Being filmed at work: How police perceive citizens' use of cameras to conduct sousveillance

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Abstract

Today's widespread use of camera-equipped smartphones means that anyone may easily be filmed in public, and - through social media - exposed to a large audience whilst conducting their daily work. Police officers belong to an occupation that frequently has to encounter this situation. The police is a public authority with a broad societal mission aimed at reducing crime and increasing security in society, but is also entitled to make use of force at work. The latter is a fact that places high demands on them to organize and conduct their work in accordance with applicable laws and guidelines to ensure legal security for citizens, and to provide transparency and accountability. We intend to investigate what consequences citizens' use of this wearable technology with built in cameras have on police officers' individual practices. This research in progress paper will therefore address the question: *How do police perceive citizens' use of cameras to document them while conducting work*? To answer the question, we conducted a qualitative study using the Swedish Police as a case, where in-depth interviews with police officers constitute the main data source. Theoretically, we draw upon on research on technological affordances, accountability, surveillance and sousveillance.

Keywords: *wearable technology, camera, mobile phone, police, surveillance, sousveillance, social media*

1. Introduction

With the widespread use of camera-equipped smartphone, surveillance is instant and in every person's hand enabling citizens to take photos or videos of current events and, through social media, immediately make these available to a very large audience. This is one of the consequences of the ubiquitous or pervasive spread of a new digital infrastructure, allowing everyone to document everything and easily share it (Sörensen, 2010). Police officers belong to an occupation that frequently have to encounter this development. Citizens' surveillance of the police has been defined as form of sousveillance (Mann et al., 2003; Mann & Ferenbook, 2013) and when the police are conducting activities to disturb being filmed could be described as counter-sousveillance (Lyon, 2015). We draw on the police in Sweden as a case allowing us to generate more knowledge about how the police respond towards being filmed by the public. The police is a public authority with a broad societal mission aimed at reducing crime and increasing security in society, but is also entitled to make use of force at work. The latter is a fact that places high demands on them to organize and conduct their work in accordance with legitimacy and rule of law, to ensure legal security for citizens, and to provide transparency and accountability. In this research in progress paper we set out to investigate police officers as one of the occupational groups that are exposed to this phenomenon where they need to consider the fact that citizens also engage in surveying them (with their smartphones etc) as representatives of an authority (Lippert & Newell, 2016).

This current technological development forces professionals in many parts of the public sector to face and reflect upon specific concerns. While exploring new digital opportunities to enhance transparency and public trust, they have to tackle risks associated with acting in public. As new practices emerge, an increasing range of considerations associated with the new digital technology is also becoming an integrated part of their daily work.

We focus on how this ever present potential, and the spread of wearable digital technologies like smartphones, provide both opportunities and constraints in officers' work practices and how the police due to these potentials try to manage and organise their practices in a legitimate manner. Legitimacy and accountability in relation to both their own organisation and the citizens are then seen as components that are always relevant to public authorities. However, due to extensive demands on how to represent both their specific authority and societal democratic principles (with force if necessary) such legitimacy concerns emerge as particularly evident in the case of the police.

These are all different expectations, implying that the consequences that the citizens' camera usage have on officers' work practices needs to be empirically investigated. It has also been argued that police officers learn how to adapt their behaviour to any situation where there is a risk of being filmed by conducting 'camera friendly work' (Sandhu, 2016), which takes the shape of strategies aiming at controlling how they are perceived by different people and officers filming them or looking at the films. We therefore intend to empirically investigate what consequences this technology have on individual officers organising their own practices. This research in progress paper will therefore address the following research question: *How do police perceive citizens' use of cameras to document them while conducting work*? To investigate the research question, we applied a qualitative study using the Swedish Police as a case, where interviews with 17 police officers have been conducted. Theoretically we draw upon research on technological affordances, accountability and surveillance.

