



Surveillance—Lesson Plan

Student Objectives

- Explore the ideas of privacy and anonymity and their value in a democratic society.
- Appreciate the tensions between balancing police powers and personal freedoms in public areas.
- Learn about current video surveillance technologies and how governments use them.
- Understand a proposal to require law enforcement officials to get permission from a judge to access public video surveillance records.
- Analyze the reasons for supporting and opposing limits on access to public surveillance records by law enforcement officials.
- Identify areas of agreement and disagreement with other students.
- Decide, individually and as a group, whether our democracy should limit access to public video surveillance records by requiring law enforcement officials to get permission from a judge.
- Reflect on the value of deliberation when deciding issues in a democracy.

Question for Deliberation

Should our democracy require law enforcement officials to get permission from a judge to access public video surveillance records?

Materials

- Lesson Procedures
- Handout 1—Deliberation Guide
- Handout 2—Deliberation Activities
- Handout 3—Student Reflection on Deliberation
- Reading
- Selected Resources
- Deliberation Question with Arguments
(optional—use if students have difficulty extracting the arguments or time is limited)



Surveillance—Reading

1 *Winston was in Victory Square before the appointed time. He saw the girl at the base*
2 *of the monument, reading or pretending to read a poster which ran spirally up the*
3 *column. It was not safe to go near her until more people had accumulated. There*
4 *were telescreens all around the pediment.—George Orwell in his novel 1984*

5 *Several hundred officers were assigned to viewing the (CCTV) film. At about 8 pm on*
6 *Monday, an officer found just what Clarke was looking for: images of four young men*
7 *carrying rucksacks. Hussain’s face was clearly identifiable. —London Times, describing*
8 *CCTV and the identification of the 2005 London subway bombers*

9 Video surveillance cameras seem to be everywhere these days . . . on highways and in
10 schools, at street corners and even in ordinary public squares. More and more national and local
11 governments, as well as businesses and private organizations, are using this technology. Ukraine
12 has urged state-run banks to install video surveillance systems. In Russia, Estonia, and Lithuania,
13 government-coordinated surveillance cameras cover public spaces, including public squares and
14 transit stations. In Serbia and Azerbaijan, video surveillance is used in state-run schools. The
15 same is true in Chicago, Los Angeles, and Fairfax, Virginia. In such capitals as Moscow,
16 Bucharest, Prague, and Washington, surveillance cameras keep watch over public spaces.

17 **What Is Video Surveillance?**

18 The European Commission for Democracy through Law defines video surveillance as “a
19 technology system of surveillance by cameras which can be chosen, set up and used by public
20 authorities on public places for crime prevention or even crime prosecution. The system usually

21 consists of a number of video cameras which are connected in a closed circuit television
22 (CCTV)...where operators watch a bank of television screens” (“Opinion on Video Surveillance
23 in Public Places . . . ,” 2007). Images are then monitored and recorded. This kind of video
24 surveillance is not targeted at any one person but “gathers images and information for possible
25 future use” (House of Lords, “Surveillance: Citizen and the State,” 2009).

26 Public authorities are turning to video surveillance to address such concerns as crime
27 prevention, criminal investigations, public safety, traffic control, crowd monitoring, and
28 governmental and national security. Public systems are used in public buildings and squares,
29 public transit and parking facilities, and public streets, malls, and housing. By far the most
30 extensive CCTV project is in the United Kingdom. The UK has installed more than 4 million
31 cameras. That amounts to one for every 14 persons (Electronic Privacy Information Center,
32 “Spotlight on Surveillance,” December 2005).

33 Video surveillance systems are quite expensive. According to current research, these systems
34 have limited utility in fighting crime; a United Kingdom study found, for example, that better
35 street lighting was far more effective at deterring crime and much less expensive (NACRO,
36 2002). Nevertheless, both the police and the public are very supportive of them: once in place,
37 the cameras are rarely removed. Many are installed with public input, but others are not.

38 **The Technology of Video Surveillance**

39 Video surveillance surpasses human observation in several ways. Night-vision, zooming, and
40 automatic tracking capacities, for example, allow such systems to “see” things even trained
41 people cannot. With ten cameras and a few monitors in a control room, public authorities can
42 effectively monitor, track, identify, and record events and places better than many more human
43 observers in the field.

