



POLICY AND PROCEDURE NO. 404

Small Unmanned Aircraft System

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5 Pages

1. PURPOSE:

This policy is intended to provide authorized officers assigned responsibilities associated with the deployment and use of small unmanned aircraft systems (sUAS) with instructions on when and how this technology and the information it provides may be used for law enforcement and public safety purposes in accordance with law.

2. POLICY:

It is the policy of this department that duly trained and authorized agency personnel may deploy the sUAS when such use is appropriate in the performance of their official duties, and where deployment use, the collection, and use of any audio/video recordings or other data originating from or generated by the sUAS, comport with the policy provisions provided herein and applicable law.

3. DEFINITIONS:

A. Digital Multimedia Evidence (DME): Digital recording of images, sounds, and associated data.

B. Unmanned Aircraft (UA) or Unmanned Aerial Vehicle (UAV): An aircraft that is intended to navigate in the air without an on-board pilot. Also alternatively called Remotely Piloted Aircraft (RPA), Remotely Operated Vehicle (ROV), or Drone.

C. Unmanned Aircraft System (UAS): A system that includes the necessary equipment, network, and personnel to control an unmanned aircraft.

D. Small Unmanned Aircraft Systems (sUAS): An unmanned aircraft and its associated elements, including communication links and the components that control the aircraft that are required for safe and efficient operation.

E. UAS Flight Crewmember: A pilot, visual observer, payload operator, maintenance technician or the person assigned duties for a UAS for the purpose of flight training exercises.

F. Unmanned Aircraft Pilot: A person who exercises control over a UA/UAVG/UAS during flight.

G. COA: Certificate of Authorization as issued by the Federal Aviation Administration (FAA) pursuant to 14 CFR 107.

H. Remote Pilot In Command: The pilot of the sUAS which is responsible for all activities and safety in regards to the operation of the sUAS flight. The Remote Pilot in Command is the final authority as to the operation of the sUAS regardless of rank.

I. NOTAMS: A Notice To Airmen or NOTAMS is a notice containing information (not known sufficiently in advance to publicize by other means) concerning the establishment, condition, or change in any component (facility, service, or procedure of, or hazard in the National Airspace System) the timely knowledge of which is essential to personnel concerned with flight operations.

J. Exigent Circumstances Legal Definition - Merriam-Webster: circumstances that are of such urgency as to justify a warrantless entry, search, or seizure by police when a warrant would ordinarily be required.

4. PROCEDURES:

All deployments of sUAS must be specifically authorized by the OIC or sUAS Supervisor. The Worcester Police Department has adopted the uses of sUAS to provide an aerial visual perspective in responding to emergency situation and exigent circumstances, and for the following objectives:

- Situational Awareness: To assist Incident Command in understanding the nature, scale, and scope of an incident and/or for planning and coordinating an effective response.
- Search and Rescue: To assist missing person investigations, Amber alerts, and other search and rescue missions.
- Tactical Deployment: To support the tactical deployment of officers and equipment in emergency situations (e.g., Incident involving hostages and barricades, support for large tactical operations, and temporary perimeter security situations).
- Visual Perspective: To provide an aerial visual perspective to assist officers in providing direction for crowd control, traffic incident management, and temporary perimeter security.
- Scene Documentation: To document a crime scene, accident scene, or other major scene (e.g., disaster managing, incident response, large scale forensic investigation).

5. PROCEDURES OF sUAS USE:

The Worcester Police Department must obtain applicable authorizations, permits, or certificates required by the Federal Aviation Administration prior to deploying or operating the sUAS, and these authorizations, permits, and certifications shall be maintained and current.

A. The sUAS will be operated only by personnel (pilots and crewmembers) who have been trained and certified in the operation of the system.

B. The sUAS pilot in command shall follow flight notification procedures in accordance with the FAA waiver assigned to the department.

C. All sUAS certified personnel shall inspect and test sUAS equipment prior to deployment to verify the proper functioning of all equipment and airworthiness of the devices.

D. The Remote Pilot in Command shall check weather reports and NOTAMS prior to launch.

E. The sUAS equipment is the responsibility of the assigned officer(s) and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the sUAS Supervisor.

F. The sUAS equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Worcester Police Department.

G. All flights will be documented on a form or database designed for that purpose, and all flight time shall be accurately recorded. In addition, each deployment of the sUAS shall include information regarding the reason for the flight; time, date, and location of the flight; the name of the supervisor approving the deployment and the staff assigned; and a summary of the activities covered, actions taken, or outcomes from the deployment.

H. Except for those instances where officer safety or investigation could be jeopardized and where reasonably possible and practical, agencies should consider notifying the public.

6. PRIVACY:

A sUAS shall not be used for viewing, recording or transmitting images and/or video in a criminal investigation at any location or property where a person has a reasonable expectation of privacy unless:

- A warrant has been approved for the search of the property;
- Consent by the owner or person responsible for the property is obtained or;
- Exigent circumstances exist, including but not limited to search and rescue missions, tactical missions, crash scenes, crime scenes, fire scenes, hazmat scenes and natural disasters.

