

# Unmanned Aerial System (UAS) Operations

## 613.1 PURPOSE AND SCOPE

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.

It is the policy of the department that trained and authorized personnel may use/deploy a UAS when such use is appropriate in the performance of their duties and authorized by the Chief of Police or designee. The deployment of a UAS will be in accordance with Federal, State, and municipal law and as the needs of the department dictate.

### 613.1.1 DEFINITIONS

Definitions related to this policy include:

Certificate of Authorization (COA) – A certificate granted to an individual or entity by the Federal Aviation Administration (FAA), which outlines specific conditions for flight for small UAS .

Federal Aviation Administration (FAA) – An entity of the federal government that regulates all aspects of civil aviation.

Part 107 – A certificate granted to an individual by the FAA, which outlines specific conditions of flight for small UAS aircrafts.

Pilot in Command (PIC) –Trained officer who is the sole person responsible for the operation of the UAS.

Unmanned Aircraft System (UAS) – Any remotely operated or controlled aircraft intended to fly within the National Airspace System.

UAS Supervisor – Assigned by the Chief of Police to insure program requirements are met to include maintenance, training, and operations in adherence to policy and FAA regulations.

Visual Observer –Trained officer who may act as a spotter for PIC to assist in navigating the UAS and avoidance of hazards.

## 613.2 FAA COMPLIANCE FOR DEPLOYMENT

Use of the UAS shall be allowed for criminal investigations or public safety purposes consistent with this policy, provided the requirements below are followed:

- (a) Prior to any use of a UAS, the department shall obtain a COA from the Federal Aviation Administration, unless the Police Chief authorizes an officer to use a UAS under the officer's own Part 107 certification.
- (b) Prior to the deployment of the UAS, the UAS PIC and the Visual Observer must be adequately trained in the use and operation and must be knowledgeable of the standards set forth in this policy.
- (c) Any operation of a UAS must fully comply with all FAA requirements guidelines. It is the PIC's responsibility to ensure compliance with FAA requirements and guidelines and this policy. If the PIC believes that the requested deployment potentially violates

# San Pablo Police Department

## San Pablo Police Department Policy Manual

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

---

any federal regulation, guideline or this policy, then the PIC must inform his or her immediate supervisor and the UAS Supervisor.

- (d) The PIC may not deploy the UAS for criminal investigative purposes without the knowledge of the on-duty watch commander or on-duty senior supervisor should the watch commander not be available.
- (e) Where a search warrant would normally be obtained for a criminal investigation, the shall not deploy the UAS until such warrant is secured. This does not apply to the UAS deployments for non-investigative public safety use or for the purpose of training, testing, or evaluation.
- (f) Each deployment of an UAS shall be properly documented in a flight log by the PIC. Such documentation must include at a minimum:
  - (a) The date, time, and purpose of each deployment.
  - (b) Whether a search warrant was obtained by the agency.
  - (c) Identity of the PIC and Visual Observer (if there is a Visual
  - (d) Supervisor approving the deployment.
- (g) The PIC that deploys the UAS must have the capability to adequately track and record the flight pattern and location of the UAS.
- (h) If more than one UAS is deployed in an area or event, then each PIC shall coordinate and define the parameters of the area where each UAS will be operated.

#### **613.3 AUTHORIZED USES FOR PUBLIC SAFETY DEPLOYMENT**

Deployments include but are not limited :

- (a) Security Checks - The UAS may be deployed while conducting Security Checks of businesses or public lots in furtherance of the department's mission. Indiscriminate surveillance of private areas, absent a call for service requiring a public safety response or applicable warrant is prohibited.
- (b) Area Searches – The UAS may be deployed when conducting an area search for missing persons, property, etc.
- (c) Crime Scene / Area Documentation – The UAS may be deployed to assist in documenting crime scenes, accident scenes, or other areas where an aerial perspective is needed.
- (d) Search and Rescue – The UAS may be deployed during search and rescue operations to assist in locating lost or missing persons or other search and rescue operations.
- (e) Tactical Situations – The UAS may be deployed during certain tactical situations such as hostage / barricaded gunmen, active shooter, warrant services, or any other situation where an aerial or remote view is advantageous.
- (f) Fleeing Suspects – The UAS may be deployed to search for suspects that flee from police.

# San Pablo Police Department

## San Pablo Police Department Policy Manual

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

---

- (g) Training – All training flights will be conducted in accordance with the procedure and privacy requirements outlined in this policy.

#### **613.4 RESTRICTIONS ON THE USE OF UAS**

The UAS and equipment are only approved for uses that support legitimate law enforcement functions of the department.

- (a) The UAS will only be used in a manner that is safe and in accordance with departmental policies and FAA guidelines.
- (b) The UAS will not be weaponized or used to transport any weapons, explosives, or incendiary devices.
- (c) The UAS will not be used or deployed for personal use.
- (d) The UAS will not be used to surveil private areas such as inside buildings, through windows, or any other areas where a search warrant would be needed. If a request for deployment does not meet one of the search warrant exceptions (e.g. exigent circumstances), then the operator must request a search warrant prior to deployment.

