Notes from the third Neighborhoods Commission (NC) Special Session on the SJ Police Dept's "Unmanned Aerial System" ("UAS", aka "drone")
Sat., Feb. 14, 10 AM, at the Mayfair Community Center

Informal notes [and thoughts] by Larry Ames (LLA).

attendance: about 20 members of public + 6 police, 8 Neighborhood Commissioners, Councilmember Ash Kalra, and Ernest Guzman (City Staff).
[SJ PD: Capt. Tim Porter (outgoing Special Ops), Capt. Mike Knox (incoming Special Ops), Lt. Jason Dwyer (SWAT, K9 & Bomb). Sgt/ Doug Wedge, Dave Knopf (Dpty Chief), Lt. Anthony Mata;
NC: Gary Cunningham (D1), Pete Kolstad (D3), Desiree Barragan (D3), Juan Estrada (D5), David Dearborn (D6), Larry Ames (D6), Nichole Edraos (D8), and Nick Labosky (D10).]

Introductory remarks by LLA: this is 3rd of 3 mtgs, make up of NC, discussion at the 3/11/15 NC mtg, anticipate making recommendations to Council who will make final decisions.

Presentation by SJ PD: Capt. Tim Porter and Lt. Jason Dwyer. (Same presentation as at other mtgs.)

Public questions (**Q**) and comments (**C**), as well as answers (**A**):

Q: used elsewhere? **A:** not in Calif. Napa did use drone to examine earthquake damage.

Q: flies how high? Interfere w/ airplanes? **A:** limited to 400', generally will be lower (easier to see). If within 3 miles of an airport (SJC, Reid-Hillview, …), FAA requires coordination w/ Tower.

Q: won't fly over crowds? **A:** FAA policy, to avoid injury from crash. Won't be used to monitor crowds.

C: public mtg should have been later in the day. Poor notification for mtg.
Q: will drone use be logged? Who can review? What if not used per policy? **A:** use will be logged; public record; will be presented at end of Pilot Program. Officers would be officially disciplined if they violate drone use policy.

Q: drone can fly over "groups" but not "crowds"?—what's the diff?
Q: Used for "active shooter" case? – what if person shoots at drone? **A:** drone used to check the perimeter, not to pursue the shooter.

Q: What if other agencies want to use the drone? **A:** Will deal w/ it later. **A2:** won't lend, nor will have SJPD go and use drone in other jurisdictions; not even County Pockets. They know where the city limits are.

C: Ditch the drone. Want City Ordinance against surveillance. Worried about Mission Creep, right to privacy. **A:** won't be used for surveillance.

Q: Privacy concerns: signal recorded? **A:** no need to save data. SD card removed from GoPro; downlinked signal not recorded.

Q: What capability? **A:** only video.

Q: What about "nick-rick" (NCRIC -- Northern California Regional Intelligence Commission)? **A:** Not part of it; drone info only for SJPD.

Q: Surveillance: State legislature worked on bill for drones to require warrant; Governor vetoed it; reintroduced this year. Should wait for State rules. **A:** no surveillance: only looking at bombs to ID, etc.

Q: How many situations when robot couldn't have worked? **A:** recently, about once/month when robot couldn't reach and officer had to get in bomb-suit and personally inspect. Guess ~10/year. Drone just another "tool in the tool-box".

Q: Would it also be used in "Emergency situations", such as following an officer who is serving a warrant? **A:** No.

Q: Who monitors that drone guidelines are being followed? **A:** Internal Affairs.

Q (by LLA): Pilot is 1-year. Would SJ PD prefer a public review at 9 months (so that program might be seamlessly extended) or review at 1-year (risking a several-month hiatus while program is reviewed and possibly changed/extended? **A:** SJPD expects that Council will be able to reauthorize in a week. **Q2:** but we on the Cmsn will want to review and collect public comment – that takes time. **A2:** City can "provisionally" approve to continue.

Q: Follow-up on NCRIC. **A:** SJ being more cautious w/ data than ACLU; SJPD drone has nothing to do w/ NCRIC; drone video won't be shared w/ them.

