SUBJECT: RULE 407, UNMANNED AIRCRAFT SYSTEMS POLICY

Effective immediately, Rule 407 – Unmanned Aircraft Systems Policy is hereby issued superseding all previous rules, special orders, memos and directives on this subject.

Signed

Gregory P. Long
Superintendent In Chief
UNMANNED AIRCRAFT SYSTEMS POLICY

Sec. 1 Purpose:

The purpose of this policy is to establish guidelines and procedures which inform members of the Department of the circumstances under which a Department Unmanned Aircraft System may be deployed by the Boston Police Department.

Sec. 2 Definitions:

Unmanned Aircraft System (UAS): A UAS consists of four parts:
1) The Unmanned Aerial Vehicle (UAV)
2) A ground control station
3) Command and control links
4) Crew members (PIC and VO)

Unmanned Aerial Vehicle (UAV): an aircraft that is operated without a physical human presence within or on the aircraft which, depending on how it is utilized, is capable of capturing and documenting photographs and video of the affected area or providing an aerial perspective of the area and is guided by remote control under the supervision of the assigned operating officer.

Small Unmanned Aircraft (UA): a UA weighing less than 55 pounds, including everything that is onboard or otherwise attached to the aircraft, and can be flown without the possibility of direct human intervention from within or on the aircraft.

Remote Pilot-in-Command (Remote PIC): A person who holds a remote pilot certificate with a UAS rating and has final authority and responsibility for the operation and safety of a UAS operation conducted under 14 CFR 107.

Visual Observer (VO): A person acting as a flight crew member who assists the small UA remote PIC to see and avoid other air traffic or objects in flight or on the ground.

Boston Police Department UAS Manager: A Department member designated by the Police Commissioner to oversee implementation, management, training, documentation, deployments and adherence to current FAA regulations for all UAS owned, maintained, or deployed by the Department. The UAS Manager shall create unit specific SOPs and ensure the safe operation of
all Department Unmanned Aerial Systems. The UAS manager shall be assigned to the Homeland Security Unit of the Bureau of Field Services and report directly to the Unit Commander.

Sec. 3 Policy:

This policy is to establish how designated Boston Police employees will operate (UAS) within the National Airspace System (NAS) within the Boston Police Department. This policy will put processes in place for the deployment and activation of UAS. Under the direction of the Boston Police Department UAS Manager, develop unit-specific Standard Operating Procedures (SOP’s). The Boston Police Department UAS Manager shall be responsible for creating, maintaining and ensuring up-to-date policies, procedures, reports, logs etcetera, as required.

**Boston Police UAS Deployments Shall:**

a) Comply with the United States Constitution  
b) Comply with the Massachusetts Declaration of Rights  
c) Comply with all applicable laws and ordinances  
d) Comply with all Boston Police Department Policies, Procedures, Rules, unit-specific SOP’s, and Special Orders  
e) Be approved by the UAS Manager or designee  
f) Ensure that a proper Notice to Airmen (NOTAM) is in place

Sec. 4 Prohibited Use:

Boston Police Department UAS shall not be used for the following:

a) To conduct personal business of any type  
b) To intimidate, harass, or discriminate against any individual or group  
c) 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  
d) UAS shall not be equipped with weapons of any kind  
e) UAS shall not include facial recognition technology  
f) The use of any UAS by the Boston Police Department is strictly prohibited unless authorized by the UAS manager or designee. Any officer that intentionally uses the UAS without proper authorization or in deviation of the standards set forth in this policy may be subject to disciplinary action.

Sec. 5 Privacy Concerns:

A UAS shall not be intentionally used for viewing, recording or transmitting images and/or video in a criminal investigation at any location or property where a person has a reasonable expectation of privacy unless:

a) A warrant or court order has been approved for the search of the property
b) Exigent circumstances exist, including: search and rescue deployments, tactical deployments, crash scenes, fire scenes, hazardous material scenes, and natural disasters

c) Consent is given by the owner or person responsible for the property is obtained

Sec. 6 Deployment Protocols:

