Surveilling Modern Surveillance: An examination of the Impacts of surveillance on Marginalized Identities and Police Behaviour

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Abstract

This paper examines the impact of surveillance on individuals with marginalized identities as well as police officers. Using evidence collected from a broad base of literature, it analyzes how modern surveillance tools employed by the state serve to further marginalize people who do not fit the normative identity. It determines that this creates an almost universal sense of vulnerability among those being surveilled. Interestingly, this experienced an increased sense of vulnerability is not confined only to the experiences of marginalized individuals; it also appears in the case of police officers who are now routinely the subject of citizen-shot cell phone videos and the mandatory utilization of police-word body cameras. This suggests that the human reaction to surveillance is universal – but increased when that individual perceives themselves as being in a place that lies somewhere outside the hegemonic discourse concerning normative identity and normative behavior.

Keywords: Surveillance, Panopticon, Police-worn body cameras, Identity, Closed-circuit surveillance, Visibility, De-policing.

Table of Contents

1 Introduction

The meaning of public and private space in Canada is increasingly being controlled and defined technocratically along identity-based lines through surveillance. Given Because of, the rise of state-led and state-sponsored surveillance techniques, tools, and modalities has real social justice implications; and this is particularly true within the context of identity and social location.

When it comes to surveillance, socialized meaning(s) created by the utilization – and interpretation - of different types of technologies is highly dependent on the identity of who is being surveilled. This means that gendered, minority, and 'othered' identities can experience the meaning(s) of surveillance very differently than people who fit the normative identity. They may respond differently.

Surveillance, therefore, is not typically considered to be a subject that can be studied objectively. This is because its impact on people can often depend on their own unique experiences. Moreover, the new proliferation of modern techno-surveillance fundamentally impacts how already-marginalized identities are perceived and presented within the overall public discourse and it can fundamentally affect how they perceive their own identities within greater social and cultural spaces.

In many ways, these new surveillance realities closely parallel the theoretical assumptions made by Michel Foucault and his omnipresent work related to the so-called 'panopticon'. The panopticon was a metaphor for control and observation borrowed from the earlier work done by Jeremy Bentham on the structural arrangement of prisons.

"The Panopticon was a metaphor that allowed Foucault to explore the relationship between 1.) systems of social control and people in a disciplinary situation and, 2.) the power-knowledge concept. In his view, power and knowledge come from observing others. It marked the transition to disciplinary power, with every movement supervised and all events recorded. The result of this surveillance is acceptance of regulations and docility - a normalization of sorts, stemming from the threat of discipline"(Mason, 2010)

So, for Foucault, the ability to watch and observe was closely related to social conceptualizations of power and knowledge. He wrote:

Knowledge linked to power, not only assumes the authority of 'the truth' but has the power to make itself true. All knowledge, once applied in the real world, has effects, and in that sense at least, 'becomes true.' Knowledge, once used to regulate the conduct of others, entails constraint, regulation and the disciplining of practice. Thus, 'there is no power relation without the correlative constitution of a field of

knowledge, nor any knowledge that does not presuppose and constitute at the same time, power relations "(Foucault, 1977, p. 27)

In many ways, this excerpt is significant for understanding how the modern surveillance regime plays out in terms of social knowledge and meaning production, as well as for ideas like state and government control.

In his other work specifically mentioning 'police' and related to order and control, Foucault showed he believed that the knowledge gained and created through observation and categorization served key purposes in terms of maintaining social order. "Foucault, [used] police in the broader sense – an almost Hegelian sense – rather than a uniformed force for the prevention and detection of crime. Like Hegel's sense of police, Foucault understands the concept as concerned with regulations in a more general sense for the smooth running of society, for good government"(Elden, 2003, p. 247). In other words, the very nature of surveillance tends to lead itself directly into the context of preserving and re-enforcing particular social orders and constructs.

In his other examples, Foucault referred to how society supervised and ran things like medical quarantines and how 'problematic' elements of society (i.e. the leper) were contextualized concerning for greater social problems (i.e. a plague). Understood in

this way, we can see how digital surveillance and monitoring tend to tie in very closely with Foucault's work. "Digital enforcement has much in common with the leper; and modern use of CCTV has parallels to the treatment of the plague. Recognizing the interrelation of the plague, the Panopticon and the police [contributes] both to a more accurate view of Foucault's work on surveillance, and allows it to be used in more revealing ways"(Elden, 2003, p. 250).

From the perspective of this study, conceptualizing Foucault's work is important as an instrument for understanding - not only the role that surveillance plays in maintaining social order – but also the role that it plays in creating meanings and responses in those who are being surveilled. It would be interesting to know how Foucault would perceive the modern surveillance tools and realities we see in the world around us today. It is possible he would never have imagined just how far things have gone. "Electronic data collection and digital collation techniques are so much more powerful than any that could be deployed in the past, they provide the means to create the ultimate Foucauldian dystopia(Mitchell, 1995, p. 29)

Understanding how these considerations play-out in real-world scenarios and within different space(s) every single day is important. In addition to Foucault and the Panopticon, by utilizing previous work

done on concepts like Visibility(Brighenti, 2010), Racialized Surveillance (Fiske, 1998) ,and gendered surveillance(Glasbeek, 2016), it is possible to examine a number of different ways that surveillance serves as a tool for marginalization and disempowerment.

This paper ultimately argues that surveillance further marginalizes particular groups who are already in serious positions of social and economic disadvantage. In doing so, it also considers how a relatively modern phenomenon – the cell phone video – serves as its own unique form of public surveillance. This has implications for a number of different other areas of social-justice research, including police-public relations and community safety within the marginalized urban areas where many people with othered identities live.

By focusing attention on a number of different techno-surveillance tools as vehicles for conducting its research, it may be possible to obtain a clearer picture. The increasing use of policy-worn body cameras and closed-circuit video monitoring should be examined in particular because the images and recordings created by these tools serve as a type of visibility mediator. They are capable of shaping public perceptions and altering identity discourses. They are also some of the most common types of surveillance we encounter throughout our everyday lives as we go about our regular business.

Additionally, these types of state-led surveillance tools can be juxtaposed vis-à-vis the context of perceived public pushback sand more formalized criticisms of state surveillance and control. In this sense, surveillance by the state may also be framed in terms of the relationship it has to other types of 'user-created' counter-surveillance visuals (most commonly coming in the form of the cell-phone videos mentioned above).

The extent to which these types of videos can serve as moderating influence on the state-led surveillance, oppression and marginalization has been posited – but this investigation considers that possibility alongside some new evidence. Cell-phone videos have contributed significantly to the so-called de-policing or the 'Ferguson' effect following several high-profile and violent police-citizen interactions. In this way, examining the rise of modern surveillance, and who is doing the Surveilling, can potentially be useful for explaining how different identities experience the shift, as well as how mechanisms of state control respond when the watchers become watched.

2.Research Focus

2.1 Research Background:

The meaning of public and private spaces in North America is now being controlled and defined through surveillance and surveillance tools in a way it never has before. The impact of these developments is increasingly being felt along identity-based lines. This is occurring partly because of the increased proliferation of visual representations created by the surveillance. Given this reality, the rise of state-led and state-sponsored surveillance techniques and modalities creates implications for the law - and particularly - for people concerned with social justice. The impact of surveillance is particular and most strongly felt inside urban areas and spaces.

Modern surveillance techniques and tools employed by the state experienced a sharp increase in usage following the 9-11 terror attacks at the turn of the 21st century. During the intervening years, governments in the West implemented significant surveillance programs under the auspices of promoting greater levels of public safety.

There has also been a noteworthy rise in the use of video and electronic surveillance by police departments, including a sharp rise in

the adoption of body-worn-cameras. This, in combination with technological improvements allowing for more mobile types of surveillance, has increasingly created a world where more people are being watched, recorded, and visually represented than at any time before in human history.

All this watching, recording, and visibility creates numerous social justice concerns, not least of which is the threat to our collective privacy. The question of who is watched, where, and "why" also creates significant challenges for groups who may already be socially, economically, racially, or otherwise marginalized. Moreover, the visuals captured with modern surveillance can create issues of representation and discourse challenges for members of these same groups, often resulting in the perpetuation of negative stereotypes, and contributing to ongoing narratives of racism, sexism, and homophobia, as well as the creation of fear and an increased sense of (dis)belonging. Understanding the social and cultural background to modern surveillance is fundamental to understanding its impacts because it provides a jumping-off point for investigating the social-justice implications for all people within a society.

2.2 Research Topic

Understanding more about the social justice impacts of modern surveillance makes for a worthy topic of investigation and an important research object. In particular, examining how surveillance specifically impacts certain groups differently than others is an area where the literature currently lacks a fully comprehensive review that has been able to 'universalize' some of these experienced impacts.

It is now accepted that the meaning(s) created by "new" surveillance is inherently different depending on who we are, what our experiences have been, as well as where our identities fit within the greater social narrative. However – work still needs to be done on how these meanings may coalesce, and why certain types of surveillance can create similar meanings for different types of people.

If the socialized meaning(s) created by the utilization – and interpretations - of "new" surveillance technologies are highly dependent on our identity, then do gendered, minority and 'othered' identities experience these meaning(s) very differently than each other? We know they experience them differently than people who fit into more dominant identity groups, but exploring the similarities of experience between different types of 'othered' identities is important

because it can help to promote new types of public policy that minimizes harm. That is why it is a major topic of this study.

Another topic of concern relates to the impact of citizen-shot videos and how these visualizations are increasingly being viewed as factors influencing police-public relations, police performance on-the-job ,and community safety. The citizen shot video is having a real impact on how police go about their work inside marginalized communities. Instead of a great equalizer, cell phone videos and surveillance of the surveilled may be contributing to greater harm. This makes the cell phone video as a form of surveillance an important supplementary topic. The rise of citizen-shot cell phone videos can be juxtaposed against the coincidental rise of modern, state-controlled types of surveillance, providing new insights and new understandings. This is why citizen-shot cell phone videos of police have been included as a topic in this investigation as well.

