

Fall 2016 — INFS 289-2

On the Record, All the Time: Archives in the Age of Ubiquitous Surveillance Technologies

Draft syllabus

Snowden Becker, Jean-François Blanchette¹

Day / Time: Tuesdays, 9:00 AM - 12:30 PM.

Location: GSE&IS Building, room 121.

Office hours for Snowden Becker: Thursdays 1-3.

Office hours for Jean-François Blanchette: Tuesdays 1-3.

1. Overview

Whether ubiquitous surveillance cameras continuously recording public and private spaces, bystanders to incidents uploading smartphone-generated videos to YouTube, or, increasingly, police officers documenting their every interaction with citizens with the help of body-worn cameras, we are in the midst of an extraordinary deployment of recording technologies that promises to reconfigure a broad range of social practices. Whether dramatic, as with recordings of police incidents, or more mundane, as with the explosion of labor and paperwork generated by such recordings, the recording capabilities highlight new and emergent intersections of policy, technology and record-keeping in contemporary society. Multiple audiences and communities are creating digital video records in unprecedently large quantities, and multiple audiences and communities will interpret and use these recordings in unprecedeted ways in the future. As the imminent deployment of bodycams by police departments nationwide brings us one step closer to a society where we are on the record all the time, we must give thought to the data management and security needs that result from these new recording regimes, to the new challenges to the fulfillment of public mandate for transparency and accountability, and how to manage the resultant records for the long term.

This course seeks to actively address these issues by engaging together the LIS community and the range of stakeholders—law enforcement agencies, advocacy groups, vendors, media, etc.—that are already involved in the design, deployment, and control of new recording technologies. It will explore of the role of surveillance technologies by focusing on body-worn cameras as a timely, well-documented, and complex example of such technologies. Students will engage with these phenomena through review of the legal and social construction of privacy, of open access requirements for government records, and the history of audiovisual recordings as

¹This syllabus is a work of shared authorship. Becker and Blanchette have worked collaboratively on projects related to this topic for an extended period and contributions from both are reflected in this piece. In general, Becker's research focuses on issues of media preservation and longevity and the archival aspects of evidence management work; Blanchette's work focuses on the development of computing infrastructure and electronic records as documentary proof. On joint publications and teaching materials, the authors have chosen to be listed in alphabetical order regardless of relative contribution to the published work.

evidence. Assignments will allow students to interact with actual cameras, redaction software, and other recording systems.

2. Course outcomes and professional preparation

This course will prepare participants for a wide range of opportunities in areas of professional practice that relate to moving image preservation and curation, records management, information governance, electronic discovery, and various forms of labor in evidence rooms. Upon satisfactory completion of this course, participants will have demonstrated their understanding of, and familiarity with:

- the historical development of the use of video evidence in courts of law;
- the political and social context shaping the deployment of video surveillance technologies (e.g., liability in professional interactions);
- the cultural impact of the growing dissemination of video surveillance footage;
- the economic dimensions of institutionalized and personal surveillance, including cost of equipment (hardware and software), storage, personnel, training, redaction, etc.;
- design affordances and constraints of commercially available recording hardware and software;
- the ethical challenges entailed by new surveillance technologies, including institutional and personal reconfigurations of privacy, accountability, and transparency;
- current professional practices in institutions that collect large quantities of surveillance video, including police forces and transportation authorities.

Course participants will have also demonstrated understanding of the value and improved performance of so-called “soft skills”,² including:

- Public speaking (individually and in a group);
- Clear and organized writing in professional genres, including business reports;
- Interpersonal collaborative skills, including providing constructive and respectful feedback in both oral and written form;
- Leadership, initiative, creativity and problem solving;
- Professional conduct, including punctuality;
- Project planning.

3. Course policies

1. Come to class prepared to discuss the readings. Three useful resources that can help you deal with the issue of how to absorb rapidly large quantities of written materials are:
 - a. Paul N. Edwards, “How to Read a Book.”
(<http://pne.people.si.umich.edu/PDF/howtoread.pdf>);
 - b. Pierre Bayard, *How to talk about books you haven't read*. (Bloomsbury, 2009)

²See Davidson, Kate. “Employers find ‘Soft Skills’ like critical thinking in short supply,” *Wall Street Journal*, August 31 2016. See also Peter Block, *Flawless Consulting*, for a fuller description of soft skills and why they matter.

