

CHAPTER 2
OPERATIONS
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CHAPTER 2

OPERATIONS

1. GENERAL. Every Small Unmanned Aircraft Systems (sUAS) deployment shall be conducted as permitted by the Federal Aviation Administration (FAA), under Title 14, Chapter 1 of the Code of Federal Regulations (CFR), Part 107, departmental policies and procedures; and in a manner consistent with the U.S. Constitution and applicable laws, including those protecting privacy and civil liberties. Departmental personnel shall adhere to General Order (GO) 100.91, Search and Seizure Policy, when operating departmental sUAS, and protect the public from unreasonable searches and seizures. For operations outside of FAA, Title 14 CFR, Part 107, commands may consult with the Office of Air Operations (OAO). The remote pilot in command (RPIC) will decide whether a deployment should be initiated, continued, or terminated, taking into consideration the weather, the condition of the sUAS, any hazards, and employee limitations or restrictions.

2. CONCEPT OF OPERATIONS. The use of an sUAS allows for the capturing of video recordings and other data for law enforcement purposes. Mission goals include, but are not limited to, enhancing mission effectiveness; providing tactical aerial support; providing real-time situational awareness upon which risk-based decisions may be executed; capturing incident-related imagery pursuant to crisis response or investigations; and general assistance with on-scene assets in the execution of various roles during any emergency response event or high threat situation where the operating environment may be hazardous to officers and the public. The primary role and purpose for utilizing sUAS is to reduce the risk of harm to the public and all involved personnel. It is important to understand this role will inherently increase the risk of damage to the sUAS.

3. STANDARD OPERATING PROCEDURES. Individual commands operating an sUAS Program shall establish a chapter in their Standard Operating Procedures (SOP) which addresses specific hazards unique to the Area restrictions, mission notification and approval protocols, night and reduced visibility operations, airspace deconfliction, storage, and maintenance. All SOPs shall adhere to the restrictions set forth within this manual. It is acceptable to be more restrictive within the SOP but shall not be more permissive. All SOPs shall be reviewed by the Division commander and established prior to operating sUAS. Commands may contact OAO for assistance with their SOP.

4. SMALL UNMANNED AIRCRAFT SYSTEMS DEPLOYMENT.

a. Availability. Commanders with an sUAS Program shall establish normal hours of operation for personnel handling sUAS. The Area's sUAS SOP shall specify the normal operating hours and the call-out procedures for missions occurring outside of the established normal operating hours; however, every effort should be made to certify a sufficient number of RPICs for availability.

b. Pre-Deployment Permission. Permission shall be obtained by the shift supervisor/officer-in-charge prior to any field deployment outside of training.

c. Preflight Consideration. Although the RPIC can utilize the sUAS without additional crew, the following roles should be considered for the safety and success of an sUAS mission, especially for complex missions or unsecure scenes. A flight crew may be designated on-scene by the RPIC, unless otherwise specified by SOP.

(1) Visual Observer. A visual observer (VO) is a person designated by the RPIC to assist with maintaining visual contact with the sUAS, avoiding other air traffic, and avoiding other hazards on the ground or aloft. The VO should be in a position that allows immediate, direct communication with the RPIC.

(2) Safety Officer. A safety officer maintains the security of the scene around the RPIC and VO, as well as the safety and security of associated equipment. This includes ensuring uninvolved personnel and bystanders stay clear of the flight area during the sUAS mission.

(3) Multiple visual observers and/or safety officers may be used as the mission dictates or at the request of the RPIC.

(4) The command, with concurrence from the Division sUAS coordinator, shall develop a preflight checklist for each sUAS. The checklist shall include specific manufacturer recommendations and incorporate any identified best practices. Prior to the deployment of an sUAS, the RPIC shall complete the preflight checklist. The checklist shall include, at a minimum, the following:

(a) Unless otherwise precluded by the nature of the mission or model of sUAS, the sUAS shall be programmed to return to the launch point (return to home) in the event the command-and-control signal is lost for the specified period of time outlined in the sUAS operating manual.

