

no-cctv.org.uk INTERIM REPORT ON COWLEY ROAD CCTV PROPOSALS

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1 Introduction

This report is an initial summary of findings compiled by the No CCTV on Cowley Road campaign group. We urge the East Area Parliament to study our findings and those of the research literature we list in this report. We have been surprised by the weight of evidence against CCTV and have only been able to present a small selection at this time. We will produce a full report in the near future.

The major promoters of the need for CCTV on Cowley Road either have vested interests for various reasons or are led by the myth that CCTV is an effective tool in fighting crime. However this myth has developed from a basis of false assumptions. The views of the public have been shaped by a media that repeats these false assumptions and omits important evidence against CCTV.

Even the term CCTV is somewhat outdated as the Royal Academy of Engineers point out: "Modern surveillance systems are no longer 'closed-circuit', and increasing numbers of surveillance systems use networked, digital cameras rather than CCTV. The continued use of the term is an indicator of a general lack of awareness of the nature of contemporary surveillance, and disguises the kinds of purposes, dangers and possibilities of current technologies." (*Royal Academy of Engineers, 'Dilemmas of Privacy and Surveillance', 2007*).

CCTV cameras are primarily introduced by local councils but the role of such cameras in a national strategy must be considered. We will highlight some of the disturbing trends in surveillance technology outlined in the Home Office's recent 'National CCTV Strategy' document (*Home Office, October 2007*).

Surveillance cameras clearly present a serious threat to privacy and civil liberties and the alleged trade-offs of safety or security are unproven and vastly outweighed by the risk of creating a police state. In the Appendix we include evidence submitted to the Home Affairs Committee 'A surveillance society?' inquiry by one of this report's authors.

2 Use of Public Money

The council is being asked to commit large sums of public money for the installation of CCTV cameras. We are not convinced that the council has seriously evaluated the effectiveness of CCTV or justified the use of funds for such a project. As pointed out by Ken Pease in his 1999 study of street lighting: "for those exercising stewardship of public money, good evidence about effects should be necessary before money is spent, although one is tempted to ask where rigorous standards went in the headlong rush to CCTV deployment" ('A Review of street lighting evaluations: crime reduction effects', Crime Prevention Studies, Volume 10, 1999). Perhaps councillors, ever mindful of votes, have been driven by alleged public support for CCTV.

3 Alleged Public Support

Over the past few months the police, local newspapers (most notably the Newsquest owned Oxford Mail & Oxford Times), local Labour MP Andrew Smith and the Oxford University Students Union (OUSU) have all pushed for the introduction of CCTV. To varying degrees they have trumpeted the need for CCTV and claimed public support. However there has been no informed debate and this alleged public support must be seen entirely within this context.

3.1 Problems with the Smith Survey

Local MP Andrew Smith sent a questionnaire to residents in side streets off the Cowley Road.

His findings were that:

"almost four hundred people have responded to my letter, either by returning my questionnaire in the post, talking to me in person when I have been calling around the area, via email or telephone. 78% of respondents are in favour of the police proposal to install the CCTV cameras, 18% are opposed and 4% are undecided."

The results that Smith forwarded to the area committee and the police should not be taken on face value. There are a number of reasons why his claim of 78% must be called into question.

3.2 Incorrect information sent to respondents

In the letter that accompanied his questionnaire Smith claimed that there were 35 clubs and bars on the Cowley Road. In fact there are 6 pubs, 29 restaurants/cafés, 19 takeaways and a music venue. Smith's figures are highly misleading and help to paint a picture of a street awash with pubs, clubs and binge drinking youths. Such a false picture bolsters the police's narrative of a crime-ridden no go area.

3.3 Contextualisation

Police statements and newspaper articles that describe the Cowley Road as "the most crime ridden street in Oxford" form a frame of reference within which the public think about CCTV. This leads to what Jason Ditton, of the Scottish Centre for Criminology, terms 'skewed contextualising'. The dominant frame of reference used by the police, media and Smith has been 'control of crime' and 'the fear of crime'. The letter that accompanied Smith's questionnaire said: "CCTV cameras have substantially assisted the police in reducing crime and disorder in the city centre, and it is clear that extending the system along Cowley Road would carry great benefits".

It should hardly be surprising then that so many of Smith's sample responded positively to a measure that is specifically supposed to address concerns about crime.

Ditton analysed 'skewed contextualising' when asking the public about their views on CCTV. Before being asked: are you 'in favour or against closed circuit television cameras video taping people's movements in this street?' - one group was asked three questions in a crime control frame of reference, another group three questions in a civil liberties frame of reference and a final group was asked only the last question with no contextualising questions at all.

Ditton found that in the crime control group 91% were in favour of CCTV, in the neutral group 71% and in the civil liberties group 56% (see Table 1 below).

Context of Group	% in favour		
Crime control	91		
Neutral	71		
Civil liberties	56		
Table 1: Showing 20% contextualising skew Ditton, J. (1998), 'Public Support for Town Centre CCTV Schemes: Myth or Reality'			

In other words Ditton found a 20% skew caused by 'skewed contextualising'. Thus applying Ditton's findings to Smith's 78% support we get just 58% support if unskewed. Furthermore if

a proper informed debate about the effectiveness of CCTV and civil liberties concerns had taken place then we could expect this figure to fall further (see Table 2 below).

Context of Group	% in favour		
Smith Survey (Crime control)	78		
Neutral	58		
* Expected result of informed group	38		
Table 2: showing Smith survey when contextualising taken into account			

3.4 Who completed the survey ?

Smith's survey is further undermined by the fact that his sample was primarily self selecting, and we have no way of knowing who actually completed the questionnaires.

In addition Smith and others pushing for CCTV would like us to believe that people's opinion's emerge from autonomous experience, stable values and reasoned analysis. Of course this is not true. Few people have given serious thought or conducted research into the use or dangers of cameras. Opinions are shaped by a number of external factors and so we now turn to one of the primary shapers of public opinion: media coverage.

