National Initiative for Building Community TRUST & JUSTICE

Case Study: Community Input On Unmanned Aerial Systems (Drones), Stockton Police Department

Introduction

The Stockton Police Department in California has piloted a community input process for new departmental policy. On August 3, 2017, the department convened its Community Advisory Board to discuss the department's prospective use of unmanned aerial systems, commonly known as drones. During the meeting, Stockton police representatives outlined a draft policy that would govern the department's use of drones and encouraged board members to ask questions, share concerns, and provide feedback about the policy before it was finalized.

This new practice—seeking community input about the adoption of new technology—is a strong step toward police transparency and accountability, and other police departments may see positive results from implementing similar measures. Perhaps the most succinct argument in favor of policy input processes comes from NYU Law Professor Barry Friedman, who explains that "the public can't participate in setting policing policy if people don't know what is going on." Accordingly, community feedback processes provide advance notice of changes to police policy and practice and invite community members to participate in shaping those practices. Such mechanisms constitute concrete steps toward a model of policing that strives to obtain the consent and understanding of those who are policed (also known as democratic policing).

The Ethics of Aerial Cameras

The use of drones is more commonly associated with overseas military actions than with domestic policing. However, as of 2016, some 217 American law enforcement agencies had acquired drones. Although many of these devices were acquired with the assistance of federal anti-terror funds, they are mostly used to assist in search and rescue missions, traffic collision reconstruction, and investigation of active shooters or other crime scenes. For these reasons, it is perhaps unsurprising that a higher percentage of Americans support law enforcement use of drones rather than private use of the unmanned aircraft; one poll found that while 64 percent "would not want their neighbor to have a drone," 68 percent support police use to solve crimes. (By contrast, 46 percent oppose drones operated by news organizations.)

Still, some citizens and public interest organizations have expressed concrete concerns about the potential misuse of drones by law enforcement—and in the aforementioned poll, 73 percent of respondents indicated a desire for regulation of drones.

Since 2014, 13 states have passed laws restricting law enforcement use of drones, and 11 of those states require law enforcement agencies to obtain a warrant before using a drone. In California, however, Governor Jerry Brown vetoed a similar bill on the grounds that it was too narrow and too burdensome. The lack of statewide regulations on law enforcement use of drones in California means that local agency adoption of this technology will vary from one jurisdiction to another, and communities will have to assert their own feelings and demands about how drones can or cannot be used. That being said, local police departments can take steps to gauge community sentiments about the adoption of new technology and about the policies that will govern the use of that technology.

Bankruptcy, Violence, and Tension in Stockton

The city of Stockton is itself no stranger to police-community tension. Following the 2008 financial recession, Stockton struggled through a budget crisis that had severe ramifications on policing and public safety. The city notified the police and fire departments—its two costliest public employment organizations—that it would need to make substantial cuts to employee pay and medical benefits. Thus, the city cut the police budget $14 million and its fire budget $19 million.

Prior to the recession, the Stockton Police Department employed 441 sworn officers. Budget cutbacks resulted in reductions of more than 25 percent, devastating departmental morale and crime prevention efficacy. The department found itself in "crisis mode," command staff members recalled, because it lacked the capacity to continue proactive community policing practices. In June 2010, the Stockton police union posted billboards that read, "Due to cuts in the budget, we can no longer guarantee your safety."

These layoffs—combined with a citywide unemployment rate of 20 percent and an epidemic of foreclosures and homelessness—contributed to Stockton's status as one of the most violent cities in America. The homicide rate grew from 8.2 per 100,000 in 2008 to 23.7 per 100,000 in 2012. In July 2012, Stockton became the largest city to file for bankruptcy protection in American history (before Detroit filed in July 2013). At the time, Stockton City Manager Bob Deis wrote a letter to Governor Jerry Brown warning that a "mass exodus" of police officers could occur if the city was forced to eliminate pension benefits for current and retired city workers. Simultaneously, Stockton residents reported that "the police don't respond to anything unless there's blood involved." A concurrent trend of officer-involved shootings (RecordNet reports 27 police shootings between 2009 and 2014, none of which resulted in indictment of officers) and other high-profile police violence continued to undermine community perceptions of the Stockton Police Department.

