

# **Continuous Video Surveillance and Its Legal Consequences**

*by Scott Sher \**

Abstract

This paper examines possible legal obstacles to the use of continuous video surveillance in public places. To date, no court has directly addressed this issue, although there is significant case law on closely related issues. This paper considers the impact of the Fourth and First Amendments of the United States Constitution, federal statutory law, specifically the Electronic Communications Privacy Act, and California tort law on the legality of continuous video surveillance. The conclusion is that the use of video surveillance in public areas is a valid exercise of the state's power to protect its citizens. Video surveillance does not intrude upon an individual's sphere of privacy, but simply records events occurring in public space for which individuals do not have reasonable expectations of privacy.

\* Hastings College of the Law, Class of 1997