4 Media Coverage

Extensive research into media attitudes towards CCTV has been conducted by Clive Norris and Gary Armstrong in their book 'The Maximum Surveillance Society: The Rise of CCTV' *(Berg Publishers 1999).*

Media treatment of CCTV must be seen within the framework of biases built into the media system. Norris & Armstrong point out that: "The relationship between primary definers and reporters allows 'institutional definers' to establish the initial definitions or primary interpretations of the topic in question".

The local press in Oxford have allowed the police (primary definers) to construct the initial framework within which cameras have been discussed. Most stories have followed the standard model observed by Norris & Armstrong:

"In terms of their discursive structure, many of the articles operate using an abstract evaluative structure which takes the form of an 'ideological triangle' so as to:

- 1. Emphasise CCTV's good properties/actions.
- 2. De-emphasise CCTV's bad properties/actions.
- 3. Mitigate CCTV's bad properties/actions. "
- (page 81)

We conducted a basic study of the online local press coverage of the CCTV proposals from May to November 2007. Our sources were the Oxford Mail, Oxford Times and the Cherwell24 websites (a total of 26 articles). Our findings show that considerable media bias has been evident and very little discussion or debate of the proposals has taken place. In contrast to the 96.4% of voices featured in the articles in favour of the CCTV proposals, readers' comments were 62% against. See Tables 3 and 4 below.

Category of voice	No. times cited	% of all voices	% for or against CCTV
Police	21	24.7%	100% for
Local Councillors	20	23.5%	95% reservedly for 5% against
Other Councillors	2	2.3%	100% for
Andrew Smith MP	7	8.2%	100% for
OUSU	11	12.9%	100% for
Traders	16	18.8%	100% for
Citizens	8	9.4%	75% for 25% against
Total	85	99.8% (because of rounding)	96.4% for 3.5% against

equency of voices cited in online local media coverage of Cowley Road CCTV

For or against CCTV	Number	% of total
Against	31	62%
For	13	26%
Unclear	6	12%
Total	50	
Table 4: Opinions expressed in rea	der comments to online media	coverage of Cowley Road CCTV

Despite the majority of readers' comments being against CCTV proposals the tone of articles did not shift to reflect this.

4.1 Myth of crime-ridden Cowley Road develops

During the media coverage the image of the Cowley Road developed from a relatively safe place with a vibrant nightlife to a crime-ridden no go area:

- "Insp Jim O'Ryan said cameras would make the existing Nightsafe scheme much more effective and were essential to combat problems associated with the area's nightlife." (Oxford Times, 2nd May 2007)
- "It is vital to continuing the drive to make Oxford, and in particular the Cowley Road, an • even safer place than it is already" (Supt Trotman quoted in Oxford Times, 18th July 2007 & Oxford Mail 17th July 2007)
- "Mr Trotman told the meeting on Wednesday night: 'There has been a considerable reduction in crime in the East Oxford area, but we are seeing an increase in muggings and we are seeing an increase in street crime." (Oxford Times, 20th July 2007)
- "He[Supt O'Dowda] said a lack of CCTV meant officers were hampered in their efforts to catch dangerous criminals and yobs." / "In the past two years a number of serious incidents have taken place along Cowley Road - some have been detected, but many haven't." / "There were more than 900 recorded crimes in Cowley Road in the year to

April 2007 - more than in any other street or road in Oxford." (Oxford Times & Oxford Mail, 27th September 2007)

- "Cowley Road [...] is statistically the most dangerous street in Oxford" (Cherwell24, 30th September 2007)
- "We will also be running a new club night at the Carling Academy and we don't want to be taking students out to an area that we think could be potentially hazardous." / "I was on Cowley Road the other day and there must have been about 2,000 people in various stages of intoxication." (OUSU President Martin McCluskey quoted in Oxford Times, 9th October 2007 & Oxford Mail 8th October 2007)
- "Violent crime increased by 34.7% in the first six months of 2007, and last year there were over 900 crimes recorded in the Cowley Road area." (Cherwell24, 12th October 2007)
- "We do not feel safe here." (Trader quoted in Oxford Times & Oxford Mail, 16th October 2007)
- "Mr O'Dowda said CCTV was 'vital' to policing the road, which last year had more crimes on it than any other in the city." (Oxford Times & Oxford Mail, 26th October 2007)
- "He said CCTV was "vital" to police the street, which had more than 900 recorded crimes last year." (Oxford Times, & Oxford Mail 28th October)
- "Oxford's most crime-ridden street will get CCTV 15 years after it was first mooted." (Oxford Mail, 7th November 2007)
- "Activists have won the battle to get CCTV installed on the most dangerous road in Oxford." / "Earlier this term, Supt Brendan O'Dowda launched a campaign to get Oxford City Council to back the installation of cameras along the most crime-ridden street in the city." (Cherwell24, 7th November 2007)
- "The long-running campaign to get CCTV in Cowley road came partly in response to statistics showing it to be the worst affected area of Oxford for crime." (*Cherwell24, 9th November 2007*)

Misleading crime statistics have been routinely used by the police and media to reinforce their argument in favour of drastic measures.

5 Crime Statistics

The police have been reticent about releasing detailed crime figures to the East Area Parliament and have made no effort to correct misinformation in media reports. It is ludicrous for councillors to spend public money on supposed crime prevention measures when they have no idea how much relevant crime takes place on the Cowley Road.

