

Austin Police Department

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Revision date: 9/24/20 or as necessary	Sect. 12 – DEPARTMENT PROCEDURES	Page: 1 of 5
Title: DRONES: SMALL UNMANNED AIRCRAFT SYSTEMS		Application: All Personnel

PURPOSE:

This policy is intended to provide personnel who are assigned responsibilities associated with the deployment and use of small unmanned aircraft systems (sUAS) with instructions on when and how this technology and the information it provides may be used for law enforcement and public safety purposes in accordance with law.

POLICY:

It is the policy of this department that duly trained and authorized agency personnel may deploy sUAS when such use is appropriate in the performance of their official duties, and where deployment and use, and the collection and use of any audio/video recordings or other data originating from or generated by the sUAS, comport with the policy provisions provided herein and applicable law.

DEFINITIONS:

Digital Multimedia Evidence (DME): Digital recording of images, sounds, and associated data.

Model Aircraft: A remote controlled aircraft used by hobbyists that is built, produced, manufactured, and operated for the purposes of sport, recreation, and/or competition.

Unmanned Aircraft (UA) or Unmanned Aerial Vehicle (UAV): An aircraft that is intended to navigate in the air without an on-board pilot. Also alternatively called Remotely Piloted Aircraft (RPA), Remotely Operated Vehicle (ROV), or Drone.

Unmanned Aircraft System (UAS): A system that includes the necessary equipment, network, and personnel to control an unmanned aircraft.

Small Unmanned Aircraft Systems (sUAS): UAS systems that utilize UAVs weighing less than 55 pounds and are consistent with Federal Aviation Administration (FAA) regulations governing model aircraft.

UAS Flight Crew member: A pilot, visual observer, payload operator or other person assigned duties for a UAS for the purpose of flight or training exercise.

Unmanned Aircraft Pilot: A person exercising control over a UA/UAV/UAS during flight.

PROCEDURE:

A. ADMINISTRATION

All deployments of sUAS must be specifically authorized by the Chief of Police or his/her designee. This agency has adopted the use of sUAS to provide an aerial visual perspective in responding to emergency situations and exigent circumstances, and for the following objectives:

1. Situational Awareness: To assist decision makers (e.g., incident command staff; first responders; city, county, and state officials) in understanding the nature, scale, and scope of an incident—and for planning and coordinating an effective response.
2. Search and Rescue: To assist missing person investigations, AMBER Alerts, and other search and rescue missions.
3. Tactical Deployment: To support the tactical deployment of officers and equipment in emergency situations (e.g., incidents involving hostages and barricades, support for large scale tactical operations, and other temporary perimeter security situations).
4. Visual Perspective: To provide an aerial visual perspective to assist officers in providing direction for crowd control, traffic incident management, special circumstances, and temporary perimeter security.
5. Scene Documentation: To document a crime scene, accident scene, or other major incident scene (e.g., disaster management, incident response, large-scale forensic scene investigation).
6. Natural or Man-Made Disaster: To prevent the loss of life and property in natural or man-made disasters and to facilitate the operational planning, rescue and recovery operations.

B. PROCEDURES FOR sUAS USE

1. The agency must obtain applicable authorizations, permits, or certificates required by the Federal Aviation Administration (FAA) prior to deploying or operating the sUAS, and these authorizations, permits, and certificates shall be maintained and current.
2. The sUAS will be operated only by personnel (pilots and crew members) who have been trained and qualified in the operation of the system.
3. The sUAS-certified personnel shall inspect and test sUAS equipment prior to each deployment to verify the proper functioning of all equipment and the airworthiness of the device.
4. The sUAS equipment is the responsibility of the individual operating officer and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be

brought to the attention of the officer's supervisor as soon as possible, so that an appropriate repair can be made or a replacement unit can be procured.

