

Unmanned Aerial Vehicles (UAV) Operations

608.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial vehicle (UAV) and for the storage, retrieval, and dissemination of images and data captured by the unmanned aircraft system.

Unmanned aerial systems may be utilized to enhance the City and Police Department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAV will be in strict accordance with Federal Aviation Administration (FAA) regulations, as well as in accordance with the Culver City Police Department's FAA Certificate of Authorization.

The use of an unarmed aircraft system potentially involves privacy considerations, and this policy articulates the restrictions that are in place to protect the privacy rights of the general public that exist under the state and federal Constitutions and under state and federal law.

608.2 DEFINITIONS

Definitions related to this policy include:

608.2.1 Federal Aviation Administration (FAA) – The national aviation authority of the United States, with powers to regulate all the aspects of American aviation.

608.2.2 Unmanned Aerial Vehicle (UAV) – An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled.

608.2.3 Unmanned Aircraft System (UAS) – An unmanned aerial vehicle and all of the supporting or attached systems designed for gathering information through imaging, recording and any other means.

608.2.4 Recorded Media – Audio and video signals recorded or digitally stored on a storage device or portable media.

608.2.5 First Person View – A monitor used by the pilot officer in order to view the live video being received from the UAV. First person view is required in order for the UAV to fly outside of the visual line-of-sight of the pilot officer and the view of the visual observer.

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608.2.6 Pilot Officer – Any sworn member of this Department capable of piloting a UAV.

608.2.7 Observer – Ground based observers will assist with the operations and will assist the pilot officer to utilize the “see and avoid” technique by scanning the area for air traffic or possible hazards.

608.2.8 UAV Manager- Lieutenant in charge of managing all aspects of the UAV program. The UAV manager will be the Traffic Section Lieutenant.

608.3 POLICY OBJECTIVES

It is the intent of the Culver City Police Department to use the UAVs to effectively fulfill the Department’s mission and to ensure these systems are used securely and efficiently. The use of the UAV systems is intended to accomplish the following:

608.3.1 Record incidents for criminal and civil investigations, for investigation of personnel complaints, for audit review and officer training;

608.3.2 Vividly replay those incidents for prosecutors and courts, thereby increasing rates of convictions of violations of the law; and

608.3.3 Improve Departmental accountability, transparency, and preserve public trust.

608.4 PERMISSIVE USES OF UAV

UAV deployment will be considered when an aerial view would assist officers or incident commanders during the following types of occurrences, including but not limited to:

- a. Accident Investigations
- b. Missing Persons Investigations
- c. Search & Rescue Operations
- d. Illegal Drug Investigations
- e. Fires
- f. Disaster Management
- g. Crowd Control Situations
- h. Explosive Ordinance Disposal/Bomb Threats
- i. CBRNE Incident (chemical, biological, radiological, nuclear, and explosive)
- j. Supporting Criminal Investigations (search and or arrest warrants)
- k. Major Event Security Support
- l. Perimeter Searches and Security
- m. Routine Training (public places)

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608.4.1 Requests to deploy the UAV shall be approved by the on-duty Watch Commander, supervisor on the scene, or the UAV Manager prior to accepting the mission.

608.4.2 All UAV deployments will be documented on a supervisor or Watch Commander's daily log and recorded in a manner described in this policy.

608.5 PROHIBITED OR RESTRICTED USES OF UAV

The following includes but is not limited to circumstances under which UAV use shall either be prohibited or restricted:

- a. The UAV video surveillance equipment shall not be used to conduct random surveillance activities.
- b. The UAV video surveillance equipment shall not be used to target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, immigration status, religion, disability, gender or sexual orientation.
- c. The UAV shall not be weaponized, which means no firearms or weapons of any kind shall be connected to the UAV.
- d. Use of vision enhancement technology (e.g., thermal or other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no expectation of privacy, when in compliance with a search warrant or court order, or when exigent circumstances exist.
- e. The UAV shall not be used to record non work-related activity.
- f. When utilizing a UAV, pilot officers shall be sensitive to the dignity of all individuals being recorded. Pilot officers are to utilize sound judgment and exercise discretion when the respect for privacy indicates that discontinuing video recording is prudent because it reasonably appears to the pilot officer that such privacy may outweigh any legitimate law enforcement interest in the recording. Unless the circumstances no longer fit the criteria for recording under this policy, recording should resume when privacy is no longer at issue.

