



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information**, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: 3-9-2020	Date of Meeting: 4-23-2020
Submitted by: Captain Matthew Tarleton	
Department: Police	Time Required: 20 minutes
Speakers: Captain Matthew Tarleton & Community Services Officer William Vandersyde	Background Info. Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>
	Supplied: _____

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment: <input type="checkbox"/>	Recognition/Resignation/Retirement: <input type="checkbox"/>
Public Hearing: <input type="checkbox"/>	Old Business: <input type="checkbox"/>
New Business: <input checked="" type="checkbox"/>	Consent Agenda: <input type="checkbox"/>
Nonpublic: <input type="checkbox"/>	Other: <input type="checkbox"/>

TITLE OF ITEM

Donation of drone (aka: sUAS - small unmanned aircraft system) valued at \$2,000.00.

DESCRIPTION OF ITEM

Request to accept a donated drone from Merrimack resident Dwayne LaFlotte for department use when deemed appropriate/necessary.

REFERENCE (IF KNOWN)

RSA: 31:95-b	Warrant Article: _____
Charter Article: 8-15	Town Meeting: _____
Other:	N/A

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector: <input type="checkbox"/>	Grant Requirements: <input type="checkbox"/>
Easel: <input type="checkbox"/>	Joint Meeting: <input type="checkbox"/>
Special Seating: <input type="checkbox"/>	Other: <input type="checkbox"/>
Laptop: <input type="checkbox"/>	None: <input type="checkbox"/>

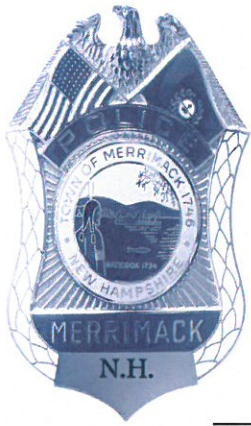
CONTACT INFORMATION

Name: Matthew Tarleton	Address: Police
Phone Number: 603.420.1829	Email Address: mtarleton@merrimacknh.gov

APPROVAL

Town Manager: Yes No: Chair/Vice Chair: Yes No:

Hold for Meeting Date: _____



MERRIMACK POLICE DEPARTMENT

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www.merrimackpd.org

Denise I Roy
Chief of Police

Brian K. Levesque
Deputy Chief

MEMO

DATE: MARCH 10, 2020
TO: EILEEN CABANEL AND THE TOWN COUNCIL
FROM: CAPT. MATTHEW TARLETON
RE: DRONE DONATION AGENDA REQUEST

The purpose of this memorandum is to officially request the scheduling of an agenda item regarding a donation to the Merrimack Police Department, specifically a Parrot (brand) Anafi Drone valued at \$2,000.00. The donation was provided by Merrimack resident Dwayne LaFlotte.

Departments nationwide and locally (Manchester, State Police and Portsmouth PD to name a few) have started to deploy drones, or small unmanned aircraft systems (sUAS) in an effort to improve lifesaving capabilities and enforce laws. The Merrimack Police Department feels the acceptance of this generous donation would greatly help in these areas as well. Specifically search and rescue efforts, traffic collision reconstruction, investigating active shooter/suspect incidents, crime scene analysis/reconstruction, surveillance and crowd monitoring. These capabilities will not only help officers do their job more efficiently, but safer as well by affording a safe distance from potentially hazardous situations.

Also provided for your review is an SOP (standard operating procedure) for the department with regard to our proposed drone program. This SOP provides specific guidelines for its use in accordance with state and federal laws, as well as FAA (Federal Aviation Administration) requirements. We would appreciate the opportunity to present this donation to you for your consideration at your earliest convenience.

I. STATEMENT OF PURPOSE

This policy is intended to provide personnel who are assigned the responsibilities associated with the deployment and use of small Unmanned Aircraft Systems. The Merrimack Police Department continuously explores better, safer, and more efficient tools to help support their missions which help ensure safer communities through prevention, preparedness, and effective emergency responses.

Department personnel shall abide by the search, seizure and privacy protections of the 4th Amendment to the United States Constitution and Part I, Article 19 of the New Hampshire Constitution that protect persons from unreasonable searches and seizures. Personnel will be trained on and abide by all legal standards applicable to the deployment and use of sUAS technology. These devices will be deployed only when authorized and in connection with law enforcement investigation, emergency response activities and training flights. All other means of deployment will be with the expressed permission of the Chief of Police or his/her designee.

