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Watching the Bear

Networks and islands of visual surveillance in Berlin

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1 Introduction

This working paper is the revised and updated version of the second report of the German team for the comparative European research project URBANEYE on video surveillance in publicly accessible space that was completed in December 2002. It aims to give an overview on video surveillance in Germany's capital and largest city Berlin of which the bear is the emblem. Thus it is titled "Watching the Bear".

Given the thousands of surveillance cameras that stare at the city and its inhabitants this report will unveil actors and intentions behind the myriad of inscrutable gazes. The invisible technical and organisational networks will be described as well as the surveillance practices and the involvement of agents of social control.

The first chapter briefly introduces Berlin to present the context in which both the small islands and extensive networks of CCTV have developed. Secondly, the yet not completed debate on open street CCTV in Berlin is discussed and contrasted by the state of affairs in the neighbouring state of Brandenburg. The third chapter takes an inventory of existing CCTV networks in major urban infrastructure such as airports or public local transport and other locations of city-wide importance. The fourth chapter outlines the outcomes of a survey at the meso- and micro-level in the central district Mitte and its prominent boulevard Friedrichstraße. Finally, the overall findings are discussed in the light of the guiding question of the URBANEYE project: Is Berlin on the threshold to urban panopticon?

The findings base on the analysis of written documents such as media reports, policy statements or data commissioner bulletins and interviews with press speakers, police officers, security managers and common shop keepers deploying surveillance cameras. In addition, own observation was often essential to substitute missing information. However, given the distrust and silence the research team was repeatedly confronted with the picture remains necessarily incomplete.

Thus, we are even more obliged to those who were willing to support our research, in particular representatives of the Berlin state police, the public transport corporations BVG and S-Bahn, the railway company Deutsche Bahn and the airport holding company BBF.

Last but not least we thank Frank Helten and Bernd Fischer for their support of our research, Nils Leopold for his continuous help in understanding the legal issues, and Volker Eick and Clive Norris for their critical comments and corrections of draft versions of this paper. Despite these efforts of colleagues we are responsible for what we have written. Any errors and mistakes are due to our fallibility.

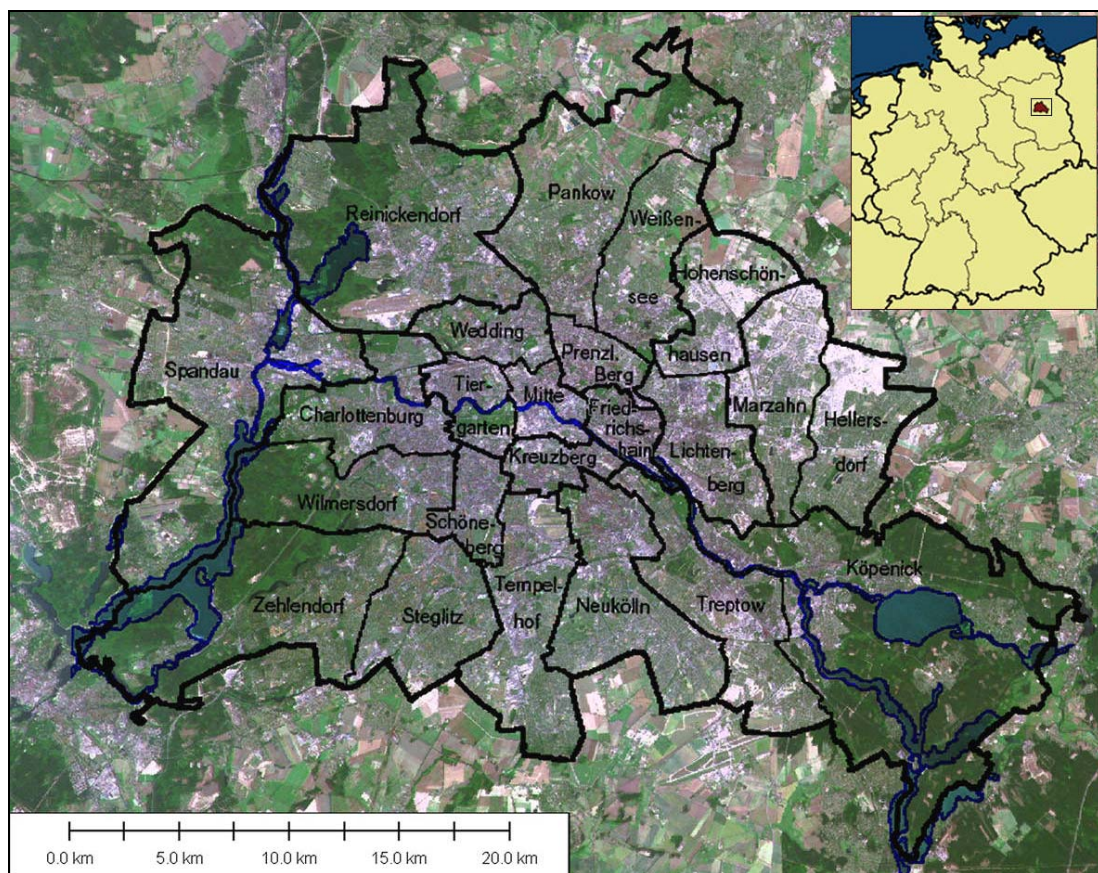
2 Introducing Berlin

With a population of 3.4 million Berlin is the most populous city of Germany.¹ It is the capital of the Federal Republic, a city state of its own and a single municipality with twelve districts.

Even more than fifty years after the end of World War II the city is shaped by its legacy. Though the Iron Curtain that divided the city until 1989/90 has vanished Berlin has still two faces at least in demographic and political respects. Despite the fact that the city is home for immigrants from more than 180 nations – those without German passport constitute 12.8% of the population, mostly people from Turkey and former Yugoslavia – the overwhelming majority of them live in the western part. In the political arena it is the post-communist Party of Democratic Socialism (PDS) that dominates the eastern part. However, these differences are fading in the face-lifted centre.

Figure 1: Berlin and its former 23 districts

(Landsat TM, Source: University of Maryland, Global Landcover Facility: <http://glcf.umd.edu>)



Berlin covers an extensive area of 891 km² with an average population density of 3,700 inhabitants per km² – which is rather moderate. This fact is due to large forests, lakes and park areas which cover more than 40% of the city area. But the bulk of the

¹ If no other sources are quoted the figures in this chapter are drawn from Statistisches Landesamt Berlin (2001).

population lives in the inner city within the ring route of the local railways. In many of these areas the population density exceeds 16,000 inhabitants per km².

The core of the city is Berlin's central park, the Tiergarten, to which most key sites are adjacent: The emerging national government district, the "City West" around the boulevard Kurfürstendamm and train station Zoologischer Garten, the "City East" with the historical centre between Brandenburg Gate and Alexanderplatz and the newly developed Potsdamer Platz with its Sony Centre and DaimlerChrysler City.

The city centre is nearly encircled by the districts with the highest number of low-income or poor people and immigrants. In some areas more than one fourth of the local population is unemployed or depends on social welfare and up to 40% are immigrants.

The areas beyond are dominated by middle class single or two-family houses, rich bourgeois villa areas and a few large multi-storey settlements built in the 1970s. However, in all of these areas one or more sub-centres exist. They are often situated around old town halls of former autonomous townships which became part of Great Berlin only in the 1920s.

Because of its special status during the Cold War Berlin is – compared to other German cities – hardly suburbanised. However, in recent years thousands of people left Berlin, many of them settled beyond the administrative borders in the so-called "fat belt" in the neighbouring state of Brandenburg. It is this "fat belt" that also attracted investors who erected huge shopping centres or business parks in the mostly rural region, and thus, entered competition with the inner city. Added to this "fat belt" are cities or townships at the outskirts of Berlin such as Potsdam, Falkensee or Erkner. The larger urban agglomeration counts 4 to 4.5 million people.

The euphoria of 1989 was soon followed by major transformations in the socio-economic landscape of Berlin. In East-Berlin the decline of the industrial and (mostly government-attached) service sector left thousands unemployed. The western part of the city faced sharp cuts of subsidies which aimed to support the outpost of the "free world" during the Cold War. Industry left the city and resettled in the neighbouring state of Brandenburg or elsewhere. The number of people employed in the manufacturing sector was cut by nearly one half between 1990 and 2000. In 2000 most important was the commerce and service sector in which 1.27 million people were employed – this accounted for 81% of those who had a job.

The economic crisis that followed the political transformation has fuelled the financial problems of the city. Increasing public expenditure led Berlin into debt. Thus, in the recent years the city government is under massive pressure to cut down public spending: Privatisation of state-owned companies and estates and the outsourcing of public services is changing the modes of governance. For example, the city government – with 190,000 employees Berlin's main employer – has cut more than 90,000 jobs in the public services since 1992 – an ongoing trend.

Although national and international investors discovered the local estate and finance markets and fuelled the boom in the building sector, the number of unemployed rose from 207,000 (1992) to 265,000 (2000) despite a decrease in the city's total population. In 2000 official statistics reported an unemployment rate of nearly 16%. The number of people receiving social welfare increased from 178,000 (1992) to 269,000 (2000). A recently published bulletin reported that one out of eight people now lives below the poverty line defined by the OECD (Thomsen 2002) and it has been estimated that between 10,000 and 50,000 homeless people live in the city.²

Despite increasing inequalities recorded crime is not rising constantly. After a peak in the mid-1990s more than 572,000 crimes were recorded in 2001: Around 50% of them in the category of "theft", 16% "fraud", 10% "damage to property" and 8% "physical injury".³ Thus, the overwhelming majority of recorded crime is crime against property. However, one fourth of the recorded crime is categorised as so-called "street crime" (Polizeiliche Kriminalstatistik 2001: 48, 247). With nearly 17,000 recorded crimes per capita Berlin was only outnumbered by Hamburg among the major German cities (ibid.:50).

With more than 28,000 persons⁴ on the payrolls of the Berlin state police the city is the most densely policed city in Germany. As most administrative bodies in Berlin the police are under constant pressure for "cost efficiency", too. Thus, Eick (1998) notes a "flexible specialisation" of policing in Berlin: space-oriented "operative groups" responsible for inner city areas or social hotspots and temporary "working groups" investigating organised crime are among the results of the transformation during the recent decade.

The state police forces are supported by around 2,000 officers of the Federal Border Police that are deployed for protection of government buildings, airports and railways.⁵ In addition, 12,000 to 15,000 employees of 330 to 380 private security companies compete in the booming "security market" in which public orders amount for 40% of the turnover.⁶ Since the association of security companies (*Arbeitskreis für Unternehmenssicherheit Berlin-Brandenburg* – AKUS) signed an agreement on co-operation⁷ with the state police in March 2002 both exchange information and support each others training (Schnedelbach 2002).

² The figures differ from source to source. See e.g. Wartmann 2003 vs. Mayer 1997: 526.

³ Own calculation on the basis of the figures at:
<http://www.statistik-berlin.de/statistiken/rechtspflegeoeffsicher/2b6-0601.htm>, accessed: 25.9.2002

⁴ <http://www.statistik-berlin.de/statistiken/rechtspflegeoeffsicher/2b6-0606.htm>, accessed: 25.9.2002

⁵ <http://www.bundesgrenzschutz.de>, accessed: 3.9.2002

⁶ These figures vary according to the sources (cf. Eick 1998: 102, Senatsverwaltung für Inneres 2002a)

⁷ This agreement implements the recommendations of an expert commission on state tasks that explicitly name "expansion and improvement of the labour division between the police and private security services" as a strategy of police-private-partnership (Expertenkommission Staatsaufgabenkritik 2001: 110ff.). A similar agreement in Saxony aims in particular to encourage the exchange on information on suspicious or criminal persons, and in spring 2002 Klaus Hardraht, then Saxonian Home Minister, named

2.1 Legal regulation of CCTV in Berlin

German constitutional law regulates (video-)surveillance rather strictly. In its “census judgement” from December 1983 the German Constitutional Court argued that the knowledge of being under surveillance, why and by whom is crucial for a democratic society and the autonomy of its citizens. Thus, it derived the concept of the “right to informational self-determination” (*Recht auf informationelle Selbstbestimmung*) from article 2, section 1 (personal freedom) of the German Basic Law (*Grundgesetz*)⁸ in connection with article 1, section 1 (human dignity).⁹ This means that every collection of personal data unauthorised by those who are subject to it violates civil rights and is thus unconstitutional except in cases when it is in the “prevailing general interest”, is regulated by law and proportional.¹⁰

The deployment of surveillance cameras potentially collecting personal data¹¹ was not explicitly addressed by legal regulation until 2001 – except in the realm of law enforcement: The police in Berlin are authorised to monitor demonstrations and congregations if they suspect them to be a potential risk against public order and safety (see below the chapter on “videography”).¹² Moreover, the police are authorised to temporarily deploy covert surveillance cameras in order to investigate (§100c Code of Criminal Procedure – *Strafprozessordnung*) or to prevent serious crime (§25 Berlin Police and Public Order Act – *Allgemeines Sicherheits- und Ordnungsgesetz*). However, the Berlin state police are not allowed to monitor public space permanently (see below the chapter on “open street CCTV”) – except, in accordance with §24a of the Police and Public Order Act, the areas adjacent to so-called “endangered objects” (*gefährdete Objekte*) such as facilities of the Jewish community or embassies. Only the Federal Border Police (*Bundesgrenzschutz* – BGS) and the Federal Office of Criminal Investigation (*Bundeskriminalamt* – BKA) might permanently monitor public space within their limited field of competence (see below the chapter on “facility protection”).¹³

CCTV as a potential field for co-operation due to the legal limits of police surveillance. (cf. Braun 2002: 3f.)

⁸ Which is de facto the German constitution though it is not called so because it was never legitimised by a referendum of the people. For an authorised English translation see: http://www.bundestag.de/htdocs_e/info/gg.pdf

⁹ BVerfGE 65, 1. See: <http://www.datenschutz-berlin.de/gesetze/sonstige/volksz.htm>, accessed: 10.5.2003

¹⁰ For a good overview on constitutional issues see: Weichert 2000

¹¹ Surveillance cameras that only provide overview or blurred pictures without the possibility to identify individual persons do not fall under the category of personal data collection.

¹² The monitoring of political demonstrations is regulated on the federal level by the Assembly Act (*Versammlungsgesetz*) since 1989. The monitoring of non-political assemblage, e.g. in the case of sport events, is regulated by the Berlin Police Act since the early 1990s.

¹³ For a brief overview of the legal regulation of video surveillance in Germany see Roll 2003: 7-8

Private and non-police public CCTV surveillance was only explicitly regulated in 2001 when the European Data Protection Directive 95/46/EC was implemented by amendments of the federal and state data protection acts. Until then most surveillance cameras in Germany were operating in a legal grey area.

