Worthington Division of Police	609
Subject: Unmanned Aerial System (UAS) Operations	
Standard Reference:	
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Approved By: Chief Stephen Mylett	

Unmanned Aerial System (UAS) Operations

609.1 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.

609.1.1 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 the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

Qualified Pilot in Command (PIC)– Division employees who have completed the required Division basic training and are certified by the Chief of Police to pilot the UAS, and who are current with minimum proficiency requirements.

Observer – Division employee who should maintain visual contact with the UAS to assist in scanning the airspace, to advise the PIC of any obstacles, restricted airspace, or areas where there is a reasonable expectation of privacy. Observers shall receive in-service training on privacy and line of sight requirements.

609.2 POLICY

Unmanned aerial systems may be utilized to enhance the Division's mission of protecting lives and property by providing a safe and efficient aerial observation perspective on law enforcement and other public safety incidents. Missions will be accomplished efficiently and safely while respecting the law and privacy concerns. Any use of a UAS will be in accordance with constitutional and privacy rights as well as Federal Aviation Administration (FAA) regulations.

609.3 UAS PROGRAM

The agency will maintain a current *Certificate of Waiver or Authorization (COA)* from the FAA authorizing the UAS program to operate outside of FAA Part 107 regulations.

49 USC § 40102(a)(41)(c) provides the definition for Public Aircraft Operations, which describes the use of the Division's UAS.

Only Division employees who are qualified PICs shall be permitted to operate the UAS.

A. Control and supervision of flight operations are delegated to the PIC.
B. This does not apply when operators are under the supervision of a Division-approved trainer for purposes of certification.

All flights utilizing the UAS will be documented on the *UAS Flight Log*.

A. Each mission shall also be documented on the *UAS Mission Log*.
B. All maintenance done on the UAS shall be documented on the *UAS Flight Log*.

609.4 CERTIFICATION TRAINING

Public Aircraft Operations may self-certify standards for airworthiness, as well as pilot certification, qualification, and medical standards. (FAA Advisory Circular 00-1.1B)

The Chief of Police shall establish training requirements to certify pilots in command of the UAS.

A. Division UAS trainers will successfully pass the FAA Part 107 testing process.
B. Basic training will consist of 8 hours of combined classroom and flight time under the direction of a Division-approved trainer.
C. Classroom instruction must include piloting, emergency procedures, required reporting and flight logs, FAA airspace and altitude requirements, legal aspects of privacy expectations, and Division policy and procedure.

To meet minimum proficiency requirements, PICs must:

A. Obtain legal training updates annually, and;
B. Conduct 3 flight events within the previous 120 days. Events include takeoff, landing, and/or simulator flights.

609.5 DEPLOYING THE UAS

Qualified PICs are responsible for the operation of UAS in the air and on the ground.

A. PICs are responsible for compliance with this policy, Federal Aviation Regulations, Letters of Agreement, and Certificates of Authorization conditions.
B. The PIC is directly responsible for and has authority over the operation of the unmanned aircraft.
C. The pilot will not under any circumstances leave any unauthorized person in charge of the unmanned aircraft controls while the motor is running.
    1. If necessary for the pilot to leave the unmanned aircraft, the motor will be shut down and the controls deactivated.

UAS missions should utilize an observer when practical.

A. An observer's primary duty is to conduct communications with other crew members and property owners, as well as act as an observer for anything that may affect the pilot in command's primary duty.
B. An observer will look for other air traffic or obstacles in the area (see and avoid) and assist with the normal launch and recovery procedures.
C. Observers must understand that the UAS must be in the line of sight of an officer, as well as to consider any privacy concerns of the mission.

Prior to deployment, the pilot in command shall:

A. Familiarize themselves with all available information concerning the flight and the mission.
B. Obtain sufficient weather information to ensure that the flight(s) may be conducted safely. The frequency of additional weather checks will be determined by the speed at which weather conditions are changing.
C. The UAS should not be flown outside of the manufacturer's recommendations or if the PIC believes the current weather is a safety factor.
D. Ensure appropriate communications with air traffic control and all required FAA notifications have been made.
E. Ensure the Columbus Police Heliport is notified of the deployment if they are flying in the area.
F. Conduct a thorough preflight inspection in accordance with the UAS Mission Log checklist.
G. PICs will ensure that no unauthorized items are attached to the aircraft prior to movement.
H. Ensure that during movement, adequate clearance is maintained.

Post-flight responsibilities of the PIC include:

A. Conducting a thorough inspection of the UAS immediately after the completion of the mission to ascertain if any damage was sustained during operation.
B. If necessary, service the aircraft so that it is immediately available for the next flight.
C. Ensure that all items are returned to their proper place in the UAS case.
D. Ensure batteries are placed on charge to ensure their operability for future missions.
E. Complete entries into the *UAS Flight Log* and a *UAS Mission Log*.

If the flight is at the request of another agency, then the type of mission and requesting agency shall be documented on the *UAS Mission Log*.

609.6 PERMITTED USE

The UAS video surveillance equipment is for criminal justice purposes only and may be deployed to support the following events:

A. *Missing Persons Search and Rescue*- UAS can be used to conduct searches for missing individuals during daylight and non-daylight hours. The UAS can cover larger areas as well as inaccessible areas by ground personnel.
B. *Vehicle Crash Investigations*- The UAS system has the capability of carrying a

camera and GPS mapping payload, which would enable aerial photographs and measurements of an accident scene.

