

# **CITY OF HAYWARD**

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Wednesday, December 1, 2021**

**5:30 PM**

**Remote Participation**

**Special Council Infrastructure Committee**

**COVID-19 Notice: Consistent with Assembly Bill 361/Gov Code 54953(e), the Council Infrastructure Committee meeting includes teleconference participation by all Council Infrastructure Committee members and the public.**

**To submit written comments:**

**Send an email to [jennifer.ott@hayward-ca.gov](mailto:jennifer.ott@hayward-ca.gov) by 1:00 p.m. the day of the meeting.**

**Please click the link below to join the webinar:**

**<https://hayward.zoom.us/j/86012217091=N2F1QkVVVzNPT1lIY29FWUIyQjRCZz09>**

**Passcode: CIC@120121**

**Or Telephone: US: +1 669 900 6833 Webinar ID: 860 1221 7091 Passcode: 7568715705**

## **ROLL CALL**

## **PUBLIC COMMENTS:**

## **REPORTS/ACTION ITEMS**

### [ACT 21-100](#)

Review and Recommend Council Approval of: (1) a Proposed Council Resolution and Policy Statement Regarding Citywide Use of Surveillance Technologies; and (2) an Operational Policy for the Hayward Police Department's Unmanned Aerial Systems Program

### **Attachments:**

[Attachment I Staff Report](#)

[Attachment II Resolution](#)

[Attachment III HPD UAS Operations Manual](#)

[Attachment IV Policy 610 - Unmanned Aerial System UAS Operations](#)

## **FUTURE AGENDA ITEMS**

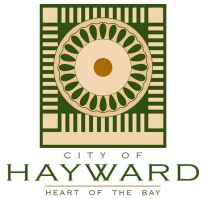
## **ORAL UPDATES**

## **COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS**

## **ADJOURNMENT**

**Next Scheduled Meeting: Wednesday, January 26, 2022**





# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

---

**File #:** ACT 21-100

---

**DATE:** December 1, 2021

**TO:** Council Infrastructure Committee

**FROM:** City Manager/Chief of Police

**SUBJECT**

Review and Recommend Council Approval of: (1) a Proposed Council Resolution and Policy Statement Regarding Citywide Use of Surveillance Technologies; and (2) an Operational Policy for the Hayward Police Department's Unmanned Aerial Systems Program

That the Council Infrastructure Committee (CIC) reviews and recommends Council approval of: (1) a proposed Council resolution and policy statement regarding Citywide use of surveillance technologies (Attachment II); and (2) an operational policy for an Unmanned Aerial Systems (UAS) Program for the Hayward Police Department (HPD) (Attachment III).

**SUMMARY**

On July 13, 2021, the Council approved a resolution authorizing the purchase of UAS for HPD conditioned upon review by the Community Advisory Panel (CAP) and the CIC of an operational policy for the use of UAS by HPD, and ultimately, Council approval prior to HPD deployment of UAS. Additionally, it was requested that the CIC and Council review a policy for Citywide use of surveillance technologies.

The proposed Council resolution and policy statement for Citywide use of surveillance technologies (Citywide Policy) highlights the commitment to balance the use of surveillance technologies with the privacy and civil rights of community members (Attachment II). It also authorizes the City Manager to issue administrative regulations, including but not limited to, purchasing, data retention, storage, and access policies that would apply to all City surveillance and UAS operations. It also recommends annual reporting by departments on UAS operations.

This staff report is also intended to present information to the CIC regarding HPD's proposed Operations Manual for the UAS Program (Attachment III). The UAS Program Operations Manual is an internal document designed to provide guidance for the management and operation of HPD's UAS Program. It incorporates portions of HPD's Policy 610 (Unmanned Aerial System (UAS) Operations) (Attachment IV) and provides guidance on the UAS Program administration, safety, training, operating procedures, and pre- and post-flight actions. The UAS Program Operations Manual is a living document, which will be reviewed on a regular basis to ensure best practices are adhered to and to ensure alignment with the Citywide Policy, as well as other local, regional, state, and federal laws or policies.

HPD's UAS Program Operations Manual was reviewed by the CAP and discussed during a virtual meeting, which was held on October 11, 2021. While no specific changes were recommended for the UAS Program

Operations Manual, there was discussion of previously identified issues regarding the use of surveillance technologies, including UAS, which are presented later in this staff report.

## **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	HPD UAS Operations Manual
Attachment IV	Policy 610 - UAS Operations



**DATE:** December 1, 2021

**TO:** Council Infrastructure Committee

**FROM:** City Manager  
Chief of Police

**SUBJECT:** Review and Recommend Council Approval of: (1) a Proposed Council Resolution and Policy Statement Regarding Citywide Use of Surveillance Technologies; and (2) an Operational Policy for the Hayward Police Department's Unmanned Aerial Systems Program

## **RECOMMENDATION**

That the Council Infrastructure Committee (CIC) reviews and recommends Council approval of: (1) a proposed Council resolution and policy statement regarding Citywide use of surveillance technologies (Attachment II); and (2) an operational policy for an Unmanned Aerial Systems (UAS) Program for the Hayward Police Department (HPD) (Attachment III).

## **SUMMARY**

On July 13, 2021, the Council approved a resolution authorizing the purchase of UAS for HPD conditioned upon review by the Community Advisory Panel (CAP) and the CIC of an operational policy for the use of UAS by HPD, and ultimately, Council approval prior to HPD deployment of UAS. Additionally, it was requested that the CIC and Council review a policy for Citywide use of surveillance technologies.

The proposed Council resolution and policy statement for Citywide use of surveillance technologies (Citywide Policy) highlights the commitment to balance the use of surveillance technologies with the privacy and civil rights of community members (Attachment II). It also authorizes the City Manager to issue administrative regulations, including but not limited to, purchasing, data retention, storage, and access policies that would apply to all City surveillance and UAS operations. It also recommends annual reporting by departments on UAS operations.

This staff report is also intended to present information to the CIC regarding HPD's proposed Operations Manual for the UAS Program (Attachment III). The UAS Program Operations Manual is an internal document designed to provide guidance for the management and operation of HPD's UAS Program. It incorporates portions of HPD's Policy 610 (Unmanned Aerial System (UAS) Operations) (Attachment IV) and provides

guidance on the UAS Program administration, safety, training, operating procedures, and pre- and post-flight actions. The UAS Program Operations Manual is a living document, which will be reviewed on a regular basis to ensure best practices are adhered to and to ensure alignment with the Citywide Policy, as well as other local, regional, state, and federal laws or policies.

