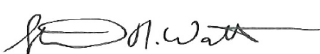


OGDEN CITY POLICE

Office of the Chief

Policy No: 60

Subject Unmanned Aerial Systems (UAS) Operations	Effective Date February 1, 2018
Department Police	Replaces Policy Dated N/A
Division All Police Personnel	Review Date February 2024
Authorized Signature 	

NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this policy is to establish guidelines for the Department's use of Unmanned Aerial Systems (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS.

II. POLICY

A UAS may be utilized to enhance the Department's efforts to protect 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 rights to privacy and will be governed by Federal Aviation Administration (FAA) regulations as well as the Ogden City Policy titled "Unmanned Aerial Systems."

III. DEFINITIONS

Definitions related to this policy include:

- A. Unmanned Aerial System (UAS): An unmanned aircraft of any type capable of sustained flight, whether preprogrammed or remotely controlled, and all of the supporting or attached systems designed for gathering information through imaging, recording or other means. Also referred to as UAVs, "drones," "unmanned aircraft," and other colloquialisms.

IV. PRIVACY

The use of an UAS potentially involves legal and procedural privacy considerations. Absent a warrant or exigent circumstances, operators and observers will adhere to all applicable FAA regulations, especially flight altitude, and will not intentionally record or transmit images or data relating to any location where a person would have a reasonable expectation of privacy under the law, such as residences, yards, enclosures, businesses, etc. Operators and observers will take reasonable precautions to avoid inadvertently recording or transmitting images or data relating to any area where there is a reasonable expectation of privacy under the law. Reasonable precautions may include deactivating or turning imaging devices away from such areas during UAS operations.

V. PROGRAM COORDINATOR

The Real Time Crime Center (RTCC) Lieutenant is the Program Coordinator for UAS operations within the Ogden Police Department and is responsible for the management and oversight of the Department's UAS program. The Program Coordinator will ensure policies and procedures conform to current laws, regulations, and "best practices." The Program Coordinator will have the following responsibilities related to management and oversight of the Department's UAS program:

- A. Ensuring all authorized operators and observers have completed required FAA and Department-approved training in the operation of the UAS, as well as in all applicable laws, policies, procedures, and regulations governing the use of the UAS.
- B. Developing protocols for the submission and evaluation of requests to deploy the UAS, including urgent requests made during ongoing and emergent incidents. Deploying a UAS may require review by the Program Coordinator, depending on the type and nature of the flight mission, prior to deployment.
- C. Developing protocols for conducting criminal investigations involving UAS operations, including documentation of time spent monitoring persons and/or locations.
- D. Development and implementation of a system for public notification of UAS operations.
- E. Development and implementation of operational protocols governing deployment and observation of a UAS, including safety oversight, use of

visual observers, establishment of lost link procedures, and communication with air traffic control facilities.

- F. Development and implementation of protocols for complete documentation of UAS deployments for operations and training.
- G. Development and implementation of protocols for inspection, maintenance, and record keeping for the purpose of ensuring airworthiness and required certifications of UAS systems utilized by the Department.
- H. Development and implementation of protocols ensuring all data intended for use as evidence is accessed, maintained, stored, and retrieved in a manner ensuring its integrity for use as evidence. Protocols will include strict adherence to chain of custody requirements, and the preservation of "electronic trails" including encryption, certificate authentication, and date/time stamping. Protocols will include appropriate measures to preserve privacy rights.
- I. Development and implementation of protocols ensuring data retention and purge periods are in accordance with established Ogden City records retention schedules.
- J. Development and implementation of protocols facilitating law enforcement access to images and data captured during UAS operations in accordance with governing laws and policies.
- K. Recommendations for program enhancements, particularly regarding safety and information/data security.
- L. Ensuring established protocols are followed by monitoring and providing quarterly reports to the Chief of Police.

VI. USE OF UAS

Only authorized operators who have completed required training (Part 107 Training) will be permitted to operate Department UAS platforms.

Use of vision enhancement technology, such as thermal, IR and other equipment not generally available to the public, is permissible when viewing areas where there is no protected privacy interest or where a warrant has been obtained. Where questionable, pre-operation review with legal counsel will occur.

Personal use of Department UAS platforms, information, data, or images, is **prohibited**.

UAS operations will be conducted during daylight hours and operators will avoid flying the UAS over populated areas except as reasonably necessary in the performance of a legitimate City or law enforcement operation, and as governed by law and policy.

UAS operations outside of Class A airspace, active Restricted or Warning Areas designated for aviation use, or approved Prohibited Areas will be conducted during daylight hours unless otherwise authorized. Night operations may be considered where controls and hazard mitigation is sufficient to avoid collisions (FAA N8900.207)

Operators will contact the Ogden Airport Tower when flying in their Class D airspace and will provide tower personnel with details of the flight operation.

Ogden Police Department units, including the Ogden/Metro SWAT Team and the Weber/Morgan Narcotics Strike Force, will receive preapproval for use of a UAS during tactical operations. Where emergent circumstances preclude preapproval, tactical unit leaders will notify and gain concurrence for UAS use from the Program Coordinator as soon as possible after the beginning of the emergency tactical operation.

A. DATA COLLECTED BY PRIVATE CITIZENS

The Ogden Police Department may not accept, or review data captured by a privately-owned UAS unless one of the following conditions exists (UCA 72-14-203):

- a. The person delivering the UAS data informs the Department that the data appears to pertain to the commission of a crime.
- b. The member of the Department receiving the data or images believes, in good faith, that the information pertains to an imminent or ongoing emergency involving the risk of death or serious bodily injury to another person and the disclosure of the information will permit the Department to assist in responding to the emergency.

B. DOCUMENTATION

The following information must be documented in any related report or other record of the law enforcement encounter where the UAS is operated by the Department, or when the Department obtains or receives data or images pursuant to UCA 72-14-203:

- a. The presence and use of the UAS.

- b. Any data or images acquired.
- c. When applicable, the identity of the private citizen from whom the data or images were received.

C. TEMPORARY FLIGHT RESTRICTIONS DUE TO WILDLAND FIRES

A Department UAS will not be used in an area under a temporary flight restriction as a result of a wildland fire without the permission of the official in charge of the fire response and in accordance with any restrictions, directives, or guidance given by the official.

VII. PROHIBITED USE

The UAS video surveillance equipment will not be used to:

- A. Conduct random surveillance activities.
- B. Target a person based solely on individual characteristics, such as but not limited to, race, ethnicity, national origin, religion, disability, gender, or sexual orientation.
- C. Harass, intimidate, or discriminate against any individual or group.
- D. "Weapon" a UAS in violation of UCA 72-14-303

VIII. RETENTION OF UAS DATA

The Records Bureau supervisor will ensure data collected by the UAS is deleted as soon as reasonably practicable subject to applicable retention schedules under the Utah Government Records Access and Management Act (GRAMA) or a federal, state, or local law (UCA 72-14-203, UCA 72-14-204).