Summary – Public Safety Committee Meeting

March 12, 2019, 11:00 a.m.
Fairfax County Government Center, Conference Room 11

Committee Members Present:

Sharon Bulova, Chairman At-Large
Penelope A. Gross, Mason District (Vice Chairman)
John C. Cook, Braddock District (Committee Chair)
John W. Foust, Dranesville District
Pat Herrity, Springfield District
Catherine Hudgins, Hunter Mill District
Jeffrey C. McKay, Lee District
Kathy L. Smith, Sully District
Linda Q. Smyth, Providence District
Daniel G. Storck, Mount Vernon District

The meeting agenda and materials are available at the following link:
https://www.fairfaxcounty.gov/boardofsupervisors/board-supervisors-public-safety-committee-meeting-march-12-2019

Link to this Public Safety Committee meeting video:
http://video.fairfaxcounty.gov/player/clip/1316?view_id=9

The meeting was called to order at 11:15 a.m.

The meeting summary for the January 29, 2019, Public Safety Committee meeting was approved with no corrections.

Before the agenda items, Supervisor Cook shared that the next scheduled Public Safety Committee Meeting, scheduled for July 9, 2019, would focus on police body worn cameras, and updates from the Police Civilian Review Panel and the Independent Police Auditor for their respective 2018 Annual Reports.

The first item on the agenda was the Office of Emergency Management (OEM) on planning updates for the Community Emergency Response Guide (CERG), the Pre-Disaster Recovery Plan (PDRP) project, and the required County Emergency Operations Plan (EOP). Supervisor Cook noted that the CERG was talked about briefly at a previous Board meeting and commended staff again on an excellent job. Additionally, it was noted that Fairfax is only the second County in the country known to have a community emergency response guide of this type and that it is part of the Board's responsibility to help distribute the guide out to Fairfax County communities.

Seamus Mooney, Coordinator, Office of Emergency Management (OEM), Sulayman Brown, Assistant Coordinator, and Greg Zebrowski, Lead Planner, presented.

Update on the Community Emergency Response Guide: A Resident's Guide to Community Preparedness for the Next Disaster (CERG):

- The CERG is a "one-stop" guide designed to educate and guide residents, neighborhoods, and communities to prepare and plan for emergencies. While the County has significant resources and plans for response, the CERG is premised on the concepts that there is also a personal responsibility to prepare and "neighbors helping neighbors." It is a companion document to the County EOP and structured by the four (4) phases of emergency management – preparedness, response, recovery, and mitigation.
- The CERG assists neighborhoods and communities in planning for emergencies with a comprehensive planning guide and templates to help them sustain themselves during an emergency or critical incident until County services or other outside support can respond.
- 48 different County agencies and other stakeholders helped develop the CERG.
- A draft CERG was first presented at a Public Safety Committee meeting on September 18, 2018, for discussion and comment. Following that presentation and discussion OEM worked with multiple stakeholders and community members to revise and improve the final guide.
- The CERG is currently being translated into Spanish, Korean, Vietnamese, Arabic, and Mandarin, with these expected to be completed and uploaded to the County website by summer 2019.
- Developed Bitly links to track website traffic to the CERG page. An optional online survey was also developed, and is available at the end of the CERG download.
- The CERG is available online at: https://www.fairfaxcounty.gov/emergencymanagement/cerg
- Each Board office has been provided a copy of the CERG, as have all Fairfax County public libraries.
- OEM has worked with County partner agencies and communicators to promote the CERG on social media, in Board newsletters, and through Channel 16 videos, and a media briefing is scheduled for March 19th to officially launch the CERG. Residents can also request presentations online.
- OEM is creating educational videos for preparedness for various hazards, with a goal for completion of early 2020. These will be posted on the OEM website.
- The OEM Volunteer Corps, Community Emergency Response Teams (CERT), and Citizen Corps have been trained by OEM on the CERG and will help promote it in their communities.
- OEM is developing program metrics and exploring options to track actual plans developed throughout the County, but is working with the County Attorney's Office to address any potential privacy issues.
- OEM is scheduling community and County staff presentations on the CERG.

