

File No. 240636

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Sept 16, 2024

Board of Supervisors Meeting

Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- Memorandum of Understanding (MOU)
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- Award Letter
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- Form 700
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Completed by: Victor Young

Date Sept. 5, 2024

Completed by: _____

Date _____

1 [Administrative Code - Use of Unassisted Aerial Vehicles]

2

3 **Ordinance approving the Police Department’s inventory and policy relating to the use**
4 **of unassisted aerial vehicles, or drones, and making findings consistent with the**
5 **criteria in State law.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
9 **Board amendment additions** are in double-underlined Arial font.
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.
11 **Asterisks (* * * *)** indicate the omission of unchanged Code
12 subsections or parts of tables.

10

11 Be it ordained by the People of the City and County of San Francisco:

12

13 Section 1. Background.

14 (a) In March 2024, the voters of the City and County of San Francisco approved
15 Proposition E, which included an authorization for the San Francisco Police Department to
16 use Unassisted Aerial Vehicles (“UAVs,” also known as “drones”) for certain law enforcement
17 purposes. Proposition E states that the Police Department may use UAVs for vehicle pursuits
18 and for active criminal investigations; directs the Police Department to comply with City
19 policies to protect privacy and civil liberties; limits the retention and sharing of any public
20 footage that may be obtained from UAVs; and requires certain reporting with respect to the
21 use of UAVs for vehicle pursuits. Prior to January 1, 2027, the Board of Supervisors (“Board”)
22 may not amend or repeal these provisions of Proposition E unless it adopts an ordinance by
23 supermajority of eight votes.

24 (b) On December 13, 2022, the Board adopted Ordinance No. 257-22, approving the
25 Police Department's Use of Equipment Policy (“Equipment Policy”) pursuant to AB 481, which

1 is codified at California Government Code Sections 7070 *et seq.* and requires approval and
2 certain findings by the law enforcement agency’s governing body. A copy of the Equipment
3 Policy is included in Board File No. 220641; it does not contain any provisions for UAVs. In
4 compliance with Proposition E and State law, the Police Department has now prepared a UAV
5 Inventory and Policy (“UAV Policy”) to supplement its Equipment Policy to govern the Police
6 Department’s use of UAVs.

7
8 Section 2. Findings and Approval of Police Department’s UAV Policy.

9 (a) The Police Department prepared a policy for UAVs covered by California
10 Government Code Sections 7070 *et seq.* A copy of the UAV Policy is in Board File No.
11 240636.

12 (b) The Board of Supervisors hereby finds that

13 (1) UAVs covered by the UAV Policy are necessary because there are no
14 reasonable alternatives that can achieve the same objectives of officer and civilian safety;

15 (2) UAV Policy will safeguard the public’s welfare, safety, civil rights, and civil
16 liberties;

17 (3) The equipment described in the UAV Policy is reasonably cost effective; and

18 (4) UAV Policy satisfies the requirements of AB 481 as codified in California
19 Government Code Section 7070(d).

20 (c) The Board hereby approves the UAV Policy for the Police Department. After
21 approval of the ordinance, the Police Department shall incorporate the UAV Policy into the
22 Equipment Policy.

23
24 Section 3. Annual UAVs Equipment Report, Posting, and Community Meeting.

1 (a) Annual UAVs Equipment Report. As required by State law, within at least one year
2 of the effective date of this ordinance, the Police Department shall submit to the Board its
3 annual UAVs Equipment Report and incorporate it into the annual Equipment Report
4 thereafter for as long as the UAVs are available for use.

5 (b) As required by State law, the Police Department also shall post on its website the
6 Equipment Report, including the UAVs Equipment Report, for as long as the equipment is
7 available for use. The annual UAVs Equipment Report shall, at a minimum, include the
8 following information for the immediately preceding calendar year for each type of equipment
9 included in the UAV Policy:

10 (1) A summary of how the UAV equipment was used and the purpose of its use.

11 (2) A summary of any complaints or concerns received concerning the UAV
12 equipment.

13 (3) The results of any internal audits, any information about violations of the
14 UAV Policy, and any actions taken in response.

15 (4) The total annual cost for each type of UAV equipment, including acquisition,
16 personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs,
17 and from what source funds will be provided for the equipment in the calendar year following
18 submission of the annual UAVs Equipment Report.

