The Other Side of "Big Brother":
CCTV Surveillance and Intelligence Gathering by Private Police

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EXECUTIVE SUMMARY

A significant shift has occurred in the nature of policing over the past 30 to 40 years across jurisdictions and contexts. The paradigm of policing as a purely government function is under challenge. Policing is becoming more "pluralised" with a range of actors, both public and private. This shift has significant social implications for the general public, together with the public and private organisations that provide policing services. These implications are discussed and highlighted through the use of information technology by private police in two areas—CCTV surveillance and intelligence gathering. This case discusses this shift between public and private sectors in policing. The situation is more complex than a simple public/private divide and plays host to a range of interactions that bring many actors into contact, competition, and alliance in networks and assemblages. Most research and regulation remains focused on public policing even though, numerically, private policing is now a major provider of policing services in an increasingly fragmented, pluralized, and commodified market. This case considers the regulation of private policing as it exists in the Australian context and how it applies to the use of information technology, together with issues for human rights, especially privacy.

Keywords: CCTV, Human Rights, Intelligence, Pluralization, Privacy, Private Policing, Security, Surveillance

1. INTRODUCTION

It is not just a case of "sleepwalking into" or "waking up to" a "surveillance society", as the UK's Information Commissioner famously warned, it feels more like turning a blind eye to the start of a new kind of arms race, one in which all the weapons are pointing inwards. – B. Hayes

What Hayes (2009, p. 5) highlights is the increasing use of information technology in support of surveillance and intelligence gathering in a range of policing methodologies that impact on the daily lives of an increasingly large part of the modern population. Most policing is intrusive and can infringe on individual rights and freedoms. The policing methodologies of surveillance and intelligence gathering are perhaps more intrusive than other models. Whether it be the right to privacy, freedom of speech or the right to come and go as the individual pleases, the actions of police have the potential to curtail these freedoms. One of the freedoms that is most often

infringed is the right to privacy. This is done through many forms of surveillance ranging from search warrants, telephone taps, email sweeps, observation, CCTV, video recording to intelligence gathering (Bronitt, 1997). These technologies allow for large amounts of data to be gathered and stored on individuals and organisations often without their knowledge or permission (Fox, 2001).

The common paradigm of policing is that it is carried out by properly accountable government agencies with due authority of the law for good of the community. In a major shift to this paradigm, most of this infringement of personal freedoms in our society is no longer carried out by government organizations, but rather is carried out by private organisations in a context where security can be purchased as a commodity (Newburn, 2001). The nature of private policing makes it ideally suited to methodologies involving information technology, such as surveillance and intelligence gathering. Indeed this is often its main strength in situational crime control.

The social implications of these activities that infringe on the rights and privacy of the individual are significant. They raise questions of the accountability of the organisations that undertake them and may even shape community attitudes to a range of issues.

Most research into accountability and regulatory frameworks focuses on the public police with relatively little carried out into private policing or its interaction with public policing (Button, 2002, p. 1; Hummer & Nalla, 2003, p. 88; Zedner, 2006a, p. 273; Stenning, 2009). Shearing argues that the focus on public policing has caused a failure of comprehension of the full implications of private policing (1992, p. 424). What needs to be considered is the accountability of private policing in its use of information technology for surveillance and intelligence gathering, as much of it falls outside state oriented regulatory and human rights frameworks (Marx, 1987; Stenning, 2009; Leman-Langlois & Shearing, 2009).

This case aims to discuss the reasons for change and the social implications of the increasing use of surveillance and intelligence gathering. The starting point in this analysis is how and why the policing streetscape has changed in the latter 20th and early 21st centuries. A good understanding of this helps to create a greater understanding of modern private policing methodologies of which surveillance and intelligence gathering form a critical part.

The case then discusses some of the key points through the use of scenarios that illustrate the critical issues that underpin CCTV surveillance and intelligence gathering by private police. The reason for this is that much learning concentrates on the acquisition of facts and principles, often in isolation. The use of scenarios in this instance is aimed at developing critical thinking about the issues and problems created by the use of CCTV and intelligence gathering by private police organisations and engaging in an experiential problem solving methodology utilizing the facts and principles discussed in the case (Hmelo-Silver, 2004; Naidu, Menon, Gunawardena, Lekamge, & Karunanayaka, 2007). The use of scenarios also allows for the effective consideration of complexity in a rapidly changing social environment which more closely reflects a real life application in context (Richards, O'Shea, & Connolly, 2004).

2. SETTING THE STAGE: THE PARADIGM SHIFT FROM PUBLIC TO PRIVATE POLICING

The term "private policing" is perhaps more controversial than "private security" but when examined as part of the overall social function of "policing", this concept is now greater than just the conventional understanding of "the police" as an organized body in the public domain. Shearing defines the function of policing as "the preservation of peace" where people are free from unwarranted interference to go about their business safely (1992, p. 400). Given this

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