



Rockland County Sheriff's Office Police Division

GENERAL ORDER # 936

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Other:

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Approved by: *Sheriff L Falco / Chief T. Brovarski*

I. PURPOSE

To provide personnel who are assigned responsibilities associated with the deployment and use of unmanned aircraft systems (UAS) with guidelines for the proper usage of these UAS; the maintenance, storage, retrieval, and dissemination of any digital multimedia evidence (DME) captured by UAS; and to minimize risk to law enforcement personnel, the public and property during the operation of UAS(s) while protecting the right to privacy of citizens.

II. POLICY

This policy will provide agencies and officers with guidelines on the deployment of UAS(s) when such use is appropriate in the performance of their official duties or when providing assistance to another agency, and where deployment and use, and the collection and use of any DME or other data originating from or generated by UAS conforms with the policy provisions provided herein, applicable state and federal laws and the Certificate of Authorization (COA) issued by the Federal Aviation Administration (FAA). Any use of a UAS will be in strict accordance with constitutional and privacy rights and FAA regulations.

III. PRIVACY

The use of UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers 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 UAS Operations.

UAS recorded data 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), nor be based solely on individual characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender identity, religion, age, or gender), which is a violation of the law.

IV. DEFINITIONS

- A. Unmanned Aircraft (UA) or Unmanned Aerial Vehicle (UAV) - An aircraft that is intended to navigate in the air without an on-board pilot. Also alternatively called Remotely Piloted Aircraft (RPA), Remotely Operated Vehicle (ROV), or Drone.
- B. Unmanned Aircraft System (UAS) - A system that includes the necessary equipment, network, and personnel to control an unmanned aircraft.
- C. Authorized Agency Personnel – Personnel assigned by authorized supervisory personnel to operate UAVs or any portion of the Unmanned Aircraft System (UAS) who has also completed an agency-approved training program and meets all conditions of the COA issued by the FAA.
- D. Authorized Supervisory Personnel – An agency administrator who has full access to and user rights within the DME storage system. He or she can authorize UAS operations, assign and track equipment, control passwords, oversee needed repairs, delete non-evidentiary recordings, conduct audits and quality control reviews.
- E. Certificate of Authorization (COA) or Certificate of Waiver (COW) – Prior to usage of a UAS all government agencies, including law enforcement, must register the specific UAS and all intended uses with the FAA if the UAS weighs more than 55 pounds and obtain a Certificate of Authorization (COA) authorizing them to use a UAS within a certain area of space, to be determined by the FAA in consultation with the Division. The typical COA application approval process is completed within 60 business days of receipt, provided there are no submittal errors, missing information, or safety or airspace issues. In an emergency, as described below, an Emergency COA will be issued.
 - 1. Emergency COA – Emergency COAs are customarily issued within 24 hours of application. The FAA issues COAs on an emergency basis when:
 - a) A situation exists in which there is distress or urgency and there is an extreme possibility of a loss of life;
 - b) The requesting agency has determined that manned flight operations cannot be conducted efficiently;
 - c) The proposed UAS is operating under a current, approved COA for a different purpose or location.
- F. Defined Incident Perimeter - A location with a defined perimeter to be determined based on the scope of the operation and a defined operational ceiling at or below 400 feet Above the Ground (AGL).
- G. Digital Multimedia Evidence (DME) - Digital recording of images, sounds, and associated data captured by a UAV or UAS.

V. PROCEDURES

- A. **Administration** - All deployments of UAS(s) should be authorized by supervisory personnel and conform to a Certificate of Authorization (COA) and the policy and procedures defined herein. UAS(s) may be used for, but are not limited to, the following purposes:
 - 1. Situational Awareness - To assist decision makers in understanding the nature, scale, or scope of an incident and for planning/coordinating an effective response.

