

BOARD of SUPERVISORS



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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



City and County of San Francisco

Master Report

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

File Number: 240636 **File Type:** Ordinance **Status:** 30 Day Rule

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Administrative Code - Use of Unassisted Aerial Vehicles **Date Introduced:** 06/04/2024

Requester: Police Department **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** 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.

Sponsors: Mayor; Dorsey

History of Legislative File 240636

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	06/04/2024	ASSIGNED UNDER 30 DAY RULE	Rules Committee	07/04/2024	

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 _____.

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
23 Deputy City Attorney

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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