



# RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: <b>SMALL UNMANNED AERIAL VEHICLE</b>	Chapter 6	Number 32	# Pages 6
CALEA Standards: 17.5.2, 33.6.1a, 33.6.1b, 33.6.1c, 41.1.3a, 41.1.3b, 41.1.3c, 41.1.3d	Related Orders:		Effective Date: 12/04/2023 Revised By: PD-132 Prv. Rev. Date: 12/15/2021
VA State Code: §§ <b>19.2-60.1, 19.2-60.1(c)</b>			
Chief of Police:  			

**I. PURPOSE**

The purpose of this directive is to provide guidelines for City of Richmond Police Department employees on the maintenance and training procedures of the Small Unmanned Aerial Vehicle. ***This directive also*** provides personnel assigned responsibilities associated with deploying and using the unmanned aerial vehicle with instructions on when and how this technology and its information may be used for law enforcement and public safety per department guidelines and federal, state and local laws.

**II. SUMMARY OF CHANGE**

***The revisions come from a modification request (PD-132). Regarding sUAV, updates to the chain of command for the unit have been made. Changes will be bold and italicized throughout the document.***

**III. POLICY**

It is the policy of the Richmond Police Department that appropriately trained and authorized agency personnel may deploy the Small Unmanned Aerial Vehicle (sUAV), when such use is appropriate in the performance of their official duties and when deployment and the collection and use of any audio/video recordings or other data originating from or generated by the sUAV conform with the policy provisions provided herein and applicable law.

**IV. ACCOUNTABILITY STATEMENT**

All employees are expected to fully comply with the guidelines and timelines outlined in this general order. Responsibility rests with the Division Commander to ensure that any policy violations are investigated and appropriate training, counseling, or disciplinary action is initiated.

This directive is for internal use only and does not enlarge an employee’s civil liability in any way. It should not be construed as creating a higher safety standard or case in an evidentiary sense concerning third-party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department and only in a non-judicial administrative setting.

## V. DEFINITIONS

- A. (DME) – Digital Multimedia Evidence: Digital recording of images, sounds, and associated data.
- B. (FAA) – Federal Aviation Administration: A national authority with powers to regulate all aspects of civil aviation.
- C. (BWC) – Body-Worn Camera: The Body-Worn Camera (BWC) is an audio and video recording system worn by officers, which captures encounters and activities from the officer’s perspective.
- D. (RPIC) – Remote-Pilot-in-Command: A member of RPD assigned to operate the sUAV who:
  - 1. Oversees and coordinates the usage of the sUAV during operations and training;
  - 2. Has the responsibility for the operation and the safety of the sUAV flight;
  - 3. Has the responsibility that the stored property is in a state of operational readiness. *[CALEA 17.5.2]*
  - 4. Has been designated as the pilot-in-command before or during the flight; and
  - 5. Holds a Part 107 Small Unmanned Aircraft License issued by the FAA under 14 CFR Part 107.
- E. (sUAV) – Small Unmanned Aerial Vehicle: An unmanned aerial vehicle and its associated elements related to safe operations, including control stations, support equipment, play loads, flight termination systems, and launch/recovery equipment. The vehicle must be under 55 pounds, including payload. It consists of three elements:
  - 1. Unmanned aircraft,
  - 2. Control Station,
  - 3. Data Link.

## VI. PROCEDURE

### A. Operation

This agency has adopted sUAVs to provide an aerial visual perspective in response to emergencies and exigent circumstances.

### B. Authorization

All deployments of sUAVs must be expressly authorized by the Chief of Police or their designee, primarily the Major of Support Services.

### C. Legal Requirements

1. Section 19.2-60.1 of the Code of Virginia articulates how and under what circumstances public bodies may use sUAVs. Specifically, no local department may utilize a sUAV except during the execution of a search warrant or an administrative or inspection warrant.
2. **Virginia Code** provides certain exceptions to the warrant requirement for using sUAV by public bodies. Section 19.2-60.1(C)(iv) of **Virginia Code** allows an sUAV to be deployed without a warrant where use “is determined to be necessary to alleviate an immediate danger to any person...” Notably, **Virginia Code** uses the term “alleviate” rather than “stop” or “prevent” the immediate danger.
  - a) Additional exceptions to the warrant requirement include other public safety incidents, such as Amber Alerts, Senior Alerts, and Blue Alerts, as well as for non-law enforcement purposes, such as damage assessment, traffic assessment, flood stage assessment, and wildfire assessment. (*See also Virginia Code § 19.2-60.1(C)*).

#### Examples:

- (1) Search and Rescue: To assist in missing person investigations. AMBER Alerts, Silver Alerts, and other search and rescue missions.
- (2) Tactical Deployment: To support the tactical deployment of officers and equipment in emergencies (e.g., incidents involving hostages and barricades, support for large-scale tactical operations, and any other situations where the use of an sUAV is determined to be necessary to alleviate an immediate danger to any person).
- (3) Large-Scale Protests: Whether an sUAV can be used during a large-scale protest will depend on 1) whether an immediate danger to any person exists; and 2) whether an sUAV is necessary to alleviate the danger.

### D. Preservation of Privacy

1. The activation of the sUAV video recording equipment will not be utilized until on-site at the impacted area.
2. When the legal **basis justifying use of the sUAV** is no longer present, **use of the sUAV and recording equipment should terminate immediately.**
3. It is also unacceptable to target a person based solely on individual characteristics, such as race, ethnicity, national origin, religion, disability, gender, or sexual orientation.

