

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: FEBRUARY 2, 2023

NUMBER: 8.23 – CRITICAL INCIDENTS

SUBJECT: USE OF SMALL UNMANNED AIRCRAFT SYSTEM

RELATED POLICY: N/A

ORIGINATING DIVISION: OPERATIONAL SUPPORT

NEW PROCEDURE: ■

PROCEDURAL CHANGE: □ **MINOR CHANGES**

SUPERSEDES: DP 8.23 – 03/17/2020

I. PURPOSE

This Department procedure establishes a guideline for the utilization, organization, planning, and logistical support of the Small Unmanned Aircraft Systems Program.

II. SCOPE

This procedure applies to all sworn members of the Department.

III. BACKGROUND

The Small Unmanned Aircraft Systems Program can support first responders in any hazardous incident which would benefit from an aerial perspective. These uses could include search and rescue, barricaded suspects or high-risk tactical operations, disaster response, and video and photographic documentation of crime scenes. The Program is managed by the Operational Support Unit and is staffed by a Lieutenant and a Sergeant.

IV. DEFINITIONS

A. **Small Unmanned Aircraft System (sUAS):** An unmanned aircraft of any type that is capable of sustaining directed flight, whether pre-programmed or remotely controlled, and all of the supporting or attached systems designed for gathering information through imaging, recording or by any other means.

- B. **Certificate of Waiver or Authorization (COA):** Document issued by the Federal Aviation Administration (FAA) that authorizes public aircraft operations in the National Airspace System (NAS).
- C. **Lead Remote Pilot in Command:** Performs supervisor duties in the absence of the sUAS Program Sergeant.
- D. **Remote Pilot in Command (RPIC):** A person who holds a current remote pilot certificate with a sUAS rating and has the final authority and responsibility for the operation and safety of the sUAS.
- E. **Visual Observer (VO):** A person acting as a flight crew member who assists the sUAS RPIC and the person manipulating the controls to see and avoid other air traffic or objects in the air or on the ground.

V. PROCEDURES

- A. Request for sUAS support
 - 1. Requests for sUAS support for both planned and unplanned events shall be forwarded to the sUAS Sergeant for consideration and execution. The sUAS Sergeant should be contacted directly during normal business hours, or via the Watch Commander after hours.
 - 2. Requests for sUAS support will be made by a supervisor.
 - 3. Approval from the sUAS Sergeant is required prior to sUAS operational deployments.
 - 4. Notifications will be made to the sUAS Operational Support Commanding Officer and the sUAS Lieutenant prior to any sUAS operational deployments or training missions.
 - 5. The sUAS Sergeant or the Lead Remote Pilot in Command **must** be physically present at the scene of all operational deployments or training missions.
 - 6. The minimum crew on all law enforcement missions **shall** be an RPIC and a VO.
 - 7. The RPIC is directly responsible for and is the final authority over the operation of the sUAS.
 - 8. VOs are responsible for assisting with collision avoidance of the sUAS.

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9. Requests for support from other agencies, within or outside the City of San Diego, shall be forwarded to the Operational Support Commanding Officer for consideration.
10. The majority of the airspace above the City of San Diego is FAA controlled airspace. The sUAS Unit shall acquire FAA approved authorization in any controlled airspace prior to conducting any operations.
11. The use of any personal or private sUAS device for any SDPD law enforcement operational purpose is prohibited.

B. Flight Operation

1. In the interest of safety, both the RPIC and sUAS Sergeant must agree with any decisions made to complete the mission.
2. If the decision is made to not accept the mission or terminate the mission at any time, the RPIC and sUAS Sergeant will discuss the reasons for their decision with the Incident Commander.
3. Prior to any sUAS operation, the RPIC will identify the nearest emergency medical facility and brief all emergency personnel involved in the on-scene operation of the emergency transportation plan.
4. Only authorized sUAS Program personnel shall use or be in possession of Department issued sUASs or equipment, unless approved by the sUAS Lieutenant or Commanding Officer.

C. Evidence Collection and Retention

1. The collection of data, including digital photographs, video and infrared (IR) images, will be limited to the extent necessary to accomplish the mission to include evidence collection, observation of enforcement actions, and any incidents that are of possible evidentiary value in criminal cases.
2. The RPIC is the custodian of evidence collected during the flight mission and is responsible for processing any evidence.
3. All data related to any criminal proceeding, claim filed, pending litigation, or a personnel investigation, shall be preserved until that matter is resolved and/or in accordance with the law.
4. Any retained data will be safeguarded to protect the privacy of citizens who may be depicted in the data.

