

WILLMAR POLICE DEPARTMENT

GENERAL DIRECTIVE: 0102

Date Issued: 04/20/2018

Revision Dates: 07/09/2020

Application: All Personnel

Pages: 8

SUBJECT: OPERATION OF UNMANNED AERIAL VEHICLES - DRONES

PURPOSE

The purpose of this directive is to provide personnel who are assigned responsibilities associated with the deployment and use of unmanned aircraft systems (UAS) instruction 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.

POLICY

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

DEFINITIONS

Authorized Agency Personnel – Personnel assigned by authorized supervisory personnel to operate unmanned aerial vehicles (UAVs), or any portion of the UAS, who have also completed an agency-approved training program and meet all conditions of the certificate of waiver or authorization issued by the FAA.

Authorized Supervisory Personnel – An agency administrator who has full access to, and user rights within, the digital media storage system. He or she can authorize UAV operations, assign and track equipment, control passwords, oversee needed repairs, delete non-evidentiary recordings, and conduct audits and quality control reviews.

Certificate of Waiver or Authorization (COA) – An FAA grant of approval for specific flight operation.

Defined Incident Perimeter – A location with a set perimeter where UAVs will be operated. The area will be determined based on the scope of the operation and a defined operational

ceiling at or below 400 feet above ground level (AGL).

Digital Multimedia Evidence (DME) – Digital recordings of images, sounds, and associated data captured by an aircraft.

Remote Pilot in Command (RPIC) – A person who holds a remote pilot certificate with a small unmanned aircraft systems (sUAS) rating and has the final authority and responsibility for the operation and safety of a sUAS operation conducted under 14 CFR.

Remote Pilot – The individual who is physically controlling the sUAS.

Small Unmanned Aircraft System (sUAS) – An unmanned aircraft of less than 55 pounds and the associated elements required for its safe and efficient operation in the national airspace system (including communication links and the components that control it, as well as launch and recovery systems and equipment).

Tactical Deployment – Using UAS to support the positioning of officers and equipment in emergency situations, such as incidents involving hostages and barricades, and other temporary perimeter security situations.

Unmanned Aircraft (UA) or Unmanned Aerial Vehicle (UAV) – An aircraft operated without the possibility of direct human intervention from within or on the aircraft.

Unmanned Aircraft System (UAS) – A UA and associated elements (including communication links and the components that control the UA) that are required for the RPIC to operate safely and efficiently.

Visual Observer (VO) – A flight crew member whose task is to visually observe the sUAS during all phases of flight. The role of the Observer is to assist the Remote Pilot/Pilot in Command by communicating the aircraft location, possible flight obstructions or hazards.

PROCEDURE

Use of UAV

All deployments of UAVs shall be authorized by the shift supervisor when practical, be in state and federal legal and regulatory compliance, as well as in compliance with the policy and procedures defined herein.

Authorized personnel shall attend UAS training as assigned by administration.

Officers must apply for a search warrant to use a UAV, except when the following circumstances exist:

1. during or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person;
2. over a public event where there is a heightened risk to the safety of participants or bystanders;
3. to counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk;
4. to prevent the loss of life and property in natural or man-made disasters and to facilitate operational planning, rescue and recovery operations in the aftermath of these disasters;
5. to conduct a threat assessment in anticipation of a specific event;
6. to collect information from a public area if there is reasonable suspicion of criminal activity;
7. to collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road;
8. over a public area for officer training or public relations purposes; and
9. for purposes unrelated to law enforcement, at the request of a government entity, provided that the government entity makes the request in writing to the law enforcement agency and specifies the reason for the request and proposed period of use.

Restrictions on the Use of UAV

Authorized agency personnel shall only deploy UAVs in the performance of official duties for this agency. Official duties include training.

Authorized agency personnel shall not deploy UAVs in a careless or reckless manner or in violation of FAA rules governing use of UAVs by governmental agencies or any other applicable state or federal law.

No authorized agency personnel shall operate more than one UAV at a time.