3 Research Purpose

Understanding the impact and ways that various modern surveillance techniques/tools serve as a function of meaning production vis-à-vis social identity is of particular importance to modern society. In non-technical terms, a major purpose behind this research study involves an attempt to understand more about how surveillance meanings are created and play-out in real-world scenarios and within different spaces, but from a more universalized perspective of different, marginalized identity groups.

Relatively "new" techno-surveillance tools like increased use of police-worn body cameras, omnipresent closed-circuit video monitoring and various types of body-scanners and security surveillance tools provide us with insights into these differing meanings. As mentioned, these tools can be considered as visibility mediators capable of shaping public perceptions and altering identity discourses, and how people react to them sheds light on the implications that surveillance will have on society as we move forward. Additionally, examining different types of state-led surveillance contributes to the purpose of understanding how the state uses technology to enforce – and re-enforce – existing narratives and discourses involved with different identities.

Therefore, one of the main research purposes of this study is to understand more about how the visuals created by surveillance serve as powerful 'narrative creators' vis-à-vis identity across the spectrum of marginalization. We already know they can be tools of identity marginalization for visible minorities, gendered individuals, and members of the LGBTQ community, and that they can also be 'narrative creators' in terms of discourses and public perceptions of the state itself, how these impacts may be universally understood across different identities is an important research objective.

Surveillance tools can also become symbols of the various institutions of state enforcement (i.e. police and the courts). When the shoe is on the other foot, and these institutional symbols are recorded (as with citizen shot cell-phone videos) the impacts can also have social and cultural meaning. The second area of research focus purposefully examines this reality.

In summary, surveillance tools can be behavioral motivators in ways people may not fully appreciate. These types of tools change how we behave act and even think and understanding more about how and why this occurs is an overriding objective of this study.

4 Relationship to Current Scholarship

Much of the current scholarship on the social impacts of surveillance has focused on how it tends to function as an arm of state institutions and how this function negatively targets particular groups. The impact this has can be highly predicated on identity, space ,and identity within that space (Hall, 2015; Glasbeek, 2016; Razack, 2002).

The scholarship recognizes how surveillance often further entrenches pre-existing ideas about social hierarchy and conceptions of belonging. It reinforces who is 'supposed' to belong while simultaneously reinforcing who doesn't. As a tool employed by the state in the name of security, surveillance mechanisms ,therefore, are just one of the many ongoing legal and social practices that serve to define – and redefine- the identities and spaces that help to shape pre-existing social hierarchies (Razack, 2002).

Following the famous OJ Simpson police chase in the mid-1990s, it was argued that the visuals created through helicopter and news media surveillance meant different things to different identities. For whites, the visuals constituted an allegory of justice. Meanwhile, for blacks, they constituted a visual representation of ongoing social inequality and injustice(Fiske, 1998).

In other words, the visibility representations created by surveillance matter and the meanings it creates depend largely on someone's social location and identity in terms of their minority status. In addition to the implications this can have for racialized identities (Fiske, 1998), these types of visibility regimes, meanings ,and structures have also been theorized within the context of socio-technology and its biopolitical impacts (Brighenti, 2010) and in gender-based studies (Glasbeek, 2016).

For gendered and 'othered' identities like those belonging to the LGBTQ community, impressive work has already been done on the social impacts of surveillance. This is particularly true within the context of closed-circuit surveillance and airport screening devices and non-binary individuals(Beauchamp, 2009).

With new types of visibility created by bio-scanners, the meaning of airport screening for people with transgendered bodies can be vastly different than for those with cisnormative identities. Therefore, there has already been a clear connection made between exposure and marginalization at airport-style surveillance stations. These findings mesh well with what Glasbeek (2016) argued about a complex relationship that exists between the use of CCTV surveillance and the gendered identity of those being surveilled.

Therefore, the existing scholarship on the social impacts of surveillance tends to recognize its impact on social identity – but with a particular focus on each unique identity. It also has been an area of study about the law and social justice. Such a topic was covered by Salter (2007)within the context of governmentalities and airport screening, as well as Hall (2015) who examined post-9-11 anti-terror airport surveillance from a feminist perspective. In this way, the research study here supplements existing research by attempting to flesh-out common ground.

In almost all of the cases listed above, however, the primary conclusions were predicated on unique 'othered' identities in a specific sense. There has been very little research into the universal impact on all types of 'othered' identities.

Therefore, what seems to be missing within the literature is a comprehensive review and findings compilation of these types of studies; and one that is capable of drawing some universal conclusions about the similarities and differences in the types of impact that surveillance creates for all marginalized people.

Returning to Foucault and his panopticon, it has been noted that: "he argued 'the major effect of the Panopticon' was 'to induce in the inmate a state of conscious and permanent visibility that assures the

automatic functioning of power'(Caluya, 2010, p. 625). This seems to partially conceptualize one of the objectives we have here. It has been argued that the modern digital age of surveillance has created a system of controlling the likes of which we have never before experienced. "We have every reason to believe that cyberspace, left to itself, will not fulfill the promise of freedom. Left to itself, cyberspace will become a perfect tool of control"(Lessig, 2000, p. 5). The important thing to note is that this element of control is often different depending on the identity of who is being controlled. Control and surveillance for one identity do not equate always to the same meaning as control and surveillance of other identities. In this sense, the panopticon becomes more than omnipresent monitoring – it becomes a form of meaning creation predicated upon identity.

Switching over to the second area of research, the impact and meanings created by police-body cameras and surveilled surveillance-style citizen-shot videos have been examined from many different angles. This includes privacy and police rights MacDonald (2016) and Wasserman (2017), polarization and police-public relations Sommers (2016), Jefferis, Kaminski, Holmes, & Hanley (1997)(Gonzales & Cochran, 2017)(Nix & Pickett, 2017)(Ready & Young, 2015)(Nix, Wolfe, & Campbell, 2018)(Kopak, 2014) as well as Hope (2017) and visual

representation/interpretation of such videos Watson (2018). This paper attempts to draw some universal conclusions about the impact of police body-cameras and citizen shot cell phone videos on police conduct.

In summary, results so far tend to vary depending on the identity of who is being surveilled and why they experience unique types of marginalization. Are their certain universal impacts that result in similar consequences for all minorities and all 'othered' identities? Are certain impacts of surveillance that are felt or experienced more strongly by certain groups than others? Are there universal impacts of cell-phone counter surveillance videos that can also be summarized? These are the key questions that will hopefully be answered by this study.

5 Theoretical Framework

This study will proceed using the lens offered by intersectionality and its underlying premises. Intersectionality emerged in the early 1990s as a new way of examining how inequality and social injustices are experienced in different ways depending on the confluence of someone's identity.

Initially, intersectionality presented an attempt to explain why women of color experienced certain types of marginalization in ways that differed from white women. (Frankenberg, 1993; hooks, 1992). Intersectionality later began to offer insights into different types of marginalized identities, and it was particularly useful for understanding how othered identities experienced the world around them. Specifically speaking, LGBTQ individuals, indigenous identities(Rousseau & Hudon, 2016), disabled people, and basically anyone who's identities failed to fit the normative, hegemonic identity stood to benefit from the work that was being done with intersectionality.

As a theoretical framework, intersectionality denies the fact that inequality and marginalization can be understood using a single-axis paradigm. It recognizes that individual identities 'intersect' to create particular conditions of inequality. There are what can be considered four key foundations. First, that our lives and meanings ought never be

reduced to a single experience. Second, it proceeds under the assumption that things like race, ethnicity, gender, sexuality, and ability are socially constructed. Furthermore, intersectionality holds that our social location is fundamentally shaped by structures of power, and unequal power relations result in different outcomes for different identities.

Finally, intersectionality believes that the inequalities which result from power imbalances in society can only be reduced by implementing measures specifically designed to promote greater justice ,and social equity (Hankivsky, 2014).

Based on this conceptualization of intersectionality as a functional theory, it makes for a fitting framework to help understand how modern surveillance measures create different meanings for different groups depending on their specific identities, condition(s) and social location(s).

Intersectionality recognizes that identity (and sets of identities) do matter. It tends to emphasize "the way specific acts and policies address the inequalities experienced by various social groups taking into account that social identities such as race, class, gender, ability, geography and age interact to form unique meanings and complex experiences within and between groups in society" (Hankvinksy &

Cormier, 2011, p. 217). In this sense, intersectionality offers a productive framework for understanding how the impact of race, place, culture, sexual orientation, and other key identity factors all play a role in shaping how someone experiences marginalization.

Intersectionality analysis provides this study with the ability to grasp how the power imbalances that play out in everyday life manifest themselves through the increased use of state surveillance. "[Intersectionality] makes available a novel way of understanding inequity as both experienced and systematically structured in a multi-scalar way" (Hankvinksy & Cormier, 2011, p. 228).

It may also provide some useful insights into the way that police behave and respond to the rise of cell-phone video surveillance. This is because, in many cases, police officers view their occupation as a key component of their identity.

6 Methodology

This study conducted mixed-method analysis in to review the existing literature on surveillance society and police responses to citizen-shot videos. Scholarly materials were qualitatively screened and examined to determine how well they fell within the overall scope ,and context of the project.

Qualitative research techniques were appropriate at the initial stage because they focused more on understanding the human experience instead of focusing primarily on numbers, figures and hard-data.

Following the qualitative review of the materials, the pre-screened and selected literature was empirically and quantitatively analyzed to uncover patterns and themes which were codified and then categorized into their appropriate thematic and results-based findings. This second stage allowed the paper to be more capable of developing generalizable trends related to the research objectives.

In summary, the review quantitative analysis allowed for the extrapolation of themes and sub-themes related to the experience of surveillance from the context of three main categories: identity, visibility, and social implications.

7 Ethical Considerations

This research project was conducted in full compliance with research ethics norms, as well as the codes and practices explicitly outlined by York University. All effort was made to ensure the consistent quality and integrity of the research process. Due to the fact that all materials and data were collected from pre-published literature, there was no need to seek informed consent, and concerns were limited for respecting confidentiality.

All efforts were made as required to avoid any harm to the reputation of the University and research program. Additionally, every effort was made during this review to ensure that all research was conducted independently and impartially.

