



Chula Vista Police Department

Community Forum

September 27, 2016



FAQs

Topic #1 – Police Video Technologies

1. [Q: What is a drone or UAS?](#)

A: UAS is an Unmanned Aerial System and is commonly called a drone. A drone is an aerial device with an on-board computer that is operated remotely, generally by a pilot on the ground using a handheld controller. Small drones are battery operated, weigh less than 55 pounds, have several rotors like a helicopter, and are equipped with a video camera.

2. [Q: Will the Chula Vista Police Department use drones to conduct routine surveillance in the City of Chula Vista?](#)

A: No. CVPD and the Chula Vista Fire Department (CVFD) are exploring the use of drones for specific missions in critical incidents, not for routine operations such as patrol. For example, a drone could be used to search an area for an armed and dangerous person without exposing a police officer to danger. A drone could be used in a structure fire or a wildfire to assess the fire's scope and path and to check for victims. A drone could also be used to document a crime scene or to locate a missing person.

Like any other public safety tool, the use of drones by government agencies is subject to federal and state laws and the agency's policies. In respect of privacy and civil liberties, CVPD will be required to obtain consent or search warrants to use drones where there is a reasonable expectation of privacy, such as in a residence or on private property.

3. [Q: Will the CVPD and CVFD record and retain images taken during drone flights?](#)

A: Yes, images captured by drones will be recorded and retained based on the nature of the incident. For instance, drone images of a homicide scene will be kept forever as evidence. But drone images of an area search with negative results will be kept only as long as required by records retention laws, generally for only 90 days. Video evidence from a drone will be preserved and protected like any other evidence. Requests for copies of drone video and other drone-related records will be subject to the California Public Records Act.

4. [Q: Have the Chula Vista Police Department and the Chula Vista Fire Department sought input from the community about a drone program?](#)

A: Yes. CVPD and CVFD have created a committee that has sought out meaningful public input regarding the use of drones. The drone committee has received guidance from the City Attorney's office, the ACLU, and the Department's Community Advisory Committee. The committee also has carefully researched case law and best practices for using drones in public safety situations. The Department has a policy which has been posted on its website at:

<http://www.chulavistaca.gov/departments/police-department/department-policies>

5. Q: Will there be oversight of a drone program?

A: CVPD's and CVFD's use of drones will be subject to audit, with accountability for misuse. Public safety drones must be licensed by the FAA and flown only by trained drone pilots who have undergone rigorous flight and law and policy training. All drone operators will be sworn police officers or firefighters who are accountable to all applicable laws and City standards.

6. Q: What type of drones will the Chula Vista Police Department and the Chula Vista Fire Department employ?

A: CVPD and CVFD are still researching small drone and camera systems, as well as funding sources, such as grants. Under no circumstances will a drone be weaponized.

7. Q: How often will the Police Department and Fire Department use drones?

A: Drones will be used in specific operational and tactical situations based upon officer and firefighter safety and public safety. Under no circumstances will drones be used for general patrol, "joyriding" or any unlawful purpose. Drones will be deployed only with the permission of the on-duty Watch Commander and in accordance with established policy. Drones have limited flight times and operational use will be limited due to battery life. Finally, all drone flights will be logged in a flight log to document the time, date, location and purpose of the flight.

8. Q: What type of incidents can a drone be used for?

A: CVPD and CVFD plan to use drones for critical incidents, missing persons, search and rescue, disaster relief, and firefighting.

9. Q: Are there public agencies in California already using drones for public safety purposes?

A: Yes. Agencies such as Alameda County and Ventura County use drones for public safety purposes. Police and fire agencies in the region and state are exploring drone programs or adding drones to existing helicopter and fixed-wing air support to enhance public safety responses.

10. Q: What's next for the drone program?

A: CVPD and CVFD will continue to research drone system options so that when funding is identified, the drone program can be presented to the City Council for additional community review and discussion. The goal is to operate a police-fire drone program by the end of 2017. CVPD and CVFD welcome questions and comments from community members on this developing program.

Topic #2 – CVPD Homeless Outreach Team

1. Q: How many homeless persons live in Chula Vista?

A: The point in time count conducted in January of 2016 documented approximately 478 homeless individuals in the city. This number fluctuates over time for a variety of reasons, but a fair estimate is 450 to 550.

2. Q: Why don't the police just arrest the homeless?

A: Being homeless is not illegal. Just like every citizen or non-citizen, homeless individuals have civil rights and are entitled to due process under the law. They have the right to be in city parks and other public places. If a crime is committed by a homeless person, that person is subject to arrest just like any other citizen. This may entail simply receiving a court citation rather than being booked into jail.

3. Q: Some of the homeless are mentally ill. Why don't the police put them in a hospital?

A: As with other sectors in the community, some members of the homeless community suffer from mental illnesses of various types and degrees. California law requires law enforcement to evaluate any individual who shows signs of mental illness with specific criteria. Individuals are evaluated on whether they are a danger to themselves, a danger to others or gravely disabled. If a person does not meet these criteria, officers cannot take him or her into custody and may only recommend seeking treatment.

4. Q: Why are the homeless allowed to throw trash everywhere?

A: Some homeless individuals scavenge through trash cans looking for recyclable or useable items to sell to support themselves. Some individuals discard these items on the ground, but many homeless people make a point to clean up after themselves. Littering is illegal and is subject to citation.

5. Q: Why can't we keep the homeless out of our parks?

A: Homeless individuals have the same rights as everyone else to be in the parks during open hours. If they break park rules, they are subject to citation like everyone else.

