

# *Policy and Procedure Manual*

Fergus Falls Police Department

## **Policy 518 - Unmanned Aircraft Vehicle (UAV)**

References:

[Fourth Amendment US Constitution](#)

[Minnesota Constitution](#)

[Federal Aviation Administration Regulations](#)

[MN Department of Transportation Regulations](#)

[M.S.S. 626.19 Use of Unmanned Aerial Vehicles](#)

[FFPD Policy 219-Training](#)

### **1) PURPOSE**

This policy is intended to provide guidance on the use of Unmanned Aircraft Vehicles (UAVs) and the storage, retrieval, and dissemination of images/data captured by the UAV.

### **2) POLICY**

The UAV will be utilized in strict accordance within the Federal Aviation Administration (FAA) and Minnesota Department of Transportation (MNDOT) Regulations. Use of the UAV maybe used to enhance the Fergus Falls Police Departments operations. Operators of the UAV will be limited to City of Fergus Falls Police Department Police Officers who have been selected to the UAV team and successfully passed the CFR Part 107 test. These operators will be referred to as Remote Pilot-In-Command. The Remote Pilot-In-Command will have the final authority and responsibility for the operation and safety of an UAV operation.

### 3) DEFINITIONS

- A. **Unmanned Aircraft System (UAS)** – Means an unmanned aircraft and the equipment necessary for the safe and efficient operation of the aircraft (FAA Definition)
- B. **Unmanned Aircraft Vehicle (UAV)** - Means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. This is also commonly referred to as an Unmanned Aircraft System (UAS) (Minnesota State Statute Definition). Also commonly referred to as a drone.
- C. **Unmanned Aircraft Vehicle (UAV) Operator** – A Fergus Falls Police Officer appointed by the Chief and or designee to operate a UAV and has passed the CFR Part 107 test.
- D. **Unmanned Aircraft Vehicle (UAV) Team Leader** – A Fergus Falls Police Officer appointed by the Chief and or designee to provide guidance and leadership of UAV unit.
- E. **Unmanned Aircraft Vehicle (UAV) Commander** – A Fergus Falls Police Department Lieutenant who provides guidance, administration, tracking, and budget of the UAV unit.

### 4) OPERATOR'S RESPONSIBILITIES

- A. Fergus Falls Police Department Police Officer's appointed by the Chief and/or designee, and who are trained in the proper usage of the UAV may operate the aircraft.
- B. The UAV shall only be used for official and legitimate purposes.
- C. The use of the UAV potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record images of any location where a person would have a reasonable expectation of privacy (e.g. residence, yard, enclosure). Operation Tactics of the UAV could consist of turning image device(s) away or deactivating when encountering areas of privacy.

## **5) USE OF THE UAV**

### **A. Authorized Use**

1. Use of a Fergus Falls Police Department UAV must be authorized by the Chief and/or a Lieutenant.
2. Operations must comply with all FAA requirements and guidelines while operating a UAV.
3. To operate a Fergus Falls UAV one must be an approved UAV Operator and a Fergus Falls Police Department Police Officer.
4. As defined by Minnesota State Statute 626.19 subd 3, a search warrant shall be obtained before the use of a UAV unless one of the following exists:
  - 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 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 motor vehicle collision on a public road;
  - h. Over a public area for officer training or public relations purposes; and
  - i. For purposes unrelated to law enforcement at the request of a government entity that makes the request in writing to the Fergus Falls Police Department and specifies the reason for the request and proposed period of use.

## **6) LIMITATION OF USE OF UAV**

- A. Unless authorized by a warrant, no UAV shall be deployed and or equipped with facial recognition or other biometric-matching technology.
- B. A UAV must not be equipped with any weapons.
- C. The Fergus Falls Police Department must not use a UAV to collect data on public protests or demonstrations unless expressly authorized by a warrant.

## **6) RETENTION OF UAV DATA**

- A. Each UAV operator will maintain a flight log in accordance with FAA rules and regulations. Fergus Falls Police Department UAV operators will log the date, flight time, and locations of all UAV deployments including training operations. The UAV operators will also document case numbers, incident type, and whether photo images or video were captured during the flight.
- B. Data Collected by the UAV shall be retained as provided in the established records retention schedule of the Fergus Falls Police Department and subject to data retention Minnesota State Statutes including procedures outlined in Minnesota State Statute 626.19 subd. 6.

## **7) SUPERVISOR RESPONSIBILITIES**

- A. The UAV program will have oversight from a Lieutenant (Commander) and Team Leader. The Chief of Police will appoint these positions. The UAV Commander and team leader will be responsible for the management of the UAV program. The responsibilities include:
  - 1. Ensuring policies and procedures conform to current laws and regulations.
  - 2. Establishing training standards for operators that meet the FAA requirements.
  - 3. Maintaining and updating the Certification of Authorization (COA) with the FAA.
  - 4. Overseeing the procurement and maintenance of UAV

equipment.

5. Review of UAV deployments to ensure compliance with policies and operating procedures.
6. Ensuring operators are current with their part 107 certification.
7. Retention and reporting of data.

## **8) REPORTING OF DATA**

- A.** As defined by Minnesota State Statute 626.19 subd 12, by January 15<sup>th</sup> of each year, each law enforcement agency that maintains or uses a UAV shall report to the commissioner of public safety the information required by the State Statute for the previous year.

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Resolution #228-2024