8 Academic Contribution

This study is expected to contribute to the literature by uncovering patterns of surveillance-related marginalization as they relate to groups of 'othered' identities. To this point, academic research has largely focused on how surveillance impacts specific types of identities. By analyzing, extrapolating and consolidated previous findings and conclusions, this study will allow for a more thorough understanding of the patterns through which state surveillance impacts some of the most socially disadvantaged groups in our society. By uncovering these patterns, this study may also create value for encouraging best-practices when designing surveillance-related policy. In this regard, the proposed study contributes academically from legal, policy, and social justice-oriented standpoints.

9Research Findings

9.1Part 1: Surveillance and Identity

9.1.1 Surveillance in a Modern Context

Surveillance is now synonymous with the way the modern world works – particularly in urban areas – and by and large, society has been willing to accept these changes. Writing more than 10 years ago, Shenk (2006) summarized the realities of this new world order:

> We are, without question, headed into a world in which—mostly by our choice—the minute details of our bodies, lives ,and homes will be routinely tracked and shared, with the potential for more convenience and safety but also abuse…but most of us will trade our anonymity and privacy for increased national security and cleaner, healthier and easier lives(Shenk, 2006, p. 31)

This has proven to be the case. The increases in modern surveillance may be unsettling, but society tends to accept the change as a 'necessary evil' to keep the world running smoothly.

Because modern surveillance tools have become such a huge component of the new world order and urban lexicon, they have received increased scrutiny from scholars. Here, one of the main findings has centered on the idea that surveillance and its impacts are

highly predicated on identity and culture. In other words, surveillance works contextually. How it functions and what it does depends on who someone is and where they are 'located' within society and culture.

This idea has been succinctly explained many different ways, but a working framework for really understanding the impacts of surveillance needs to recognize this emphasis on context and a contextual paradigm:

> "a contextual understanding of both surveillance and `surveillance society' is crucial. While surveillance is involved with processes of globalization, [but] it is not necessarily the same `surveillance society' that one sees in different places and at different scales. Surveillance is historically, spatially and culturally located(Wood D. M., 2009, p. 179)

In short, how surveillance affects us depends very much on the context in which it exists and the context in which we exist within the greater social fabric.

The development of new surveillance controls and techniques has been widely criticized and critiqued for negative consequences ranging from gendered exposures (Glasbeek, 2016) to privacy infringement implications (Reardon, 2013), to tendencies to present marginalized

subjects through a highly racialized lenses (Fiske, 1998). The overall conclusions amount to a situation where marginalized identities are further marginalized by the use of surveillance.

Research and analysis concerning the rise of police-state surveillance indicate that there is no doubt that it has had different implications depending on how someone's identity fits with the hegemonic identity. With that said, state-imposed surveillance of the public is not the only type of surveillance that has increased over the past 20 years.

Counter-surveillance of police, both systemic/institutional surveillance (through the use of police body-worn cameras) and citizen-shot surveillance (through the complete saturation of cell-phone cameras within our society) now means that more and more, police officers are also being watched and recorded while i carrying out their duties.

So, not only are more citizens being watched and surveilled than ever before but so are agents of the state. In many cases, as the state is watching us more, we are watching it more. On the surface, it would be natural to believe that things like increased video oversight over police conduct would present a net gain in terms of accountability and transparency.

Logically speaking, well-founded public concerns about systemic police racism and police brutality would seem to have a friend in the citizen-shot video and body-worn camera. In many respects, the rise of the use of this footage was thought to be effective in forcing officers to abide by the law, as well as for identifying officers who overreach state authority. Additionally, active proponents of 24/7 video surveillance tend to see the camera lens as an impartial judge of absolute reality.

9.1.2 Surveillance and Identity

If what is being captured by surveillance is actual 'reality', then it is much easier to dismiss subsequent cries of injustice and appeals against the social power imbalances which usually motivate deviance. However, what seems to remain universal throughout the findings is that reality is predicated often on space and place – as well as by the social and cultural implications of what is shown by surveillance. In short, when it comes to surveillance – identity in a social context is critical. It has been noted that before observations about surveillance that "identities can be aggregated [and here,] the notion of identity needs to be theorised(Wang & Tucker, On the role of identity in surveillance, 2014).

Understood through the lens of intersectionality, identity is theorized as the various components that make up our self – how we identify ourselves and how society treats these qualities. In other words, someone with a black identity may experience the world much differently than a white person, and the world will also tend to treat these individuals differently. This leads directly to the need to assess and understand different types of surveillance. Pounder (2008) identified 9 key principles for assessing the overall impact of surveillance on society. These included both the impact on our privacy and data, but more importantly perhaps in terms of their ability to influence human rights. It is this area that would concern the impact of surveillance on our identity and the way we interact with society.

The above understanding about surveillance relates to the concept of how discourses surrounding identity are created and maintained through the proliferation of it. Some work has been done previously on the surveillance-discourse-identity paradigm(Svenonius, 2013). In effect, rather than being capable of breaking-down things like stereotypes and biases, surveillance tends to reinforce them. Race, space ,and place all often coalesce within surveillance visuals to re-enforce what the normative discourse says about certain types of identities. More importantly, those places where negative behaviors are

thought to be more prevalent tend to be 'over surveilled', making the visuals of crime, poverty, and deviant behavior much more likely to be captured. When this happens, society tends to re-associated negative behaviors with identities they already have negative feelings about.

In this sense, the notion of identity is fundamental to grasping the impacts of surveillance. Additionally, rather than having a single identity, individuals often have many identities, both real and virtual, that are used in different aspects of their live. Most aspects of life are subject to some form of our identity, and our responses to surveillance are no different. Surveillance and the experience of being 'surveilled' have been found to impact us at some very fundamental levels. In actually can affect the construction, maintenance, and protection of what we would term our own 'personhood'.(Warner, 2005).

Work on how this impacts different groups who possess what could be termed marginalized identities began in the 1990s and discovered that groups who do not fit the hegemonic identity framework tend to be negatively impacted by surveillance to a much greater extent than everyone else (Myrick, 1998). One of the reasons this happens is because marginalized people may already feel a strong sense of dis-belonging within society. When surveillance places them 'under the microscope' this sense of dis-belonging is amplified, leaving

them with the impression that society is highlighting their differences in an active and malevolent sense.

The above realities tie-in strongly with some of the findings from Wang and Tucker (2017) who recognized that seeking out and sorting various identities into different categories was very helpful for conceptualizing surveillance and the impacts it can have. As an example, someone who identifies as an Indigenous person may experience a visceral reaction to being surveilled in a way that does not match someone whose ancestry is European. The act of being surveilled could bring about feelings of overt scrutiny that highlight the differences they perceive in themselves and how they do not fit in with the normative society. This adds another negative layer to surveillance for these groups. The same argument might be made for a transgendered person who – already struggling to feel at 'place' in society – suffers a visceral reaction to being recorded and watched by the state.

Taking things a bit further, identity and surveillance also coalesce around how we may choose to articulate and represent our own identities. The relationship between surveillance and the 'articulation' of identity was highlighted in a study by Petcu (2015). Here, it was noted that surveillance by the state tends to play a role in how citizens

negotiate their own identities and present them publicly. "Government surveillance practices have implications for the 'articulation of identity" (Petcu, 2015, p. 125).

These findings support work done on the psychology of surveillance. Studies have determined that individual psychology is impacted by the presence of new surveillance methods. How someone experiences surveillance plays a role in their mental health and overall interpretation of their 'self' from a psychological standpoint. In other words, the way we experience the surveillance society of today can have some real implications for how we define ourselves, present ourselves and negotiate the world around us vis-à-vis our psychologies (Ellis, Harper, & Tucker, 2016). One of the best ways to study this is to examine the impact of different kinds of surveillance on different kinds of identities.

9.1.3 Closed-Circuit Monitoring

CCTV surveillance technology (in criminological theory and its usage practice) tends to primarily serve the interests of the dominant social hegemony – personified in 'the state'. Surveillance is less about promoting peace and order and more about ensuring continued social control and the protection of the status quo. This becomes apparent in terms of who is watched, why, and the symbolism that result during

the subsequent public consumption of the visuals created by CCTV surveillance.

In this sense, surveillance technologies may not simply be 'tools' that can be used by law enforcement to secure peace and justice; they can become personified as literal tentacles of the state itself – representing all of its embedded interests, prejudices ,and sustained injustices/inequalities.

Visuals captured during crime surveillance tend to represent overriding discourses about what criminal behaviors are important and must be stopped and what behaviors may be ok to ignore. They also perpetuate unequal constructs concerning which people require watching and which people need protection.

One of the most powerful statements about CCTV and video surveillance comes when we examine what happens to these visualizations as they become reversed: i.e. when the watchers become the watched. Police reaction and anger to hand-held phone video captures provide this strong indictment and it shows what happens when the interests of the state are openly challenged.

Throughout their interesting analysis studying the advertisements produced for crime stoppers using visuals provided by

CCTV, Lippert ,and Wilkinson (2010) effectively demonstrate that what is often presented as 'real' in these messages is hardly real at all. With the crime stoppers ads, the visuals captured on camera are framed as a tool for crime control. When an audience views these visuals, however, many contextual factors are often lost, forgotten or simply ignored.

CCTV visuals may show the act of crime – but they never show the crime's context. They never show those deeper social realities that may have led or contributed to the captured deviance. Visual captures are also unable to show how they fundamentally play to the public's imagination of crime, as well as the balance between justice and criminality.

This evidence highlights the need for a much more critical examination of how visual representations captured during surveillance play to the governance models of crime, as well as to the dominant public understandings of it. "The debate needs to be much more specific with respect to what crimes are being mobilized to achieve this governance and conversely what crimes and socially harmful activities are *not* being mobilized"(Lippert & Wilkinson, 2010, pp. 147-148).

In this sense, the crimes presented visually in the crime stoppers ads say a great deal about what types of crimes are deemed socially

important and what types of criminals ought to be surveilled. They also say as much through what they do not show as through what they do show.