The Federal Data Protection Act (*Bundesdatenschutzgesetz*) regulates all forms of collecting personal data by private bodies and federal non-police authorities. As a general rule for systems of data processing §3a demands to collect, store and use no or as less personal data as possible. Applied to video surveillance this addresses the cautious use of recording devices. The new §6b incorporated in May 2001 regulates the monitoring¹⁴ of "publicly accessible space" by so-called "opto-electronic devices". The meaning and scope of the term "publicly accessible space" is contested. Though the Federal Government named train station platforms, museums and shops as examples in its comments to a draft version of the amendment to the Federal Data Protection Act (Bundesministerium des Innern 2000: 39f.), and the Data Protection Commissioner of Brandenburg explains that the term "space" (*Raum*) means a limited area which is under regulation of house rules, such as town halls, public transport vehicles or swimming pools (Brandenburgischer Datenschutzbeauftragter 2001: 39) others say that "public areas" are indeed "publicly accessible space". Monitoring of such "publicly accessible space" is among others allowed for vague reasons defined as "legitimate interests". Thus, critics even argue that this rule serves more as an invitation to install cameras rather than to limit such activities (e.g. Weichert 2002). However, video surveillance is only allowed to serve "clearly defined purposes". Such surveillance and the responsible bodies need to be notified by "appropriate means". The vague formulation of this passage led to competing interpretations whether signage is necessary or whether the overt character of surveillance is sufficient.¹⁵ But after interventions of the Federal Data Protection Commissioner it seems to become accepted that a sign is necessary at least to indicate who is the responsible body.¹⁶ In cases of outsourced surveillance on a contract basis the client is responsible but a written agreement defining the details of surveillance must exist. Further usage and processing of footage is only permitted for the above mentioned purposes – and the protection of national security and public safety or criminal investigation. If the purpose is achieved footage has to be deleted immediately. In case of a personal identification of a monitored person the relevant individual has to be informed about the usage and processing of the data – except in certain cases, e.g. when

¹⁴ This is independent of the capability to record and store footage. Thus even simple camera-monitor-systems fall under the scope of §6b.

¹⁵ A representative example is the discussion about the notification of surveillance cameras at buildings of the Federal Government. See: Deutscher Bundestag 2001

¹⁶ See: Deutscher Bundestag 2002. Meanwhile at most buildings of the Federal Government in Berlin that are not under protection of the Federal Border Police signs were fixed.

this causes more than proportional efforts or when public safety is said to be under threat.

Video surveillance of “publicly accessible space” by public authorities and institutions of the state Berlin is regulated by a similar provision in §31b of the State Data Protection Act.

3 Politics of law and order and the debate on open street CCTV in Berlin

Berlin is one of the three German states that have not yet amended their police and public order acts in order to pave the legal ground for combating street crime by CCTV surveillance of public space.¹⁷ However, in the recent years we witnessed an extensive political debate regarding this issue and even testing grounds for the installations of cameras have been considered. But it was the huge banking scandal, that shocked city politics in 2001 and toppled the "Big Coalition" government of the Christian Democrats (*Christlich Demokratische Union* – CDU) and the Social Democrats (*Sozialdemokratische Partei Deutschlands* – SPD) after ruling the city for more than ten years, that for the present, removed the issue of open street CCTV from the political agenda.

It was during the election campaign for the city parliament in October 1995 that the then mayor Eberhard Diepgen (CDU) spoke publicly about the potential benefits of video surveillance the first time. At a panel organised by a major Berlin newspaper he proposed to install surveillance cameras in trains and stations to improve the safety of the passengers (*Berliner Zeitung*, 5.10.1995). At this time not even the first pilot projects with open street CCTV have been installed in Germany and a broader debate about the surveillance of public space had not started.

However, within the following years the example of the Saxonian city Leipzig, where the first pilot project started in 1996, initiated copy effects in many German states. At least in Berlin it was the campaign for the election for the national parliament in September 1998 that put open street CCTV on top of the political agenda.

In April 1998 the executive committee and other leading politicians of the Berlin CDU met for two days to discuss strategies for the local campaigning. Among other things it was discussed the "protection of public space" and the role video surveillance could play in it (Richter 1998a). The way for the initiative was paved by the then Senator for Home Affairs Jörg Schönbohm, a former high-ranking general who was responsible for the integration of the GDR army into the Federal Armed Forces. In his Berlin office he was attracted by "Broken-Windows"-theory and "Zero-Tolerance"-strategies.¹⁸ His department has been drafting scenarios for open street CCTV in Berlin since the summer of 1997 (Junge 1998).

¹⁷ According to Büllsfeld (2002: 160) five of the 16 German states, i.e. Berlin, Bremen, Hamburg, Rheinland-Pfalz and Thüringen, have not amended their police and public order acts. However, Bremen did so in October 2001 and started a pilot project one year later (Jox 2002), Thüringen did so in 2002 and currently prepares the inception of an open street system in the city of Weimar (*Thüringische Landeszeitung*, 9.7.2003). In Hamburg the coalition government that was elected in September 2001 plans to amend its police act, too.

¹⁸ In August 1998 former New York Police Chief William Bratton visited Berlin in order to talk about his "revolution" in policing. Schönbohm commented: "Despite the legal differences we can learn from the New York experience. But we will use other methods." (Junge/Winden 1997)

Figure 2: Proposed and existing locations of open street CCTV in and around Berlin



Three weeks later the parliamentary party of the CDU-Berlin formally demanded the amendment of the Police and Public Order Act in order to expand police powers to control (i.e. stop, identify and search) people at so-called "dangerous places" without prior suspicion (*verdachtsunabhängige Kontrolle* or "*Schleierfahndung*") and allow open street CCTV. As potential locations for such surveillance it were named the Breitscheidplatz which is the core of the "City West", the Alexanderplatz at the heart of the "City East" and the Kottbusser Tor which is located in the poor central district Kreuzberg (Richter 1998b).¹⁹ In addition, a local branch of the Christian Democrats, the powerful CDU of the western district Spandau, supported the demands by passing a resolution which addressed issues such as employment, welfare and last but not least public safety, in Germany better known as "domestic security" (*Innere Sicherheit*). In the chapter on public safety the CDU Spandau also calls for video surveillance of public space, in particular at the historical centre of the district where a new train station plus an attached shopping mall was being built. Co-author Peter Trapp – leading member of the party working group on police affairs²⁰ – who was then chairman of the representation of staff at the state police and as officer of the local criminal investigation

¹⁹ Roland Gewalt, CDU-speaker for home affairs, later added the Hermannplatz in the poor southern district Neukölln to this list (Fischer/Gewalt 2000).

²⁰ This working group (*Polizeiarbeitskreis CDU Berlin*) is a party internal pressure group representing around 300 state police officers who are either member of the CDU Berlin or without other party affiliation. See: <http://www.polizeiarbeitskreis-cdu-berlin.de>

department responsible for strategies to combat street crime, commented: "Repression is good prevention." (quoted in: Kersten 1998)

The Social Democrats objected the claims of its coalition partner and argued that CCTV surveillance is a rather staff-intensive matter and would be an additional burden to the limited city budget. Instead of placing police officers behind monitors they should patrol the streets countered the local SPD-expert for home affairs (Richter 1998c).

The CDU lost the national election – it was the end of the era Helmut Kohl – and a coalition government of the Social Democrats under Gerhard Schröder and the Green Party (*Bündnis 90/Die Grünen*) came to power. In Berlin the CDU lost nearly 8% votes and could not even win one of the 13 constituencies – a loss of six. In Spandau CDU-hard-liner and former Senator for Home Affairs Heinrich Lummer lost his seat to SPD-candidate Wolfgang Behrendt, who – this should be noted – was in 2001 initiator of a motion for the regulation of video surveillance at the Council of Europe.²¹ Senator Schönbohm left Berlin soon after this election. Confronted with tough opposition throughout his tenure of office he opted for another career opportunity: In November 1998 he took over the presidency of the CDU in the neighbouring state of Brandenburg. His successor became Eckhart Werthebach, a former president of the German domestic secret service (*Bundesamt für Verfassungsschutz*).

Although national issues dominated the parliamentary election the results worried the local CDU in face of Berlin state elections be forthcoming in October 1999. Only days after the defeat Volker Liepelt, secretary general, unveiled a programme designed to guide the politics within the city government again demanding open street CCTV and the extension of other proactive policing practices such as preventive detention, banning former offenders and police controls without prior suspicion (Richter 1998d). During the following six months these demands were constantly disputed among the Christian Democrats and their Social Democratic coalition partner (cf. Miller/Helberg 1998).

But finally the partners made a compromise and amended the police and public order act (*Allgemeines Sicherheits- und Ordnungsgesetz* – ASOG) in April 1999. Thus, the powers of the police to control persons and ban offenders²² at so called "dangerous places" have been expanded. Although the bill was even criticised by representatives of the Trade Union of Police (*Gewerkschaft der Polizei* – GdP) as measure for improving the city image rather than crime control, it was argued that the amendment was necessary to effectively combat organised crime such as human and drug trafficking and the smuggling of cigarettes from Eastern Europe (Miller/Schomaker 1999). Another reason behind the compromise were the violent demonstrations of Kurdish protestors against

²¹ Source of all election results is the State Election Commissioner: <http://www.statistik-berlin.de/wahlen>

²² In the prior political discussion "aggressive beggars, drug dealers and fraudulent street gamblers" were more than once named as examples.

the kidnapping of PKK-chief Abdullah Öcalan by the Turkish secret service in February that culminated in the assault on the Consulate of Israel. Some saw the city at the edge of civil war then – thus, defending civil liberties was a risky business in the year of assembly elections. However, the SPD stood firm regarding CCTV surveillance which was not allowed and therefore became again an issue in the election campaign.

In June 1999 Alan Hillman, Detective Chief Inspector at Scotland Yard, was invited by the CDU to talk about the London experiences with CCTV as instrument of crime control at a hearing of the city parliament. Although Hillman reported that displacement was a problem he boasted that crime reduction in Oxford Street was up to 50% due to CCTV – a figure later on repeatedly quoted in the local press (Lauer 1999). A few weeks later media reported that local business people around the train station Zoologischer Garten in City West who “felt to be at the criminals’ mercy” joined the demands of the CDU for video surveillance in that area (quoted in: Berliner Zeitung, 12.8.1999).

The polls in October turned out to be a success for the CDU. The party won as much votes (40.8%) as the Social Democrats and the Socialist Party (*Partei des demokratischen Sozialismus* – PDS) together. However, as he had no other option CDU-president and city mayor Diepgen opted again for the continuation of the coalition with the SPD.

When negotiating the details of this coalition the inception of open street CCTV was one of the issues most contested by the SPD. Meanwhile local CDU-politicians expanded their demands for open street surveillance: Amidst the political bargaining they proposed the installation of surveillance cameras in a pedestrian area in Tegel in the northern district Reinickendorf (Liebermann 1999). But although Senator Werthebach even proposed to increase transparency by exposing the policemen operating the systems in a “box of glass” (interview in: Berliner Zeitung, 29.10.1999) the SPD resisted the demands to amend the police act and only agreed to protect a large Jewish cemetery, important monuments and embassies – which in fact were often already under surveillance – with CCTV cameras (Miller 1999).

But soon open street CCTV was pushed on the Berlin agenda by national politics again. In March 2000 – on top of the severe scandal regarding dubious party donations, black money and secret Swiss Bank accounts that shattered the CDU – the national parliamentary party of the Christian Democrats presented a concept for combating crime in which permanent CCTV surveillance of city centres played an important role (Berliner Zeitung, 13.3.2000). Although the concept was sharply criticised by other parties, data protection authorities, the chairman of the Council of German Cities (*Deutscher Städtetag*) and even the Trade Union of Police that represents 193,000 members in

police service (Berliner Zeitung, 14.3.2000) the CDU-Berlin presented an expert report²³ calculating the costs for the installation of a CCTV system at Hardenbergplatz three days later. Meanwhile Senator Werthebach attended a meeting of conservative State Home Ministers in which the concept of the parliamentary party was discussed (Ehlert/Haak 2000).

In May 2000 the Conference of Home Ministers declared unanimously CCTV at "crime hot spots" a suitable instrument of law enforcement (Ständige Konferenz der Innenminister 2000). With reference to this resolution Senator Werthebach heralded, three days later in Berlin, a CCTV bill until the end of the year and thus provoked angry criticism by Peter Strieder, president of the SPD-Berlin: "Video surveillance of public places violates the right to personality and focuses on the wrong issue." (quoted in: Richter 2000). During the summer it followed new initiatives at the national level by the CDU pushing for surveillance (Sonntag 2000) while at the local level the lobby organisation of the German electronic industry (*Zentralverband Elektrotechnik- und Elektronikindustrie* – ZVEI) presented its concept for a 10-camera open street CCTV "pilot project" at Hardenberg- and Breitscheidplatz in the heart of old West-Berlin (Prellberg 2000, ZVEI 2000b). On the same day when the ZVEI-concept was unveiled it was reported that the state of Brandenburg, where former Berlin Senator Schönbohm meanwhile has become Home Minister in a coalition government with the SPD, planned to amend its police act in order to allow – among others – open street CCTV (Klesmann 2000a).

In August the SPD-Berlin ducked under the general trend²⁴ and local pressure and gave up its fundamental opposition against video surveillance when the CDU presented its concept in the state assembly (Schomaker 2000).²⁵ Heidemarie Fischer, SPD-speaker for home affairs, argued that such a pilot project might serve both crime control and the surveillance of Neo-Nazis from the hinterland when arriving by train in Berlin (Berliner Zeitung, 11.8.2000). However, Fischer still stressed that she considers CCTV not as an adequate measure and expects displacement effects (Fischer/Gewalt 2000), and Klaus Wowereit, then president of the parliamentary party, declared that they should wait until the experience in Brandenburg was better.

In order to soften the position of the Social Democrats Senator Werthebach declared a few month later that he does not plan recording permanently²⁶ but only if an offence is

²³ Although the report was said to be written by a private security company it might be noted that the lobby organisation of the German electronic industry presented a very similar concept for CCTV surveillance at Hardenberg-/Breitscheidplatz only three month later (see below).

²⁴ In Germany's largest state, North Rhine-Westphalia, the police act was amended in April even by a coalition government of SPD and Green Party in order to allow open street CCTV.

²⁵ The CDU-concept was supported by the local branch of the Federation of Criminal Investigation Department Officers (*Bund deutscher Kriminalbeamter*) (Berliner Zeitung, 22.8.2000).

²⁶ Permanent recording and storage of footage for 24 hours was part of the concept that the national parliamentary party presented in March 2000.

likely to occur. He specified that this might be the case if a "well-known dealer" appears on the scene (Schomaker/Stiller 2000).

Although a draft bill was presented for discussion with the SPD in December/January it was pending as city politics went into a deep crisis: Leading CDU-politicians were charged to be involved in a huge finance scandal in the Banking Society Berlin, a state-controlled holding. The scandal on risky credits and party donations deepened the financial misery of Berlin, brought the city to the edge of bankruptcy and finally disrupted the coalition government in June 2001. An interim government of SPD and Green Party came to power until a new state assembly was elected in October.

It was September 11 that made "domestic security" a major issue besides economic issues in election campaigning: The CDU claiming "defencelessness in face of a yet invisible enemy" boasted with its efforts to improve law and order and presented open street CCTV as a prime example (see: CDU-Berlin 2001). In addition, the district council (*Bezirksverordnetenversammlung*) of Spandau opted for video surveillance in the old town centre in front of the town hall and the train station and in other "potential dangerous areas" at the end of September. The CDU which passed the resolution without discussion against the opposition of SPD, Greens and PDS argued that crime will increase in the area due to the opening of a new shopping mall close to the train station. In fact, the resolution was without any effect due to the lack of competence of the district in this matter (Kunert 2001).

But despite the aftermath of September 11, voters made the CDU a scapegoat for the entire banking scandal, and neither the new top candidate Frank Steffel nor the support by certain local media proved to ensure success. Compared to 1999 the party lost 17% votes and became with 23.8% only second largest party after a decade of dominance. Winners of the election were the SPD, the socialists PDS and the liberal Free Democratic Party (FDP) that each gained 5% to 8% more votes. After the attempts to form a so-called "traffic light"-coalition (red SPD, yellow FDP, and Greens) failed, the SPD opted for a coalition with the Socialists who – even eleven years after German unification – still dominate the political landscape in the eastern part of the city.

