Article

'The footage is decisive': Applying the thinking of Marshall McLuhan to CCTV and police misconduct

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Abstract

This article adapts Marshall McLuhan's writings on mass media to ubiquitous and universal surveillance systems, looking at surveillance as media. The term 'broadcast media' is derived from an agricultural metaphor, a technique of planting. I argue that CCTV systems are an inversion of broadcasting: 'harvest media'. Drawing on three case studies in which CCTV has been relevant to allegations of police misconduct, I explore how harvest media impacts on cultural and legal perceptions of evidence, and what can be known.

Introduction

Surveillance systems are not usually thought of as media, but media they are. Images, sound and other data are collected and transmitted to an audience. This is true not just of television programs such as *Big Brother* which draw on and mediate surveillance as entertainment (Andrejevic 2003), but of surveillance in its raw state. The audience is usually very small: a few bored security guards, transit authority staff, police analysts (Helten and Fischer 2004). Increasingly the audience exists only as a potential: images are collected and stored unseen, but can be retrieved and viewed if the data later becomes of significance. Even so, surveillance demands to be reconceptualised as media, *is* media.

This article takes the thinking of Canadian scholar Marshall McLuhan on media and applies it to surveillance technologies, with particular focus on CCTV and its intersection with police accountability. I argue that surveillance systems are a new form of media, 'harvest media', which inverts, complements and seeps into 'traditional' broadcast media. Using three case studies in which alleged police misconduct has been recorded by harvest media, this article explores how harvest media is shaping social and legal perceptions of what is evidence, what can be known, and what can be proven. It is argued that while CCTV can be used to hold police officers to account for misconduct, the shifting perceptions of truth which harvest media encourages can also diminish other forms of evidence, especially witness testimony. This shift, which is implicit in language constructs such as 'footage' and the 'CCTV black spot', has the potential to further disadvantage vulnerable people at risk of abuse by police.

The medium is the message: the thinking of Marshall McLuhan

Marshall McLuhan is one of the most stimulating and provocative thinkers to have responded to the explosion of mass media and advertising in the 1950s and 1960s. In books such as *The Gutenberg Galaxy*

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(1962) and *Understanding Media* (1964), as well as a great many articles, speeches and interviews, McLuhan advances not so much a thesis as a blizzard of questions, propositions and riddles. His insights into media and communication are symbol-based, intuitive and cheerfully erratic. 'You don't like those ideas?' he responded to a critical interviewer, 'I got others!' (Fitzgerald 2001: 90) Having argued in *Understanding Media* that 'the medium is the message', he subverted his own coinage by releasing a book with a pun as a title, *The Medium is the Massage*, because 'All media work us over completely' (McLuhan 2001: 26). Often criticised by more sober scholars as unsystematic and methodologically indefensible (McLuhan 1997: 236), McLuhan's thinking—that language is a tool, that tools and machines are forms of communication, that everything from Jane Austen to a discarded fast food wrapper is media—remains valuable (Strate and Wachtel 2005). He coined the expression 'the global village' (2001: 66-69), and is arguably the only thinker to have anticipated the internet and the chaos of social media (Levinson 2001). McLuhan argues that in modern society, media is so universal and pervasive as to be environment, as inescapable as the air we breathe or the buildings we live and work in (2001: 70-71).

A key idea is that 'the medium is the message' (McLuhan 2003). Modes of communication shape how people think and see, how we order and understand the world, to such an extent that form *is* content (McLuhan 2001). He ascribes to the invention of the alphabet and printing 'the habit of perceiving all environment in visual and special terms, continuous and connected. The line, the continuum—this sentence is a prime example—became the organising principle of life' (McLuhan 2001: 44-45). This is, characteristically, an overstated thesis. McLuhan often provocatively overreaches. It is an intellectual and rhetorical strategy, intended to foster inquiry, using an obvious falsehood to explore an underlying truth. The point is that media forms are not neutral, that form inevitably privileges some understandings of the world over others. 'It is the framework that changes with each new technology and not just the picture within the frame' (McLuhan 1997: 273). As media change, so do people.

