The Allegheny County Chiefs of Police Association

UNMANNED AERIAL SYSTEMS

MODEL POLICY

An Allegheny County Criminal Justice Advisory Board Project

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The Allegheny County District Attorney's Office

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Please understand that this model should serve only as a "**Starting Point**" for those departments who may wish to update their Rules & Regulations Manual in this area. To best serve your department, it should be reviewed and revised by you and your Municipality and Insurance Carrier.

MODEL UNMANNED AERIAL SYSTEMS POLICY

01. PURPOSE

A. The purpose of this policy is to provide officers with 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.

B. This agency has adopted the use of UAS to provide an aerial visual perspective in responding to emergency situations, exigent circumstances, and for the following objectives, including, but not limited to:

1. Situational Awareness: To assist decision makers (e.g., incident command staff; first responders [Police/Fire/EMS/Hazmat]; city, county, and state officials) in understanding the nature, scale, and scope of, and for planning and coordinating an effective response to an incident.

2. Search and Rescue: To assist in missing person investigations, (e.g., Project LifeSaver; AMBER Alerts; Silver Alerts) and other search and rescue missions.

3. Tactical Deployment: To support officers and equipment in emergency situations (e.g., incidents involving hostages and barricaded gunmen; support for large-scale tactical operations; execution of a high-risk search warrants; and other events requiring establishment of temporary perimeter security).

4. Pursuits: In immediate pursuit of a person/vehicle that law enforcement officers have reasonable suspicion or probable cause to believe has committed an offense.

5. Aerial Perspective: To assist officers in providing direction for crowd control, traffic incident management, special circumstances, and temporary perimeter security.

6. Scene Documentation: To aid in documentation of crime scenes, accident scenes, or other major incident scenes (e.g., disaster management, incident response, large-scale forensic scene investigation).

02. POLICY

A. A UAS may b e utilized when such use is appropriate in the performance of official duties, and where deployment and use, and the collection and use of any video recordings or other data originating from or generated by the UAS, is in accordance with constitutional and privacy rights, local, state and federal law, and Federal Aviation Administration (FAA) regulations.

03. DEFINITIONS

Authorized Aircraft Operator: An officer who has successfully completed approved training on specific aircraft and flight operations but does not hold a valid pilot certificate issued by the FAA. A Pilot in Command must oversee the flight operation and be accessible to the Authorized Aircraft Operator while controlling the aircraft.

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

Flight Crew: A pilot, aircraft operator, visual observer, camera operator, or other officer assigned duties directly related to the UAS during flight operations.

Pilot in Command (PIC): A person holding a pilot certificate through the Federal Aviation Administration (FAA) with a UAS rating, and having the authority and responsibility for the overall operation of the UAS. This may include actual controlling of the aircraft flight or overseeing the flight control by an Authorized Aircraft Operator.

Unmanned aircraft system (UAS): An unmanned aircraft weighing less than 55 pounds, including onboard payload, which is flown without direct human intervention from within or on the aircraft. This includes all supporting equipment and attached systems for collection of electronic data.

Visual Observer (VO): A person acting as a flight crew member who assists the remote PIC and/or the person manipulating the controls of the aircraft to see and avoid other air traffic or objects aloft or on the ground.

04. PRIVACY CONSIDERATIONS

A. The use of the UAS potentially involves privacy considerations. Operators and observers shall adhere to FAA altitude regulations, and absent a warrant, court order or exigent circumstances, shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., a residence, yard or private enclosure).

B. 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.

05. DEPARTMENT PROGRAM COORDINATOR

A. The Chief of Police will appoint a department Program Coordinator who will be responsible for the management of the UAS Program. The program coordinator will ensure that policies and procedures conform to the current laws, regulations and best practices, and will also have the following additional responsibilities:

1. Coordinating the FAA Certificate of Waiver or Authorization (COA) application process; ensuring that the COA is current; and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.

2. Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.

3. Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emergent incidents.

4. Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).

5. Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.

6. Implementing a system for public notification of UAS deployment.

7. Developing operational protocols 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.

8. Developing a protocol for fully documenting all missions.

9 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.

10. 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.

11. Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.

12. Facilitating law enforcement access to images and data captured by the UAS.

13. Recommending program enhancements, particularly regarding safety and information security.

14. Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

15. Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

06. <u>USE OF UAS</u>

A. Deployment of a UAS shall require authorization of the Chief of Police or the authorized designee, depending on the type of mission. Only authorized PICs or operators who have completed the required training shall be permitted to operate the UAS. All UAS flight operations shall be in accordance with FAA regulations.

B. The UAS shall be registered according to FAA regulations.

C. Use of vision enhancement technology (e.g., thermal imaging equipment, night vision technology, high-powered zoom lenses) is permissible with approval of the Chief of Police in viewing areas only where there are no protected privacy interests or when in compliance with a search warrant or court order. In all other instances, the District Attorney's Office shall be consulted prior to such usage.

D. Where there are specific and articulable grounds to believe that the UAS will collect evidence of criminal wrongdoing and/or if the UAS will be used in a manner that may intrude upon reasonable expectations of privacy, the department shall obtain a search warrant or court order prior to conducting the flight.

E. All required documentation regarding the aircraft, FAA documentation, flight data, and maintenance logs shall be filed and maintained by the Program Coordinator.

F. Each aircraft and its components shall be inspected prior to deployment to ensure airworthy condition and safe operation. This shall include completing a pre-flight checklist. Any damaged, missing, or inoperable components shall be documented and submitted to the Program Coordinator. The aircraft shall be taken out of service until the appropriate repair or replacement is completed.

G. Regular inspection and maintenance of the aircraft and components shall be completed by the Program Coordinator or properly trained designee. This shall be documented on a maintenance report for each aircraft system.

H. Upon completion of flight operation, the UAS shall be inspected for any damage or malfunctioning equipment. If damage or malfunction occurred, documentation of the damage or malfunction shall be forwarded to the Program Coordinator and the unit shall be taken out of service until repairs can be completed.

I. Flight data logs for each deployment shall be completed at the conclusion of the operation by the PIC or Authorized Aircraft Operator and forwarded to the Program Coordinator for review.

J. All captured digital multimedia shall be downloaded, stored, and maintained on a secured electronic storage device in accordance with existing policy and established electronic data storage protocols. The electronic data shall be maintained and purged in accordance with established record retention schedules and stored for no longer than necessary for purposes of training or use in an investigation or prosecution.

K. The UAS equipment and all data and digital evidence recorded or otherwise produced is the sole property of the Department. Officers shall not edit, alter, erase, duplicate, share or otherwise distribute UAS digital multimedia without the authorization of the Chief of Police or his/her designee.

L. UAS's may be deployed for non-investigative public safety use or for the purpose of training, testing, and/or evaluation.

M. The UAS shall be made available to the FAA, upon request, for inspection and testing. Any required documents associated with the UAS shall be made available, upon request, to the FAA.

N. Any operation that results in serious injury, loss of consciousness, or property damage exceeding $500 shall be reported to the FAA within 10 days.

07. PROHIBITED USE

A. The UAS shall be deployed and used only to support official law enforcement and public safety operations. The UAS shall not be operated in an unsafe manner or in violation of FAA regulations. The UAS-video surveillance equipment shall not be used:

1. To conduct random surveillance activities.

2. To 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.

3. To harass, intimidate, or discriminate against any individual or group.

4. To conduct personal business of any type.

08. Digital Multimedia Evidence (DME) RETENTION AND MANAGEMENT

A. All DME shall be handled in accordance with existing policy on data and record retention.

B. The UAS equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the department.

C. Officers shall not edit, alter, erase, duplicate, share or otherwise distribute any UAS digital multimedia without the authorization of the Chief of Police or his/her designee

09. SUPERVISION

A. An authorized supervisor will audit flight documentation at regular intervals. The results of the audit will be documented and supplied to the Chief of Police.

10. TRAINING

A. Personnel must complete the required training to ensure proficient use and operation.

B. All agency personnel with UAS responsibilities, including command officers, shall also be trained in the local and federal laws and regulations, as well.

11. DISSEMINATION

A. Only with approval of the Chief of Police.