

 <p>Contra Costa County Office of the Sheriff</p> <p>General Policy and Procedure</p>	CCCSO	NUMBER: 1.06.84
	<p>RELATED ORDERS: CCCSO 1.06.82 Mobile Audio and Body-worn Camera; CCCSO 1.06.37 – Evidence Retention; Government Code Section 26614; Title 49 USC Section 40102(a)(41)(c) and (d), Title 49 USC Section 40125(b)</p>	
<p>ISSUE DATE: 01-05-2017 REVISION DATE:</p>	<p>CLEARANCE: Office of the Sheriff</p>	
<p>CHAPTER: Office of the Sheriff Operations</p>	<p>SUBJECT: Small Unmanned Aircraft System (sUAS)</p>	

I. POLICY.

- A. The Sheriff has established procedures for promoting safe, efficient, and lawful operation of the Contra Costa County Sheriff’s Office small Unmanned Aircraft System (sUAS). Safety, above all else, is the primary concern in each operation, regardless of the nature of the mission.
- B. It shall be the mission of those personnel who are trained in the use of the sUAS to use this resource to protect the lives and property of citizens of Contra Costa County 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.
- C. The use of a sUAS 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 sUAS can also be utilized for approved training missions.
- D. The FAA Modernization and Reform Act of 2012 provides for the integration of civil unmanned aircraft systems into national airspace by September 1, 2015. Existing 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 by December 31, 2015.

II. DEFINITIONS

- A. **SMALL UNMANNED AIRCRAFT SYSTEM (sUAS):** Consists of the small unmanned aircraft weighing under 55 lbs., the command system, a secure control link, and other related safety support equipment.
- B. **UNMANNED AIRCRAFT (UA):** An aircraft that is intended to navigate in the air without an on-board pilot.

- C. UA FLIGHT CREWMEMBER: A pilot, visual observer, or other persons assigned duties for a sUAS for the purpose of flight.
- D. UNMANNED AIRCRAFT PILOT: A person exercising control over unmanned aircraft during flight. The pilot will be ultimately responsible for the operation and solely responsible for the input of commands/piloting during flight. The pilot will be certified in the operation of the sUAS by successful completion of an approved training course. Pilots are authorized to evaluate and accept or decline any mission or portion thereof due to safety concerns.
- E. CERTIFICATE OF AUTHORIZATION (COA): Given by the FAA which grants permission to fly within specific boundaries and perimeters. Training and operational flights are only allowed if there is a valid Blanket Area COA in place with the FAA. Contra Costa County's Blanket Area COA allows for sUAS flights in class G airspace within Contra Costa County. If a sUAS mission is required in restricted air space or during hours of darkness, an emergency addendum to the existing COA must be obtained.

Under the Blanket Area COA, the FAA will permit flights at or below 400 feet for UAS operators with a Section 333 exemption for aircraft weighing less than 55 pounds and for government UAS operations. Operators must fly under daytime Visual Flight Rules, keep the UAS within visual line of sight of the pilot and stay certain distances away from airports or heliports:

1. Five nautical miles (NM) from an airport having an operational control tower; or
 2. Three NM from an airport with a published instrument flight procedure, but not an operational tower; or
 3. Two NM from an airport without a published instrument flight procedure or an operational tower; or
 4. Two NM from a heliport with a published instrument flight procedure.
- F. OBSERVER: The observer is responsible for the visual observation of the sUAS while in-flight. The observer will maintain a visual observation of the sUAS while in flight and alert the pilot of any conditions (obstructions, terrain, structures, 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 pilot to ensure instant relaying of information. The observer will be certified in the operation of the sUAS by successful completion of an approved training course.

