



**Division of State Patrol
Policy and Procedure**

Number 16-12

Subject SMALL UNMANNED AIRCRAFT SYSTEMS	
Author/Originator Bureau of Field Operations Special Operations Section	Approved by Superintendent <i>Anthony L. Burrell</i>
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I. PURPOSE

The purpose of this policy is to establish guidelines for the use of Unmanned Aircraft Systems (UAS) in Division of State Patrol operations.

II. POLICY

It is the policy of the Division of State Patrol to utilize small unmanned aircraft systems (sUAS) primarily for traffic crash and crime scene photography, and to provide for enhanced situational awareness during public safety related missions including evacuation, site/area security, detection and monitoring of actual or potential criminal and/or terrorist activity, search and locate efforts for missing/abducted persons, and status/damage assessments during and after critical incidents, crises or other events. Division of State Patrol unmanned aircraft may also be used to support State Patrol tower infrastructure inspections and to collect aerial photos and videos to be used for media, recruiting and other authorized purposes.

Unmanned aircraft systems shall be operated by, or under the direct supervision of, trained Division personnel who have received certification from the Federal Aviation Administration (FAA) as a Remote Pilot in Command (RPIC). Unmanned aircraft systems flight operations will be conducted in accordance with the current DOT Unmanned Aircraft Operations Manual, all applicable Wisconsin State Statutes, Federal Aviation Administration (FAA) regulations, authorizations and waivers in effect at the time of the mission. Any use of State Patrol unmanned aircraft systems will be in accordance with constitutional and privacy rights and shall never be used solely for the purpose of monitoring activities protected by the First Amendment or the lawful exercise of other rights secured by the Constitution and laws of the United States except as necessary to protect people who are exercising their constitutional rights in public.

III. DEFINITIONS

- A. **Air Coordination Group (ACG)** – the state-level management asset that coordinates the use of fixed wing, rotary wing and Unmanned Aircraft Systems (UAS) aircraft during response efforts supporting federal agencies, state, local and tribal governmental entities, and volunteer organizations requiring or providing aviation assistance during a disaster or other emergency.
- B. **Air Support Unit (ASU)** – the designated group of authorized DSP pilots, supervisory and other personnel that conduct manned and unmanned aviation operations including flights, scheduling, management and/or coordination of the DSP aviation program.
- C. **Air Support Unit Coordinator** – a designated DSP sergeant responsible for coordinating the daily operational needs of the ASU.
- D. **Air Support Unit Safety Officer** – a designated DSP pilot who has received an instructor rating and who serves as a flight instructor for the unit. Duties include establishing, administering and evaluating a flight accident / incident prevention program.
- E. **Air Support Unit Supervisor** – a designated DSP lieutenant responsible for the oversight of the ASU. Duties include liaison with Division management, the WisDOT Bureau of Aeronautics, the Wisconsin DOA, the FAA, and others.
- F. **Air Operations Center** – a functional designation of a region headquarters/post or other location/entity as selected by the Director of the Bureau of Field Operations (BFO), which serves as the location where official mission requests for the ASU are received and routed to the Air Support Unit Coordinator or his/her designee(s) (i.e., ASU pilots).
- G. **Control Station (CS)** – An interface used by the remote pilot or the person manipulating the controls to control the flight path of the small Unmanned Aircraft.
- H. **Person Manipulating the Controls (PMC)** – A person, other than the remote pilot in command, who is controlling the flight of the unmanned aircraft and is working under the direct supervision of the remote pilot in command.
- I. **Remote Pilot in Command (RPIC or Remote Pilot)** – A person who holds a remote pilot certificate with an Unmanned Aircraft Systems rating under the Federal Code of Regulations 14 CFR Part 107 and has the final authority and responsibility for the operation and safety of the unmanned aircraft flight.
- J. **Small Unmanned Aircraft (UA)** – An unmanned aircraft 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.

- K. **Small Unmanned Aircraft System (sUAS)** – A small UA and its associated elements (including communication links and the components that control the small UA) that are required for the safe and efficient operation of the small UA in the national airspace system.
- L. **Visual Observer (VO)** – A person acting as a flight crew member who assists the small UA remote PIC and the person manipulating the controls to see and avoid other air traffic or objects aloft or on the ground.