19 (5) The quantity possessed for each type of UAV equipment.

20 (6) If the Police Department intends to acquire additional equipment covered by
21 Government Code Section 7070 in the next year, the quantity sought for each type of UAV
22 equipment.

23 (c) As required by State law, within 30 days of submitting and publicly releasing its
24 required annual UAVs Equipment Report, the Police Department shall hold at least one public
25 meeting regarding the covered equipment report and use therein.

LEGISLATIVE DIGEST

[Administrative Code - Use of Unassisted Aerial Vehicles]

Ordinance approving the Police Department’s inventory and policy relating to the use of unassisted aerial vehicles, or drones, and making findings consistent with the criteria in State law.

Existing Law

On December 13, 2022, the Board adopted Ordinance No. 257-22, approving the Police Department's Use of Equipment Policy pursuant to AB 481, which is codified at California Government Code Sections 7070 *et seq.* but it does not contain any provisions for UAVs. In March 2024, the voters of the City and County of San Francisco approved Proposition E, which included an authorization for the San Francisco Police Department to use Unassisted Aerial Vehicles (“UAVs,” also known as “drones”) for certain law enforcement purposes.

Amendments to Current Law

If passed, this uncodified ordinance will approve the Police Department’s UAV Inventory and Policy. UAVs operates in the air, which are utilized to enhance the safety of the community and officers by providing air support and situational awareness for law enforcement operations. Under Prop E (SF Admin Code 96I.2(e)(2)) the Department is authorized to use UAV along with or in lieu of vehicle pursuits and to assist with active criminal investigations. UAVs will be used for trainings and simulations, critical incidents, exigent circumstances, search and rescue, missing persons, Crime Scene Investigation (CSI/TCIU), during suspicious device assessments, planned operations, disaster response and community outreach related to vehicle pursuits and active criminal investigations. Technical Services Unit will manage the UAV program.

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SECTION 1: CURRENT INVENTORY POLICY ORDINANCE REQUIREMENTS:

<u>Unassisted, remotely piloted, powered, unassisted aircraft system (sUAS)</u>	
Description	<p>DJI Mavic Enterprise (M3E) Series - This is an outdoor sUAS that includes the aircraft and flight controller uses a 48MP camera, up to 4K/60fps videos and 4K/30fps HDR videos. It has a flight time of 45 minutes with an internally closed battery and obstacle sensing system. The Mavic 3 Enterprise has a 56x hybrid zoom, a 28x digital thermal zoom and a 4/3 CMOS sensor on the mapping version for high resolution photo mapping. The Advanced Pilot Assistance Systems detects objects in the aircraft's flight path in real-time.</p> <p>DJI Mavic Thermal (M3T) Series - This is an outdoor sUAS that includes the aircraft and flight controller uses a 48MP camera, up to 4K/60fps videos and 4K/30fps HDR videos. It has a flight time of 45 minutes with an internally closed battery and obstacle sensing system. Mavic 3T's thermal camera has 640 x 512 resolution and supports point and area temperature measurement, high temperature alerts, color palettes, and isotherms to help you find lost or missing people.</p> <p>DJI Avata Series – This is a smaller sUAS that includes the aircraft and flight controller and first-person view (FPV) goggles. This sUAS uses a 4K camera, up to 4K/60fps videos and 4K/30fps HDR videos. It has a flight time of 34 minutes (47 minutes with the Intelligent Flight Battery Plus) and an obstacle-sensing system. Intended for indoor use.</p> <p>Brinc Lemur 2 – This is primarily an indoor sUAS that includes floor plan mapping, two-way communications, glass breaker attachment, 4K daytime, night vision, and thermal sensors, 360-degree position hold, live stream off-site.</p> <p>Autel Evo Max 4N – This is an outdoor sUAS that includes global path planning, 3D scene reconstruction, autonomous obstacle avoidance, 160 X Zoom camera, and laser range finder wide-angle camera, thermal imaging camera, and laser range finder.</p> <p>DJI Matrice 30T – This is an outdoor sUAS that includes wide-angle zoom, thermal camera with 4K30 resolution, and 41-minute flight time. This sUAS easily handles adverse weather. Thermal cameras can be essential in finding individuals during search and rescue missions.</p>
Quantity	<p>Phase I</p> <p>2- DJI Mavic Enterprise 2- DJI Mavic Thermal 2- DJI Avata</p> <p>6 Total sUAS 4 - TAC for indoor (2 DJI Avata /outdoor ops (2 DJI Mavic) 2 - TSU for outdoor ops (2 DJI Mavic)</p>

