



Privacy Policy and Concerns

Regulatory Requirements

PSS Privacy Policy

Draft Local Policy



Regulatory Requirements

- **Use by Law Enforcement**

- Reviewed by multiple city attorneys
- Two Directly Related Supreme Court Decisions
 - Allowing Airborne Surveillance for law enforcement
 - Same rules as police helicopters when supporting law enforcement
- Strict PSS Privacy Policy eases some concerns
 - Used to support police directed crime investigations
 - Cued from police dispatch, crime report, or ongoing investigation.
- Strictly support local developed and approved privacy policies
 - To be included in support contracts
- Political concerns remain – Careful, Caution, and Full Open Communication
- Benefits are significant - Should be considered along with privacy issues
 - 34 murders witnessed -- confessions that account for 75
 - Multiple crimes witnessed per day



PSS Privacy Policies

- Privacy and privacy policies are very important to PSS, our analysts, our customers, and our business
- Breaches in our privacy policies can and will be dealt with as a management priority
- PSS has privacy policy training and procedures for its analysts and teaches them to others
- PSS resolution is limited by technology and design
 - Objective is 1 pixel per person and to cover as large an area as possible
 - You cannot tell who a person is, what they are wearing, or most the time what they are doing
- Investigations are tied directly to a reported crime or ongoing investigation
 - PSS analysts find a reported crime in the imagery then track cars and people who are involved or are likely witnesses to the crime and can assist in the investigation.
 - Cars and people are only tracked over public roads and sidewalks in areas that have no expectation of privacy
 - Occasionally during investigations – Additional suspicious acting cars catch the eye of the analyst
 - Cars going at excessive speeds, making multiple u-turns, not stopping at red lights or stop signs. These cars are followed to determine if they are involved in a larger crime effort. If they are not they are to be deleted.



PSS Privacy Policies (Cont)

- PSS analysts have had DHS suitability checks and/or DoD Security clearances to provide some assurance of personal integrity.
- PSS can provide an audit trail of every location and time when an analyst looked at imagery.
 - PSS through its server process can record this information and managers can review this data to ensure that the analyst is looking at appropriate locations and times for the crime they are investigating. This data can show every place and time the analyst looked. Management can pull this data when needed.
- PSS provides secure storage and management of the collected data. Sensitive data analyzed data can be secured in classified storage safes.
- All computers are password protected and firewalled keeping non-authorized users from the data.



Sample Draft Police Department WIDE AREA AERIAL SURVEILLANCE POLICY STATEMENT

The XXX Police Department utilizes Wide-Area Aerial Surveillance for the purpose of creating a safer environment for all those who live, work and visit the city of XXX. This policy explains the purpose of the use of this technology and provides guidelines for the operation and for the storage of captured images.

DEFINITIONS

Wide-Area Aerial Surveillance- Wide-Area Aerial Surveillance Sensors is an optical camera assembly that can provide continuous, second-by-second video monitoring of a city-sized area via a manned small fixed wing aircraft platform.

Part 1 Crimes - The Federal Bureau of Investigation (FBI) designates certain crimes as Part I or index offenses because it considers them to be the major crimes plaguing society in the United States: Murder, Rape, Robbery, Aggravated assault, Burglary, Larceny-theft, Motor vehicle theft, and Arson.

Major Events – For the purposes of this operating policy, major events will be interpreted as any event where a large gathering of individuals may congregate and there is illegal and/or dangerous activity.

Weather Emergencies – Large scale damage or power outages due to weather related events.

Natural Disaster Response – Coordination of emergency services to aid the populace in the event of a natural disaster.

Large Scale Disturbances – Rioting, civil unrest, violent strikes, etc.

Tactical Operations – Tactical operations include SWAT call outs, active shooter situations, Hostage Team call outs, maintenance of order, etc.

Illegal Dumping – Large scale disposal of waste in public right-of-way.



Sample Draft Police Department WIDE AREA AERIAL SURVEILLANCE POLICY STATEMENT

I. Purpose

Wide-Area Aerial Surveillance (WAAS) can be used for general deterrence of targeted crimes; disrupting identified crime patterns; safeguarding against potential threats to the public; management of emergency response situations during natural and man-made disasters; and for support of tactical operations.

II. Wide-Area Aerial Surveillance

- The use of wide-area aerial surveillance (WAAS) will only be utilized to view areas of public right-of-way or public view.
- The current system has the ability to operate uninterrupted for five hours without having to make a stop for fuel.
- The sensor technology has the capability of viewing up to a 25 square mile area depending upon altitude
- The images captured by the sensor have the ability to be viewed nearly in real-time utilizing a down-link system.
- While images cannot identify specific persons, they can provide significant leads to investigators (See appendix A).
- Due to the cost to operate WAAS, this technology will only be deployed for the following reasons:
 - To disrupt identified Part I crime patterns.
 - To monitor major events,
 - To assist during weather emergencies or natural disaster response.
 - To monitor large scale disturbances.
 - To support tactical operations.
 - To monitor for illegal dumping
- During active WAAS operations dispatch information, to include citizen generated calls for service, will be monitored and evaluated to see if the use of this technology would assist in the apprehension or case solvability of an active incident.



Sample Draft Police Department **WIDE AREA AERIAL SURVEILLANCE POLICY STATEMENT**

III. Training

- Personnel involved directly with the use of WAAS technology shall be appropriately trained and supervised.
- Training shall include the review of this policy.

IV. Prohibited Activity

- The use of WAAS will be conducted in a professional, ethical and legal manner.
- WAAS will not be used to invade the privacy of individuals, to look into private areas or areas where the reasonable expectation of privacy exists.
- All reasonable efforts will be taken to protect these rights.
- WAAS technology shall not be used to track individuals arbitrarily or based on race, gender, ethnicity, sexual orientation, disability or other classifications protected by law.
- Under no circumstances will aerial surveillance be used for the purpose of tracking persons lawfully exercising their rights to protest or assemble.



Sample Draft Police Department **WIDE AREA AERIAL SURVEILLANCE POLICY STATEMENT**

V . Media Storage

- All media will be stored in a secure area with access restricted to authorized persons.
- Recordings not otherwise needed for criminal evidence or for official reasons shall be retained for a period of 45 days.

VI . Review and Release of Video Images and related Data

- The review or the release of video images and analytical data (to non-law enforcement personnel) shall be done only with the authorization of the Director and Chief of Police or their designee and only with a public records request.
- Any recordings or analytical data needed for a criminal investigation or other official reason shall be collected and stored as noted in General Order 3.02-7 and submitted into evidence as noted in General Order 1.06-1.
- An audit trail shall be maintained to record all access to the video images and analytical data and may be used to detect inappropriate or unauthorized use.

VII . Policy Violations

- Unauthorized access to the WAAS recorded imagery, misuse of the imagery, unauthorized reproduction of the imagery, or unauthorized distribution of imagery will result in an Administrative Investigation.
- The Director and Chief of Police or his designee shall authorize access to the system.