

Unmanned Aerial System (UAS) Operations

229.1 PURPOSE AND SCOPE

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

229.1.1 DEFINITIONS

Definitions related to this policy include:

FAA (Federal Aviation Administration) – The government agency empowered by Congress to regulate the National Airspace System.

Unmanned aerial system (UAS) – A powered, aerial vehicle that carries or is equipped with a device that, in analog, digital, or other form, gathers, records, or transmits a sound or image, that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely (Wis. Stat. § 175.55).

Unmanned aerial vehicle (UAV) – An aircraft that is capable of sustaining flight and that operates with no possible direct human intervention from, on or within the aircraft. The term does not include an unmanned aircraft that is flown within the line of sight of the operator and is strictly for hobby or recreational purposes.

229.2 POLICY

Unmanned aerial systems may be utilized to enhance the agency'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.

229.3 PRIVACY

Criminal investigations involving the use of the UAS potentially involve privacy considerations. Absent a warrant or exigent circumstances, no UAS shall intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure) (Wis. Stat. § 175.55; Wis. Stat. § 942.10). The operator of an unmanned aerial vehicle (UAV) may record or transmit images that are viewable with the camera/video equivalent of unassisted vision from a height of 400 feet or less.

229.4 UAS UNIT COMMANDER

The Sheriff will appoint a UAS Unit Commander who will be responsible for the management of the UAS program. The UAS Unit Commander will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the 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, if any, have completed any required FAA and agency-approved training in the operation and applicable laws, policies and procedures regarding use of the UAS. UAS Unit members are required to take and pass the FAA Part 107 test prior to deployment of a UAS.
- Ensure that all UAS pilots obtain and maintain all certifications through the FAA.
- Review all UAS pilot flight hours recorded on flight logs.
- Review all reports generated from the use of a UAS.

229.5 UAS UNIT SUPERVISOR

The UAS Unit Supervisor's responsibilities include but are not limited to:

- Day-to-day supervision of UAS Unit-related functions.
- Scheduling of training.
- Inspection of flight logs.
- Maintaining training records.
- Providing operational reports to the UAS Unit Commander.
- Developing uniform Agency protocol for submission and evaluation of requests to deploy a UAV. Deployment of the UAV shall require verbal authorization of the UAS Unit Commander or the authorized designee.
- Developing protocol for conducting criminal investigations involving the UAV including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAV deployment.
- Developing operational protocol governing the deployment and operation of a UAV including, but not limited to, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities and fully documenting all missions.
- Developing UAV inspection, maintenance and record keeping protocol to ensure continuing airworthiness of a UAV up to and including its overhaul or life limits.
- Retaining images and data in accordance with the established records retention schedule.
- Developing protocols to ensure that all downloaded and retained media that are intended to be used as evidence are accessed, maintained, stored and retrieved in accordance with current records retention protocols.
- Facilitating law enforcement access to images and data captured by its UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff or the authorized designee.

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229.6 UNIT ASSIGNMENT

The selection and assignment of deputies to the UAS Unit will be made by the Sheriff or the authorized designee.

229.7 USE OF UAS

The UAS will be operated within the guidelines provided by the FAA. Only authorized operators who have completed the required agency and FAA training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas where there is no protectable privacy interest or where a warrant has been obtained. In all other instances, legal counsel should be consulted.

The UAS, or images and data produced by the UAS, shall not be used to conduct personal business of any type.

A UAS may generally be used in the following circumstances (Wis. Stat. § 175.55(2)):

- In a public place
- To assist in an active search and rescue operation
- To locate an escaped prisoner
- To surveil a place or location for the purpose of executing an arrest warrant
- When there is reasonable suspicion to believe that the use of the UAS is necessary to prevent imminent danger to an individual or to prevent the imminent destruction of evidence

A UAS may be used for law enforcement purposes in the following circumstances but not where an individual has a reasonable expectation of privacy without first obtaining a warrant:

- Natural disaster assessment
- Crowd monitoring operations
- To assist in criminal investigations
- Community relations activities as approved by the Sheriff or the authorized designee
- Training exercises
- Any other events (e.g., mutual aid) deemed appropriate by the Sheriff or the authorized designee

229.8 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- 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.

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- To conduct personal business of any type.

229.9 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the records retention schedule.

229.10 TRAINING

All agency members authorized to operate or access the UAS shall receive appropriate training.

Proficiency training is required every six months.