

# Uncrewed Aerial Systems

## 610.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an uncrewed aerial system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS.

### 610.1.1 DEFINITIONS

Definitions related to this policy include:

- (a) Certificate of Authorization (COA): Given by the Federal Aviation Administration (FAA) and grants permission to fly the UAS within specific boundaries and parameters.
- (b) City: The City of Oxnard
- (c) Part 107: A set of standards set by the FAA that regulates the operations of uncrewed aircraft operated by commercial and public operators.
- (d) UAS Unit Observer: A member of the Oxnard Police Department, Oxnard Fire Department, or other designated City employee who is trained and authorized to maintain observation of the UAS while in flight.
- (e) UAS Unit Pilot: A member of the Oxnard Police Department, Oxnard Fire Department, or other designated City employee who is trained, certified and authorized to control a UAS during flight.
- (f) Uncrewed Aerial System (UAS): An uncrewed aircraft of any type that is capable of sustaining direct flight, whether pre-programmed or remotely controlled, and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means. UAS are commonly referred to as uncrewed aerial vehicles (UAV) or "drones."
- (g) Uncrewed Aerial Vehicle (UAV): a small, uncrewed aircraft weighing less than 55 lbs.

## 610.2 POLICY

It is the policy of the Oxnard Police Department to use uncrewed aerial systems to enhance the Department's ability to protect lives and property, and document crime scenes and collision scenes, and perform a variety of flights that promote public safety and public service. UAS Unit flights will be accomplished efficiently and safely while respecting the law and the privacy of the public. All UAS applications will obey Federal, State and City laws, and shall respect Constitutional rights, privacy rights, search and seizure regulations, and Federal Aviation Administration (FAA) regulations.

## 610.3 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.

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Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

### **610.4 UAS UNIT PERSONNEL**

The UAS Unit is a collateral assignment that includes both sworn and civilian personnel from the City. Regardless of which City department the personnel belong to, all UAS Unit personnel shall abide by this policy.

#### **610.4.1 UAS UNIT COMMANDER**

The Chief of Police will designate a Police Commander, who will be responsible for the oversight and management of the UAS Unit. The UAS Unit Commander 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 pilots and required observers have completed all required FAA and Department-approved training in the operation, applicable laws, policies, and procedures regarding the use of a UAS.
- Managing protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during developing incidents. Deployment of a UAS shall require the written authorization of the UAS Unit commander or the authorized designee, depending on the type of flight. Written authorization may include text, email or electronic format.
- Managing a protocol for assisting criminal investigations with the use of a UAS.
- Managing protocol for public notification of UAS deployment, and ensuring that proper public notifications are made when appropriate.
- Managing protocol governing the deployment and operation of a UAS including, but not limited to: safety oversight, use of visual observers, the establishment of UAS contingency procedures, and ensure communication with air traffic control facilities.
- Managing protocol for fully documenting all UAS flights.
- Managing UAS inspection, maintenance, and record-keeping protocol to ensure the continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Managing protocols to ensure that all UAS obtained 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 the 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.
- Managing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.

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- Facilitating law enforcement access to images and data captured by the UAS.
- Serving as the official custodian of records for UAS obtained data or imagery, and responsible for the review and processing of such data pursuant to requests for records (e.g public records requests, subpoenas, legal discovery, etc.).
- Recommending unit enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports to the Chief of Police.

#### 610.4.2 UAS SERGEANT

The UAS Unit Commander shall assign a Police Sergeant to serve as the supervisor of the UAS unit. The sergeant is responsible for the following:

- Ensuring that all flight operations personnel understand and adhere to applicable regulatory requirements, standards, and organizational safety policies and procedures concerning UAS operations.
- Observing and controlling safety systems by monitoring and supervision of UAS pilots and observers.
- Monitoring pilot/observer performance compliance with organizational goals, objectives, and regulatory requirements.
- Maintaining standards and the practices of UAS Unit personnel.
- Ensuring that the UAS safety officer receives the proper training to fulfill the duties of this role.

#### 610.4.3 UAS PILOTS

- To be considered for selection as a UAS pilot, applicants must be in good standing with the Oxnard Police Department and meet any other standards required by the UAS Commander. City personnel from outside the Police Department must also be in good standing with their own department.
- A UAS pilot's primary duty is the safe and effective operation of the Oxnard Police Department's UAS in accordance with manufacturers' approved flight manual, FAA regulations, and agency procedures. Pilots must remain knowledgeable of applicable FAA regulations; the UAS manufacturer's flight manual, and the Oxnard Police Department's UAS manual, in addition to this policy.
- Pilots must maintain a valid FAA Part 107 certificate.
- In order to fly a flight (other than flights required for initial training or currency), pilots must have completed department required UAS training, as may be modified from time to time, including three (3) UAS currency events, within the previous 90 days. Currency events include landings, takeoffs, and simulator flights.
- Night flights requirements are the same as those in subsection (d), but the currency events must be completed at night. A simulator may not be used to complete night currency.

