

	Number: BPD - 220	Pages: 8
	Effective Date: 9/22/21	Amends/Rescinds:
	Review: Annually	
	Approving Authority: Chief Kenneth Seuberlich	
WASPC Standard(s):	Subject: REMOTELY OPERATED AERIAL SYSTEM (ROAS)	

220.1 PURPOSE AND SCOPE

This policy provides guidelines pertaining to the Department's use of Remotely Operated Aerial Systems (ROAS or drones). This policy is intended to provide guidance for the use of the ROAS in conjunction with other department policies and procedures.

The mission of the ROAS unit is to use these resources to protect lives and property in a constitutional and legally sound manner. The ROAS may be utilized in circumstances that would save time, create efficiencies, enhance collection of evidence, enhance life safety and property protection, and to detect possible dangers that could not otherwise be seen. The ROAS may also be utilized in any circumstance where other means and resources are not available or are less effective.

Every ROAS operator will make reasonable efforts not to invade a person's reasonable expectation of privacy when operating the ROAS. When operating the ROAS, the Bothell Police Department will abide by FAA Regulations.

220.2 DEFINITIONS

Definitions related to this policy include: Please note the Federal Aviation Administration refers to *drones* as "Unmanned Aircraft Systems." The Bothell Police Department refers to *drones* as Remotely Operated Aerial Systems. Should there be inconsistencies between the two terms, the policy will make clear the intent of the rule, guideline, or law.

COA – (Certificate of Authorization) Given by the FAA, which grants permission to fly within specific boundaries and perimeters.

Part 107 – In order to fly a ROAS, under the FAA Rule (Part 107), an operator must obtain a Remote Pilot Certificate from the FAA. This certificate demonstrates an understanding of the regulations, operating requirements, and procedures for safely flying drones.

FAA - Federal Aviation Administration.

BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	NUMBER: BPD - 220	PAGE 2 of 8
SUBJECT: REMOTELY OPERATED AERIAL SYSTEM (ROAS)		EFFECTIVE DATE: 9/22/21

Remotely Operated Aerial System (ROAS or Drone) – A remotely operated aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or under the direct control of an operator on the ground.

220.3 PROTECTION OF RIGHTS AND PRIVACY

The use of the ROAS involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy. Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

ROAS unit commanders, operators, and observers will have the protection of residents' civil rights and reasonable expectations of privacy as a key component of any decision made to deploy the ROAS. To accomplish this primary goal, we will:

- When a ROAS is being flown, the onboard cameras will be operated so as to keep the area of interest in view and minimize inadvertent close-up video or still images of uninvolved persons or property.
- All video recordings and still images will be maintained in compliance with Bothell Police Department policies and procedures as well as Washington State law.
- The Bothell Police Department's ROAS unit **will not** be used to conduct random surveillance activities.
- The Bothell Police Department will not submit images or videos from ROAS operations to facial recognition software.

220.4 USE OF THE ROAS

Authorized missions for the Bothell Police Department's ROAS include, but are not limited to:

- Investigative support (major crimes, crime scene documentation)
- HAZMAT Response
- Search and Rescue
- Barricaded persons
- Traffic Collisions (as deemed appropriate by the Traffic Unit Supervisor)
- Disaster Response (flood, earthquakes, etc.)
- Tactical support (deployment of officers and equipment in emergency situations)
- Situational Awareness and Visual Perspective of large-scale incidents

BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	NUMBER: BPD - 220	PAGE 3 of 8
SUBJECT: REMOTELY OPERATED AERIAL SYSTEM (ROAS)		EFFECTIVE DATE: 9/22/21

- Mutual Aid (Fire assistance, Public Works, GIS, Facilities, other law enforcement agencies)
- Community Outreach / Demonstrations (should be limited to showcasing the Department's capabilities and educating the community on our ROAS program)

The pilot is directly responsible for the operation of the ROAS. Pilots have the absolute authority to reject or cancel a flight based on safety, personnel, legal, or mission concerns. No member of the police department, regardless of rank, shall order a pilot to make a flight when, in the opinion of the pilot, it poses a risk to personnel/community or is in violation of FAA regulations. The ROAS will be operated only by personnel who have been trained and certified in the operation of the equipment.

The ROAS and related equipment is the responsibility of the pilot and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the program coordinator as soon as practicable so an appropriate repair can be made or a replacement unit can be procured

Where there are specific and articulable grounds to believe that the ROAS will collect evidence of a crime and/or if the ROAS will be used in a manner that may intrude upon reasonable expectations of privacy, the agency should consider consulting with a prosecutor regarding applying for a search warrant prior to conducting the flight unless exigent circumstances exist.

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 are no known protectable privacy interests, when in compliance with a search warrant or court order, or in consideration of exigent circumstances. In all other instances, legal counsel should be consulted.

