



The City of San Diego

Staff Report

DATE ISSUED: November 1, 2023

TO: Privacy Advisory Board

FROM: San Diego Police Department (SDPD)

SUBJECT: Presentation of Use Policies and Surveillance Impact Reports Associated with Unmanned Aircraft Systems and Dejero DTS

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Council District(s): Citywide

OVERVIEW:

On August 10, 2022, the City of San Diego amended and added Chapter 2, Article 10, of the San Diego Municipal Code – the “Transparent and Responsible Use of Surveillance Technology” (Surveillance Ordinance). The Surveillance Ordinance is designed to provide greater transparency to City Council and the public when the City uses or acquires any technology that meets the City’s definition of surveillance. The Surveillance Ordinance requires that for each technology that meets the criteria for surveillance, City Departments must:

- Hold at least one or more community meetings in each City Council district where the proposed surveillance technology is deployed, with an opportunity for public comment and written response.
- Prepare a Surveillance Use Policy that includes the purpose, use, data collection, data access, data protection, data retention, public access, third-party data sharing, training, auditing, oversight, and maintenance.
- Prepare a Surveillance Impact Report including description, purpose, location, impact assessment, mitigations, data types and sources, data security, fiscal cost, third-party dependence, alternatives, track record, public engagement, and comments.
- Present the item to the Privacy Advisory Board for review.
- Present the item to City Council for the acquisition and deployment of all new and currently used surveillance technologies.
- Provide annual reports on surveillance technology use, impact, and acquisitions.

PROPOSED ACTIONS:

In accordance with the Board Notification and Review Requirements outlined in section 210.0102, the Department is requesting approval for use, funding, acquisition and sharing of surveillance technology. Specifically, the items being requested are known as Unmanned Aircraft Systems (UAS) and the associated live video downlink transmission system solution known as Dejero DTS.

DISCUSSION OF ITEMS:

The San Diego Police Department's mission is to provide the highest quality police services to the communities it serves. The Police Department values transparency, public input, and welcomes open dialogue about its practices and operations. The preservation and sustainability of public safety, officer safety, and civil rights is paramount. The Police Department further recognizes the importance and value of public disclosure regarding the qualified surveillance technology we use. It is our intent to present to the Privacy Advisory Board our Unmanned Aircraft Systems program and the Dejero DTS System.

An Unmanned Aircraft, also known as a "drone" is a small, under 55 lb., aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. UAS is the combination of equipment to include the aircraft, camera/payload, controller, display, downlink system, batteries and other associated equipment to operate the aircraft in a safe and controlled manner. All operational and training use of SDPD UAS is managed and controlled by the SDPD UAS Unit.

The purpose of the SDPD UAS Unit is to support first responders during critical incidents by providing real time video imagery via small remotely operated aircraft, to support investigations by providing video and photographic evidence collection of crime scenes from an aerial vantage point, and to provide enhanced security overwatch and anti-terrorist efforts during Special Events and large gatherings with the intent to identify pre-incident indicators and mitigate terrorist and criminal acts before they happen.

The SDPD UAS are used primarily as an observation and evidence collection tool. The SDPD UAS Unit is only authorized to respond and support Search and Rescue incidents for lost, missing, missing at risk, stranded persons, or suspects; provide aerial observation and imagery for safety and situational awareness in support of fire response and disaster response, provide photo and video digital media recordings in support of crime scene evidence collection, provide aerial and remote camera observation and imagery during incidents involving barricaded suspects, hostage incidents, and high-risk tactical operations, provide aerial imagery and photo/video support for department training, provide enhanced safety overwatch during large gatherings and special events, provide support for any other missions deemed necessary by the Chief of Police. In all cases, the UAS Unit will only deploy in the "reactive support" posture to an already existing event or incident.

Over the past 4 years, SDPD UAS have proven effective in providing enhanced situational awareness during critical incidents by providing incident commanders with decision quality information and imagery. They have provided an additional de-escalation tool for the SDPD to use to prevent the loss of officer and citizen lives during potential lethal encounters. They have provided an additional layer of transparency and video documentation of Police Officer actions during dynamic tactical

incidents. They have provided an enhanced form of evidence collection at major crime scenes such as homicides and officer involved shootings.

All Digital Media Evidence collect by SDPD UAS on a law enforcement operation is controlled, impounded, and documented in accordance with SDPD Department Procedure 3.02.

During Special Events and Lawful Assemblies, the SDPD UAS Unit will not activate any video or photographic recording features unless to record a crime that is occurring or in anticipation of a crime. This is done to protect and uphold citizens' First Amendment rights to peacefully assemble in public.

The specific use of SDPD UAS equipment and technology is strictly controlled. Only authorized members of the SDPD UAS Unit shall use or be in possession of Department UAS equipment. All UAS Operators or Pilots must undergo specialized training including obtaining their FAA Remote Pilot's license, completing a UAS specific training academy within the SDPD which includes training such as proper evidence collection procedures, documenting flight operations, and protection of citizens' privacy, civil rights, and upholding the Fourth Amendment during flight operations. All UAS Operations are supervised by a specially trained UAS Supervisor who oversees and audits all UAS flights, data collection, and documentation of all operations and training flights.

None of the SDPD UAS equipment have any attached weapons, armaments, or any features that are designed to be a used in a forceful nature against any persons.

The Dejero Downlink Transmission System (DTS) is an electronic system that transmits real time video to a command post or tactical team from a remote location. The Dejero DTS is used solely with the UAS equipment and access is regulated to only a select few SDPD UAS Unit members who are specially trained. The Dejero DTS consists of 3 pieces of hardware: A transmitter, a receiver server, and video management server. The Dejero DTS does not contain any cameras or microphones, and the only video that is being transmitted is via the UAS during authorized SDPD UAS Operations or Training.

The materials required under the Surveillance Ordinance accompany this Staff Report and provide information surrounding the proposed use of UAS and the Dejero DTS and answer the many questions associated with their use and community impact.

David Nisleit

Chief of Police