5.1 How much crime on the Cowley Road?

The local press has bandied around figures of 760 or 900 crimes in a variety of ways, ranging from the number of violent crimes in the entire Thames Valley area to the total number of recorded crimes in the Cowley Road area, to the number on the road itself, to an ongoing annual rate of crime:

- "With some 900 crimes a year along the [Cowley] road it [CCTV] is vital to it continuing to be a vibrant community and a safe place to be." (Letter from Supt O'Dowda to Oxford Mail, 22nd August 2007)
- "There were more than 900 recorded crimes in Cowley Road in the year to April 2007 more than in any other street or road in Oxford." (COWLEY ROAD: "Crying out for CCTV", Oxford Mail 27th September 2007)
- "Cowley Road is the main street for crime in the whole of the city" ('It'll deter drugs and vice', quote from Supt O'Dowda Oxford Mail 27th September 2007)
- "Last year, more than 900 crimes were recorded but at present, there are no CCTV cameras on the road" ('Cowley Road Most Dangerous in Oxford', Cherwell24, 30th September 2007)
- "Violent crime increased by 34.7% in the first six months of 2007, and last year there were over 900 crimes recorded in the Cowley Road area". ('OUSU demands Cowley CCTV', Cherwell24, 12th October 2007)
- "He [Supt Brendan O'Dowda] said CCTV was "vital" to police the street, which had more than 900 recorded crimes last year". (Anti-CCTV campaign goes online, Oxford Mail, 28th October 2007)
- "In the last 12 months alone in Cowley Road there has been over 760 crimes. The majority of those crimes have been around violence, street violence, common assault, and assault occasioning actual bodily harm". (Cowley Road to get CCTV, Oxford Mail 7th November 2007)
- "Over the past year, more than 760 crimes were reported along the street, but without video footage, it is difficult to prosecute those involved." (Cowley Road to Get CCTV, Cherwell24 7th November 2007)
- "According to Thames Valley Police, there have been 900 instances of violent crime in the area in the year April 2006-7" ('Controversial Cowley CCTV approved', Cherwell24, 9th November 2007)

Even if the 900 crimes figure were correct, how relevant is it? These figures could include immigration issues, forgery, fraud, money laundering, piracy, domestic violence and any number of offences that even the proponents of CCTV would have to admit are not relevant to its installation.

The waters were further muddied when Superintendent Brendan O'Dowda told an East Oxford Community Safety Meeting that there were1867 crimes within the East Oxford area from October 2006 to September 2007. Once again the types of crime were not specified thus rendering such figures meaningless.

Furthermore do these figures refer to crimes alleged, reported or investigated, arrests, prosecutions or convictions?

The Cowley Road is a very long road. Statements such as "the most crime ridden street in Oxford" are meaningless without reference to it's length. If several city centre streets were put together to create an area as long as the Cowley Road would such an emotive statement hold true?

5.2 A different picture on the Oxford Safer Communities Partnership website

Crime statistics for East Oxford on the Oxford Safer Communities Partnership website show a

different picture to those disseminated by the police and the local press. From April to October 2007 they show a 31.7% decrease in robbery (mugging) compared to April to October 2006. When the figures for robbery, assault and criminal damage are taken together there is still a decrease of 5.9% over the same period. These figures do not focus exclusively on the Cowley Road but can be used to put Superintendent O'Dowda's figure of 1867 crimes into a wider context of decreasing crime.

Of course a narrative that focuses on the decrease in crime would not assist the police in their desire to install CCTV and so it seems that they have been happy to let the local press paint a picture of a crime ridden no go area.

6 Climate of fear / psychology of security

Security expert Bruce Schneier studied the way in which our society increasingly is led by fear *('The Psychology of Security', Bruce Schneier 2007)*. Schneier points out that people exaggerate risks that are spectacular, rare and talked about but downplay risks that are pedestrian, common and not discussed. Being scared affects judgement and when combined with biases there are a number of reasons why the brain is going to respond irrationally to risks exaggerated by the media (see Table 5 below).

It is within this context that the public is told that £48,000+ on CCTV cameras to protect against spectacular, rare and talked about events such as random violence is a better use of funds than to safeguard against common, familiar and well understood events such as dangers to school children on a busy road where there is no crossing.

People exaggerate risks that are:	People downplay risks that are:	
Spectacular	Pedestrian	
Rare	Common	
Personified	Anonymous	
Beyond their control, or externally imposed	More under their control, or taken willingly	
Talked about	Not discussed	
Intentional or man-made	Natural	
Immediate	Long-term or diffuse	
Sudden	Evolving slowly over time	
Affecting them personally	Affecting others	
New and unfamiliar	Familiar	
Uncertain	Well understood	
Directed against their children	Directed towards themselves	
Morally offensive	Morally desirable	
Entirely without redeeming features	Associated with some ancillary benefit	
Not like their current situation	Like their current situation	
-	m About People and Risk Perception <i>'The Psychology of Security')</i>	

7 The Effectiveness of CCTV

There is a great deal of research into the effectiveness of CCTV in reducing crime, however little of this research is of sufficient quality. Below is just a sample of some of the literature currently available and is by no means an exhaustive review.

Even the Home Office state in their recent National CCTV Strategy document: "There is an ongoing debate over how effective CCTV is in reducing and preventing crime". (*National CCTV Strategy, Home Office, October 2007*). The public however has not been made aware of the doubts surrounding the effectiveness of CCTV but has been led by media, police, government and the security industry all of whom have been calling for more cameras.

The National CCTV Strategy also states that: "The quality of images recorded by CCTV systems varies considerably. Anecdotal evidence suggests that over 80% of the CCTV footage supplied to the police is far from ideal, especially if it is being used for primary identification or identities are unknown and identification is being sought, for instance, by media release."

In September members of the London Assembly released statistics obtained under the Freedom of Information Act that showed CCTV seems to have little effect on solving crime. The statistics compare the number of cameras in each borough to the crime clear up rate. The data shows more CCTV cameras do not lead to a better clear-up rate. A report in the Daily Telegraph highlighted a road in North London with 102 CCTV cameras monitoring crime - on the two-mile road 430 offences were committed over six months ('Road with 100 cameras is plagued by crime' – Daily Telegraph, 7th July 2007).

