

OFFICE OF OPERATIONS

OPERATIONS ORDER NO. 3

April 20, 2016

SUBJECT: INVESTIGATING INCIDENTS INVOLVING UNMANNED AIRCRAFT SYSTEMS

PURPOSE: The purpose of this Order is to establish guidelines and procedures for investigating incidents involving Unmanned Aircraft Systems (UAS), commonly referred to as drones. Recently, the Los Angeles City Council approved a City ordinance enacting Los Angeles Municipal Code (LAMC) Section 56.31, which classifies certain activities involving a UAS as a misdemeanor. In many respects, this ordinance parallels Federal Aviation Administration (FAA) regulations and allows for immediate enforcement action, in addition to reporting violations to the FAA.

Although remote controlled aircraft has existed for some time, there has been an increase in the use of UAS, which now have greater operating capabilities and can be controlled from farther distances. New concerns have arisen regarding UAS operation including, but not limited to, air traffic safety, privacy, terrorism, safety of the general public and operational safety for emergency services personnel. In order to mitigate the risks associated with UAS operations, LAMC Section 56.31 was established. This Order delineates the provisions of LAMC Section 56.31 as well as general investigative guidelines.

Los Angeles Municipal Code Section 56.31(a) provides the following UAS definitions:

- **Unmanned Aircraft:** An aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.
- **Unmanned Aircraft System:** An unmanned aircraft and associated elements, including, but not limited to, any communication links and components that control the unmanned aircraft.
- **A Model Aircraft:** An unmanned aircraft operated strictly for hobby or recreational purposes. No FAA certificates or authorizations are required by law to operate model aircraft, provided specific conditions are met. (See attachment pertaining to "Model Aircraft.")
- **Civil UAS:** An unmanned aircraft or UAS operated for purposes other than strictly hobby or recreation (generally used for commercial, business, or media purposes). The operator must obtain an authority to operate from the FAA. There are two such authorities; one or the other must be present:
 - An FAA Section 333 Exemption coupled with a civil Certificate of Waiver or Authorization (COA); both of which are issued by the FAA; or,
 - A Special Airworthiness Certificate (SAC) issued by the FAA.
- **Public UAS:** An unmanned aircraft or UAS in which operations are limited to federal, state and local governmental agencies, as well as publicly funded universities and colleges. A COA is required when the UAS is operated.

Los Angeles Municipal Code Section 56.31(b) governs the operation of any **Model Aircraft** within the City of Los Angeles. It provides that no person shall:

1. Operate within five miles of an airport without the prior express authorization from the airport air traffic control tower. (For the purpose of this section, airports and heliports are synonymous.)
2. Operate in a manner that interferes with manned aircraft, and shall always give way to any manned aircraft.
3. Operate beyond the visual and unobstructed line of sight of the operator. Corrective lenses are acceptable, but vision enhancing devices such as binoculars are not.
4. Operate during darkness, which is defined as between official sunset to sunrise.
5. Operate more than 400 feet above the earth's surface.
6. Operate closer than 25 feet to any individual [excluding the operator or the operator's helper(s)] or stadiums, with the exception of during takeoff and landing.

Los Angeles Municipal Code Section 56.31(c) applies to the operation of any **Model Aircraft or Civil UAS** within the City of Los Angeles. No person shall:

1. Operate in a manner that is prohibited by any federal statute or regulation governing aeronautics.
2. Operate in violation of any temporary flight restriction (TFR) or notice to airmen (NOTAM) issued by the FAA.
3. Operate in a careless or reckless manner so as to endanger the life or property of another, as set forth in any federal statutes or regulations governing aeronautics.

Los Angeles Municipal Code Section 56.31(d) provides that any person violating the provisions of this section shall be guilty of a misdemeanor.

Los Angeles Municipal Code Section 56.31(e) excludes from LAMC provisions, any Public UAS operating pursuant to and in compliance with FAA authorization.

PROCEDURES:

I. OFFICER'S RESPONSIBILITIES.

Investigation – Determine whether the UAS operations are in violation of LAMC Section 56.31, or possibly other state laws and/or federal regulations and laws. If the UAS operations were involved in a more serious crime, include LAMC Section 56.31 as additional information. All reports involving UAS operations will ultimately be forwarded to the FAA; therefore, additional information outside the normal scope of Department report writing may be helpful to the FAA investigation and should be included in the report. The following investigative considerations should be included where possible:

- Identify the operator of the UAS and anyone assisting the operation.

