



## VSP-DIR-353

### Unmanned Aircraft Systems (UAS)

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#### 1.0 Purpose

- 1.1 To establish guidelines on the use and oversight of Unmanned Aircraft Systems (UAS) by the Vermont State Police.

#### 2.0 Policy

- 2.1 It is the policy of this agency to utilize UAS for the focused and limited purposes of collision investigations, public safety, and criminal investigations with proper court process. UAS related equipment and technology, as well as data collected from their deployment shall be used in a lawful manner consistent with all provisions established by Vermont Statutes Annotated, the United States Constitution and Vermont Constitution.

#### 3.0 Definitions

- 3.1 Unmanned Aircraft System (UAS): An aircraft that is operated without a physical human presence within or on the aircraft which, in the manner in which it is used or the manner in which it is equipped, is capable of performing audio or visual surveillance and guided by remote control.
- 3.2 Small Unmanned Aircraft (sUAS): Unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board, attached to the aircraft and the Ground Control Station.
- 3.3 UAS Pilot or Remote Pilot in Command (PIC): An employee of the State of Vermont who has been properly licensed, trained and authorized to operate a department owned UAS as outlined in the "Guidelines for UAS Pilots, Vermont Department of Public Safety" (*see Resources at the end of this policy for link*).
- 3.4 FAA: Federal Aviation Administration
- 3.5 COA: Certificate of Authorization – a blanket permit from the FAA which provides government agencies more flexibility in UAS operations than flying under the 'small UAS rules.'

- 3.6 LEO: A certified law enforcement officer.
- 3.7 DPS: Vermont Department of Public Safety
- 3.8 VSP: Vermont State Police
- 3.9 VSP UAS Oversight Committee (UASOC): A committee appointed by the VSP Special Operations Commander to provide guidance for the Department's UAS program. The role of the UASOC is to identify funding sources, recommend policies and guidelines, as well as establish training requirements and other operational components for DPS use of UAS.

#### 4.0 Protection of Civil Rights and Civil Liberties

- 4.1 Department members are guided by [VSP-DIR-301](#); Fair and Impartial Policing, within which it is articulated that the use of any bias based policing in the services provided by employees to the community in connection with law enforcement activities will not be condoned. [VSP-DIR-301](#); Fair and Impartial Policing, further defines "personal criteria" against which a person may not be discriminated.
  - A. "Personal Criteria" may include, but are not limited to, race, ethnicity, immigration status, national origin, color, gender, sexual orientation, gender identity, marital status, mental or physical disability, religion, and socio-economic level.
- 4.2 No department member shall operate a UAS, use data collected from a UAS, or disseminate data collected from a UAS in a manner that violates the provisions of Vermont Statutes Annotated, FAA requirements and guidelines, Presidential Directives, the United States Constitution, or the Vermont Constitution.
- 4.3 Any data collected through the use of a UAS shall be retained in accordance with applicable record retention schedules.
  - A. Data collected through the use of a UAS which may contain personally identifying information (PII) shall not be retained for greater than 180 days, unless the data is subsequently designated as a record specifically carrying a longer retention period (i.e. an investigatory record).
- 4.4 Any complaint by a member of the public regarding the operation of a UAS or use of data collected from said operations, shall be handled in accordance with the provisions of [VSP-GEN-205](#); Receipt, Reporting, and Investigation of Allegations.

- A. Members of the public may be referred to the Department website for information on how to file complaints. Complaints may be filed on-line, via e-mail to the Internal Affairs Unit, or in verbal or written form to any Station Commander of the Department.
- 4.5 In light of the diverse potential of UAS in the National Airspace System, expected advancements in UAS technologies, and the potential for increased UAS use in the future, this policy shall be reviewed on no less than a triennial basis by the Office of Professional Development to ensure it keeps pace with these developments and meets the needs of the Department.

## 5.0 Operation

### 5.1 Procedures – Non-Criminal Purposes

- A. Pursuant to 20 V.S.A. § 4622(c), use of UAS by authorized VSP members for the following non-criminal purposes is permitted:
  - 1. Search and Rescue Operations
  - 2. Forest fires and other non-criminal fire scenes.
  - 3. Flood stages.
  - 4. Assessment of storm damage.
- B. Deployment of UAS equipment for non-criminal purposes shall be approved by the UAS Commander, Special Operations Commander or State Duty Officer.
- C. UAS may also be deployed by authorized VSP members for testing and evaluation of UAS equipment and for conducting UAS training scenarios.
- D. Deployment of UAS equipment for testing, evaluation, and training purposes shall be authorized by the Special Operations Commander or designee.
- E. Members shall be allowed to use UAS for non-criminal purposes, providing the following requirements are followed:
  - 1. Any operation of a UAS must fully comply with 20 V.S.A. §§ 4622, 4623.
  - 2. Prior to the deployment of the UAS, the UAS Pilot must be adequately trained in its use and operation as set forth in the “Guidelines for UAS Pilots, Vermont Department of Public Safety” and must be knowledgeable of the guidelines set forth in this policy.

