



# Colorado Springs Police Department

## General Order

### 1535 Unmanned Aerial System

#### Section 1500 – Police Equipment

Effective Date: 10/31/2023

Supersedes Date: 4/30/2021

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## **.01 Purpose**

The purpose of this directive is to outline the requirements for the Unmanned Aerial System (UAS) & Unit.

## **.02 Cross Reference**

[GO 401 Police Officer Conduct](#)

[GO 1400 Collection of Physical Evidence](#)

## **.03 Discussion**

Traditionally, manned aircraft have lawfully surveilled and captured aerial imagery over private property, as the airspace overhead has been considered public. However, the term “drone” may carry a public perception that the aircraft is used for spying and government intrusion. This reputation is partially due to high-profile military UAS operations and the fact UAS’s can legally operate at much lower altitudes than traditional aircraft. Therefore, some states are significantly restricting or prohibiting public safety UAS programs based on privacy concerns.

CSPD recognizes these concerns and emphasizes reasonableness and respect for the privacy of individuals when considering all UAS deployments. Supervisors, pilots, and observers will consider the reasonable expectation of privacy as a key component in any decision to deploy the UAS. The unit will weigh the public safety necessity of each mission with the privacy concerns and/or disruption associated with the specific location.

## **.04 Policy**

UAS operations will be conducted in a constitutionally sound manner that will weigh the public safety needs against the privacy concerns and/or disruption associated with the specific location.

CSPD pilots will not conduct random surveillance activities. Each operational flight, except those conducted for official training purposes, will have a specific objective public safety nexus.

The UAS will not be equipped with weapons of any kind.

UAS operations will be in compliance with applicable state/federal laws and the Federal Aviation Administration (FAA) regulations.

If any department member observes or has knowledge of an unsafe, dangerous, or inappropriate UAS deployment, the UAS lieutenant or sergeant must be immediately notified so corrective action may be taken.

The department UASs will only be operated by personnel who are certified FAA licensed pilots and trained in the use of department UASs.

Digital multimedia evidence (DME) will be processed and archived per existing policy.

## **.05 Definitions**

*Federal Aviation Administration (FAA):* The national authority with powers to regulate all aspects of civil aviation.

*Certificate of Authorization (COA):* An FAA authorization allowing a public operator to operate under specific exemptions from standard FAA 14 CFR Part 107 regulations.

*Digital Multimedia Evidence (DME):* Digital recordings or images, and associated data.

*Unmanned Aircraft (UA):* Any aircraft operating or designed to operate autonomously or be piloted remotely without a pilot on board.

*Unmanned Aircraft System (UAS):* An unmanned aircraft and all equipment to control it remotely.

*Pilot in Command (PIC):* An FAA 14 CFR Part 107 certified UAS pilot, responsible for operating the UAS and responsible for all aspects of the overall mission.

*UAS Visual Observer (VO):* Any unlicensed department member designated to assist the pilot in command with the safe completion of the mission.

## **.10 Organization**

CSPD possesses several different types of UAS to complete a variety of missions. The UAS Unit is assigned to the Specialized Enforcement Division (SED) and reports to the TEU Unit supervisors, however, additional UAS are also operated by certified pilots assigned to the Metro Division, as well as the Major Crash Team (MCT). This policy governs the use of all department UASs.

## **.20 Authorized Use**

CSPD has adopted the use of UASs to provide an aerial observation platform in responding to emergency situations and for the following types of situations:

- Search and rescue
- High-risk tactical operations
- Disaster response & assessments (flood, fires, earthquakes, etc.)
- HAZMAT/ bomb and arson response
- Crime scene reconstruction
- Accident scene reconstruction
- Searches for suspects & evidence
- Surveillance operations directly supporting a criminal investigation
- Any other public safety missions approved by the TEU unit supervisor

Sworn personnel or the communications center may request the deployment of a UAS in any of the previously mentioned circumstances, however, the PIC is solely responsible for determining whether or not to deploy on the requested mission. Although the above missions are generally authorized, discretion may direct otherwise, based on the totality of the circumstances (See *Deployment Considerations*).

The PIC will ensure the use of the UAS is in accordance with FAA regulations, applicable federal and state laws, and department policy.

If any UAS PIC, VO, or department supervisor has concerns regarding the appropriateness of a request for a UAS, the TEU sergeant and/or Tactical Operations lieutenant may be contacted for consultation prior to flight.

## **.25 Operations**

Department UAS will only be operated by FAA licensed personnel. The only exception is an unlicensed individual participating in approved UAS training.

The PIC will inspect and test UAS equipment prior to each deployment to verify the proper functioning of all equipment and the airworthiness of the device. The UAS and associated equipment is the responsibility of the PIC and will be used with care to ensure proper functioning. Equipment malfunctions will be brought to the attention of the UAS sergeant as soon as possible.

The PIC will ensure any digital media is properly processed based on the needs of the investigating officer/detective. It is imperative that the data card gets returned to the UAS and formatted, so it's ready for the next UAS deployment.

In the interest of safety, both the PIC and VO must be comfortable with any decision made while working together during a flight. The VO should voice any concerns to the PIC who is responsible for the flight.

At the conclusion of the mission, the PIC will ensure all flight logs are accurately recorded in the UAS unit's digital database.

### **Use of UAS Thermal Imagers**

Use of thermal imagers is passive and non-intrusive. In most circumstances, the use of this device is not considered a search and does not require a search warrant. However, a 2001 U.S. Supreme Court decision (*U.S. v. Kyllo*), held that using sense-enhancing technology to obtain any information regarding the interior of a home that could not otherwise have been obtained without physical intrusion into a constitutionally protected area, constitutes a search.

Officers will not use thermal imagers to scan a private residence for heat characteristics without first obtaining a search warrant. Statutes and case law does not prohibit their use on structures, or other areas not protected under the Fourth Amendment.

## **.30 Training**

All operators will be certified under 14 CFR Part 107 prior to initial flight training. All operators will receive additional department approved training on the specific equipment, procedures, regulations, and operations of department UASs. Upon approval by the unit sergeant, the pilot will become PIC.

Additional training will be required at periodic intervals to ensure the continued effective use, operation, proper calibration, and performance of the equipment and to incorporate changes, updates, or other revisions in policy and equipment.

UAS pilots who fail training, fail to maintain FAA status, or do not maintain department requirements will be grounded until all deficiencies are corrected.

## **.40 Restrictions**

The UAS will be deployed only to support public safety efforts, training missions, and in legally justified law enforcement operations. The UAS will not be operated in an unsafe manner or in violation of FAA regulations.

If any UAS pilot in command, observer, or supervisor has concerns regarding the appropriateness of a UAS for a requested operation, the UAS Sergeant and/or lieutenant will be contacted for consultation prior to flight.

## **.50 Digital Multimedia Evidence (DME) Retention & Management**

UAS pilots will archive all evidentiary video recordings of flights in the Digital Imaging Management System (DIMS).

Department members will not edit, alter, erase, duplicate, copy, share, or otherwise distribute DME without authorization of the Tactical Operations lieutenant.

Non-evidentiary video obtained from flights may be stored on the SED drive for training purposes, at the direction of the TEU sergeants.