608.5.1 Requests by members of the public to stop recording should be considered using the activation criteria described in this policy. If the pilot officer believes the contact remains both legal and consistent with the activation criteria, the pilot officer shall continue to record the incident.

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608.5.2 Absent a warrant or exigent circumstances, pilot officers and observers shall adhere to FAA altitude regulations and shall take reasonable precautions to avoid inadvertently recording or transmitting images of a person or any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Reasonable precautions may include, for example, deactivating or turning imaging devices away from such areas or person during UAV operations.

608.6 OPERATIONS AND TRAINING

608.6.1 Eligible Pilots--Only authorized personnel who have completed the required training and possess a valid license to operate UAVs issued by the FAA shall be permitted to operate the UAV.

608.6.2 Pilot Training and Certification--All members within the unit that will act as a pilot officer shall be trained and maintain proficiency in their operator abilities. Each pilot officer shall be certified as a licensed Part 107 operator in accordance with current FAA requirements and standards. The pilot officer shall receive training on the operation and basic maintenance/upkeep of all components used during the operation of the UAS. In addition to the rules and requirements specified by the FAA, all UAV pilots shall perform quarterly training flights which will include takeoffs, landings and operating the video system and equipment.

608.6.3 Duties of a Pilot-- The pilot officer's primary duty is the safe and effective operation of the Culver City Police Department's UAS.

608.6.4 Use of First Person View--Only when officer and or public safety is a concern may a pilot officer solely utilize the first person view while operating the UAV.

608.6.5 Flight Altitude and Speed--Pilot officers shall operate the UAV at a safe altitude and in a manner that maintains the safety and safeguards the privacy of the non-participating community. UAV pilots shall adhere to all applicable FAA rules and regulations, including but not limited to:

- a. The ground speed of the UAV may not exceed 87 knots (100 miles per hour).
- b. The altitude of the small unmanned aircraft cannot be higher than 400 feet above ground level, unless the small unmanned aircraft:
 1. Is flown within a 400-foot radius of a structure; and
 2. Does not fly higher than 400 feet above the structure's immediate uppermost limit.

608.6.6 Approved UAVs Only--Personnel shall only use a UAV issued and approved by the Department for official police duties. All Department owned UAVs will be clearly display the word **POLICE**. The utilization and deployment of any other UAV while on duty is not authorized.

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608.6.7 No Alteration of UAVs--Personnel shall not remove, dismantle or tamper with any hardware and/or software component of the UAVs.

608.7 PRE-FLIGHT AND FLIGHT PROCEDURES

608.7.1 Pre-Flight Procedure--Pre-flight procedures will be conducted prior to each flight and will be done in accordance with the checklist prepared by the Culver City Police Department UAV unit and in accordance with the manufacturer's recommendations. Any issues found during the pre-flight will be noted and it will be the decision of the pilot officer to determine if the issue will alter the safe flight and operation of the UAV.

608.7.2 Pre-Flight Public Notification--Except in instances where officer safety could be jeopardized, or time is of the essence, officers shall utilize the public address (loudspeaker) system, Nixle, and or other social media outlets to make a public announcement to alert people in the area of the UAV operation. To aid in public safety, alerts shall notify the public that a UAV will be used and they should stay inside of their residence or vehicle.

608.7.3 Launch Procedures--Prior to the launch of the UAV, the pilot officer is responsible for ensuring the checklist has been conducted and the aircraft is safe to operate. The pilot officer will communicate with an Observer to confirm that the area is visibly clear of any low flying air traffic, hazardous obstacles, or safety hazards prior to lift off.

