

# UNMANNED AIRCRAFT SYSTEMS

<b>POLICY &amp; PROCEDURE NO.</b> <b>1.26</b>	<b>ISSUE</b> <b>DATE: February 7, 2023</b>
<b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 41.1.5</b>	<b>EFFECTIVE</b> <b>DATE: February 7, 2023</b>  <b>REVISION</b> <b>DATE:</b>

## BACKGROUND:

Unmanned aircraft systems (UAS) have become increasingly popular and available for a multitude of uses throughout the United States. UAS enhance the ability of law enforcement agencies to save lives, protect property, and document crime scenes. They are also capable of providing mapping and documentation services to entities such as the Department of Public Works. The operational guidelines for small unmanned aircraft systems (UAS) in the National Airspace System (NAS) by the Wellesley Police Department will be defined in this document.

## POLICY:

Duly trained and authorized Wellesley Police Department personnel may deploy an UAS when such use is appropriate in the performance of their official duties. The collection of any audio/video recordings or other data originating from, or generated by the UAS, shall conform to the policy provisions provided herein, other department policy on such matters, and applicable law. Any use of an UAS will be in accordance with Federal and State laws, to include constitutional privacy rights, search and seizure regulations, and Federal Aviation Administration (FAA) regulations.

## DEFINITIONS:

**Small Unmanned Aircraft (UA):** An UA weighing less than 55 pounds, including everything that is onboard or otherwise attached to the aircraft, and can be flown without the possibility of direct human intervention from within or on the aircraft.

**Small Unmanned Aircraft System (UAS):** A small UA and its associated elements (including communication links and the components that control the small UA) that are required for the safe and efficient operation of the small UA in the NAS.

**Remote Pilot-in-Command (Remote PIC):** A person who holds a remote pilot certificate with an UAS rating and has final authority and responsibility for the operation

and safety of an UAS operation conducted under the Code of Federal Regulations 14 CFR 107.

**Visual Observer (VO):** A person acting as a flight crew member who assists the small UA Remote PIC to see and avoid other air traffic or objects aloft or on the ground.

**Remote Pilot Certificate:** A person acting as a Remote PIC of an UAS in the NAS under 14 CFR 107 must obtain a remote pilot certificate with an UAS rating issued by the Federal Aviation Administration (FAA) prior to UAS operation. The Remote PIC must have this certificate easily accessible during flight operations.

## **PROCEDURES:**

### **Privacy Considerations**

Personnel operating a UAS shall be mindful of privacy rights, and absent a warrant or exigent circumstances, shall not intentionally record or transmit images in any location where a person would have a reasonable expectation of privacy. The PIC will take reasonable precautions to avoid inadvertently recording or transmitting images in violation of privacy rights.

### **Pilot and UAS Requirements [41.1.5(d)(e)]**

The Wellesley Police Department must obtain applicable authorizations, permits, or certificates required by the FAA prior to deploying or operating the UAS. These authorizations, permits, and certificates shall be maintained and current.

The UAS will be operated only by personnel who have been designated a Remote PIC, and who holds a Remote Pilot Certificate with an UAS rating issued by the FAA under 14 CFR 107.

The Department will ensure that all UAS are registered with the FAA as required by 14 CFR 107. Only UAS owned by and registered to the Wellesley Police Department shall be authorized for use by members of the Department and/or for Department use.

### **Administration and Authorized UAS Deployment [41.1.5(a)(c)]**

All deployments of an UAS must be authorized by the on-duty Shift Commander or a higher ranking officer. Deployments will flown in accordance with FAA regulations including, but not limited, to 14 CFR 107. The PIC has the authority to decline deploying the UAS in any given situation based on specific and articulable circumstances (ie: weather conditions, crowds, flying environment, privacy concerns). When possible, a Visual Observer (VO) shall be assigned to assist the PIC as a Tactical Flight Officer. A visual observer is mandatory when the UAS leaves the line of sight of the person manipulating the controls.

