

PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS

COLONEL OSCAR L. PEREZ

CHIEF OF POLICE

TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	460.01	7/31/2023	7/31/2023
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
Unmanned Aircraft Systems (UAS) Operations		5/18/2021; 5/4/2020	
REFERENCE		RE-EVALUATION DATE	
N/A		7/1/2025	
SUBJECT AREA		DISTRIBUTION	
Law Enforcement Operations		All Sworn Personnel	

## PURPOSE

The purpose of this policy is to provide law enforcement personnel who are assigned responsibilities associated with the deployment and use of unmanned aircraft systems (UASs) with instructions on when and how this technology and the information it provides may be used for law enforcement and public safety purposes and in accordance with local, state, and federal law.

## POLICY

It is the policy of this department that duly trained and authorized agency personnel may deploy UAVs when such use is appropriate in the performance of their official duties, and where deployment and use and the collection and use of any audio/video recordings or other data originating from or generated by the UAVs comport with the policy provisions provided herein and applicable law.

## DISCUSSION

For the purpose of this policy, the following definitions shall apply:

14 CFR Part 107: The section of the Code of Federal Regulations that explains the basic user requirements and limitations for an operator of a UAV, also known as a small unmanned aircraft system (sUAS).

Authorized Department Personnel: Personnel assigned by authorized supervisory personnel to operate unmanned aerial vehicles (UAV), or any portion of the unmanned aircraft system (UAS), who have also completed a Department-approved training program and meet all conditions of the certificate of waiver or any other authorization issued by the FAA.

Authorized Supervisory Personnel: A Department Supervisor who can authorize and oversee UAV operations.

Actively tethered unmanned aircraft system-The term “actively tethered unmanned aircraft system” means an unmanned aircraft system in which the unmanned aircraft component weighs 4.4 pounds or less, is physically attached to a ground station with a taut, and is controlled and retrieved by such ground station through physical manipulation of the tether.

Certificate of Authorization (COA): An authorization issued by the Federal Aviation Administration (FAA) to a public operator for a specific UAS that waives certain requirements and limitations for use of a UAV under 14 CFR Part 107.

Defined Incident Perimeter: A predetermined geographical boundary based upon the scope of the operation and a defined operational ceiling at or below four hundred (400) feet Above Ground Level (AGL).

Digital Multimedia Evidence (DME): Digital recordings of images, sounds, and associated data captured by a UAV.

Program Coordinator (PC): The person responsible for the administrative functions related to the UAS program, including maintaining a current list of all UAS team members. The PC is also responsible for the condition, maintenance, and flight records of the UAS and associated equipment.

Remote Pilot in Command (PIC): A person who holds a remote pilot certificate with an unmanned aircraft systems (UAS) rating and has the final authority and responsibility for the operation and safety of a UAS operation conducted under 14 CFR Part 107 and/or the department’s certificate of authorization (COA).

Unmanned Aerial Vehicle (UAV): An aircraft that is intended to navigate in the air without an on-board pilot.

Unmanned Aircraft System (UAS): A system that includes all necessary equipment, network, and personnel to control an unmanned aircraft or UAV.

Visual Line of Sight (VLOS): When any flight crew member is capable of seeing the aircraft with vision unaided by any device, other than eyeglasses or contact lenses, in order to know the UA’s location, determine the UA’s, altitude, and direction of flight, observe the airspace for other air traffic or hazards, and determine that the UA does not endanger the life or property of another.

## **PROCEDURE**

### **I. GENERALLY**

- A. All mission flights will be authorized by the Chief of Police or designee.
- B. All aerial observations using the UAV will be conducted in a manner consistent with the Fourth Amendment or other provision of the law,

including obtaining search warrants as required by law. The City Solicitor's office will be consulted as needed.

- C. The (Federal Aviation Administration) FAA has clear guidelines for the use of UAS by Law Enforcement Agencies. The Providence Police Department will obtain any authorization, permit, or certificate required by the FAA to operate the UAV, and shall ensure that the UAV/UAS is operated only by UAS Pilots and crewmembers who have been trained and certified in the operation of the UAS. The UAS team will adhere to and operate under all applicable Department policies and procedures as well as guidelines specified by the FAA.
- D. Department personnel shall at all times operate UAVs and the UAS consistent with their training by the FAA or pursuant to a COA as well as pursuant to all the limitations contained in 14 CFR 107 or consistent with any waivers obtained by the department of any of those limitations pursuant to an approved COA.
- E. Authorized Department personnel shall inspect and test UAVs prior to each deployment to verify general airworthiness and mission specific equipment functionality
- F. Authorized Department personnel shall inspect crew fitness, lighting, line-of-sight, altitude, and weather conditions prior to each deployment to verify suitability for flight. Inspections shall be documented on a Department-approved pre-flight checklist and shall conform to the following:
  - 1. Crew fitness: Authorized Department personnel shall conduct a preflight briefing at which they shall review the mission, goals, methods and procedures; UAV battery charge and Global Positioning System (GPS) strength; personnel communication procedures; emergency/contingency procedures, including but not limited to, UAV malfunction/failure, flight termination, flight diversion, and lost link procedures; contents of the COA, if applicable; radio frequency to be used; and takeoff and landing site, defined incident perimeter, and flight perimeter.
  - 2. Line-of-sight: Authorized Department personnel shall review the intended flight of UAVs for hazards prior to each deployment. Unless otherwise approved through the FAA pursuant to a COA or otherwise, authorized Department personnel shall only deploy UAVs within the line of sight of the operator in an attempt to detect and avoid hazards such as aircraft, trees, and property.
  - 3. Altitude: All UAV flights shall be conducted at less than 400 feet above ground level, or if operating over a structure at less than 400 feet above the top of the structure, unless otherwise noted in the COA or approved by the FAA in an emergency COA, or as permitted by other FAA regulations.