The ROAS video and photo surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to, race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business.

220.5 REQUESTING USE OF THE ROAS

Requests for the ROAS for pre-planned operations should be submitted to the Program Coordinator as soon as practicable.

BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	NUMBER: BPD - 220	PAGE 4 of 8
SUBJECT: REMOTELY OPERATED AERIAL SYSTEM (ROAS)		EFFECTIVE DATE: 9/22/21

The need for the ROAS for rapidly evolving incidents should be evaluated by the on-scene supervisor. If a ROAS pilot is working, they shall be consulted regarding the use of the ROAS. The pilot and the supervisor will determine if the ROAS can be deployed safely with personnel on scene and if the mission fits within the guidelines of this policy. If no pilot is working, the on-scene supervisor may call the program coordinator or the on-call commander to determine if a pilot will be called out or if a request will be made for mutual aid.

220.6 ORGANIZATION

The Chief of Police will appoint a commander to oversee the ROAS program. The commander will appoint the program coordinator. Personnel assigned to the ROAS unit will have the following additional responsibilities:

Program Coordinator

- Coordinate the FAA Certificate of Waiver or Authorization (COA) application process (if utilized) and ensure the COA is current or follow the requirements of part 107 regulations.
- Oversee the selection and training of pilots and observers.
- Maintain training standards and training records for pilots and observers.
- Oversee procurement and maintenance of ROAS equipment.
- Ensure authorized pilots and observers have completed all required FAA and department training in the operation, applicable laws, policies, and procedures regarding the use of the ROAS.
- Work with supervisors with the submission and evaluation of requests to deploy a ROAS, including urgent requests made during ongoing or emerging incidents
- Monitor and evaluate the protocols for conducting criminal investigations involving a ROAS.
- Ensure adherence to this policy regarding the deployment and operation of a ROAS, including, but not limited to, safety, use of observers, the establishment of lost link procedures, and communication with air traffic control facilities when needed.
- Ensure all missions are documented, and flight logs are completed.
- Develop protocols to ensure all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that complies with current evidence standards and policies.
- Conduct quarterly ROAS inspections and audits of maintenance requests.
- Conduct semiannual audits of flight logs and submit to the ROAS Commander.
- Ensure ROAS units are properly registered with the FAA.
- Ensure established protocols are being followed and provide periodic reports on the program to the Chief of Police.

BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	NUMBER: BPD - 220	PAGE 5 of 8
SUBJECT: REMOTELY OPERATED AERIAL SYSTEM (ROAS)		EFFECTIVE DATE: 9/22/21

Pilots

Personnel selected to be ROAS pilots:

- Must successfully pass the Department's basic ROAS training and have a current part 107 certification.
- Must understand and comply with FAA Regulations applicable to the National Air Space where the ROAS will operate.
- Must understand and remain knowledgeable that their primary duty is the safe and effective operation of the ROAS in accordance with the manufacturer's approved flight manual, FAA regulations, Department policy, procedures, and laws.
- Must conduct pre and post-flight inspections.
- Must ensure the proper handling of all evidence collected by a ROAS. Photos and video recordings shall be uploaded using the proper Department application to ensure the proper maintenance of evidence. All evidence collected by a Department ROAS will be maintained in accordance with State Records Retention law.
- Must maintain a flight log. Pilots will log the date, flight time, and locations of all ROAS deployments. They will also note, case number, incident type, name of the supervisor approving the flight, automated flight or manual flight, and whether photo images or video were captured during the flight.

Pilots and Observers will ensure that no items are attached to the ROAS prior to flight that are not required for safe operation and to complete the mission goal.

Observers

Department personnel, commissioned or non-commissioned, may be trained to act as an observer during ROAS operations.

- Observers will be trained to communicate any turning instructions to the pilot to stay clear of conflicting traffic or obstacles. Observers will receive training on rules and responsibilities described in 14 CFR 91.111 operating near Other Aircraft and 14 CFR 91.13 Right-of-Way Rules.
- An observer's primary duty is to be a second set of eyes for the pilot, looking for anything that may affect the pilot's primary duty (see and avoid).

220.7 TRAINING

A professional level of competency is the key to continued safe operations. This high level of competency requires ongoing training and a commitment to excellence. An annual training plan will be developed by the Program Coordinator each year.

BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	NUMBER: BPD - 220	PAGE 6 of 8
SUBJECT: REMOTELY OPERATED AERIAL SYSTEM (ROAS)		EFFECTIVE DATE: 9/22/21

Documented missions or exercises count toward a member's training.

Instructors

- Duties of instructing new ROAS team members shall fall upon those who have the most flight time and knowledge of ROAS operations. Instructors will be designated by the Program Coordinator
- Outside department Subject Matter Experts can be utilized for ongoing training.