44 Technology also allows governments to *limit* what information is gathered and accessed. For
45 example, the Constitution Project in Washington, explains that “digital masking” can be used to
46 automatically blur the faces of persons who are recorded but unconnected to the surveillance.
47 Stored data also can be encrypted with electronic “keys” to protect against unauthorized access.
48 Data can also be given a digital “watermark” to authenticate records and verify who, where, and
49 when files are accessed (“Guidelines for Public Video Surveillance,” 2007).

50 **Privacy, Anonymity, and Democracy**

51 An important democratic principle is that government is limited by law. It exists to serve the
52 people, not the other way around. Traditionally, persons in a democracy can move, think, meet,
53 or otherwise exercise their autonomy without government supervision. In the words of American
54 jurist Louis Brandeis, a person in a democratic state has the right “to be let alone” (*Olmstead v.*
55 *United States*, 1928). This is the essence of the right to privacy.

56 Privacy includes the right to make decisions for your own body and to keep your medical
57 information from other people. It is the right to keep others out of your property and to keep
58 information such as what clothes you buy or what books you read from being shared. A related
59 right is anonymity—that is, the expectation that your activities will not be monitored by the
60 government. The European Court of Human Rights has recognized that even public interactions
61 with others may be considered part of “private life” (Venice Commission, 2007).

62 Under Communist rule, surveillance by state security organizations regularly reminded
63 people of the power of the Communist Party and the state. People who questioned or challenged
64 the government were denied work, imprisoned, exiled, and even executed based on surveillance
65 information. In the United States, the Federal Bureau of Investigation (FBI) conducted
66 surveillance on Martin Luther King, Jr., and other leaders of the Civil Rights Movement. The

67 U.S. government also monitored the 1960s peace movement, the 1980s anti-nuclear movement,
68 and the 2002-3 anti-Iraq War demonstrations. It used surveillance data to harass, intimidate, and
69 embarrass persons who opposed the government and its policies.

70 Individual democracies have recognized many forms of a right to privacy. The Macedonian
71 constitution provides that “Each citizen is guaranteed the respect and protection of the privacy of
72 his/her personal and family life and his/her dignity and reputation” (Article 25). Azerbaijan,
73 Lithuania, Romania, Russia, and Ukraine have similar constitutional protections. Although U.S.
74 Constitution does not refer explicitly to privacy as a right, the U.S. Supreme Court has
75 recognized a right to privacy based on the First, Fourth, Fifth, Ninth, and Fourteenth
76 Amendments (Slobogin, 2002). In the European Union and the United States, police must have a
77 warrant—permission from a court—for certain searches.

78 Privacy is also protected under international treaties. One such treaty is the International
79 Covenant on Civil and Political Rights, which states that “no one shall be subjected to arbitrary
80 or unlawful interference with his privacy, family, or correspondence, nor to unlawful attacks on
81 his honour and reputation” and that “everyone has the right to the protection of the law against
82 such interference or attacks” (Article 17).

83 Like most rights, privacy has limits. Countries work to balance individual privacy protections
84 against society’s need for safety and security. If a person visits the doctor and tests positive for
85 Swine flu, for example, this information is reported to the government to protect public health.
86 Governments scan airline passengers and search their baggage to protect flight safety. In times of
87 war, police are often given greater power to watch and question “suspicious” persons.

88 **Video Surveillance in Public Places: Chicago’s “Operation Disruption”**

89 In response to community concerns, the Chicago Police Department introduced “Operation
90 Disruption” in 2003. At that time, most violent crime in Chicago was related to open-air drug
91 markets. Operation Disruption installed highly visible cameras, topped with a flashing blue light,
92 on designated street corners. The purpose of the program was to show drug dealers that they
93 were being watched, deter drug trafficking, and reduce drug-related violence. Operation
94 Disruption seemed to have strong initial success, and both city council members and community
95 groups have requested cameras for their neighborhoods. In Denver, Colorado, a similar project—
96 HALO—is equally popular among community groups.

97 Today the Chicago Police Department has thousands of surveillance camera “pods” in
98 schools, on buses, in parks, and in other public spaces. All are explicitly marked. Another video
99 system, called Virtual Shield, is designed for public emergencies and coordinated by the city’s
100 Office of Emergency Management and Communications (OEMC).

