

**STANDARD OPERATING PROCEDURES**

**CHAPTER 19.02 UAS Operations**

Chief of Police: Brandon Gurley

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**GLECP (6<sup>th</sup> Edition) Standards Included:**

**INDEX**

- I. PURPOSE**
- II. DEFINITIONS**
- III. POLICY**
- IV. PRIVACY**
- V. MANAGEMENT & COORDINATION**
- VI. PROCEDURES**
  - A. USE OF UAS**
  - B. PROHIBITED USE**
  - C. RETENTION OF UAS DATA**

## I. PURPOSE

This policy establishes guidelines for the use of an unmanned aerial system. It also establishes guidelines for the storage, retrieval, and dissemination of images and data captured by the UAS.

## II. DEFINITIONS

**Federal Aviation Administration (FAA)** – A division of the Department of Transportation that inspects and rates civilian aircraft and pilots, enforces the rules of air safety, and installs and maintains air-navigation and traffic-control facilities.

**Uncrewed Aircraft-** An aircraft operated without the possibility of direct human intervention from within or on the aircraft.

**Small Uncrewed Aircraft-** A UA weighing less than 55 pounds, including everything that is onboard or otherwise attached to the aircraft.

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

**sUAS-** A small UA and its associated elements (including communication links and the components that control the small UA) that are required for the safe and efficient operation of the small UA in the National Airspace System.

**Remote Pilot in Command (PIC)-** The person who is directly responsible for and is the final authority as to the operation of the unmanned aircraft system.

**Person Manipulating the Controls-** A person other than the remote pilot in command (PIC) who is controlling the flight of an sUAS under the supervision of the remote PIC.

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

## III. POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with Federal Aviation Administration (FAA) regulations and constitutional and privacy rights.

## IV. PRIVACY

The use of the UAS carries considerable concern for the privacy rights of individuals. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations in effect at the time of the deployment of the UAS. Operators shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy, including but not limited to the curtilage of a residence or inside of a residential property. 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.

## **V. MANAGEMENT & COORDINATION**

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 authorized operators and required observers are licensed for operation under Part 107 of the United States Code of Federal Regulations and have satisfactorily completed all department-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 by the Chief of Police or the authorized designee, depending on the type of mission.
- Developing protocol for conducting criminal investigations involving a UAS.
- Developing protocols for the request of Temporary Flight Restriction(s) and Special Governmental Interest (SGI) Waiver or authorization to support an emergency response or other effort being conducted to address exigent circumstances.
- 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 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 and providing periodic reports on the program to the Chief of Police.

## **VI. PROCEDURES**

### **A. USE OF UAS**

1. Only authorized operators who are licensed under Part 107 of the U.S. Code of Federal Regulations and have successfully completed the required training shall be permitted to operate the UAS.
2. The decision to deploy the UAS shall be at the discretion of the Remote Pilot in Command.
3. Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas where there is a protectable privacy interest, such as within the curtilage of a residence or inside of a residence, only when in compliance with a search warrant or court order or authorized by exigent circumstances. In all other instances, legal counsel should be consulted.
4. UAS operations should only be conducted within FAA regulations and in accordance with the parameters outlined by the department's Certificate(s) of Authorization or waivers from the FAA.

### **B. PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

1. To conduct random surveillance activities.
2. 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.
3. To harass, intimidate, or discriminate against any individual or group.
4. To conduct personal business of any type.

**The UAS will not be weaponized.**

### **C. RETENTION OF UAS DATA**

1. Data collected by the UAS shall be retained as provided in the established records retention schedule. Files shall be securely stored in accordance with state records retention laws. Video recordings not containing evidence in any criminal case will not be retained past 120 days unless useful for training purposes. Videos retained for training purposes will be evaluated for training benefit by the Program Coordinator on a quarterly basis and will not be retained over a period of one calendar year. The retention for video containing an arrest will be five years.

2. All files shall be securely downloaded within 24 hours of capture. Each file shall contain information related to the date, and call for service identifier (i.e., case number or event number).
3. All images and sounds recorded by the UAS are the exclusive property of the Brookhaven Police Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.