



Written by [Joe Wolverton, II, J.D.](#) on January 31, 2014

San Jose Seeks Access to Private Citizens' Surveillance Cameras

Some local law-enforcement officials aren't content just to use government cameras, so they plan to tap into privately owned equipment to increase the scope of their surveillance.

The [San Jose Mercury News reported](#) on a proposal sponsored by San Jose, California, city councilman Sam Liccardo that "would allow property owners voluntarily to register their security cameras for a new San Jose Police Department database. Officers then would be able to access the footage quickly after a nearby crime has occurred."



San Jose isn't alone. It is only the latest metropolitan area to expand surveillance of citizens. As [The New American has reported](#), Las Vegas, Baltimore, New York City, New Jersey, Seattle, and as many as 60 other locations have installed cameras, microphones, and other surveillance apparatuses throughout their towns.

In fact, San Jose isn't the only city in California that is turning to surveillance cameras to fight crime.

As reported by the [californian.com](#) on January 17:

Unanimously, and over several public objections, Seaside City Council approved the \$100,000 purchase of a citywide surveillance cameras system late Thursday.

The goal is to fight crime, said Seaside police Chief Vicki Myers. She estimated a conservative \$220,000 for initial install and \$5,000 annually thereafter to run the STEMA (Spacio-Temporal Event Management Architecture) cameras.

The *Mercury News* article also suggested that there is a need to ramp up the surveillance in San Jose because "crime rates have surged."

A string of arsons that were investigated using surveillance footage provided by residents prompted Liccardo to make the cooperation official. The *Mercury News* reported:

It became apparent that there's a lot of evidence out there that residents want to provide," Liccardo said, predicting that the cost would be nominal because existing city technology employees could maintain the database. The new database "is something that costs very little but could have a big impact in making San Jose safer."

Will the cameras make the city safer? Evidence from other towns choosing the surveillance option to fight crime [suggests that they will not](#).

Thousands of surveillance cameras are showing up in cities across the country without a corresponding reduction in crime. Citizens are taking notice of this facet of the federal takeover of local police, and they are speaking out.



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On January 8, for example, the Texas Civil Rights Project-Houston issued a statement on its Facebook page criticizing their city's participation in the construction of the surveillance state. "As a community, we need to start a serious dialogue about the level of governmental intrusion in our daily lives that government foists upon us without our consent," declared Amin Alehashem, the group's regional director. "Government has no need to know with whom we associate, walk on the streets, attend meetings, worship, or go to dinner."

KHOU in Houston reported: "Officials say data is not kept to determine if the cameras are driving down crime."

If the cameras aren't being used to reduce crime, just what are they being used for?

"We also know from experience and from recent events that the government will inevitably abuse its use of personal information attained by spying on us. Houston needs to re-think and reject this proposal," Alehashem said in his press release.

Precisely. These cameras — thousands upon thousands attached to poles and buildings from coast to coast — are not about crime reduction, but about liberty reduction.

On his campaign website (he is running for San Jose mayor), Liccardo points to the "voluntary" nature of the plan as evidence that his proposal is not another example of government interference into the privacy of citizens, however. "The police have to ask the individual property owner for permission to be able to have access to the videotape or data," Liccardo said, [as reported by KGO-TV](#) in San Francisco. "As long as an individual always has the right to say no, that is absent a court order, then really there's no greater intrusion than exists today," he added.

Civil libertarians, however, see Liccardo's plan as part of a trend toward exposure of every moment of every citizen's life to the never-blinking eye of government.

"To me the really interesting and troublesome part of it is the way we are starting to privatize government surveillance — to enlist private citizens in a way that is kind of unprecedented and could be potentially really dangerous," said Hanni Fakhoury, a staff attorney for the Electronic Frontier Foundation, a San Francisco-based nonprofit, as quoted in the *San Jose Mercury News* story. "Once you give the police unfettered access 24/7, you're relying on them to exercise their restraint."

In other words, while access to the privately owned surveillance equipment may be "voluntary" at first, as police begin to rely on them more and more, they will push to make cooperation in crime fighting mandatory.

Predictably, city leaders present the widening surveillance net as the only acceptable alternative if crime is to be reduced. "I suspect there's a lot of cameras out there that could be useful to us and get them organized in a fashion where we can access them without having to go door-to-door in the middle of the night," San Jose Mayor Chuck Reed said, as reported by KGO-TV.

Must citizens choose between contributing to the surveillance or midnight visits by the police if they want to keep their neighborhoods safe?

What about the third option? The only constitutional option: the standards set by the Fourth Amendment. The Fourth Amendment reads:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be



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searched, and the persons or things to be seized.

That should be the procedure followed by police in fighting crime. Rather than finding ways to keep everybody under constant surveillance, law enforcement should restrict itself to searching and seizing evidence that is particularly described in a qualifying warrant.

If Councilman Liccardo is concerned not only with keeping citizens safe, but keeping them free, as well, then he should abandon his proposal to expand — even voluntarily — the surveillance net, and demand that police conform to constitutional restrictions on their ability to look into the lives of citizens not suspected of any crime.

Liccardo's proposal presents another problem, as well.

While a private party will be required to opt-in to the surveillance plan, will those people or businesses be told when their security cameras are being accessed by the police? Making participation optional, but keeping police use of the cameras a secret seems to contradict claims that this proposal will not increase government intrusion into the private lives of participants.

It seems unlikely that the rapid expansion of the coast-to-coast surveillance network will be thwarted unless citizens speak up and oppose these plans.

In fact, it is telling that the call for increased surveillance rarely if ever comes from the citizens who are ostensibly being threatened by the crime crescendo. In every case we have documented, the move to make a city "safer" by increasing surveillance comes from politicians.

In the case of San Jose, a candidate for mayor is making the move toward wider watching of citizens in the name of safety.

Liccardo's proposal will be analyzed by the city council legal staff before going to the council for a vote.

Joe A. Wolverton, II, J.D. is a correspondent for The New American and travels frequently nationwide speaking on topics of nullification, the NDAA, the Second Amendment, and the surveillance state. He is the co-founder of Liberty Rising, an educational endeavor aimed at promoting and preserving the Constitution. Follow him on Twitter @TNAJoeWolverton and he can be reached at jwolverton@thenewamerican.com.

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