101 The Chicago Police Department keeps surveillance records for a maximum of fifteen days
102 before the data is written over. Data is encrypted and stored centrally at police headquarters. It is
103 protected by a log-on process and firewalls. All user activity is monitored internally and audited
104 by the FBI. In order to review video data, an officer must follow an internal approval procedure;
105 no judge or neutral reviewer is involved. Police who violate procedures or use the system
106 incorrectly are subject to internal disciplinary procedures.

107 Both “Operation Disruption” and “Virtual Shield” are coordinated systems; authorized
108 personnel can access information on either system. While police data is open to the OEMC
109 system, some OEMC data is restricted. Disputes about access are resolved between the

110 departments. National security agencies can also request this information. There is no
111 mechanism to resolve disagreements about access.

112 **Balancing Security and Privacy**

113 One proposal for balancing personal privacy with public safety is to require the police to
114 get permission from a judge to look at video records. Supporters say video surveillance raises an
115 old problem in democratic government: Who will watch the watchers? Asking a judge for access
116 to video records, they say, is no different from asking for a search warrant to look for evidence.

117 Supporters say that the freedom to talk and walk and meet without the government
118 watching them is fundamental to democratic society. People modify their behavior in public
119 when they know the police are watching. Requiring permission from a judge helps ensure that
120 whatever the police “see” on CCTV will be “remembered” only if it relates to crime.

121 Without a judge or another neutral person deciding what the police can and cannot do
122 with surveillance data, some people fear government officials will abuse such information.
123 Asking permission from a judge makes it harder for police to develop profiles on ordinary
124 citizens. If the police have a good reason, then the judge will permit access.

125 Supporters also argue that ordinary citizens will not know if the police have abused their
126 surveillance powers. Nor can they be certain that offending officers will be punished. As a result,
127 punishing the police or compensating victims becomes very hard. Thus supporters argue that
128 prevention is the best way to address the possibility of surveillance abuse by the government.

129 Opponents of the requirement for judicial approval counter that democratic governments
130 exist to protect their citizens, not just the rights of their citizens. Too much protection for one
131 person’s privacy can result in the destruction of democratic society itself.

132 Opponents also claim that judges lack the expertise to recognize when police have a valid
133 need to review video surveillance records. This extra step makes the difficult work of fighting
134 crime even harder. They add that judicial systems already struggle with few resources and huge
135 case loads. This extra responsibility will mean that judges will have to do more with less.

136 Good police work depends on timely action. If police must ask a judge for permission to
137 review video surveillance records, they will lose valuable time. The London subway bombings
138 investigation shows the value of quick CCTV data sharing. Unnecessary walls between police
139 and national security agencies have little value, present much risk, and benefit only criminals.

140 Supporters of judicial review agree that the risks to national security are enormous, but so
141 are the risks to democracy. The easy sharing of surveillance data between police and national
142 security personnel can quickly result in dossiers on citizens who are “guilty” only of legitimate
143 political dissent. Judicial permission is necessary to protect the democratic rights of citizens.

144 In addition, supporters note that surveillance most often deters crime. Rarely do police
145 see a crime about to occur on video and rush to prevent it. Video surveillance records help police
146 check for evidence about a crime that has already been committed—not a crime happening in
147 real time. Asking permission from a judge to view these tapes is a reasonable safeguard.

148 Ultimately, opponents of judicial review say that concerns about police abuse of video
149 surveillance records are unfounded. Police department policies are sufficient to prevent most
150 abuse. Police departments also have procedures in place—from reassignment to dismissal—for
151 the few officers who fail to follow the law. Asking a judge to review each request is unnecessary.

152 As long as video surveillance remains, so will questions about balancing privacy and
153 security in 21st-century democracies.



