

# Unmanned Aerial System (UAS) Operations

## 613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and protocol for the deployment and use of the small Unmanned Aerial System (UAS) including the retention and/or destruction of media obtained using the UAS in accordance with applicable Federal law, State law, and City of San Mateo regulations. All members of this UAS Program will ensure a culture of safety.

### 613.1.1 DEFINITIONS

Definitions related to this policy include:

**Certificate of Authorization (COA):** Given by the Federal Aviation Administration (FAA) granting permission to fly the UAS within specific boundaries and perimeters.

**Observer:** A member of the San Mateo Police Department who is trained and authorized to maintain visual observation of the UAS while in flight.

**Remote Pilot In Command (PIC):** A member of the San Mateo Police Department who is trained, certified and authorized to control a UAS during flight.

**Unmanned Aerial System (UAS):** Consists of the small, unmanned aircraft weighing less than 55 lbs., the command system, a secure control link and other safety and support systems for operation of the UAS.

**Unmanned Aerial Vehicle (UAV):** A small, unmanned aircraft weighing less than 55 lbs.

## 613.2 POLICY

The UAS may be utilized to enhance the department's mission of protecting lives and property. Any use of the UAS will be in strict accordance with constitutional and privacy rights, FAA regulations, and department policy.

## 613.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Personnel will consider the protection of individual civil rights and the reasonable expectation of privacy as a key component of any decision made to deploy the UAS. Operators will take reasonable precautions to avoid inadvertently recording or transmitting images that infringe upon an individual's right to privacy.

## 613.4 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.

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

#### **613.5 PROHIBITED USE**

The UAS shall not be weaponized, nor shall it be used to:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct any business other than official Department business.

#### **613.6 CALLOUT PROCEDURE**

- (a) The on-duty supervisor should make a request via dispatch for qualified UAS team members to respond and deploy the UAS.
  1. Dispatch will call the UAS Team Supervisor who will coordinate the callout details with team members.
  2. If the UAS Team Supervisor is unavailable a supervisor shall call the on-call command staff member to facilitate the response of a UAS flight team member.
- (b) The UAS flight team members will handle all UAS operations, notifications and all necessary pre-flight guidelines as specified in the UAS Operations Guidelines.

#### **613.7 EVIDENCE COLLECTION AND RETENTION**

To avoid missing critical evidence during non-training or aircraft maintenance UAS operations, all UAS video will be recorded during flight. The pilot will manually activate the record feature on the UAS within one minute from the departure (start) of the flight and stop recording within one minute of landing when. The PIC should avoid capturing or recording Command Post or Unified Command Personnel that would reveal sensitive operations.

Following a non-training or aircraft maintenance UAS operation, the investigating officer or detective shall meet with the UAS operator to collect the UAS digital media storage media containing the video(s). The video(s) recorded by the Fire Department and/or the Police Department will be uploaded into the approved digital evidence management system (DEMS) such as Evidence.com. After uploading the video(s) into the DEMS, the digital media storage media will be returned to service after reformatting the media. If uploading the video(s) to the DEMS is unavailable, the digital media storage media will be booked into property as physical evidence. The collection and uploading of the video(s) will be documented by the investigating officer or detective.

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The collection and uploading of the video(s) will be documented in a report by a San Mateo Police Department case agent or officer. All data collected by the UAS shall be retained as follows:

Categories and retention schedule:

1. Non-criminal evidence - 1 year
2. Traffic stop - 1 year
3. Criminal - Misdemeanor - 3 years
4. Criminal - Felony - 6 years

Unauthorized use, duplication, and/or distribution of UAS videos are prohibited. Personnel shall not make copies of any UAS videos for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to capture UAS videos. All recorded media, images and audio are the property of the San Mateo Police Department and shall not be copied, released or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police or his/her designee.

Supervisors may only review recorded UAS video files when he or she has a legitimate business purpose. In addition, San Mateo Police personnel shall only review any recorded UAS video files when he or she has a right to know or need to know may review any recorded UAS video files, including under the following circumstances:

- (a) For the purpose of completing a criminal investigation and preparing official reports.
- (b) To prepare for courtroom testimony or courtroom presentation.
- (c) Following a critical incident: with supervisor approval, refer to Officer-Involved Shooting/Great Bodily Injury Incidents policy.
- (d) For potential training purposes.
- (e) Departmental request for a UAS video, including requests from the District Attorney's Office or City Attorney's Office, shall be forwarded through standard chains of communication regarding the dissemination of evidence.

