

Policy 516- Public Safety Equipment/ Unmanned Aerial System (UAS) Operations

516.1 PURPOSE AND SCOPE

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This policy outlines the acquisition, descriptions, authority, funding, and use of specified safety equipment to be utilized by the Probation Department. It is intended to outline specific items deemed “military equipment” by the legislature, a procedure for approval, and a process for Placer County residents to voice any opinions and concerns they may have about the defined resources the Probation Department may use. This policy was written in response to Assembly Bill 481 and adheres to Government Code sections 7070-7075. The Professional Standards Unit will ensure agency compliance with the applicable laws and requirements related to AB 481. Additionally, 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.

516.1.1 DEFINITIONS

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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.

Military Equipment- “Military Equipment” or specified equipment as used in this policy, shall refer to the definitions as described in Government Code 7070(c) sections (1) through (16).

Governing Body- For this policy, per Government Code 7070 (a), the “governing body” pertaining to military equipment and the Probation Department is the Placer County Board of Supervisors (BOS) who are elected representatives of the citizens of Placer County.

Deployment and Use- For this policy, the deployment or use of the described equipment shall refer to the use of the referenced safety equipment for a lawful purpose. Training with the referenced items is excluded and will not be considered a “deployment” or “use” as referred to in Government Code section 7072.

516.2 POLICY

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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 a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

516.3 EQUIPMENT

DJI Mavic 2: Quantity 1. The Mavic 2 is a publicly obtainable (available for retail purchase by the public) Unmanned Aerial System (UAS). It is capable of 31 minutes of flight time with preprogrammed or remotely controlled flight. It can travel up to 5 meters/second and a maximum altitude of 6000 meters. It has a 12-megapixel photo/video camera capable of recording and live streaming, on a three-axis stabilizing gimbal.

The DJI Mavic 2 may be utilized for, but not limited to, visually identifying transient camps and public relations/video content. Expected lifespan for the Mavid 2 is 5-7 years. Initial cost of the drone is \$1059.63.

516.4 PRIVACY

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The use of the 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.

516.5 PROGRAM COORDINATOR

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The Chief Probation Officer may 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.
- 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 Probation Officer or the authorized designee, depending on the type of mission.
- 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 periodic reports on the program to the Chief Probation Officer.

516.6 USE OF UAS

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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 during daylight hours and a UAS should not be flown over populated areas without FAA approval

516.7 PROHIBITED USE

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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.

516.8 RETENTION OF UAS DATA

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After the use or deployment of the UAS, a "481 Deployment Report" will be completed. These reports will be collected annually and reviewed for the annual AB 481 Summary Report per Government Code 7072.