

Council decision on SJ PD Unmanned Aerial System (UAS, aka “drones”), Aug. 11, 2015  
informal notes by L. Ames.

Police Unmanned Aerial System (UAS) Drone memo to Council 8/11/15  
official city links: >[agenda](#)< and >[agenda item 8.1](#)<.

Video of Council meeting: >[video](#)<

Next to last item on the agenda, heard at 6:30 PM.

While waiting, I have a side conversation with SJ Police Chief Larry Esquivel. I note that our main disconnect was regarding the end of the Pilot. He wants a 1 year Pilot. I pointed out that we were happy with 1 year as well, but that we were requesting a report at 9 months so that the Public could weigh in on its effectiveness, so that the Pilot could be modified and extended without interruption. I think we and Esquivel want the same thing, but it wasn't clear that he saw that.

Mayor & Council introduced the topic.

Public comment: me and one other (Blair Beekman, who was opposed to all drones).

My “2 minute talk”:

“Larry Ames, Chair of the San José Neighborhoods Commission.

Here to express our support for the Pilot Program for the San José Police Department's Unmanned Aerial System.

The Neighborhoods Commission heard from the public at three special sessions – East SJ, West, and Downtown – plus at our monthly Commission meetings.

We heard their concerns;

then we made our recommendations;

and these have been addressed and incorporated into the Police Dept's proposal.

What I don't see is a discussion as to what is to happen at the end of the Pilot Program:  
will the drone be packed away while its performance and usefulness is evaluated?

We agree with a 1-year Pilot Program, but suggest that the SJPD give a report-out after about 9 months, so that there would be time for public review and comment before the end of the 1-year Pilot.

That way, the program could be evaluated and then seamlessly modified and extended as appropriate.

The Neighborhoods Commission supports what we expect will be a successful Pilot Program and look forward to collecting and forwarding public comment at its end.”

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Don Rocha (D9), liaison to NC: question for staff: asks whether the Pilot Program report could also be sent to the NC.

Comments by Larry Esquivel, SJ PD Chief: there's a mechanism to report back to the Council's Public Safety, Finance & Strategic Support Committee (PSFSS).

Chief wants a full 1-year pilot; offers that much of the analyses of effectiveness can be completed beforehand so that there'd be only a short delay from end of Pilot to submission of final report.

Motion by Don Rocha (D9): move to approve, but proposed that in addition that the report on Pilot Program will go to the Neighborhoods Commission as well.

Manh Nguyen (D4): transparency and protection of public privacy is absolutely essential. Need continuing dialog & debate as it moves forward. He notes that there is likely to be a year's delay before the FAA gets around to developing rules for drones, and asks that SJPD report back at that time with the final policies that they will be proposing in their FAA submission.

He also proposed adding back the NC recommendation (item 7) that the SJPD Chief give report to the Independent Police Auditor (IPA) within 5 business days in case of Exigent Use.

City Attorney Rick Doyle questions whether it is appropriate for the IPA to be tasked with this; offers to research the matter.

Ash Kalra reaffirms the wish that the IPA be involved in Exigent Use situations.

Rose Herrera expresses her support for the drone, and says how it would have been useful in the recent shot-officer situation.

Raul Peralez (D3): more discussion as to whether notification of IPA is okay, and why SJPD was hesitant. Also: policies are not set in stone; can be modified at end of year; might be able to change mid-stream.

Legal Counsel: will check to see if IPA can be directed for this task, and will get back to City in about three weeks.

Pierluigi Oliverio (D6): Q about private drones. Can be flown anywhere in city? Any regulations?  
A: FAA has jurisdiction.

Mayor Sam Liccardo: Why no biometric? Discussion as to why the drone was limited in not having audio capabilities. Chief Esquivel said it was to satisfy public concerns. (I raised my hand to speak but was not called upon: I was going to say that the Neighborhoods Commission had limited the use of audio only in the sense that it could not have offensive capabilities, but we had been suggesting that the drone might want to have communications capabilities.)

Mayor says this is a tool; like any tool, it could be misused, but you don't limit the capability of a tool just because it could be misused. Mayor hopes that biometrics and audio will be considered when the program comes back at the end of the pilot.

Rose Herrera (D4) expresses concerns about involving the IPA for the exigent situations, would be happy with just a report to PSFSS. Also, doesn't want the capabilities limited regarding biometrics and audio.

There were multiple expressions of gratitude for the work of the Neighborhoods Commission.

Motion to accept SJPD recommendation on the drones, with the addition of involving the Neighborhoods Commission in the review at the end of the Pilot Program and the notification of the Independent Police Auditor (if allowable) in the case of Exigent Use.  
Passes unanimously.

~Larry Ames, 8/12/15