The final agreement on coalition was signed in December 2001. The chapter on "domestic security" is introduced as following:

"Besides the protection against crime as a core task of state public safety also means the protection of the individual and the public against disproportional intervention by the state. [...] Quintessence of the combat against crime is not only its consequent prosecution but the combat against the reasons behind, too." (Koalitionsvereinbarung 2002: 11)

Regarding police powers it states among others:

"The support of the protection of single, especially endangered objects by means of optical surveillance technology will be regulated legally with the basic right of informational self-determination in mind. Video surveillance of public places is not envisaged." (ibid.: 13)

Thus, open street CCTV for combating street crime was removed from the agenda of governance in Berlin after years of political struggle. But in accordance with the coalition agreement the Police and Public Order Act was amended in January 2003. The new §24a ASOG authorises the police to monitor public areas adjacent to so-called "endangered objects" and record images permanently.²⁷ Though the amendment was justified in particular by the need to protect Jewish and Israeli buildings and facilities against anti-semitic assaults²⁸, the governing coalition ignored demands of the Green Party to specify what an "endangered object" is. §24a only names exemplarily "in particular buildings and other facilities that are of public interest, religious centres, monuments or cemeteries".²⁹ The comments of the draft bill even named "natural drinking water storages"³⁰, and it is worth to note that after September 11 more than 500 facilities were protected by the police as "endangered objects" (Berliner Zeitung, 20.9.2001). Thus, despite all rhetorics the amendment can hardly deny the taste of "Homeland Defence".

However, given the limited financial resources of the state and its police it seems unlikely that the police will start to install new surveillance cameras extensively.³¹ Senator for Home Affairs, Erhart Körting (SPD), rather sees video surveillance as an instrument to reduce costs for personnel (Berliner Zeitung, 29.5.2002). In this context it is interesting that the transfer of "security related information" in the domain of "facility protection" from private security companies to the police is part of the police-private-partnership that was signed in March 2002 (Senatsverwaltung für Inneres 2002a). Thus, a possible scenario could be the linkage and flexible use of private surveillance infrastructure – that already exists at many of the so-called "endangered objects" – by the police. (For more details see below the chapter on "facilities protection".)

Independent of the forthcoming development the amendment was a first step towards the permanent surveillance of public areas by the police, and it might be taken for granted that the issue will rise again when the campaigning for the next state assembly election will begin. This will happen in 2006, but given the massive problems the new coalition government faces it might be even earlier.

²⁷ Surveillance and recording has to be notified by signage. Footage has to be deleted immediately if not needed for criminal investigation. If persons are identified and footage is not deleted immediately they need to be informed about any processing of their personal data – except in cases when this threatens "legal completions of tasks".

²⁸ e.g. Senatsverwaltung für Inneres (2002b)

²⁹ The comments of the bill even named "natural drinking water storages" of which Berlin has a lot. Thus, despite all rhetoric it sticks the taste of homeland defence to the amendment.

³⁰ Abgeordnetenhaus von Berlin (2002b)

³¹ In August 2003 the chief of the Department for Crime Prevention confirmed that no police cameras have been installed at "endangered objects" despite the new legal situation. "We are simply shy of money", he explained. (Winfried Roll quoted in: Niemann 2003)

3.1 Excursus: Open street CCTV in the neighbouring state Brandenburg

If seen as a larger urban agglomeration rather than as an administrative unit, there exist three open street CCTV systems in the outskirts of Berlin: Beyond the borders of the city in the neighbouring state of Brandenburg the police started systems in Bernau, Erkner and Potsdam in winter 2001/2002 (see: Figure 2). In addition, a fourth project was kicked-off in Rathenow 60 km in the west of Berlin.

In September 1999 the Brandenburg state assembly elections ended a decade of Social Democratic rule under chief minister Manfred Stolpe.³² The CDU then became second strongest party and joined a coalition government with the SPD. It was Jörg Schönbohm, who – after leaving his office as Berlin's Senator for Home Affairs in November 1998 – took over the presidency of the CDU Brandenburg and led his party to power. Consequently, he became Vice Chief Minister and Minister for Home Affairs.

Soon after his inauguration Schönbohm and the CDU began to push for a second amendment of the state police act. The demanded modifications were new powers for the police to ban suspects from certain places, the regulation of deadly use of fire arms in case of danger to life or serious injuries and last but not least open street CCTV at "crime hot spots". In particular, the demand for open street CCTV was strongly objected to by the coalition partner SPD, the Socialist opposition, the State Data Protection Commissioner and even from within the police force.³³

But Schönbohm's engagement was supported by the above mentioned resolution of the Conference of German Home Ministers naming CCTV a suitable instrument of crime control. After tough negotiations the cabinet approved a bill in summer 2000 which was passed by the state assembly in December: §31, section 3 authorises the state police to "openly monitor public accessible streets and places by image transmission technology if and as long as police information justify the assumption that criminal offences are imminent at these locations". However, the act only found its majority by taking into account the critical voices. Thus, the surveillance is strictly regulated and limited until 2006 by law: Recording is only allowed in case of suspicious behaviour and footage not relevant for criminal procedure has to be deleted not later than a month. After five years the state government has to submit a report about the employment and its effects that shall serve as basis for the state assembly to decide about the future of the surveillance.

³² It is worth noting that the right-wing German People's Union (*Deutsche Volksunion* – DVU) won parliamentary seats the first time in Brandenburg, while the Greens and the Liberal Party failed to enter the state assembly in an election with a voter turnout of only 54.3%. (*Blätter für deutsche und internationale Politik*, February 2000, p.254)

³³ It was opposed by the Brandenburg branch of the Trade Union of Police (GdP), but the second largest organisation of policemen, the German Police Trade Union (*Deutsche Polizeigewerkschaft* – DpolG) supported the plans. The Federation of Criminal Investigation Officers (*Bund Deutscher Kriminalbeamter* – BDK) supported the plans for open street CCTV only in special cases. (These views were presented at an expert hearing in the Brandenburg state assembly on June 2000. See Klesmann 2000b)

In addition, the state assembly demanded further safeguards against potential abuse, an integrated crime prevention concept, independent evaluation of the measures and annual reports about their efficiency (Polizei Brandenburg 2001, Brandenburgischer Datenschutzbeauftragter 2000: 52-54). The State Data Protection Commissioner commented: "In German-wide comparison the regulation (§31, section 3) belongs to the most restrictive authorisations of this kind." (Brandenburgischer Datenschutzbeauftragter 2000: 52)

It took six months until the responsible police headquarters (*Polizeipräsidien*) selected potential locations for surveillance, and it was reported that only the pressure of the Ministry for Home Affairs speeded this process. A speaker of the Police Headquarter Oranienburg even stated that cameras might make people feel insecure because their presence indicate danger. Ten locations were proposed and four were finally selected as "pilot projects" for open street CCTV: The places in front of the train stations of the towns Erkner, Bernau and the state capital Potsdam and the place in front of a large discotheque in the town Rathenow. The Ministry for Home Affairs commented that these places are "exclusively locations where right-wing youths meet and where criminal offences accumulated in the past". The chief of the Brandenburg Trade Union of Police (GdP) replied that to categorise the named locations as crime hot spots is "ridiculous" when compared to the Leipzig pilot project.³⁴ (Klesmann 2001a, Klesmann 2001b)

In November 2001 the first pilot project started in **Erkner**, a small town with 12.000 inhabitants just a stone's throw beyond the border of Berlin. Since then two digital dome cameras with infrared vision survey the central place between train station and town hall with a large car and bicycle park around the clock. The town assembly (*Stadtverordnetenversammlung*) opted against the votes of the PDS and the Green Party for the measure. Mayor Joachim Schulze (SPD) justified the inception of the system: "fighting, thefts from cars and bicycle thefts damaged the image of the place. Something had to happen urgently." Minister Schönbohm added:

"I consider CCTV as an effective instrument of the police to combat crime in hot spots, to push back fears of the population and to strengthen the safety feeling. [...] We want more protection for the population against criminal elements. We want certain spaces that got into discredit to become again areas worth living and free of fear. Citizens shall stay there with pleasure again." (Brandenburger Ministerium des Innern 2001a)³⁵

³⁴ Indeed, while near the Leipzig train station 70 cases of car burglary, 13 cases of theft, 8 cases of robbery, 5 cases of violent assault and 18 drug crimes were registered in *one month* before the inception of the pilot project (Müller 1997: 81) it were 190 bicycle thefts and 85 car burglaries in *one year* that justified the selection of the place in front of the train station Erkner as "crime hot spot" (Klesmann 2001c). Similarly, near the train station Potsdam 499 criminal offences were registered in *two years*, among others 213 car crimes (burglary of theft), 105 bicycle thefts, 20 violent assaults and 9 cases of robbery (Polizeipräsidium Potsdam 2001, p.11) and in Bernau 208 offences were registered in 2001 near the train station (Berliner Zeitung, 13.2.2001: 24)

³⁵ Not surprisingly, the Brandenburg Ministry for Home Affairs tries to establish the neologism "video protection" to name open street CCTV in the political debate.

The surveillance is noted by signs in German, English and Polish. The images are monitored on two 17-inch-TFT-screens in the nearby police station by one officer.³⁶ Usually the officers in charge overview the place and only zoom in individuals if they assume that a criminal offence will happen or takes place, e.g. if "persons walk around purposeless between the parked cars" as a speaker of the police described for illustration. In such cases the monitoring officers are also empowered to start recording if the officer on duty is also logged in the system (four-eye-principle). Recording in facts means recording the "history", the last three minutes stored in the digital memory, too. For every recording it has to be noted the time, the reason behind, the result of verification if a crime took place, the whereabouts of the image data and the persons in charge of recording. In addition, every recording is recorded in a computer protocol. The footage will be automatically deleted after 30 days. To use footage for criminal procedure images might be burned on CD-Rom or printed out on a photo printer. To burn CDs, print out images or delete footage earlier than 30 days the second officer needs to be logged in the system as well. CD-footage is encrypted and can be evaluated only with the help of a special software which is only available at the State Criminal Investigation Office (*Landeskriminalamt*). (Polizei Brandenburg 2001, Klesmann 2001c, Sauerbier 2001, Brandenburgischer Datenschutzbeauftragter 2001: 44-45)

Only a month after the inception of the pilot project police officers responsible for the CCTV system clashed with their principal: They argued that patrol officers who were permanently deployed near the train station were missing in other areas of the town and reported displacement effects. It was reported that until then only two youths leaving tags at a bus stop and a drunken bicycle driver have been caught on camera. Andreas Schuster, chief of the Brandenburg Trade Union of Police (GdP) mocked: "We have in Erkner the best guarded bicycle park of the state. [...] CCTV in Brandenburg is nonsense." (Blankennagel/Klesmann 2001) The Ministry for Home Affairs reacted by prohibiting press interviews by police officers. It replied that the police in Erkner received additional staff and that it is impossible to state displacement after such a short period of time (Mara 2001). However, only days later Minister Schönbohm himself reported that crime decreased significantly and displacement was not observed (Brandenburger Ministerium des Innern 2001b).

At the end of the year representatives of the state data protection authority visited the system in Erkner for assessment. Despite their general critique that open street CCTV is a serious limitation of the right to be unobserved they stated that this right is taken into account by the technical and organisational safeguards as far as this is possible in the context of video surveillance. The only recommendation which was given, was to erect more than two signs notifying the public that they are under surveillance. (Brandenburger Datenschutzbeauftragter 2001: 44-45)

³⁶ Five officers have shifts over 24 hours.

Also in December the second pilot project in **Rathenow** was started. Two surveillance cameras monitor the area in front of the large "Dance House" discotheque which is – according to the Ministry for Home Affairs – a "meeting point for right wing youths, ethnic German immigrants from Russia and asylum seekers" and where violent confrontations between youth gangs required staff-intensive police action, in particular at weekends (Brandenburger Ministerium des Innern 2001b).

A few days later followed the inception of the third project in **Potsdam**, the state capital of Brandenburg in the direct neighbourhood of Berlin. Six cameras survey the areas in front of three entrances of the highly frequented central station³⁷ and the attached "Potsdam-Center", a large shopping mall. Large signs in German, English and Russian plus pictorials notify the surveillance, and the windows of a fitness centre under the gaze of the cameras are blanked by an electronic "privacy zone". The images are monitored on six screens in Potsdam's main police station by two officers. Each officer interrupts the surveillance after 50 minutes for a break of 10 minutes. Thus, three officers serve per shift. Another officer who is responsible for the contact to the street patrols works in the same room. In addition, the patrol officers on-site are in contact with the Federal Border Police (*Bundesgrenzschutz* – BGS) and the private security service responsible for the safety within the train station and the shopping mall that are surveilled by an own CCTV-system of the German Railway Company (*Deutsche Bahn* – DB). (Polizeipräsidium Potsdam 2001: 18) This system of the German Railway Company is part of the 3-S-concept (3-S stands for *Service, Sicherheit, Sauberkeit* – service, safety, cleanliness) which will be discussed below in detail.

The Ministry for Home Affairs justified the inception of the Potsdam system by claiming that the area around the train station "has become a crime hot spot during the last two years, in particular by car and bicycle crimes and violent assaults against pedestrians which had partly a right-wing extremist background" (Brandenburger Ministerium des Innern 2001c). The pre-assessment of the police showed that in the two years before the inception 318 car and bicycle crimes and 39 right-wing propaganda offences and crimes of violence were registered in the highly populated area.³⁸ In an effort to get rid of Potsdam's image as "xenophobic city" the city government favoured the plans for open street CCTV. In addition, the police – describing the train station area as an important centre of consumption and tourism – pointed out that football fans and political demonstrations might become a problem there. (Polizeipräsidium Potsdam 2001: 10-14)

³⁷ More than 400 trains arrive and depart per day and on busy days between 70,000 and 90,000 persons rush in and out the station. (Polizeipräsidium Potsdam 2001: 4)

³⁸ It should be noted that independent monitoring groups repeatedly reported that police statistics does not reflect the real extent of right-wing violence and offences which are presumed to be much higher. Moreover, the strategy of so-called "national liberated zones" (which are often train stations or central public squares) where right-wing groups try to establish hegemony in villages or parts of a town by excluding asylum seekers, immigrants and also tourists by violent and other means show that the problem should not be underestimated. (Wagner 2001: 116)

To ensure the success of open street CCTV in Potsdam the police proposed an "offensive" public relation campaign and an integrated crime prevention strategy involving the Federal Border Police, the city Potsdam, local business, public transport, and the private security service of the shopping mall. Moreover, they suggested better street lightning, emergency points and other situational crime prevention devices. (Polizeipräsidium Potsdam 2001: 15, 21)

While local business, the management of the shopping mall and the Federal Border Police supported the CCTV system and promised co-operation its inception was opposed by local representatives of the Socialists, the Greens and the Liberal Party as well as members of the Social Democratic youth organisation and several left grassroot organisations.

Finally, in February 2002 the fourth pilot project started in **Bernau**, a small town seven kilometres north of the Berlin state border. Two cameras survey the area in front of the train station. The images are monitored on two screens by one police officer.

According to the police the average costs of each system are 70,000 Euro for the installation and 255,000 Euro running costs per year (Polizei Brandenburg 2001). Thus, the total costs of the four systems will sum up more than 5.3 million Euro until 2006 when they shall be finally evaluated. It was the lobby organisation of the German electronic industry ZVEI that provided the technological know-how for the realisation of the projects (Polizei Brandenburg 2001) and at least BOSCH, one major company represented by the ZVEI, provided hardware as well.

In April 2002 Minister Schönbohm declared the deployment of surveillance cameras a success – although noting that it was too early for a final assessment – when reporting that at a few of the locations under surveillance crime dropped by nearly 50% and displacement did not occur (Brandenburger Ministerium des Innern 2002a). When the Minister announced the annual report for the State Assembly in January 2003 this figure was released again. (Märkische Oderzeitung, 30.1.2993) Thus, it seems that the Minister tends to anticipate the results of the independent long term evaluation by academic institutions that is demanded by the state assembly.