Broadcast media, socially and economically dominant as recently as the 1990s, is now challenged, complemented and made more complex by multi-nodal interactive ICT media systems (Levinson 2001). Broadcasting is also increasingly overlapping with visual surveillance. CCTV systems are a ubiquitous part of modern life. In some environments CCTV has become so common as to be perceived as a 'banal good', like street lighting (Goold, Loader, and Thumala 2013). Cameras monitor and record us in shops and on public transport, in taxis and police holding cells, at work and on public roads, in airports and secondary schools (Bauman and Lyon 2013; Lippert and Walby 2012; Lyon 2004). This growing interweb of data retrieval and storage can be thought of as a media system of a new type: 'harvest media'.

Harvest media

McLuhan places great importance on the origins of words, and the ways in which word meanings shift and transmute (McLuhan 1997). He has a particular interest in clichés, dead metaphors the origins of which are forgotten but which still frame culture and understanding. Clichés, he argues, can be used to probe a chaotic and fast-moving world. An example is the term *cliché* itself: the word comes from a 19th century printing technique, used for reproducing images from a woodcut engraving (Lamberti 2005). Two pertinent examples come from the discipline of criminology, in which it is common to warn of the dangers of *stereotyping* and *stigma*. Few of those using these terms are aware that the first refers to a printing technology, which allowed two identical newspaper pages to be printed on the same machine, or that the second was originally a brand mark burnt into the skin of a convicted criminal or a slave (*Oxford English Dictionary* [OED] 2011).

The term *broadcasting* is a cliché of this kind. We are often unconscious of its origin as metaphor from agriculture. A farmer would 'broadcast' seed, flinging handfuls of seed over a wide area, in contrast to 'drilling', pressing seeds individually into the soil in rows (OED 2011). Broadcast farming is used as a

parable for the spread of religious belief in Matthew's Gospel (Matt 13: 3-8): compared to drilling, broadcasting is far quicker and easier, but carries a much greater risk that seed will be wasted.

Broadcasting was first used to describe radio, in the 1920s, then later extended to television. It describes a model of communication: a central node disseminates a signal using a suitable part of the spectrum, and anyone possessing a receiver can tune in and receive the signal (*OED* 2011). True to the metaphor, broadcasting is comparatively easy and inexpensive, but is also hit-and-miss. Some programming is popular and influential; much of it is ephemeral or ignored (Fabre 1962).

The function of CCTV is the opposite to that of mass media: not broadcast, but *harvest* media. Rather than scattering information widely, hoping that some seeds (advertising messages, political propaganda) will find fertile ground, CCTV gathers vast amounts of information from as many sources as possible, then stores it. The content of harvest media is kept, for weeks or months, like grain in a silo, in the expectation that sorting processes will identify the 'bad seeds': incidents and accidents, moments of human deviance, violence, or terror (Lyon 2004).

The control room: the audience as sentry

The primary audience for CCTV is a small number of relatively low-ranking workers within a security system (Smith 2012). They watch, with greater or lesser alertness, monitors which show flickering, grainy views, often of empty spaces. The screens may show a few individuals, or a flow of people, or dense crowds anonymous in their multitude. A passenger stands on a train, yawning. A shopper reaches for a tin of baked beans. A motorist fills her car with petrol, then pays for it.

The primary audience for harvest media can be seen as 21st century sentries. Watching, waiting for something to happen. It is a state of mind which recalls Wilfred Owen's description night in the trenches on the Western Front:

*Our brains ache . . .
Wearied, we keep awake because the night is silent . . .
Worried by silence, sentries whisper, curious, nervous
But nothing happens.*

(Owen 1963: 47)

A sentry has a definable threat against which vigilance, no matter how wearisome, can be exercised. In complex systems, such as a chemical plant or an airport, what a layperson might perceive as 'nothing happening' is a dynamic state. Safety is being preserved by a complex balance of inputs. The work is notoriously dull, but the worker has skills and a role to play if an adverse event does occur (Ford 2008).

As harvest media becomes ubiquitous, however, a new primary audience is emerging. This is a non-specialist public who access harvest media via internet and wireless networks. One example was the Texas Virtual Border Watch, a website at which people could volunteer as Virtual Deputies, keeping watch over a dozen remote places on the Texas-Mexico border. Virtual Deputies could alert authorities if they saw anything suspicious, giving volunteers the belief they were contributing to their country's security (Koskela 2011; Grissom 2009).¹

¹ The Virtual Border Watch site seems to have ceased operation, but in 2012 I enrolled as a Virtual Deputy. This cost nothing and required no formal training or recognised qualifications. I enjoyed remote access to twelve surveillance cameras, and could alert Texas authorities to any activity.