HPD's UAS Program Operations Manual was reviewed by the CAP and discussed during a virtual meeting, which was held on October 11, 2021. While no specific changes were recommended for the UAS Program Operations Manual, there was discussion of previously identified issues regarding the use of surveillance technologies, including UAS, which are presented later in this staff report.

## **BACKGROUND**

On July 13, 2021, the Council approved a resolution authorizing the purchase of UAS for HPD conditioned upon review by the Community Advisory Panel (CAP) and the CIC of an operational policy for the use of UAS by HPD, and ultimately, Council approval prior to HPD deployment of UAS. Additionally, it was requested that the CIC and Council review a policy for Citywide use of surveillance technologies. For reference, the original staff report submitted by HPD can be reviewed here: [Attachment I Staff Report \(10\).pdf](#)

In the months that followed the July Council meeting, City staff developed the Citywide Policy regarding the use of UAS and other surveillance technologies (Attachment II). In developing these documents, City staff conducted research and reviewed associated materials to ensure best practices and local, regional, state, and federal laws are followed. Specifically, City staff researched and reviewed statutes, case law, other policies, publications from the American Civil Liberties Union (ACLU), and community member and Council commentary from previous public meetings. The proposed Citywide Policy conveys Council's commitment to public safety, while balancing the use of surveillance technologies with the privacy and civil rights of all community members. It also conveys Council's commitment to transparency and accountability through ongoing oversight and data reporting measures related to the use of surveillance technologies, including annual reporting to the Council.

In addition, HPD staff consulted with other local law enforcement agencies, which currently operate UAS Programs, regarding a specific operational policy for HPD to better understand the policies and procedures governing all aspects of program administration. From these conversations, HPD staff developed a UAS Program Operations Manual, which is designed to provide guidance for UAS Program administration, safety, training, operating procedures, and pre- and post-flight actions (Attachment III). It should be noted that no policy or operations manual can account for every situation or circumstance that may arise; however it is designed to provide a foundation for the implementation of a UAS Program and to help ensure public safety needs and community expectations of privacy continue to be met.

On October 11, 2021, the Chief of Police and the HPD Command staff met with the CAP to discuss the UAS Program and any new community concerns. CAP members were provided with a copy of the HPD UAS Operations Manual prior to the meeting. While there were no new, specific concerns raised or recommended changes to the UAS Program Operations Manual during this meeting, some members of the CAP continued to cite privacy concerns and raise questions about how UAS will be used. HPD staff assured the members of the CAP that the UAS Operations Manual is a living document that will undergo continual review and amendments can be made to help ensure alignment with City policy and local, regional, state, and federal laws. HPD staff also assured members of the CAP that any allegations of improper usage or violations of UAS policies will be referred to HPD Internal Affairs for investigation.

## **DISCUSSION**

History has shown that non-existent or ineffective policy governing surveillance technologies can foster environments where such technologies can be abused. Throughout the history of this country, surveillance technologies have been used by the government to infringe upon people's reasonable expectation of privacy and have had adverse impacts, particularly in communities of color. As such, Council provided direction to staff to clearly establish a strong Citywide position on the use of surveillance technologies prior to implementing HPD's UAS Program and that the policies clearly identify circumstances when such technologies can be used. The approval and adoption of the Citywide Policy will allow for the advancement of legitimate City objectives, while balancing the constitutional privacy and civil rights of community members (Attachment II). Such action will also ensure that processes and administrative regulations will be put in place to prevent abuse, to maintain transparency and accountability, and to ensure community concerns regarding privacy and civil rights are specifically addressed.

For HPD, existing staffing shortages and resource challenges require staff to seek ways to leverage developing technologies and community partnerships to address public safety issues. The implementation of a UAS Program will allow the HPD to leverage technology to safely respond to in-progress incidents, improve safety for community members and HPD staff, effectively engage in de-escalation strategies, document crime scenes, and provide an invaluable tool for engaging in damage assessment and rescue operations in the aftermath of a significant disaster (e.g., earthquake).

With these operational necessities in mind, and with the utmost respect for personal privacy and the freedom of community members to go about their lives without unwarranted intrusion from the government, HPD staff developed a UAS Program Operations Manual (Attachment III). The UAS Program Operations Manual specifically addresses the following elements of the UAS Program:

- Philosophy and Mission Statement
- Protection of Rights and Privacy
- Definitions
- Administration
- Safety

- Training
- General Operating Procedures
- Pre-Flight / Post-Flight Actions

The UAS Program Operations Manual specifically addresses the need for HPD staff to use UAS in compliance with applicable laws and regulations, including those of the federal and State governments, the City of Hayward, and the Federal Aviation Administration (FAA), as the FAA certifies and maintains oversight of UAS Programs more generally. The UAS Program Operations Manual integrates language from HPD Policy 610 (Attachment IV), which has been formally reviewed and approved by the City Attorney's Office, and it addresses the expectation that HPD staff will consider individual rights and reasonable expectations of privacy in decisions to use UAS.

The administration of the UAS Program will be the responsibility of the Special Teams Lieutenant, who will serve as the Program Coordinator. The Special Teams Lieutenant will be responsible for selecting HPD staff to serve as observers and operators, performing all administrative duties, and coordinating training for all HPD staff to ensure a clear understanding of the circumstances under which UAS can be utilized. The Special Teams Lieutenant directly reports to the Special Operations Division Commander, who will provide regular program updates to the Chief of Police after quarterly program audits are conducted in coordination with HPD Internal Affairs. In turn, the Chief of Police will provide regular program updates to Council as directed.

The Chief of Police, HPD Command staff, and other HPD staff members have conducted extensive community engagement and solicited input on the UAS Program. Several concerns were presented, and based on community feedback, several recommendations were incorporated into the UAS Program Operations Manual. These issues include the following:

1. **The ability to redact images of uninvolved persons or properties.**

Staff currently can redact these images and do so as a part of the Body Worn Camera program. The City would only release portions of video relevant to a Public Records Act request or in response to discovery as a part of a legal proceeding. ***In Attachment III and IV, this specific concern is addressed under UAS Program Operations Manual Section 9.3 and HPD Policy Section 610.9.***

2. **The security of data and 3<sup>rd</sup> party auditing of stored videos.**

The 3<sup>rd</sup> party video storage software, Evidence.com, incorporates access based on individual user identity and audit trails are built into the software. All data would be HPD property and would not be shared with anyone else except for legitimate law enforcement purposes. Axon, the owner of Evidence.com, maintains a publicly available website that outlines their data compliance, security assurances, and certifications to demonstrate the controls that have been put in place to secure data stored in Evidence.com. As of the publication of this report, some of the most

recognizable certifications that have been achieved include but are not limited to: ISO/IEC 27001:2013 Information Security Management Standard certified; ISO/IEC 27018:2014 Code of Practice for Protecting Personal Data in the Cloud certified; FBI CJIS certified; and SOC 2+ Reporting. To achieve these certifications, the vendor is evaluated by 3<sup>rd</sup> parties against a set of specific controls or principles and will not achieve certification unless the requirements of the standard are met. To maintain these levels of certification, the vendor coordinates directly with 3<sup>rd</sup> parties to conduct audits and demonstrate their compliance with each certification. ***Data security concerns were addressed by IT staff. In Attachments III and IV, the auditing of stored videos is addressed under UAS Program Operations Manual Sections 5.1 and 9.3 and HPD Policy Sections 610.7 and 610.9.***