Procedures for Use of UAV

All deployments of UAVs shall incorporate the following procedures to assure authorized use, safe operation, secure storage, and documentation:

- The agency must obtain applicable authorizations, permits, or certificates required by the FAA prior to deploying or operating the UAS and these authorizations, permits, and certificates shall be maintained and current.
- UAVs shall be operated solely by authorized personnel duly trained and certified as a remote pilot by the FAA or under their immediate supervision.

- Authorized agency personnel shall inspect and test UAVs prior to each deployment to verify general airworthiness and mission-specific equipment functionality.
- Authorized agency personnel shall inspect crew fitness, lighting, line-of-sight, altitude, and weather conditions prior to each deployment to verify suitability for flight. Inspections shall conform to the following:
 - Crew fitness: Authorized agency personnel shall conduct a preflight briefing at which they shall review the mission, goals, methods and procedures; UAV battery charge and Global Positioning System (GPS) strength; personnel communication procedures; emergency/contingency procedures, including but not limited to, UAV malfunction/failure, flight termination, flight diversion, and lost link procedures; contents of the COA, if applicable; radio frequency to be used; and takeoff and landing site, defined incident perimeter, and flight perimeter.
 - Line-of-sight: Authorized agency personnel shall review the intended flight of UAVs for hazards prior to each deployment. Unless otherwise approved through the FAA, authorized agency personnel shall only deploy UAVs within the line of sight of the operator in an attempt to detect and avoid hazards such as aircraft, trees, and property.
 - Altitude: All UAV flights shall be conducted at not more than 400 feet above ground level, unless otherwise noted in the COA or approved by the FAA in an emergency COA, or as permitted by other FAA regulations.
 - Weather:
 - Temperature: Authorized agency personnel shall only deploy UAVs when the temperature is within the parameters set forth by the operational guidelines of the UAV. Authorized agency personnel shall adjust UAV battery and flight length as necessary according to temperature.
 - Wind: Authorized agency personnel shall measure wind velocity prior to each deployment and shall only deploy UAVs when the wind velocity is within the parameters set forth by the operational guidelines of the UAV.
 - Rain, snow, fog: Prior to deployment of the UAV, authorized agency personnel shall ascertain whether rain, snow, or fog may decrease

visibility or safety. Authorized agency personnel may deploy UAVs if weather conditions do not prevent personnel from adhering to line-of-sight and minimum weather requirements.

- Authorized agency personnel shall store UAVs in a secure manner, as well as maintain and operate UAVs with proper care, and in the event of an equipment malfunction, report it to authorized supervisory personnel as soon as possible, cease deployment immediately, and document it in a written report.
- Authorized supervisory personnel shall coordinate maintenance, repairs, and updates of UAVs, as well as coordinate with appropriate information technology staff regarding system-related issues.
- Per federal regulation, the RPIC or his/her designee, shall inform local air traffic control of an impending flight or obtain a waiver of notice from local air traffic control at the issuance of the COA.
- An Initial Complaint Report (ICR) shall be created for each operational or training deployment. The ICR shall provide a factual basis for the use of a UAV and identify the applicable exception under 262.19.3, unless a warrant was obtained. These exceptions are listed as 1-9 in the Use of UAV section of this policy.
- A flight log shall be maintained for each UAV. All UAV flights shall be documented on its designated UAV flight log.
 - The UAV flight log shall include, but not be limited to:
 - The reason or purpose for the flight.
 - Date, time, duration, and location of the flight.
 - Supervisor approving the flight.
 - List of staff members assigned to the flight.
 - A brief description of captured DME and storage location.
 - Incident number (if applicable).
 - The remote pilot in command shall be responsible for completing the flight log upon completion of each flight.
- Authorized agency personnel shall each maintain a personal flight log to record all instances of operation of the UAS.
 - The personal flight log shall include, but not be limited to:
 - The reason or purpose for the flight.

