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## INTEROFFICE MEMORANDUM

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TO: ALL PERSONNEL  
FROM: ANDREW DALLY, CHIEF OF POLICE  
SUBJECT: DEPARTMENTAL DIRECTIVE 2 – UAS OPERATING PROCEDURES  
DATE: SEPTEMBER 29, 2023

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### **PURPOSE:**

The following procedures are intended to promote the safe, efficient, and lawful operation of the Capitola Police Department (CPD) Unmanned Aircraft System (UAS). Safety, above all else, is the primary concern in every operation, regardless of the nature of the mission.

### **GENERAL INFORMATION:**

It shall be the mission of those personnel of the CPD who are trained in the use of the UAS to use this resource to protect the lives and property of community members of Capitola and first responders in full compliance with applicable laws and regulations, including but not limited to applicable State and Federal Constitution and Federal Aviation Administration (FAA) regulations.

The use of a UAS can support first responders in situations which would benefit from an aerial perspective and enable responders to detect dangers that could otherwise not be seen. The UAS can also be utilized for approved training missions and demonstrations.

The FAA Modernization and Reform Act of 2012 provides for the integration of civil unmanned aircraft systems into national airspace. Federal law requires the Administrator of the FAA to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system.

Unless otherwise noted, the Chief's Designee for UAS operations shall be the Field Operations Commander.

### **DEFINITIONS:**

Unmanned Aircraft System (UAS):	Consists of the small unmanned aircraft, the command system, a secure control link, and other related safety support equipment.
Unmanned Aircraft Vehicle (UAV):	An aircraft that is intended to navigate in the air without an on-board pilot.
UAS Flight Crewmember:	A remote pilot, visual observer, or other persons assigned duties for a UAS for the purpose of flight.
Unmanned Aircraft Remote Pilot:	A person exercising control over unmanned aircraft during flight. The remote pilot will be ultimately responsible for the operation and solely responsible for the input of commands/piloting during flight. The remote pilot will be certified in the operation of the UAS by successful completion of an approved training course. The remote pilot must pass the required

knowledge tests and must keep his/her aeronautical knowledge up to date. Remote pilots are authorized to evaluate and accept or decline any mission or portion thereof due to safety concerns.

Certificate of Authorization (COA): Given by the FAA which grants permission to fly within specific boundaries, perimeters, and specified circumstances.

Visual Observer: A visual observer is responsible for the visual observation of the UAS while in-flight. A visual observer aids in maintaining visual observation of the UAS while in flight and alerts the remote pilot of any conditions (obstructions, terrain, structures, air traffic, weather, etc.) which affects the safety of flight. A visual observer will have communication capabilities compliant with FAA regulations to be able to communicate with the remote pilot. A visual observer will be another certified unmanned aircraft pilot, individual previously trained in the responsibilities of a visual observer, or individual provided a briefing of their responsibilities by the remote pilot in command prior to the flight.

## **PROCEDURE:**

### Training and Demonstrations

1. The UAS Program Coordinator, or their designee, will be responsible for scheduling regular team training days throughout the year. The training dates will be provided in advance to the UAS commander for approval. Flight during these training days is considered authorized.
2. Demonstrations of the operation of the drones may be authorized by the UAS Program Coordinator, or other supervisor at the rank of Sergeant or higher.

### Pre-Planned Mission Request

1. Requests for a pre-planned UAS unit utilization should be made to the UAS Program Coordinator. When the UAS Program Coordinator is not on-duty, requests should be made to the on-call Captain.
2. Missions which are planned to be executed based upon information learned and acted on within the same day, shift, contiguous shift, or ongoing fresh investigation are considered on-duty active missions regardless of the extent to which the mission was planned prior to execution.

### On-Duty Active Mission Authorization

1. A UAS may be deployed during on-duty active incidents and during emergency incidents when a certified remote pilot is available, and the utilization would be beneficial in advancing a law enforcement objective. The deploying remote pilot is responsible for ensuring the deployment is in compliance with this directive, department policy and FAA regulations.

Except during emergency circumstances, the remote pilot must verbally notify the Watch Commander or shift supervisor prior to the deployment of the UAS. During emergency circumstances, notification of the deployment of the UAS should be made as soon as practicable. Emergency deployments may include, but are not limited to, activities such as flying into a location which is believed to be guarded by an armed suspect

to delivering medical or other supplies to an injured or secluded person, gaining intel on the location of a suspected armed suspect, and/or gaining visual of an unresponsive person.

### Indoor Operations

1. Missions which are completely conducted indoors or are primarily intended to be conducted indoors with an original deployment location outside of the intended structure to be flown in are considered indoor operations.
2. Other than approved training or demonstrations, flight of a drone indoors shall only be conducted under emergency circumstances for life preservation purposes, or with the prior verbal approval of a supervisor.
3. Once inside a structure, the operation of an UAS is not governed by FAA regulations. However, all indoor operations must still be conducted in compliance with applicable sections of this directive and department policy, including being conducted by trained remote pilots.

