

Unmanned Aerial Vehicle (UAV) Operations

606.1 PURPOSE AND SCOPE

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

606.1.1 DEFINITIONS

Definitions related to this policy include:

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

606.2 POLICY

Unmanned aerial vehicle 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 UAV will be in strict accordance with State statute, constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the UAV 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 UAV operations.

606.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAV 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 UAV.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAV, including urgent requests made during ongoing or emerging incidents. Deployment of a UAV shall require authorization of the Sheriff or the authorized designee (Program Coordinator), depending on the type of mission to include training.
- Developing protocol for conducting criminal investigations involving a UAV.

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- Developing an operational procedures governing the deployment and operation of a UAV including, but not limited to, authorized use, 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 UAV inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAV, 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 and State statute.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing annual reports on the program to the Sheriff and to the Minnesota Department of Public Safety as required by Minnesota State statute (626.19.12).
- Provide for initial public input about the U.A.V. program and ongoing annual public input as required by Minnesota State statute (626.19.9).

606.5 USE OF UAV

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

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 protected privacy interest or when in compliance with a search warrant or court order.

All flights of the UAV shall be conducted in strict adherence to the current UAV procedure manual.

606.6 PROHIBITED USE

The UAV video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- With facial recognition or other biometric-matching technology unless expressly authorized by a search warrant (626.19.4b).
- 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.
- To harass, intimidate or discriminate against any individual or group.
- U.A.V. shall not be weaponized (626.19.4c).
- To conduct personal business of any type.

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606.7 RETENTION OF UAV DATA

Data collected by the UAV shall be retained as provided in the established records retention schedule and in accordance with Minnesota State statute (626.19.6).