

**RESOLUTION 17-71**

**A RESOLUTION TO ADOPT DEPARTMENTAL UNMANNED AERIAL  
VEHICLE (UAV) POLICY'S**

**WHEREAS**, technological advances have allowed local government and public safety to acquire unmanned aircraft vehicles to support their day to day operations; and

**WHEREAS**, The Federal Aviation Administration (FAA) provides governance over the use of unmanned aerial vehicles and requires certain certification, training and the adoption of policies and regulations for operation; and

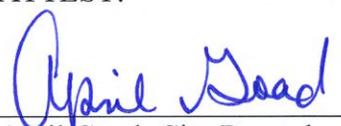
**WHEREAS**, that the City of Spring Hill deems it necessary to operate on occasion an UAV for strategic purpose;

**NOW, THEREFORE BE IT RESOLVED**, that the City of Spring Hill Board of Mayor and Alderman adopts the attached policy/guidelines for use of Unmanned Aerial Vehicles by qualified city employees during their course of employment in compliance with all FAA standards.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 17th day of July 2017.

  
\_\_\_\_\_  
Rick Graham, Mayor

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
\_\_\_\_\_  
Patrick Carter, City Attorney

# Spring Hill Police Department



## GENERAL ORDER

G. O. Number: <b>400.12.5</b>	Effective Date:	Date Issued:	Review Date: <b>Annually</b>	
Subject: <b>Unmanned Aircraft Systems Operations</b>	# Pages:	TLEA #:	Supersedes: <b>New</b>	Revised Date:

### PURPOSE:

The purpose of this General Order is to provide Department employees 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.

### POLICY:

It shall be the policy of the Spring Hill Police Department that duly trained and authorized Department employees may deploy the 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 this General Order and applicable law.

### DEFINITIONS:

**Digital Multimedia Evidence (DME)** – Digital recordings of images, sounds, and associated data.

**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.

**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.

**Unmanned Aircraft System (UAS)** - A system that includes the necessary equipment, network, and personnel to control an unmanned aircraft.

**Small Unmanned Aircraft Systems (sUAS)** – sUAS systems that utilize UAVs weighing less than 55 pounds and are consistent with Federal Aviation Administration (FAA) regulations governing model aircraft.

**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.

**Unmanned Aircraft Pilot** – A person exercising control over a UAV/UAS during flight.

## **PROCEDURES:**

### **A. Administration**

1. All deployments of sUAS must be specifically authorized by the Chief of Police or their designee. This authorization can be either verbal or written and need not be on any specialized form. The Department will utilize sUAS to provide an aerial visual perspective in responding to emergency situations, exigent circumstances, and for the following objectives:
  - a. Situational awareness – To assist Command Staff, Spring Hill City Officials, or other county/state officials in understanding the scope, nature, scale of an incident and to plan/coordinate 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 the Special Response Team or other officers in emergency situations such as hostage, barricades, and other temporary perimeter security situations.
  - d. Scene Documentation – To document a crime scene, traffic collision, or other major incident response, large-scale forensic scene investigation.

### **B. sUAS Use**

1. The Department shall obtain applicable authorizations, permits, or certificates required by the FAA prior to deploying or operating the sUAS, and these documents shall be maintained and current. The sUAS Pilot shall be responsible for maintaining sUAS documents relating to the sUAS program.
2. Prior to any sUAS operations, a Remote Pilot Airman Certification (CFR §107 aka “Part 107 exemption”) or a Certificate of Waiver or Authorization (COA) shall be in place. The sUAS shall also be registered with the FAA and receive a tail number.
3. The sUAS shall be operated only by employees who have been trained and certified in the operation of the system.

4. The sUAS certified employees shall inspect and test sUAS equipment prior to each deployment to verify the proper functioning of all equipment and the airworthiness of the device.
5. The sUAS equipment is the responsibility of the Pilot(s) and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the Pilot's direct supervisor as soon as possible so that an appropriate repair can be made or a replacement unit can be procured.
6. The sUAS equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of this Department.
7. All flights shall be documented. The flight times shall be accurately recorded. Each deployment of the sUAS shall include information regarding the reason for the flight, the date and location of the flight, the rank of the employee approving the deployment and other staff assigned, and a summary of the activities covered, actions taken, and outcomes from the deployment. This documentation shall be retained indefinitely.
8. The Department may notify the public concerning a deployment should such notification be necessary. If notification would jeopardize officer safety or the investigation, notification shall not be given to the public.
9. Where there are specific and articulable grounds to believe that the sUAS will collect evidence of criminal wrongdoing and/or if the sUAS will be used in a manner that may intrude upon reasonable expectations of privacy, the agency will obtain a search warrant prior to conducting the flight unless an exception to the search warrant requirement applies.

