

RECEIVED

MAY 02 2023

CITY CLERK

Comments by Rich Neumeister regarding the St Paul Police Department UAV (drone) policy

St Paul City Council is holding a hearing on proposed policies of the police department on Wednesday May 3, 2023

The proposal can use more meat on the bones. Can give direction with guardrails for accountability in use of drones by law enforcement. The state law gives weak privacy protections for residents of St Paul with their deployment and surveillance use.

The statute provides exceptions to where a search warrant does not need to be used. Several of those exceptions are broad and can be used in expansive ways which may not be in the interest of the populous.

The exceptions of the state statute make the search warrant protection like swiss-cheese.

Paramount reason which dictates need for strengthened local policies.

Generally, my suggestions can be characterized as accountable suggestions to protect the city's resident's privacy and to keep law enforcement in check in using drones (UAVs).

Essential that we not allow this new technology - with enhancements such as thermal imaging, zoom lenses, sensitive microphones, and other tech add-ons to be used without a search warrant.

Therefore, there should be part of policy, no listening device can be placed on a UAV without a search warrant. The Council may wish to consider what other add on technology can be used and be stated in the policy. Such as license plate reader cameras.

Decades-old case law as it applies in aerial surveillance gives no robust Fourth Amendment protections when a UAV hover over individual's property with a camera. There is need for more guidance on St Paul's policies.

In law, there is an exception where a UAV owned and operated by the law enforcement can be used by other government entities other than in a police capacity or in other words, for non-law enforcement purposes. The proposed policy is lacking in guidance and direction when it is used for these purposes. For example, licensing, residential, or zoning agencies could use drones for enforcement or other kinds of purposes. Residents of St Paul have Fourth Amendment protections with these situations.

Let's say City of St Paul wants to see how people are complying with certain rules of what homeowners can have in their backyards. The local agency requests the use of a drone to hover over backyards with enhanced technology to 'see' what's there.

The proposed policy by the Department can use more detail and direction when other city agencies request use of the UAV. The City Council can also do an ordinance.

As I stated in a previous paragraph, the statute has broad exceptions to when a UAV can be used without a search warrant. It is important for documentation that ensures accountability and transparency in those situations to the public

What will be the data so collected by the Department to assure that answerability and clarity?

One will note that the law states that the video (recording) of the UAV must be destroyed within seven days unless part of a criminal investigation. Should state in policy that no copy can be made of video that must be destroyed within the 7 day period. There must be hefty documentation of this action.

Residents of St Paul should be able to live in freedom from surveillance that is not justified. The state statute and the proposed policy does not provide robust protection against surveillance techniques enhanced by technology. Abstruse advances enable law enforcement and government to go beyond our expectations without many times public and policymakers making the rules with which they should abide by.

Over my decades of involvement with privacy matters, it has been law enforcement that is the institution that wishes to make their own rules, have the least accountability, and be hush-hush on what they may be doing that compromises our privacy. There is a balance that needs to happen. I will continue to strive for that and I have done so in the past.

Please contact me if there are any questions with what I have shared with you or want specific ideas to ensure that the drone proposal is one that manners the respect of our civil liberties.