

Unmanned Aerial System (UAS) Operations (Reviewed 10/21/2022) (Revised 10/21/2022)

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS as authorized by the Fond du Lac Police Department.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Pilot in Command (PIC) - A person operating a small UAS must either hold a remote pilot airman certificate with a small UAS rating issued by the Federal Aviation Administration (FAA) or be under the direct supervision of a person who does hold a remote pilot airman certificate (remote pilot in command).

Unmanned aerial system (UAS) – A "drone" is a powered, aerial vehicle that carries or is equipped with a device that, in analog, digital, or other form, gathers, records, or transmits a sound or image, that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely. A drone may be expendable or recoverable (Wis. Stat. § 175.55).

Unmanned aerial system (UAS) Pilot - On a revolving basis, providing UAS flight service to customers inside the agency. Each pilot is required to conduct all pre-mission planning, activity reports, maintenance, and maintenance logs. Each pilot is required to complete agency directed training and meet all applicable Federal Aviation Administration (FAA) requirements.

Visual Observer (VO) - A person who is designated the responsibility of assisting the Pilot in Command during flight operation and is responsible to review the mission to ensure the flight is safe for Officers, citizens, and suspects.

606.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available, are less effective, or have been exhausted. The UAS shall only be operated by trained members of the Fond du Lac Police Department, other City employees who have completed the same training requirements or other non-City licensed persons through an MOU with the police department. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

No Wisconsin law enforcement agency may use a drone to gather evidence or other information in a criminal investigation from or at a place or location where an individual has a reasonable expectation of privacy (e.g., residence, yard, enclosure) without first obtaining a search warrant

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under Wis. Stat. § 968.12. This subsection does not apply to the use of a drone in a public place or to assist in an active search and rescue operation, to locate an escaped prisoner, to surveil a place or location for the purpose of executing an arrest warrant, or if a law enforcement officer has reasonable suspicion to believe that the use of a drone is necessary to prevent imminent danger to an individual or to prevent imminent destruction of evidence (Wis. Stat. § 175.55). The operator of an unmanned aerial system (UAS) may record or transmit images that are viewable with the camera/video equivalent of unassisted vision (e.g. what a manned aircraft would see while flying over; equivalent without zoom) from a height of 400 feet or less.

606.4 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 Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Coordinating the training to prepare/take the Part 107 exam and ensuring the licenses stay current (every 2 years).
- Ensuring that all authorized operators and required observers, if any, have completed any required FAA and department-approved training in the operation and applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform Department protocol for submission and evaluation of requests to deploy a UAS. Generally, deployment of the UAS shall require authorization from the Chief of Police or the authorized designee. Under extreme emergency circumstances where time is of the essence (e.g., missing persons) the shift commander may authorize the deployment of the UAS. As soon as practical the shift commander shall notify the Assistant Chief of Police/ Operations or authorized designee.
- Developing protocol for conducting criminal investigations involving the UAS including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocol governing the deployment and operation of a UAS including, but not limited to, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities and fully documenting all missions.
- Developing UAS inspection, maintenance and record keeping protocol to ensure continuing airworthiness of a UAS up to and including its overhaul or life limits.
- Retaining images and data in accordance with the established records retention schedule.
- Developing protocols to ensure that all downloaded and retained media that are 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, digital masking of

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innocent or uninvolved individuals to preserve anonymity, 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.

- Facilitating law enforcement access to images and data captured by its UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing notification to the Assistant Chief of Police/ Operations. Upon receipt of notification, the Assistant Chief of Police/ Operations should also forward the notification to the Assistant Chief of Police/ Administration.

606.5 USE OF UAS

The UAS will be operated within the guidelines provided by the FAA. Only authorized operators who have completed the required department and FAA training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas where there is no protectable privacy interest or where a warrant has been obtained. In all other instances, legal counsel should be consulted unless exigent circumstances exist.

The UAS, or images and data produced by the UAS, shall not be used to conduct personal business of any type.