IV. GENERAL PROVISIONS

- A. Recommendations for selection and designation of Division RPIC operators may be made by the applicable Region Commander, Chief of the Motor Carrier Enforcement Section, Director of the Bureau of Network Engineering and Data Infrastructure or Wisconsin State Patrol Academy (WSPA) Commander and are approved by the Air Support Unit Supervisor under authority and in consultation with the Captain of the Specialized Services Section and the BFO Directors as applicable.
- B. The Air Support Unit Supervisor is responsible for direct or indirect oversight of Division RPIC operators while they are engaged in authorized small Unmanned Aircraft Systems (sUAS) operations.
- C. Only Division authorized sUAS will be utilized during flight operations. Assignment and transfer of sUAS shall be arranged by and coordinated under the direction of the Air Support Unit Supervisor or designee.
- D. Division sUAS shall be maintained in proper working order in accordance with the manufacturer's guidelines. When not in use the sUAS shall be kept properly charged, safely stored and protected from damaging temperatures.
- E. The respective DSP supervisors will ensure that authorized requests for personnel assigned to their respective bureau/region/section/office who are designated as Division Remote Pilot In Command (RPIC) operators are accommodated in a manner that facilitates Air Support Unit sUAS operations to include emergency flight missions, required flight training and certification, and pertinent meetings/planning sessions as applicable.
- F. Division RPIC operators shall comply with applicable DOT UAS Flight Operations Policy and FAA regulations relating to all operations of the sUAS. Flight operations shall be conducted in accordance with 14 CFR Part 107 and any authorized FAA Part 107 waivers and / or authorizations in effect at the time.
- G. Division of State Patrol Unmanned Aircraft (UA) shall be properly registered with the FAA as required.
- H. In addition to all applicable FAA regulations, Division RPIC operators shall abide by all WI State Statutes affecting sUAS operations.
 - 1. The Division of State Patrol shall not utilize a sUAS to gather evidence or other information in a criminal investigation from or at a place or location where an individual has a reasonable expectation of privacy without first

obtaining a search warrant. This section does not apply to the use of an unmanned aircraft in a public place or to assist in an active search and rescue operation, to locate an escaped prisoner, to surveil a place or location for the purpose of executing an arrest warrant, or if a law enforcement officer has reasonable suspicion to believe that the use of the unmanned aircraft is necessary to prevent imminent danger to an individual or to prevent imminent destruction of evidence.

2. The Division of State Patrol shall not outfit any Unmanned Aircraft (UA) with any type of weapon (projectile, chemical or electrical).

V. PROCEDURE

- A. The Air Support Unit Coordinator shall plan, direct and coordinate all Division sUAS flight safety standards on a statewide basis.
- B. Division RPIC mission authority -
 1. Division RPIC operators are delegated absolute authority and responsibility regarding the operation of the sUAS both in the air and on the ground.
 - a. The decision of the RPIC with reference to weather conditions, operational limitations, and landing and takeoff locations shall be final.
 - b. The Air Support Unit Supervisor or designee may cancel any or all sUAS flights at his/her discretion.
- C. Emergency requests for Division sUAS assets shall be made through the Air Coordination Group by contacting the Wisconsin Emergency Management Duty Officer at 1-800-943-0003. These emergency requests will be accommodated in accordance with the State of Wisconsin Air Coordination Group aviation operations guidelines.

Non-emergency public safety requests for flight missions shall be received and processed via the designated Wisconsin State Patrol Resource Request Line at 1-844-WSP-HELP (1-844-977-4357). These non-emergency requests will be assigned a CFS# by dispatch and accommodated in accordance with the provisions of this policy.

- D. Remote Pilot In Command (RPIC) operators shall observe the following guidelines:
 1. Prior to flying any public safety mission (other than training) the RPIC will obtain a CFS number for the flight. Upon completion of the mission the RPIC will enter relevant notes in the CFS and complete an eSP4500 when appropriate or required.
 2. Cancel flight when conditions make such action necessary.
 3. Utilize a trained Visual Observer (VO) when appropriate or necessary.

