

**SAN JOSÉ FIRE DEPARTMENT
POLICY AND PROCEDURES MANUAL**

Chapter Title:	Emergency Operations	Section No.	3.1900
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Section Title:	Unmanned Aerial Systems	Effective Date:	May 2022
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3.1900.0 UNMANNED AERIAL SYSTEMS

A. Purpose

The Unmanned Aerial System (UAS) is a reconnaissance tool used to locate lost or injured victims during search and rescue operations and can provide increased safety for both the public and first responders by facilitating increased situational awareness and improving incident command decisions while operating at fires, hazardous materials releases, and natural or man-made disasters.

UAS delivers many of the benefits that traditional manned air assets (helicopters and fixed-wing aircraft) provide and offer increased availability, faster response times, and minimal rotor wash and engine noise. The enhancement of situational awareness provides structure and details for hazard mitigation during the incident and sets the foundation for incident stabilization and post incident recovery. The UAS is a beneficial instrument that improves the likelihood of successful emergency management operations, while also delegating risk of physical response operations to unmanned systems.

The benefits of adding visual capabilities to the information-gathering process cannot be overstated. This technology expands the scope of disaster assessments by enabling incident commanders a better understanding of the complexities associated with an emergency incident and to collect and disseminate information at a faster rate. This would improve the decision-making process for both strategic and tactical objectives. Visual images sent back from the UAS to the incident command post, Department Operations Center (DOC) or Emergency Operations Center (EOC) will aid in speeding up the recovery process.

It is the policy of the department that duly trained and authorized crewmembers may only deploy UAS for a legitimate fire department purposes as specified herein. All UAS deployments, as well as the use, collection, and storage of any audio/video data originating from the use of the UAS, shall comply with applicable law and policy provisions herein. UAS personnel will consider the protection of individual privacy, civil rights, and civil liberties as a key component of any decision made to deploy the SJFD UAS.

The primary role of the UAS is deployment into emergent events that pose a risk to the public by providing “real time” hazard assessment utilizing high-resolution cameras, infrared thermal sensors and gas/chemical sensors.

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B. Policy

The Department’s primary intention for integrating UAS technology into its initial action hazard mitigation and response matrix is to increase the Incident Commanders (IC) “situational awareness” to fully understand the challenges of a given incident in “real time” thereby providing critical information necessary to guide decision-making. Ultimately, those decisions impact the amount of risk the IC is willing to assume with firefighters’ lives. The IC will authorize and direct UAS deployments.

The Department’s UAS **will not** be used to monitor members of the public or provide surveillance for law enforcement purposes. The Department’s UAS **will not** be lent to any other department or agency.

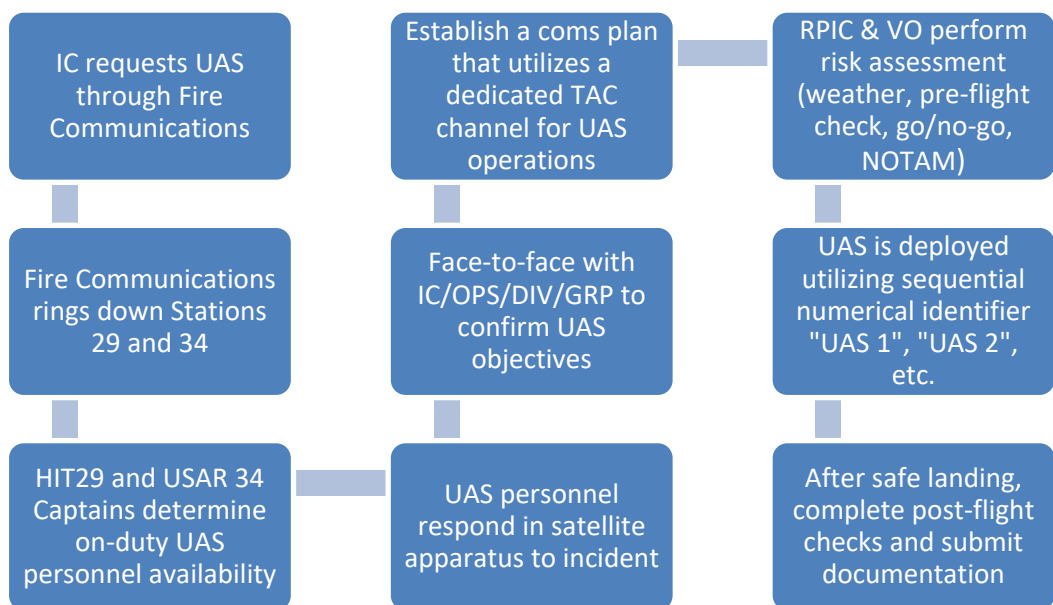
Department authorized UAS pilots shall meet minimum required training levels and maintain valid and current Federal Aviation Administration (FAA) CFR Part 107 Remote Pilot Certification.

