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|  | Segment: 4 – Operations and Procedures White Section | Section: 412 |
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PURPOSE

The purpose of this policy is to establish guidelines for the use of unmanned aerial vehicles (UAV) and for the storage, retrieval, and dissemination of images and data captured by a UAV (Minn. Stat. § 626.19).

412.01 POLICY

Unmanned aerial vehicles 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 UAV will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

412.02 PRIVACY

The use of the UAV 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 UAV operations.

412.03 OPERATORS

- Department UAV operators must obtain a Part 107 Remote Pilot Certificate with a UAV rating issued by the FAA. Department remote operators must have an active certificate while performing any UAV operations.
- Operators will operate UAVs with the safety of the public as the primary

goal while making all efforts to accomplish the specific mission at hand.

- Operators must participate in at least one training flight per month and the flight must be properly documented.
- City of Champlin personnel who do not hold a FAA remote pilot certification may operate the flight controls of Police UAV only during training flights and under the direct supervision of a certified Police Department Operator.

412.04

PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAV 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 any FAA certifications (COA/ Part 107) and ensuring that they remain 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 UAV.
- Developing a uniform protocol for submission and evaluation of requests to deploy a UAV, including urgent requests made during ongoing or emerging incidents.
- Developing an operational protocol governing the deployment and operation of a UAV 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 UAV inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAV, 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. Generally, data collected by UAV is private data on individuals or non-public data.

- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules and statutory requirements.
- Facilitating law enforcement access to images and data captured by the UAV.
- Ensuring that established protocols are followed by monitoring the training program and deployment of the UAV.
- Developing protocols for reviewing and approving requests for use of the department UAV 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).

412.05

USAGE AND CONSIDERATIONS

- Only authorized operators who have completed the required training shall be permitted to operate the UAV unless under the direct observation of a trained, authorized operator.
- The operator will work under the direction of the Incident Command (IC) if an incident command structure has been established, but the UAV remains the sole responsibility of the operator, including responsibility for operating according to department policies, procedures and law. This includes the determination of whether to operate the UAV in particular areas or conditions.
- Any use of a UAV will be in accordance with Minn. Stat. 626.19, Minn. Stat. 13.82, FAA regulations and federal guidelines.

- Supervisor approval is required for deployment of the UAV except in urgent circumstances.
- 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 exigent circumstances, a search warrant, or court order. In all other instances, legal counsel should be consulted
- UAV operations should only be conducted during daylight hours, or at night when accompanied by a trained visual observer.
- Members shall not use a UAV without a search warrant, except (Minn. Stat. § 626.19):
 1. During, or in the aftermath of, an emergency situation or disaster that involves the risk of death or bodily harm to a person.
 2. Over a public event where there is a heightened risk to the safety of participants or bystanders.
 3. To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.
 4. To prevent the loss of life or property in natural or man-made disasters and to facilitate operation planning, rescue, and recovery operations.
 5. To conduct a threat assessment in anticipation of a specific event.
 6. To collect information from a public area if there is reasonable suspicion of criminal activity.
 7. To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.
 8. Over a public area for officer training or public relations purposes.
 9. 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.

412.06 RESTRICTIONS

- A Police UAV shall not be used for, random surveillance activities or personal use.
- A Police UAV shall not be equipped with facial recognition or biometric matching technology unless authorized by a warrant (Minn. Stat. 626.19).
- A Police UAV will not be equipped with a weapon (Minn. Stat. 626.19)
- A Police UAV will not be used to collect data on public protests or demonstrations unless expressly authorized by a warrant or an exception applies under Minn. Stat. 626.19 sub 3. (Minn. Stat. 626.19).

412.07 DOCUMENTATION AND DATA RETENTION

- Each use of a UAV should be properly documented by providing the following (Minn. Stat. §626.19):
 1. A unique case number
 2. A factual basis for the use of a UAV
 3. The applicable exception, unless a warrant was obtained
- The Office Administrative Supervisor shall ensure that data collected by the UAV is disclosed as appropriate.
- The Program coordinator will ensure that data is 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)

Date Implemented: February 10, 2022