



**Report of the Sheriff Civilian Oversight Commission
Regarding the Unmanned Aircraft System Program of the
Los Angeles County Sheriff's Department**

Dated: July 27, 2017

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EXECUTIVE SUMMARY

By motion of January 24, 2017, the Board of Supervisors requested the Sheriff Civilian Oversight Commission (COC) to evaluate the Los Angeles Sheriff Department's (LASD) Unmanned Aircraft System (UAS) program announced by Sheriff Jim McDonnell at a press conference on January 12, 2017.

After forming an ad hoc committee, the COC studied the LASD's policies regarding proposed uses of the UAS, witnessed operational use of the LASD's UAS, considered the April 2017 report of the Office of Inspector General (OIG), took extensive public comment, and examined available literature regarding law enforcement use of UASs within the United States.

The authorized uses for a UAS under the Sheriff's policy are limited to emergency, life-threatening situations, such as hostage rescue, bomb detection, active shooter and HazMat spills. UASs are capable of giving the LASD situational awareness that would not otherwise be possible in certain situations, and there is little doubt that they will save lives in the future. Although a relatively new technology, UASs are a potentially important public safety and officer safety tool. However, in light of the understandable public concerns surrounding the use of UASs, or drones, the COC is troubled that the LASD did not itself take public comment *before* implementing its UAS program last January. Its recent efforts to do so are commendable.

After evaluating the UAS program and the protocols surrounding its limited authorized uses, and considering the significant public concerns regarding, among other things, privacy and mission creep, including potential arming of UASs, the COC makes the following recommendations designed to tighten the limited uses for which a UAS in their UAS program may be authorized:

1. The Sheriff should explicitly and unequivocally state that he has no intention of arming or allowing the arming of the UAS operated by the LASD.
2. Before seeking to expand the types of missions for which a UAS can be used, the Sheriff should commit to notifying the COC and allowing time for the COC to receive public comment prior to doing so.
3. The LASD Policy Manual should make explicit that use of a UAS is limited to gaining situational awareness in emergency, life-threatening situations.

4. SEB should maintain a log of NOTAMs, the type of operational use authorized, who authorized it and the results of each such use.
5. The Sheriff should notify the COC, within 48 hours, through its Executive Director, of any authorized operational uses of UASs and any unauthorized uses.
6. On a quarterly basis, the Sheriff should provide the COC with a report regarding all operational uses of the UAS, the type of mission for which such use was approved, the results of such uses, and whether or not they were within policy uses. Further, in the interest of transparency, we recommend that this data be published on the LASD website or a readily identifiable link.
7. The UAS Program should be audited on at least an annual basis by the LASD. Its audits should be provided to the COC and the OIG.
8. Modify the Unit Order and Policy Manual to limit preservation of video footage, except for training, from ten to two years, unless there is a pending case requiring that it be preserved beyond two years.
9. Include a separate section in the Policy Manual that specifically addresses the LASD's commitment to maintaining individuals' privacy and other constitutional rights and operating according to the Constitution and the law regarding searches.
10. Assure prompt investigation and appropriate accountability, including discipline when warranted, for out-of-policy use of the UAS.

INTRODUCTION

On January 12, 2017, Sheriff Jim McDonnell held a press conference announcing that LASD had received approval from the Federal Aviation Administration (FAA) to use a small unmanned aircraft vehicle, also known as a drone or UAS. During his press conference, the Sheriff emphasized that the LASD's UAS would be used only in limited, specifically described emergency situations involving significant threats to life or serious property damage. The limited uses are set forth in a LASD Unit Order dated January 10, 2017, and are discussed in more detail below. The Sheriff also stated that the FAA has also given approval to thirty other law enforcement agencies throughout California for use of UASs. The Sheriff described the LASD's use of the UAS as a pilot program which would be monitored by the LASD on a continuing basis.

By motion on January 24, 2017, the Los Angeles County Board of Supervisors (Board) requested the Office of Inspector General (OIG) to gather information and prepare a report regarding the planned uses of the LASD's UAS and present its report to the COC. The OIG report was presented to the COC on April 5, 2017.

