoring severely limited

## Liability Issues

- **Monitoring vs. Recording**
- **Extending liability in unmonitored areas.**
- **Promoting a false sense of security.**
- **Signage.**

## Operating Rules

- **Information used exclusively for security and law enforcement purposes.**
- **Information release policy and procedures.**
- **Monitoring limited to uses that do not violate the reasonable expectation of privacy.**
- **Monitoring centers configured to prevent tampering with or duplicating recorded information**

## Operating Rules

- **Maintenance of recording media.**
- **Storage of recording media.**
- **Use of covert video**

## Discussion

- **Monitoring Strategy**
- **Patrols, Lighting and CCTV**
- **Security or Management Tool**