

Unmanned Aerial System

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the safe and appropriate operation of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property and maintaining order when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or a valid exception to the search warrant requirement, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 DEFINITIONS

Federal Aviation Administration (FAA)- A national regulatory agency with responsibility of United States airspace and aircrafts operating in that space.

Payload Operator - Responsible for operating remote sensing payloads, such as electro-optical full-motion video imagery, to conduct surveillance and reconnaissance.

Program Coordinator – A sworn officer responsible for management of the UAS program and ensures the Missoula Police Department complies with all applicable laws, ordinances and regulations regarding the use of an UAS.

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled, commonly referred to as a drone or an unmanned aerial vehicle (UAV), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

UAS Pilot or Pilot in Control (PIC) – Missoula Police Department employee operating a UAS in training or operationally who has received a remote pilot airman certificate from the FAA.

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

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Visual Observer (VO) – The VO is responsible for assisting the PIC during flight operations, to include maintaining contact with any required Airport Flight Control. The VO is also responsible for maintaining overall situational awareness to allow the PIC to focus on the flight operation.

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS. UAS operations should only be conducted consistent with FAA regulations and State law. Only UAS equipment owned by the City of Missoula should be used for official duty. The use of any UAS not owned by the City of Missoula should only be done when an urgent situation justifies such use. That use must be approved by the UAS Program Coordinator. Conversely, City of Missoula owned UAS equipment should not be used for any unofficial MPD purpose and should not be used by anybody outside the MPD without UAS Program Coordinator approval.

Use of vision enhancement technology (e.g., thermal and 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, or in the immediate interest of public safety. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations and State law. The UAS operator/pilot is authorized to evaluate and accept or decline any mission or portion thereof due to safety concerns, legal and/or FAA requirements.

- (a) Crime Scene and Crash Scene Applications
 - 1. Primary use of the UAS on crime scene and crash scene is to aid in investigations by collecting scene documentation.
- (b) Search and Rescue Operations:
 - 1. UAS may be deployed to assist in rescue and/or search operations in areas where the UAS has a greater potential of finding missing and injured persons.
- (c) Officer Safety Situations:
 - 1. A 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, and enhance the likelihood of bringing peaceful resolutions to potentially deadly incidents.
- (d) Use of the UAS for these safety purposes should be limited to incidents involving felony suspects 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.
- (e) Tactical Operations:
 - 1. The use of a UAS is permitted to support specialty units such as SWAT, CNT, and EOD for the purposes of surveillance and tactical support in compliance applicable State of Montana search and seizure statutes. Examples of these types of incidents include, but are not limited to, armed barricaded suspects, armed suicidal suspects, high risk search warrants, high risk violent offender

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apprehension, hostage situations and bomb threat/improvised explosive device investigations.

- (f) Mutual Aid:
 - 1. The use of a UAS is permitted to provide mutual aid as it relates to the interests of public and officer safety the same as any other mutual aid request.
- (g) Public Relations and Community Outreach:
 - 1. For the purposes of encouraging public trust and to engage the community, the use of a UAS as part of a community meeting, special event, or demonstration is authorized. The UAS demonstrations should be limited to showcasing the department's investigative capabilities and educating the public on the UAS program.

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- (a) To conduct random surveillance activities.
- (b) 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.
- (c) To harass, intimidate, or discriminate against any individual or group.
- (d) To conduct personal business of any type.

606.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained consistent with other digital evidence as provided in the established retention schedule in MPD Policy 706.

606.8 ADMINISTRATION

606.8.1 UAS PERSONNEL

- (a) A UAS Coordinator shall be appointed by the Chief of Police and will ensure that policies and procedures conform to current laws, regulations, and best practices.
 - 1. Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life.)
 - 2. Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
 - 3. Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.

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4. Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.
- (b) UAS supervision will fall under the UAS Supervisor.
- (c) Given the technical nature of aviation, the UAS supervisor may at their discretion, assign responsibility for UAS operations to any pilot with the knowledge, skill, and abilities to safely and effectively manage the operation.
- (d) Ensuring all UAS operations personnel understand applicable regulatory requirements, standards, and organizational safety policies and procedures.
- (e) Measure Pilot performance compliance with organizational goals, objectives and regulatory requirements.
- (f) Coordinate the FAA Certificate of Waiver or Authorization (COA) application process, Beyond Visual Line of Sight (BVLOS) waiver process, and ensure that COAs are current.