5. The sUAS equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
6. All flights will be documented on an incident report, and all flight time shall be accurately recorded. In addition, each deployment of the sUAS shall include factual basis for the emergency situation regarding the reason for the flight; the time, date, and location of the flight; the name of the supervisor or designee approving the deployment and the staff assigned; and a summary of the activities covered, actions taken, and outcomes from the deployment.
7. Except for those instances where officer safety or investigation could be jeopardized—and where reasonably possible and practical, agencies should consider notifying the public. Where there are specific and articulable grounds to believe that the sUAS will collect evidence of criminal wrongdoing and/or if the sUAS will be used in a manner that may intrude upon reasonable expectations of privacy, the agency will obtain a search warrant prior to conducting the flight.
8. The Chief of Police or his/her designee may authorize the use of a sUAS where there are specific and articulable grounds to believe that the deployment of a sUAS is necessary under exigent circumstances.

C. RESTRICTIONS ON USING THE sUAS

1. The sUAS shall be deployed and used only to support official law enforcement and public safety missions.
2. The sUAS shall not be operated in an unsafe manner or in violation of FAA rules.
3. The sUAS shall not be equipped with weapons or projectiles.
4. The sUAS shall not be equipped with facial recognition or other biometric-matching technology unless expressly authorized to do so through a court order or warrant.
5. The sUAS shall not be used to collect data on public protests or demonstrations unless authorized by a warrant or one of the exceptions below apply.
6. Search warrants shall be obtained prior to the deployment of a sUAS. Exceptions to the search warrant rule include:
 - a. During or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person.
 - b. Over a public event where there is a heightened risk to the safety of participants or bystanders.

- c. To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.
- d. To prevent the loss of life and property in natural or man-made disasters and to facilitate operational planning, rescue, and recovery operations in the aftermath of these disasters.
- e. To conduct a threat assessment in anticipation of a specific event.
- f. To collect information over a public area, if there is a reasonable suspicion of criminal activity.
- g. To collect information for crash-reconstruction purposes after a serious or deadly collision occurring on a public road.
- h. Over a public area for officer training or public relations purposes.
- i. For purposes unrelated to law enforcement at the request of a government entity provided that the government entity makes the request in writing to the law enforcement agency and specifies the reason for the request and proposed period of use.

D. DME RETENTION AND MANAGEMENT

1. All DME shall be handled in accordance with existing policy and on data and record retention laws.
2. All DME shall be securely downloaded at the completion of each mission. The sUAS-certified operators will record information for each flight that shall include the date, time, location, and case reference numbers or other mission identifiers—and identify the sUAS personnel involved in mission.
3. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner sUAS DME without prior written authorization and approval of the Chief of Police or his or her designee.
4. All access to sUAS DME must be specifically authorized by the Chief of Police or his/her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
5. Files should be securely stored in accordance with agency policy and state records retention laws and retained no longer than applicable by law for purposes of training or for use in an investigation or prosecution.
6. Notwithstanding section 138.17, a law enforcement agency must delete data collected by a UAV as soon as possible and in no event later than seven days after collection, unless the data is part of an active criminal investigation.

E. sUAS SUPERVISION AND REPORTING

1. sUAS supervisory personnel shall review deployments and uses of sUAS to ensure that officers equipped with sUAS devices utilize them in accordance with policy and procedures defined herein.

2. Every year by January 15, a drone use report will be submitted to the Commissioner of Public Safety: The report will include the number of times a drone was deployed without a search warrant issued, identifying the date of deployment and the authorized use of the sUAS under statutory exceptions. Included in this report will be the total annual operating cost of the agency's sUAS program.

F. TRAINING

1. Police personnel who are assigned sUAS must complete an agency-approved training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation and proper calibration and performance of the equipment and to incorporate changes, updates, or other revisions in policy and equipment.

All agency personnel with sUAS responsibilities shall also be trained in the local and federal laws and regulations, as well as policies and procedures governing the deployment and use of sUAS.

ACCOUNTABILITY:

Supervisors of the department are responsible for ensuring that this and all policies of this department are followed. Deviations from this or any other policy are permitted within the scope of authority granted to all members of this department; however, the deviation must be reported in accordance with policy.

Chief David McKichan

9/24/20