	<p>The above quantity relates to “Phase One” otherwise known as the sUAS Pilot Program.</p> <p>Phase II</p> <p>8 – DJI Avata 2 8- DJI Mavic 3T Fly More Combo 2- Brinc Lemur 2 2 – Autel Evo Max 4N 2 – DJI Matrice 30T Plus Combo</p> <p>22 Total sUAS</p> <p>Phase Two may be initiated during the 2024 calendar year.</p>
Expected Lifespan	3-5 years for all sUAS
Purpose	A remotely controlled unassisted aerial vehicle that operates in the air, which is utilized to enhance the safety of the community and officers by providing air support and situational awareness for law enforcement operations. Only assigned operators who have completed the required training shall be permitted to operate the sUAS. Technical Services Unit will manage the UAS program.
Authorized Use	<p>Under Prop E (SF Admin Code 96I.2(e)(2)) the Department is authorized to use sUAS along with or in lieu of vehicle pursuits and to assist with active criminal investigations.</p> <p>The sUAS will be used for: training and simulations, critical incidents, exigent circumstances, search & rescue, missing persons, Crime Scene Investigation (CSI/TCIU), during suspicious device assessments, planned operations, disaster response and community outreach related to vehicle pursuits and active criminal investigations.</p> <p>Only assigned operators who have completed the required training shall be authorized to operate the sUAS.</p>
Fiscal Impact	<p>Phase One Initial Cost (current equipment): DJI Mavic Enterprise: \$8670.45 DJI Mavic Thermal: \$13139.28 DJI Avata: \$2638.00</p> <p>Total with accessories: \$35,053.91</p> <p>Annual maintenance and battery replacement cost is approximately \$400 per in-service sUAS (\$2,400.00). Estimated annual cost for streaming, logs & fleet management SAAS is approximately \$40,000/year (Axon Air, 4K/10 pilots).</p> <p>Phase Two (additional 22 drones, peripheral equipment, and software) Initial Cost: \$324,248 Expected Reoccurring Cost: \$148,307</p>

Legal and Procedural Rules	DGO 5.01 Use of Force DGO 8.01 Critical Incident Evaluation and Notification Technical Services Unit (TSU) Unit Order – 24-01 Tactical Company (TAC) Unit Orders – 24-02 Prop E (SF Admin Code 96I.2(d), 96I.2(e))
Training	Required: UAS operators must obtain FAA Part 107 Remote Pilot & Dept. Training. Optional: California Peace Officer Certification Reporting (POST) Basic UAS Operator Training

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Chief William Scott, Police Department

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: June 10, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed Ordinance:

File No. 240636

Ordinance approving the Police Department's inventory and policy relating to the use of unassisted aerial vehicles, or drones, and making findings consistent with the criteria in State law.

If you have comments or reports to be included with the file, please forward them to Victor Young at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: victor.young@sfgov.org.

c: Lisa Ortiz, Police Department
Lili Gamero, Police Department
Rima Malouf, Police Department
Diana Oliva-Aroche, Police Department
Carl Nicita, Police Department