In its motion, the Board requested the COC to review and supplement the OIG's report with input from the LASD, public comment and any other source it deemed pertinent. Further, the COC was requested to evaluate the UAS program, make such recommendations as appropriate, and provide feedback on public comments regarding the program.

ACTIONS OF THE COC

After receiving the Board's request, the COC and its staff took the following actions:

1. Established an ad hoc committee consisting of three commissioners to work with the COC staff to study the LASD UAS program and report back to the full commission. The members of the ad hoc committee are Commissioners Lael Rubin, Priscilla Ocen and James P. Harris.
2. Carefully studied the OIG's report of April 2017 titled "Los Angeles County Sheriff's Department Unmanned Aircraft System Evaluation."
3. Observed a demonstration of operational capabilities and an actual operational use by the LASD's Special Enforcement Bureau (SEB) personnel of the LASD's UAS program.

4. Interviewed members of the SEB regarding the rationale for and limited uses of the UAS and Unit Order 2017-01 and met with the Sheriff and Undersheriff to discuss the program.
5. Took extensive public comment at several meetings of the COC and a special meeting of the ad hoc committee regarding the Sheriff's plan for limited use of the UAS.
6. Reviewed relevant literature and legislation, including United States Justice Department policy guidance for use of UASs by law enforcement organizations.¹

SHERIFF POLICY AND THE USES OF THE UAS

At Sheriff McDonnell's press conference on January 12, 2017, and as stated in LASD Unit Order 2017-01 dated January 10, 2017,² Sheriff McDonnell made clear that the use of the UAS is limited to "high-risk tactical/rescue/HazMat emergencies". In other words, use of a UAS is limited to "situations of extreme threat." The only missions for which the UAS can be authorized are the following emergency situations:

1. Search and rescue;
2. Explosive ordnance detection;
3. Disaster response;
4. Barricaded suspects;
5. Hostage and other high-risk tactical operations;³
6. Hazardous materials incidents; and
7. Fire-related incidents.

It recognizes that use of a UAS will be limited to "circumstances which would save life and property, as well as in situations to detect possible dangers that could not otherwise be seen."

The Unit Order is explicit that:

"The UAS SHALL NOT be used for random surveillance missions or missions that would violate the privacy rights of the public." (Emphasis in the original).

¹ Department of Justice (2015). DOJ Policy Guidance-Domestic Use of Unmanned Aircraft Systems (UAS). Retrieved from: <https://www.justice.gov/file/441266/download>; Valdovinos, Maria, Specht, James, and Zeunik, Jennifer (2016). Law Enforcement & Unmanned Aircraft Systems (UAS): Guidelines to Enhance Community Trust. Retrieved from: <https://www.policefoundation.org/wp-content/uploads/2016/11/UAS-Report.pdf>; International Association of Chiefs of Police Aviation Committee (2012). Recommended Guidelines for the Use of Unmanned Aircraft. Retrieved from: http://www.theiacp.org/portals/0/pdfs/iacp_uaguidelines.pdf.

² See LASD Unit Order 2017-01, attached hereto as Exhibit 1.

³ Now includes active shooter situations. See LASD Proposed Manual Revision, 2017-003-02, attached hereto as Exhibit 2.

In addition to limiting the use of the UAS to defined emergency missions involving threats to life, the Unit Order also establishes the procedures that must be followed before use of a UAS. In this regard, it limits the operation of a UAS to SEB and within SEB, to FAA certified deputies. Authority, and therefore accountability have been limited. Only an SEB Team Commander can authorize the deployment of a UAS, and then only when there is an emergency mission within the limited ones described in the Unit Order. The authorization must be made “prior to deployment” (Ex. 1, para. 4.) Further, the Unit Order requires two-person teams and makes clear that “[e]ach SEB UAS operator shall be cognizant of, and sensitive to, the privacy rights of individuals” when operating a UAS and that all uses of a UAS must be documented with a public Notice to Airmen (NOTAM) prior to its operation.