3. **The HPD policy includes vague or ambiguous language and should include language explicitly identifying when UAS will or will not be used, and requests to include language prohibiting the use of facial recognition or wiretap technology.**

Policy modifications were made based upon CAP feedback, including removal of some vague language and inclusion of language that prohibits the use of facial recognition technology. ***In Attachments III and IV, this specific concern is addressed under UAS Program Operations Manual Section 3 and HPD Policy Sections 610.6 and 610.8.***

4. **Use of data and Fourth Amendment issues.**

UAS will be used only in circumstances where reasonable suspicion, probable cause, or exigent circumstances exist or pursuant to a valid warrant. ***In Attachments III and IV, this specific concern is addressed under UAS Program Operations Manual and HPD Policy Sections 610.3, 610.6, and 610.7.***

5. **Use of UAS during protests or demonstrations.**

Mass gatherings of any kind remain a public safety concern as they can present targets for extremists/terrorists, devolve into rioting, or result in counter-protests, which have erupted in violence in other communities. UAS will not be used for protests or demonstrations as a matter of routine, but can be used in circumstances where security concerns exist or criminal activity is occurring (e.g., vandalism, looting, rioting, assaults on officers, violent counter-protests, etc.). ***In Attachments III and IV, this specific concern is addressed under UAS Program Operations Manual Section 3 and HPD Policy Section 610.8.***

6. **Oversight of the UAS program.**

HPD will be prepared to share data, information, and address concerns regarding the program to Council during periodic updates or during the Chief's annual report presentation. Data and information could include flight plans, UAS usage, UAS training, written reports, or redacted video examples of UAS usage in the field. Additionally, as part of maintaining our Certificate of Authorization, the FAA oversees the UAS

program. *In Attachment III, this specific concern is addressed under UAS Operations Manual section 5.1.*

Staff recommends that the CIC review the Citywide Policy and HPD's UAS Operations Manual and recommend approval to the Council.

## **FISCAL IMPACT**

The review and approval of the Citywide Policy, as well as HPD's UAS Program Operations Manual does not result in any new fiscal impact. The UAS Program approved by Council in July requires the purchase of equipment and special training for personnel. The total initial cost of the required equipment (4 UAS aircraft, cameras, and other equipment) with tax included, is estimated to be **\$14,000**. The total initial cost for training and certification of eight pilots is estimated to be **\$4,700** (based on over time, price would go down on any adjusted time). The total initial cost to begin this program is estimated to be **\$18,700**. The City currently has the funds for this expenditure within HPD's existing operating budget. According to local agencies, they expect to replace their UAS units every two to three years.

## **NEXT STEPS**

Upon recommendation by the CIC, City staff will recommend that the Council review and approve the Citywide Policy, as well as HPD's UAS Program Operations Manual. Once approved by the Council, HPD will commence implementation of HPD's UAS Program consistent with both policies.

*Prepared by:* Bryan Matthews, Captain

*Recommended by:* Kelly McAdoo, City Manager  
Toney Chaplin, Chief of Police

*Approved by:*



---

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO.

Introduced by Council Member

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD ADOPTING A STATEMENT OF VALUES AND COMMITMENTS TO THE COMMUNITY REGARDING UNMANNED AERIAL SURVEILLANCE SYSTEMS (UASs), WHICH BALANCE THE USE OF SUCH TECHNOLOGIES WITH COMPETING INTERESTS OF CONSTITUTIONAL RIGHTS OF PRIVACY; AUTHORIZING THE CITY MANAGER TO ISSUE ADMINISTRATIVE REGULATIONS CONSISTENT HERewith, INCLUDING BUT NOT LIMITED TO PURCHASING, DATA RETENTION, STORAGE, AND ACCESS POLICIES, THAT APPLY BROADLY ACROSS CITY OPERATIONS; AND, ADOPTING BY REFERENCE AND INCORPORATING HEREIN THE ASSOCIATED STAFF REPORT DATED \_\_\_\_\_

WHEREAS, the City Council's Infrastructure Committee (CIC) conducted a publicly-noticed meeting on December 1, 2021, received a report from City staff and written and oral testimony from the community regarding the this proposed resolution, and the CIC now recommends adoption of the within resolution by the full City Council; and

WHEREAS, both the CIC and City Council, along with the Police Chief's Advisory Panel (CAP), have previously considered in multiple public meetings the increasingly critical role and impacts that unmanned aerial surveillance systems (UASs) play in advancing municipal objectives and delivery of important community services; and

WHEREAS, previous discussions have largely focused on the pros and cons of law enforcement's use and deployment of UASs, there remains the need for a statement of values that guide the use and deployment of technologies that advance legitimate municipal objectives while also balancing constitutional rights of privacy; and

WHEREAS, the ongoing discussion of the impact of developing and emerging new technologies in relation to City services and use of these technologies would be highlighted to the City Council in future reports.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, as follows:

1. The City Council accepts the recommendation of the CIC and adopts the attached statement of values and commitments (EXHIBIT A);

2. The Council's statement of values and commitments is intended to balance the use and deployment of UASs with competing interests of constitutional rights of privacy;
3. The City Manager is authorized to issue administrative regulations and approve specific department operational policies consistent with the administrative regulations, this resolution, and EXHIBIT A, including but not limited to purchasing, data retention, storage, and access policies, that apply broadly across City operations, such as the Hayward Police Department, Hayward Fire Department, and the Information Technology Department; and
4. The City Manager is directed to report annually on the use and deployment of UASs and related surveillance technologies.