SJFD UAS program is intended to operate within established legal authority and for the intended purposes within designated areas specified by the most current FAA Certificate of Authorization (COA).

A summary report of San José Fire Department UAS activities, complaints and investigations will be submitted to the Office of the Fire Chief annually.

Any significant changes or evolutions of the SJFD UAS program purpose shall be made readily available to the public prior to implementation and approved by the Public Safety, Finance, & Strategic Support Committee.

C. Deployment Procedure



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3.1900.1 DEFINITIONS AND ABBREVIATIONS

Above Ground Level (AGL):

AGL is the altitude expressed in the actual number of feet measured above the ground.

Air Traffic Control (ATC):

Manages traffic from the airport to a radius of 3 to 30 miles. Provides pilots taxiing and take off instructions, air traffic clearance, and advice based on their own observations and experience. Maintains separation between landing and departing aircraft, transfers control of aircraft to the enroute center controllers when the aircraft leave their airspace and receives control of aircraft on flights coming into their airspace.

Certificate of Authorization (COA):

Issued by the FAA. Grants permission to fly outside of specific boundaries and parameters not accessible normally reserved for private or commercial uses.

Crew Readiness

The availability and readiness of the RPIC and VO to deploy for UAS operations given their knowledge and completion of pre-flight duties.

Data Acquisition

The collection of information from UAS for the purpose of fulfilling the mission objectives and goals in accordance with the mission plan.

Designated Operations Area (DOA)

The operating area or location defining the volume of airspace to include altitude AGL and the defined geographical operational perimeter for a given public safety mission.

Digital Media Evidence (DME)

The digital recording of images, sounds, and associated data with probative value stored or transmitted in binary form.

Federal Aviation Administration (FAA)

Federal agency in the United States and part of the Department of Transportation. The FAA regulates U.S. civil aviation, U.S. commercial space transportation, operates control towers, builds, installs, and maintains electronic aids to navigation, and registers all pilots and aircrafts in the United States.

Maintenance Program

A maintenance program is a system or set of procedures for the continuous maintenance of the UAS in order to ensure airworthiness.

Mission

Any event that originates within the 911 system as a call for aid, service, report on conditions or investigation.

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Non-Mission

Any request that does not involve a call for aid, service, and report on conditions. Examples include training, public education, demos, pre-planning, mapping, post incident evaluations.

National Airspace System (NAS)

The NAS is made up of a network of air navigation facilities, ATC facilities, airports, technology, and appropriate rules and regulations that are needed to operate the system.

Navigable Airspace

FAA controlled airspace classified as: A, B, C, D, E, and G.

NWCG

National Wildfire Coordinating Group.

Notice to Airmen (NOTAM)

A NOTAM is time critical information concerning the establishment, condition, or change in any component in the National Air Space (NAS). The NOTAM provides knowledge that is essential to personnel concerned with flight operations in designated areas. NOTAMs may be filed as a temporary change to the NAS as they were not known in advance to publish on aeronautical charts or other operational publications.

Pilot

A crewmember who has successfully met the criteria outlined by the UAS Program for full flight duty.

Positive Aircraft Control

Consistently maintaining appropriate control of the aircraft, regardless of phase of flight or potential distraction of other required tasks.