In response to an OIG recommendation, the Sheriff has revised the LASD Policy Manual to incorporate the policies and procedures of the Unit Order into Department-wide policy and made clear that “no other member of the Department shall deploy their own personal UAS during the course of their duties.”⁴

Within the SEB, the LASD has three lieutenants and eight deputies trained and authorized to fly a UAS. The department has only one UAS, a DJI company model HV-44B, which is about 20 inches in diameter and weighs approximately six pounds. It is *not* armed, nor is it “equipped in any way to accommodate weapons.”⁵ There are no plans to arm the UAS. The UAS is equipped with a camera set to a default mode of not recording. The SEB operator is required to get approval from an SEB Team Commander before activating the record function of the camera. Recorded video footage can be preserved up to ten years.

Since January 2017, the LASD has operationally used the UAS on only four occasions, one of which was witnessed by the COC’s staff. Of the four uses, one was a barricaded suspect situation and the others were search and rescue missions for a missing woman and for a missing young boy. All four missions were within the limited use policy of the LASD.

OIG REPORT

On April 5, 2017, the OIG delivered a report to the COC evaluation the LASD’s UAS program.⁶ Although we will not summarize the report, the OIG’s key findings and recommendations are set as follows.

⁴ See Exhibit 2.

⁵ Office of Inspector General (2017). Los Angeles County Sheriff’s Department Unmanned Aircraft System Evaluation, p. 4. Retrieved from:

<https://oig.lacounty.gov/Portals/OIG/Reports/Los%20Angeles%20County%20Sheriff's%20Department%20Unmanned%20Aircraft%20System%20Evaluation.pdf?ver=2017-04-20-172758-373>

⁶ Ibid.

Key findings of the OIG include:

1. UAS operators are deputies assigned to the LASD SEB who “have received a great deal of training and have passed a FAA certification test” and “are among the most highly-trained deputies in the department.”⁷
2. The SEB handles high-risk situations such as barricaded suspects, hostage situations, search and rescue, arson fire investigations and bomb squad. The UAS deputies are “very well informed and extremely dedicated to the safe and ethical operation” of the UAS.⁸
3. “There appear to be proper safeguards within the Unit Order to operate the UAS in a responsible and safe manner keeping privacy rights in mind”.⁹
4. “The LASD’s Unit Order appears to be narrowly tailored to the public safety missions to prevent imminent danger to life or serious damage to property and does not allow for the improper surveillance of the public.”¹⁰
5. The LASD’s Unit Order is clear regarding its limitation to specific, emergency, potential life-threatening missions and it is also clear that a UAS is not to be used to conduct non-exigent surveillance.

The OIG report also has a legal analysis of privacy issues and the application of the Fourth Amendment’s protection against unreasonable searches and seizures, as they apply to the limited missions for which use of an UAS is authorized. In substance, the OIG report notes that searches without warrants are usually considered to be reasonable only if “exigent circumstances” exist, such as an emergency situation posing imminent danger to life or property, or to prevent the imminent escape of a suspect or loss of evidence. Regarding the limited emergency-type missions for which a UAS is authorized, the OIG opines that such missions would likely fall within the judicially recognized definition of “exigent circumstances.” Furthermore, the OIG report notes that the “reasonable expectation of privacy” that citizens are accorded under the Fourth Amendment does not apply to barricaded suspects or hostage situations, and that law enforcement observations of public spaces do not “constitute a search under the Fourth Amendment.”

The OIG report makes five recommendations:

⁷ Ibid., p. 4.

⁸ Ibid., p. 6.

⁹ Ibid., p. 7.

¹⁰ Ibid., p. 9.

1. The LASD should continue its commitment to transparency in their operation of the UAS by providing information to the public on the uses of its UAS.
2. The LASD should develop a department-wide policy on the use of its UAS which would ban the use of ANY UAS by any other units or deputies during the course of their official duties.
3. The current SEB Unit Order makes clear that a UAS should not be used for “random surveillance missions,” but as the primary mission/focus of utilizing a UAS appears to be gaining situational awareness in life-threatening situations, this limited goal warrants more emphasis in the LASD policy. The term “non-emergency surveillance” would better describe the intent of the LASD not to use an UAS for the mere gathering of criminal evidence outside of emergency situations. In addition, one of the listed uses in the Unit Order should specifically include an “active shooter” type situation since these incidents do not always include barricades or hostages.
4. The LASD should provide a record of usage, flight time, training and maintenance issues along with copies of all NOTAMs issued as a result of the UAS deployment. These documents/logs should be addressed within an operational type manual.
5. The LASD should continually research and implement “Best Practices” regarding the use of these systems.

