
Unmanned Aerial System

606.1 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.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, 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 any other means.

Remote Pilot in Command (RPIC) - The direct operator of any UAS responsible for all deployment operations to include pre-flight planning, in-flight operations and post-flight documentation. All RPICs are required to hold a current Remote Pilot certificate with Small UAS Rating per FAA regulation 14 CFR Part 107.

Pilot/Operator - The person manipulating the controls of the drone. This may or may not be the RPIC. Pilots/Operators who do not have Part 107 certification may only operate a UAS under the direct supervision of an RPIC.

Visual Observer (VO) - Crew member responsible for notifying the flight team of any other aircraft, persons or obstacles in the vicinity so the flight team can respond accordingly.

606.2 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.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers 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). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

606.4 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:

Brea Police Department

Brea PD Policy Manual

Unmanned Aerial System

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- 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.
- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- 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, and implementing a system for public access to flight telemetry data and incident/flight reason.
- 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. 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.
- 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 and providing periodic reports on the program to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

In addition to this policy, the program coordinator will create and maintain a written operation manual proscribing processes and protocols related to UAS operations.

Unmanned Aerial System

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS, with the exception of a pilot/operator under direct supervision of an RPIC.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protected privacy interest, when in compliance with a search warrant or court order, or when there is a legal exception to the warrant requirement (exigent circumstances, imminent danger to life, fresh pursuit of a suspect, etc.). In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations and best practices outlined by the Law Enforcement Drone Association's Unmanned Aircraft Systems Operations.

The FAA gives the ultimate decision to launch the UAS to the RPIC. The RPIC has the authority to decline to launch a UAS for a mission if they are not able to launch for regulatory, statutory, or safety reasons. The RPIC shall not face disciplinary action for refusing to launch a drone for a legitimate, lawful reason.

Prior to UAS deployment, the pilot or their designee shall announce via police radio that a UAS is being deployed.

The Watch Commander has the authority to cancel a UAS deployment if, in their judgment, the circumstances do not warrant the use of the UAS.

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities not related to a specific incident or investigation.
- 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.
- To conduct personal business of any type.

The UAS shall not be weaponized.

606.7 RETENTION OF UAS DATA

Since UAS flights are operation- or incident- specific, data collected by the UAS shall be retained for a minimum of 72 hours. Videos deemed to have an evidentiary value shall be extracted, preserved, and stored as described below.

606.7.1 DOCUMENTATION OF EVIDENTIARY VIDEOS

UAS pilots shall document the existence of evidentiary recordings in a police report. The report should, at minimum, report that a drone video exists and was booked as evidence. If a UAS pilot

Brea Police Department

Brea PD Policy Manual

Unmanned Aerial System

observes criminal activity and/or makes observations that other officers act upon, the UAS pilot shall document those observations in their police report.

UAS video recordings are not a substitute for a detailed report, and a report shall not list "refer to video" in lieu of writing a detailed report. In addition, a UAS video recording is not a substitute for taking evidentiary crime scene photos.

606.7.2 PRESERVATION OF EVIDENTIARY VIDEOS

UAS pilots shall assure that all recordings related to criminal proceedings, claims filed, pending litigation, or personnel complaints are preserved in accordance with the law. These recordings shall be booked as evidence, similar to any other item of digital evidence. All evidence recordings shall be retained in accordance with the agency's record retention schedule.

At all times the chain of custody of UAS recordings shall be maintained.

606.7.3 USE OF RECORDINGS FOR TRAINING PURPOSES

Officers and supervisors may find it useful and are encouraged to review recordings of incidents when beneficial to assist the department in evaluating and improving department practices, tactics, strategy, for officer training and safety practices, for the purposes of conducting a tactical debrief, and/or other training. When a recorded incident is found to be of value as a training aid for employees of the department, the recording officer's supervisor may preserve the video and then view or allow viewing by the involved officers or other department employees who may benefit. Employees depicted in these recordings shall be notified prior to the recordings being used for training purposes.