Remote Pilot-in-Command (RPIC)

The crewmember who has been identified by the Fire Department to be properly qualified to exercise the privileges of remote pilot and has the final authority and responsibility for the operation and safety of UAS operation as determined by the authority having jurisdiction.

Risk Assessment

The evaluation of the relative danger of UAS operations when taking into consideration mission objectives and goals, UAS, professional qualifications of the RPIC and VO, operational readiness of the crew, weather conditions, environmental conditions, regulatory requirements, potential hazards, and operating conditions.

Small Unmanned Aircraft

An unmanned aircraft weighing less than 55lb including everything that is on board the aircraft; operated without the possibility of direction human intervention from within or on the aircraft [14 CFR Part 107, 2016]

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3.1900.3 **SAFETY**

All crewmembers of the UAS program are responsible for UAS program safety and shall conduct a risk assessment prior to engaging in UAS operations (mission or non-mission):

“Evaluation of the relative danger of UAS operations when taking into consideration mission objectives and goals, UAS professional qualifications of the RPIC and VO, operational readiness of the crew, weather conditions, environmental conditions, regulatory requirements, potential hazards, and operating conditions.”

Recognized or suspected safety hazards (procedural, operational, or maintenance related) shall be immediately communicated and mitigated. Non-urgent safety suggestions or ideas should be made through the UAS program chain-of-command. Observed unsafe or dangerous UAS acts will be immediately reported to an available UAS Coordinator and the Duty Chief.

A. **Pre-Flight Requirements**

1. **Pre-Flight Checklist**

Prior to initiating a UAS operation (mission or non-mission); UAS crewmembers must complete a pre-flight checklist. This action demonstrates crew readiness and prepares the RPIC to have positive aircraft control throughout the entirety of UAS operations.

2. **Go/No-Go Checklist**

A go/no-go evaluation is performed prior to launching any UAS aircraft. This is a requirement of the risk assessment process; any item in the evaluation that is not checked or mitigated will ground the operation.

3. **UAS Crewmember Readiness**

No pilot may act as a RPIC for more than ten (10) consecutive hours in a 24-hour period. All UAS crewmembers shall perform a physical self-evaluation to confirm capability in mission performance.

B. **Accidents / Malfunction / Fly-Away Procedures**

1. **Accidents**

Accidents involving UAS will adhere to ROPP 4.120.10 “Accidents, Vehicle: Reporting Procedure for FD Personnel.”

All reasonable attempts will be made to record accident location (latitude/longitude coordinates) and to recover UAS with data card.

2. **Malfunction and Fly-Away Procedures**

In the event of a flyaway, attempt to recall UAS by RTH feature (return to home) or physically power down controller to force RTH function (UAV will fly to last known take off area)

In the event of a fire, extinguish UAV with CO2 Extinguisher if possible

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C. NTSB Notifications

Accidents involving UAS under this program could require immediate National Transportation Safety Board (NTSB) notification.

If any UAS is involved in an accident causing death or serious injury the NTSB must be notified and will investigate (49 CFR 830.2).

If any events or conditions noted below (49 CFR 830.5) occur, the NTSB must be notified and may investigate at its discretion:

1. Flight control system malfunction or failure (true “fly-away”)
2. Inflight fire, generally associated with batteries
3. Aircraft collision in flight
4. More than \$25,000 in damage to objects other than aircraft
5. Release of all or a portion of a propeller blade from aircraft (excluding release caused solely by ground contact)
6. Damage to UAS tail or main rotor blades that requires major repair/replacement of the blade(s)
7. UAS is overdue and is believed to have been involved in an accident

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3.1900.4 TRAINING

A. Instructors

The primary instructor will be the UAS Coordinator or his designee utilizing training modules established by National Fire Protection Association (NFPA) 2400. The UAS Coordinator will conduct training based on needs of the program and direction from UAS Manager.

B. Initial Training

Upon acceptance into the UAS Program, each pilot will attend FAA CFR Part 107 class, new member orientation and receive a Position Task Book (PTB).

