



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 18-0934, Version: 1

REPORT TO COUNCIL

SUBJECT

Informational Report to Council on Department of Public Safety's Implementation of small Unmanned Aircraft System Program

BACKGROUND

Over the last year, the Department of Public Safety has been following the implementation of small Unmanned Aircraft Systems (sUAS) throughout the state and nation. This technology, commonly referred to as "drones", has been successfully utilized by both police and fire organizations and continues to be sought after by several emergency response organizations as an opportunity to enhance services to their respective communities. The technology provides tools that can expedite incident resolution or provide additional safety to all parties involved in an incident.

In early 2018, the Department of Public Safety (DPS) began development of a draft policy through the collaboration of multiple agencies throughout California that have implemented sUAS programs. DPS's draft policy incorporates the use of law enforcement 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 took into consideration public interest groups and constituents concerns regarding the use of this technology.

DPS aims to launch a sUAS program in early 2019. In preparation, staff hosted several community meetings to introduce the use of sUAS in Sunnyvale. Staff presented research findings and best practices and addressed questions and concerns about the future implementation of a sUAS program.

EXISTING POLICY

GOAL SN-2: Effective Disaster Preparedness

Ensure that the City, its community members, businesses, faith-based organizations, community organizations and special needs populations are prepared to effectively respond and recover from major disasters and emergencies.

GOAL SN-3: Safe and Secure City

Ensure a safe and secure environment for people and property in the community by providing effective public safety response and prevention and education services.

GOAL SN-6: Effective Emergency Response Capability

Provide effective response capability for emergency medical events and other non-fire incidents that may directly endanger the lives, property and well-being of the community.

ENVIRONMENTAL REVIEW

The proposed implementation of the sUAS program in early 2019 will be exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061 (b) (3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

DISCUSSION

Small Unmanned Aircraft Systems are portable systems flown autonomously without a pilot onboard and controlled from an operator on the ground. They have shown to be a valuable resource to police and fire organizations by providing a bird's eye view of crime and/or disaster scenes that may not otherwise be seen, by having the ability to launch quickly in dangerous situations, locate survivors, and send data about their whereabouts to responders on the ground.

The Department of Public Safety developed a draft policy for the implementation of a sUAS program with an approach that provides adequate constraints to the operational use of such technology. The policy strictly forbids certain activities that were found to be of concern in other jurisdictions. For example, the department's policy prohibits use of the sUAS:

- To conduct surveillance activities unless authorized pursuant to a court order or search warrant;
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation;
- To conduct personal business of any type; and
- Weaponizing of the device.

The proposed policy specifically authorizes use for:

- Search and Rescue missions;
- Response to fires or post-fire investigations;
- HazMat response;
- Barricaded suspects, hostage situations and other high-risk tactical operations to reduce risk to department personnel, suspects and community members;
- Disaster response (i.e. flood, earthquake);
- Video/photograph documentation of crime scenes or collision locations; and
- Training flights as required to meet Federal Aviation Administration (FAA) and Department certification standards.

The department 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 (deputy chief) and coordinator (captain) to ensure policy compliance; required department command staff knowledge and approval prior to deployment; captured photos or video following evidence handling protocol and retained in DPS' digital evidence system pursuant to all laws and the City's retention schedule; annual review of policy, best-practices, FAA compliance and program implementation; and community input process to potential program changes.

The Department of Public Safety aims to launch the sUAS program in early 2019. To ensure an inclusive and comprehensive process, the department hosted three public outreach meetings, which

were widely advertised on Facebook, Twitter and Nextdoor. The first meeting took place in Council Chambers on May 3, 2018 with approximately 17 attendees; the second at Columbia Neighborhood Center on June 23, 2018 (simultaneously broadcasted live on Facebook) with approximately 9 attendees and 40 online viewers; and the third was a live broadcast on Facebook on July 15, 2018 with approximately 35 viewers at the time of broadcast. Participants were presented information from Chief Ngo, Captain Hunter and Captain Ahearn about the proposed sUAS program including its anticipated uses, prohibitions of the program and management of the program. Participants were also provided the opportunity to express any questions or concerns they had. While there was a strong support for the program, a few concerns arose regarding program transparency and public privacy. All department personnel have been made aware of the developing program through strategic planning updates and posted on internal department monitors for sharing of information.

Per the proposed policy, the department will publish complete flight logs of sUAS utilization on the City website with exception to those directly related to an on-going criminal investigation. In those cases, whenever possible, redacted information will be published. Flight log information will include dates and times, case numbers, locations, operators and reasons for the deployment. Additionally, to maintain public privacy and to avoid inadvertent capturing of video from flight, the proposed policy stipulates for drone transport from its launch site to the deployment location with its camera in a stowed position facing level and forward to avoid capturing ground activities.

The Department of Public Safety continues to monitor the increasing utilization of this technology for law enforcement and fire service operations, and continues to see a growing use in organizations throughout the entire country. The cost effectiveness and availability of this technology assists in the circumstances where aerial assets such as helicopters are not readily available.

FISCAL IMPACT

Start-up costs (purchase of equipment, staff training/certifications and hardware associated to the sUAS) are estimated at less than \$30,000 with on-going costs estimated at less than \$1,000 annually. Asset Forfeiture funds in project 819840-Police Services Equipment Acquisition will be used to support start-up costs and on-going costs will be absorbed into the current operating budget. Staff recommends that ongoing funds be allocated starting in FY 2020/21 and forward.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

RECOMMENDATION

No Council action is required. This report is informational only.

Prepared by: Jeffrey Hunter, Captain, Public Safety
Reviewed by: Phan S. Ngo, Director of Public Safety
Reviewed by: Timothy J. Kirby, Director of Finance
Reviewed by: Teri Silva, Assistant City Manager
Reviewed by: Kent Steffens, City Manager

ATTACHMENT

1. Draft Unmanned Aircraft System (UAS) Operations Policy