#### **613.5 ASSIGNMENT AND RESPONSIBILITY**

The UAS shall be assigned to the PIC by the Chief of Police or designee.

#### **613.6 TRAINING**

The UAS Supervisor will coordinate training of PICs and Visual Observers. The training course and materials will be approved through the training staff. An approved department instructor will oversee all training. Each training session will be documented and forwarded to the training coordinator for the department.

Training will include a written exam to document the PIC's knowledge of FAA regulations, COA, and department policy.

Training will include a flight course that will measure the PIC's ability to operate the UAS.

#### **613.7 MARKINGS**

The UAS should be marked with "POLICE" and the registration or tail number assigned to that individual UAS. The markings should be contrasting and, if possible, reflective.

#### **613.8 INSPECTIONS / MAINTENANCE**

Before any deployment, the PIC shall be responsible for the pre-flight inspection to discern if the UAS is safe to deploy. An inspection should include:

- (a) Checking the UAS for cracks, deformity in the shell, or missing pieces.
- (b) All batteries are fully charged to include the controller and operating device.
- (c) Lack of wear and tear on the blades of the UAS.
- (d) Camera is clean and clear of any obstructions.

# San Pablo Police Department

## San Pablo Police Department Policy Manual

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

---

Any anomalies found by the PIC shall be fixed before any deployments are conducted.

#### **613.9 DEPLOYMENT OF UAS**

Prior to deployment of any UAS, PIC will ensure that all permits and authorization (COA or Part 107) from the FAA are in place.

- (a) The PIC will inspect all equipment to include the unit, controller, batteries, and display prior to deployment. Any malfunctioning equipment will be reported to the UAS Supervisor.
- (b) Each UAS will be the responsibility of the PIC. The PIC is authorized to decline any deployment of the UAS when he or she feels the flight would be unsafe or against FAA regulations or guidelines or this policy.
- (c) Each deployment of the UAS will be documented. The PIC will complete a supplemental report if required in accordance with Policy 344.
- (d) When available, the PIC will deploy the UAS with the aid of a Visual Observer. The Visual Observer can be collocated with the PIC or positioned at a ground site to give better line of sight. Visual Observers will be ground based and should not be deployed from a moving vehicle. Communications between the PIC and the Visual Observer will be done by police radio, verbal commands, or cellular phone. The PIC can request additional observers if needed. All Visual Observers will be properly trained. At no time will a second UAS be used as an observation platform for the primary UAS.

#### **613.10 PRIVACY**

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, PIC and Visual 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). PIC and Visual Observer shall take reasonable precautions to protect privacy.

#### **613.11 LAUNCH AND RECOVERY**

- (a) Prior to takeoff, the UAS will be programmed to allow it to return to home (RTH) if the signal is lost from the transmitter.
- (b) When the UAS is deployed to meet an approved mission task, it shall be recovered within the same general area if possible.
- (c) A designated safe area of at least 25 feet shall be maintained between a UAS and personnel during takeoff.
- (d) A UAS should not be flown within unsafe distances to any object or persons.
- (e) The PIC shall verify the weather conditions in the immediate area of operations. A local source of weather may be utilized including a phone application, internet, or observed on site. The UAS will not be flown outside the weather minimums identified by the manufacturer or the approved COA by the FAA. The PIC shall have final determination of the risk due to weather and authority over any mission.

## *Unmanned Aerial System (UAS) Operations*

---

- (f) The PIC shall make every effort to insure that flight operations will not pose an undue risk to the public, property, or personnel. The PIC shall have final determination of the risk to the public, property, and personnel and authority over any launch of the UAS subsequent to watch-commander or supervisor approval per this policy.
- (g) Deployments inside any controlled airspace shall only be performed under an approved FAA COA.
- (h) Primary Landing Site – The primary landing site shall be the same as the launch site. The PIC has final authority for any approach to the primary landing site and may wave off any approach if the site is deemed unsafe.
- (a) Alternate Landing Site – The alternate landing site shall be close to enough for the PIC to observe that the UAS has safely landed.
- (j) The PIC shall designate at least one alternate landing site in the event that the primary site is deemed unsafe.
- (k) Mission Abort Sites – The PIC may designate an “abort site” where the UAS may be “dumped” in an emergency situation. The abort site shall be so far removed as to provide absolute minimal risk to persons, property, and personnel. Should the PIC deem it necessary, the UAS may be flown to this site and without regard to the safety of the UAS or flight equipment.

### **613.12 HAZARDS / AVOIDING HAZARDS**

If the UAS is deployed in an area that is in close proximity to persons, objects, or to private property, the UAS must be equipped with the capability to safely stabilize the flight in the event that the operator cannot control or observe the UAS.

The UAS Pilot shall not deploy a UAS if not confident that the flight can be conducted safely.

