

# Open-Street CCTV Canadian Style

Randy Lippert describes how Canada is moving towards increased CCTV presence.

Introduced by local police to watch streets in the downtown bar district, the first open-street closed circuit television (CCTV) program in Canada appeared in Sherbrooke, a small Quebec city in 1992. In the 15 years since, small scale, open-street CCTV programs have slowly emerged in city centres across the country. Rather than a federal or provincial government initiative, the 16 or so current programs have resulted from varied local police, municipal government, and business improvement association funding arrangements, along with private security marketing (see Brown and Lippert, 2007) initiatives in which cameras or services are 'donated'.

Most often cameras are introduced in downtown retail strips near a concentration of bars to target criminal and 'anti-social' conduct, especially during early morning closing times. As in post-industrial cities in the UK (Hobbs et al., 2003), many Canadian open-street CCTV programs have appeared with the growth of night-time, retail alcohol establishments in downtown 'entertainment' areas. Although

Section 7 requires secure storage of collected CCTV images from 48 to 72 hours before deletion unless retrieved for law enforcement purposes. Compliance with section 7 is plainly evident in working programs, but adherence to section 4 is dubious and tends to go unmonitored. A third guideline – section 6 – requires posting signs at the perimeter of cameras' gaze (or distributing pamphlets) indicating to the public why their personal information is being collected. They are not required to include information about how to file a privacy complaint.

Since deterrence is often used to justify CCTV programs, why only a rudimentary sign or pamphlet is required, rather than additional means, is unclear (and ironic since privacy commissions were created to confront the rise of new communication technologies that can disseminate information widely and inexpensively). This lack of public communication about CCTV and privacy law helps explain why since 2001 the Ontario commission has received only one complaint about open-street CCTV.

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urban revitalisation and the threat of terrorism are occasionally used to justify the introduction of CCTV, more often police and other advocates cite a widely publicised, violent incident that occurred in an area and the need to deter similar acts as justification.

There are currently no legal provisions prohibiting police or governments from establishing open-street CCTV in Canada. Regulation remains limited to efforts of the federal and provincial privacy commissions, although open-street CCTV falls under their mandate only in so far as cameras collect personal information. The commissions' annual operating budgets are but a few million dollars annually and therefore tiny in relation to their mandates' scope, which in Ontario entails administering two Acts governing both privacy protection and freedom of information. Nevertheless, Ontario's privacy commission published *Guidelines for Using Video Surveillance Cameras in Public Places* in 2001 (IPC, 2001). Three guidelines are noteworthy. Section 4 places responsibility squarely on police and municipal officials to show that less intrusive means of policing are unworkable so they can justify each camera via verifiable crime incident reports.

In some instances police services are distancing themselves from direct involvement in open-street CCTV – when it does come to the public's attention – due to its 'Big Brother' image and the burden of funding ever-changing technology while – at the same time – retaining easy access to CCTV images to pursue criminal prosecutions. CCTV cameras are increasingly monitored by private security firms that fall under provincial licensing regimes, but so far no public discussion has taken place about a need for operators to be trained on human rights or privacy issues in order to obtain licenses.

The most publicized Canadian open-street CCTV system to date is operated by the Royal Canadian Mounted Police (RCMP) in the small resort city of Kelowna, British Columbia (BC). One CCTV camera linked to the local detachment was set up in a park in 1999 and then another to watch an outdoor downtown bus transit area to monitor the drug trade. Following complaint from the provincial privacy commissioner in 2001, the federal privacy commissioner ordered the RCMP to cease 24-hour recording. A month earlier

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the federal commissioner had successfully halted a privately-run open-street camera operation in Yellowknife, Northwest Territories (NWT) (an operation which – like the RCMP itself – fell under federal jurisdiction) on privacy grounds. This time the RCMP ceased 24-hour recording, bringing the operation into technical compliance, but continued 24-hour monitoring. In 2002 the federal commissioner then took the RCMP to British Columbia Supreme Court to try to halt operations by invoking Section 8 of Canada's Charter of Rights and Freedoms, claiming open-street CCTV constituted an 'unreasonable search'. Following national publicity, in 2003 the court ruled the commissioner lacked legal standing to initiate the action. Since replaced (he was ironically charged by the RCMP on an unrelated criminal matter), the new federal commissioner has not taken up the legal fight and Kelowna's program has expanded to new locations. Other than, most notably, in Brockville, Ontario and Vancouver - where local public resistance halted open-street CCTV plans - serious legal barriers and organised public resistance to its introduction in new locations is relatively rare and otherwise ineffective in Canada.

Among provincial privacy commissions, Quebec's (Commission d'accès à l'information du Québec) regulations in relation to open-street CCTV implementation are the most restrictive or at least enforced, and in 1992 actually halted the Sherbrooke program citing privacy concerns as the reason. This commission requires crime reduction be evaluated to justify continuance in lieu of alternative methods such as foot patrols. Consistent with this requirement, an ongoing independent evaluation using a quasi-experimental method in downtown Montreal is currently underway. An early study in Sudbury, Ontario using a before-and-after design conducted by consultants for local police in 2000 (KPMG, 2000) has been widely cited – typically coupled with selective UK examples - as evidence of crime reduction effectiveness to justify new CCTV programs. Outside these instances, there are no other independent evaluations of open-street CCTV or studies that seriously consider displacement or other methodological issues in Canada. This is undoubtedly because there is no monetary incentive, legal requirement, or political advantage to conduct them, with anecdotal evidence usually cited as program justification instead.

Open-street CCTV, its regulation, and its evaluation, are all embryonic in Canada. In its present state open-street CCTV in Canada resembles more the Australian experience (see Sutton and Wilson 2004) than that of the UK. However, recently a major open-street CCTV pilot project was launched by police in Toronto. In receiving a two million dollar provincial government grant and in promising an independent evaluation, this program may be a sign that Canada is beginning to move toward the UK model.



Photo: Steve Ball

Canada is following the UK's example

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