



## SEWARD POLICE DEPARTMENT POLICY/PROCEDURE

<b>Subject: Unmanned Aircraft Systems (UAS)</b>	
<b>Policy Number: 500-20</b>	<b>Amends / Supersedes:</b>
<b>Effective Date: 3/5/2025</b>	<b>Review Date: Annual / As required</b>

### I. PURPOSE

The purpose of this policy is to establish guidelines for the use of unmanned aircraft systems (UAS) and small unmanned aircraft systems (sUAS) and for the storage, retrieval and dissemination of images and data captured by the UAS/sUAS.

### II. DEFINITIONS

Federal Aviation Administration (FAA): U.S. Federal government agency within the Department of Transportation that regulates civil aviation in the United States and surrounding international waters.

Unmanned Aircraft System (UAS): An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (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.

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

Remote Pilot in Command (RPIC): The individual responsible for the overall flight operations of a specific mission.

Visual Observer (VO): An individual trained to always maintain the line-of-sight and 360-degree hazard awareness around the UAS/sUAS and assist the RPIC in carrying out all duties required for the safe operation of the UAS/sUAS.

Program Coordinator: The individual responsible for management of the UAS/sUAS program.

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

Part 107: A set of FAA regulations that govern the commercial operation of sUAS in the United States. It includes rules for pilot certification, operating requirements, and safety guidelines.

Certificate of Waiver or Authorization (COA): An FAA-issued permit that allows government agencies to fly drones in conditions that would normally be restricted by standard regulations within a specified scope of operation.

### **III. 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/sUAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

### **IV. PRIVACY**

The use of UAS/sUAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, 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. 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/sUAS operations.

### **V. PROGRAM COORDINATOR**

The Chief of Police will appoint a program coordinator who will be responsible for overseeing all facets of UAS/sUAS operations, training, maintenance, and deployment.

#### **A. Program Coordinator Responsibilities:**

The program coordinator will ensure that policy and procedures conform to current laws, regulations, and best practices, in addition to the following:

1. Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
2. Verifying all necessary authorizations, permits, or certificates from the Federal Aviation Administration (FAA) are secured prior to any operational deployment, ensuring they remain valid and current.
3. 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 the use of UAS/sUAS.
4. Developing uniform protocols for submission and evaluation of requests to deploy UAS/sUAS, including urgent requests made during ongoing or emerging incidents.
5. Developing protocols for conducting criminal investigations involving a UAS/sUAS, including documentation of time spent monitoring a subject.
6. Implementing a system for public notification of UAS/sUAS deployment.
7. Developing operational protocols governing the deployment and operation of UAS/sUAS including but not limited to safety oversight, use of visual observers, the establishment of lost link procedures, and other emergency procedures.
8. Developing a protocol for fully documenting all missions.
9. Developing a UAS/sUAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of UAS/sUAS, up to and including their overhaul or life limits.
10. Recommending program enhancements, particularly regarding safety and information security.
11. Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
12. Developing protocols for storage, security, and access to data collected by UAS/sUAS.

## **VI. PROTOCOLS AND RESTRICTIONS:**

The use of UAS/sUAS is to provide an aerial visual perspective in responding to emergency situations and exigent circumstances, deliver life-saving equipment, and for the ability to conduct proficiency and continuation training.

### **A. Protocols**

1. All operational deployments of UAS/sUAS must be specifically authorized by the Chief of Police or their designee.
2. The Remote Pilot in Command (RPIC) has the ultimate authority to refuse or discontinue any flight due to regulatory, statutory, or safety reasons and is immune from disciplinary action if the refusal was for a legitimate, lawful reason.
3. UAS/sUAS must be operated safely and in compliance with all FAA regulations.
4. Only authorized personnel who are trained and certified (pilots and crew members) are permitted to operate UAS/sUAS.
5. Before deployment, UAS/sUAS certified personnel are required to conduct thorough inspections and tests on the equipment to confirm its functionality and airworthiness.
6. UAS/sUAS equipment must be handled with care to maintain its condition. Any equipment malfunctions must be reported immediately to the Deputy Chief of Police for timely repairs or replacement.
7. UAS/sUAS equipment will be maintained according to manufacturer's specifications.
8. All equipment, data, images, video, and metadata generated by UAS/sUAS are exclusively owned by SPD.
9. Documentation of all flights will be maintained with accurate logging of flight times.
  - a) Deletion or tampering of flight logs is prohibited, except in accordance with an established records retention schedule with authorization from the Chief of Police or their designee.

