Surveillance Use Policy

Unmanned Aircraft Systems
San Diego Police Department

DESCRIPTION

An Unmanned Aircraft Systems (UAS) is defined by Public Law 112-95, Section 331(8) as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. The Federal Aviation Administration classifies all UAS that weigh under 55 lbs. as "Small UAS." All the UAS used by the San Diego Police Department fall under this FAA classification of "Small UAS." Most all UAS have a digital camera attached or designed as part of the aircraft.

A UAS is, in essence, a manually controlled video/photography camera that is attached to a small remote-controlled aircraft. Majority of the data collected by UAS is similar to a handheld "point-and-shoot" camera or a Body Worn Camera.

UAS deployed by SDPD have the below features and capabilities:

1. They all range from just over one ounce to 25 lbs in weight, including all batteries and payload.

2. They all have a quad-copter design and use four electrically motorized propellors to provide lift.

3. They are all equipped with digital cameras capable of taking photographs and videos in the visual spectrum, and the majority of them have some zoom capability.

4. Some models have a camera sensor feature that can take photographs and video in the Infrared spectrum, commonly knowns as low light camera or "night vision".

5. Some models have an additional camera feature that can take photographs and video in the Infrared spectrum commonly known as "IR," "Night Vision," or "Low-Light".

6. Some models have a microphone/speaker two-way communication system used in interior environments to negotiate during high risk incidents to de-escalate dangerous encounters.

7. Some models have an attached tethered power/data cable to support sustained flight for several hours.

8. Some models can be outfitted with detachable accessories to include a speaker, spotlight, glass breaking armature, payload drop system, parachute, or universal accessory mount.

Below is a list of the Makes and Model Series of UAS that SDPD has deployed and utilized in the past, and that is currently in use now, and may acquire in the future.

- DJI Phantom (All versions)
- DJI Mavic (All versions)
- DJI Matrice Series (All versions)
- DJI Avata Serires (All versions)
- Hoverfly Series Tethered UAS (All versions)
- Teledyne FLIR Black Hornet (All versions)
- Brinc Lemur (All versions)
- Brinc Responder (All versions)
- Brinc Defender (All versions)
- Shield AI Nova
- Acecore Zoe
- Fotokite Series Tethered UAS (All versions)
- Skydio (All Versions)

PURPOSE

Unmanned Aircraft Systems (UAS) are used for the following purposes:

1. To support first responders during critical incidents by providing real-time video imagery via remotely operated aircraft.

2. To support investigations by providing video and photographic evidence collection of crime scenes from an aerial vantage point.

3. To provide enhanced security overwatch and anti-terrorist efforts during Special Events and large gatherings with the intent to identify pre-incident indicators and mitigate terrorist and criminal acts before they happen.

4. To conduct announcements over neighborhoods during special circumstances, including evacuation announcements and missing person descriptions.

5. To provide a 2-way communication system in high-risk incidents to de-escalate hostile and dangerous encounters.

6. For internal training purposes.

7. For use by the SDPD Media Services Unit for social media and outreach purposes.

USE

The San Diego Police Department (SDPD) UAS Unit is authorized to support the following types of operations:

1. Search and Rescue support for lost, missing, missing-at-risk, stranded persons, or suspects.

2. Provide aerial observation and imagery for safety and situational awareness in support of fire response and disaster response.

3. Provide photo and video digital media recordings in support of crime scene evidence collection.

4. Provide aerial and remote camera observation and imagery during incidents involving barricaded suspects, hostage incidents, and high-risk tactical operations.

5. Provide aerial imagery and photo/video support for department training.

6. Provide enhanced safety overwatch during large gatherings and special events.

7. Provide non Law Enforcement related UAS photography and videography for the SDPD Media Services Unit in support of the department's social media and public outreach.

8. Any other missions deemed necessary by the Chief of Police that are in the interest of Public Safety and align with the Department's Vision, Values, and Mission.

The following rules and processes are required prior to each use of a UAS:

1. All requests for UAS support must be initiated by an incident commander in response to support a specific incident or event with a specific support objective.

2. A UAS supervisor must evaluate the request and approve the UAS operation prior to deployment to support each individual incident. This UAS supervisor is specially trained to assess the request and determine if the UAS operation will comply with the SDPD's list of authorized uses for UAS. The UAS supervisor is also specially trained in the use of UAS as it relates to the protection of citizens' privacy, civil rights, and the preservation of citizens' First and Fourth Amendment rights.

3. If UAS deployment is approved by the UAS supervisor, notifications are made to the lieutenant who supervises the UAS Unit and to the Commander of the Operational Support Division.

4. Only authorized members of the UAS Unit shall use or be in possession of Department UAS equipment. All UAS members certified as UAS Pilots must obtain an FAA Remote Pilot's license and must complete the SDPD UAS Academy.