606.8.2 UAS PILOTS

- (a) To be considered a UAS pilot the applicant must meet all standard as imposed by the UAS supervisor and should maintain at a minimum a valid FAA Part 107 certificate.
- (b) UAS pilot's primary duty is the safe and effective operation of the UAS in accordance with manufacturer's approved flight manual, FAA regulations, and agency procedures. Pilots must remain knowledgeable in all of these areas.
- (c) In order to fly missions, pilots must be current on UAS training requirements.
- (d) UAS Pilots may be temporarily removed from flight status at any time by the Chief of Police, the Chief's designee, or UAS supervisor, for reasons to include but not limited to performance, proficiency, etc. Pilots will be notified if removed from flight status.

606.8.3 VISUAL OBSERVER(S)

- (a) The observer(s)'s primary function is to act as airborne operations personnel coordinating between UAS and ground personnel.
- (b) Handle and respond radio traffic for the Pilot.
- (c) Protection for the Pilot.
- (d) Flight Observer(s) should be used whenever possible.

606.9 SAFETY POLICY

- (a) It is the duty of every agency member with UAS responsibilities to contribute to the goal of continued safe operations. This includes always operating in the safest manner practicable and never taking unnecessary risks. Any safety hazards, whether procedural, operational, or maintenance related should be identified as soon as possible. Any suggestions in the interest of safety should be made to the UAS supervisor.

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- (b) No UAS member shall participate in flight operations in any manner within eight (8) hours of having consumed any alcoholic beverages or while under the influence of alcohol or drugs.

606.10 GENERAL OPERATING PROCEDURE

- (a) Prior to any flight, the pilot will ensure it can be completed safely and that it meets legal and FAA requirements.
- (b) On-duty pilots are expected to self-dispatch to calls where they believe a drone may be of assistance. A supervisor may decline UAS support.
- (c) Requests for UAS support should be coordinated with a UAS pilot.
- (d) Outside Agency Requests – All requests from outside agencies should be coordinated with the Shift Commander. If the Shift commander approves, the UAS Pilot will be responsible the mission is compliant with all laws, FAA regulations and MPD policy.
- (e) Preflight Actions
 1. Thorough preflight planning and inspections are critical to safe operations.
 2. Pilot should be familiar with the requested operation.
 3. Physical condition self-assessment by UAS flight crew members.
 4. Prior to initial deployment, team members will do their preflight inspections and follow all checklists.
- (f) UAS Inspection – Prior to initial deployment team members will do their preflight inspections and follow all checklists.
- (g) UAS Pilots should avoid wind over 20 mph and weather more severe than light rain unless exigent circumstances exist. Pilots will follow weather restrictions outlined in 14 CFR Part 107.
- (h) Pilot will inspect the UAS to ascertain if any damage was sustained. If necessary, the UAS will be serviced immediately and returned in a deployment ready state.

606.11 UAS OPERATIONS

606.11.1 FLYING OVER POPULATED AREA

- (a) The pilot will ensure that a defined incident perimeter exists to limit the potential of persons being present beneath the UAS flight path.
- (b) Every effort will be made to minimize flights over people and exposure to any persons under the aircraft.

606.11.2 NIGHT OPERATIONS

- (a) UAS pilots should obtain the minimum altitude necessary to avoid obstructions in the operating area prior to nightfall, if at all possible.

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- (b) When applicable, the UAS will be equipped with anti-collision lighting visible from three (3) statute miles during periods of twilight/darkness. Lighting may be dimmed to enhance safety, but never extinguished.

606.11.3 UAS CRASHES

- (a) For a UAS crash resulting in personal injury and/or property damage of another, the aircrew shall do the following where applicable:
 1. Immediately render first aid where required and notify EMS if needed.
 2. Secure the scene and all evidence.
 3. Notify the UAS supervisor and Staff Officer.
 4. Request the FAA and NTSB be notified if applicable based upon reporting requirements.
 5. Photograph the crash site.
 6. Survey the damage to the UAS and other property.
 7. Prior to the arrival of the FAA and NTSB, ensure the UAS and its contents are moved only to the extent necessary to remove persons injured.
 8. Submit a detailed written report.

606.12 MAINTENANCE

- (a) Properly maintained UAS are essential to safe operations. Compliance with the manufacturer's scheduled maintenance, preflight inspections, post flight inspections, and the immediate repair of mechanical problems ensure the availability and safety of agency UAS.
- (b) UAS supervisor is responsible for maintenance of non-assigned UAS.
- (c) Pilots will conduct or designate a thorough preflight inspection of UAS in accordance with manufacturer's manual. The pilot is the final authority on whether the UAS is airworthy. In accordance with FAA regulation (FAR Part 43.3), pilots can perform preventative maintenance. All such work must be entered into the maintenance records.
- (d) Any major problems requiring grounding will be noted in the flight logs.
- (e) The UAS will be turned in to the UAS supervisor for sending back to the manufacturer for repairs.