

INTRADEPARTMENTAL CORRESPONDENCE

October 13, 2017

1.18

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: PROPOSED SMALL UNMANNED AERIAL SYSTEM (sUAS)
DEPLOYMENT GUIDELINES

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners APPROVE the sUAS Deployment Guidelines
2. That the Board of Police Commissioners APPROVE the initiation of the sUAS Deployment One-year Pilot Program

DISCUSSION

On August 8, 2017, the Department appeared before the Board of Police Commissioners (Board) to propose a one-year pilot program plan for the utilization of a small Unmanned Aerial System (sUAS), during limited tactical situations, response to natural disasters, or search and rescue operations. The proposal outlined the pilot program which would follow local, state and federal laws regulating the use of such devices, as well as adhering to constitutional provisions related to privacy and freedom of speech. Furthermore, a program manager would be assigned from Air Support Division (ASD) to manage the pilot program and utilization of the device. The operation of the device would be limited to specifically trained personnel from the Special Weapons and Tactics team.


After the August 8th presentation, the Department sought input from the public, holding community meetings and inviting comments via written and electronic correspondence. On October 3, 2017, the Department again appeared before the Board to report on the outcome of the community meetings and public input, and to ask for acceptance of the sUAS Deployment Guidelines. The guidelines presented to the Board incorporated safeguards to address community concerns, and were designed to ensure that the Department does not overstep constitutional provisions that protect privacy or change the scope of the deployment criteria, to include a prohibition on the weaponization of the devices, with stringent provisions that each deployment be approved by a staff officer at the rank of deputy chief or higher, with notification to the Assistant Chief in the chain of command, as well as the Chief of Police. The Board directed the Department to post the guidelines on the Department website, LAPDONLINE.ORG to facilitate discussion and access.

The guidelines were posted on the Department website as directed by the Board, and a series of press releases were sent to major media outlets as well as community oriented media organizations. The guidelines were also posted on the websites of the various Community Police Advisory Boards across the city. Input was received from the public, mainly through email, consistent with the previous round of public input. The comments received were both in opposition to as well as in support of the use of the sUAS deployment. Those opposed, for the most part, did not have a specific concern with the guidelines as drafted but rather referenced a belief that the Department could not be trusted to follow its own rules, regardless of how stringent the guidelines are designed. Thus, they are still opposed. Those in support expressed the same type of stance as seen in the previous comments, while some said they approved of adding new technology, others thought the guidelines were too stringent and could hamper timely response to situations.

The Department is confident the sUAS Deployment Guidelines for the one-year pilot program, as are currently posted on the Department website and are before you, provide the sufficient level of approval and review to address community concerns but also provide the Department with an additional tool to de-escalate volatile tactical situations while reducing harm to the public, officers and to suspects.

If you have any questions regarding the proposed sUAS Pilot Program and the attached guidelines, please contact Assistant Chief Beatrice M. Girmala, Director, Office of Special Operations, at (213) 486-8440.

Respectfully,

A handwritten signature in black ink, appearing to read 'C. Beck', written over the word 'Respectfully,'.

CHARLIE BECK
Chief of Police

Attachment

LOS ANGELES POLICE DEPARTMENT
SMALL UNMANNED AERIAL SYSTEM PILOT PROGRAM
DEPLOYMENT GUIDELINES AND PROCEDURES

The Department intends to implement a one-year pilot program to evaluate whether a small unmanned aerial system (sUAS) will enhance the ability of LAPD's Metropolitan Division, Special Weapons and Tactics team to safely resolve dangerous, high-risk tactical situations and improve situational awareness capabilities during natural disasters and catastrophic incidents.

BACKGROUND

Public safety agencies throughout the United States have been using sUASs to provide critical real-time information and situational awareness during volatile and life-threatening incidents. For example, law enforcement agencies have successfully used sUASs 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 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 consider 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 pilot 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 Team (SWAT) is a highly trained and specialized cadre of Department personnel under the command of Metropolitan Division and the Counterterrorism and Special Operations Bureau (CTSOB). SWAT personnel respond to high-risk tactical

incidents including hostage situations, active shooter incidents, and counterterrorism operations, and are trained to operate specialized equipment and technology to safely resolve incidents.