7. EVIDENCE RETENTION AND MANAGEMENT:

A. All DME (Digital Multimedia Evidence) shall be handled in accordance with existing policy on data and records retention. All evidentiary data collected shall be held in compliance with the current Massachusetts Statewide Records Retention Schedule.

B. All DME shall be securely downloaded at the completion of each mission. The sUAS certified operators will record information on the file that shall include the date, time, location, and case reference numbers or other identifiers and identity of the sUAS personnel involved in the mission.

C. Officers shall not edit, alter, erase, duplicate, share, or otherwise distribute any sUAS DME without prior authorization and approval of the sUAS Supervisor.

D. All access to the sUAS DME must be specifically authorized by the sUAS Supervisor or his/her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

E. Files shall be securely stored in accordance with department policy and retention laws. The Worcester Police Department utilizes the Massachusetts state records retention schedule as a guide. For non-evidentiary video, the data is stored for a period of 30 days. However, video footage for open investigations may be kept longer pending the investigation and/or criminal prosecution.

8. SUPERVISION AND REPORTING:

A. The sUAS supervisor shall manage all deployments and uses of the sUAS to ensure that officer(s) equipped with sUAS devices utilize them in accordance with policy and procedure defined herein.

B. An authorized sUAS supervisor or administrator will audit flight documentation at regular intervals. The results of the audit will be documented.

C. The sUAS supervisor or his/ her designee shall publish a quarterly report documenting the agency's deployment and use of the sUAS device which shall be distributed to the City Manager's office for review.

D. The sUAS Pilot in Command shall be responsible for immediately reporting to the FAA in compliance with the FFA, COA and Part 107, any crashes or collisions involving the aircraft and shall also immediately notify the OIC who shall notify the sUAS supervisor. The Pilot in Command and any sUAS crew member(s) present during the crash shall complete an incident report and forward it to the sUAS supervisor.

E. Any complaints regarding the sUAS shall be forwarded to the Chief of Police to be handled in compliance with The Bureau of Professional Standards protocols.

9. RESTRICTIONS USING THE sUAS:

A. The sUAS shall not be operated in an unsafe manner or in violation of Federal Aviation Administration (FAA) regulations.

B. The sUAS shall not be equipped with any weapons.

C. The sUAS shall not be utilized in any effort which would violate any applicable civil rights and or civil liberties. The Worcester Police Department will comply with all statutes, rules, regulations, and case law regarding these issues. It shall be the responsibility of the sUAS unit leader to ensure this effort.

D. UAS-recorded data will not be collected, disseminated or retained for the purpose of monitoring activities protected by the U.S. Constitution, such as the First Amendment's protections of religion, speech, press, assembly, and redress of grievances (e.g., protests, demonstrations).

E. Collection, use, dissemination, or retention of UAS-recorded data shall not be based on individual characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender identity, religion, age, or gender), nor to harass, intimidate or discriminate against any individual or group.

F. The Worcester Police Department does not own or possess any facial recognition surveillance technology or equipment and the sUAS would not include facial surveillance technology.

10. QUALIFICATIONS AND TRAINING:

A. Police personnel who are assigned to deploy the sUAS must complete an agency approved training program to ensure proper use and operation.

B. Additional training may be required at periodic intervals to ensure the continued effective use, operation, proper calibration, and performance of the equipment to incorporate changes.

C. All agency personnel with sUAS responsibility, including command, shall also be trained in local and federal laws and regulations, as well as this policy governing the use of sUAS. All personnel assigned with the sUAS shall be certified with the FAA under 14 CFR 107 as a licensed remote pilot.

D. sUAS Flight Crew Member selection will be performed by the Chief of Police or his designee.

11. MAINTENANCE:

A. The sUAS shall have a regular maintenance schedule in place that is in accordance with the recommendations set forth by the sUAS manufacturer for the specific aircraft, payload, intelligent batteries, and firmware. Maintenance to the sUAS and accessories shall be recorded in a digital maintenance log with restricted access to sUAS personnel and the Chief or her/his designee.

B. The sUAS supervisor shall oversee the maintenance of the sUAS and conduct monthly audits of maintenance records. The sUAS supervisor shall assign a Maintenance Technician within the sUAS special assignment to conduct all maintenance associated with the sUAS and record keeping of maintenance conducted on the sUAS.

12. AIRCRAFT:

The Worcester Police Department UAS Program has chosen the DJI Mini 3 Pro and DJI Matrice 30T to provide aerial assistance to the Worcester Police Department as well as other City of Worcester first responders, in a safe and transparent manner. These aircraft were chosen to enhance the quality of life for the residents of the City of Worcester while keeping residents and nonresidents safety in the forefront. The DJI Mini 3 Pro and the DJI Matrice 30T each exceed the requirements set forth in this policy as well as meeting FAA regulations and Massachusetts law.

Per:

Steven M. Sargent
Chief of Police