The new member orientation will address the following:

1. SJFD UAS Operations Policy review
2. FAA CFR Part 107 license requirement
3. FAA testing at approved facility
4. Issuing PTB after completion of Part 107 class
5. UAS Aircraft introduction and manipulative training
6. Data storage, retention, and sharing procedures
7. Privacy, Civil Rights, and Civil Liberties protections
8. Maintenance and repair procedures
9. UAS aircraft and equipment access and station security measures

C. Remote Pilot in Command Training

Pilots will be cleared for full-flight status after completing FAA CFR Part 107 class, new member orientation, successfully receiving their Remote Pilot Certification, completion of PTB, and demonstrating proficiency with UAS Coordinator.

D. Recurrent Training

1. FAA CFR Part 107 recertification is required every two (2) years
2. Pilots who do not have any documented training or flight time within ninety (90) days of their previous operation/training/exercise shall meet with the UAS Coordinator to demonstrate proficiency before they can be returned to full flight status.

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3.1900.5 GENERAL OPERATING PROCEDURES

A. Deployment

1. SJFD UAS will be given the designator of “UAS 1” during all flights. Subsequent UAS deployments during the same flight period will be given sequential numbers (i.e. “UAS 2”). While operating with other agencies, the designator “San José UAS 1” will be utilized for clarity.
2. A minimum of two (2) crewmembers are required (RPIC and VO) for every mission.
3. All requests for UAS will be made through one of the following:
 - a. Incident Commander;
 - b. Fire Communications; or
 - c. Duty Chief
4. The RPIC is ultimately responsible for UAS operation and their authority is absolute. No person, regardless of rank or agency, may order a pilot to:
 - a. Accept a mission
 - b. Fly outside of FAA regulations, COA, or manufacturer’s specifications
 - c. Violate any rules or regulations that the RPIC feels would put first responders, members of the public, or the crewmembers at a greater risk than is normally assumed with flight operations
5. The RPIC will screen the request based on the following criteria:
 - a. Is the proposed mission of the UAS within the capabilities of the aircraft and crewmembers to perform?
 - b. Does the proposed mission fall within FAA and COA requirements?
 - c. Does the proposed mission fall within Department policies?
 - d. Can the UAS be deployed safely given the current and predicted weather conditions?
6. When UAS crewmembers arrive on-scene:
 - a. The Incident Commander (IC), Operations Section Chief (OPS), or Division/Group (DIV/GRP) Supervisor will conduct a face-to-face briefing with Pilot/VO to verify UAS objectives
 - b. The Pilot will conduct a risk assessment and determine if the UAS can fulfill the requested objectives of the mission
 - c. A tactical radio frequency will be requested through the IC solely dedicated for UAS operations
 - d. Normal pre-flight operations will be initiated including the filing of a NOTAM when required by the COA

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B. Mutual-Aid Request

1. SJFD UAS might, as part of the California Fire Service and Rescue Emergency Mutual Aid System and Santa Clara County Mutual Aid Plan, be requested to operate outside of San Jose City limits
2. RPIC and VO will follow the Santa Clara County Mutual Aid Plan under the direction and approval of the Duty Chief; RPIC will screen the request based on the criteria outlined in this manual and confer with the Duty Chief prior to responding.
3. Any SJFD UAS operating outside of the City of San Jose will comply with the City of San Jose FAA COA and SJFD UAS manual and adhere to any higher restrictions placed by the agency having jurisdiction (AHJ)

C. Post-Flight

1. Consider decontamination procedures if UAS was utilized in a Hazardous Materials response.
2. All required forms will be completed at each phase of the incident and shall be submitted to UAS Program Coordinators for recording and documentation.
3. All pictures and videos captured during an active mission will be stored in accordance with both City of San José Data Retention policy and section 3.1900.6 of this policy.