Initial Training

- Observers must have completed sufficient training to communicate to the pilot any instructions required to remain clear of conflicting traffic. This training, at a minimum, shall include knowledge of the rules and responsibilities described in 14 CFR 91.111, *Operating Near Other Aircraft*; 14 CFR 91.113, *Right-of-Way Rules: Except Water Operations*; and 14 CFR 91.155.
- Pilots must successfully complete a 40-hour Basic ROAS course which should include at least 8 hours of solo flight time. Additionally, pilots will enroll in appropriate training as required in order to obtain and meet any future FAA regulations.
- In addition to meeting all FAA requirements for pilot/observer duties, the new member will also become familiar with ROAS operations, all department aircraft, and accessory equipment.
- Any new member who fails to successfully complete the initial training may be removed from the ROAS unit.

Ongoing Training

- All members within the unit shall maintain proficiency in their operator/observer abilities.
- Observers who do not have any documented training or mission time within a span of 120 days will have to show proficiency before being an observer during a mission or exercise.
- Pilots must accrue at least 30 minutes of flight time per month.
- Recurrent training is not limited to actual pilot/observer skills but includes knowledge of all pertinent ROAS/aviation matters.
- Failure to maintain proficiency can result in removal from the ROAS Unit.

Safety

BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	NUMBER: BPD - 220	PAGE 7 of 8
SUBJECT: REMOTELY OPERATED AERIAL SYSTEM (ROAS)		EFFECTIVE DATE: 9/22/21

Safety is the responsibility of all members of the ROAS unit. Pilots and observers shall receive training in the following subjects prior to operating the ROAS:

- Agency commitment to safety, agency policy, unit member's role in safety and emergency procedures
- Communicate all reported safety-related problems and the corrective action taken. If there were any in-flight problems (or learned experiences), the proper procedures for handling that problem should be discussed.
- Copy and circulate pertinent safety and emergency information and bulletins.
- If any member observes or has knowledge of an unsafe or dangerous act committed by another member, the Program Coordinator shall be notified as soon as possible so that corrective action may be taken.

220.8 PRE-FLIGHT / POST-FLIGHT ACTIONS

Inspections

- Pilots are responsible for a thorough preflight inspection of the ROAS in accordance with the instructions contained in the manufactures user's manual.
- Any issues found that may jeopardize the safe operation of the ROAS shall be documented and resolved immediately prior to flight.
- Any issues found with the physical equipment that cannot be resolved on-site and which have an impact on safety or the mission will necessitate the cancellation of the deployment.

Weather

- Before each deployment, the pilot/observer will ensure they gather enough information to make themselves familiar with the weather situation throughout the area of deployment. They should utilize all available resources to ascertain the latest and most current weather conditions.
- Best judgment should be utilized to estimate the wind speed and determine if it is within the capabilities of the ROAS.
- If weather conditions are beyond the ROAS capabilities, the deployment shall be canceled.

Documentation and Evidence

- After each flight, the operator will complete a flight log entry documenting the deployment. Multiple flights on the same ROAS, occurring at the same location and on the same mission, may be documented in one entry.

BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	NUMBER: BPD - 220	PAGE 8 of 8
SUBJECT: REMOTELY OPERATED AERIAL SYSTEM (ROAS)		EFFECTIVE DATE: 9/22/21

- After each deployment, all video recordings and still photos obtained during the ROAS operation will be submitted to evidence in accordance with department policy.
- Videos and photos should only be captured during missions where there is a reasonable expectation the data will contain evidentiary value or in situations where it may provide transparency of police department operations. This does not apply to training missions. Video and still images from training missions will be maintained in compliance with department policy.
- Department personnel shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner digital content captured by drone operations without prior authorization from a commander.
- Videos and photos shall be stored in accordance with department policy and procedures and in compliance with State Law.
- The Pilot of the ROAS is responsible for evidence handling as well as writing any supporting documentation for the incident.

Planning

- The pilot/observer shall familiarize themselves with all available information concerning the deployment, including, but not limited to, the weather conditions, hazards, description of the incident, deployment goals, etc.
- Pilots will ensure the location for take-off and emergency landing is adequate for a safe deployment and recovery.
- At least one emergency landing area should be identified per deployment.
- Pilots will ensure that they are aware of their surroundings in the event that an emergency landing is necessary. This includes the ability to recover the ROAS.

Maintenance

- Although there are few parts on the ROAS that need servicing, it is necessary that the manufacturer's maintenance schedule is followed and properly documented.
- Any issues that arise during maintenance that cannot be resolved by routine methods shall be forwarded to the Program Coordinator for resolution.

220.9 RETENTION OF ROAS DATA

Data collected by the ROAS shall be retained in accordance with the Washington State Records Retention Schedules.