

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.

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

14 Section 1. Background.

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

25 (b) On December 13, 2022, the Board adopted Ordinance No. 257-22, approving the
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.

1 (d) California Government Code Section 7071(e)(1) requires the Board to review any
2 ordinance approving the funding or use of covered equipment annually, and determine
3 whether to renew the ordinance consistent with applicable law. If the Board determines that a
4 type of covered equipment identified in the Police Department's annual Equipment Report
5 does not comply with State law, Government Code Section 7071(e)(2) requires that the Board
6 either disapprove a renewal of the authorization for that type of equipment or require
7 modifications to the Equipment Policy to comply with State law.
8

9 Section 4. Effective Date. This ordinance shall become effective 30 days after
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
12 of Supervisors overrides the Mayor's veto of the ordinance.
13

14 Section 5. Undertaking for the General Welfare. In enacting and implementing this
15 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
16 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
17 is liable in money damages to any person who claims that such breach proximately caused
18 injury.

19 APPROVED AS TO FORM:
20 DAVID CHIU, City Attorney

21 By: /s/ _____
22 ALICIA CABRERA
Deputy City Attorney

23 n:\legana\las2022\2200437\01762763.docx
24
25



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 240636

Date Passed: September 24, 2024

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.

September 09, 2024 Rules Committee - CONTINUED

September 16, 2024 Rules Committee - RECOMMENDED AS COMMITTEE REPORT

September 17, 2024 Board of Supervisors - PASSED ON FIRST READING

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Safai and Stefani

Noes: 2 - Ronen and Walton


September 24, 2024 Board of Supervisors - FINALLY PASSED

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Safai and Stefani

Noes: 2 - Ronen and Walton

File No. 240636

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on 9/24/2024 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

10/3/24

Date Approved