The COC agrees with the OIG’s recommendations listed above. Moreover, we note that by letter dated March 30, 2017, Sheriff McDonnell concurred with all five OIG recommendations, and directed the LASD Audit and Accountability Bureau to monitor implementation of the recommendations.¹¹

PUBLIC COMMENT AND FEEDBACK

Members of the public expressed their concerns regarding the LASD’s announced use of the UAS at four of the COC’s regular monthly meetings, its January 26, March 23, April 27, and May 25, 2017 meetings, and also at a community meeting held by the COC ad hoc committee on April 21, 2017. The UAS issue was explicitly agendized for the January 26, 2017 and the April 27, 2017 meetings of the COC, in part, to receive public comment. In addition, the COC and its staff received input from individual members of the community.

¹¹ See Sheriff McDonnell’s Letter to Inspector General Huntsman dated March 30, 2017, attached hereto as Exhibit 3

In total, several dozen members of the public addressed the COC at its public hearings on the subject of UASs. Without exception, the comments of every member of the public who addressed the COC were resoundingly negative. Much of the public comment included opposition from the Stop LAPD Spying Coalition, including Mr. Hamid Khan and other members. Other organizations expressing opposition to the use of UASs, or drones, included the American Civil Liberties Union (ACLU), Dignity and Power Now and the Youth Justice Coalition.

Mr. Khan and other members of the public who spoke were and are adamantly and passionately opposed to the use of UASs by the Sheriff's Department. Among other things, they indicated that their opposition was based upon concerns that:

1. Use of UASs will lead to an increase in the militarization of the LASD. In a letter to the OIG dated March 7, 2017, Mr. Khan stated that "[t]he addition of Drones would further signify the structural and operational formation of the LASD as an occupying institution that operates as a counter-insurgency force."¹²
2. There will be "mission creep." Even if initially UASs are authorized for limited emergency, life-threatening types of missions, it will lead to additional, more invasive uses.
3. In 2012, without notice the LASD used a *manned* aircraft in Compton to conduct mass surveillance in violation of privacy rights of residents. The LASD cannot be trusted to operate UASs.
4. Drones are associated with military uses and with "death and destruction."

A report was distributed by the ACLU during one of the meetings, "Making Smart Decisions About Surveillance," which detailed community guidelines for accountability, transparency and oversight of such programs.¹³

The Sheriff was also criticized for implementing a policy allowing for use of the UAS without first getting public comment and input.

There is no question that the opposition that the COC heard from the public was sincerely motivated. There is considerable public angst surrounding the potential use of UASs and much of it stems from a lack of trust. They also pointed with alarm to legislation in at least one state (North Dakota) which permits law enforcement to attach weapons to UASs.

¹² See Mr. Khan's letter to the Office of Inspector General dated March 7, 2017, attached hereto as Exhibit 4.

¹³ ACLU (2016). Making Smart Decisions About Surveillance, Retrieved from: https://www.aclunc.org/docs/20160325-making_smart_decisions_about_surveillance.pdf.

ANALYSIS

LASD's limited use of the UAS can be an important component for providing situational awareness in high-risk emergency, life-threatening situations faced by the LASD, such as rescuing a hostage being held at gun point, responding to an active shooter situation, performing search and rescue missions in dangerous terrain, defusing a bomb planted in a public space, and investigating HazMat spills to determine the best strategies for containment without exposing the public and first responders to serious injuries. Indeed, it is likely that UASs will save lives. Used properly and within the limitations set by the Sheriff, UASs are an important public safety and officer safety tool.

It is unfortunate that the Sheriff did not obtain public comment before implementing the use of its UAS program in January of this year. As was clear from public comment received by the COC, there is a genuine and serious concern about the potential abuse of UASs by law enforcement. While the UAS technology is not particularly new, its use by law enforcement organizations is. Moreover, use by the United States military of much larger armed unmanned aerial vehicles (UAVs), or drones, is well known to the public and understandably unnerving to anyone who distrusts law enforcement. Unfortunately, a significant number of individuals in our community and nationally simply do not trust law enforcement. In our recommendations below, we address concerns about arming of UASs and mission creep that are not adequately addressed by the SEB Unit Order and Policy Manual changes.