Unless exigent circumstances exist, UAS operations shall only be conducted during daylight hours and a UAS shall not be flown over populated areas without FAA approval if the pilot only has Part 107 licensing without any individual waivers. Part 107 licensing individual waivers and the Certificate of Waiver or Authorization (COA) also provide exemptions.

A UAS may generally be used in the following circumstances (Wis. Stat. § 175.55):

- In a public place.
- To assist in an active search and rescue operation (e.g. missing child and/or adult).
- To locate an escaped prisoner.
- To surveil a place or location for the purpose of executing an arrest warrant.
- When there is reasonable suspicion to believe that the use of the UAS is necessary to prevent imminent danger to an individual or to prevent the imminent destruction of evidence.

Other acceptable uses of the UAS shall include but are not limited to:

- Mutual aid requests. Mutual aid requests will be evaluated and approved on a case by case basis so long as the requests are within the guidelines set forth in this policy and applicable Wisconsin state laws.

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- Natural disaster assessment.
- Response to hazardous material spills (e.g., train derailment, tanker truck accident, chemical plant).
- Crowd monitoring operations.
- Special response team operations (e.g., SWAT, Tactical Field Force, etc.).
- Criminal investigations. Caution should be used when using UAS's for criminal investigations. Search warrants must be obtained under certain circumstances as required by Wisconsin state law.
- Collection of photographic and video evidence of public spaces for significant crimes (e.g., homicides, robberies, etc.).
- Search for evidence or contraband in public areas that may have been discarded by a fleeing fugitive after significant crime.
- Training exercises.
- Significant vehicle crash investigations on public highways.
- Fleeing suspects.
- Barricaded persons.
- In tactical operations under exigent circumstance.
 - Allow Officers to better understand where other Officers may be located and prevent crossfire issues.
 - Allow crisis negotiators and Officers to obtain real time intelligence on vehicles, building layout, suspect movement, and hostage(s)/victim(s) location.
 - Use to visually clear areas that would otherwise endanger Officers to check.
- Surveillance on buildings for which a search warrant has been issued by a judge.
- Fire scene investigations and situational awareness.
- Public relations events.
- Other City of Fond du Lac uses not limited to, but including surveying, marketing or general promotion of the City of Fond du Lac activities.
- During events deemed appropriate by the Chief of Police and/or designee.

606.5.1 REPORTING USE OF UAS

Any use of a UAS (outside of training) shall be documented promptly, completely and accurately in an appropriate report. The Officer should articulate the factors perceived and why they believed the use was reasonable under the circumstances.

Documentation will include the following four reports:

- (a) Log Book Requirement.

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- (b) Pre-flight Sheet (outdoor flights only). Flights taking place inside of a structure (indoor application) are not considered regulated airspace by the FAA.
- (c) Mission Planning Sheet (outdoor flights only).
- (d) Incident Report.

To collect data for purposes of training, resource allocation, analysis and related purposes, the Department requires the completion of a UAS Tracking Form whenever a UAS is deployed outside training.

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

606.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the records retention schedule and in accordance with city ordinance and applicable laws.

Video and/or images obtained from the UAS shall be downloaded and inventoried by the operator after each use as part of the evidence collection process.

All video and or/images from the UAS that are recorded for non-evidentiary purposes shall be kept for at least 120 days. This might include community events or other non-law enforcement functions and training.

606.8 MAINTENANCE

Appointed UAS operators will perform basic maintenance and safety checks on the UAS as taught during training. Maintenance and repairs that are beyond the operator's training or ability will be conducted by authorized personnel.

Department owned/operated UASs will be maintained in flight-ready conditions.

606.9 TRAINING

All department members authorized to operate or access the UAS shall receive appropriate reoccurring monthly training. All Officers authorized to use the UAS shall receive training as directed by the Program Coordinator. Training will be comprised of at least one mission based scenario, legal updates, UAS manufacturer updates, and changes to local area of operation. That

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training shall, at a minimum, meet the requirements set forth by the FAA, and may be periodically adjusted to reflect operational needs and the latest safety information.