Surveillance—Selected Resources

- “Azerbaijan Constitution: Article 32, Right for Personal Immunity,” http://www.oefre.unibe.ch/law/icl/aj00000_.html.
- “Charter of Fundamental Rights and Freedoms: Article 10 (Personal Dignity),” Czech Republic, <http://spcp.prf.cuni.cz/aj/2-93en.htm>.
- Chicago Police Department, “Police Observation Devices (PODs),” <https://portal.chicagopolice.org/portal/page/portal/ClearPath/About%20CPD/POD%20Program/4FE412F50DFD8B55E040A5A7ABF31E7B>.
- The Constitution Project, “Guidelines for Public Video Surveillance: A Guide to Protecting Communities and Preserving Civil Liberties” (Washington, DC: The Constitution Project, 2007), <http://www.constitutionproject.org/manage/file/54.pdf>.
- “Convention for the Protection of Human Rights and Fundamental Freedoms: Article 8—Right to Respect for Private and Family Life” (Strasbourg: Council of Europe, 1950), <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>.
- Electronic Privacy Information Center, “Data Retention,” http://epic.org/privacy/intl/data_retention.html, and “Video Surveillance,” <http://epic.org/privacy/surveillance/>.
- European Commission, Justice, Freedom, and Security Directorate, “Article 29 Data Protection Working Party,” http://ec.europa.eu/justice_home/fsj/privacy/workinggroup/index_en.htm.
- European Commission for Democracy through Law (Venice Commission), “Opinion on Video Surveillance in Public Places by Public Authorities and the Protection of Human Rights” (Venice, Italy: Adopted 16-17 March 2007), CDL-AD(2007)014, [http://www.venice.coe.int/docs/2007/CDL-AD\(2007\)014-e.pdf](http://www.venice.coe.int/docs/2007/CDL-AD(2007)014-e.pdf).
- European Court of Human Rights, <http://www.echr.coe.int/echr/>.
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- “Lithuania—Constitution: Article 22,” <http://www.vescc.com/constitution/lithuania-constitution-eng.html>.
- Leppard, David, and Jonathan Calvert, “Focus Special: The Web of Terror,” *Times Online* (July 15, 2005), <http://www.timesonline.co.uk/tol/news/uk/article545059.ece?token=null&>.
- “Macedonia—Constitution: Article 25,” http://www.servat.unibe.ch/law/icl/mk00000_.html.
- Maher, Jared Jacang, “Smile! You Could Be on the Denver Police Department’s Candid Camera,” *Westword* (June 18, 2009), <http://www.westword.com/2009-06-18/news/smile-you-could-be-on-the-denver-police-s-candid-camera>.
- National Association for the Criminal Rehabilitation of Offenders, “To CCTV or Not to CCTV? A Review of Current Research into the Effectiveness of CCTV Systems in Reducing Crime” (June 28, 2002), <http://www.epic.org/privacy/surveillance/spotlight/0505/nacro02.pdf>.
- “Observing Surveillance” [surveillance cameras in Washington, DC], <http://observingsurveillance.org/>.
- “Romania—Constitution: Article 26 [Privacy],” http://www.servat.unibe.ch/law/icl/ro00000_.html.
- “Russian Constitution: Chapter Two, Rights and Freedoms of Man and Citizen, Articles 23, 24, 25” <http://www.constitution.ru/en/10003000-03.htm>.
- Slobogin, Christopher, “Public Privacy: Camera Surveillance of Public Places and The Right To Anonymity,” *Mississippi Law Journal* (Vol. 72, 2002), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=364600.
- “Turchynov Asking National Bank of Ukraine to Oblige Banks to Install Video Surveillance,” *Kyiv Post* (June 11, 2008).
- “Ukraine—Constitution: Article 32 [Privacy],” <http://www.rada.gov.ua/const/conengl.htm>.



Surveillance—Deliberation Question with Arguments

Deliberation Question

Should our democracy require law enforcement officials to get permission from a judge to access public video surveillance records?

YES—Arguments to Support the Deliberation Question

1. Privacy includes the freedom to talk, walk, and meet unobserved by the government. The knowledge that video surveillance is happening in public spaces erodes a fundamental quality of democracy. Requiring permission from a judge for police to review surveillance records will ensure that, although the government may see a great deal, it will remember very little.
2. Surveillance is a deterrent to crime, but it does not help police prevent crimes as they happen. Video surveillance records do help police find additional evidence of crimes that have already been committed. Asking permission from a judge to view these tapes is like asking for a search warrant: it is a necessary and reasonable step in an investigation. Judicial permission is a good way to balance police needs and citizens' rights.
3. Without safeguards, ordinary citizens would have no way to know that the police have abused their surveillance powers. Nor can citizens be certain that the officers who did so will be punished. Prevention of such abuses is the best way to address citizen concerns about surveillance. The judge serves as a deterrent against bad police behavior and protects surveillance information.
4. Democracy is a system of limited government. Requiring the police to ask a judge for access to video surveillance records is a legitimate limit on government power. Video records of even harmless activities can be abused by government officials. Asking permission from a judge makes it harder for police to develop dossiers on ordinary citizens. If the police have a good reason, then the judge will permit access.
5. The pressures of national security are enormous, but so are the risks to democratic society. Easy sharing of video surveillance records between police and national security personnel can quickly lead to the creation of dossiers on citizens who are "guilty" only of legitimate political dissent. Permission from a judge is a necessary firewall for protecting the rights of citizens.