IN COUNCIL, HAYWARD, CALIFORNIA

ADOPTED BY THE FOLLOWING VOTE:

AYES:            COUNCIL MEMBERS:  
                     MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
                 City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

# EXHIBIT A

**OUR VALUES ON SURVEILLANCE TECHNOLOGY**

- The City Council finds that the use of surveillance technology may hinder the privacy of Hayward residents; and the City's acquisition, installation, and use of surveillance technology is a question of public consequence for democracy and governance;
  - The City Council recognizes the historical use of surveillance efforts to intimidate and oppress certain communities and groups more than others, including those that are defined by a common race, ethnicity, religion, national origin, income level, sexual orientation, or political perspective;
  - The City Council believes that transparency is essential when the City is considering procurement and use of surveillance technology;
  - The City Council finds that it is crucial to have informed public debate about City decisions related to surveillance technology, as early as possible;
  - The City Council seeks to establish a thoughtful and transparent process regarding the procurement and use of Surveillance Technologies that carefully balances the City's interest in protecting public safety with its interest in protecting the privacy and civil rights of its community members;
  - The City Council finds that decisions regarding if and how surveillance technologies should be funded, acquired, or used, and whether data from such technologies should be shared, should not be made until meaningful public input has been solicited and given significant weight;
  - The City Council finds that legally enforceable safeguards, including robust transparency, oversight, and accountability measures, must be in place to protect civil rights and civil liberties before any surveillance technology is deployed; and
  - The City Council finds that, if a surveillance technology is approved, data reporting measures must be adopted that empower the City Council and public to verify that mandated civil rights and civil liberties safeguards have been strictly adhered to.
-

**OUR COMMITMENT ON SURVEILLANCE TECHNOLOGY**

- We value your privacy. Keeping your personal information private is imperative. We consider potential risks to your privacy and the public's well-being before collecting, using, and disseminating your personal information;
- We collect and keep only what we need. We only collect information essential for providing City services and keep it only until we are legally required to. Whenever possible, we tell you when we are collecting such information;
- How we use your personal data. When possible, we will disclose to you the ways in which we use your personal information, at the time we collect it. We commit to giving you a choice, whenever possible, about how we use your information;
- We are accountable. We are responsible for managing your personal information in a manner that is consistent with our commitments and as required by law. We protect your personal information by restricting unauthorized access and by securing our computing resources from threats;
- How we share your information. We follow federal and state laws about information disclosure whenever working with outside governmental agencies and in answering Public Record Act Requests. Business partners and contracted vendors who receive or collect personal information from us or for us to deliver City services must agree to our privacy requirements; and
- Accuracy is important. We work to maintain and use accurate personal information for City business. When practical, we will work to correct inaccurate personal information. We also direct our partners and contracted vendors to follow the same guidelines.

# Hayward Police Department

## **Unmanned Aerial Systems (UAS) Operations Manual**



August 1<sup>st</sup>, 2021

## Table of Contents

<b>1.</b>	<b>Preface</b>	<b>4</b>
<b>2.</b>	<b>Philosophy and Mission Statement</b>	<b>4</b>
<b>3.</b>	<b>Protection of Rights and Privacy</b>	<b>4</b>
<b>4.</b>	<b>Definitions</b>	<b>6</b>
<b>5.</b>	<b>Administration</b>	<b>6</b>
5.1	Operations Manual	6
5.2	Organization	7
5.3	Personnel	7
5.4	Facilities	8
5.5	Scheduling	9
5.6	Miscellaneous	9
<b>6.</b>	<b>Safety</b>	<b>9</b>
6.1	Safety Policy	9
6.2	Operational Hazard and Occurrence Report (OHOR) and Investigations	10
6.3	Safety – UAS Operator and Observer	10
6.4	Safety Training	11
6.5	Medical Factors	11
<b>7.</b>	<b>Training</b>	<b>11</b>
7.1	Objective	11
7.2	Instructors	12
7.3	Training Plans	12
7.4	Initial Training	12
7.5	Recurrent Training	13
7.6	Miscellaneous	13
<b>8.</b>	<b>General Operating Procedures</b>	<b>13</b>
8.1	Request for UAS Support	13
8.2	Call-out Procedure	14
8.3	Deployment Priorities	14
8.4	Personnel Responsibilities for Deployments	14
8.5	Personal Equipment	15
<b>9.</b>	<b>Pre-Flight / Post-Flight Actions</b>	<b>15</b>
9.1	Inspections	15
9.2	Weather	16
9.3	Documentation and Evidence	16
9.4	Operational Planning	16

9.5	Checklists	17
9.6	Maintenance	17

**I. Preface**

The following procedures are intended to promote the safe, efficient, and lawful operation of the Hayward Police Department (HPD) Unmanned Aerial Systems (UAS). Safety, above all else, is the primary concern in every operation, regardless of the nature of the operation.

**II. Philosophy and Mission Statement**

It shall be the mission of the HPD and HPD personnel, who are trained in the use of UAS, to follow procedures that are intended to promote the safe, efficient, and lawful operation of the department's UAS, using this resource to protect the lives and property of community members and first responders. HPD personnel and UAS will be used in compliance with applicable laws and regulations, including but not limited to the Constitution of the United States of America, the Constitution of the State of California, and the Federal Aviation Administration (FAA).

UAS can support first responders in hazardous incidents and incidents outlined in the HPD's policy section 610.6, which governs the use of UAS. These incidents include the following: Public safety and life preservation missions, mass casualty events, lost or missing persons, search and rescue events, disaster response and recovery, suspected explosive devices, fire suppression or investigation, hazardous materials releases, post-incident crime scene preservation and documentation, pursuant to a search warrant, mass gatherings or special events where security concerns exist or criminal activity is occurring, when probable cause to believe a felony has been committed or a particular person has committed a felony, anti-UAS operations, training missions, Hayward Fire Department support missions, and mutual aid support missions.

The FAA Modernization and Reform Act of 2012 provided for the integration of civil UAS into national airspace by September 2015. Existing federal law required the Administrator of the FAA to develop and implement operational and certification requirements for the operation of public UAS in the national airspace system by December 31, 2015.

Both public and private operators of UAS have a responsibility to refrain from infringing on the rights or property of the residents of the State of California. Any data, information, photographs, or video or audio recordings of individuals should be minimized and retained in a manner consistent with current privacy standards and applicable HPD policies.

**III. Protection of Rights and Privacy**

The UAS Program Coordinator, HPD Managers, HPD Supervisors, operators, and observers will consider individual rights and the reasonable expectation of privacy as key components of any decision made to deploy UAS. Each UAS Operator and Observer shall ensure that UAS operations comply with local, state, and federal law. To accomplish this primary goal, HPD personnel shall:

- A. When UAS are being flown, UAS Operators and Observers shall take steps to ensure the camera is focused on the areas necessary to accomplish the mission and to minimize the unintentional collection of data about uninvolved persons or places.