A study by the Australian Institute of Criminology found that: "Evidence suggests that the benefits of CCTV surveillance fade after a period of time, and that displacement may occur, or there may be a shift to different sorts of crime which are less susceptible to CCTV surveillance" ('Can surveillance cameras be successful in preventing crime and controlling anti-social behaviours?', Australian Institute of Criminology, 2001).

The Scottish Centre of Criminology studied the Glasgow CCTV system and found that: "When calculated as a single total, the trend effect for the CCTV visibility area is of 1,802 more recorded crimes and offences (a 9% increase)" ('Yes, It Works, No, It Doesn't: Comparing the Effects of Open-Street CCTV in Two Adjacent Scottish Town Centres', Crime Prevention Studies, 1999, Volume 10).

The Police Research group found that in Birmingham there was a "failure of the camera system to reduce directly overall crime levels" (*Closed Circuit Television in Town Centres: Three Case Studies, Crime Prevention and Detection Series Paper 73, Home Office, 1995*).

A report prepared for New South Wales Inter-Departmental Committee on CCTV asked: "Is it possible to simply conclude whether or not CCTV works as a crime prevention tool? The issues outlined in relation to effectiveness (Section 6.2), and the literature suggest that the answer is no." ('Evaluation of the NSW Government Policy Statement & Guidelines for Closed Circuit Television (CCTV) in Public Places', 2001)

When Cardiff University's Violence Research Group looked at the CCTV system in Cardiff they observed: "If there had been a significant deterrent effect as a result of CCTV installation then a decline in police detection of violence rather than the noted increase would have occurred. This study provides no evidence of a deterrent effect." ('Effect of urban closed circuit television injury and violence detection', V Sivarajasingam, J P Shepherd and K Matthews, Injury Prevention 2003;9:312–316)

A 2002 report compiled by nacro found that other measures may be more effective than CCTV in reducing crime:"Three-quarters of the Home Office Crime Prevention budget was

spent on CCTV between 1996 and 1998, yet a comprehensive review has revealed the overall reduction in crime was only five per cent. A parallel systematic review carried out by the Home Office that looked at street lighting, however, found a highly significant reduction in crime of 20 per cent." (*To CCTV or not to CCTV?*, nacro, June 2002)

Logic dictates that where CCTV cameras capture images of people committing crimes that are by their nature premeditated then CCTV clearly does not work as a deterrent. This is in stark contrast to the media attitude that simply having images to publish proves that CCTV works. Clearly the media's definition of success with regards to surveillance cameras and that of right minded citizens is at odds (this issue is further discussed in 'Problems of a one year trial' below).

7.1 Displacement

Local residents have expressed concerns about displacement of crime and disorder into side streets off the Cowley Road should CCTV be introduced. This issue has been downplayed by the police and media but there is ongoing research into displacement effects that should be studied by the East Area Parliament. The worry with displacement is that it supports the introduction of yet more cameras until there is no public space left that is not under constant surveillance.

7.2 Fear of crime and false sense of security

In their 2002 study of CCTV systems Welsh & Farrington found that:"The presence of CCTV may give people a false sense of security and cause them to stop taking precautions that they would have taken in the absence of this intervention, such as not wearing jewelry or walking in groups when out at night." In high crime areas this may lead to an increase of crime as people feel safer when in fact cameras have little effect in reducing crime. We are not convinced however that the Cowley Road is an extraordinarily high crime area as it as been increasingly portrayed by the local press (see media coverage above).

8 The National CCTV Strategy

In October the Home Office released a National CCTV Strategy document that lays out the government's plans for surveillance cameras. Any decision to introduce cameras at a local level must be seen within the framework of the state's use of such technologies.

We draw your attention to the following points within the strategy (all page references refer to the Home Office's National CCTV Strategy, October 2007).

- The Home Office acknowledge that CCTV actually increases police workload, which in turn could lead to reduced policing in the Cowley Road: "Placing thousands of cameras on the streets, each with the capacity to constantly monitor the local environment was bound to increase the workload of the police." (p 24)
- The answer to the increased workload though is more technology, such as searching and data mining, together with networked cameras: "The ability to move images electronically and utilise automatic searching techniques has the potential to increase operational effectiveness and reduce the time currently spent recovering CCTV images." (p 25)
- The Home Office acknowledge that the rest of the world look to the UK for CCTV trends this should place an extra burden on those who introduce cameras to weigh

up civil liberty concerns before surveilling citizens (see Civil Liberties Concerns below): "The development of CCTV in the UK has resulted in a public space CCTV surveillance infrastructure that is the envy of many police forces around the world." (p 28)

- Increasingly terrorism is being used to further CCTV introduction, and of course the information about such moves can not be revealed to citizens because of so called 'national security':"Consultation has taken place with the Counter Terrorist Command of the Metropolitan Police (SO15), the Security Services, Home Office Terrorist Protection Unit, Home Office Scientific Development Branch, Serious and Organised Crime Agency and individuals representing elements of the national transport infrastructure to consider the future use of CCTV in counter terrorist operations. National security considerations prevent a detailed description of their requirements appearing in this document." (p 28)
- The Home Office tacitly acknowledge that modern digital CCTV systems have an environmental impact: "Large scale digital CCTV systems require due consideration of the specialist housing of the equipment racks and hard disk storage, as the digital CCTV recording equipment creates additional noise and cooling requirements beyond those of their analogue counterparts." (p 31)
- The Home Office raise the issue of a network of CCTV systems: "Consideration should also be given to the police, with the consent of individual users having limited and prescribed network access to smaller CCTV systems, to allow them to investigate crimes carried out against those users, in their own premises, such as investigating a robbery at a local shop, or a burglary at a commercial premises." (p 35)
- Plans are laid out for the use of a CCTV network in conjunction with other databases to allow data-matching/mining and profiling (See discussion of Total Information Awareness in Civil Liberties concerns below): "It is hoped, in future, as technology is developed, that such a network will allow the use of automated search techniques (i.e. face recognition) and can be integrated with other systems such as ANPR, and police despatch systems to further increase the effectiveness of CCTV." (p 36)
- Future surveillance camera trends are laid out: "the search continues for the panacea of CCTV; systems capable of Automated Picture Analysis, Person Identification, and Behavioural Analysis. Research still continues, and some applications have emerged, with limited success." (p 40) [Note many of these systems already exist, such as the SEDOR (Self-learning Event DetectOR) system developed by Dallmeier Electronic GmbH & Co.KG]
- The report turns again to integrated systems: "The greater convergence also allows once separated systems to be integrated. For example: [...] Town centre cameras connected to ANPR systems[...] Transport system cameras to travel cards" (p 40)
- Rather than engage in a public debate about such proposals the Home Office is ready to push ahead with more surveillance: "The next stage of this work will be in the form of a 12 month implementation phase which will prioritise and develop the recommendations" (p 53)