#### **C. Restrictions on Using the sUAS**

1. The Department shall comply with Federal law and TCA §39-13-609 and §39-13-902 when deploying the sUAS.
2. The sUAS shall not be operated in an unsafe manner or in violation of FAA rules.
3. The sUAS shall not be equipped with weapons of any kind.
4. The Department sUAS shall not be used for personal reasons. No personal sUAVs shall be used for official Department use. sUAV(s) not owned by the Department shall not be used for official Department use.

#### **D. DME Retention and Management**

1. All DME shall be handled in accordance with existing General Orders.
2. All DME shall be securely downloaded at the completion of each deployment. DME that is going to be logged as evidence shall be properly logged in accordance with existing General Orders. DME that is not going to be logged as evidence or for training purposes shall not be retained after the deployment has concluded.

3. No employee shall edit, alter, erase, duplicate copy, share, or otherwise distribute in any manner sUAS DME without prior verbal or written authorization from the Chief of Police or his/her designee.
4. Media or citizens requesting copies flight documentation or DME shall follow procedures set forth in these General Orders concerning open records requests.

#### **E. Pilots**

1. To be considered for selection as a Pilot, applicants must already be allowed to operate a sUAS under "Part 107" or possess a Certificate of Waiver or Authorization (COA).
2. A Pilot's primary duty is the safe and effective operation of the Department's sUAS in accordance with the manufactures' approved flight manual, FAA regulations, COA conditions, state law, and this General Order. Pilots must remain knowledgeable of pertinent FAA regulations, aircraft manufacturer's flight manual, and this General Order.
3. Pilots must maintain a valid FAA UAS Pilot Certificate or a COA must be in place. Operating documents shall be carried by the Pilot for inspection when deploying the sUAS for any purpose.
4. Pilots may be temporarily or permanently removed from flight status at any time by the Chief of Police or his/her designee for reasons including performance, proficiency, physical condition, etc. Should this happen, the Pilot shall be notified in writing stating the reason and any further action that will be taken.
5. The Pilot has final authority and responsibility for the operation and safety of the sUAS flight. The Pilot reserves the right to cancel any deployments requested by the authorizing authority. Such cancellations shall be documented using the official Departmental memo form and maintained by the Pilot.

#### **F. Observers**

1. The sensor system operator/visual observer is responsible for assisting the Pilot in scanning the airspace surrounding sUAS operations and interpreting downlink data received from the sUAS.
2. The sensor system operator/visual observer may also operate the sUAS' s equipment including cameras, FLIR, and radio communications with patrol units.
3. The sensor system operator/visual observe shall maintain a valid FAA 2<sup>nd</sup> Class Medical Certificate.
4. The Pilot shall maintain a file for each observer which shall include copies of FAA certifications, training records, etc.

#### **G. Call-Out Procedure**

1. If an Officer determines that sUAS deployment is needed, that officer shall notify his/her direct supervisor and request such deployment. The Officer's supervisor shall then contact

the Chief of Police via the Chain of Command to request deployment. The Pilot shall contact the on-scene supervisor and request any updates concerning the potential deployment. The following information shall be provided in determining deployment:

- a. Is the location of the incident an area where the aircraft can be deployed safely?
  - b. Are the weather conditions those which will allow the Pilot to fly a mission?
  - c. Any other adverse conditions or information relevant to the deployment decision.
2. Other law enforcement agencies may request assistance from the Department's aircraft. The Chief of Police or their designee shall make the final decision on authorizing the sUAS to assist the requesting agency. The request must come from the Chief of Police or Sheriff of that agency. The Department may request reimbursement of expenses depending on the situation.

#### **H. Facilities**

1. sUAS operations shall be housed and maintained at a facility designate by the Chief of Police.
2. sUAS employees shall not leave the designated facility without making sure the sUAS equipment is secured.
3. sUAS employees are equally responsible for maintaining the facility and equipment in an orderly and neat fashion.