- B. All recordings and images shall be stored and maintained in strict compliance with applicable HPD and City policies.
- C. UAS shall not be used to conduct the following (HPD Policy 610.8):
  - 1. To conduct random surveillance activities.
  - 2. 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.
  - 3. To harass, intimidate, or discriminate against any individual or group.
  - 4. To conduct personal business of any type.
  - 5. UAS shall not be weaponized.
  - 6. UAS shall not have facial recognition technology.
  - 7. To conduct routine monitoring of a mass gathering, protest, or demonstration where security concerns do not exist or where criminal activity is not occurring.
- D. The following are authorized missions for the HPD UAS (HPD Policy 610.6):
  - 1. 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.
  - 2. Mass casualty events.
  - 3. Lost or missing persons.
  - 4. Search and rescue events.
  - 5. Disaster response and recovery.
  - 6. Suspected explosive devices.
  - 7. Fire suppression or investigation.
  - 8. Hazardous materials releases.
  - 9. Post-incident crime scene preservation and documentation.
  - 10. Pursuant to a search warrant.
  - 11. Mass gatherings or special events where security concerns exist or criminal activity is occurring.
  - 12. When there is probable cause to believe 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.
  - 13. 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 section 402(a)1).
  - 14. Training missions.
  - 15. In support of the Hayward Fire Department when the underlying mission meets the uses outlined in this policy.
  - 16. Mutual Aid support when the underlying mission meets the uses outlined in this policy.
- E. The HPD UAS Program will operate strictly within policy and the law, continuously balancing all operations with the need to accomplish the mission while maintaining public privacy and the freedom from intrusion.

#### IV. Definitions

1. **Certificate of Authorization (COA):** Given by the FAA granting permission to fly UAS within specific boundaries and perimeters.
2. **Program Coordinator:** An HPD Sergeant or Lieutenant who manages the UAS Program and ensures the program operates in accordance with local, state, and federal laws, and within HPD and City policies and guidelines.
3. **Observer:** A member of the HPD or Hayward Fire Department who is trained and authorized to maintain visual observation of UAS while in flight.
4. **Operator:** A member of the HPD or Hayward Fire Department who is trained, certified, and authorized to control a UAS while in flight.
5. **Unmanned Aerial Vehicle (UAV):** A small, unmanned aircraft weighing less than 55 lbs.
6. **Unmanned Aerial System (UAS):** An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remote controlled (commonly referred to as a UAV), and all of the supporting or attached systems designed to gather information through imaging, recording, or any other means.

#### V. Administration

##### 5.1 Operations Manual

- A. The policies and procedures contained in this manual are issued by authority of the HPD. As such, it is an official document of the HPD.
- B. This Operations Manual is not intended to be all-inclusive, but as a supplement to other HPD and City policies and guidelines.
- C. This Operations Manual was written to address HPD's UAS operations. Equipment, personnel, and environment (internal and external) change over time. The management of change involves a systematic approach to monitoring organizational change and is a critical part of the risk management process. Given this, it is essential that this Operations Manual be continually updated as necessary and undergo continuous review.

Annually, policies, procedures, and laws regulating the HPD's UAS operations shall be reviewed as follows: The Special Operations Captain, UAS Program Coordinator, and Internal Affairs Lieutenant shall meet quarterly to review the use of UAS. This review will minimally include a UAS Program audit and flight documentation review, which will be reported to the Chief of Police and, in turn, reported to the City Council as they determine necessary.

- D. A copy of this Operations Manual will be issued to personnel assigned to the

UAS Program and will be made accessible to the public on the HPD website.

## **5.2 Organization**

- A. UAS shall only be operated by personnel who have been trained and certified by the FAA in the operation of the systems. All HPD field personnel will be provided training in the policies, procedures, and guidelines governing UAS operations.
- B. The UAS Program will be comprised of qualified and trained HPD personnel.

## **5.3 Personnel**

- A. The UAS Program Coordinator is responsible for the management, operation, and performance of the UAS Program. The UAS Program Coordinator shall be appointed by the Chief of Police or his or her designee.
- B. The Patrol Watch Commander or Incident Commander is responsible for the daily supervision of UAS Program personnel.
- C. UAS Program Coordinator responsibilities include:
  - 1. Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
  - 2. Ensuring that all authorized operators and required observers have completed all required FAA and HPD approved training in the operation, applicable laws, policies, and procedures regarding the use of UAS.
  - 3. Developing uniform protocol for submission and evaluation of requests to deploy UAS, including urgent requests made during ongoing or emerging incidents. Deployment of UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
  - 4. Developing protocol for conducting criminal investigations involving UAS, including documentation of time spent monitoring a subject.
  - 5. Implementing a system for public notification of UAS deployment.
  - 6. Developing an operational protocol governing the deployment and operation of UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures, and secure communications with air traffic control facilities.
  - 7. Developing a protocol for fully documenting all missions.
  - 8. Developing UAS inspection, maintenance, and record-keeping protocols to ensure continuing airworthiness of UAS, up to and including its overhaul or life limits.
  - 9. Developing protocols to ensure that all data intended to be used as evidence is 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.

10. Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
11. Facilitating law enforcement access to images and data captured by UAS.
12. Recommending program enhancements, particularly regarding safety and security.
13. Ensuring that established protocols are followed by monitoring and providing periodic reports to the Chief of Police.
14. Maintain all training flight and maintenance records for each operator and observer, as well as individual airframes.
15. Maintain contact with the FAA and familiarity with applicable FAA regulations.
16. Evaluate airframes based on mission needs.
17. Remain up to date with current UAS case law, best practices, and industry standards.
18. Develop and maintain UAS Program Operational Manual.

D. Personnel selection – UAS Operator:

1. To be considered for selection as a UAS Operator, applicants must submit a request for transfer to the UAS Program Coordinator and successfully pass an interview. Applicants must have a minimum of 2 years of Patrol experience, be off probation, and be in good standing in their current assignment. An internal background check will be conducted to determine an applicant's suitability for this position. Once selected, applicants must pass the Basic Part 107 Test to serve as a UAS Operator.

E. Personnel selection – UAS Observer:

1. To be considered for selection as a UAS Observer, applicants must submit a request for transfer to the UAS Program Coordinator and successfully pass an interview. Applicants must have a minimum of 2 years of Patrol experience, be off probation, and be in good standing in their current assignment. An internal background check will be conducted to determine an applicant's suitability for this position. Once selected, applicants must pass the Basic Part 107 Test to serve as a UAS Observer.

#### **5.4 Facilities**

- A. The UAS and all related equipment will be available to be issued at the HPD and will be stored in a secure location as designated by the UAS Program Coordinator.
- B. HPD personnel will ensure UAS and related equipment is working properly prior to deployment and will secure UAS in the designated storage location after use.

- C. All HPD personnel are equally responsible for maintaining UAS facilities in a neat, clean, and orderly fashion.

## **5.5 Scheduling**

- A. UAS will be readily available for approved operations.
- B. To maintain proficiency, UAS Operators and Observers will be required to attend training. Training will be coordinated by the UAS Program Coordinator and announced in advance for scheduling purposes.