- Date, time, and location of the flight.
- The duration of flight time for the person listed on that flight log.
- Supervisor approving the flight.
- Incident number (if applicable).
- Authorized agency personnel are responsible for maintaining their own flight log and shall produce it to supervisory agency personnel upon request.

DME Storage and Retention

All DME produced through use of UAVs shall be handled and stored according to WPD evidence policy.

- Storage:
 - Authorized personnel shall handle and store captured DME in accordance with the DME policy for storing digital files and applicable statutes regarding, but not limited to, evidence, discovery, and disclosure pursuant to Minnesota Government Data Practices Act (MGDPA), Minn. Stat. § 13.01, et seq.
- Downloading procedure:
 - Authorized agency personnel shall securely download all captured DME to the designated location at the Willmar Police Department at the completion of each flying mission.
 - Each DME file shall be given a unique label which may include date, time, location, involved personnel, case number, or other mission identifiers.
 - Authorized agency personnel shall ensure that all DME storage devices are cleared of all DME upon the completion of each mission.
- Permitted review of DME by peace officer and law enforcement employees:
 - No employee may have access to DME except for legitimate law enforcement or data administration purposes.
 - Agency personnel are prohibited from accessing DME for non-business reasons and from sharing the data for non-law enforcement related purposes, including, but not limited to, uploading DME data

recorded or maintained by this agency to public and social media websites.

- Employees seeking access to DME data for non-business reasons may make a request for it in the same manner as any member of the public.
- Access to DME by non-employees:
 - Officers shall refer members of the media or public seeking access to DME to the Chief or Captain who shall process the request in accordance with the MGDPA, agency policies, and other governing laws.
 - Data retention:
 - DME captured or recorded by UAVs shall be the sole property of the agency.
 - DME data that is gathered during flying missions shall be retained for a period that is in accordance with the agency's records retention schedule, similar to body worn cameras.
 - DME gathered during training exercises may be destroyed at any time with the consent of supervisory personnel. DME that may be destroyed shall be limited to DME which does not contain recordings of damage to property, evidence of officer misconduct, or any other data which the supervisor deems valuable.
 - DME having evidentiary value shall be retained for the period specified in the records retention schedule. When a particular recording is subject to multiple retention periods, it shall be maintained for the longest applicable period.
 - If no extension of DME retention is required, the DME and any copies should be destroyed in accordance with the agency's record retention and destruction procedures.
 - If DME is deemed useful as a training tool by authorized supervisory personnel, DME can be retained for as long as needed and in compliance with the records retention schedule.
 - All retained DME, unless exempted by statute, shall be available for public inspection. Any and all public disclosure of DME must be consistent with the agency's records policy and applicable statutes regarding, but not limited to,

evidence, discovery, and public records disclosure pursuant to Minnesota statutes.

UAV Audit Protocol

By January 15th of each year, the Department shall report to the Commissioner of Public Safety the following information for the preceding calendar year:

- the number of times a UAV was deployed, organized by the types of incidents and the types of justification for deployment;
- the number of criminal investigations aided by the deployment of UAVs;
- the number of deployments of UAVs for reasons other than criminal investigations; and
- the total cost of the UAV program.

Training of Authorized Agency Personnel

Authorized agency personnel assigned to operate UAVs must meet all conditions of the certifications as issued by the FAA. Authorized agency personnel assigned to operate UAVs shall also receive training at regular intervals to ensure continued effective use, operation, calibration, and performance of UAVs and to incorporate changes, updates, revisions, and advances in policies and procedures in the deployment and use of UAVs.

Authorized personnel shall demonstrate proficiency in operating UAS's. Proficiency will be demonstrated to other authorized agency personnel at training events.

All training shall be documented on each authorized agency personnel's personal flight log.

ACCOUNTABILITY

It is the responsibility of each employee to be familiar with and adhere to this directive. It is the responsibility of all supervisors to ensure this directive is followed. Failure to adhere to this directive may result in disciplinary action up to and including termination.

BY ORDER OF THE CHIEF OF POLICE

James E. Felt

BJH/sae