As can be seen from the strategy document, the days of a simple black and white grainy camera recording to a video cassette have gone. The future of CCTV/surveillance cameras presents a serious threat to civil liberties. CCTV cameras are primarily introduced by local councils but the role of such cameras in a national strategy must be considered.

"We should not be seduced by the myth of benevolent government for, while it may

only be a cynic who questions the benign intent of their current rulers, it would surely be a fool who believed that such benevolence is assured in the future." ('The Maximum Surveillance Society: The Rise of CCTV', Berg Publishers 1999, page 230)

9 Civil Liberties Concerns

(A further discussion of civil liberties with respect to surveillance can be found in Appendix 1)

The UK has no written constitution but our way of life for hundreds of years has had at its core certain principles of Common Law and Equity:

- the principle that you are free to do anything that isn't specifically legislated against
- the fundamental legal principle of 'innocent until proven guilty'

In recent years we have seen these fundamental principles eroded by the introduction of illiberal laws and the increasing use of surveillance technologies such as CCTV.

Lord Scarman, the first chairman of the Law Commission warned that: "When times are normal and fear is not stalking the land, English law sturdily protects the freedom of the individual and respects human personality. But when times are abnormally alive with fear and prejudice the common law is at a disadvantage: it cannot resist the will, however frightened and prejudiced it may be, of Parliament." *(Hamlyn Lectures, English Law -The New Dimension, 1974)*

Increasingly surveillance technology is being used against law abiding peaceful protesters and threatens the right to protest and free speech. Animal rights protesters in Oxford are routinely filmed and photographed by the police. In a recent court case Thames Valley police were criticised for placing the protesters under "a metaphoric microscope" of surveillance. Cowley Road CCTV could be used to film and harass ordinary citizens exercising their right to protest.

9.1 'Nothing to hide, nothing to fear'

The standard response from those in favour of measures such as surveillance cameras is 'if you have nothing to hide, you have nothing to fear', but this statement shows no understanding of what privacy is. This line of reasoning suggests privacy is only about hiding bad things. You could just as easily say:

- If you're not going to do anything criminal, you can't object to being bound over to keep the peace.
- If you're not going to do anything criminal you can't object to being subjected to a curfew order from 11 o'clock at night to 7 in the morning.
- If you're not going to do anything criminal you can't object to being subjected to a tagging order.

(Adapted from speech of Edward Ganier MP, House of Commons, Home Affairs Debate, Monday, 29th November 2004, Hansard Column 435)

These measures, like the imposition of surveillance cameras are disproportionate when applied to law abiding citizens. Anonymity is not a crime, in fact English common law is built upon a right to anonymity implicit in the right to walk down the street unchallenged provided you are not doing something specifically legislated against.

"As a society, we want to say: Here you may not go. Here you may not trade and analyze information and build dossiers. There are risks in social anonymity, but the

risks of omniscient and omnipotent state and corporate power are far worse." ('The Soft Cage – Surveillance in America', Christian Parenti, Basic Books, 2003)

The UK has the most surveillance cameras per head in the world and is the global leader in its use of CCTV technology. Surveillance measures introduced here have implications for the rest of the world, as they look to us as a 'liberal democracy'. Each advance in surveillance in the UK has the potential to filter around the globe – the companies producing such technology are rubbing their hands with glee but ordinary citizens are not.

As surveillance camera technology advances the risks increase and with measures such as a centralised network of CCTV cameras being mooted (see discussion of National CCTV Strategy above) we are stepping further into an authoritarian society.

"While the promise of smart technologies is undeniable, it is not yet a reality. 'Smart cameras on the market today only have pieces of intelligence,' such as only object tracking, says Joseph P. Freeman, an industry analyst whose firm, J.P. Freeman and Company, Inc., recently released its 2003 Worldwide CCTV & Digital Video Surveillance Market report. 'There's nothing with a full degree of intelligence.' But it's only a matter of time until that changes, says Freeman. 'The omniscient camera is coming; there's no question about it.'" (*Behind the Scenes: CCTV Trends Magazine, Security Management, Vol. 47, May 2003*).

In the United States the Pentagon set up its Total Information Awareness (TIA) project in 2002 to capture the "information signature" of people to "assist tracking terrorists". In 2003 the US congress stopped funding the project but its work has been continued by a myriad of other data mining and data sharing projects. Such projects however are not unique to the US and "the thinking behind TIA expresses what might be conceived of as a *compulsion to surveille*, which is endemic in the modern world, where order and control are the requisites of all else" (*'The Intensification of Surveillance', Kirstie Ball and Frank Webster, Pluto Press 2003*).

