

**ST. CLOUD POLICE DEPARTMENT**  
**Law Enforcement**  
**Policies and Procedures**

Subject: Unmanned Aerial Vehicle - (UAV)	Policy Number: 203
Issue Date: 05-11-2017	Revision Date: 07-30-2020 (Cmdr. Martin Sayre)
Approval Authority - Title and Signature: Wm. Blair Anderson, Chief of Police	

**PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the use of an unmanned aerial vehicle (UAV) and for the storage, retrieval and dissemination of images and data captured by the UAV.

**DEFINITIONS**

Definitions related to this policy include:

**Unmanned Aerial Vehicle (UAV)** – Means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

**POLICY**

Unmanned aerial vehicles may be utilized to enhance the St. Cloud Police Department’s mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAV will be in strict accordance with Minn.Stat.§626.19, constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

**PRIVACY**

The use of the UAV potentially involves privacy considerations. Absent a search warrant or authorized use under the exceptions set forth in Minn.Stat.§626.19, Subd. 3, 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). Operators and observers shall take reasonable precautions to avoid inadvertently recording 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 UAV operations.

**PROGRAM COORDINATOR**

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAV 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 observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAV.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAV, including urgent requests made during ongoing or emerging incidents.

- Developing protocol for conducting criminal investigations involving a UAV, including documentation of time spent monitoring a subject.
- Developing an operational protocol governing the deployment and operation of a UAV including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAV inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAV, 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 UAV.
- 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 Police.

## **USE OF UAV**

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

Use of the UAV (to include plain imagery and thermal or other imaging equipment that is not generally available to the public) is only permissible in viewing areas in compliance with a search warrant or as authorized under the exceptions set forth in Minn.Stat. §626.19, Subd. 3, as follows:

- (1) During or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person;
- (2) Over a public event where there is a heightened risk to the safety of participants or bystanders;
- (3) To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk;
- (4) 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;
- (5) To conduct a threat assessment in anticipation of a specific event;
- (6) To collect information from a public area if there is reasonable suspicion of criminal activity;
- (7) To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road;
- (8) Over a public area for officer training or public relations purposes; and

- (9) For purposes unrelated to law enforcement at the request of a government entity provided that the government entity makes the request in writing to the law enforcement agency and specifies the reason for the request and proposed period of use.

### **LIMITATIONS ON USE**

In accordance with Minn.Stat. §626.19, Subd. 4, the use of the UAV has the following limitations:

- (1) UAV operators using a UAV must comply with all Federal Aviation Administration requirements and guidelines;
- (2) UAV operators must not deploy a UAV with facial recognition or other biometric-matching technology unless expressly authorized by a warrant;
- (3) UAV operators must not equip a UAV with weapons; and
- (4) UAV operators must not use a UAV to collect data on public protests or demonstrations unless expressly authorized by a warrant or an exception applies under Minn.Stat. §626.19, Subd.3 as further defined above.

### **DOCUMENTATION REQUIRED**

Each uses of the UAV must be documented, connect each deployment to a unique case number, provide a factual basis for the use of the UAV, and identify the applicable exception under Minn.Stat. §626.19, Subd.3, unless a warrant was obtained.

### **PROHIBITED USE**

The UAV shall not be used:

- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

### **CLASSIFICATION AND RETENTION OF UAV DATA**

Data collected by the UAV shall be retained and classified in accordance with Minn.Stat. §626.19, Subd.6.

### **REPORTING**

Pursuant to Minn.Stat. §626.19, Subd.12, by January 15 of each year, the St. Cloud Police Department shall report to the commissioner of public safety the following information for the preceding calendar year:

- (1) The number of times a UAV was deployed without a search warrant, identifying the date of deployment and the authorized use of the UAV under Minn.Stat. §626.19, Subd.3; and
- (2) The total cost of St. Cloud Police Department's UAV program.