Department procedures associated with the use of UASs are:

- 8.23 – Use of Small Unmanned Aircraft System
- 1.57 – Military Equipment
- 3.02 – Impound, Release, and Disposal of Property, Evidence and Articles Missing Identification marks

DATA COLLECTION

UAS equipment does not automatically record video or take photographs. The UAS Pilot manually controls when the UAS will record video or take photographs.

A UAS is in essence a manually controlled video/photography camera that is attached to a small remote-controlled aircraft. Majority of the data collected by UAS is similar to a handheld "point-and-shoot" camera or a Body Worn Camera.

SDPD UAS can collect video and photographs in the visual spectrum.

Some models of SDPD UAS can collect video and photographs in Forward Looking Infrared (FLIR) spectrum commonly known as "thermal imagery." And the Infrared spectrum commonly known as "IR," "Night Vision," or "Low-Light" cameras.

Some models of SDPD UAS are equipped with a microphone that can record audio. This feature is only effective when the aircraft is landed and within approximately 20 feet of the desired audio source

UAS are deployed only to specific incidents with a specific target or specific objective. The UAS Pilot manually controls the UAS camera system and activates either video or photos to be captured based on the objectives and goals of the UAS mission. During a UAS Evidence Collection Operation, the UAS Pilot will manually control the UAS to take photographs or video as requested by the investigative unit that requested UAS Support.

During a law enforcement operation or during observation of a crime or in anticipation of a crime, the UAS Pilot will manually activate the video recording capability of the UAS in a similar manner to how a ground-based officer activates their Body Worn Camera during a contact. This captured video is regarded as Digital Media Evidence (DME) and is treated as evidence throughout the remainder of the operation until the DME is properly impounded and documented by the UAS staff assigned to the operation.

During observation and overwatch support of High-Risk Tactical Operations, the UAS Pilot will manually control the UAS to take a video of the entire operation to record all police activity during the incident. During UAS safety and enhanced security overwatch operations at special events and other large gatherings, the UAS Pilot generally does not activate video recording unless necessary to record a law enforcement contact, a crime occurring or in anticipation of a crime.

During all operations, the UAS Pilot is trained to make every effort to only capture visual imagery of the law enforcement contact or intended target of observation in order to protect the privacy of nearby uninvolved citizens and their property.

All Digital Media Evidence (DME) in the form of photographic and video evidence that is captured on the UAS is retained on a Secured Digital (SD) Card or on an external Digital recording device attached to the UAS ground control station. These SD Cards and recording devices are only authorized to be in the possession of SDPD UAS Unit members who are responsible for collection and proper impounding actions. The SDPD UAS Unit members assigned to the UAS Operation are also responsible to document this collection of evidence and the chain of custody associated with impounding the evidence.

All UAS DME is impounded in one of two ways:

1. The DME is extracted from the UAS SD Card and placed onto a portable drive by UAS personnel. This portable drive is physically impounded in the SDPD Property room and labeled as impounded property. The original SD Card is wiped clean of data to be used again. A UAS supervisor is responsible to verify the DME was impounded properly, the chain of custody was documented, and the original SD Card was wiped clean of DME.

2. The DME is extracted from the UAS SD Card and uploaded directly into the SDPD evidence.com digital evidence repository. The original SD Card is then wiped clean of data to be used again. A UAS supervisor is responsible to verify the DME was impounded properly, the chain of custody was documented, and the original SD Card was wiped clean of DME.

The UAS also collects flight information data to include its own location, altitude, and flight time. This information does not contain any personal identifying information (PII) and is not considered DME. This information is included in the report that UAS personnel write at the conclusion of every operation and attach to the incident's case report.

DATA ACCESS

San Diego Police Department Procedure 8.23 states in part:

> "Only authorized sUAS Program personnel shall use or be in possession of Department issued sUASs or equipment, unless approved by the sUAS Lieutenant or Commanding Officer."

All DME is retained within the physical UAS until the SD Card is removed from the UAS. Only UAS personnel may be in possession of the UAS and thus in possession of UAS collected DME until it is extracted from the SD Card and impounded either physically or digitally.

Once the DME has been impounded physically or electronically, retention, access, possession, and copying of such evidence are controlled and regulated by SDPD Procedure 3.02 – Impound, Release, and Disposal of Property, Evidence and Articles Missing Identification marks and SDPD Procedure 1.49 – AXON Body Worn Cameras.

Only sworn SDPD Police Officers may become part of the SDPD UAS Unit. All SDPD UAS personnel must be approved by the UAS Unit Sergeant, the Lieutenant who supervises the UAS Unit, and the Commanding Officer of the Operational Support Division. All SDPD UAS personnel receive specialized training on the proper handling, possession and impounding of DME recovered by UAS.

DATA PROTECTION

All DME is retained within the physical UAS until the SD card is removed from the UAS and is therefore not accessible to anyone remotely.

