

East Grand Forks Police Department Unmanned Aircraft Systems (UAS)

Directive: 46.2.1

Reference: MN Statue 626.19 – Use of Unmanned Aerial Vehicles

Authorized by: _____
Michael S. Hedlund, Chief of Police

Effective Date: December 20, 2023

Public Comment Period: Prior to the purchase or operation of UAS, Minnesota law enforcement agencies are required to provide the public an opportunity to comment on the program and the use of UAS (electronic or mailed comments). The governing body (City of East Grand Forks) must also provide an opportunity for the public to comment at a regularly scheduled meeting. The period for Public Comment was designated as: December 5 – 19, 2023. The City of East Grand Forks City Council held a Public Hearing on this topic at their regular meeting on December 19, 2023. A copy of this Department Directive (and all following amended versions – if any) must be posted on the Department’s website.

Distribution: All Personnel (Electronic Version), Dispatch Center, Office of the Chief of Police (Original)

I. PURPOSE

It is the purpose of this policy to provide police employees with guidelines associated with the use of Unmanned Aircraft Systems (UAS). This directive outlines duties and responsibilities relevant to Public Safety UAS. In addition to this directive, all East Grand Forks Police Department members of the Northeast Regional UAS (NERUAS) Team operate under, and shall adhere to, the approved Grand Forks NERUAS General Operating Manual (GOM).

II. POLICY

It is the policy of the East Grand Forks Police Department (EGFPD) that police employees shall adhere to the requirements established herein in order to properly and safely operate any unmanned aircraft systems (UAS). The EGFPD shall operate UAS as allowed through their membership in the Grand Forks Regional Special Operations Group (SOG). Only EGFPD officers who are official members of the SOG UAS Team are authorized to operate UAS in a law enforcement capacity.

III. OBJECTIVE

The objective of using a UAS is to enhance the crime prevention efforts of the EGFPD and other local, state and federal law enforcement agencies within our region through UAS deployment as allowed in this Directive.

IV. DEFINITIONS

- A. Unmanned Aircraft Systems (UAS) – An unmanned aircraft vehicle and associated elements, including communication links and components that control the unmanned aircraft vehicle (UAV), which are required for the pilot in command to operate safely and efficiently in federal airspace.
- B. Visual Observer – A Visual Observer is a law enforcement employee (or other assigned member of the SOG UAS) whose primary duty is to assist the UAS Pilot in scanning the airspace surrounding the UAS operation and, if necessary, interpreting downlink data received from the UAS. The Visual Observer must maintain a valid driver's license.
- C. UAS Pilot – The UAS Pilot will be responsible for the operation of the UAS system and their primary duty is the safe and effective operation of the agency's UAS (or the UAS of a partner agency) in accordance with the manufacturer's approved flight manual, FAA regulations, NEURAS Team policies and procedures and restrictions as specified in this Directive.

V. PROCEDURES

A. UTILIZATION OF THE UAS TEAM

- a. Any officer may request the assistance of an on-duty EGFPD UAS officer assigned to the UAS Team. If there is not an EGFPD officer who is assigned to the UAS Team on duty it will be up to the discretion of the on-duty supervisor to determine if it is appropriate to call out an EGFPD officer who is assigned to the UAS Team or request a UAS Team activation as appropriate. The EGFPD UAS officer shall assess the situation and determine deployment options and identify:
 - i. If a UAS can be used.
 - ii. How a UAS can be used.
 - iii. Whether additional officers are needed to prevent interference with UAS usage and scene security.
 - b. All EGFPD employees are responsible to:
 - i. Be aware of situations where the deployment of a UAS may be appropriate.
 - ii. Be ready to act as a visual observer (if properly trained).
 - iii. Follow the commands and instructions of the Pilot when operating around the UAS.
- B. AUTHORIZED USE – A law enforcement agency may use an UAS in the following situations:**
- a. During or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person.
 - b. Over a public event where there is a heightened risk to the safety of participants or bystanders.
 - c. To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.

- d. 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.
- e. To conduct a threat assessment in anticipation of a specific event.
- f. To collect information from a public area if there is reasonable suspicion of criminal activity. Examples may include but are not limited to:
 - i. Searches for suspects.
 - ii. Searches for victims.
 - iii. Crime scene documentation.
 - iv. Alarm activations and crimes in progress.
 - v. Support of tactical operations.
- g. To collect information for crash reconstruction purposes after a serious or deadly crash occurring on a public road.
- h. Over a public area for officer training or public relations purposes.
- i. 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 the proposed period of use.

C. LIMITATION ON USE – Law enforcement use of a UAS is restricted in the following manner:

- a. UAS use is limited to the scope and restrictions of the Grand Forks Regional Special Operations Group UAS Team policies and procedures as well as any limitations specified in this Directive.
- b. The law enforcement agency using the UAS must comply with all Federal Aviation Administration requirements and guidelines.
- c. A law enforcement agency must not deploy a UAS with facial recognition or other biometric-matching technology unless expressly authorized by a warrant.
- d. A law enforcement agency may not equip a UAS with weapons.
- e. A law enforcement agency may not use a UAS to collect data during public protests or demonstrations unless expressly authorized by a warrant or an exception applies from Section IV – A.

Any information that is obtained or collected by a law enforcement agency in violation of this Directive is not admissible as evidence in a criminal, administrative, or civil proceeding against the data subject.

D. REQUIRED DOCUMENTATION – The UAS Pilot must document each use of the UAS with the following information:

- a. A unique case number.

- b. A factual basis for the use of the UAS.
 - c. The applicable allowable use from section IV-A unless a warrant was obtained.
- E. DATA CLASSIFICATION AND RETENTION – Data collected through the use of a UAS may be considered public or private depending on the following:
- a. If an individual requests a copy of the recording, data on other individuals who do not consent to its release must be redacted from the copy.
 - b. UAS data may be disclosed as necessary in an emergency situation covered under Section IV-A-a.
 - c. UAS data may be disclosed to the government entity making a request for the UAS use under subdivision IV-A-i.
 - d. UAS Data that are criminal investigative data are governed by MN Statute Section 13.82 subdivision 7. Data from an active criminal investigation is considered private or non-public. Data from an inactive criminal investigation is generally considered public with certain exceptions. See MN Statute Section 13.82 Subdivision 7 for more information.
 - e. UAS data that is not public data under other provisions of Chapter 13 retain that classification.
 - f. MN Statute Section 13.04, subdivision 2, does not apply to data collected by a UAS. This refers to the normal requirement that individuals who have been asked to provide private or confidential information must be given a Tennessen Warning.

Notwithstanding MN Statute Section 138.17 (the State Statute that covers data retention/destruction), a law enforcement agency must delete data collected by a UAS as soon as possible, but in no event later than seven days after collection unless the data is part of an active investigation.

F. REPORTING –

- a. By January 15 of each year, each law enforcement agency that maintains or uses a UAS shall report to the commissioner of public safety the following information for the preceding calendar year:
 - i. The number of times a UAS was deployed without a search warrant issued under this chapter, identifying the date of deployment and the authorized use of the UAS under Section IV.
 - ii. The total cost of the agency's UAS program.

G. TRAINING –

Members of the UAS team shall attend training as required by the team leaders. Prior authorization from the team member's direct supervisor is required.