Surveillance—Deliberation Question with Arguments

Deliberation Question

Should our democracy require law enforcement officials to get permission from a judge to access public video surveillance records?

NO—Arguments to Oppose the Deliberation Question

1. Good police work depends on timely action. Video surveillance offers an excellent “real-time” method to observe, track, and find criminals. If police must ask a judge for permission to review video surveillance records every time they think this information will help, they will lose valuable time from their investigations.
2. There is a big difference between a quiet courtroom and the real world of the streets. Judges lack the expertise to recognize when police have a valid need to review video surveillance records. Requiring the police to obtain permission from a judge to review video surveillance records adds another unreasonable step to the already difficult work of fighting crime. The only people who will benefit are criminals...and criminals will certainly use any technology they can to break the law.
3. Democratic governments exist to protect their citizens, not just the rights of their citizens. Privacy is not an absolute right. One person’s right to privacy must be balanced with everyone’s right to remain safe and secure. Too much protection for privacy can result in the destruction of the society that secures this right.
4. Concerns about police abuse of video surveillance records are unfounded. Internal policies within police departments are sufficient to prevent most opportunities for abuse. Police departments also have procedures in place—from reassignment to dismissal—for the few officers who fail to follow the law. Asking a judge to review each request for access to surveillance records is an unnecessary step.
5. There is little value and much risk to creating firewalls between the police and national security agencies. As video records from the London subway bombings prove, there is value in bringing together information quickly from various video surveillance sources when responding to terrorist attacks. The creation of unnecessary walls between police and national security agencies can threaten the safety of citizens and the security of the nation.



Lesson Procedures

Step One: Introduction

Introduce the lesson and the Student Objectives on the **Lesson Plan**. Distribute and discuss **Handout 1—Deliberation Guide**. Review the Rules of Deliberation and post them in a prominent position in the classroom. Emphasize that the class will deliberate and then debrief the experience.

Step Two: Reading

Distribute a copy of the **Reading** to each student. Have students read the article carefully and underline facts and ideas they think are important and/or interesting (**ideally for homework**).

Step Three: Grouping and Reading Discussion

Divide the class into groups of four or five students. Group members should share important facts and interesting ideas with each other to develop a common understanding of the article. They can record these facts and ideas on **Handout 2—Deliberation Activities** (Review the Reading).

Step Four: Introducing the Deliberation Question

Each **Reading** addresses a Deliberation Question. Read aloud and/or post the Deliberation Question and ask students to write the Deliberation Question in the space provided on **Handout 2**. Remind students of the Rules for Deliberation on **Handout 1**.

Step Five: Learning the Reasons

Divide each group into two teams, Team A and Team B. Explain that each team is responsible for selecting the most compelling reasons for its position, which you will assign. Both teams should reread the **Reading**. Team A will find the most compelling reasons to **support** the Deliberation Question. Team B will find the most compelling reasons to **oppose** the Deliberation Question. To ensure maximum participation, ask everyone on the team to prepare to present at least one reason.

Note: Team A and Team B do not communicate while learning the reasons. If students need help identifying the arguments or time is limited, use the **Deliberation Question with Arguments** handouts. Ask students to identify the most compelling arguments and add any additional ones they may remember from the reading.

Step Six: Presenting the Most Compelling Reasons

Tell students that each team will present the most compelling reasons to **support** or **oppose** the Deliberation Question. In preparation for the next step, Reversing Positions, have each team listen carefully for the most compelling reasons.

- Team A will explain their reasons for **supporting** the Deliberation Question. If Team B does not understand something, they should ask questions but NOT argue.
- Team B will explain their reasons for **opposing** the Deliberation Question. If Team A does not understand something, they should ask questions, but NOT argue.

Note: The teams may not believe in or agree with their reasons but should be as convincing as possible when presenting them to others.