608.7.4 Air Traffic Control Notifications--The pilot officer is responsible for ensuring all notifications to any Air Traffic Control Towers and authorities have been made in accordance with the rules and guidelines set forth by the FAA.

608.8 FLIGHT AND LANDING PROCEDURES

608.8.1 Although the UAV can be flown autonomously, the pilot officer will monitor the aircraft, base station, and payload systems to ensure the aircraft is flying as designed and maintains the proper altitude.

608.8.2 After lift-off, crew members shall perform tasks according to their job assignment, while communicating clearly and effectively to monitor the UAV as it climbs to the desired mission altitude.

608.8.3 It will be the responsibility of the pilot officer to confirm the mission objective has been met or the mission is too unsafe to continue prior to landing the UAV.

608.8.4 The pilot officer will communicate with the Observer to confirm no obstacles are in the flight path of the UAV and the return "home" location prior to giving the command for the UAV to return home.

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608.8.5 The Observer will monitor the aircraft as it is landing to ensure a proper landing. If the aircraft is not landing as desired or commanded, the Observer will notify the pilot officer who will determine if the landing will be aborted.

608.8.6 It will be the responsibility of the pilot officer to ensure contact is made with any Air Traffic Control Towers to advise completion of the mission in accordance with FAA guidelines.

608.9 PROCEDURES FOLLOWING FLIGHT

608.9.1 Documentation--All flights shall be documented by the pilot officer on a UAV Utilization Form and by a supervisor on a supervisor or Watch Commander's log. The documentation shall, at minimum, include:

- a. All flight times and locations
- b. Reason for the flight
- c. Name of the approving supervisor
- d. Incident or DR#
- e. Any additional relevant information to the mission

608.9.2 Securing Recordings--If any incident is recorded with the UAS system, the existence of that recording shall be documented in the case report. Pilot officers should ensure relevant recordings are preserved in accordance with the Department's retention schedule, which is fully set forth in Section 608.15.

608.9.3 Supervisor Duties Following Major Incidents--When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a UAV supervisor shall respond to the scene and ensure that the UAV media is properly retrieved. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

608.10 COLLISIONS

608.10.1 FAA Notifications--If a collision occurs during the operation of a UAV that results in any injury to any person, any loss of consciousness, or if it causes damage to any property (other than the UAV) in excess of \$500 to repair or replace the property, notification shall be made to the Flight Standards District within ten (10) days per FAA guidelines. Current contact information is included below:

Flight Standards District

https://www.faa.gov/about/office_org/field_offices/fsdo/?state=CA

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Los Angeles Flight Standards District Office
15000 Aviation Boulevard, Lawndale CA 90261
(310) 725-6000

Long Beach Flight Standards District Office
5001 Airport Plaza Drive, Long Beach CA 90815
(562) 420-1755

608.10.2 Investigative Procedures--While at the scene, the pilot officer shall notify a supervisor, who shall respond to photograph the collision and any injuries and/or property damage that has occurred. Regardless of the extent of damages, the pilot officer shall be responsible for completing an Interdepartmental Memorandum to the Chief of Police, via the Chain of Command, describing the incident and damage. The UAV Manager shall conduct a review of the collision and determine if the collision could have been prevented through maintenance, training, etc., and ensure all necessary paperwork has been submitted and that the appropriate corrective action has been taken.

608.11 UAV PROGRAM MANAGER

The UAV Manager will serve as the UAV program coordinator and will be responsible for managing all aspects of the UAV program. The UAV Manager will ensure that policies and procedures conform to current laws, regulations and best practices, and will have the following additional responsibilities:

608.11.1 Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.

608.11.2 Ensuring 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 UAV.

608.11.3 Continually evaluating, developing and maintaining uniform protocol for submission and evaluation of requests to deploy a UAV, including urgent requests made during ongoing and emerging incidents. Deployment of a UAV shall require review by the UAV Manager or the authorized designee, depending on the type of mission.

