COON RAPIDS POLICE DEPARTMENT MANUAL

SECTION 4-409
UNMANNED AERIAL SYSTEM (UAS) OPERATIONS

Effective Date: January 20, 2020
Revised Date: October 12, 2020

I. DEFINITIONS

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

II. 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.

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 constitutional and privacy rights, Federal Aviation Administration (FAA) regulations, and Minnesota State Statute Section 626.19.

IV. PRIVACY

The use of the UAS potentially involves 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. 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. 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, best practices, and will have the additional responsibilities:

a) Ensuring that all authorized operators and required observers have completed all required office-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
b) Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
c) 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.
d) Developing a protocol for fully documenting all missions.
e) 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.
f) 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.
g) Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
h) Facilitating law enforcement access to images and data captured by the UAS.
i) Recommending program enhancements, particularly regarding safety and information security.
j) Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
k) Report to the Commissioner of Public Safety, by January 15 of each year, as mandated by Minnesota Statute Section 626.19, subdivision 12. This includes reporting the number of times the UAS was deployed without a search warrant including the date of each deployment and the authorized use under Minnesota Statute Section 626.19, subdivision 3 and the total cost of the UAS program.

VI. USE OF UAS

Only authorized operators who have completed the required training and attended a familiarization session with the UAS training staff shall be permitted to operate the UAS. Use of the UAS, including vision enhancement technology, is permissible when in compliance with a search warrant, court order, or in

accordance with Minnesota State Statute 626.19, subdivision 3, as follows:

a. During or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person;
b. Over a public event where there is a heightened risk to the safety of participants or bystanders;
c. To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk;
d. 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;
e. To conduct a threat assessment in anticipation of a specific event;
f. To collect information from a public area if there is a reasonable of suspicion of criminal activity;
g. To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road;
h. Over a public area for officer training or public relations purposes; and
i. 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.

VII. PROHIBITED USE

The UAS, including the video equipment, shall not be used:

a. 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.
b. To harass, intimidate or discriminate against any individual or group.
c. The UAS shall not be equipped with facial recognition or other biometric-matching technology unless authorized by a warrant.
d. The UAS shall not be equipped with weapons.
e. The UAS shall not be used to collect data on public protests or demonstrations unless expressly authorized by a warrant or an exception applies as described in Minnesota State Statute 626.19, subdivision 3, as described in section VI of this policy.
f. Any other use prohibited by law.

VIII. RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in Minnesota State Statue. All missions shall be video recorded. All data collected during UAS missions will be destroyed as soon as possible after the mission, and not longer than seven days after the data is collected, unless the data is part of an active criminal investigation.

IX. TRAINING

Pilots must have completed an approved Remote Pilot in Command (RPIC) course, and passed the Federal Aviation Administration (FAA) Part 107 test before operating the UAS. Pilots will conduct at least three training flight per quarter to keep their familiarization with the equipment and operational procedures. All visual observers must complete an approved department training. All trainings will have an emphasis on safe operations.

A safety "stand down" will be conducted annually. During a stand down, all members with unmanned UAS responsibilities assemble to review the agency safety program. It is also an opportunity to solicit changes to this policy, identify potential hazards, conduct safety training, etc.

X. Reports

All UAS flights, including training flights, shall be documented by completing an ICR and a UAS Operator's Log. The report shall indicate a factual basis for the use of the UAS and the applicable exception under Minnesota State Statute 626.19, subdivision 3, as described in section VI of this policy. It is the responsibility of the UAS pilot to ensure the reports are completed after each flight.