Q: How was mtg notified? **A:** City website [plus emails, newspaper, TV news spots.]
Q: Will info be gathered if there's no crime? For example, while flying over places en route to destination? **A:** No, drone only used for 3 uses. **Q2:** what about rights of others? **A2:** drone doesn't record. **Q3:** what prompts use of drone? **A3:** Bomb, Active Shooter, Exigent Situation.

Q: What about upgrades? Technology improves: 15 min battery life now, might be 1 hr, etc. What are logistics of deployment? **A:** SJPD has 12 bomb techs; might train 3 of them to fly drone. Doesn't fly at night; 400' max (usually lower); won't be used 90 – 95% of the time (but would be useful if something were to happen w/ the HVAC intact at the SAP Arena); can't fly in rain or wind over ~5-8 mph: very limited. Doesn't actually "do" any work; it just "looks". It

doesn't fly to scene – it is carried in the response truck. Not sure if they'll carry it all the time (might get damaged by bumps, and it takes up space): might decide to carry it on the 2nd-response truck.

C: Mission Creep? Speaker sees "Message Creep", w/ different story today than at Nov. mtg. Not happy w/ surveillance issue: what about when drone flies to target?

C: SJPD should record and keep the data. Might be useful in prosecution of active-shooter case.

Q: Experimental? Used in other cities? What are future plans (3 yrs, 5 yrs)? **A:** will train on City Property; won't fly over houses to target – FAA says need line-of-sight control. Alameda County has a drone. [What? Earlier, they said none in Calif…?] SJPD not sure about future plans – purpose of Pilot Program is to determine if it is useful. If not even used in 1-yr, might not pursue. Wait-and-see.

Q: Not recorded? **A:** Info is not to be recorded because it's not useful.
Q: Are we setting "rules" or just "guidelines"? How do you deal if helicopter is used improperly? **A:** Helicopter has to follow FAA rules. [I think officer missed the intent of the question: what does SJPD see when they fly? Do they record?, take action?, share info? SJPD talked about difference between flight of helicopter vs drone; public was asking about common issue of "viewing from above".]

C: Concerns about violation of personal liberties. Talk today is about 1st-gen; what about future more capable versions: need to establish limits now, before they arrive. **A:** would go thru public process again before changes.

Q: Only use 10 times/yr? Waste of money! **A:** $7k, no extra personnel. More than pays for self if useful once.

Q: What about people on the ground recording? SJ will want data for legal purposes. People will be able to record the live-feed. Could be useful to corroborate a situation. **A:** won't be recorded on the ground. Will go thru public review process at end of pilot before any changes.

C: Drone revealed to public 6 months after purchase, and only after discovered by ACLU. SJPD too secretive. **A:** Mistake made; SJPD should have been proactive.

Public comment terminated after ~75 min: everyone had had a chance to speak, and most spoke several times. [There were grumbling from the public afterwards, thought it was terminated too early; we had announced that the mtg would be for 2 hrs…]

Comments by Councilmember Ash Kalra, summarizing the process and thanking the public, the police and the NC for the mtg and the public process.

Next steps:
* NC ad-hoc cmte (Juan Estrada, Dave Dearborn, Gary Cunningham, Norma Callender, and Larry Ames) will met to draft framework of letter, and possibly suggest alternative phrasings.
* NC will meeting March 11, 7 PM, to discuss SJPD comments and recommendations, the public comments, and the ad-hoc cmte thoughts and draft. After discussion, there may be a motion on how to refine the letter.
* Ad-hoc cmte may meet again as needed to refine letter, as appropriate.
* If authorized by NC, letter w/ NC recommendations to be given to Mayor and Council.

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These are >informal< notes by Larry Ames. Corrections and additions are most welcome. Informal notes from prior Drone hearings and other NC mtgs are on-line at
www.WGBackfence.net/NC
Also, links to informal videos of the drone hearings.

~Larry Ames, Feb. 14, 2015.