10. In cases where there is reasonable belief that UAS/sUAS operations might gather evidence of criminal activity or potentially infringe on privacy expectations, the agency will secure required search warrants before the flight.
11. Where it does not compromise officer safety or ongoing investigations, and when feasible, SPD will inform the public about UAS/sUAS operations. Notification methods can include mass notification alerts, social media, press releases, direct contact, among others.

## **B. Restrictions**

1. The deployment and utilization of UAS/sUAS are strictly for sanctioned law enforcement and public safety operations. The scope of UAS/sUAS use encompasses the following functions:
  - a) Search and Rescue: Aiding in locating missing individuals, responding to AMBER and Silver Alerts, and executing search and rescue operations.
  - b) Scene Analysis: Capturing detailed records of crime scenes, accident sites, or significant events.
  - c) Public Safety Assignments: Engaging in missions that address community safety, including disaster response, public health emergencies, and other societal safety concerns.
  - d) Aerial Assistance: Providing overhead visual guidance to support the management of public safety events, traffic coordination, special situations, and interim security measures.
  - e) Interagency Cooperation: Offering mutual aid or assistance to other organizations in line with this policy.
  - f) Training: Conducting training exercises to enhance proficiency in UAS/sUAS operations.

## **C. Prohibitions:**

1. The deployment and utilization of UAS/sUAS 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.
- e) To carry or be converted into any form of weapon.

## **VII. Digital Multimedia Evidence (DME) Retention and Management**

### **A. DME Protocols:**

1. All Digital Multimedia Evidence (DME) shall be handled in accordance with all applicable laws and existing Department policy on data and record retention.
2. At the completion of each operational deployment all DME shall be uploaded to Evidence.com.
3. Permission to access the UAS/sUAS DME is to be granted exclusively by the Chief of Police or their designee. A comprehensive audit trail will be maintained to verify that data access is restricted to authorized personnel and for legitimate and authorized purposes.
4. Information collected by UAS/sUAS that may contain Personal Identifiable Information (PII) shall not be retained for more than 180 days unless retention of the information is determined to be necessary to an authorized mission of the retaining recipient or subrecipient, is maintained in a system of records covered by the Privacy Act or is required to be retained for a longer period by any other applicable law or regulation.

### **B. DME Prohibitions:**

1. UAS/sUAS DME shall not be edited, altered, erased except in accordance with an established retention schedule.
2. UAS/sUAS DME shall not be duplicated, copied, shared, or otherwise distributed in any manner without prior authorization and approval of the Chief of Police or their designee.
3. UAS/sUAS recorded data will not be collected, disseminated, or retained solely for the purpose of monitoring activities protected by the U.S. Constitution, such as the First Amendment's protections of religion, speech, press, assembly, and redress of grievances (e.g., protests, demonstrations).

4. Collection, use, dissemination, or retention of UAS/sUAS recorded data should not be based solely on individual characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender identity, religion, age, or gender), which is a violation of the law.
5. Any data collected during UAS/sUAS operations that is not maintained in a system of records covered by the Privacy Act shall not be disseminated by the recipient or subrecipient unless dissemination is required by law or fulfills an authorized purpose and complies with established requirements.

## **VIII. Supervision and Reporting**

### **A. Annual Reports**

1. The Chief of Police or their designee shall publish a public annual report documenting the agency's deployment and use of UAS/sUAS devices noting the number and types of missions flown.

Approved By:

Alan Nickell



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Chief of Police

This policy supersedes previous departmental policy(s) pertaining to this topic. This Policy is and remains in effect upon signing until repealed or superseded in writing at which time it will be archived for reference.