

POLICY #606 UNMANNED AERIAL SYSTEM (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. MN State Statute 626.19

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 (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.

606.2 POLICY

Unmanned aerial Vehicles 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.

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 USE OF UAV

Only authorized operators who have completed the 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 protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

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

606.4 (1) A UAV maybe used without a warrant during the following times

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 a 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 information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.
8. Over a public area for Deputy Training or public relations purposes and;
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.

606.4 (2) Limitations;

- a. a UAV must comply with all Federal Aviation Administration requirements and guidelines
- b. must not deploy a UAV with facial recognition or other biometric matching technology unless expressly authorized by a warrant.
- c. must not equip a UAV with weapons.
- d. must not use a UAV to collect data on public protests or demonstrations unless expressly authorized by a warrant or other exceptions

606.4.1 DOCUMENTATION REQUIRED

Each use of a UAV should be properly documented by providing the following (Minn. Stat. § 626.19):

- a. A unique case number
- b. A factual basis for the use of a UAV
- c. The applicable exception, unless a warrant was obtained

606.5 PROHIBITED USE

The UAV video surveillance equipment shall not be used:

- 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 UAV shall not be weaponized (Minn. Stat. § 626.19).

606.5.1 ADDITIONAL PROHIBITIONS

Unless authorized by a warrant, a UAV shall not be deployed with facial recognition or biometric-matching technology (Minn. Stat. § 626.19).

Unless authorized by a warrant or for purposes of a permitted use outlined in this policy, a UAV shall not be used to collect data on public protests or demonstrations (Minn. Stat. § 626.19).

606.6 RETENTION OF UAS DATA

The Records supervisor shall ensure that data collected by the UAV is disclosed or deleted as required by Minn. Stat. § 626.19, including the deletion of collected data as soon as possible, and in no event later than seven days after collection, unless the data is part of an active criminal investigation (Minn. Stat. § 626.19).

606.7 DOCUMENTATION REQUIRED

Each use of a UAV will be documented and each deployment attached to a case number unless used in accordance with policy 606.4 (1) use of a UAV

606.8 REPORTING

By January 15th of each year the Waseca County Sheriff's Office will report to the Commissioner of Public Safety the following information for the preceding calendar year.

- The number of times the UAV was used without a Search Warrant Identifying the date of deployment and authorized use
- Total cost of the UAV program