The UAS shall not be deployed if a manned law enforcement aviation unit is on scene or assisting with any incident.

### **613.13 EMERGENCY PROCEDURES**

- (a) during flight operations, the link between the UAS and the remote station / controller is lost (flight controls) the UAS is designed to utilize the onboard GPS to return to the position it took off from. The UAS shall be programmed to gain altitude if below 20 meters. The PIC should always be mindful that the UAS has no collision avoidance in RTH (return to home) mode. The PIC will observe the UAS and attempt to recover control of the UAS. The remote control is designed to re-establish connection automatically. If a lost link occurs and the UAS is in RTH mode, the PIC in command will advise all units in the area via radio, if necessary.
- (b) If deployed in a controlled airspace, the PIC will maintain communications with the Air Traffic Control (ATC) through either the use of a two-way radio or cellular phone. If communication is unable to be established, the PIC will immediately land the UAS until communications are established or re-established.

# San Pablo Police Department

## San Pablo Police Department Policy Manual

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

---

- (c) In the event that both the PIC and Visual Observer lose sight of the UAS, the PIC will initiate the RTH mode on the remote controller. Once visual contact with the UAS is re-established the PIC will take-back control of the UAS using the remote control.
  - (d) If during flight, there is an emergency, the PIC will take every step to insure that no persons or property is damaged. In the event of a catastrophic failure of the UAS, such as a broken rotor or battery fire, the PIC will announce to all personnel. The PIC will request any necessary equipment be brought to the landing or crash site.
  - (e) In the unlikely event that the UAS during flight or an uncontrolled landing, interacts with a person on the ground and results in injury to the person, EMS will be immediately summoned and officers on the ground will render first aid.
  - (f) In the event that the UAS, during flight, interacts with any person or has an uncontrolled landing, the PIC shall report the incident to the UAS Supervisor and Watch Commander, who in turn will notify the chain of command to the Police Chief.  
The incident shall be reported to the FAA using it's . The FAA will make the determination to investigate the incident further.
- 

#### **613.14 NIGHT DEPLOYMENTS / OPERATIONS**

- (a) Night operations are any operations that occur between 30 minutes after sunset and 30 minutes before sunrise.
- (b) Only PICs with previous daytime deployments will conduct nighttime UAS deployments.
- (c) All night deployments will be conducted at the minimum necessary altitude to avoid ground hazards and shall not exceed the 400 feet AGL (Above Ground Level) restriction issued by the FAA.
- (d) All night deployments will be conducted with the use of a Visual Observer to assist in navigation and hazard avoidance. The Visual Observer be positioned in a location to allow for compliance with FAA regulations and allow for constant scanning of the flight area for any hazards. The Visual Observer will notify the PIC immediately if they lose line of sight of the UAS or observe a hazard.
- (e) The navigational lights on the UAS will be used at all times. The lights will be visible 360 degrees from the UAS.

#### **613.15 AUDIO AND VIDEO RECORDINGS**

All recorded video images or audio gathered by the UAS are for the official use of the San Pablo Police Department. The UAS must be operated in a matter to ensure that inadvertent audio and video recordings of private spaces of third parties not under investigation are avoided or minimized. Any recording made under these circumstances shall not be duplicated or disseminated by this agency unless mandated by law.

# San Pablo Police Department

## San Pablo Police Department Policy Manual

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

---

Audio and video recordings made by any UAS PIC as a result of an on-going investigation, evidence of a crime, training, or required by law should be retained.

#### **613.16 STORAGE AND RETENTION OF UAS AUDIO AND VIDEO**

All downloaded audio and video from the UAS shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The recordings should be stored and retained in accordance with the established records retention schedule. If recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved (Government Code § 34090.6).

#### **613.17 RELEASE OF UAS AUDIO AND VIDEO**

Requests for recorded audio or video images from the UAS shall be processed in the same manner as requests for department public records.

The San Pablo Police Department does not permit the sharing of recorded audio or video gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, pursuant to City Council Resolution #2017-045, and the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq).

Recorded audio or video recorded on the UAS may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes according to the following

- (a) The agency makes a written request for that includes:
  - (a) The name of the agency.
  - (b) The name of the person requesting.
  - (c) The intended purpose of obtaining the information/data.
- (b) The request is reviewed by the Chief of Police or designee and approved before the request is fulfilled.
- (c) The Chief of Police or designee will consider the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq), and City Council Resolution #2017-045, before approving the release of the information/data.
- (d) The approved request is retained on file.

Recorded audio or video that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

#### **613.18 PUBLIC RELATIONS DEPLOYMENT**

The UAS may be used to record, document, and display events sponsored by the City of San Pablo / or the San Pablo Police Department. Use of a UAS for public relations under the COA

# San Pablo Police Department

San Pablo Police Department Policy Manual

## *Unmanned Aerial System (UAS) Operations*

---

certificate is prohibited. PICs flying for this use must receive prior certification from the FAA under the Part 107 rules and guidelines and approval of the Chief of Police.