

Unmanned Aerial System

606.1 PURPOSE AND SCOPE

The Rochester Police Department's Unmanned Aircraft System (UAS) will serve to assist Police and Public Safety Agencies by providing intelligence to first responders and supporting critical incident management. UAS's have the capability of responding immediately to locations within the City or Rochester and surrounding area to provide real-time video of ongoing emergency incidents such as crimes in progress, serious traffic accidents, search and rescue, natural disasters, terrorism, first responder requests, and any time an increased situational awareness would provide a public benefit in the preservation of life and property. The ability to provide this aerial view will enhance officer safety and be used as a de-escalation tool without placing additional officers at risk while increasing public safety and aid in the safe apprehension of criminals.

606.1.1 DEFINITIONS

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 without the possibility of direct human intervention from within or on the aircraft (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 (Minn. Stat. § 626.19).

606.2 POLICY

This policy is not intended to be all-inclusive, but rather it is designed to aid in defining department protocol and deployment, while adhering to current Federal Aviation Administration (FAA) regulations that govern UAS usage, and those detailed in the manufacturer's flight manual. Any use of a UAS will be in strict accordance with constitutional and privacy rights and (FAA) regulations. All use of the UAS will be in adherence with Minnesota State Statute 626.19.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Operators and observers shall take reasonable precautions to avoid inadvertently recording images of areas where there is a reasonable expectation of privacy.

606.4 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, 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, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.

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- Ensuring that all authorized operators have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding the use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
- 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).
- Developing protocols for conducting criminal investigations involving 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 including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and 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 the 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. 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.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.
- Developing protocols for reviewing and approving requests for use of the Department UAS by government entities (Minn. Stat. § 626.19).
- Preparing and submitting the required annual report to the Commissioner of Public Safety (Minn. Stat. § 626.19).
- Posting the Department policies and procedures regarding the use of UAV on the department website, as applicable (Minn. Stat. § 626.19).

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- Reviewing the program and UAS use for compliance with Minn. Stat. § 626.19.

606.5 USE OF UAS

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

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.

UAS operations should only be conducted consistent with FAA regulations.

Members shall not use a UAS without a search warrant, except (Minn. Stat. § 626.19):

- (a) During or in the aftermath of an emergency situation or disaster that involves the risk of death or bodily harm to a person.
- (b) To document evidence that is at imminent risk of destruction.
- (c) Over a public event where there is a heightened risk to the safety of participants or bystanders.
- (d) To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.
- (e) To prevent the loss of life or property in natural or man-made disasters and to facilitate operation planning, rescue, and recovery operations.
- (f) To conduct a threat assessment in anticipation of a specific event.
- (g) To collect information from a public area if there is reasonable suspicion of criminal activity.
- (h) To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.
- (i) Over a private area with the written consent of the occupant or a public area, for officer training or public relations purposes.
- (j) 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.
- (k) To facilitate the active search for a missing person.

606.5.1 DOCUMENTATION REQUIRED

Each use of a UAS should be properly documented by providing the following (Minn. Stat. § 626.19):

- (a) A unique case number
- (b) A factual basis for the use of a UAS
- (c) The applicable exception, unless a warrant was obtained

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606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- 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.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.
- UAS shall not be deployed with facial recognition or biometric-matching technology unless authorized by a warrant (Minn. Stat. § 626.19).
- UAS shall not be used to collect data on public protests or demonstrations (Minn. Stat. § 626.19) unless authorized by a warrant or as otherwise permitted as a use by statute (Minn. Stat. § 626.19).

606.7 COLLECTION AND RETENTION OF UAS DATA

The UAS program coordinator along with the Records Unit 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. Collection and retention of data from unmanned aerial system (UAS) will be stored in compliance with established policies and state and federal laws. (Minn. Stat. § 626.19).