

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: DUTY MANUAL REVISION: L 2702
UNMANNED AIRCRAFT SYSTEMS
(UAS)**

DATE: June 1, 2023

APPROVED

Memo #2023-016

BACKGROUND

The Department has amended the following Duty Manual section to streamline the Department's UAS program policies and follow current standard operating procedures.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike-through~~ form.

L 2702 UNMANNED AIRCRAFT SYSTEM (UAS): *Revised 06-01-23*

It is the policy of the Department that ~~sduly~~ trained and authorized agency personnel may only deploy an Unmanned Aircraft System (UAS) for law enforcement 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 the policy provisions provided herein.

Definition:

UAS is a system that includes the necessary equipment, network, and personnel to control an unmanned aircraft. An unmanned aircraft is an aircraft intended to navigate in the air without an on-board pilot. ~~Also,~~ *It is* alternatively called Remotely Piloted Aircraft (RPA), Remotely Operated Vehicle (ROV), or Drone.

Authorized Purposes:

The use of the UAS will be limited to the following authorized missions:

1. Post-incident crime scene preservation and documentation
 - a. A search warrant will be sought when processing a crime scene where a reasonable expectation of privacy exists (e.g., a residence,

- a private place of business not open to the general public, or a medical facility such as a hospital, clinic, or doctor's office)
2. Bomb Squad/Explosive Ordnance Disposal missions
 3. Incidents involving potentially hazardous materials
 - a. The Remote Pilot in Command (RPIC) shall ensure that the drone is being piloted from an area deemed safe by a hazardous materials expert, such as a qualified member of the Fire Department.
 4. Search and Rescue operations
 5. Public safety and life preservation missions to include barricaded suspects, hostage situations, active shooters, and high-risk search warrants/tactical operations
 6. The apprehension of armed and dangerous and/or violent fleeing suspects who pose an imminent danger to the public in accordance with Duty Manual section L 4305 - APPREHEND THE OFFENDER(S)
 7. Disaster response and recovery to include natural, technical, or human-caused disasters
 8. Authorized training missions and/or flight demonstrations
 9. Authorized special events
 10. In response to specific requests from local, state, or federal fire authorities for fire response and prevention
 11. When there is probable cause to believe (1) the UAS will record images of a place, thing, condition, or event; and (2) those images would be relevant in proving a certain felony had occurred or is occurring, or a particular person committed or is committing a certain felony and use of the UAS does not infringe upon the reasonable expectation of privacy
 12. RPICs should be mindful of the reasonable expectation of privacy in places such as a residence, covered/secluded backyards, ~~or~~ high-rise buildings, ~~or~~ private places of business not open to the general public, family planning facilities, or a medical ~~facility~~ facilities, and should seek a search warrant prior to conducting a flight without exigent circumstances or consent
 13. Pursuant to a search warrant
 14. To assist other City departments within the course and scope of their duties and responsibilities as long as it does not conflict with any established laws, policies, or guidelines
 - a. UAS operators are expected to determine if the request by City department is a public safety issue or not. If the issue is not determined to be a public safety issue, the operator shall verify that the City's Digital Privacy Policy is being followed. Other departments must receive approval from the City Manager's designee responsible for overseeing the Digital Privacy Policy (e.g., the Digital Privacy Officer) or their designee or have an approved drone policy in place before the Police Department can assist the other department with the use of the UAS. Police will also report these flights to its public flight log.

The UAS video surveillance equipment shall not be used in any of the following circumstances:

1. For activities not having a public safety purpose
2. To target harass or discriminate against a person based upon individual characteristics, such as, but not limited to, race, ethnicity, national origin, religion, disability, gender, or sexual orientation any protected category

and/or status, including but not limited to those listed in City Policy Manual section 1.1.1 and Duty Manual section C 1311

3. To conduct personal business of any type
4. The UAS shall not be weaponized

UAS-recorded data will not be collected, disseminated, or retained solely for the purpose of monitoring activities protected by the US Constitution, such as the First Amendment's protections of religion, speech, press, assembly, and redress of grievances (e.g., protests, demonstrations)

Authorized Employees:

Only properly trained and qualified Department personnel are authorized to operate an Unmanned Aircraft Systems (UAS) in the National Airspace System pursuant to the provisions contained within the Department's Certificate of Authorization (COA) and/or when allowable under 14 CFR Part 107 ("FAA Part 107"). It shall be the responsibility of the Remote Pilot in Command (RPIC) and the Visual Observer (VO) to ensure strict observance of the terms and provisions contained within the COA, addendums, and pursuant to FAA part 107.