- Obtain the operator's pilot license, when appropriate. If operations are being conducted under a 333 Exemption/COA, a pilot's license may be required by the operator.
- Identify all witnesses to the UAS flight.
- Include statements the operator may have made to other individuals in the area regarding the purpose of the flight.
- Determine the type of operations conducted: recreational, commercial, or governmental (Model Aircraft, Civil UAS, or Public UAS).
- Describe the weather conditions at the time of the UAS flight.
- Document any UAS registration numbers.
- Identify the location of takeoff and/or landing.
- Determine if the UAS was flown within five miles of an airport. If so, document if the operator contacted the associated tower or controlling agency ahead of time for permission to do so. (Heliports are considered airports.)
- Determine if the operation occurred in airspace associated with Los Angeles International Airport (some airport airspace goes beyond five miles) or other controlled airspace based on the UAS position on the ground and altitude. Contact Air Support Division for assistance in determining if the operation occurred in controlled airspace.
- Determine if operations occurred within an excluded area such as a TFR. Air Support Division can provide this information.
- Estimate the altitude of the UAS. Use references such as "twice as high as the three-story building on the northwest corner at the location" (i.e., do not simply state "above 400 feet altitude").
- Determine the proximity the UAS was flown in relation to people or property.
- Document the time of all operations.
- Determine if the UAS was flown in a careless or reckless manner [describe specific violations of Federal Aviation Regulations (FARs)].

If a violation of LAMC Section 56.31 has occurred and the operator of the UAS cannot be determined, an Investigative Report entitled "Reckless Operation of an Unmanned Aircraft System" should be completed.

Evidence Collection – Any violation(s) of LAMC Section 56.31 may require that all the components of the UAS be booked as evidence. Unmanned Aircraft Systems are composed of three components. In addition to the unmanned aircraft, components include the remote control device which could be in the form of a radio, Bluetooth or Wi-Fi enabled device (to include a smart phone or tablet) and the payload, which is typically a video capture device. Many UAS contain equipment capable of filming the flight path of the UAS. Officers should book as evidence any Subscriber Identity Module (SIM) cards or multimedia storage devices. Additionally, officers should make every attempt to obtain videos or photographs from individuals in the area documenting the incident. List all items booked as evidence on the Combined Evidence Report section within the Investigative Report, Form 03.01.00, or Arrest Report, Form 05.02.00, or on a Property Report, Form 10.01.00.

In the event the operator insists that the violation did not occur, attempt to obtain consent for the investigating officer during the follow-up investigation to view any multimedia that may have been produced during the UAS flight. The SIM card or storage device may contain exculpatory evidence for the UAS operator.

Officers shall indicate on the report face sheet that an extra copy of the report is to be forwarded to Air Support Division (ASD).

- II. WATCH COMMANDER'S RESPONSIBILITIES.** Watch commanders shall ensure that a copy of all reports involving UAS are forwarded to ASD.
- III. AREA DETECTIVE'S RESPONSIBILITIES.** Area detectives shall assume primary investigative responsibility over incidents involving UAS, except those incidents where Major Crimes Division will assume primary investigative responsibility.
- IV. MAJOR CRIMES DIVISION'S RESPONSIBILITIES.** Major Crimes Division shall assume primary investigative responsibility over the following incidents involving UAS:
- Operation near any Critical Infrastructure or Key Resource (CIKR);
 - Operation near a known celebrity's home and/or work location;
 - Operation near a known public official's home and/or work location;
 - Operation near any on-duty Department personnel and/or Los Angeles Fire Department personnel and/or equipment that interfere with emergency operations;
 - Operation with a nexus to suspected terrorism; and,
 - Operation involving suspected explosives, hazardous materials and/or weapons.

Note: Major Crimes Division may provide investigative advice and guidance to Department personnel upon request.

- V. AIR SUPPORT DIVISION'S RESPONSIBILITIES.** Air Support Division shall forward copies of all reports regarding UAS to the FAA's Law Enforcement Assistance Program Office for parallel investigation of possible FAA administrative violations. Additionally, ASD will provide investigative advice and guidance to Department personnel upon request.

