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- I. Purpose

This policy is intended to provide personnel who are assigned responsibilities associated with the deployment and use of small unmanned aircraft systems (sUAS) with instructions on when and how this technology and the information it provides may be used for law enforcement and public safety purposes in accordance with law.

- II. Policy

It is the policy of the Maryland-National Capital Park Police (M-NCPP), Montgomery County Division, herein referred to as the Division, that duly trained and authorized agency personnel may deploy sUAS when such use is appropriate in the performance of their official duties, and where deployment and use, and the collection and use of any audio/video recordings or other data originating from or generated by the sUAS, comport with the policy provisions provided herein and applicable law. *This directive will be reviewed annually and updated to meet current local, state, and federal guidelines, rules, and regulations that ensure privacy, civil rights, and civil liberties are protected.*

- III. Definitions

- A. Digital Multimedia Evidence (DME): Digital recording of images, sounds, and associated data.
- B. Model Aircraft: A remote controlled aircraft used by hobbyists that is built, produced, manufactured, and operated for the purposes of sport, recreation, and/or competition.
- C. Unmanned Aircraft (UA) or Unmanned Aerial Vehicle (UAV): An aircraft that is intended to navigate in the air without an on-board pilot. Also alternatively called Remotely Piloted Aircraft (RPA), Remotely Operated Vehicle (ROV), or Drone.
- D. Unmanned Aircraft System (UAS): A system that includes the necessary equipment, network, and personnel to control an unmanned aircraft.
- E. Small Unmanned Aircraft Systems (sUAS): UAS systems that utilize UAVs weighing less than 55 pounds and are consistent with Federal Aviation Administration (FAA) regulations governing model aircraft.
- F. UAS Flight Crewmember: A pilot, visual observer, payload operator or other person assigned duties for a UAS for the purpose of flight or training exercise.
- G. Remote Pilot In-Charge (RPIC): A person exercising control over a UA/UAV/UAS during flight.

- H. Presidential Executive Order 13688 – Federal Support for Local Law Enforcement Equipment Acquisition (EO) - Issued by President Barack Obama on January 16, 2015, established a Law Enforcement Equipment Working Group (WG). The WG established minimum requirements for agencies requesting Federal government funding or surplus property transfers for unmanned aircraft.
- I. *Presidential Memorandum – Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft (PM) - Issued by United States President Barack Obama on February 15, 2015, established requirements for Federal agencies using unmanned aircraft and for state and local agencies using Federal grant funds to acquire UAS.*

#### IV. *Authorization*

*The agency UAS is authorized to fly within the National Airspace System (NAS) where such flight is not restricted. The Agency Drone Program Coordinator will apply annually to renew the Certificate of Waiver or Authorization from the Department of Transportation, Federal Aviation Administration to operate within the Maryland portion of the Washington D.C. Metropolitan Flight Restricted Zone (DC FRZ).*

#### V. Procedures

##### A. Administration

- 1. All deployments of sUAS must be specifically authorized by the Investigative Services Branch Chief or designee. The Division has adopted the use of sUAS to provide an aerial visual perspective in responding to emergency situations and exigent circumstances, and for the following objectives:
  - a. **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 for planning and coordinating an effective response.
  - b. **Search and Rescue:** To assist missing person investigations, AMBER Alerts, Silver Alerts, and other search and rescue missions.
  - c. **Tactical Deployment:** To support the tactical deployment of officers and equipment in emergency situations (e.g., incidents involving hostages and barricades, support for large-scale tactical operations, and other temporary perimeter security situations).
  - d. **Visual Perspective:** To provide an aerial visual perspective to assist officers in providing direction for crowd control, traffic incident management, special circumstances, and temporary perimeter security.
  - e. **Scene Documentation:** To document a crime scene, accident scene, or other major incident scene (e.g., disaster management, incident response, large-scale forensic scene investigation).