The Wellesley Police Department has adopted the use of UAS to provide an aerial visual perspective in responding to emergency situations and exigent circumstances, and for the following objectives:

***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. This would include damage assessments following an active incident.

***Search and Rescue:*** To assist missing person investigations, AMBER Alerts, Silver Alerts, and other search and rescue missions. This may include enhancing search grids through onboard software, providing an overview of search areas, and tracking search team locations while providing thermal, infrared, photographic and video imaging capabilities to appropriate personnel.

***Officer Safety:*** The UAS may be deployed in an effort to protect officers from unnecessary exposure to danger and minimize the risk of injury to bystanders, officers, and suspects. In general, the UAS should be limited to incidents involving serious crimes or involving persons who are emotionally or mentally debilitated and pose a risk of serious bodily injury or death to themselves or others, or those fleeing from police apprehension, or any situation requiring the capabilities of air support. A UAS deployment may enhance the likelihood of de-escalating and bringing a peaceful resolution to an incident.

***Tactical Deployment:*** The UAS may be deployed to assist the tactical deployment of officers and equipment in emergency situations involving other agencies operating in Wellesley, including the Metropolitan Law Enforcement Council (METROLEC). Some examples of these incidents include a hostage situation, barricaded suspect, and support for large-scale tactical operations, armed and/or barricaded suicidal suspects, high risk search warrants, high risk offender apprehension, bomb incidents and other temporary perimeter security situations.

***Visual Perspective:*** To provide an aerial visual perspective to assist supervisors and officers in providing direction for crowd control, traffic incident management, special circumstances, fire support services, criminal investigations, crime scene mapping, and temporary perimeter security.

***Scene Documentation:*** To document a crime scene or accident scene, or other incident scene.

***Assisting the Fire Department:*** A UAS may be deployed to assist the Fire Department in the performance of their duties.

1. Overview of structure fires, both residential and commercial, by providing an aerial view for the incident commander.
2. Aerial management and coordination for outdoor, brush, and wildfires.
3. Identify potential hazards for fire suppression efforts, including structural integrity and scene safety.
4. Accountability for personnel on the scene.
5. Aerial video and photos of large scale incidents.

6. Assisting fire and arson investigators in assessing and documenting fire scenes.
7. Provide detailed overhead views of large fire scenes from multiple angles.
8. Assisting Fire Prevention Officer in developing requirements for projects or permits, including pre-planning responses for large or unusual areas or buildings.
9. Assist during hazardous material incidents, including tracking flow of hazmat on surfaces or waterways and ensuring the area is clear of the public during mitigation.

***Mutual Aid:*** A UAS may be deployed to assist other law enforcement or fire department agencies operating within the Town of Wellesley, as long as the use meets the standards noted in this policy.

1. UAS deployments requested by law enforcement or fire department agencies outside of the Town of Wellesley must be within the approved uses and abide by the Wellesley Police Department UAS policy.
2. The Shift Commander may approve an outside agency request for UAS mutual aid request initially. Notification of the Patrol Commander and Deputy Police Chief will be made immediately thereafter.

***Assisting Town of Wellesley Departments:*** A UAS may be deployed to assist any Town of Wellesley Departments in the furtherance of their authorized duties. These deployments will not be considered a police purposes or a police mission.

Requests for UAS deployment will be reviewed by the Chief of Police or the Chief's authorized designee and should typically be generated by a department head. Although these deployments will not be considered a police action, the mission will be reviewed prior to flight to ensure it does not violate privacy concerns and meets applicable FAA guidelines, as well as applicable State and Federal law.

### **UAS Storage and Maintenance [41.1.5(f)(g)]**

Each UAS aircraft and flight controller system will be stored in a locked portable container. The storage container will contain all the necessary UAV equipment that will be needed to rapidly be deployed in the field. This includes spare batteries and battery charging devices.