(b) The RPIC should designate a safe area for the flight crew during the preflight briefing. The safe area will assist in minimizing the distractions to all members of the flight crew. Prior to engaging in a mission, the RPIC shall brief all involved personnel on the following:

- 1 Review of the mission objectives and expected outcome.
- 2 A clear statement on the role of each crewmember.
- 3 Review of current and forecasted weather conditions and limitations.
- 4 Identification of the current airspace classification, if FAA authorization is required prior to flight, and the status of the request.
- 5 A list of backup procedures to be followed in the event of loss of communication or contact.
- 6 Identification of mission limitations and safety issues such as battery charge level, global positioning system strength, and the potential for radio interference.
- 7 Encryption of the data stream to and from the aircraft (if the sUAS is capable).
- 8 Review of communication procedures between the RPIC, VO, and other personnel used to support the mission. This includes verification of cell phone numbers used to communicate with air traffic control (ATC) in the event of a fly-away or other flight emergency.
- 9 The sUAS manufacturer's recommendations shall be used to create a checklist for preflight inspections, start and shutdown, and pre-takeoff and pre-landing checks.
- 10 The RPIC shall predetermine the flight path the sUAS will take autonomously before takeoff with consideration of the return to home function. The flight path shall avoid obstacles and power lines. The RPIC should identify suitable points in the flight area for takeoff and landing and must avoid extended operations over surfaces that are improper for landing. Before flight, the RPIC must identify a safe landing zone to be used in the event of energy depletion or loss of communication with the controller.
- 11 Review of hazards such as people, moving vehicles, trees, power lines, and other obstructions.

(c) Operational Limitations. Establishment of the mission's operating authorization, whether FAA, Title 14 CFR, Part 107; a certificate of waiver; or authorization or special waiver (refer to paragraph 5.)

(d) Safety. Safety shall be the primary concern in sUAS operations. The RPIC is ultimately responsible for all aspects of an sUAS operation and shall pay particular attention to proper procedures and potential hazards in order to prevent injuries, damage to property, or disruption to air traffic. The following safety procedures should be adhered to by sUAS personnel to ensure the safety of all missions:

1 If at any time the RPIC, VO, or any other personnel identify a potential conflict with air traffic or risk of harm/injury to persons or property, the RPIC shall abort the mission and take immediate action to resolve the conflict. The operation may resume once safe to do so.

2 The sUAS shall always be powered on after the controller and powered off before the controller. This will ensure the sUAS is controllable any time it is powered on.

3 The RPIC shall ensure the launch/landing area is clear prior to takeoff and landing. This is especially important when landing as the sUAS may not be noticed as it descends. It may be beneficial to use the VO, safety officer, or other personnel to maintain positive control of the launch/landing area during descent and landing.

4 At no time shall the RPIC or other personnel approach or attempt to handle the sUAS while the motors are running and propellers are installed. The RPIC shall maintain positive control of the control system when in close proximity to a powered on sUAS.

5 Unless approved by the RPIC, no personnel except for the flight crew shall be within the safe area during an operation. For proper safety procedures when utilizing a specific sUAS, refer to the manufacturer's recommendations.

d. Authorized Missions. The Department has authorized the use of the sUAS for the following missions (further restrictions may be added by the SOP). Requests to include additional missions, outside of the pre-authorized list, to an Area's SOP shall be approved by Assistant Commissioner, Field (ACF):

- (1) Search and rescue operation assistance.
- (2) Crime/crash scene photography, mapping, and photogrammetry.
- (3) Crash reconstruction.
- (4) Hazmat scenes.

- (5) Storm damage assessment.
- (6) Special Weapons and Tactics (SWAT) and Warrant Service Team (WST) operations.
- (7) Communication towers or other facility inspections.
- (8) Crowd management.
- (9) Bomb team assistance.
- (10) Disaster response (e.g., emergency response, flood, earthquakes).
- (11) Community outreach.
- (12) Maintenance and training.
- (13) The RPIC shall not fly indoors or in any other confined or limited maneuverability space, unless they have successfully completed the departmentally approved remote pilot advanced training course.
- (14) Other emergency missions may be approved by the Area commander if those missions are necessary to preserve the health, safety, and welfare of people or property.

e. Postflight Consideration. A thorough postflight procedure will ensure the sUAS is prepared for subsequent missions, provide the ability to learn, improve efficiency, and ensure evidence is properly safeguarded. Upon completion of a mission, the RPIC and other involved personnel involved should consider the following tasks:

- (1) Notification to ATC/CHP communication centers that flight activities have ended if applicable.
- (2) Retrieval of digital media (refer to paragraph 10.).
- (3) A thorough postflight inspection of the sUAS, including documentation of any discrepancies. Documentation indicating completion of the postflight inspection should be entered in the flight management sUAS flight log.
- (4) A postflight mission debriefing.
- (5) Inspection of the sUAS for cracks on the unit or propellers.
- (6) Ensure all batteries are recharged.

