

Unmanned Aerial System (UAS) and Unmanned Ground Vehicles (UGV) 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 unmanned ground vehicle (UGV) devices, also known as robots. This policy further includes guidelines for the storage, retrieval and dissemination of images and data captured by the UAS/UGV devices.

DRAFT Adopted and Presented to City Council by Chief Ken Savano June 6, 2022

DRAFT Updated and Revised June 10, 2023

613.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An remotely operated non-weaponized unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as a drone), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

Unmanned Ground Vehicle (UGV) - A remotely operated unmanned ground device, commonly referred to as a robot, that is non-weaponized and capable of ground travel whether it be pre-programmed or remotely controlled and all of the supporting or attached equipment or systems designed for the UGV device or for gathering information through imaging, recording or any other means.

613.2 POLICY

UAS and UGV devices 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/UGV will be in strict accordance with constitutional and privacy rights, Federal Aviation Administration (FAA) regulations, and in compliance with the Department's Military Equipment Use Policy 709.

613.3 PRIVACY / 4TH AMENDMENT

The use of the UAS and/or UGV devices 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. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS or UGV operations.

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613.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS/UGV 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, 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.
- Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
- Ensuring that all authorized operators and observers have completed all required FAA and Department training, certifications, licensing in operation, applicable laws, policies and procedures regarding use of a Department UAS.
- 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 protocols that ensure retention and purge periods for UAS/UGV device recordings, training, and actual operations are maintained in accordance with established records retention schedules.
- Developing surveillance protocols for conducting criminal investigations involving a UAS/UGV device, including documentation of time spent monitoring a subject or location.
- Implementing a system for public notification of UAS/UGV device deployment.
- Developing an operational protocol governing the deployment and operation of a UAS/UGV devices including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control centers.
- Developing a protocol for fully documenting all missions.
- Developing a UAS/UGV device inspection, maintenance, and record-keeping protocol to ensure continuing safety and readiness of a device, up to and including its overhaul or expected useful 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

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used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

- Facilitating law enforcement access to images and data captured by the UAS.
- Ensuring that established protocols are followed by monitoring and providing annual reports on the program to the Chief of Police, Independent Police Auditor, and City Council pursuant to Assembly Bill 481.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

613.5 USE OF UAS/UGV DEVICE

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

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 protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

The Division Lieutenant shall be advised of any UAS/UGV device deployment as soon as practicable and in no case, later than two (2) hours.

A UAS/UGV device may be used for the following purposes:

- To search for lost or missing at risk persons
- To search for an outstanding criminal suspect during a criminal investigation that is active (occurring in real time). An active criminal investigation means law enforcement is patrolling, surveilling, or conducting an investigation in an effort to locate and arrest or detain a suspect.
- To aid in crime, traffic collision, fire or other emergency or disaster scene processing or documentation.
- To assist emergency responders during an active critical incident, disaster, or emergency.
- Reports of suspicious items, packages, or objects where it is deemed necessary to assess the situation remotely with the UAS/UGV before human intervention.
- Bomb threats or suspected explosive devices, where the UAS/UGV can be used to conduct initial assessments, gather visual and audio information, and assist in rendering the device safe or mitigating its effects.
- Hazardous materials incidents, such as chemical spills, where the UAS/UGV can be deployed to safely evaluate the scene, gather data, and assist in determining appropriate response actions.

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- Hostage or barricade situations, where the UAS/UGV can be deployed to establish two-way communication with the subject(s) or gather real-time intelligence on the situation.
- Search and rescue operations in hazardous environments, such as collapsed structures, where the UAS/UGV can navigate confined spaces or unstable areas to locate and provide information on potential victims.
- Situations involving armed suspects or potentially violent individuals, where the UAS/UGV can be utilized to gather information, establish communication, or create a diversionary tactic to safely resolve the situation for officers and involved individuals.
- Situations involving hazardous or toxic substances, where the UAS/UGV can be deployed to assess the presence of hazardous materials and minimize the exposure risk to human responders.
- High-risk traffic stops or vehicle incidents, where the UAS/UGV can assist in gathering information or providing a remote presence to de-escalate potentially volatile situations.
- Situations where the deployment of the UAS/UGV can minimize the risk of harm to officers or the public, enhance situational awareness, or facilitate a more effective and safe response.
- During official UAS/UGV device training of operators or observers.
- To assist with other types of Departmental training or for the creation of recruitment or marketing recordings or efforts for the city organization, only with approval by the Chief of Police or his or her designee.
- To assist another law enforcement or public safety agency in situations described above, with the approval of the watch commander.

613.6 PROHIBITED USE

The UAS/UGV device 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.
- To conduct personal business of any type
- Usage that does not comply with the 4th Amendment related to searches and seizures (See 613.3).

The UAS/UGV shall not be weaponized.

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613.7 COLLISION, DAMAGE, ACCIDENT, OR LOSS

Any member who crashes, is involved in an accident with, loses, or damages a UAS/ UGV device (to include any associated components or supporting equipment) shall immediately report such incident or damage to a supervisor.

The member shall provide enough basic information to help the supervisor determine if there is a need to search for injured persons, inspect other damaged property, or decide how best to locate or retrieve the UAS/UGV device.

613.8 MAINTENANCE AND INSPECTIONS

All UAS/UGV devices shall be regularly inspected, tested, and maintained in accordance with manufacturer recommendations.

Any malfunctions or defects that may affect the safe operation of a UAS/UGV shall be reported promptly to the Program Coordinator, and the UAS/UGV shall be taken out of service until repairs are made.

613.9 REPORTING, DOCUMENTATION AND REVIEW

Any deployment or use of UAS/UGV devices shall be documented, including the rationale for deployment and outcomes in compliance with the Military Equipment Use Policy 709.

The Department shall periodically review the effectiveness and compliance of this policy and make necessary revisions to ensure its continued alignment with best practices and legal requirements.

613.10 RETENTION OF UAS/UGV DATA

Data collected by the UAS/UGV shall be retained as provided in the established records retention schedule.