- c. Rayner, Schotter, Masson, Potter, and Treiman, "So much to read, so little time: How do we read, and can speed reading help?" *Psychological Science in the Public Interest*, 17(1):4-34.
2. This course will explore new and rapidly evolving issues. Often, little consensus has emerged as to the best course of action. This has two distinct implications:
 - a. participate in discussions. In particular, speak up when you disagree. A classroom is a space for discussion, not just a lecture. You are thus particularly encouraged to question the assumptions of the readings, the instructor, and your fellow students, as long as you do so respectfully (more essential soft skills!)
 - b. Do not expect this course to provide you with a definitive (static) picture of the field. Rather, it will provide you with fundamental concepts together with the identification of a series of fault lines that are actively putting pressure on those concepts, questioning and transforming their meaning or practice. It will be your responsibility to keep those evolving concepts and practices on your radar screen, actively seek out additional information as needed, and consequently adjust your understanding and positions.
3. Forfeit the use of your laptop and other electronic devices during class time, except for group work, as they impact the entire class' focus and attention.
4. Written work should be of high quality. If you have concerns about writing, address them early. A useful resource is UCLA's Graduate Writing Center (<http://gsrc.ucla.edu/gwc/>).
5. Assignments must be turned in according to the scheduled due dates. In particular, no incompletes will be given.
6. Attend class every week, starting at 9am (that is, not 9h15 or 9h30). If you must miss a class, please inform the instructors and provide them with a 3-page synthetic summary of the assigned readings by the start of the following class. Repeated absence, for whatever reason, is incompatible with successful performance of this course.
7. Be reasonably available for group meetings outside of class time; accept with grace and humor the inevitable compromises entailed by group work and embrace such work as an opportunity to develop collaborative skills that are essential in the professional world.
8. If you need an accommodation for a disability or have any other special needs, make an appointment to discuss this with either of the instructors. We will best be able to address special circumstances if we know about them early in the term. The website for the UCLA Office for Students with Disabilities (www.osd.ucla.edu) contains a wealth of useful information as well as official policies about this issue.
9. Classes are held in relatively small rooms with limited air circulation. Accordingly, please refrain from using perfume, cologne, and other fragrances in amounts that impact the comfort of other course participants.

4. Course schedule and readings

Week #1: Overview and Fundamental concepts –Evidence (Sept. 27)

Documents have long served as the basis for both legal proof and accountability. Written documents began to replace oral testimony beginning in the 16th century. Different legal systems organized differently the production of evidence, its admissibility, and its presentation in court. This class will provide an overview of the Anglo-American system as it relates to the production of audiovisual evidence.

Leads: Snowden and Jean-François

Activity: Please prepare a short statement--no more than a page--about your current surveillance context, and the role surveillance (especially video surveillance) plays in your daily life. Some things you might consider: Are there visible cameras or "this area under video surveillance" signs around your home, workplace, or other spaces you visit regularly? Are there places that you seek out (or avoid) or specific actions that you take to control your visibility to others? Approximately how much of your daily activity would you estimate to be recorded and retrievable in the event of some incident that might put you under heightened scrutiny?

Week #2: Fundamental concepts (cont'd) – Privacy and Surveillance (Oct. 4)

Body-worn cameras obviously pose new and fundamental problems in the rearticulation of the appropriate boundaries between privacy rights and new capabilities for surveillance in the interest of public security. This class will examine the constructs of privacy and security as separate interests, and the balance of those interests as a fundamental dilemma in the use of recording technologies. We will cover historical foundations (inc. Berthillon, rogues' galleries), the legal basis in the U.S: 4th Amendment protections against search and seizure, two-party states vs. one-party states, expectations of privacy in public places, the changing nature of privacy in a "surveillance society" and the right to be forgotten as articulated in EU regulation.

Leads: Snowden and Jean-François

Readings:

Agre, P. E. (1994). Surveillance and capture: Two models of privacy. *The Information Society*, 10(2), 101–127.

