

**STOCKTON POLICE DEPARTMENT**

**GENERAL ORDER**

**UNMANNED AIRCRAFT SYSTEM**  
**SUBJECT**

**DATE:** November 14, 2017

**NO:** V-6

**FROM:** CHIEF ERIC JONES

**TO:** ALL PERSONNEL

**INDEX:** UNMANNED AIRCRAFT SYSTEM

**I. PURPOSE**

The purpose of this policy is to establish guidelines for the use of an Unmanned Aircraft System (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS.

**II. DEFINITIONS AND TERMS**

- A. **Unmanned Aircraft 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 Aircraft Vehicle (UAV), and all the supporting or attached systems designed for gathering information through imaging, recording, or any other means.
- B. **Unmanned Aircraft 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 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.
- C. **Unmanned Aircraft 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.

- D. **Certification of Waiver or Authorization (COA)** – The COA is given by the FAA and grants permission to fly within specific boundaries and perimeters. The Stockton Police Department will maintain current COAs consistent with FAA regulations.
- E. **CFR** – CFR refers to the Code of Federal Regulations. Title 14 CFR, Part 107, regulates operation of a small unmanned aircraft under specific circumstances.
- F. **FAA** – The FAA refers to the Federal Aviation Administration, an operating mode of the U.S. Department of Transportation.

### III. **POLICY**

- A. Unmanned Aircraft Systems (UAS) may be utilized to enhance the Stockton Police Department's mission of protecting lives and property. The UAS also may be used to increase transparency by giving the community a different perspective on law enforcement and to support community outreach and engagement. Any use of a UAS will be in strict accordance with constitutional and privacy rights, Federal Aviation Administration (FAA) regulations, and the Stockton Police Department's policy.
- B. The use of the UAS can support members of the police department in situations which would benefit from an aerial perspective and detect dangers that could otherwise not be seen.
- C. The UAS may also be utilized for community relations and engagements, or when requested by other agencies such as the Stockton Fire Department or San Joaquin County Sheriff's Office
  - 1. All allied agency and mutual aid requests must be approved by the on-duty Watch Commander, the UAS Program Manager, or, in the absence of the UAS Program Manager, his or her designee.
- D. The Pilot is ultimately responsible for the UAS operation and has the final decision to accept or reject a mission based on factors such as weather, safety concerns, or other conditions which would result in an unsafe operation.
  - 1. No member of the Stockton Police Department (or other entity), regardless of rank, may order a Pilot to:
    - a. Accept a mission

- b. Fly outside of FAA Certificate of Waiver or Authorization (COA), or manufacturer's specified parameters
  - c. Violate any rules or regulations that the Pilot in Command (PIC) determines use would put first responders, members of the public, or the UAS team at greater risk than ordinarily assumed with flight operations
- E. UAS operators shall complete and submit a UAV Deployment Report prior to securing from duty.

#### IV. 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.

#### V. AUTHORIZED USE

- A. Only authorized Operators shall be permitted to operate the UAS.
- B. UAS Operators shall obtain supervisor approval prior to conducting a deployment.
- C. UAS operations shall only be conducted in accordance with the Stockton Police Department's FAA Certificate of Waiver or Authorization (COA), or within the guidelines set out in Title 14 CFR, Part 107 (Code of Federal Regulations.)
- D. UAS deployment should be considered for **directed enforcement deployments** on specific incidents when an aerial view would assist officers or incident commanders. Some examples of such incidents may include:
  - 1. Perimeter/Block Searches
  - 2. Missing Persons Investigations
  - 3. Search and Rescue operations
  - 4. Fatality Collision Investigations
  - 5. Fires
  - 6. Disaster Management
  - 7. Crime Scenes

8. Crowd Control situations
9. Search Warrants
10. S.W.A.T. Operations
11. Explosive Ordnance Disposal
12. Barricaded Suspect(s)
13. Supporting Criminal Investigations
14. Routine Training
15. Community Engagement Presentations

E. Use of vision enhancement technology (e.g., thermal and other imaging technology) is permissible only in areas only where there is no reasonable expectation of privacy, or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

## **VI. PROHIBITED USE**

A. The UAS equipment shall not be used:

1. To conduct random surveillance activities
2. To harass, intimidate, or discriminate against any individual or group
3. To conduct personal business of any type

B. The UAS shall not be weaponized.

## **VII. MAINTENANCE**

Routine maintenance and repairs will be conducted in accordance with the established maintenance program to ensure safe operations and compliance with FAA regulations.

A. Under no circumstance shall a UAS be deployed without conducting a pre-flight inspection.

## **VIII. TRAINING**

Training will be conducted within established guidelines to ensure operators acquire and maintain proficient operational skills and knowledge of regulations and safe operating procedures.

A. Only Operators who have completed the required training shall be authorized to operate the UAS.

## **IX. PROGRAM MANAGER**

The Chief of Police, or his/her designee, is the Program Manager who will be responsible for the management of the UAS program.

The Program Manager will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- A. Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current and/or the requirements of Title 14 CFR, Part 107, are followed.
- B. Ensuring that all authorized Operators and Observers have completed all required FAA and Department-approved training in the operation, applicable laws, and policies and procedures regarding use of the UAS.
- C. 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 Manager or the authorized designee, depending on the type of mission.
- D. Developing protocol for conducting criminal investigations involving a UAS.
- E. 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.
- F. Developing a protocol for fully documenting all missions.
- G. 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.
- H. 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.
- I. Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.

- J. Facilitating law enforcement access to images and data captured by the UAS.
- K. Recommending program enhancements, particularly regarding safety and information security.
- L. Ensuring that established protocols are followed by monitoring and providing periodic reports to the Chief of Police or his/her Program Manager designee.

**X. RETENTION OF UAS DATA**

- A. Evidentiary data recorded by the UAS under this section shall be retained for a minimum of two years (24 months).
  - 1. Non-evidentiary data, such as videos recorded during training exercises, are not required to be retained.
- B. The Department shall retain evidence relevant to a criminal investigation obtained from a UAS recording for any time prescribed by the Evidence Code in addition to the time specified in Section X, paragraph A.
- C. Records or logs of access and deletion of data from the UAS shall be retained in a digital format permanently.
- D. All files of evidentiary value will be stored on an in-house secure server or a cloud-based storage solution (currently the VieVu Azure cloud-based system) at the discretion of and managed by the City of Stockton Information Technology (IT) Department.