
Unmanned Aerial System (UAS) Operations

613.1 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.

613.1.1 DEFINITIONS

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.

613.2 POLICY

Unmanned aerial systems may be utilized to provide an aerial observation platform to enhance the Department's mission of protecting lives and property and enhance the efficiency and safety of police operations. UAS operations will be conducted in accordance with this policy and Federal Aviation Administration (FAA) regulations. UAS operations will only be used for legitimate law enforcement purposes in strict accordance with constitutional protections and privacy rights.

613.3 PRIVACY

Capitola Police Department UAS operations will be conducted with the privacy rights of citizens in mind. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy. UAS operations will only record incidents that are related to an official law enforcement function.

613.4 PROGRAM COORDINATOR

The Chief of Police will 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:

- Ensure that all Federal Aviation Regulations are adhered to particularly Part 107 as it pertains to UAS operations.
- Ensure 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.
- Monitor and approve all requests for the deployment of a UAS in accordance with this policy.
- Develop protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.

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- Develop 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.
- Develop a protocol for fully documenting all missions.
- Develop a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Develop 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.
- Facilitate law enforcement access to images and data captured by the UAS.
- Recommend program enhancements, particularly regarding safety and information security.
- Ensure that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

613.5 USE OF UAS

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: 1. no protectable privacy interest; 2. exigent circumstances; or 3. when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS may be used to provide aerial imaging to police personnel to further a legitimate law enforcement operation. All operations must be in compliance with this policy and FAA regulations.

613.6 PROHIBITED USE

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.

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613.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.