

OCSO small Unmanned Aircraft System (sUAS) Policy

Standard No(S): NYSLEAP 43.6
Date: Updated March 2023
Refer To: Road Patrol Lieutenant

- I. **Objective:** To establish a policy and uniformity for use of the **small Unmanned Aircraft System (sUAS)** and outline the qualifications for members who operate this type of equipment. This policy shall apply to all members of the Ontario County Sheriff's Office.
- II. **Policy:** The following procedures are intended to promote the safe, legal and efficient operation of the sUAS; safety being the primary concern in each and every operation, regardless of the nature of the mission.
- III. **General:**
 - A. **Organization:** The sUAS shall be assigned to the Road Patrol Division.
 - B. **Supervision:** The sUAS program will be supervised by the Lieutenant. The Lieutenants responsibilities include the following:
 1. Ensure Office sUAS operations are in compliance with this policy.
 2. Conduct reviews of this policy to ensure continued compliance with the most updated Federal and State rules and regulations regarding sUAS operations. This review shall be completed upon notification of any change in sUAS regulation, but at minimum every three years.
 3. Conduct an annual audit of sUAS operations completed within the reporting year to document compliance with this policy and other Federal and State regulations regarding sUAS operations.
 4. Provide yearly sUAS operational data for the Office Annual Report to include a general summary of the agency's UAS operations during the previous fiscal year, to 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.
 - C. **Use of Aircraft**
 1. When the sUAS is requested to be deployed on a mission, it shall be authorized by the Duty Sergeant.

2. The sUAS shall be only operated by a member who possesses the training and certification to fly the sUAS or is under the direct supervision of a Remote PIC as provided under Federal Aviation Regulations part 107.
3. Decisions as to whether the sUAS is to be used to complete the mission shall be based on the following scenarios:
 - a) Investigations needing a Photo/Video flight that do not require a search warrant.
 - b) Traffic control operations.
 - c) In progress calls where a short term aerial presence would be beneficial.
 - d) Searches for fleeing criminal suspects.
 - e) Search and rescue of innocent victims.
 - f) SWAT support calls including but not limited to barricaded suspects.
 - g) Active shooter scenarios.

5. Safety -

- a) The sUAS shall not be operated in a manner that presents undue risk to persons or property on the surface or in the air.
- b) The sUAS will be piloted by individuals who are properly trained and competent to operate the vehicle or its systems.
- c) sUAS flights will be conducted only after a thorough assessment of risks associated with the activity. This risk assessment will include, but not be limited to:
 - (1) Weather conditions relative to the performance capability of the system.
 - (2) Identification of normally anticipated failure modes (lost link, power plant failures, loss of control, etc.) and consequences of the failures.

6. Professionalism -

- a) All federal, state, and local laws, ordinances, covenants, and restrictions as they relate to sUAS operations shall be adhered to.
- b) The sUAS shall be operated as a responsible member of the aviation community.
- c) The sUAS program shall be responsive to the needs of the public.

- d) The sUAS program shall cooperate with all federal, state, and local authorities in response to emergency deployments, mishap investigations, and media relations; and
- e) Any citizen complaints regarding Office sUAS operations shall be taken in any manner, with preference being documented onto a Citizens Comment Form. Investigation of complaints will be made in accordance with the Professional Conduct Unit Policy – Chapter 2-11.

7. Public Notification –OCSO is dedicated to promoting transparency about Office sUAS activities within our jurisdiction, while not revealing information that could reasonably be expected to compromise law enforcement or national security. Through the use of media release, as necessary, and/or use of the OCSO website, the following information will be available to the public:

- a) Notice regarding where the agency's UAS are authorized to operate in Ontario County.
- b) Notification of when the drone will be used if release of this information does not compromise a criminal investigation, safety and security of officers or the public, or other sensitive/confidential law enforcement operations.
- c) Provide information about the agency's UAS program as well as changes that would significantly affect privacy, civil rights, or civil liberties.

4. Privacy - The use of the UAS 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 UAS operations.

- a) Collection and Use - OCSO shall only collect information using sUAS, or use sUAS-collected information, to the extent that such collection or use is consistent with and relevant to an authorized purpose.
- b) Retention - Information collected using sUAS 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.
- c) Dissemination - sUAS-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 dissemination is required by law, or fulfills an authorized purpose and complies with agency requirements.
- d) Information Sharing Agreements - Any data-sharing agreements or policies,

data use policies, and record management policies applicable to sUAS shall conform to applicable laws, regulations, and policies.

5. Civil Rights/Civil Liberties - sUAS-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). Collection, use, dissemination, or retention of UAS-recorded data should not 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.