III. GENERAL.

- A. DEPLOYMENT REQUIREMENTS: CCCSO will obtain a COA from the FAA in order to conduct operational or training missions. Requests for deployment of the sUAS will be made through CCCSO Dispatch. The Air Support Unit Commander can request and approve a sUAS call-out. In the absence of the Air Support Unit Commander or when extenuating circumstances exist, the Watch Commander or SWAT Commander/Asst. Commander can request and approve a

sUAS call-out. This includes any mutual aid requests made for the sUAS team by outside agencies.

1. When the sUAS 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. CCCSO will maintain a policy and procedure for the use of the sUAS to ensure that we are compliant with applicable laws and regulations regarding the operation of a sUAS program.
3. The use of the sUAS will be limited to the authorized missions described herein.
4. The sUAS will not be equipped with any weapons.
5. The authorized missions for the sUAS are:
 - a. Post-incident crime scene preservation and documentation;
 - b. Explosive ordnance disposal (EOD) missions;
 - c. Response to hazardous materials spills;
 - d. Search and Rescue (SAR) missions as defined in California Government Code Section 26614;
 - e. Public safety and life preservation missions to include barricaded suspects, hostage situations, active shooters, apprehension of armed and dangerous and/or violent fleeing suspects, and high-risk search warrants;
 - f. 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;
 - g. Training missions;
 - h. In response to specific requests from local, state or federal fire authorities for fire response and prevention;
 - i. When there is probable cause to believe that (1) the sUAS will record images of a place, thing, condition, or event; and (2) that those images would be relevant in proving that a felony had occurred or is occurring, or that a particular person committed or is committing a felony and use of the sUAS does not infringe upon the reasonable expectation of privacy;
 - j. Pursuant to a search warrant.

- B. All procedures, laws and regulations on sUAS usage, shall be reviewed by the Special Operations Division Commander and be kept in the Sheriff's Office G-drive for historical reference. The Field Operations Bureau will compete a quarterly report documenting mission information to be provided to the Sheriff and placed in the annual report.

IV. PROCEDURE.

- A. A sUAS operation requires a Certificate of Authorization (COA) from the FAA.
- B. A sUAS will only be operated by personnel, both pilots and crew members, who have been trained and certified in the operation of the system. All agency personnel with sUAS responsibilities, including command officers, will be provided training in the policies and procedures governing sUAS use.
- C. All flights will be approved in advance by the Air Support Unit Commander or his/her designee.
- D. The sUAS and all related equipment will be available and issued at the Air Support Unit.
- E. All flights will be documented on the mission dispatch form designed for that purpose and all flight times shall be accounted for on the form. The reason for the flight and type of mission as specified above and name of the supervisor approving the operation will also be documented. The mission dispatch form will be attached to a police report with an associated report number. The entire sUAS mission packet will be routed up the Special Operations Division chain of command for review.
- F. The administration, safety policy, training requirements, general operating procedures and pre/post flight actions are contained within the CCCSO sUAS Operations Manual.

V. DATA RETENTION AND PROCESSING.

- A. Upon completion of each sUAS mission, the recorded data shall be reviewed and evaluated for evidentiary value.
 - 1. Data which is found to have evidentiary value will be booked into evidence in the form of a CD, DVD, or other "hard" copy format.
 - 2. sUAS evidence will be retained pursuant to CCCSO General Policy and Procedure Section 1.06.37- Evidence Retention.
 - 3. If the evidence collected is part of another agency's case, this evidence will be signed over to the agency making the request and thoroughly documented in an outside assist report.
- B. Data found not to have any evidentiary value will be kept pursuant to CCCSO General Policy and Procedure Section 1.06.82 – Mobile Audio and Body-worn Camera.

- C. The Special Operations Division Commander may retain video/photos from sUAS missions for the purpose of training and development of the unit. This video is not to be released without the consent of the Sheriff or his/her designee.

VI. PROTECTION OF RIGHTS AND PRIVACY CONCERNS.

- A. sUAS managers, operators and observers 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 sUAS. Each sUAS operator and observer will ensure that operations of the sUAS are consistent with local, state, and federal laws.