4. Weather:
- a. Temperature: Authorized Department personnel shall only deploy UAVs when the temperature is within the parameters set forth by the operational guidelines of the UAV. Authorized Department personnel shall adjust UAV battery and flight length as necessary according to temperature.
  - b. Wind: Authorized Department personnel shall measure wind velocity prior to each deployment and shall only deploy UAVs when the wind velocity is within the parameters set forth by the operational guidelines of the UAV.
  - c. Rain, snow, fog: Prior to deployment of a UAV, authorized Department personnel shall ascertain whether rain, snow, or fog may decrease visibility or operator safety. Authorized Department personnel may deploy UAVs if weather conditions do not prevent personnel from adhering to line-of-sight and minimum weather requirements.
- G. If pre-flight inspections are not deemed to be satisfactory, authorized department personnel shall immediately and before the initiation of the mission, notify the PIC. The planned flight shall be terminated until such time as the inspection is deemed satisfactory or the conditions causing the non-satisfactory inspection subside.
- H. Equipment malfunctions or adverse conditions during flight shall be reported to an authorized supervisory personnel member as soon as practicable; deployment shall be ceased immediately; and the equipment malfunction or adverse condition shall be documented in a written report.
- I. Authorized Department personnel shall store UAVs in a secure manner as well as maintain and operate UAVs with proper care.
- J. All UAV flights shall be documented on a form or database designed for that purpose and shall include pre-flight and post-flight information, including but not be limited to:
- 1. The reason or purpose for the flight.
  - 2. Date, time, duration and location of the flight.
  - 3. Name of the supervisor approving the flight.
  - 4. List of personnel assigned to the flight.
  - 5. The summary of actions taken, and the activities and outcomes from deployment.

6. A brief description of the captured DME and the storage location.
- K. Public actively tethered unmanned aircraft systems are to:
1. Operated at an altitude of less than 150 feet above ground level.
  2. Operate within class G airspace.
  3. Not flown directly over non-participating persons.
  4. Operate within visual line of sight of the operator and
  5. Operate in a manner that does not interfere with and gives way to any other aircraft.

## II. **PROGRAM COORDINATOR**

The Chief of Police will appoint a program coordinator (PC) who will be responsible for the management of the UAS program. The PC shall manage all deployments and uses of UASs to ensure that officers equipped with UASs devices utilize them in accordance with nationally recognized best practices; all applicable Department policies and procedures; and all applicable laws and regulations. The PC shall also be responsible for the following responsibilities:

- A. Coordinating the FAA Certificate of Authorization (COA) application process and ensuring that the COA is current and/or ensuring all requirements are met under 14 CFR 107 as the case may be.
- B. 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 UAS.
- C. Developing uniform protocol for submission and evaluation of requests to deploy a UAV, including urgent requests made during ongoing or emerging incidents. Deployment of a UAV shall require authorization from the Chief of Police or designee.
- D. Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- E. Implementing a system for public notification of UAS deployments whenever such notification will not interfere with lawful objectives such as those relating to criminal investigations, dignitary protection, officer safety, etc.
- F. Developing an operational protocol governing 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.

- G. Developing a protocol for fully documenting all missions.
- H. Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- I. Ensuring that DME is accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements.
- J. Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- K. Facilitating law enforcement access to images and data captured by the UAS.
- L. Recommending program enhancements, particularly regarding safety and information security.
- M. Ensuring that established protocols are followed by monitoring and providing quarterly reports on the program to the authorized supervisory personnel.