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Stockton Police Move Towards Reform

With these challenges in mind, Eric Jones wasted no time implementing his "principled policing" vision upon being sworn in as Stockton Police Chief on March 1, 2012. By year's end, the department had rolled out procedural justice training for its officers and created a Community Advisory Board. In 2013, Chief Jones worked with the National Network for Safe Communities and the California Partnership for Safe Communities to implement NNSC's Group Violence Intervention, which emphasizes police-community partnership and the power of community moral norms in deterring violence. Chief Jones recognized the need to reset relationships with communities that distrusted the Stockton Police Department, and many of his early efforts to reshape the department acknowledged that distrust.

In 2015, Stockton was chosen as one of six pilot sites for the National Initiative for Building Community Trust and Justice (NI), a project designed to improve relationships between communities and the criminal justice system. The National Initiative's work involves trust-building interventions with police departments and communities that include training, policy change, increased transparency, and a process of intentional community engagement and partnership called reconciliation. Reconciliation includes the following components:

- Acknowledgment of harm by law enforcement and commitment to change
- Opportunities for community members to express what they think and feel
- Truth-telling and a statement of historical fact
- Narrative collection and sharing
- Sustainable mechanisms for concrete policy and practice change

During the first half of 2017, Chief Jones led at least eight "listening sessions" (structured meetings between community representatives and police executives) with Stockton community members and local organizations. He has also held more than 20 such sessions in the past year with various groups as part of his "Listening in a New Way" initiative. To ensure that community feedback is translated into policy and practice changes within his department, Chief Jones also regularly convenes his Community Advisory Board, which aims to institutionalize the reconciliation process and center it in the community. Chief Jones developed a representative advisory board subcommittee which is charged with reviewing police policy by considering narratives collected from listening sessions and community experiences. Its well-positioned community members accelerate reconciliation and trust-building work by ensuring other community members know that the process exists and that police departments are responsive to the community's ongoing needs. The discussion about drones and policy review process is a particularly compelling example of this exchange.

National Initiative work has shaped the Stockton Community Advisory Board's work, particularly in the policy input area, despite the board predating the initiative. Indeed, the Stockton Police Department's work with the National Initiative inspired its decision to solicit community input on its policy governing drone use:

> "About a year ago, we rolled out automated license plate readers, and we did not seek community input—and that's historically how we did things. But after discussions with folks involved in the National Initiative, we began to look for new ways to get public input [on Stockton Police Department policies that govern new technologies]. It was interesting, because it's much different than the way Stockton has done things. You have to be a little courageous to do this kind of thing," said Jones, who is also an Advisory Board Member for the Stanford-Harvard Project on Technology and Policing.

Drone Policy Presentation

On August 3, 2017, the Stockton Police Department piloted a community input process for a policy relating to the adoption of new technology: drones. During a regularly scheduled Community Advisory Board meeting, Lt. Eric Kane and Lt. Rich Ridenour gave a brief presentation that outlined their agency's acquisition of drones, the rationale behind the adoption of this new technology, and an overview of the departmental policy that governs how they will be used. While the drone policy that Lt. Ridenour presented was not finalized, he encouraged community members to provide feedback and ask questions about the implications of the policy.

For the most part, questions about the drones were fairly neutral or even supportive in tone. Community members were curious to learn more about the drones themselves and how they worked. Lt. Ridenour noted that other community members have been particularly eager to see demonstrations of the drones in action. Perhaps due to Stockton's recent history of fiscal difficulty, several citizens asked questions that were financial in nature. For example, "How much does each unit cost?"; "Would drones save money on officer deployment?"; and "How much does it cost to retain data?"

The policy input process for drones anticipated community privacy concerns. However, the bulk of questions at the meeting did not emphasize such concerns. Lt. Ridenour estimated that between five and seven privacy questions were raised, mainly along the lines of "Will these be used to look into my backyard?" Some board members had already experienced privacy violations from privately-owned drones, prompting them to ask related questions in the input meeting.