This long term evaluation which was started in October 2002 is to be finished in 2005. Co-ordinated by the Brandenburg Police College (*Fachhochschule der Polizei*) three institutes of regional universities will assess the public CCTV systems in terms of cost effectiveness, law and effects on crime (Brandenburger Ministerium des Innern 2002b).

When kicking-off the project in Erkner Minister Schönbohm promised: "If crime does not decrease significantly we will quit." (quoted in: Klesmann 2001c) However, other scenarios seem possible as well. During the pilot's inception in Bernau a local politician of the CDU bad temperedly asked if it was true that the State Police have less

surveillance powers than every petrol station (quoted in: König 2002).³⁹ Thus, it might be assumed that the future of Brandenburg's open street CCTV to be decided in 2006 will be contingent upon political circumstances rather than the findings of the academic evaluation. Even in case of a negative evaluation it might be argued that a failure of CCTV in combating crime is caused by insufficient police powers.

Though the Ministry for Home Affairs reported in January 2003 that no further open street CCTV systems are planned, it might happen that police powers will be amended even before the presentation of the evaluation. Referring to the failed splinter bomb assault at the central station of the city of Dresden in June 2003⁴⁰ Minister Schönbohm reported two weeks later that another amendment of the State Police Act is under consideration: The police could be empowered to record footage on a permanent basis and store these data for 24 hours (Die Welt, 30.6.2003). The Social Democrats indicated already that they are prepared to examine the plans, and next State Assembly elections will be held in 2004.

3.2 Discussion

The debate and implementation of open street CCTV in Berlin and Brandenburg illustrates that video surveillance of public space needs to be seen in the context of the rise of proactive policing (*vorbeugende Verbrechensbekämpfung*) in Germany: Calls for preventive detention (*Unterbindungsgewahrsam* or *Vorbeugegewahrsam*), controls without prior suspicion (*Schleierfahndung*) and the banning and deportation of suspicious persons from certain places (*Aufenthaltsverbote*, *Platzverweise*) accompanied the demands for police surveillance throughout the debate.

Most of these proactive policing strategies were embodied in many state police acts during the last decade. In addition, police authority to bug, wire tap and deploy covert agents were expanded. This expansion of police powers was either justified by the menace by organised crime, violent extremism, illegal immigration and – more recently – international terrorism or by "public disorder" presumed to cause a feeling of insecurity. Martin Kutscha describes this process as a blurring of lines between police and secret service, between policing and criminal procedure and as dilution of the presumption of innocence. He characterises the state of affairs in criminal justice as an "overregulated absence of regulation" (Kutscha 2001: 214). Thus, Kutscha and others⁴¹ conclude that

³⁹ It is right that owners of petrol stations can record footage on a permanent basis in contrast to the Brandenburg police. But this authority is only meant for the private but publicly accessible space of the petrol station. Private surveillance in public space is prohibited.

⁴⁰ The lack of footage was scandalised then. For details see below the chapter on CCTV in train stations.

⁴¹ Even Jutta Limbach, former judge at the constitutional court, criticised the "insatiability" of the security forces and warned against a sneaking transition towards a police state. (Berliner Zeitung, 11./12.5.2002)

Germany tends to develop legally⁴² towards a modern type of "police state" that is characterised by the substitution of welfare measures by surveillance and repression and armoured to 'pacify' potential internal unrest (Roggan 2000, Kutscha 2001).

However, the cases of Berlin and Brandenburg show that open street CCTV is not determined by this general trend. If it is implemented, where and how is contingent upon the political and institutional context.

The demands for open street CCTV were driven by the cycle of electoral politics. Given the erosion of rather stable party-voter-alliances and the rise of issue-oriented voting behaviour "law and order"-issues in general and open street CCTV in particular were seen as powerful vote catchers. Initially the conservative party CDU, presenting itself as the "watchdog of law and order", was the driving force behind the political career of open street CCTV both at the national and the state level. The campaigning for the national election in 1998, the loss of power and the severe scandal shattering the CDU in its aftermath were the background for the common efforts of the Conservative State Home Ministers to bring the issue on top of the agenda of the Conference of German Home Ministers that became successful in May 2000.⁴³ The unanimous decision of Conservative and Social Democratic Home Ministers to declare open street CCTV at "crime hot spots" an appropriate tool for law enforcement was a starting point for the amendment of police acts in several states such as Baden-Württemberg or Brandenburg.⁴⁴

In Berlin and Brandenburg the CDU was supported by an advocacy coalition of the surveillance industry, namely the Central Association of the German Electronic Industry ZVEI, local business and politicians promoting a "safe city"-image and finally officers of the criminal investigation branch of the police. Though the data suggest that the demands for open street CCTV entered public discourse top-down further research is needed to test this thesis. In particular the role of organised police interests seems worth closer analysis in order to answer the question if and how open street CCTV as technological innovation in law enforcement was adapted.

In Brandenburg the CDU was finally successful in amending the police act although only junior partner in a SPD-led government. In Berlin the SPD was able to obstruct such an amendment despite its less powerful position as junior partner in a "Big Coalition" with the CDU. Thus, it was the position of the SPD that was crucial as to whether open street

⁴² If and how the police forces make use of their new powers in face of limited resources is an empirical question.

⁴³ The debate on the future strategy to catch urban voters was revitalised in October 2002 after the defeat of the CDU in the national election that was most significant in major cities: hard-liners such as Roland Koch, Chief Minister of the State Hessen, or Jörg Schönbohm and their "zero tolerance"-positions are competing with liberal forces around party president Angela Merkel. (Weiland 2002)

⁴⁴ The issue was negotiated at request of Thomas Schäuble (CDU), Home Minister of the Southern state Baden-Württemberg, governed by a coalition of CDU and Liberal Party.

CCTV was implemented or not. Different political cultures, traditions and power relations within the state branches of the SPD might serve as an explanation for the contrary results.⁴⁵

The locations for open street CCTV that were discussed or chosen as well as the technical and organisational details of its implementation reflect how technology is shaped by the political and institutional context. In Berlin – though not implemented – only locations in the Western part of the city were proposed by the CDU (with the single exception of Alexanderplatz in the eastern part) this is where it has strongholds both in terms of party organisation and voters. In Brandenburg the locations were selected by a combination of police assessment and local interests, and with the exception of Potsdam only small towns were chosen. Thus, in contrast to Berlin where urban phenomena such as street and drug crimes were named as potential targets, the problem of right-wing youth violence served as legitimisation for the introduction of open street CCTV in Brandenburg. Moreover, the rather restrictive regulation and implementation of police surveillance in Brandenburg mirrors the political objections against the introduction of open street CCTV: Non-permanent recording, data protection by technology and the long-term evaluation are features that clearly distinguish the Brandenburg experience from examples in states dominated by the CDU such as Baden-Württemberg where recording is permanent and footage is stored for 48 hours.

How open street CCTV systems in Germany work within the different spatial, technical and organisational contexts needs detailed evaluation. It might be assumed at least that their effects both in terms of crime prevention and as an instrument of exclusion differ enormously.

Compared to the overall British experience open street CCTV in Germany is on the one hand legally much more regulated and spatially limited to “crime hot spots” but on the other more sophisticated: While only rather small public spaces are under surveillance and the storage of footage is limited the employment of digital technology is the rule, the operators are hardly confronted with informational overkill and they are closely integrated with police deployment. Thus, despite safeguards against violations of privacy and other forms of abuse the panoptical potential of German systems could be – at least for the small areas under surveillance – higher than that of a typical British CCTV system run by the local state. However, factors such as the personal motivation of the CCTV operators are decisive as well, and final judgements cannot be made.

⁴⁵ The power struggle between two leading MLAs of the SPD was a decisive factor behind the SPD’s option in favour of open street CCTV. (cf. Hempel and Töpfer 2003)

4 Video surveillance in major urban infrastructure

4.1 CCTV and the police forces

Although city politics limit the State Police's power to monitor public space to combat street crime, the police forces in Berlin are involved in video surveillance operations in many different ways and with various levels of participation:

The State Police own and run surveillance cameras for motorway traffic management. In a few cases it employs video surveillance for the protection of police buildings and high-ranking persons. In many other cases it supplies the staff who co-operate with those who operate their own surveillance systems, such as the local public transport authority, the waterway authority or embassies and other institutions considered to be a potential targets of assault. Besides this involvement in the use of permanently installed cameras the State Police are authorised to deploy mobile surveillance systems for the "videography" of political demonstrations and other crowd events if these are suspected to turn violent.

Federal police authorities, that are the Federal Border Police, the Federal Criminal Investigation Office and the Police of the Federal Parliament are authorised by law to deploy surveillance cameras for the protection of federal institutions or its (former) members. At least at federal institutions such as the offices of the President and the Chancellor, at key ministries and the Federal Parliament this is put into practice. In addition, the Federal Border Police that is obliged to protect the national transport infrastructure is involved in surveillance operations in close co-operation with the German Railway Company and the Berlin-Brandenburg Airport Company.

The non-existence of open street CCTV in Berlin does not mean that public areas are not under the gaze of surveillance cameras of the police or other public institutions. Both cameras for traffic management purposes and for the protection of buildings and other facilities monitor public streets and sidewalks since more than two decades. In 1984 the Senator for Home Affairs reported that 164 cameras monitor both motorways and public buildings in West-Berlin (Weichert 1988: 8). In East-Berlin cameras surveilled the traffic⁴⁶ at central Alexanderplatz – and mutatis mutandis the large demonstrations of the GDR's democratic movement – until 1990. To what extent the current surveillance activities are a police affair as well as their frequency and intensity will be discussed in the following chapters.

⁴⁶ "This was in the main traffic surveillance" said Friedrich Dickel, former Home Minister of the GDR in 1990. (interview clip sent in: *Kontraste*, TV-magazine of the ARD, 13. January 2000)

Traffic management and control

Video surveillance of motorway traffic is operated by the Traffic Regulation Centre (*Verkehrsregelungszentrale*) of the State Police.⁴⁷ The Traffic Regulation Centre is a branch of the Central Traffic Service (*Zentraler Verkehrsdienst*) that is responsible for traffic control and management, information and escort services for political guests, demonstrations and mass sport events.

The Traffic Regulation Centre employs 30 officers who in the main operate around 2.000 traffic lights throughout the city around the clock. In addition, it runs 90 fixed cameras – 85 of them surveilling nine highway tunnels and 5 others monitoring the highway junction Charlottenburg-Nord. The images are sequentially switched on 8 monitors in a fixed time interval and watched by one officer.⁴⁸ Their resolution neither allows the identification of number plates nor are the images recorded. The system aims to detect accidents or other events that could cause traffic congestion and demand a response in form of fire brigade or police patrol deployment. Thus, the system is reported to be in line with a EU-directive on tunnel safety that supports among other measures the operation of surveillance cameras.⁴⁹ In 1993 the former chief of the Traffic Regulation Centre reported that although he is increasingly confronted with demands for surveillance cameras at motorway junctions but he has neither the intention nor the budget to do so (quoted in: Rada 1993). Since 1993 only five more cameras have been installed.⁵⁰

The Central Traffic Service is supported by the Traffic Management Centre (*Verkehrsmanagementzentrale* - VMZ) – a joint venture of Daimler Chrysler and Siemens which collects data and disseminates information on traffic on behalf of the city administration.⁵¹ Via its website the VMZ showed in June 2002 images of 20 webcams surveilling 7 key traffic points in Berlin from the roof top of high-rise buildings.⁵² The images of the webcams – refreshed every 5 to 60 minutes – do not exceed the size of 640x480 pixels: faces or car number plates are not identifiable. According to the VMZ the camera network will be expanded.⁵³

⁴⁷ These as well as subsequent information about the structure and function of certain departments of the Berlin state police is drawn from the police webpages: <http://www.berlin.de/polizei/index.html>

⁴⁸ The Traffic Regulation Centre shall move to another building in the second half-year of 2002. Then the images will be switched to 32 monitors but the number of monitoring officers will not be increased.

⁴⁹ Telephone interview with the chief of the Traffic Regulation Centre, 11.6.2002

⁵⁰ As mentioned above but worth only a footnote is the fact the waterway authority employs video surveillance in co-operation with the water police, another branch of the state police. The system monitors waterways in the centre of Berlin where the massive rise in naval traffic lead to an increase in accidents of vessels. (Berliner Zeitung, 7.6.1997)

⁵¹ cf.: <http://www.vMZberlin.de>

⁵² Frankfurter Allee (2 cameras), Alt-Friedrichsfelde (1), Karl-Liebknecht-Straße (2), Potsdamer Platz (10), Ernst-Reuter-Platz (3), Nikolaus-Groß-Weg (1), Wittestraße (1).

⁵³ Email by VMZ Office, 12.4.2002

In addition, the Central Traffic Service and the traffic services of the seven local police headquarters operate surveillance cameras for red light enforcement and speed control (*Starenkästen*, *Blitzer* or *Radarfallen*). According to police sources 13 fixed cameras control red light violations at main junctions.⁵⁴ Moreover, 131 mobile speed control devices are deployed. Different technologies such as light barriers, radar, laser or video image processing are in operation to detect speed violations. But it is not clear how many of these devices catch image data as evidence.

Given these facts and the length of more than 5,300 kilometre of roads and highways we conclude that video surveillance of motorists is neither very frequent nor very intense in Berlin. Whether this is also true for pedestrians and customers of public transport will be discussed below.

Excursus: "Videography" of demonstrations

According to §12a and §19a of the German Assembly Law (*Versammlungsgesetz*) the police are allowed to make video and audio tapes of demonstrations if they have reason to believe that there is a danger to public safety and order. These tapes are made by so called evidence-securing-troops (*Beweissicherungstrupps*) who are under their own command at the demonstration. They are co-ordinated by the arm of the police that is responsible for public safety and order (*Schutzpolizei*). If a leader of an evidence-securing-troop believes that there is a danger to public safety and order, for example because there were actual squirmishes with the police or the display of symbols forbidden under the German constitution, e.g. a swastika, they can make tapes to be used later as evidence.

In general a demonstration does not need to be allowed by the government or a judge. Most demonstrations are only registered (or if there is not enough time then they are not registered – so called spontaneous demonstrations: *Spontandemonstration*). A judge comes into play only when the police give regulations (e.g. about place, use of technical equipment or date), that the organisers of the demonstration do not want to (or can not) accept. In this case, the police have to apply to the Administrative Court (*Verwaltungsgericht*). The court can give new or other regulations in order to make the demonstration possible at all, with as little regulation as possible. To place as few restrictions as possible on the demonstration should – by law – always be the aim of everyone working on those subjects, because the right to demonstrate (*Demonstrationsrecht*) is a fundamental right with very high importance in Germany protected by the constitution.

⁵⁴ cf.: <http://www.berlin.de/polizei/Verkehrsinfos/startseite.html>.

In contrast, the website <http://www.radarfalle.de> reported 23 permanently installed cameras in June 2002.

