OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 33 December 23, 2020

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON December 8, 2020

SUBJECT: **SMALL UNMANNED AERIAL SYSTEM PROGRAM DEPLOYMENT GUIDELINES AND PROCEDURES – REVISED**

PURPOSE: The purpose of this Order is to revise Department Manual Section 1/420.56, *Small Unmanned Aerial System Program Deployment Guidelines and Procedures*, as it pertains to the deployment approval procedures related to the use of Small Unmanned Aerial System.

PROCEDURE: Department Manual Section 1/420.56, *Small Unmanned Aerial System Program Deployment Guidelines and Procedures*, has been revised. Attached is the revised Department Manual section with the revisions indicated in italics. Additionally, attached is the *Small Unmanned Aerial System Deployment and Approval* flowchart which reflects the approval process for Small Unmanned Aerial System.

AMENDMENT: This Order amends Section 1/420.56 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

MICHEL R. MOORE
Chief of Police

Attachment

DISTRIBUTION "D"

DEPARTMENT MANUAL
VOLUME I
Revised by Special Order No. 33, 2020

420.56 SMALL UNMANNED AERIAL SYSTEM PROGRAM DEPLOYMENT GUIDELINES AND PROCEDURES. Public safety agencies throughout the United States have used Small Unmanned Aerial System (sUAS) to provide critical real-time information and situational awareness during volatile and life-threatening incidents. For example, law enforcement agencies have successfully used sUAS to detect explosives, assess hazardous materials incidents, respond to major disasters, assist with hostage rescues, respond to armed and barricaded suspect calls, and find survivors during search and rescue operations.

The deployment of an sUAS will enhance the Department's ability to protect and serve the public. It can be effective as a de-escalation tool in preservation of life situations, to identify suspect locations that otherwise would be inaccessible without the introduction of an armed officer or K9, and to locate victims in active shooter or mass casualty incidents thus increasing the ability to render assistance more quickly - all of which represent strategic operational goals consistent with the Department's guiding principle of reverence for human life.

The Department conducted an extensive review of existing sUAS policies, procedures and legal restrictions to develop guidelines and procedures that reflect sensitivity to community concerns and privacy interests. The Department remains steadfastly committed to protecting the community and ensuring public safety by adhering to the law and building public trust. Accordingly, this program will be strictly controlled and monitored with appropriate oversight by the Board of Police Commissioners and its Office of the Inspector General.

Definitions:

Small Unmanned Aerial System (sUAS) refers to a remotely-operated, lightweight aircraft and its associated components.

The Special Weapons and Tactics (SWAT) is a highly trained and specialized cadre of Department personnel under the command of Metropolitan Division. Special Weapons and Tactics personnel respond to high-risk tactical incidents including hostage situations, active shooter incidents, and counter-terrorism operations, and are trained to operate specialized equipment and technology to safely resolve incidents.

The Hazardous Devices and Materials Section (HDMS) is a highly trained and specialized cadre of Department personnel under the command of Emergency Services Division. Hazardous Devices and Materials Section is comprised of personnel assigned to the Bomb Squad and the Hazardous Materials Unit. Bomb Squad personnel respond to incidents involving suspected destructive devices in order to remove them or render them safe. Hazardous Materials Unit personnel respond to incidents involving chemical, biological, radiological and nuclear devices, including those that are defined as Weapons of Mass Destruction.

The Multi-Disciplinary Collision Investigation Team (MCIT) is responsible for handling all traffic collisions that involve City of Los Angeles property, which result in serious bodily injury or death and that will likely result in significant liability for the City of Los Angeles.

The Program Manager is a supervisor assigned to Air Support Division (ASD) responsible for ensuring compliance with laws and regulations, acquiring Federal Aviation Administration (FAA) waivers and certificates of authorization, training of sUAS operators, and providing information and assessments for the evaluation of the program.

The Small Unmanned Aerial System Deployment Log is the written documentation report completed by the officer-in-charge (OIC) of SWAT, HDMS, *or MCIT* after the approval or denial of an sUAS at the scene of a tactical, *MCIT*, or HDMS incident.

The Remote Pilot in Charge (RPIC) is a specially-trained SWAT, HDMS, *or MCIT* officer holding a remote pilot certificate with an sUAS rating and who is responsible for the safe operation of the sUAS.

The Office of Special Operations Commission Liaisons are two members of the Board of Police Commissioners designated by the Commission President to review the Department's use and deployment of the sUAS.

Responsibilities. The sUAS *may only be operated by an RPIC* in coordination with the Program Manager from Air Support Division.

Special Weapons and Tactics, Bomb Squad, Hazardous Materials Unit, *and MCIT* personnel will be responsible for the safe operation of the sUAS during approved deployments and for documenting the use and deployment of the aircraft.

