



## MONTGOMERY COUNTY, MARYLAND DEPARTMENT OF POLICE

### UNMANNED AIRCRAFT SYSTEMS

**DIRECTIVE NO:****FC 0460****EFFECTIVE DATE:****September 19, 2023****CANCELS:**

FC 0460, dated April 4, 2022

**ACCREDITATION STANDARDS:**

CALEA Standards: 83.2.4, 84.1.2

**PROPONENT UNIT:**

Special Operations Division

**AUTHORITY:****Marcus G. Jones, Chief of Police**

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If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61).

**I. POLICY**

- A. It is the policy of the Montgomery County Department of Police (MCPD) to utilize ***an Unmanned Aircraft System (UAS)*** for the focused and limited purpose of public safety and law enforcement activities. The ***UAS*** deployment and data collected will be used in a lawful manner consistent with all provisions of applicable law. MCPD will obtain all applicable authorizations, permits, or certificates required by the Federal Aviation Administration (FAA) prior to deploying or operating the ***UAS***. These authorizations, permits, and certificates will be maintained and current.
- B. ***MCPD policy prohibits UAS operators from intentionally recording or transmitting images of any location where a person would have a reasonable expectation of privacy, such as inside private buildings, except where authorized by a warrant issued by a judge or in emergency situations.***

## II. PURPOSE

*This directive establishes guidelines for utilizing UAS during an active response to an emergency or other call for police assistance. Per the Federal Emergency Management Agency (FEMA) best-practice guidelines, the department's policy will be front-facing, and community outreach related to the program will be provided.*

## III. DEFINITIONS

*For purposes of this directive, the following terms have the meanings indicated.*

- A. Air Support Officer (ASO) – *An officer that supports the Teleoperator and/or RPIC with various law enforcement activities during flight activities.*
- B. Digital Multimedia Evidence (DME): Digital recording of images, sounds, and associated data.
- C. FAA 14 CFR Part 107: The federal regulations set forth by The Federal Aviation Administration (FAA) regarding sUAS operations in the National Air Space (NAS).
- D. Program Manager: *Police Executive* designated by the *Special Operations Division Director* who oversees the *UAS* program. Duties include *ensuring proper* inventory, maintenance, training, supervision, and equipment/employee certification.
- E. Remote Pilot: A person who holds a valid remote pilot certificate with a small, unmanned aircraft system rating issued by the Federal Aviation Administration *and approved by the department to operate UAS*. Remote Pilots must demonstrate aeronautical knowledge by either:
  - 1. Passing an initial knowledge test at an FAA-approved knowledge testing center or
  - 2. Hold a part 61 pilot certificate other than a student pilot, complete a flight review within the previous 24 months, and complete a small, unmanned aircraft system online training course provided by the FAA and
  - 3. Be vetted by the Transportation Security Administration (*TSA*).
- F. Remote Pilot in Command (RPIC): A person who holds a remote pilot certificate with an *sUAS* rating and has the final authority and responsibility for the operation and safety of a UAS operation conducted under FAA Part 107.
- G. Small Unmanned Aircraft System (sUAS): An unmanned aircraft under 55 lbs. and its associated elements that are required for the safe and efficient operation of the small, unmanned aircraft in the National Air Space that includes the necessary equipment, network, and personnel to control a small, unmanned aircraft.

- H. **Tactical sUAS operator**- *A Tactical Unit officer/supervisor who can operate as a remote pilot/RPIC.*
- I. **Teleoperator (TO)** – *An officer who has received additional training to operate a UAS remotely through a desktop at another location.*
- J. **Unmanned Aircraft System (UAS)** – *a term currently utilized by the FAA, synonymous with Uncrewed Aircraft System.*
- K. **Visual observer (VO)** – *An individual acting as a flight crew member who assists the UAS RPIC and/or the person manipulating the controls to see and avoid other air traffic or objects aloft or on the ground.*

#### IV. PROCEDURES

##### A. Administration

*The UAS program will be housed in the Special Operations Division (SOD), Operational Support Section. SOD personnel shall manage all deployments and uses of UAS to ensure that employees equipped with UAS devices utilize them in accordance with the policy as defined herein. All deployments of UAS must be specifically authorized by the **Special Operations Division Director** or designee. MCPD has adopted the use of UAS to provide an aerial visual perspective in responding to **calls for service**, emergency situations, and exigent circumstances that include events that could lead to serious injury or the loss of life, and for the following objectives:*

1. **Situational Awareness**: To assist decision makers (e.g., incident command staff, first responders, city, county, and state officials) in understanding the nature, scale, and scope of an incident and in planning and coordinating an effective response.
2. **Search and Rescue**: To assist critical missing person investigations (e.g., AMBER Alerts, Silver Alerts) and other search and rescue missions (e.g., body recovery).
3. **Tactical Deployment**: To support the tactical deployment of officers and equipment in emergency situations (e.g., response to terrorist activities, active shooters, **high-risk search warrants**, hostages, and barricades **situations**), support for large-scale tactical operations, and other temporary perimeter security situations.
4. **Visual Perspective**: To provide an aerial visual perspective to assist officers in providing direction for public safety events, traffic incident management, special events, and temporary perimeter security.
5. **Scene Documentation**: To document a crime scene, collision scene, or other major incident scene (e.g., disaster management, incident response, large-scale forensic scene investigation).
6. **Department Development**: To capture aerial Digital Multimedia Evidence (DME) used to enhance department training and outreach initiatives.