2. Search and Rescue - To assist missing person investigations, AMBER Alerts, Missing Child Alerts, Missing College Student Alerts and Vulnerable Adult Alerts and other search and rescue missions.
3. Tactical Deployment - To support the tactical deployment of officers and equipment in emergency situations.
4. Visual Perspective - To provide an aerial perspective to assist officers with direction for public safety events including: traffic, special circumstances, and temporary perimeter security.
5. Visual Perspective - To provide an aerial perspective to assist officers with directing crowd control, traffic, special circumstances and temporary perimeter security.
6. Scene Documentation - To document a crime scene, accident scene or other major incident scene.
7. Agency Assistance - To assist another agency which does not possess a UAS with situational awareness, search and rescue, tactical deployment, visual perspective, or scene documentation.

B. Procedures - Procedures for Use of an Unmanned Aerial System - All deployments of UAS(s) should incorporate procedures to assure authorized usage, safe operation, secure storage, and documentation of usage of UAS(s). Procedures for the use of UAS(s) shall include, but are not limited to, the following:

1. Authorized agency personnel shall obtain and maintain registration and authorization from authorized supervisory personnel, permit or COA prior to and during deployment of UAS(s).
2. UAS(s) shall be operated solely by authorized agency personnel duly trained in the unmanned aircraft system (UAS) and operation of UAVs.
3. Authorized agency personnel shall inspect and test UAS(s) prior to each deployment to verify maintenance, proper functionality, general airworthiness, mission specific airworthiness and proper radio frequency.
4. Authorized agency personnel shall inspect crew fitness, lighting, line-of sight, altitude, and weather conditions prior to each deployment to verify suitability for flight. Inspections of crew fitness, lighting, line-of-sight, altitude, and weather conditions shall conform to the following:
 - a) Crew Fitness: Authorized agency personnel shall conduct a preflight briefing at which they shall review mission, goals, methods and procedures; UAS battery charge and Global Positioning System (GPS) strength; personnel communication procedures; emergency/contingency procedures, including but not limited to, UAS malfunction/failure, flight termination, flight diversion and lost link procedures; contents of COA; radio frequency to be used; take-off and landing site, defined incident perimeter and flight perimeter.
 - b) Lighting: Authorized agency personnel shall only deploy UAS(s) in accordance with a COA or Emergency COA which will outline the necessary requirements

and UAS capabilities needed for safe operation as well as specifically denote whether day and/or night flight is permitted.

- c) Line-of-sight: Authorized agency personnel shall review the intended flight pattern of UAS(s) for hazards prior to each deployment. Authorized agency personnel shall only deploy UAS(s) within line of sight of operator in an attempt to detect and avoid hazards such as aircraft, trees and property.
 - d) Altitude: All UAS flights shall be conducted at less than 400 feet above Ground Level unless otherwise noted in the COA or approved by FAA in an Emergency COA.
 - e) Weather
 - (1) Temperature: Authorized agency personnel shall only deploy UAS(s) when the temperature is within the parameters set forth by the operational guidelines of the UAS being deployed. Authorized agency personnel shall adjust UAS battery and flight length as necessary according to temperature.
 - (2) Wind: Authorized agency personnel shall measure wind velocity prior to each deployment and shall only deploy UAS(s) when the wind velocity is within the parameters set forth by the operational guidelines of the UAS being deployed.
 - (3) Rain, Snow, Fog: Prior to deployment of a UAS, authorized agency personnel shall ascertain whether rain, snow or fog may decrease visibility or operator safety. Authorized agency personnel may deploy UAS(s) if weather conditions do not prevent personnel from adhering to line-of-sight and minimum weather requirements.
5. Authorized agency personnel shall store UAS(s) in a secure manner as well as maintain and operate UAS(s) with proper care and in the event of an equipment malfunction, report it to authorized supervisory personnel as soon as possible, cease deployment immediately and document in a written report.
6. Authorized supervisory personnel shall coordinate maintenance, repairs, and updates of UAS(s) as well as coordinate with IT regarding system related issues.
7. Authorized supervisory personnel shall inform local Air Traffic Control of an impending flight or obtain a waiver of notice from local Air Traffic Control at the issuance of the COA.
8. DME captured or recorded by UAS(s) shall be the sole property of the agency unless otherwise agreed to by authorized supervisory personnel.
- a) Retention: Information collected using UAS that may contain personal identifying information 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.
- b) Dissemination: UAS collected information that is not maintained in a system of records covered by the Privacy Act shall not be disseminated outside of the agency unless the dissemination is required by law or fulfills an authorized purpose and complies with agency requirements.
9. All UAS flights shall be documented on a form or database designed for that purpose and shall include, but are not limited to, the following:
- a) The reason for the flight, as set forth above in Section V.A.
 - b) Date, time, duration, and location of the flight.
 - c) Name of Supervisor approving flight.
 - d) List of staff assigned to flight.
 - e) Summary of actions taken, activities, and outcomes from deployment.
 - f) Brief description of captured DME and storage location. When public disclosure is required, the Division will adhere to the record release policy and applicable statutes regarding, but not limited to, evidence discovery and disclosure pursuant to the Freedom of Information Law (FOIL).
10. The Division will work with the Office of the District Attorney (DA) regarding notification and sharing of DME. The Division will provide process and preserve DME in accordance with departmental policy.
11. The division personnel shall obtain a search warrant when there is reasonable belief that the flight pattern of a UAS or the collection of DME may intrude upon a place and time when a person has a reasonable expectation of privacy, as defined by New York State Penal Law § 250.40 (1).