Information pertaining to UAS requirements (including UAS registration) can be found at <https://www.faa.gov/uas/registration/> and <https://www.faa.gov/uas/>. In addition, attached is a UAS quick reference guide, as well as frequently asked questions.

April 20, 2016

Should you have questions regarding this matter, please contact the Evaluation and Administration Section, Office of Operations, at (213) 486-6050.

A handwritten signature in blue ink, consisting of a horizontal line with a loop and a vertical stroke crossing it.

JORGE A. VILLEGAS, Assistant Chief
Director, Office of Operations

Attachments

DISTRIBUTION "D"

LEO Guidance for Unmanned Aircraft Systems (UAS)

If you suspect a UAS operation is unsafe or unauthorized:



1. Locate the operator
2. Ask for registration and verify markings¹ on the UAS - Required for all UAS greater than 0.55 lbs
3. Ask operator for the type of operation and to present appropriate documentation (see reverse)
4. Interview operator and collect the following information:
 - Name, address, and positive ID of operator
 - Record Registration Number and the FAA Docket Number from Exemption or COA (see reverse)
 - Document time, place, and details of flight (take pictures and interview witnesses, etc)
5. Take action based on local Laws, Ordinances, Directives
6. Contact the FAA:
 - General inquiries – contact the Regional Operations Center (see below)
 - Investigation support – contact an FAA Law Enforcement Assistance Program (LEAP) Special Agent (business hours)

Local Protocol:

FAA REGIONAL OPERATIONS CENTERS:

Eastern	(404) 305-5150	DC, DE, MD, NJ, NY, PA, WV, VA	7-aea-roc@faa.gov
Southern / New England	(404) 305-5156	AL, CT, FL, GA, KY, MA, ME, MS, NC, NH, PR, RI, SC, TN, VI, VT	9-aso-roc@faa.gov
Western	(425) 227-1999	AK, AZ, CA, CO, HI, ID, MT, NV, OR, UT, WA, WY	9-wsa-opsctr@faa.gov
Central	(817) 222-5006	AR, IA, IL, IN, KS, LA, MI, MN, MO, ND, NE, NM, OH, OK, SD, TX, WI	9-csa-roc@faa.gov
Washington	(202) 267-3333	National	9-awa-ash-woc@faa.gov

**** If you need immediate assistance from the FAA call (202) 267-3333 ****

Types of Authorized UAS Ops and Required Documentation:

Required documents must be in operator's possession and presented to law enforcement upon request per 49 U.S.C. 44103(d)

Model Aircraft

An unmanned aircraft that is 1) capable of sustained flight in the atmosphere, 2) flown within visual line of sight of the person operating the aircraft, and 3) flown for hobby or recreational purposes. Must be operated within ALL of the following parameters:

1. Strictly for hobby or recreational use
2. Must give way to manned aircraft
3. Less than 55 pounds ²
4. Operated in accordance with community based set of safety guidelines ³
5. If within 5 miles of airport, must notify airport operator and control tower (if tower)
6. Registration and Markings¹

Model aircraft operating standards are governed under P.L. 112-95 (Feb 14, 2012)

Non-Model / Commercial

Any UAS operation conducted for non-hobby or commercial purpose OR any operation that does not meet the parameters for Model Aircraft. Operator must possess ALL of the following documents:

1. Section 333 Exemption or Aircraft Certification ⁴
2. Certificate of Authorization (COA) ⁵
3. Aircraft Registration and Markings ¹
4. Pilot certificate ⁶

Public / Government

Public agencies or organizations that conduct UAS operations for a government function.

Operator must possess ALL of the following documents:

1. Certificate of Authorization (COA) ⁵
2. Aircraft Registration and Markings ¹

ALL UAS:

- Must have Registration and Markings¹ (required for all UAS greater than 0.55 lbs)
- Must not endanger persons or property on the ground
- Must give way to and not interfere with manned aircraft
- Must comply with all flight restrictions and Temporary Flight restrictions⁷
- Are subject to legal enforcement for Careless or Reckless operation

¹ Aircraft Registration and Markings: All UAS greater than 0.55 lbs are required to be registered, regardless of the type of operation. The operator must provide the registration certificate (paper or electronic) upon request and the UAS must be marked with registration or serial number. UAS purchased on or after December 21, 2015, and used exclusively as model aircraft must be registered prior to operating in the NAS. UAS that have been operated in the NAS by the current owner, and used exclusively as model aircraft prior to December 21, 2015, must be registered by February 19, 2016. To verify registration, contact a LEAP agent during normal business hours or the Regional Ops Center after hours.