D. Maintenance

1. UAS Program Coordinators shall be responsible for UAS maintenance according to manufacturer's recommendations. Only UAS authorized crewmembers are to perform maintenance and cleaning on UAS aircraft and support equipment
2. Scheduled and unscheduled maintenance shall be documented and submitted to the UAS Program Manager. All records of UAS inspection and maintenance shall be kept for the lifetime of the UAS apparatus plus two (2) years

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3.1900.6 DATA RETENTION, USE AND PRIVACY PROTECTION

- A. The primary intention for using UAS technology is to increase situational awareness and give the ICs the ability to fully understand the challenges of a given incident in real time. This provides critical information necessary to guide decision making. In most cases, real time information will be captured solely to transmit live footage to the IC. Although there may be occasional benefits of sharing, recording, and retaining visual data, this is not the intended purposes when a UAS is deployed in or around public property.

The Department’s UAS **will not** be used to monitor members of the public or provide surveillance for law enforcement purposes. The Department’s UAS **will not** be lent to any other department.

- B. It is not the Department’s intent to collect visual data that may directly or indirectly identify an individual (e.g. name, address, contact information). It is the intent of the Department by policy and practice, to protect the privacy interests of members of the public. It will be the Department’s policy and practice to retain visual footage after the conclusion of the emergency incident only where there is a specific, identified Department need. Such needs would include footage that captured an unusual occurrence; building collapse; roof collapse; large area involvement with fire; injury or death to a firefighter or member of the public; or in connection with anticipated or pending litigation or compelling public interest. The decision to retain any visual data captured in public space or in and around public property will be balanced against the compelling but equally important public concern for transparency. Should Personal Identifiable Information (PII) be incidentally collected through use of UAS, crewmembers shall:

1. Note the circumstance and follow Department policy
2. All reasonable attempts will be made by UAS crewmembers to redact PII from raw data prior to uploading
3. Data and imagery collected by a grant-funded UAS that contain PII will not be retained for more than 180 days unless retention of the information is determined to be necessary for an authorized mission, is maintained in a system of records that complies with the Privacy Act of 1974 (5 U.S.C. 552a), or is required to be retained for a longer period by any other applicable law or regulation
4. Data and imagery obtained during EMS and/or Search & Rescue operations is subject to HIPPA regulations and shall be denoted “HIPPA” prior to storage and catalogued as such

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- C. The Department will not engage in the indiscriminate, unobscured publication of footage depicting non-Department personnel. Unauthorized use, duplication, and/or distribution of UAS digital media files is prohibited. Personnel shall not make copies of any UAS digital media files for their personal use and are prohibited from using recording devices (such as a personal camera, tablets, or smartphone) to capture UAS systems media including the retention of video cached on the web. Any reported misuse, abuse, unauthorized access, or mishandling of sensitive information may result in discipline up to and including termination.

All recorded digital media are property of the City of San José and shall not be shared, released or disseminated in any form or manner unless required by law or compelling public interest as determined by the Fire Chief.

- D. Digital Media Evidence will be uploaded into the Department’s approved digital management system. Once uploaded into the system, the memory card shall be cleared of all data. Access to stored digital records will be limited to personnel designated by the Fire Chief.

- E. SJFD UAS program shall follow the California Records and Information Program (CalRIM) and current City of San José Data Retention Schedule for all visual data collected.

- F. Addressing Privacy:

To protect civil rights and civil liberties, the Department shall:

1. Prohibit the collection, use, retention, or dissemination of data in any manner that would violate the First Amendment or in any manner that would discriminate against persons based upon their ethnicity, race, gender, national origin, religion, sexual orientation, or gender identity, in violation of law
2. Will only perform UAS activities in a manner consistent with the Constitution and applicable laws; and
3. Make the Bureau of Administrative Services – Internal Affairs available to receive, investigate, and address, as appropriate, privacy, civil rights, and civil liberties complaints relating to the deployment of an SJFD UAS and/or retention of information from such deployment

- G. All requests for UAS recorded data should be processed pursuant to the California Public Records Act and City policies and procedures and referred to the Office of the Fire Chief.

