Surveillance Use Policy

UAS – DJI/MATRICE 210 with ZENMUSE XT2 and Z30 Cameras
San Diego Police Department

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. For internal training purposes.
5. For use by the SDPD Media Services Unit for social media and outreach purposes.

USE

The 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. Any other missions deemed necessary by the Chief of Police.

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 then 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.

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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

The primary intended use for the Matrice 210 is high-altitude aerial overwatch to support daytime and nighttime operations. The Matrice 210 is a larger UAS and can carry a heavier payload. The Matrice 210 can carry either the Zenmuse Z30 zoom camera payload or the Zenmuse XT2 thermal camera payload. This UAS, combined with its optional payloads, makes it ideal for search and rescue missions, large area overwatch during special events, and nighttime high-risk tactical operations.

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. The majority of the data collected by UAS is similar to a handheld "point-and-shoot" camera or a Body Worn Camera.

The DJI/Matrice 210 with Zenmuse XT2 camera can collect video and photographs in both the visual spectrum and in Forward Looking Infrared (FLIR) spectrum commonly known as "thermal imagery." The DJI/Matrice 210 with Zenmuse Z30 camera can collect video and photographs in both the visual spectrum and the Infrared spectrum commonly known as "IR," "Night Vision," or "Low-Light" cameras.

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 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. The DME is extracted from the UAS SD Card and placed onto a portable drive by UAS personnel. This portable drive is then physically impounded in the SDPD Property room and labeled as impounded property. 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.

Or, the DME is extracted off of 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 Aircraft. 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 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.

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.

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DATA PROTECTION

All DME is retained within the physical UAS until the SD card is removed from the Aircraft 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.

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.

TRAINING

SDPD UAS Pilots are the only persons who 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, and 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 completed 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 approval 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 is 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 and publishes monthly and annual reports on the operational use of UAS equipment by the SDPD.

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.