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**B. Procedures for sUAS Use**

1. The Division will obtain any 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 will be maintained and current.
2. The sUAS will be operated only by personnel (pilots and crew members) who have been trained and certified in the operation of the systems.
3. The sUAS-certified personnel will inspect and test sUAS equipment prior to each deployment to verify the proper functioning of all equipment and the airworthiness of the device. A pre-flight checklist must be completed (see attached).
4. The sUAS equipment is the responsibility of individual personnel and will be used with reasonable care to ensure proper functioning. Equipment malfunctions will be brought to the attention of the sUAS RPIC as soon as possible so that an appropriate repair can be made, or a replacement unit can be procured.
5. The sUAS equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Park Police.
6. All flights will be documented as soon as practical utilizing Alaris Pro Software. All information will be logged electronically by the sUAS RPIC as soon as possible. In addition, each deployment of the sUAS will 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. With the exception of a training flight, all operational flights will be documented on an agency incident report. This report will be completed as soon as practical.
8. Where there are specific and articulable grounds to believe that the sUAS will collect evidence of criminal activity and if the sUAS will be used in a manner that may intrude upon reasonable expectations of privacy, outside of exigent circumstances, the Division will confer with the State's Attorney's Office as to the applicability of obtaining a search warrant prior to conducting the flight.
9. *Requests for UAS assistance from other government agencies or jurisdictions will be forwarded to the ISC for approval without delay. The ISC will ensure the request complies with all applicable standards, rules, and regulations.*

**C. Restrictions on Using the sUAS**

1. The sUAS will be deployed and used only to support official law enforcement and public safety missions and is prohibited from being equipped with weapons of any kind.
2. The sUAS will not be operated in an unsafe manner or in violation of FAA rules.

3. The Chief of Park Police or his designee will be responsible to ensure the Division sUAS policy is compliant with privacy, civil rights, and civil liberties standards.

D. DME Collection, Retention, and Management

1. *Pursuant to the Presidential Memorandum, the collection, use, dissemination, and retention of sUAS system-recorded data will be limited to data legally acquired relevant to a Division authorized purpose. It will not be collected, used, retained, or disseminated in any manner that violates the First Amendment or in any manner that would discriminate against persons based upon their ethnicity, race, gender, national origin, religion, sexual orientation, or gender identity in violation of law.*
2. All DME will be securely uploaded at the completion of each mission. The sUAS-certified operators will record information for each file that will include the date, time, location, and case reference numbers or other mission identifiers, and identify the sUAS personnel involved in the mission.
3. The aforementioned DME data will be uploaded to the drive on the Arbitrator server. This drive is only accessible by system administrators and command level personnel.
4. Personnel will not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner sUAS DME without prior written authorization and approval of the Chief, Park Police or his designee.
5. All DME will be classified within seven (7) days of the recording. *DME information will not be retained for more than 180 days unless determined to be necessary and classified for an authorized purpose such as court proceedings or training programs.*
6. The DME will be classified as follows:
  - a. Criminal Evidence – all recordings made in relation to any incident that results in a criminal charge or where the issuance of a criminal arrest warrant is anticipated. The case number will be entered into the “Case Number” field.
  - b. Traffic - all recordings made in relation to any incident that results in the issuance of a traffic charge, SERO, or traffic warning. The officer may enter case number, or if there is no case number the event number (“P” number) in the case number field, but it is not required.
  - c. Civil – all recordings made in relation to any incident that results in the issuance of a civil citation. The officer may enter the event number (“P” number) in the case number field, but it is not required.
  - d. Other – any recording that does not fall into the above categories, shall be retained *for an authorized agency purpose only and should be specified under the “Other” category. (This includes Traffic, Civil, and non-evidentiary recordings that must be retained beyond three years.)*

