

Unmanned Aerial Vehicle

812.1 PURPOSE AND SCOPE

State MODIFIED

The purpose of this policy is to establish guidelines for the use of an unmanned aerial vehicle (UAV) also known as unmanned aerial system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAV (Minn. Stat. § 626.19).

812.1.1 DEFINITIONS

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Definitions related to this policy include:

Unmanned aerial vehicle (UAV) - 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 (Minn. Stat. § 626.19).

812.2 POLICY

Best Practice MODIFIED

Unmanned aerial vehicles 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 UAV will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

812.3 PROGRAM COORDINATOR

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The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAV program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating any FAA certifications and ensuring that they remain current.
- Registering all UAV's with MnDOT.
- 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 UAV. Developing a protocol for fully documenting all deployments of a UAV (Minn. Stat. § 626.19).
- Developing a UAV inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAV, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved consistent with department policy and procedure for the collection and maintenance of digital evidence.

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- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Developing protocols for reviewing and approving requests for use of the Department UAV 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 UAV on the department website, as applicable (Minn. Stat. § 626.19).
- Ensuring that any purchases or use of a UAV are subject to public comment submitted electronically or by mail. (Minn. Stat. § 626.19).

812.4 USE OF UAV

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Only authorized operators who have completed the required training shall be permitted to operate the UAV unless under the direct observation of a trained, authorized operator.

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.

UAV operations should only be conducted consistent with FAA regulations.

Members shall not use a UAV without a search warrant, except (Minn. Stat. § 626.19):

- (a) During or in the aftermath of an emergency situation or disaster that involves the risk of death or bodily harm to a person.
- (b) To document evidence that is at imminent risk of destruction.
- (c) Over a public event where there is a heightened risk to the safety of participants or bystanders.
- (d) To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.
- (e) To prevent the loss of life or property in natural or man-made disasters and to facilitate operation planning, rescue, and recovery operations.
- (f) To conduct a threat assessment in anticipation of a specific event.
- (g) To collect information from a public area if there is reasonable suspicion of criminal activity.
- (h) To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.
- (i) Over a private area with the written consent of the occupant or a public area for officer training or public relations purposes.

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- (j) 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..

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812.4.1 DOCUMENTATION REQUIRED

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Each use of a UAV 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 UAV and if a warrant was obtained
- (c) If a warrant was not obtained, the applicable exception to a warrant under section 811.4 of this policy.

812.5 PROHIBITED USE

Federal MODIFIED

The UAV shall not be weaponized (Minn. Stat. § 626.19).

Unless authorized by a warrant, a UAV shall not be deployed using facial recognition or biometric-matching technology (Minn Stat. § 626.19).

Unless authorized by a warrant or for purposes of an applicable exception to a warrant under section 812.4 of this policy, a UAV shall not be used to collect data on public protests or demonstrations (Minn Stat. § 626.19)

812.6 RETENTION OF UAV DATA

State MODIFIED

The Records Unit supervisor shall ensure that data collected by the UAV 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).