#### **I. Maintenance**

1. The Pilot shall be the maintainer of the sUAS. The Pilot shall comply with all maintenance manuals, guidelines, safety bulletins, and warnings released by the manufacturer and the FAA.
2. The Pilot shall document all maintenance and test flight activities in accordance with this General Order.

#### **REVIEW PROCESS:**

The Chief of Police shall conduct an annual review of this General Order and shall make necessary revisions.

#### **CANCELLATION:**

This order will remain in force until revoked or superseded by competent authority.

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Chief of Police

DRAFT

**I UNITED STATES OF AMERICA XI**  
DEPARTMENT OF TRANSPORTATION • FEDERAL AVIATION ADMINISTRATION  
**IV NAME**  
GEOFFREY WALLACE BETTS  
**V ADDRESS**  
SPRING HILL TN 37174-9528

**VI NATIONALITY USA**      **SEX HEIGHT WEIGHT HAIR EYES**  
IVa **D.O.B.**      **M 73 225 BROWN BROWN**

**IX HAS BEEN FOUND TO BE PROPERLY QUALIFIED TO EXERCISE THE PRIVILEGES OF**  
 **REMOTE PILOT**  
 **CERTIFICATE NUMBER 392701**  
 **DATE OF ISSUE 13 APR 2017**

**XIV**   
**VII ADMINISTRATOR** 

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S**

## Small UAS Certificate of Registration

Name: City Of Spring Hill

Manufacturer: DJI

Model: PHANTOM 3 STANDARD

Serial Number: P5AUDJ30010277

Certificate Number: FA3XA7EAPF

Issued: 03/23/2017 Expires: 03/23/2020



*For U.S. citizens, permanent residents, and certain non-citizen U.S. corporations, this document constitutes a Certificate of Registration. For all others, this document represents a recognition of ownership.*

*For all holders, for all operations other than as a model aircraft under sec. 336 of Pub. L. 112-95, additional safety authority from FAA and economic authority from DOT may be required.*

*This Small UAS Certificate of Registration is not an authorization to conduct flight operations with an unmanned aircraft. Operations must be conducted in accordance with the applicable FAA requirements. The operator of the aircraft is responsible for knowing and understanding what those requirements are. For more information on flying for non-model purposes, please visit the FAA website at [www.faa.gov/uas](http://www.faa.gov/uas)*



**Federal Aviation  
Administration**

# Municipal Use of Unmanned Aircraft Systems or Drones in Tennessee

Have you considered purchasing a drone? This innovative technology is gaining the interest of many local governments across the state. Whether or not you decide to jump into Unmanned Aircraft System technology, it is important to understand the liability associated with their use.

## Federal Regulations and Laws

Unmanned Aircraft Systems (UAS) or drones are regulated by the Federal Aviation Administration (FAA). The FAA gains its authority to regulate UAS through the FAA Modernization and Reform Act (FMRA) of 2012.<sup>1</sup>

Governmental entities have two options for flying UAS.

1. They can fly under the “small UAS rule” requiring a Remote Pilot Airman Certificate,<sup>2</sup> or
2. They can obtain a blanket public Certificate of Waiver or Authorization (COA)

Under this statute and the associated regulations, UAS are classified into three groups based on how they are used. These groups are hobby use, civil or governmental use, and commercial use. This statute stipulates that all use of a UAS or drone falls into one of these categories. The governmental use of UAS falls under either the civil or commercial use. This means that in order to legally operate a UAS you MUST obtain a Certificate of Waiver or Authorization, or have your designated UAS operator complete the Remote Airman Certificate (this is also referred to as a Part 107 exemption). You are greatly increasing the liability of drone ownership and use if you do so without complying with FAA rules and regulations.<sup>3</sup>

Local governments are in a unique position in that they can apply for a COA or have a Remote Pilot Airman Certificate. Regardless of which route you take, you must also register the UAS with the FAA to receive a tail number. Please visit the section of the Federal Aviation

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<sup>1</sup> Public Law 112-95, Section 333-334

<sup>2</sup> 14 CFR §107

<sup>3</sup> “Unmanned Aircraft Systems,” Federal Aviation Administration, [www.faa.gov/uas/](http://www.faa.gov/uas/), (29 August 2016).

