

Faribault Police Department

Policy #: 320	Subject: Unmanned Aerial System (UAS) Operations
Issued by: Chief Andy Bohlen	
Personnel: Sworn Personnel	Date Issued: January 14, 2020

Purpose

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

Policy

Unmanned aerial systems may be utilized to enhance the office's mission of protecting lives and property when other means and resources are not available or are less effective. The Office's use of a UAS will be exclusively for the Public Air Operations and will not be used for civil or commercial purposes. Any use of the UAS will be in strict accordance with the constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

Definitions

- A. Unmanned Aerial System (UAS)**-An unmanned aircraft of any type that is capable of sustaining directed flight, whether programmed 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.

Privacy

The use of the UAS potentially involved privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude 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, 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.

Program Coordinator

The Chief will appoint a program coordinator who will be responsible for the management of the Faribault Police Department 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:

- Ensuring the UAS is in compliance with the FAA regulations
- Ensuring the UAS is properly registered (including renewals and updating of information) and marked and that there is adequate proof of ownership.
- If applicable, Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current: or ensuring that the Office's Drone Pilots have received and maintain a FAA part 107 certificate.
- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require authorization of the on-duty supervisor as well as the Program Coordinator or Chief Pilot depending on the type of mission.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operations 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 the training program and deployment of the UAS.

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 not 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 during daylight hours and only operated in the dark under exigent circumstances. AUAS should not be flown over populated areas without FAA approval.

Requests from other agencies for UAS support will be made through the on-duty supervisor, who will contact the Program Coordinator or Chief Pilot. In cases of emergent situations, the on duty supervisor shall attempt to make contact with the Program Coordinator or Chief Pilot, however, may approve immediate deployment of on duty UAS Unit Personnel who are capable of operating the UAS within policy, procedure and Federal regulations.

Operators must check Temporary Flight Restrictions (TFR's) prior to deployment.

Federal Aviation Administration's website for TFR restrictions: <http://tfr.gov/tfr2/list.html>

PROHIBITED USE

The UAS video surveillance equipment shall not be used:

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

The UAS shall not be weaponized.

RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.