Figure 1: The iSpy app gives users access to a 'virtual control room' (GooglePlay 2014).

Further removed from a sentry role is an app called iSpy, which can be installed on an iPad or iPhone for a nominal sum. It allows the user to patch into the feeds from thousands of surveillance cameras all over the world (SKJM 2014). What these cameras show is, almost always, nothing happening, 'un-events' as Liisa Makinen (2012) has described them. This astonishing technology allows a viewer to watch 'nothing happen' (at least to a non-expert) in the car park at Denver International Airport, at a tourist lookout near Mt Fuji, or inside a cattle barn in Denmark. Perhaps access to a 'virtual control room' gives this audience a sense of being connected to something important, the 'sentry's view' of the world. A comparison could be drawn with the way that military camouflage patterns are adapted for non-military use, for everything from casual clothing to iPhone cases (Newark 2007).

RTV and TV news: the audience as prisoner

The primary audience for harvest media, though growing and spreading beyond the professional role of sentry, is small compared to the vast secondary audience for 'bad seeds', those moments of dramatic, disturbing or occasionally funny action which are caught on harvest media and then released from the silo, via social media, traditional broadcast media, or a mutually reinforcing combination of both (Kroener 2013; Warren and Palmer 2012). In October 2014, for example, two teenagers in Brisbane, Australia, were charged after an incident in which a black security guard was subjected to racial abuse by a drunken passenger (Cheer and Tran 2014). A CCTV recording of the event was uploaded to YouTube, 'went viral'; was then picked up by mainstream media and became a brief political talking point (Baskin 2015).

The cultural form in which the overlap between harvest and broadcast media is most obvious is so-called reality television (RTV). In the past 15 years, RTV has become a popular—among some demographics even a dominant—media form (Murray 2009). Mark Andrejevic (2003: 2) argues that through the success of shows such as *Big Brother* and *Survivor* 'surveillance itself had become a mediated spectacle ... an advertisement for the benefits of submission to comprehensive surveillance'. But while what is recorded for these shows are the 'real actions of real people', the people are selected and the scenarios they face are devised deliberately to encourage conflict and high emotion. The huge amount of action (and inaction)

recorded can then be selected and edited to fit into a narrative which is as contrived as any melodrama (Dubrofsky 2009).

Both more authentic and more misleading are 'extreme event' RTV crime and security programs, of which the best known is *COPS*. The content of these programs are made from selected moments of action and violence drawn from the vast silos of harvest media. These incidents are largely disconnected from each other, and there is little attempt to create what is known in screen writing as an arc narrative, a wider story line which underpins and gives context to individual episodes, and allows characters to grow and change (Booker 2004). *COPS*, as Elayne Rapping argues, depicts a bizarre constructed world 'in which *nothing but* brawls, bars, hookers, mental breakdowns and outbursts can ever occur' (Rapping 2009: 223, original emphasis). The very absence of a story line means that the motives of offenders are often unknown, giving the audience an 'impression of sheer unmotivated madness' by offenders who 'are simply violent in ways that make no sense at all' (2009: 221-2), and by implication can only be controlled by the use of punitive force.

RTV programs also integrate with social media, inviting audience participation in varied ways, sometimes including the opportunity to view unedited CCTV (Ouellette and Hay 2008). But even with this greater level of access, by far the larger audience for harvest media sees material filtered by the needs of entertainment media and the skewed set of priorities that journalists know as 'news values' (de Botton 2014). This secondary audience sees the nano-percentage of harvest media which has significance or at least voyeuristic appeal. In broadcast news and on social media, the vanishingly rare 'bad seeds' of harvest media take root, flower and reproduce, creating a symbolic reality of menace and social decay (Murakami Wood 2009).

Sometimes the 'bad seeds' are moments of violent action. A missile slams into a Gaza home (LiveLeak 2012). A woman assaults staff at a fast food outlet because she has been refused chicken nuggets (WUPW 2010). Like a violent arrest on *COPS*, these incidents are self-contained. Where and when they happened, what led to them, what became of the people involved afterwards: these are often unclear, and in any case do not seem to matter greatly. In other cases, it is only the spatial and temporal context, meta-information undetectable from the images, which distinguishes the 'bad seed'. A group of passengers pass through airport security and board an aeroplane, *which they will hijack and crash into a skyscraper* (BBC 2011). Two boys walk through a shopping centre, holding hands with a smaller boy, *who they will later torture and kill* (BBC 2010).

