

adopted: 12/11/2013

OTHER MODEL POLICY

SUBJECT: UNMANNED AERIAL VEHICLE USE FOR LAW ENFORCEMENT Number: 2-39

EFFECTIVE DATE: 00/00/0000

REVIEW DATE: 00/00/0000

AMENDS/SUPERSEDES: 00/00/0000

APPROVED: _____
Chief Law Enforcement Officer

I. POLICY

It is the policy of this agency to utilize Unmanned Aerial Vehicle's (UAV's) for the focused and limited purpose of criminal investigations or public safety. UAV's, related equipment and technology, and data collected from their deployment shall be used in a lawful manner consistent with all provisions of the United States and Maine Constitutions. It is also the policy of this agency to allow for the deployment of UAV's for emergency use approved by the Chief Law Enforcement Officer or the Governor; or for the training, testing and evaluation of the UAV by this agency.

II. PURPOSE

The purpose of this policy is to establish minimum standards on the use and oversight of UAV's for this agency.

III. DEFINITIONS

A. Unmanned Aerial Vehicle (UAV): Means an aircraft that is operated without a physical human presence within or on the aircraft which, in the manner in which it is used or the manner in which it is equipped, is capable of performing audio or visual surveillance and guided by remote control.

VI. PROCEDURES - General

A law enforcement officer (LEO) of this agency shall be allowed to use UAV's for criminal investigations or public safety purposes, providing the requirements below are followed:

A. Prior to the deployment of the UAV, a LEO must be adequately trained in its use and operation, and must be knowledgeable of the standards set forth in this policy.

- B. Any operation by a LEO of this agency of the UAV must fully comply with all Federal Aviation Administration (FAA) requirements and guidelines, including the acquisition of a Certificate of Authorization or Waiver from the FAA, as well as with any other applicable law.
- C. A LEO may not deploy the UAV for criminal investigative purposes without the knowledge and prior approval of the Chief Law Enforcement Officer (CLEO) of this agency.
- D. Prior to deploying a UAV for criminal investigation purposes, a LEO shall consult with and seek guidance from the authority having prosecutorial jurisdiction over the investigation, as a search warrant may be required. This does not apply to UAV deployments for non-investigative public safety use or for the purpose of training, testing, or evaluation of the UAV.
- E. A LEO that deploys the UAV shall properly document each such deployment on the appropriate agency report forms. Such documentation must include at a minimum:
 - 1. The date, time(s) and purpose of each deployment.
 - 2. Whether a search warrant was sought by this agency for each deployment.
 - 3. Whether a search warrant was obtained by this agency for each deployment.
- F. A LEO that mistakenly deploys the UAV must promptly report the deployment to the CLEO. Such report must describe the circumstances under which the UAV was deployed and a plan of action describing how such mistaken deployment will be avoided in the future.
- G. A LEO that deploys the UAV must have the capability to adequately track and record the flight pattern and location of the UAV.
- H. A LEO may not deploy more than one UAV at any one time, in any one area, or at any one event without first coordinating and defining the parameters of the area where each deployed UAV will be operated.
- I. A LEO that intentionally uses the UAV without proper authorization or in deviation of the standards set forth in this policy shall be subject to disciplinary action, up to and including termination.

V. PROCEDURES - Restriction on the Use of UAV's

- A. Written approval by the CLEO is required prior to the deployment of a UAV equipped with any of the following items:
 - 1. Night vision technology.
 - 2. High-powered zoom lenses.
 - 3. High-powered acoustical listening devices.
 - 4. Thermal imaging technology.
- B. In **NO** circumstances will the UAV ever be equipped with:
 - 1. Facial recognition technology.
 - 2. Weapons of any kind.
- C. UAV's must be operated by a LEO at an altitude, a speed, and with a planned flight pattern that will ensure that the invasion of privacy of third parties who are not under investigation is minimized.
- D. A LEO shall not deploy the UAV to conduct surveillance on private citizens peacefully exercising their constitutional right of free speech and assembly.

VI. PROCEDURES - Audio and Video Recordings

- A. UAV's must be operated by a LEO at such an altitude, a speed, and with a planned flight pattern that will ensure that inadvertent audio and video recordings of private spaces of third parties not under investigation are avoided or minimized. Any recording made under these circumstances shall not be duplicated or disseminated by this agency, and must be permanently erased or destroyed by this agency within a reasonable amount of time.
- B. Audio and video recordings made by any LEO of the UAV shall constitute "intelligence and investigative information" under applicable Maine law, and will only be duplicated and further disseminated in accordance with such law¹.

¹ 16 M.R.S §801 et seq.

VII. PROCEDURES - Avoiding Hazards

- A. The UAV deployed in an area in close proximity to persons, objects or to private property must be equipped with the capability to safely stabilize the flight in the event that the operator cannot control or observe the UAV.
- B. A LEO deploying the UAV at an altitude that might reasonably be expected to cause the UAV to encounter, and possibly harm persons or objects, must keep the UAV subject to observation at all times, in order to minimize the risk of such encounters.

MAINE CHIEFS OF POLICE ASSOCIATION - ADVISORY

This Maine Chiefs of Police Association model policy is provided to assist your agency in the development of your own policies. All policies mandated by statute contained herein meet the standards as prescribed by the Board of Trustees of the Maine Criminal Justice Academy. The Chief Law Enforcement Officer is highly encouraged to use and/or modify this model policy in whatever way it would best accomplish the individual mission of the agency.

DISCLAIMER

This model policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for administrative sanctions by the individual law enforcement agency and/or the Board of Trustees of the Maine Criminal Justice Academy. This policy does not hold the Maine Chiefs of Police Association, its employees or its members liable for any third party claims and is not intended for use in any civil actions.