### Mission Operations

1. When the UAS is being flown, operators will take steps to ensure the camera is focused on the areas necessary to the mission and to minimize the inadvertent collection of data about uninvolved persons or places.
2. The use of the UAS will be limited to the authorized missions described herein.
3. The UAS will not be equipped with any weapons.
4. The authorized missions for the CPD UAS include but are not limited to:
  - 4.1. Post-incident crime scene preservation and documentation
  - 4.2. Response to hazardous materials spills
  - 4.3. Public safety and life preservation missions to include barricaded suspects, hostage situations, active shooters, apprehension of armed and dangerous suspects, fleeing suspects, and search/arrest warrants
  - 4.4. 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
  - 4.5. Training missions.
  - 4.6. In response to specific requests from local, state or federal fire authorities for fire response and prevention

- 4.7. When there is probable cause to believe that (1) the UAS will record images of a place, thing, condition, or event; and (2) that those images 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.
- 4.8. To assist allied agencies at their request and with the approval of the Watch Commander
- 4.9. Other operations as authorized by the Watch Commander
5. A UAS operation requires a Certificate of Authorization (COA) from the FAA when not operated under 14 CFR Part 107.
6. A UAS will only be operated by certified remote pilots, and crew members, who have been trained in the operation of the system. All agency personnel with UAS responsibilities, including command officers, will be provided training in the policies and procedures governing UAS use.
7. Except when training or conducting a demonstration, all flights will be documented on the mission deployment form and all flight time shall be accounted for on the form. The reason for the flight, type of mission, and name of the supervisor approving the operation will also be documented. It will be maintained with the original report whenever a report is generated. When not attached to a report, the form will be maintained by the UAS team leader for the time frame in accordance with the records retention schedule.

#### Visual Observers

1. One or more visual observers may be used to enhance situational awareness but are not required. The use of at least one visual observer is encouraged when available. Considerations of the utilization of a visual observer should take into consideration the knowledge of the terrain and proximity of the UAS to the operator. Responsibility for determination of the need of a visual observer will rest with the remote pilot in command but may also be required by a commanding officer. When a visual observer is utilized, they must comply with requirements outlined in this directive, department policy, and FAA regulations.

#### Data Retention and Processing

1. Upon completion of each UAS mission, the recorded data shall be reviewed and evaluated for evidentiary value.
2. Refer to data retention section in UAS policy.
3. Video and pictures shall be retained and booked into the property room, or uploaded to Evidence.com, for any retainable data.

#### Protection of Rights and Privacy Concerns

1. UAS Commanders and operators 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.
2. Each UAS operator will ensure that operations of the UAS are consistent with local, state, and federal law.

#### Personnel Responsibilities for Deployments

## 1. Remote Pilot

- 1.1. The remote pilot is directly responsible for, and is the final authority over the actual operation of the UAS.
- 1.2. Remote pilots have absolute authority to reject a flight based on personnel safety or violation of FAA regulations. No member of the Department, regardless of rank, shall order a remote pilot to make a flight when, in the opinion of the remote pilot, it poses a risk to personnel or is in violation of FAA regulations.
- 1.3. Remote pilots are responsible for compliance with this procedure, department policy, and FAA regulations.
- 1.4. The remote pilot's main duty during the deployment of the UAS is to operate the UAS safely while accomplishing the goals of the deployment.
- 1.5. Remote pilots shall avoid any obstacle that will lessen safety during the mission.
- 1.6. Remote pilots shall be responsive to the requests of the visual observer in order to accomplish the deployment.
- 1.7. When documentation is required, remote pilots shall be responsible for the completion and submission of the deployment form.
- 1.8. Remote pilots shall document all flight time on the operated UAS Log and in the individual Pilot Log Book. At the discretion of the team leader, digital logging of the flight may be utilized in lieu of the Pilot Log Book and UAS log.
- 1.9. Remote pilots shall be responsible for inspection of the UAS, documentation of any needed repairs, and notification to the team leader for needed repairs.

## 1. Visual Observer

- 1.1. Visual observers shall advise of any obstacle that will lessen safety during the mission.
- 1.2. Visual observers, or other assigned personnel, are responsible for the law enforcement aspect of the deployment (radio communications, scene security, etc.).
- 1.3. Under the remote pilot's direction, visual observers may assist with the operation of any attachments to the UAS, allowing the remote pilot to maintain complete focus on the operation of the UAS.
- 1.4. Visual observers shall remain alert for suspicious persons or activities on the ground and coordinate response by ground units.
- 1.5. Visual observers shall monitor the radio updates.
- 1.6. Visual observers shall assist the operator in the main objective of safe operations of the UAS.

## Inspections

1. Remote pilots are responsible for a thorough pre-flight inspection of the UAS.
2. Before and after each deployment, the remote pilot shall conduct a thorough inspection of the UAS.

3. Any issues found that will put in jeopardy the safe operation of the UAS shall be resolved prior to flight.
4. A pre-flight checklist will be utilized prior to each flight.
5. Any issue that cannot be resolved on-site, and which may have an impact on mission safety, will abort the deployment. Issues MUST be resolved before flight.
6. If a post-flight inspection reveals any damage or hazardous conditions of the UAS, they must be resolved or the UAS must be removed from in-service status, and notification will be made to the team leader.
7. Propellers should be replaced every six months, or sooner if chips or other damage is apparent.

#### Weather

1. Before each deployment, the remote pilot and/or visual observer will ensure they gather enough information to make themselves familiar with the weather situation existing throughout the area of deployment. The operator shall utilize FAA approved weather resources to obtain the latest and most current weather conditions when inclement weather is apparent.
2. An anemometer should be utilized in order to better estimate the wind speed and determine if it is within the capabilities of the airframe being flown when noticeably high wind is present.
3. Any weather conditions obtained for the operation shall be recorded on the deployment form when one is completed.

#### Flight Time Limitations

1. During any 24 consecutive hours, the total flight time of any remote pilot may not exceed ten (10) hours, which shall include any other unmanned flying by that remote pilot.
2. When a remote pilot has reached the flight time limit, they must have ten (10) hours of rest before any other flight mission.
3. The combination of visual observer time and remote pilot time may not exceed twelve (12) hours in a 24-hour period.