

# 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.

## 606.2 POLICY

Unmanned aerial systems may be utilized to enhance the Sheriff's Office 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. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

## 606.4 PROGRAM COORDINATOR

The Sheriff 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, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for office operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and office-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 authorization of the Sergeant or OIC.

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- 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.
- 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 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 annual reports on the program to the Sheriff.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

### 606.4.1 OPERATOR

The operator's role is to safely operate the UAS in accordance with all applicable laws and policies.

- The operator may reject a flight based on personnel safety or violation of FAA regulations.
- The operator shall be responsive to requests and input from the observer in order to accomplish the safe and effective deployment of the UAS.
- Operators are responsible for mission documentation and updating the flight book.

### 606.4.2 OBSERVER

The observer's role is to assist in the safe and effective operation of the UAS. Whenever possible an observer will be utilized.

The observer shall:

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- Assist the operator in avoiding obstacles and other aircraft.
- Assist the operator in the operation of any attachments to the UAS.
- Remain alert for safety issues surrounding the operator and observer.
- Handle radio communications.

### **606.5 USE OF UAS**

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

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. Operations can include:

- Crime scene documentation as well as lawful surveillance activities.
- Search and rescue missions.
- Mutual aid requests provided the request is consistent with the standards set forth in this policy.
- UAS demonstrations to educate the community about the capabilities of the UAS or gathering media for public outreach campaigns in accordance with the privacy section of this policy.
- To support tactical objectives and should be considered as a resource in any tactical planning. Deployments inside buildings will be subject to the restrictions currently in place for deploying robots, pole cameras, and other observation devices utilized by the Special Enforcement Detail (SED). Use of an UAS in this capacity must be authorized by the SED team commander.
- Utilization in an effort to protect members from unnecessary exposure to danger and minimize risk of injury to bystanders, law enforcement and suspects, and to enhance the likelihood of bringing peaceful resolution to potentially deadly or dangerous incidents.

### **606.6 CALL-OUT PROCEDURE**

- (a) The Sergeant or Officer in Charge (OIC) shall make a request directly to qualified UAS member(s) to respond and deploy the UAS.
- (b) The UAS team members will handle all UAS operations, notifications and all necessary pre-flight guidelines as specified in the UAS Operations Guidelines.
- (c) Mutual Aid - The requesting agency's Sergeant or Officer in Charge (OIC) shall make a request via dispatch to the Nevada County Sheriff's Office patrol shift supervisor for qualified UAS Team members to respond and deploy the UAS.

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### **606.7 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.
- To conduct personal business of any type.

The UAS shall not be weaponized.

### **606.8 RETENTION OF UAS DATA**

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

### **606.9 CATEGORIZATION OF UAS DATA**

UAS data should be divided into to three categories for the purposes of Public Records Act Disclosure:

- Footage that is part of an investigatory file - UAV footage from calls for service that result in a law enforcement investigation (i.e., a case number was assigned).
- Footage of investigations - Investigations undertaken for the purpose of determining whether a violation of law may occur or has occurred.
- Footage of factual inquiries - Use of a UAS of using a drone to make a factual inquiry to determine what kind of assistance is required, not to investigate a suspected violation of law. This category is typically used for agencies using UAVs as a first responder program to determine what type of response is most appropriate.

Once categorized, the release of UAS data will be completed according to current case law regarding the California Public Records Act.