



CITY OF COSTA MESA

CALIFORNIA 92628-1200

P.O. BOX 1200

FROM THE POLICE DEPARTMENT

August 9, 2016

Honorable Peter Hersh
Foreperson
2015-2016 Orange County Grand Jury
700 Civic Center Drive West
Santa Ana, CA 92701

On behalf of the City of Costa Mesa Police Department, please refer to the responses to the Findings and Recommendations for the Orange County Grand Jury Report entitled, "*Drones: Know Before You Fly.*"

Responses to Findings:

- 1) F.1. – *Recreational drones have greatly increased in number since December 2015 and it is probably their unregulated use will pose significant threats to public safety and privacy in Orange County cities and unincorporated areas.*

The respondent agrees with the finding.

- 2) F.2. – *With the exception of the recent Federal Aviation Administration registration rule, recreational drone owners are largely self-policed, which leads to a wide range of behavior.*

The respondent agrees with the finding. Costa Mesa recently had an incident between drone users and a citizen bystander. This incident turned into a controversial viral video on YouTube. See <https://www.youtube.com/watch?v=MEKafiDxhCc>

- 3) F.3. – *Most of the cities and unincorporated areas of the County of Orange do not have a drone ordinance, nor do they have any immediate plans to enact an ordinance in the near future.*

The respondent agrees with the finding. For Costa Mesa only, we do not have a specific drone ordinance. Drones are currently *generally* covered under a local ordinance addressing "model aircraft"; however, this ordinance was enacted in 2007 before most personal drone use and the ordinance does not specifically list drone type model aircraft.

Additionally, we anticipate SB 868 may provide direction for local agency ordinances, if approved.

- 4) F.4. – *Most of the cities provide no educational programs for public awareness of the safety issues connected to recreational drones.*

The respondent disagrees partially with this finding. The city of Costa Mesa's website provides educational links to the "Harbor Soaring Society" model aircraft group, which operates within Costa Mesa. See <http://www.costamesaca.gov/index.aspx?page=253>. While drones are not specifically mentioned, they are considered within the purview of model aircraft. The city should consider adopting drone-specific language within local ordinance if further direction is provided from state and local legislatures.

- 5) F.5. – *Some Orange County cities, despite recognizing potential issues with droves, are awaiting drone-related legislative action or other guidance by the State of California or FAA before enacting local ordinances.*

The respondent agrees with this finding. See responses to F.3. and F.4.

- 6) F.6. – *The FAA-required registration of recreational drones provides a useful tool for local enforcement of drone ordinances.*

The respondent agrees with this finding.

- 7) F.7. – *Orange County cities have not established a procedure for reporting drone incidents, which results in under-reporting of drone safety and privacy events.*

The respondent agrees with this finding. Unless a drone is used in the commission of a crime or other event that would likely be reported to Costa Mesa P.D., there are no reporting procedures established for drone-specific incidents.

Responses to Recommendations:

- 1) R.1. – *Each City Council should direct its City Attorney to provide a report to the city's police department and City Council on existing laws that can be applied to the use of recreational drones in the city's jurisdiction by December 30, 2016.*

The recommendation has not yet been implemented, but may likely in the near future once we understand the local impacts, if any, SB 868 will have on a local agency's authority and jurisdiction over drone activity. This legislation may provide much needed direction.

- 2) R.2. – *Each City should adopt a recreational drone ownership and operation ordinance, with regulations similar to those found in Los Angeles City ordinance #183912, by March 31, 2017, to the extent not preempted or superseded by Federal law or Federal regulations. (F.1., F.2., F.3., F.5., F.6.)*

The recommendation has not yet been implemented. As mentioned above, the city of Costa Mesa provides an ordinance for model aircraft usage in designated areas of Costa Mesa; however, an ordinance specific to drones, specifically including condition #1 found in Los Angeles' ordinance prohibiting a model aircraft from operating within 5 miles of an airport, has not been implemented.

- 3) R.3. – *Each City should inform its citizens about laws and ordinances that apply to recreational drone operators through print media, city-related web sites, social media sites and/or public forums by March 31, 2017. (F.4., F.7.)*

The recommendation has been implemented through the city of Costa Mesa and through the "Harbor Soaring Society's" websites. Information on the existing model aircraft ordinance is provided. Drones are not specifically mentioned in this ordinance, but fall within the purview of model aircraft. The City should adopt drone-specific language within the ordinance, or a new ordinance, if clearer direction is provided from the state and federal legislatures.

- 4) R.4. – *Each City should establish and publish on its website a point of contact for drone-related citizen complaints by December 30, 2016. (F.7)*

The recommendation has not yet been implemented. The Police Department and Parks and Recreation Department will field drone-related citizen complaints and handle as appropriate for now.

- 5) R.5. – *Each City should post FAA drone ownership and operational educational links on city-related websites, newsletters, and flyers by December 30, 2016. (F.4.)*

The recommendation has been implemented, as described above in R.3.

Regards,



Mark M. Manley
Police Captain
Costa Mesa Police Department