II. POLICY

The mission of the sUAS program is to provide aerial support and assistance to the Merrimack Police Department as well as other agencies in situations where the operating environment is hazardous or unreachable due to environmental interference. It shall be the policy of the department that duly trained and authorized agency personnel may deploy sUAS when such use is appropriate in the performance of their official duties. Collection, use, retention, or dissemination of data in any manner that would violate state or federal law, or 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 is prohibited.

III. DEFINITIONS

1. *Certificate of Authorization or Waiver (COA)*: an authorization issued by the Air Traffic Organization to a public operator for a specific Unmanned Aerial activity.
2. *Crew Resource Management (CRM)*: The effective use of all available resources for flight crew personnel to assure a safe and efficient operation, reducing error, avoiding stress and increasing efficiency.
3. *Digital Multimedia*: Digital images, digital videos and sounds.
4. *Visual Observer*: A trained person who assists a UAS pilot in the duties associated with collision avoidance and navigational awareness through electronic or visual means. Collision avoidance includes, but is not limited to, avoidance of other traffic, clouds, obstructions, terrain and navigational awareness.

A visual observer is a trained person who assists the UAS pilot by visual means in the duties associated with collision avoidance.

5. *sUAS Team*: Sworn Police Officers selected to operate sUAS while in training or in the performance of authorized public safety/law enforcement functions.

6. *Remote Pilot In Command (PIC)*: A person who holds a current remote pilot certificate with a sUAS rating and has the final authority and responsibility of the operation and safety of the sUAS.

7. *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.

8. *Small Unmanned Aircraft System (sUAS) Unit Commander*: A member responsible for all FAA reporting and administrative responsibilities associated with the operation of the UAS per FAA guidelines. The sUAS Commander will be responsible for reporting any issues directly to the Chief of Police or designee.

9. *Small Unmanned Aircraft System (sUAS) Unit Chief Pilot*: A member, who in the absence of the Unit Commander, is responsible for all FAA reporting and administrative responsibilities associated with the operation of the sUAS per FAA guidelines. The Chief Pilot will be responsible for assuring that the recommended manufacture hardware and software updates associated with the sUAS are completed on a scheduled basis.

10. *sUAS Flight Crewmember*: A pilot, visual observer, payload operator or other person assigned duties for a sUAS for the purpose of flight or training exercise.

IV. PROCEDURES

1. REASONS FOR DEPLOYMENT:

A. Situational Awareness:

1. 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:

1. To assist missing person investigations, AMBER Alerts, and other search and rescue missions.

C. Tactical Deployment:

1. To support the tactical deployment of officers or other resources, and equipment in emergency situations (e.g., incidents involving hostages and barricades, support for largescale tactical operations,

significant or potentially significant fire and rescue incidents, significant or potentially significant fire and rescue incidents, and other temporary perimeter security situations).

D. Visual Perspective:

1. To provide an aerial visual perspective to assist personnel in providing direction for crowd control, traffic incident management, drug enforcement activity, drug enforcement activity, special circumstances, and temporary perimeter security.

E. Incident Command and EOC support: Incident Command and EOC support:

1. To provide aerial reconnaissance/observation in order to support strategic and tactical decision on emergencies, major incidents and tactical decision on emergencies, major incidents and/or disasters.

F. Scene Documentation:

1. To document a crime scene, accident scene, or other major incident scene (e.g., structure fire, disaster management, incident response, large-scale forensic scene investigation).

2. PROCEDURES FOR sUAS USE:

A. The department must obtain applicable authorizations, permits, or certificates required by the Federal Aviation Administration (FAA) prior to deploying or operating the UAS, and these authorizations, permits, and certificates shall be maintained and be current.

B. All operational missions (planned or emergency responses) taking place within the Town of Merrimack will be conducted under the Town of Merrimack's COA issued by the FAA pursuant to 14 CFR Part 107. Whenever possible the sUAS Chief Pilot or his designee will contact the FAA early in the planning stage.

C. The sUAS Chief Pilot or Remote PIC will supervise the mission and any aircrew members during sUAS operations. The sUAS equipment will be operated only by personnel (pilots and crewmembers) who have been trained and certified in the operation of the system. All agency personnel with sUAS responsibilities, including command officers, agency personnel with sUAS responsibilities, will be provided training in the policies and procedures governing their use.

D. A standard crew for sUAS operations shall consist of three (3) persons, one (1) pilot, one (1) observer and (1) assistant. However, the FAA does not mandate an observer or assistant, so a single licensed operator (pilot) may be used with supervisor approval. The assistant's responsibilities will be flight documentation, payload management and radio communication. The assistant need not be a sUAS team member if sUAS team members are not available.