4. Conduct thorough preflight planning to determine if the flight can be conducted legally and safely.
5. All sUAS flights shall be conducted in accordance with federal and state laws governing sUAS operations as well Division operational guidelines and training standards. Safety for other users operating in the national airspace system and for people and property on the ground shall be given primary consideration at all times during the mission.
6. Division RPIC operators shall retain a Division issued sUAS flight log and maintenance log. Upon the completion of any flight (including training operations) the RPIC will document all relevant information for that operation in the issued logs.
7. In the event of a Division owned Unmanned Aircraft (UA) crash, sworn RPICs shall notify their duty supervisor and BNEDI technician pilots shall notify their immediate supervisor, who will in turn notify the ASU program manager as soon as reasonably possible and collect all evidence of the crash that can be located.

Evidence may include but is not limited to:

- a. Photos taken of the crash scene.
- b. Unmanned Aircraft (UA) and flight controller.
- c. Digital flight logs and telemetry recordings.
- d. Video or still photos recorded by the sUAS prior to, during or after the flight.
- e. Witness statements.
- f. Police reports.

As soon as reasonably possible, but no later than 24 hours after the crash, the RPIC will notify the Air Support Unit Coordinator of the circumstances surrounding the downed UA and determine if conditions exist requiring mandatory reporting to the FAA under 14 CFR 107.9.

107.9 Accident Reporting. No later than 10 days after an operation that meets the criteria of either section (a) or (b) below, a remote pilot in command must report to the Federal Aviation Administration in a manner acceptable to the Administrator, any operation of the small unmanned aircraft involving **at least:**

- a. Serious injury to any person or any loss of consciousness; or
- b. Damage to any property, other than the small unmanned aircraft, unless one of the following conditions is satisfied:
 - i. The cost of repair (including materials and labor) does not exceed \$500; or
 - ii. The fair market value of the property does not exceed \$500 in the event of total loss.

VI. RECORDS RETENTION

Small Unmanned Aircraft Systems (SUAS) have the potential of collecting a tremendous amount of digital information during a flight including but not limited to video, still images and flight telemetry. The following records retention procedures shall be adhered to.

- A. Division RPIC operators shall only record video or capture images that are necessary for the assigned mission and in accordance with state and federal laws governing such digital image collection. Every attempt shall be made to minimize the video or photo data collected by the sUAS during a flight operation.
- B. The data obtained by sworn staff during a mission shall be collected and retained by the RPIC. This data shall be placed into a digital file titled with the CFS number that was assigned to that flight. This digital file will then be stored at an approved Division digital storage site and maintained in accordance with current Division Records Disposal Authorizations (RDA's).
- C. The data obtained by BNEDI technician pilots during a mission shall be collected and retained by the RPIC. This data shall be placed into a digital file titled with the tower name and location that was assigned to that flight. This digital file will then be stored in an approved Division digital storage site and maintained in accordance with current Division Records Disposal Authorizations (RDA's).
- D. Any data collected by the sUAS that will be used for evidentiary purposes shall be collected by the RPIC as documented in Section VI. Part A of this policy. A copy of this digital file shall also be placed into evidence and kept with court records and will be retained in accordance with current Division Records Disposal Authorizations.

VII. TRAINING

All Division personnel authorized to act as a RPIC shall have received appropriate training as authorized by the Air Support Unit Supervisor. This training shall, at a minimum, meet the requirements set forth by the Federal Aviation Administration, the Division of State Patrol and the DOT Bureau of Aeronautics. Only those individuals who have successfully passed this training and maintain a current Part 107 UAS certificate will be allowed to serve as an RPIC for Division of State Patrol mission operations.

VIII. REFERENCES

Federal Aviation Administration Regulations 14 CFR Part 107
Federal Aviation Administration Advisory Circular 107-2
Wisconsin State Statute 114.105
Wisconsin State Statute 175.55
Wisconsin State Statute 941.292
Wisconsin State Statute 942.10
DSP Policy and Procedure 4-11 Mobile Video Recording
DSP Policy and Procedure 10-5 Physical Evidence and Recovered Property
Records Disposal Authorizations