The UAS Program Manager will maintain the UAS fleet to ensure that they are in good condition and ready for deployment. They will be checked weekly to ensure the batteries are fully charged and the UAS is in airworthy condition. One UAS will be stored in the Shift Commander's cruiser, with additional operationally ready UAS's stored in the Sergeant's Office.

Pilots who discover any UAS malfunctions, damage, or parts needing replacement will take the UAS out of service immediately and notify the UAS

Program Manager and Deputy Chief. All maintenance or repairs performed on each UAS aircraft will be recorded and logged in a program designed for such a purpose.

### **Deployment of a UAS: [41.1.5(c)]**

Once a UAS is approved to be deployed, the following will occur:

The Remote PIC shall check on the current status of the FAA airspace of the mission prior to flight, including any Temporary Flight Restrictions (TFR) in place. If necessary, the PIC will secure any authorization via the FAA's Low Altitude Authorization and Notification Capability (LAANC) system prior to launching.

The Remote PIC assigned to the mission shall inspect and test the UAS equipment prior to each flight to verify the proper functioning of all equipment and the airworthiness of the device. The PIC will complete the current pre-flight checklist prior to launching.

All UAS equipment is the responsibility of Remote PIC operating the UAS and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the UAS Program Manager as soon as possible so that an appropriate repair can be made or a replacement unit can be procured.

All flights will be documented on a form or database designed for that purpose, and all flight time shall be accurately recorded. The UAS deployment will be noted in any related Wellesley Police Department report. **[41.1.5(i)]**

The UAS equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Department.

### **Restrictions on Use of UAS [41.1.5(b)]**

The UAS shall be deployed and used only with authorization.

The UAS shall not be operated in an unsafe manner or in violation of FAA rules.

The UAS shall not be equipped with weapons or dispersal payloads of any kind.

The UAS can be deployed during training missions.

### **UAS Supervision and Reporting [41.1.5(k)]**

UAS supervisory personnel shall manage all deployments and uses of UAS to ensure that the UAS is utilized in accordance with this policy and procedure, other applicable policies and procedures, and the law.

An authorized UAS supervisor will audit flight documentation at regular intervals to ensure compliance.

**Training [41.1.5(e)]**

Wellesley Police Department members selected to be Remote PICs shall:

1. Be properly trained and licensed as required by 14 CFR 107.
2. If applicable, satisfy and maintain all the conditions of a FAA Certificate of Waiver (COA) issued by the FAA.
3. Have a working knowledge of the airspace intended for operations and Air Traffic Control communication requirements.
4. Have the ability to obtain and interpret weather information.
5. All UAS supervisory personnel shall have a valid Remote Pilot Certificate (107) issued by the FAA.

**Accident Notification and Investigation [41.1.5(j)]**

In the event of a crash/incident involving fatalities, injuries, property damage, to the UAS or UAS fly-away, the Remote PIC shall:

1. Report the crash/incident immediately to the officer's supervisor.
2. When applicable, notify the FAA and National Transportation Safety Board (NTSB) in compliance with 14 CFR 107.
3. Complete and submit a written incident report to the Chief of Police, or his/her designee, within forty-eight (48) hours.

**Digital Data Preservation [41.1.5(h)]**

Each pilot will have an individual, unique log in to the UAS aircraft that is password protected. All flights of the UAS, regardless of the purpose, will be logged and recorded under the pilot's account.

All digital data, including but not limited to, photographs, video, flight logs, including GIS data, shall be processed and maintained according to existing Department policies and preservation of evidence procedures.

All digital data shall be securely downloaded at the completion of each mission. The Remote PIC will record information for each file that shall include the date, time, location, and case reference numbers or other mission identifiers, and identify the UAS personnel involved in the mission.

Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner UAS digital data without prior written authorization and approval of the Chief of Police, or his/her designee.

All access to UAS digital data 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.

Files should be securely stored in accordance with Department policy and state records retention laws and retained no longer than necessary for purposes of training or for use in an investigation or prosecution.