

Carlsbad Police Department

Policy Manual Special Order 2019-05

Pursuant to Carlsbad Police Department Policy 345, this Special Order becomes effective 10/1/19.

Updated Unmanned Aerial System (UAS) Operations Policy 345

345.1 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.

345.2 DEFINITION

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 the supporting or attached systems designed for gathering information through imaging, recording or any other means.

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

345.4 PRIVACY

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.

345.5 REGULATORY MANAGER

The Chief of Police will appoint a regulatory manager who will be responsible for the management of the UAS program. The regulatory manager will ensure that policies and procedures conform to current laws, regulations and best practices. The regulatory manager shall ensure that established protocols are followed by monitoring and providing bi-annual reports on the program to the Chief of Police. These reports shall include flight documentation, program training, and verification that all documentation has been completed appropriately.

345.6 UAS OPERATIONS REQUIREMENTS

- a) Prior to any flight, an operator shall verify that all FAA requirements are met.
- b) All authorized operators and required observers must have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.

Prior to any flight, an operator shall perform the following:

- 1. Conduct a parts check to ensure that all parts on the UAS are in good serviceable order.
 - 2. Ensure that the remote controller, flight battery, and mobile devices are properly charged.
 - 3. Ensure that the camera and gimbal are clear from obstructions and operate correctly prior to flight.
 - 4. Ensure that the propellers are secured properly and that the motors and propellers operate normally.
 - 5. Ensure that all software associated with the UAS is current.
 - 6. Ensure that the flight area is outside of no-fly zones and flight conditions are suitable for flying.
 - 7. Ensure that the operator is not flying under the influence of alcohol, drugs, or other substance that could impair the operator's cognitive abilities.
- c) Prior to flight all operators should use the appropriate UAS software checklist. If that checklist produces a total rating of 80 percent or greater for risk, the operator should get supervisor approval prior to flight.
 - d) After a completed flight, all operators shall conduct a post flight inspection that includes but is not limited to the following:
 - 1. Ensure that all power is off to the remote controller, flight battery and mobile devices.
 - 2. Inspect the drone for damage to include but not limited to landing gear, wiring to batteries, propellers and all connections.

3. Download and transfer all recorded data to the appropriate storage medium and storage platform.
 4. Verify that all logs, checklists and risk assessments are completed.
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- e) Fully document all missions in a department approved manner.
 - f) Conduct maintenance and properly document these inspections to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
 - g) 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 or when exigent circumstances exist.
 - h) UAS deployment should be considered when an aerial view would assist officers or incident commanders during the following:
 1. Accident investigations
 2. Missing person investigations
 3. Search and rescue operations
 4. Fires
 5. Disaster management
 6. Crime scenes
 7. Supporting criminal investigations
 8. Perimeter searches and security
 9. Enhanced situational awareness for officer and/or civilian safety
 10. UAS demonstrations
 11. Training

345.7 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- a. To conduct random surveillance activities.
- 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.

345.8 MEDIA STORAGE

All media will be stored in a secured area with access restricted to authorized persons. Any recording shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures. All recordings, that are not retained for evidence, shall be retained for a period of at least one year and should be stored in accordance to the Carlsbad Police Department's media storage policy.

345.9 REVIEW OR RELEASE OF VIDEO IMAGES

The review or the release of video images shall be done only with the authorization of the Chief of Police or his/her designee and only with the properly completed written request.

345.10 PUBLIC OR ANOTHER AGENCY REQUEST

Requests for recorded video images from other government agencies or by the submission of a court order or subpoena shall be promptly submitted to the Records Manager, who will promptly research the request and submit the results of such search through the Chief of Police to the City Attorney's office for further handling. Every reasonable effort should be made to preserve the data requested until the request has been fully processed by the City Attorney's office. Video images captured by UAS cameras that are requested by the public or media will be made available only to the extent required by law. Except as required by a valid court order or other lawful process, video images requested under the Public Records Act will generally not be disclosed to the public when such video images are evidence in an ongoing criminal investigation in which a disposition has not been reached.


Neil Gallucci, Chief of Police

10-01-19
Date