

STATE OF MISSISSIPPI



JIM HOOD  
ATTORNEY GENERAL

OPINIONS  
DIVISION

June 21, 2019

John T. Wakeland, Esq.  
Attorney, Town of Pelahatchie  
800 Avery Boulevard North, Suite 101  
Ridgeland, Mississippi 39157

Re: Opinion Request on Security Cameras

Dear Mr. Wakeland:

Attorney General Jim Hood has received your request for an opinion and has assigned it to me for research and response.

### Background and Issues Presented

Your request states:

A question has arisen regarding cell phone access to various security cameras owned and operated by the Town of Pelahatchie. The Mayor has requested that the camera feed be made available on her official town cell phone. The Chief of Police has expressed concern with this open access. One of the Security cameras provides video images within the police station. Through this camera the identity of police informants, citizens filing criminal affidavits, the identity of minors accused of crimes and misdemeanors and others could be revealed.

Regarding this issue, I have the following specific questions:

1. Who has the authority to establish rules for the operation and use of the city video equipment?
2. Is it proper or appropriate for the Mayor to receive the town video images on her town issued cell phone?

### Response

The authority to establish rules for the operation and use of city video equipment is

John T. Wakeland, Esq.  
June 21, 2019  
Page 2

given to the board of aldermen subject to mayoral veto in a code charter municipality. See MS AG Op., Herring (August 31, 2012). This office has previously opined that:

Section 21-17-5 of the Mississippi Code provides municipal governing authorities the responsibility for the care, management, and control of municipal property. Therefore, as a group, the mayor and board of aldermen have control over the city hall in a code charter municipality. [citation omitted] . . .


MS AG Op., Herring (August 31, 2012). Therefore, the authority to establish rules for the operation and use of the municipal video equipment belongs to the board of aldermen subject to mayoral veto.

As to your second question, the determination of accessibility to video feed on municipal cameras must be made on an *ad hoc* basis. For example, if such determination constitutes a policy-making decision, that decision would be made by the Board of Aldermen. If such determination requires an exercise of executive function, then that function is reserved to the Mayor. However, if the day-to-day operations of law enforcement are hindered, then the determination would be left up to the police chief as the chief law enforcement officer of the municipality. See MS AG Op., Crawford (October 28, 2011); MS AG Op., Barton (March 23, 2006); MS AG Op., Phillips (October 17, 1997).

If we may be of further service, please let us know.

Very truly yours,

JIM HOOD, ATTORNEY GENERAL

By: 

Emiko Hemleben  
Special Assistant Attorney General