We note that at the suggestion of the COC ad hoc committee, the Sheriff recently set up mechanisms to directly receive comments from the public. His willingness, even now, to reach out, receive and evaluate public comment is laudable.

The role of the COC is to promote meaningful reform within the LASD and to help restore public trust between the LASD and the communities it serves. This will not be easy, but it does involve encouraging increased transparency and accountability on the part of the LASD. Regarding its use of the UAS, the recommendations below are intended to further those goals. Implementing these recommendations, in our view, will help build public trust.

RECOMMENDATIONS

The COC recommends the following:

1. The Sheriff should explicitly and unequivocally state that he has no intention of arming or allowing the arming of the UAS operated by the LASD.

2. Before seeking to expand the types of missions for which a UAS can be used, the Sheriff should commit to notifying the COC and allowing time for the COC to receive public comment prior to doing so.
3. The LASD Policy Manual should make explicit that use of a UAS is limited to gaining situational awareness in emergency, life-threatening situations.
4. SEB should maintain a log of NOTAMs, the type of operational use authorized, who authorized it and the results of each such use.
5. The Sheriff should notify the COC, within 48 hours, through its Executive Director, of any authorized operational uses of UASs and any unauthorized uses.
6. On a quarterly basis, the Sheriff should provide the COC with a report regarding all operational uses of the UAS, the type of mission for which such use was approved, the results of such uses, and whether or not they were within policy uses. Further, in the interest of transparency, we recommend that this data be published on the LASD website or a readily identifiable link.
7. The UAS Program should be audited on at least an annual basis by the LASD. Its audits should be provided to the COC and the OIG.
8. Modify the Unit Order and Policy Manual to limit preservation of video footage, except for training, from ten to two years, unless there is a pending case requiring that it be preserved beyond two years.
9. Include a separate section in the Policy Manual that specifically addresses the LASD's commitment to maintaining individuals' privacy and other constitutional rights and operating according to the Constitution and the law regarding searches.
10. Assure prompt investigation and appropriate accountability, including discipline when warranted, for out-of-policy use of the UAS.

EXHIBIT 1 – LASD UNIT ORDER 2017-01

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COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service Since 1850

DATE: January 10, 2017

OFFICE CORRESPONDENCE FILE:

FROM: **JACK W. EWELL, CAPTAIN** TO: **ALL SEB PERSONNEL**
SPECIAL ENFORCEMENT BUREAU

SUBJECT: **UNIT ORDER 2017 - 01**

UTILIZATION OF UNMANNED AIRCRAFT SYSTEM (UAS) PLATFORM

PURPOSE:

The purpose of this Bureau Order is to establish procedures governing the utilization and deployment of a Special Enforcement Bureau (SEB) Unmanned Aircraft System (UAS) platform.

SCOPE:

This order applies to all personnel requesting or operating an SEB UAS platform.

OVERVIEW:

SEB is tasked with responding to high risk tactical/rescue/HazMat emergencies throughout the County's 4,061 square miles, on a 24 hour / 7 day a week basis. It is the preeminent responsibility of SEB to respond to those incidents that exceed the scope, skills, and resources of patrol/detective personnel. In these situations of extreme threat the deployment of an SEB Unmanned Aircraft System (UAS) may be authorized. Authorized missions are search and rescue missions, explosive ordnance detection missions, disaster response, barricaded suspects, hostage situations and other high-risk tactical operations, hazardous materials incidents, and fire related incidents. A UAS can support personnel in these all-hazards incidents which would benefit from an aerial perspective. The use of an SEB UAS platform will allow for the enhanced protection of the public in high risk environments. The UAS SHALL NOT be used for random surveillance missions or missions that would violate the privacy rights of the public.

MISSION:

The mission of the SEB unmanned aircraft system (UAS) is to protect the lives and property of residents and visitors of Los Angeles County in a constitutionally

UNIT ORDER 2017 - 01

and legally sound manner in compliance with Federal Aviation Administration (FAA) regulations. A UAS may be utilized in circumstances which would save life and property, as well as in situations to detect possible dangers that could not otherwise be seen.