² Aircraft is limited to no more than 55 pounds unless certified through design, construction and inspection by community based organization.

³ A membership based association that represents the modeling community and provides its members a comprehensive set of safety guidelines.

⁴ 333 Exemption: FAA Letterhead dated and signed with an Exemption Number and Regulatory Docket Number. Includes conditions and limitations such as:
(Not required for UAS with an FAA Airworthiness Certificate or Public/Government Operators)

- Line of Sight: The UAS must be visible at all times to the operator using his or her own natural vision.
- Daytime only: Unless specifically authorized in the COA, UAS operations must be conducted during daytime only.

⁵ Certificate of Waiver or Authorization (COA): FAA Form 7711-1 signed by UAS Tactical Operations Section and includes FAA Docket Number.
Addresses specific restrictions such as:

- Altitude: As stipulated on cover page of COA. Generally 400' or 200' (but can be higher).
- Proximity to Airports: As stipulated on COA.

⁶ Pilot certificate: All non-model/commercial operators must have an FAA pilot certificate (Government agencies may self-certify pilots)

⁷ Temporary Flight Restrictions (TFR) are common for Presidential movements, select sporting events, theme parks. Active TFRs are published here: www.tfr.faa.gov



UAS Enforcement Q&A

Q: How will the FAA become aware of non-compliance with the sUAS registration requirements?

A: ASIs may encounter sUAS in performing surveillance or responding to accidents, incidents, occurrences, or complaints reported to the FSDO. ASH Special Agents may receive information from law enforcement relating to unauthorized and/or unsafe operation of sUAS which will be shared with AFS. Media reports may also be an initial source of information.

Q: Does the FAA have inspectors whose main function is to inspect UAS for proper registration?

A: No, UAS registration inspection will not be the primary function of an ASI or Special Agent however, the FAA follows up on all reports of aircraft being operated in an unsafe manner and registration is a material matter which will be examined when identified.

Q: What action will be taken when the FAA becomes aware of someone operating an unregistered sUAS?

A: The FAA has multiple options available for enforcing FAA regulations. These range from education to administrative actions (in the form of a formal warning notice or letter of correction) to the ability to assess civil penalties up to \$27,500. Criminal penalties include fines of up to \$250,000 and/or imprisonment for up to three years.

Q: Will the FAA impose fines for all instances involving the operation of unregistered UAS?

A: There is no one-size-fits-all enforcement action for violations. All aspects of a violation will be considered along with mitigating and aggravating circumstances surrounding the violation. In general, the FAA will attempt to educate operators who fail to comply with registration requirements. However, fines will remain an option when egregious circumstances are present.

Q: If I register my drone and lend it to someone else who operates it in an unsafe manner, am I liable for any violations he/she commits while using my drone?

A: Laws governing liability for damage caused by drones vary by state. If the individual operating your drone is a minor, in some states you might have some liability if the drone causes damage. For federal civil aviation law purposes, the operator of the drone is liable for its use.

Q: Must I cooperate with any Federal, State or local law enforcement officer if asked to provide proof of registration?

A: Yes, a Certificate of Aircraft Registration must be carried by the operator of the UAS and made available to law enforcement and/or the FAA upon request. If you are asked to show your certificate of registration, you can show it electronically, you do not need to print the certificate.

Q: Will a foreign citizen flying an unregistered drone in the US be subject to enforcement?

A: Yes. All UAS greater than 0.55 lbs being operated in the US must be registered or they will be subject to enforcement. If a foreign UAS is similarly registered in another country, it may be operated in the US provided the operator can present sufficient registration documentation.

Q: The new rule says that only American citizens will be allowed to register, does that mean that non-citizens cannot legally operate model aircraft in the US?

A: No. A UAS may also be registered by a foreign citizen with permanent residence in the US. Also, foreign citizens who hold a valid registration from another country can operate in the US. A foreign national may also register their aircraft as a recognition of ownership.