



# CRYSTAL POLICE DEPARTMENT

## Department Policy Manual

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### PURPOSE

The primary purpose of using Unmanned Aerial Vehicles (UAV) is to enhance the City's ability to provide enhanced services to the community in a cost and time efficient manner. This policy sets forth guidelines governing the use of UAVs, including retrieval and dissemination of images and data captured by the UAV. Compliance with these guidelines is mandatory, but it is recognized that officers must also attend to other primary duties and the safety of all concerned, sometimes in circumstances that are tense, uncertain, and rapidly evolving.

### POLICY

It is the policy of this department to authorize the use of Unmanned Aerial Vehicles as set forth below, and to administer UAV data as provided by law. Applications for a UAV span the breadth of city operations. Any application of the UAV will be in accordance with Federal, State, and City laws, to include constitutional privacy rights, search and seizure regulations, Federal Aviation Administration (FAA) regulations, and department policies.

### DEFINITIONS

The following phrases have special meanings as used in this policy:

1. **Unmanned Aerial Vehicle (UAV):** An unmanned aircraft of any type that is capable of sustaining flight, whether remotely controlled or preprogrammed and all the supporting or attaching hardware designed for gathering information through photography, video recording, and other means. UAVs are also commonly referred to as unmanned aerial/aircraft systems or drones.
2. **Pilot:** A member of the Crystal Police Department who is trained, certified, and authorized to exercise control over a UAV during flight.
3. **Observer:** A member of the Crystal Police Department who will act as an observer of the UAV while in flight.

## **DEPLOYMENT CONSIDERATIONS**

The use of the UAV is generally to provide an aerial visual perspective of an area for various situations of benefit to public safety or city operations as a whole. These uses may include, but are not limited to:

1. **Public Safety:**
  - a. Life preservation missions including barricaded subjects, hostage situations, active shooters, apprehension of armed and dangerous fleeing suspects, high-risk search warrants, and rescue events;
  - b. Lost or missing persons;
  - c. Disaster or mass casualty response and recovery;
  - d. Post-incident scene preservation and documentation;
  - e. Authorization pursuant to a search warrant;
  - f. Special event logistics.
2. **Public Works/City Operations:**
  - a. Conduct field inspections and document construction projects;
  - b. Damage assessment following significant events;
  - c. Obtain video and still images to help promote and market city services, programs, events, and the City itself

Police Department personnel operating a UAV shall be mindful of privacy rights and, absent a warrant or exigent circumstances, shall adhere to FAA altitude regulations and shall not intentionally view, record, or transmit images in any location where a person would have a reasonable expectation of privacy (e.g. inside a house, fenced yard, enclosed area only visible from an elevated position, etc.). Pilots and observers will take reasonable precautions to avoid inadvertently, viewing, recording, or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions may include things such as deactivating or turning imaging devices away from such areas or persons during UAV operations.

Use of vision enhancement technology (e.g. thermal, forward looking infrared radiometer (FLIR), or 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.

## **DEPLOYMENT PROCEDURES/PROTOCOLS**

The pilot must have been trained and certified in the operation of the system and approved by the Chief of Police to operate the UAV.

The pilot has the discretion to determine if a UAV is going to be deployed, without prior supervisor approval, based on many factors including, but not limited to:

1. Does the use of the UAV comply with department policy;
2. Is deployment of the UAV beneficial and appropriate for the situation;
3. Do resources for the event allow for the deployment of the pilot and a trained observer to the operation;
4. Is the pilot able to obtain applicable authorizations, permits, or certifications for the flight in a reasonable period of time;
5. Is a warrant necessary for the deployment;
6. Is the UAV mechanically sound and fully operational and is the UAV able to be used successfully in the given situation (e.g. weather conditions, indoor/outdoor use, completion of a pre-flight checklist).

The pilot shall complete a pre-flight checklist to inspect and test UAV equipment prior to each deployment to verify the proper functioning of all equipment and the airworthiness of the device.

The pilot must obtain applicable authorizations, permits, or certificates required by the Federal Aviation Administration (FAA) prior to deploying or operating the UAV and these authorizations, permits, or certificates shall be maintained and current.

Where there are specific and articulable grounds to believe that the UAV will collect evidence of criminal wrongdoing and if the UAV will be used in a manner that may intrude upon reasonable expectations of privacy, the agency will obtain a search warrant prior to observing areas that carry with them a reasonable expectation of privacy unless articulable exigent circumstances exist.

The pilot will complete an incident or supplement report for each law enforcement deployment of the UAV. The report will include information including reason for the flight, date, time, location, summary of the activities covered, actions taken, outcome of the deployment, and any data collected by the UAV (e.g. video/audio recording collected).

A master flight log will be maintained for all department UAV activity. Each pilot is required to record information regarding each individual flight on the flight log, including training operations. This flight log must be kept in accordance with FAA rules and regulations and department policy.

## **PROHIBITED USES**

UAV units will not be used in the following manners:

1. To conduct surveillance absent an articulable and justifiable law enforcement purpose;
2. To discriminate, harass, or intimidate any individual or group;
3. To conduct personal business of any type.

Unauthorized use, duplication, and/or distribution of UAV photos or videos are prohibited. Personnel shall not make copies of any UAV videos for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to capture UAV videos. All recorded media, images, and audio are the property of the Crystal Police Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy and data practices law without the expressed written consent of the Chief of Police. Any complaints of misconduct surrounding Crystal Police Department UAV use will be investigated on a case by case basis. Any employee misusing UAVs or recorded media or devices in violation of this or other policies or statutes will be subject to disciplinary action, up to and including termination. If criminal behavior is alleged, appropriate agencies will be notified for further investigation.

## **DATA RETENTION**

The pilot is responsible for the completion of all reports associated with flights they have piloted, including completion of incident/supplemental reports, and flight logs. The pilot is also responsible for ensuring the proper downloading and documentation of all audio, video, and/or photo images captured during the flight.

When UAV audio, video, and/or photo images are recorded for a public safety or law enforcement purpose, this information will be categorized, stored, and retained per Crystal Police Department Policy 4.11 – Evidence And Property.