PROCEDURES:

The following are the procedures for the deployment and use of an SEB UAS:

1. SEB will maintain a cadre of individuals certified by Federal Aviation Administration (FAA) regulations to operate a UAS.
2. Only those personnel authorized by the SEB unit commander to operate a UAS will be charged with doing so.
3. The minimum personnel required on ALL UAS missions will be a two person team consisting of a qualified operator and observer.
4. All requests for the use of the UAS will be evaluated and authorized or denied by a SEB Team Commander prior to deployment.
5. The SEB UAS operator is directly responsible for, and is the final authority over, the actual operation of the UAS. SEB UAS operators have absolute authority to reject a flight based on personnel safety, public safety or violation of FAA regulations. SEB UAS operators are responsible for compliance with this order, department policy and procedure and FAA regulations.
6. Each SEB UAS operator shall be cognizant of, and sensitive to, the privacy rights of individuals when operating the UAS. The default mode of the UAS camera shall be non-recording. If circumstances require use of the recording function of the camera, the operator shall obtain authorization of the SEB Team Commander to turn on the record function of the camera. The use of the record function shall be noted on the incident report, and the footage shall be retained for a period of two years. An exception to this is training video. Video can be retained for training purposes if no one outside of LASD personnel are identifiable in the video.
7. The SEB UAS operator is responsible for making a public notice to airman and all required FAA notifications prior to operating an SEB UAS.
8. An SEB Team Commander is responsible for notifying and coordinating with the Aero Bureau watch commander, rank of sergeant or above, prior to any SEB UAS operations.

EXHIBIT 2 – LASD PROPOSED MANUAL REVISION, 2017-003-02

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
PROPOSED MANUAL REVISION

2017-003-02
PAGE 1

EXECUTIVE SUMMARY

This amendment to the Los Angeles County Sheriff's Department's Manual of Policy and Procedures (MPP) will add section 5-09/550.00, Unmanned Aircraft System. This addition will implement a policy for the use of unmanned aircraft systems by Department personnel.

This proposed amendment to the Los Angeles County Sheriff's Department's Manual of Policy and Procedures supersedes all previous versions of this policy.

This proposed amendment was submitted by Captain Jack W. Ewell, Special Enforcement Bureau, at 323-881-7823.

Staff Assignment: Sergeant John Rossi or Deputy Suzie Ferrell, Field Operations Support Services, at (323) 890-5411.

This proposed amendment is presented in legislative format. Proposed additions, amendments, and/or revisions are highlighted. Deletions to existing policy/text are indicated by ~~strikeout~~.

5-09/550.00 UNMANNED AIRCRAFT SYSTEM

For purposes of this section, unmanned aircraft system (UAS) is defined as a small unmanned aircraft that weighs less than 55 pounds, including any attachments.

Special Enforcement Bureau (SEB) responds to high-risk tactical/rescue/hazmat emergencies. In these situations of extreme threat, the deployment of an UAS may be authorized. SEB is the only unit authorized to operate an UAS and is the lead point of contact between the Federal Aviation Administration (FAA) and LASD for UAS operations. No other member of the Department shall deploy their own personal UAS during the course of their duties.

Authorized UAS operations are search and rescue missions, explosive ordnance detection missions, disaster response, barricaded suspects, hostage situations, active shooters, hazardous materials incidents, fire-related incidents, and other high-risk tactical operations. The UAS **shall not** be used for non-emergent surveillance missions or missions that would violate the privacy rights of the public.

SEB shall maintain a cadre of individuals certified by the FAA to operate an UAS. Only those personnel authorized by the SEB unit commander to operate an UAS shall operate an UAS. An UAS operation shall require a two-person team of SEB personnel consisting of a qualified operator and observer.

An UAS is not a substitute for Aero Bureau. It may compliment Aero Bureau but has different missions and capabilities.

5-09/550.10 UNMANNED AIRCRAFT SYSTEM PROCEDURES

All requests for the use of the unmanned aircraft system (UAS) shall be evaluated and authorized or denied by the Special Enforcement Bureau (SEB) team commander.

