

**General Orders Manual**  
**Athens Police Department**



**20.14 – Unmanned  
Aerial System**

**Effective Date: 02/18/2022**

**Reviewed Date:**

**Replaces:**

**Issued by: John M. Densmore, Chief of Police**

**TBP Reference:**

**Related Orders:**

**I. PURPOSE:**

The purpose of this policy is to establish guidelines for the use of an Unmanned Aerial System (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS. The Athens Police Department will operate the UAS in accordance with the guidelines/rules of Part 107 of the Federal Aviation Administration (FAA) and the Certificate of Authority (COA). The Small Unmanned Aircraft (UA) will not operate in an area not covered by Part 107 or approved Certification of Authority (COA) unless an emergency COA has been obtained, or the FAA has granted permission to operate within a specific area not covered by Part 107.

**II. POLICY:**

A UAS/UA may be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with individuals' constitutional and privacy rights and the Federal Aviation Administration (FAA) regulations.

**III. DEFINITIONS:**

- A. Unmanned Aerial System (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.
- B. Small Unmanned Aircraft (UA)** - A small unmanned aerial system weighing less than 55 pounds, including everything that is onboard or otherwise attached to the aircraft, which can be flown without the possibility of direct human intervention from within or on the aircraft.
- C. Small Unmanned Aircraft System (sUAS)** - A small UA and its associated elements (including communication links and the components that control the small UA) that are required for the safe and efficient operation of the small UA.

- D. **Image** - Any capturing of sound waves, thermal, infrared, ultraviolet, visible light or other electromagnetic waves, odor, or other conditions existing on or about real property in this state or an individual located on that property (Tex. Gov't Code § 423.001).
- E. **Federal Aviation Administration (FAA)** - The agency of the United States Department of Transportation responsible for the regulation and oversight of civil aviation within the United States and the operation and development of the National Airspace System.
- F. **Certification of Authority (COA)** - A document issued by the FAA that allows a public entity to conduct flight operations of a sUAS within a specific area and altitude clearance.

#### IV. **PRIVACY**

The use of the UAS/UA potentially involves privacy considerations.

- A. Absent a warrant or exigent circumstances, operators and observers shall adhere to Federal Aviation Administration (FAA) altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure).
- B. Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.
- C. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

#### V. **PROGRAM**

- A. The **Officer in Charge (OIC)** will be responsible for the management of the UAS program. The Officer in Charge will ensure that policies and procedures conform to current laws, regulations, and best practices, and will have the following additional responsibilities (Tex. Gov't Code § 423.007):
  - 1. Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current;
  - 2. 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 the use of a UA/UAS;
  - 3. Developing protocols for conducting criminal investigations using a UAS, including documentation of time spent monitoring a subject;
  - 4. Developing operational protocols governing the deployment and operation of a UAS/UA including, but not limited to:
    - 5. Safety oversight;
    - 6. Use of visual observers;
    - 7. Establishment of lost link procedures, and secure communication with air traffic control facilities;

8. Developing a protocol for fully documenting all missions;
9. 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;
10. Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to the chain of custody requirements;
11. Using electronic trails, including encryption, authenticity certificates, and date and time stamping, as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody;
12. Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules;
13. Facilitating law enforcement access to images and data captured by the UAS;
14. Recommending program enhancements, particularly regarding safety and information security.

**B. ADDITIONAL DUTIES**

Additional duties of the Officer in Charge include:

1. Ensuring the U/A is kept in an airworthy status;
2. Ensuring the U/A is properly marked with a registration number as required by Federal Regulations.
3. Ensuring crew members have developed written pre-flight procedures that are utilized before deployment;
4. Ensuring crew members have developed written launch procedures that are utilized during the launching of the aircraft;
5. Ensuring crew members have written System Emergency Procedures that are rehearsed and monitored for during the flight.

**VI. USE OF UAS/UA**

**A. Only authorized operators who have completed the required training shall be permitted to operate the UAS/UA.**

1. Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protected privacy interest, or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.
2. UAS shall only be used pursuant to a valid search or arrest warrant, or if the image is captured (Tex. Gov't Code § 423.002):
  - (a) In the immediate pursuit of a person law enforcement officers have reasonable suspicion or probable cause to suspect has committed a felony;
  - (b) For the purpose of documenting a crime scene where a felony has been committed;
  - (c) For the purpose of investigating the scene of:
    1. A death investigation;
    2. A motor vehicle accident causing death or serious bodily injury to a person, or
    3. Any motor vehicle accident on a federal interstate, highway, farm to market road or local road.

