C40 CITIES: Topic 1

THE ISSUE OF DATA COLLECTION FOR LAW ENFORCEMENT IN PUBLIC SPACES

Background:

The shift to entrepreneurial cities has brought about changes in the surveillance and control of urban space through an array of technologies. This occurs as cities change their image in the context of inter-urban competition for capital investment.
Urban spatial structure is used to denote the distribution of activity within metropolitan areas, and it sparks a discussion on the visual representation of politics of the street, which balances the need for a visually pleasing space with the risk of suppressing spatial justice.
Surveillance is a pillar of the debate between creating a visually pleasing space that markets a city under positive light and ensuring that a shift in a city's image does not cause discrimination towards one particular subset of the population. Surveillance targets forms of 'crime' and 'incivility', contributing to a capital-driven spatial production process, which in turn risks compromising the citizen's right to privacy.

Current Situation:

Data collection in public spaces runs the risk of (and already does to a certain degree) bringing up a series of ethical and political issues from the population. Various forms of data collection and surveillance are implemented in public spaces globally. Researchers typically categorise them into two types of data collection: firstly, there is mass data collection enabled by large, modern network technology such as databases of phone records, and secondly, there is direct surveillance enabled through means such as the surveillance of CCTV cameras or neighbourhood watch programs.

- The proliferation of satellite technology has allowed for both the collection of data in public and private spaces, it is a tool that may be used by law enforcement to track locations and peoples' movement throughout a city.
- Roughly 25 million CCTV cameras are in operation globally, and can be accessed by law enforcement to track the movement of citizens. Facial recognition software is integrated into CCTV cameras to be used by law enforcement.
    - (See: https://www.rt.com/usa/chicago-police-cctv-surveillance-135/)
- Drones are one of the more recent developments of data collection in public spaces, and have become one of the paramount tools needed in fighting the war on terror. Drones risk being integrated into quotidian practice through international companies such as Amazon beginning to adapt their delivery methods to them.

The risks of these methods of surveillance are inherent to the practice of data collection for law enforcement; with the collection of data for the prevention of criminality, social groups are targeted such as people of colour and the homeless.

- Regardless of the contemporary changes that entrepreneurial cities have brought to surveillance, policing in public spaces has its roots in history. According to a research paper conducted by Rachel Hall for the Oxford Research Encyclopedia, "Critical surveillance studies scholarship argues that the question of who has a right to occupy and move through public spaces is political and opens onto the longer history of discriminatory practices of surveillance. Surveillance in public space predates modern policing. Southern whites relied heavily on the surveillance function of print culture to control the slave population. Slave advertisements drew their power from an elaborate code of violent punishment and interpellated poor whites to help collect, capture, and guard the property of wealthy planters. In the United States, it can be traced back to slave passes or the requirement that slaves and freed blacks have documentation verifying their permission (if not their right) to be in public space." This arguably continues to manifest itself in society today, with movements such as the BlackLivesMatter movement protesting against the discriminatory policing of American cities.
    - As such, data collection risks perpetuating the discrimination caused by racial profiling and drawing a firm line between the rights of caucasians and people of colour.
- This same research paper brings up the danger that data mining in the virtual sphere poses to humanity: "As control via surveillance of public spaces has intensified, some have argued that the Internet provides alternative public venues for socialization, debate, political organizing, and activism. But early idealism has proven naïve, given developments in data collection and data mining—in many cases without the informed consent of consumers or citizens. What is more, there have been many cases of denying political activists access to social networking sites or communication via the Internet by repressive regimes. It is generally accepted among surveillance scholars that virtual spaces count among the public spaces in which our behavior, actions, and interactions are surveilled. This may be less a matter of monitoring people and more about data capture, storage, and mining, but scholars tend to agree that it does not make a lot of sense to draw a hard and fast line between so-called real and so-called virtual public spaces when we exist and act, and leave traces of ourselves simultaneously in both realms."

Important bloc positions:

The United Kingdom:

- The United Kingdom has roughly one camera installed for every 14 people living in the nation, making them the country with the highest saturation of CCTV cameras globally.

The United States of America and Russia:

- According to the Oxford research paper, "Remote sensing technologies capable of measuring physiological markers of stress in mobile citizens are in various stages of development. Police in the United States are using facial recognition software to arrest suspects. FindFace, a new facial recognition app developed by a Russian firm has consumer and governmental applications. It promises consumers the ability to match photos snapped on the street with camera phones to profiles on social networking sites. The company is also negotiating a deal with the Moscow city government to blanket the city's 150,000 CCTV cameras with facial recognition software and claims the software can identify strangers with 70% reliability."[1]
- "In the United States, drones are used for commercial and noncommercial purposes, including tracking wildlife, tabloid photojournalism, and package delivery. Amazon Prime Air is a future service that promises to deliver packages in 30 minutes or less. Political organizers are using drones marketed to consumers as a check on police brutality at major political protests."[2]

Possible solutions:

- Consider these points:
    - To what degree can a city "eradicate" their methods of direct surveillance? Would a lack of visible surveillance cause an increase in criminality?
    - What are people's rights regarding when they can be recorded?
    - How can transparency be implemented in a way that will not influence the efficacy of data collection for law enforcement?
    - What system can be put in place to mitigate the risks of discrimination posed by surveillance?
    - How can illegitimate access to data be avoided?

[1] Hall, Rachel. "Surveillance and Public Space." *Oxford Research Encyclopedia of Communication*, July 27, 2017. https://doi.org/10.1093/acrefore/9780190228613.013.145
[2] *Ibid.*

Further reading:

There are currently no treaties focused on the issue of data collection for law enforcement in public spaces. According to an article in the Harvard International Review, "The closest thing to a treaty affirming these resolutions was a set of principles the UN Human Rights Council put forward in 2014, called "International Principles on the Application of Human Rights to Communications Surveillance." The core principles outlined are that surveillance must achieve a legitimate aim and be as minimally intrusive as possible and proportionate—confined to relevant information with a high probability of usefulness after the exhaustion of alternatives. But without adequate enforcement or incentive for states to adopt them, these sound principles do little to affect real change."[3]

https://www.researchgate.net/publication/230328893_Visibility_and_the_Policing_of_Public_Space
Download this PDF document to read more on the value that visibility has to policing public spaces.

https://oxfordre.com/communication/view/10.1093/acrefore/9780190228613.001.0001/acrefore-9780190228613-e-145#acrefore-9780190228613-e-145-div1-5
This Oxford Research Paper provides a clear, balanced, and well-organized approach to the different methods of data collection used by law enforcement globally.

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[3] "Supervising Surveillance: International Law and the Surveillance State." Harvard International Review, 11 Nov. 2020, hir.harvard.edu/global-surveillance-state/. Accessed 22 Nov. 2021.