


New Berlin Police Department Directives Manual		Directive Title: Unmanned Aircraft Systems			
Issue Date: 06/15/22	Effective Date: 06/15/2022	Next Review Date: 06/15/2025	Total Pages: Page 1 of 4	Directive Number: 6502	WILEAG Standards: 6.1.2

Purpose

This directive outlines the use of Unmanned Aircraft Systems (UAS) by department personnel. This directive also sets forth acceptable reasons to use a UAS in addition to prohibitions on UAS use.

Policy

It is the policy of the department that a UAS shall support department operations and other City needs by providing aerial observation of law enforcement incidents as well as other public safety incidents, emergency management operations, and any situation in which aerial observation would be beneficial to City departments. UAS missions will be accomplished efficiently and safely while respecting the law and the privacy of the citizens we serve. Department UAS missions will comply with Wisconsin State Statute [175.55](#) and Title 14 of the Code of Federal Regulations (14CFR) Part 107. Any department UAS equipment will only be used by personnel who have been properly trained and certified.

Related Documents:

[Unmanned Aircraft Systems Call-in Log](#)

[Wisconsin Statute 175.55](#)

[New Berlin Police Records Retention Schedule](#)

Definitions:

Unmanned Aircraft (UA): An aircraft operated without the possibility of direct human intervention from within or on the aircraft (United States § 107.3). This term is commonly synonymous with “Drone.”

Small Unmanned Aircraft System (sUAS): An unmanned aircraft weighing less than 55 pounds on takeoff (thus identifying it as “small”), including everything that is on board or otherwise attached to the aircraft. The “System” is the aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system (United States § 107.3).

Privacy


Criminal investigations involving the use of department UAS devices potentially involve privacy considerations. Absent a warrant or exigent circumstances, no UAS shall intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure) (Wis. Stat. § 175.55(2)). The operator of a UAS may record or transmit images that are viewable with the camera/video equivalent of unassisted vision from a height of 400 feet or less.

UAS Operations

Acceptable Use:

The department’s UAS devices will be utilized for the following reasons:

1. To assist in search and rescue operations.

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2. To provide aerial documentation of crime and accident scenes.
3. To provide aerial surveillance of damage caused by natural or manmade events.
4. To provide visual perspective to law enforcement personnel to aid in managing public safety operations.
5. To provide aerial images in areas considered hazardous for human life (i.e. hazardous materials incident.)
6. To assist law enforcement personnel with aerial assessments of crowd situations.
7. To provide support for tactical operations.
8. For training, testing, evaluation, demonstration or maintenance purposes.
9. To assist City GIS/mapping operations and building/property assessment.
10. Other circumstances as approved by the Chief of Police or his/her designee.

Restrictions on Use:

Per Wisconsin Statute 175.55, no Wisconsin law enforcement agency may use a drone to gather evidence or other information in a criminal investigation from or at a place or location where an individual has a reasonable expectation of privacy without first obtaining a search warrant. These restrictions do not apply in the following situations:

1. UAS deployment in a public space
2. During an active search and rescue operation
3. To locate an escaped prisoner
4. To surveil a place or location for the purpose of executing an arrest warrant
5. If reasonable suspicion exists that UAS use is necessary to prevent imminent danger to an individual or to prevent the imminent destruction of evidence.

Department UAS devices shall not be used:


1. To conduct random surveillance activities.
2. To target any person based solely on individual characteristics, such as, but not limited to, race, ethnicity, national origin, religion, disability, gender, or sexual orientation.
3. To harass, intimidate or discriminate against any individual or group.
4. To conduct personal business of any type.
5. With any type of weapon attached.

UAS Unit

The Chief of Police will designate a unit coordinator who will supervise the UAS Unit. The UAS Unit Supervisor will report to the Deputy Chief of Police – Administration.

The UAS Supervisor will ensure department policies and procedures concerning the use of the UAS conforms to current laws, regulations and best practices. The UAS Supervisor will also have the following additional responsibilities:

1. Ensuring all unit members achieve and maintain certification under U.S. CFR Part 107.
2. Ensuring that all crew members have completed any required training relevant to their position.
3. Developing and maintaining operation protocols governing the deployment and operation of the UAS, including, but not limited to, use of visual observers, establishment of lost link procedures, and documenting all missions.
4. Developing UAS maintenance, inspection, and record keeping protocol to ensure continued airworthiness of a UAS up to and including its overhaul or life limits.

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5. Recommending program enhancement, particularly regarding safety and information security.
6. Maintaining a log of all UAS deployments and completing an annual report summarizing UAS use.
7. Ensuring established protocols are followed by appropriate monitoring and supervising the UAS Unit.
8. Developing minimum training and evaluation requirements for crew members for the purpose of maintaining skills and proficiency in operation, and maintain records of that training.
9. Ensuring all unit equipment is properly insured and registered with the Cities and Villages Mutual Insurance Company (CVMIC).

Officers wishing to be assigned to the UAS Unit must have positive evaluations and recommendations from supervisors and shift commanders.

Retention of data

UAS units are capable of recording video and capturing still images. UAS operators are only required to capture images and/or video when observing things of interest.

All data collected through a UAS deployment, including still and motion images, shall be stored and retained in accordance with the department [records retention schedule](#).


Training

All personnel authorized to act as a UAS crew member shall receive appropriate training as directed by the UAS Unit Supervisor. The training shall meet the requirements set forth by the FAA and may be periodically adjusted to reflect operational needs and the latest safety information.

UAS Unit Call-In Procedure

Requests for the use of department UAS will comply with the following guidelines:

1. **In-House Requests – On Duty:** When a UAS operator is on duty, department personnel may request assistance from the on-duty UAS operator. On-duty UAS operators will use their discretion when deciding whether or not to call in additional operators and/or resources.
2. **In-House Requests – Off Duty:** In the event no UAS operators are on duty and New Berlin personnel needs immediate UAS resources, the on-duty supervisor may request UAS assistance from an outside agency via mutual aid. In this situation, the on-duty supervisor may additionally call in NBPD UAS personnel to either supplement or relieve the outside agency. In that case, the on-duty supervisor, or his/her designee, will call in the appropriate amount of operators by seniority.
3. **Outside Agency Requests – On Duty:** Outside agency requests for the assistance of the UAS unit will be referred to the on-duty supervisor. The availability of the UAS unit will depend on existing staffing levels and the nature of the request. When deployed to an outside agency, the UAS operator may bring an additional officer with them for visual observation and scene security.

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4. **Outside Agency Requests – Off Duty:** Outside agency requests for the assistance of off-duty UAS operators will only be honored (at the on-duty supervisor's discretion) if no other on-duty area UAS units are available.

When deployed as part of the UAS Unit, operators should, at the least, wear their department issued ballistic vest with Police identifiers and their gun belt.

Additionally, anytime the UAS Unit is deployed, the UAS Unit Supervisor should be notified via email. For pre-planned event requests, the request should be submitted to the UAS Unit Supervisor via department email.

By Order of:  _____
Jeffrey Hingiss Chief of Police