
Unmanned Aerial Systems

606.1 PURPOSE AND SCOPE

The purpose and scope of this policy is to set guidelines for approved uses, training and care for an Unmanned Aerial Systems (hereinafter referred to as UAS) as well as storage, retrieval and dissemination of images and data captured by the UAS. The mission of the Sheriff's Office UAS program is to provide Deputies with the ability to make observations from an overhead, aerial position and provide vital updates to assisting first responders in the public safety missions defined herein. Balancing public safety and community privacy interests shall be of paramount concern in every operation.

UAS are defined as "military equipment" pursuant to Assembly Bill 481 and this equipment falls under the umbrella of General Order #10.08 [Military Equipment Funding, Acquisition, and Use Policy]. As such, this policy will set forth parameters to ensure compliance with statutory requirements and other established Sheriff's Office policies and procedures. Additionally, the use of UAS will be in strict accordance with State and Federal Laws as well as compliance with Federal Aviation Administration (FAA) and County Policies.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial Systems (UAS) - An unmanned aircraft of any type that is capable of sustaining direct flight, whether preprogrammed or remotely controlled, and all of the supporting or attached systems designed for gathering information through imaging, recording or other means.

Unmanned Aerial Systems (UAS) Team - A designated specialized unit of Sheriff's personnel that is specifically trained and equipped to respond to designated incidents utilizing UAS to provide an aerial perspective that cannot otherwise be seen by those on the ground.

Operator - A person exercising control over UAS during flight.

Visual Observer - Personnel responsible for the visual observation of UAS while in flight. The visual observer will alert the operator of any conditions (obstructions, terrain, structures, air traffic, weather, etc.) which may affect the safety of flight. The visual observer will be responsible for all aviation related communications required by the Federal Aviation Administration (FAA). To accomplish this, the visual observer will be in close proximity to the operator to ensure timely relaying of information. All operators should operate UAS with the assistance of a visual observer if one is available and as soon as possible.

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Federal Aviation Administration (FAA) Part 107 - Under FAA Part 107, an operator must hold a current remote pilot airman certificate with a UAS rating or be under the direct supervision of a person who holds such a certificate to operate the controls of UAS.

Certificate of Authorization (COA) - Permission granted by the FAA for a public safety agency to fly UAS within specific boundaries and parameters.

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 UAS will be in strict accordance with constitutional and privacy rights and FAA regulations. It shall be the policy of this department to maintain the Sheriff's Office UAS team and to provide the equipment, manpower, and necessary training. Sheriff's Office UAS shall only be flown by trained and certified personnel.

The UAS team shall be available to assist with law enforcement responses to emergencies or high-risk missions in order to preserve public and officer safety. The UAS team shall follow all established department policies and procedures as well as abide by all federal guidelines.

606.3 PRIVACY CONSIDERATIONS

The use of UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and 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 AUTHORIZED USES OF UAS

Any use of UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. UAS operations should be conducted in accordance with FAA approval.

It shall be permissible to use UAS for:

- (a) Public safety and life preservation missions including active shooters, mass casualty incidents, hostage rescue operations, barricaded subject operations, apprehension of armed and dangerous fleeing suspects, and high-risk warrant services when its use would improve the likelihood that an incident would be resolved without the use of deadly force or other force options as determined by the authorizing person;

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- (b) Natural disaster response and management;
- (c) Missing or lost persons location missions;
- (d) Search and Rescue (SAR) missions;
- (e) Crime scene/traffic collision documentation;
- (f) Explosive device or hazardous materials mitigation;
- (g) Citizen or law enforcement rescue operations;
- (h) Terrorism response operations;
- (i) Warnings to cease and desist or identify a person who is operating a UAS in a manner which impedes emergency personnel who, in the course of their duties, are coping with an emergency [Penal Code 402(a)(1)];
- (j) Pursuant to a search warrant;
- (k) Perimeter security of the County Jails to prevent and/or assist with the investigation of escape attempts or contraband being thrown into the facilities from the outside;
- (l) High-risk security operations and dignitary protection details;
- (m) Monitoring protests and demonstrations for brief periods of time to assess if any crimes have been committed to maintain a balance of constitutional rights with preservation of life and property interests only after concerns or complaints have been reported to the Sheriff's Office. This provision provides the Sheriff's Office the ability to uphold duties and obligations of public safety without requiring the immediate presence of uniformed personnel at the scene, which can have an aggravating or escalating effect on an otherwise peaceful and lawful gathering;
- (n) Provide public safety announcements to the public or residents in areas that may be affected or need to evacuate due to inclement weather or emergencies such as flooding, wildfires or mudslides.
- (o) Reconnaissance for high-risk or tactical operations that does not infringe upon the reasonable expectation of privacy;
- (p) 3D mapping of critical infrastructures or locations used for large scale public events;
- (q) Training missions to meet Federal Aviation Administration (FAA) and departmental regulations/certification standards;
- (r) To take departmental images and videos for public safety advisements or