**613.7.1 NON-DEPARTMENTAL REQUESTS FOR UAS VIDEO**

Non-Departmental Requests for a UAS video shall be accepted and processed in accordance with Federal, State, and local laws, and departmental policy (discovery, media inquiries, subpoenas, Public Records Act requests, etc.).

- (a) When practical, Department personnel will be advised prior to any release of UAS video under the California Public Records Act (CPRA).

**613.7.2 REQUEST FOR DELETION OR ACCIDENTAL RECORDING**

- (a) In the event of an accidental activation and recording of the UAS camera system, the recording employee may request that the UAS video is deleted by submitting an e-mail request to the UAS Program Manager or Patrol Division Commander with sufficient

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information to locate the UAS video. The UAS Program Manager or Patrol Division Commander shall review the video, approve or deny the deletion request, and forward to the UAS Program Manager or System Administrator for action if applicable.

- (b) Videos made during authorized department training will be viewed and/or retained for training purposes and then may be retained or deleted with the authorization of the UAS Program Manager or Patrol Division Commander.

#### 613.7.3 COPYING PROCEDURES

- (a) A copy of the UAS video can be requested in accordance with the provisions of this policy and current department policies.
- (b) Property Officers will be responsible for handling evidence request for DVD copies and online sharing of videos produced by the UAS camera system for court and other approved request by the Chief of Police or his/her designee.

#### 613.7.4 VIDEOS AS TRAINING TOOLS

A UAS video may be utilized as a training tool for individuals, specific units, and the department as a whole. A recommendation to utilize a UAS video for such purpose may come from any source outlined below:

- (a) A person recommending utilization of a UAS video for training purposes shall submit the recommendation through the chain of command to either the Watch Commander, UAS Program Manager, or Patrol Division Commander.
- (b) The Watch Commander, UAS Program Manager or Patrol Division Commander approving the utilization of a UAS video for training will, if not already available, send an email to Property requesting a copy of the video is placed in the UAS Training file on the network drive. This file will hold all approved training videos. Videos may not be moved to other files, copied or sent beyond this file.
- (c) If an involved officer or employee objects to the showing of a UAS video, his/her objection will be submitted to their supervisor to determine if the employee's objections outweigh the training value. The Patrol Division Commander shall review the recommendation and determine how best to utilize the UAS video file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the video versus other means (e.g., departmental policy, Training Bulletin, Officer Safety Bulletin, briefing or other training).

#### 613.8 ROLES AND RESPONSIBILITIES

The roles and responsibilities for UAS Program members are as follows:

- (a) Program Manager — a Police Sergeant or Lieutenant who manages the UAS Program and ensures the program operates in accordance with all Federal, State and local laws, and within department policy and guidelines. In addition, the Program Manager will:
  1. Maintain all training flight and maintenance records for each operator and observer, as well as individual airframes.
  2. Ensure operators and observers stay current with their training and certifications.

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3. Maintain contact with the FAA and familiarity with the pertinent FAA regulations.
4. Evaluate airframes based on mission needs.
5. Remain up to date with current UAS case law, best practices, and industry standards.
6. Develop and maintain the UAS Operational Guidelines Manual

(b) Remote Pilot in Command (PIC)—the PIC is responsible for maintaining a current FAA Part 107 certificate. The PIC will ensure the safe operation of the UAS in accordance with all applicable law and policy.

1. The PIC may reject a flight based on personnel safety or violation of FAA regulations.
2. PCI is responsible for mission documentation and updating the flight book.
3. The PIC shall be responsive to requests and input from the observer in order to accomplish the safe and effective deployment of the UAS.

(c) Observer—the Observer's role is to assist in the safe and effective operation of the UAS. The observer shall:

1. Assist the operator in avoiding obstacles
2. Be responsible for live video streaming services and connectivity
3. Manage radio communications
4. Remain alert for safety issues surrounding the operator and observer
5. Operate any attachments to the UAS