



CRYSTAL POLICE DEPARTMENT

Department Policy Manual

TITLE: Unmanned Aerial Vehicle
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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 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:

Unmanned Aerial Vehicle (UAV): an unmanned aircraft of any type that is capable of sustaining flight, whether remotely controlled or pre-programmed 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.

Pilot: a member of the Crystal Police Department who is trained, certified, and authorized to exercise control over a UAV during flight.

Observer: a designated individual who will assist the pilot in collision avoidance by observing the UAV during missions and training.

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. Tracking and apprehension of fleeing or wanted suspects;
- c. Lost or missing persons;
- d. Disaster or mass casualty response and recovery;
- e. Post-incident scene preservation and documentation;
- f. Authorization pursuant to a search warrant;
- g. 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 (i.e. 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 person during UAV operations.

Use of vision enhancement technology (i.e. 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 (i.e. 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 plot 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.

FAA REGULATIONS ADOPTED

The pilot shall adhere to all of the following FAA regulations while conduction missions:

- No pilot shall operate the UAV in a careless or reckless manner so as to endanger the life or property of another, or allow an object to be dropped from the UAV in a manner that creates an undue hazard to person or property.
- No pilot shall operate a UAV from a moving land, or water-borne, vehicle unless the UAV is flown over sparsely populated.
- No pilot shall operate the UAV at night without the aircraft having lighted anti-collision lighting visible for at least three statute miles and a flash rate sufficient to avoid a collision.
- The pilot shall maintain visual line of sight of the UAV throughout the flight.
 - If the pilot is using an observer during the UAV flight, the pilot must maintain effective communication with the observer at all times. The pilot must also ensure that the observer is able to maintain visual line of sight of the UAV throughout the flight.
 - The pilot, and any observers, shall scan the airspace in the area of the UAV mission for any potential collision hazard and maintain awareness of the position of the UAV through direct visual observation.
- No pilot shall operate more than one UAV at the same time.
- Pilots shall yield the right of way to all aircraft and other airborne vehicles.
 - Yielding the right of way means the UAV must give way to the aircraft, or vehicle, and may not pass over, under, or ahead of it unless well clear.
 - No pilot shall operate a UAV so close to another aircraft so as to create a collision hazard.
- No pilot shall operate the UAV over a human being unless the following:
 - That human being is directly participating in the mission;

- That human being is located under a covered structure, or inside of a stationary vehicle, that can provide reasonable protection from a falling UAV.
- No pilot shall operate the UAV at a groundspeed exceeding 87 knots (100 mph)
- No pilot shall operate the UAV at an altitude higher than 400 feet AGL (above ground level)
- No pilot shall operate the UAV with no less than three statute miles of flight visibility
- No pilot shall operate the UAV within 500 feet of the lowest cloud formation and within 2,000 feet horizontally of the cloud formation
- In an in-flight emergency requiring immediate action, the pilot may deviate from any rule of the Part 107 to the extent necessary to meet that emergency.
 - Each remote pilot in command who deviates from a rule of this section must, upon request of the FAA, send a written report of that deviation to the FAA.
- In the event of a UAV fly-away emergency, the pilot shall contact the Air Traffic Control that has jurisdiction of the airspace where the mission is taking place. The pilot shall relay the following information:
 - The nature of the emergency
 - The approximate location of the UAV
 - The last known direction of flight for the UAV
 - The last known altitude for the UAV
 - The maximum remaining flight time for the UAV

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.

A Pilot Roster will be maintained and overseen by the UAV Program Supervisor. The Roster shall include the name of the pilot, the pilot's Part 107 license number, the date of issuance for the Part 107 license, the date of the Part 107 license's recertification (if warranted), the date of the pilot's last passing of the CPD UAV exam, and if the pilot is certified to fly for SWAT missions