This is not the view of a bored sentry, but of a prisoner, watching through bars as a fellow inmate is led away to execution. A CCTV camera operator's frequent exposure to visions of violence and crime can have a damaging effect on his or her own sense of safety (see Smith 2014: Chapter 5). But while it is understandably distressing for a camera operator to watch, say, a suicide, at least he or she has a role to play: the event is unfolding in the present, and the operator can dispatch emergency services to the scene.

For the wider audience, seeing the vision after the event and with no role to play, the harvest media 'bad seed' can be likened to the classical Greek concept of *kairos*. This term refers to 'critical time', as opposed to 'ordinary time', *chronos* (Evans 2009: 2-4). Chronos describes the ticking of a clock, the passage of the sun in the sky, 'nothing happening' on a CCTV monitor. Kairos is a rupture in the state of the world, the moment when everything changes. For an individual, kairos might be a serious car accident in which someone suffers a brain injury, or the murder of a loved one; for a whole community kairos might be an earthquake, a nuclear accident, or 9/11. There is a break: life before, then life after. The kairos moment may last only a few seconds, but it also can endure for years. It becomes the subject matter of nightmares, daydreams and flashbacks.

The frequent repetition of 'bad seed' video has this quality: a trauma nightmare, the endless reliving of the inability to act in an event which is over, but which is never over. The medium is the message, and the medium is telling us we are helpless onlookers to a world full of evil and disaster.

CCTV and police misconduct: case studies

The shift from CCTV as a source of security and comfort to a source of anxiety, even trauma, is an example of what McLuhan terms 'reversal', one of his 'four laws of media' (McLuhan 1997: 378-9). Using the term 'laws' was another deliberate overstatement on McLuhan's part. The four 'laws' are actually questions about a new technology.

- What does it extend?
- What does it make obsolete?
- What does it retrieve?
- What does it reverse into?

These four questions can be used to guide a critical analysis of harvest media. McLuhan argues that 'all media are extensions of some human faculty—psychic or physical' (McLuhan 2001: 26). Like any new technology, media 'extend', allowing the same thing to be done, but better, more quickly, more intensely. The wheel, by allowing rapid transport, is an extension of the foot. Clothing is an extension of the skin. Radio and the telephone extend the human voice and the human ear (McLuhan 2003). From this perspective, harvest media extends the eye allowing things and places to be continually watched, when physical human viewing is either impossible or too expensive. The 'eye' of harvest media is unblinking, incapable of boredom or distraction. The massive data sorting, retention, storage and searching capacities made possible by modern computers are an extension of the memory.

Extension has its costs, however. McLuhan's thinking predicts that in its proliferation, harvest media will become 'overheated' and reverse on itself, effecting the audience's understandings of reality, making obsolete other forms of evidence, perhaps to the point of actually reducing police accountability.

Figure 2: The eWitness logo and slogan (eWitness 2014).

An illustration of this shift is the marketing material from a commercial supplier of surveillance equipment to police and security organisations, eWitness. The firm has the slogan 'Capture what really happened!' and a logo which resembles a multifaceted eye (eWitness 2014). The police department in Victoria, Canada, trialled eWitness systems in 2010, and the authors of the study concluded: 'This technology provides the best evidence possible' (Laur et al. 2010). By implication, anything not recorded on video is 'lesser' evidence, perhaps not even evidence at all.

Harvest media can indeed reduce ambiguity and confusion over contested events to the overall benefit of the community (Laur et al. 2010). It also has the capacity to strengthen police accountability, by creating a record of the abuse of police power (Goldsmith and Michael 2009; Goldsmith 2010). This capacity has limits, of course. Edmond and Roque demonstrate that the degree of certainty claimed by prosecutors in identifying alleged offenders from visual records is sometimes exaggerated to the point of becoming 'visual verballing', and the greater power and resources available to police mean that any ambiguity in images tends to be interpreted to the detriment of defendants (Edmond and Roque 2012: 258).

An analysis of three case studies, all of which involve allegations of police misconduct and the presence or absence of a CCTV record of events, demonstrates these effects.

The 'footage is decisive': Operation Barmouth

One argument in favour of CCTV systems is that the harvest media record will make police denial of misconduct more difficult. Faced with a compelling visual record, police will be forced to acknowledge misdeeds, and witnesses will be spared the pain of being disbelieved (Goldsmith and Michael 2009; Goldsmith 2010). An incident of police dishonesty which occurred in Ballina, New South Wales, illustrates how harvest media can indeed hold power to account, but also how the evidentiary paradigm that harvest media creates can limit and exclude testimony.