## **5.6 Miscellaneous**

- A. Media inquiries will be forwarded to the HPD Community Engagement Specialist/Public Information Officer. UAS Operators and Observers will follow HPD policy regarding interactions or inquiries from the media.
- B. Complaints regarding UAS usage will be referred to the HPD Internal Affairs Unit for follow up and investigation.

# **VI. Safety**

## **6.1 Safety Policy**

- A. The HPD is committed to maintaining a safe and healthy workplace, including:
  - 1. The ongoing pursuit of an accident-free workplace and one that avoids harm to people, equipment, property, or the environment.
  - 2. Maintaining a culture of open reporting of all safety hazards.
  - 3. Supporting safety training.
  - 4. Conducting regular reviews of safety policies, procedures, and practices.
  - 5. Monitoring UAS trends to ensure best safety practices are incorporated into the program.
  - 6. Encouraging collaboration with other area UAS Programs on safety policies, procedures, and practices.
- B. Every UAS Operator and Observer has a duty to contribute to the HPD's goal of continued safe UAS operations. Contributions include operating UAS in the safest manner possible without taking unnecessary risks. Any procedural, operational, or maintenance related safety hazards should be identified as soon as possible. Identifying hazards and making safety suggestions should be made to the UAS Program Coordinator through the chain of command.
- C. HPD personnel who observe or have knowledge of an unsafe or dangerous act committed by UAS Program personnel shall immediately notify the UAS Program Coordinator, through the chain of command, so corrective action can be taken.

**6.2 Operational Hazard and Occurrence Report (OHOR) and Investigations**

- A. Occurrences are unplanned incidents, including accidents and incidents that impact safety. A hazard is something with the potential to cause harm, whether it be created by person or the environment. The identification and control of all hazards is paramount for safety.
- B. The OHOR concept provides a mechanism for reporting occurrences and hazards, real or perceived, to those overseeing UAS operations.
- C. The OHOR does not have an official format, rather provides flexibility for reporting information to the UAS Program Coordinator through the chain of command. The OHOR concept will be used without hesitation to report anticipated, current, or past safety occurrences or hazards. Additionally, the OHOR can be submitted anonymously to any HPD employee, so follow up investigation can be conducted.
- D. Any documentation generated resulting from an occurrence or hazard shall be forwarded to the UAS Program Coordinator through the chain of command.
- E. Occurrences and hazards will be investigated in accordance with current HPD policy and corrective action shall be taken when necessary.
- F. Occurrences or hazards requiring immediate attention will be reported to the UAS Program Coordinator without delay.
- G. HPD personnel are authorized to take action to correct occurrences or hazards when, in the employee's opinion, delay will result in accident or injury. In such situations, the UAS Program Coordinator will immediately be notified.

**6.3 Safety – UAS Operator and Observer**

- A. All UAS Operators and Observers are responsible for the following regarding safety:
  - 1. Ensuring all HPD personnel involved in an operation understand the applicable regulatory requirements, standards, and safety policies and procedures.
  - 2. Observing and controlling safety systems by monitoring all operations.
  - 3. Reviewing standards and practices of HPD personnel that can impact operational safety.
  - 4. Communicating all reported safety related problems, including any corrective action taken (e.g., in-flight problems or learned experiences including procedures for handling those problems).
  - 5. Copying and circulating pertinent safety information to HPD personnel.

#### **6.4 Safety Training**

- A. UAS Operators and Observers will receive training in the following areas:
  - 1. HPD commitment to safety.
  - 2. Pertinent HPD safety policies.
  - 3. The safety role of UAS Operators and Observers in emergency operations.
- B. UAS Operators and Observers will review program safety policies and procedures annually, which will be noted in their training records.

#### **6.5 Medical Factors**

- A. UAS Operators and Observers will deploy UAS only when physically, mentally, and emotionally prepared to engage in operational tasks.
- B. Physical illness, exhaustion, or emotional stress can impair judgment, memory, and attentiveness. For safety reasons, HPD personnel shall not act as a UAS Operator or Observer when suffering from any of the above listed issues. UAS Operators and Observers are expected to remove themselves from operations when these issues could affect their ability to perform safely. Self-assessments by UAS Operators and Observers will be conducted during pre-operational activities.
- C. Prescription or over-the-counter medication can impair performance. Anytime such medication has been taken, the on-duty Watch Commander, UAS Program Coordinator, or shift supervisor shall be notified. If any of the above listed HPD personnel determines a UAS Operator's or Observer's performance may be impacted, the UAS Operator or Observer shall not participate in the operation or training exercise.
- D. UAS Operators and Observers shall not act in either capacity within 8 hours of consuming an alcoholic beverage (FAR 91.17).

### **VII. Training**

#### **7.1 Objective**

- A. A key component to safe UAS operation is maintaining a professional level of competency. To do so, minimum qualifications must be established for selecting HPD personnel for the program and they must receive entry-level training.

**7.2 Instructors**

- A. UAS Operators and Observers with FAA flight instructor certifications will be given instructor responsibilities. These responsibilities can include developing training courses, providing training, and evaluating and documenting student performance.
- B. Approved training outlines will be developed collectively by the UAS Program Coordinator, the HPD Personnel and Training Unit, and UAS Operators and Observers.

**7.3 Training Plans**

- A. UAS Operators and Observers will have a training file, which outlines annual training objectives. This training file will be maintained in accordance with existing HPD policies and procedures for maintaining training records.
- B. Training plans will be developed collectively by the UAS Program Coordinator, the HPD Personnel and Training Unit, and UAS Operators and Observers.
- C. All UAS operations will be documented and will be considered as UAS Operator and Observer training.
- D. Each UAS Operator and Observer is responsible for ensuring his or her training file is up to date and contains all pertinent information.

**7.4 Initial Training (per UAS Interim Operational Approval Guidelines 08-01)**

- A. Once selected, UAS Operators and Observers shall acquire a Part 107 License.
- B. UAS Observers must complete training on communication with UAS Operators, including communicating instructions designed to remain clear of obstacles or conflicting air traffic. At a minimum, this training shall include the rules and responsibilities described in *14 CFR 91.111 (Operating Near Other Aircraft)*, *14 CFR 91.113 (Right-of-Way Rules: Except Water Operations)*, and *14 CFR 91.155 (Basic VFR Weather Minimums)*. Training shall also include knowledge of air traffic and radio communications, including the use of approved ATC/pilot terminology, and knowledge of appropriate sections of the *Aeronautical Information Manual*.
- C. Prior to authorization to conduct flight operations, UAS Operators shall complete a minimum of 8 hours of flight training with a UAS instructor to demonstrate proficiency and safety. This must be accomplished to show their ability and knowledge of UAS.

