

## **Unmanned Aerial System (UAS) Operations**

### **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 (Minn. Stat. § 626.19).

#### **606.1.1 DEFINITIONS**

Definitions related to this policy include:

**Unmanned Aerial System (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled without the possibility of direct human intervention from within or on the aircraft (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

### **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 or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights, Federal Aviation Administration (FAA) regulations and other applicable law.

### **606.3 PRIVACY**

The use of the UAS potentially involves privacy considerations. Absent a warrant or except as provided in Minn. Stat. §626.19, operators and observers shall adhere to FAA altitude regulations and 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 PROGRAM COORDINATOR**

The program coordinator 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. The program coordinator will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.

- Ensuring that all authorized operators and required observers have successfully completed the required Federal Aviation Administration (FAA) Remote Pilot Certificate (Part 107) or other required training.
- Conducting ongoing department training as required to maintain proficiency and ensure operators and required observers follow applicable laws, policies and procedures regarding the use of the UAS.
- Ensuring the protocol for submission and evaluation of requests to deploy a UAS are followed, including urgent requests made during ongoing or emerging incidents.
- Deployment of a UAS shall require authorization of the Chief or the authorized designee, depending on the type of mission.
- Following protocol when conducting criminal investigations involving a UAS, including documentation and time spent monitoring a subject.
- Ensuring public notification of UAS deployments in a manner and frequency as directed by the Chief or authorized designee.
- Developing an operational protocol 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.
- Documentation of all missions and training.
- Ensuring inspection, maintenance, and record-keeping protocol, to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Ensuring that all data 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, 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.
- Ensuring retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief.
- Reviewing and approving requests for use of the department UAS by government entities (Minn. Stat. § 626.19).
- Preparing and submitting the required annual report to the Commissioner of Public Safety (Minn. Stat. § 626.19).

- Posting the department policies and procedures regarding the use of UAS on the department website, as applicable (Minn. Stat. § 626.19). (Procedures will be developed and made public after coordinator and operators complete applicable training.)
- Reviewing the program and UAS for compliance with Minn. Stat. § 626.19, with special consideration to changing technology.
- Ensuring a monthly summary of UAS deployments are publicly posted by the department and made available to the Civilian Review Board.
- Reviewing the program and UAS for compliance with Minn. Stat. §626.19, with special consideration to changing technology.

### **606.5 USE OF UAS**

Only authorized operators who have successfully completed and passed the Federal Aviation Administration (FAA) Remote Pilot Certificate (Part 107) 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 only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

The UAS should not be flown over populated areas without FAA approval.

Members shall not use a UAS without a search warrant, except in accordance with Minn. Stat. §626.19 as follows:

- (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 from a public area if there is 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; except if in proximity to a protest unless deployment is authorized by a warrant;
- (i) For purposes unrelated to law enforcement at the request of a government entity,

provided the request is in writing and specifies the reason for the request and a proposed period of use. The request must comply with department policy and Minn. Stat. §626.19.

#### **606.5.1 DOCUMENTATION REQUIRED**

Each use of a UAS, excluding training, should be properly documented by providing the following (Minn. Stat. §626.19):

- (a) A unique case number;
- (b) A factual basis for the use of a UAS; and
- (c) The applicable exception, unless a warrant was obtained.

#### **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 (Minn. Stat. § 626.19).

#### **606.6.1 ADDITIONAL PROHIBITIONS**

Unless authorized by a warrant, a UAS shall not be deployed with facial recognition or biometric-matching technology (Minn. Stat. § 626.19). If authorized by warrant, facial recognition or biometric matching technology will only be used if a specific target or individual has been identified through actionable intelligence.

Unless authorized by a warrant or for purposes of a permitted use outlined in this policy, a UAS shall not be used to collect data on public protests or demonstrations (Minn. Stat. § 626.19).

A UAS shall not deploy with facial recognition or other biometric-matching technology unless expressly authorized by a warrant (Minn. Stat. §626.19).

#### **606.7 RETENTION OF UAS DATA**

The Records Unit Supervisor shall ensure that data collected by the UAS is disclosed or deleted as required by Minn. Stat. § 626.19, including the deletion of collected data as soon as possible, and in no event later than seven days after collection, unless the data is part of an active criminal investigation (Minn. Stat. § 626.19). UAS data will be managed via Axon Evidence, a digital evidence management system, currently in use by the department.

#### **606.8 REQUIRED REPORTING**

In accordance with Minn. Stat. §626.19:

By January 15 of each year, the department shall report to the commissioner of public safety the following information for the preceding calendar year:

- (1) the number of times a UAS was deployed without a search warrant issued under this chapter, identifying the date of deployment and the authorized use of the UAS under subdivision 3 of Minn. Stat. §626.19; and
- (2) the total cost of the department's UAS program.