(7) Ensure the sUAS is cleaned before storage and prepared for subsequent deployment.

5. WAIVERS. Utilization of sUAS outside of the requirements of FAA, Title 14 CFR, Part 107, shall only be with a waiver from the FAA.

a. If the need arises to fly in controlled airspace, restricted areas, or without line of sight, the RPIC must seek a waiver through the Special Government Interest (SGI) process. If an SGI waiver is needed, the RPIC is responsible for obtaining approval from the FAA. The OAO can be contacted for assistance with the SGI process, or the FAA's website can be consulted.

b. If there is a regular need to utilize sUAS outside of the requirements of FAA, Title 14 CFR, Part 107, such as sustained flight over people not directly participating in operations, a waiver must be obtained. Departmental waivers will be obtained by OAO through the process outlined in FAA, Title 14 CFR, Part 107. Departmental waivers only apply to departmental operations. Information on current departmental waivers can be obtained via the FAA's website or through request to OAO.

c. If a command needs to fly in a controlled airspace within their area of responsibility, the FAA Low Altitude Authorization and Notification Capability (LAANC) shall be used to receive airspace authorizations. The LAANC allows near real-time airspace authorizations and dramatically decreases the wait time for airspace authorizations. Refer to the Federal Aviation Administration, UAS Data Exchange (LAANC) (https://www.faa.gov/uas/getting_started/laanc) for the most current LAANC provider information.

6. PROHIBITIONS. It is important to remember that misuse of sUAS can undermine the legitimacy of the program, damage public trust, and increase civil liability. In all sUAS operations, the sUAS shall not:

a. Be used for any use of force, including weaponization of the sUAS.

b. Be used for general patrol, unless directly authorized by the FAA and approved by ACF. The sUAS shall only be used for approved targeted missions.

c. Be used for random surveillance and intelligence-gathering missions without a search warrant.

(1) When a search warrant is required by law and no warrant exception exists, flight is prohibited prior to a search warrant being obtained. If an sUAS is

expected to be used during a search when a warrant has been obtained, the investigator shall include the intention of utilizing sUAS in the search warrant.

- d. Be used for any mission in which the RPIC determines the risk of using sUAS outweighs the benefit of the mission. Risks may include hazards to individuals, property on the ground, possible collision hazard with other aircraft, or loss of control of the sUAS. The RPIC is responsible for the safety of the flight.
- e. Be used to target a person based solely on individual protected characteristics as defined in the law.
- f. Be used for personal use.
- g. Be modified, maintained, repaired, or carry a payload in a manner not approved or prescribed by the manufacturer or approved by the Department.

7. PROCUREMENT OF SYSTEMS. Commands or units interested in establishing an sUAS Program shall be responsible for the procurement and maintenance of their own sUAS. The OAO may provide an analysis of available sUAS and assist in the procurement process upon request.

8. MISSIONS.

- a. Mission Authorization. Commands shall follow the mission notification protocols established in this manual and by their SOP.
- b. Personnel. All personnel operating an sUAS on duty must be certified as a departmental RPIC unless they are being trained as specified in this manual. Department certified RPICs shall not operate non-departmental sUAS while on duty except for personnel attached to a taskforce requiring the use of allied agency sUAS equipment. Allied agency personnel, such as task force members, shall not operate departmental sUAS.
- c. Priorities. The Department's deployment strategy is based on departmental goals and the availability of personnel and equipment, while considering the privacy rights of the community. In instances where multiple requests are received at the same time, it is necessary to prioritize calls for service by life/safety and evidence/documentation.
- d. Operations in Conjunction With Allied Agencies. Missions involving the simultaneous operation of departmental and allied agency sUAS shall be conducted in accordance with this manual and the Area's SOP.

9. AIRCRAFT STATUS.

- a. Prior to a mission, the appropriate CHP communications center shall be notified whenever possible.
- b. Upon conclusion of a mission, the appropriate CHP communications center shall be notified.

10. DIGITAL EVIDENCE. The RPIC shall ensure any evidence captured by the sUAS, including photographs and video, is processed in accordance with the procedures outlined in GO 110.8, Processing and Storage of Digital Media, and Highway Patrol Manual (HPM) 70.1, Evidence Manual. If the digital evidence pertains to a case being investigated by the command in charge of the sUAS, that command shall book and retain the evidence.