9.1.4 Borders, Boundaries, and Belonging

The findings of Norris and Armstrong (1999) within their examination of behaviors and mindsets demonstrated that CCTV service operators often become preconditioned to focus on place and belonging. Operators usually recognize normal spaces as being synonymous with the dominant conceptions of safe space (i.e. those typically occupied by society's most dominant people and groups). Intruders into this space are therefore anyone who does not suit the normative identity – in other words – minorities, the poor, and the socially disempowered. "The normal ecology of an area is also a 'normative ecology' and thus people who don't belong are treated as 'other' and subject to treatment as such"(Norris & Armstrong, 1999, p. 140).

This type of 'othering' highlights particular subjects to camera operators and deems them worthy of extra scrutiny. In this sense, and despite many public perceptions and clichés, visual camera surveillance is neither 'unbiased' nor is it 'equal and all-seeing'. This shows us that some spaces need protection while some do not; some people need watching, others do not. This is problematic from a social

justice/equality perspective, but it also problematic when video surveillance is further critiqued from the perspective of actual law enforcement in practice.

The meanings and implications of border surveillance and biometric surveillance technologies are highly dependent on the social/class/gender/ethnic positioning of who is being surveilled. This statement tends to recognize one of the general themes presented throughout this week's readings which all touch upon a message of deep suspicion expressed towards many of the surveillance technologies currently being employed at borders and airports in the wake of global terrorism and mass migration.

Essentially, these technologies and surveillance regimes are tools used to help determine who gets in and who gets out; these manifests itself most clearly along our borders, and particularly, inside our airports, where security/surveillance apparatuses have become synonymous with dehumanizing checkpoints masked as tools for promoting passenger safety and state security.

9.1.5 Screening Surveillance

The unique nature of the modern Canadian airport is discussed in detail by Salter (2007), who explores the balance between the interests

of public mobility and the need for enhanced security in the wake of terrorism and modern airline safety mechanisms. Salter believes the airport serves as a good example of governmentalities at work and in flux, and this article stresses the way security governmentalities interact to create an ongoing process of negotiation. This process of negotiation is highly dependent on the conditions of 'heterotopia' unique to the airport itself, as well as the "predisposition of citizens to confess in the fact of agents of the state"(Salter, 2007, p. 49).

Each major airport, for lack of a better descriptor, serves as a point-of-entry and exit – they are waypoints of mobility and global access. How we determine who 'gets through' these checkpoints, therefore, has real social meaning. Furthermore, the processes we use to actually help us make this determination are real factors that need to be explored and better understood for their greater social connotations.

Through biometric surveillance, the state can create conditions where certain groups are actively 'othered' and made to feel even further marginalized. When we examine security through the nature of bio-politics and body-politics, it quickly becomes apparent that some of the new and highly invasive security screening technologies tend to

create their own uniquely harsh realities for certain people who are subjected to them.

In much the same way that border-zones can facilitate fear and terror in migrants who have no choice but to try to cross (Topak, 2014), biometric screening may produce its own sort of terror in subjects who do not fit the white, hetero-normative image or visual. Hall (2015) examines the nature of biometric surveillance technologies and how they can actually serve to reinforce discourses of 'transparency' and 'visibility' made prominent following the 9/11 terrorist attacks in the United States.

In an interesting contrast, Hall highlights the way in which many terror suspects have been 'animalized' through visuals and media imageries, and how this purposefully contrasts with the aesthetics appearing in some of the images produced by biometric scanning. For the heteronormative, western-idealized female, the images produced by biometrics clearly differentiate her from those animalistic images viewed nightly on television. "Screening a passenger using high-tech surveillance technologies is one of the ways in which her difference from the animalized suspects in the war on terror in the United States is symbolically performed and reinforced"(Hall, 2015, p. 130).

In this regard, an 'us-vs-them' visual narrative is thus produced. Furthermore, the inherent visibility created by biometric scanning holds meaning for other things like the idealized, female, body and the discourses which surround them. "Discourses have…framed the new technologies and the airport security checkpoint as yet another opportunity to succeed or fail at attractively imaging one's body for the male gaze and according to Euro-American standards of beauty, health, and fitness" (Hall, 2015, p. 148). Not fitting this discourse – i.e., exposing oneself as being in opposition to it – renders that woman very vulnerable to feelings of insecurity and non-conformity.

This point is well-taken, but the realities of bio-metric screening and full body scan exposure can become something even more meaningful when we consider the perspectives of non-gender-conforming individuals. Beauchamp's (2009) article on artful concealment and strategic visibility from the transgender perspective illustrates how the conceptions of normatively gendered bodies tend to be re-enforced through security screen apparatuses.

These screening technologies are outwardly symbolized with narratives of protecting people from knives and bombs. What happens then when what is being hidden from public view is much more personal and intimate? Some transgender individuals experience this type of

exposure and scrutiny every time they pass through body scanners –

and therefore – the meaning of this technology may be very different

depending on how someone chooses to express their gender outwardly.

In this way, airport screening technologies may outwardly appear

to protect us – but they furtively expose each of us along

gender/class/ethnic lines. The costs of this exposure may be marginal

when someone fits the heteronormative gender or ethnic discourse.

However, those costs may be exponentially higher when someone does

not. Beauchamp terms this experience as being a 'perceived deception'

of the heteronormative discourse (Beauchamp, 2009). Moreover, the

article points out how efforts made by non-gender-conforming groups

to rally against the use of these technologies tend to run the risk of

being framed against other discourses of nationalism and U.S. security.

9.1.6 Part 1 Summary

When the state can view our bodies in ways that become

increasingly more intimate and intrusive, we lose yet another level of

protection against unnecessary invasions of privacy. While this may be

a superficial and inconvenient type of invasion when someone

possesses a body or gender identity that fits the norm – it may be an

intrinsically more harmful and frightening experience for those

individuals who do not.

9.2 Part 2 – Surveillance of Police

9.2.1 Background

It is very interesting to examine police reactions when the watchers become the watched. Such an examination appears in the article by Wall and Linneman (2014). Here, it is noteworthy to appreciate how visceral some police reactions have been when the public turns the camera around begins filming potential police abuses. What is happening with these cases is that the video surveillance stops promoting the interests of the state (i.e. the dominant interests). Here, camera footage may actually be able to present images of an alternative reality – one which definitely doesn't represent the dominant discourse and social power narrative.

In these cases, "police power is acutely aware that the image is a dynamic social force working in and against the interests of the state"(Wall & Linneman, 2014, p. 137). When the public turns it around, the camera stops being a tool to fight and capture crime, and it becomes a manifest threat to organized order and power. "The camera signifies a threat to the larger aesthetic order"(Wall & Linneman, 2014, p. 144).

Therefore, in much the same way that transgendered and minority identities experience surveillance within the context of their othered identities, so do the police. Police self-conceptualize as being the watchers and preservers of order. When they are subjected to surveillance, they tend to struggle with ideological implications. Surveillance of police challenges the dominant social narratives about power, order, and control. It also can have some serious implications in terms of altering police behaviors.

Returning to the themes discussed earlier, the idea of surveillance being a 'filtered lens' and short-sighted appears again in an article by Leman-Langois (2002). Here, however, a further danger is recognized whereby the surveillance stops being simply a 'tool' and becomes a means of social control in and of itself. "The vision of crime afforded by the camera is ''myopic'' because it reduces crime to behavior and crime control to incident response; and doing so threatens to transform policing into a purely reactive activity inspired by military standards and technologies"(Leman-Langois, 2002, p. 43).

In other words, surveillance can obfuscate the truth of reality by framing certain actions in ways we come to culturally expect.

In this sense, surveillance videos in a police and law enforcement context tend to confuse and/or force us to ignore all the things

necessary to truly understanding crime (i.e. poverty, cycles-of-violence, abuse, drug addiction) become secondary to the need to simply 'see and react'. Therefore, striving to understand the social conditions that contribute to crime totally ceases to be important. All that is important is pure reaction and punishment. This should cause us to ask whether the camera is working for the police or whether the police are working for the camera.

9.2.2 Images and Visibility

Surveillance says as much through what it does not show as it does through what it shows. Our society places value on some people and disvalues others. It also believes that some spaces deserve protection and that other spaces can more easily be ignored.

Visual footage of crime may show the act, but never the context. It also tends to show us crimes we expect to see committed by the people we expect to be criminals. In this way, the camera surveillance can be more than just a tool used by police, it can turn police into tools that even more effectively enforce the state's objectives, narratives and social constructs about crime and deviance.

In as much as a great deal of scholarship has critiqued and analyzed the impact that state-imposed surveillance has on citizens, less

scholarship has examined the impact that counter-surveillance has on police. Results demonstrate that there may be unintended consequences associated with the rise in public counter-surveillance over police andironically, many of these consequences may actually impact our most marginalized populations the most negatively.

Populations who – on the surface – might seem to be the ones who stand to benefit most strongly from our ability to record police and publicly shame improper police conduct can actually suffer from poorer service quality. Here the concept of visibility discussed earlier reappears. Put another way, othered identities become rendered invisible through the use of body cameras and cell phone videos because the police begin to consciously or unconsciously avoid being captured on camera with these people.

By seeking answers to several important and highly-relevant questions related to the rise of body-worn cameras and citizen-shot videos depicting improper police conduct, this section seeks to identify and confirm the unequal treatment experienced by minority communities in terms of police interaction and experiences of violence.

It also examines the impact that social media protests and public backlashes (inspired/supported primarily by videos depicting police violence) have had on police behaviours. Finally, based on these

results, the question becomes understanding the implications of this behaviour change, a phenomenon sometimes referred to as the "Ferguson Effect", but more accurately described as "De-Policing". What impact, if any, will current trends toward de-policing have on our most vulnerable communities?

9.2.3 Racialization, Demographics and Police Violence

The 2014 shooting of Michael Brown in Ferguson, Missouri set off a wave of protests across the United States. The deaths of other racialized minorities at the hands of police have further solidified movements like Black Lives Matter and spurred repeated calls for more accountability and justice against police violence.

In Canada, the death of Sammy Yatim on a Toronto streetcar sponsored similar calls to action. The police shooting of Sammy Yatim became national news, and the subsequent conviction of Constable James Forcillo highlighted systemic use-of-force issues within the Toronto Police Department. While the actual events that led directly to Michael Brown's death were not captured on live video, those for Mr. Yatim were.

