
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.

Unmanned Aerial System Operator- The operator exercises control over the unmanned aircraft during flight. The operator will be ultimately responsible for the operation and solely responsible for the input of commands/operating during flight. The operator must meet the standards required by the Federal Aviation Administration (FAA) in order to operate the UAS. Operators are authorized to evaluate and accept or decline any mission or portion thereof due to safety concerns.

Unmanned Aerial System Observer- The observer is responsible for maintaining visual observation of the UAS while in flight and alert the operator of any conditions (obstructions, terrain, air traffic, weather, etc.) which affect the safety of flight. The observer will be responsible for all aviation related communications required by the FAA. To accomplish this, the observer will be in close proximity to the operator of the UAS. The observer shall meet standards required by the FAA.

Certificate of Waiver or Authorization (COA)- The COA is given by the FAA and grants permission to fly within specific boundaries and perimeters. The Bakersfield Police Department will maintain current COA's consistent with FAA regulations.

613.2 POLICY

Unmanned Aerial Systems may be utilized to enhance the department's mission of protecting lives and property. The UAS will also be used to increase transparency by giving the community a different perspective on law enforcement and support community outreach and engagement. Any use of a UAS will be in strict accordance with constitutional and privacy rights, FAA regulations and the Bakersfield Police Department policy.

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 Community Relations Unit (CRU) presentations in addition to Planning, Research and Training (PRT) presentations, recruitment, and approved training missions.

Unmanned Aerial System (UAS) Operations

613.3 PRIVACY

The use of a 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 and enclosure). UAS operators and UAS 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.

613.4 PROGRAM COORDINATOR

The Chief of Police or his/her designee is the 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 and the requirements of Part 107 of the Federal Aviation Regulations are followed.
- Ensuring that all authorized operators and 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 may require review by the Program Coordinator 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 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.

Bakersfield Police Department

Bakersfield PD Policy Manual

Unmanned Aerial System (UAS) Operations

- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images, recordings and all other 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 to the Chief of Police or his/her program coordinator designee.

613.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

To operate the controls of a small UAS under Part 107, you need a remote pilot airman certificate with a small UAS rating or be under the direct supervision of a person who holds such a certificate.

You must be at least 16 years old to qualify for a remote pilot certificate and you can obtain it in one of two ways:

- You may pass an initial aeronautical knowledge test at a FAA-approved knowledge testing center.
- If you already have a Part 61 pilot certificate, other than a student pilot certificate, you must have completed a flight review in the previous 24 months and you must take a small UAS online training course provided by the FAA.

UAS operations should only be conducted in accordance with the Bakersfield Police Department's FAA Certificate of Waiver or Authorization.

UAS deployment will be considered when an aerial view would assist officers or incident commanders during the following occurrences:

- Accident Investigations
- Missing Persons Investigations
- Search and Rescue Operations
- Narcotics Investigations
- Fires
- Disaster Management
- Crowd Control Situations
- Search Warrants
- S.W.A.T. Operations
- Bomb Squad Response

Bakersfield Police Department

Bakersfield PD Policy Manual

Unmanned Aerial System (UAS) Operations

- CBRNE Incident (chemical, biological, radiological, nuclear, and explosives)
- Crime Scenes
- Supporting Criminal Investigations
- VIP Security Support
- Perimeter Searches and Security
- Enhance Situational Awareness
- Routine Training
- Community Relations Unit Presentations
- Planning, Research and Training Presentations and/or Recruitment

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.

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 individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

613.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the City of Bakersfield records retention schedule and pursuant to Government Code §34090.6, which states in part:

"...the head of a department of a city or city and county, after one year, may destroy recordings of routine video monitoring." Routine video monitoring is defined as "video recording by a video or electronic imaging system designed to record the regular and ongoing operations of departments described in subdivision (a), including mobile in-car video systems, jail observation and monitoring systems, and building security systems."

Bakersfield Police Department

Bakersfield PD Policy Manual

Unmanned Aerial System (UAS) Operations

Video recordings may be destroyed after 90 days if the city keeps another record, such as written minutes or an audio recording of the event that is recorded in the video medium pursuant to Government Code §34090.7.

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 Bakersfield Police Department records retention and evidence policies and in compliance with applicable laws and regulations.

Pursuant to Government Code section 6254 (California Public Records Act), all UAS data is considered a "law enforcement investigatory file" and is exempt from disclosure under the CPRA.