

# Unmanned Aircraft System

## 606.1 PURPOSE AND SCOPE

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

### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned aircraft 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) or Drone), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

**Pilot in Command (PIC)** - A member of the Dutchess County Sheriff's Office UAS unit operating a small UAS and has a remote pilot airman certificate Part 107 with a small UAS rating issued by the Federal Aviation Administration (FAA).

**Visual Observer (VO)** - A person who is designated the responsibility of assisting the PIC during flight operations and who must maintain visual observations of UAS during deployment.

**Certificate of Authorization (COA)** - Certificate of Authorization authorizing the DCSO UAS unit to use a UAS within a certain area of space, to be determined by the FAA in consultation with the applying agency. In an emergency, as described below, an Emergency COA may be issued.

**Tactical Beyond Visual Line of Sight (BVLOS)** – As defined by the Federal Aviation Administration (FAA) - In a time of extreme emergencies to safeguard human life, first responders require the capability to operate a UAS beyond visual line of sight (BVLOS) to assess the operational environment such as at a large structure fire, to conduct an aerial search on a large roof area for a burglary in progress, or to fly over a heavily forested area to look for a missing person. BVLOS supports public UAS operators acting in an active first responder capacity, the FAA may approve "First Responder Tactical Beyond Visual Line of Sight" (TBVLOS) waivers to 14 CFR 91.113(b).

**Low Altitude Authorization and Notification Capability** - LAANC automates the airspace authorization approval process by utilizing mobile applications like the FAA B4UFLY Mobil application.

## 606.2 POLICY

A UAS may be utilized to enhance the office's mission of protecting lives and property, conducting investigations, and 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.

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### **606.3 PRIVACY**

The use of the UAS potentially involves privacy considerations. The Pilot in Command (PIC) shall adhere to all FAA regulations. A UAS must be used in a manner that is consistent with the requirements and protections of the Constitution of the United States, the New York State Constitution, and applicable statutory authorities. The PIC shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas when a warrant is required. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

### **606.4 UAS UNIT SUPERVISOR**

The Sheriff will appoint a UAS Unit Supervisor who will be responsible for the management of the UAS program. The UAS Unit Supervisor shall be a licensed FAA Part 107 remote pilot and must hold the rank of Sergeant or above. The UAS Supervisor 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 PICs have obtained and maintain a FAA Part 107 remote pilot certification, complete all required office-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Scheduling quarterly training.
- 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 for any reason shall require authorization from the UAS Unit Supervisor prior to deployment..
- Ensure the use of UAS for a criminal investigation complies with this policy.
- Implementing a system for public notification of UAS deployment when appropriate and when it does not interfere with law enforcement operations.
- 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 digital media/evidence is accessed, maintained, stored and retrieved in a manner consistent with existing DCSO digital evidence policy and procedures.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.

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- 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 or authorized designee.

### [Dutchess County Sheriff's Office Procedures Manual: 603.6 UAS LOST LINK EMERGENCY PROCEDURES](#)

#### 606.4.1 UAS UNIT ADMINISTRATOR

A member of the unit as designated by the Unit Supervisor is responsible for the following:

- (a) Completing quarterly equipment inspections utilizing DCSO Form D-80.
- (b) Assisting the Unit Supervisor with developing training topics and lesson plans for periodic training.
- (c) Processing all digital evidence/media secured by an UAS and store pursuant to the Sheriff's Office evidence policy.

#### 606.5 USE OF 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 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.

### [Dutchess County Sheriff's Office Procedures Manual: 603.2 PILOT IN COMMAND PROCEDURES](#)

### [Dutchess County Sheriff's Office Procedures Manual: 603.3 DEPLOYMENT AND USE](#)

### [Dutchess County Sheriff's Office Procedures Manual: 603.7 IN-FLIGHT EMERGENCY PROCEDURES](#)

#### 606.6 AUTHORIZED UAS DEPLOYMENTS

DCSO UAS may be used for, but are not limited to, the following purposes :

- (a) Situational Awareness - To assist decision makers in understanding the nature, scale or scope of an incident and for planning/coordinating an effective response.
- (b) Search and Rescue - To assist with missing person investigations, AMBER alerts, missing child alerts, missing college student alerts, vulnerable adult alerts, and other search and rescue missions.