2. Theoretical background

Technological affordance

Technological affordance and organisational accountability are concepts that are central to the analysis to be conducted in this study. We approach the involved wearable digital technology as a socially defined materiality (Orlikowski & Scott, 2008), holding certain features that promotes potential affordances (Gibson, 1979). The term affordance was coined by Gibson (1979) as a concept to understand how a certain environment enables opportunities for actions. The same environment can afford quite different opportunities depending on the individual. Affordance therefore refers to the specific interaction between an actor and the environment. The potential possibilities in a specific environment are thus different for different individuals (Taylor, 2014). In this study we use the concept of affordance to understand how the technology and digital infrastructure enables or constrains certain behaviour, with the motivation to explore how interaction make technology actionable (Faraj & Azad, 2012; Majchrzak et al., 2013; Norman, 2011). In this study that means that we direct our interest towards how the public's use of wearable digital technology such as smartphones enable and/or constrain a set of actions for the individual police officers in their work practices while being filmed (Gibson, 1979; Norman, 2011). In this study we are also interested to understand how technological affordance also foster different types of accountability.

Accountability

The meaning of accountability may take different shapes depending on the interaction between human actions and the technology, here the cameras. Thus, when police officers are being subject for being filmed by the public, they will organise their actions in relation to a set of other actors and demands on governance and accountability. In the analysis of the type of accountability that is associated with the public's use of cameras to film police in their work, this study draws on the fact that the police is forced to consider that this is a technology that can be used everywhere and in very different ways (Sörensen, 2010). By analysing different forms of *accountability* the project draws on an extensive international field of research. It is a field of research providing us with perspectives and ideas about how a variety of demands on accountable actions condition how organisations and practices of work emerge within the public sector (Mulgan, 2000; Millen & Stephens, 2012). Two different types of accountability are of specific interest to our analysis. To begin with we will therefore engage in identifying and scrutinising how police officers adjust themselves to demands on actions that meet certain norms and regulations (laws); i.e. *normative accountability*. Furthermore, we will bring attention to how to approach demands on accountability justified by goals and references to powerful or efficient applications of the technology; i.e. *instrumental accountability* (Roberts, 1991). In cases when the police are being watched by the public, they often have to consider how to manage complex combinations of these two different forms of accountability.

Surveillance

We are interested in examining how the two forms of accountability described above, i.e. normative and instrumental, emerge as meaningful to police officers that constantly have to approach complex networks of digital relations with different implications for how they should approach public demands on accountable police work. By being an investigation into how digital technology enables different forms of surveillance, embedded and sometimes taken for granted in daily settings (Lyon, 2015), the paper will then also bring attention to what in surveillance literature is referred to as counterveillance and sousveillance. The public's use of surveillance technology, such as smartphones with built-in cameras, to document police officers in the field, can be understood through the concept of

counterveillance (Monahan, 2006) and sousveillance (Mann et al., 2003; Mann & Ferenbook, 2013). Sousveillance, surveillance of the observer and in the context of policing also sometimes called cop-watching (Schaefer & Steinmetz, 2014) relates partly to the network society and the possibilities to rapidly access many users and partly to the expansion of mobile technology (Mann et al., 2003). Sousveillance is closely connected to the development of wearable technology, and in our study more specifically the convergence between phones and cameras. Research shows that powerful surveillance systems cause active resistance where different strategies and tactics are applied to avoid or disturb the ongoing surveillance (Lyon, 2015; Eneman et al; 2018, Ball 2006).

3. Research Approach
The Swedish Police as a case

In this paper we are interested to investigate: *How do police perceive citizens' use of cameras to document them while conducting work*? This paper is part of a larger ongoing study investigating different angles related to the implementation, organisation and use of body-worn cameras within the Swedish Police and the study also addresses how the police perceive and respond to the public's use of camera to film them while conducting their work. The Swedish police is a public authority with a broad societal mission aimed at reducing crime and increasing security in society through preventive, interventive, and investigative activities (Manning, 2008). This implies that the police constitute a concrete case of government work that must relate to a variety of requirements for a responsible and lawful work. As a case, this provides us with access to a rich material allowing us to examine different aspects, for example technological affordance, accountability and surveillance.

