

**MINISTRY OF JUSTICE
POLICING AND SECURITY BRANCH
POLICE SERVICES DIVISION
BRIEFING NOTE**

PREPARED FOR: Clayton Pecknold, Assistant Deputy Minister
and Director of Police Services
FOR INFORMATION

ISSUE: Police use of Unmanned Aerial Vehicles

BACKGROUND:

- An Unmanned Aerial Vehicle ("UAV" or "Drone") is an aircraft that does not carry a human pilot. They come in variety of shapes, sizes, configurations, and characteristics, and are controlled remotely by a pilot on the ground (some advanced models are automated).
- UAVs are predominantly deployed for military purposes as a low-cost, low risk resource for missions deemed "too dull, dirty, or dangerous" for manned aircraft.
- UAVs are powerful tools capable of carrying facial recognition systems, license plate scanners, thermal cameras, cellular scanners, WiFi "sniffers", etc. Some military UAVs have been adapted to carry weapons for threat elimination.
- With the convergence of lower technology prices and improved performance, UAVs have emerged as viable non-military tools. Now available commercially, and with low operating costs (1/30th of manned aircraft), UAVs are increasingly used for scientific research, energy sector mapping, forest fire detection, etc.
- Current and planned use of UAVs by police agencies in BC include:
 - "E" Division Traffic Services is currently testing a UAV, although the RCMP has 18 unmanned UAVs under a national program which started in 2010.
- Privacy advocates and media have raised concerns about police use of UAVs:
 - Canada's Assistant Privacy Commissioner states that UAVs may be used invasively, and perhaps unlawfully, for covert surveillance; and
 - Ontario's Information and Privacy Commissioner states that UAVs, while offering many benefits, have the potential to be "extremely invasive".

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DISCUSSION:

- Law Enforcement agencies in Canada and abroad, feel there are tremendous benefits to policing with the prudent use of UAVs.
- RCMP UAVs are primarily used for search and rescue (missing persons), crash-scene analysis, and crime scene mapping.
- Transport Canada requires UAV operators to submit documentation of the intended use for such devices. The documents are assessed from the perspective of safety (not privacy), and then a Special Flight Operations Certificate (SFOC) is issued that sets-out restrictions on device use.
- Transport Canada has issued RCMP "E"-Division an SFOC, valid until August 2013, with the following restrictions:
 - Use must be in Province of BC;
 - UAV may operate without markings;
 - UAV operation must occur in accordance to the following guidelines:
 - Must be operated by team of two qualified persons (pilot and observer);
 - Must remain visible to the operator (pilot) and observer at all times;
 - May not be flown operationally if pilot has not flown in past 90 days;
 - Minimum visibility of 1800m;
 - Minimum ceiling 30m above operating altitude (maximum 'above ground level: is 275ft daytime/ 100ft night-time);
 - No use within 30m of buildings, vehicles, or persons uninvolved in the operation (unless all persons in the area are informed of UAV's activity);
 - No flights over spectators; and
 - No operation in controlled/restricted airspace without prior approval.
- RCMP in BC has also developed UAV policy for its "E"-Division Operational Manual that reflects the SFOC guidelines and input from a national working group, RCMP Air Services, police agencies and Transport Canada. It includes these elements:
 - UAV to be used as an investigational aid for aerial photography of crime and collision scenes, environmental incidents/design, and similar purposes;
 - UAV may not be used for covert surveillance except in special circumstances where it alleviates imminent risks to life or safety (warrant required);
 - Ongoing operator training requirements; and
 - Prior to initiating a UAV program, RCMP will consider briefing media on its possible uses and to provide reassurance it will not be used for surveillance.
- RCMP "E"-Division has not completed a Privacy Impact Assessment to guide its UAV use. However, they have committed to provide timely updates to the province on their use of UAVs, and to proactively engage BC's Privacy Commissioner.

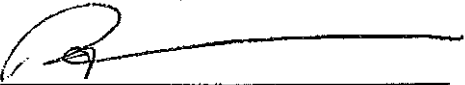
- National privacy laws require UAV users to demonstrate the need for surveillance activities and account for and secure personal information acquired.
- Ontario's Information and Privacy Commissioner has expressed that special restrictions and regulations governing UAV use will likely be needed in the future.

RECOMMENDATION:

- Approval of the letter (see Appendix) from the ADM, Policing and Security Branch, to the BC Chiefs of Police requesting their agencies:
 - Consult with federal and provincial (BC) Privacy Commissioners prior to implementing UAV technology; and
 - Ensure policy is in place prior to use and policy is shared with Police Services Division.

Prepared by:

Rob Ferrier
Sr. Program Manager
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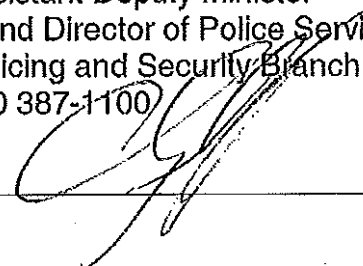
Recommended by:

Sam MacLeod
Executive Director
Policing, Security and Law Enforcement
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Approved by:

Clayton Pecknold
Assistant Deputy Minister
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Attachment: Appendix – Letter to Members, British Columbia Association of Chiefs of Police



February 22, 2013
Ref: 489503

Deputy Commissioner Craig Callens, Commanding Officer, RCMP "E" Division
Chief Constables of Independent Municipal Police Departments
Chief Officer, SCBCTA Police Services
Chief Officer, Stl'atl'imx Tribal Police Services
Superintendent Denis Boucher, OIC, "E" Division Traffic Services
(for distribution to all BC RCMP Detachments and IRSU Units)
Chairs of Municipal Police Boards

RE: Use of Unmanned Aerial Vehicles (UAVs)

I understand some British Columbia police agencies have acquired or, plan to acquire, UAV technology in the near future.

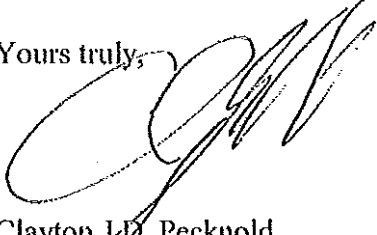
Police Services Division is in the process of assessing the deployment of this technology, and compliance with Transport Canada regulations and provincial and/or federal privacy legislation. Therefore, I request that the following information be provided to my office:

- 1) A copy of your respective agencies policy/procedures;
- 2) A copy of the Privacy Impact Assessment or verification that consultation has taken place with the provincial and/or federal privacy commissioners' office, as appropriate; and,
- 3) Documentation related to compliance with Transport Canada regulations.

Thank you in advance for your cooperation on this important issue. Please forward the requested information to Mr. Rob Ferrier, Senior Program Manager, Police Services Division, as follows:

Mr. Rob Ferrier
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Yours truly,


Clayton J.D. Pecknold
Assistant Deputy Minister
and Director of Police Services
Policing and Security Branch

pc: Mr. Rob Ferrier