In the UK projects such as 'Transformational Government' and the recent 'Service Transformation Agreement' together with measures introduced in the Serious Crime Act 2007 pave the way for wholesale data -sharing, data-mining and the abolition of anonymity and privacy. When these measures are viewed alongside the National CCTV strategy (discussed above) you begin to see the UK government's compulsion to surveillance and their very own de facto Total Information Awareness project.

"We shall find, in ten or twenty years time, that serious crime has risen yet further, terrorism will be more strongly embedded and law enforcement agencies will still be failing in their intelligence and ability to prevent such activities. Yet we, as decent citizens, will have sacrificed completely our rights to privacy and anonymity. This is a very serious matter." (*'Biometrics and privacy: A sacrifice worth making?', Julian Ashbourn, 'Biometrics' Times supplement, 31st July 2006*)

The members of the East Area Parliament do not have the luxury of the standard retort when faced with such measures: "we can't do anything about it". If surveillance cameras are introduced on the Cowley Road it will be as a direct result of their actions.

10 Problems of a one year trial

There are a number of problems associated with a one year trial of surveillance cameras as proposed by the East Oxford Safety Meeting.

Firstly any analysis would need to take into account factors before and after the trial as well as information about a comparable control area. In the absence of detailed crime figures for

the Cowley Road, and the selection and collection of data for a control area, a rigorous evaluation will not be possible.

We contacted an Oxford University statistics academic for guidance on factors that would need to be considered in evaluating a CCTV system. The following advice was received:

"For an informative study one would need to have detailed data BEFORE and AFTER the installation, on:

- crimes: type, location, day, time of day, weather, and other information on the crimes which might be relevant
- confounding factors such as pedestrian traffic, possibly road traffic, [...] and other confounding factors one might think of. "

(The full guidance can be found in Appendix 2)

In 2002 Welsh & Farrington conducted a review of CCTV evaluations. Their 'Criteria for Inclusion and Exclusion of Studies in the Review' lists 5 criteria that a study must meet (See Effects of Closed Circuit Television Surveillance on Crime:Protocol for a Systematic Review, Brandon C. Welsh, David P. Farrington, Campbell Collaboration Crime and Justice Group, Third revision: November 4, 2003). In their study Welsh & Farrington considered 46 previous studies of CCTV systems, but only 22 met their criteria and so were included.

The second problem we see with a one year trial is the position of the police who have been quoted in the press as describing the proposal of four wireless cameras as "a great start". Clearly the police have an agenda for more CCTV. If you accept four cameras, after a year the police could use falling crime figures (the current trend) to call for more cameras because of the alleged effectiveness of the trial. If crime were to increase then surely they will say there weren't enough cameras and so they will still call for more cameras. This position will be strengthened by the local press who will control the narrative of success or failure rather than promote real and detailed scientific analysis. Norris and Armstrong noted that "the criteria of success that the local news journalists use are the self-justificatory ones of the system promoters. Moreover, the uncritical acceptance and publication of arrest figures obscures the issue that 'arrests' are not 'charges' and neither are they 'convictions'. Nor are they synonymous with reductions in the 'real' (as reported by victim surveys) or recorded crime rates." (*'The Maximum Surveillance Society: The Rise of CCTV', 1999, p81*)

The media love the visual nature of CCTV, the images it produces make good copy which allow for exciting stories about spectacular acts. It will be difficult to conduct a balanced and fair trial of cameras amidst a media so heavily biased in favour of CCTV (see our analysis of local media coverage above).

[We have contacted experts in crime statistics and CCTV analysis for information on conducting an independent review of CCTV on the Cowley Road. We would be happy to share this information privately with councillors. Councillors should be aware that conducting a proper review is a costly procedure.]

11 Conclusions

- Full consideration of the effectiveness of CCTV must be made before committing public money to such a scheme.
- We are concerned that it will not be possible to run a thorough or even handed one year trial of cameras.
- Where the council feels that there are concerns about level of crime due to pubs, bars or clubs along the Cowley Road these should be addressed at the licensing level. If as has been suggested by councillors such licensing measures are hampered by government legislation action should be taken to lobby the government. It is not acceptable to introduce surveillance cameras to alleviate licensing problems caused by bad legislation.
- We note that the police are keen to install radio link equipment alongside cameras to assist communication with clubs and bars along the Cowley Road – other ways of delivering a communication network should be investigated, it is not acceptable to introduce surveillance cameras to facilitate a radio link.
- In this report we have not considered the environmental impact of the technology involved but we would call on the East Area Parliament to undertake such a study.
- We do not want 8 cameras on the Cowley Road. We do not want 4 cameras on the Cowley Road. We are against all proposals and so-called compromises for CCTV on the Cowley Road. "Technology cannot compensate for unintelligent and unsympathetic government policy. Treating ordinary citizens as criminals is not going to alleviate our societal ills, now or ever. On the contrary, it will simply aggravate existing pressures and lower the quality of life for everyone." ('Biometrics and privacy: A sacrifice worth making?', Julian Ashbourn, 'Biometrics' Times supplement, 31st July 2006)

Better community reduces crime, technology does not.

Appendix 1

Evidence submitted to Home Affairs Committee "A Surveillance Society?" Inquiry by Charles Farrier, April 2007

A Surveillance Society?

Executive Summary

⁰¹ The rise in technology combined with a mass media-fuelled climate of fear threatens our way of life. Citizens of the UK are asked to sacrifice privacy for measures that it is not possible to prove the success of. The sudden increase in surveillance technology threatens the citizen's right to privacy and their very way of life. The use of surveillance on law abiding citizens going about their daily business or exercising their democratic right to protest calls into question the health of our democracy. The forthcoming National Identity Register and the government's data sharing agenda will remove existing privacy firewalls. The use of such data for profiling is the stuff of despotism. If surveillance is allowed to increase unchecked then it could have effects on the behaviour of individuals who are anxious not to stand out in the crowd or appear in a bad light in the eyes of the authorities. Stronger safeguards must be put in place, bills before parliament should be subject to privacy impact assessments and our constitution needs to be strengthened to protect the citizen.