Semi-structured interviews

This study has been designed as a qualitative study where semi-structured interviews have been conducted. So far, we have interviewed 17 police (3 females and 14 males) officers within the Swedish police. The interviews were semi-structured and based on an interview guide designed with a number of broader themes that stimulated the respondent's for in-depth discussions, allowed follow-up questions and thus also provided for perspectives and ideas that we did not anticipate when we created the guide. All the interviews were conducted at the police officers' workplace and the interviews lasted between 1-2 hours each. Before each interview, we gave information about the study and asked for permission to record. All the interviews were (sound) recorded after approval. Once the recorded interview material was transcribed by the Transcriptions agency the material was read and re-read and notes were made. In the next stage the material was structured and coded in relation to the research question as an iterative process (Silverman, 2014).

4. Preliminary results
The preliminary result from the interviews with police officers shows at this early stage:

Experience and effects of being filmed by the public
All respondents describe that they have experiences of being filmed by the public when conducting their work. A majority of the respondents express that this is something that occur often and on a regular basis and some even described it as something that occur every day and have become part of their everyday work life.

When discussing whether and how the public's filming affects the police while conducting work, they express some different perspectives. Some respondents describe that they don't perceive it as a problem when being filmed from a distance:

Well, I don't see it as a problem [...] so long that they are not up in the face with the camera [...] however when you talk about sensitive stuff with someone for example when you have seized someone then you don't want people to be there and film since that could disturb our work (Police 10)

The attitude and experience of being exposed to cameras and being filmed also seem to be viewed as a generation issue:

I don't think it affects me so much. It is something that has been with me in my whole career as police since I have worked such a short time. So, it feels that it has been there since I started as police. It is a natural element that there almost always is someone using their camera to film, but I know that what we are doing is right and I have nothing to hide so if they want to film, they can do so (Police 9)

Several respondents' expressed concerns of being filmed and emphasize anxiety over why they are being filmed and how the material later will be used. The concerns also refer to the capital of violence of the criminal persons that may have filmed them and discuss if the filming perhaps was meant to provoke and disturb them while doing their work or perhaps to map out the police officers. Some of the respondents reveal that they are used to veiled threats when working in for example socially vulnerable areas.

I think it can affect very much, both in a good and bad way naturally. I don't think that anyone is feeling well by getting their work surveilled like that [...] films that I will never see and I don't have a clue how they will use and circulate them. So obviously it is an uncertainty, absolutely, definitely. Another aspect is this with the mapping, you can easily identify that these persons are working in this area and how difficult is it then to find images, you can search for images on Google or Facebook and quite quickly find out who is who. So, it is a serious threat, hands down, and this mapping could be published on any forums. These persons work in this area, these are the police officers, this is how they look and this is how their families look (Police 11)

Reasons for the public to film the police

When discussing why the public starts to film the police while conducting their work the respondent state that they believe there are a number of different agendas for doing so. People are curious and often start to film when the police for example is conducting different interventions to share what is regarded as exiting material via social media to show what the police are doing. They also talked about that the filming can take different form, one form as the mentioned curiosity filming from what they regard as a more acceptable distance and another form that is intrusive and occur when the public is standing close and film with the mobile camera near the police officers' face:

When you are conducting an intervention and have people around you, then the mobile phones are there quickly, to film. The same thing with commandeering and demonstrations, when it starts to be messy then the cameras are there directly. Sometimes because it is exciting and they want to capture it and sometimes due to questioning what we do and that something is wrong. Sometimes I think it is to provoke, this with pressing the camera up in

our faces with the words 'I have the right to film you', that is not unusual […] I would say that this has escalated lately with social media (Police 2)

The police authority is unique since they as state representatives are entitled to make us of force at work and therefore could be expected to be held accountable for their activities. Some of the respondents described situations when they have been filmed with arguments brought forward from the public about elements of disproportionate use of force. According to several of the respondents the filming could in these cases be understood that the public wants to obtain contrary evidence as a form of an instrument of power to reveal police misconduct:

We had an intervention a while ago when a person thought it has been a situation with police brutality and they started to film to show that it was wrong and that we don't make correct work decisions and that our interventions are not correct […]but I would say that we know what we are doing […] they want to keep track of who is the bad cop, they say so 'well that is the bad cop or the evil cop or assault or whatever it is (Police 8)

The police's counter-strategies towards being filmed by the public
As mentioned earlier, the public's filming of the police can be understood as a form of sousveillance aiming to document and exposure police behaviour and as we know from existing research (Lyon; 2015; Eneman et al, 2018; Eneman; 2009) surveillance do provoke and cause activities where different strategies are developed by individuals to avoid or disturb the ongoing surveillance.