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 pilot program.

sUAS Deployment Log is the written documentation report completed by the officer in charge (OIC) of SWAT after the approval or denial of an sUAS at the scene of a tactical incident (Addendum 1).

The Remote Pilot in Charge (RPIC) is a specially-trained SWAT 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 will be assigned to the RPIC only and operated in coordination with the Program Manager from ASD.

SWAT 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 will be responsible for the oversight and evaluation of the sUAS Pilot Program.

APPROVAL FOR DEPLOYMENT

Any deployment involving the use of an sUAS shall be approved by the on-scene or responding CTSOB or Office of Special Operations Staff Officer (i.e., Commander or above) and the Commanding Officer (i.e., Deputy Chief) of CTSOB. In addition, after deployment has been approved by the CTSOB 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.

PERMISSIBLE USES

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

- Barricaded Suspects;¹
- Active Shooter Incidents;
- Assessments of Explosive Devices and Explosions;
- Hostage Situations;
- Natural Disasters;
- Hazardous Materials Incidents;
- Search and Rescue Operations; and,
- 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.

PROHIBITED USES

An sUAS shall not be deployed or used in violation of the law or 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 that exceeds the manufacturer's recommendations.

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

¹ The SWAT response criteria for a barricaded suspect is as follows:

1. The suspect is probably armed; **and**
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; **and**
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.

VIDEO RECORDINGS

Absent exigent or unexpected circumstances, such as a malfunction or technical issue, the RPIC shall ensure that video transmissions from the sUAS are recorded and retained in accordance with 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 OIC.

After each deployment of an sUAS, the assigned SWAT OIC shall complete the sUAS Deployment Log and ensure that a copy is forwarded to the Commanding Officer, CTSOB and Director, Office of Special Operations within two business days after the incident has been resolved. The Office of Special Operations shall also forward a copy of the sUAS Deployment Log to the Office of Special Operations Commission Liaisons.

The Program Manager shall conduct a monthly inspection of logged missions that will compare 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 Commanding Officer, CTSOB and Director, Office of Special Operations. The Office of Special Operations shall also forward a copy of the report to the Office of Special Operations Commission Liaisons.

STATUS REPORTS AND PROGRAM EVALUATION

The Department will provide quarterly status reports to the Office of Special Operations Commission Liaisons on the use and deployment of an sUAS and a copy of the report, with any necessary redactions, shall also be submitted to the Board of Police Commissioners and publicly released.

At the end of the pilot program, the Department will provide a Final Report on the Evaluation of the sUAS Pilot Program to the Board of Police Commissioners. The Final Report will be reviewed by the Chief of Police and the Office of Special Operations Commission Liaisons prior to a public presentation to the Board of Police Commissioners and 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;
- 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.

PILOT PROGRAM TIME PERIOD

Subject to the approval of these guidelines by the Board of Police Commissioners, the Department shall have one year to deploy an sUAS consistent with these guidelines. The one-year period shall begin on the date the first sUAS is granted a Certificate of Aircraft Registration by the Federal Aviation Administration.

Los Angeles Police Department
Small Unmanned Aerial System Deployment Log

Deployment Request No.	SWAT Incident No.	Date/Time	Address	Geo Area	Type of Incident
Requested by – Name/Serial No.			CTSOB Approving Authority – Name/Serial No.		Approved (Y/N)
Search Warr. (Y/N)	Name/Serial No./Div of Pilot(s)		Systems Utilized (list each sUAS used during incident)	Video Recorded Tracking No.	
Reason for Deployment Request					
Location (interior/exterior) and approximate duration of deployment for each system used					
Results of Deployment or Reason for Denial of Deployment Request					
SWAT OIC Review (Signature/Serial No.)			Date	METRO C/O Review (Signature/Serial No.)	
CTSOB Review (Signature/Serial No.)			Date	OSO Review (Signature/Serial No.)	