



The City of San Diego

Staff Report

DATE ISSUED: October 26, 2023
TO: Privacy Advisory Board
FROM: San Diego Fire-Rescue Department (SDFD)
SUBJECT: Presentation of Use Policy and Surveillance Impact Report Associated with Unmanned Aircraft Systems (UAS)

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Council District(s): Citywide

OVERVIEW:

On September 9, 2022, the City of San Diego's Surveillance Ordinance, "Transparent and Responsible Use of Surveillance Technology" (Surveillance Ordinance) came into effect, San Diego Municipal Code, Chapter 2, Article 10. 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 definition of "surveillance" as set forth in the Surveillance Ordinance. 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 San Diego Municipal Code § 210.0102 of the Surveillance Ordinance, San Diego Fire-Rescue Department (SDFD) is requesting approval for use, funding, acquisition and sharing of technology which falls within the definition of surveillance technology under the Surveillance Ordinance. Specifically, the items being requested are known as "Unmanned Aircraft Systems" or UAS.

DISCUSSION OF ITEM:

SDFD's mission is to provide the highest quality public safety services to the communities it serves. SDFD values transparency and public input and welcomes open dialogue about its practices and operations. The preservation and sustainability of public safety, firefighter safety and civil rights is paramount. SDFD further recognizes the importance and value of public disclosure regarding the qualified surveillance technology used by SDFD. It is SDFD's intent to present to the Privacy Advisory Board how SDFD utilizes UAS to respond to emergencies throughout the City.

A UAS is, in essence, a manually controlled video/photography camera that is attached to a small remote-controlled aircraft. The purpose of the UAS is to manage and control emergency situations and assess damage for both the City and other local agencies if requested. The use of UAS among public safety agencies in the United States is on the rise and the National Fire Protection Association estimates that nearly one thousand agencies are currently using this technology.

The San Diego Fire-Rescue Department began developing its UAS program back in 2018. The first step in the development of the program was to develop a use policy to specifically designate how UAS would be used and what safeguards would be put in place to protect San Diego citizen's right to privacy. The policy outlines specific and detailed procedures for the handling and security of any pictures or videos that are captured by the UAS.

UAS are a valuable tool for incident command (IC) personnel to gain situational awareness on a variety of emergency responses. Having an aerial perspective allows the IC to determine the location and extent of an active fire to assist in the direction of firefighting resources to the most advantageous position. Some of SDFD's UAS are also equipped with thermal cameras which provide real time temperature information to the IC to determine if the fire has been completely extinguished.

An example of the use of UAS is a recent response to a vegetation fire in the San Diego River bottom. After SDFD's helicopters and ground resources attacked the fire, the UAS responded with its thermal camera to assess the ground temperatures within the fire perimeter to determine if the fire was completely extinguished. After completing the flight, it was determined that the fire was in fact completely extinguished and no hot spots remained. This allowed the IC to release all firefighting resources back to their stations and be available for other emergency responses in their community. Prior to the use of this technology, it was standard practice to leave several engine companies at scene throughout the night to standby in case of a flare up leaving their fire stations vacant.

All UAS flights are for a specific purpose. SDFD does not use UAS in a proactive manner looking for emergencies. The UAS is available to be requested by any Incident Commander through SDFD's dispatch center.

The UAS program is currently operated by SDFD Bomb Squad technicians and is located at Fire Station 1 in Downtown San Diego. All pilots are licensed by the FAA and must complete SDFD's approved training program. Pilots are also required to complete recurring training every 90 days to maintain their proficiency. SDFD currently has 12 pilots that are spread out among each of the three shifts. This allows for 24/7 coverage throughout the City. SDFD's UAS program has applied for and received a Certificate of Authorization, or COA, from the FAA. This process allowed the FAA to review SDFD's entire program and grant SDFD the ability, with air traffic control permission, to operate in sections of airspace where commercial UAS operators cannot.

The materials required under the Surveillance Ordinance, including the Use Policy and Impact Report, accompany this Staff Report and provide additional information surrounding the proposed use of UAS.

City Strategic Plan Goal(s)/Objective(s):

Protect & Enrich Every Neighborhood by providing more efficient and effective fire protection services to provide for the public's health and safety.

Fiscal Considerations:

Not applicable, SDFD is only seeking authority for use, application for funding, acquisition and sharing of technology.

Charter Section 225 Disclosure of Business Interests:

Not applicable.

Environmental Impact:

This activity is not a "project" pursuant to California Environmental Quality Act (CEQA) Statute Section 21065, and Guidelines Section 15378(b)(2) as the authorization to apply for and accept up to \$2,500 in grant funds awarded by San Diego Gas & Electric to the Burn Institute constitutes a continuing administrative or maintenance activity such as purchases for supplies; additionally, pursuant to CEQA guidelines section 15378(b)(4), it is the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. Thus, this activity is not subject to CEQA pursuant to CEQA Guideline Section 15060(c)(3).

Climate Action Plan Implementation:

Not applicable - Does not have a connection to CAP.

Equal Opportunity Contracting Information (if applicable):

Contracts or agreements associated with this action are subject to the City's Equal Employment Opportunity Outreach Program (San Diego Ordinance No. 18173, Sections 22.2701 through 22.2708) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

Previous Council and/or Committee Actions:

Not applicable.

Planning Commission Action:

Not applicable.

Key Stakeholders and Community Outreach Efforts:

San Diego Fire-Rescue Department; Citywide

 10/30/23

Assistant Fire Chief