

Unmanned Aerial System

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.

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 (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

A UAS 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 and Federal Aviation Administration (FAA) regulations.

606.3 DEFINITIONS

Unmanned Aircraft System (UAS): an unmanned aircraft (an aircraft that is operated without direct human intervention from within or on the aircraft) and associated elements (including communication links and components that control the unmanned aircraft) that are required for the pilot or system operator in command to operate safely and efficiently in the National Airspace System.

Personally identifiable information (PII): information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

National Airspace System (NAS): the common network of U.S. airspace; air navigation facilities, equipment and services; airports or landing areas; aeronautical charts, information, and services; related rules, regulations, and procedures; technical information; and manpower and material. Included in this definition are system components shared jointly by the Department of Defense, Transportation and Homeland Security.

Remote Pilot in Command (PIC): A person who holds a remote pilot certificate with an UAS rating and has the final authority and responsibility for the operation and safety of an UAS operation conducted under part 107.

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UAS visual observer (VO): a person who is designated by the remote pilot in command to assist the remote pilot in command and the person manipulating the flight controls of the small UAS to see and avoid other air traffic or objects aloft or on the ground.

606.4 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to Federal Aviation Administration (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 will comply with the Privacy Act of 1974 (5 U.S.C. 552a) (the "Privacy Act"), which, among other things, restricts the collection and dissemination of individuals' information that is maintained in systems of records, including personally identifiable information (PII), and permits individuals to seek access to amendment of records.

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.

606.5 UAS PROGRAM COORDINATOR

The Chief of Public Safety will appoint a program coordinator who 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 and 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 visual observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- On an annual basis, the UAS Program Coordinator shall be responsible to provide a general public summary of UAS operations during the previous fiscal year, to include a brief description of types or categories of missions flown and the number of times KDPS aided other agencies.
- 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.

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- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, 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 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.
- Developing protocols that ensure 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 of Public Safety.

606.6 USE OF UAS

- Use of a UAS shall comply with Title 14 CFR part 107, to include; operational protocol governing the deployment and operations of a UAS, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control.
- This agency shall only collect information using UAS, or use UAS-collected information, to the extent that such collection or use is consistent with and relevant to an authorized purpose.
- Only authorized operators who have completed the required 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.
- UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.
- Any UAS operation involving a criminal case or public health concern will be documented in a secured record management system as an incident report utilizing an incident number. If applicable, the incident shall include the amount of time spent surveilling involved individual(s).
- UAS operation shall be performed in a manner which is consistent with the U.S. Constitution, applicable State laws, Executive Orders and other Presidential directives.
- Any complaints regarding law enforcement UAS use shall be immediately directed to a supervisor who shall investigate and address, as appropriate; any privacy, civil right

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and/or civil liberties complaints. These complaints shall be processed in accordance with Policy 1011 – Public Safety Community Relations and IA Complaints.

- During any UAS deployment, the shift commander will be responsible for generating a press release which briefly summarizes the circumstances around the UAS deployment.

606.7 PROHIBITED USE

The Kalamazoo Department of Public Safety respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

The UAS video surveillance equipment shall not be used:

- To collect, use, retain or disseminate any data in any manner that would violate the First Amendment or in any manner that would target a person based solely on individual characteristics, such as but not limited to, race, ethnicity, national origin, religion, disability, gender or sexual orientation. Please refer to Policy 430 regarding First Amendment Assemblies, as well as, Policy 401 regarding Bias-Based Policing for additional policy requirements.
- To conduct random surveillance activities.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.
- The UAS shall not be weaponized.

606.8 RETENTION OF UAS DATA

The Kalamazoo Department of Public Safety is committed to providing public access to records in a manner that is consistent with the Michigan Freedom of Information Act (FOIA) (MCL 15.231 et seq.). Any release of UAS data/information will comply with Policy 803 – Release of Public Safety Records (FOIA) and Record Maintenance.

Information collected using UAS that may contain PII shall not be retained for more than 60 days unless retention of the information is determined to be necessary to an authorized mission of the department, 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. Any information collected shall be stored on a secured server with controlled access limited to law enforcement personnel or a civilian designee selected by the Chief.

606.9 ACCOUNTABILITY

- Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Kalamazoo Department of Public Safety policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (MCL 15.654).
- Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

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- Particularly in light of the diverse potential uses of UAS in the NAS (National Airspace System), expected advancements in UAS technologies, and the anticipated increase in UAS use in the future, the Kalamazoo Department of Public Safety (KDPS) shall take steps to ensure that privacy protection and policies relative to UAS continue to keep pace with these developments.
- Accordingly, KDPS shall, prior to deployment of new UAS technology and at least every 3 years, examine the existing UAS policy and procedures relating to the collection, use, retention and dissemination of information obtained by UAS, to ensure that privacy, civil rights, and civil liberties are protected. KDPS shall update the UAS policy and procedure or issue new policies and procedures as necessary.
- Oversight procedures for UAS use, including audits or assessments, will comply with KDPS Policy 103-Policy Manual (Periodic Review).

606.10 DISSEMINATION

UAS-collected information that is not maintained in a system of records covered by the Privacy Act shall not be disseminated outside of the agency unless dissemination is required by law, or fulfills an authorized purpose and complies with current retention policies.