Subsequently, a Toronto Police Constable, James Forcillo, was convicted of *attempted* murder in the case (a legal decision that

remains highly controversial given the fact that Yatim died). Regardless, this evidence anecdotally supports the academic finding that "convictions of police officers are nearly impossible without video evidence"(Watson, 2018, p. 123).

In 2016, Montreal Police fatally injured Pierre Coriolan during an extremely violent takedown while he was in the middle of having a mental health crisis.

Back in the United States, the police shooting of Walter Scott in Carolina and the death of Eric Garner in New York City also contributed to widespread public outrage and condemnation of police intervention tactics.

While these tragedies were different in terms of their subsequent investigation outcomes, they share a collective social meaning. This is because, in each case, the victim was a man with a minority ethnic background who died violently at the hands of police. What they also shared was the fact that the interactions were captured on film – via public cellphone surveillance.

It was the existence of these videos (and it some cases their audio) that largely managed to solidify public outrage and the rise of movements like Black Lives Matter. In some cases, the surveillance

actually contributed to criminal convictions for the police officers who were involved.

Admittedly, each of these cases seems to represent an extreme example of police misconduct, but they are used to demonstrate the reality that – increasingly – all police officers almost certainly face a growing realization that their actions are constantly being surveilled by the public they are charged with protecting.

Public access to hand-held video via the use of cell phones has skyrocketed over the past 20 years. Most reasonable citizens would probably suggest that this increased public surveillance over police is a good thing. Indeed, at the very least, such videos can provide evidence that may later be used to prove when and where police have acted inappropriately - even criminally – and when they have abused their power.

What is less clear is the effect – if any – that this new type of public surveillance has on police behaviour itself and overall police job performance.

There is an emerging body of evidence which suggests that the surveillance (and its meaning) may be having an unintended and negative social consequence: police avoidance of responsibility (or de-

policing). De-policing has been described as "an officer choosing not to engage in discretionary or proactive aspects of police duties"(Yogaretnam, 2018). In other words, confronting suspicious activity when and where it is witnessed, engaging positively with the public, and de-escalating public altercations viewed while on patrol, etc.

> "Officers are weighing the costs of engaging with the public and for many, the cons outweigh the pros. Any interaction carries with it the possibility of a racial profiling allegation, winding up in front of a disciplinary tribunal or human rights body, media scrutiny, a viral YouTube video or a judge finding they breached Charter rights. These are the kinds of things that officers perceive can, not only ruin their careers, but their lives. And the further along police officers get in their careers, the more likely they are to de-police"(Yogaretnam, 2018).

It also seems to be the case that each of these incidents contributes to more and more awareness amongst members of police forces that they are being surveilled. Each incident creates a type of snow-ball effect that further reinforces the collective knowledge amongst the police identity that they are constantly under the scrutiny of the watchful eye of the public.

9.2.4 Minority Representations

An overwhelming majority of the citizen-filmed, police abuse videos that circulate online and within the media involve the victimization of minorities – especially Black and Hispanic men. This fits within the findings of accepted scholarship and anecdotal understandings that clearly identify minorities as consistently being targeted disproportionally for police interaction and aggression.
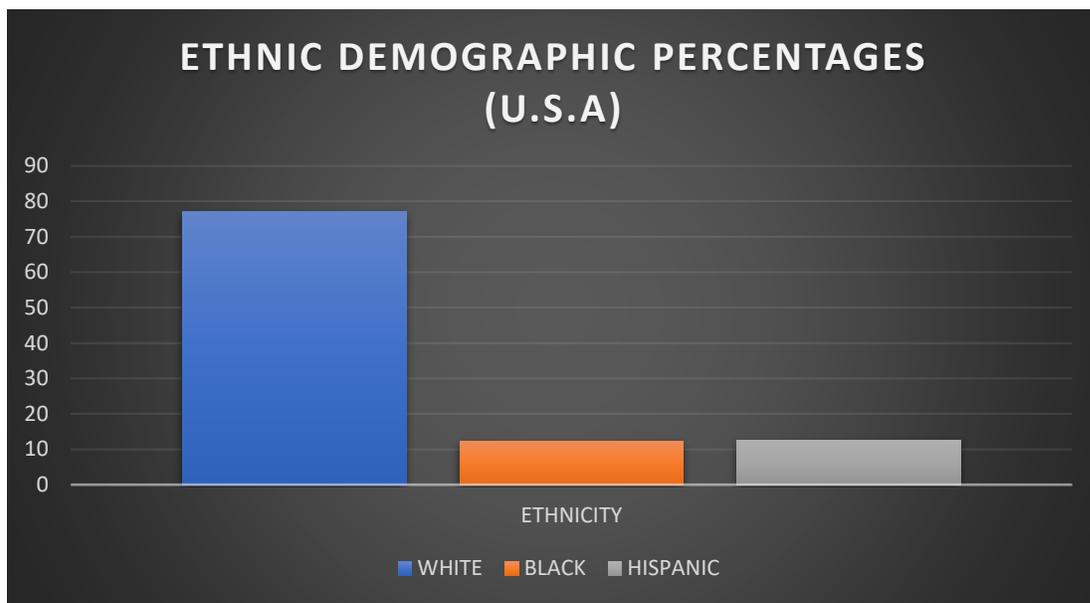
Studies have reported that Black males are consistently the recipients of differential and discriminatory treatment from the police. This includes discrimination through unwarranted traffic stops(Taniguchi, Hendrix, Levin-Rector, & Aagarrd, 2017), all the way through to overrepresentation for becoming the victim of fatal police violence (Shane, Lawton, & Swenson, 2017).

9.2.5 Disproportionate (Mis)Treatment

In the United States, Blacks and Hispanics make up only 12.3% and 12.5% of the population, respectively. Despite the relatively small sizes of these populations, young males from the demographic make up a significantly high number of the population killed each year during police confrontations. In 2015, roughly 2000 Americans died during police confrontations within the boundaries of 20 major US cities. Of

this number, 957 were white, 490 were black and 332 were Hispanic. The tables below clearly demonstrate the disproportions that currently exist with regard to these startling numbers.

FIGURE 1.1

ETHNIC DEMOGRAPHIC PERCENTAGES (U.S.A)

Source: U.S. Census Bureau

FATAL ENCOUNTERS WITH POLICE (20 LARGEST US CITIES)
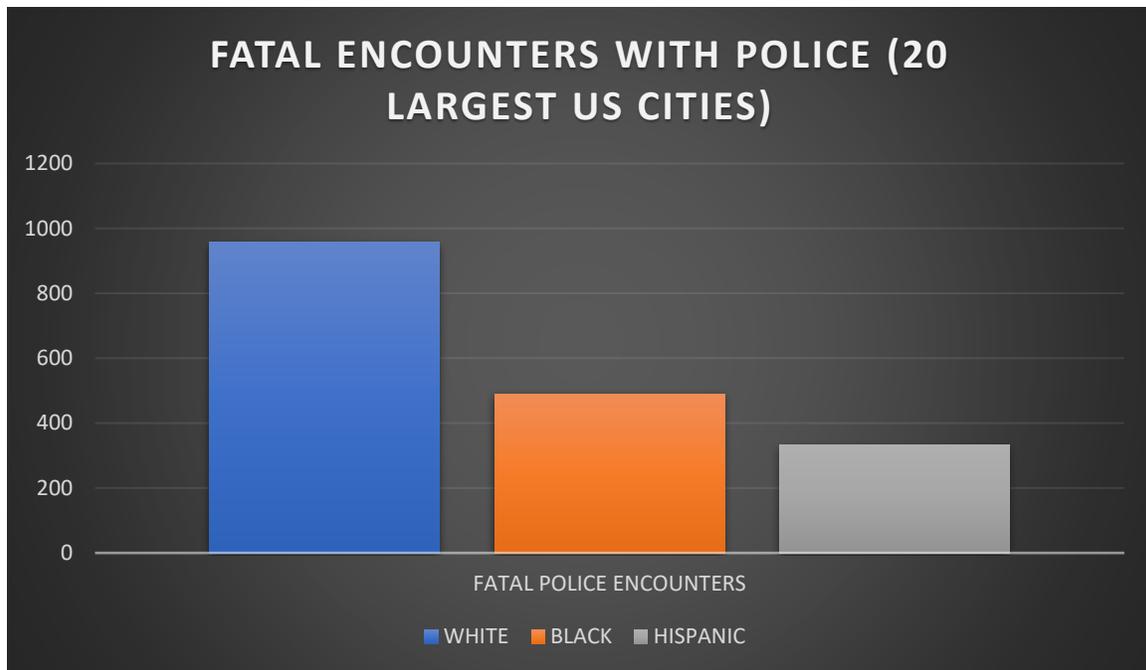
Source: (Shane, Lawton, & Swenson, 2017)

The above figures indicate that, for Blacks and Hispanics combined, young men from this demographic were more than 2.3 times as likely to die during a violent encounter with police. This remains true generally across the United States.

The visualization of these numbers is also indicative of the racialized (mis)treatment experienced by all minorities across the entire justice system in both Canada and the U.S.A. Interestingly, and as a footnote to the above, it was also discovered that of the 1,948 recorded fatal U.S. police encounters in 2015, a vast majority – 1,737 -occurred when the officer responsible for the death was not wearing a

body camera (211 took place while the officer was wearing one). (Shane, Lawton, & Swenson, 2017).

9.2.6 Body Worn Police Cameras

Body-worn cameras are devices that continually record Point-of-View video taken whenever police officers interact with the public. They have been cited as highly useful tools that help to provide irrefutable evidence concerning what takes place during these public interactions. This has been noted as beneficial to both police and the public because – on the surface- video evidence from these cameras helps to play a role in determining exactly what events have taken place (Hope, 2017).

With that said, the increase in body-worn-cameras by police is a general concern/issue for some scholars due to the implications it has for privacy and identity representation. It has been argued that body-worn cameras, combined with the levels of access police have to our lives and property, constitutes a challenge to sacred privacy rights (MacDonald, 2016). It has also been noted that video captured by surveillance tends to consistently frame members of minority communities in highly negative ways, thus reinforcing the hegemonic narratives about identity representation, criminality and security(Fiske, 1998). Access and control of the actual footage captured by these cameras has also been cited as a potential reason for concern as well.