Administration's website devoted to Unmanned Aircraft Systems to learn more about these rules and regulations ([www.faa.gov/uas/](http://www.faa.gov/uas/)) or speak with your city attorney.

### Tennessee State Laws

In addition to Federal requirements, the State of Tennessee has passed several laws pertaining to the governmental use of UAS. Effective July 1, 2013, local governments must comply with the Freedom from Unwarranted Surveillance Act (TCA 39-13-609). This statute stipulates that the use of a drone to gather evidence or information constitutes a search and any law enforcement agency that utilizes a drone must comply with the fourth amendment. If law enforcement fails to legally obtain a warrant, evidence obtained or collected in violation of TCA 39-13-609 is deemed inadmissible. The act further places responsibilities on law enforcement for the maintenance and disposal of data collected.

Effective July 1, 2016, TCA 39-13-902 gives a listing of images that are lawful to capture by a UAS. This extensive list gives many potential local government uses, including surveying a catastrophe, fire suppression, oil and gas pipeline safety and protection, and inspection of utility facilities. Please review the statute for the complete listing.

### Educational Use of Unmanned Aircraft Systems

On May 4, 2016, the FAA released a Memorandum regarding Educational Use of Unmanned Aircraft System. This memo outlines the following:

- "A person may operate an unmanned aircraft for hobby or recreation in accordance with section 336 of the FAA Modernization and Reform Act of 2012 (FMRA) at educational institutions and community-sponsored events provided that person is (1) not compensated, or (2) any compensation received is neither directly nor incidentally related to that person's operation of the aircraft at such events."
- "A student may conduct model aircraft operations in accordance with section 336 of the FMRA in furtherance of his or her aviation-related education at an accredited educational institution."
- "Faculty teaching aviation-related courses at accredited educational institutions may assist students who are operating a model aircraft under section 336 and in connection with a course that requires such operations, provided the student maintains operational control of the model aircraft such that the faculty member's manipulation of the model aircraft's controls is incidental and secondary to the student's (e.g. the faculty member

steps-in to regain control in the event the student begins to lose control, to terminate the flight, etc.).”

The FAA has advised that “the use of small unmanned aircraft by **students** at accredited educational institutions as a component of science, technology and aviation-related education curricula or other coursework such as television and film production or the arts more closely reflects and embodies the purposes of “hobby or recreational” use of model aircraft.” However, the FAA cautions that faculty may only provide “limited assistance” to students flying a UAS provided that “the operation of the unmanned aircraft is secondary to the design and construction of the aircraft, such that the primary purpose of the course is not operating an unmanned aircraft.”<sup>4</sup>

Educational institutions are subject to the same rules and regulations for operating UAS as other local governments, outside of the student’s limited use as a component of their classwork. In particular, educational institutions must still comply with the requirements of obtaining a Certificate of Authorization or a Remote Airman Certificate. The guidance shared by the FAA on educational use of UAS or drones by students still reaffirmed the fact that if you are compensated for your use of a drone (as a teacher or administrator is) then you are flying for commercial purposes. This cannot be classified as hobbyist or recreational use. It is imperative that you have your local counsel fully evaluate the plans that your school system has to incorporate UAS technology into school work to determine what authorization from the FAA is necessary. If you are in violation of federal rules or regulations, you are not eligible for The Pool’s insurance coverage for the use and operation of a UAS or drone.

### Liability and Property Coverage

Pool members who operate a UAS or drone can purchase coverage for liability exposure and for damage that the UAS may sustain. In order to evaluate coverage, underwriting must be supplied with:

- Verification that you are complying with the applicable FAA rules and regulations:
  - Proof of Remote Pilot Airman Certificate or
  - Your entity’s public Certificate of Waiver or Authorization (COA)
- A copy of your entity’s policy regarding what is appropriate use for the UAS
- Total value of the UAS, controllers, batteries, and any equipment that attaches to it
- Completed UAS Supplemental Application from The Pool’s Underwriting Department

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<sup>4</sup> Govan, Ronald C.. *Educational Use of Unmanned Aircraft Systems (UAS)* [Memorandum]. Washington, DC: Federal Aviation Administration. 2016 May 4.

You must document the training that you conduct internally with all individuals involved in your UAS / Drone program showing that they understand your entity's policies and procedures and have been made aware of the applicable federal and state laws and regulations.

Contact your underwriter or member services representative to obtain an application.