Blanchette, J.-F., & Johnson, D. G. (2002). Data Retention and the Panoptic Society: The Social Benefits of Forgetfulness. *The Information Society*, 18(1), 33–45.

Foucault, M. (1995). *Discipline and punish: the birth of the prison*. New York: Vintage Books. (Section 3, Chapter 3: "Panopticism") (CCLE)

Glancy, D. (1979). The Invention of the Right to Privacy. *Faculty Publications*. Retrieved from <http://digitalcommons.law.scu.edu/facpubs/317>

Warren, S. D., & Brandeis, L. D. (1890). The right to privacy. *Harvard Law Review*, 193–220.

Policy reading:

University of California Office of the President. (n.d.). Ethics, Compliance, and Audit Services | Privacy principles & practices at UC. <http://www.ucop.edu/ethics-compliance-audit-services/compliance/privacy/index.html>. Read the definition “What does privacy mean at UC?” on this page, and the associated *UC Statement of Privacy Values* document, here: <http://www.ucop.edu/ethics-compliance-audit-services/files/compliance/uc-privacy-principles.pdf>

Activity: collective fumbling with class CCTV camera and bodycams and discussion of implications.

Week #3: Audiovisual record(ing)s, history, and the law (Oct. 11)

This will include a discussion of the rationales and rhetorics for police use of body-worn cameras, i.e., responsive/reactive (“they’re filming us, so we have to film them”); preventive/panoptic (“if we’re all on camera, we’ll all behave better”); Progressive/evolutionary (next step after recorded interrogations, dashcams); neutral (“the ultimate witness”) vs. corruptible.

Lead: Snowden

Readings:

Heller, F. I., Buchanan, J. C., & Bos, C. D. (1984). Admissibility requirements of videoevidence. In *Video technology: its use and application in law* (pp. 17–33). USA: Practising Law Institute.) (CCLE)

Miller, L., Tolliver, J., & Police Executive Research Forum. (2014). *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*. Washington DC: Office of Community Oriented Policing Services.

<http://www.justice.gov/iso/opa/resources/472014912134715246869.pdf>

Stanley, J. (2015). *Police Body-Mounted Cameras: With Right Policies in Place, a Win For All.* https://www.aclu.org/sites/default/files/assets/police_body-mounted_cameras-v2.pdf

Policy reading:

Bill Text - AB-66 Peace officers: body-worn cameras. (n.d.).

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB66

Activity: Guest speaker, Allan Chen, EVP of technology and former president, Coban Technologies (www.cobantech.com).

Week #4: Hardware, Software, Formats (Oct. 18)

Body-worn cameras come in many different shapes and sizes, with different capabilities and constraints. This class will provide an overview of the major categories of body-worn cameras and what functional characteristics differentiate them (e.g., storage capacities, resistance to shock, mounting point, viewing angle, battery life, etc.). We will seek to understand the impact of the various capabilities on the operational qualities of the cameras and the quality of the evidence they are likely to produce.

Readings:

- Vlado Damjanoski, *CCTV: From Light to Pixels*, Butterworth-Heinemann 2014, chapter 8, "Digital CCTV." p. 312 on.
- Department of Homeland Security, *Body-Worn Cameras for Law Enforcement Assessment Report*, 2015.
https://www.dhs.gov/sites/default/files/publications/Body-Worn-Cams-AR_0415-508.pdf
- Department of Homeland Security, *Body-Worn Cameras for Law Enforcement Market Survey Report*, 2015.
https://www.dhs.gov/sites/default/files/publications/Body-Worn-Cams-MSR_0615-508.pdf

Policy reading:

International Association of Chiefs of Police, *IACP Technology Policy Framework*, January 2014. (Download from <http://www.iacp.org/ViewResult?SearchID=2361>)

Activity:**Week #5: Preservation and Access (Oct. 25)**

Because it is produced by public officers, body-worn camera footage falls under specific legal and regulatory regimes that specify the conditions for its retention, access, and disposal. This class will survey both current rules and debates regarding appropriate retention schedules and categories for BWC footage, as well as applicable rules with respect to public access to recordings, including FOIA and its state-level counterparts, and California Public Records Act (1968).