E. Procedures for sUAV Use

1. The department must obtain applicable authorizations, permits, or certificates required by the (FAA) before deploying or operating the sUAVs, and these authorizations, permits, and certifications shall be maintained and current.
2. Only personnel (pilots and crewmembers) who have been trained and certified in the operation of the system will operate the sUAVs.
3. The sUAV's certified personnel shall inspect and test sUAV equipment before each deployment to verify the proper functioning of all equipment and the airworthiness of the device. *[CALEA 17.5.2]*
4. The sUAV equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that an appropriate repair can be made or a replacement unit can be procured. *[CALEA 17.5.2]*
5. The sUAV equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the department.
6. All flights will be documented on a form or database designed for that purpose, and all flight time shall be accurately recorded. In addition, each deployment of *a* sUAV shall include information regarding the reason for the flight; the time, date, and location of the flight; the name of the supervisor approving the deployment and the staff assigned; and a summary of the activities covered, actions taken, and outcomes from the deployment.
7. Where there are specific and articulable grounds to believe that *an* sUAV will collect evidence of criminal wrongdoing, or if *an* sUAV-will be used in a manner that may intrude upon reasonable expectations of privacy, the department will obtain a search warrant before conducting the flight, unless exceptions to § 19.2-60.1 are met.

F. Restrictions on Using the sUAV

1. The UAVs shall be deployed and used only to support official law enforcement and public safety missions.
2. The UAVs shall not be operated unsafely or in violation of FAA rules.
3. The UAVs shall not be equipped with weapons of any kind.

G. DME Retention and Management

1. All DME shall be handled per existing data and record retention policy, where applicable.

2. All DME shall be securely downloaded after each mission. The sUAV-certified operators will record information for each file, including the date, time, location, and case reference numbers or other mission identifiers, and identify the sUAV personnel involved in the mission.
3. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner sUAV - DME without prior written authorization and approval of the Chief of Police or their designee.
4. All access to sUAV - DME must be expressly authorized by the Chief of Police or their designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
5. Files should be securely stored, per agency policy and state records retention laws, and retained no longer than necessary for training or use in an investigation or prosecution.

#### H. sUAV Supervision and Reporting

1. When a request is made for a sUAV deployment, the requesting supervisor will contact the team's Executive Officer (XO), who will decide on usage. The XO will notify the remaining on-call team members and the Major of Support Services. The XO's contact information will be available through the Department of Emergency Communications. In case of a discrepancy in sUAV usage, the Major of Support Services will be contacted to resolve the matter. *[CALEA 41.1.3a]*
2. sUAV supervisory personnel shall manage all deployments and uses of sUAVs to ensure that officers equipped with sUAV devices utilize them per policy and procedures defined herein. *[CALEA 41.1.3a]*
3. An authorized sUAV supervisor or administrator will audit flight documentation at regular intervals. The results of the audit will be documented. Any changes to the flight time counter will be recorded.
4. The sUAV supervisor shall publish an annual report documenting the agency's deployment and use of sUAV devices.
5. During an actual incident following approval, usage would fall to the program coordinator or Remote-Pilot-in-Command (RPIC) to ensure all FAA all regulations are followed.
6. ***The sUAV supervisor is a sworn team member at the rank of Sergeant***, responsible for selecting and training personnel, equipment maintenance, and all related records. *[CALEA 41.1.3c]*
7. The ***Captain of SOD*** is responsible for the UAV program's maintenance, procurement, and updates.

#### I. UAV Operators

1. All operators must maintain an FAA Part 107 Commercial License conducted biennially and held at the FAA location. All pilots must have a copy of their pilot license when performing sUAV operations.
2. Failure to maintain the license may result in removal from the team.
3. All operators must be on an on-call status as a rotational schedule dictates.

J. Training

1. Police personnel assigned to sUAV must complete an agency-approved training program per FAA requirements. Mandatory monthly training attended by all pilots is required to retain necessary flight skills and stay current with FAA regulations and software updates. *[CALEA 33.6.1a, 41.1.3b]*
2. Retraining requirements are based on FAA and agency standards. Flight training will be captured by Airdata software and recorded. The software maintains each pilot's flight records, including flight time, and can be downloaded and reviewed. *[CALEA 33.6.1b]*
3. All agency personnel with sUAV responsibilities, including command officers, shall also be trained in the local and federal laws and regulations and policies and procedures governing the deployment and use of sUAV.
4. Police personnel shall be responsible for the condition and maintenance of the sUAV. *[CALEA 41.1.3c]*
5. sUAV personnel shall complete a Specialized Unit Quarterly Inspection Sheet (PD-128) and forward a copy to the Planning Division; *[CALEA 17.5.2 41.1.3d]*

K. Specialized In-Service Training for Sworn Personnel: *[CALEA 33.6.1a&b]*

1. All personnel assigned to this unit shall receive the following:
  - a) Development and enhancement of the required skills, knowledge, and abilities (SKAs) particular to the specialized training;
  - b) Policy and procedures related to the technical function or component to include how it is managed and utilized; and,
  - c) Supervised on-the-job training. *[CALEA 33.6.1c]*
2. All members will undergo recurrent training to maintain proficiency in their operator/observer skills every month. Members who do not attend documented training within 60 days will be placed on the ineligible list until they have participated in a training session. In addition to flight time, recurrent training will include classroom refresher training on pertinent sUAV/aviation matters. *[CALEA 33.6.1b, 33.6.1c]*

IV. FORMS

A. PD-128 (Specialized Equipment Inspection Sheet)