C. Restricted Use of an Unmanned Aerial System

- 1. Authorized agency personnel shall only deploy UAS(s) for a public safety purpose as set forth above in Section V.A.
- 2. Authorized agency personnel shall not deploy UAS(s) in an unsafe manner or in violation of FAA rules governing use of UAS(s) by governmental agencies.
- 3. Weapons shall not be affixed to UAS(s).
- 4. Authorized agency personnel shall only deploy and operate one UAS at a time, within the defined incident perimeter.
- 5. To conduct random surveillance activities.
- 6. 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.
- 7. To harass, intimidate, or discriminate against any individual or group.
- 8. To conduct personal business of any type.

D. Digital Multimedia Evidence Storage and Retention

1. Storage

- a) Authorized personnel shall handle, and store captured DME in accordance with existing procedure for storing digital files and applicable statutes regarding, but not limited to, evidence discovery and disclosure pursuant to the Freedom of Information Law (FOIL). Any requests for DME disclosure should be reviewed by the agency's legal advisor and in consultation with the local Office of the District Attorney.

2. Downloading Procedures

- a) Authorized agency personnel shall securely download all captured DME at the completion of each mission. Each DME file shall be given a unique label, according to the existing file classification system.

3. Permitted Review of DME

- a) Access to captured DME must be specifically approved by authorized supervisory personnel and documented.
- b) Access records are to be audited regularly to ensure that only approved users are accessing the data for authorized purposes.
- c) Review of DME will be authorized under the following terms:
 - (1) Division Chief or authorized supervisory personnel shall be permitted to review a copy of captured DME for purposes of investigating alleged misconduct reports or meritorious conduct; whenever such DME would be beneficial in reviewing the performance of the personnel who captured the DME or were involved with the incident depicted; and to determine whether DME is of value as a training tool.
 - (2) Division Chief and other members of the agency will be permitted to review a copy of captured DME for purposes of conducting a criminal investigation; preparing for courtroom testimony or courtroom presentation; providing testimony pursuant to an administrative inquiry; assisting the officer in professional development; or to inform strategy related to the administration of the UAS as set forth above in Section V.A.
 - (3) When a third party is authorized by the agency to capture DME pursuant to a current COA or Emergency COA, as an agent of the agency, the agent shall not be permitted to independently access, edit, alter, erase, duplicate, share or otherwise distribute a copy of captured DME without the express written consent of the Division Chief or authorized supervisory personnel.
 - (4) The local Office of the District Attorney shall be notified of DME as set forth above in Section V.B.10 and shall be permitted to review copy of captured DME as it pertains to their investigations.