Lead: Snowden

Policy reading:

LA Metro Filming & Photography Guidelines (<https://www.metro.net/about/filming-metro/metro-filming-photography-guidelines/>)

Readings:

Committee on Government Reform. (2005). *Citizen's Guide on Using the Freedom of Information Act* (No. 109-226). <http://www.fas.org/sgp/foia/citizen.html>

California Attorney General's Office. (2004, August). Summary of the California Public Records Act 2004. http://ag.ca.gov/publications/summary_public_records_act.pdf

County of Los Angeles: Submit a Records Request

<https://www.lacounty.gov/government/public-information-records/submit-a-records-request>

Reporters' Committee for Freedom of the Press map of body-worn camera recording policies: <https://www.rcfp.org/bodycams>

Transit Watch LA App (<https://www.transitwatchla.org/app>)

Activity: Guest speaker, Matthew Barrett, LA METRO Transportation Research Library, Archives & Records Management.

Week #6: Resistance and reframing (Nov. 1)

Lead: Jean-François and Snowden

Countering tactics, resistance to surveillance, ethical use of surveillance and other video.

Policy reading:

Pittsburgh Bureau of Police. (2015). Program Narrative: US15822 Body-Worn Camera Pilot Implementation Program - FY 2015 Grant Application - CFDA: 16.738. Retrieved from http://ojp.gov/about/foia/pdfs_foia_releases/2015/2015-DE-BX-K010-Program-Narrative-PA-2015.pdf

Reading:

Gregory, S. (2015, September 24). When should we share distressing images?

<https://agenda.weforum.org/2015/09/when-should-we-share-distressing-images/>

Meyer, R. (2014, July 24). Anti-Surveillance Camouflage for Your Face. *The Atlantic*.
<http://www.theatlantic.com/technology/archive/2014/07/makeup/374929/>

WITNESS.ORG. (2016). Video as Evidence: Ethical Guidelines.

<https://library.witness.org/product/video-as-evidence-ethical-guidelines/>

Activity: Guest speaker: Stop LAPD Spying Coalition Campaign Coordinator Hamid Khan.

Week #7: (Nov. 8) Chain of custody and authenticity

Officer review of footage; Video Forensics; Presentation in court; Role of the district attorney; Role of defense.

Lead: Snowden

Policy reading:

Scientific Working Group on Digital Evidence. (2012, September 13). SWGDE Model SOP for Computer Forensics.

Readings:

UCLA Police Department organizational chart: <https://ucla.app.box.com/v/pd-org-chart>

Activity: Field trip to UCLA PD

Week #8: Footage as Data: Computational Analysis and Postcustodial Use (Nov. 15)

Footage does not merely serve as an audiovisual representation of an event: it can also be leveraged as a data object and subjected to a wide range of computational analysis, including facial recognition, interpolation, etc.

Lead: Jean-François (SB @ LEVA)

Readings:

Anthony, S. (2015, December 17). *Ars Technica*. Pre-crime arrives in the UK with a crowdsourced watch list. <http://arstechnica.com/tech-policy/2015/12/pre-crime-arrives-in-the-uk-better-make-sure-your-face-stays-off-the-crowdsourced-watch-list/>

Adams, A. A., & Ferryman, J. M. (2015). The future of video analytics for surveillance and its ethical implications. *Security Journal*, 28(3), 272–289. (CCLE)

Facewatch. (n.d.). <https://www.facewatch.co.uk/cms>

Harvey, A. (n.d.). CV Dazzle: Camouflage from Face Detection. <https://cvdazzle.com/>
NEC — NeoFace Watch. http://www.nec.com/en/global/solutions/safety/face_recognition/NeoFaceWatch.html

“The Keith Scott Shooting: A Reconstruction” The New York Times September 25. <http://www.nytimes.com/interactive/2016/09/25/us/charlotte-scott-shooting-video.html>

Policy reading: TBD

Activity: Guest speaker: Marla Carroll, proprietor, Forensic Video and Audio Associates, Inc.