The Office of Special Operation's Counter-Terrorism and Special Operations Bureau (CTSOB) will be responsible for the oversight and evaluation of the sUAS Program.

Approval for Deployment. Any deployment of an sUAS shall be approved by the *Bureau Commanding Officer of the entity deploying the sUAS, or in his or her absence, the Acting Commanding Officer of that Bureau.* In addition, after deployment is approved by the *responsible Bureau* Commanding Officer, notification shall be made to the Director (i.e., Assistant Chief), Office of Special Operations, the Chief of Police, and the Office of Special Operations Commission Liaisons.

If an incident is such that it requires the response of personnel assigned to the Bomb Squad and/or the Hazardous Materials Unit, the Commanding Officer, Emergency Services Division, shall also respond to the scene.

If an incident is such that it requires the response of personnel assigned to the MCIT, the Commanding Officer of the concerned Traffic Division shall also respond to the scene.

Permissible Uses. An sUAS may be deployed to provide enhanced situational awareness solely during the following circumstances or types of incidents:

- Barricaded suspects;

Note: *The Incident Commander at a barricaded suspect/hostage incident shall request SWAT when **all** of the following criteria are met:*

1. The suspect is probably armed;
2. Probable cause exists to believe that the suspect has been involved in a criminal act or is a threat to the lives and safety of the community and/or police;
3. Is in a position of advantage, affording cover and/or concealment; or is contained in an open area and the presence or approach of police officers could precipitate an adverse reaction by the suspect; and,
4. The suspect refuses to submit to a lawful arrest.

- Active shooter incidents;
- Assessments of explosive devices and explosions;
- Hostage situations;
- Natural disasters;
- Hazardous materials incidents;
- Search and rescue operations;
- Warrant services;
- Perimeter searches of armed suspects with superior firepower, an extraordinary tactical advantage, or who are wanted for assault with a firearm against a police officer; *and,*
- *Traffic collisions that involve City of Los Angeles property, which result in serious bodily injury or death and will likely result in significant liability for the City of Los Angeles, and requires the response of MCIT.*

Prohibited Uses. An sUAS shall not be deployed or used in violation of the City of Los Angeles municipal laws, California State laws, or the United States Constitution. Unless a lawful exception applies, Department personnel shall obtain a search warrant or other lawful process when required under the Fourth Amendment or other provision of the law.

An sUAS shall not be deployed when weather conditions or other hazards prevent the safe operation of the aircraft. In addition, an sUAS shall not be deployed in a manner exceeding the manufacturer's recommendations.

An sUAS shall not be equipped or used with any weapons capabilities including any non-lethal or less-lethal weapon systems.

An sUAS shall not be equipped or used with any facial recognition software or analysis capabilities.

Protection of Privacy. The Department shall only collect, use and disseminate information obtained from an sUAS for an authorized purpose.

Department policy ensures that Department personnel with access to such data follow practices that are consistent with the protection of privacy and civil liberties. The unauthorized collection, retention, or dissemination of data is prohibited. Data collected by an sUAS that is retained shall be safeguarded in accordance with current Department policy. Further, existing procedures will be

utilized to review, investigate, and address privacy and civil liberties complaints.

