



Lincoln Police Department

Standard Operating Procedures

Integrity, Competency, Fairness



Subject:	Unmanned Aerial Vehicle Use For Law Enforcement	Policy #	O-31
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	<i>Rescinds All Previous Policies Related To This Current Policy</i>		
Issuing Authority:	Chief of Police Lee Miller		

I. POLICY

It is the policy of the Lincoln Police Department to utilize Unmanned Aerial Vehicles (UAVs) for the focused and limited purpose of criminal investigations or public safety. UAVs, related equipment and technology, and data collected from their deployment shall be used in a lawful manner consistent with all provisions of the United States and Maine Constitutions. It is also the policy of this agency to allow for the deployment of UAVs for emergency use approved by the Chief of Police or the Governor, or for the training, testing, and evaluation of the UAV by this agency.

II. PURPOSE

To establish minimum standards and procedures on the use and oversight of UAVs for the Lincoln Police Department.

III. DEFINITIONS

Unmanned Aerial Vehicle (UAV): An aircraft that is operated without a physical human presence within or on the aircraft which, in the way it is used or how it is equipped, can perform audio or visual surveillance, and guided by remote control.

IV. PROCEDURES

A. General

Officers of this agency shall be permitted to utilize UAVs for criminal investigations or public safety purposes, providing the requirements below are followed:

1. Before the deployment of the UAV, an officer must be trained and certified in its use and operation and must be knowledgeable of the standards outlined in this policy. UAV operators must hold a remote pilot airman certification from the Federal Aviation Administration (FAA) or be under the direct supervision of a person who has a remote pilot certificate.
2. Any operation by a officer of this agency of the UAV must be in accordance with the FAA Operating Rules for Small Unmanned Aircraft Systems ("Operating Rules"). If this agency receives a Certificate of Waiver allowing any deviation from the Operating Rules, this agency shall comply with all conditions of the Waiver, as well as with any other applicable law.
3. An officer may not deploy the UAV without the knowledge and prior approval of the Chief of Police or their designee.

4. When determining whether to approve a UAV deployment, the Chief of Police shall consider whether the deployment will result in an excessive number of UAVs operating at the exact location at the same time. The Chief of Police or their designee shall deny any request that they believe will result in an excessive number of UAVs operating at the exact location or event at the same time.
5. When possible, before a UAV for criminal investigation purposes is deployed, an officer shall consult with and must obtain approval from the authority having prosecutorial jurisdiction over the investigation. This does not apply to UAV deployments for non-investigative public safety use or for training, testing, or evaluation of the UAV.
6. An officer that deploys a UAV shall properly document each deployment in a report within the Records Management System. Such documentation must include at a minimum:
 - a. The date, time(s), and purpose of each deployment.
 - b. The name of the UAV operator.
 - c. The results of the UAV deployment.
 - d. The duration of the UAV deployment.
 - e. Whether a search warrant was sought by this agency for each deployment.
 - f. Whether a search warrant was obtained by this agency for each deployment.
 - g. Any other information the Chief of Police deems necessary.
7. An officer that mistakenly deploys the UAV must promptly report the deployment to a supervisor. Such a report must describe the circumstances under which the UAV was deployed and a plan of action explaining how such mistaken deployment will be avoided in the future.
8. An officer that deploys the UAV must track and record the flight path of the UAV during the deployment. This record shall be made by whatever means the operator chooses, so long as the record accurately reflects the flight path of the UAV in a comprehensible manner.
9. When operating a UAV over locations that the operator believes to be irrelevant to the purpose of the UAV deployment, the UAV operator shall:
 - a. Operate the UAV at a minimum altitude of 200 feet above ground level; and
 - b. Operate the UAV at a minimum horizontal speed of 5 miles per hour; **UNLESS**
 - c. Operating the UAV in accordance with subparagraph (a) or (b) above would jeopardize the objective of the UAV deployment.
10. An officer may not deploy more than one UAV at any one time, in any one area, or at any one event without first coordinating and defining the parameters of the area where each deployed UAV will be operated.
11. An officer that intentionally uses the UAV without proper authorization or in deviation of the standards outlined in this policy shall be subject to disciplinary action; up to and including termination. An officer that violates any of the minimum requirements established by the Board of Trustees of the Maine Criminal Justice Academy and incorporated into this policy may face disciplinary action by the Board against the law enforcement officer's certificate of eligibility pursuant to *25 MRS §2806-A (5)(J)* or may face a civil penalty in accordance with *25 MRS §2803-C*.

B. Restriction on the Use of UAVs

1. Written approval by the Chief of Police or designee is required before the deployment of a UAV equipped with any of the following items:
 - a. Night vision technology.
 - b. High-powered zoom lenses.
 - c. Video analytics.
 - d. Facial recognition technology
 - e. High-powered acoustical listening devices.
 - f. Thermal imaging technology.
2. Under **NO** circumstances will any UAV ever be equipped with weapons of any kind.

3. Use of UAV mounted audio or video recording technology during a UAV deployment shall be limited to only those locations where the UAV operator reasonably believes that the utilization of the audio or video recording technology supports the purpose for which the UAV is deployed.
4. UAVs must be operated by a officer at an altitude, speed, and, when possible, a flight pattern that will ensure that the invasion of privacy of third parties who are not under investigation is minimized.
5. An officer shall not deploy the UAV to conduct surveillance on private citizens peacefully exercising their constitutional right of free speech and assembly.

C. Audio and Video Recordings

1. UAVs must be operated by a officer at such an altitude, speed, and with a planned flight pattern that will ensure that inadvertent audio and video recordings of private spaces of third parties not under investigation are avoided or minimized. Any recording made under these circumstances shall not be duplicated or disseminated by this agency and must be permanently erased or destroyed by this agency within a reasonable amount of time.
2. All audio and video recordings obtained during the deployment of a UAV which are deemed unnecessary by the Chief of Police shall be destroyed in a manner consistent with agency protocols.
3. Audio and video recordings made by any officer with the UAV shall constitute "intelligence and investigative information" under applicable Maine law and will only be duplicated and further disseminated by such law¹.

D. Avoiding Hazards

1. Any UAV deployed in an area near persons, objects, or private property must be equipped with the capability to safely stabilize the flight if the operator cannot control or observe the UAV.
2. A officer deploying the UAV at an altitude that might reasonably be expected to cause the UAV to encounter, and possibly harm, persons or objects, must always keep the UAV subject to observation, to minimize the risk of such encounters.

¹ 16 M.R.S §801 et seq.