608.11.4 Continually evaluating, developing and maintaining protocol for conducting criminal investigations involving a UAV, including documentation of time spent monitoring a subject.

608.11.5 Implementing and maintaining a system for public notification of UAV deployment.

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608.11.6 Continually evaluating, developing and maintaining an operational protocol governing the deployment and operation of a UAV including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.

608.11.7 Continually evaluating, developing and maintaining protocol for fully documenting all missions.

608.11.8 Continually evaluating, developing and maintaining a UAV inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAV, up to and including its overhaul, repairs, or life limits.

608.11.9 Continually evaluating, developing and maintaining 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/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.

608.11.10 Continually evaluating, developing and maintaining protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.

608.11.11 Facilitating law enforcement access to images and data captured by the UAV.

608.11.12 Recommending program enhancements, particularly regarding the safety and information security.

608.11.13 Ensuring that established protocols are followed by monitoring and providing periodic reports to the Command Staff.

608.11.14 Ensuring that recording procedures are followed.

608.12 REVIEW OF UAV RECORDINGS

Recordings may be reviewed in any of the following situations:

- a. For use by Department personnel when preparing reports or statements.
- b. By a supervisor investigating a specific act of officer conduct.
- c. To assess proper functioning of the UAS.

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- d. To assess possible training value.
- e. Recordings may be viewed and shown for training purposes. If an involved officer objects to showing a recording, the recording will not be shown to other officers. The recording may, however, be viewed by supervisors for training and performance assessment purposes.
- f. By Department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation.
- g. By any officer captured on or referenced in the video data, who reviews and uses such data to help ensure accuracy.
- h. Pursuant to a lawful subpoena or by court personnel through proper processes or with permission of the Chief of Police or the Chief's authorized designee.

608.12.1 Subject to the provisions of this policy, the Chief of Police has the discretion to prohibit the review of any recordings by Department employees if it is determined that it is in the best interest of the Police Department or the City of Culver City.

608.12.2 Subject to the provisions of Section 608.12 above, in the event that any employee is to be interviewed pursuant to an investigation related to an incident which results in injury, bodily harm, death or involves the use of force, the employee and/or his/her attorney will be afforded an opportunity to review his/her video of the incident prior to the interview, or after the employee has been interviewed, by the appropriate investigative personnel. If the employee elects to view the video after being interviewed, the employee shall be afforded the opportunity to review the video immediately after providing his/her statement regarding the underlying incident and be given an opportunity to offer a supplemental statement. Prior to the employee offering an initial statement, the following admonishment shall be provided to the employee:

“In this case, there is video evidence that you have had (or will have) an opportunity to view before (after) giving your initial statement. Video evidence has limitations and may depict the events differently than you recall, and may not capture events normally seen by the human eye. Lighting as seen on the video may be different than what is seen by the human eye. Videos are a two dimensional medium and may not capture the depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident.”

608.12.3 Employees desiring to view any previously uploaded or archived UAV recording that they would not typically have access to should submit a request in writing to a UAV supervisor.

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608.12.4 In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing the employee.

608.12.5 During routine review of recorded media, the Department should consider the totality of the circumstances when evaluating policy concerns, tactical considerations, and officer training opportunities.

608.13 RELEASE OF UAV DATA

608.13.1 All recording media and recorded images are the property of the Culver City Police Department. Dissemination outside of the agency is strictly prohibited, except to the extent required by law.

608.13.2 If the Department receives a request to release UAV data via a subpoena, a Court Order, a civil discovery request, a criminal discovery request, or a California Public Records Act request, Department staff should consult with the City Attorney's office with any questions regarding the legal issues surrounding the request.

