

SURVEILLANCE TOOLKIT: SAMPLE COALITION LETTER OPPOSING THE ACQUISITION OF DRONES

Date

Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Your City Council

Street address City,

CA ZIP

Re: Community Opposition to the Proposed Acquisition of Drones

Dear Members of the [**X City Council/ X Board of Supervisors**],

We are a community coalition of groups and individuals dedicated to protecting civil rights and civil liberties, including the right to be free from intrusive, discriminatory, and dangerous government surveillance, and we write to raise significant concerns and express opposition to the proposed acquisition of unmanned aerial vehicles (“drones”) by the [**City/County Name and Department**]. We are deeply concerned that drones will make our community less, not more, safe because they expand police power to invade privacy, record lawful movements and activities, and impinge on protected First Amendment activities. The [**City Council/County Board of Supervisors**] should not authorize the deployment of drones within our community.

1. Drones pose serious threats to privacy and civil rights.

Drones increase the government’s surveillance power in newly invasive ways. This is in part because drones eliminate traditional practical barriers that have prevented continuous and routine aerial surveillance: for example, unlike a traditional manned helicopter or aircraft, drones are smaller, cheaper to acquire and operate, and easier for humans to fly without advanced skill. Drones can fly lower, more quietly, and navigate private spaces in ways unlike traditional aircraft. The technological advances of drones lower the cost of surveillance, removing a natural existing deterrent to continued and abusive surveillance.

Drones also give police an unprecedented ability to monitor people going about their lives. Small, hovering platforms, drones can explore hidden spaces or peer into windows. They can be equipped with high powered, night-vision cameras. Vendors may also offer video analytics or biometric surveillance software intended to recognize to and track specific people, events, and objects. With a drone, police agencies can more easily watch people without their knowledge and record detailed information about people at home, at protests, and at religious gatherings. An agency may also seek to coordinate multiple drones into swarms that scoop up information and create a system of comprehensive neighborhood surveillance.

2. Drone programs are easy to expand to invasive and dangerous forms of surveillance.

The [**City Council/Board**] should take very seriously the real possibility that today’s proposed drone program will expand in the near future, even if this drone proposal is focused on a few uncontroversial use cases. As with other surveillance systems, once a drone is in a police agency’s arsenal there will be an immense temptation to expand how it is used, regardless of its efficacy. This is because drone systems are expandable and easily augmented with new features, sensors, and even weapons. Indeed, police in Northern California have already deployed drones to monitor students and immigrants’ rights protests, and even used them to spy on homeless

encampments during the pandemic.¹ We are also deeply concerned about the possibility that police will seek to weaponize drones once the program is established.²

Finally, there is a lack of meaningful evidence that drones will prevent crime and measurably increase public safety. To the contrary, research has cast doubt on the efficacy of drones, finding that they provide minimal cost advantage to comparable manned aircraft and provide no more security than manned aircraft despite being significantly more expensive.³ The public has deep concerns about the use of drones for domestic surveillance.⁴

3. California law imposes specific requirements on law enforcement agencies seeking to deploy drones.

California law defines drones (“unmanned, remotely piloted, powered aerial or ground vehicles”) as “military equipment” and imposes several requirements on California law enforcement agencies seeking to acquire or deploy them. Cal. Gov. Code ¶ 7071. Agencies are required to obtain approval in the form of an ordinance adopting a military use policy from a governing body⁵ — such as a city council or other elected body that supervises the agency — prior to requesting military equipment, seeking funds for military equipment, or acquiring military equipment in any way. *Id.*

The agency must also submit annual reports for each type of equipment covered by the policy. Cal. Gov. Code ¶ 7072.

The annual report must include:

- A summary of how the military equipment was used and the purpose of its use,
- A summary of any complaints or concerns received concerning the military equipment,
- The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response,
- The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report,

¹ See Dave Maass & Mike Katz-Lacabe, *Alameda and Contra Costa County Sheriffs Flew Drones Over Protests*, ELECTRONIC FRONTIER FOUNDATION (Dec. 5, 2018) [Alameda and Contra Costa County Sheriffs Flew Drones Over Protests | Electronic Frontier Foundation \(eff.org\)](https://www.eff.org/news/2018/12/05/alameda-and-contra-costa-county-sheriffs-flew-drones-over-protests); April Glaser, *Homeless people are at risk from the coronavirus. Police have a contentious solution: drones*, NBC NEWS (Apr. 24, 2020) [Homeless people are at risk from the coronavirus. Police have a contentious solution: Drones. \(nbcnews.com\)](https://www.nbcnews.com/news/health/homeless-people-are-risk-coronavirus-police-contentious-solution-drones-n1104831).

² Ese Olumhense, *Axon’s Ethics Board Resigned Over Taser-Armed Drones. Then the Company Bought a Military Drone Maker*, WIRED (Sep. 9, 2023) <https://www.wired.com/story/axon-taser-drones-ethics-board/#:~:text=Less%20than%2010%20days%20after,started%20developing%20Taser%20Dequipped%20drones>.

³ Abigail Hall, *Drones: Public Interest, Public Choice, and the Expansion of Unmanned Aerial Vehicles* (Sep. 17, 2014). Available at SSRN: <https://ssrn.com/abstract=2497539> or <http://dx.doi.org/10.2139/ssrn.2497539>.

⁴ See Terance Miethe, Miliikeala S.J. Heen, & Emily Trosyhnski, *Public Attitudes About Aerial Drone Activities: Results of a National Survey (Research in Brief report)*, CENTER FOR CRIME AND JUSTICE POLICY (July 2014) [Research-PublicAttitudesaboutAerialDroneActivities.pdf \(unlv.edu\)](https://www.cccj.org/research-public-attitudes-about-aerial-drone-activities.pdf); see also Stephen Rice, *Eyes In The Sky: The Public Has Privacy Concerns About Drones*, FORBES (Feb. 4, 2019) [Eyes In The Sky: The Public Has Privacy Concerns About Drones \(forbes.com\)](https://www.forbes.com/sites/stephenrice/2019/02/04/eyes-in-the-sky-the-public-has-privacy-concerns-about-drones/) (citing data from a study revealing that drone use generates fears of police and that the general public opposes ongoing drone surveillance).

⁵ “Governing body” means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff’s department or a district attorney’s office, “governing body” means the board of supervisors of the county. Cal. Gov. Code ¶ 7070(a).

- The quantity possessed for each type of military equipment, and
- If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

We urge the [**City Council/Board of Supervisors**] to reject this drone proposal. We also encourage the [**City Council/Board of Supervisors**] to adopt an ordinance prohibiting the future acquisition of drones by [**City/County**] departments including the police. In addition to complying with state law if any drone program is considered, the [**City/County**] should engage community members in a discussion about non-surveillance alternatives to drones that have been demonstrated to actually improve the health and safety of communities like ours.

Sincerely,