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# Unmanned Aerial System

## 605.1 PURPOSE AND SCOPE

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

### 605.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned aerial system (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

## 605.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available 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.

## 605.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

## 605.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.

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Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

#### **605.5 USE OF UAS**

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

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### **605.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

### **605.7 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the established records retention schedule, and will conform to applicable laws, regulations, and policies. Dissemination of UAS collected information that is not maintained in a system of records covered by the Privacy Act shall not be disseminated outside the agency unless dissemination is required by law, or fulfills an authorized purpose and complies with agency requirements.

The UAS Pilot or designee is the custodian of evidence. In this capacity, the UAS Pilot or designee is responsible for the safeguarding and proper processing of any evidence, including, but not limited to, digital imagery, to include still and video images. Downloading or deletion of digital media will be in accordance with the department's Data and Collection and Storage policies.

### **605.8 TRANSPARENCY**

The Unmanned Aircraft Systems (UAS) unit will operate under a philosophy of transparency regarding the acquisition and use of the equipment. When possible, the unit will engage with the governing body and the community to secure and sustain their support. Requests by the community or media to observe the program will be handled, with respect to operational mission security, as all other requests in the Police Department. To accomplish this goal the Unit will do the following:

- Provide notice to the public regarding where the Unit UAS's are authorized to operate in the National Airspace System (NAS) when asked.
- Keep the public informed about the UAS program as well as any changes that would significantly affect privacy, civil rights, or civil liberties.
- On an annual basis produce a report that summarizes the operations of the previous year that will include a brief description of the types or categories of missions flown, the number of times the unit assisted other agencies, and the names of those agencies.

### **605.9 ACCOUNTABILITY**

The UAS Pilot or designee will be responsible for saving the UAS recordings in accordance with this policy. The UAS Supervisor will conduct an after-action review of the UAS Pilot and/or

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designee's actions following all incidents involving UAS operations. UAS collected information, including any PII that is not maintained in a system of records covered by the Privacy Act, shall be reviewed biannually by the Records Supervisor and the UAS Supervisor. Only the Records Supervisor or designee is authorized to destroy any recordings that are not maintained in Axon Evidence.

#### **605.10 POLICY REVIEW**

Prior to deployment of new sUAS technology and at least every 3 years, review existing sUAS policies and procedures relating to collection, use, retention, and dissemination of information obtained by sUAS, to ensure that privacy, civil rights, and civil liberties are protected.