

Unmanned Aerial System

606.1 PURPOSE AND SCOPE

Best Practice MODIFIED

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. The Temple Police Department will operate the UAS in accordance with the guidelines/rules of Part 107 of the Federal Aviation Administration (FAA) and the Certificate of Authority (COA). The Small Unmanned Aircraft (UA) will not operate in an area not covered by Part 107 or approved Certification of Authority (COA) unless an emergency COA has been obtained, or the FAA has granted permission to operate within a specific area not covered by Part 107.

606.1.1 DEFINITIONS

Best Practice MODIFIED

Definitions related to this policy include:

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.

Small Unmanned Aircraft (UA) - A small unmanned aerial system weighing less than 55 pounds, including everything that is onboard or otherwise attached to the aircraft, which can be flown without the possibility of direct human intervention from within or on the aircraft.

Small Unmanned Aircraft System (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.

Image - Any capturing of sound waves, thermal, infrared, ultraviolet, visible light or other electromagnetic waves, odor, or other conditions existing on or about real property in this state or an individual located on that property (Tex. Gov't Code § 423.001).

Federal Aviation Administration (FAA) - The agency of the United States Department of Transportation responsible for the regulation and oversight of civil aviation within the United States and the operation and development of the National Airspace System.

Certification of Authority (COA) - A document issued by the FAA that allows a public entity to conduct flight operations of a sUAS within a specific area and altitude clearance.

606.2 POLICY

Best Practice MODIFIED

A UAS/UA 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 individuals' constitutional and privacy rights and the Federal Aviation Administration (FAA) regulations. This policy is supplemented by the Small Unmanned Aircraft

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System (sUAS), Standard Operating Procedures (SOP) manual which is approved by the Chief of Police. In the event of a conflict between this policy, and any SOP, the provisions of this policy shall prevail.

606.3 PRIVACY

Best Practice **MODIFIED**

The use of the UAS/UA potentially involves privacy considerations.

- (a) **Absent a warrant or exigent circumstances, operators and observers shall adhere to Federal Aviation Administration (FAA) altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, 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.**
- (c) Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR (TBP 7.25)

Best Practice **MODIFIED**

The Special Operations Commander 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 (Tex. Gov't Code § 423.007):

- 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 have completed all required FAA and Department approved training in the operation, applicable laws, policies, and procedures regarding the use of a UA/UAS;
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS/UA shall require written authorization of the Bureau Deputy Chief or the authorized designee, depending on the type of mission;
- Developing protocols for conducting criminal investigations using a UAS, including documentation of time spent monitoring a subject;
- Implementing a system for public notification of UAS deployment;
- Developing operational protocols governing the deployment and operation of a UAS/UA including, but not limited to:
 - Safety oversight;
 - Use of visual observers;
 - Establishment of lost link procedures, and

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- Secure 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 the chain of custody requirements;
- Using electronic trails, including encryption, authenticity certificates, and date and time stamping, 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, and
- **Ensuring that established protocols are followed by monitoring and providing quarterly reports on the program to the Chief of Police.**

606.4.1 ADDITIONAL COORDINATOR DUTIES

Agency Content

Additional duties of the program coordinator include:

- (a) Ensuring the U/A is kept in an airworthy status;
- (b) Ensuring the U/A is properly marked with an "N" number as required by federal regulations and has "POLICE" prominently displayed making it identifiable as a Temple Police Department aircraft;
- (c) Ensuring crew members have developed written pre-flight procedures that are utilized before deployment;
- (d) Ensuring crew members have developed written launch procedures that are utilized during the launching of the aircraft, and
- (e) Ensuring crew members have written System Emergency Procedures that are rehearsed and monitored for during the flight.

606.5 USE OF UAS/UA

Best Practice MODIFIED

Only authorized operators who have completed the required training shall be permitted to operate the UAS/UA.

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 protected privacy

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interest, or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

UAS shall only be used pursuant to a valid search or arrest warrant, or if the image is captured (Tex. Gov't Code § 423.002):

- (a) In the immediate pursuit of a person law enforcement officers have reasonable suspicion or probable cause to suspect has committed a felony;
- (b) For the purpose of documenting a crime scene where a felony has been committed;
- (c) For the purpose of investigating the scene of:
 - 1. A death investigation;
 - 2. A motor vehicle accident causing death or serious bodily injury to a person, or
 - 3. Any motor vehicle accident on a state highway or federal interstate or highway.
- (d) In connection with the search for a missing person;
- (e) For the purpose of conducting a high-risk tactical operation that poses a threat to human life;
- (f) Of private property that is generally open to the public where the property owner consents to law enforcement public safety responsibilities;
- (g) To survey an area to determine if a state of emergency should be declared, or to preserve public safety and protect property during a state of emergency, or
- (h) For the purpose of fire suppression or rescuing a person whose life is in imminent danger.

606.5.1 PHOTOGRAPHIC EVIDENCE

Agency Content

Any evidence (images) obtained from the use of a UA shall be turned in to the Property and Evidence room as outlined in Department Policy 802 and the Property and Evidence Standard Operating Procedures (SOP) manual. Additionally, evidence will be documented in the member's offense or supplemental report.

606.5.2 AIRCRAFT MAINTENANCE

Agency Content

Basic maintenance will be performed by qualified crew members and includes, but is not limited to:

- (a) Cleaning;
- (b) Tightening of nuts or bolts;
- (c) Aircraft payload cleaning, and
- (d) Any other maintenance the crew is able to perform

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All other maintenance to the UA will be performed by the manufacturer as required and recommended by the manufacturer.

606.6 PROHIBITED USE

Federal MODIFIED

The UAS/UA video surveillance equipment shall not be used:

- To conduct random non-mission driven surveillance activities;
- To target a person based solely on individual characteristics, including but not limited to, race, ethnicity, national origin, religion, disability, gender or sexual orientation;
- To harass, intimidate, or discriminate against any individual or group, or
- To conduct any type of personal business.

The UAS shall not be weaponized.

606.7 TRAINING

Agency Content

Prior to piloting a UA, members must meet all training requirements mandated by the Department and the FAA. Crew members will participate in regularly scheduled training as required by the Special Operations Commander, and/or the Chief of Police. All certificates for attendance, achievement, proficiency, or licensing shall be turned into the Training Unit upon completion.

606.8 RETENTION OF UAS DATA

State MODIFIED

Data collected by the UAS shall be retained as provided in the established records retention schedule.

606.9 REPORTING

State MODIFIED

Images captured by a UA pursuant to Tex. Gov't Code § 423.002 will be stored in compliance with this policy. The Special Operations Commander shall ensure that the information for reports filed with the state is collected and submitted as required by Tex. Gov't Code § 423.008.