**7.5 Recurrent Training**

- A. UAS Operators and Observers shall maintain proficiency in their abilities. Those who do not have documented training or flight time within a 60-day period must show proficiency to a UAS instructor prior to involvement in an operation.
- B. Recurrent training is not limited to actual UAS Operator or Observer skills but includes knowledge of all pertinent UAS or aviation matters.
- C. Failure to show proficiency can result in removal from the UAS program.

**7.6 Miscellaneous**

- A. Depending on training needs, every effort will be made to accommodate HPD personnel schedules to reduce the impact to HPD staffing.
- B. All training requests shall be made and approved through a UAS Operator's or Observer's chain of command in accordance with existing HPD procedures.
- C. UAS Operators and Observers are encouraged to attend and disseminate information from FAA safety seminars. This may be done on-duty with the approval from their chain of command.
- D. Unless approval is obtained in advance, overtime will not be authorized for training.
- E. Training shall only be conducted at approved locations and follow the provisions within the approved FAA Training COA.

**VIII. General Operating Procedures****8.1 Requests for UAS Support**

- A. Requests for UAS support will be made through the HPD Communications Center and approved by the on-duty Watch Commander or Incident Commander.
- B. Requests for UAS support can be made at any time during the day or night.
- C. Requests for UAS support and associated deployments shall be entered into the Watch Commander's Log.
- D. UAS Operators and Observers can deny requests for UAS support if they determine, based upon their expertise, the operation will violate FAA regulations, HPD or City policy, safety procedures, or the guidelines outlined in this document. Denial of a request for UAS support will prompt notification to the UAS Program Coordinator by the UAS Operator or Observer. UAS Operators and Observers are the final authority regarding UAS operations.

## 8.2 Call-Out Procedure

- A. Any outside agency requests for UAS support shall be made through the HPD Communications Center. The Communications Center shall contact the on-duty Watch Commander for approval and provide all available information regarding the request. Once information is gathered, the Watch Commander will contact the UAS Program Coordinator to provide notification of the operation.
- B. If there are no UAS Operators or Observers on-duty, the Watch Commander can authorize a call-out in accordance with established HPD procedures. Compensation for a call-out will be in accordance with the provisions outlined in the associated MOU(s).

## 8.3 UAS Deployment Priorities

- A. If several requests for UAS support are received simultaneously, they will be prioritized.
- B. Generally, requests for UAS support will be prioritized as follows:
  - 1. Safety and the protection of life and property.
  - 2. Evidence collection/Scene documentation.

## 8.4 Personnel Responsibilities During Operations

- A. The on-duty Watch Commander or Incident Commander will be responsible for the following:
  - 1. Provide authorization for the deployment of UAS in the field during ongoing and emerging incidents.
  - 2. Initiate UAS call-out procedures when necessary.
  - 3. Ensure UAS operation in accordance with HPD and City policies, and local, state, and federal law.
- B. UAS Operators will be responsible for the following:
  - 1. Safe operation of UAS in accordance with applicable HPD and City policies and local, state, and federal laws.
  - 2. Reject UAS deployment requests based on safety, policy, or legal concerns or when a flight would violate FAA regulations. *HPD personnel, regardless of rank, shall not order a UAS Operator to use a UAS if, in the opinion of the UAS Operator, doing so would create a safety issue or violate provisions established by policy, procedure, and the law.*
  - 3. Respond to UAS Observer input and requests to ensure the safe and effective deployment of UAS, including obstacle avoidance.

4. Complete all required mission documentation, including updating the flight book.
- C. UAS Observers will be responsible for the following:
1. Assist the UAS Operator in avoiding obstacles.
  2. Operate any attachments to the UAS.
  3. Remain alert for safety issues surrounding the UAS Operator/Observer team.
  4. Handle radio communications, including the coordination of other operational resources.
  5. Assist in ensuring the safe operation of UAS.

#### **8.5 Personal Equipment**

- A. UAS Operators and Observers shall wear eye protection while the UAS is in flight.
- B. UAS Operators and Observers shall wear appropriate uniforms during operations, taking into consideration current weather conditions.
- C. UAS Operators and Observers shall consider the use of issued portable radios or cellular phones as they can impact the safe operation of UAS. UAS Operators are prohibited from using radios or cellular phones during flight pursuant to the COA.

### **IV. Pre-Flight / Post-Flight Actions**

#### **9.1 Inspections**

- A. UAS Operators and Observers are responsible for conducting a thorough pre-flight inspection of the UAS.
- B. After each operational or training deployment, UAS Operators and Observers are responsible for conducting a thorough post-flight inspection of the UAS in accordance with instructions contained in the UAS user's manual.
- C. Identified issues, which may jeopardize the safe operation of UAS, shall be documented and resolved prior to flight.
- D. UAS Operators and Observers are responsible for completing the pre-flight and post-flight checklist to document the inspections.
- E. UAS equipment issues, especially those that can have an impact on safety, will result in the discontinuation of the operation until such issues can be resolved.

**9.2 Weather**

- A. UAS Operators and Observers will gather information to familiarize themselves with current weather conditions in the operational area. UAS Operators and Observers will use FAA approved weather resources to obtain current weather conditions.
- B. If available, an anemometer should be used to estimate wind speeds and to determine if UAS has the capability to fly during the operational time frame.
- C. UAS Operators and Observers should use the Beaufort Scale when making decisions regarding wind conditions.
- D. Reported weather conditions shall be documented on the pre-flight checklist.
- E. UAS Operators and Observers shall ensure flights will occur within FAA VFR weather requirements.

**9.3 Documentation and Evidence**

- A. UAS inspection and weather information will be documented on the pre-flight checklist.
- B. After each UAS operation, recorded data shall be reviewed and evaluated for evidentiary value. Data shall be uploaded and retained in the approved digital evidence management system, which restricts access to authorized HPD personnel and can be internally audited. All retained data shall be maintained or destroyed in accordance with HPD's and the City's records retention policies and in compliance with applicable laws and regulations. Images of uninvolved persons or properties may be redacted in accordance with the provisions of the California Public Records Act and existing HPD procedures for the release of information.
- C. After each operation, the UAS Operator will obtain a case number and advise the Communications Center of all pertinent information.
- D. UAS Operators shall be responsible for booking evidence and authoring a police report (original or supplemental).
- E. UAS Operators shall be responsible for updating the flight log.

**9.4 Operational Planning**

- A. UAS Operators and Observers will gather all available information regarding the operation, including weather conditions, potential hazards, incident details, operational goals, etc. Prior to each operation, a Notice To Airmen (NOTAM) will be filed with the FAA and the closest airport control tower shall be notified.

