

Fresno Police Department Policy Manual

small Unmanned Aerial Systems (sUAS)

439 Small Unmanned Aerial Systems (sUAS)

439.1 POLICY

Unmanned aerial systems may be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a small unmanned aerial system (sUAS) will be in strict accordance with Constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. Department members may request a sUAS for assistance in order to maximize officer safety and facilitate the goals of the Department.

439.1.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of a sUAS and for the storage, retrieval and dissemination of images and data captured by the sUAS.

439.2 DEFINITIONS

Certificate of Waiver or Authorization (COA) - Authorization issued by the FAA for gaining approval when there is a need to operate a sUAS outside of the provisions of FAA Part 107.

FAA Part 107 - Rules for operating sUAS (other than model airplanes) set by the Federal Aviation Administration (FAA).

Small Unmanned Aerial System (sUAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

439.3 PRIVACY

The use of the sUAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during sUAS operations.

439.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the sUAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- (a) Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current;
- (b) Ensuring that all authorized operators and required observers have completed all required FAA and Department-approved training in the operation, applicable laws, policies and procedures regarding use of the sUAS;
- (c) Developing uniform protocol for submission and evaluation of requests to deploy a sUAS, including urgent requests made during ongoing or emerging incidents;
- (d) Developing protocol for conducting criminal investigations involving a sUAS, including documentation of time spent monitoring a subject;
- (e) Implementing a system for public notification of sUAS deployment;
- (f) Developing an operations manual governing the deployment and operation of a sUAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities;

- (g) Developing a protocol for fully documenting all missions;
- (h) Developing a sUAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a sUAS, up to and including its overhaul or life limits;
- (i) Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody;
- (j) Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules;
- (k) Facilitating law enforcement access to images and data captured by the sUAS;
- (l) Recommending program enhancements, particularly regarding safety and information security;
- (m) Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police; and
- (n) Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a sUAS.

439.5 USE OF sUAS

Only authorized operators who have completed the required Department training shall be permitted to operate the sUAS.

Use of vision enhancement technology (e.g., thermal, and other imaging equipment not generally available to the public) is permissible for use in viewing areas only where there is no protectable privacy interest, or where exigent circumstances exist, and such use is authorized by this Policy or deemed necessary for public safety purposes.

sUAS operations should only be conducted during daylight hours and a sUAS should not be flown over populated areas, unless operating under an appropriate, valid FAA waiver. Operations should only be conducted consistent with FAA regulations.

439.6 PROHIBITED USE

The sUAS video surveillance equipment shall not be used:

- (a) To conduct random surveillance activities;
- (b) To target a person based solely on actual or perceived characteristics such as race, sex, sexual orientation, gender, gender identity or expression, age, ethnicity, religion, creed, color, national origin, disability, marital status, military and veteran status, or any other classification or status protected by law;
- (c) To harass, intimidate or discriminate against any individual or group; or
- (d) To conduct personal business of any type.

The sUAS shall not be weaponized.

439.7 RETENTION OF sUAS DATA

Data collected by the sUAS shall be retained as provided in the established records retention schedule *and in accordance with city ordinance or applicable laws. All video and/or images obtained from the sUAS related to a crime report or call for service shall be downloaded as evidence and retained in accordance with Policy §450.9.2. In general operators should activate the recording system upon take off and continue recording until the conclusion of the deployment.*

439.8 DOCUMENTATION AND EVIDENCE

After each deployment, video and aerial photography obtained by the sUAS operation will be uploaded to evidence.com. The sUAS operator is responsible for evidence collection as well as writing any supporting documentation for the incident as required.