Consistent with this policy, applicable laws and unit specific SOPs, Department authorized UAS may be deployed including but not limited to, the following:

a) Search & Rescue deployments
b) Photographic and video deployments
c) Motor vehicle crash investigations/crash scene mapping
d) Criminal investigation & crime scene mapping
e) Tactical response deployments
f) Providing an aerial visual perspective to assist officers in providing direction for crowd management, traffic incident management, special circumstances, and temporary perimeter security
g) Fire services support
h) Aerial Police Response deployment
i) Other special events/incidents as assigned by the Commissioner, Superintendent-in-Chief, and/or the Boston Police UAS Manager or designee, consistent with and as permitted by law

Sec. 7 Boston Police Unmanned Aircraft System Manager Responsibilities:

The Department UAS Manager or designee shall:

a) Ensure that annual statistics are saved for all UAS deployments
b) Ensure that all BPD UAS information required to be retained by all applicable laws and ordinances is provided to the Office of the Police Commissioner on an annual basis
c) Ensure that flight and training records are properly maintained by the appropriate Unit Commander responsible for the use of the unit-specific UAS and forwarded to the Unmanned Aircraft System Manager
d) Ensure that all unit-specific remote pilots hold a Remote Pilot Certificate with a UAS rating issued by the FAA under 14 CFR 107
e) Ensure that all Department UAS are registered with the FAA as required by 14 CFR 107
f) Ensure that all training and licensing is compliant with current FAA regulatory requirements
g) Ensure that Boston Police Rule 331 collection and storage protocols are in place, and properly performed
h) Ensure that, for each deployment, a notice to airmen (NOTAM) protocols are in place
i) Ensure that acquisition protocols are properly utilized

**Sec. 8 Operational Protocols:**

All Department requests for UAS deployments shall be directed to the Boston Police Department Operations Division. Upon receiving a request for an UAS deployment the Operations Division shall immediately notify and relay all pertinent information to the UAS Manager or designee of the UAS request.

The UAS Manager, the appropriate Unit Commander or the Remote PIC may decline, cancel, or terminate any UAS request due to:

a) Safety, weather, visibility

b) Type of request is beyond the UAS or crew member’s capability

c) Availability

d) Mechanical maintenance of the UAS

e) Determination that use of the UAS is not the appropriate resource after operational risk assessment or resource assessment is completed

f) Determination that the use of the UAS is in violation of this policy or Massachusetts General Laws

g) All UAS deployments will be flown in compliance with all current FAA Regulations including but not limited to 14 CFR 107. The Remote PIC has final authority and responsibility for the operation conducted under 14 CFR 107

**Sec. 9 Training:**

Boston Police Department employees selected to be Remote PIC’s shall:

a) Be properly trained and licensed as required by 14 CFR 107

b) Satisfy and maintain all the conditions of the Certificate of Authorization (COA) issued by the FAA if applicable

c) Have a working knowledge of the airspace intended for deployment and air traffic control communications requirements

d) Have the ability to obtain and interpret weather information

Boston Police Department employees selected to be Visual Observers shall:

a) Be properly trained according to standards set by the UAS Manager or designee that comply with FAA current regulatory requirements if any

b) Satisfy and maintain all the conditions of the COA issued by the FAA if applicable
Sec. 10 External Release of UAV Video Recordings and Photography:

a) UAVs must be operated at such an altitude, speed, and with a planned flight pattern that will ensure that inadvertent video recordings or photos of private spaces of third parties are avoided or minimized.

b) Should any video or still images captured during UAV use contain any personally identifiable information, the Department shall handle as it handles all personally identifiable information collected in the course of any investigation per local, state, and federal statutes.

c) All UAV recordings related to an ongoing criminal investigation or in support of a prosecution may be provided by the commanding officer of the appropriate unit to the applicable law enforcement entity. Should a unit officer receive a subpoena for UAV footage, the officer shall direct the subpoena as soon as practicable to the commander of their unit, with a copy to the Office of the Legal Advisor. UAV recordings may be requested by the public pursuant to a public records request (M.G.L. c. 66 §10). If an officer or commander receives a request for UAV recording from the Media, the request shall be directed to the Office of Media Relations. All other requests for UAV recordings, including victim or witness requests, shall be directed to the Office of the Legal Advisor.

d) UAV footage is the sole property of the City of Boston and shall be retained per the Massachusetts Statewide Retention Schedule.

[Signature]

Gregory P. Long
Superintendent In Chief