
Unmanned Aerial System (UAS) Operations

613.1 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 as required by Minnesota Statutes Sections 13.82, 626.19 and other applicable law.

613.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned UAV

“Unmanned Aerial Vehicle” or *“UAV”* means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Government Entity

“Government entity” means a state agency, statewide system, or political subdivision, except it does not include a law enforcement agency as it relates to UAV's.

Law Enforcement Agency

“Law enforcement agency” has the meaning given in Minnesota Statute Section 626.84, subdivision 1.

613.2 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. In addition, the UAV will be used for training and other governmental entity related purposes as outlined by Minnesota Statute Section 626.19. Any use of the UAV shall be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

613.3 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:

- Ensuring the UAV model that is purchased is in compliance with FAA regulations.
- Ensuring the UAV is adequately registered (including timely renewals and updating of information) and marked and that there is adequate proof of ownership.
- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.

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- 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 the use of the UAV.
- Developing uniform protocols for submission and evaluation of requests to deploy the UAV, including urgent requests made during ongoing or emerging incidents. Deployment of a UAV require authorization from the on-duty supervisor as well as the Program Coordinator or Chief Pilot.
- Implementing a system for public notification of the UAV deployment.
- Developing an operation protocol governing the deployment and operation of the UAV including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and communication with air traffic control facilities.
- Developing protocol to fully document all missions according to Minnesota Statute Section 629.19, subdivision 5.
- Developing a UAV inspection maintenance and record-keeping protocol to ensure continuing airworthiness of the UAV's, 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 ensure 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. Generally, data collected by a UAV is private data on individuals or nonpublic data.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules and statutory requirements. This includes deleting data collected for a law enforcement purpose as soon as possible, and no later than seven days after collection, unless the data is part of an active criminal investigation.
- Facilitating law enforcement access to images and data captured by the UAV.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring the training program and deployment of the UAV.
- Report to the Commissioner of Public Safety, by January 15 each year, as mandated by Minnesota Statute Section 626.19, subdivision 12. This includes reporting the number of times a UAV was deployed without a search warrant including each date of deployment and the authorized use under Minnesota Statute Section 626.19, subdivision 3 and the total cost of the UAV program.

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613.4 AUTHORIZE USE OF UAV

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The use of the UAV must comply with the statutory and Federal Aviation Administration (FAA) requirements. A law enforcement agency's authority to use a UAV is specifically defined by Minnesota Statute Section 626.19, which also includes several limitations.

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.

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

UAV operators must check for any Temporary Flight Restrictions (TFRs) prior to flight.

Use of the UAV and vision enhancement technology (e.g., thermal and other imaging equipment) is permissible with a signed search warrant or under the following circumstance in absence of a warrant in accordance with Minnesota Statute Section 626.19, subdivision 3:

1. During or in the aftermath of an emergency that involved 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 terrorist attacks by a specific individual or organization if a 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 a threat assessment in anticipation of a specific event.
6. To collect information from a public area if there is reasonable suspicion of criminal activity.
7. To collect 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 at 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.

Request for UAV operations from a non-law enforcement governmental entity must be provided in writing to the Sheriff, or his designee and include the location, date, time, and reason for the request.

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UAV operators must comply with all Federal Aviation Administration requirements and guidelines.

613.5 PROHIBITED USE OF UAV

The UAV shall not be used:

1. For facial recognition or other biometric-matching technology unless expressly authorized by a warrant.
2. To collect data on public protests or demonstrations unless expressly authorized by a warrant or an exception applies under Minnesota Statute Section 626.19 subdivision 3.

613.6 DATA CLASSIFICATION; RETENTION OF DATA

Minnesota State Statutes Section 626.19 and Chapter 13 governs all data collected, created or maintained by the UAV.

Any use of the UAV must be documented by a formal report connected to a unique case number.

This report shall provide a factual basis for the use of the UAV and document the qualifying authorized use as defined in Minnesota Statute Section 626.19, subdivision 3, unless a search warrant was issued which specified the use of the UAV.

Any UAV data collected may be made accessible to any person, agency, or the public at the discretion of the Sheriff or his designee if determined that the access will aid the law enforcement process, promote public safety, or dispel widespread rumor or unrest in accordance with Minnesota Statute Section 13.82, subdivision 15.

Any data collected by the UAV and maintained by the Sheriff's Office for a law enforcement purpose shall be deleted as soon as possible but in not circumstances later than seven days after collection, unless the data is part of an active criminal investigation.