DRONE PROGRAM

UNMANNED AIRCRAFT SYSTEMS USE OF EQUIPMENT POLICY



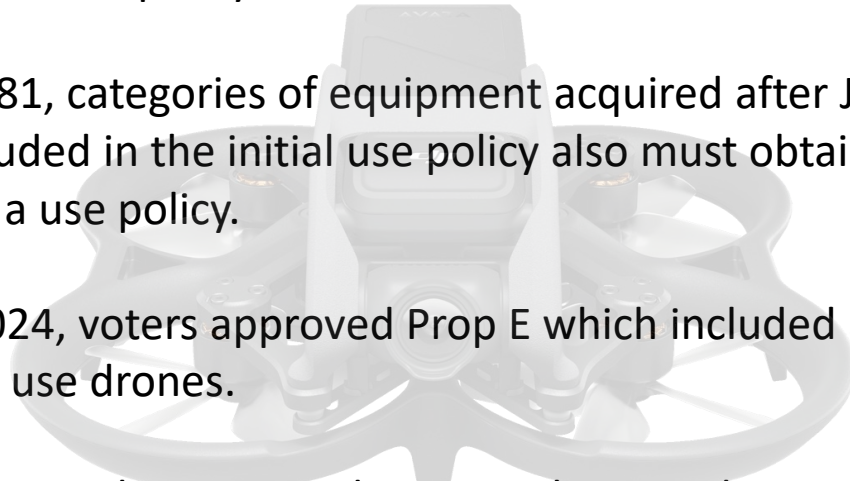
SAN FRANCISCO POLICE DEPARTMENT

RULES COMMITTEE
SEPTEMBER 9, 2024



COMPLIANCE WITH AB 481

- As required under Government Code Sections 7070 *et seq.* (AB 481), SFPD received approval for a Use of Equipment Policy in December 2022. (Ordinance No. 257-22)
- The use policy approved by the Board of Supervisors addressed the equipment the department had acquired prior to January 1, 2022.
- This approved use policy does not include drones.
- Under AB 481, categories of equipment acquired after January 1, 2022, which are not included in the initial use policy also must obtain Board of Supervisors approval of a use policy.
- In March 2024, voters approved Prop E which included an authorization for the SFPD to use drones.
- In compliance with Prop E and AB 481, the SFPD has prepared a Unassisted Aerial Vehicle Inventory and Policy (“Drone Policy”) to supplement its approved Use Equipment Policy to govern the SFPD’s use of drones.



PROGRAM HIGHLIGHTS

- Following the passage of Proposition E, SFPD deployed six unmanned aircraft systems (drones) as part of initial deployment, with more on the way
- These drones are SFPD's first air support in 24 years.
- All drone operators are trained and certified with a Remote Pilot's License (Part 107) issued by Federal Aviation Administration (FAA) to ensure drones are operated in accordance with all laws and the manufacturer's approved flight manuals.
- To more effectively and efficiently respond to crime, SFPD is integrating drones with other technologies including Automated License Plate Readers (ALPR) and public safety cameras.
- Drones are deployed within the City & County of San Francisco, SF Airport property, and during SFPD operations outside of San Francisco as allowed.
- Benefits include faster response times, situational awareness, more precision, de-escalation, officer safety, avoiding unnecessary police chases, and force multiplier during staff shortages.



AUTHORIZED USE AND RESPONSIBILITIES

Authorized Use

- Under Prop. E, the SFPD is authorized to use drones along with or in lieu of vehicles during pursuits and to assist with active criminal investigations.
- Under the policy submitted to the Board of Supervisors, drones will be used for training and simulations, critical incidents, exigent circumstances, search and rescue, missing persons, Crime Scene Investigation, during suspicious device assessments, planned operations, and disaster response.
- SFPD has policies in place to ensure drones are used responsibly with safeguards to protect the Constitutional rights and privacy of the public.

Deployment Responsibilities During Phase One

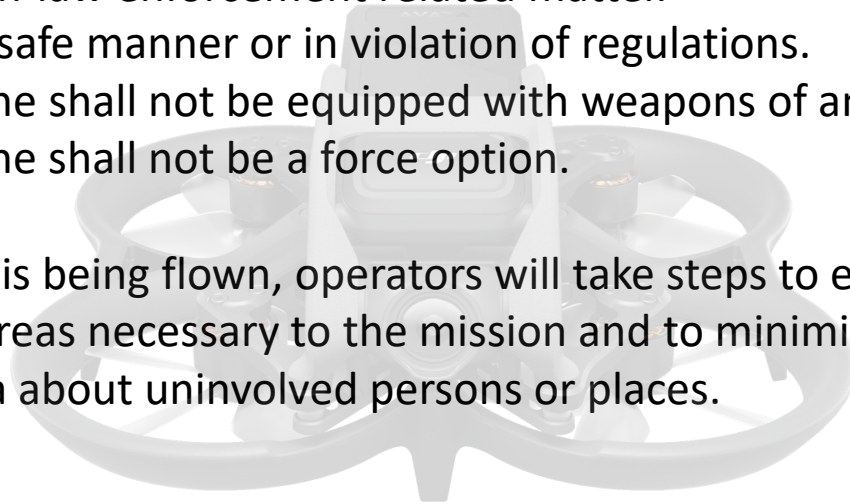
- Drones provide aerial support and situational awareness to responding officers during:
 1. Pre-planned crime prevention and investigation operations.
 2. Spontaneous criminal investigations at the discretion of the Program Manager or designee.
 3. Response to Major and Critical incidents as defined by SFPD General Order 8.01.