Update on the Pre-Disaster Recovery Plan (PDRP):

- The PDRP is a multi-discipline, all-hazards plan that establishes a single, comprehensive framework for managing the recovery from major disasters impacting the County. The PDRP is designed to guide recovery actions that result in a resilient, safe, physically accessible, sustainable, and economically strong community. The document was originally developed in 2011 and approved in 2012.
- FEMA cites Fairfax County in the National Disaster Recovery Framework for having a plan and as a national example in trainings for other jurisdictions.
- The project is part of a UASI-funded planning and exercise process. The PDRP update was scoped in 2017, the project kickoff was in early 2018, and completion is scheduled for fall 2019.
- The PDRP references applicable National Preparedness Goal Core Capabilities. The proposed revisions will enhance clarity and practical application for the recovery phase. The revised PDRP will also update organizational structure and staffing for recovery operations, agency leadership, and tasking of the Recovery Support Functions (RSFs), and will include a sample Recovery Action Plan.
- There are over 115 County agencies, partner organizations, non-profits, Chambers of Commerce, business and infrastructure representatives, and other non-traditional community partners involved in the revision process.
- Mr. Zebrowski thanked Chairman Bulova and Supervisor Cook for allowing their staff to help and participate in the process.
- The PDRP revision is being guided by a Steering Committee, and supported by a consultant, as was done for the original PDRP.
- Once completed the revised PDRP will be incorporated into OEM's 3- year training and exercise plan.

Update on the County Emergency Operations Plan (EOP):

- The EOP provides the basis for the County's emergency management program, including all activities and procedures intended to protect lives and minimize damage during and after disasters. It incorporates the County agencies and structure, and other important stakeholders, and defines planning and response responsibilities. It is the companion document to the CERG.
- The EOP meets the Commonwealth of Virginia's requirement for each city and county in the state to prepare and maintain a current EOP to respond to disasters or large-scale emergencies. The EOP is required to be updated and formally approved by the Board every 4 years.
- The EOP works in conjunction with the Commonwealth of Virginia's EOP, and follows the tenets laid out in the Homeland Security Presidential Policy Directive 8 and FEMA's Comprehensive Preparedness Guide (CPG 101).
- Coordinator Mooney discussed the planning pyramid, and the difference between strategic plans, framework plans, and operational plans.
- OEM uses training, exercises, actual activations, and after-action assessments to evaluate the validity of plans and to identify any gaps or corrective actions needed.

- The EOP was last approved by the Board in June 2015. The Board was provided a list of the required revisions, but Coordinator Mooney considers this effort more of an update, not a significant rewrite of the EOP. For example, with the creation of several new County agencies and turnover at the executive and agency head level there were 15 new signatories. Pending final County Executive review and approval and this presentation and Board discussion OEM plans to bring the EOP approval before the Board as an Action Item at one of its scheduled June meetings. Once the EOP is approved, OEM will review all EOP annexes and associated plans.
- All the OEM plans can be found at: https://www.fairfaxcounty.gov/emergencymanagement/emergency-plans

Board discussion on the three OEM planning updates:

- Supervisor Cook commended OEM presenters on their presentations, emphasizing that they could have spent an entire meeting on each plan relative to their complexity and importance, but he had only been able to allot them 20 minutes to present all three plans.
- He stressed the difficulty of reaching into our communities, but emphasized the importance of pushing the CERG out and encouraged OPA and all Board members and their offices to engage in the effort.
- Supervisor Gross thanked Coordinator Mooney for presenting the guide to her Civics Leadership Seminar in February; it was very well received and commented that the "flip books" are very beneficial. She stressed the need to do more outreach though to diverse communities. Supervisor Cook agreed, and also emphasized the role faith communities can play in that effort.
- Chairman Bulova asked that the CERG be highlighted and listed on the County main webpage to emphasize its importance and make it easier for residents to find.

The next item on the agenda was a presentation, update, and discussion on a proposed Unmanned Aircraft Systems (UAS) program for public safety. The lead presenters were Deputy County Executive (DCEX) Dave Rohrer and Roy Shrout, Deputy Coordinator (DC), OEM.

- DCEX Rohrer reminded the Board members that this UAS proposal was first presented to the Public Safety Committee on January 30, 2018. An Action Item to approve a UAS program was then brought forward for Board consideration at the July 31, 2018, Board meeting, but the Board deferred action and directed staff to conduct community outreach and engagement and obtain input. He thanked the Board for its direction as the community outreach was informative and beneficial in co-producing the proposed UAS program for public safety.
- Although previously presented, DCEX Rohrer provided background and some videos to highlight the benefits of UAS program for public safety agencies to include, but not limited to, safety of County personnel and the public, the unique capabilities of UAS, the versatility to operate in many types of environments, enhanced situational awareness for responders, live streaming of high definition imagery, enhanced on-scene coordination, enhanced level of documentation for recovery reimbursement, and UAS as a force multiplier.