In some situations the judge who allows the demonstration will place limits on how many placards can be shown or what sort of placards. At the 1 May 1998 demonstration in the city state of Bremen, the evidence-securing-troops started taping once they saw a demonstrator with a banned PKK (Kurdish Workers Party) flag. They taped for five minutes and then arrested the man later on. (Walz 1998: 48). Most often the forbidden symbols are symbols connected to the National Socialist regime such as swastikas, SS Runes and flags. These are often carried by right wing demonstrators and the police will tape these rallies, especially those connected with the German National Party (*Nationale Partei Deutschlands* – NPD) in order to secure evidence to show who in fact was carrying or wearing the forbidden symbols

However, these tapes must be destroyed immediately after the demonstration if the police do not need to use them for an investigation or if persons who were monitored are suspected to commit crimes in the future. In the latter case the police can hold the tapes for a maximum of three years. Though now details of the storage practice of the Berlin State Police are known, for Bremen the State Privacy Commissioner reported in his 1998 annual report that the archive was in very bad condition with many photographs of demonstrators who were not doing anything illegal and collections of video tapes which could not be justified. After his visit the police set about reordering the archive and reported that over 90% of the material had been destroyed. (Walz 1998: 49-52)

The police are also allowed to tape the arrival, assembly and dispersion of demonstrators as long as the demonstration is suspected to lead to disturbances to public order and safety. This means that the police are not restricted to just taping the demonstration's assigned route, but can also tape parking lots, train station entrances etc. to capture the arrival and departure of demonstrators. This has the effect of giving the police information on car license plates which then could be used to establish the identity of the demonstrators.

According to the Assembly Law the police are not allowed to videotape peaceful demonstrations but this is reported to happen on a regular basis. (see Weichert 1988: 11-17). The police are supposed to avoid taping peaceful demonstrators as far as is possible. However, there is a clause in the law which says that it is acceptable for the police to tape peaceful demonstrators when they cannot be avoided by the taping of a potentially unpeaceful demonstrator. Obviously this clause gives the police a lot of room to manoeuvre and taping is not infrequent at large peaceful demonstrations.

Another issue is presented by the cameras in police helicopters or from police on the tops of building which provide an overview of a demonstration. The problematic nature of such surveillance operations was noted in 1985 by the German Constitutional Court in its Brokdorf decision. The court referred to the technical potential to create video images not just of the movement of the crowd but of individual actors and the lack of knowledge about the degree of resolution. However, the status of such "overview"

taping is still unclear. (see Unabhängiges Landeszentrum für Datenschutz Schleswig-Holstein: FAQ).

Police routinely use the video documentation they have of videos to create video stills of individuals they want to arrest. For example after the May 1 demonstrations in Berlin the police president's office released a poster of video stills of demonstrators accused of disrupting public order and safety or crimes against property or assaulting police officers. These posters were hung in government buildings and police stations.⁵⁵

Similar problems arise for the videography of unpolitical crowd events such as football matches or commercial mass events that is regulated by §24 of the Berlin Police Act ASOG. If such events are considered to be criminogenic the police are authorised to make overt video and audio tapes. The collected personal data have to be destroyed after two months if not needed for further criminal procedure or if the relevant data subject is considered to commit a severe crime in the future. For the latter cases no rules on storage periods exist.

4.2 Surveillance between private bodies and the police forces

Facilities protection

Many companies and institutions in Berlin deploy surveillance cameras for the protection of their buildings and other facilities. Usually these cameras aim to control access or to prevent and detect acts of burglary, graffiti or vandalism. Most of these cameras monitor entrances and storefronts, but many of them also target parts of sidewalks and streets. For instance, in the southern central district – roughly a square kilometre – more than 60 cameras monitoring public space were counted.⁵⁶ Who is engaged in such activities and what is – if there is one – the legal basis for surveillance?

In general, the owners of buildings or other facilities are responsible for the protection of their property themselves. Thus, the overwhelming majority of surveillance cameras deployed for the protection of facilities are owned and operated by **private companies, non-police public institutions or a private security company** in charge of this task.⁵⁷ §6b of the Federal Data Protection Act (for federal institutions – except federal police forces – and private actors) and §31b of the Berlin Data Protection Act (for state institutions)⁵⁸

⁵⁵ In 2001 and again in 2002 these video still were also published online (for 2002 see: <http://www.berlin.de/polizei/Presse/1maizeugenaufwurf.html>, accessed 2 November 2002) despite criticism by the State Privacy Commissioner and the State Parliament (see Krempel 2002).

⁵⁶ cf.: the camera mapping project <http://www.cctv-berlin.org/>

⁵⁷ Eick (1998a) reports that 330 private security companies with around 15.000 employees compete in the Berlin security market.

⁵⁸ An answer of the State Government to a parliamentary request in the Berlin Legislative Assembly by an Socialist MLA listed only 12 public buildings where surveillance cameras are in operation for access

regulate video surveillance of "publicly accessible space". Given these provisions there is no question that most actors are entitled to monitor their rooms inside, passages or courtyards – although data protection rules are often violated because notification of surveillance to the public is missing.

A more subtle case is the deployment of surveillance cameras at the outer walls of buildings in order to prevent or detect damage to property or uncontrolled access. Depending on the focus and the angle of view of such cameras, they might also target public areas. As mentioned above the presence of such cameras is not unusual.

That they operate without clear regulation yet is illustrated by a case that was taken to law recently: A large retailer, the *Kulturkaufhaus* of the Dussmann-Group at the central Friedrichstraße (see below for the urban context), has installed fixed and dome cameras with the potential to monitor public areas in its vicinity. A journalist supported by a German civil liberties organisation asked for an injunction in November 2002 (Schulzki-Haddouti 2002). Alarmed by media reports the State Data Protection Authority inspected the system and reported that the video surveillance in general was illegal because signage was missing. Moreover, the surveillance of public space was declared illegal as the interests of affected citizens to protect their right to informational self-determination outweigh the right of the retailer to protect its private property in the well protected environment of the central district (Berliner Beauftragter für Datenschutz und Informationsfreiheit 2002: 145-46). As a consequence the retailer installed signs and limited the field of camera vision.

However, the power of the State Data Protection Authority is limited, and the fate of the journalist's demand for the dismantling of the external cameras is yet to be decided by the court. Even if the court will eventually ban the retailer's external cameras this will be an individual decision. It may provide orientation in other cases but will not serve as paradigm. Other rules could be applied for external cameras in other environments than the well protected city centre.

Some institutions operate video surveillance also to prevent more serious assaults. The Federal and State Criminal Investigation Offices (*Bundeskriminalamt* – BKA and *Landeskriminalamt* – LKA) regularly elaborate risk assessments that serve as a basis for the denomination of certain institutions or persons as "endangered". These are, for instance, key institutions of the national government, embassies, institutions of the Jewish community, large investors or (former) high-ranking politicians. The protection of such "endangered objects" and persons is maintained or supported by a number of different police organisations and security services:

Despite the amendment of the Berlin Police and Public Order Act (ASOG) that authorises the **Berlin State Police** to operate video surveillance at "endangered objects" and adjacent public areas (see above) the police have not deployed any cameras at such facilities so far. Currently the State Police only deploys cameras at its own buildings – but these are meant for enforcement of house rules and thus regulated by the State Data Protection Act.

Usually it is the Central Facility Protection (*Zentraler Objektschutz* – ZOS) of the State Police that is responsible for the protection of "endangered objects". According to representatives of the ZOS it fulfils its task mainly by the deployment of guardsmen. Thus, the staff of the ZOS is involved in surveillance operations only as deployment force via its communication links to the facility owners.⁵⁹

In addition, the ZOS supports owners of facilities in co-operation with the crime prevention unit of the State Criminal Investigation Office (LKA 14) by consulting services. The advice to install surveillance cameras is a common affair if considered to be appropriate. If the security of "endangered" persons or assets is considered to be "in the public interest" the State Police might approve the installation of a silent alarm system directly connected to the police. The technical and operational details of such systems which might include the transmission of video images are regulated by an administrative directive in force since October 2000.⁶⁰ If video surveillance is part of such a silent alarm system the administrative directive demands access of the local police department (*Polizeidienststelle*) to images caught on camera. Given the consent of the system's owner, the police might even telecontrol the CCTV system.⁶¹

Thus, theoretically the police could access and even control a number of private CCTV systems if their owners agree. To what extent owners of "endangered" facilities or the State Police are interested in this form of co-operation or how far the technical infrastructure is in place is not known to the authors. Though it was unlikely that private cameras were accessed by the police to monitor public areas adjacent to "endangered objects" until 2002, the legal basis has changed with the amendment of the Police and Public Order Act.

Moreover, according to the **police-private partnership** signed by the State Police and AKUS, the association of 200 private security companies in Berlin-Brandenburg, in March 2002 the latter explained their readiness to deliver security-relevant information in the context of facility protection towards the police (see: Senatsverwaltung für Inneres

⁵⁹ Telephone interview with chief of the ZOS, 26.6.2002 and interview with a deputy officer, 10.7.2002.

⁶⁰ Richtlinie für Überfall- und Einbruchmeldeanlagen mit Anschluss an die Polizei (ÜEA), <http://www.berlin.de/polizei/Vorbeugung/richtlinie.html>, download: 22.7.2002

⁶¹ Details on image transmission and control are regulated in annex 6 of the directive.

2002a). Yet it is unclear if and how video images are exchanged within this partnership, in particular in face of the rigid data protection rules.

A particular case is the protection of key institutions of the federal government in Berlin. These institutions might call for protection by the **Federal Border Police** that have special powers regarding video surveillance. §27 of the Federal Border Police Act authorises this police force to deploy automatic surveillance cameras at federal government institutions.⁶² The deployment of these cameras needs to be overt and recorded images shall be deleted immediately if not needed for actual preventive measures or criminal procedure. In line with these provisions, the Federal Border Police maintains surveillance systems at core institutions of the Federal Government, i.e. the offices of the President and the Chancellor, the Ministries of Foreign Affairs, Home Affairs and Justice.

Other ministries also deploy surveillance cameras – but these are operated by gatekeepers⁶³ not by the Federal Border Police.⁶⁴ Thus, they fall under the rules of the Federal Data Protection Act.

According to the Ministry of Home Affairs in 2001 1,477 surveillance cameras were in operation at 55 buildings of the Federal Government in five cities – the majority of them in Berlin.⁶⁵ The ministry insisted that these cameras only aim to control access even if targeting publicly accessible space. It reported that recording of images is only triggered by an alarm. Recorded images are only stored for criminal procedure – otherwise they are deleted. (Deutscher Bundestag 2001).

On the basis of article 40, section 2 of the constitution the **Federal Parliament maintains a separate police force** (*Polizei beim Deutschen Bundestag*). This police aim to protect the functioning of parliamentary sessions among others by "surveillance measures of areas accessible for the public [...] and reconnaissance in the surroundings of immovables of the parliament"⁶⁶ According to a speaker, the Parliamentary Police monitors the storefronts of the parliament and other neighbouring office buildings by surveillance cameras to protect the premises. This CCTV network is an isolated system without any link to any other police forces.⁶⁷

The **Federal Office of Criminal Investigation** (*Bundeskriminalamt* – BKA) – responsible for the personal security of members of key institutions of the Federal State – might

⁶² In addition, §27 BGSg empowers the Federal Border Police to deploy such cameras at airports, train stations, borders and its own facilities. Public events and crowds in and around this list of facilities might be monitored in accordance with §26 BGSg.

⁶³ In case of the Ministry of Defence they are operated by the Military Police (*Feldjäger*).

⁶⁴ Information by representatives of the ZOS of the Berlin state police.

⁶⁵ The figures for Berlin were unfortunately not listed separate

⁶⁶ *Polizei beim Deutschen Bundestag*, <http://www.bundestag.de/verwalt/polizei/index.html>, download: 9.7.2002

⁶⁷ Telephonic answer to an email request, 23.7.2002.

deploy surveillance cameras in accordance with §22 and §23 of the Federal Office of Criminal Investigation Act (*BKA-Gesetz*). A case of permanent video surveillance by the BKA in Berlin was reported for the residence of a former President.

In addition, a Joint Control Centre (*Gemeinsame Leitstelle*) of **State Police and Federal Border Police** was inaugurated in March 2002. 14 officers each of both police forces (and under certain circumstances additional officers of the Federal Criminal Investigation Office) collect, assess and distribute information with the help of a modern computer network worth one million Euro (Bundesministerium des Innern 2002). It shall co-ordinate the operations of police forces in the government district that covers an area of 10 sqkm. Press reports noted large screens showing images of surveillance cameras (*Berliner Zeitung*, 15.3.2002, p.22) If these images are transmitted from mobile "videographers" of the police or from cameras initially installed for facility protection remains unclear.

Airports

Three international airports exist in and around Berlin with an annual passenger volume of 12 million: Schönefeld, Tegel and Tempelhof. These are run by the state-owned Berlin-Brandenburg Airport Holding (*Berlin Brandenburg Flughafen Holding GmbH* - BBF) which is likely to be privatised within the next years. Moreover, it shall be built the airport *Berlin Brandenburg International* within the next decade at Schönefeld. It is expected to become a major hub and shall then substitute the operation of Tegel and Tempelhof.

The origins of video surveillance at the Berlin airports can be traced back to the Cold War. Since the 1970s or 1980s the allied forces operated CCTV systems at least in Tegel (French Air Force), Tempelhof (US Air Force) and Schönefeld (Soviet Air Force).⁶⁸ In Tegel – the then only site of civil aviation in West-Berlin – the French Air Force co-operated with the civil authorities and allowed access to parts of system.

With the political unification of the two German states in 1990 the airports came under the control of the Federal Republic of Germany and thus under regulation of the German Aviation Law. Following §19b of this law it is the company in charge of the airport, i.e. the BBF in Berlin, that is responsible for "security of the operation of the airport" in general and "the restriction of unauthorised access to non-public spaces" in particular. Given this provisions the BBF modernised the CCTV systems at the airports and is continuously updating the systems – which happens according to the security manager every three or four years.⁶⁹

⁶⁸ It is likely that the British Royal Air Force did so as well at its airport in Berlin-Gatow. But since it has never been used for civil aviation no information was available about this matter.

⁶⁹ This chapter is based mainly on an interview with the BBF chief security manager and two security co-ordinators, 4 September 2002, and in an additional visit on 14 October 2002 which included a guided tour at Tegel airport.

With not more than 75 fixed and 5 sophisticated PTZ-cameras per airport, CCTV coverage does by far not reach the extent of major hubs such as Frankfurt-Main where around 2,000 cameras monitor the scene (for Frankfurt see Gössner 2001: 26). Besides the different sizes of the airports the differences might be explained by the fact that consumption-oriented non-aviation plays a minor role at Berlin airports compared to Frankfurt-Main, Amsterdam and others.

At least in Tegel the images of the CCTV system can be monitored in four different control rooms: the security centre, the traffic centre, the airport inspectorate of the Federal Border Police and a command centre of the State Police. According to their tasks each of these institutional actors usually focuses on different cameras. However, in accordance with a set of procedural rules relevant images might be switched from one control room to another. Despite these different fields of surveillance activities the main objectives of the CCTV systems at Berlin airports are perimeter security and access control rather than public safety in the visitor's area.⁷⁰ A first step towards the automatisisation of the main task to control staff access to non-public areas was made by the introduction of a facial recognition system. Since November 2002 Tegel is the first German airport to test the ZN-Face system developed by the German company ZN Vision Technologies at selected access points.⁷¹

The CCTV systems are closely integrated with modern information and communication systems and a smart card based access control systems. These are controlled by BBF security centres at each airport that are permanently in contact with the police forces, customs authorities and the BBF security patrols on site. Given the variety of tasks, the two security co-ordinators in these centres are not supposed to watch the eight to ten monitors constantly. Thus, many routines are automated by additional sensors that switch images on monitors in case of perimeter fencing violations or other incidents. But the BBF security centres do not record video images permanently due to privacy regulations. Footage is only taken in case of suspicious events.