PROHIBITIONS AND RESTRICTIONS

Department-owned drones, their accessories, and/or features/functions shall not be used:

1. To harass, intimidate, or discriminate against any individual or group.
2. To monitor individuals based on their race, gender, religion, sexual orientation, or membership in any protected class.
3. For a non-law enforcement related matter.
4. In an unsafe manner or in violation of regulations.
5. The drone shall not be equipped with weapons of any kind.
6. The drone shall not be a force option.

When the drone is being flown, operators will take steps to ensure the camera is focused on the areas necessary to the mission and to minimize the inadvertent collection of data about uninvolved persons or places.



DATA AND REPORTING

Data Retention

- Video footage with no evidentiary value is deleted within 30 days.
- Recorded data that is found to have evidentiary value relevant to a criminal, civil, or administrative matter, shall be retained for a minimum of 2½ years.
- Recorded data is not collected or retained for protected First Amendment activities.

Data Sharing

- Data may be shared with law enforcement partners for law enforcement-purposes and the Department of Police Accountability.
- Data may be shared with media outlets or on SFPD social media with the Chief of Police approval and in accordance with Media Relations and Legal Division guidelines.

Standard Reporting

- SFPD will post a standard report of drone deployments on its website.
- The inaugural report will be due 90 days after the first recorded, non-training related deployment and will be updated monthly thereafter.
- Equipment and use of drones will be reported in the annual AB 481 report.



EXAMPLES OF DRONE USAGE RESULTS

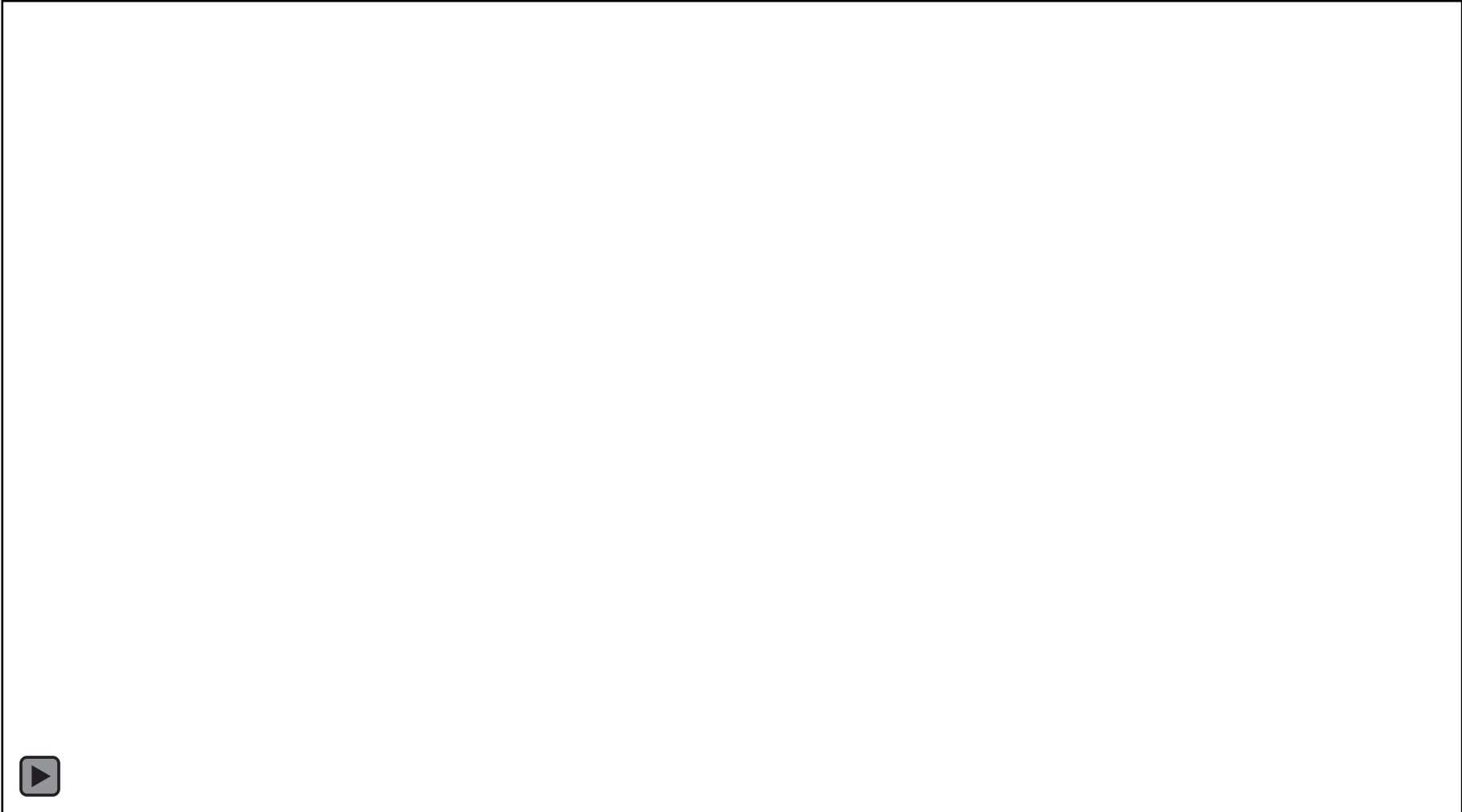
Drones already have assisted SFPD in numerous cases including sex assault suspect arrest, several auto burglaries, Fourth of July disturbances, and violent and wanted fugitives.

