

**San Francisco Police Commission
San Francisco Police Department Headquarters
1245 3rd Street
6th Floor
San Francisco, CA 94158**

September 19, 2026

Submitted via Electronic Mail

Re: Department General Order 10.12 Requires Further Revision

Dear President Clay, Vice President Tekkey, and Members of the Commission:

We appreciate the Commission's decision on September 2nd to delay its vote and SFPD's willingness to revise the policy in response to community concerns. The revised draft adds new restrictions on "general surveillance" and monitoring of constitutionally protected activity. Those changes improve the policy, but three central problems remain.¹ The Commission should require further amendments before approving DGO 10.12.

Limit Drones to Specific, Incident-Driven Deployments

The revised authorized-use language still does not resolve the central deployment problem outlined in our first letter. The revised language prohibits "general surveillance," which it defines as "[s]weeping, non-targeted observation with no stated purpose" yet authorizes drone deployment whenever a member may also be deployed for a "public safety response." The first provision prohibits surveillance with *no stated purpose*; the second leaves the permissible purposes vague and undefined. The problem, then, is that almost any patrol flight can be given a stated purpose such as crime deterrence, situational awareness, officer safety, proactive enforcement, or public safety even though there is no specific incident requiring aerial support.

DGO 10.12 should distinguish between incident-driven deployment and patrol-driven surveillance. Incident-driven use begins with an operational need that limits where the drone flies, what it observes, and when the mission ends. General patrol reverses that sequence. The drone is deployed first to observe, and those

¹ This letter focuses on SFPD's revisions to DGO 10.12 and does not repeat the arguments set out in our September 1, 2026 letter.

observations may then generate an investigation. At that point, surveillance itself becomes the police activity.²

Other departments have drawn this line more clearly:

- **Oakland** limits drones to enumerated authorized uses and separately prohibits uses outside those categories and for “conducting surveillance”;³
- **Los Angeles** “does not patrol with the drones;”⁴
- **San Diego** requires a “specific incident or event with a specific support objective” before deploying drones;⁵
- **New York City** expressly provides that drones “cannot be used for routine foot patrol”;⁶
- **Chula Vista** expressly prohibits both “general surveillance” and “general patrol operations.”⁷

DGO 10.12 should therefore prohibit “general patrol” and “routine patrol” in addition to “general surveillance” *and* tie deployments to specific, incident-driven law-enforcement needs.

Replace Aspirational Privacy Language with Enforceable Limits

Limiting when SFPD may deploy a drone addresses only half of the problem. The DGO must also provide basic guidance about how the camera should be used once the drone is in the air. Even an appropriate deployment can collect information far beyond what is necessary for the incident that justified it.

The revised DGO provides little guidance on that question. UAS operations need only “consider” civil rights and reasonable expectations of privacy while operators need

² This concern is concrete: SFPD’s 2025 AB 481 report expressly states that drones were deployed approximately 1,122 times for, among other purposes, “patrol.” Because patrol has a stated purpose, it would not fall within the DGO’s new definition of “general surveillance.” See San Francisco Police Department, *Law Enforcement Equipment Policy Pursuant to California Government Code Section 7072: 2025 Annual Report*, p. 12 (Jan. 22, 2026)

https://www.sanfranciscopolice.org/sites/default/files/2026-01/SFPD_AB481MilitaryEquipmentAnnualReport_2025_20260123.pdf.

³ Oakland Police Department, Departmental General Order I-25, *Unmanned Aerial Systems (UAS)*, pp. 3–5 (eff. Feb. 8, 2023) <https://www.oaklandca.gov/files/assets/city/v/1/police-commission/police/documents/opd-policies-and-resources/militarized-equipment-documents/attachment-e-dgo-i-25-unmanned-aerial-systems-uas.pdf>.

⁴ Los Angeles Police Department, *Drone Program: Drone as First Responder Unit Transparency Portal* <https://www.lapdonline.org/drone/>.

⁵ San Diego Police Department, Surveillance Use Policy: UAS—DJI/Mavic Air, p. 1 <https://www.sandiego.gov/sites/default/files/2025-03/sup-uas-10-dji-mavic-air.pdf>.

⁶ New York City Police Department, Unmanned Aircraft Systems: Impact & Use Policy, p. 6 (updated Feb. 4, 2026) https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/Unmanned-Aircraft-Systems-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf.

⁷ Chula Vista Police Department, Drone Program <https://www.chulavistaca.gov/departments/police-department/programs/uas-drone-program>.

only take “reasonable precautions” to avoid *inadvertently* recording or transmitting images of private areas. As written, the policy does not require observation to remain reasonably connected to the purpose of the deployment or require operators to minimize unnecessary collection concerning uninvolved people and property.

Consider a drone dispatched to look for a vehicle reportedly involved in a burglary. The drone may search nearby streets for that vehicle. But in doing so, it can also capture the movements of uninvolved people, the homes and yards they enter, the vehicles they use, and whom they meet. The DGO does not say how long that broader observation may continue, how closely the camera may examine people or property unrelated to the burglary, or when surveillance must stop once the vehicle is located or the search is exhausted. Without those limits, a narrow investigative purpose can become a much broader collection of information about people who were never the subject of the investigation.