A young Indigenous man, Corey Barker, was charged with assaulting a police officer in January 2011. The assault was alleged to have occurred while Barker was in custody. Six police officers provided evidence that while Barker was being led down a corridor, he broke free from the police holding him, and punched Senior Constable David Hill in the face. Barker was on parole at the time, and a conviction for this assault would have seen him return to prison (Police Integrity Commission 2013).

On review, the CCTV record showed that the alleged assault had simply not occurred. The prosecution withdrew the assault charge, and the matter was referred to the independent Police Integrity Commission (PIC). The investigation, codenamed Operation Barmouth, led to the prosecution of several police for perjury and other offences (ABC News 2013). What is of interest here is how the CCTV recordings were discussed, both by the police accused of misconduct and the PIC. The Barmouth report states:

As to events which happened or were alleged to have happened within the Ballina Police Station, most of what happened within the police station was recorded on CCTV footage by the cameras . . . In cases where the CCTV footage clearly shows what happened, the CCTV footage is decisive and resolves any conflicts in the oral evidence.

(viii, iv)

This CCTV evidence was crucial:

If there had been no CCTV footage, the issue of whether Barker had assaulted Hill would have had to have been determined by any tribunal on the oral evidence of the witnesses. It is practically certain that a tribunal would have preferred the virtually unanimous evidence of half a dozen police officers to the evidence of an individual, Barker, who was affected by alcohol, who had engaged in violent and threatening conduct ... and who, in

any event, had only a very limited recollection of what had happened inside the police station.

(xvii)

In their evidence to the PIC, the police struggled to reconcile the irreconcilable: their false allegations of assault with the CCTV record. The evidence transcripts are at times surreal, as in this exchange between Counsel assisting the PIC and a police officer who had given sworn evidence that he had witnessed the 'assault'.

Q. Do you now accept that there was no punch thrown . . . by Mr Barker?

A. It is not clearly depicted on the footage, no, when I thought it happened, no

Q. When you say, 'It is not clearly depicted on the footage', can I put to you that it is not shown on the footage at all?

A. Not at that stage, no.

Q. Not at any stage, can I suggest?

A. Not clearly, no.

THE COMMISSIONER: Q. Not shown at all?

A. No.

(108-109)

A different police officer, asked about his evidence relating to a separate incident involving Barker, conceded that the CCTV record did not support what he had told the court.

Q. And if that be the fact . . . then what you told the magistrate was just simply wrong?

A. Well, I didn't agree until I saw the footage.

Q. No, I accept that, because you hadn't seen the footage at that point, but having seen the footage now, it suggests, doesn't it, that what you told the magistrate was just wrong?

A. That's possible.

Q. Well, it is not possible; it is the fact, is it not?

A. It appears that way.

(61)

The term 'footage' appeared more than 250 times in the PIC report. This is a fascinating example of McLuhan's argument that while new technologies make old technologies obsolete, the language and symbols of the old permeate the new. 'Each technological extension involves an act of collective cannibalism. The previous environment is swallowed . . . and reprocessed' (McLuhan 1997: 276). Thus cars still have 'glove compartments' which almost never contain gloves, and emails are marked 'CC' and 'BCC', references to clerical practices devised for typewriters and carbon paper. 'Footage' was a term coined in the early days of cinematography, when the visual record was made by exposing long strips of photosensitive film, literally measured in inches and feet (*OED* 2011). 'Footage' is a ghost-word. It describes an obsolete unit of measurement as it was applied to an obsolete technology. But in the PIC report, 'footage' has come to mean something else. It has become a measurement of verifiable reality: 'the . . . footage is decisive'.