### **III. AUTHORIZED DEPLOYMENTS OF UAVs**

- A. All deployments of UAVs shall occur in accordance with state and federal legal and regulatory compliance, as well as in compliance with all applicable policies and procedures of this Department. UAVs may be used for, but not limited to, the following purposes:
  - 1. **Situational Awareness:** To assist decision-makers in understanding the nature, scale or scope of an incident and for planning and coordinating an effective response.
  - 2. **Initial Damage Assessments:** The UAS can augment the City's Damage Assessment Teams post-disaster in conducting the Initial Damage Assessment (IDA) in accordance with the City's Damage Assessment Plan. Digital photography, videography, and/or live camera feed from the UAS will assist Incident Commanders and the City's Emergency Operations Center in rapidly conducting "windshield surveys" of the damaged areas of the City, especially isolated areas with limited or reduced access due to damage.
  - 3. **Fire Suppression Operations:** The UAS Team can be deployed to increase the situational awareness of the Fire Department on any given fire scene by addressing goals such as identifying the fire perimeter and potential hot spots through the use of a thermal camera. Use of a thermal camera will be permitted under this use provided there is no suspicion of criminal activity and the use is

limited to meeting the needs of an on-going emergency and exigent circumstance. Otherwise, a warrant is required. Use of the UAS in this setting will be at the request of the fire agency. Such request shall be referred to the Chief of Police or designee, who shall authorize the deployment.

4. Search and Rescue: The UAS Team can be deployed for search operations for both Law Enforcement and for Public Safety reasons as the nature of the respective services have overlapping mission goals. The UAS can be deployed from the incident location to search faster than other resources available using tools including live video feed, night vision, and thermal camera capabilities. The UAS will assist the Incident Commander by quickly providing video feedback to increase situational awareness to support timely, strategic deployment of resources. Examples of some Search and Rescue missions may include suspects fleeing a crime scene, water rescue, lost persons, and Urban Search And Rescue (USAR) missions. Any observation made by the UAV shall be made in accordance with the provisions of the Fourth Amendment and any other relevant provision of law.
5. Tactical Operations: The UAS has the ability to gather intelligence to increase situational awareness with limited exposure to tactical operators. This ability is especially important in tactical situations where the suspect is armed with a firearm that is a direct threat to responding officers.
6. Hazardous Material (HAZMAT) Operations: The UAS has the unique ability to gather intelligence on a critical incident without exposing a person to harm.
7. Accident/Crime Scene Diagraming: The UAS Team will utilize the UAS along with digital photograph mapping software to document any critical incident, serious motor vehicle collision, and serious crime scene.
8. Department Assistance: To assist another government law enforcement agency in carrying out a mission that falls within the parameters of an authorized deployment as defined in this section.
  - a. All outside agency request for the use of Department UAVs shall be referred to the Chief of Police or designee, who shall authorize the deployment of a UAV to the outside agency whenever he/she deems it appropriate.
9. Dignitary Protection: The UAS may be utilized to scout areas where potential threats to Dignitaries/VIPs could exist or are anticipated based on available intelligence. This mission for the UAS will be

primarily for reconnaissance to further situational awareness but may include counter-UAS operations.

10. Criminal Investigations: Use of a UAV will be permitted to assist with criminal investigations. All aerial observations using the UAV involved in criminal investigations will be conducted in a manner consistent with the Fourth Amendment or other provision of the law, including obtaining search warrants as required by law. The City Solicitor's office will be consulted as needed.
  11. Education/Training: To demonstrate the law enforcement use of UAVs to the public. To assist remote pilots and aircrews in maintaining FAA part 107 Remote Pilot Certification.
- C. Authorized Department personnel shall not deploy UAVs in a careless or reckless manner or in violation of FAA rules governing use of UAVs by governmental agencies or any other applicable state or federal law.
  - D. No authorized Department personnel shall operate more than one UAV at any one time.

#### **IV. PROHIBITED USES**

- A. UAS photography and video surveillance equipment shall not be used:
  1. To conduct random surveillance activities.
  2. 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.
  3. To harass, intimidate or discriminate against any individual or group.
  4. To conduct personal business of any type.
  5. To view in real time or record video or photographs in an area or of a person where there exists a reasonable expectation of privacy until such a time when a valid search warrant has been obtained or an exception to the warrant requirement is applicable.
- B. The UAS shall not be weaponized.

#### **V. DME STORAGE, RETENTION, AND MANAGEMENT**

- A. The Digital Multimedia Evidence (DME) obtained during a UAV deployment shall be the sole property of the Department, and shall be



subject to the same storage, retention, and management parameters (including but not limited to alteration, deletion, viewing, sharing, dissemination, etc.) as those which pertain to body-worn camera video, images, audio, and data as outlined in General Order 320.02 *Body-Worn Camera (BWC) Program*.

- B. All DME shall be securely downloaded at the completion of each mission to the Evidence.com database. The UAS-certified operators will record information for each file that shall include the date, time, location, and case reference numbers or other mission identifiers, as well as the identities of the UAS personnel involved in the mission.

## **VI. PROVISIONS**

- A. The Office of Professional Responsibility shall annually audit UAV flight documentation and DME access records and produce an audit report to the Chief of Police detailing the results of the audit and any changes or corrections made to the flight time counter, captured DME, and DME access records.
- B. Authorized supervisory personnel shall annually audit the policy and procedures pertaining to UAVs and make recommendations for any necessary amendments.
- C. The UAS equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Providence Police Department.

### **APPROVED:**



COLONEL OSCAR L. PEREZ  
CHIEF OF POLICE