Step Seven: Reversing Positions

Explain that, to demonstrate that each side understands the opposing arguments, each team will select the other team's most compelling reasons.

- Team B will explain to Team A what Team A's **most compelling** reasons were for **supporting** the Deliberation Question.
- Team A will explain to Team B what Team B's **most compelling** reasons were for **opposing** the Deliberation Question.

Step Eight: Deliberating the Question

Explain that students will now drop their roles and deliberate the question as a group. Remind the class of the question. In deliberating, students can (1) use what they have learned about the issue and (2) offer their personal experiences as they formulate opinions regarding the issue.

After deliberating, have students find areas of agreement in their group. Then ask students, as individuals, to express to the group their personal position on the issue and write it down (see My Personal Position on **Handout 2**).

Note: Individual students do **NOT** have to agree with the group.

Step Nine: Debriefing the Deliberation

Reconvene the entire class. Distribute **Handout 3—Student Reflection on Deliberation** as a guide. Ask students to discuss the following questions:

- What were the most compelling reasons for each side?
- What were the areas of agreement?
- What questions do you still have? Where can you get more information?
- What are some reasons why deliberating this issue is important in a democracy?
- What might you or your class do to address this problem? Options include teaching others about what they have learned; writing to elected officials, NGOs, or businesses; and conducting additional research.

Consider having students prepare personal reflections on the Deliberation Question through written, visual, or audio essays. Personal opinions can be posted on the web.

Step Ten: Student Poll/Student Reflection

Ask students: "Do you agree, disagree, or are you still undecided about the Deliberation Question?" Record the responses and have a student post the results on www.deliberating.org under the partnerships and/or the polls. Have students complete **Handout 3**.



Handout 1—Deliberation Guide

What Is Deliberation?

Deliberation (meaningful discussion) is the focused exchange of ideas and the analysis of arguments with the aim of making a decision.

Why Are We Deliberating?

Citizens must be able and willing to express and exchange ideas among themselves, with community leaders, and with their representatives in government. Citizens and public officials in a democracy need skills and opportunities to engage in civil public discussion of controversial issues in order to make informed policy decisions. Deliberation requires keeping an open mind, as this skill enables citizens to reconsider a decision based on new information or changing circumstances.

What Are the Rules for Deliberation?

- Read the material carefully.
- Focus on the deliberation question.
- Listen carefully to what others are saying.
- Check for understanding.
- Analyze what others say.
- Speak and encourage others to speak.
- Refer to the reading to support your ideas.
- Use relevant background knowledge, including life experiences, in a logical way.
- Use your heart and mind to express ideas and opinions.
- Remain engaged and respectful when controversy arises.
- Focus on ideas, not personalities.



Handout 2—Deliberation Activities

Review the Reading

Determine the most important facts and/or interesting ideas and write them below.

- 1) _____
- 2) _____
- 3) _____

Deliberation Question

Learning the Reasons

Reasons to Support the Deliberation Question (Team A)	Reasons to Oppose the Deliberation Question (Team B)

My Personal Position

On a separate sheet of paper, write down reasons to support your opinion. You may suggest another course of action than the policy proposed in the question or add your own ideas to address the underlying problem.



Name: _____

Date: _____

Teacher: _____

Handout 3—Student Reflection on Deliberation

Large Group Discussion: What We Learned

What were the most compelling reasons for each side?

Side A:

Side B:

What were the areas of agreement?

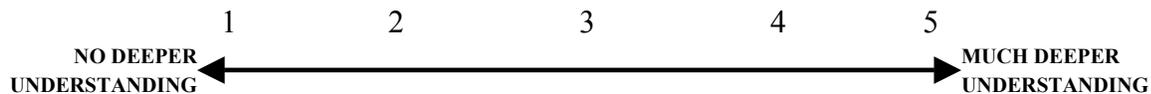
What questions do you still have? Where can you get more information?

What are some reasons why deliberating this issue is important in a democracy?

What might you and/or your class do to address this problem?

Individual Reflection: What I Learned

Which number best describes your understanding of the focus issue? [circle one]



What new insights did you gain?

What did you do well in the deliberation? What do you need to work on to improve your personal deliberation skills?

What did someone else in your group do or say that was particularly helpful? Is there anything the group should work on to improve the group deliberation?