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| | UNMANNED AERIAL SYSTEM (UAS) | | EFFECTIVE DATE 05/12/2022 |
| | | | ORIGINATOR SUPPORT SERVICES |
| DISTRIBUTION ALL MANUALS | AMENDS/SUPERSEDES/CANCELS P&P 557 dated 09/05/2019 | | |

I. PURPOSE:

The purpose of this policy is to establish the functions, duties and responsibilities of the Hampton Police Unmanned Aerial System (Drone) Unit, assigned personnel and operations.

II. POLICY:

It shall be the policy of those personnel of the Hampton Police Division who are trained in the use of the UAS to utilize this program and equipment to protect the lives and property of the citizens of Hampton and to assist in emergency operations in a constitutional and legal manner. It shall be the policy of the UAS program to be utilized in circumstances which would save life and property, as well as being able to detect possible dangers that would not have otherwise been identified.

It shall also be the intent of the Hampton Police Division's UAS program to ensure that UAS operations do not supersede the issuance of a warrant when needed or to be operated in lieu of such warrant unless under a legal, sound and articulable emergency situations in which immediate jeopardy exists to the safety of the public, person or property.

III. DEFINITIONS:

Unmanned Aircraft System (UAS) – An aircraft that is intended to navigate in the air without an on-board pilot. Also called Remote Piloted Aircraft or “drone.”

Unmanned Aircraft Pilot - A person exercising control over an unmanned aircraft during flight.

CoA – Certificate of Authorization. A CoA is an FAA authorization for UAS operations under specific requirements.

Pilot in Command – The Pilot In Command (PIC) is responsible for all UAS activities during operations. The PIC does not need to be the crewmember that physically operates the UAS; however must be on scene and is accountable for all crewmember activities.

IV. PROCEDURE:

A. ORGANIZATION:

APPROVED:
CHIEF OF POLICE



The purpose of the Hampton Police Division's UAS program is to provide aerial support during investigative missions, tactical response missions, or other emergencies in which there is a real and present danger to the community and property.

To achieve these objectives, the UAS program will be staffed and managed by qualified division personnel who have met the minimum requirements for such a program. The program must be mindful of the balance between the Division's desire and obligations to protect and serve the community and the community's constitutional rights to privacy and the unwanted intrusion into their personal lives by law enforcement. While this line may, at times become blurred, it is the intention of the Hampton Police Division to error on the side of the community and the individual's right to privacy whenever, and wherever possible.

The UAS unit will fall under the Support Services Branch for day-to-day administrative accountability and chain of command.

When operating in an ICS environment, i.e. a situation with an assigned Incident Commander, the UAS Crewmember(s) will report directly to the Operations Section Chief as part of the "INTEL UNIT".

When operating in support of a fire incident, the UAS crew will be assigned as directed by the Fire Ground Incident Commander.

When operating in a tactical environment, i.e. SWAT call outs, the UAS Crewmember(s) will report directly to the Tactical Operations Commander, unless otherwise ordered.

When operating in any other situation, i.e. crime scene or accident investigations, the UAS Crewmember(s) will report to the supervisor in charge.

UAS operations by public entities, i.e. Law Enforcement or Fire Services, do not require special licenses or certificates to operate while under a CoA.

1. **Personnel/Responsibilities**

UAS Unit Commander Responsibilities:

- a. Maintain all training, flight and maintenance records for each pilot and airframe
- b. Responsible for all unit equipment maintenance
- c. Maintain FAA regulations applicable to the UAS program
- d. Ensure all Certificate of Authorizations (CoA's) are up to date
- e. Maintain a working relationship with local airspace managers
- f. Participate in the semi-annual UAS review committee meetings
- g. Track all UAS issues pertaining to private, commercial and public users
- h. Develop and provide to Communications, a monthly on call roster
- i. All responsibilities of UAS Crewmember.

UAS Pilot

To be considered as a UAS Crewmember you:

- a. Must be in good standing within the division.
- b. Must have been a member of the Hampton Police Division for at least 24 months.
- c. Have no sustained negative disciplinary actions for at least 12 months.
- d. Minimum of a “3” on the previous two Performance Evaluations.
- e. Be approved by the Chief of Police or his designee.

