

Sioux Falls Police Department

Partnering with the community to serve, protect, and promote quality of life!

Policy: Utilization of Unmanned Aircraft System	Related Policies:	Section #: 1000 Operations <hr/> Policy #: 1019 <hr/> Effective: 3/2021 <hr/> Page 1 of 4
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can be used as basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>		
Policy Owner: USD		
Reference:		
Sensitivity Level: <input checked="" type="checkbox"/> Public <input type="checkbox"/> Law Enforcement Eyes Only		

1. Purpose and Scope:

1.1 The purpose of this Policy is to establish procedures governing the utilization and deployment of an Unmanned Aircraft System (UAS). This Policy applies to all personnel requesting or operating a UAS. This Policy has been reviewed by the City Attorney's Office and local FAA personnel to confirm there is legal authority to operate the UAS for the intended purpose and to operate the UAS within our jurisdiction. Recognizing that the purpose and utility of the UAS Program may evolve over time, certain changes to the UAS program's stated purpose that may impact individual rights will be reviewed by the City Attorney's Office. The City Attorney's Office representative for the Sioux Falls Police Department will work directly with the UAS Commander to ensure compliance with issues of privacy, civil rights and civil liberties.

Incidents in the City of Sioux Falls may exceed the scope, skills and resources of patrol/detective personnel. In these situations, the deployment of a UAS may be authorized. Examples of authorized missions include but are not limited to: Search and Rescue, Explosive Ordinance Detection Missions, Disaster Response, Barricaded Subjects, Hostage Situations and other high-risk tactical operations, Hazardous Materials Incidents, Fire Related Incidents, Event Security and Crime Scene Mapping. A UAS can support personnel in these incidents which would benefit from an aerial perspective. The use of the UAS will allow for the enhanced protection of the public in high risk environments. The UAS shall not be used for random surveillance missions or missions that would violate the privacy rights of the public.

2. Mission

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2.1 The mission of the UAS is to protect the lives and property of residents and visitors in a constitutionally and legally sound manner in compliance with Federal Aviation Administration regulations. A UAS may be utilized in circumstances which would save life and property, as well as in situations to detect dangers that could not otherwise be seen.

3. Procedures

- 3.1 The Sioux Falls Police Department will maintain a cadre of trained Law Enforcement Officers certified by Federal Aviation Administration regulations to operate a UAS.
 - 3.1.1 Team members with access to stored data will receive training designed for the specific software and hardware employed by the UAS Team.
 - 3.1.2 Team members responsible for handling UAS support requests from other agencies will be trained in and adhere to Department standard operating procedures for handling such requests. All UAS support requests from outside agencies must be approved by the Chief of Police or his designee.
 - 3.1.3 Team Members will not use any UAS acquired data for personal use.
- 3.2 Only those personnel authorized by the Sioux Falls Police Department to operate a UAS will be charged with doing so.
- 3.3 The minimum personnel required on all UAS missions will be a two-person team consisting of a qualified operator and observer.
- 3.4 All requests for the use of the UAS will be evaluated and authorized or denied by Shift Commander, UAS Team Commander or his designee prior to deployment.
- 3.5 The UAS operator is directly responsible for and is the final authority over the actual operation of the UAS. UAS operators have absolute authority to reject a flight based on personnel safety, public safety or violation of FAA regulations. UAS operators are responsible for compliance with this order, Department Policy and FAA regulations.
- 3.6 The UAS operator is responsible for making all required FAA notifications prior to operating a UAS.

