

FRIDLEY POLICE

GENERAL ORDER

SUBJECT: Unmanned Aerial System (UAS) Operations	DATE OF ISSUE	NUMBER:
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I. PURPOSE

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 (Minn. Stat 626.19).

II. 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 less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

III. REFERENCES

Minnesota Status 626.19 Use of Unmanned Aerial Vehicles

IV. 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.

V. PROCEDURE

A. Privacy

1. 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.

B. Program Coordinator

1. 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:
 - a. Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for office operations.
 - b. 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.
 - c. 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.
 - d. Implementing a system for public notification of UAS deployment.
 - e. Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
 - f. 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.
 - g. Developing a protocol for fully documenting all missions.
 - h. 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.
 - i. Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensured 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.
 - j. Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
 - k. Facilitating law enforcement access to images and data captured by the UAS.
 - l. Recommending program enhancements, particularly regarding safety and information security.

- m. Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- n. Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.
- o. Developing protocols for reviewing and approving requests for use of the Office UAS by government entities (Minn. Stat. § 626.19).
- p. Preparing and submitting the required annual report to the Commissioner of Public Safety (Minn. Stat. § 626.19).
- q. Posting the Office policies and procedures regarding the use of UAV on the office website, as applicable (Minn. Stat. § 626.19).
- r. Reviewing the program and UAS use for compliance with Minn. Stat. § 626.19.

C. Authorized Use of UAS

- 1. Only authorized operators who have completed the required training shall be permitted to operate the UAS.
- 2. 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 no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.
- 3. UAS operations should only be conducted within FAA regulations.
- 4. Members shall not use a UAS without a search warrant, except (Minn. Stat. § 626.19):
During or in the aftermath of an emergency or disaster that involves the risk of death or bodily harm to a person.
- 5. Over a public event where there is a heightened risk to the safety of participants or bystanders.
- 6. To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.
- 7. To prevent the loss of life or property in natural or man-made disasters and to facilitate operation planning, rescue, and recovery operations.
- 8. To conduct a threat assessment in anticipation of a specific event.
- 9. To collect information from a public area if there is reasonable suspicion of criminal activity.
- 10. To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.
- 11. Over a public area for officer training or public relations purposes.
- 12. For purposes unrelated to law enforcement at the request of a government entity, provided the request is in writing and specifies the reason for the request and a proposed period of use.

DOCUMENTATION REQUIRED

- 13. Each use of a UAS should be properly documented by providing the following (Minn. Stat. §626.19):
- 14. (a) A unique case number.

15. (b) A factual basis for the use of a UAS.
16. (c) The applicable exception unless a warrant was obtained.

D. Prohibited Use of UAS

1. UAS shall not be used to conduct random surveillance activities.
2. UAS shall not be used 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. UAS shall not be used to harass, intimidate, or discriminate against any individual or group.
4. UAS shall not be used to conduct personal business of any type.
5. The UAS shall not be weaponized (Minn. Stat. § 626.19).

E. Retention of UAS Data

1. UAS data will be retained as provided by applicable record retention schedule and as governed by state statute.
2. UAS surveillance images will be destroyed upon completion of UAS operation with the exception of content that contains evidence.
3. The Records Section supervisor shall ensure that data collected by the UAS is disclosed or deleted as required by Minn. Stat. § 626.19, including the deletion of collected data as soon as possible, and in no event later than seven days after collection, unless the data is part of an active criminal investigation (Minn. Stat. § 626.19).