On the surface, the introduction of body-worn cameras would seem to be an obvious choice for promoting positive change and police accountability. Adoption of police body cameras would ideally provide an unbiased and objective view of what the officer was witnessing during any type of interaction with the public. In a perfect world, this would provide direct, irrefutable evidence of police malpractice. Alternatively, video evidence from police body cameras could also be used to exonerate officers who had been falsely accused of abuse or excessive use-of-force.

Unfortunately, the most obvious interpretations concerning the use of police body cameras is only a shallow one; it simply scratches the surface and fails to deal with the underlying implications of full-on, 24/7 adoption and its meaning for the public and privacy vis-à-vis the state and the legitimization of state power. In fact, there are numerous wide-ranging – and unforeseen – negative consequences associated with the widespread adoption of police body cameras by law enforcement agencies.

Wasserman (2015) highlights the so-called moral panic tied to noteworthy instances of police brutality and its relationship to the implementation and push for more body camera utilization by police forces. The danger associated with policy decisions made in the midst

of moral panic is that they rarely factor into account the long-term implications of the action or policy choice. In this case, Wasserman notes that there are a wide-assortment of potential hazards and dangers associated with body cameras and their growing use.

In weighing the supposed benefits of body cameras (of which there are undeniably many), we must also beware of the consequences. Some we may immediately be able to foresee, as well as those we cannot. In as much as body cameras can accomplish a great deal in terms of providing new information about incidents involving police and use of force, they will – in no way – be able to keep all of these incidents from occurring again in the future. "[It is] important not to see [body cameras] as a magic bullet"(Wasserman, 2015, p. 833).

Public debate over body cameras and their use ought to be informed, calculated debate. We need to recognize that body camera visuals have their limitations in terms of telling the whole story and providing the whole picture. Brucato (2015) makes this point abundantly clear by noting the fact that police body cameras tend to show evidence that is highly predicated on Point-of-View.

Furthermore, it is also noted that these cameras can serve as effective tools for 'counter-surveilling' the public who may already be using their own tools to monitor police behaviour (Brucato, 2015).

Additionally, due to the fact that police initially hold total access to the recorded video taken from their body cameras, altercations can be reviewed prior to providing official statements, perhaps giving officers the ability to do away with the contradictions that typically inspire further investigation. "Because police agencies are adopting these devices to avoid complaints, we can expect [cameras] to diminish this crucial element of police oversight.... Since officers can review video from wearable cameras prior to writing incident reports, this technology may reduce conflicting accounts, a common cause for investigation of officers and exoneration of illegitimately implicated civilians"(Brucato, 2015, p. 470).

In sharp contrast to general public perception that body-worn cameras allow the public to better-monitor police behaviour and offer new oversight to help keep state power in check, arguments have also been raised which suggests that the use of these cameras may actually be increasing the power and scope of state/police monitoring. It may also be reinforcing longstanding racialized viewpoints and discourses that continue to marginalize and threaten minority communities.

State encroachment on our collective privacy occurs and advances in concert with technological advancements. The intrusion of the state into our private lives is made even more blatant through the use of

body worn cameras (BWCs). With these devices the state can enter our lives, our homes and our private spaces and take away recorded video evidence that it can preserve. "BWCs are just one piece of the state's surveillant technology but pose particularized dangers to victims because of the boundaries they are able to cross" (Adams & Mastracci, 2017, p. 324).

Even when video evidence from police body cameras does capture examples of brutality and excessive force, the racialized lenses through which these videos are often presented within the public discourse ironically tends to actually reinforce oppression. "As long as visual evidence of police brutality is interpreted through racialized ways of seeing, the practices of counter-surveillance and the discourse of filming the cops remain circumscribed within a larger cycle of repression that continues to…uphold the legitimacy of the police, and by extension, the racist state"(Beutin, 2017, p. 17).

In this regard, there are deeper societal issues that underlie and interact-with the video recorded by body-cameras, and this must be factored-in to the decision-making processes associated with their use and application.

As can be seen, police worn body cameras offer no quick fix for the problems of police brutality or lack of public accountability. In some

cases, rather than diminishing the power of the state, cameras advance it. In other cases, video evidence can be framed in ways that re-legitimize racialized viewpoints and systemic racist discourses. Before we rush foolishly towards a world where every state agent carries a video camera that is constantly recording, we need to carefully consider the implications of such a world.

9.2.7 Cell Phone Surveillance

While the use and increased prevalence of body-worn cameras and their impact is, in fact, a quantifiable subject for and in-depth study on its own, the increase in body-worn cameras by police is considered here alongside - and in parallel to - the rise of another form of video surveillance: the citizen-shot cell phone video.

The number of citizen-shot videos showing negative/violent police encounters has exploded alongside the increase in personal cell-phone use. Camera-equipped cell phones now accompany the vast majority of citizens as they make their way throughout their everyday lives. This means that, at a moment's notice, the average citizen possesses the ability to capture a video that will be available to posterity. Events that once relied on human memory to be described later can now be analyzed – and shared – repeatedly and for all time.

As mentioned earlier, and in conjunction with the increased use of body-worn cameras, there are many who believe the increased prevalence of citizen-shot videos of police is a net positive. Indeed, of the most famous examples of police brutality within the public collective, almost all were captured on some form of video (or at least their immediate aftermaths). This is true from the infamous 1991 beating of Rodney King in Los Angeles, to the images of Michael Brown lying dead on a Ferguson, Missouri street.

The benefits associated with citizen-shot videos has been cited as a major tool for ensuring police accountability and as being capable of exposing officer overreach. It is also viewed positively for an ability to improve our collective influence over the media – serving as a type of 'alternative journalism' (Bock, 2016). The idea of citizen-shot videos as tools for citizen empowerment has also been expressed by Hermida & Hernandez-Santaolalla, who have noted that these videos "reinforce the idea of citizen empowerment through the development of an alternative form of journalism, and as a practice to criticize the mainstream media coverage" (2018, p. 416).

Citizen-shot videos of police overreach have also been cited as being noteworthy for their ability to produce a confluence of communication, technology and culture within the public realm,

bringing about benefits of voice and empowerment (Schaefer, 2012). Moreover, the images and narratives inspired by the footage captured by cell-phone cameras have been argued to represent a clear-and-present-danger to ongoing state/citizen power relations and the objectives of security states as they seek out new ways to control and subdue populations. "Police power is acutely aware that the image is a dynamic social force working in and against the interests of the state"(Wall & Linneman, 2014, p. 137).

In this sense, such a dynamic social force working against state control would clearly seem to indicate a net positive effect associated with citizen-shot videos.

From all these standpoints, transparent public access to police-shot videos from body cameras, and alternative journalistic images recorded on citizen cell phones would all appear to present society with a host of clear benefits. Framed in this way, camera footage brings about greater accountability from the police/state. It also empowers the citizenry, creates alternative narratives and discourses and serves as a medium through which cultural expression takes place in conjunction with technological advancement.

One concern raised about the use of any type of surveillance technology/video relates to the fact that utility is highly predicated upon

point-of-view (Brucato, 2015). In this sense, the images produced by the camera tend to be highly subjective and the subsequent reactions to them are usually open to interpretation by a diverse and biased audience.

One study found that public interpretations of police body camera videos were very highly predicated upon prior opinions of police (Sommers, 2016). In another study, members of the public who viewed police officers positively tended to overlook indications of excessive force, and those who viewed police negatively reacted much more strongly. Interestingly, this reaction was also strongly correlated along ethnic lines, with minorities tending to interpret more police actions as being unwarranted. "Viewing videotaped arrests negatively impacted public perceptions about police use-of-force. Negative reaction was more prominent amongst visible minorities than Caucasians and, when viewing the same materials, minorities were more likely to feel that force was used excessively (Jefferis, Kaminski, Holmes, & Hanley, 1997, p. 381).

Early profiles on the impact of general urban surveillance have suggested that security footage tended to further racialize and marginalize black subjects caught within 'white' urban landscapes (Fiske, 1998). In this regard, how video is interpreted – as well as the

narratives and discourses it creates and reinforces – seems to generally suggest a more nefarious and malevolent side to the rise of captured video.

Furthermore, what someone seems in a video is highly predicated on what they already believe. This should give us reason for concern. "We should be more skeptical of the widely held belief that video footage tells us unambiguously and definitively what happened"(Sommers, 2016, p. 1304).

It has been noted that intense conflict exists between the right of the police/state to search, seize and censor cell-phone videos with the right of citizens to express themselves freely (Reardon, 2013). The ability for police to search cell phone cameras and maintain and store video captured during in-home visits also raises concerns about privacy, state data collection and professional responsibilities among officers and police administrations (Wood S. , 2017).

These conflicts can also be framed through the ongoing disputes about the rise of so-called 'digital vigilantism'. "Digital vigilantism is a process where citizens are collectively offended by other citizen activity, and coordinate retaliation on mobile devices and social platforms"**Invalid source specified.**.

Cell-phone videos make up a large portion of the materials shared during the digital vigilantism process. In many cases, the behaviour shown is a relatively harmless, social faux pas. However, in some cases, reaction to the behavior shown can be intense and powerful, generating significant public backlash.

If the behaviour shown on a video is deserving of this reaction, the mob-justice and social stigma that results may be justified. However, as we have already seen, the one of the problems with surveillance video is that it is highly predicated on Point-of-View, interpreted subjectively, and it may not show the entire 'picture'. Therefore, the possible implications of cell phone videos 'showing' police overreach ought to be given the same value test as videos depicting crimes and criminal activity being perpetrated by the general public.

The benefits and challenges associated with both the rise of body-worn cameras and citizen-shot videos need to be framed and understood through the way the public reacts to them. News coverage and social media sharing of unacceptable police behaviour generates extreme reactions from the public – and most reasonable people would interpret this reaction as justifiable. However, it has been noted that public attitudes towards police are highly malleable in the general sense.

