

# Unmanned Aircraft Systems

## 709.1 VERSION

Review Date	Effective Date	Approving Authority
02/09/19	07/09/18	Eric D. English, Chief of Police

## 709.2 POLICY AND PURPOSE

This policy is intended to provide guidance and information to the Aerial Support Group personnel and supervisory personnel who are charged with the processing, reviewing, and approving of UAS mission objectives. The guidance presented in this General Order represents the culmination of best practices, input from other government agencies, industry and user stakeholders. It should be noted that the material presented in this General Order is a recommended approach to typical UAS missions, however, each mission needs to be assessed on its own technical merits and may require unique authorizations which are based on the specific needs or capabilities of the UAS.

The Harrisonburg Police (HPD) and Fire (HFD) Departments in conjunction with Rockingham County Department of Fire & Rescue (RCFR) will participate in the joint Aerial Support Group (ASG) to provide air support with Unmanned Aircraft Systems (UAS).

## 709.3 ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

## 709.4 DEFINITIONS

**Authority Having Jurisdiction (AHJ)** - A person or agency who has the delegated authority to determine, mandate, and enforce code requirements established by jurisdictional governing bodies.

**Crew Resource Management (CRM)** - A management system which makes optimum use of all available resources – equipment, procedures and people – to promote safety and enhance the efficiency of operations.

**Federal Aviation Administration (FAA)** - The division of the Department of Transportation that inspects and rates civilian aircraft, UAVs and pilots, enforces the rules of air safety, and installs and maintains air-navigation and traffic-control facilities.

**Federal Aviation Regulations (FAR)** - Rules prescribed by the Federal Aviation Regulations (FAA) governing all aviation activities in the United States.

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**Flight crew member** - A pilot, observer, payload operator or other person(s) assigned duties for a UAS flight mission or training exercise.

**Mission** - An operational deployment or dispatch of a UAS(s) to accomplish one or more of the operational objectives.

**Observer** - A person not exercising control over the UAS, but one who assists the pilot with information on the UAS's location and flight profile.

**Pilot** - A person exercising control over the UAS during mission or flight training.

**Pilot-In-Command (PIC)** - The pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft.

**Standard Operating Procedure (SOP)** - A written procedure established or prescribed for methods to be followed routinely for the performance of designated operations or in designated situations.

**Unmanned Aircraft System (UAS)** - Or more commonly known as Unmanned Aerial Vehicles (UAV) is a device used or intended to be used for flight in the air that has no onboard pilot. This includes all classes of airplanes, helicopters, airships, and translational lift aircraft that have no onboard pilot. Unmanned aircraft are understood to include only those aircraft controllable in three axes and therefore, exclude traditional balloons. They may be expendable or recoverable and can fly autonomously or piloted remotely and have associated elements, including communication links, cameras, sensing devices, lights, mirrors, and any other components that control the unmanned aircraft or its onboard equipment.

#### **709.5 OPERATIONAL OBJECTIVES**

The City of Harrisonburg and Rockingham County have initiated a program to equip the Aerial Support Group personnel with modern high tech UASs. These devices can be used for diverse mission profiles for the City of Harrisonburg and the Commonwealth.

##### **709.5.1 LAW ENFORCEMENT MISSIONS**

For all criminal law enforcement and regulatory missions, no UAS shall be utilized except during the execution of a search warrant issued pursuant to the Code of Virginia, §19.2-60. Notwithstanding the prohibition in this or any other section, an UAS may be deployed without a warrant for the following law enforcement purposes:

- (a) Amber Alert is activated pursuant to (Va. Code § 52-34.3)
- (b) Senior Alert is activated pursuant to (Va. Code § 52-34.6)
- (c) Blue Alert is activated pursuant to (Va. Code § 52-34.9)
- (d) Where use of an UAS is determined to be necessary to alleviate an immediate danger to any person
- (e) Training exercises related to such use
- (f) If a person with legal authority consents to the warrantless search

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#### **709.5.2 MISSIONS SUPPORT THE COMMONWEALTH OBJECTIVES**

Notwithstanding the prohibition in this or any other section, an UAS may be deployed without a warrant to support the commonwealth for purposes other than law enforcement to include, but not limited to:

- (a) Damage assessment
- (b) Traffic assessment
- (c) Flood stage assessment
- (d) Wildfire assessment
- (e) Training exercises related to such use

#### **709.5.3 OTHER MISSION OBJECTIVES**

Notwithstanding the prohibition in this or any other section, an UAS may be deployed without a warrant to support other agencies/departments for purposes other than law enforcement to conduct the following, but not limited to:

- (a) Fire assessment
- (b) Hazardous material assessment
- (c) Training exercises related to such use

#### **709.6 UAV FLIGHT OPERATIONS**

- (a) All UAS(s) must be operated in accordance with the FAA, Code of Virginia, and any City of Harrisonburg Ordinances, as well as, any safety guidelines set forth through policy and procedure.
- (b) The UAS must be operated within strict accordance of the UAS SOP(s), Policy(s), Guidelines and memorandums approved.
- (c) The Pilot-in-Command of the UAS has the final authority over the safe operation of the flight.

