



# Burbank Police Department

Scott LaChasse, Chief of Police

**TB**  
**15-010**

## TRAINING BULLETIN

# Drone Operations and the Role of Law Enforcement

The purpose of this Training Bulletin is to give guidance to officers and supervisors when responding to reports of drone operations.

There are various terms used to describe drones, including model aircraft, Unmanned Aircraft Systems (UAS), and Unmanned Aircraft (UA). Drones are subject to regulation by the Federal Aviation Administration (FAA).<sup>1</sup> The FAA recognizes three categories of drone users:

1. Recreational (“hobbyist”) - (i.e., using drones for recreation or to take photographs for personal use)
2. Commercial - (i.e., using drones to take photographs for compensation or business use)
3. Public (government) - (i.e., government use of drones for public purposes)

The focus of this Training Bulletin is only on the recreational and commercial uses of drone operations.

## RECREATIONAL USE

### A. Mandatory FAA Operational Requirements

Recreational drones fall under the FAA’s definition of “model aircraft” and are not subject to any further rules specific to such operations (see below for registration requirements) as long as they meet the following requirements:<sup>2</sup>

1. The drone is flown strictly for hobby or recreational use.
2. The drone is operated in accordance with community-based safety guidelines, such as those listed below.
3. The drone (and attached equipment) weighs no more than 55 pounds.
4. The drone does not interfere with manned aircraft.
5. If flying within 5 miles of an airport, the operator of the drone provides the airport operator and the airport air control tower with prior notice of the operation.

<sup>1</sup> 49 U.S.C. § 40102(a)(6)

<sup>2</sup> FAA Modernization and Reform Act of 2012, §336.



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6. The drone is flown within the operator's visual line of sight.

## **B. Recommended Community-Based Safety Guidelines**

The FAA does not currently enforce any further regulations that are specific to recreational drones but has partnered with several industry associations to promote guidelines for the safe operation of recreational drones. The following guidelines were created by the Association for Unmanned Vehicle Systems International (AUVSI) and the Academy of Model Aeronautics (AMA), and include the following recommendations:

1. Fly below 400 feet and remain clear of surrounding obstacles.
2. Keep the drone within visual line of sight at all times.
3. Remain clear of and do not interfere with manned aircraft operations.
4. Do not intentionally fly over unprotected people or moving vehicles, and remain at least 25 feet away from individuals and vulnerable property.
5. Do not fly within 5 miles of an airport unless you contact the airport control tower before flying.
6. Do not fly in adverse weather conditions such as in high winds or reduced visibility.
7. Do not fly under the influence of drugs or alcohol.
8. Ensure the operating environment is safe and that the operator is competent and proficient in the operation of the drone.
9. Do not fly near or over sensitive infrastructure or property such as power stations, water treatment facilities, correctional facilities, heavily traveled roadways, government facilities, etc.
10. Check and follow local laws and ordinances before flying over private property.
11. Do not conduct surveillance or photograph persons in areas where there is an expectation of privacy without the individual's permission.<sup>3</sup>

However, even if a recreational drone complies with the operational requirements listed above, the drone may never be flown in a way that endangers the safety of the national airspace system.<sup>4</sup> Such activity is subject to FAA enforcement action but is not subject to local enforcement.

## **COMMERCIAL USE**

The FAA considers any operation of a drone that does not meet the criteria for recreational or government use of drones as a commercial or "civil" operation. Commercial operations are regulated by the FAA and require specific authorization from the FAA to operate. Currently, authorization may be obtained either through the grant of an exemption in accordance with §333 of the FAA Modernization and Reform Act of 2012 and a civil Certificate of Waiver or Authorization (COA), or

<sup>3</sup> [http://knowbeforeyoufly.org/wp-content/uploads/2015/12/KBYF\\_Brochure\\_WEB.pdf](http://knowbeforeyoufly.org/wp-content/uploads/2015/12/KBYF_Brochure_WEB.pdf)

<sup>4</sup> FAA Modernization and Reform Act of 2012, §336(b).



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through the issuance of a Special Airworthiness Certificate (SAC). Each authorization is issued with conditions and limitations that the drone operator must comply with.

In February 2015, the FAA issued a Notice of Proposed Rulemaking regarding small drones. This notice outlined proposed rules that the FAA plans to implement regarding operation and certification of small commercial and public drones. The proposed rules would not apply to recreational drones. Until a final rule is issued, the proposed rules are not in effect.

## REGISTRATION

Beginning December 21, 2015, the FAA is implementing a new rule requiring all small drones (weighing between 0.55 lbs. - 55 lbs., including attached equipment) to be registered with the FAA (see attached document with examples of drones that do and do not require registration). This means that recreational drones will now need to register using a new online registration process established by the FAA. Online registration is available through the FAA's website, available at <http://www.faa.gov/uas/registration/>. Once registration is complete, small drone owners must carry proof of their FAA registration certificate when operating the drone.

