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# Unmanned Aerial Vehicle (UAV) Operations

## 604.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial vehicles (UAV) and for the storage, retrieval, and dissemination of images and data captured by the UAV (Minn. Stat. § 626.19).

### 604.1.1 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 without the possibility of direct human intervention from within or on the aircraft and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means (Minn. Stat. § 626.19).

## 604.2 POLICY

Unmanned aerial vehicles may be utilized to enhance the office's mission of protecting lives and property. Any use of a UAV will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

Office UAVs may be flown under two FAA regulatory authorizations:

1. Per the conditions of a Certificate of Authorization (COA); or
2. Under Title 14 of the Code of Federal Regulations, Part 107 - commercial regulations.

## 604.3 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.

## 604.4 USE OF UAV

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAV program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices.

Members shall not use a UAV without a search warrant, except (Minn. Stat. § 626.19):

- (a) During or in the aftermath of an emergency situation or disaster that involves the risk of death or bodily harm to a person, including but not limited to:

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1. Assisting in the search for missing children and adults, including those with special needs or tendencies to wander.
  2. Providing support during water or public area searches, rescues, and recoveries.
  3. Protecting staff from unnecessary exposure to danger and minimizing the risk of injury to bystanders, staff, and suspects,
  4. Enhancing the likelihood of bringing peaceful resolutions to potentially deadly incidents.
  5. Conducting critical infrastructure and damage assessments during disaster response.
  6. Pursuit of a suspect that poses a risk of bodily harm to a community member.
- (b) Over a public event where there is a heightened risk to the safety of participants or bystanders.
  - (c) To counter the risk of a terrorist attack by a specific individual or organization if the agency determines that credible intelligence indicates a risk.
  - (d) To prevent the loss of life or property in natural or man-made disasters and to facilitate operation planning, rescue, and recovery operations.
  - (e) To conduct a threat assessment in anticipation of a specific event.
  - (f) To collect information from a public area if there is reasonable suspicion of criminal activity.
  - (g) To collect information for crash reconstruction purposes after a serious or deadly collision occurring on a public road.
  - (h) Over a public area for deputy training or public relations purposes.
  - (i) For purposes unrelated to law enforcement at the request of a government entity, provided the request is in writing and specifies the reason for the request and a proposed period of use.

If a UAV is requested by another law enforcement agency, use must be consistent with state and federal law as well as this policy.

### **604.4.1 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.

Written policy shall be posted on the Sheriff Office's website.

### **604.5 PROHIBITED USE**

A UAV shall not be used:

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- As a weapon or weaponized (Minn. Stat. § 626.19).
- With facial recognition or biometric-matching technology unless authorized by a warrant (Minn. Stat. § 626.19).
- To collect data on public protests or demonstrations unless authorized by a warrant or for purposes of a permitted use outlined in this policy (Minn. Stat. § 626.19).

#### **604.6 DATA CLASSIFICATION AND RETENTION OF UAV DATA**

Data collected by a UAV are private data on individuals or non-public data, subject to the following:

1. If the individual requests a copy of the recording, data on other individuals who do not consent to its release must be redacted from the copy.
2. UAV data may be disclosed as necessary in an emergency situation during or in an aftermath of an emergency situation that involves the risk of death or bodily harm to a person.
3. UAV data may be disclosed to the government entity making a written request specifying the reason for request and proposed period of use for UAV for purposes unrelated to law enforcement.
4. UAV data that are criminal investigative data are governed by Minn. Stat. § 13.82.
5. UAV data that are not public data under other provisions of Minnesota Government Data Practices Act.
  1. Section 13.04, subdivision 2, does not apply to data collected by a UAV.
  2. Notwithstanding Minn. Stat. § 138.17, a law enforcement agency must delete data collected by a UAV 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)

#### **604.7 REPORTING**

The Sheriff or designee will prepare and submit the required annual report to the Commissioner of Public Safety by January 15th of each year with the following information:

1. The number of times a UAV was deployed without a search warrant.
  - (a) The date of each deployment
  - (b) The authorized use for each deployment
2. The total cost of the agency's UAV program.