

Santa Cruz County Sheriff's Office

Surveillance Impact Report: Unmanned Aerial System

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WHY A SURVEILLANCE IMPACT REPORT IS ESSENTIAL

The Sheriff's Office regularly seeks public engagement when developing policies for the use of new technologies to increase community trust and access. The Surveillance Impact Report is based on a model developed by the American Civil Liberties Union of California and is consistent with the International Association of Chiefs of Police Technology Policy Framework. The Surveillance Impact Report is intended to give the community the information it needs to participate in the decision-making process.

Before the Sheriff's Office acquires an Unmanned Aerial System, also known as Unmanned Aircraft System or a Drone, we believe it is essential to assess potential costs, both financially and to civil liberties and civil rights. To guarantee these factors are fully considered, our community must be able to access and understand information describing how the drone would work, where it would be used, its impact on civil liberties, rights, and public finances, and how it would be overseen.

1. *WHAT DOES THIS SURVEILLANCE TECHNOLOGY DO?*

How does the technology work? What are its potential uses?

A drone is an aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled, and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

A drone will enhance the Sheriff's Office ability to protect lives and property when other means and resources are not available or are less effective. Potential uses include searching for missing persons, responding to explosive or suspicious devices, responding to natural disasters, crime scene documentation, recovery of decedent operations and public safety emergencies involving threat to life.

What information does the technology collect? Does it allow real-time monitoring, capture information for future use or both?

A drone can carry cameras, microphones, and other sensors or devices.

A drone allows for both real-time monitoring and recording and storing data.

Is the technology capable of limiting the collection of unnecessary information? What design or technical choices can be made to enhance privacy?

A drone is capable of collecting unnecessary information. By policy, the drone would be limited to the collection of information necessary to perform the specific function for which its use is authorized.

Privacy interests may be enhanced by policy through limits on its use. By policy, random surveillance activities shall be prohibited. Data which is not related to the specific function may be deleted.

2. WHAT COMMUNITY PURPOSE WOULD THIS TECHNOLOGY FURTHER?

What community need would this technology directly address? Is that need tied to a real problem the community is facing? Does it serve the needs of all community members, or just a slice of the community?

The Sheriff's Office operates the only Search and Rescue Team in the county and frequently conducts search and rescue operations to locate missing persons: during 2017 there were 7 search and rescue missions. The Sheriff's Office also operates the only Bomb Team in the county and frequently conducts investigations of suspicious devices: during 2017 the Sheriff's Office responded to 13 reports of suspicious items, some of which were improvised explosive devices. During April 2018 three suspects shot at a civilian and later shot at a deputy sheriff, resulting in a response by area Special Weapons and Tactics Teams. To aid in the search of armed suspects, the Sheriff's Office requested the assistance of an Alameda County Sheriff drone. The suspects were spotted by deputies but ran through the countryside to avoid capture. The drone was positioned above them and provided real-time information to law enforcement officers on the ground closing in on them, including observations that some of the suspects were surrendering, thereby increasing safety to the suspects during arrest (case 18-3163).

The Sheriff's Office conducts the operations described above throughout the county, serving all community members.

How would this surveillance technology help the community to achieve this purpose? What specific and measurable outcome does the community want to see?

A drone would increase the ability to view geographic areas of interest and may allow access to areas that are otherwise inaccessible by other means or otherwise pose risks to personnel.

A drone would enhance the Sheriff's Office ability to maintain public safety. The community supports the Sheriff's Office mission to take all necessary and appropriate steps to save lives.

Would the technology be effective at advancing this purpose? Is there evidence supporting or contradicting this? How does it compare to non-surveillance alternatives?

A drone will expand agency capabilities to search for missing persons and reduces threats associated with obtaining observations in difficult or specific circumstances.

Information concerning the successful use of drones during search and rescue operations in California is readily available in the public domain.

A drone can be more effective than other types of aircraft because it may be flown closer to ground level and can access geographic features that are difficult or impossible to view by conventional aircraft.

3. WHERE WOULD THIS TECHNOLOGY BE DEPLOYED?

Where would the technology be deployed within the community?

The Sheriff's Office provides public safety services, including search and rescue, coroner investigations and emergency response throughout Santa Cruz County. A drone may be used anywhere in the county.

Why have these locations been chosen? Are the identified community needs relevant to the proposed locations?

The Sheriff's Office provides public safety services, including search and rescue, coroner investigations, and emergency response throughout Santa Cruz County.

The Sheriff's Office will conduct a community meeting to determine if there are identifiable community needs concerning the use of a drone under this proposal.

What are the crime statistics for each proposed deployment location?

Not applicable. The Sheriff's Office intends to use a drone for specific applications and not for general criminal investigation.

4. HOW COULD THIS TECHNOLOGY IMPACT CIVIL RIGHTS AND CIVIL LIBERTIES?

Could the technology collect information related to race, citizenship status, gender, age, socioeconomic level, reproductive choices, or sexual orientation? If so, what safeguards are in place to limit such collection?

