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#### 414.1 PURPOSE AND SCOPE

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

##### 414.1.1 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 and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

**Unmanned Aerial Vehicle (UAV)** – An aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

#### 414.2 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 UAV will be in accordance with Minn. Stat. § 626.19 Subd. 4, must comply with all Federal Aviation Administration (FAA) requirements and guidelines and this policy.

#### 414.3 PRIVACY

The use of the UAV potentially involves privacy considerations. Absent a warrant or for the reasons listed in 414.4, operators shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy. Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

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#### 414.4 AUTHORIZED USE OF UAV

The Office may use a UAV:

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 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 Office 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 Office and specifies the reason for the request and proposed period of use.

The Office must not use a UAV without a search warrant issued under Minn. Stat. § 626.19.

Only authorized operators who have completed the required training shall be permitted to operate the UAV. Operators will always have a visual observer working in concert during the flight of the UAV.

#### 414.5 LIMITATIONS ON USE

1. The Office must comply with all FAA requirements and guidelines.
2. The Office must not deploy a UAV with facial recognition or other biometric-matching technology unless expressly authorized by a warrant.
3. The Office must not equip a UAV with weapons.
4. The Office must not use a UAV to collect data on public protests or demonstrations unless expressly authorized by a warrant or an exception applies under 414.4.
5. The UAS video surveillance equipment shall not be used:
  - (a) 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.
  - (b) To harass, intimidate or discriminate against any individual or group.
  - (c) To conduct personal business of any type.

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#### **414.6 PROGRAM COORDINATOR**

The Sheriff or designee 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 shall not implement use of the UAS until the following requirements have been satisfied:

- 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 a protocol to document all missions according to Minn. Stat. § 626.19 Subd. 5.
- Maintain a UAV inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAV.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules and statutory requirements.
- Recommending program enhancements, particularly regarding safety and information security.

#### **414.7 DEPLOYMENT AND USAGE**

1. Deployment of a UAV shall require authorization from the Major or Captain of the Public Safety Security Division or other authorized designee.
2. Deployment must comply with HCSO policy and state statute.
3. Deployment can only be conducted if there is an authorized pilot and trained visual observer conducting the mission.
4. The operator's Body Worn Camera (BWC) must be off and removed during operation. The flight compass will not work due to interference from the camera.

#### **414.8 RETENTION OF UAS DATA**

Data collected by the UAS must be destroyed no later than 30 days from collection unless the data is evidence in an active criminal investigation, claim, pending litigation or in anticipation thereof or explicitly authorized by law. Data not including any identifying, protected or non-public data may be kept for training purposes only.

The Office will 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 chain of custody requirements.

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## 414.9 REPORTING

The Office must document each use of the UAV, connect each deployment to a unique case number, provide a factual basis for the use of the UAV and identify the applicable exception for use unless a warrant was obtained.

A flight log of the aircraft must be completed following deployment. Digital logs of aircraft mission profiles will be retained pursuant to FAA guidelines. The report shall contain:

- (a) Pilot and visual observer;
- (b) authorized use, search warrant or authorized exception;
- (c) the supervisor that authorized the UAV deployment;
- (d) a mission synopsis and results; and
- (e) any performance issues, if applicable.

By January 15<sup>th</sup> of each year, the Office shall report to the commissioner of public safety the following information for the preceding calendar year:

- (a) The number of times a UAV was deployed without a search warrant issued under this chapter, including the date of deployment and the authorized use of the UAV.
- (b) The total cost of the agency's UAV program.