Only the Federal Border Police is entitled to record images on a permanent basis (§27 BGSg) in order to fulfil its task to protect civil aviation against assaults (§4 BGSg). The Federal Border Police as well as the State Police and the Custom Authority co-operate with the BBF on a regular basis but within each institution's competence. Thus, the BBF security manager summarised that his staff "does not monitor people but access points" while people are monitored by the police. Under certain circumstances, such as state

⁷⁰ This is supported by other sources: In 1999, the German motorist association ADAC tested 20 European airports. The testers complained insufficient coverage by surveillance cameras of public accessible areas in the airport building (*Tagesspiegel*, 29.10.1999). The local SPD-speaker for home affairs reported in a newspaper interview that the airport company combats crime against passengers and visitors by information and education rather than video surveillance (Fischer/Gewalt 2000).

⁷¹ See also: Berliner Flughäfen setzen auf Biometrie, http://www.zn-ag.com/news/2002/de_ntz_2002_11.pdf (accessed: 15 December 2002).

visits of high ranking politicians, representatives of the military secret service (*Militärischer Abschirmdienst*) and the domestic secret service (*Bundesamt für Verfassungsschutz*) might be involved in protective surveillance operations.

Train Stations

In the mid-1990s the German Railway Company (*Deutsche Bahn AG*) developed its so called "3-S-Program". The three "S" are the shortcuts for the three columns of the program: *Service, Sicherheit, Sauberkeit* (service, safety, cleanliness). An important instrument of this program is the use of video surveillance.

The development of this program took place in the context of the large restructuring process of the German railway services. After Germany's re-unification, the former separate railway services, the eastern *Reichsbahn* and the western *Bundesbahn* merged in 1991. Finally, this state-owned company was converted into a stock corporation in 1994 – the *Deutsche Bahn AG*. Although the majority of shares are still possessed by the federal state this privatisation had serious consequences for the strategy of the company. Exposed to free competition with all other transport systems cost-efficiency and maximisation of profits became the dominant logic that resulted in operational restructuring, outsourcing and last but not least new marketing strategies.

Modernisation and recreation of the old and negative image of the railway became a top priority. Therefore strategists and planners picked up on discourses about "urbanity" of the 1980s and started to discuss possibilities of the revitalisation of inner city areas: The idea of a "renaissance of railway stations" was born. This idea claims to revive the culture of old 19th century stations that was lost after World War II to a suspect "station milieu" dominated by prostitution and drug markets. Thus, a massive program started in order to modernise German stations.

More than a half of all 5,800 stations in Germany including parts of the urban environment are being modernised under mottoes such as "the trademark station" or "station of the future". Most of these stations are being not only reconstructed but becoming functionally reshaped, too: Being still places of transit they are becoming more and more places of sojourn and consumption and are being face-lifted as huge shopping malls. As visiting cards of the city even local politicians expect the stations to gain a new urban function and revive declining inner city areas. Therefore Eick labels the new generation of stations the "nucleus of the safe city of the 21st century" (Eick 1998b).

The 3-S-Program and its tool CCTV became an important instrument to improve and maintain a new image of railway stations since its inception in 1996. Operational processes within train stations – and occasionally also at tracks – are steered and optimised with the help of so called "3-S-Centres".

These 3-S-Centres are the central hubs for the collection and distribution of information about the state of service facilities (platform trucks, baggage cars, emergency points

etc.), safety issues (train clearance, crime and nuisance behaviour) and the state of cleanliness (toilets, rubbish bins). A 3-S-Centre is operated by staff of the Railway Protection and Service Ltd. (*Bahn Schutz und Service GmbH*) – a subsidiary of the German Railway Company. The operators communicate with customers and service staff such as station clerks, sweepers or patrol guards on the floor. Thus, the operators use surveillance cameras both reactively to respond to information from the floor and proactively to detect problems of any kind and communicate them to the floor.

The realisation and operation of the program costs approximately 16 million Euro per year. In 2001 500 employees worked in 64 3-S-Centres, another 1,000 worked for the Railway Protection and Service Ltd. as patrol guards on the floor, 2,100 in the service team plus another 3,000 employees in the cleaning sector.⁷² However, in 2002 only 23 of the overall 64 3-S-Centres were fully equipped with CCTV, communication and management systems – though these figure were reported to increase in the following years.

Technically a 3-S-Centre is an independent communication- and information platform which is based on a computer-supported management-system in order to visualise, steer and document processes. Its CCTV equipment includes monitors with multiple picture display, video-printers, and analogue and digital recording devices. The cameras in use are mostly fixed cameras on platforms and dome cameras in the halls and station buildings. Moreover, it employs a multifunctional digital communication system with telephone and radio-links, an emergency- and information system and loud speaker devices.

Because of the data protection principle to store as less personal data as possible the German Railway Company abstained from permanent recording of footage until 2003. This practice has changed as an reaction to the planned bomb attack that failed in June at the central station of the city of Dresden. The non-existence of footage despite the existence of surveillance cameras caused a public outcry. Otto Schily, Minister of Home Affairs, announced the "intensification" of video surveillance at German stations (Spiegel Online, 13.6.2003) and a speaker of the parliamentary party of the Christian Democrats demanded permanent recording of video images (CDU/CSU press release, 13.6.2003). In September the German Railway Company reported that it will start in October 2003 to record footage on a permanent basis and store the data for 24 hours (Sächsische Zeitung, 11.9.2003).

In addition, in those 23 fully equipped 3-S-Centres the Federal Border Police has a separate control room which is used irregularly by officers for surveillance activities and as minor command centre for police operations in the station such as raids against

⁷² Most information for this chapter was collected in an interview with the co-ordinator of the 3-S-program, Frankfurt/Main (1.7.2002), and from different public handouts and brochures of the German Railway Company.

pickpockets or the escorting of football fans. The Federal Border Police has replaced the former Railway Police as – after the fall of the Iron Curtain – new tasks had to be found for this federal police force. As in the case of buildings of the Federal Government or airports the legal basis for such operations is §27 of the Federal Border Police Act (BGSG). Moreover, other police officers might visit this control room in a 3-S-Centre in order to use it as a command and control room for instance for operations of criminal investigation departments. (Goldenstein 2003)

The biggest fully equipped 3-S-Centre is located in the main station in Frankfurt/Main. 150 cameras are monitoring up to 250,000 people who pass the different levels of the station daily. In addition the station of the city Offenbach, the Airport Station, the Station Galluswarte, and further 35 emergency telephones from other stations are connected with the 3-S-Centre. (Nixdorf 2002)

In Berlin three 3-S-Centres are located at the stations Berlin-Zoo, Berlin-Lichtenberg and Berlin-Ostbahnhof. All of them are again connected with further smaller stations or stops. However, the only "3-S-Centre" fully equipped with CCTV and communication and management systems is located in the station Berlin-Ostbahnhof that is monitored by 82 surveillance cameras – some of them at the entrance area. The deployment of CCTV is notified by signs to visitors of the station. Usually a staff of two or three persons operates the fortress-like⁷³ 3-S-Centre with 32 monitors showing images from the platforms, the luggage lockers, the main hall and the entrance area.⁷⁴ However, the operators reported that they watch the screens only irregularly contingent upon the time of day and other tasks they have to fulfil.

Surveillance cameras at other Berlin stations are either platform cameras that are monitored both at the platform itself and an operation centre in Pankow, or cameras in the main hall that are either operated from one of the 16 mobile 3-S-Centres that exist in Germany⁷⁵ or that are integrated with the system of the station Ostbahnhof⁷⁶ where their images are monitored.

Moreover, it is very likely that a further 3-S-Centre will be established at the new central station of Berlin, the Lehrter Bahnhof, which is supposed to be completed in 2006.

⁷³ For entering the Centre visitors have to pass a lock with a biometric access control system. These and all other information were collected at a visit and guided tour, 18 September 2002.

⁷⁴ Meanwhile CCTV systems from two other stations are watched in the 3-S-Centre at the station Ostbahnhof (information from the DB press office, 24.9.2003).

⁷⁵ The mobile 3-S-Centres are located in busses or special trucks. They are used for a flexible and temporally limited use at stations, car parks or in cases of crowd events such as the Berlin "Love Parade" or football matches that attract thousands of visitors who come by train. Moreover, these mobile centres are deployed at new and high speed lines, in cases of dangerous transports such as nuclear-waste containers or at serious train accidents. (Goldenstein 2003)

⁷⁶ CCTV cameras at the stations Friedrichstraße and Alexanderplatz are integrated with the system at Ostbahnhof since summer 2003. Information according to the DB press office, 24.9.2003.

Assumable the 3-S-Zentrale will surpass the size of the one in Frankfurt as the station will be connected to the Government area of Berlin.

Within the German public the 3-S-Program has been assessed very differently. Indeed the German Railway Company defends its concept and celebrates it as a success. Talking about the centre at Frankfurt/Main press-speaker Gerd Felser said: "As we had started, we had to spent 97 percent of our efforts for safety and security issues and three percent for the cleanliness. Today the relation is vice versa." (quoted in: Nixdorf 2002) As a management system for steering processes within stations it might be expected that the concept will become a pattern for other countries. In a test of 23 railway stations across Europe conducted by the German Motorists Association ADAC the German stations were top-rated, among others because of the 3-S-Program.⁷⁷

But the concept has also been criticised sharply. In 2000 the chairman of the German Railway Company, Hartmut Mehdorn, received the so called "Big Brother Award". The jury explained its decision as follows: First of all CCTV is seen as threat to privacy introduced "through the backdoor of the democracy". Second, without to think about alternatives, unwanted people are simply removed and "social toughness is answered with even more toughness". Thirdly, daily commuters and other passengers are not able to see through the different observation measures of private and public policing.⁷⁸

All these aspects can be found in the public and expert discussion about the 3-S-Program. In particular the lamented "social toughness" of the 3-S-program is seen as part of an ongoing process of social exclusion. Not only drug addicts or dealers are displaced but also beggars, homeless people and other urban poor reports Eick (1998b). Another point of concern has been the blurring of competencies of the private security service and the Federal Border Police. In 1995/96 – when the 3-S-Program was designed – the Federal Data Protector Commissioner recommended the "strict separation" of surveillance activities and demanded separate control rooms, the exclusive access to images by Federal Border Police officers in case of police surveillance and separated storage of footage.⁷⁹ In 1999 the Berlin Data Protection Commissioner visited the 3-S-system at the station Ostbahnhof and confirmed that the private-police operation of the CCTV system is in line with these recommendations. Moreover, he confirmed that the agreement on the protection of employees against remote control is adhered to. But he complaint insufficient public notification.⁸⁰ Meanwhile the German Railway Company has modified

⁷⁷ <http://www.adac.de//Tests/Reisetests/Bahnhoeft>, accessed: 10.9.2003

⁷⁸ Big Brother Awards 2000: <http://www.bigbrotherawards.de/2000/.gov/>, accessed: 21 October 2002

⁷⁹ Excerpt from the Annual Report of the Federal Data Protection Commissioner 1995/96: <http://www.datenschutz-berlin.de/jahresbe/99/doc/148.htm>, accessed: 21 October 2002

⁸⁰ Report of the Berlin Data Protection Commissioner 1999: http://www.datenschutz-berlin.de/jahresbe/99/jb99-4_6.htm, accessed: 21 October 2002

its signs notifying the public of CCTV surveillance to meet the demands of the Data Protection Act.

However, data protection rules do not prevent the oral exchange of information via the various communication links between the private security service of the German Railway Company and the Federal Border Police. Moreover, in December 2000 the Federal Home Ministry and the German Railway Company have formalised the hybrid policing in German railway stations by signing a so-called "partnership for order" (*Ordnungspartnerschaft*) which has again caused protests.⁸¹

Public transport: underground, urban railways and busses

Public urban transport in Berlin is provided by the Berlin Transport Corporation (*Berliner Verkehrsbetriebe* – BVG) and the *S-Bahn GmbH*.⁸² The BVG (*Berliner Verkehrsbetriebe*) is responsible for busses, trams and the underground while the S-Bahn – a subsidiary of the German Railway Company – is responsible for urban railways. Approximately 1.3 million people use public transport in Berlin everyday.

As of July 2002 the BVG deployed overall 765 cameras in the publicly accessible space of its 170 stations plus an unknown number of cameras in the non-public areas to deter vandalism and graffiti sprayers. The transport corporation started using video cameras in 1981 to assist in automatic train use. As of May 2002 there are now 201 cameras assisting train drivers throughout the BVG underground system and its 170 stations. These cameras replace mirrors for the train driver so that he or she can monitor the entire length of the train.

In 1996 the BVG introduced the Emergency and Information System NIS (*Notruf und Information System*). This includes 510 cameras trained on the emergency or information points which are now on every train platform. In addition 54 surveillance cameras monitor areas of stations that are considered to deserve "special attention" as the BVG press office reported. All these cameras are fixed cameras. They are on 24 hours a day but the images are not recorded permanently.

The order of observation is both decentralised and centralised: The images of cameras for train driver assistance are only monitored by either the train drivers or occasionally by staff on the respective platform. The use of cameras at the S-Bahn follows a similar pattern – images are only displayed at each station's office.⁸³ At the BVG images of the

⁸¹ see for example the press release of the Federal Working Group of Critical Policemen: http://www.is-kassel.de/safercity/2001/pe_2001-05-04.html, accessed: 21 October 2002

⁸² The following summary is comprised from information gleaned from the BVG and S-Bahn websites, press releases from the BVG, a questionnaire completed by the press office of the BVG and a telephone interview with the security manager of the S-Bahn in July 2002.

⁸³ With the exception of a pilot project on two stations where surveillance cameras are deployed for public safety and the images are monitored centrally at a Safety Headquarter.

other cameras are both monitored at one of the four Service and Information Centres and at the Safety Headquarter. At each of the 23 working places of the Service and Information Centres images from a maximum of two cameras are displayed. Usually the images switch every 15 seconds – a routine that can only be stopped by the staff for a duration of three minutes in case of any special event. But in the case of an emergency call images from the respective emergency and information points are displayed and automatically recorded. There is a 30 second buffer so that if the emergency button is pushed the 30 seconds before the button was pushed and then the length of the call to the emergency centre is captured onto a hard drive at the security headquarters of the BVG. This information from the hard drive is then copied onto magnetic tape between shifts and then is deleted after four weeks. In case of information calls images are not recorded. In addition, images from the Emergency and Information System are displayed in the control room of the Safety Headquarter, too.

In 1999 the BVG started a pilot project using video cameras against vandalism. The project was modelled on the claimed successful experience of the Hamburg authorities with the Hamburger Hochbahn. A similar pilot project in Potsdam was dropped because of the high labour costs of reviewing the tapes but the BVG did not make reference to this.

The use of cameras against vandalism can be divided into two areas: cameras in transit vehicles and cameras in transit yards which monitor parked trains and busses. The cameras in transit vehicles attracted some attention from users and privacy experts concerned that the cameras actually taped proceedings rather than just serving as “another pair of eyes” for the driver. It was decided to have a system where the system tapes continuously and is erased after 24 hours if the driver does not push a button during the taping to record an incident. In the case of an incident which the driver wants to tape, the surveillance system saves an hour before the incident and an hour after. The rest of the tape is over written.

Video cameras were installed in a few busses, trams and U-Bahn cars. In 2001 there was a larger pilot project with the aim of a field test of 100 U-Bahn cars, 50 busses and 30 trams. The cameras and other equipment in each tram/bus cost approximately 13,000 Euro. The tapes installed in buses and trams are also recorded on a 24 hour basis. Tram drivers have commented that they cannot look at the video monitors and drive simultaneously – making the use of the record on incident feature irrelevant (or a threat to public safety).

The S-Bahn also had cameras in some trains but the field test was discontinued because of the time required to maintain the system.

The second use of cameras against vandalism is in the various transit yards where trains are repaired or stored. In order to combat graffiti sprayers the BVG set up infra red

cameras outfitted with motion detectors. These camera images are sent to the security centre that can then send out teams of guards to intercept sprayers.