Introduction

- We live in dangerous times, as the rise in technology combined with a mass mediafuelled climate of fear threaten our way of life. The world of performance targets, blame and litigiousness forces officials and decision-makers to "do something", to err on the side of perceived safety. The fear of "not acting" is made to weigh heavy on minds but at what cost?
- As Zbigniew Brzezinski, former National Security Advisor to Jimmy Carter recently put it: "Fear obscures reason, intensifies emotions and makes it easier for demagogic politicians to mobilize the public on behalf of the policies they want to pursue."[1]
- A recently published policy review document released by the government states: "Citizens are asked to accept the gathering of greater levels of information and intelligence in the knowledge that this will facilitate improvements in public safety and law enforcement."[2] Why should citizens accept further intrusion into their private lives when research calls into question the effectiveness of current measures? It is interesting to note that the huge proliferation of CCTV cameras led to just a five per cent reduction in crime whilst street lighting led to a twenty per cent reduction[3].
- ⁰⁵ Chief amongst the current armoury of so-called safety measures is the use of surveillance technology. A way of intruding into people's lives in the interest of "protecting" them. After all, the axiom "nothing to hide nothing to fear" rules supreme, doesn't it? I will argue that there is very much to fear, particularly if you have nothing to hide.

Privacy

OF Privacy is a difficult concept to define and something that many people seem to take for granted. In the UK privacy is embodied by the system of common law – in which you are free to do anything as long as it is not specifically legislated against. Privacy goes hand in hand with anonymity. Buying a newspaper is not an unlawful act and may be done under anonymity by making a cash transaction in a small newsagent. But consider this simple act in the modern world. The journey to the newsagent filmed on CCTV, the purchase filmed within the shop and the transaction recorded if the purchase is made with a credit or debit card. Why should this be watched and recorded? Now imagine a future world in which this information is added to a central register and the choice of newspaper contributes to a profiling score. Such a vision is not far off with the UK National Identity Register waiting in the wings[4]. What have we become that we feel the need to pry into the lives of law abiding citizens in such a way?

Technology

- ⁰⁷ The start of the 21st century has ushered in a wave of "modernisation" often for the sake of it. Those that do not embrace "modernity" are branded Luddites. Yet many of the changes in surveillance technology are so far reaching that they threaten what it is to be human. For instance, advances in CCTV cameras mean that we will progress from simple stop motion black and white images to high resolution, colour digital images with facial recognition and perhaps soon expressions recognition[5]. Technologies such as expression recognition will intrude into behaviour identity and lead to a robot-like neutral public persona. Technology should be a tool to assist humanity not a weapon with which to enslave it. Advances in technology are big business and there is a whole industry keen to make whatever case necessary to increase sales – governments should be acting on behalf of their citizens not the commercial designs of the high tech industry.
- ⁰⁸ For an insight into surveillance technology trends and their impact in modern society I draw the committee's attention to the Institute for Prospective Technologies (IPTS) report 'Security and Privacy for the Citizen in the Post-September 11 Digital Age: A Prospective Overview'[6].

Surveilling Dissent

One of the most worrying trends in recent years has been the photographing and filming of protesters[7]. Our society is supposedly a democracy in which the right to protest is respected. Yet law abiding citizens who choose to go on a demonstration are routinely filmed. The eerie sight of police with handheld equipment recording the presence of protesters embodies a threatening and disapproving state. This is unacceptable in a democracy. What laws allowed this to become routine? What has our society become that the expression of a democratic right is met with such muscle-flexing of the state? What happens when the advances in technology allow the previously shot footage to be matched against the National Identity Register using facial recognition? Will this data be used for profiling? Protesters should be heard but not individually monitored and any existing footage should be destroyed.

Identity Management

- ¹⁰ Identity management is a cornerstone in the surveillance state. Through the introduction of a centralised database of all citizens, each allocated a unique identifier (National Identity Register Number, NIRN), the full power of total surveillance is unleashed.
- In the past identifying information such as fingerprints and mugshots has only been stored for convicted criminals but the UK's identity scheme seeks to store such personal and private information on all members of society. The unique identifier will allow information from disparate databases to be combined.

Databases and Data Sharing

- ¹² The indexing of data by the NIRN when combined with the government's forthcoming data sharing agenda[8] will destroy existing privacy firewalls. For instance, assurances that medical data will not be stored on the National Identity Register are meaningless if medical records contain a reference to a citizen's unique identifier. Effectively the National Identity Register will be joined to the NHS spine via the NIRN.
- ¹³ The government promised a consultation on data sharing and a data sharing bill in the Spring of 2004. Why did they not fulfil this promise? Surely if they have nothing to hide they would have done – surely they have nothing to fear from explaining to UK citizens the full implications of data sharing. Why are they introducing such measures by stealth?
- ¹⁴ In addition, the audit trail enshrined in the Identity Card Act will facilitate the creation of dossiers on UK citizens. Each time a card is electronically read it will be possible to record the location in time of that event and so track individuals and their behaviour.

Profiling

¹⁵ The collection of information in databases is intrinsically linked with profiling. Roger Clarke of the Australian National University defines profiling as: "a data surveillance

technique which is little-understood and ill-documented, but increasingly used. It is a means of generating suspects or prospects from within a large population, and involves inferring a set of characteristics of a particular class of person from past experience, then searching data-holdings for individuals with a close fit to that set of characteristics"[9].