When a technology is overextended, 'over heated' in McLuhan's terms, it can reverse, performing the opposite of the intended function. Examples of technology 'reversal' are legion. Cars deliver personal freedom, speed and convenience; but too many cars lead to congestion, delay and frustration (McLuhan 1967). Technologies such as CCTV were imagined as being supplementary to existing evidence collection and the primacy of human witness testimonies—extending the eye and the memory, but adding another source of testable evidence rather than replacing the human witness. But the problem of reversal arises, taking two distinct forms. On one hand, as Lippert and Wilkinson argue, the grainy images culled from

CCTV and used in *Crime Stoppers* advertisements, *by their very nature* imply the criminality of the action depicted and the guilt of the suspected offender (2010). And if, as Finn suggests, the 'seemingly automated, anonymous and omnipresent gaze' of the surveillance camera 'functions as a harbinger of truth' (Finn 2012: 76) a lack of CCTV images can undermine other testimony. In relation to several allegations, Operation Barmouth gave the police the benefit of the doubt. For example, Barker alleged that a police officer had made obscene gestures towards Barker's mother, behind the mother's back but visible to Barker. This had caused Barker, who was very drunk, to erupt in fury. The PIC found:

It is possible that some police officer was deliberately doing something behind Barker's mother's back to cause Barker to lose self-control. However, if anything was being done behind Barker's mother's back, it was not captured on any CCTV footage. In the absence of any CCTV footage, the Commission does not consider that it should, on the basis of Barker's evidence . . . make a finding that a police officer was taunting Barker behind his mother's back.

(55-56)

The only direct evidence was the testimony of an eye-witness, Corey Barker. Despite his drunken state, in the whole inquiry there was no instance of Barker's testimony being proven wrong. Six police lied in collaboration with each other, and persisted in denial of having lied to the point of absurdity. Yet without the support of the eWitness, the eye-witness was not believed.

In the legal construct of the PIC's proceedings, footage has become a measure of reality. Anything which happens 'in the absence of any footage' ceases to be knowable, or at least provable. By implication, when the abuse of police power occurs—perhaps by accident, perhaps deliberately—in a surveillance 'black spot', then the difficulty of the witness in being heard and believed becomes even greater.

Even when footage is available, the meaning of these images remains contestable. The New South Wales PIC is a genuinely independent body, with both the legal power and the resources to arrive at and formalise interpretations of CCTV contradicting those given by police. In the absence of such an independent authority, footage becomes as malleable as any other source of information, as the next case study illustrates.

'CCTV images can never show the whole story': The Grace incident

In 2010, police in Liverpool, England, arrested Darren Grace, a 31-year-old man. Grace had been stabbed at a party, and had staggered into a nearby park. Bystanders called police, who attempted to administer first aid. Grace allegedly responded violently, and he was arrested, held in custody for 11 hours, and charged with two counts of assaulting a police officer (Daily Mail 2010). Unknown to the police, a CCTV camera in the park had recorded the incident. The recording showed that police initially did attempt to treat Grace's wounds, but that he tried to crawl away from them. Police then threw him to the ground and punched him eight times in the head. He was later punched again in the head and back while prone, facedown, with a police officer sitting on him.

When prosecution lawyers saw the CCTV record, they decided to drop the charges against Grace as there was no 'realistic prospect of a conviction' (BBC News Liverpool 2010). The Merseyside Police were not contrite:

During the course of administering medical assistance to Mr Grace he became violent towards the officers. In this case I understand that members of the public will be concerned when watching this footage. However I would like to stress that CCTV images can never show the whole story.

(Daily Mail 2010)

An internal Professional Standards investigation found that the officers acted 'lawfully and proportionately in self-defence'. A senior officer told the media:

It is clear that the officers approached Mr Grace with the sole intention of administering first aid. However, Mr Grace became violent and assaulted the officers by repeatedly pinching and biting their legs. The officers used reasonable force to prevent Mr Grace from further injuring them and himself, while acting in self-defence.

(Hughes 2010)

On the available evidence, this decision is inexplicable. If the police action was genuinely proportionate, then Grace must have seriously assaulted the police. Yet the charges against Grace, made on the basis of police evidence, were withdrawn after the CCTV record was discovered. If Grace's violent actions were merely unclear on the CCTV record, then the initial evidence of the police should have remained sufficient to secure a conviction. If the police evidence was found to have been seriously contradicted by the CCTV record, then the police involved must have significantly exaggerated, if not fabricated, their initial statements.

How the Merseyside Police Professional Standards Department came to its conclusions is not known. There is no published report on the Grace incident, and a request for access to the Professional Standards decision was refused as 'the Force policy is not to release further details of the investigation or final report' (Merseyside Police 2014a). I appealed this decision, asking only for a de-identified text of the evidence given by police before they became aware of the CCTV recording. This too was refused (Merseyside Police 2014b).