3. LICENSING, CERTIFICATION AND REGISTRATION:

A. The sUAS Commander shall:

1. Ensure that all unit specific remote pilots hold a current Remote Pilot Certificate with an sUAS rating issued by the FAA under 14 CFR 107.
2. Ensure that all sUAS are registered with the FAA as required by 14 CFR.

4. DEPLOYMENT PROTOCOLS AND REQUESTS:

A. sUAS team assistance may be requested from any supervisor to or his designee. The sUAS Commander is responsible for receiving authorization from the Chief of Police.

B. Upon authorization, the sUAS commander or his designee will contact appropriate team members and advise them of the location and nature of the call. Team members will confirm their response with the call. The commander will coordinate the gathering and of the necessary sUAS equipment.

C. The sUAS commander or his designee will notify the Merrimack Police Department's dispatch center of the personnel responding and the ETA.

5. OPERATION CONSIDERATIONS:

A. Safety of the sUAS operations (including persons and property) is the responsibility of the entire team and therefore Crew Resource Management shall be utilized for all sUAS operations. sUAS team members should bring to the attention of other members and scene supervisors any condition that they feel is a safety concern.

B. All sUAS team members will be familiar with the COA and attachments, which relate to operation of the sUAS and comply with same.

C. The sUAS shall be operated in accordance within manufacturer specifications and applicable FAA limitations and restrictions.

D. Care shall be taken in the operation of the sUAS to avoid/limit overflying persons and property that could result in injury or damage whenever possible.

6. PRE-FLIGHT PROCEDURES:

A. General Airworthiness: The sUAS Commander shall be responsible for ensuring that the sUAS are maintained and flight ready according to the manufacturer's recommendations and related industry standards.

B. Mission Specific Airworthiness: The PIC shall be responsible for ensuring that the sUAS is airworthy before each mission. The PIC may rely upon the inspection and reports provided by the sUAS Commander.

C. A pre-flight check of the sUAS (including tuning if necessary will be completed in accordance with the manufacturer's recommendation).

D. Battery Charge: Any components necessitating a charged battery shall be charged by manufacturer's recommendations. To the extent permissible by manufacturer's recommendations, the sUAS shall only be operated using fully charged batteries and shall be fully charged when not in use.

7. COMMUNICATIONS:

A. All communications required by the FAA will be complied with.

B. Communications with sUAS team members during operations will be limited to operationally necessary communications in order to minimize disruptions to sUAS team members.

C. In operations where an observer is utilized, the observer shall utilize a distance from the sUAS that will adequately permit them to maintain a visual observation on the sUAS and maintain officer safety.

8. OPERATIONAL PROTOCOLS:

A. Restrictions

1. The sUAS shall be deployed and used only to support official law enforcement, fire, life safety and/or other official public safety missions, training, demonstrations or other official business. All flights will be approved by the sUAS commander or designee and must be for a legitimate public safety mission.

2. Only department approved sUAS's shall be utilized in an official capacity.

3. The sUAS shall not be operated in an unsafe manner or in violation of FAA rules.

4. At no time will the Merrimack Police Department authorize the weaponing of the sUAS or allow for dispersal payloads, to include the use of OC, CS/CN, NFDD, Smoke canisters, etc.

B. Special Determinations:

1. sUAS Commander, observer or PIC may decline, cancel, or terminate any sUAS request or mission due to:

a. Hazards, poor weather conditions and/or lack of visibility;

b. Type of request beyond the sUAS or member's capability;

c. Availability;

d. Mechanical maintenance of the sUAS;

e. Determination that the use of the sUAS is not the appropriate resource after operational risk assessment is completed.

f. Determination that the use of the sUAS is in violation of this policy or law.

g. Flight emergency.

**All sUAS missions will be flown in strict compliance with all FAA regulations including but not limited to 14 CFR 107. The PIC has final authority and responsibility for the operation and safety of a sUAS in accordance with 14 CFR 107.*

9. ACCIDENT NOTIFICATION AND INVESTIGATION:

A. In the event of a crash/incident involving fatalities, injuries, or property damage; damage to the sUAS (in excess of \$1000.00); or loss of the sUAS; the PIC shall:

1. Report the crash/incident immediately to the sUAS Commander or Chief of Police; and
2. Make all applicable notification in compliance with applicable federal and state law, including 14 CFR 107.

B. The sUAS Commander shall insure an investigation is initiated in order to determine the facts and circumstances of the event, including whether any policies have been violated by the members of the sUAS team. A memorandum shall be forwarded to the Chief of Police for review.

