



August 16, 2016

Hon. Charles Margines, Presiding Judge  
Superior Court of California, County of Orange  
700 Civic Center Drive, West  
Santa Ana, CA 92701

RE: Response to 2015-2016 Orange County Grand Jury Report, "Drones: Know Before You Fly."

Dear Judge Margines:

The City of Tustin has reviewed the Orange County Grand Jury Report entitled, "Drones: Know Before You Fly." As required by California Penal Code sections 933 and 933.05, the City of Tustin is responding to the findings and recommendations included within the report. Each of the findings and recommendations is listed below in italics, followed by the City's response.

**Findings:**

*F1: Recreational drones have greatly increased in number since December 2015 and it is probable their unregulated use will pose significant threats to public safety and privacy in Orange County cities and unincorporated areas.*

**Response:** Based on the information provided, the City of Tustin agrees partially with this finding. As stated on page 5 of the report, the Grand Jury "restricted examination of the topic of drones to the expanding recreational/hobbyist market and its consequences for Orange County's emergency responders." Accordingly, we cannot fully agree regarding the significance of threats to privacy, as sufficient information regarding this specific topic has not been presented. However, anecdotally, the Police Department in Tustin reports that calls regarding drones primarily relate to privacy issues.

*F2: 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.*

**Response:** Based on the information presented in this report, the City of Tustin agrees with this finding.

*F3: 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.*

Response: Based on the information presented in this report, the City of Tustin agrees with this finding. The City of Tustin does not have an ordinance directly regulating drones nor are there immediate plans to enact regulations.

*F4: Most of the cities provide no educational programs for public awareness of the safety issues connected to recreational drones.*

Response: Based on the information presented in this report, the City of Tustin agrees with this finding.

*F5: Some Orange County cities, despite recognizing potential issues with drones, are awaiting drone-related legislative action or other guidance by the State of California or FAA before enacting local ordinances.*

Response: Based on the information provided, the City of Tustin agrees with this finding.

*F6: The FAA-required registration of recreational drones provides a useful tool for local enforcement of drone ordinances.*

Response: The City of Tustin partially agrees with this finding. The report does not demonstrate how the FAA-required registration provides a useful tool for local enforcement of drone ordinances. As stated in the report, the "registration requirement is a powerful tool for identifying owners of drones." Aside from the potential for identifying the owner of a drone if the drone is somehow captured by law enforcement after a violation of a drone-related law, the City of Tustin does not agree that the identification of drone owners would assist with enforcing rules or imposing penalties.

*F7: Orange County cities have not established a procedure for reporting drone incidents, which results in under-reporting of drone safety and privacy events.*

Response: Based on the information provided, the City of Tustin agrees partially with this finding. It appears from the stakeholder research provided in the report that most Orange County cities do not have a procedure for reporting drone incidents. The only discussion of under-reporting in the report is expressed in terms of the opinion of the OCSD Bomb Squad on page 15. Accordingly, the City of Tustin respectfully disagrees with this part of the finding based on a lack of evidence.



**Recommendations:**

*R1: 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.*

Response: The City of Tustin has complied with this recommendation.

*R2: 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.*

Response: The City of Tustin will not implement this recommendation because it is not warranted. The City of Tustin believes that regulation of drones should be left to, or directed by, aviation experts. We believe that pending proposed state legislation as well as the proposed FAA Reauthorization Act of 2016 cited in the Grand Jury report would more effectively address drone ownership and operation and provide a more uniform set of rules as compared to a patchwork of local ordinances. Additionally, the regulations recommended by the Grand Jury report do not address the most frequent concerns reported to the City of Tustin and its Police Department, which is privacy.

*R3: 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.*

Response: As stated below for recommendation R5, the City of Tustin will implement this recommendation by December 30, 2016 by publishing one item to the City's Facebook page and at least one website posting recommending that drone owners and operators review the recommendations posted by the FAA on [www.knowbeforeyoufly.org](http://www.knowbeforeyoufly.org).

*R4: Each City should establish and publish on its website a point of contact for drone-related citizen complaints by December 30, 2016.*

Response: The City of Tustin has already implemented this recommendation. The City of Tustin has established the Police Department as the single point of contact for drone incidents. Individuals can reach Special Investigations Unit Supervisor Sgt. Jon Cartwright by calling (714) 573-3265 for non-emergency drone incidents or 911 for emergencies.

R5: Each City should post FAA drone ownership and operation educational links on city-related websites, newsletters, and flyers by December 30, 2016.

Response: The City of Tustin will implement this recommendation by December 30, 2016 by publishing at least one item to the City's Facebook page and at least one City website posting recommending that drone owners and operators review the recommendations posted by the FAA on [www.knowbeforeyoufly.org](http://www.knowbeforeyoufly.org)

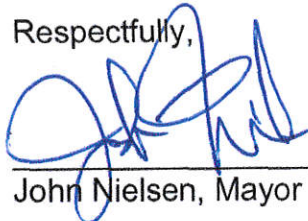
[The Grand Jury Report does not call for a response from the City of Tustin to Recommendations 6, 7 or 8.]

R9: *The County and each City should formally gather data on recreational drone incidents within their jurisdictions and review these data annually and report results publicly. The first analysis and publications should occur within 1 year of the publication of this report.*

Response: The City of Tustin has partially implemented this recommendation. The City has a single point of contact for recreational drone incidents and that individual collects information about each report. However, because State and Federal law are still being prepared that will regulate drones, the City of Tustin has not yet determined whether or in what manner it will make sense to devote limited taxpayer resources to preparing such an annual analysis or publications to implement the portion of this recommendation that requires the City to review and report the results annually. Because of that uncertainty, the City believes it is premature to commit to annually implementing this recommendation.

Should you have any questions or need any additional information, please contact Special Investigations Unit Supervisor Sgt. Jon Cartwright at (714) 573-3265 or via e-mail at [JCartwright@tustinca.org](mailto:JCartwright@tustinca.org).

Respectfully,



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John Nielsen, Mayor

cc: Orange County Grand Jury  
700 Civic Center West  
Santa Ana, CA 92701