

DRAFT

Unmanned Aerial System (UAS) Operations

615.1 PURPOSE AND SCOPE

The purpose of this policy is to establish safe, efficient and lawful operation of the Pleasant Hill Police Department (PHPD) Unmanned Aerial System (UAS)

615.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of providing the highest level of professional police service to all members of the community. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

615.3 DEFINITIONS

- (a) Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or other means.
- (b) Certificate of Authorization (COA) - Issued by the FAA and grants permission to fly within specific boundaries and parameters.
- (c) Pilot - Any member who has successfully met the criteria outlined by this Operations Manual for full flight duty.
- (d) Pilot in Control (PIC) - Person who has final authority and responsibility for the operation and safety of flight, has been designated as the PIC before or during the flight, and holds the appropriate training and required certificates for the conduct of the flight.
- (e) Visual Observer (VO) - The Visual Observer is the person who is equally responsible for the visual observation of the UAV while inflight. The VO alerts the PIC of any conditions (obstructions, terrain, structures, air traffic, weather, etc.) that may affect the safety of flight. The VO is responsible for all aviation related communications required by the FAA. The VO shall be certified by successful completion of a department approved training course outlined

615.4 PRIVACY

The use of the UAS potentially involves privacy considerations. UAS Flight Operators will consider the protection of individual civil rights and the reasonable expectation of privacy as a key component of any decision made to deploy the UAS. Every UAS Flight Operator will ensure that operations of the UAS are consistent with policy and local, state, and federal law.

Absent a warrant or exigent circumstances, operators shall adhere to FAA regulations or waivers and shall not intentionally or inadvertently record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Reasonable precautions can include, for example, deactivating, turning, or manipulating imaging devices away from such areas or persons during UAS operations. Operators shall take reasonable steps to ensure the justified target area is the sole purpose of the operation.

615.5 ROLES AND RESPONSIBILITIES

(a) 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. The Program Coordinator will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
- Developing protocol for conducting criminal investigations involving a UAS.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing and/or maintaining protocols to ensure that all evidence is collected, stored and purged in strict adherence to department policy.
- Developing and/or maintaining protocols to ensure all electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing bi-annual reports on the program to the Chief of Police.

(b) Pilot in Command: The PIC is responsible for the safety and operation of the UAS during a mission or training. Pilot in Command responsibilities:

- Understand, and comply with, FAA regulations applicable to the airspace where the UAS will operate.
- Have an understanding of, and comply with, the manufacture's user manual.
- Understand and comply with, the UAS Operations Manual.
- Maintain proficiency and qualifications on each of the airframes in the UAS program.
- Obtain and maintain an *FAA Remote Pilot Certificate with a small UAS rating*.

(c) Visual Observer: The VO is crucial in ensuring the UAS operates in a safe manner, as well as to provide safety and situational awareness to the PIC. Visual Observer responsibilities:

- Effectively communicate with the PIC, air traffic control, and manned aircraft (if applicable) via radio or face-to-face (whichever is most appropriate).
- Understand and comply with, regulations concerning right-of-way rules, operating near other aircraft, weather, careless operation, etc.
- Knowledge of, and ability to use, UAS support equipment (radio, camera, charging stations, etc.).
- NOTAM filing (if applicable) or FAA air traffic control operation notification.

615.6 REQUEST AND AUTHORIZATION

(a) Requests for deployment of the UAS will be made through the on-duty Watch Commander. The Watch Commander can request and approve a UAS call-out.

(b) PHPD Dispatch personnel shall be notified of the request for deployment of the UAS.

(c) Requests may include any mutual aid requests made for the UAS operator by outside agencies. The on-duty Watch Commander will gather the information pertaining to the request and contact the unmanned aerial system Pilot-in-Command (PIC) and notify him/her of the mission. The Pilot-in-Command will determine if the UAS can be deployed safely and practically.

