

OGDEN CITY POLICE

Office of the Chief

Policy No: 60

Subject Unmanned Aerial Systems (UAS) Operations	Effective Date January 9, 2025
Department Police	Replaces Policy Dated 7/12/2024
Division All Police Personnel	Review Date February 2029
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 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 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.

- B. Digital Multimedia Evidence (DME)- Digital recordings of images, sounds, and associated data.
- C. Program Coordinator (PC)- The individual within the police department responsible for the administrative functions related to the UAS program. The Program Coordinator will typically be a supervisory-level employee, either sworn or civilian.
- D. Remote Pilot in Command (RPIC)- The individual exercising control over the UAS during flight who is responsible for the overall flight operations for a specific mission.
- E. Target- A person, object, structure, or area upon which another person has intentionally collected, attempted to collect, or intends to collect information through the operation of a UAS. (UCA 72-10-801(4)).
- F. Visual Line-of-Sight (VLOS)- A method of control and collision avoidance that refers to the RPIC or Visual Observer directly viewing the UAS with human eyesight.
- G. Visual Observer (VO)- A trained person who assists the RPIC with the duties associated with collision avoidance. This includes but is not limited to avoidance of other air traffic, clouds, obstructions, and terrain.

IV. PRIVACY

The use of the UAS potentially involves privacy considerations. To protect individuals' privacy rights, RPICs shall only operate a UAS to obtain and/or use DME under the following circumstances:

- A. Pursuant to a search warrant.
- B. In accordance with judicially recognized exceptions to warrant requirements (e.g. operation in areas where no reasonable expectation of privacy exists, exigent circumstances, consent from an individual who has apparent authority to provide consent, etc.).
- C. To locate a lost or missing person in an area where a person has no reasonable expectation of privacy or when an articulable exigency exists.
- D. For training purposes (no training may occur over areas where people have a reasonable expectation of privacy).

If a UAS mission is conducted pursuant to consent from an individual who has apparent authority to consent, the consent must be written and/or recorded and must specify the period for which the operation of the UAS is authorized.

RPICs shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy that is not the focus of an approved investigation or operation. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

V. PROGRAM COORDINATOR

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 and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- B. 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.
- C. 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.
- D. Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- E. Developing protocols for conducting criminal investigations involving UAS operations, including documentation of time spent monitoring persons and/or locations.
- F. Development and implementation of a system for public notification of UAS operations.
- G. 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.

- H. Development and implementation of protocols for complete documentation of UAS deployments for operations and training.
- I. 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.
- J. 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.
- K. Development and implementation of protocols ensuring data retention and purge periods are in accordance with established Ogden City records retention schedules.
- L. Development and implementation of protocols facilitating law enforcement access to images and data captured during UAS operations in accordance with governing laws and policies.
- M. Recommendations for program enhancements, particularly regarding safety and information/data security.
- N. Ensuring established protocols are followed by monitoring and providing quarterly reports to the Chief of Police.
- O. Ensuring that data collected on a person, object, structure, or area that is not a target, as defined by Utah Code 72-10-801, is not used, copied, or disclosed except as allowed by law (Utah Code 72-10-803).
- P. Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

VI. USE OF UAS

Only authorized operators who have completed the required training (Part 107 Training) will be permitted to operate Department UAS platforms. The Ogden City Police Department has adopted the use of UASs to provide an aerial visual perspective in responding to emergency situations and exigent circumstances.

and for the following objectives:

- A. Situational awareness: To assist decision-makers (e.g., incident command staff, first responders, city, county, and state officials) in understanding the nature, scale, and scope of an incident in planning and coordinating an effective response.
- B. Search and rescue: To assist missing person investigations, AMBER Alerts, and other search and rescue missions.
- C. Tactical deployment: To support the tactical deployment of officers and equipment in emergency situations like incidents involving hostages, barricaded subjects, support for large-scale tactical operations, and other temporary perimeter security situations.
- D. Visual perspective: To provide an aerial visual perspective to assist officers in providing direction for crowd control, traffic incident management, special circumstances, and temporary perimeter security.
- E. Scene documentation: To document a crime scene, accident scene, or other major incident scenes like disaster management, incident response, or large-scale forensic scene investigation.

Use of vision enhancement technology, such as thermal, infrared, 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 applies. In cases of uncertainty, a 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 are 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 72-10-802):

- 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 72-10-804:

- 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 wild land 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.

D. MAINTENANCE

The department and PC shall make available to the FAA, upon request, any department-owned or maintained UAS for inspection or testing, and any associated documents/records the FAA requires the department to keep. Each aircraft will have the required FAA aircraft markings issued by the FAS. If the aircraft is too small to display the markings in standard size, the aircraft will display markings in the largest practical manner.

The maintenance of UASs will be the responsibility of the PC in accordance with the manufacturer recommendations. If non-routine maintenance is performed, a test flight shall be conducted and documented to ensure the UAS is operating properly. All maintenance performed on the aircraft will be documented on a maintenance log for that aircraft and be readily available for inspection if requested.

All department-owned UASs shall be stored in accordance with manufacturer recommendations and within a secured department facility or vehicle.

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. Carry a weapon or “weaponize” a UAS in violation of UCA 72-10-902

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 72-10-802; UCA 72-10-803)

IX. UAS TRAINING PROGRAM

The UAS qualifications, training, and responsibilities shall be in alignment with the guidelines set forth in the URMMA Drone Use & Operations manual. It will

be the responsibility of the PC to maintain familiarity with the most current URMMA recommended best practices and stay in compliance with all applicable state, federal, and local ordinances, laws, rules, regulations, and standards. All UAS qualifications, training, and responsibilities will fall within these applicable state, federal, and local ordinances, laws, rules, regulations, and standards.