

# Unmanned Aerial System (UAS) Operations

## 610.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and protocol for the deployment and use of the 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 regulations.

### 610.1.1 DEFINITIONS

**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 Leandro Police Department who is trained and authorized to maintain visual observation of the UAS while in flight.

**Operator:** A member of the San Leandro Police Department who is trained, certified and authorized to control a UAS during flight.

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

**Unmanned Aerial System (UAS):** Consists of a UAV, the command system, a secure control link and other safety and support systems for operation of the UAS.

## 610.2 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.

## 610.3 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. This includes consideration by the operator on when to turn on/off the recording function, and the route of the UAS during deployment.

## 610.4 USE OF UAS

The Chief of Police, Captain, Watch Commander, or Sergeant may authorize the deployment of the UAS under the following circumstances:

- (a) Public safety and life preservation missions including, barricaded suspects, hostage situations, active shooters, apprehension of armed and/or dangerous fleeing suspects, and high-risk search warrants;
- (b) Mass casualty events;
- (c) Lost or missing persons;
- (d) Rescue events;
- (e) Disaster response and recovery;

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- (f) Suspected explosive devices;
- (g) Fire suppression or investigation;
- (h) Hazardous material releases;
- (i) Post-incident scene preservation and documentation;
- (j) Pursuant to a search warrant;
- (k) Special Events;
- (l) When there is probable cause to believe that the UAS will record images of a place, thing, condition, or event, and that those images tend to show a felony has been committed, or tends to show that a particular person has committed a felony.
- (m) Anytime a UAS would enhance public safety, improve operational safety, incident stabilization or incident mitigation as determined by the authorizing person;
- (n) Anti-UAV operations when a person is operating a UAV in a manner which impedes emergency personnel who, in the course of their duties, are coping with an emergency (refer to Penal Code § 402(a)1);
- (o) Training missions;
- (p) Mutual Aid support when the underlying mission meets the uses outlined in this policy.

### 610.4.1 CALLOUT PROCEDURE

- (a) The Watch Commander shall make a request via dispatch for qualified UAS team members to respond and deploy the UAS.
  - 1. Dispatch will call a UAS Team Supervisor who will coordinate the callout details with team members.
  - 2. If a UAS Team Supervisor is unavailable, or if specified by the Watch Commander, Dispatch will request outside assistance from another law enforcement agency that has a UAS program.
- (b) The UAS team members will handle all UAS operations, notifications and all necessary pre-flight guidelines required by the FAA.
- (c) If an outside agency responds to our request, they will be responsible for obtaining any additional authorizations for the operation from the FAA.
  - 1. Following an outside agency assisted UAS operation, the San Leandro Police case agent shall meet with the UAS operator to collect the data recorded by the UAS and submit it in accordance with the Evidence Collection and Retention section of this policy.

### 610.5 PROHIBITED USE

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

- (a) To conduct random surveillance activities;
- (b) To target a person based solely on individual characteristics, such as race, ethnicity, national origin, religion, disability, gender or sexual orientation; or

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- (c) Conduct any business other than official Department business.

### **610.6 EVIDENCE COLLECTION AND RETENTION**

Following a UAS operation by the San Leandro Police Department, the UAS operator shall submit and/or upload the video(s) recorded by the UAS into the approved digital evidence management system. The collection and uploading of the video(s) will be documented in an incident report by the operator.

- (a) Data collected by the UAS shall be retained in compliance with the City's records retention schedule, or retained as evidence of a crime.
- (b) 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 Leandro 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.
- (c) Departmental request for a UAS video, including requests from the District Attorney's Office or City Attorney's Office, shall be forwarded as a written request via e-mail, to the Property Unit, with sufficient information to locate the UAS video.
- (d) 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.).
  - 1. When practical, Department personnel will be advised prior to any release of UAS video under the California Public Records Act (CPRA).
- (e) Request for Deletion of Accidental Recordings
  - 1. In the event of an accidental activation and recording by the UAS, the recording employee may request that the UAS video be deleted by submitting an e-mail request to the Patrol Division Commander with sufficient information to locate the UAS video. The Patrol Division Commander shall review the video, approve or deny the deletion request, and forward to the System Administrator for action if applicable.
  - 2. 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 a lieutenant. Retained files will be stored in approved training files or the digital management system.
- (f) Copying Procedures
  - 1. A copy of the UAS video can be requested in accordance with the provisions of this policy.
  - 2. 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.

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- (g) 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:
  - 1. An employee recommending utilization of a UAS video for training purposes shall submit the recommendation through the chain of command to the Chief of Police.
  - 2. If approved, the approval will be sent to the Property Unit. A copy of the video will be placed in the UAS Training file on the G: drive. This file will hold all training videos. Videos may not be moved to other files, copied or sent beyond this file.
  - 3. 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 Bureau Captain 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).

### **610.7 ROLES AND RESPONSIBILITIES**

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

- (a) Program Coordinator— a 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 Coordinator 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.
  - 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.
- (b) Team Supervisor – A Sergeant who is assigned as the Program Coordinator, or assists the Program Coordinator with their roles and responsibilities.
- (c) Operator—the operator's role is to safely operate the UAS in accordance with all applicable law and policy.
  - 1. The operator may reject a flight based on personnel safety or violation of FAA regulations.
  - 2. The operator shall be responsive to requests and input from the observer in order to accomplish the safe and effective deployment of the UAS.
  - 3. Operators are responsible for mission documentation and updating the flight book.

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- (d) 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. Operate any attachments to the UAS
  - 3. Remain alert for safety issues surrounding the operator and observer
  - 4. Handle radio communications.

### **610.8 RESCINDED POLICY**

This policy rescinds San Leandro Lexipol Policy 436.  
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