

WINDHAM POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: **PUBLIC SAFETY USE OF UNMANNED ARIAL VEHICLES**

GENERAL ORDER: TBD

NUMBER OF PAGES: 4

EFFECTIVE DATE: TBD

REVIEW DATE:

I. POLICY:

It is the policy of this agency to utilize Unmanned Aerial Vehicle's (UAV's) for the focused and limited purpose of criminal investigations or public safety purposes. UAV's, related equipment and technology, and data collected from their deployment shall be used in a lawful manner consistent with all provisions of the State and Federal law. It is also the policy of this agency to allow for the deployment of UAV's for emergency use approved by the Chief Law Enforcement Officer or his designee; or for the training, testing and evaluation of the UAV by this agency.

II. PURPOSE

The purpose of this policy is to establish minimum standards on the use and oversight of UAV's for this agency.

III. DEFINITIONS

- A. Unmanned Aerial Vehicle (UAV): Means an aircraft that is operated without a physical human presence within or on the aircraft which, in the manner in which it is used or the manner in which it is equipped, is capable of performing photographic/video evidence collection and guided by remote control.
- B. Small unmanned aircraft system (small UAS): means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.
- C. Responsible Person: Refers to the Patrol Lieutenant or his/her designee.
- D. Remote Pilot: a member of the Crash Reconstruction Unit who will operate the UAV/sUAS.
- E. The definition of UAV includes sUAS.

IV. PROCEDURE:

A Remote Pilot in this agency shall be allowed to use UAV's for criminal investigations, public safety purposes such as crash investigation, providing the requirements below are followed:

- A. Prior to the deployment of the UAV, a Remote Pilot

must be adequately trained in its use and operation, and must be knowledgeable of the standards set forth in this policy. The Remote Pilot must hold a current Remote Pilot Certification from the Federal Aviation Administration.

- B. Any operation by a Remote Pilot of this agency of the UAV must fully comply with all Federal Aviation Administration (FAA) requirements and guidelines, including the acquisition of a Certificate of Authorization or Waiver from the FAA, as well as with any other applicable law.
- C. A Remote Pilot may not deploy the UAV for criminal investigative purposes or public safety purposes without the knowledge and prior approval of the Chief Law Enforcement Officer or his designee.
- D. A Remote Pilot may deploy the UAV for crash investigative purposes without the knowledge and/ or prior approval of the Chief Law Enforcement Officer or his designee.
- E. Prior to deploying a UAV for criminal investigation purposes, a Remote Pilot shall consult with and seek guidance from the authority having prosecutorial jurisdiction over the investigation, as a search warrant may be required. This does not apply to UAV deployments for non-investigative public safety use or for the purpose of training, testing, or evaluation of the UAV.
- F. A Remote Pilot that deploys the UAV shall properly document each such deployment on the appropriate agency report forms. A LAW Record number will be requested through dispatch or use of the criminal/traffic law record number shall be used. Such documentation must include at a minimum:
 - 1. The date, time(s) and purpose of each deployment.
 - 2. The name(s) of the remote pilot(s)
 - 3. Whether a search warrant was sought by this agency for each deployment.
 - 4. Whether a search warrant was obtained by this agency for each deployment.
- G. A Remote Pilot that mistakenly deploys the UAV must promptly report the deployment to the Patrol Lieutenant. Such report must describe the circumstances under which the UAV was deployed and a plan of action describing how such mistaken deployment will be avoided in the future.
- H. A Remote Pilot that deploys the UAV must have the

capability to adequately track and record the flight pattern and location of the UAV.

- I. A Remote Pilot may not deploy more than one UAV at any one time, in any one area, or at any one event without first coordinating and defining the parameters of the area where each deployed UAV will be operated.
- J. A department member that intentionally uses the UAV without proper authorization or in deviation of the standards set forth in this policy shall be subject to disciplinary action, up to and including termination.

V. PROCEDURES - Restriction on the Use of UAV's

- A. Written approval by the Chief Law Enforcement Officer, is required prior to the deployment of a UAV equipped with any of the following items:
 - 1. Night vision technology.
 - 2. High-powered zoom lenses.
 - 3. High-powered acoustical listening devices.
 - 4. Thermal imaging technology.
- B. In **NO** circumstances will the UAV ever be equipped with:
 - 1. Facial recognition technology.
 - 2. Weapons of any kind.
- C. UAV's must be operated by a Remote Pilot at an altitude, a speed, and with a planned flight pattern that will ensure that the invasion of privacy of third parties who are not under investigation is minimized.
- D. A LEO shall not deploy the UAV to conduct surveillance on private citizens peacefully exercising their constitutional right of free speech and assembly.
- E. The Responsible Person shall:
 - a. maintain a list of Remote Pilots,
 - b. maintain a list of make/model of aircraft(s)
 - c. shall be the representative of this agency for any waiver and/or airspace authorization obtained through the FAA.
 - d. Have ongoing knowledge of the operations of the sUAS under the any waiver/airspace authorization
 - e. May or may not be a Remote Pilot

VI. PROCEDURES - Audio and Video Recordings

- A. UAV's must be operated by a Remote Pilot at such an altitude, a speed, and with a planned flight pattern that will ensure that inadvertent audio and video recordings of private spaces of third parties not under investigation are avoided or minimized. Any recording made under these circumstances shall not be duplicated or disseminated by this agency, and must be

permanently erased or destroyed by this agency within a reasonable amount of time.

- B. Audio and video recordings made by any Remote Pilot of the UAV shall constitute "intelligence and investigative information" under applicable Maine law, and will only be duplicated and further disseminated in accordance with such law¹.

VII. PROCEDURES - Avoiding Hazards

- A. The UAV deployed in an area in close proximity to persons, objects or to private property must be equipped with the capability to safely stabilize the flight in the event that the operator cannot control or observe the UAV.
- B. A Remote Pilot deploying the UAV at an altitude that might reasonably be expected to cause the UAV to encounter, and possibly harm persons or objects, must keep the UAV subject to observation at all times, in order to minimize the risk of such encounters.

This General Order supersedes any previous general order or regulation, which pertains to the above subject matter, now in effect.

APPROVED: _____
Kevin Schofield
Chief of Police

¹ 16 M.R.S §801 et seq.