XI. FLIGHT CREW RESPONSIBILITIES

a. Remote Pilot in Command

i. Pilots are directly responsible for the safe operation of the UAS.
ii. Pilots have direct authority to reject a flight based on weather, aircraft limitations, physical condition, risk to public safety personnel or civilians, etc. No member of any law enforcement agency, regardless of rank, can order a pilot to make a flight when, in the opinion of the pilot, it cannot be done safely and within FAA regulations.
iii. Pilots are responsible for compliance with department policies and FAA guidelines.
iv. Pilots shall be knowledgeable about their surroundings to include obstructions and airspace activity.
v. Pilots shall be responsive to the request of the visual observer in order to accomplish the mission.

b. Visual Observer (VO)

i. The VO will assist the pilot in maintaining visual awareness of the airspace and advise the pilot of any imminent hazards including but not limited to other aircraft, terrain and adverse weather conditions.
ii. The VO shall work with the pilot to ensure radio communications are made in a timely manner.

c. Crew Coordination

i. The pilot and VO will work together to form the crew which will ultimately accomplish mission objectives.

ii. In the interest of safety, both the pilot and VO must be comfortable with any decision made while working as a crew. This begins when deciding whether to accept the mission and continues throughout the mission. If there is a genuine concern on the part of either the pilot or VO, the mission should not be accepted or should be terminated.

iii. Concern on the part of either any crew member should be immediately expressed to the other members. Effective communication is the key. Many times, reservations about something can be addressed with a different explanation.

XII. PREFLIGHT ACTIONS

a. **Inspections**

i. At the beginning of each mission, the pilot shall conduct a thorough preflight inspection of the UAS in accordance with the instructions contained in the unmanned aircraft flight checklist.

ii. All mission equipment will be tested prior to the flight by the pilot.

b. **Weather**

i. Prior to initiating a flight, the pilot shall check current and forecast weather conditions in the mission area.

ii. The frequency of additional weather checks will be determined by the severity of existing or forecasted weather.

c. **Airspace/Obstructions**

i. Identify and verbalize obstructions and potential obstructions to include: Water towers, power lines, buildings, cell towers etc.

ii. Ensure of operation in approved airspace. Adhere to Kane Class D airspace procedures.

XIII. POST FLIGHT RESPONSIBILITIES

a. A thorough inspection will be conducted of the UAS immediately after the completion of the mission to ascertain if any damage was sustained during operation.

b. If necessary, the aircraft will be serviced so that it is immediately available for the next flight.

c. Necessary entries will be made into the aircraft flight log and pilot flight log, and appropriate reports will be completed. Times will be logged to include, dispatch, arrival, launch, land and clear times, nature of the call, location of the call, and location of launch.

d. If applicable notify airport tower that we are clear of airspace.

XIV. EMERGENCY RESPONSE PLAN

During UAS operations, emergency situations may develop at any time. The primary concern in such incidents is the prevention of injury to persons on the ground and/or other users of the National Airspace System. Secondary concerns include protection of property and nature on the ground.

a. Following a UAS accident involving personal injury and/or significant property damage, the unit crew members shall do the following:
    i. Immediately notify dispatch and request assistance. Provide as much information as possible about the extent of injuries or damage.
    ii. Render first aid to the injured.
    iii. Request notification to the on-duty supervisor, who will, if available, respond to the scene and coordinate accident investigation efforts.
    iv. Patrol Captain or designee will request the FAA and NTSB be notified.
    v. Survey the damage to the aircraft and or other property.
    vi. Prior to the arrival of the FAA and NTSB, ensure the aircraft and its contents are moved only to the extent necessary to remove persons injured, protect the public from injury and/or protect wreckage from further damage.
    vii. Provide any additional assistance or information requested by the FAA and NTSB.
    viii. Submit a detailed written report.

b. For ground emergencies, personnel shall:
    i. Evaluate the need for response by fire or EMS.
    ii. Provide first aid, contain the incident.
    iii. Notify the on-duty supervisor and the Patrol Captain.

XV. ADDITONAL OPERATIONAL GUIDELINES

a. Personal use of the department's UAS is prohibited.
b. Unmanned aircraft will be operated in accordance with the department's policies, FAA guidelines, and in accordance with UAS manufacturers manual and recommendations.
c. Flights into severe weather is prohibited.
d. The minimum altitude of the aircraft is one at which operations can be conducted without undue risk to persons or property on the surface.

e. Any occurrences where the UAS aircraft inadvertently comes into contact with an object, building, or person (other than take offs or landings) will be immediately reported to the supervisor.