The UAS operator shall be responsible for, and is the final authority over, the actual operation of the UAS. UAS operators have an absolute authority to reject or ground flights based on personal safety, public safety, or violation of Federal Aviation Administration (FAA) regulations. UAS operators shall be responsible for compliance with SEB unit orders, Department policy, and FAA regulations.

UAS operators shall be cognizant of, and sensitive to, the privacy rights of individuals when operating the UAS. The default mode of the UAS camera shall be non-recording. If circumstances require use of the recording functions of the camera, the operator shall obtain authorization from the SEB team commander to turn on the record function of the camera. The use of the record function shall be noted on the initial incident report by the handling deputy. The video footage shall be retained for a period of ten years when a case is not filed. If a case is filed, the video footage shall be retained until the case is adjudicated, but no less than two years from date of incident. Video footage may be retained for training purposes if no one outside of LASD personnel are identifiable in the video.

UAS operators are responsible for making a Public Notice to Airmen (NOTAM) and all required FAA notifications prior to operating an UAS.

An SEB team commander shall be responsible for notifying and coordinating with the Aero Bureau watch commander, rank of sergeant or above, prior to any UAS operations.

JIM McDONNELL, SHERIFF

Drafted February 1, 2017

**EXHIBIT 3 – SHERIFF McDONNELL'S LETTER TO
INSPECTOR GENERAL HUNTSMAN DATED MARCH 30, 2017**



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



March 30, 2017

Max Huntsman, Inspector General
Los Angeles County Office of Inspector General
513 South Hill Street, 5th Floor
Los Angeles, California 90015

Dear Mr. Huntsman:

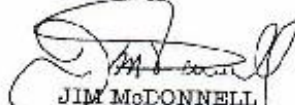
**RESPONSE TO THE LOS ANGELES COUNTY OFFICE OF INSPECTOR GENERAL
EVALUATION OF THE UNMANNED AIRCRAFT SYSTEMS**

The Los Angeles County Office of Inspector General (OIG) recently conducted an evaluation of the Los Angeles County Sheriff's Department (Department) use of Unmanned Aircraft Systems (UAS). The OIG produced a report consisting of recommendations in five areas: (1) commitment to operational transparency, (2) developing a Department-wide policy limiting deployment to qualified Special Enforcement Bureau personnel, (3) clarification of conditions for deployment, (4) record keeping of training, maintenance, and deployment, and (5) continuous research and implementation of best practices regarding the use of UAS.

The effort and dedication made by members of the OIG to execute this evaluation are greatly appreciated by the Department. The Department values the comments relating to the development of policies and procedures for UAS measures. The Department concurs with the recommendations and will continually strive to meet and/or exceed the expectations of this report.

The Audit and Accountability Bureau has the responsibility to monitor and document Department responses related to this evaluation and analysis. Should you have any questions, please contact Captain Steven R. Gross at (323) 307-8302.

Sincerely,


JIM McDONNELL
SHERIFF

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

EXHIBIT 4 – MR. KHAN’S LETTER TO THE OFFICE OF INSPECTOR GENERAL DATED MARCH 7, 2017



Stop LAPD Spying Coalition

March 7, 2017

Office of Inspector General
Los Angeles Sheriff's Department

Re: Stop LAPD Spying Coalition Opposition to the use of Drones by LA Sheriff's Department

The Stop LAPD Spying Coalition rejects the use of Drones aka Un-manned Aerial Vehicles (UAV) by the Los Angeles Sheriff's Department (LASD) and demand that the LASD be prohibited from using them. The Coalition is comprised of a cross section of concerned individuals, including human and civil rights, and privacy rights organizations, faith based and community based organization. The Coalition's rejection of the deployment of Drones by LASD arises from deep concerns and history of violence, brutality, disregard for privacy rights, and several other factors including:

Militarization:

- The LASD is already one the most militarized police departments in the world using massive amount of tactical weapons, and human and electronic surveillance technology.¹ The addition of Drones would further signify the structural and operational formation of LASD as an occupying institution that operates as a counter-insurgency force.
- The LASD is in the process of creating a massive facial recognition and biometric database with the capacity to hold information on 15 million individuals.² This will be the largest database platform of any law enforcement agency outside of the FBI.