UAS Crewmembers must have an understanding of and comply with all FAA and military regulations applicable to the airspace where the UAS will operate. The two primary NAS classes that HPD would be operating within are Class D and Class E airspaces.

A UAS Crewmember’s primary duty is the safe and effective operation of HPD’s UAS aircraft in accordance with the manufacturers’ approved flight manual, FAA regulations and agency policy and procedures. UAS Crewmembers must remain knowledgeable of all applicable FAA regulations; UAS manufacturer’s flight manual, safety bulletins, unit SOP and HPD policy and procedures.

UAS Crewmembers may be temporarily or permanently removed from the unit at any time by the UAS Unit Commander, Support Services Branch Commander or Chief of Police for reason including but not limited to; performance, proficiency, and physical/mental condition. Should this become necessary, the UAS Crewmember will be notified verbally and in writing of the reason, further action to be taken and expected duration of such removal.

2. Responsibilities:

- a. If the UAS PIC determines that the use of the UAS would violate department policy, rules and regulations, city ordinances, state or federal laws and/or FAA regulations, then the UAS PIC will inform the IC of the potential conflict along with recommendations for modifying the requested mission to conform to proper procedures.
- b. Report any abnormal mission parameters to the UAS Unit Commander.
- c. Remain up to date on current UAS issues and regulations
- d. Must ensure that situations in which a search warrant is required for evidence obtained by the UAS has been properly obtained and verified.
- e. **Flight planning.** The UAS PIC will ensure that the appropriate notifications to local ATC are completed prior to flight.
- f. **Local flight area.** Each UAS pilot Crewmember will be familiar with the local flight area, all local flight rules, location of towers and power lines as well as heavily populated events or locations.

- g. **Local flight area civilian notification.** Prior to each flight, the UAS PIC will contact Communications and the PIO on call and provide the location area of the flight and estimated flight operations time frame.
- h. **Weather briefing.** Prior to each flight, the UAS PIC will ensure that local operating area weather will permit the operation of the aircraft. The UAS will not be flown in conditions outside of the manufactures specified parameters or FAA weather requirements.
- i. **Communications with local ATC.** The UAS PIC will maintain the ability to communicate with local ATC whether by phone or radio. The UAS pilot will ensure that local ATC personnel are provided the UAS PIC's contact number in the event that ATC personnel must contact the UAS PIC.
- j. **UAS Mission Form.** All flights will be documented using the approved UAS Mission Form which will be submitted to the UAS Unit Commander within 24 hours of the flight.
- k. Responsible for the condition of the unit equipment during operational or training usage.

3. **UAS Observer**

Observers must have been provided with sufficient training to communicate clearly to the pilot any turning instructions required to stay clear of conflicting traffic and hazards known as "See and Avoid".

B. OPERATIONS:

1. **Requests for UAS Support**

Scheduling: The UAS program is designed to be available for use in a wide array of missions. Standard mission requests can be made to the UAS Unit Commander via phone or email and arrangements will then be made to facilitate the execution of the mission.

2. **Call-Out Procedures**

- a. In the event that an after-hours mission is requested and the UAS Crewmembers are off duty, and after having received permission to request UAS support from the proper authority, the on scene commander / supervisor may request communications to contact the UAS Crew callback list.
- b. The requesting unit will assume responsibility for any overtime rate generated as a result of the call-out. A minimum of two (2) hours of overtime will be assessed for any call-out for both the UAS pilot and observer. The UAS Coordinator will ensure that Communications receives an updated callback roster every month with the name and contact phone number of the UAS Crew available for callback.

- c. The UAS program is not to be used for any city or private organization outside of the Hampton Police Division, the Hampton Fire Department or the Hampton City Emergency Managers Office. Requests for mutual aid for emergency situations will be cleared with the Support Services Commander.