Some community members also specifically expressed enthusiasm for drone surveillance and crime discovery (random flyover patrols). In response, Lt. Ridenour made it abundantly clear to meeting attendees that drones would only be used for "directed enforcement deployment" scenarios. In other words, the drones would only be used to ensure officer safety and add visibility in scenarios where Stockton police officers are already responding to a reported crime, such as a car chase. This answer also addressed remaining concerns about disproportionate impact of drone use in the northern portion of the city versus the southern portion.

Community Advisory Board members remarked that Stockton police representatives were highly responsive and receptive to feedback about the drone policy. Board member Kathy Kimrey noted that the drone meeting "wasn't the most controversial" discussion that it had hosted, and added that Chief Jones was accessible via email and "always interested to hear feedback." Participants also felt that the conversation was digestible and comprehensible to laypeople. "Nothing went over my head," another board member said.

From the police perspective, Lt. Ridenour noted that the meeting "seemed to ease a lot of their concerns." Lt. Kane added that the community perception of drones has been "overwhelmingly positive," even outside of the input process meeting. Community Advisory Board participants affirmed this assessment: "This is just another tool for them to provide better policing, and if they keep presenting that to the public, it's more likely to be accepted."

Both community members and police participants voiced a wide variety of ideas about how the policy input process might be improved or broadened in scale for the future. Lt. Ridenour expressed a desire for more structured community input meetings (beyond the Community Advisory Board) before adoption of new technology was announced by news media. "It would have been nice to get [the input process] out earlier to four or five larger, community-type groups," he explained. Feedback from community members supported this desire, and some suggested that providing opportunities to ask questions and give feedback might inspire more trust and understanding from communities that distrust the police. In particularly challenging group contexts, board member Art Gomez suggested that Stockton police might attempt to find a trusted facilitator—perhaps a board member, a representative from local faith organizations, or another credible community figure—to ensure productive proceedings.

Gomez also suggested that police could broaden the scope of public comment by hosting "city hall meetings where the rollout is detailed, then have a three- to six-month period to collect as much feedback as possible from the community. Public policy input processes have been piloted in other cities (for instance, St. Paul's feedback process for its updated use of force policy). Practitioners would do well to analyze if and how such processes affect public perceptions of the police, community members said. Chief Jones noted that he is considering expanding the input

process to some sort of public forum or open electronic solicitation for comment, but explained that this sort of process would require significant coordination with and buy-in from Stockton's municipal government. Other Community Advisory Board members added that the net could be widened if board members attempted to start conversations about police policy with their social networks (friends, family, coworkers), and then brought feedback that they gathered to upcoming board meetings. This perspective affirmed Chief Jones' vision for the Community Advisory Board, that board members would be "ambassadors for the community" who frequently shared information with and solicited feedback from the communities they represented.

Institutionalization and Next Steps

Following the formal input process, the Stockton Police Department plans to continue to educate the public about drones and defuse any potential tensions or misunderstandings. "Our goal is to continue to do more community-based events where we show up, bring the drone out, fly them, talk about them, and answer questions," Lt. Ridenour explained. "Especially with the age of social media, rumors and misinformation can spread, so it's helpful to get in front of that and keep following up to answer the public's questions." Accordingly, Community Advisory Board members suggest that the Stockton Police Department could supplement community demonstrations by pushing educational content through social media and facilitating local news coverage, thus reinforcing the community perception that the police are transparent and ensuring that community members have access to necessary information about drone use protocol.

This input process represents one pragmatic venue for the institutionalization of a reconciliation process. Reconciliation includes an acknowledgment of historical harms committed by the police department; extended listening to the grievances and concerns of directly impacted community groups; and the creation of a structure that directs those concerns back into policy and practice changes. If employed to redress harm, a reconciliation process can act as a form of reparations.

In this instance (drone feedback), the process was not used to specifically redress a harm. Rather, it sought to ensure that new technologies are neither utilized harmfully nor perceived as harmful. In the words of Lt. Ridenour, "We wanted to get it out to others in the community and let them digest it a little bit, know what we're using it for and, more importantly, not using it for, so it's not taken into the wrong context."

This project was supported by Grant # 2014-MU-MU-K051 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice.