



City of San José

Neighborhoods Commission

March 19, 2015

Honorable Mayor Liccardo and Councilmembers
City of San José
200 East Santa Clara Street
San José, CA 95113

re: Recommendations for the San José Police Department “Unmanned Aerial System” (UAS)

Dear Mayor and Councilmembers,

The San José Neighborhoods Commission, at the request of the San José Police Department, has worked with the community and the Department to develop a recommended set of policies and protocols for your consideration. These are documented in the accompanying report, along with a description of the public process by which they were developed.

The Department procured the UAS for a very limited set of specific purposes. Members of the public heard the words “Police” and “Aerial” and began to fear the Department was implementing an aerial surveillance program, which is far from the reality. By publicly and openly working with the community on the drafting of the rules for a limited one-year Pilot Program, the Department has gone a long way towards reassuring the public and regaining their support. The Commission also recommends that it and the community should be involved in a public review before any changes or extensions in the UAS Program.

The Department has also drafted a set of proposed recommendations for Council. This was done concurrently but independently from the Commission, and, even we both started from the preliminary recommendations that the Department presented last December, it is inevitable that there would be some differences, including:

- The Commission’s recommendations deal with issues of neighborhood concern, and so we do not include items like FAA or technical limitations (e.g., limiting the height to 400' or duration of flight to 15 minutes);
- We recommend that the log of UAS usage include a note as to whether the UAS was useful for the particular event;
- We heard the public’s concerns about surveillance, and so we include a longer list of specifically excluded UAS capabilities, such as:
 - a cell-phone relay simulator, like, for example the one the County recently procured which spoofs individual cell-phones into revealing their location;
 - license-plate readers; and

- telephoto lenses; and
- In the case of UAS use for an “Exigent Situations”, we recommend that a report be made to both the City Council and the Independent Police Auditor (IPA). We heard the public repeatedly express concerns that the door was being opened for ever more frequent UAS use, and we include the IPA in the process to assure us and the public that “exigent use” wouldn’t become “the new normal”. Our concern is that reports to Council covering exigent use could easily be overlooked in a “Consent Item” report, and the IPA is willing to serve as an independent “second set of eyes”.

We thank San José Police Department Deputy Chief Dave Hober and his team of Officers in supporting the Neighborhoods Commission in the community outreach and in the process of developing the recommended policies and protocols for the Pilot Program.

The Neighborhoods Commission is pleased to have been able to help the City and the San José Police Department on this issue, and we would be pleased to help with other similar community Issues in the future.

Dr. Lawrence Ames
Chair, San José Neighborhoods Commission.