Other police departments impose that type of operational limit.⁸ DGO 10.12 should adopt the same basic principle. Observation, recording, zoom, and tracking should remain reasonably related to the operational need that justified the deployment. Operators should minimize unnecessary collection concerning uninvolved people and property. Observation should end when the operational need ends. Those are straightforward operating rules that give officers guidance and provide a meaningful standard for supervisory review.

These protections matter even if the Commission separately limits drones to incident-driven deployments. If SFPD retains the broader “public safety response” authority currently proposed, they become more important: the less specific the reason for putting a drone in the air, the fewer natural limits exist on what the camera may observe once it gets there.

Close the Mixed-Purpose Loophole for First Amendment Surveillance

The revised First Amendment restriction still leaves a mixed-purpose loophole. DGO 10.12 prohibits monitoring protected activity only when monitoring is the drone’s *sole purpose*.

⁸ See San Diego Police Department, *Surveillance Use Policy: UAS—DJI/Mavic Air*, pp. 1–2 <https://www.sandiego.gov/sites/default/files/2025-03/sup-uas-10-dji-mavic-air.pdf> (requiring a specific incident and objective and directing pilots to make every effort to capture only the law-enforcement contact or intended target); Oakland Police Department, Departmental General Order I-25, *Unmanned Aerial Systems (UAS)*, p. 5 (eff. Feb. 8, 2023) <https://www.oaklandca.gov/files/assets/city/v/1/police-commission/police/documents/opd-policies-and-resources/militarized-equipment-documents/attachment-e-dgo-i-25-unmanned-aerial-systems-uas.pdf> (requiring the camera to remain focused on areas necessary to the mission and minimizing collection concerning uninvolved persons or places); Portland Police Bureau, *PPB Launches Drone as First Responder Pilot Program* (Sept. 4, 2025) <https://www.portland.gov/police/news/2025/9/4/ppb-launches-drone-first-responder-pilot-program> (requiring cameras to face the horizon and prohibiting recording while traveling to calls).

A drone deployed over a protest for crowd management, traffic control, officer safety, situational awareness, or another “public safety response” would not be used *solely* to monitor protected activity. The policy therefore could still permit the drone to record participants, observe who associates with whom, or track people arriving at or leaving an event so long as SFPD identifies some additional purpose for the deployment.

SFPD already has specific rules governing investigations, information collection, and video or photographic recording involving First Amendment activity in DGO 8.10.⁹

The Department should remove “solely” and expressly provide that any drone deployment involving First Amendment activity must comply with DGO 8.10, including its restrictions on investigation, recording, and the collection of information concerning people engaged in protected activity.

Conclusion

SFPD’s revisions improve DGO 10.12, but significant gaps remain. The current draft still permits drones to be deployed under an undefined “public safety response” standard, does not require observation and recording to remain tied to the operational need that justified deployment, and leaves a mixed-purpose loophole for monitoring First Amendment activity.

None of the protections requested here would prevent SFPD from using drones for emergencies, reported crimes, missing persons, pursuits, active investigations, or other specific operational needs. Before approving DGO 10.12, the Commission should require SFPD to limit deployments to specific, incident-driven needs; impose enforceable limits on drone observation and recording; and ensure that drone use involving First Amendment activity complies with DGO 8.10.

Respectfully submitted,

San Francisco Public Defender’s Office

American Civil Liberties Union of Northern California

Asian Women’s Shelter

Bill Sorro Housing Program

Californians for Safety and Justice

California Coalition for Women Prisoners

California Nurses Association

Center on Juvenile and Criminal Justice

Central American Resource Center of Northern California - CARECEN SF

Chinese for Affirmative Action

⁹ San Francisco Police Department, Department General Order 8.10, *Guidelines for First Amendment Activities*, §§ I.B–C, IX.A, XI (rev. Oct. 1, 2008) <https://www.sanfranciscopolice.org/your-sfpd/policies/general-orders/8-10>.

Coleman Advocates for Youth and Families
Community Legal Services in East Palo Alto
Community United Against Violence
Council on American-Islamic Relations, San Francisco Bay Area
Drug Policy Alliance
Ella SF
Electronic Frontier Foundation
GLIDE Foundation
The Gubbio Project
Harm Reduction Therapy Center
Harvey Milk LGBTQ Democratic Club
Immigrant Legal Resource Center
Indivisible SF
Jobs with Justice San Francisco
La Raza Community Resource Center
Lawyers Committee for Civil Rights San Francisco
League of Women Voters of San Francisco
Legal Services for Prisoners with Children
LYRIC Center for LGBTQ Youth
National Harm Reduction Coalition
Nuevo Sol
Pangea Legal Services
Rise Up To Action (RUTA)
San Francisco Rising
San Francisco Women's Political Committee
Secure Justice
San Francisco Senior and Disability Action
Showing Up For Racial Justice SF
Sister Warriors Freedom Coalition
Women's Housing Coalition
Young Women's Freedom Center