

“Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods.”

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE

1144.1, UNMANNED AIRCRAFT SYSTEMS

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PURPOSE: The purpose of this policy is to establish guidelines and minimum standards for the use and oversight of unmanned aircraft systems (UAS), commonly known as “drones” and the associated storage, retrieval and dissemination of information obtained through the use of small unmanned aircraft systems (sUAS). The use of a sUAS is not intended for general patrol or observation of areas where there is a reasonable expectation of privacy.

POLICY: It shall be the policy of the Orlando Police Department to use an sUAS search for missing persons, assist in critical incident response, locate fleeing criminals, assist in firefighting, or to help prevent imminent danger to life or serious damage to property. The Department may use a UAS System in circumstances that may improve officer safety, facilitate certain criminal investigations, or augment life saving activities as allowed by law. The Department’s designated UAS operators shall adhere to FAA regulations and shall not intentionally record or transmit images where a person would have a reasonable expectation of privacy, unless authorized by law. Deployment of a UAS shall require authorization of the Chief of Police or authorized designee. Use of the Department’s UAS shall comply with FSS 934.50.

PROCEDURES:

1. DEFINITIONS

14 CFR Part 107: The Small UAS rule to allow for routine civil operation, to include public safety, of sUAS in the National Airspace System (NAS), and provides safety rules for those operations. The rule defines sUAS as unmanned aircraft weighing less than 55 pounds.

Certificate of waiver or authorization (COA): Certificate of Waiver or Authorization issued by the Federal Aviation Administration that permits public agencies and organizations to operate a particular aircraft for a particular purpose in a particular area or waives specific requirements for operations.

Defined incident perimeter (DIP): The location in which sUAS operations will be constrained during a specific mission. The maximum operating height of the mission will be in accordance with the altitude limit of the COA or as regulated by 14 CFR Part 107, depending on what authority the operation is being flown.

Image: A record of thermal, infrared, ultraviolet, visible light, or other electromagnetic waves; sound waves; odors; or other physical phenomena which represents conditions existing on or about real property or an individual located on that property.

Imaging device: A mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting an image.

Remote pilot-in-command (RPIC): The person who is qualified and designated by the agency who is directly responsible for and is the final authority as to the operation of the sUAS (as described by Federal Aviation Regulations (14 CFR Part 91.3); and holds the appropriate FAA Remote Pilot *certificate (if applicable) for the conduct of the flight.*

Surveillance: With respect to an owner, tenant, occupant, invitee, or licensee of privately owned real property, the observation of such persons with sufficient visual clarity to be able to obtain information about their identity, habits, conduct, movements, or whereabouts.

Unmanned Aircraft Systems (UAS): An unmanned aircraft of any type capable of directed flight, with the associated support equipment, control station, data links, telemetry, communications and navigation equipment necessary to operate it. They are also known as drones, sUAS (Small Unmanned Aircraft Systems), sUA (Small Unmanned Aircraft), or UAV (Unmanned Aerial Vehicles).

Visual line-of-sight (VLOS): The ability of the RPIC and/or VO(s) to be able to see and determine the trajectory of the sUA throughout the entire flight with vision that is unaided other than by corrective lenses or sunglasses or both, and to determine its movement relative to intruding aircraft, obstacles, and terrain and observe the airspace for other air traffic or hazards to determine that the sUA does not endanger the life or property of another.

Visual observer (VO): A person who is designated by the agency and/or RPIC to assist the RPIC (or the person manipulating the flight controls) to maintain VLOS with the sUA.

2. COORDINATOR

2.1 RESPONSIBLE PARTY

The Chief of Police, or the Chief's designee, will appoint a coordinator who will be responsible for the management of the UAS Program.

2.2 COORDINATOR RESPONSIBILITIES

The coordinator will ensure policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- a. Ensure FAA Authorization is current and make necessary applications for Certificate of Authorization (COA) and waivers.
- b. Ensure all authorized operators have completed all required FAA and Department training in the operation, applicable laws, policies and procedures regarding use of UAS and monitor pilot log books.
- c. Develop protocol to deploy a UAS, including requests made during ongoing or emerging incidents. Deployment of a UAS shall require approval of the Chief of Police or authorized designee.
- d. Develop protocols for 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.
- e. Develop a protocol for fully documenting all missions.
- f. Develop a UAS inspection, maintenance and record keeping protocol to ensure continuing airworthiness of a UAS, up to and including overhaul or life limits.
 1. The UAS is to be maintained and flight ready according to the manufacturer's recommendations and related industry standards.
 2. Prior to any mission, authorized operators shall inspect the UAS to ensure it is airworthy.
- g. Establish protocols to ensure all data to be used as evidence is accessed, maintained, stored and retrieved in a manner ensuring 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.

- h. Develop protocols ensuring retention and purge periods are maintained in accordance with established records retention schedules.
- i. Facilitate law enforcement access to images and data captured by the UAS.
- j. Recommend program enhancements, particularly regarding safety and information security.
- k. Ensure established protocols are followed by monitoring and providing periodic reports to the Chief of Police.

3. REASONABLE EXPECTATION OF PRIVACY

3.1 AUTHORIZED USE

The UAS must be operated at an altitude, speed, and with a planned flight pattern that will ensure that the risk of any invasion of privacy of a third party that is not under investigation is minimized.

Absent a warrant or exigent circumstances, Department personnel operating a UAS shall avoid intentionally recording or transmitting images from locations where there is a reasonable expectation of privacy.