606.11 OUTSIDE AGENCY REQUEST

If an outside agency requests assistance from a KDPS UAS team (UAS Pilot in Command and/or visual observer) through central dispatch, the UAS Operator receiving the request will immediately notify their Sergeant and request permission. The sergeant will then inform the Shift Commander of the request. The Shift Commander shall consider staffing levels and pending calls for service prior and may recall the UAS Team back to the city at any time. All requests for UAS team assistance are subject to the following:

- UAS teams shall not be used for any assignment that is not consistent with this policy.
- The UAS Pilot in Command shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- UAS teams shall only be called in on overtime to assist other agencies in extremely serious situations or when the requesting agency offers cost reimbursement.
- It shall be the responsibility of the UAS Pilot in Command to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- It shall be the responsibility of the UAS Pilot in Command to complete all necessary reports or as directed.
- UAS teams shall not be used for any off-duty job unless authorized by the UAS Program

606.12 PUBLIC DEMONSTRATION

All public requests for a UAS team shall be reviewed and, if appropriate, approved by the UAS Program Coordinator and Operations Division Captain prior to making any resource commitment. The UAS Program Coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Public demonstrations are encouraged as they provide an opportunity to keep the public informed about the KDPS UAS program, as well as, any changes to the program that would significantly affect privacy, civil rights or civil liberties.

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606.13 RESOURCES

Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems

The White House
Office of the Press Secretary
For Immediate Release
February 15, 2015

Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems

Unmanned Aircraft Systems (UAS) technology continues to improve rapidly, and increasingly UAS are able to perform a variety of missions with greater operational flexibility and at a lower cost than comparable manned aircraft. A wide spectrum of domestic users -- including industry, private citizens, and Federal, State, local, tribal, and territorial governments -- are using or expect to use these systems, which may play a transformative role in fields as diverse as urban infrastructure management, farming, public safety, coastal security, military training, search and rescue, and disaster response.

The Congress recognized the potential wide-ranging benefits of UAS operations within the United States in the FAA Modernization and Reform Act of 2012 (Public Law 112-95), which requires a plan to safely integrate civil UAS into the National Airspace System (NAS) by September 30, 2015. As compared to manned aircraft, UAS may provide lower-cost operation and augment existing capabilities while reducing risks to human life. Estimates suggest the positive economic impact to U.S. industry of the integration of UAS into the NAS could be substantial and likely will grow for the foreseeable future.

As UAS are integrated into the NAS, the Federal Government will take steps to ensure that the integration takes into account not only our economic competitiveness and public safety, but also the privacy, civil rights, and civil liberties concerns these systems may raise.

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish transparent principles that govern the Federal Government's use of

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FAA Part 107 Fact Sheet

FAA Part 107 Fact Sheet

Operating Requirements

The small UAS operator manipulating the controls of a drone should always avoid manned aircraft and never operate in a careless or reckless manner. You must keep your drone within sight. Alternatively, if you use First Person View or similar technology, you must have a visual observer always keep your aircraft within unaided sight (for example, no binoculars). However, even if you use a visual observer, you must still keep your unmanned aircraft close enough to be able to see it if something unexpected happens. Neither you nor a visual observer can be responsible for more than one unmanned aircraft operation at a time.

You can fly during daylight or in twilight (30 minutes before official sunrise to 30 minutes after official sunset, local time) with appropriate anti-collision lighting. Minimum weather visibility is three miles from your control station. The maximum allowable altitude is 400 feet above the ground, and higher if your drone remains within 400 feet of a structure. The maximum speed is 100 mph (87 knots).

You can't fly a small UAS over anyone who is not directly participating in the operation, not under a covered structure, or not inside a covered stationary vehicle. No operations from a moving vehicle are allowed unless you are flying over a sparsely populated area.

Operations in Class G airspace are allowed without air traffic control permission. Operations in Class B, C, D and E airspace need ATC approval. [See Chapter 14 in the Pilot's Handbook \(PDF\)](#).

You can carry an external load if it is securely attached and does not adversely affect the flight characteristics or controllability of the aircraft. You also may transport property for compensation or hire within state boundaries provided the drone – including its attached systems, payload and cargo – weighs less than 55 pounds total and you obey the other flight rules. (Some exceptions apply to Hawaii and the District of Columbia. These are spelled out in Part 107.)

You can request a waiver of most operational restrictions if you can show that your proposed operation can be conducted safely under a waiver. The FAA will make an online portal available to apply for such waivers.

Pilot Certification

To operate the controls of a small UAS under Part 107, you need a remote pilot airman certificate with a small UAS rating, or be under the direct supervision of a person who holds such a certificate

You must be at least 16 years old to qualify for a remote pilot certificate, and you can obtain it in one of two ways:

- You may pass an initial aeronautical knowledge test at an FAA-approved knowledge testing center.
- If you already have a Part 61 pilot certificate, other than a student pilot certificate, you must have completed a flight review in the previous 24 months and you must take a small UAS online training course provided by the FAA.

If you have a non-student pilot Part 61 certificate, you will immediately receive a temporary remote pilot certificate when you apply for a permanent certificate. Other applicants will obtain a temporary