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- UAS pilots may be temporarily removed from flight status at any time by the UAS Unit Commander, for reasons determined by the UAS Unit Commander. These reasons may include but are not limited to, performance, proficiency, and the like.

#### **610.4.4 UAS FLIGHT SAFETY OFFICER**

Safety is the responsibility of all UAS Unit members. A UAS unit member may be designated as the UAS flight safety officer. The position will be in addition to other duties. The flight safety officer's duties may include:

- Copy and circulate pertinent safety information.
- Assist the sergeant in debriefing training sessions with an emphasis on safety concerns.
- Periodically preparing a bulletin that contains reported safety-related problems and corrective actions taken. If there were any in-flight problems, the proper procedures for handling that problem will be discussed.

#### **610.4.5 FLIGHT OBSERVER**

The UAS Unit shall designate personnel to serve in the role of UAS Unit Flight Observer. The flight observer's primary purpose is to maintain UAS situational awareness and coordinate operations between the UAS and ground personnel.

- The flight observer(s) must have completed the mandatory flight observer(s) training set forth by the UAS Sergeant.
- In addition to the UAS Pilot, every UAS operation must have a UAS Flight Observer.

#### **610.5 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.

#### **610.5.1 AUTHORIZED UAS FLIGHT TYPES**

UAS are intended to serve as a benefit to public safety and/or public service, improve operational safety, or help manage incidents or events. Authorized UAS use is permissible only in areas where there is no protectable privacy interest at issue, when in compliance with a search warrant or court order, or in emergency or exigent circumstances.

Authorized UAS flight types include:

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- (a) **INCIDENT DOCUMENTATION:** This includes the use of UAS to photograph or diagram scenes of traffic collisions, crime scenes, critical incidents, or such events deemed necessary due to their size, scope, or complexity. Use of UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.
- (b) **FIELD OPERATIONS SUPPORT:** This policy authorizes the use of UAS to assist first responders in the course of their duties for the purpose of increasing safety, reducing the risk of injury to officers, suspects, and bystanders, and to increase the likelihood of bringing incidents to successful resolutions. General examples of such use include: responding to calls for service, providing overwatch, assisting with directed (specific purpose) patrol efforts, and assisting field personnel in the performance of their duties. Specific scenario examples include, but are not limited to assisting with: perimeter searches for suspects, suspect apprehensions, contacting barricaded and/or suicidal persons, and hostage situations. This flight type does not authorize the UAS to perform random patrol functions. Use of UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.
- (c) **TACTICAL OPERATIONS SUPPORT:** This policy authorizes UAS deployment as part of a SWAT or tactical operation. Deployments inside buildings or other structures shall be subject to the restrictions currently in place for deploying robots, pole cameras, and other observation devices utilized by SWAT, to include search warrant requirements. Use of UAS in this capacity must be authorized by the UAS Sergeant or higher.
- (d) **INVESTIGATIVE SUPPORT:** This policy authorizes the use of UAS to support the furtherance of a criminal investigation in which there is probable cause to believe that: use of UAS will capture images of a place, object, condition, behavior or event, and those images support to corroborate that a felony has been committed, or tends to show that a particular person committed a felony. Use of UAS in this capacity must be authorized by the UAS Unit Commander or higher.
- (e) **AREA SEARCHES:** This policy authorizes the use of UAS to conduct area searches, such as for missing persons or evidence in areas that are unsafe to traverse or are inaccessible. Use of the UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.
- (f) **SEARCH AND RESCUE:** This policy authorizes the use of UAS to conduct area searches and assist rescue operations for persons in areas that are unsafe to traverse, expansive or are inaccessible. Use of UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.
- (g) **EXPLOSIVE DEVICE INVESTIGATION SUPPORT:** This policy authorizes the use of UAS to assist personnel who are investigating a possible explosive device. Reasonable suspicion that the device may be explosive, and that use of the UAS will reduce the hazard to personnel and the public is required. Use of the UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.
- (h) **HAZARDOUS MATERIAL RESPONSE OPERATION SUPPORT:** This policy authorizes the use of UAS to assist personnel who are investigating a possible hazardous material situation. Reasonable suspicion that the substance may be hazardous material, and that use of the UAS will reduce the chance of death or injury

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to personnel and the public is required. Use of UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.