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- (c) Tactical Deployment - To support the tactical deployment of officers and equipment in emergency situations.
- (d) Visual Perspective - To provide an aerial perspective to assist officers with increasing visual perspective in directing and assessing public safety situations and event perimeter security, traffic, special circumstances, large scale events and temporary perimeter security.
- (e) Scene Documentation - To document a crime scene, accident scene or other major incident scene.
- (f) Law Enforcement Operations - Any use that minimizes the risk or exposure to members of law enforcement during a planned operation or emergency. This includes where there is reason to believe the use of a UAS is necessary to prevent imminent danger to a person or prevent the destruction of property.
- (g) Mutual Aid - To assist another agency with situational awareness, search and rescue, tactical deployment, visual perspective, scene documentation or any use that minimizes the risk or exposure to members of law enforcement during a planned operation or emergency.
- (h) Collection of digital evidence/media while operating a UAS is only permissible when deploying a UAS for reasons outlined in this section.

[Dutchess County Sheriff's Office Procedures Manual: 603.5 MUTUAL AID PROCEDURES](#)

### **606.7 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- UAS unit members shall not deploy a UAS without authorization from the Unit Supervisor.
- UAS unit members shall not deploy a UAS in an unsafe manner or in violation of FAA rules governing use of a UAS by governmental agencies.
- The UAS shall not be utilized for commercial purposes (compensation or hire).
- UAS recorded digital evidence 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).
- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

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#### **606.8 UAS PILOT MEDICAL FITNESS STANDARDS**

No Deputy Sheriff remote pilots may manipulate the flight controls of a small unmanned aircraft system or act as a remote pilot in command, visual observer, or direct participant in the operation of the small unmanned aircraft if he or she knows or has reason to know that he or she has a physical or mental condition that would interfere with the safe operation of the small unmanned aircraft system.

The pilot in command as well as the visual observer must conduct a self-assessment of their medical condition prior to each UAS deployment. Pilots that determine they have a medical condition during this self assessment are not authorized to operate a UAS. These medical symptoms include, but not limited to the following:

- (a) Blurred or sudden impaired vision
- (b) Any temporary impairment to your dexterity
- (c) Any condition that will result in diminished situational awareness, for example fatigue.
- (d) Any condition that would impair your ability to communicate with ATC, a visual observer, or any other person.

#### **606.9 UAS AUDIT PROTOCOL**

- (a) The UAS Supervisor shall audit equipment inspection records and digital evidence/media recorded by UAS to ensure compliance with this policy on a regular basis.
- (b) Authorized supervisory personnel shall audit the policy and procedures contained herein and make recommendations for any necessary amendments based on any changes in laws governing the use of UAS. This audit shall take place at least every three years.

#### **606.10 UAS COLLECTED INFORMATION DATA RETENTION**

Information collected using UAS that may contain PII 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 retaining agency, is maintained in a system of records covered by the Privacy Act, or is required to be retained for a longer period by any other applicable law or regulation.

#### **606.11 UAS ANNUAL REPORTS**

The Sheriff or authorized designee shall make available to the public, on an annual basis, a general summary of the agency's UAS operations during the previous fiscal year, to include a brief description of types or categories of missions flown, and the number of times the agency provided assistance to other agencies, or to State, local, tribal, or territorial governments. This information can be requested through this agencies FOIL procedures.

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#### **606.12 INFORMATION SHARING AGREEMENTS**

The Sheriff or authorized designee shall ensure that any data-sharing agreements or policies, data use policies, and record management policies applicable to UAS conform to applicable laws, regulations, and policies.

#### **606.13 PUBLIC NOTICE**

The Sheriff or authorized designee shall make available this policy to the public on the Dutchess County Sheriff's Office website. In addition, the public shall be notified on this website or through social media of any major event or emergency where UAS will be utilized. This notification will include the general area of UAS operation and the duration of the mission.

#### **606.14 TRAINING**

Authorized agency personnel selected by the Sheriff or his designee to operate a DCSO UAS must obtain a Part 107 remote pilot certification from the FAA.

All members will receive training in the operation and deployment of a UAS on regular intervals throughout a 12 month period.