#### **709.7 RESTRICTIONS ON UAS USES**

- (a) In no case may an UAS be weaponized and deployed in the Commonwealth or its use facilitated in the Commonwealth by any person(s).
- (b) UAS's will only be operated by personnel, both pilots and flight crew members, who have been trained and approved in the operations of the device. All agency personnel with UAS responsibilities, including command officers, will be provided training in the policies and procedures governing their use.
- (c) All flights should be approved by the Incident Commander for emergency incidents. Any flight done outside of emergency situations must be approved by the appropriate department head or their designee. Training that occurs at the designed training site does not need approval outside of the UAS Coordinator.

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1. After each flight related to an emergency incident an after action review will be done with agencies involved to include, at minimum representatives of department supervisory staff as appointed by the department head to review the use of the UAS for effectiveness and accountability. Records of the review should be presented to the UAS Oversight Committee.
- (d) All flights will be documented as required by the FAA and UAS procedure. Flight logs are available for review.
- (e) All flight logs will be kept at a minimum as required by the FAA or the Library of Virginia, or as required by the courts, whichever is longer.
- (f) Any unauthorized use of a UAS will result in strict accountability and is subject to enforcement actions for violation of 14 C.F.R. § 91.13 if the operation is conducted in a careless or reckless manner so as to endanger the life or property of another. The UAS Coordinator will report any unauthorized use to the appropriate department head immediately.
- (g) Except for those instances where officer safety could be jeopardized, the agency should consider alerting those living and working in the vicinity of UAS operations. If such a system is not available, the use of patrol car public address systems should be considered.
- (h) On-Board UAS Camera Image Retention
  1. UAS-recorded data will not be collected, disseminated or retained solely for the purpose of monitoring activities protected by the U.S. Constitution, such as the First Amendment's protections of religion, speech, press, assembly, and redress of grievances (e.g., protests, demonstrations). Collection, use, dissemination, or retention of UAS-recorded data should not be based solely on individual characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender identity, religion, age, or gender), which is a violation of the law.
  2. Personal information shall not be collected unless need for the information has been clearly established, shall be relevant for the purpose it is collected, shall not be misused, and must be collected within the confines of the law as reference in the Virginia Data Act or department policy or General Order.
  3. Images captured and stored by a UAS for law enforcement use shall be retained and processed as specified by department policy. If the image is immediately deleted after the flight then nothing further is required.
  4. Where there are specific and articulable grounds to believe that the UAS will collect image and/or sound evidence of criminal wrongdoing and if the UAS will intrude upon reasonable expectations of privacy, the agency will secure a search warrant prior to conducting the flight/mission.

#### **709.8 UAS COORDINATOR RESPONSIBILITIES**

- (a) The UAS Coordinator will be ultimately responsible for ensuring that all UAS(s) are operated safely in accordance with current department Policies, Guidelines, Operational and Training Manuals, SOP's, FAR's, Code of Virginia and Harrisonburg

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City ordinances. He/she shall be listed with all of the regulator agencies as the direct representative and contact on all matters relating to the operations, missions, crewing, record keeping and maintenance for the Aerial Support Group and its assets.

- (b) The UAS Coordinator shall provide at minimum a quarterly report to a UAS Oversight Committee.
  - 1. The UAS Oversight Committee will help ensure that the UAS program is being utilized to the best of its potential without violating any civil rights and civil liberties protections. The committee shall be made up of:
    - (a) Harrisonburg Chief of Police
    - (b) Harrisonburg Fire Chief
    - (c) Representative from the City Manager's Office
    - (d) Representative from City Council
    - (e) Public Information Officer
    - (f) UAS Coordinator
    - (g) City Attorney

The UAS Coordinator will provide a report to the committee each quarter of the missions that were flown, as well as any media that was obtained (except when issues related to active investigations were concerned) and the current status of the program. Any concern will also be addressed to alleviate any community concerns. All records of the meetings should be kept for a minimum of three years.