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## Chicago Police Install Controversial Surveillance Cameras

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## NEWS

pointing out that findings in Stenberg are based on the district court's findings. Because the higher courts did not believe the district court findings to be clearly erroneous, they refused to set aside the findings. Congress, entitled to make its own factual findings and enact legislation based upon them, did just that, specifically finding that partial birth abortion is never medically necessary to preserve a woman's health, that it poses significant health risks to the mother and that it is outside the standard of medical care.<sup>7</sup>

In addition to opposition from civil rights advocates, this law also faces opposition from medical professionals, including the American College of Obstetricians and Gynecologists ("ACOG") who have called this ban "inappropriate, ill-advised, and dangerous."<sup>8</sup> However, even the ACOG concedes that it can name no situation in which a partial birth abortion would be the only procedure available to preserve a mother's life or health. Some doctors argue that legislators have no place making medical decisions best made by a woman and her physician. Supporters of the ban counter that sometimes, in order to protect state interests and the public, it is necessary for lawmakers to regulate medical decisions, as is the case with euthanasia, female circumcision, and the regulation of prescription drugs.

The ultimate fate of this law remains uncertain as legal challenges to the ban continue to grow in number and intensity.

1. Associated Press, *House OKs Partial-Birth Abortion Ban* (Oct. 2, 2003); Associated Press, *Bush to Sign Partial Birth Abortion Bill* (Oct. 21, 2003).

2. H.R. 760 §3; Press Release, White House, Statement by the President George W. Bush (Mar. 13, 2003); Associated Press, *Two More Judges Block Ruling* (Nov. 5, 2003).

3. Press Release, American Civil Liberties Union, *House Passes First-Ever Federal Ban on Safe Abortion Procedures; ACLU Promises Lawsuit to Protect Women and Doctors* (Oct. 2, 2003); Associated Press, *Two More Judges Block Ruling* (Nov. 5, 2003).

4. *Stenberg v. Carhart*, 530 U.S. 914, 924 (2000), citing American Medical Association, Report of Board of Trustees on Late-Term Abortion, App. 490-492 (hereinafter AMA Report).

5. Interview with Stephanie Tackett, Nurse, Christ Hospital and Medical Center, Oak Lawn, IL (Sept. 28, 2003).

6. Steve Chapman, *The Myths and Realities About Partial-Birth Abortion*, Chi. Trib., Oct. 5, 2003, §2, at 11.

7. H.R. 760 §2 (8), (13).

8. Press Release, American College of Obstetricians and Gynecologists, Statement on So-Called "Partial-Birth Abortion" Laws by the American College of Obstetricians and Gynecologists (Feb. 13, 2003).

# Chicago Police Install Controversial Surveillance Cameras

*Gavin Mhley*

The City of Chicago recently began installing video cameras in public places to help fight crime, but some worry they will infringe upon privacy in the process.

The first cameras were installed in Chicago on July 31. In total, 30 cameras are now in operation, primarily on the west side of the city. The cameras are attached to light poles and can survey an area up to four blocks away. The images they capture can be monitored by officers using laptops in their squad cars.

Chicago Police Department Director of News Affairs Dave Bayless says the goal of the surveillance program named "Operation Disruption," is not to monitor criminal activity as much as it is to deter it. "It's not necessarily only about catching criminals," Bayless said. "These cameras are very visible. The goal is to reduce violent crime by disrupting narcotics and gang activity in higher-crime areas known to have narcotics, gang and violence problems. It [the goal] is to let them know they're being watched, in order to free up street corners."

The American Civil Liberties Union has not taken a direct position on the use of the cameras. Still, there is concern about the potential for abuse.

"We do not think the cameras, in and of themselves, are unconstitutional," ACLU of Illinois Director of Communications Ed Yohnka said.

"We worry about the cameras being used to disrupt legitimate first amendment expressive activity, or being manipulated to peer into individuals' homes, cars, etc."

Bayless says the police department has taken measures to ensure abuses are prevented. "The message is sent clear to our officers," Bayless said. "These cameras are meant to track activity on the public way where, as court cases have held, people do not have the expectation of privacy. This is meant for law enforcement purposes only, and not to invade anyone's privacy."