A drone can collect images that would allow for identification of individuals or characteristics of persons, however, use of a drone 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 will be prohibited by policy. Use of a drone to harass, intimidate or discriminate against any individual or group will be prohibited by policy.

Would the technology be deployed in communities with minority residents, non-citizens, low-income residents, or any group historically vulnerable to disproportionate civil liberties violations?

The use of a drone under this proposal should have no negative impacts on persons or groups who have previously been the subject of civil liberties violations. The Sheriff's Office will conduct a community meeting to determine if community members are concerned about this.

Could the technology be used on groups, public gatherings, or crowds and thus have an effect on First Amendment activities such as protests? If so, what safeguards are in place to limit this?

Sheriff's Office policy will state that a drone shall not be used to investigate or collect information regarding persons or groups solely because they are involved in constitutionally protected activity. The use of a drone potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure).

Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during drone operations.

Does the technology collect and retain information about individuals who are not subjects of any

criminal investigation? How could such information impact those persons' right to privacy?

Authorization to use a drone will be limited to management personnel and will be based on a response to a specific incident where a drone may be effective in achieving a specific objective.

Data will be retained as directed by law or legal process and consistent with the Sheriff's Office data retention policy.

How long would data collected by this technology be stored? Who would be able to access it? Would any outside parties have access to this data?

If a drone is used during the response to a public safety emergency where crimes are occurring or have occurred and images or other data were obtained, those images and data would be retained as evidence consistent with legal standards and evidence retention practices.

Access to criminal evidence is determined by statutes, court orders and agency policies. Sheriff's deputies, criminalists and property and evidence clerks would have access to data.

Outside parties who may access data include law enforcement officers, prosecutors, defense attorneys, investigators, judges and court personnel.

5. HOW MUCH WOULD THIS TECHNOLOGY COST?

What are the initial costs, including acquisition, infrastructure upgrades and training and hiring of personnel?

The Sheriff's Office intends to designate current members of its Air Support Unit (ASU) as designated operators. The ASU is an ancillary team consisting of deputies and volunteers who perform specialized duties in addition to their regular assignments; no additional personnel will be hired as a result of this proposal. The Sheriff's Office currently has systems for data storage; no additional storage systems are necessary to support this proposal. The Sheriff's Office proposes purchasing two to three drones at an approximate cost of \$5,000 each and training six to eight operators at an approximate cost of \$500 per operator. Total project costs are anticipated to range from \$15,000 to \$20,000.

What are the ongoing costs, including measures to secure data and data storage?

Ongoing costs are not anticipated to be significant but may include equipment maintenance and updated operator training.

What are the current or potential sources of funding?

The Sheriff's Office anticipates funding this proposal from its existing Equipment budget.

Are there other tools capable of furthering your identified purpose that your community may wish to spend these funds on (e.g., community-based policing, improved lighting)?

The Sheriff's Office will open a public comment period and conduct a community meeting to determine if there are ideas about this.

Unmanned Aerial System (UAS) Operations

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

606.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.

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- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- 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.

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- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

606.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Public Comment Period for the Sheriff's Office Acquisition of Unmanned Aerial System

The Santa Cruz County Sheriff's Office has released a Surveillance Impact Report for the acquisition of an Unmanned Aerial System. A 30-day public comment period is open from September 12 to October 12, 2018 and the Sheriff's Office will hold public meeting on September 26, 2018.

The Sheriff's Office regularly seeks public engagement when developing policies for the use of new technologies to increase community trust and access. The Surveillance Impact Report is based on a model developed by the American Civil Liberties Union of California and is consistent with the International Association of Chiefs of Police Technology Policy Framework. The Surveillance Impact Report is intended to give the community the information it needs to participate in the decision-making process. The Sheriff's Office is seeking public input on the issues contained in the Surveillance Impact Report. Comments may be provided in writing or in person at a public meeting.

The Sheriff's Office seeks to acquire an Unmanned Aerial System, commonly referred to as a drone, to enhance its ability to protect lives and property when other means and resources are not available or are less effective. Potential uses include searching for missing persons, responding to explosive or suspicious devices, responding to natural disasters, crime scene documentation, recovery of decedent operations and public safety emergencies involving threat to life.

Written comments may be submitted by October 12, 2018 to the Sheriff's Office, Attn: Craig Wilson, Undersheriff, 5200 Soquel Avenue, Santa Cruz, CA 9502) or by email craig.wilson@santacruzcounty.us.

Verbal comments may be provided at the public meeting on September 26, 2018 at 5:30 p.m. at the Santa Cruz County Sheriff's Office Community Room located at 5200 Soquel Avenue, Santa Cruz, CA 95062.

The Surveillance Impact Report is available in the Transparency section of the Sheriff's Office website: <http://www.scsheriff.com/>