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recruitment media; and

- (s) In support of other law enforcement agencies or fire departments when the underlying mission meets the uses outlined in this policy as detailed in Allied Agency Request below.

606.5 PROHIBITED USES OF UAS

It shall not be permissible to use UAS:

- (a) For activities that do not have a legitimate public safety purpose as outlined above in the authorized use section;
- (b) 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;
- (c) To harass, intimidate, or discriminate against any individual or group;
- (d) To conduct personal business of any type;
- (e) As a weapon or be weaponized in any form;
- (f) With integrated facial recognition or biometrics technology; and
- (g) If the use does not conform with Sheriff's Office Policy and Procedure or FAA Regulations.

606.6 TEAM ORGANIZATION AND COMMAND STRUCTURE

(a) **Captain of Special Enforcement**

The Captain of the Special Enforcement Division is responsible for overall command of UAS team. The Special Enforcement Captain provides authority for all efforts necessary to resolve the event and authorizes all actions. The funding, development, training, and utilization will be directed and assured by the Special Enforcement Captain.

(b) **UAS Commander – Lieutenant (Collateral Assignment)**

The UAS Commander is responsible for the overall direction and management of the UAS team. The commander will have the following oversight and tasks:

1. Ensuring the tracking of data surrounding uses for mandated reporting (as discussed in the "Training and Deployment Records" section below);
2. Approving, reviewing, and ensuring compliance of all team policies, procedures, duties, and orders;

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3. Ensuring completion of continuous and specialized training as well as team member evaluation;
4. Responsible for the selection and training of new members;
5. Ensuring the team maintains the highest standards possible and is responsible for individual member's conduct; and
6. Reporting to the Special Enforcement Captain.

(c) UAS Coordinator (Collateral Assignment)

The UAS Coordinator will provide oversight for the UAS team. The coordinator must be the rank of Sergeant and will be selected based on knowledge and experience. The coordinator will have the following responsibilities:

1. Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current;
2. Ensuring that all authorized operators and required observers have completed all required FAA and department approved training in the operation of the UAS, and that the operators comply with all applicable laws, policies, and procedures regarding use of the UAS;
3. Maintaining contact with the FAA and familiarity with the pertinent FAA regulations;
4. Implementing a UAS inspection, maintenance, and record keeping protocol to ensure continuing airworthiness of the UAS fleet, up to and including its overhaul or life limits;
5. Maintaining the proper documentation of all required training and missions reporting (as discussed in the "Training and Deployment Records" section below);
6. Provides oversight in mission planning and operations;
7. Preparation of a yearly training schedule for the team based on a training needs assessment with approval through the UAS Commander;
8. Ensuring that all members are aware of the dates, type, and locations of training;
9. Ensuring there is an accurate record of all team training performance, which will contribute to a reduction in liability and enhanced safety through early identification and resolution of non-proficiencies;

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10. 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;
11. Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules;
12. Recommending program enhancements, particularly regarding safety and information security; and
13. Ultimately responsible for all team members' equipment, equipment records, and inspections of equipment, logs, and personnel.

(d) **UAS Operators**

The UAS team is made up of personnel across different Sheriff's Office divisions to provide a variety UAS support services and to perform various tasks as outlined in this policy under authorized uses. Operators directly report to the UAS Coordinator. Each operator is responsible for his/her compliance with department and UAS policies and procedures. Operators and their equipment are to be ready at all times to respond to a mission or training. Each operator will follow and complete all tasks, duties, and lawful orders as directed by the UAS Commander, UAS Coordinator, or ranking operator. UAS operators are responsible for maintaining all training and certification required in this policy and required by law. As much on-duty time as possible should be made available to develop proficiency in the use of UAS.

