

ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

Chapter: 5 - Law Enforcement Operations

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INTRODUCTION

The purpose of this policy is to establish guidelines for the use of an unmanned aircraft system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS.

POLICY STATEMENT

It is the policy of the Asheville Police Department (APD) to utilize unmanned aircraft systems (UAS) to enhance the department's mission of protecting lives and property when other means and resources are unavailable or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

DEFINITIONS

Pilot in Command (PIC): a department member who possesses an FAA Remote Pilot License and an NC Department of Transportation (NCDOT) government permit that is authorized and in command of the operations of a UAS.

Unmanned Aircraft System (UAS): a system consisting of a ground-based controller(s), UAV, communication links, and human intervention.

Unmanned Aerial Vehicle (UAV): an unmanned aerial vehicle, commonly known as a drone, is an aircraft without a human pilot aboard. UAVs are a component of an unmanned aircraft system.

Visual Observer: a department member who has been instructed by a PIC in observing a UAV in flight, maintaining awareness of in-flight hazards, and communicating potential hazards back to the PIC.

RULES AND PROCEDURES

514.1 UAS PROGRAM REQUIREMENTS

- A. The department will obtain applicable authorizations, permits, or certificates required by the Federal Aviation Administration (FAA) and the State of North Carolina before deploying or operating a UAS. All authorizations, permits, and certificates will be maintained and renewed as required by law and/or regulation.
- B. All UAS will be purchased from a known and proven manufacturer that is recognized as an industry provider of such aircraft systems.
- C. All City-owned UAS will be housed and transported in an appropriate case for safe storage and transport of the system to approved missions.
- D. All City-owned UAS will be able to capture each flight mission, flight data, as well as a cumulative flight log.
- E. Departmental UAS will be operated in accordance with [SOP 3021 - Unmanned Aircraft Systems Operations](#).

514.2 UAS PROGRAM SUPERVISION

- A. The chief of police and fire chief will appoint a program commander for each respective department, who will be responsible for the overall management of the UAS program. The program commander will ensure that policies and procedures conform to current laws, regulations, and best practices.
- B. The drone commander will appoint a program coordinator who will report to the commander and will assist with training and guidance of program operations, including:
 - 1. Ensuring that policies and procedures conform to current laws, regulations, and best practices.
 - 2. Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies, and procedures regarding using the UAS.
 - 3. Implementing a system for public notification of UAS deployment.

4. [Ensuring all established UAS protocols are followed, including the procedures in SOP 3021 - Unmanned Aircraft Systems Operations.](#)
5. [Ensuring](#) retention and purge periods are maintained in accordance with established records retention schedules.
6. Facilitating law enforcement access to images and data captured by the UAS.
7. Recommending program enhancements, particularly regarding safety and information security.
8. Providing periodic reports on the program to the chief of police or designee.

514.3 UAS TRAINING [41.1.3 b]

- A. All UAS operators must have completed a Part 107 training course and obtained their FAA Part 107 certification, at a minimum.
- B. All UAS operators must be registered with the State of North Carolina as a governmental UAS operator.
- C. Certifications and endorsements are valid for two (2) years, and continued training is required to maintain those certifications and endorsements.
- D. Initial and ongoing training requirements in [SOP 3021 - Unmanned Aircraft Systems Operations](#) will be followed.

514.4 DEPLOYMENTS [41.1.3 a]

- A. City-owned UAS will be deployed and used in accordance with State and Federal law only to support official law enforcement and public safety missions.
- B. Only authorized UAS operators who have completed the required training and with appropriate certifications are permitted to operate the UAS. UAS operators must have their Part 107 license, as well as NC DOT permit on their person during each flight mission and training exercise. [41.1.3 b]
- C. All UAS will be operated in accordance with the limitations set by the manufacturer.
- D. Precautions will be taken to avoid flying the UAS over persons and property that could result in injury or damage whenever possible.
- E. During flight missions, the UAS Pilot in Command (PIC) and the UAV need to be in sight of either the PIC or a visual observer (VO).

- F. The following processes will be followed for department requests for deployment of UAS:
1. Pre-planned deployment of the UAS, including but not limited to search warrants or emergency response team missions, must be made to the UAS program coordinator and approved via an agency operations plan. The UAS program coordinator will gather all available information relevant to the request and determine if the request can be followed legally and safely.
 2. Urgent department requests for use of a UAS during ongoing or emerging incidents may be made to and approved by the on-duty watch commander or AFD shift chief. Such requests must conform to all applicable regulations, guidelines, laws, and department directives.
 3. In all cases, the UAS program commander, coordinator and/or UAS operators have ultimate discretion in determining when it is safe and lawful to fly a UAS.
- G. UAS operators and observers will not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure).
1. UAS operators and observers will take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.
 2. When the city-owned UAS will be deployed, and there are reasonable grounds to believe that the UAS will collect evidence of criminal wrongdoing and/or if the UAS will be used in a manner that may intrude upon reasonable expectations of privacy, the primary case officer must obtain a search warrant specifically authorizing UAS use before conducting the UAS flight.
 3. UAVs will not be used to intentionally look into structures (windows, skylights, or other means) as part of any law enforcement investigation unless a search warrant authorizes the use of UAS technology.
 4. Forward-looking infrared (FLIR) technology will not be used to look through structures or at structures emitting high levels of heat unless a search warrant specifically authorizes such use on a case-by-case basis.
- H. The UAS operator will document all flight missions within the UAS management software for submission to the UAS program coordinator within ten (10) business days of

the flight, and a copy will be provided to the case agent or primary officer to be included in the investigative case file.

- I. UAS pilots will only operate the UAS while using the designated management software program.

514.5 UNAUTHORIZED USES [41.1.3 a]

- A. Any unauthorized use of the city-owned UAS can and may result in corrective action and/or civil and criminal penalties. Unauthorized uses include, but are not limited to:
 1. The UAS will not be utilized in violation of department or city policies or directives.
 2. The UAV will not be flown in violation of state laws or FAA Part 107 guidelines.
 3. The UAV will not be flown in conditions that exceed the manufacturer's recommended limitations.
 4. The UAV will not be flown for any mission where the UAS operator or UAS program coordinator determines the risk of flying outweighs the benefit of the mission.
 5. The UAV is prohibited from transporting hazardous materials.
 6. The UAV will not be equipped with weapons of any kind.
 7. No city-owned UAS may be operated by any employee who has alcohol, drugs, or any other impairing substance in their system.
 8. The UAS will **not** be used to conduct random surveillance activities or for personal business of any type.

514.6 UAS DATA

- A. All UAS operators must make the small UAS for inspection or testing available to the FAA upon request, and any associated documents/records required to be kept under Part 107 guidelines.
- B. The UAS program coordinator will conduct random audits of UAS data and recordings to ensure that department usage complies with this policy and applicable regulations.
- C. The department will ensure that all data intended to be used as evidence is accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to the chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, will be used

as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

- D. Management, storage, disclosure, and release of recordings made by a device operated by or on behalf of the department or department personnel while carrying out law enforcement responsibilities will follow the same guidelines provided in [Policy 509 - Body-Worn Cameras](#) and in accordance with [N.C. Gen. Stat. § 132-1.4A](#).

BY ORDER OF:

A handwritten signature in black ink, appearing to read 'ML LH', is positioned above the printed name and title of the Chief of Police.

Michael Lamb
Chief of Police