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5. Accessing, copying, forwarding or releasing any digital evidence other than for official law enforcement use and contrary to this procedure is strictly prohibited.

VI. REPORTS

A. Standard Reporting must include:

1. Date/time/location of flight.
2. Circumstances surrounding use of sUAS.
3. Supervisor approving the flight.
4. Name of RPIC and VO.
5. Flight time as recorded.
6. A summary of the flight activity, actions taken and outcomes from deployment.
7. Status of data or video gathered during the flight.
8. Registration number of sUAS utilized during incident.

B. Annual Report

NEW

1. The Department will publish an annual report that will provide a general summary of the sUAS Program operations during the previous calendar year.
2. The report will include a brief description of type or categories of missions flown.
3. The report will also include the number of times the agency provided assistance to other agencies, state, local, tribal or territorial governments.
4. The report will be made available to the public via the City of San Diego's public website.

VII. SAFETY

A. Commitment to Safety

1. The San Diego Police Department is committed to the ongoing pursuit of an accident free workplace, including no harm to people, no damage to equipment, the environment, or property.
2. It is the duty of every member with sUAS responsibilities to contribute to the goal of continued safe operations.
3. Any safety hazards, whether procedural, operational, or maintenance related should be identified as soon as possible after, if not before, an incident occurs.

B. Medical Factors

1. Physical illness, exhaustion, emotional problems, and similar conditions, can seriously impair judgment, memory and alertness. The safest rule is not to act as an RPIC or VO when suffering from any ailment that interferes with performance of duties.
2. RPICs and VOs should not participate in sUAS operations when it is reasonably foreseeable that their ability to perform flight operations will be negatively impacted.
3. A self-assessment of physical and mental preparedness shall be made by all sUAS RPICs and VOs prior to and during flight operations.

C. Accident Investigation & Reporting relating to sUAS equipment

1. Accident Protocol
 - a. Upon arrival at the scene of the accident, evaluate the need for response of Fire or EMS.
 - b. Notify dispatch of location of the incident.
 - c. Provide first aid and contain the incident scene.
 - d. If an injured person is transported to the hospital by paramedics, Department personnel shall accompany the injured person to the hospital.
 - e. Request notification of the sUAS Sergeant who will respond to the scene and coordinate the accident investigation efforts.
 - f. The sUAS Sergeant will notify the sUAS Lieutenant and Operational Support Commanding Officer of the accident/incident.

B. Prohibited Uses

NEW

1. sUAS personnel should refrain from video recording or photographing peaceful demonstrations. Department Procedures 3.26 and 4.17 should be referenced for further guidance on the filming of First Amendment activities.
2. Equipment belonging to the sUAS Program is for official use only and shall not be utilized for personal use.

C. Inquiries and Complaint Processing

1. News Media Inquiries

Inquiries from the news media will be forwarded to a sUAS supervisor, or Department Media Relations/Public Information Office for response.

2. Complaint Investigations

Should there be a complaint alleging inappropriate use of the sUAS, that complaint should be handled in accordance with Department Procedure 1.10.

D. Privacy Considerations

1. Members of the sUAS shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

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2. The collection, use, retention, or dissemination of data shall not be used to violate the Constitutional rights of any person, or in any manner that would discriminate against any person based upon their race, color, ethnicity, religion, national origin, age, disability, gender (to include gender identity and gender expression), lifestyle, sexual orientation, or similar personal characteristics.
3. In all cases of sUAS deployment, reasonableness and respect for the privacy of individuals shall guide the actions of all sUAS personnel.

NEW

IX. PROCEDURE REVIEW

This Department Procedure shall be reviewed and/or revised by the originating division every three years, in accordance with Department Procedure 1.01, or as necessary.

NEW

X. TRANSPARENCY

- A. Except for those instances where operator safety or an investigation could be jeopardized, and where reasonably possible and practical, the San Diego Police Department will provide notice to the public regarding where the agency's sUAS are authorized to operate in the National Airspace System (NAS).
 - 1. The San Diego Police Department will keep the public informed about the agency's sUAS program as well as changes that would significantly affect privacy, civil rights, or civil liberties.
 - 2. The San Diego Police Department will make available to the public, via an annual report, a general summary of the sUAS operations during the previous year, to include a brief description of types or categories of missions flown, and the number of times the agency provided assistance to other agencies.
 - 3. The San Diego Police Department will engage the community throughout the course of each year as part of general community knowledge and awareness of sUAS use, in accordance with the City of San Diego's Surveillance Technology Ordinance.
 - a. This engagement will include participating in community events with sUAS demonstrations.
- B. The San Diego Police Department will comply with all federal, state, and local laws regarding sUAS use and reporting.