- 3.7 The UAS Team Commander or designee is responsible for notifying the Chain of Command prior to any UAS operations and ensuring that all UAS operations are supervised.
- 3.8 Each UAS operator shall be cognizant of and sensitive to the privacy rights of individuals when operating the UAS. If circumstances require the use of the record function of the camera, the operator shall note this on the incident report.
- 3.8.1 Recorded images of individuals shall not be retained beyond a reasonable period as defined by existing agency/departmental policy unless there is authorization based on a legal, policy or operational purpose. Collection, use, dissemination, or retention of unmanned aircraft system-recorded data should not be based solely on individual characteristics such as race, ethnicity, national origin, sexual orientation, gender identity, religion, age, or gender, which is a violation of the law. The users of UAS-recorded data are responsible for ensuring dissemination of data is authorized and consistent with the recipients' legitimate need to know and authority to receive such data; any further dissemination by a data recipient should require the data owner's prior consent, which should only be provided upon the advice of the City Attorney's Office. Our current UAS does not collect and store Personally Identifiable Information. If a UAS with this ability is ever utilized, previous authorization must be obtained from the Chief of Police. In this eventuality, any collection of Personally Identifiable Information will be limited in accordance with OMB M 7-16. Requests for UAS data by commercial entities, civil litigants, or Freedom of Information Act requesters should be reviewed by the City Attorney's Office to determine if such sharing is appropriate and permissible under State and Federal law. The UAS Commander will employ reasonable technological or administrative safeguards to ensure that images of people incidentally recorded who are not relevant to an operation are not disseminated or viewed unnecessarily to protect individual rights. This is especially important for recordings that include images of minors not relevant to an operation. UAS-recorded data will be properly labeled with the appropriate case or incident number and uploaded to the Getac system for ease of retrieval and destruction per Department Policy. All uploaded video will be encrypted using current and approved federal standards. A robust audit log of video viewing will be maintained and reviewed regularly.
- 3.9 Respecting Constitutionally Protected Activities: At times, the Sioux Falls Police

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Department may find it necessary to deploy unmanned aircraft systems to protect the public safety or respond to emergencies while other constitutionally protected activities may be taking place at the same location. The operator of the UAS will adhere to the following considerations:

- 3.9.1 Incidental images of identifiable individuals that are recorded, but not needed for legal compliance or law enforcement purposes, should be deleted according to established procedures and within 180 days.
 - 3.9.2 Be attuned to the potential privacy risks or legal ramifications arising from inadvertently capturing images of individuals engaging in constitutionally protected activities. The UAS Commander will establish appropriate guidelines and administrative controls to anonymize, destroy, safeguard or prevent the misuse of such data, consistent with State and Federal law.
 - 3.9.3 Unmanned aircraft system-recorded data should 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. Examples of these are protests and demonstrations.
- 4.0 To ensure UAS operations continue to comply with all existing agency policies and regulations, the City Attorney's Office representative to the Sioux Falls Police Department will perform a program assessment, at a minimum, once every two years.
 - 4.1 The Sioux Falls Police Department regards the investigation of all complaints made against its employees as important to its overall mission of providing dependable, quality services to the citizens of Sioux Falls. All complaints alleging inappropriate capture of Personally Identifiable Information will be investigated.
 - 4.1.1 All complaints will be referred to an on-duty Shift or Section Supervisor.
 - 4.1.2 The supervisor will make every effort to contact the complainant as soon as possible and gather all available details. When the investigation is complete the complainant will be contacted and advised of the outcome.
 - 4.2 The UAS Commander will conduct regular outreach campaigns to keep the citizens of Sioux Falls apprised of the purpose and authorized uses for the UAS program. This outreach will be conducted through media releases or the Sioux Falls Police Department social media accounts.

- 4.2.1 The UAS Commander will work to provide public notice through media releases or social media posts when planned public events or training exercises utilizing the UAS are conducted.

- 4.3 The UAS Commander will submit a report of UAS operations annually to the Chief of Police and City Attorney. The UAS activity report will include a brief description of types or categories of missions flown, and the number of times the Sioux Falls Police Department provided UAS assistance to other agencies, or to state, local, tribal, or territorial governments. The UAS activity report will be published in the Sioux Falls Police Department's annual report which is available for public viewing in printed and online formats.