- (d) In connection with the search for a missing person;
- (e) For the purpose of conducting a high-risk tactical operation that poses a threat to human life;
- (f) Of private property that is generally open to the public where the property owner consents to law enforcement public safety responsibilities;
- (g) To survey an area to determine if a state of emergency should be declared, or to preserve public safety and protect property during a state of emergency, or
- (h) For the purpose of fire suppression or rescuing a person whose life is in imminent danger;
- (i) To preserve Officer or public safety.

**VII. PHOTOGRAPHIC EVIDENCE**

- A. Any evidence (images) obtained from the use of a UA shall be turned in to the Property and Evidence room. Additionally, evidence will be documented in the member's offense or supplemental report.

**VIII. AIRCRAFT MAINTENANCE**

- A. Basic maintenance will be performed by qualified crew members and includes, but is not limited to:
  - 1. Cleaning;
  - 2. Tightening of nuts or bolts;
  - 3. Aircraft payload cleaning, and
  - 4. Any other maintenance the crew is able to perform
  - 5. All other maintenance to the UA will be performed by the manufacturer as required and recommended by the manufacturer.

**IX. PROHIBITED USE**

- A. The UAS/UA video surveillance equipment shall not be used:
  - 1. To conduct random non-mission driven surveillance activities;
  - 2. To target a person based solely on individual characteristics, including 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, or
  - 4. To conduct any type of personal business.
- B. **The UAS shall not be weaponized but shall fall under the Use of Force Continuum, as defined in Texas Penal Code Chapter 9, if utilized as a Use of Force option.**

**IX. TRAINING**

- A. Prior to piloting a UA, members must meet all training requirements mandated by the Department and the FAA. Crew members will participate in regularly scheduled training as required by the Officer in Charge, and/or the Chief of Police. All certificates for attendance, achievement, proficiency, or licensing shall be turned into the Training Unit upon completion.

**B. Initial training:**

1. The OIC and all operators shall pass the initial Aeronautical Knowledge and Safety test through the FAA. The basic aeronautical knowledge training, at a minimum shall include:
  - a. FAA rules pertaining to UAS flight operational limitations
  - b. All aspects of the COA
  - c. Knowledge of the rules and responsibilities described in 14 CFR 91
  - d. All aspects of Texas Government Code 423 and 2205
  - e. Mission planning requirements for establishing the mission AOR and perimeter
  - f. Mission briefing and debriefing requirements
  - g. Any other specific responsibilities required by the OIC to accomplish the Department's mission.
2. The operators shall show proficiency at least once annually in operating the specific UAS model in flight including emergency procedures, support equipment and associated technology. The operator's proficiency shall be evaluated by the OIC or his/her designee who has mastered aeronautical knowledge and training as it pertains to the use of the unmanned aircraft.
3. In order for operators to maintain their active flight status, at least once annually, the operators shall conduct a minimum of 1 flight for a duration of no less than 30 minutes which shall consist of 2 take offs, 2 landings, 1 battery change and use of supporting equipment.

**X. REFUSAL**

- A. The OIC/operator is authorized to refuse any flight request based on current meteorological conditions, physiological conditions, or for any other reason that OIC/operator believes will affect the safety of the flight.

**XI. FLIGHT LOG**

- A. The OIC and all operators shall complete a flight log of each flight, including training flights. Operators are required to provide the following information to the OIC for this log as soon as practical following a flight. This flight log will be retained by the OIC for one year, from January to January, and is subject to inspection by the Chief of Police. The flight log shall include the following information:
  1. The number of times UAS assets were used.
  2. Pilot name
  3. Date of flight
  4. Time of flight
  5. Location of flight
  6. Reason for flight (call sheet number, case number, crash number, training, tc.)

**XII. RETENTION OF UAS DATA**

- A. Data collected by the UAS shall be retained as provided in the established records retention schedule.

**XIII. REPORTING**

- A. Images captured by a UA pursuant to Tex. Gov't Code § 423.002 will be stored in compliance with this policy. The Officer in Charge shall ensure that the information for reports filed with the state is collected and submitted as required by Tex. Gov't Code § 423.008.

**PRIOR ORDERS:**

From and after the effective date of issuance of this order, it shall be in full force and shall govern the operations of this Department with regard to its subject matter. Former orders, policies, directives, and memoranda relating to the subject matter are hereby specifically revoked and they shall be of no force and effect from and after the date of issuance of this order.



John M. Densmore  
Chief of Police