Week #9: Visions of pervasive recording (Nov. 22)

Sousveillance; Cinema verite and documentary styles; Home security cameras (Nest, etc.); Lifelogging and the Quantified Self movement; Crowdsourcing of watchlists and other surveillance regimes; Google Glasses and Snapchat Spectacles.

Lead: Jean-François

Policy reading: Fitbit Legal (privacy policy and disclosure document): <https://www.fitbit.com/privacy>

Readings:

<https://www.perpetuallineup.org/>

Brito, J. (2013, November 18). Sousveillance Turns the Tables on the Surveillance State. <http://reason.com/archives/2013/11/18/sousveillance-turns-the-tables-on-the-su>

Clowes, R. W. (2013). The Cognitive Integration of E-Memory. *Review of Philosophy and Psychology*, 4(1), 107–133. (CCLE)

Mann, S., Nolan, J., & Wellmann, B. (2003). Sousveillance: Inventing and using wearable computing devices for data collection in surveillance environments. *Surveillance & Society*, 1(3), 331–355.

McGlaun, S. (2016, January 28). Eyeborg Filmmaker Replaces Damaged Eye with Camera. <http://technabob.com/blog/2016/01/28/rob-spence-eyeborg-camera/>

Radiolab. (Airdate: Monday, September 12, 2016). *Update: Eye In the Sky*. <http://www.radiolab.org/story/update-eye-sky/>

Optional viewing:

“End of Watch” (Dir. David Ayer, 2012)(available on DVD from Netflix and streaming rental from Amazon)

Dark Net S1 E2: Hacking My Own Body. (n.d.). (available streaming from Showtime: <http://www.sho.com/sho/video/titles/43217/hacking-my-own-body>)

Activity: Watch and discuss “The Entire History of You” (Black Mirror, S1:E3) (2011) (Contains mature content)

Week #10: Presentations & wrap-up (Nov. 29)

Final project presentations.

5. Assignments and grading

- a. Class participation: 40%
- b. Before/after understanding of surveillance context: 10% (due week 1 and 10)
- c. First iteration of paper (500 words): 10%, due week 5. Include a topic description, short outline and preliminary bibliography.
- d. Final paper/report: 40%

The paper can be one of four different genres. In each case, it should follow the stylistic, methodological, and presentation conventions of the genre:

1. Policy analysis

The report should provide policy analysis and recommendations useful to policy makers. It can address a broad range of issues, for example how do various policies differ with respect to officer review of recordings? What are the various salient issues currently being debated with respect to BWC? What do redaction policies cover and miss? The report should include an executive summary.

2. Technology analysis

The report should provide intelligence and analysis useful to decision makers in technology-related issues, for example: How do the main systems currently available on the market differ, and how do these differences matter for different operational contexts? What are the main design constraints on systems development—e.g.,

bandwidth, sensor quality, storage, standardization, processing power, etc? The report should include an executive summary.

3. Experiential report

This report will provide a first person account of a student's experience with using a camera in their daily life. The camera can be a BWC, a dash cam, a home surveillance camera, or other types of video recording devices as approved by the instructors. Students who choose this topic should make use of the camera on a daily basis for most of the quarter. They should keep a daily record of their experience using the camera and the various issues it raised in their live, including its impact on privacy, their approach to recording, to disclosure, to preservation, etc.

4. Research paper

This paper will answer one or several research questions raised by the deployment of video surveillance technologies. It should be written in the genre of an academic research paper and make use of scholarly tools, including footnotes and bibliographic references.

Grading

- *To receive an A in this class:* Attend and actively participate every week. Demonstrate not just a thorough familiarity with the assigned readings, concepts, and methods discussed in this course, but an understanding of their relevance and applicability in other contexts. Submit extremely well-written assignments that reflect above-average effort and original insights, synthesis, and extension of previous scholarship, resources, collections and materials you consult, and of our class discussions. Behave courteously, professionally, and with respect for your classmates, guest speakers, and the instructor at all times.
- *To pass this class:* Attend and participate every week. Complete the readings before class and be prepared to discuss them voluntarily, not just when called upon. Complete and submit all written assignments. Produce writing of acceptable graduate-level quality, or revise and resubmit assignments that do not initially meet this standard.