Important registration dates:

- **December 21, 2015** – recreational drones purchased after this date must electronically register before their first outdoor flight.
- **February 19, 2016** – recreational drones purchased before December 21, 2015 must electronically register by this date.
- **March 1, 2016** – small commercial or public drones may begin using the online registration process. Until this date, all small commercial or public drones must use the existing paper-based registration system.

Details of the new electronic registration process include the following:

- Minimum age for electronic registration is by an owner who is 13 years or older. If the owner is under 13 years old, the drone must be registered by a different individual who is at least 13 years old, on behalf of the owner.
- For small commercial drone owners: once registered, a Certificate of Aircraft Registration and unique registration number will be issued for each small commercial drone that the owner intends to use for commercial purposes.
- For recreational drone owners: once registered, a single Certificate of Aircraft Registration and single registration number will be issued to the owner, constituting registration for all of the recreational drones the owner intends to use for recreation only.
- Once the electronic registration is complete, the Certificate of Aircraft registration will be delivered to the drone owner through the same web-based platform, and will immediately become effective. Renewal must be completed every three years.



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- All small drones (55 pounds or less, including equipment) must display a “unique identifier,” which may either be the FAA-issued registration number or the drone serial number.

Failure to register a drone can result in civil or criminal penalties. The FAA may assess civil penalties up to \$27,500 and criminal penalties may include fines up to \$250,000 and/or imprisonment for up to three years.

After December 21, 2015, new recreational drone operators should be carrying their registration certificate and all recreational drone operators should be carrying their registration certificate by February 19, 2016. Under this federal interim final rule, a drone operator is required to show their registration upon request to local law enforcement. However, there is no separate enforcement mechanism if a citizen refuses to show their registration.

## LAW ENFORCEMENT GUIDANCE

The FAA retains responsibility for enforcing FAA regulations. If called to respond to a report of a drone operation, officers must exercise caution not to mix criminal law enforcement with the FAA’s administrative safety enforcement function. In most cases, officers probably will not have the reasonable suspicion required for a detention to investigate if the conduct may be related to criminal activity (unless the reasonable suspicion is based on conduct other than the mere operation of a drone).

If an officer believes the operation is not within the above guidelines or the drone is being flown in an unsafe manner, the officer may so inform the operator in an attempt to gain voluntary compliance. In some cases, the operator may be a child who received the drone as a gift or someone who purchased the drone not knowing about the FAA safety guidelines for its safe operation. Officers should refer the operator to the internet where information is available from many organizations, including the FAA. If there is egregious conduct, the officer can report the same to the FAA’s Western Regional Operation Center at (425) 227-1999, or a Special Agent through the FAA’s Law Enforcement Assistance Program at (310) 725-3737.

In all cases, officers should attempt to obtain as much information as possible to complete a Field Information Card or a miscellaneous report, as appropriate (the information should include the name of the operator, vehicle license plate, name of the company or person who may have received the authorization from the FAA).

Although there is no local enforcement of these federal rules, officers should consider the conduct and determine if it may involve a violation of existing state or local laws. For example:

- (a) Trespassing (Penal Code §602, subsection (m) or (o)) – If the operator of the drone is standing on private property without the owner’s permission.
- (b) Obstructing the sidewalk (BMC 5-3-207) – If the operator places equipment on the sidewalk that obstructs pedestrian traffic.
- (c) “Peeping Tom” (Penal Code §647(j)(1)) – If a person uses a camera-equipped drone to look into any room where a person has a reasonable expectation of privacy (e.g., drone hovering outside the bedroom or bathroom window of a private residence).



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- (d) Obstruction of Duties (Penal Code §148(a)(1)) – If a police helicopter is unable to position over an incident due to the presence of a drone, for example. Officers should limit the investigation for PC 148(a)(1) to incidents where the operation of the drone is “obstructing” or “delaying” and not the operator’s refusal to cooperate with non-criminal questioning.

In any case where a detention or enforcement action may be necessary, a supervisor should respond and direct any law enforcement action. Officers should be aware that a camera-equipped drone may be recording audio and video even when parked with the rotors stationary.

Due to the evolving nature of drone operations, there may be future federal or state legislation or local ordinances to regulate drone operations. Until then, this Training Bulletin will serve as a guide for members of the Burbank Police Department.

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*By signing this Training Bulletin, employees are acknowledging receipt and review of the information. Supervisors are expected to use relevant information from training bulletins to facilitate roll-call training or discussions.*