Mission Creep:

- LASD will broaden its usage of drones within the context of "mission creep." Mission creep alludes to the application of a specific tactic expanded beyond the original stated scope towards new and enlarged purposes. For example, the LASD Suspicious Activity Reporting (SAR) - Tips and Lead and the See Something, Say Something programs originally intended for counter-terrorism, are now LASD's insidious tool for everyday policing. The SAR program has resulted in rampant racial profiling and the opening of thousands of secret files on people engaging in innocent behavior such as photography.³
- A June 2014 report from American Civil Liberties Union, "The War Comes Home: The Excessive Militarization of American Policing," gives a stark example of mission creep revealing the Special Weapons and Tactics (SWAT) teams very often deployed—unnecessarily and aggressively—to execute search warrants in low-level drug investigations.⁴
- Another glaring example of mission creep arises from the August 2015 passage of legislation in North Dakota legalizing armed police drones with weapons such as tasers and rubber bullets.⁵

Distrust:

- In 2014 it was revealed that in 2012 LASD secretly used a small aircraft equipped with mass surveillance technology over a period of two weeks over the City of Compton, CA. This was a flagrant violation of privacy of Compton residents.⁶

¹ <http://shq.lasdnews.net/pages/patrolstation.aspx?id=SEB>

² <https://www.revealnews.org/article/los-angeles-sheriff-invests-in-new-tech-to-expand-biometric-database/>

³ <https://www.aclusocal.org/en/cases/nee-v-lasd>

⁴ <https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rel1.pdf>

⁵ <http://www.thedailybeast.com/articles/2015/08/26/first-state-legalizes-armed-drones-for-cops-thanks-to-a-lobbyist.html>

⁶ <https://www.theatlantic.com/national/archive/2014/04/sheriffs-deputy-compares-drone-surveillance-of-compton-to-big-brother/360954/>

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- Since 2012, the LA Sheriff's Department has ranked amongst the top five police departments in the country for killing the most people, while leading the country with most killings in 2013 and 2014. In 2015 LASD ranked second in the country for killing the most people, falling behind the Los Angeles Police Department.⁷
- There have been countless examples of community members calling LASD in moments of crisis that have resulted in lethal use of force against the very people requesting help for themselves and/or their loved ones.
- For more than four decades LASD has been a target of court decisions, lawsuits and federal investigations. Most recently there have been several indictments, convictions, and resignations of several Sheriff's Deputies, the former Assistant Sheriff Paul Tanaka and the former Sheriff Lee Baca.⁸

Safety and Trauma:

- Drones are globally associated with death and destruction. In the people's consciousness, drones represent the murder of thousands of people including children.
- According to a Washington Post study, 400 U.S. military drones crashed in major accidents worldwide between Sept. 11, 2001 and December 2013.⁹
- Recent reports by the Federal Aviation Administration (FAA) have highlighted the increasing menace in our skies by private user of Drones resulting in dangerously close call with airliners, 700 just between January and August of 2015. The FAA "has acknowledged growing concern about the problem and its inability to do much to tame it."¹⁰

The Coalition has also engaged in extensive community outreach seeking feedback from members of diverse communities on the use of Drones by law enforcement. To date we have collected over 3200 signatures, conducted extensive surveys, organized community townhalls and outreach events, held numerous press conferences and in December 2015 released "The Drone Report."¹¹ The results have been unanimous - *Angelenos overwhelmingly reject the use of drones by law enforcement under all circumstances.*

Please feel free to contact us by email at stoplapdspying@gmail.com or by phone at (562) 230-4578.

On behalf of the Stop LAPD Spying Coalition.

Sincerely,



Hamid Khan

⁷ <http://assets.lapdonline.org/assets/pdf/UOF%20Executive%20Summary.pdf>

⁸ <https://www.aclusocal.org/en/node/2578>

⁹ http://www.washingtonpost.com/sf/investigative/2014/06/20/when-drones-fall-from-the-sky/?utm_term=.70b5e84e62fb

¹⁰ https://www.washingtonpost.com/world/national-security/faa-records-detail-hundreds-of-close-calls-between-airplanes-and-drones/2015/08/20/5ef812ae-4737-11e5-846d-02792f854297_story.html?utm_term=.cd9f5c06a297

¹¹ <https://stoplapdspying.org/?s=Drone+Report>

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