- a. Non-evidentiary data captured during law enforcement missions should not be retained.
- b. Non-evidentiary data captured during First Amendment-protected events in the course of law enforcement missions must not be retained and shall be deleted immediately at the conclusion of the event.
- c. Data captured during training, Academy events, media events, or other community outreach events may be retained for departmental use.
- d. Unintentional data capture creates constitutional issues and other liabilities for the Department. Personnel should consider any potential for unintended data capture during the operation and flight path control of the sUAS. Any retained data will be safeguarded to protect the privacy of community members who may be depicted in the data. All other data will be destroyed via electronic deletion.

11. FIRST AMENDMENT-PROTECTED EVENTS.

- a. No sUAS shall be used with the intent, or the purpose of, intimidating crowds.
- b. No sUAS shall be used as a tool to force the movement of crowds.
- c. Decision to Record. The recording of specific events (e.g., protests).
 - (1) Footage will be recorded only when it is reasonably anticipated to have evidentiary value. At the conclusion of the event, if it is determined that non-evidentiary data exists, the data shall be deleted immediately.

(2) Recording may be initiated by RPIC or requested by a CHP incident commander.

(3) Recordings or other associated documentation have evidentiary value when it is likely to result in, or be relevant to, a criminal, civil, or administrative proceeding.

12. OWNERSHIP OF IMAGERY. Digital media imagery captured by sUAS is the property of the Department. Employees shall not post, retain personal copies, or provide recordings to personnel who are not members of the Department; or to any other external sources (e.g., social media sites) without approval from the appropriate Division commander. Digital media requested by allied agencies for investigative purposes shall be provided in accordance with the procedures outlined in GO 110.8.

13. PUBLIC RECORDS ACT REQUESTS. Photographs, video images, and data captured by sUAS are subject to the Public Records Act (PRA) unless specifically exempted. The Public Records Section shall be notified of all PRA requests regarding the sUAS program.

14. THERMAL IMAGERS. Departmental personnel shall not use thermal imagers to scan private residences for heat characteristics without obtaining a search warrant unless exigent circumstances exist. This does not prohibit use on structures or other areas not protected under the Fourth Amendment.

15. AIRCRAFT EQUIPMENT AND DOCUMENTS. Maintenance of specific documents and equipment is required for all sUAS operations and shall be conducted in accordance with FAA regulations, ensuring the proper equipment is installed based on the category of aircraft being used.

a. During Night Operations. All night flight operations shall be conducted in accordance with FAA, Title 14 CFR, Part 107.

b. The RPIC is responsible for having all required documentation for pilot compliance, aircraft compliance, and airspace compliance in accordance with FAA, Title 14 CFR, Part 107.

16. USE OF FORCE. In accordance with the FAA Reauthorization Act of 2018, Section 363, Prohibition Regarding Weapons, departmental personnel may not operate an unmanned aircraft or unmanned aircraft system that is equipped or armed with a

dangerous weapon as defined in the Title 18, Section 930(g)(2) of the United States Code. This includes lethal and less than lethal munitions.

- a. Any use of force involving sUAS shall be in accordance with the procedures outlined in HPM 70.6, Officer Safety Manual, Chapter 1, Use of Force.

17. SPECIAL OPERATIONS. Special operations teams (e.g., SWAT, WST) shall not operate sUAS assets without first establishing deployment procedures within their respective General Orders. All RPICs shall meet the qualifications, operating standards, training, and equipment requirements outlined in this manual. If an operation is concurrent with the service of a warrant, all parameters and limitations set forth by the warrant shall be adhered to without exception. All SWAT and WST RPICs deploying an sUAS shall have a VO when flight is taking place outside of a structure. Once the sUAS has entered a structure for interior operations the VO will remain with RPIC in the capacity of a safety officer.

- a. Special Weapons and Tactics. The deployment of sUAS assets during SWAT operations shall be at the discretion of the SWAT Commander, or designee, and follow the procedures outlined in GO 100.49, Special Weapons and Tactics Team.
- b. Warrant Service Program. The deployment of sUAS assets during warrant service operations shall be at the discretion of the WST sergeants or designee, and follow the procedures outlined in GO 100.84, Service of Search and Arrest Warrants Involving Entry into Residences, Businesses, and Other Structures (Warrant Service Program).
- c. The RPIC shall be included in preplanning and briefing to participate in warrant service operations. It is the responsibility of the RPIC to ensure the use of an sUAS has been included in and authorized to be utilized in the service of the warrant. The RPIC is also responsible for knowing and ensuring the compliance of the parameters set forth within the warrant.
- d. Any use of an sUAS during a pre-planned operation shall be included in the Operational Plan.