
Unmanned Aerial System (UAS) Operations

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

605.2 POLICY

Unmanned aerial systems may be utilized to enhance the office's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

605.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

605.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.

Unmanned Aerial System (UAS) Operations

- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.

605.5 UAS CREW MEMBERS

The UAS program shall be comprised of UAS crew members assigned by the Sheriff.

605.6 CHIEF PILOT

The Program Coordinator shall designate a Chief Pilot, who shall be subordinate to the UAS Program Coordinator. The Chief Pilot will be responsible for coordinating training and to assist the Program Coordinator as designated. Additional duties of the chief Pilot may include:

Ensuring that all UAS crew members understand applicable regulatory requirements, standards and organizational safety policies and procedures.

Ensuring that all UAS crew members are aware of and remain vigilant to the Office's safety culture.

Ensuring that all UAS crew members are consistently following and all UAS established standardized operating procedures.

Unmanned Aerial System (UAS) Operations

Evaluating UAS crew member performance to ensure compliance with organizational goals, objectives and regulatory requirements.

Reviewing and all UAS established standardized operational procedures, to maintain the highest level of safety.

Review UAS safety related material with all UAS crew members at least once per year.

605.7 REMOTE PILOT IN COMMAND (RPIC)

A person who holds a remote pilot certificate with a Unmanned Aircraft Systems (UAS) rating and has the final authority and responsibility for the operation and safety of a UAS operation conducted under 14 CFR part 107.

To be considered for selection as a RPIC, applicants must meet any requirements imposed by the Sheriff

A RPIC's primary duty is the safe and effective operation of the UAS within the National Airspace System (NAS) in accordance with the manufacturers' approved flight manual, FAA regulations, any approved certificates of authorization or waivers, and all the Sheriff's Office policies and procedures.

Pilots must maintain a current FAA Remote Pilot Certificate, the cost of which may be covered by or reimbursed by the Sheriff's Office

Pilots may be removed from flight status, either temporarily or permanently, by the Sheriff for reasons such as: performance, proficiency at operating the UAS or any other reason deemed appropriate.

605.8 VISUAL OBSERVERS (VO)

The Visual Observer (VO) is responsible for assisting the RPIC and or the person manipulating the flight controls with scanning the air space surrounding the UAS operations in order to identify hazards and maintain visual line of site-(VLOS) of the UAS. Additional duties of the VO will include:

Maintaining effective communication with the RPIC and or the person manipulating the flight controls at all times.

Assisting the RPIC in maintaining situational awareness of the air space and surrounding area through direct visual observations and advise the RPIC of any imminent hazards such as: other aircraft, terrain, and any adverse weather conditions.

Remaining alert for suspicious persons or activities on the ground and coordinate a response by ground units.

Unmanned Aerial System (UAS) Operations

605.9 USE OF THE UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g. thermal imaging and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

605.10 USE WITHOUT A WARRANT

The UAS may be used in the following situations without a search warrant as long as the mission meets one of the following exceptions listed below:

1. During or in the aftermath of an emergency situation that involves the risk of death or bodily harm to a person.
2. Over a public event where there is a heightened risk to the safety of participants or bystanders.
3. To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.
4. To prevent the loss of life and property in natural or man-made disasters and to facilitate operational planning, rescue, and recovery operations in the aftermath of these disasters.
5. To conduct threat assessment in anticipation of a specific event.
6. To collect information from a public area if there is a reasonable suspicion of criminal activity.
7. To collect crash information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.
8. Over a public area for officer training or public relations purposes.
9. For purposes unrelated to law enforcement as the request of a government entity provided that the government entity makes the request in writing to the law enforcement agency and specifies the reason for the request and proposed period of use.

A search warrant must be obtained for any flights that are not covered by one or more of the above exceptions.

Unmanned Aerial System (UAS) Operations

605.11 SEARCH WARRANTS

UAS aerial operations that do not meet one or more of the exceptions to the search warrant requirement listed on 605.10 must get a search warrant. The search warrant affidavit must include the following as a "data collection statement":

1. The person that will have the power to authorize the use of the UAS.
2. The location(s) in which the UAS will operate.
3. Whether the UAS will collect information or data about individuals or groups of individuals, and if so, the circumstances under which the UAS will be used.

The search warrant return must indicate whether electronic communication information was or was not collected during the time frame the UAS was utilized.

605.12 OPERATIONS

UAS operations should primarily be conducted during daylight hours. UAS operations at night are prohibited unless the applicable provisions are followed according to a valid FAA waiver specifically authorizing night time operations.

A UAS RPIC should use caution when flying over populated areas and should never fly the UAS directly over people unless an approved FAA waiver is granted, otherwise, the parameters identified in 14 CFR Part 107 are to be followed.

Operators must check for Temporary Flight Restrictions (TFR) prior to deployment, of any UAS operation.

Federal aviation Administrations website for TFR restrictions: <http://tfr.faa.gov/tfr2/list.html>

605.13 ACTIVITY REPORTING PROCEDURES

The Pine County UAS pilots must document each use of a UAS, record an incident case number, provide a factual basis for the use of the UAS and identify the applicable exception listed within the Use of UAS section of this policy unless a search warrant was obtained.

All flight activities will be documented in the aircraft log book and within the PCSO flight log. Search warrant compliance flights will also be added as part of the case file and submitted to the proper courts within the established time lines.

Annual record of deployments and training will be provided to the Program coordinator, Sheriff and Chief Deputy.

Reporting to the Commissioner of Public Safety, per MSS 626.16 subd. 12, shall take occur by Janury 15th of each calender year. The report shall include:

Pine County Sheriff's Office

Pine County SO Policy Manual

Unmanned Aerial System (UAS) Operations

1. The number of times a UAS was deployed without a search warrant, the date deployed as well as the authorized use.
2. The total cost of the agency's UAS program.

605.14 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as specified in MSS 626.19 subd 6.

605.15 PROHIBITED USE OF THE UAS

The UAS video surveillance equipment shall not be used as follows:

1. To conduct random surveillance activities.
2. To target a person based solely on individual characteristics, such as, but not limited to: race, ethnicity, national origin, religion, disability, gender or sexual orientation.

The UAS shall not be weaponized.