- Allowing computers to categorise citizens in this way is a frightening vision of a future in which every action could increase the likelihood of becoming a suspect. In addition, computers always make mistakes and it will only be a matter of time before such systems lead to wrongful arrests, detentions and imprisonments.
- ¹⁷ Profiling is the stuff of despotism. In Nazi Germany the forerunner to modern computers, the Hollerith punch card machine was used to categorise the German population in the census of 1939[10]. This allowed them to conduct the Holocaust in a controlled and systematic way.
- ¹⁸ The unwritten constitution of Britain is too weak to protect UK citizens. The power of parliament is supreme and armed with such technology it is not difficult to see a future "elective dictatorship" completing the erosion of civil liberties that has been accelerating so alarmingly in recent years.
- ¹⁹ Lord Scarman, the first chairman of the Law Commission warned: "When times are normal and fear is not stalking the land, English law sturdily protects the freedom of the individual and respects human personality. But when times are abnormally alive with fear and prejudice the common law is at a disadvantage: it cannot resist the will, however frightened and prejudiced it may be, of Parliament."[11]

The Electronic Panopticon and its Side Effects

²⁰ The advances in surveillance technology will create an electronic Panopticon in which citizens feel that their every move is being recorded and analysed. The effect of this will be to create a society of behavioural uniformity. The law abiding citizen clearly stands to lose the most. As New York Times columnist William Safire put it: "To be watched at all times, especially when doing nothing seriously wrong, is to be afflicted with a creepy feeling. That is what is felt by a convict in an always-lighted cell. It is the pervasive, inescapable feeling of being unfree."[12]

Conclusions

- The government should be protecting privacy not working to destroy it as it currently is. There should be legislation against excessive surveillance. Safeguards should be put in place and sunset clauses for all measures that reduce citizens' freedom. All bills before Parliament should be subject to a privacy impact assessment.
- The constitution needs urgently to be reinforced to create clear limits on what the government can and cannot do. As Christian Parenti put it: "As a society, we want to say: Here you may not go. Here you may not trade and analyze information and build dossiers. There are risks in social anonymity, but the risks of omniscient and omnipotent state and corporate power are far worse."[13]

[2] 'Building on progress: Security, crime and justice', HM Government Policy Review, March 2007

[4] Whilst such proposals are not on the face of the Identity Cards Act, it could be possible through the linking of databases (upon the customer's unique identifier) to data mine in this way.

[5] See 'Urban Surveillance and Panopticism: will we recognize the facial recognition society' by Mitchell Gray http://www.surveillance-and-society.org/articles1(3)/facial.pdf

[6] 'Security and Privacy for the Citizen in the Post-September 11 Digital Age: A Prospective Overview', A Report to the European Parliament Committee on Citizens Freedoms and Rights, Justice and Home Affairs (LIBE), IPTS July 2003 (ftp://ftp.jrc.es/pub/EURdoc/eur20823en.pdf)

[7] See 'Casualty of War - 8 weeks of counter-terrorism in rural England', Liberty, July 2003 (http://www.liberty-human-rights.org.uk/publications/pdfs/casualty-of-war-final.pdf)

[8] See 'Information sharing vision statement', HM Government, September 2006 (http://www.dca.gov.uk/foi/sharing/information-sharing.pdf)

[9] 'Profiling: A Hidden Challenge to the Regulation of Data Surveillance' by Roger Clarke, Visiting Fellow, Department of Computer Science, Australian National University, 1995 (http://www.anu.edu.au/people/Roger.Clarke/DV/PaperProfiling.html)

[10] See "IBM and the Holocaust" by Edwin Black, 2002, Time Warner Paperbacks

[11] Hamlyn Lectures, English Law -The New Dimension, 1974

[12] "The Great Unwatched", William Safire, New York Times 18 Feb. 2002. 12 December 2002

[13] "The Soft Cage – Surveillance in America" by Christian Parenti, 2003, Basic Books

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^{[3] &#}x27;To CCTV or not to CCTV?', nacro, June 2002 (http://www.nacro.org.uk/data/resources/nacro-2004120299.pdf)

Appendix 2

Email from Prof. Gesine Reinert, Keble College and Department of Statistics 20th November 2007

Dear Charles Farrier

Last week you asked me how one could assess whether some newly installed CCTV cameras actually work.

A statistical approach would usually assume that the simplest explanation is valid, unless there is strong evidence to suggest otherwise. This simplest explanation, the "null hypothesis", would be that 4 new CCTV cameras do not have a significant effect on crime.

As potential evidence against this hypothesis one should collect crime statistics, before and after the installation, and compare these. In such an observational study, there are bound to be what are called confounding factors, such as pedestrian traffic, which may change over the year and would affect crime statistics as well. The effect of such factors are likely to differ from crime to crime.

For an informative study one would need to have detailed data BEFORE and AFTER the installation, on:

- crimes: type, location, day, time of day, weather, and other information on the crimes which might be relevant
- confounding factors such as pedestrian traffic, possibly road traffic, number of concerts offered (the Zodiac closure may have reduced crime, who knows), and other confounding factors one might think of.

In particular these data need to be collected not only after the installation of CCTV cameras, but they must also be collected before the installation, in order to provide a valid comparison.

Given the timing that might not be an easy task to achieve; ideally the pre-installation data should cover at least a year.

In observational studies there is no guarantee that all confounding factors are taken into account, but some thorough thought has to be devoted to potential confounders before the study is undertaken.

Please let me know if you have any further questions at all.

Best regards

Gesine Reinert

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Charles has been campaigning on civil liberties issues for several years. For the last two years he has been the newsletter editor for NO2ID, the national campaign against ID cards and the database state. He has worked an IT professional, with over 15 years experience working in software and then website development. He has worked extensively with databases and is aware of the dangers inherent in them.

Barbara Ruiz

Until recently Barbara worked as a criminal defence solicitor specialising in Crown Court work and prisoners' rights. She has first hand experience of the criminal justice system and is extremely concerned at the direction in which it is being taken. She also has experience of immigration and housing law. Prior to turning to the law Barbara worked in publishing and was responsible for setting up the first representative office of a British publishing company in Beijing.