Drone as First Responder (DFR) - Pilot Program

809.1 PURPOSE

Agency Content

To establish policy, procedure, responsibilities and operational standards for the Department's Drone as First Responder (DFR) program. The DFR program provides an aerial public safety resource capable of responding to designated calls for service and emergencies to provide timely situational awareness to responding personnel.

The DFR program shall not be operated as a general purpose surveillance program.

809.2 POLICY

Agency Content

It is the policy of the Utica Police Department to operate the UAS in a manner that is lawful, safe, accountable, transparent and respectful of constitutional rights and individual privacy.

Nothing in this policy authorizes conducted otherwise prohibited by law.

The safety of persons and aircraft shall remain the primary consideration during every DFR operation.

809.3 DEFINTIONS

Agency Content

Unmanned Aircraft System (UAS) - An unmanned aircraft and the associated equipment, control station, communications equipment, software, and other components necessary for safe operation.

Drone as First Responder (DFR) - A UAS operational model in which an authorized Department aircraft is dispatched to an eligible incident, generally from a fixed or designated launch location, before or concurrent with the arrival of ground personnel.

Remote Pilot - A Department employee or authorized contractor who is qualified and authorized to operate a UAS under applicable FAA requirements and Department policy.

Visual Observer - An individual designated to assist the remote pilot in maintaining situational awareness and complying with applicable operational requirements.

DFR Operator - A qualified Department member assigned to perform DFR-related duties. A DFR operator may include a remote pilot, visual observer, or other specifically authorized position.

Flight Log - The Department record documenting the aircraft, operator, mission, flight time, location, and other required operational information.

DFR Video - Video or other sensor information transmitted, recorded, stored, or otherwise generated by a Department UAS.

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Evidentiary Data - DFR-generated information reasonably believed to have evidentiary value in a criminal, civil, administrative, or other authorized proceeding.

BVLOS - Beyond Visual Line of Sight, meaning operation of an unmanned aircraft outside the applicable visual-line-of-sight requirements.

Sensitive Location - A location where UAS observation may create heightened privacy or civil-liberties concerns, including residences, medical facilities, places of worship, schools, and locations associated with constitutionally protected activities.

809.4 AUTHORITY AND COMPLIANCE

Agency Content

The Department shall maintain an appropriate FAA operating authority for its UAS operations.

Each DFR flight shall be conducted within the limitations of the Department's applicable FAA authorization and no member shall intentionally conduct a flight in violation of applicable FAA requirements.

When federal, state, local or FAA requirements conflict with this policy, the applicable law or regulatory requirement shall control.

The UAS Program Manager shall maintain current documentation concerning:

(a) FAA registrations;

(b) Certificates and authorizations;

(c) Waivers, exemptions, or other applicable approvals;

(d) Aircraft records;

(e) Pilot qualifications; and

(f) Required operational limitations,

809.5 PROGRAM ADMINISTRATION

Agency Content

The Chief of Police shall have overall authority for the DFR Program and has assigned Captain Curley of the Uniform Patrol Division as the DFR Program Manager and Supervisor.

DFR Program Manager responsibilities:

(a) Program administration;

(b) FAA compliance;

(c) Training and qualification records;

(d) Aircraft and equipment inventories;

(e) Maintenance oversight;

(f) Policy compliance;

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(g) Flight documentation;

(h) Safety management;

(i) Data-management procedures;

(j) Vendor coordination;

(k) Periodic program review; and

(l) Recommendations concerning program improvements.

DFR Supervisor responsibilities:

(a) Ensure missions have a legitimate purpose;

(b) Monitor operational compliance;

(c) Coordinate with incident commanders;

(d) Ensure required reports are completed;

(e) Review significant missions;

(f) Address policy violations;

(g) Ensure appropriate preservation of evidentiary material; and

(h) Notify command staff of significant incidents when required.

809.6 AUTHORIZED USES

Agency Content

DFR resources may be used for legitimate public-safety or law-enforcement purposes, including:

(a) Incidents involving an immediate threat to life or serious bodily injury;

(b) Crimes in progress or recently reported serious crimes;

(c) Searches for missing, endangered, or vulnerable persons;

(d) Officer-down or emergency personnel incidents;

(e) Searches for fleeing or wanted persons when otherwise legally authorized;

(f) Armed-person or potentially violent-person incidents;

(g) Major traffic incidents;

(h) Fires, hazardous-material incidents, disasters, and other emergencies;

(i) Search-and-rescue operations;

(j) Emergency scene assessment;

(k) Crime-scene documentation when authorized;

(l) Incident command and emergency-management support; and

(m) Other missions approved under this Policy.

The existence of a DFR capability does not eliminate the need for appropriate ground, fire, EMS, aviation, or other emergency resources.