- Following the Board deferral, a UAS Task Force was created to include multiple community and organizational representatives and subject matter experts. Board offices were solicited for input and recommendations as to membership. The membership was listed in the presentation and Committee materials.
- The Task Force held four public meetings to discuss purpose, operations, mission profiles, safety, equipment, training, data collection and retention, wildlife concerns, and program evaluation strategy. Through its open and candid discussions and review the Task Force revised the proposed UAS program and the draft UAS Program Manual, and helped develop additional community engagement strategies.
- A UAS webpage and email account were created to disseminate information to, and solicit input and questions from, residents. The webpage provided dates/locations of meetings and presentations, the draft program manual, a method to provide feedback or ask questions, and staff contact information.
- Information was also disseminated and shared through multiple social media channels, including Twitter, Facebook, and Nextdoor. AC Shrout and other staff also conducted media interviews or provided information to the media on the topic whenever requested.
- Further community outreach as conducted through six (6) community presentation/comment sessions. The dates and locations were listed in the presentation and Committee materials, and were well attended, once again demonstrating an engaged community. Individual Board members spoke at three of the forums and Board office staff attended those and others. The forums were a structured format to include a static display of UAS equipment, a staff presentation, and, importantly, an opportunity for questions and comment from the attendees.
- The staff presentation consisted of elements of the draft UAS Program Manual, program steps, mission profiles, the *Code of Virginia*, §19.2-60.1, FAA regulations, airspace restrictions in Fairfax County, UAS equipment, planned program administration and governance, and next steps. Significant time was allotted for attendee questions and comments.
- A significant part of each presentation was focused on Virginia Code §19.2-60.1 and the restrictions it placed on UAS use by law enforcement and regulatory agencies. Fairfax County will operate in strict compliance with that code.
- Community comments/questions were diverse in terms of topics, to include planned operations, equipment, budget/staffing, restricted airspace, best practices, partnerships, volunteers, wildlife, privacy, laws, and procedures. Staff recorded or collected all questions and comments, and using these staff and the Task Force further revised the draft UAS Program Manual to the version provided the Committee.
- Revision highlights include, but are not limited to:
  - Community representatives will be included on the planned UAS Steering Committee to provide perspective and oversight of the program.
  - A biennial formal UAS Program evaluation to include community engagement and outreach.
  - Enhanced transparency and acountability.
  - Law Enforcement specific section within the UAS Program Manual, specifying restrictions, limited exceptions, and examples of "immediate danger," a term from Code §19.2-60.1.
  - UAS live feed only transmit capability as the normal preferred operational mode.

- Agencies shall adopt a posture of minimal data imagery collection, only if mission essential.
- All UAS users to take reasonable precautions to avoid inadvertent recording or transmitting of images of individuals and properties unrelated to the mission. To the maximum extent possible, onboard cameras shall be directed toward the area of interest and away from uninvolved individuals or properties.
- Line of sight operation only. No waiver to operate beyond line of sight will be sought.
- Added clarity in the program manual on data retention schedules, agency audits, and destruction of data.
- Regional collaboration and a review of existing MOUs and Mutual Aid Agreements.
- Identifiable clothing on flight crew members and County identification on UAS equipment.
- Deconfliction strategies with hobbyists and media UAS usage.
- Further defined training requirements to demonstrate deficiencies.
- Mitigation strategies to reduce potential adverse wildlife impact.

Next steps if approved by the Committee to move forward:

- Board Action Item for program approval
- Complete and submit paperwork to the FAA
- Purchase equipment (6-8 aircraft)
- Formalize individual agency specific flight policies and procedures
- Initiate flight training – Part 107 preparation course/ground school and flight and operations training
- Update webpage
- Media and Community day to demonstrate equipment and capability
- Flight notifications and operations begin
- Transition workgroup into UAS Steering Committee under a Program Manager

Board discussion:

- Supervisor Cook thanked the presenters and noted he attended one of the community presentation/comment sessions and commented that a lot of good improvements came through the outreach process. He appreciated that most of his concerns about civil liberties and inadvertent video recordings, and their potential use, have been addressed through proposed policy and practice revisions and, importantly, the stated intent to operate only line of sight. He directed that any Action Item to the Board seeking program approval include that provision, and a requirement that the Board would have to approve any future waiver request for that rule.
- Supervisor Gross stated that previous privacy concerns had been significant and asked to clarify that the highlighted language in the revised draft UAS Program Manual provided to the Committee were the revisions done through the work of the Task Force and the outreach process. DCEX Rohrer confirmed that it was.