**"The goal is to reduce violent crime by disrupting narcotics and gang activity in higher-crime areas known to have narcotics, gang and violence problems."**

Operation Disruption is part of a larger city-wide crime fighting initiative that began in July, when Chicago's murder rate was well above that of 2002, according to Bayless. Since the initiative began, Bayless says, homicide rates are down dramatically in the city, although he admits it is too early to tell what role the cameras have played in the decrease in crime.

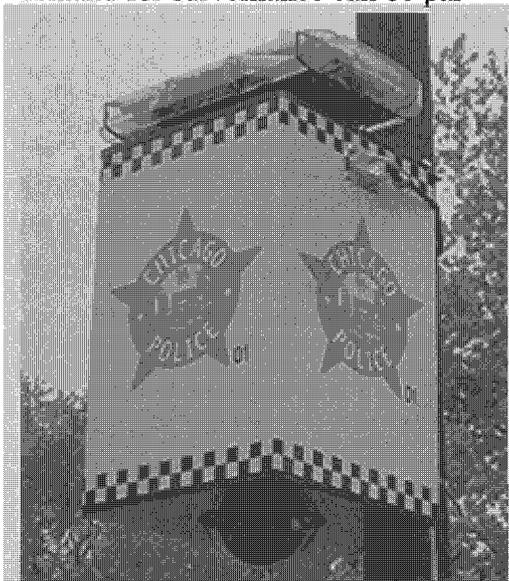
Still, some wonder if the cameras are even effective at sup-

pressing criminal activity. According to Yohnka, the experience elsewhere indicates they won't be very effective, and he suggests the cameras could serve to simply drive criminals to other areas.

Bayless, however, says it won't be easy to run and hide from the cameras, which are easy to take down and put up again. Plus, he says, cameras are only part of the solution. A total solution to the crime problem also includes more traditional efforts such as more officers walking their beats.

Chicago's use of public surveillance cameras is part of a growing national trend. Similar measures have been installed in cities such as Washington, D.C., where the local chapter of the ACLU has opposed the taping of law-abiding people in public places without suspicion of wrongdoing.<sup>1</sup>

Yohnka says the increased demand for surveillance can be par-



tially attributed to the terrorist attacks on September 11, 2001. He says fears of terrorism and the availability of increasingly affordable cameras have accelerated the trend.

"This development is not so much new after September 11th, but the terrorist attacks of that day clearly have accelerated the process of

extending surveillance," Yohnka said. "What has changed is that the marketers of these technologies have been unleashed to use fear as a sales tool, and they are hard at work." Although it has not opposed Chicago's public surveillance system, the ACLU does have some trepidation about where these types of measures might lead in the future, and the effect that heightened surveillance will have on the way we live our lives. Yohnka worries that the cameras are just one step in a longer march toward building a surveillance society.

"The real problem is that we as a society extend these technological usages without adequate policies to protect individual privacy," he said. "We think, or convince ourselves, that

cameras and other technologies will make us safer without ever considering the long term impact. I suppose our real concern is the development of a society where individuals are constantly monitored by government agents, cameras, computer monitoring and by gathering of information about our credit and banking activities."

"It is critical that the government is engaging in this activity because that information could then be used to prosecute individuals. This type of surveillance not only invades an individual's privacy, but is likely to have a chilling impact upon expressive activity in our society - a very distressing prospect."

1. National Capital Area ACLU, D.C. *Video Cameras vs. Live Community Police in Our Neighborhoods*, at <http://www.aclu-nca.org/boxSub.asp?id=8>

## The Courts Determine the "Best Interest" of a Child

*Karine Polis*

The "best interest" standard is not applied consistently to all custody proceedings, especially when comparing foster care/adoption cases with divorce/domestic relations cases. The Illinois Appellate Court recently decided *In re: Marriage of Sobol*, where it revisited the "best interest of the child" standard in a divorce context.<sup>1</sup> This case most comprehensively applied the five factor "best interest" test that the Illinois Supreme Court has identified.<sup>2</sup> The issue before the court was "whether the best interests of the children would be served by

remaining in Illinois or moving to Colorado." In their decision, the Court focused on the children's quality of life in Illinois and whether the parent in Colorado would receive a reasonable amount of visitation without the children having to move. The court ruled that it was in the children's best interest to stay in Illinois since they were doing well there and reasonable visitation was possible.

The Juvenile Court Act of 1987 defines the "best interests" of a child as including the following factors: the physical safety and welfare of the child, the child's background