3. Data gathered during operation of UAS for non-criminal purposes shall not be converted to use for criminal investigation without adherence to established legal processes.
4. A UAS Pilot utilizing a UAS shall properly document each deployment on the appropriate agency report forms. Such documentation must include at a minimum:
  - a. The date, time(s) and purpose of each deployment.
  - b. The location of the deployment.
  - c. Whether a search warrant was sought by this agency for each deployment.
  - d. Whether a search warrant was obtained by this agency for each deployment.
5. A UAS Pilot that mistakenly deploys the UAS must promptly report the deployment to the Special Operations Commander of designee. Such report must describe the circumstances under which the UAS was deployed and a plan of action describing how such mistaken deployment will be avoided in the future.
6. A UAS Pilot that deploys the UAS must have the capability to adequately track and record the flight pattern and location of the UAS.
7. A UAS Pilot shall not intentionally use the UAS without proper authorization or in deviation of the standards set forth in this policy.

## 5.2 Procedures – Criminal Investigations

- A. Use of a UAS for the purpose of investigation, detection, or prosecution of a crime requires a member to obtain a warrant pursuant to Rule 41 of the Vermont Rules of Criminal Procedure, unless a judicially recognized exception to the warrant requirement exists.
- B. Deployment of UAS equipment for criminal investigation, detection, or prosecution of a crime shall be approved by the UAS Commander, Special Operations Commander, or State Duty Officer.

- C. When a UAS is used for criminal investigation, detection, or prosecution of a crime the UAS shall be operated in a manner intended to collect data only on the target of the surveillance, and the UAS must be operated in a manner that avoids data collection of any other person, home, or area.
- D. Use of a UAS in exigent circumstances requires the member to obtain a search warrant for the use of the UAS within 48 hours after the UAS use commenced.
- E. If the court declines an application for a search warrant, the following must occur:
  - 1. Use of the UAS must cease immediately; and
  - 2. Information, data, or evidence gathered through the use of the UAS must be destroyed as soon as practical.
- F. Information gathered in violation of these requirements renders the information, data, or evidence inadmissible in any judicial or administrative proceeding.
- G. Members shall be allowed to use UAS for criminal investigation, detection, or prosecution of crime, providing the additional following requirements are followed:
  - 1. Any operation of a UAS must fully comply with 20 V.S.A. § § 4622, 4623.
  - 2. Prior to the deployment of the UAS, the UAS Pilot must be adequately trained in its use and operation as set forth in the "Guidelines for UAS Pilots, Vermont Department of Public Safety" and must be knowledgeable of the guidelines set forth in this policy.
  - 3. Data gathered during operation of UAS for non-criminal purposes shall not be converted to use for criminal investigation without adherence to established legal processes.
  - 4. A UAS Pilot utilizing a UAS shall properly document each deployment on the appropriate agency report forms. Such documentation must include at a minimum:
    - a. The date, time(s) and purpose of each deployment.
    - b. The location of the deployment.

- c. Whether a search warrant was sought by this agency for each deployment.
    - d. Whether a search warrant was obtained by this agency for each deployment.
  - 5. A UAS Pilot that mistakenly deploys the UAS must promptly report the deployment to the appropriate commander overseeing the investigation and the Special Operations Commander. Such report must describe the circumstances under which the UAS was deployed and a plan of action describing how such mistaken deployment will be avoided in the future.
  - 6. A UAS Pilot that deploys the UAS must have the capability to adequately track and record the flight pattern and location of the UAS.
  - 7. A UAS Pilot shall not intentionally use the UAS without proper authorization or in deviation of the standards set forth in this policy.
- 5.3 Aerial photography for the assessment of accidents (crashes) is permitted on public highways. If aerial photography is needed for the assessment of accidents (crashes) on private property, then the procedures for use of a UAS in a criminal investigation shall be followed.
- A. Deployment of UAS equipment for assessment of accidents (crashes) shall be approved by the UAS Commander, Special Operations Commander or State Duty Officer.
- 5.4 Restrictions on the use of UAS
- A. Approval by the appropriate Commander is required prior to the deployment of a UAS equipped with any of the following items:
    - 1. Night vision technology.
    - 2. High-powered zoom lenses.
    - 3. Thermal imaging technology.
  - B. In **NO** circumstances will the UAS ever be equipped with:
    - 1. Facial recognition technology.

2. Any other biometric matching technology.
  3. Weapons of any kind.
  4. High-powered acoustical listening devices.
- C. Information, data, or evidence collected via use of a UAS may not be submitted to facial recognition or other biometric matching technology on any person, home or area that is not the target of surveillance, pursuant to 20 V.S.A. § 4622(d)(2)).
  - D. UAS must be operated by a UAS Pilot at an altitude, a speed, and with a planned flight pattern that will ensure the invasion of privacy of third parties who are not under investigation is avoided or minimized.
  - E. A UAS Pilot shall not deploy the UAS to conduct surveillance on private citizens peacefully exercising their constitutional right to free speech and assembly.

## 6.0 Reporting Procedures

- 6.1 On or before December 1<sup>st</sup> of each year, information gathered on all UAS use by law enforcement agencies in the State of Vermont is required under 20 V.S.A. § 4624 for the previous fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup>), and such use shall be reported to the House and Senate Committees on Judiciary and Government Operations at the direction of the VSP Special Operations Commander.

## 7.0 Resources

- 7.1 [UAS Flight Mission Record Form](#)
- 7.2 [Guidelines for UAS Pilots](#)

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The Vermont State Police Manual provides only internal Vermont State Police guidance. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any civil, criminal, or administrative matter. It is not intended to and does not apply in any criminal or civil proceeding outside of internal Department proceedings. No policy included in this publication should be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to third party claims.