- Supervisor Gross received an email from a constituent asking if any new potential uses or mission types would be presented to the public each time before those capabilities were deployed. DC Shrout clarified that any significant mission expansion would first be presented to and discussed by the proposed Steering Committee, and would be brought before the Board if the Steering Committee concurred, and if approved the UAS Program Manual and information on the UAS website would be updated for community awareness.
- Supervisor Foust commented that he had significant concerns as to privacy, in particular, and the lack of community input when the program was first presented in 2018, but appreciated the amount of community outreach and engagement done since, the creation of the Task Force, and the revisions made to proposed policies. He asked, with the proposed policies and restrictions, how would County agencies, other than public safety, potentially use UAS. Based on follow-up discussion as to potential unlimited use by non-public safety agencies, to include survey of properties, such as parks, and that the restrictions of Virginia Code §19.2-60.1. apply primarily only to law enforcement and regulatory agencies he asked that any other non-public safety agencies wishing to use UAS should be restricted and have limitations and be listed for the Board. Supervisor Cook agreed that other agencies should not operate UAS without restrictions or approval and asked staff to do further work and bring recommendations to the Board for non-public safety use.
- Based on further discussion regarding non-public safety agencies and the amount of restricted airspace in Fairfax County Supervisor Cook also asked that staff later provide a map of that restricted airspace to the Board.
- Supervisor Foust asked if there were significant concerns expressed by any community stakeholders or other advocacy groups that had not been addressed. DCEX responded that to his knowledge all had been addressed and recommendations from multiple stakeholders, including the ACLU, had been incorporated into the proposed policies and practices. Task Force representatives concurred, stating that all Task Force members had been provided multiple opportunities to discuss and provide concerns and recommendations and to review and edit each revised draft of the UAS Program Manual. They described the outcome as a strong consensus of the Task Force.
- Supervisor Foust again commended staff and the Task Force for their work in improving the proposal. He did recommend though that the proposed Steering Committee not limit itself to only two community representatives and to ensure some of the key stakeholders, such as the ACLU, be included and invited to participate.
- Supervisor Hudgins also appreciated the work done, and said that it seemed that concerns had been addressed. However, as the Board was not part of all the discussions she asked for some more background on any of the more challenging issues and the resolution. Major Christian Quinn, Police Department, reiterated that the primary discussions centered around privacy protections and retention of any data or imagery. Consensus was reached on policies and practices to protect privacy, i.e., line of sight operation, camera to be off and turned away when UAS is being flown to scene, camera to be focused on the scene or incident and not pointed toward uninvolved persons or properties whenever possible, and agreement that the operational posture should be minimal recording of video or images with live feed transmitting only being the preferred operational mode. DC Shrout added that discussion had also been on identifying, incorporating, or adapting

any best practices elsewhere. He also said that strategies to mitigate adverse impact on wildlife was also important to some of the community advocates and had been addressed.

- DC Shrout stated that based on his research and participation in UAS related training and conferences he is confident the proposed policy is one of the most comprehensive in the country.
- DCEX Rohrer added that other examples of recommendations made by community stakeholders included the formal biennial review, audits, and community representation on the Steering Committee.
- Supervisor McKay acknowledges that the current meeting was running late so he will follow-up with any questions later. He did say the revisions were well done. But he did caution that based on the state code and its focus on law enforcement and regulatory agencies the County should proceed with expanding use to any non-public safety agencies only after due deliberation and some type of approval process.
- He also mentioned the listed retention schedules and reiterated the importance of maintaining an operational posture of minimal data collection and retention to mitigate concerns of long-term data storage costs.
- Supervisor Storck asked for clarification and assurance that the draft UAS Program Manual and proposed policies also addressed the provisions of Virginia Code §19.2-60.1, Section D., for UAS missions not requiring a search warrant or having an exemption for law enforcement. DC Shrout assured him that it did, that various types of missions, including those in Section D., i.e., wildlife assessment, damage assessment, etc., and each section of the code had been reviewed and covered in the draft policies.
- Supervisor Bulova complimented all on the good work and stated that the process used was a good model for engaging the community.

Supervisor Cook summarized the discussion and emphasized three primary issues brought by Board members during the discussion:

1. The UAS program is not to request a FAA waiver for Line of Sight operation without first obtaining Board approval.
2. Policy restrictions would apply to non-law enforcement agency use as well, any broad unrestricted use does not have Board approval.
3. Data collection and retention schedule concerns need to be considered and addressed. Minimal data collection and retention needs to be the posture to reduce costs and protect privacy.

Meeting adjourned at 12:40 p.m.