

# Unmanned Aerial System

## 606.1 PURPOSE AND SCOPE

Best Practice NYSLEAP- 8.7 - 43.6, 43.6 (A)

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.

### 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.

**Certificate of Waiver or Authorization (COA)** - An authorization issued by the Federal Aviation Administration (FAA) to a public operator for a specific UAS. After a complete application is submitted, the FAA conducts a comprehensive operational and technical review. If necessary, provisions or limitations may be imposed as part of the approval to ensure the UAS can operate safely with other airspace users.

**FAA Part 107** - Defines operational limits and establishes certification requirements for UAS operators and requires pilots to pass an aeronautical knowledge test at a FAA approved knowledge test center.

## 606.2 POLICY

Best Practice NYSLEAP- 8.7 - 50.1 (D)

A UAS 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 and Federal Aviation Administration (FAA) regulations.

## 606.3 PRIVACY

Best Practice NYSLEAP- 8.7 - 43.6 (C), 50.1 (D)

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 (e.g., residence, yard, enclosure). 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.

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### 606.4 PROGRAM COORDINATOR

Best Practice **MODIFIED** NYSLEAP- 8.7 - 43.6, 43.6 (E), 33.3

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 have completed all required FAA and 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. All department UAS – except training missions – should be authorized by a Command Officer and conform to a Certificate of Authorization (COA) and / or Part 107 mission. The Command Officer must confer with a Part 107 Remote Pilot holding a Small Unmanned Aircraft System rating. Except when impractical, a Remote Pilot holding a Small Unmanned Aircraft System rating should be on scene during the missions.
- Developing protocol 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 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.
- 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.

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#### 606.5 USE OF UAS

Best Practice **MODIFIED** NYSLEAP- 8.7 - 43.6 (B), 43.6 (C), 43.6 (D)

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 be flown in accordance with an approved FAA Facility Map.

#### PROCEDURES FOR USE OF AN UNMANNED AERIAL SYSTEM

#### 606.6 PROHIBITED USE

Federal

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.

The UAS shall not be weaponized.

#### 606.7 AUTHORIZED USE

Agency Content

UAS's may be used for, but are not limited to, the following purposes:

- (a) Situational Awareness - To assist decision makers in understanding the nature, scale or scope of an incident and for planning/coordinating an effective response.
- (b) Search and Rescue - To assist missing person investigations, AMBER Alerts, Missing Child Alerts, Missing College Student Alerts and Vulnerable Adult Alerts and other search and rescue missions.
- (c) Tactical Deployment - To support the tactical deployment of officers and equipment in emergency situations.
- (d) Visual Perspective - To provide an aerial perspective to assist officers with directing crowd control, traffic, special circumstances and temporary perimeter security.
- (e) Scene Documentation - To document a crime scene, accident scene or other major incident scene.

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- (f) Agency Assistance - To assist another agency which does not possess a UAS with situational awareness, search and rescue, tactical deployment, visual perspective or scene documentation.
- (g) As directed by the Chief of Police or his designee.

#### **606.8 TRAINING OF AUTHORIZED AGENCY PERSONNEL**

##### **Agency Content**

Authorized agency personnel assigned to operate UAS must complete an agency-approved training program and meet all conditions of the COA and/or part 107 issued by the FAA. Authorized agency personnel assigned to operate UAS should also receive additional training at regular intervals to ensure continued effective use, operation, calibration and performance of UAS and to incorporate changes, updates, revisions and advances in policies and procedures in the deployment and use of UAS.

A minimum of four hours of training a month should be allotted to ensure maintenance and basic flight skills are performed.

All Remote Pilots in Command (RPIC) are encouraged to study for & complete the Part 107 aeronautical knowledge test, and renew the certification every 24 months.