

SJ Neighborhoods Commission (NC) Special Meeting, 12/6/14
on SJ Police Dept's "Unmanned Aerial System" (UAS, aka, "drones")

Informal notes by L. Ames.

Meeting took place Saturday, Dec. 6. 2014, 10 AM - noon at City Hall, West Wing.
About 100 members of the public attended.

Guest presenters on the panel:

- San Jose Police Department (SJ PD) Deputy Chief Dave Hober
- Capt. Tim Porter
- Sgt. Doug Wedge

Support: Ernest Guzman and Angelique Gaeta, plus staff.

Supporting materials:

- [video](#) Note: the slides shown in the video are wrong. (Video courtesy of Pete, NC D3)
- Meeting [Agenda](#);
- SJ PD presentation [Slides](#);
- SJ PD webpage on UAS ("drone"): <http://www.sanjoseca.gov/UAS>
- and [DRAFT Policy Guidelines](#)
- (Also: 11/12/14 NC [presentation and discussion](#) on the same topic.)

Contact info:

- informal citywide survey by a fellow Neighborhoods Commissioner (Juan):
www.SanJoseUnited.net
- Please email any questions and comments you may have to Ernest (NC Staff) at
Ernest.Guzman@SanJoseCA.gov
- mail questions and comments about these notes to me at Larry@WGBackfence.net

As Chair, I introduced the topic:

- A quick intro as to who and what the NC is
- NC is hosting a series of meetings to collect public comment: meetings also planned for west SJ (Bascom Library?) in Jan, and east SJ in Feb. (details soon)
- NC will discuss at March 11th meeting, with intent to draft recommendations which we'll send to SJ Council for consideration

The SJ PD panelists gave a short presentation (see links above), followed by Comments (C) and Questions from the public, with Answers from the panelists (Q&A). (Staff passed around mobile mikes so audience did not have to walk up to a podium to comment.)

- Q: how does drone get to where it's needed? A: as the drone can't fly fast or far, it is transported to the site by van
- Q: what are the metrics to declare the trial program a success?
- Q: has a cost/benefit analysis been done, or will it? A: \$7k for drone + spare parts; did it help in any situation/
- C: concerns were expressed regarding mission creep.

- Q: are images retained? A: no. Verified by Internal Affairs.
- Q: what about the 4th Amendment? A: not a lot of case law, and there are exceptions for “exigent circumstances”
- Q: does the operator need to be an FAA-certified pilot? A: policies due out in 2015; limited to 400-ft altitude. Generally will be much lower: better view.
- C: there’ve been cases of drones looking in bedroom windows of 9th and 10th floors: A: not by the police.
- Q: how often is bomb-squad called out? A: ~110/yr; more often when dignitaries visiting SJ
- Q: will the record of use of drones be made public? A: yes, thru info release request
- Q: will the video be retained? A: no, only real-time. (Q: Not even kept for quality-assurance, training, or for evidence? A: no.)
- C: speaker presented a petition w/ 1,600 signatures opposing drones.
- Q: would SJPD say “oh well, never mind?” A: no, want to keep the drone.
- Q: is drone autonomous? A: no, must be controlled. If not, will settle down and land.
- Q: what routine maintenance is needed? A: needs battery-swap after 15 minutes
- Q: how will policy evolve? Will there be an adequate public discussion, or will it just be an item on the consent calendar? A: public discussion.
- Q: the panel talked of police safety, but what about public safety? A: that’s the purpose of the drone. (Also, for safety, it won’t fly over crowds.)
- Q: will drone require add’l personnel? A: no; same person that would operate robot. Bomb squad has 2-4 officers.
- Q: are the command-and control signals encrypted? A: no; didn’t want to appear too militaristic; would cost too much.
- C: thanks for taking public comment; this process sets good example
- Juan (on the NC) is conducting an informal survey, will present results in March. (see link, above.)
- C: process was flawed: should have gotten public approval and set policies before buying drone. When was purchase decision made? A: PD admits mistake, trying to make amends now.
- Q: technology changes over time: will SJ PD revisit when new capabilities available? A: will go thru public process.
- C: just like with the Patriot Act, drones are a “first step”. Q: will the program evolve into revenue collection thru fines and code enforcement?
- Q: what are the spare parts? A: batteries: the drone can be landed and batteries swapped out for extended flight time.
- Q: currently, the public can call 311 to find out the use of the PD helicopter: will it be similar w/ the drone? A: yes
- Q: will SJ PD make technology available to other departments (e.g., code enforcement)? A: no: there’s the cost of unit + training; SJ PD not hiring anyone to go around and teach others.
- Q: can drone be returned for refund? A: no.
- C: concerns were expressed with the sequence of the decision process
- Q: will public be notified of practice flights? A: no; will be done in close-quarters.
- Q: what about pursuit? folks will want to shoot at it – danger from bullets?

- Q: how will the PD drone be distinguishable from those of amateurs & hobbyists?
- Q: does SJPD have “Certificate of Authority” (COA) from FAA? A: no, awaiting policy from SJ before applying to FAA.
- Q: can it be used indoors? A: maybe; problem w/ signal attenuation?
- C: concern w/ militarization of police, constant surveillance; gives the public the unwanted feeling of always being watched.
- C: the use of drones is new to the FAA as well: they’re still working on policies of their own
- Q: SJ is a participant in the “Stingray program” which allows for cell phone snooping: will the drone be used in conjunction w/ that? A: no.
- C: happy that past SJ Police Chief responded well to community complaints about surveillance at Cinco de Mayo events; need to do likewise here.
- Q: what was compelling need for purchase of the drone?
- Q: what is decision-making process? When is the public heard?

Public to be heard now, plus in Jan and Feb at special public-input sessions, plus at March 11th Neighborhoods Commission meeting. Public also can attend March 19 meeting of Public Safety, Finance & Strategic Support Cmte (PSFSS) (subset of Council), and April 2015: SJ Council.

[L.Ames’ thoughts:

- need command/control signal encryption: don’t want others to hijack drone and use against SJPD. (I’ve heard about a “drone race” contest (in Berkeley?): the winner won by hijacking the others and misdirecting them.)
- suggestion: equip it w/ red and blue blinking LEDs, to make it sort of look like police car.
- also, paint it black and white, and label prominently w/ “D1” (for Drone #1).
- don’t forego audio capability: might want microphone and speaker: could be useful for “active shooter” scenarios
- SJ PD says it can only be used when winds are less than 5 mph? That’s almost never here in SJ!
- equip w/ GPS tracking, so can find it if blown off course.
- its use should be reviewed annually by Independent Police Auditor.]

Next steps:

- Jan. special meeting in west SJ (Bascom library?)
- Feb. special meeting in east SJ (site TBD)
- March 11: NC will take more comment, consider, and then possibly make recommendations to SJ Council.
- March 19: Public Safety, Finance & Strategic Support Cmte (PSFSS) (subset of Council) will consider, and may make recommendation to full Council.
- April 2015: SJ Council may consider adopting policies for use of drone.
- SJ PD won’t fly the drone until it has an adopted policy for its use.

~Larry Ames, 12/11/14