# Unmanned Aircraft System (UAS) Operations

## 605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an Unmanned AircraftSystem (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

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### 605.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned Aircraft System (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

**Unmanned Aircraft Vehicle (UAV)-** The aircraft and all attached payloads.

**Pilot-in-Command (PIC)-** Responsible for the operation and safety of flying the UAV and has final authority for all operational decisions for the flight.

**Visual observer (VO)-** Responsible for assisting the PIC and maintaining situational awareness of the operational area and airspace.

## 605.2 POLICY

Unmanned aircraft systems (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.

## 605.3 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 (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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### 605.4 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.
- 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.
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- 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.

#### 605.4.1 CHIEF PILOT

The Program Coordinator will appoint a Chief Pilot who will be responsible for the management of the UAS program. The Chief Pilot will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Developing the flight training program that all prospective UAS pilots must successfully complete to be considered authorized UAS operators.

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- 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.
- Ensuring all authorized UAS pilots review this policy annually and document the review which will be retained by the BPD Training Division, in accordance with established records retention schedules.
- Ensuring all authorized UAS pilots meet flight currency requirements to remain flight qualified.
- 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, requests from outside agencies, and secure communication with air traffic control facilities.
- 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 a protocol for fully documenting all missions.
- 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 authenticity and maintenance of a secure evidentiary chain of custody.
- Recommending program enhancements, particularly regarding safety and information security.

### 605.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS. Authorized operators must be familiar with emergency contingency procedures including UAS failure, flight termination, diversion, and lost link procedures.

Prior to any use, authorized pilots shall inspect the UAV to ensure it is airworthy. Prior to any use, the Pilot in Command (PIC) shall perform a pre-flight check following the approved checklist. If the Pilot in Command detects any issue which affects the airworthiness of the UAV, they will immediately tag the UAV as unairworthy, complete a maintenance request, in the form of an email, and forward it to the Chief Pilot.

The Pilot in Command will follow all applicable 14 CFR Part 107 regulations at all times, unless a waiver has been issued by the FAA to operate outside of these regulations.

The Pilot in Command shall notify What-Comm of the location from which the UAV is going to be deployed from. If time allows, the Pilot in Command should file a Notice to Airmen (NOTAM) with information regarding the flight. A second officer may be at the location of the PIC to offer any assistance, as well as ensuring scene safety during deployment. The second officer is not required to be an authorized pilot, but it is recommended that the second officer be trained as a Visual Observer (VO).

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In the event of a UAV crash or accident, the Pilot in Command shall complete an UAV accident report and forward it to the Chief Pilot and Program Coordinator. The necessary agency/City of Bellingham paperwork shall also be completed.

The Pilot in Command shall complete the post-flight inspection and flight logs after each flight.

### 605.5.1 AUTHORIZED USE OF A UAV

The UAS can be used:

1. To conduct search and rescue operations.
2. To locate fleeing suspects or escaped prisoners who pose an articulable danger to the community.
3. To aid or assist in other life safety operations.
4. To respond to emergency calls for service within the guidelines of this policy.
5. To respond to and monitor any large gatherings that could potentially create a public safety concern due to the number of individuals attending.
6. For agency-approved training missions.
7. To conduct traffic, land survey, and/or mapping functions for the agency or other City of Bellingham entities (e.g. Public Works).
8. To collect video evidence as allowed to by law.
9. For mapping and photographing of crime scenes, traffic collision scenes, or other areas as needed.
10. Support for fire departments on request.

### 605.5.2 PROHIBITED USE

The UAS shall not be used:

1. To conduct random surveillance activities.
2. 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. To harass, intimidate or discriminate against any individual or group.
4. To conduct personal business of any type.
5. When other manned aircraft are operating in the immediate area.
6. In contradiction to the manufacturer's specifications or instructions.
7. In any manner that would violate the constitutional rights on any citizen, or in violation of state statute regarding law enforcement use of UAS.
8. In situations where there may be an increased risk of injury to others in the operational area.

The UAS shall not be weaponized.

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### 605.5.3 REQUESTS FOR UAS PILOT

Uniform Patrol Division members are encouraged to request the use of a UAS, policy permitting, and are subject to the following:

- Requests for a UAS pilot from department units or other agencies shall be approved by the shift supervisor.
- The Pilot in Command shall have the final authority and responsibility to decline a request for any specific assignment wihch he/she deems unsuitable, per policy, law, and FAA regulations.
- It shall be the responsibility of the UAS Pilot in Command to complete all necessary reports per policy.
- Requests for a UAS Pilot for use by the SWAT team will be authorized by the tactical commander on scene.

### 605.5.4 OUTSIDE AGENCY REQUEST

All requests for UAS pilot assistance from outside agencies shall be approved by the shift supervisor and are subject to the following:

- UAS Pilots shall not be used for any assignment that is not consistent with this policy.
- The UAS Pilot in Command shall have the authority and responsibility to decline a request for any specific assignment that he/she deems unsuitable, per policy, law, or FAA regulations.
- It shall be the responsibility of the UAS Pilot in Command to complete all necessary reports per BPD policy and the policies of the requesting agency.

## 605.6 RETENTION OF UAS DATA

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

The Pilot in Command shall complete all department flight documentation including pertinent information about the aircraft, flight conditions, type of mission, mission parameters and results. Monthly reports containing the above information or indication of no flights occurring shall be submitted to the Program Coordinator.

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