

PLACER COUNTY SHERIFF'S OFFICE

POLICY MANUAL

TITLE: UNMANNED AERIAL SYSTEM

NO. 5-39

EFFECTIVE DATE: 05/08/2019

POLICY: The Placer County Sheriff's Office utilizes Unmanned Aerial Systems (UAS) in order to enhance the Office'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.

REFERENCES: 14 CFR part 107 – Small Unmanned Aircraft Systems

GENERAL INFORMATION:

I. PURPOSE:

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 captured by the UAS.

II. DEFINITIONS

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.

Unmanned aircraft (UA) – An aircraft that is intended to navigate in the air without an onboard pilot.

UA Flight Crewmember – A pilot, visual observer, or other person assigned duties associated with a UAS for the purpose of flight.

Unmanned Aircraft Pilot – A person exercising control over an unmanned aircraft during flight. The pilot will be ultimately responsible for the operation, and solely responsible for the input of commands/piloting during flight. The pilot will be certified in the operation of the UAS by successful completion of an approved training course. The pilot must meet standards required by the FAA, passing the required knowledge tests, and must keep any applicable aeronautical/UAS knowledge and certifications up to date. Pilots are authorized to evaluate and accept or decline any mission, or portion thereof, due to safety concerns.

III. PRIVACY

- A. UAS commanders, operators, and observers will consider the protection of individual civil rights and the reasonable expectation of privacy as a key component of any decision made to deploy the UAS. Each UAS operator and observer will ensure that operations of the UAS are consistent with local, state, and federal law.

- B. The use of the UAS involves potential 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 reasonable expectation of privacy (e.g., residences, yards, and enclosures). 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 deactivating the recorder or turning imaging devices away from such protected areas or persons during UAS operations.

IV. USE OF UNMANNED AERIAL SYSTEMS

- A. Only authorized operators who have completed the required training shall be permitted to operate the UAS during approved missions.

- B. The UAS may be deployed, with Sergeant approval, when the situation requires a law enforcement response beyond the normal capabilities of patrol or investigations personnel. Additionally, the UAS may be deployed if the situation falls within the guidelines of the following authorized missions:
 - 1. Post incident crime scene preservation and documentation/photography.
 - 2. Explosive Ordinance Disposal (EOD) missions.

3. Response to hazardous material spills.
4. Search and rescue missions as defined in California Government Code §26614.
5. Public safety and life preservation missions to include: barricaded suspects, hostage situations, active shooter incidents, apprehension of an armed and dangerous and/or violent fleeing suspect, and high-risk search warrants.
6. Disaster response and recovery to include natural or human caused disasters, including a full overview of a disaster area for post-incident analysis and documentation.
7. Training missions as authorized by the FAA training Certificate of Authorization (COA).
8. To capture educational footage, and the imagery does not infringe upon the reasonable expectation of privacy *and* is following FAA regulations.
9. In response to specific requests from local, state, or federal fire authorities for fire response and prevention.
10. When there is probable cause to believe that:
 - a. The UAS will be recording images of a place, thing, condition, or event; and,
 - b. Those images collected would be relevant in proving that a certain felony had occurred or is occurring, or that a particular person committed or is committing a certain felony, and use of the UAS does not infringe upon the reasonable expectation of privacy.
11. Pursuant to a search warrant.
 - C. 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, court order, or where exigent circumstances exist.

V. PROHIBITED USE

- A. The UAS video surveillance equipment shall not be used:
 1. To conduct random surveillance activities.
 2. 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.
 3. To harass, intimidate or discriminate against any individual or group.
 4. To conduct personal business of any type.
- B. The UAS shall not be weaponized.

VI. DATA RETENTION AND PROCESSING

Upon completion of each UAS mission, the recorded data shall be reviewed and evaluated for evidentiary value. Data of identifiable individuals captured during a UAS mission shall not be retained unless there is reasonable suspicion that evidence of criminal activity is present. All retained data shall be maintained or destroyed, pursuant to the Placer County Sheriff's Office records retention and evidence policies, and in compliance with applicable laws and regulations.