

NIAGARA FALLS POLICE DEPARTMENT GENERAL ORDER

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| EFFECTIVE DATE: 7/26/2023 | SUBJECT: Unmanned Aircraft Systems (Drones) | Number 353.00 |
| RESCINDS: None | | Number of pages 6 |

I. Purpose:

- A. This policy applies to all NFPD personnel who use or intend to use Department owned or leased Unmanned Aircraft Systems (Drones) for official police purposes.

II. Policy:

- A. It is the policy of this agency that UAS shall be deployed only for specific public safety missions, in compliance with all applicable laws, and only by trained and authorized personnel.
1. This policy is not intended to be all-inclusive, but instead shall serve as a supplement to other agency policies and procedures, applicable national aviation authority regulations, and UAS manufacturers' approved flight manuals.
- B. 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)

III. A. Definitions.

1. Digital Multimedia Evidence (DME): Digital recording of images, to include video, sounds, and associated data.
2. Federal Aviation Administration (FAA): the Federal government agency that regulates the national airspace system, including, without limitation, the operation of UAS.

3. Remote Pilot in Command (RPIC): The individual with the final authority and responsibility for operation and safety of an UAS mission.
4. Unmanned Aircraft: UAS systems that utilize Unmanned Aerial Vehicles weighing less than 55 pounds and are consistent with Federal Aviation Administration (FAA) regulations governing model aircraft.
5. Unmanned Aircraft Systems (UAS): an unmanned aircraft and its associated elements that are required for the safe and efficient operation of that aircraft in the national airspace system.

IV. Procedures:

A. Program Administration

1. NFPD owned or leased UAS shall be used to support NFPD operations. The Superintendent of Police or designee can also authorize UAS deployment to assist other law enforcement agencies upon request.
 - a. The list of authorized missions shall be clearly defined.
 - b. Those missions may include, but are not limited to,
 - i. situational awareness;
 - ii. search and rescue;
 - iii. tactical deployment;
 - iv. incident scene documentation (crime, traffic accident, disaster), and
 - v. recruitment or community relations activities.
2. The UAS program shall be limited to those personnel assigned by the Superintendent of Police and may include a commanding officer, supervisor, visual observers, persons permitted to manipulate the UAS controls, and others deemed necessary to ensure safe and efficient operations.
3. To enhance the level of safety and promote appropriate use of UAS, all procedures contained herein shall be followed without deviation,

unless necessary during an emergency, or with appropriate supervisory approval.

4. Complaint Investigations:

- a. Should there be a complaint alleging inappropriate use of the UAS, the complaint shall be handled in accordance with agency protocols for internal investigations.
- b. Any complaint alleging a violation of a person's civil rights by use of the UAS shall be documented and be investigated through this agency's policy regarding investigation of complaints.
- c. Unauthorized or inappropriate use of an UAS shall result in strict accountability, in accordance with established disciplinary procedures.

5. Auditing and Annual Reporting

- a. A supervisor shall audit flight documentation monthly. This audit shall include, at minimum, a summary of the following:
 - i. number of missions/uses;
 - ii. appropriateness of uses;
 - iii. evaluation of the effectiveness of the UAS;
 - iv. safety concerns;
 - v. equipment concerns; and
 - vi. flight time, to include a review of flight logs or data from flight time counters.
- b. The results of the audit shall be documented and submitted to the Superintendent of Police or designee for review.
- c. The NFPD shall publish an annual report documenting the agency's use of UAS.

6. Personnel Qualifications and Training

- a. All UAS program personnel shall receive training necessary to safely, efficiently, and effectively manage or operate UAS, to include initial and recurrent training.
- b. The NFPD must obtain applicable authorizations, permits, or certificates required by the Federal Aviation Administration (FAA) prior to deploying or operating the UAS, and these authorizations, permits, and certificates shall be maintained and current.
- c. All Remote Pilots in Command (RPIC) shall hold the appropriate credentials.
- d. All UAS program personnel shall receive training in the legal aspects of UAS use.
- e. All UAS program personnel shall receive annual training on the policies and procedures governing the use of the equipment.

B. Operational Procedures

- 1. Agency UAS operations shall comply with the guidelines from the FAA.
- 2. All UAS missions shall be approved by a supervisor. Supervisory personnel should manage all deployments and uses of UAS to ensure that officers equipped with UAS devices utilize them in accordance with policy and procedures defined herein.
- 3. All flights shall be documented on a form or database designed for that purpose, and all flight time shall be accurately recorded. In addition, each deployment of the UAS shall include information regarding:
 - a. the reason for the flight;
 - b. the time, date, and location of the flight;
 - c. the names of the supervisor approving the deployment and the staff assigned; and
 - d. a summary of the activities covered, actions taken, and outcomes from the deployment.

4. Except for those instances where officer safety or investigation could be jeopardized, and where reasonably possible and practical, the public shall be notified in the area of the flight, either through the NFPD website, social media outlets, or press releases.
5. Where there are specific and articulable grounds to believe that the UAS shall collect evidence of criminal wrongdoing and the UAS shall be used in a manner that may intrude upon reasonable expectations of privacy, the agency shall obtain a search warrant prior to conducting the flight.
6. The agency shall collect data using UAS or use UAS-collected data only to the extent that such collection or use is consistent with and relevant to an authorized purpose.
7. DME Retention and Management :
 - a. All DME captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
 - b. All DME shall be securely downloaded at the completion of each mission. The UAS RPIC shall record information for each file that shall include the date, time, location, and case reference numbers or other mission identifiers and those agency personnel involved in mission.
 - c. Agency employees shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute DME in any manner without prior authorization from the Superintendent of Police or designee.
 - i. UAS-collected information that is not maintained in a system of records covered by the Privacy Act shall not be disseminated outside of the agency unless dissemination is required by law or fulfills an authorized purpose and complies with agency requirements.
 - d. Information collected using UAS that may contain PII shall not be retained for more than 180 days unless retention of the information is determined to be necessary to an authorized mission of the retaining agency, is maintained in a system of records covered by the Privacy Act or is required to be retained for a longer period by any other applicable law or regulation.
8. Each UAS shall be inspected on a regular basis to determine if maintenance is necessary.

- i. The UAS program shall have a documented maintenance program to include manufacturer's recommendations.
- ii. The maintenance program shall describe who is authorized to perform maintenance on the UAS and the required training for those personnel.
- iii. Records shall be kept of all maintenance performed on agency UAS.

C. Restrictions on use:

- 1. UAS shall not be used for random surveillance of the general population.
 - a. 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.
 - b. UAS will not be equipped with any lethal or less-lethal weaponry. Department personnel will never use UAS solely for the purpose of monitoring activities protected by the First Amendment or the lawful exercise of other rights secured by the Constitution.
 - c. UAS will not be used to search any place where a person has a reasonable expectation of privacy without a warrant or a lawful exception to the warrant requirement.
 - d. UAS shall be deployed and used only to support official law enforcement and public safety missions.
 - e. UAS shall not be operated in an unsafe manner or in violation of FAA rules.

D. Policy Review

- 1. This policy shall be reviewed for accuracy and approved by the Superintendent of Police at a minimum of every three years, or whenever operational or legal changes deem it to be necessary.

END OF POLICY