

# Unmanned Aerial System (UAS) Operations

## 607.1 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.

### 607.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned Aerial System (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, remotely controlled and operated without the possibility of direct human intervention from within or on the aircraft system (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 any other means.

**Certificate of Authorization (COA)** - Authorization granted by the Federal Aviation Administration (FAA) which grants permission to operate an UAS within specific boundaries and perimeters. Training flights cannot take place without a valid Training and Evaluation (T&E) COA. Missions cannot take place without a valid jurisdiction, emergency and/or broad area operational COA.

**Operator** - A member of El Cerrito Police Department who is certified as a remote pilot and exercises control over a UAS during flight. The operator will be solely responsible for the operation and for the input commands/piloting during flight. The operator must complete all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS. Operators are authorized to evaluate and accept or decline any mission or portion thereof due to safety concerns.

**Observer** – A member of El Cerrito Police Department who is responsible for the visual observation of the UAS while in flight. The observer will maintain a visual observation of the UAS while in flight and alert the operator of any conditions that affect the safety of flight. The observer will be responsible for all aviation related communication required by the FAA. The observer must complete all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.

## 607.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

## 607.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and 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

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expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

### **607.4 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 and 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. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- 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 protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements..
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring the program.

### **607.5 USE OF UAS**

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

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1. All flights will be approved in advance by a lieutenant and in the absence of management personnel, the sergeant will have the authority to approve missions.
2. All flights will be documented on the mission dispatch form designed for the purpose and all flight time shall be accounted for on the form. The reason for the flight and type of mission as specified and the name of the police manager or supervisor approving the mission will also be documented.
3. The manager or supervisor approving any flight missions, UAS operators and observers 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. Each UAS operator and observer will ensure that the operation of the UAS is consistent with local, state, and federal laws.
4. The use of the UAS will be limited to the authorized missions described herein. The authorized missions for the ECPD UAS are:
  - (a) Post-incident crime scene preservation and documentation
  - (b) Explosive Ordinance Disposal (EOD) missions
  - (c) Response to hazardous materials spills
  - (d) Search and Rescue (SAR) missions defined in California Government Code Section 26614
  - (e) Public safety and life preservation missions to include barricaded suspects, hostage situations, civil unrest incidents, active shooters, apprehension of armed and dangerous and/or violent fleeing suspects, and high-risk search warrants
5. 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
6. Training missions
7. In response to specific requests from local, state, or federal fire authorities for fire response and prevention
  - (a) 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 to proving that a certain felony had occurred or is occurring, or that a particular person committed or is committing a certain felony and the use of the UAS does not infringe upon the reasonable expectation of privacy
  - (b) Pursuant to a search warrant

### **607.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

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- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

### **607.7 PROCEDURE TO DEPLOY UAS**

The Watch Commander shall make a request via dispatch for the UAS. The response team will handle all UAS operations. Police Department case Officer shall meet with the UAS operator to collect the data recorded by the UAS.

Following a UAS operation;

- (a) The operator will copy the recorded images and data to a storage medium;
- (b) The storage medium will be reviewed to ensure it was copied completely;
- (c) The case Officer will collect the storage medium containing video taken during the flight;
- (d) The video shall be reviewed and evaluated for evidentiary value.
  - (a) Video determined to be of evidentiary value shall be placed into evidence.
  - (b) Video determined not to be of evidentiary value shall be submitted for destruction after being reviewed by the on-duty supervisor and in compliance with the City's records retention schedule.

### **607.7 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the established records retention schedule, or retained as evidence of a crime

Unauthorized use, duplication, and/or distribution of UAS camera system files are prohibited. Personnel shall not make copies of any UAS camera system file for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to capture UAS camera system files. All recorded media, images, and audio are property of the El Cerrito Police Department and shall not be copied, released or disseminated in any form or manner outside the parameters of this policy or in compliance with state or federal law.

Departmental request for a UAS camera system file, including requests from the District Attorney's Office or City Attorney's Office, shall be made utilizing procedures in place for requesting other evidentiary items.

Non-Departmental Request:

1. All other requests for a UAS camera system file shall be accepted and processed in accordance with federal, state, and local laws and departmental policy .

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2. When practical, personnel will be advised prior to any release of UAS camera system files under the California Public Records Act (CPRA).

### Copying Procedures:

1. Property & Evidence Specialists will be responsible for handling evidence request for DVD copies and online sharing of files produced by the UAS camera system for court and other approved request by the Chief of Police or his/her designee.
2. A copy of the UAS camera system file can be requested in accordance with the provisions of this policy;
3. A UAS camera system file may be utilized as a training tool for individuals, specific units, and the department as a whole. A recommendation to utilize a UAS camera system file for such purpose may come from any source as outlined below:
  - (a) A person recommending utilization of a UAS camera system file for training purposes shall submit the recommendation through the chain of command to the Training Manager.
  - (b) If an involved officer or employee objects to the showing of a recording, his/her objection will be submitted to staff to determine if the employee's objections outweigh the training value. The Captain or designee shall review the recommendation and determine how best to utilize the UAS camera system file, considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means (e.g. departmental policy, training bulletin, briefing or other training).