- (a) Retained DME should be stored in accordance with the minimum standards required by the New York State Archives. If records are related to a criminal investigation, they shall be retained for a minimum of 6 months. If a determination is made that DME has evidentiary value in an on-going investigation, court proceedings or appeals process, the data shall be retained through the pendency of the case and until directed to do otherwise by the Office of the District Attorney. The established retention schedule can be extended beyond the 6-month minimum as necessary.
 - (b) Non-Evidentiary DME, not relevant to a criminal investigation, emergency management or mapping shall be excluded from the retention limit above (sub para a).
- 4. If no extension of DME retention is required, the DME and copies thereof may be destroyed in accordance with the agency's retention procedures, set forth above in Section V.D.3.c.4.a, and with approval from authorized supervisory personnel.
 - a) If DME is deemed to be useful as a training tool by authorized supervisory personnel DME can be retained for as long as practicable. Additionally, please reference Section V.D.3.c.1 above.
- 5. All retained DME, unless exempted, shall be open for public inspection. All public disclosure of DME must be consistent with the Division's record release policy and applicable statutes regarding, but not limited to, evidence discovery and disclosure pursuant to the Freedom of Information Law (FOIL).
 - a) Authorized agency personnel shall not edit, alter, erase, duplicate, share or otherwise distribute captured DME in any manner externally, without prior written authorization and approval from authorized supervisory personnel. When approval is granted:
 - (1) Personnel shall document the requesting party and rationale for determining whether to release or not to release a copy of captured DME on a form or database designed for that purpose.
 - (2) Personnel shall document any changes or edits made to a copy of captured DME and the rationale for doing so on a written form or database designed for that purpose. Changes or edits to a copy of captured DME may be done to preserve the privacy of third-party individuals. The original DME data should be stored and maintained in an unaltered state to maintain its integrity and metadata. Any alterations, erasures, redactions or sharing of DME data should be done using a copy of the original DME file.
 - (3) A copy of captured DME disclosed to the public or media may be edited to preserve the privacy of individuals that are captured in the DME when they have a reasonable expectation of privacy as defined above in

Section V.B.11 or for their safety.

E. Unmanned Aerial System Audit Protocol

1. Authorized supervisory personnel shall regularly audit UAS flight documentation and DME access records and produce a periodic audit report detailing the results of said audit and any changes or corrections made to the flight time counter, captured DME and DME access records.
2. Authorized supervisory personnel shall regularly audit the policy and procedures contained herein and make recommendations for any necessary amendments thereto.
3. Reporting: The Department will make available to the public an annual report of UAS operations. This report should 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.

F. Training of Authorized Agency Personnel

1. Authorized agency personnel assigned to operate UAS(s) must complete an agency approved training program and meet all conditions of the COA issued by the FAA. Authorized agency personnel assigned to operate UAS(s) should also receive additional training at regular intervals to ensure continued effective use, operation, calibration, and performance of UAS(s) and to incorporate changes, updates, revisions and advances in policies and procedures in the deployment and use of UAS(s).
2. All personnel with responsibilities related to the Unmanned Aerial System (UAS) shall be trained in applicable local and federal laws, regulations, and the policies and procedures defined herein which govern the deployment of UAS(s).

G. Mutual Aid

1. The Rockland County Sheriff's Office will handle requests for mutual aid from external agencies in accordance with the RCSO mutual aid policy.

H. Complaints

1. The Rockland County Sheriff's Office will handle complaints related to the Rockland County Sheriff's Office use of UAS in accordance with the procedures outlined in complaint filing against officers.

I. Transparency

1. In accordance with the media relations policy, the UAS coordinator will conduct public outreach campaigns to keep the public informed about the Rockland County Sheriff's UAS program. This includes posting policies including the UAS Policy on the Rockland County Sheriff's Office Website.

When used at preplanned public events and exercises, public notice of the intended UAS use should be provided during the pre-planning stages. During emergency operations, the public can be informed through media releases and social media.