
Unmanned Aerial System (UAS) Operations

614.1 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 of Fremont regulations.

614.1.1 DEFINITIONS

- (a) Certificate of Authorization (COA): Given by the Federal Aviation Administration (FAA) granting permission to fly the UAS within specific boundaries and perimeters.
- (b) Observer: A member of the Fremont Police Department or Fremont Fire Department who is trained and authorized to maintain visual observation of the UAS while in flight.
- (c) Operator: A member of the Fremont Police Department or Fremont Fire Department who is trained, certified and authorized to control a UAS during flight.
- (d) Unmanned Aircraft 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.

614.2 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 UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

614.3 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.

614.4 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to deploy a UAS in the following circumstances. The operator should announce the deployment of a UAS via the radio for supervisor awareness. A supervisor may prohibit the deploying or use of a UAS.

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

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- (d) Rescue events;
- (e) Disaster response and recovery;
- (f) Suspected explosive devices;
- (g) Fire suppression or investigation;
- (h) Hazardous material releases;
- (i) Post-incident crime 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) In support of the Fremont Fire Department when the underlying mission meets the uses outlined in this policy; and
- (q) Mutual Aid support when the underlying mission meets the uses outlined in this policy.

614.4.1 CALLOUT PROCEDURE

- (a) The Watch Commander shall make a request via dispatch for qualified UAS team members to respond and deploy the UAS.
 - (a) Dispatch will call the UAS Team Supervisor who will coordinate the callout details with team members.
 - (b) If the UAS Team Supervisor is unavailable, or if specified by the Watch Commander, Dispatch will request assistance from Fremont Fire Department via ACRECC.
- (b) The UAS team members will handle all UAS operations, notifications and all necessary pre-flight guidelines as specified in the UAS Operations Guidelines.

614.5 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- 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.

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- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

614.6 EVIDENCE COLLECTION AND RETENTION

Evidence collection, video recording and digital photographs

- (a) To avoid missing critical evidence during UAS operations, all UAS video will be recorded during flight. The pilot will manually activate the record feature on the UAS before take-off and will stop recording after landing. Flights being flown for the purpose of evidence collection utilizing specialized software to capture the evidence are not required to also video record during those flights.
- (b) During flight, there are times when pilots have the need to take digital photographs with the UAS. The UAS platform does not allow video and digital photographs to be taken at the same time. In these situations pilots are authorized to stop recording for the need of taking digital photographs. If officer/suspect contact is anticipated during flight, pilots should prioritize capturing the contact with UAS video, not digital photographs.

Retention of UAS digital media

- (a) Following a UAS operation flown at the request of FPD by the Fremont Fire Department (FFD) a Fremont PD case agent, officer, or FPD UAS pilot shall meet with the FFD pilot to collect the DMSD containing the video(s).
- (b) UAS video(s) recorded by or for FPD will be uploaded into the approved digital evidence management system (DEMS). After uploading the video(s) into the DEMS, the DMSD will be returned to service after reformatting the media. If uploading the video(s) to the DEMS is unavailable, the DMSD will be booked into FPD property as evidence. The collection and uploading of the video(s) will be documented in an ARS report by a Fremont PD case agent or officer.
- (c) The collection and uploading of the video(s) will be documented in an ARS report by a Fremont PD case agent or officer. All evidentiary video data collected by the UAS shall be retained as follows:
 - (a) Categories and retention schedule:
 - (a) Non-criminal evidence - 1 year
 - (b) Traffic stop - 1 year
 - (c) Criminal - Misdemeanor - 3 years
 - (d) Criminal - Felony - 6 years
 - (e) Test - 10 days
 - (f) Property (IA use only) - 4 days
 - (g) 10-year category - 10 years
 - (h) Indefinite - indefinite

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- (i) Unknown - indefinite
- (d) 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 Fremont 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.
- (e) Supervisors may only review recorded UAS video files when he or she has a legitimate business purpose. In addition, Fremont 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.
- (f) 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.
- (g) 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).
- (h) 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 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.
 - (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 a lieutenant. Retained files will be stored in approved training files or the digital management system.
- (i) Copying Procedures
 1. A copy of the UAS video can be requested in accordance with the provisions of this policy.

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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.
- (j) 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. A person recommending utilization of a UAS video for training purposes shall submit the recommendation through the chain of command to the Watch Commander.
 2. The Watch Commander approving the utilization of a UAS video for training will send an email to Property requesting a copy of the video is placed in the UAS Training file on the t: 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 Patrol Division Commander or Division Chief 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).

614.7 ROLES AND RESPONSIBILITIES

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

- (a) Program Coordinator—a Fremont 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 Coordinator will:
- (a) Maintain all training flight and maintenance records for each operator and observer, as well as individual airframes.
 - (b) Ensure operators and observers stay current with their training and certifications.
 - (c) Maintain contact with the FAA and familiarity with the pertinent FAA regulations.
 - (d) Evaluate airframes based on mission needs.
 - (e) Remain up to date with current UAS case law, best practices, and industry standards.
 - (f) Develop and maintain the UAS Operational Guidelines Manual
- (b) 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.

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