608.13.3 To the extent that release of UAV data is legally required, all media shall be reviewed by the Technical Support Supervisor (or another supervisor if the Technical Support Supervisor is not available) prior to its release. Anything of a personal or confidential nature included in the media should be evaluated by the appropriate personnel, and redacted if deemed appropriate and if permitted by law. All redactions shall be approved by a Bureau Commander. An original copy of the media shall be retained by the Department.

608.13.4 The Chief of Police has the discretion to allow viewing or release of recorded media if he/she determines that it is in the best interest of public safety, the Police Department, and or the City of Culver City, and the viewing or release is in compliance with local, state and federal law.

608.13.5 When appropriate, every effort will be made to notify involved employees prior to release of UAV data.

608.13.6 Notwithstanding any other provision of this Policy 608, any dissemination of recorded media or recorded images shall be consistent with California SB54, the California Values Act, and Culver City Resolution 2017-R025, declaring Culver City to be a sanctuary city.

608.14 MAINTENANCE OF UAV DATA AND UAS

608.14.1 It shall be the responsibility of the UAV Manager to ensure that all media recorded by the UAVs is properly classified for retention when merged into the storage system. The following classifications should be utilized:

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- a. **“Retain”**- All calls for service, enforcement stops, arrest situations, transportation, search warrants, criminal investigations, etc.
- b. **“Test”**- Only used after testing the working condition of the UAV or for media recorded during training.

608.14.2 Any images and video (media) from the UAS system shall not be copied, exported, or recorded in any way for any purpose other than for circumstances authorized in this policy.

608.14.3 Unauthorized use, duplication, and/or distribution of UAV files is prohibited. Personnel shall not make copies of any UAV file for their personal use and are prohibited from using a recording device such as a cellphone camera or secondary video camera to record UAV files.

608.14.4 To prevent damage to or altering of the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the Department Systems Support Manager. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

608.14.5 UAS systems should be assembled and equipped based on the manufacturer’s recommendations.

608.14.6 Officers shall not erase, alter, reuse, modify or tamper with UAV recordings.

608.14.7 To prevent damage, original recordings shall not be viewed on an equipment other than the equipment issued or authorized by the Systems Support Manager.

608.14.8 The UAS will be purchased and maintained by the Culver City Police Department.

608.14.9 Only the UAS systems authorized by the Culver City Police Department should be deployed.

608.14.10 The UAS shall be maintained regularly per the user manual and manufacturer’s recommendations. Only properly trained personnel shall complete any repairs or perform maintenance on the UAS.

608.14.11 Any UAV supervisor that is informed or otherwise become aware of a malfunctioning UAV shall ensure that authorized personnel make repairs in a timely manner.

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608.15 RECORDING MEDIA STORAGE, RETENTION AND INTEGRITY

608.15.1 Retention Time--If a recording is identified as evidence, the retention will follow the Evidence/Property Files retention schedule. Recordings which become part of a citizen complaint or administrative/internal investigation will follow the retention time identified for the complaint/investigation. Notwithstanding the foregoing, all recordings shall be retained for a minimum of two (2) years.

608.15.2 Inadvertent or Accidental Recordings--Inadvertent/accidental recordings of personal events and conversations may be purged as soon as practicable upon the approval of a Bureau Commander.

608.15.3 Labelling and Storage--Once submitted for evidence storage, all recording media will be labeled and stored in a designated secure area in accordance with proper evidence procedures.

608.15.4 Modifying Retention Period--Anyone with the authorization to do so may increase the retention time for recordings when it is believed that retaining said recordings for a longer period of time would be in the best interest of the Department or the City.

608.16 DATA COLLECTION AND REPORTING

Monthly statistics shall be submitted by the UAV Sergeant to the UAV Manager for review each month. These reports should include:

- a. Number of flights
- b. Personnel involved
- c. Total time the UAVs were used
- d. Any maintenance that was completed on the UAVs
- e. Any additional relevant information regarding missions there were performed

These findings shall be forwarded to the Department's Crime Management Analyst for inclusion in the Culver City Police Department's monthly report.