The BVG, the S-Bahn and the German Railway Company (DB) have a co-ordinated policy for guards on their property. In stations which are solely S-Bahn stations then the S-Bahn guards are on patrol. In shared S-Bahn and DB stations then the 3-S-teams are in force (see chapter on CCTV in railway stations in this report). In the shared BVG and S-Bahn stations there is an agreement to allow the others security personnel to patrol the stations. In addition officers of the state police (in the underground) and Federal Border Police (in the S-Bahn) are underway in the transport system – often in joint patrols with their colleagues of the private security services of the transport corporations.

The BVG in their press statements claim that the goals of the system are: First, to be able to better prosecute criminals. Second, to reduce vandalism by making potential vandals aware that they will be caught at least on tape. Third, increase the subjective feeling of security in other passengers. This last point is especially interesting because it does not actually claim to improve passenger safety but the feeling people have of being secure. Some press accounts of the installation of cameras in Berlin trams have pointed to opposite effects where people have felt less secure since they see the cameras as either a) an infringement of their right to privacy or b) a confirmation of the neighbourhood as a “trouble area”. A representative of the BVG even mentioned at a workshop in Stuttgart that the pilot project with CCTV in underground vehicles showed that those under surveillance were less frequented.

5 CCTV at the boulevard Friedrichstraße and in selected institutions

In order to study the extent and characteristics of CCTV in public accessible premises and institutions a door-to-door-survey was carried out at the micro-level during the summer months of 2002.⁸⁴ To collect data comparable to those of the other local teams of the international URBANEYE consortium the survey area to be chosen was an around 1.5 km long section of a high street in a central multi-functional district. Moreover, the selection of 31 premises or institutions either located in this high street or – if not existent – in its vicinity should provide information for an international comparison of the extent and characteristics of CCTV in different institutional settings.⁸⁵ We decided to survey the northern third of the Friedrichstraße in the central district Mitte. This part stretches 1,100 metre between the main boulevard Unter den Linden in the south and the northern end at the intersection called Oranienburger Tor.

5.1 Why Friedrichstraße?

There are two boulevards in Berlin praised in literature, movies and songs: the Kurfürstendamm in the western part of the city and the Friedrichstraße in the historical centre. During the 'golden' 1920s both streets were famous for their restaurants, bars, cafés, theatres, cabarets and cinemas. They were devastated in the last years of World War II and rebuilt from the 1950s to the 1980s. However, it is the Friedrichstraße that was divided into a "western" part in the south and an "eastern" part in the north. Since the end of the Cold War both streets are in transformation again. But after 1989 it was in particular the Friedrichstraße that was – because of its location – pushed into the emerging centre of 'New Berlin'.

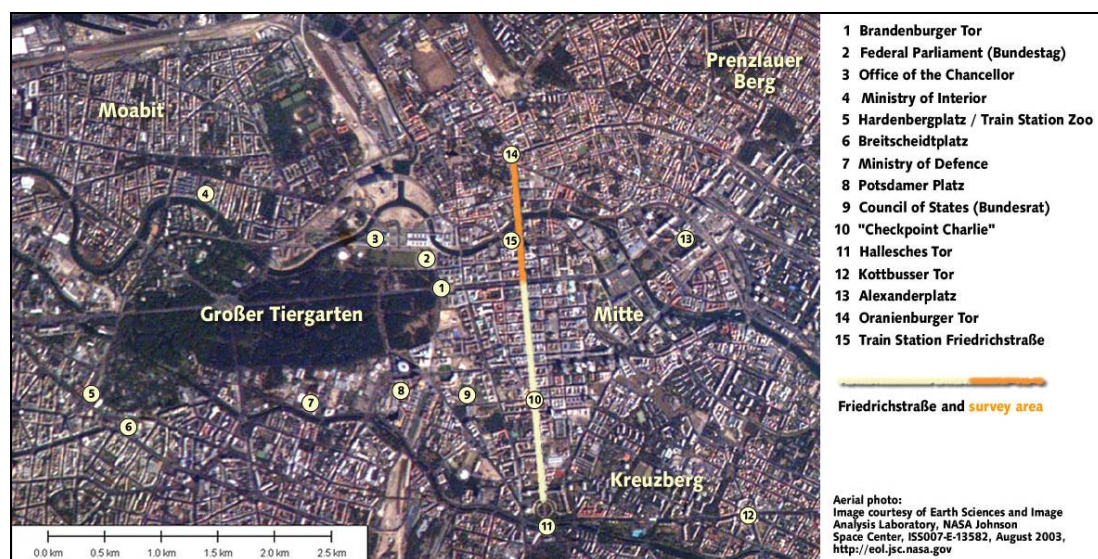
In its overall length the Friedrichstraße stretches 3,300 metre between the former city gates Hallesches Tor in the south and Oranienburger Tor in the north. After 1945 Friedrichstraße became divided by the Iron Curtain because it crossed the line between the Russian and the American sectors at Checkpoint Charlie. North from the former Checkpoint Charlie Friedrichstraße leaves the district Kreuzberg-Friedrichshain and enters the central district Mitte which is home of almost all national government institutions, many embassies and the state legislative assembly. Key institutions such as the Ministry of Labour and Social Affairs, the Ministry of Finance, the embassies of the United States, the United Kingdom and the Russian Federation are just a stone's throw away or even face the street.

⁸⁴ As "publicly accessible" we understood premises or institutions which could be entered without any hindrance except an entrance fee. Locked doors or doormen selecting the visitors were thus seen as features of limited accessibility.

⁸⁵ To randomly select cases for this institutional comparison the consortium agreed to locate the relevant institution nearest to the centre of the 1.5 km long section of the high street.

Most estates at this part of the street have been nationalised under Russian rule. After 1990 this property came under control of the powerful Trust Institution (*Treuhandanstalt*) that was founded by the federal government to manage and privatise the state holdings of the former GDR. As the Trust Institution sold the estates at Friedrichstraße en bloc the area became a playground of developers. It was reported that estate prices rose from 7,500 Euro per square metre to more than 20,000 Euro during the 1990s (Schweitzer 1998: 50). Large office blocks⁸⁶ with high-price shops and a few luxury apartments were built such as the 750-million-Euro-project "Friedrichstadtpassagen" with the French department store "Galeries Lafayette".

Figure 3: Berlin city centre and Friedrichstraße



While this process is almost completed in Friedrichstraße south of the main boulevard Unter den Linden, it is still in the making in the part north of it – the part selected for our micro-level survey. From Unter den Linden to the river Spree which is bridged by Friedrichstraße the picture is similar to that southwards: Two old GDR-hotels bought and valorised by the Interhotel-Group face each other. The Dussmann-Group erected a building for its head office and a large media department store. In front of the former International Trade Centre of the GDR the car producer Opel recently opened its Berlin office and main car exhibition centre (Lipicki 2002). The train station Bahnhof Friedrichstraße was reconstructed for 110 million Euro and includes a kind of shopping mall giving place to more than 50 shops and snack bars (Neumann 1999). This part south of the river is hardly inhabited by residential population that only counts below 500 persons per km².⁸⁷ North of the river residential buildings with small shops in the ground floor have been erected after World War II. The density of residential population

⁸⁶ However, these blocks are not really high-rise buildings or even sky-scrapers. Their heights was restricted by the city administration. Most of them are eight to ten storey buildings not exceeding 30 metres.

⁸⁷ These figures are drawn from maps found on the website of the Berlin Senator for Urban Development: <http://www.stadtentwicklung.berlin.de>

varies in this area from 500 to 25,000 persons per km². A handful of building sites, empty houses and even gaps between buildings indicate the ongoing transition process of the street. Thus, the northern third of the Friedrichstraße represents Berlin in a nutshell: From north to south we move from “Old Berlin” to the “New Berlin” of the “age of developers” to borrow a term coined by Mike Davis (1990).

5.2 Findings of the high street survey

The structure of the survey area is highly mixed. Within our sample we found 125 premises and institutions. Next to a handful of banks, hotels, restaurants and theatres, and some other institutions such as a private school or a Red Cross office, the majority of publicly accessible spaces are small shops including several flower- and fruitshops, a number of fashion- and shoe selling stores, travel agencies, a book- and a bicycle store and many others more. Important is that at least half of them are located within the shopping-mall like S-Bahn station Friedrichstraße.

Table 1: The sample⁸⁸

Type of premise or institution	Number	Percent
Small shop	71	56.8
Restaurants	12	9.6
Supermarket / large retailer	5	4.0
Hotel	5	4.0
Banks / exchange office	5	4.0
Pub / bar / café	3	2.4
Underground or train station	3	2.4
Theatre	4	3.2
Police station	1	0.8
Public toilet	1	0.8
Shopping mall / passage	1	0.8
Prescribing pharmacy	1	0.8
Post office	1	0.8
Other	12	9.6
Total	125	100.0

Many of those small shops, selling food and other everyday necessities, are subsidiaries of larger chains. Moreover, the train station also includes a post office, a station of the Federal Border Police, a pharmacy and last but not least a public toilet, which in fact is semi-public because of fees which users have to pay. Most of the other small shops of

⁸⁸ The typology of premises and institutions was developed before the survey to allow a comparison of the findings with the data of the other Urbaneye teams.

our sample are located in the northern part of the high street which is also spotted with theatres and cabarets, a few restaurants and bars. Intersected by the station the southern part is mostly reserved for large retailers and hotels.

Most of the research was done by on-site inspections of the publicly accessible premises and institutions plus additional interviews with staff or managers if we identified a system.⁸⁹ In total we were able to collect data in 117 premises. The 8 missing cases were closed either permanently or during our working hours such as two late night bars.

As table 2 shows, 28 of the 117 publicly accessible premises and institutions (24 %) deploy CCTV cameras or pretend to do so by dummy cameras or fake signs. In 3 of these cases we clearly identified either a dummy system or fake signs. Though the majority of CCTV (or dummy) systems was found in small shops it was most likely to find such a system in large retailers, banks and the underground or train stations.

Table 2: Extent of CCTV surveillance

Type of premise or institution	With CCTV or dummy cams	Without CCTV	Total
Small shop	8	61	69
Supermarket / large retailer	5	0	5
Banks / exchange office	4	1	5
Underground or train station	3	0	3
Restaurants	2	8	10
Hotel	1	3	4
Pub / bar / café	1	0	1
Prescribing pharmacy	1	0	1
Post office	1	0	1
Theatre	0	3	3
Police station	0	1	1
Public toilet	0	1	1
Shopping mall / passage	0	1	1
Other	2	10	12
Total	28 (23.9 %)	89 (76.1 %)	117 (100.0 %)

In terms of the geographical distribution of the CCTV systems we identified 9 systems in the southern part of the survey area between the boulevard Unter den Linden and the train station. Given the total number of 21 premises in this area, CCTV is deployed in 42.9 % of the cases. In the train station itself we found that 11 of 47 (i.e. 23.4%) operate a CCTV system. In the survey area north of the train station only 5 of 49

⁸⁹ In a few cases we had to turn to owners, managing directors or press speakers that were not present on-site. In these cases we made our requests either by telephone, fax or letters.

premises (i.e. 10.2 %) deploy surveillance or dummy cameras. Thus we clearly see that surveillance in the "New Berlin"-style southern part is much more intense than in the northern part which is characterised by small shops and residential houses.

Though it was no problem to spot the CCTV or dummy systems it was hardly possible to get more detailed information about these systems. Many of those approached for interviews refused to provide information about their CCTV systems. We were often confronted with massive mistrust. For example, one shop owner said that talking about the measures to protect his goods is not only private but would be "absurd" to talk about. In another case the press office of a bank denied to deploy surveillance cameras despite the clear visibility of a CCTV system.

In the end only 29 % of those who obviously deploy cameras or dummies answered our questionnaire, i.e. 8 cases. Thus, more than two third of the CCTV systems in operation in our sample are black boxes: Neither the purpose of the visual surveillance nor the identity of the data controller were revealed – to name just those features addressed by §6b of the Federal Data Protection Act. Moreover, we could hardly collect data about the practices of observation, recording or storage and other technical or organisational details. In addition, the opaqueness of visual surveillance is enhanced by the fact that only 29 % of the premises with cameras notify video surveillance by signage. Thus the overwhelming majority of CCTV systems in our survey area not only characterised by a striking asymmetry in power relations between the observers and the observed but do also violate basic principles of the Federal Data Protection Act as interpreted by most commentators.

However, some information about the socio-technical organisation of the systems could be identified due to on-site observation or response to our interviews. In 15 premises we could spot the number of cameras: In 7 premises less than 3 cameras were deployed, i.e. 47 %, and in 3 premises the number exceeded 10 cameras, i.e. 20 %. However, some of the cameras in the underground and train stations are part of extensive systems with more hundreds of cameras.

Given these and other information gathered during our survey we conclude that only a few CCTV systems are larger systems with sophisticated features such as dome cameras, central control rooms and permanent observation by dedicated staff. The majority of systems are small, isolated, technically simple and only sporadically observed.

5.3 Findings of the institutional survey

The additional survey on CCTV in selected institutions in Friedrichstraße and its vicinity showed the following results: Information could be selected for 27 of the 31 premises and institutions. In or at 12 of these publicly accessible spaces CCTV cameras are in operation: in the hospital, at the city hall (the other local authority), in the public library, at the national government building and the embassy, in the underground station, the

car park, the supermarket, the prescribing pharmacy, the bank, the post office and the museum.

Table 3: CCTV in selected institutions

Type of institution	CCTV surveillance	No. of cameras	Signage
Hospital	Yes	n.a.	n.a.
Kindergarten	No	-	-
Public school	No	-	-
University	No	-	-
Police stations	No	-	-
Social welfare office	No	-	-
Unemployment office	No	-	-
Other local authority	Yes	6	No
Public library	Yes	25	No
National government building	Yes	35	No
Embassy	Yes	16	No
Religious centre	No	-	-
Cemetery	No	-	-
Underground station	Yes	2	No
Car park	Yes	1	No
Public toilet	No	-	-
Shopping mall / passage	No	-	-
Supermarket / large retailer	Yes	n.a.	No
Pharmacy	Yes	1	No
Bank	Yes	n.a.	Yes
Post office	Yes	1	Yes
Hotel	No	-	-
Museum	Yes	90	No
Theatre	No	-	-
Restaurant	No	-	-
Park	No	-	-
Sports stadium	No	-	-

In comparison to the high street survey we found a higher proportion of larger systems which is obviously explained because of the higher proportion of larger – and often public or semi-public – institutions. However, the massive lack of signage which we found in the high street itself is also true for the institutional sample. Perhaps this picture has changed a bit since summer 2002 as both the national and the state government have announced to review their practices after an intervention of the Federal Data

Protectioner (see: Deutscher Bundestag 2002) respectively a request of a Socialist member of the Berlin legislative assembly (see: Abgeordnetenhaus von Berlin 2002a).

That CCTV is in operation at the **national government building**, the **embassy** and in the **underground station** of our sample is no surprise when we remember the chapters about facility protection and public transport. Moreover, surveillance cameras in the more than 700 Berlin **banks and post offices** are typical as these money distributing institutions are more or less obliged to protect their staff by this means according to the rules of the employers' liability insurance association (*Verwaltungs-Berufsgenossenschaft* – VBG) and in addition deploy cameras close to the cash dispensers in particular to prevent credit card fraud. CCTV cameras as means to protect assets are also common in the around 150 Berlin museums and the hundreds of supermarkets (one could also add the 300 petrol stations) (Berliner Zeitung 16.3.2000).