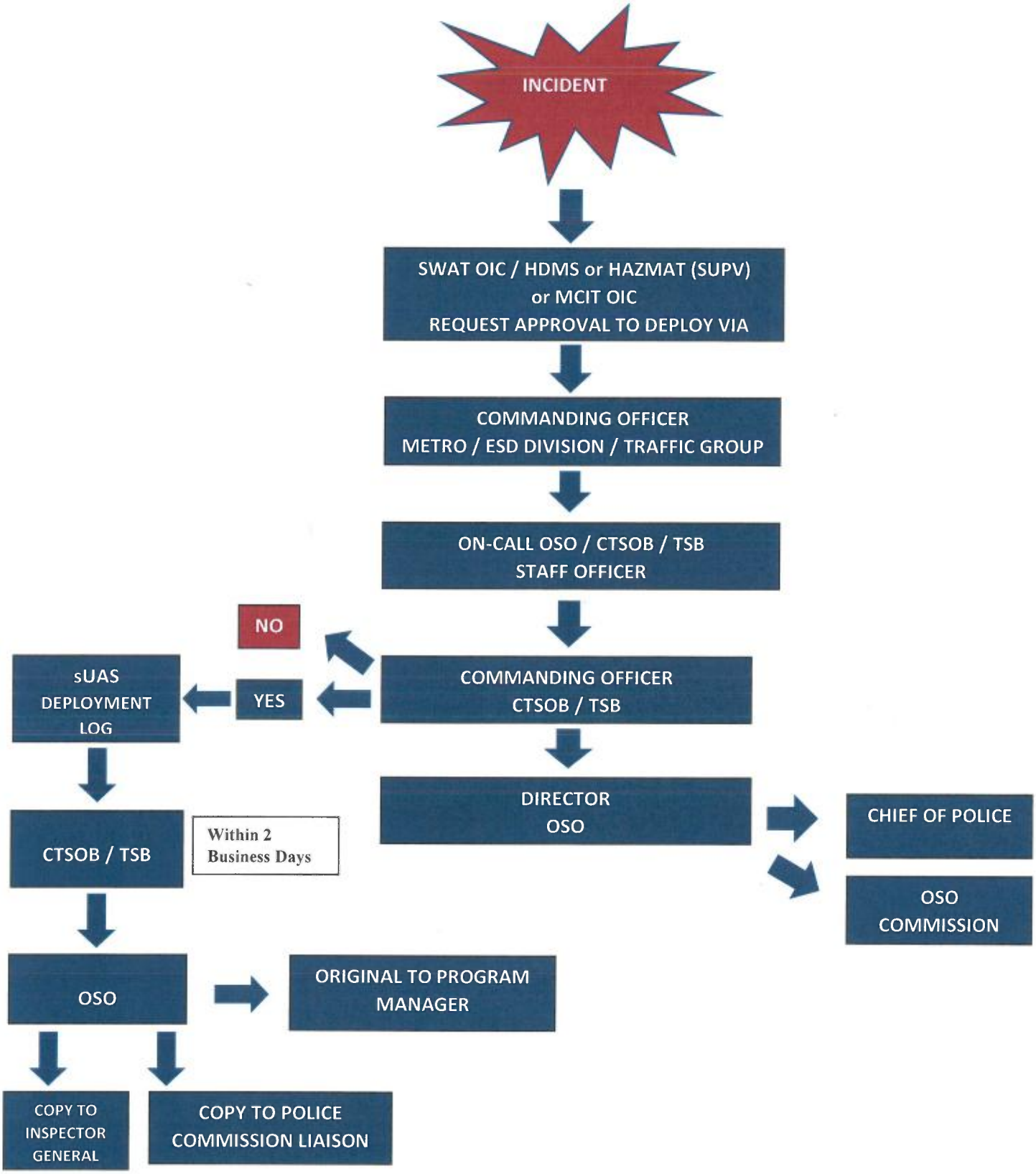
Video Recordings. Absent exigent or unexpected circumstances, such as a malfunction or technical issue, the RPIC shall ensure that all sUAS operational deployments are video recorded and retained in accordance with the City retention requirements.

Documentation and Inspection Procedures. The request and approval or disapproval of *an* sUAS deployment shall be documented in an sUAS Deployment Log by the assigned SWAT, HDMS OIC, *or MCIT OIC*.

After each deployment of an sUAS, the assigned SWAT, HDMS OIC, *or MCIT OIC* shall complete the sUAS Deployment Log and ensure that a copy is forwarded to the *appropriate Bureau* Commanding Officer, and Director, Office of Special Operations, within two business days after resolution of the incident. The Office of Special Operations will send the original sUAS Deployment Log to the Program Manager and forward a copy to the Office of Special Operations Commission Liaisons, and the Office of the Inspector General.

The Program Manager shall conduct a monthly inspection of logged missions comparing data downloaded from the sUAS to ensure all flight time, including training flight time, is accounted for. The inspection will include the total number of missions for the reporting period, total flight time for the reporting period, and matrix of mission purposes. A copy of the monthly inspection report shall be forwarded to the *responsible Bureau* Commanding Officer, and Director, Office of Special Operations. The Office of Special Operations shall also forward a copy of the inspection report to the Office of Special Operations Commission Liaisons and the Office of the Inspector General.

Annual Report to the Board of Police *Commissioners*. The Department will provide an annual report to the Board of Police Commissioners on the use and deployment of an sUAS. The report shall include:

- An analysis of the use of an sUAS, including results of monthly audits measuring performance relative to the adherence of deployment and accountability rules;
- The number of sUAS deployments;
- The types of situations in which an sUAS was deployed;
- The overall results and effectiveness of an sUAS in resolving incidents;
- Whether an sUAS mitigated the risk of harm to officers, suspects, and the public;
- *An overall analysis of the effectiveness when the sUAS was deployed*;
- Whether deployment of an sUAS reduced costs associated with responding to similar incidents; and,
- Recommendations on whether the use of an sUAS should be continued and, if so, any modifications to these guidelines or other policies and procedures that should be considered.

SMALL UNMANNED AERIAL SYSTEM DEPLOYMENT AND APPROVAL