7. Community Engagement: To provide demonstrations and engagement opportunities with community groups and education programs.
8. ***Drone as First Responder (DFR)***: *The DFR program utilizes a UAS to fly to a call for service and arrive prior to, or in conjunction with, first responders on the ground. DFR assists in helping evaluate the scene and circumstances before officers arrive and while an event is ongoing. This will provide necessary tactical information and situational awareness to help officers safely respond to incidents, de-escalate situations, and increase efficiency.*

B. Procedures for UAS Use

1. The MCPD will obtain applicable authorizations, permits, or certificates required by the Federal Aviation Administration (FAA) prior to deploying or operating the sUAS, and these authorizations, permits, and certificates shall be maintained and current.
2. The UAS will be operated only by personnel (Remote Pilot in Command (RPIC) and/or ***Teleoperators***) who have been trained and certified in the ***system's*** operation.
3. The UAS-certified personnel ***should*** inspect and test UAS equipment prior to each deployment to verify the proper functioning of all equipment and the airworthiness of the device.
4. Equipment malfunctions shall be brought to the attention of the program manager as soon as possible so that an appropriate repair can be made or a replacement unit can be procured. The MCPD will be responsible for the maintenance of department unmanned aircraft assigned or made available for use by bargaining unit members.
5. The UAS equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment are the sole property of MCPD.
6. All flights will be captured and recorded by software designed for that purpose. In addition, each deployment of the UAS ***should*** include information regarding the reason for the flight; the time, date, and location of the flight; the name of the ***SOD Director*** or designee approving the deployment and the staff assigned; and a summary of the activities covered, actions are taken, and outcomes from the deployment.
7. Consistent with established mutual aid policies and procedures, UAS may be authorized in response to a request for UAS assistance in support of Federal, State, local, tribal, or territorial government operations.
8. Notification shall be made to the Public Safety Communications Center (PSCC) when conducting operations in ***public airspace outside***.

### C. Training

1. Police personnel assigned as UAS operators must complete an agency-approved training program to ensure proper use and operations.
2. The UAS Program Manager will oversee ongoing proficiency and recertification training to ensure the *equipment's* continued effective use, operation, and proper calibration and performance and to incorporate changes, updates, or other revisions in policy and equipment.
3. ***The UAS Program Manager can remove any UAS operator from flight operations and active status in the UAS program for failing to attend required FAA/UAS training. UAS operators may also be removed from flight operations and active status if the operator engages in unsafe flight activities and/or fails to maintain their proficiency as required by the FAA.***

### D. Restrictions on Operating the UAS

1. The UAS shall be deployed and used only to support official law enforcement and public safety activities, including outreach and community engagement.
2. The UAS shall not be operated in an unsafe manner or in violation of FAA rules.
3. Collection, use, dissemination, or retention of UAS-recorded data will not be based solely on individual characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender identity, religion, age, or gender) or ***to identify persons participating in lawful*** First Amendment-protected activities.
4. ***UAS shall not be used for the purposes of facial recognition or for the collection of audio/voice recordings.***

## V. **RETENTION AND MANAGEMENT**

- A. All DME recordings are the property of the MCPD and shall be securely stored and retained for no less than 366 calendar days.
- B. It is the responsibility *of* the UAS **RPIC** to upload all DMEs by the end of their *next* tour of duty.

## VI. **RECORDS REQUESTS AND RELEASE OF RECORDINGS**

- A. The public release of DME recordings will be conducted in accordance with applicable Federal and state law.
- B. The release of recordings of an employee's death or serious injury shall not occur absent compelling law enforcement-related reasons to release the recording or in situations where the release of these recordings is required by law.

- C. Recordings will not be disseminated by any employee without receiving written permission under the authority of the Chief of Police *or their designee* and consistent with all applicable laws.
- D. Video and images obtained by *UAS* shall not be used as the sole basis for the discipline of bargaining unit members.

**VII. REPORTING AND TRANSPARENCY**

- A. An authorized UAS Program Manager will audit flight documentation at regular intervals. The results of the audit will be documented.
- B. The Chief of Police or designee shall publish an annual report documenting the agency's deployment and use of UAS devices.
- C. This directive will be reviewed annually to *ensure* it reflects current policies *and procedures*.
- D. *The department should notify the public through the Public Information Office (PIO)* for planned events and exercises that occur off Montgomery County Government property. *The PIO* may notify the public through its website, media releases, or social media pages.