Other (non-PII) data that is recorded by the UAS including the UAS's location, altitude, and flight times is accessible remotely by the UAS Unit personnel only. Direct access to this information is password protected and can only be accessed by certified SDPD UAS Personnel. This information does not contain any critically vulnerable data, nor information that would violate an individual's civil rights or infringe upon their privacy. This information is included as part of the post-operation documentation report and thusly is considered publicly accessible information and a layer of transparency documenting every SDPD UAS Operations.

Once DME has been impounded physically or electronically, data protection becomes the responsibility of the Property Unit or the evidence.com system and all such evidence is controlled and regulated by SDPD Procedure 3.02 – Impound, Release, and Disposal of Property, Evidence and Articles Missing Identification marks and SDPD Procedure 1.49 – AXON Body Worn Cameras.

DATA RETENTION

Once DME has been impounded physically or electronically, evidence retention is the responsibility of the SDPD Property Unit or the evidence.com system and all such evidence is controlled and regulated by SDPD Procedure 3.02 – Impound, Release, and Disposal of

Property, Evidence and Articles Missing Identification marks and SDPD Procedure 1.49 – AXON Body Worn Cameras.

Retention timeframes depend on the nature of the incident and any related investigative or prosecutorial requirements, and in accordance with state law.

PUBLIC ACCESS

UAS-collected DME can only be accessed by SDPD UAS Unit personnel prior to evidence impound. Once UAS collected DME is impounded by UAS Personnel into the SDPD Property Room or evidence.com digital repository, access to this DME is controlled and regulated by SDPD Procedure 3.02 – Impound, Release, and Disposal of Property, Evidence and Articles Missing Identification marks and SDPD Procedure 1.49 – AXON Body Worn Cameras.

THIRD PARTY DATA SHARING

UAS Unit personnel do not share UAS-collected DME with third-party vendors. All UAS collected DME is impounded either physically in the SDPD Property Room or digitally into evidence.com. The UAS unit only shares collected DME with other law enforcement agencies to assist with valid operations or criminal investigations, the San Diego City Attorney or the San Diego District Attorney in connection with legal proceedings, or in response to a valid court or judicial order.

TRAINING

Only SDPD UAS Pilots are authorized to use any of the department UAS.

SDPD UAS Pilots must complete the following training:

1. FAA CFR Part 107 small Unmanned Aircraft System Certification

2. SDPD UAS Pilot Academy - Approximately 80 hours of specialized UAS Flight training and classroom to include procedures on evidence collection, retention, impounding, and the protection of citizens' privacy, civil rights, and Fourth Amendment during operations.

3. Quarterly UAS Flight training and competency certification test.

SDPD UAS Supervisors must complete the following training:

1. SDPD UAS Supervisory Academy - Approximately 25 hours of specialized UAS Planning and UAS Operation training to include procedures to audit and oversee all UAS flights, data collection, evidence impounding, and proper documentation of UAS operations to ensure all actions complete by UAS Pilot's complies with SDPD Department Procedures.

2. **The SDPD UAS Unit Sergeant must obtain their FAA 14 CFR Part 107 sUAS Certification within 12 months of being assigned to the UAS Unit as the UAS Unit Sergeant.**

AUDITING AND OVERSIGHT

The UAS Supervisor is the primary oversight and approver of each UAS Operation, which includes the UAS Flight(s), data collection, evidence impounding, and documentation by the UAS Pilots and support staff. This UAS Supervisor is responsible to ensure all actions by UAS Personnel comply with SDPD Department Procedures and the Surveillance Use Policy for each specific UAS operation.

The SDPD Sergeant in charge of the UAS Unit is an additional oversight and auditor of all UAS Operations which includes the UAS Flight(s), data collection, evidence impounding, and documentation by the UAS Pilots and support staff for every single operation. This UAS Unit Sergeant is responsible to ensure all actions by UAS Personnel comply with SDPD Department Procedures and the Surveillance Use Policy for every SDPD Procedure. The UAS Sergeant conducts monthly inspections and audits of all UAS Operations and activity.

Internal records for the use of UAS equipment are managed by and can only be accessed by UAS Supervisors who have been given specialized approval by the UAS Unit Sergeant. The UAS Unit Sergeant generates quarterly and annual reports on the operational use of UAS equipment by the SDPD. The annual reports are published in the SDPD Annual Surveillance Report and in a report for the FAA.

Once UAS collected DME is impounded by UAS Personnel into the SDPD Property Room or evidence.com digital repository, access to this DME is controlled and regulated by SDPD Procedure 3.02 – Impound, Release, and Disposal of Property, Evidence and Articles Missing Identification marks and SDPD Procedure 1.49 – AXON Body Worn Cameras.

MAINTENANCE

SDPD UAS equipment is inspected and maintenance is performed on a monthly schedule to ensure the safe and functional operating condition of the equipment prior to deployment. This inspection also ensures the security and integrity of the surveillance technology and the information collected.

SDPD UAS equipment is additionally inspected prior to every flight operation to ensure it is in proper working condition.

All UAS maintenance and inspections are conducted by UAS personnel who receive specialized training on the specific UAS they are inspecting and maintaining.