Harvest media gathers voluminous and sometimes telling additional evidence, but 'what really happened' remains an interpretation, and that in turn reflects legal and political power structures. A key question is who has control over access to siloed harvest media. The CCTV system which recorded the Grace incident was owned and operated by Liverpool city council. Had vision been under the control of the Merseyside Police, it is fair to question whether it would ever have been made public (Goold 2004: 189). As it is, the reasoning behind the decision that 'CCTV images can never tell the whole story' is contained within the institution, and cannot be probed or challenged. The counter-factual question does demand to be asked: had the footage shown Grace punching an injured police officer who was trying to crawl away, would it have seemed inconclusive and insufficient to support an assault charge? CCTV makes obsolete the eye-witness, but relative power and status mean that some eyewitnesses become more obsolete than others.

'Considerably less objective': The death of Roberto Laudiso Curti

Roberto Laudiso Curti, a 21-year-old Brazilian student, was under the influence of the drug LSD when he came into contact with police in inner-city Sydney at 5 a.m. on the morning of 18 March 2012. Suspected of involvement in a robbery, Laudiso Curti was pursued, tasered, subject to OC spray and wrestled to the ground by police. Eventually, 11 police were present when the young man, handcuffed and face down on the pavement, died (State Coroner 2013).

The Coroner, Mary Jerram, was unable to determine the cause of death, but condemned the behaviour of most of the police involved in the tragedy.

In the pursuit, tasering (particularly in drive stun mode), tackling, spraying and restraining of Roberto Laudiso Curti . . . the actions of a number of the officers were . . . reckless, careless, dangerous, and excessively forceful. They were an abuse of police powers, in some instances even thuggish.

(21)

Harvest media, both from municipal and private CCTV cameras, provided crucial evidence. Jerram remarked on:

the enormous value to this investigation of the various electronic recording systems, particularly CCTV, throughout the city, installed both by the City of Sydney Council and by a very large number of businesses. The cameras, despite at times showing only fleeting images, enabled Roberto's route and the timing of his movements to be determined . . . [and] to establish precisely places, times and actions which might otherwise have remained speculative.

(4)

Given that there were up to eleven police officers present, all of them trained witnesses and legally obliged to give honest and complete evidence, it is fair to raise the question of why harvest media was so significant. The answer is to be found in Jerram's report. Of one police officer, she wrote that his 'evidence was so self-contradictory, self-serving and obscure that it hardly bears narrating . . . His evidence bore almost no credibility' (15, 16). Of another: 'Lim became less than credible in his evidence at this point' (10). Of a third: 'He claimed to recall very little, and to have seen almost nothing', and 'He appeared to make no genuine effort to give truthful evidence' (11). Of a fourth: 'He changed his evidence more than once' (14). Of a fifth officer, not present at the incident, but a senior police trainer: 'The technical evidence which he gave was skilled and useful. . . [but] when asked to apply that opinion to the reasonableness of the use of both tasers and spray, and of the degree of force used by officers against Roberto, he was considerably less objective' (17).

Partly as result of the Curti case, a number of Australian states are trialling body-worn surveillance cameras for operational police, on the lines of the eWitness system (ABC News 2014). The rhetoric surrounding the introduction of these systems emphasises the positives: both protection for and accountability of operational police will be enhanced (NSW Government 2014). The thinking of Marshall McLuhan suggests otherwise. In a Canadian report on the eWitness system, the authors stress the system's integrity. One of its virtues is that the police officer on whom a camera is placed has no control over the record it produces (Laur et al. 2010: 5). The medium is the message, and the message here is that victims and offenders cannot be trusted, and nor can police officers. Ericson and Haggerty note this paradox: 'coincident with the surveillance of suspect citizens is the surveillance of the police as a suspect population' (Ericson and Haggerty 1997: 56). The entrenched distrust endemic to the risk society extends to the agents of the state, causing state authority to 'turn surveillance back on itself' creating buildings, equipment and systems which treat 'both citizens and police officers as cunning, corrupted, untrustworthy, risky, guilty' (Ericson and Haggerty 1997: 56-58).