C. MISCELLANEOUS

The protection of a citizen's civil rights and reasonable expectation of privacy will be considered prior to the launch of any UAS mission. UAS Crewmembers will ensure and will be held accountable for ensuring that operations of the UAS intrude to a minimal extent upon the citizens of Hampton. To accomplish this, UAS Crewmembers and or program will:

1. Ensure that the camera system is not recording until such time as a photographic/ video requirement has been achieved. This will help to reduce the inadvertent image recording of uninvolved persons or property.
2. Ensure that all photographic/video images will be maintained in strict compliance with current divisional P&P #718, "*Digital Photography*" and this policy via Evidence.com.
3. With reference to *Presidential Memorandum to promote economic competitiveness and innovation while safeguarding privacy, civil rights, and civil liberties in the domestic use of Unmanned Aircraft Systems (UAS)*, the UAS Unit will not use, retain, or dissemination collected data in any manner that would violate the First Amendment or in any manner that would discriminate against persons based upon their ethnicity, race, gender, national origin, religion, sexual orientation, or gender identity, in violation of law.
4. Ensure that any citizen complaints concerning the division's use of a UAS or the UAS program will be address according to current divisional policies and procedures through the division's Professional Standards branch.
5. Ensure that the UAS program will not be used to conduct random surveillance activities. The use of the UAS program will be for legitimate and lawful purposes in accordance with this policy and the Code of Virginia, §19.2-60.1, "*Use of unmanned aircraft systems by public bodies; search warrant required*".
6. Information pertaining to this policy shall be available through the Division's participation in the Open Data Project which is accessible through the Division's website.
7. In compliance with the Code of Virginia, §19.2-60.1, "*Use of unmanned aircraft systems by public bodies; search warrant required*", a search warrant **IS NEEDED** and must be obtained prior to flight operations for any situation in which video/photographic evidence, regardless of the location, is needed in the furtherance of investigative efforts and potential criminal adjudication of a suspect(s).

§19.2-60.1(B). *No state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations, including but not limited to the Department of State Police, and no*

department of law enforcement as defined in § 15.2-836 of any county, city, or town shall utilize an unmanned aircraft system except during the execution of a search warrant issued pursuant to this chapter or an administrative or inspection warrant issued pursuant to law.

§19.2-60.1(C). *Notwithstanding the prohibition in this section, an unmanned aircraft system may be deployed without a warrant (i) when an Amber Alert is activated pursuant to § 52-34.3; (ii) when a Senior Alert is activated pursuant to § 52-34.6; (iii) when a Blue Alert is activated pursuant to § 52-34.9; (iv) where use of an unmanned aircraft system is determined to be necessary to alleviate an immediate danger to any person; (v) by a law-enforcement officer following an accident where a report is required pursuant to § 46.2-373, to survey the scene of such accident for the purpose of crash reconstruction and record the scene by photographic or video images; (vi) by the Department of Transportation when assisting a law-enforcement officer to prepare a report pursuant to § 46.2-373; (vii) for training exercises related to such uses; ~~or~~ (viii) if a person with legal authority consents to the warrantless search; or (ix) by a law-enforcement officer to (a) aerially survey a primary residence of the subject of the arrest warrant to formulate a plan to execute an existing arrest warrant or *capias* for a felony offense or (b) locate a person sought for arrest when such person has fled from a law-enforcement officer and a law-enforcement officer remains in hot pursuit of such person.*

8. In compliance with the Code of Virginia, §19.2-60.1, “Use of unmanned aircraft systems by public bodies; search warrant required”, a search warrant is **NOT NEEDED** for the following operations:

Amber Alert activation pursuant to §52-34.3

Senior Alert activation pursuant to §52-34.6

Blue Alert activation pursuant to §52-34.9

Where the use of a UAS is determined to be necessary to alleviate an immediate danger to any person

Training exercises

Any situation, if a person with legal authority, consents to a warrantless search

Examples may include:

Search and Rescue

Endangered Missing Person

Fleeing Felon

Armed suspect

Crowd Control

Explosive Ordnance Disposal

Hostage and Barricade Situations

CBRNE Incident (*chemical, biological, radiological, nuclear, and explosives*)

Perimeter Security

Enhance Situational Awareness

9. In compliance with the Code of Virginia, 19.2-60.1, “*Use of unmanned aircraft systems by public bodies; search warrant required*”, a search warrant is **NOT NEEDED** when in support of the Commonwealth for purposes other than law enforcement including:

- Damage Assessment
- Traffic Assessment
- Flood Stage Assessment
- Wildlife Assessment

10. The UAS Commander is responsible for annually reviewing existing UAS Policies and Procedures, Standard Operating Procedures as well as new technologies, laws and regulations pertaining to UAS operations, and presenting recommended changes to the policy review board.