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FOR IMMEDIATE RELEASE

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Mayor London Breed's Proposition E Seems To Violate State Law
Drone Authorization Runs Afoul of Military Equipment Law AB 481

SAN FRANCISCO-A ballot initiative San Francisco voters will see on their March 2024 ballot appears to be breaking a state law, AB 481, adopted in 2021 and effective in January of 2022. Proposition E, which is sponsored by the group Safer San Francisco and championed by the mayor, purports to allow San Francisco voters to directly authorize the use of drones (unmanned aerial vehicles or UAV's) in vehicle pursuits or to aid active criminal investigations.

However, privacy advocates have determined that the state law (known as Assembly Bill 481) does not allow the use of military equipment, which includes drones, without a vote of approval and a usage policy signed off on by the governing board of the county, the Board of Supervisors. The state code can be reviewed here. https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB481

The San Francisco Board of Supervisors and SFPD, as required by the law, created and reviewed a military equipment inventory and set of usage policies. Drones do not appear on the list and therefore, may not be used in San Francisco without the approval of the Board of Supervisors. San Francisco's military equipment inventory and usage policies can be viewed here. <https://www.sanfranciscopolice.org/sites/default/files/2023-01/SFPDFinalAB481Policy20230125.pdf>

Oakland Privacy's Tracy Rosenberg comments:

It is a bit bizarre to have something on the ballot when a section of it cannot be implemented because it seems to be contrary to state law. Doesn't anybody check these things? Prop E runs roughshod over basic oversight processes that should be in place, as Sacramento recognized. Had we not had Board review in place, the wildly unpopular proposal to equip SFPD's robots with lethal force would be in effect today. Drones, if needed, can be added to SFPD's arsenal, but only after a vetted policy and a public discussion with the governing board of the City and County. That is the right way to do things.

Drones or UAV's have increasingly been added to police and fire departments all over California. They have benign uses, including assisting firefighters with surveying hot fire sites and in search and rescue

efforts in rough terrain, but their use in pursuits can escalate speeds and danger to others who may be in the way of the pursuit (as drivers will speed up when chased by a drone in the sky). Drone use has also been controversial when used to survey peaceful protests (<https://oaklandprivacy.org/ice-protests-highlight-contracosta-county-sheriff-drone-program/>) community festivals (<https://oaklandprivacy.org/drones-flew-over-the-solano-stroll/>) and homeless encampments (<https://www.nbcnews.com/tech/security/homeless-people-are-risk-coronavirus-police-have-contentious-solution-drones-n1191866>).

Currently most drones in use in civilian police departments contain only cameras, but the military has long been outfitting drones with weapons and at least one U.S. manufacturer has floated the idea of equipping drones with electrical weapons for civilian use. (<https://www.wired.com/story/axon-taser-drones-ethics-board/>).

San Francisco's Proposition E on the March 2024 ballot also seeks to void San Francisco's current vehicle pursuit policy, make it easier for SFPD to deploy public surveillance cameras without Board of Supervisor's approval and allow any surveillance technology to be used without Board approval or a usage policy for up to a year. The proposition would have voters gut standing SF Police Commission policies, the city's surveillance oversight framework, and what was the first municipal ban on government use of facial recognition technology.

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Oakland Privacy is a citizens' coalition that works statewide to defend the right to privacy, enhance public transparency and promote oversight regarding the use of surveillance techniques and equipment. As experts on municipal privacy reform, we have written use policies and impact reports for a variety of surveillance technologies, conducted research and investigations, and developed frameworks for the implementation of equipment with respect for civil rights, privacy protections and community control. See <https://oaklandprivacy.org> for more.