



## Legislation Details (With Text)

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## REPORT TO COUNCIL

### SUBJECT

Informational Report to Council on the Implementation of an Unmanned Aircraft System Program

### BACKGROUND

Unmanned Aircraft Systems (UAS) are portable systems flown remotely without a pilot onboard and are controlled from an operator(s) on the ground. UAS have shown to be a valuable resource to police and fire organizations by providing an aerial view of a crime and/or disaster scene that may not otherwise be seen, locate survivors or send information about their whereabouts to responders on the ground, expedite incident solutions and provide safety to all parties involved in the incident. This technology, commonly referred to as a "drone," has been successfully utilized by various police and fire organizations to enhance emergency services in their respective communities.

UAS programs have been successfully implemented throughout the nation. According to the Department of Homeland Security, 599 law enforcement agencies across the United States including 60 organizations in California, have implemented UAS programs. Locally, the cities of Campbell, San José and Sunnyvale have UAS programs.

### DISCUSSION

The Police Department has drafted a policy through collaboration with other law enforcement agencies throughout California who have previously implemented UAS programs. The Police Department policy incorporates best practices related to recommendations from research conducted by the International Association of Chiefs of Police (IACP), the California Police Chiefs Association (CPCA) and the International Association of Fire Chiefs (IAFC) and takes into consideration public interest groups and constituents' concerns regarding the use of this technology.

The proposed policy authorizes use by a UAS Pilot in accordance with policy, constitutional rights, and Federal Aviation Administration (FAA) regulations for:

- Disaster response and damage assessment (e.g. earthquake, flood)
- Locating missing persons and rescue events
- Identifying, locating and apprehending non-compliant, threatening or combative persons who pose a threat of injury or death to themselves, others or officers
- Suspected explosive devices
- Dangers that would benefit from situational intelligence exposed from an aerial perspective
- Video / photographic documentation of crime scenes or collision locations
- Reconnaissance of incident locations that are inaccessible for fire apparatus
- Response to fires or post-fire investigations
- HazMat response
- Training flights as required to meet FAA and department certification standards
- Conduct inspections of the City's utility infrastructure (e.g. electric, fiber, water, sewer, etc.) to detect leaks or stressed assets

The policy incorporates reasonable constraints to the operational use of this technology. The policy strictly forbids certain activities that were found to be of concern in other jurisdictions, such as:

- To target a person(s) based solely on individual characteristics, such as, but not limited to, race, ethnicity, national origin, religion, disability, gender or sexual orientation
- To harass, intimidate or discriminate against any individual or group
- To conduct personal business of any type
- To conduct random surveillance activities

City departments will maintain strict accountability in the management of the program and security of capture footage. Parameters include, but are not limited to:

- Direct program oversight assigned to a program manager, as appointed by the Chief of Police or Fire Chief, to ensure policy compliance
- Coordination with the Federal Aviation Administration for the appropriate registration, training, inspection, maintenance and record keeping protocol
- Required department specific command staff knowledge and approval prior to deployment
- Mandatory contact with the City's Communications Center prior to deployment
- Captured photos or video following evidence handling protocol and retained in Police Department's digital evidence system pursuant to all laws and the City's retention schedule. Fire department photos and video will be incorporated into inspection, incident or investigation reports as applicable and retained pursuant to all laws and the City's record retention schedule.
- FAA compliance, program implementation, review of policy and best-practices

The Police Department plans to launch the City's initial UAS program in Fall 2019. To ensure an inclusive and comprehensive process, the Police Department included a question in its' Citywide survey, conducted by My90 in September, 2017, inquiring, "Would you support SCPD acquiring and using drones in the future?" 55.3% of respondents indicated that they would absolutely or probably support the Santa Clara Police Department acquiring and using drones in the future. 25.2% indicated

that they probably or definitely would not. 19.6% felt they needed more information. In addition, the Police Department facilitated a meeting with the Chief's Advisory Committee (CAC) in April, 2019. Participants were presented information from Chief Sellers and Assistant Chief Winter about the proposed UAS program including industry best practices, anticipated uses, UAS prohibitions and management of the program. Participants were also provided a copy of the draft Police Department policy. There was strong support for the program, and a few concerns arose regarding authorization to activate a UAS, public privacy, and program transparency. The Police Department policy addresses CAC concerns and recommendations.

Per the proposed policy, all participating departments will publish complete flight logs of UAS utilization on the City website with the exception of those directly related to an on-going criminal investigation. In those cases, whenever possible, redacted information will be published. Flight log information will include date, time, case number(s), location(s), operator(s), reason(s) for the deployment, and department launching the drone.

The Chief of Police and Fire Chief will continue to monitor the use of this technology for their respective operations. The cost effectiveness and availability of this technology assists in the circumstances where aerial assets such as airplanes or helicopters are not readily available or are cost prohibitive.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

### **FISCAL IMPACT**

Funding to establish the Fire Department's UAS program, including the purchase of appropriate UAS equipment, was approved by Council on December 5, 2017. Agenda Item 13.A9, "Appropriation of Developer Contributions Received from The Irvine Company to Purchase Specialized Firefighting and Inspection Equipment," approved the appropriation of \$25,248 in developer contributions to the Fire Department Capital Outlay account for the department's UAS program. The developer funding was part of an Alternative Materials and Methods request associated with the fire permits for the Santa Clara Square Phase II Office project.

The Police Department has available funding through Citizens' Option for Public Safety Grant to address this equipment purchase.

### **COORDINATION**

This report has been coordinated with the Finance Department, City Attorney's Office, and Fire Department.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### **RECOMMENDATION**

Note and file informational report to Council on the implementation of an unmanned aircraft system program.

Written by: Daniel Winter, Assistant Chief of Police

Written by: Ruben Torres, Fire Chief

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Police Department Unmanned Aircraft Systems Policy
2. Fire Department Unmanned Aircraft Systems Policy