- (i) **ILLEGAL FIREWORKS DETERRENCE AND ENFORCEMENT:** This policy authorizes the use of UAS to address the illegal use of fireworks. The UAS primary role is to identify locations where illegal fireworks are ignited and/or detonated. Use of UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.
- (j) **FIREFIGHTING OPERATION SUPPORT:** This policy authorizes the use of UAS to support firefighters in their effort to contain and extinguish a fire. Use of UAS in this capacity must be authorized by the UAS Unit Commander or higher.
- (k) **FIRE INVESTIGATION SUPPORT:** This policy authorizes the use of UAS to support firefighters in their effort to investigate the cause or origin of a fire. Use of UAS in this capacity must be authorized by the UAS Unit Commander or higher.
- (l) **DISASTER / MASS CASUALTY EVENT RESPONSE AND RECOVERY OPERATION SUPPORT:** This policy authorizes the use of UAS to support the response to a disaster (natural or man-made) or mass casualty event, for the purpose of assessing the incident, coordinating the deployment of involved resources, and gathering information for safety purposes. In such events, UAS may be used to assist in the process of locating and recovering casualties. Use of UAS in this capacity must be authorized by the UAS Unit Sergeant or higher.
- (m) **EVENT PLANNING AND MANAGEMENT:** This policy authorizes the use of UAS to assist in the planning of events, namely those that cover large areas, and have significant vehicular or pedestrian counts. UAS may be used to monitor traffic flow and patterns, as well as that of crowds, as well as suspicious behavior. Use of UAS in this capacity must be authorized by the UAS Unit Commander or higher.
- (n) **AERIAL SURVEYING AND GEOGRAPHIC INFORMATION SYSTEMS (GIS) SUPPORT:** This policy authorizes the use of UAS to perform mapping and surveying functions related to the City's geographic information systems. Use of UAS in this capacity must be authorized by the UAS Unit Commander or higher.
- (o) **BUILDING AND PUBLIC WORKS INFRASTRUCTURE SUPPORT:** This policy authorizes the use of UAS to support public works functions, including but not limited to inspections/assessments of buildings, infrastructure, and traffic engineering. Use of UAS in this capacity must be authorized by the UAS Unit Commander or higher.
- (p) **TRAINING:** Regular and ongoing training is required for all UAS Unit personnel that perform in the role of UAS Pilot.
- (q) **MUTUAL SUPPORT:** This policy authorizes the use of UAS to provide mutual aid to other jurisdictions when requested. The requested flight must fall within the authorized flight types that are outlined in this policy.

In circumstances outside of the scope of this policy, personnel should consult with the City Attorney's Office prior to engaging in UAS use.

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#### **610.5.2 ASSISTING OTHER CITY AGENCIES**

A UAS may be deployed to assist another City agency as long as the deployment is authorized by the UAS Unit Commander or higher, and the UAS is operated in accordance with this policy.

#### **610.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used for:

- Conducting random patrol or surveillance activities.
- Monitoring a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- Harassing, intimidating or discriminating against any individual or group.
- Conducting personal business of any type.

No Department UAS shall carry weapons or armament of any kind.

#### **610.7 UAS OBTAINED DATA**

All UAS flights, excluding training flights, shall be recorded in their entirety. All such recordings shall be deemed as Department property, and retained by the Department per an established retention schedule.

- (a) Employees shall not retain recordings of activities or information obtained during an on-duty UAS deployment. Employees shall not duplicate or distribute such recordings, except for authorized legitimate Department business purposes. Unless for official business, recordings of any type shall not be posted to or distributed via the internet, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video or other file sharing sites without prior approval from the Chief of Police.

#### **610.8 TRAINING WITH UAS VIDEO FILES**

Video files and images from a UAS deployment may serve as a training tool for individuals, specific units, and the Department. Department members recommending utilization of a UAS video file for training purposes will submit the recommendation for the approval through the chain of command to their Division Commander, who will present the request to the UAS Unit Commander.

#### **610.9 FLIGHT LOGS**

Each UAS Pilot will maintain a standardized flight log. Following the completion of any flight, pilots will log the date, flight time and locations of all UAS deployments. All UAS Flight logs shall at a minimum note: case number, incident type, purpose of flight, duration of flight, maximum altitude, and specify whether automated flight or manual flight.

#### **610.10 RETENTION OF UAS DATA AND RECORDS**

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

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- (b) All data collected shall be retained for a period consistent with the requirements of the Department's records retention schedule, but in no event for a period less than 2 1/2 years.
- (c) Any recording associated with a criminal case will be retained in the same manner as evidence for that case, but shall not be purged prior to 2 1/2 years.
- (d) All UAS flight logs shall be retained as provided in the established records retention schedule.

#### **610.11 RELEASE OF RECORDINGS**

Recording made using any City-owned UAS pursuant to this policy are deemed as Department and City records, and may only be released as provided in Policy Manual § 810 (Release of Records and Information) or for other authorized legitimate Department business purposes.

#### **610.12 REVIEW OF RECORDED MEDIA FILES**

- (a) When preparing written reports or for oral statement or testimony, employees may review UAS recordings as a resource. However, employees should not use the fact that a recording was made as a reason to write a less detailed report. The UAS Unit Commander or Sergeant may routinely inspect recordings, provided that the inspections are reasonable, conducted in good faith, and not for the sole purpose of searching for violations of Department policy or law not related to a specific complaint or incident. Recorded files may also be reviewed:
  - 1. By an employee, his or her attorney or representative, who is participating in, as a subject or witness, an official investigation, such as a personnel complaint, administrative investigation or criminal investigation, if the subject officer's image or voice is captured on the recorded file or the officer was present during the incident.
  - 2. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
  - 3. By media personnel with permission of the Chief of Police or the authorized designee.
  - 4. In compliance with a public records request, if permitted, and in accordance with Policy Manual § 810.