In the light of our limited knowledge and everyday experience of Berlin we believe that CCTV in **car parks** (where we found a system in our sample) and **shopping malls** (where we found no camera) is rather often in operation but not omnipresent. (For CCTV in Berlin shopping malls see the Urbaneye Working Paper No.11)

Video surveillance at Berlin **universities** recently attracted media attention. The first CCTV systems were installed during the 1990s. Most of the systems were reported to exist at the central Humboldt University with more than 37,000 students. Around 50 individual CCTV systems watch facilities there. Simple camera-monitor-systems without recording exist besides systems that record images temporarily, dummy cameras and systems with permanent recording. The systems primarily aim to prevent or detect theft most often in computer labs. Footage is stored up to seven days. Usually it is not watched – except in case when an offence is noticed. When this happens the university's data commissary must be present. According to him this happened only twice in the last seven years; in one case after theft and in another case to unveil a hacker attack against the campus network. (Wagner 2002, Schöps 2001) While the systems are reported to be usually notified, the discovery of an unsigned sophisticated CCTV system monitoring a couple of lecture rooms caused uproar and finally ended with the dismantling of the system (Nowak 2002, Kulick 2003). The data commissaries of the Technical University and the Free University reported that surveillance cameras are in operation, too. However, both were not able to provide exact figures, but said that registers are planned.⁹⁰

Though we found CCTV systems in a **hospital**, a **library**, a **pharmacy** and at a **local authority** we believe this to be the exception rather than the rule in the light of our everyday experience. In 2002 only 12 buildings of the state government were under surveillance – plus an unknown number of prisons and other "security-relevant" buildings

⁹⁰ Telephone inquiries, 25./26.6.2002.

(Abgeordnetenhaus von Berlin 2002a). A few hospitals have installed cameras after an abduction of a baby in a hospital in 1999 (Berliner Zeitung 30.9.1999).

Surveillance cameras seem to be also the exception rather than the rule in **hotels, restaurants, cinemas, theatres**, sport stadiums, social welfare offices, schools and parks, in all of which we found no cameras in our institutional survey. A couple of luxury hotels are reported to deploy surveillance cameras as well as a few McDonalds and Pizza Hut fast food restaurants (Berliner Zeitung, 16.3.2000).

While the majority of small soccer **stadiums** and other sports arenas are not under surveillance, at least three major arenas are: The football league stadiums Olympia Stadion, An der Alten Försterei are equipped with CCTV systems that are used for the monitoring of fan crowds by the state police,⁹¹ and a couple of dome cameras can be also found around the Jahn-Stadium which is a location for major sport events in the central Berlin.

A primary school in the district Spandau was probably the first **school** to install a system for 3,000 Euro in 1997 after pupils complained that strangers stay in the building. Only half a year after the installation a man was arrested for sexual abuse of six year old girl in the restroom of the school. He was caught on camera when entering the building. (Berliner Zeitung 13.8.1997) However, though the call for video surveillance is repeatedly heard when violent crime or sexual harassment took place in school buildings this demand was until now usually rejected by main interest groups. In December 1999 the then Mayor Eberhard Diepgen supported a proposal of the German Police Trade Union (*Deutsche Polizeigewerkschaft*) to contain youth violence in schools by the deployment of surveillance cameras. The Senator for Educational Affairs refused bluntly as well as speakers of the competing Trade Union of Police (*Gewerkschaft der Polizei*) and the Trade Union for Education and Science (*Gewerkschaft für Erziehung und Wissenschaft*). Each of them questioned the effectiveness of video surveillance and referred to alternative approaches such as training teachers in conflict moderation (Schomaker 1999). In another context it was pointed out that cost cutting measures leading to the dismissal of janitors and secretaries – hardly noticed by the public – lead to a safety gap in schools now to be filled by CCTV (Berliner Zeitung 12.11.2001).

Though a couple of **social welfare offices** consider the installation of alarm systems after aggressions of frustrated clients (Berliner Morgenpost 30.11.2003) CCTV is usually not in operation in these institutions.⁹² A prominent exception is the social welfare office located in the town hall of the district Neukölln. Among the largest German social welfare offices in terms of clients, 19 surveillance cameras for 100,000 Euro were

⁹¹ We owe this information to Frank Helten and Bernd Fischer who talked to police officers of the Berlin state police about this issue.

⁹² Information provided by a speaker of the social welfare office Berlin-Mitte, 13.6.2002.

installed in January 2001 after a couple of assaults against staff (Tagesspiegel 4.1.2001, tageszeitung 11.1.2001). Though meant for their protection, the staff feared that footage could be also used to monitor their performance and complained. Only a month later an administrative court decided that footage shall be not used if staff is depicted and requested the staff and the district council to find a consensus on details of surveillance (Tagesspiegel 20.2.2001). However, the complaint of an unemployed political scientist who, as client of the social welfare office, felt his personal rights restricted, was rejected by the administrative court (Berliner Zeitung 4.10.2001).

Parks in Berlin are usually CCTV-free zones. However, in 2002/03 the park of the Schloss Charlottenburg, a former summer residence of the Prussian royals which is today a tourist attraction and occasionally serves as location for official receptions, was refurbished for more than a million Euro. Since then so-called "green cops" patrol the park to enforce the park rules, and four CCTV cameras were installed to monitor a newly renovated tea house which contains a small museum. As a consequence of an act of vandalism that occurred in 2003 the administration decided to install more surveillance cameras in July this year (Berliner Zeitung 10.7.2003).

Another example for the growing trend to put locations under video surveillance are **residential areas**. Besides efforts of individual house owners it are the large developers and housing corporations which promote CCTV in such areas. On the one hand CCTV can be found increasingly in the high-price sector as state-of-the-art outfit of luxury apartments, e.g. at the newly developed Potsdamer Platz, or as perimeter protection at quasi-gated communities such the Tiergartendreieck in the city centre or the Arkadien estate in Potsdam (Wehrheim 2002: 189). On the other hand it is seen as tool to stop the decline of estates in poor areas. For example, the state-owned housing corporation GSW which owns more than 72,000 apartments in Berlin presented a concept for a housing estate in the central district in 2001: For three apartment blocks video surveillance, a concierge system and the locking of inner courtyards were supposed to oust dealers and junkies who come from the nearby drug scene at Kottbusser Tor, and to prevent vandalism, graffiti and littering. The managing director of the GSW commented: "In the long term we want to valorise the structure of the residents [...] in order to become a normal residential area." Similar concepts are planned for 13 further large residential areas. (Sethmann 2001)

No video surveillance is known from **religious centres and cemeteries**, except from those of the Jewish community who protects most of its facilities among others by CCTV, including schools and old people's homes. **Unemployment offices** and **police stations** were also reported to be without CCTV,⁹³ and no **public toilet** or **kindergarten** is known to be under surveillance, though cameras monitor a few playgrounds.

⁹³ Telephone inquiries at the press offices, July 2002.

6 Conclusion

Looking back, we see a city that is under increasing surveillance by CCTV systems which mushroom in almost all types of publicly accessible spaces. Although no exact figures are available due to the lack of registration duties lamented by critical data protectioners (e.g. Weichert 2002) one might estimate carefully that such spaces are watched by tens of thousands of surveillance cameras: More than one fifth of all publicly accessible premises and institutions in our high street sample operate CCTV systems with an average of 4.8 cameras. A similar survey carried out by students of the Humboldt University at Turmstraße – a high street in a rather poor area of the central district – found that 36.5 % (19 of 52 cases) of all publicly accessible premises and institutions employ CCTV (Jannasch and Baumfeld 2002). Given the number of nearly 7,000 retail companies (not branches!) listed in the register of commerce⁹⁴ one could calculate off the top of one's head that between 1,500 and 2,500 retail companies in Berlin use CCTV – between 7,000 and 12,000 cameras. Many retail companies have indeed a couple of branches across the city – and our rough estimation does not include banks, petrol stations, the urban transport system, residential areas and public institutions such as museums, hospitals or universities. Moreover, since summer 2002, when we have finished our survey, the extent of CCTV has grown significantly. In our survey area Friedrichstraße, for example, at least two building sites were completed, and now more than a dozen new cameras stare at the sidewalks. Within the train station the empty hemispheres which we found in 2002 are now filled with dome cameras that transmit images to the 3-S-centre at Ostbahnhof. Beyond our exemplary high street the Berlin Transport Corporation expanded its CCTV programme as well as major housing corporations, the police was authorised to monitor public space in the vicinity of facilities that are considered to be at risk, and the claims for open street CCTV have not become silent.

However, Berlin is far away from being covered by a complete blanket of video surveillance. Islands and networks of limited scope dominate the geography of visibility. But the gaze of surveillance cameras has become inescapable when using the underground network, visiting banks or petrol stations. Though the installation of open street CCTV for combating street crime is politically resisted until now, both private and public CCTV cameras target streets and sidewalks at many locations across the city, in particular in the newly developed city centre. Thus the choice to be "left alone" and keep one's personal information undisclosed becomes more and more limited, or, as Haggerty and Ericson put it: "[T]he possibilities for disappearance have narrowed." (2000: 620)

⁹⁴ Figure from the website of the Berlin Chamber of Commerce and Industry:
http://www.berlin.ihk.de/produktmarken/standortpolitik/anlagen/_verlinkungen/02Anzahl_hrg_rechtsfo rm.jsp, accessed 12 December 2002

The rapid proliferation of CCTV is expedited by both processes of economic rationalisation and the desire to manage old and new risks, which often correlates when cutting personnel results in a decrease of face-to-face social control. Thus the eyes of station staff, janitors, security guards, police officers etc. are either replaced or complemented by the gaze of surveillance cameras. In addition, the rise of CCTV is closely related with processes of economic and material (re)development such as the "renaissance" of the Berlin train stations, the creation of "New Berlin" in the central district or the refurbishing of residential areas owned by large housing corporations. But against this general trend, complaints of affected and concerned citizens, interventions of the Data Protection Authority or simply bad evaluations in terms of effectiveness, cost-benefit-ratio or manageability have induced minor withdrawals or at least limitations of the scope and intensity of video surveillance.

The existing CCTV systems differ enormously in purpose, size, scope and technical sophistication. Surveillance cameras help to monitor traffic flows and crowds in order to prevent or detect accidents or fire. Other systems aim to deter and detect unauthorised access or perimeter violations. Most systems in the retail sector or at petrol stations are directed against shoplifting, petrol theft or credit card fraud. Extensive CCTV networks, such as the system of the Berlin Transport Corporation with more than 750 cameras covering the underground level of the city, exist besides simple one-camera-systems of individual shop owners that are hardly monitored by the staff. Most of the systems are only reactive either by alarming staff to events that already happened or – as probably in the most cases – by providing footage as evidence. Systems that might be used in a proactive way – by integrating control room and on-floor staff – can be found in department stores, railway stations or shopping malls. While we assume that most of the smaller systems record footage on a permanent basis, our limited data suggest that many larger networks of (semi-)public institutions, such as the Berlin Transport Corporation, do record only in case of suspicious events as data protection rules demand to collect and store as less personal data as possible. However, as we have seen in case of the train stations this practice might be sacrificed in the near future in the course of the so-called "war against terrorism".

Given the wide range of purposes behind the operation of CCTV it is evident that its deployment is not always aiming at social control or the collection of personal data. Surveillance cameras which, for example, simply serve as tools for traffic management or fire safety are not targeting individual persons. But even those systems that are directed against crime or other acts of deviance are often hardly capable to register such behaviour and trigger an immediate intervention as they are neither monitored on a permanent basis nor recording footage in real-time. Moreover, if an incident is caught on camera the offender is not necessarily identified and punished. As "two central features of the Panopticon, an inevitable and rapid response to deviance and the compilation of individualised records" (Norris & Armstrong 1999: 200) are largely absent from the

majority of systems, both the disciplinary and exclusionary panoptic potential of CCTV is far from being fully realised.⁹⁵ How the realisation of this potential to induce anticipatory conformity or exclude the unwanted differs between different contexts and institutions, and to what extent the digitalisation, the progress in data compression techniques, the integration with automated alarms and databases contribute to system capacities that exploit the full potential cannot be answered here but needs a more detailed analysis.

Behind the thousands of cameras we find a vast number of actors. Not only a myriad of private data controllers are involved but three different police forces, i.e. several branches of the State Police, the Federal Border Police and the Police of the German Parliament. Thus, rather than being organised around a "central watchtower" CCTV surveillance in Berlin is characterised by its decentralised pattern. However, for certain institutions and limited areas we observe a tendency towards the technical or social integration of systems. In-door silent alarm systems of retailers, banks or museums are linked with private security services or the State Police, and the formal and informal exchange of information connects systems. The latter means in fact oral exchange of knowledge rather than technical exchange of image data. Thus, despite data protection rules are not violated by these co-operations, we witness the emergence of "surveillance webs" (McCahill 2002) that, as in the case of CCTV surveillance in and around Potsdam's central station, might even touch public space. This convergence of once discrete surveillance systems supports the perspective suggested by Ericson and Haggerty who write:

"Surveillance is driven by the desire to bring systems together, to combine practices and technologies and integrate them into a larger whole. It is this tendency which allows us to speak of surveillance as an assemblage, with such combinations providing for exponential increases in the degree of surveillance capacities." (2000: 610)

Thus, CCTV surveillance has become "rhizomatic". However, some "centres of calculation" where the extracted personal data are reassembled and scrutinised, in particular the police, have a more privileged access to image data than others: Private security companies accepted to deliver information to the police within the context of "security partnerships", private premises link their systems to police stations, police officers flexibly use private and other public systems for criminal investigations, and footage has to be handed over to investigators as evidence. Given the specific rules of German data protection we doubt that the police vice versa provides image data and related information to third parties in a comparable manner. If and how "hierarchies of observation" are transformed by the new technically mediated forms of visual surveillance in the Berlin context thus remains to be examined by future research.

⁹⁵ For more detailed theoretical discussion of CCTV and the panopticon see: Norris & Armstrong 1999; Norris 2003.

Finally, we need to highlight that our research experience and limited data suggest that CCTV in Berlin is a rather opaque phenomenon as many data controllers refused to provide basic information about the core features of their systems. Moreover, many systems operate illegally or at least in a legal grey area. Nearly 68% of the systems in publicly accessible spaces of our high street sample have had no signage. The survey carried out by the students of the Humboldt University found that 47% of the systems in operation at Turmstraße (9 of 19 cases) were not notified by signs (Jannasch & Baumfeld 2002). One might argue, as the Federal Government did when asked for the notification practice at federal buildings that are under surveillance, that the clear visibility of cameras or the display of TV screens showing images from selected cameras – which is a rather common practice in the Berlin retail sector – is in fact a notification. But these practices do not necessarily unveil the institution that is responsible for surveillance as demanded by subsection 2 of §6b of the Federal Data Protection Act.

However, it should be mentioned that usually larger – often (semi-)public – institutions such as the Berlin Transport Corporation, the German Railway Company or the police are more sensitive for data protection issues than the smaller enterprises of the private sector. They repeatedly consulted Data Protection Commissioners before installing sophisticated systems and fulfilled their recommendations in case of subsequent complaints. This might be owed to the fact that surveillance activities of such powerful institutions attracted intense media attention – which reminds us of the need for a critical public as a core of democratic societies.

Nevertheless the majority of CCTV systems operates often hidden and the technological features and daily practices of surveillance remain unknown to those under observation. The impacts seem contradictory: While on the one hand it may undermine the panoptic potential as the knowledge of being under surveillance is crucial for the “automatic functioning of power”, on the other hand it leaves space for representations and imaginations of surveillance that exceed its real scope and intensity.

To answer how the urban population experience CCTV, what they know or believe, if or under what conditions they demand or dislike being under the gaze and to what extent they co-operate or resist was not the aim of this study. But if we look for a better understanding of the impacts of the rapid proliferation of CCTV these questions deserve as much attention as the extent and socio-technical practice of video surveillance.

7 References

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