5. Requests from other Agencies –

- a) Any request by another agency outside OCSO jurisdiction for sUAS support shall require authorization from Command Staff and notification to the Sheriff.
- c) sUAS operations outside OCSO jurisdiction to support other agencies must comply with this policy, all federal and state laws, and any additional local laws of the jurisdiction in which sUAS operations are being conducted.

IV. Position Responsibilities and Duties:

A. Remote Pilot in Command (Remote PIC or Remote Pilot)

- 1. A person who holds a remote pilot certificate with an sUAS rating and has the final authority and responsibility for the operation and safety of an sUAS operation conducted under part 107 of the Federal Aviation Regulations.
- 2. The Remote Pilot in Command is authorized to refuse any flight request based on current meteorological conditions, physiological conditions, or for any other reason the Remote PIC believes will affect the safety of the flight. Should the Remote PIC refuse a flight for any reason, they shall inform the incident commander who will notify the Sheriff through the chain of command.
- 3. While aircraft are in flight, the Remote PIC is authorized and responsible for making all decisions regarding use of the aircraft including, but not limited to, direction of aircraft, duration of flight time, capabilities of the aircraft.
- 4. Maintaining current awareness of all pertinent agency requirements, FAA regulations, and other regulatory data bearing on the performance of their duties.
- 5. There will only be one (1) Remote PIC at any given time and they shall exercise final responsibility and authority for the safety of the aircraft, personnel, and equipment during flight operations including but not limited to:
 - a) Flight planning and preparation, including preflight inspections of sUAS and equipment.

- b) Weather briefing.
- c) Flight operations, including course, air speed, altitude, and duration.
- d) Landing zone selection.
- e) Go/no-go and landing judgments with regard to weather minimum or other criteria.
- f) Timely reporting of new or previously unknown hazards to safe flight encountered.
- g) Post-flight inspection, to include assuring batteries are recharged, to ensure the duty aircraft is ready for the next mission.
- h) Making appropriate entries in aircraft logbooks.

B. Person Manipulating the Controls

- 1. A person other than the Remote PIC who is controlling the flight of an sUAS under the supervision of the Remote PIC.

C. Visual Observer (VO)

- 1. A person acting as a flight crew member who assists the sUAS Remote PIC and the person manipulating the controls to see and avoid other air traffic or objects aloft or on the ground.

V. Flight Operations – Operational Control:

A. Remote PIC Authority:

- 1. The Remote PIC shall initiate the flight only when confident the flight can be conducted safely.
- 2. The Remote PIC shall ensure that a Certificate of Waiver has been obtained from the FAA to conduct any flights not authorized by Federal Aviation Regulations.
- 3. If a search warrant is required to fly the sUAS during a deployment, the Remote PIC shall ensure that one has been obtained prior conducting the mission.

B. Visual Observer Authority:

- 1. The Visual Observer shall be responsible for see-and-avoid operations of the aircraft. The Visual Observer shall remain in radio contact with the Remote PIC and

communicate any obstacles the aircraft might encounter.

2. When the flight becomes a hazard to ground personnel or other aircraft, the Visual Observer shall immediately notify the Remote PIC.
3. During any phase of flight, if the Visual Observer notices a malfunction with the aircraft, the Remote PIC should immediately terminate the flight.

C. Aircraft Inspections:

1. Before any flight, the Remote PIC is responsible for pre-flight inspections of the aircraft according to the pre-flight checklist.
2. Any anomalies found by the Remote PIC shall be fixed before any flight is conducted.
3. After every flight, a post-flight inspection shall be conducted by the Remote PIC according to the post-flight checklist.

D. Aircraft Checklist:

1. There shall be a checklist generated for each phase of flight: Pre-flight, Run-up, Take-off, Emergency, Landing and Post-flight;
2. The Remote PIC shall be responsible for adherence to checklists;
3. The Remote PIC is responsible for making sure all checklists are up-to-date and current for the sUAS.

E. Emergency Procedures:

1. All flight personnel shall be thoroughly familiar with all emergency procedures and their specific duty assignments;
2. In the event of an emergency involving the safety of persons or property, the Remote PIC may deviate from the procedures of this directive relating to aircraft, equipment, and weather minimums to the extent required to meet the emergency;
3. In the event of an emergency which requires reporting to the FAA, the Remote PIC shall make sure all appropriate information is forwarded to the Rochester Flight Standards District Office (FSDO).

VI. Training:

- A.** Initial and recurrent training for all Remote PIC's is essential to safety and efficiency of the sUAS.

1. Training Requirements:

- a) Proficiency and Performance shall be evaluated in accordance with the procedures listed in part 107 of the Federal Aviation Regulations.
- b) All members associated with the sUAS unit shall maintain proficiency in their Remote PIC and Visual Observer abilities.
- c) Recurrent training is not limited to actual Pilot-in-Command/Observer skills but includes knowledge of all pertinent sUAS/aviation matters.