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MISSION PRIORITIES

809.7 PROHIBITED USES

Agency Content

DFR resources shall not be used:

(a) For personal purposes;

(b) For political purposes;

(c) To harass, intimidate, threaten, or retaliate against an individual;

(d) For generalized surveillance without a legitimate public-safety or law-enforcement purpose;

(e) To intentionally collect information unrelated to the authorized mission;

(f) To circumvent a warrant, court order, or other legal requirement;

(g) In a discriminatory manner;

(h) For unauthorized facial recognition or biometric identification;

(i) For unauthorized persistent tracking;

(j) To intentionally observe the interior of a private residence absent lawful authority or a recognized emergency exception; or

(k) For any purpose prohibited by law or Department policy.

809.8 DISPATCH AND ACTIVATION

Agency Content

DFR missions shall, whenever practicable, be initiated through the Department's established dispatch/communications system.

Dispatch personnel shall provide the DFR operator with available information relevant to safe and effective deployment as they would any other call for service.

DFR activation should be based on the anticipated public-safety benefit of aerial information.

DFR may be self-dispatched or immediately launched when authorized procedures permit and delay would reasonably increase risk to life or safety.

The DFR operator shall notify dispatch of:

(a) Launch;

(b) Arrival/establishment of the operational area;

(c) Significant mission developments;

(d) Return-to-base or relocation;

(e) Landing; and

(f) Any emergency affecting the aircraft or public.

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809.9 REMOTE PILOT RESPONSIBILITIES

Agency Content

The remote pilot is responsible for the safe and lawful operation of the aircraft.

REMOTE PILOT RESPONSIBILITIES

809.10 PRIVACY AND CONSTITUTIONAL PROTECTIONS

Agency Content

DFR operations shall respect constitutional rights and applicable privacy laws. Personnel shall use the least intrusive reasonable method of observation consistent with the mission and shall avoid unnecessary observation of sensitive locations.

Operators shall not intentionally target private residences or areas in which individuals have a heightened expectation of privacy unless:

(a) a. Legally authorized;

(b) b. A recognized legal exception applies; or

(c) c. Immediate action is reasonably necessary to address an emergency involving a threat to life or serious bodily injury, consistent with applicable law.

DFR personnel shall not use aircraft sensors to intentionally collect information unrelated to the authorized mission.

Incidental observation of unrelated activity shall not, by itself, expand the scope of the authorized mission.

Personnel shall not exploit, disseminate, or retain unrelated information except as authorized by law or Department policy.

809.11 FIRST AMENDMENT ACTIVITIES

Agency Content

DFR may be used during an event involving First Amendment activity when there is an independent and legitimate public-safety or law-enforcement purpose. Personnel shall document the legitimate operational purpose when DFR resources are deployed during such an event.

809.12 RECORDING AND SENSORS

Agency Content

Live video may be used when reasonably necessary for an authorized mission.

Recording shall be conducted in accordance with Department policy and applicable law.

Operators shall avoid recording unrelated private activity when reasonably practicable.

Additional sensors, including thermal imaging or other specialized equipment, shall be used only for authorized purposes and in accordance with applicable law.

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The Department shall maintain separate written authorization requirements for biometric identification, facial recognition, automated analytics, or other technologies that materially increase the sensitivity of UAS data.

809.13 FACIAL RECOGNITION AND ANALYTICS

Agency Content

DFR imagery shall not be subjected to facial recognition, biometric identification, automated person identification, behavioral analytics, or comparable analytical processing unless expressly authorized by:

(a) Applicable law; and

(b) Mohawk Valley Crime Analysis Center policies.

Nothing in this policy independently authorizes such technologies.

809.14 DATA MANAGEMENT

Agency Content

DFR data shall be stored only on Department-authorized systems.

Personnel shall not store Department DFR data on personal devices, personal cloud accounts, or unauthorized removable media.

Access to DFR data shall be limited to personnel with an authorized business, investigative, legal, administrative, or evidentiary need.

The Department shall maintain appropriate technical and administrative safeguards against unauthorized access, alteration, disclosure, or destruction.

809.15 DATA RETENTION

Agency Content

DFR data shall be retained in accordance with applicable law and the Department's records-retention schedule.

Evidentiary data shall be preserved according to Department evidence procedures.

Data associated with an investigation shall be retained according to applicable investigative and records requirements.

Non-evidentiary DFR recordings shall not be retained indefinitely. Data that has no lawful retention purpose should be deleted or disposed of in accordance with the applicable retention schedule.

Nothing in this section authorizes destruction of evidence subject to a legal hold, litigation hold, preservation request, or other applicable requirement.

809.16 EVIDENCE

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DFR evidence shall be handled in accordance with the Department's evidence and property procedures.