- B. UAS Operators and Observers will ensure the location for take-off and landing is adequate for a safe deployment.
  - 1. The take-off and landing location should be clearly marked and identifiable.
  - 2. At least one emergency landing area should be identified prior to deployment.
  - 3. UAS Operators and Observers will ensure they are aware of their surroundings in case an emergency landing is necessary. Planning should include the ability to recover the UAS.

#### **9.5 Checklists**

- A. UAS Operators shall complete pre-flight and post-flight checklists. Checklists shall be forwarded to and maintained by the UAS Program Coordinator.
- B. UAS Operators shall initiate the flight log.

#### **9.6 Maintenance**

- A. Although there are few parts on UAS that need servicing, the manufacturer's maintenance schedule shall be followed and documented.
- B. Equipment issues, which cannot be resolved by HPD personnel, shall be forwarded to the manufacturer for technical support.

# Unmanned Aerial System (UAS) Operations

## 610.1 PURPOSE AND SCOPE

### Best Practice

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 610.1.1 DEFINITIONS

#### Best Practice

#### MODIFIED

Definitions related to this policy include:

**Certificate of Authorization (COA):** Given by the Federal Aviation Administration (FAA) granting permission to fly the UAS within specific boundaries and perimeters.

**Observer:** A member of the Hayward Police Department or Hayward Fire Department who is trained and authorized to maintain visual observation of the UAS while in flight.

**Operator:** A member of the Hayward Police Department or Hayward Fire Department who is trained, certified, and authorized to control a UAS during flight.

**Unmanned Aerial Vehicle (UAV):** A small, unmanned aircraft weighing less than 55 lbs.

**Unmanned Aerial System (UAS) -** 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.

## 610.2 POLICY

### Best Practice

Unmanned aerial systems may be utilized to enhance the [department/office]'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.

## 610.3 PRIVACY

### Best Practice

The use of the UAS 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

## *Unmanned Aerial System (UAS) Operations*

---

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 UAS operations.

### **610.4 PROGRAM COORDINATOR**

#### **Best Practice**

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS 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/office]-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- (c) Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
- (d) Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- (e) Implementing a system for public notification of UAS deployment.
- (f) Developing an operational protocol governing the deployment and operation of a UAS 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 UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, 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 UAS.
- (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.

## *Unmanned Aerial System (UAS) Operations*

---

### **610.5 ROLES AND RESPONSIBILITIES**

#### **Agency Content**

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

(a) Program Coordinator—a Hayward 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:

1. Maintain all training flight and maintenance records for each operator and observer, as well as individual airframes.
2. Ensure operators and observers stay current with their training and certifications.
3. Maintain contact with the FAA and familiarity with the pertinent FAA regulations.
4. Evaluate airframes based on mission needs.
5. Remain up to date with current UAS case law, best practices, and industry standards.
6. Develop and maintain the UAS Operations 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.
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.

### **610.6 USE OF UAS**

#### **Best Practice MODIFIED**

The UAS will only be used in situations where reasonable suspicion exists, pursuant to a warrant, or during situations where exigent circumstances exist or where public safety needs outweigh privacy expectations. This policy may not encompass every situation officers will encounter in the field and deviations may be necessary and justified. Any deviations from this policy will be reviewed on a case-by-case basis.

The Chief of Police, Captain, or Watch Commander may authorize the deployment of the UAS under the following circumstances:

## *Unmanned Aerial System (UAS) Operations*

---

- (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;
- (d) Search and 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) Mass gatherings or special events where security concerns exist or criminal activity is occurring;
- (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) 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);
- (n) Training missions;
- (o) In support of the Hayward Fire Department when the underlying mission meets the uses outlined in this policy; and
- (p) Mutual Aid support when the underlying mission meets the uses outlined in this policy.

### 610.6.1 CALLOUT PROCEDURE

#### **Agency Content**

- (a) The Watch Commander shall make a request via dispatch for qualified UAS team members to respond and deploy the UAS.
  - 1. Dispatch will call the UAS Program Coordinator, or his or her designee, who will coordinate the callout details with team members.
  - 2. If the UAS Program Coordinator is unavailable, or if specified by the Watch Commander, Dispatch will request assistance from Hayward 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 Manual.

# Hayward Police Department

## Hayward PD Policy Manual

### *Unmanned Aerial System (UAS) Operations*

---

#### **610.7 EVIDENCE COLLECTION AND RETENTION**

##### **Agency Content**

- (a) Following a UAS operation by the Hayward Fire Department or the Hayward Police Department, a Hayward PD case agent or officer shall meet with the UAS operator to collect the UAS video(s). The video(s) recorded by the Fire Department and/or the Police Department will be uploaded into the approved digital evidence management system. The collection and uploading of the video(s) will be documented in an ARS report by a Hayward PD case agent or officer.
- (b) Data collected by the UAS shall be retained as provided in the established Police Department records retention schedule or retained as evidence of a crime.
- (c) 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 Hayward 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.
- (d) 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.
- (e) 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).
- (f) Request for Deletion or Accidental Recording
  - 1. 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.
  - 2. 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.
- (g) Copying Procedure
  - 1. A copy of the UAS video can be requested in accordance with the provisions of this policy.
  - 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.

# Hayward Police Department

## Hayward PD Policy Manual

### *Unmanned Aerial System (UAS) Operations*

---

- (h) 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).

#### **610.8 PROHIBITED USE**

##### **Federal**

The UAS 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, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- (c) To harass, intimidate, or discriminate against any individual or group.
- (d) To conduct personal business of any type.
- (e) The UAS shall not be weaponized.
- (f) The UAS shall not have facial recognition technology.
- (g) To conduct routine monitoring of a mass gathering, protest, or demonstration where security concerns do not exist or where criminal activity is not occurring.

#### **610.9 RETENTION OF UAS DATA**

##### **Best Practice**

Data collected by the UAS shall be retained as provided in the established records retention schedule. Consistent with data collected by other departmental audio or video recorders (e.g. body worn cameras), recordings shall be retained in a data management system where they are accessible for review and use strict to the guidelines pursuant to this policy. Access to recordings is automatically logged and can be audited.

Recordings that contain evidentiary value shall be retained in the same manner as any other evidence gathered during a criminal investigation. Recordings that contain administrative or evidentiary value shall be retained for up to 5 years or until administrative or criminal proceedings

# Hayward Police Department

## Hayward PD Policy Manual

### *Unmanned Aerial System (UAS) Operations*

---

are finalized. For all non-criminal recordings, the retention of recording media will be 90 days provided that it remains unassociated to any criminal or administrative investigations.

#### **610.10 REVISIONS**

Agency Content

ISSUED: XXX