10. EMERGENCY PROCEDURES:

A. The manufacturer's specified emergency procedures shall be complied with at all times. The Department may also add additional emergency or abnormal procedures to a checklist, to include but not limited to:

1. Low Battery warning or Critical Battery Warning.
2. Forced Landing/Crash procedures (Reports, notifications, photos)
 - a. Pilot (PIC) will secure the scene and immediately notify the sUAS Commander or a selected agency designee.
 - b. Pictures will be taken documenting the entire scene
 - c. A Member involved will also notify sUAS Commander and make sure all information is available to complete the mandatory FAA online notification report, within the time allotted per COA requirements.

3. The loss of flight application software or hardware crash

11. DM (DIGITAL MEDIA, MEMORY CARD) RETENTION AND MANAGEMENT:

A. All law enforcement related data, images, video, and media captured, recorded, or otherwise produced by the equipment is the sole property of the sole property of the Merrimack Police Department.

B. All DM shall be handled in accordance with existing policy on data and record retention, where applicable.

C. Personnel shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner sUAS DM without authorization and approval of the Chief of Police, or his or her designee. It is, however, understood that certain DM shall be provided to agencies based on current Right to Know laws. Additionally, non-classified and/or classified other legally permissible DM can be shared for public information when approved by the Chief of Police or his or her designee.

D. All sUAS DM which is not deemed evidentiary in nature shall be maintained by the sUAS Commander or his designee. Any access must be authorized by maintained by the sUAS Commander and must be for official purposes.

E. Files should be securely stored in accordance with approved policies and state records retention laws and retained no longer than necessary for purposes of training, emergency scene documentation, damage assessment training, , use in an investigation or prosecution, or other approved need.

F. Information collected using an sUAS that may contain Personal Information shall not be retained for more than 180 days unless retention of the information is determined to be necessary to an authorized mission of the investigating law enforcement agency and is maintained in a system of records covered by the Privacy Act or a longer period by any other applicable law or regulation.

G. All DM records and materials shall be stored on a separate stand-alone hard drive separate from department servers and computers.

I. Any law enforcement agency requesting DM photos or video obtained with the Merrimack Police Department's sUAS Unit the requesting agency must complete a chain of custody prior to taking custody of DM footage. All requests shall be documented and maintained by the sUAS Commander.

12. POST FLIGHT REQUIREMENTS AND REPORTING:

A. All operational flights will be documented in an after action sUAS report by the operation's PIC.

B. All after action reports shall be maintained by the sUAS commander.

C. If DM is obtained as a result of an official law enforcement investigation or resulted in damage to property, injury or death. A copy of the video shall be entered into evidence and filed as property and filed as property in the appropriate case file.

D. If the DM is not for official law enforcement actions (fire scene, public works, etc.) the recording shall be maintained and in the custody of the sUAS commander.

E. In the event of damage to the sUAS in excess of \$1000.00 the after action report shall be forwarded to the sUAS commander, reviewed and submitted to the office of the Chief of Police.

F. Any damage to the sUAS or its equipment that is determined to render the system un-airworthy shall be labeled so as to be visually observable. The sUAS commander will be contacted and advised.

G. A post-flight check of the sUAS will be completed in accordance with the manufacturer's recommendation and documented in the after action report.

13. STORAGE/TRANSPORTATION:

A. Storage and Transportation of all sUAS equipment will be done in accordance with manufactures guidelines.

14. PRIVACY:

A. sUAS recorded data will not be collected, disseminated or retained solely for the purpose of monitoring activities protected by the U.S. Constitution, such as the First Amendment's protections of religion, speech, press, assembly, and redress of grievances (e.g., protests, demonstrations).

B. Collection, use, dissemination, or retention of sUAS recorded data shall not be based solely on individual characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender identity, religion, age, or gender), which is a violation of the law.

C. The Merrimack Police Department will be transparent in its sUAS program while minimizing risk to people, property, and aircraft; while continuing to safeguard the right to privacy of all persons. To ensure transparency the following will be available to the public;

1. The department will keep the public informed about the agency's sUAS program as well as changes that would significantly affect privacy, civil rights, or civil liberties.

2. The Department will make available to the public, on an annual basis, a general summary of the agency's sUAS operations during the previous fiscal year, to include brief description of types or categories of missions flown, and the number of time the agency provided assistance to other agencies, or to State, local, tribal or territorial governments.

D. Where there are specific and articulable grounds to believe that the sUAS will collect evidence of criminal wrongdoing and 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 exigent circumstances or appropriate permissions are obtained by legal owners/occupants to which legal authority can be granted to conduct said flights.