

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

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

DATE: June 16, 2022

APPROVED

Memo# 2022-027

BACKGROUND

The Department has revised the following Duty Manual section to streamline the Department's Unmanned Aircraft System (UAS) program policies and procedures and to eliminate unnecessary requirements in the program.

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 06-16-22*

It is the policy of the Department ~~that~~ duly trained and authorized agency personnel may only deploy *an Unmanned Aircraft System (UAS)* for ~~legitimate~~ 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 ~~that is~~ intended to navigate in the air without an on-board pilot. Also, 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-
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 L4305-
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 ~~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 certain felony had occurred or is occurring, or ~~that~~ 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 a residence, covered/secluded backyard, or high-rise building, or private place of business not open to the general public, or a medical facility and should seek a search warrant prior to conducting a flight without exigent circumstances or consent-
13. Pursuant to a search warrant-

The UAS video surveillance equipment shall not be used:

1. For activities ~~that do not~~ having ~~have~~ a legitimate public safety purpose-
2. 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-
3. To conduct personal business of any type-
4. The UAS shall not be weaponized-

Authorized Employees:

Only properly trained 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 C.F.R. 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 ~~f~~Flight ~~c~~Crewmembers will follow preflight procedures and flight time limitations outlined in the UAS guidelines.

Before each deployment, the pilot/observer will ensure ~~that~~ they ~~he/she~~ gathers enough information to make themselves familiar with the weather situation existing throughout the area of deployment. The pilot/observer ~~operator~~ 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 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.

~~Visual Observers, who have not been certified as a remote pilot, shall complete the SJPDVO certification course, maintain FAA currency and be approved by the UAS Program Manager.~~

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 ~~f~~Flight ~~c~~Grewmembers shall be required to attend regular training. Training will be coordinated through the UAS Program Manager or the assigned Bomb/UAS technician.

All UAS ~~f~~Flight ~~c~~Grewmembers in the assignment shall maintain proficiency in their pilot/observer abilities. ~~f~~Flight ~~c~~Grewmembers 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 ~~f~~Flight ~~c~~Grewmembers will have a training file on record ~~that detailing details 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 ~~that~~ policies and UAS guidelines conform to current laws, regulations, and best practices.
2. Ensuring ~~that~~ UAS usage information is recorded ~~reported to the Research & Development Unit~~ for each flight so ~~that~~ it may be included on the SJPD.org ~~f~~Flight ~~l~~og.
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) ~~who.~~ 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 that the COA is current.
 - b. Maintaining contact with the FAA and familiarity with pertinent FAA regulations.
 - c. Ensuring that all authorized ~~Flight~~ Crewmembers have completed all required FAA and ~~Department~~ approved training in the operation of the UAS, ~~and that the Flight Crewmembers comply with all applicable laws, policies, and procedures regarding use of the UAS.~~
 - d. Ensuring all authorized Flight Crewmembers comply with all applicable laws, policies, and procedures regarding use of the UAS
 - e. 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.
 - f. Recommending program enhancements, particularly regarding safety and information security.
 - g. Ensuring that all training, flight, and maintenance records for each ~~Flight~~ Crewmember and airframe are maintained.

Information Retention and Dissemination:

Upon completion of each UAS mission, the digital media evidence (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 that evidence of criminal activity is present. All DME 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.

ALL DEPARTMENT PERSONNEL

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

June 16, 2022

Page 5

ORDER

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

A handwritten signature in black ink, appearing to read 'A. Mata', is positioned above the printed name and title.

Anthony Mata
Chief of Police

AM:SD:DK:JS