



June 13, 2021

Long Beach City Council
City of Long Beach
411 West Ocean Boulevard, 1st Floor
Long Beach, CA 90802
via email: cityclerk@longbeach.gov

RE: Agenda item 31 - Drone Liability Insurance

Dear Councilmembers,

Agenda item 31 (21-0558) contains a renewal of a \$7,185 worth drone liability insurance policy among the \$3.3 million in policies to be approved. It is a renewal of a policy passed by the council in 2019.

As I wrote in a guest piece for the Beachcomber last week, the LBPD bought its first drone in 2017, sought FAA certification of its program with the assistance of the City Manager in 2018, and received special FAA permission for night flights on May 31 and June 1, 2020, citing civil unrest. (beachcomber.news/content/lbpd-drone-program-lacks-rules)

The department currently has four drones which cost approximately \$20,000 each and four officers certified as drone pilots. The police drones are likely what is being insured tonight.

The drone program has been operating without a policy to prevent unsafe or unconstitutional use since its inception, and it took public exposure to prompt the department to begin drafting a drone policy.

So far the process has been secret from the public, and I assume the public's representatives. Tonight would be a good time to begin addressing that before more money is spent on the program.

Mohammad Tajsar of the ACLU of Southern California said in a recent interview that "adding unmanned aerial surveillance vehicles to an already bloated policing arsenal is dangerous, damaging, and a detriment to public safety. History teaches us that whatever the promise of new technologies is, police departments will exploit them to further expand their power."

Tajsar added, "instead of spending precious public resources and time with shiny new objects, city leaders should divert funds away from policing and into life-affirming services desperately needed for residents of Long Beach as we pull ourselves out of a devastating public health and economic crisis."

The public should have a chance to weigh in on surveillance issues before new programs are started, not years after they are exposed.

A Surveillance Transparency Ordinance, like 16 municipalities across the nation have passed, would require this, and prevent many of the past surveillance mistakes the LBPD has made in recent years. Such an ordinance requires community approval of all police surveillance equipment.

If California Senate Bill 21 had received just two more votes in 2018 a statewide Surveillance Transparency Ordinance covering all local police departments would have become state law. That bill would have put the city's "governing body" in charge of enforcing surveillance transparency and policy oversight.

Given Long Beach's recent police surveillance issues we should not wait for the State Senate to act.

The department used Vigilant Solutions' automated license plate readers (ALPRs), cell phone interception technology (Stingray™), and cell phone unlocking technology from Cellebrite without oversight, transparency, or policy until it was forced on them by law (Senate Bills 34, 741, and 178 respectively).

Now LBPD is repeating the pattern with facial recognition, drones, and social media monitoring.

LBPD sharing ALPR data with ICE violates the Long Beach and California Values Acts, and other data sharing violates Senate Bill 34, the state's ALPR law. If we had surveillance transparency this could have been caught before ten months of data was shared with ICE.

Instead it was discovered through public records act requests filed by CheckLBPD.org while investigating the department's misuse of ALPR databases to flag the license plates of two innocent protestors from a Black Lives Matters protest as potentially armed felons—leading to traumatic, and potentially deadly encounters with police in other jurisdictions.

The LBPD's ongoing improper data sharing is currently being addressed by the ACLU of Southern California, which sent the City Attorney a demand letter last month.

Other surveillance issues are still unaddressed. An investigation into LBPD's facial recognition program by CheckLBPD.org revealed that LBPD still uses this racially-biased technology without any policy to prevent mistaken identity or unconstitutional use. This was also covered last December by FORTHE media (Read: forthe.org/journalism/lbpd-facial-recognition/)

Furthermore LBPD's social media monitoring capabilities, which are much more extensive than the recently reported Zencity Covid sentiment monitoring, have yet to be fully covered in the media, let alone addressed by policy makers.

The last two major police surveillance contracts on ALPRs and Intelligence Analysts passed by consent calendar, with no public debate. Police oversight demands more transparency.

Please consider using tonight's vote to put a hold on the police drone program until the serious policy issues with the program can be addressed publicly, and start considering whether a Surveillance Transparency Ordinance might be right for Long Beach.

Thank you for your time,

Greg Buhl
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