6. Q: Is Chula Vista building shelters to house the homeless?

A: The City of Chula Vista is not planning on building shelters to house the homeless at this time. But the City recently created the Homeless Outreach Team to help link homeless individuals to governmental services, which include housing.

7. Q: Why can't we arrest the homeless for panhandling?

A: The courts have ruled that alms giving and panhandling on most public property is permissible First Amendment activity. However, it is illegal for anyone to panhandle 500 feet from a freeway ramp. It is also illegal to violate California Vehicle Code sections restricting pedestrian movement on roadways.

8. Q: We call the police about transients all of the time and the police don't show up? Why?

A: The Police Department responds to calls for service based on priorities. The volume of calls for service and the number of emergency calls dictate when an officer can respond to the call. Even if it takes officers a few hours to arrive, the Department encourages residents to place a call for service, so that officers are aware the problem is persistent. And depending on call volume and priority, it is also possible that officers will arrive in a shorter time period.

9. **Q:** [What is Chula Vista doing to end homelessness?](#)

A: Ending homelessness is an impossible task for any city, because there are a variety of factors causing people to be homeless that are simply outside the control of local government. The City is committed to helping homeless individuals find resources, such as housing they can sustain, so that they are no longer homeless.

10. **Q:** [Why can't the police make the transients leave the city or take their property from them?](#)

A: Homeless individuals have the same freedoms and rights as anyone else. They have the right to be in the city and the right to have belongings, and Police Officers respect these rights for all individuals. Personal property may not block a sidewalk or road and is subject to immediate removal. Unattended property that is left in other public places is posted with a notice to remove within 24 hours. If the property is not removed in 24 hours, the property is picked up and stored, and the owner may contact the City to claim it. Individuals with property in shopping carts are given bags for their belongings and refuse, and shopping carts are removed and returned to store owners.

Topic #3 – Marijuana Dispensaries

1. **Q:** [Are medical marijuana dispensaries legal in Chula Vista?](#)

A: No. The City of Chula Vista prohibits the operation of any type of marijuana dispensary in the City.

2. **Q:** [Isn't medical marijuana legal in California?](#)

A: California law provides criminal immunity for the personal use and possession of medical marijuana. The City of Chula Vista does not interfere with the personal use and possession of medical marijuana in compliance with California law. However, California law allows cities to prohibit medical marijuana businesses (dispensaries, cultivation fields) from operating in their local jurisdictions.

3. **Q:** [Aren't marijuana dispensaries currently operating in Chula Vista?](#)

A: The City of Chula Vista is aware of 12 dispensaries currently operating in the City. None of these businesses have a permit to operate and each of these dispensaries is operating in violation of Chula Vista law. The City has initiated enforcement action against all 12, including filing lawsuits against eight.

4. **Q:** [Why can't the City just go in and shut the unlawful businesses down?](#)

A: The City is required to provide due process under the law. This means that the City must provide proof and an opportunity for the accused to defend themselves against the City's accusations. Enforcement against dispensaries can be complicated, as the operators often intentionally hide their identities and are motivated to make a profit for as long as they can. Due to the limited resources of our San Diego courts, the civil legal process takes a considerable amount of time. The City just passed a new law that permits criminal prosecution against those who violate the City's ban on dispensaries.

5. [Q: Which City Departments are responsible for shutting the dispensaries down?](#)

A: The City's Code Enforcement Division, Police Department, and City Attorney's Office all work together to investigate and enforce violations of the municipal code involving marijuana dispensaries. At this point, the enforcement is done through administrative and civil processes. The City is in the process of adding criminal enforcement to its toolkit.

6. [Q: Aren't there sick people in Chula Vista who need medical marijuana?](#)

A: The City of Chula Vista does not interfere with or prohibit individual use or possession of medical marijuana so long as the use or possession complies with California law. The City prohibits dispensary and cultivation businesses, but does permit delivery of medical marijuana in compliance with California law if the delivery originates at a lawful dispensary outside the City of Chula Vista. The City also permits medical marijuana to be dispensed by a qualified caregiver at certain state-licensed medical clinics and residential care facilities.

7. [Q: Why can't the City just allow dispensaries and regulate them?](#)

A: Current Chula Vista law does not allow for the operation of any type of marijuana dispensary. Citizens can voice their preferences to the Mayor and Council if they wish to seek changes in the law. The Police Department and City Attorney are duty-bound to enforce the laws as they stand today.

8. [Q: If voters approve Prop. 64 to legalize recreational marijuana in November, how will it affect Chula Vista?](#)

A: If Proposition 64 passes, it will mean that limited amounts of recreational marijuana will be lawful to use and possess. However, Proposition 64 makes clear that cities get to decide whether to allow or prohibit recreational marijuana businesses in their local jurisdictions, just like they currently do with medical marijuana. The City Council has the authority to make policy in this area. Note: Many cities in Colorado, where recreational marijuana is legal, still choose to prohibit marijuana businesses from operating in their local jurisdictions for the stated purposes of maintaining the character of their cities and to attract tourists with families.

9. [Q: Aren't we missing out on a lot of tax revenue?](#)

A: Information from cities that allow and tax marijuana businesses is mixed. The costs of administering regulations and enforcing against those who operate without proper permits are high, and the amount of revenue collected depends on many factors. Most revenues generated by Proposition 64 will be retained by the state; it is unclear how much will go to local jurisdictions. It should be noted that under Proposition 64, medical marijuana will not be subject to sales and use taxes.