Recent Incidents:

- On July 26, officers responded to two subjects on dirt bikes breaking into cars around the Embarcadero. A drone was able to follow the subjects and locate their position allowing officers to make an arrest.
- On July 27, plainclothes officers identified an auto burglary crew breaking into vehicles in the same area. With help from the drone, SFPD located the suspects, spiked their tires, placed them under arrest, and recovered all the stolen property.

In both above incidents, the District Attorney was able to file criminal charges and both cases are being prosecuted and are pending before the court.





Questions?



From: [regina.sneed](#)
To: [Shamman Walton](#); [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#)
Cc: [Young, Victor \(BOS\)](#); [StefaniStaff \(BOS\)](#)
Subject: Agenda item 240636 Policy on use of drones
Date: Sunday, September 8, 2024 8:40:31 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors:

I am unable to attend this meeting in person and do not qualify for an ADA accommodation to testify remotely. I support restoring some public remote access for everyone, especially at Board Committees where public participation is allowed.

This ordinance appears to be a back door attempt to rectify the lack of compliance with AB481 that requires a use policy for militarized equipment that has been posted and approved by the Board.

It should be noted that the SF Police Department failed to file its first annual report in a timely fashion and has not met the requirement to hold a properly noticed public hearing. There was a small meeting at one police station which included discussion of the report. This in my opinion did not meet the reporting requirement.

AB 481 requires reporting on the fiscal impact of in this case drones including projected annual personnel costs and maintenance costs. You are only showing acquisition costs here. You are also not showing whether use of drones is cost effective compared to other methods.

I am also appalled that the privacy rights of citizens are ignored here. How is the public going to know what planned operations means. You need to comply with 4th Amendment standards that protect free speech and would ban use of surveillance of protest demonstrations. The police should not be allowed to invade private spaces without a warrant based on probable cause.

I urge you to direct the SF Police Department to hold a hearing on the entire inventory of military equipment used by the Department and to include in that hearing the draft policy on use of drones. When this has occurred then the Rules Committee should review the report and any policy recommendations including use of drones based on the input from the public.

I also urge the Board to realign the reporting requirements for the Police and Sheriff's Departments to coincide with the budget process so the Supervisors can appropriately monitor the acquisition and use of all military equipment.

I would like to thank the Sheriff's Department for their compliance with AB 481 in filing their annual report on time and doing their best to provide all of the information required.

And I would like the Board to fulfill its oversight and accountability functions to protect the public under the law and to make more informed budget decisions concerning the need for and use of any military equipment by the city in the first place.

Thank you.

Regina Sneed
District Two resident