(d) The use of the UAS will be limited to the authorized missions described herein. The authorized missions for UAS operations are:

1. Post-incident crime scene and traffic collision preservation and documentation.
2. Suspected explosive devices
3. Response to hazardous materials events.
4. Search and Rescue (SAR) missions as defined in California Government Code Section 26114.
5. Public safety and life preservation missions to include barricaded suspects, hostage situations, SWAT deployments, active shooters, apprehension of armed and dangerous and/or violent fleeing suspects, and high-risk search warrants.
6. Crowd control and large event observation.
7. Disaster response and recovery to include natural or human caused disasters including a full overview of a disaster area for post incident analysis and documentation.

8. Training missions.
9. Public education development, training videos, community engagement and documentation.
10. In response to specific requests from local, state or federal law enforcement authorities for public safety responses and/or crime prevention.
11. In response to specific requests from local, state or federal fire authorities for fire response, prevention or investigation.
12. Mass causality events.
13. When there is probable cause to believe that (1) the UAS will record images of a place, thing, condition, or event; and (2) that those images would be relevant in proving that a felony had occurred or is occurring, or that a particular person committed or is committing a felony and use of the UAS does not infringe upon the reasonable expectation of privacy.
14. Structural collapse and building evaluations for rescue, safety and occupancy.
15. Pursuant to a search warrant.
16. In response to any transportation type emergencies as defined in Title 49 of the Code of Federal Regulations. Only authorized operators who have completed the required training shall be permitted to operate the UAS.
17. Anytime a UAS would, when used in compliance with this policy, enhance public safety, improve operational safety, incident stabilization or incident mitigation as determined by the authorizing person.

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

615.7 PROCEDURES

A UAS operation shall follow the procedures described in the PHPD UAS Operations Manual. The administration, safety policy, training requirements, risk assessment, general operating procedures, and pre/post flight actions are contained within the PHPD UAS Operations Manual. A summary of the UAS Operations Manual are as follows:

- (a) A UAS shall only be operated by personnel, both pilots and crew members, who have been trained and qualified in the operation of the system. All PHPD personnel with UAS responsibilities, including Watch Commanders, shall be provided training in the policies and procedures governing UAS use.
- (b) All UAS operations shall be approved in advance by the on-duty Watch Commander or his/her designee. The UASs and all related equipment shall be available and issued at the PHPD or PICs vehicle.
- (c) All UAS operations shall be documented on the UAS Operation Summary form. The reason for the flight, type of mission, flight time, names of the crewmembers, and disposition shall be documented.
- (d) All UAS deployments will be documented and posted to the department website transparency portal for 24/7 public access.
- (e) All risk factors, safety contingency plans, and pre-flight checklists shall be evaluated and completed prior to the UAS flight.

- (f) All flight control settings will remain in FCC compliant mode as defined in Title 47 of the Code of Federal Regulations, part 2.
- (g) All UAS flights will remain in GPS reception mode and comply with all FAA flight restrictions near designated Class A & B airports and municipal airports.
- (h) In the event the UAS flight will occur within Class D airspace of Buchanan Field Airport, the airport tower will be notified. An approval by the tower must be granted to operate within the flight restriction area.
- (i) When the UAS is being flown, UAS PICs shall take steps to ensure the camera is focused on the areas necessary to the mission.
- (j) If at any point the reasonable operation of the UAS becomes unsafe, due to surrounding factors, conditions, events, or aircraft, the UAS operation shall discontinue as soon as the manipulation is safe, reasonable, and practical.
- (k) Conclusion of the operation shall be documented on the UAS Operation Summary form.

615.8 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- For personal entertainment or to conduct personal business of any type.

The UAS shall not be weaponized or equipped with facial recognition technology.

615.9 RETENTION OF UAS DATA

All video and audio recordings will be collected, managed and retained in accordance to the Pleasant Hill Police Department's Policy Manual 433 – Portable Audio/Video Recorders. If the evidence collected is part of an outside agency's case, this evidence will be signed over to the agency making the request and thoroughly documented in an outside assist report. The UAS Program Coordinator, with approval from the Operations Division Commander, may retain video/photos from UAS operations for the purpose of training and development of the program, or other department needs.

Evidence collected by the UAS shall be retained as provided in the established Records Retention Schedule.