In his study of policing and CCTV in the United Kingdom, Goold notes that where cameras were controlled by police, officers were 'more inclined to view the system as existing primarily for their benefit, and often displayed signs of regarding themselves as the "rightful" owners of all evidence produced by the cameras . . . certain officers . . . felt comfortable asking operators for access to tapes and, on rare occasions, bold enough to attempt to remove tapes without authorization' (Goold 2004: 189-90). Well-designed organisational structures and protocols can reduce the risk of such misuse and interference with harvest media records, but police will always know the systems, architecture and work practices of law enforcement more intimately than anyone else (Ericson and Haggerty 1997: 139). If police wish to avoid CCTV, to find what has become known as a 'black spot', they will always be able to find ways to do so.

The CCTV 'black spot'

In 2012, a 29-year-old woman, Jill Meagher, was abducted, raped and murdered in Melbourne, Australia, a shocking crime which caused great public alarm (Evans 2013). Crucial to the success of the police investigation was CCTV images from a private business. The Lord Mayor later said that because Meagher's killer *might not* have been picked up by CCTV, the city council was considering installing more cameras: 'They're a major element in public safety and we should not be relying on shop owners and nightclub owners to provide footage'. The Victorian Premier similarly called for advice about 'any known CCTV black spots' (Baskin 2015).

In common usage, a *black spot* has long described a 'place or area of anxiety or danger', and in recent decades has more specifically denoted 'a section of a road noted for accidents; (also) an area where crime is prevalent' (OED 2011). Harvest media, however, has created a new form of black spot: a place which is not subject to camera surveillance. Usually, a place is a CCTV black spot precisely because it is *not* a place of high risk. This meaning of black spot is not recorded in the most recent (2011) edition of the *Oxford English Dictionary*, but since 2010 the term has become commonplace in media usage and legal proceedings (see for example Lewis 2011; Morris 2012).

The CCTV black spot is a strange concept. For most of human history, the whole world was a black spot. Despite Google Maps and GPS navigation, most of the world still is. But media texts show that the CCTV black spot is becoming legitimated as source of anxiety. 'City needs black spot coverage' declared the *Sydney Telegraph* newspaper in 2013 (Campion 2013). A letter to the same newspaper about safety on the public rail system demanded: 'No carriage should be a black spot bare of CCTV' (Daily Telegraph 2014). The reassurance promised by what harvest media gathers reverses into public anxiety about that which might be missed.

The new uncertainty created by an absence of CCTV can also be maliciously exploited. In the case of Corey Barker, six police lied about him having assaulted a police officer, and if the incident had occurred in a 'black spot' the lies would have been successful. This very nearly was the case. The CCTV system in the Ballina Police Station used VHS tapes. When the tapes recording the incident were produced in the court, they were damaged and could not be viewed. Specialist technology was needed to recover the contents. How the tapes came to be damaged has not been determined, but as the magistrate in the case observed, the circumstances were 'suspicious' (Bibby 2012).

Even if police misconduct is recorded by harvest media, the meaning derived from that record will depend on individual, institutional and social factors.

Harvest media and police accountability

Marshall McLuhan is sometimes attacked as being a technological determinist. If 'the medium is the message', the critique goes, we are doomed to be slaves to each new technology, a defeatist position which aids the powerful in imposing new technologies (Barbrook and Cameron 1996). This is a misreading, however. McLuhan insists on the importance of human agency. 'How shall the new environment be programmed', he asked, 'now that we have become so involved with each other, now that *all* of us have become the unwitting work force for social change?' (McLuhan 2001: 12, original emphasis)

It is important to note that the three incidents examined in this article were not the result of targeted surveillance of suspected corrupt activity by police. In such cases, you would expect dishonesty on the

part of the police, both as 'actors' in the incidents captured and as the audience giving their interpretations of 'the footage' (for an excellent example, see Four Corners 2011). Rather, these events were caught up in the vast sweep of harvest media. They all involved ordinary police responding to events which were perhaps challenging, but still within the expected scope of police activity. The three civilians involved were guilty of nothing more than being annoying and irrational, partly due to the effect of drugs or alcohol. The police involved abused their legal status and physical power to assault and/or falsely charge the men involved. In the two Australian cases, where police evidence is testable, the police involved were willing to collude and lie in order to protect themselves and their colleagues from any adverse consequences, no matter how well merited.

Harvest media does have the potential to help in improving standards of police behaviour, but only if police—individually and organisationally—bear witness to the integrity of criminal justice by themselves acting with integrity. If the response to further extending harvest media is merely to confine misconduct to known black spots, surveillance can be counterproductive. If 'the footage' becomes the only measure of truth, then the value given to the testimony of human witnesses, especially those already vulnerable to abuse, will be further eroded.

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