



Policy Name:	REMOTELY PILOTED AERIAL SYSTEMS – COMPLAINTS		
Policy #:	OP 4.48.1	Last Updated:	2022-05-12
Issued By:	COMMUNITY POLICING BUREAU	Approved By:	SURREY POLICE BOARD
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RELATED POLICIES

OP 5.1 *Seized Property*

OP 5.1.2 *Digital Evidence Management*

1. PURPOSE

1.1. To provide guidelines and procedure when Surrey Police Service (SPS) Members receive a Remotely Piloted Aerial System (RPAS) complaint from the public.

2. SCOPE

2.1. This policy applies to all Members.

3. POLICY

3.1. The use of Remotely Piloted Aircraft System (RPAS) (also referred to as Unmanned Aerial Vehicles (UAV) and “drones”) and model aircraft are governed by legislation, including the *Criminal Code*, the *Aeronautics Act* and the *Canadian Aviation Regulations (CAR)*. Members have several options for enforcement when dealing with RPAS complaints.

3.2. RPAS operators must fly in a safe manner when conducting flights and must follow the rules in the CAR. Transport Canada is the enforcement agency of the CAR and will investigate and take enforcement action where there is evidence an operator has knowingly violated the CAR.

3.3. RPAS operators must abide by the CAR when flying a commercial or recreational RPAS. If an RPAS is less than 250 grams in weight, the operator does not need to register the RPAS or carry an RPAS pilot certificate issued by Transport Canada. Regardless of the overall weight of the RPAS, all operators must not operate their RPAS in a reckless or negligent manner as to endanger or likely endanger safety or the safety of any person. RPAS over 250 grams in weight must be registered

with Transport Canada, the operator must have a Special Flight Operating Certificate issued by Transport Canada, and the RPAS must be clearly marked with the operator's name, address and telephone number.

3.4. Transport Canada provides best practice, prohibitions and guidelines for RPAS operations of all sizes that include but are not limited to:

- i. maintaining the RPAS in visual line of sight and not more than 500 metres away from the operator;
- ii. not flying the RPAS above 122 metres in the air
- iii. keeping a safe distance between the drone and bystanders at a minimum of 30 metres;
- iv. staying far away (9 km) from aerodromes, airports, heliports, and waterdromes;
- v. not flying near critical infrastructure such as hospitals and police stations;
- vi. not flying over or within the security perimeter of a police or first responder emergency operation site;
- vii. not flying near airports;
- viii. not interfering with manned aircraft; and
- ix. not flying at nighttime.

4. PROCEDURE

4.1. When RPAS complaints are received, Members should consider whether:

- i. the RPAS is posing a danger to persons, interfering with manned aircraft, or at risk of damaging property;
- ii. the RPAS is being used in a criminal offence, or contains evidence relating to a criminal offence; and
- iii. if the RPAS is being operated in compliance with the CAR.

4.2. If Members believe that a RPAS was used and/or involved in a criminal offence, the incident itself may fall under the following examples for criminal charge consideration:

- i. *Mischief* (s. 430 *Criminal Code*);
- ii. *Voyeurism* (s. 162 *Criminal Code*);
- iii. *Criminal Harassment* (s. 264 *Criminal Code*);
- iv. *Operation of aircraft that is dangerous to the public* (s. 249 *Criminal Code*); and
- v. *Common Nuisance* (s. 180 *Criminal Code*).

4.3. There are no City of Surrey bylaws regarding operation of an RPAS.

4.4. If an RPAS must be seized, Members will follow OP 5.1 *Seized Property* and OP 5.1.2 *Digital Evidence Management* procedures. If necessary, assistance and advice can be requested from on duty Digital Forensics Unit investigators.

4.5. If Members locate an operator who is operating an RPAS contrary to the CAR, they may, if appropriate, complete a PRIME-BC General Occurrence report and forward details of their investigation to the Pacific Region Aviation Enforcement Branch of Transport Canada. Transport Canada is the enforcement agency regarding violations of the CAR. Information that Transport Canada may require includes:

- i. name, address, phone number and business name (if applicable) of the RPAS operator and witnesses;
- ii. date, time and location of the offence;
- iii. written statements from witnesses;
- iv. details of the allegation;
- v. photographs and/or video evidence; and
- vi. description of the RPAS including make, model, serial number and size as well as any attached peripherals such as cameras.

4.6. The Pacific Region Aviation Enforcement Branch can be contacted by email: TC.PACInvestigation-EnquetePAC.TC@tc.gc.ca.

APPENDIX A: DEFINITIONS

“CARs” means the *Canadian Aviation Regulations*.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“Pilot” means the person in control of the RPAS during flight operations and is certified in all aspects of its flight planning, operation, and recovery.

“RPAS” means Remotely Piloted Aircraft Systems – a set of configurable elements consisting of a remotely piloted aircraft, its control station, the command and control links and any other system elements required during flight operation. It is also commonly referred to as a drone, UAV (Unmanned Aerial Vehicle), and UAS (Unmanned Aerial System). RPAS is the term used by Transport Canada, the *Canadian Air Regulations* and *Aeronautics Act*.

“Special Flight Operating Certificate (SFOC)” means a document issued by Transport Canada, pursuant to section 603.67 of the *Canadian Aviation Regulations*, giving legislative authority to the RPAS operations manager to conduct RPAS operations as described and specified in the SFOC.

“Visual Line-Of-Sight” means unaided visual contact with the aircraft sufficient enough to be able to maintain operational control of the aircraft, known location, and be able to scan the airspace in which it is operating to decisively see and avoid other air traffic or objects.

APPENDIX B: REFERENCES

Aeronautics Act, R.S.C. 1985, c. A-2

Aeronautics Act – Canadian Aviation Regulations, S.O.R. 96-433

Criminal Code, R.S.C. 1985, c. C-46