- H. Biennially in August (even years) the UAS Program Manager shall submit a report to the Fire Chief with the following components:

1. General UAS program review assessing efficacy, resources and personnel;
2. Privacy Impact Assessment evaluating compliance with this policy;
3. Proposed program and policy revisions

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I. Accountability:

All members of the Department are responsible for ensuring compliance with this policy. Any and all complaints related to this policy, including suspected misuse or abuse of UAS technologies, will be referred to the Office of the Fire Chief. In addition, the Bureau of Administrative Services – Internal Affairs will receive, investigate, and address, as appropriate, privacy, civil rights, and civil liberties complaints relating to the deployment of an SJFD UAS and/or retention of information from such deployment.

Any reported misuse, abuse, unauthorized access, or mishandling of sensitive information may result in discipline up to and including termination.

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3.1900.7 TRANSPARENCY REQUIREMENTS

- A. UAS shall be clearly and visibly marked to identify the UAS to the public as San Jose Fire Department equipment.
- B. Where reasonably possible and practical, such as during planned events, the Department will provide notice to the public of the use of the UAS via SJFD social media.
- C. The Department will keep the public informed about its UAS program through annual updates to the Department’s website, coordinated between the SJFD UAS Program Manager and the Department Public Information Manager. The website update will include information on:
 - 1. Policies in place to protect privacy, civil rights, and/or civil liberties, including any changes that would significantly affect those rights.
 - 2. Where and for what purpose the UAS are authorized to operate
 - For specific information see FAA COA 2021-WSA-8536-COA
 - 3. Procedures for the public to file questions or complaints regarding the SJFD UAS program with a designated point-of-contact
- D. Prior to each meeting at which its annual report will be reviewed by PSFSS, the Department will make the report available to the public. The report will include:
 - 1. A summary of UAS operations during the previous fiscal year
 - 2. Brief description of types of missions flown
 - 3. Number of times the agency provided assistance to Federal, State, local, tribal, or territorial governments
- E. The Department will engage the public throughout the course of each year at recruitment events, National Night Out, community outreach events, and various media campaigns to increase general community knowledge and awareness of the UAS Program.

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3.1900.8 PROGRAM OVERSIGHT

- A. The San Jose Fire Department reports to the Public Safety, Finance, and Strategic Support Committee (PSFSS). This Committee is comprised of five elected City Councilmembers and has monthly public meetings pursuant to Brown Act requirements. The purpose of the Committee is to effectively develop and manage the City’s programs and resources to best serve and protect its citizens through emergency response services for crime, fire, medical, hazardous, and disaster-related situations.

Substantial changes to the Department UAS Program or policy will require the Fire Chief to request review and approval of said changes by PSFSS. Any such proposed changes and accompanying memoranda will be published on the PSFSS and/or City Council agenda and made available to the public to review in advance of the meeting where they will be able to provide comments and feedback.

In addition, at the beginning of each fiscal year, the Department will provide an annual summary of UAS operations during the previous fiscal year. That report and accompanying information will be made available to the public in advance of the meeting where they will be able to provide comments and feedback.

- B. Program Authorizers are those who provide oversight of the Department’s UAS Program:
1. Office of the Fire Chief
 - a. Provides annual summary report of UAS operations to PSFSS
 - b. Seeks PSFSS approval for substantial changes to the program
 - c. Receives any and all public complaints regarding UAS policy
 - d. Designates authorized access to media storage
 2. Bureau of Administrative Services – Internal Affairs
 - a. Receive, investigate, and address, as appropriate, privacy, civil rights, and civil liberties complaints relating to the deployment of an SJFD UAS and/or retention of information from such deployment
 3. UAS Program Manager
 - a. General UAS program review assessing efficacy, resources and personnel (biennially)
 - b. Perform Privacy Impact Assessment evaluating compliance and adherence to this policy (biennially)
 - c. Propose program and policy revisions (biennially)
 - d. Provide outreach and public education to inform the public of Department’s UAS use and deployment (annually)
 - e. Ensure Privacy, Civil Rights, and Civil Liberties compliance
 - f. Ensure that public complaints regarding SJFD UAS Program are processed and documented as directed by the Fire Chief