(e) **Visual Observers**

Visual observers who have not yet be certified as report operators shall complete the Santa Clara County Sheriff's Office visual observer certification course and be approved by the UAS Commander. Visual observers must have completed sufficient training to communicate to the pilot any instructions required to remain clear of conflicting traffic, hazards, or obstructions.

606.7 UAS TEAM PERSONNEL SELECTION

Interested sworn personnel who are off probation and have at least one year of patrol time shall submit an interest memorandum, resume and supervisor/administrator letter of recommendation to the Personnel Division during the posted selection period. Those qualifying applicants will then be invited to participate in the testing process. The selection process will include one or more of the following: application review, administrative review, practical exercise, written exercise and/or oral interview to assess a candidate's

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acceptability for this position.

606.8 TRAINING REQUIREMENTS AND CORE COMPETENCIES

- (a) All department UAS will only be operated by personnel who have been trained in the operation of the system, maintain FAA certification, possess a current FAA Part 107 certificate with a UAS rating, and are authorized by the UAS Commander and/or UAS Coordinator.
- (b) All agency personnel with UAS responsibilities will be provided training in the regulations governing UAS use.
- (c) Visual observers who have not yet been certified as remote operator shall complete the Santa Clara County Sheriff's Office visual observer certification course and be approved by the UAS Commander.
- (d) Visual observers must have completed sufficient training to communicate to the pilot any instructions required to remain clear of conflicting traffic. This training at a minimum, shall include knowledge of the rules and responsibilities described in 14 CFR 91.111, Operating Near Other Aircraft; 14 CFR 91.113, Right of Way Rules, and 14 CFR 91.155, Basic VFR Weather Minimums; knowledge of air traffic and radio communications, including the use of approved ATC/pilot phraseology; and knowledge of appropriate sections of the Aeronautical Information Manual.

606.9 RECURRENT TEAM TRAINING

- (a) To maintain a level of proficiency, operators shall be required to attend regular training. Training will be coordinated through the UAS coordinator.
- (b) All operators shall maintain proficiency in their pilot/observer abilities. Operators who do not have any documented training or flight time within a span of 6 months will need to demonstrate proficiency before being a pilot during a deployment or exercise.
- (c) Recurrent training is not limited to actual piloting skills but includes knowledge of all pertinent UAS/aviation matters.
- (d) Failure to demonstrate proficiency or follow department policies can result in removal from the voluntary UAS program. UAS core competencies are perishable. All operators shall participate in documented monthly training to maintain individual and team core competencies as determined by the type of missions and operations performed. These recurrent trainings shall be documented in both a training report and a training flight log. The training report should include a roster of participants, topics covered, and lessons learned in UAS.

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606.10 TRAINING AND DEPLOYMENT RECORDS

- (a) All operators will have a training file on record that details training history. This training file will be maintained by the UAS Coordinator and made available for inspection upon request. All operator certifications will be included in the employee's training files at the Training and Professional Development Division.
- (b) All deployments or exercises will be documented in a flight log that is maintained by the UAS Coordinator and assured by the UAS Commander.
- (c) It is the individual UAS Operator's responsibility to verify his/her training file and training logs reflect all pertinent and required documentation.

606.11 MINIMUM PERSONNEL REQUIREMENTS

- (a) Due to the nature of the law enforcement mission, the suggested minimum personnel on authorized UAS missions is two, a pilot and observer. However, an operator may launch his/her UAS without a visual observer to maintain operational visibility of the scene in exigent circumstances or if a trained observer is unavailable to respond. A visual observer should accompany the operator as soon as reasonably possible.
- (b) Although training is not considered a mission, it is best practice to use a visual observer whenever possible.