The preliminary result from our study shows that the police officers have used different counter-sousveillance strategies. We build upon Marx (2003) categories - intimidation, legal punishment, confiscation and destruction - in our analysis of the police officers' counter-strategies. The categories were originally coined by Marx (2003) and has later been used by other researchers to understand strategies in relation to surveillance (e.g. Sandhu, 2016).

The category intimidation refers to when police try to avoid being filmed (subject for sousveillance) by ordering the public to stop using the cameras to film by using arguments that the filming disturb their work. Our material shows elements of *intimidation* when for example the respondents describe different situations where they have 'pushed away' persons that filmed them and told them to move and go away since they were 'disturbing the police work'. In some cases, they have also used arguments that the filming could be seen as illegal since it obstructs their police work and that touches upon the category *legal punishment*, which refers to when police try to invalidate when the public film by claiming that it is illegal. Next category *confiscation* refers to the activity when the police confiscate the cameras used by the public. Several of the respondents express that they have experience of confiscating mobile phones directly when something has happened and when citizens has filmed with their mobile phones or cameras. The principles of legality in relation to this type of confiscation could however be questionable even in those cases where the police claim that they are allowed to do so if they think that the camera may contain material that could be of vital evidence for their work (Sandhu, 2016). The respondents describe that citizens often are willing to give and share the film material with them, but if they don't do that willingly we (as the police) can confiscate their phone anyway. A possible activity related to confiscation is the next category called *destruction*, which refers to when cameras or phones have been confiscated and then the police delete material that has been recorded and/or even destroy the camera or phone. One respondent described a situation that contains elements of both confiscation and destruction (deleting of material) like this:

Then it has also happened that you have confiscated phones on the spot 'you have filmed, I need the film'. Sometimes it could be solved directly if it's a single image that could be sent to us, then you don't have to confiscate the whole phone. Otherwise if it's film material on a phone that we need, then it's gone. Then we will take it with us to the station and empty it. (Police 11)

Other reflections of being filmed

Other aspects related to citizens' filming of police when working that was mentioned during the interviews are:

Several of the respondents expressed concern regarding that the public relatively often use their mobile phone to film when traffic or other crisis incidents occur in society, they are also concerned that citizens often tend to film more sensitive situations when for example people with mental health problem are involved or victims or underaged persons.

Social media was discussed by many of the respondents and is considered to have vital effects for the interest of filming the police while conducting work, which could be understood through the concept of technological affordance to further analyse what behaviour the involved technology enable. The respondents described and reflected upon both advantages and disadvantages with social media in relation to being filmed.

On the one hand, several of the respondents mentioned advantages related to that evidence could be obtained and secured that could be useful for police investigations. Some respondents described that they have searched for film material that the public has created and made available on social media (for example YouTube) and that the material later has been used as crucial part of investigation work.

On the other hand, several of the respondents described aspects of insecurity and vulnerability in relation to being filmed and when the material is published and circulated on social media. One respondent expressed the feeling of exposure like this:

It is probably that feeling that you could be exposed as police, that I'm a police and has chosen this work but I may not have chosen to become a clip on YouTube that people are sitting and laughing at. I think many police officers can feel like that, it doesn't have to be that you have something to hide. Maybe you feel that you have done the right thing, but still you may not want to be that famous face that gets a lot of clips on YouTube with people laughing at you. If you have ended up in a disadvantaged situation or whatever it could be, I imagine that could be very insulting. (Police 10)

5. Conclusion

The aim of this research in progress paper was to address the question - *how do police perceive citizens' use of cameras to document them while conducting work?* The result shows that the police officers consider citizens' use of camera to film them while conducting work to contain both positive and negative elements. In addition, the result also shows that the police have used different strategies in form of counter-sousveillance to avoid and/or disturb being subject for citizens filming i.e. sousveillance. Finally, we believe that our preliminary results will contribute to the existing literature with empirical insights based upon interviews with individual police officers to obtain their stories about how they relate, understand and respond to wearable cameras as a form of powerful surveillance technology.

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