C. *Disaster Response*- UAS may be used to assist in the mitigation and response to a disaster, which will require a large-scale response and may involve search and rescue operations or may have a significant direct impact on the community. The use of the UAS system in these situations will be primarily to assess damage, identify hazards, perform response planning, and provide over-watch.

D. *Hostage/Barricade Events*- UAS may be used to assist first responders in collecting information of an area where a hostage or barricade incident is occurring. The use of the UAS will be coordinated with tactical personnel on the ground.

E. *Active Aggressor Events*- UAS can be deployed for an active aggressor event to assist first responders in collecting information.

F. *Fire/EMS Assist*- UAS may be deployed upon request to assist local fire and EMS agencies with public safety operations, including but not limited to chemical spills, environmental events, large fires, and hot spot identification.

G. *Crime Scene Photographic Documentation*- UAS may be deployed for aerial photography of crime scenes to help in the documentation of an incident.

H. *Civil Disturbances*- UAS may be deployed to record and document crimes and responses to aggression, which may occur during a civil disturbance or riot.

I. *Intelligence*- Deployment of UAS for purposes of targeted intelligence/surveillance shall be conducted in a manner to adhere to applicable constitutional requirements and laws and done with the approval of a Lieutenant or higher.

J. *Routine Patrol Field Operations*- To include, but not be limited to, suspect searches, business checks, etc., primarily for areas inaccessible by officers on the ground.

K. *Overwatch*- UAS may be deployed in any situation where the aerial observation of personnel on the ground would be beneficial in maintaining safety or operational efficiency.

With the approval of the Chief of Police, the UAS video equipment may be used to support non-public safety City departments, such as Service & Engineering, Parks & Recreation, and Fire & EMS, to provide aerial imaging for functions such as planning or promotion.

609.7 PROHIBITIONS ON USE

The UAS shall not be used to:

A. Conduct random surveillance activities. For purposes of this policy, crowd surveillance at City-sponsored events, such as the Fourth of July, Memorial Day Parade, and etc., are not considered random surveillance.

B. 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.

C. Harass, intimidate, or discriminate against any individual or group.

D. Conduct personal business of any type.

The UAS shall not be weaponized. The UAS shall not be deployed when airborne law enforcement aircraft is in the immediate area.

609.8 PRIVACY

Absent a search warrant, court order, or exigent circumstances, operators shall adhere to FAA regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images.

A. Flights that do not meet these criteria, and that would reasonably violate a person's expectation of privacy, must be done under the authority of a search warrant.
    1. Based on United States Supreme Court cases *US v. Causby 328 US 256 (1946)*, *Kyllo v. US 533 US 27 (2001)*, *California v. Ciraolo 476 US 207 (1986)*, *Dow Chemical v. US 476 US 227 (1986)*, *Florida v. Riley 488 US 445 (1989)*, and *US v. Jones 565 US 400 (2012)*, the following areas are important considerations into aerial searches with technology infringing upon privacy:

        a. Was the law enforcement aircraft in navigable airspace, and could a civilian aircraft have made an observation from the same position?
        b. Did the law enforcement aircraft create any disruptive noise or downwash?
        c. What was the duration of the search?
        d. Did the defendant take any effort to conceal the subject area from aerial search?
        e. Was the technology used to intrude on the interior of a dwelling?
        f. Was the technology used readily available to the public?

B. Aerial searches of areas that can be reasonably interpreted to give rise to a reasonable expectation of privacy will be conducted no lower than 390' AGL, absent possession of a search or arrest warrant specifying use of the UAS. (*Florida v. Riley 488 US 445 (1989)*)

    1. This section is not intended to prohibit aerial searches of areas that do not give rise to a reasonable expectation of privacy or searches pursuant to a search warrant to be conducted at altitudes below 400' AGL.

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 for areas where there is a reasonable expectation of privacy.

609.9 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.
- Ensuring that all certified operators have completed all required Division-approved training in the operation, applicable laws, policies, and procedures regarding the use of the UAS.
- Ensuring that all certified operators are current with minimum proficiency requirements.
- Developing an operational protocol 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.
- Ensuring the *UAS Flight Log* and *UAS Mission Log* are kept current, documenting all missions and training flights.
- 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.
- Ensuring retention periods are maintained in accordance with established records retention schedules.
- Recommending program enhancements, particularly regarding safety and information security.
- Providing necessary reports to the Chief of Police of UAS usage compliance to policy and privacy laws.

609.10 RETENTION OF UAS DATA

In order to safeguard the privacy of the citizens we serve, the collection of data to include, but not limited to, digital photographs, digital video, infrared images, and audio recordings, will be limited to the extent necessary to accomplish the current mission and training purposes.

All data captured by the UAS intended to be used as evidence shall be downloaded from the craft and saved in a digital case file. The original MicroSD card should be reformatted and placed back into the UAS for future use.

Data collected by the UAS shall be retained as provided in the established records retention schedule for video recordings or offense reports when used in an official investigation.