When videos of different types of police interventions were shown to the subjects of one study, those subjects were much more likely to later believe that police officers use force as a matter of preference (Boivin, Gendron, Faubert, & Poulin, 2017). Here, evidence suggested that dissemination of police videos (both born-worn and citizen-shot) "might have unexpected adverse effects on public attitudes.(Boivin, Gendron, Faubert, & Poulin, 2017, p. 366).

Furthermore, as mentioned earlier, minorities and marginalized people who may already hold negative feelings towards the police were much more likely to view videos shot on police body-cameras with suspicion and mistrust, and they were also more likely to dismiss the idea that these types of videos helped to keep police accountable to the public's they serve(Crow, Snyder, Crichlow, & Smykla, 2017).

In this sense, it seems clear that the widespread dissemination of videos depicting police use-of-force (whether justified or not) has had a negative impact on public perceptions about police officers generally. This result would seem to be only natural, as the actions taken by police in some of the most heinous videos cannot be justified by any standard of acceptable best practice.

Less is known, however, about how the increase in public dissatisfaction and mistrust towards police (as enhanced through the

rise of video surveillance generally) has impacted police officers. If there has been a counter-reaction and behaviour change amongst police, does it result in a net positive or net negative benefit for society? This is the focus of the following section.

9.2.8 PoliceResponse: De-Policing?

The "Ferguson Effect" and "De-policing" are words and phrases that have come to symbolize police reaction to public backlashes following instances of police misconduct. The former refers to the effect created within police departments following the protests and public reaction to the death of Michael Brown in 2014.

The relative simplicity of recording police behaviour, combined with social media sharing, has presented the public with an extremely easy way to critique officer behaviours. A succinct description of the so-called Ferguson Effect was provided by Wolfe & Nix (2016):

> "The use of social media has made high profile incidents such as Ferguson a national-level police issue rather than one constrained to the jurisdictional bounds of the city itself. As a result, high-profile citizen deaths at the hands of the police have caused such widespread negative attention that some argue it is causing police officers to withdraw from their duties in order to avoid being accused of excessive force or

racial profiling—a phenomenon referred to as the "Ferguson Effect.(Wolfe & Nix, 2016, p. 1)

De-policing, on the other hand, refers to a general apathy and malaise – even a sense fear - among officers related to a perceived threat from the public. This fear or concern effectively prevents or dissuades officers from performing certain aspects of their jobs, including activities like community policing and interventions in private disputes that they witness while out on patrol. De-policing has also been described as: "an officer choosing not to engage in discretionary or proactive aspects of police duties"(Yogaretnam, 2018).

Due to the fact that the events in Ferguson, the rise of Black Lives Matter and the shooting of Sammy Yatim are all relatively new developments (at least from the standpoint of academic scholarship), studies on the actual legitimacy/veracity of the de-policing theoretical argument are few and far between. There has been some scholarship however, most notably (Wolfe & Nix, 2016; Rushin & Griffin, 2017; Nix & Pickett, 2017; Nix, Wolfe, & Campbell, 2018; and MacDonald, 2016), among others.

The conclusions of these studies and profiles vary, but all seem to indicate that a level of truth exists to the theories surrounding police

apathy, and there is a certain amount of evidence that police officers are becoming more reluctant to interact with the public at all levels and – in particular – under circumstances where future allegations of racism and discrimination are perceived as being possible.

The excerpt below effectively describes the police officer mindset following instances of viral police brutality videos. It demonstrates the mindset experienced by officers faced with the choice of confronting suspects engaged in questionable conduct.

> "There is a nagging thought in the back of your head. Isn't it possible - or perhaps likely - that someone in the group or nearby will have a video device and record the encounter? What if the crowd attempts to provoke a confrontation and then records it? What if the recording is posted to the Internet or sent to the media? Should such thoughts temper your judgment in this situation? Would they make you hesitate to get out of the car?(Gonzales & Cochran, 2017, p. 299)

Experiences and thoughts like these are referred to in several studies of police departments which suggest the public backlash due to increased video scrutiny has caused police officers to consciously choose to neglect their duties.

Evidently, the phenomena is not confined to the United States alone, as a recent media report from Ottawa suggests: "Officers are

weighing the costs of engaging with the public and for many, the cons outweigh the pros. Any interaction carries with it the possibility of a racial profiling allegation, winding up in front of a disciplinary tribunal or human rights body, media scrutiny, a viral YouTube video or a judge finding they breached Charter rights"(Yogaretnam, 2018).

The apathetic disconnect and new instincts to hesitate in the face of mounting public pressure may actually be responsible for situations where officers purposefully avoid responding to incidents in 'troubled' urban areas or where they are more likely to be filmed while engaging in a hostile interaction. This effect may be systemic, but some evidence suggests it increases with time-on-the-job and seniority; the implication being, those officers stand more to lose and continually ask themselves: "Why be burned as a racist, when you can go along and get along and maybe sneak through?"(Horowitz & Levin, 2001, p. 244)

While the actual extent and severity of the Ferguson Effect and De-policing is difficult to quantify, there are already some statistics which seem to demonstrate declining levels of police-public interactions – at least in terms of the raw datasets that are readily available over the short term. Taken from Michael Brown's home state, the statistics represented in the tables below seem to indicate a noted decline in police stops and arrests. This decline coincides with both the rise of
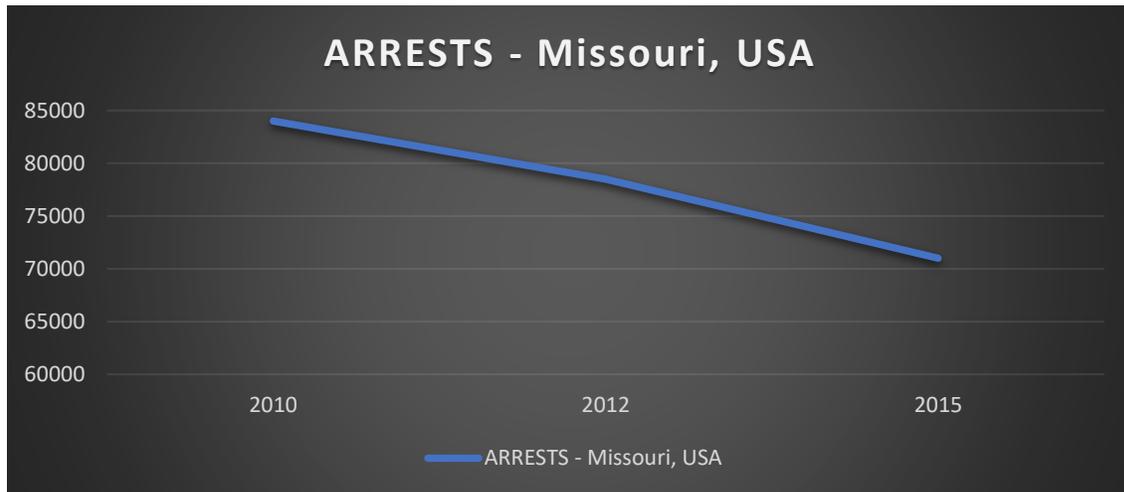
citizen-shot police violence videos and the high-profile deaths of minorities at the hands of police which have so captivated the public audience.

Figure 3 – Police Stops (Missouri, USA, 2010-2015)
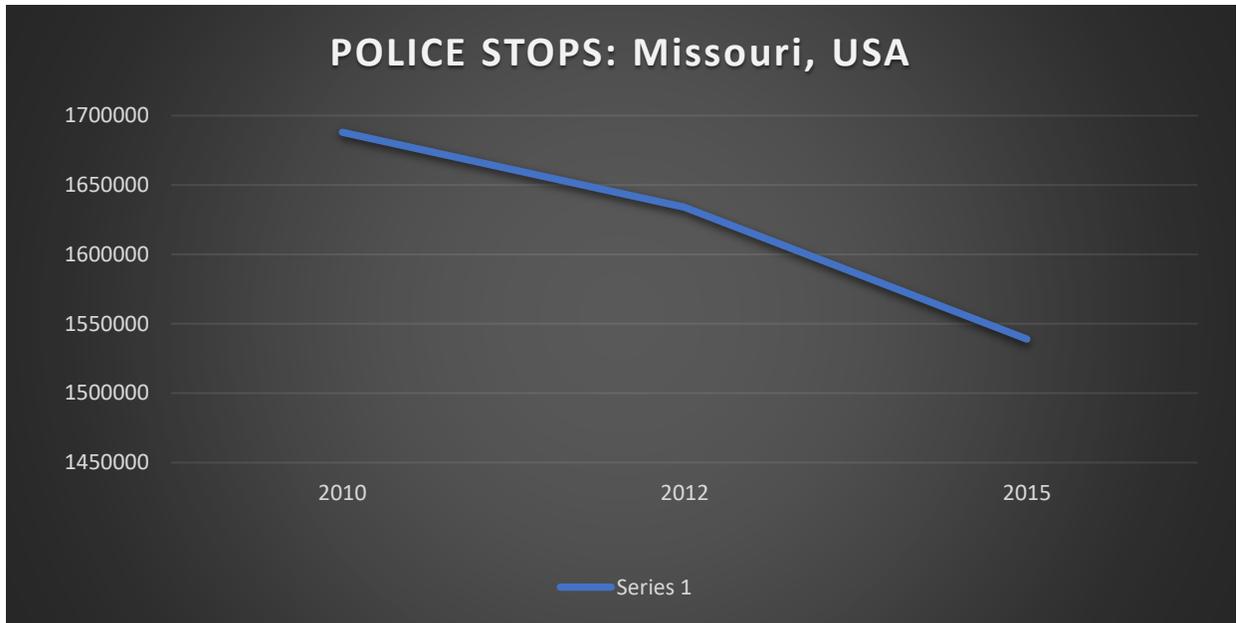
Source: (Shjarback, Pyrooz, Wolfe, & Decker, 2017)

Figure 4 – Arrests (Missouri, USA, 2010-2015)

Source: (Shjarback, Pyrooz, Wolfe, & Decker, 2017)

Complementing the statistics above, another recent study discovered that officers assigned to wear body-cameras were significantly less likely to frisk suspects or make arrests (Ready & Young, 2015). In part, scenarios like these have been explained through the use of self-preservation and compensation logic among officers. "Confronted with a situation in which it is impossible to satisfy their expectations and public requests, police officers make use of compensation logic"(Tanner & Meyer, 2015, p. 285). They choose self-preservation over the risk of losing their job or being shamed by the public.

