

# EXECUTIVE SUMMARY

Across the country extensive media coverage, litigation, and congressional debate have targeted domestic surveillance programs operated by the Department of Defense, the FBI, and the National Security Agency (NSA). Until recently, however, very little attention and public debate had been directed at the dramatic expansion in government video surveillance of public space at the local level.

This report explains in detail the joint assessment of the three California ACLU affiliates of government-funded video surveillance cameras and the current state of video surveillance in California: Part I looks at the threat posed by public video surveillance to privacy and other civil liberties. Part II examines law enforcement justifications for video surveillance programs and an evaluation of these programs' effectiveness. Part III reviews the findings from our public records survey. Part IV offers policy recommendations.

## THREAT TO CIVIL LIBERTIES FROM COMBINED TECHNOLOGIES

Government-run video surveillance can radically alter the relationship between law enforcement and the public. By itself, pervasive video surveillance threatens privacy rights. But even more disturbing, the threat multiplies when government combines cameras with emerging technologies such as automated identification software, face and eye scans, radio frequency identification (RFID) tags, and databases accessible to law enforcement. In that context, video surveillance provides a critical pillar of a surveillance infrastructure. It creates the potential for the government to monitor people in public space, in a way envisioned only in futuristic novels.

## GOVERNMENT FUNDING FOR SURVEILLANCE CAMERAS

Video surveillance cameras are a familiar sight at automated banking machines and other private businesses, but government-funded camera systems in public spaces are a recent development. Some jurisdictions experimented with surveillance systems in the 1990s, but several cities eventually rejected the systems because of their cost, ineffectiveness, and impact on civil liberties.<sup>1</sup>

However, the events of September 11, 2001, radically changed perspectives toward privacy and security and there is now a homeland security bureaucracy that is flush with money and eager to support the efforts of local governments to adopt new surveillance

technology. The Department of Homeland Security has offered hundreds of millions of dollars in grants to local governments for video surveillance cameras and systems.<sup>2</sup>

While the federal government has been handing out money for new surveillance systems, cities and counties throughout California are grappling with the very real problem of violent crime in their communities. Residents facing rising homicide rates have demanded solutions from police departments and elected officials.<sup>3</sup> Security companies have engaged in active marketing to capitalize on general concerns about safety and on the resources available since September 11. Seeing new opportunities to address the public's fears—and using Department of Homeland Security funding in some cases—the local government has responded, in part, by installing surveillance camera systems.

### CAMERAS NOT PROVEN EFFECTIVE; NO SAFEGUARDS AGAINST ABUSE

Residents in high-crime areas, their political leaders, and police officials often see surveillance systems as an obvious solution to crime. Often, however, little consideration is given to the significant evidence demonstrating that camera surveillance is ineffective, especially when compared with other alternatives. Even less consideration is given to the expanded surveillance infrastructure's long-term impact on privacy and on the relationship between the government and the people. Cities throughout California have approved and implemented camera systems without guidelines to guard against abuse and, in most circumstances, with little or no public debate.

### ACLU PUBLIC RECORDS SURVEY ON VIDEO SURVEILLANCE

As the media began reporting on the proliferation of surveillance systems, the ACLU began investigating the extent of video surveillance in California. We conducted a public records survey of 131 jurisdictions throughout the state. Among the key findings:

- 37 cities have some type of video surveillance program
- 18 cities have significant video surveillance programs of public streets and plazas; an additional 10 jurisdictions are actively considering such expansive programs
- 18 cities have systems in which police actively monitor the cameras

- Only 11 police departments have policies that even purport to regulate the use of video surveillance cameras
- No jurisdiction has conducted a comprehensive evaluation of the cameras' effectiveness

As cities throughout California move quickly to approve and install video surveillance, we strongly urge local governments to pause and consider the impact of these systems. Surveillance cameras will not improve public safety, and limited funds can be better spent on programs that are both proven effective and less invasive, such as improved lighting, foot patrols, and real community policing.

As former Oakland Mayor (now California Attorney General) Jerry Brown said in 1999 when the City of Oakland rejected proposed video surveillance cameras: "Reducing crime is something the community and police must work on together. Installing a few or a few dozen surveillance cameras will not make us safe. It should also not be forgotten that the intrusive powers of the state are growing with each passing decade."<sup>4</sup>



MIKE RHODES

*Help from DHS: The Department of Homeland Security gave Fresno a large grant for surveillance cameras.*