Personnel shall preserve, when applicable:

(a) Original recording;

(b) Case/incident number;

(c) Aircraft identification;

(d) Operator identification;

(e) Date and time;

(f) Relevant flight information;

(g) Chain-of-custody information; and

(h) Authorized exports or copies.

Original evidentiary files shall not be altered.

Any enhancement, conversion, export, or working copy shall be documented and shall not replace the original file.

809.17 ACCESS CONTROL AND AUDITING

Agency Content

Authorized users shall be assigned individual credentials and will not share those credentials with anyone else.

Unauthorized access, copying, downloading, disclosure, or modification of DFR data shall be investigated and may result in disciplinary or legal action.

809.18 CYBER-SECURITY

Agency Content

DFR systems shall be operated in accordance with Department cyber-security requirements. The Department shall implement, where technically feasible:

(a) Authentication controls;

(b) Encryption;

(c) Access logging;

(d) Network security;

(e) Software and firmware updates;

(f) Vulnerability management;

(g) Secure evidence storage;

(h) Vendor security requirements; and

(i) Incident-response procedures.

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Suspected compromise of a DFR system shall be reported immediately to the appropriate supervisor and Department information-technology/cyber-security personnel.

809.19 TRAINING AND QUALIFICATION

Agency Content

No employee shall operate a Department UAS without completing required training and receiving Department authorization.

The UAS Program Manager shall maintain qualification and currency records.

Personnel shall complete recurrent training as required by applicable FAA rules, Department policy, and the UAS Program Manager.

809.20 EQUIPMENT AND MAINTENANCE

Agency Content

Department UAS equipment shall be inspected and maintained in accordance with manufacturer requirements and FAA requirements. Aircraft with known safety-critical defects shall not be deployed until appropriately inspected and cleared. Any maintenance and repair activities shall be documented.

An inventory of all UAS equipment shall be maintained by the DFR Program Manager.

809.21 INCIDENTS, CRASHES, AND MALFUNCTIONS

Agency Content

Any crash, uncontrolled landing, significant loss of control, injury, or property damage shall be reported immediately. The operator shall take reasonable steps to protect people and property following an incident.

Required notifications shall be made to:

(a) a. DFR supervisor;

(b) b. Command staff;

(c) c. Appropriate aviation authorities;

The Department shall conduct an administrative review of significant UAS incidents.

Evidence associated with a crash or incident shall be preserved.

809.22 INTERACTION WITH OTHER EMERGENCY SERVICES

Agency Content

DFR operators shall coordinate with all emergency services activated during an incident.

The operator shall immediately communicate information that reasonably indicates an imminent threat to responding personnel or the public.

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809.23 MUTUAL AID AND INTERAGENCY OPERATIONS

Agency Content

Department UAS may be used in support of another agency when:

(a) Authorized by Department command;

(b) The mission is lawful;

(c) Applicable FAA requirements are satisfied; and

(d) Responsibilities concerning aircraft control, data, evidence, and liability are established.

When another agency operates a UAS in support of the Department, the Department shall document the operational purpose and, when applicable, the identity of the assisting agency and operator

809.24 PUBLIC TRANSPARENCY

Agency Content

The Department should maintain a publicly accessible DFR policy.

Nothing in this section requires disclosure of information that would compromise an active investigation, aviation security, cyber-security, confidential information, or another legally protected interest.

809.25 COMPLAINTS

Agency Content

Members of the public may submit complaints concerning DFR operations through the Department's established complaint process.

Complaint investigations shall be conducted in accordance with Department policy.

809.26 DOCUMENTATION

Agency Content

The Department shall maintain records sufficient to document DFR operations.

Required records should include:

(a) Flight logs;

(b) Mission/call number;

(c) Operator;

(d) Aircraft;

(e) Launch and landing times;

(f) General operational area;

(g) Mission purpose;

(h) Significant operational events;

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(i) Equipment failures;

(j) Accidents or incidents; and

(k) Required supervisory review.

Documentation shall not contain unnecessary personal information beyond what is required for legitimate operational or legal purposes.

809.27 PROGRAM OVERSIGHT

Agency Content

The UAS Program Manager shall conduct an weekly review of the DFR Program which will be reviewed by the Chief of Police.

809.28 DISCIPLINE AND POLICY VIOLATIONS

Agency Content

Violations of this Policy may result in corrective action, retraining, suspension of DFR privileges, disciplinary action, or other action consistent with Department policy and applicable law.

Serious violations may include:

(a) Unauthorized surveillance;

(b) Intentional violation of FAA requirements;

(c) Unauthorized disclosure of DFR data;

(d) Unauthorized access to DFR systems;

(e) Intentional falsification of flight records;

(f) Use of DFR resources for personal purposes; and

(g) Intentional circumvention of legal requirements.

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