It would seem, therefore, that both the introduction of body-worn cameras and the rise of citizen-shot videos (and their highly publicized

dissemination) have resulted in increased public backlash being demonstrated towards police.

This, in turn, has resulted in its own counter-reaction from the actual police officers who interact with the public on a day-in-day-out basis. Many of these officers feel this increased public scrutiny/criticism as pressure while performing their duties. This is what results in the so called 'Ferguson Effect' and the corresponding behaviour of De-policing.

Given the well-documented racialized and inequitable nature of the justice systems in both Canada and the United States, there will be some that argue that overall declines in police-public interactions is a good thing. This argument assumes that the majority of the stops that no longer take place had previously been based in racism or discrimination, which is something that is quite difficult to quantify – but accepted by the scholarship.

In addition to making officers think twice before they act in a way they feel is inappropriate, they must also considered the implication that what they do or say might be *construed or presented* as being inappropriate. The implications of this de-policing reality will be the topic of the next section.

9.2.9 PART 2 SUMMARY

If the overriding 'objective' behind increased pubic counter-surveillance of police is to curb overreach and abuse, there is conflicting evidence about how effective it actually has been. Studies have repeatedly tested the power of surveillance as an agent of behaviour change at all levels of society and for different reasons. As a structural intervention geared towards the prevention of unwanted behaviour, video surveillance has been found to be only marginally effective at promoting the desired behaviour change(de OIiviera, Priche, Costa, Mingoti, & Calaffa, 2015). However, in terms of unwarranted police activity specifically, videotaped surveillance of suspect interrogations was found to be responsible for curbing unwanted/illicit interview tactics(Kassin, Kukucka, Lawson, & DeCarlo, 2014). This result implies that when police know they are being watched, they are less likely to bend the rules or behave overly aggressively.

On the opposite end of the spectrum, some findings indicate that the prevalence of cellphones and public surveillance of officers actually makes them more likely to respond with violence. "Perceived threats to authority may trigger more coercive or aggressive demeanor to ''maintain the edge'' over citizens, particularly regarding the use of coercive force"(Porter & Alpert, 2017, p. 472).

The degree to which body-cameras and the prevalence of civilian-shot counter surveillance videos have been able to reduce police authority overreach is still, however, largely unknown. Nevertheless, it would be counter-intuitive and logically unsound to suggest that police surveillance provides absolutely no benefit in terms of preventing abuses or incidences of discrimination.

With the above being accepted and filed away as a potential net social benefit associated with surveillance of police, it then becomes prudent to examine the potential negatives. One study found that, in response to the public backlash faced by police officers following Ferguson, police forces in Dallas TX, and Baton Rouge LA, ordered officers to cease solo patrols. Instead, officers were required to interact with the public in pairs (or higher numbers) only.(Nix, Wolfe, & Campbell, 2018).

Understandably, this significantly reduced the areas being patrolled by police at any given time, potentially undermining neighbourhood security and preventing incidences of preventative police action. Another study found a moderate, negative correlation between the public backlash against police and the willingness expressed by officers to engage in community partnerships (Wolfe & Nix, 2016).

It has also been noted that some officers now respond to dispatch calls differently and are "more likely to address incidents in certain

neighbourhoods with significantly different responses"(Kopak, 2014, p. 225). The implication here is that officers show more apathy and indifference towards the neighbourhoods where police-public conflicts are more likely to occur. This has major implications from a community safety standpoint.

Whether or not the police response to the public backlash has or will have any impact on overall crime remains to be seen. Here, the literature remains inconclusive at best. "Recent rises in crime rates, shootings and gang violence may or may not be correlated [to the Ferguson Effect] (Wolfe & Nix, 2016, p. 4).

Another study noted that there was some evidence for a correlation between a rise in property crimes and de-policing, and this finding was used to provide support for the idea that the viral public outcry against police officers has made them "less aggressive and less effective" (Rushin & Griffin, 2017, p. 721). Other critiques have been much harsher, blaming new 'politically correct' cultures inside police departments as being responsible for more ineffective police forces. "Self-destruction begins when an organization lowers its standards in order to demonstrate its love for those who cannot or will not accept their legitimacy, primarily because they lack the ability to meet them"(Gordon, 2011, p. 373).

Regardless of whether crimes are up or down, or whether officers are less aggressive or more aggressive towards the public, the most troublesome (and largely unintended) side-effect of the viral public backlash against police seems to be the harsh reality that community relations have broken down in many regions, especially in those where society's most vulnerable live.

Ironically, the idea of having officers who treat certain people or certain neighbourhoods differently was one of the major motivating factors behind the public outrage in the first place. Now, instead of having a few officers who openly discriminate and direct violence towards minorities, society may be dealing with many more officers who actively choose to ignore them. How exactly to solve this problem is now something for scholars to now begin to consider.

Troubled urban neighbourhoods, areas with high-levels of gang violence and society should never be forced to tolerate systemic police racism, abuse, discrimination or unwarranted violence. And yet, by developing new counter-surveillance measures with cell phones and body-worn cameras designed to bring about more accountability in officers, our society runs the risk of alienating what is good and socially-beneficial about a properly-run, progressive police force. Society needs no racist police – but it needs a police presence.

The single mother being abused by her boyfriend requires a police intervention. The elderly lady being accosted on the street needs a present and proactive police officer. The youth struggling to avoid being caught-up in gang membership needs strong community-police relations. These may be the most problematic issues with de-policing legacies left by our counter-surveillance efforts.

Interestingly, some of the very arguments used to decry state surveillance and state power become just as poignant when they are applied to the case before us here. "If we are to fully appreciate the effects of CCTV upon civil life, then we cannot analyze surveillance only through the lens of its governing rationalities but must also consider its complex effects on those being surveilled" (Glasbeek, 2016, p. 86).

Based on the result of this study, it seems clear that our counter-surveillance of police has had many complex effects on officers, some positive and some negative. It has been argued that all too often "cameras are erroneously touted as magic solutions that resolve all problems"(Wasserman, Recording of and by police: The good, the bad and the ugly, 2017, p. 560). This appears to be true in this case as well. In helping to solve or deal with the problem of police brutality, our cell phone videos may be bringing about a wide assortment of new problems.

This Sections has shown evidence for the rise of public backlash directed towards police. In many respects, this backlash has been inspired and maintained by the prevalence of counter-surveillance videos shot by cell phones, as well as footage captured on police body-worn cameras. Based on these findings, it appears that this type of surveillance has managed to raise public awareness about discrimination and police authority overreach. The extent to which it has managed to disrupt this type of activity from occurring as frequently remains unknown.

What does seem to be known, however, is that there has been a subsequent counter-reaction amongst police to perceived levels of viral public outrage inspired by these videos. This counter-reaction has manifested itself in the conscious de-policing of certain areas and for certain people.

De-policing has implications for society because, in practice, it means that police officers may now be actively avoiding situations where they perceive a threat from being recorded. Unfortunately, many of these very situations require a strong police presence in order to keep the peace and protect society's' most vulnerable. In this regard, this study finds that one of the unintended consequences of police

counter surveillance has been a decrease in police protection and community-police relations in the very areas that need it the most.

10 Final Conclusions

10.1 Surveillance and Identity

Based on the findings of this research, it appears there are numerous generalizable themes which emerge with regards to surveillance on its universal impact on identity. It first needs to be reiterated that surveillance tends to present a reality framed by the context through which it is created. This means that surveillance designed to detect deviance will disproportionally represent and visualize that which we have come to associate with deviance and/or disorder. In many cases, this means that people whose identities are already viewed as deviant or abnormality according to the cultural narrative and discourse will almost always see these representations played out through surveillance.

The implications this reality has are almost universal. People whose identities do not fit the hegemonic norm will suffer universal marginalization as surveillance becomes more prominent within our society. This has been shown to be the case in terms of race, gender, sexual orientation and gender identity. It would seem to be a fairly accurate conclusion to determine that surveillance disproportional affects people whose identities do not fit the social norm.

Based on this finding, future research should be focused on ways to help mitigate the impact of surveillance on marginalized identities. The research has so far been successful in recognizing the harm caused to marginal and disempowered identities by surveillance. However, it has been less capable of providing a concrete path forward in terms of solving the problem. The solution, more likely, needs to be derived from studies which ask those most impacted by surveillance how these negative consequences might be improved or mitigated.

10.2 Surveillance of Police

This study has also found a causal link between increased police surveillance and the phenomena of de-policing. In much the same way that closed-circuit and state-led surveillance causes marginalized individuals to feel more exposed and vulnerable, the increases in citizen-shot cell phone videos, and the proliferation of police-worn body cameras among various police forces has caused officers to feel more exposed and vulnerable. In this regard, the reported phenomena of the so-called 'Ferguson Effect' should be examined more comprehensively in the future as events continue to unfold.

The self-evident benefit of having more police oversight through surveillance may actually be created unintended consequences whereby vulnerable communities and marginalized individuals disproportionately

suffer from insufficient police responses and lack of attention. The objective of police surveillance is to promote better accountability and to prevent police violence. It is not meant to dissuade police officers from performing their duties to the best of their abilities and to the benefit of all communities.

In this regard, the exposure and visibility of police promoted by increased use of citizen-shot videos may actually be having a similar effect on officers as it does to marginalized individuals who suffer from state-run surveillance. Therefore, the most important conclusion reached by this study is that – in addition to the threat to privacy – increased surveillance seems to universally render individuals more visible and more exposed. This has a universal psychological impact by promoting an increased sense of dis-belonging and, more commonly, vulnerability. In many ways, this fits perfectly with Foucault's interpretation of surveillance and Panopticism – but it makes new space for a conceptualization of surveilled identities and the meanings created based upon where and how someone is situated within the greater social narrative.

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