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- e. *Drone DME – any recording produced by DRONE technology that does not need to be retained beyond the default 180 day retention period.*
- f. Other classifications may be visible within the system; however, officers should only use the classifications listed in “a” through “e” of this section.
7. The Investigative Section Commander (ISC) will conduct monthly reviews of the DME recordings. This review will verify that the DME had been logged into the system properly, testing the system as required, and classifying all recorded videos. *The ISC will be responsible to ensure DME recordings are in compliance with privacy, civil rights, and civil liberties laws and regulations.* This review will be documented on a monthly report.
8. If the Investigative Section Commander feels that a recording may be useful as a training tool, he/she will notify the training committee via their Chain of Command. No recording will be used for training purposes while the case is being litigated.
9. All DME videos that are classified as Criminal Evidence or Other will be retained consistent with the Division Directive 726.0, Body Worn Cameras, Section XII Retention, as it may be amended from time-to-time in the future. All DME videos that are classified as Traffic or Civil will be retained for a minimum of three years and then will be deleted consistent with the Commission’s document retention policy, as it may be amended from time-to-time in the future. If a video originally classified as Traffic or Civil needs to be retained for a longer period of time, the officer will change the video’s classification to “Other.”
10. All DME videos that are marked as “Not Evidence”, will be automatically deleted after **180** days, unless the submitting officer or management reclassifies the video.
11. The Evidence Section will send purge requests to the recording officer for all videos classified as Criminal Evidence that are more than one year old to determine if the video is still needed. If the officer determines the video is no longer needed, the Management Sergeant will confirm the status of the case prior to deleting the video.
12. Videos approved for training may be retained indefinitely.
13. Videos classified as “Restricted” will be retained until the Chief, Park Police Division or his/her designee grants permission to purge.
14. The public release of DME recordings will be conducted in accordance with applicable public records laws.
15. All external requests for copies of recordings, including subpoenas and summonses, will be reviewed *by the Legal Office* for compliance with applicable standards imposed by law. The Department will maintain a log of all MPIA requests for DME recordings that it receives. The FOP shall receive a copy of the “Ten Day Letter” at the time it is issued to the party requesting a copy of a recording. The log, the underlying MPIA request, and the requested recording will be made available to the FOP for inspection. The Department will notify the FOP of any decision to release the requested recording and the date

and time of that release. In exigent circumstances, the Department will endeavor to provide the FOP with at least two (2) hours' notice in advance of the release. The Department will be neither prohibited from nor delayed in releasing the requested recording absent an order from a court of competent jurisdiction.

16. Release of DME recordings in absence of a specific request.
  - a. The Department will provide written notice, which can include an e-mail, to the FOP prior to the release of any DME recording to the public; however, in the event of an emergency or bona fide public safety need the Department is not required to provide advance written notice. This written notice requirement does not include release of recordings in connection with litigation.
  - b. In events where there is no exigency, an officer captured in the video or audio recording may object to the release of the recording, in writing, to the Chief, Park Police Division or designee, within two calendar days of receiving notice of intent to release the recording as to any reason(s) why he or she does not wish the recording to be released. The Chief, Park Police Division or designee, will consider any reason submitted by the officer before proceeding with release.
  - c. All Park Police personnel will ensure *PII* images or videos of people incidentally recorded, that are not relevant to an operation, are not disseminated or viewed unnecessarily to protect individual rights.
17. The release of recordings of an officer's death or injury will 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.
18. Recordings will not be disseminated by the employee without receiving written permission under the authority of the Chief, Park Police Division.
19. All access to sUAS DME must be specifically authorized by the Chief, Park Police or his designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
20. Avionics data will be retained indefinitely in Alaris Pro to document the history of where the drone was flown.

#### E. sUAS Supervision and Reporting

1. sUAS supervisory personnel will manage all deployments and uses of sUAS to ensure that personnel equipped with sUAS devices utilize them in accordance with policy and procedures defined herein.
2. The sUAS RPIC will audit flight documentation quarterly. The results of the audit will be documented. Any changes to the flight time counter will be documented.
3. The Chief of Park Police or his designee will publish an annual report *summarizing* the agency's deployment and use of sUAS devices. *This annual report will be made available to the public.*

F. Training

1. Officers who desire to participate in the Division’s Drone program must pass FAA-17 Airman’s Test to obtain a RPIC license.
2. Personnel who are assigned sUAS must complete a Division approved two-day training program taught by a Division instructor pilot to ensure proper use and operations.
3. Additional in-service flight training will be required. All Division sUAS pilots will complete, at a minimum, a quarterly training mission under the supervision of a Division instructor pilot.
4. This in-service flight training will ensure the continued effective use, operation, proper calibration and performance of the equipment. In-service flight training will be used to assess the Drone Program and assist with updates, or other revisions in policy and equipment.
5. All personnel with sUAS responsibilities will also be trained in the local and federal laws and regulations, as well as policies and procedures governing the deployment and use of sUAS.
6. All sUAS pilots will provide written acknowledgement that they have read and understand the agency’s UAS policies, and all waivers granted by the FAA.



Issuing Authority: \_\_\_\_\_

**Chief Darryl W. McSwain**  
**Maryland-National Capital Park Police**  
**Montgomery County Division**

End of Directive