606.12 CRITERIA AND PROCEDURES FOR ACTIVATION AND DEPLOYMENT

The UAS team has a preflight mission assessment checklist and will evaluate risks associated with pre-planned or exigent circumstances. The purpose of the preflight assessment is to identify potential hazards (weather, airport airspace, UAS flight worthiness inspection, etc.), ensure flights are within department policy and FAA regulations, to help reduce risk, and ensure the proper personnel are utilized for the event. This process ensures the decision to deploy a UAS is made using objective, defensible, and clearly articulated criteria.

606.13 ALLIED AGENCY REQUEST

When the UAS team provides mutual aid to another law enforcement agency, UAS personnel and resources will be coordinated, directed, and managed through the Incident Commander for the agency of jurisdiction in conjunction with the UAS Program Coordinator or the on-duty Patrol Lieutenant. The following guidelines will safeguard against requests that explicitly violate Sheriff's Office policy or prohibited uses of Sheriff's Office "military equipment" when providing mutual aid:

- (a) UAS operators shall always adhere to Sheriff's Office policies regardless of an outside request to operate the UAS in a manner in violation of Sheriff's Office policy.

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- (b) UAS operators and equipment shall not be used if the mutual aid request is in violation of Sheriff's Office policies.
- (c) The UAS Coordinator or designated UAS liaison deputy will be assigned and remain with the allied agency's Incident Commander for the duration of the involvement by the UAS team.
- (d) The UAS Coordinator or their designated UAS liaison deputy will assist with the coordination of assets and maintain a level of oversight with respect to Sheriff's Office policies.

606.14 REQUEST FOR DEPLOYMENT AND RETROACTIVE APPROVALS

- (a) Requests for a UAS deployment outside of preplanned operations will be made to the UAS Commander, UAS Coordinator, on-duty watch commander, or on-duty supervisor.
- (b) During exigent situations, appropriately certified operators may deploy their UAS for missions authorized within this general order prior to seeking approval. Upon successful completion of the mission, or as soon as practical, the operators will notify the appropriate command staff via their chain of command (i.e. on-duty supervisor, on-duty Watch Commander, UAS Coordinator, UAS Commander, etc.).
- (c) UAS operators are authorized to evaluate and accept or decline any mission or portion thereof due to policy or safety concerns or other FAA requirements.
- (d) After an exigent UAS deployment, the UAS Coordinator will review the incident to determine if the facts and circumstances at the time of the deployment met the threshold on an authorized use. The UAS Coordinator will document his/her findings, and if a policy violation is suspected, the UAS Coordinator will coordinate with the UAS Commander to take the appropriate action pursuant to the department's disciplinary policy (General Order #11.03).

606.15 DATA RETENTION AND PROCESSING

- (a) Upon completion of each UAS mission, the digital evidence captured shall be reviewed by the UAS Operator and/or UAS Coordinator to evaluate for evidentiary value. Data of identifiable individuals captured during a UAS mission shall not be retained unless there is evidence of criminal activity relevant to the initial deployment. The only approved deviation from this provision is when an active crime against a person, such as a robbery or domestic violence incident, is observed and immediate law enforcement intervention is required. All digital evidence in compliance to the parameters above shall be downloaded and retained per Department policy.

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- (b) Digital evidence (still or video) obtained by UAS operators will be submitted to evidence in accordance with department policies and procedures.
- (c) If a California Public Records Act (CPRA) request or subpoena is submitted for system data, the Sheriff's Office shall consult with the Office of County Counsel to determine whether the requested data is exempt from disclosure or is legally required to be disclosed, and the department shall respond to requests in compliance with applicable law.
- (d) In an effort to maximize public transparency without jeopardizing the outcome of criminal investigations, certain UAS deployment data such as location, purpose of deployment and duration of deployment will be made public on the Sheriff's Office website.

606.16 USE OF VIDEO FOR TRAINING

- (a) Recordings may be used for training purposes if authorized by the UAS Commander.
- (b) If an involved employee objects to the use of a recording, the employee may object in writing through his/her chain of command to the Special Enforcement Captain or authorized designee to determine if the training value outweighs the employee's objection. In no event shall any recording be used for the purpose or ridiculing or embarrassing any employee.

606.17 POLICY REVIEW

This policy shall be reviewed and updated as necessary.

606.18 POLICY TRACKING

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Sheriff Robert Jonsen

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