Department personnel operating a UAS shall adhere to Federal Aviation Administration (FAA) regulations governing altitude and location of flight unless otherwise authorized

4. DEPARTMENT USE OF UAS

4.1 OPERATIONS

Only authorized operators who have completed required training shall be permitted to operate the UAS.

- a. UAS operations should only be conducted with the approval of the Chief of Police or authorized designee. Authorized operators shall be familiar with emergency/contingency procedures including UAS system failure, flight termination, divert and lost link procedures.
- b. The authorized operator must maintain a visual line-of-site on the UAS at all times and should not operate directly above any persons not involved in the mission or call for service, unless otherwise authorized by the FAA.
- c. The UAS shall be equipped with the technology to prevent the UAS from being “hijacked” by a competing control signal.
- d. The authorized operator must yield the right-of-way to other manned or unmanned aircraft and will not operate the UAS in a careless or reckless manner.
- e. The authorized operator may operate in Class B, C, D and E airspace, but is required to review the current UAS utility map (https://www.faa.gov/uas/commercial_operators/uas_facility_maps/) or contact the controlling air traffic control (ATC) facility prior to doing so.

4.2 GATHERING INFORMATION

Department personnel shall not use an UAS to gather evidence or other information except:

- a. To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates there is such a risk.
- b. If the Department obtains a search warrant authorizing the use of a drone.
- c. If the Department has reasonable suspicion that swift action is needed to:
 - 1. Prevent imminent danger to life or serious damage to property.
 - 2. Forestall the imminent escape of a suspect or the destruction of evidence.
 - 3. Achieve purposes including, but not limited to, facilitating the search for a missing person

4. To provide an aerial perspective of a crowd 50 people or more, provided that a written authorization for such use is obtained by the Chief of Police. The attached approval form must be completed, and a copy maintained at the agency.
- d. To assist a law enforcement agency with traffic management; however, traffic infraction citations may not be issued based on images or video captured by SUAS.
- e. To facilitate collection of evidence at a crime scene of a traffic crash scene.
- f. The authorized operator will activate the record mode on the UAS camera when flying during an approved mission. The record mode will be turned off when the UAS is landed. All video and imaged recorded on an approved mission shall be stored pursuant to Department policy.
- g. The UAS will not operate at an altitude higher than 400 feet above ground level (AGL).
- h. The UAS operator will complete the post flight inspection and flight logs after each mission.

5. PROHIBITED USED OF UAS

5.1 EQUIPMENT AND USES

Department UAS equipment shall not be used:

- a. To record an image of privately owned real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance on the individual or property captured in the image in violation of such person's reasonable expectation of privacy without his or her written consent or unless authorized by Florida Statute and/or Policy and Procedure.
- b. To monitor individuals peacefully exercising their constitutional right of free speech and assembly, except when allowed by law.
- c. To harass or intimidate any individual or group.
- d. Department UAS shall not be weaponized.
- e. When other manned aircraft are operating in the immediate area of an airport, unless authorized by the FAA.
- f. Contrary to the manufacturer's specifications or instructions.
- g. In situations where there may be an increased risk of injury to others.
- h. To conduct personal business.

6. ANNUAL REPORTS

6.1 DISCLOSURES

The Department will publish an annual report which discloses:

- a. The number of UAS flights.
- b. The total time a UAS was used for all flights.
- c. The number of UAS flights which resulted in the collection of data which was retained for further use.
- d. Any Orlando Police Department incident numbers for reports completed as a result of a UAS operation

7. SAFETY

7.1 SAFETY RESPONSIBILITIES

The safety of all people is the number one priority of the UAS team. It is the responsibility of the RPIC and all UAS team members to assess all hazards within the Defined Incident Perimeter that could pose a potential safety risk, and to deny launching the UAS or terminate a flight when it is clearly unsafe to continue.

The RPIC is the sole and final authority regarding the safe operation of the UAS.

The designated RPIC is authorized to evaluate and accept, or decline, any UAS mission or portion thereof for which the safe or legal completion of the mission is in question.

VOs and other team members are expected to assist the RPIC with the mission evaluation and contribute mitigation strategies or issues that are relevant to the RPIC making a valid risk-based decision.

All sUAS team members shall comply with the UAS Operator Manual, warnings, limitations, placards and/or mission checklists at all times unless an emergency dictates otherwise.

7.2 ACCIDENT REPORTING

- a. Within 10 calendar days after an accident (as defined by regulation) and before additional flights, the operator must provide notification to the FAA per Part 107.9 and complete an Orlando Police Department incident report.
- b. FAA defines an accident when:
 - Serious injury to any person or any loss of consciousness; or .
 - Damage to any property, other than the small UAS if the cost is greater than \$500 to repair or replace the property.
- c. The accident report can be submitted to the FAA electronically, (<https://faadronezone.faa.gov/>)

1143.1 P&P 7/2021



**AUTHORIZATION TO DEPLOY A DRONE FOR AN AERIAL
PERSPECTIVE OF A CROWD OF 50 OR PEOPLE.
WRITTEN CONFIRMATION FOLLOWING VERBAL APPROVAL**

Date: _____ Time: _____ OPD Case Number: _____

OPD Officer Requesting Authorization: _____

Per Florida State Statute 934.50, as the head of this law enforcement agency, I am giving written authorization to deploy an agency drone to give an aerial perspective of a crowd of 50 or people.

In conformity with its retention policy, this agency will store, retain, and release images or videos captured by the drone.

Officers will ensure the personal safety and constitutional protections of the people being observed.

This agency will maintain a copy of this authorization on file at the agency.

Signature

Printed Name and Title

Date and Time

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