Safety Procedures:

UAS flight crewmembers will follow preflight procedures and flight time limitations outlined in the UAS guidelines.

Before each deployment, the pilot/observer will ensure they gather enough information to make themselves familiar with the weather situation existing throughout the area of deployment. The pilot/observer shall utilize FAA approved weather resources to obtain the latest and most current weather conditions.

The pilot/observer shall make any required notifications to the FAA or the Department leadership as required by this policy, COA, FAA Part 107, and/or UAS guidelines.

Training and Accountability Provisions:

All UAS will only be operated by Department personnel who have been trained in the operation of the system, maintain FAA currency, possess a current FAA Part 107 certificate with a UAS rating as needed, and are authorized by the UAS Program Manager or the assigned Bomb/UAS technician.

It shall be the responsibility of the RPIC to designate a VO for all UAS flights. The RPIC shall instruct the VO on their responsibilities and expectations for the duration of the UAS flight.

To maintain a level of proficiency, UAS flight crewmembers shall be required to attend regular training. Training will be coordinated through the UAS Program Manager or the assigned Bomb/UAS technician.

All UAS flight crewmembers in the assignment shall maintain proficiency in their pilot/observer abilities. Flight crewmembers who do not have any documented training or flight time within the time span of listed in the UAS guidelines, will need to demonstrate proficiency before being a pilot/observer during a deployment or exercise.

Failure to demonstrate proficiency or follow Department rules can result in removal from the voluntary UAS program.

All flight crewmembers will have a training file on record detailing their training history. This training file will be held in conjunction with the member's normal training file per Department policy at the SJPD training unit.

All deployments or exercises will be documented in a flight log and count towards a member's training.

Monitoring Use:

The Chief of Police will appoint a UAS Program Manager (Lieutenant) who will be responsible for the overall direction and management of the UAS program. The Program Manager will have the following responsibilities:

1. Ensuring policies and UAS guidelines conform to current laws, regulations, and best practices.
2. Ensuring UAS usage information is recorded for each flight so it may be included on the SJPD.org Flight Log.
3. Compliance checks with this usage and policy will be completed every fiscal quarter in conjunction with Program Manager reports.
4. The Program Manager will appoint a Program Coordinator (Bomb Unit Sergeant) and the UAS technician (Bomb Unit Officer). The Program Coordinator will be responsible for direct supervision of the UAS program, the UAS technician, and its collateral personnel. In the absence of the Program Coordinator, the UAS technician will be responsible for direct supervision of the UAS program and its collateral personnel. The Program Coordinator will have the following additional responsibilities:
 - a. Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring the COA is current
 - b. Maintaining contact with the FAA and familiarity with pertinent FAA regulations
 - c. Ensuring all authorized flight crewmembers have completed all required FAA and Department approved training in the operation of the UAS
 - d. Ensuring all authorized flight crewmembers comply with all applicable laws, policies, and procedures regarding the use of the UAS
 - e. Developing a UAS inspection, maintenance, and record-keeping protocol to ensure the continuing airworthiness of a UAS, up to and including its overhaul or life limits
 - f. Recommending program enhancements, particularly regarding safety and information security
 - g. Ensuring all training, flight, and maintenance records for each flight crewmember and airframe are maintained

Information Retention and Dissemination:

When a Department-authorized RPIC utilizes any Department UAV capable of recording video and/or audio, the Department member shall initiate recording from the time the UAVS leaves the ground until the completion of the flight. UAS operators are expected to be aware of the expectation of privacy while in flight and recording video

and audio. Department-authorized RPIC must minimize recording of private property not determined to be evidentiary value or related to the location or subject expected to be recorded with the UAV. Authorized training flights and Bomb Squad render-safe procedures are the only exceptions to recording when the UAV is in flight.

Upon completion of each UAS mission, the Digital Media Eevidence (DME) shall be reviewed and evaluated for evidentiary value. Data of identifiable individuals captured during a UAS mission shall not be retained unless there is reasonable suspicion evidence of criminal activity is present. All DME determined to be evidence shall be downloaded into DCS and retained per Department policy.

Video obtained by the UAS operation will be submitted to evidence in accordance with Department policies and procedures.

Aerial photography (still or video) shall be stored with digital evidence in accordance with Department policy and procedure.

All Public Records Act requests for data generated via a UAS deployment shall be referred to the Office of the Chief, Research & Development Unit.

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual section.



Anthony Mata
Chief of Police

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