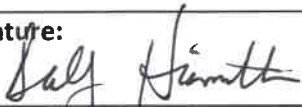


Chief Administrative Office POLICY MEMORANDUM		Date of Issue: April 17, 2023	Expiration Date: N/A	Policy No. 62
To: All departments and divisions		Subject: Small Unmanned Aircraft System (sUAS) “Drone”		
Signature: 				

PURPOSE

This policy serves to achieve compliance with all Federal Aviation Administration (FAA) laws and regulations (14 CFR Part 91.3) and to provide policy guidance and instructions on the internal operations and restrictions related to the use of small Unmanned Aircraft Systems (sUAS), also known as drones. This policy applies to all LFUCG departments, divisions, officers, employees, contractors and or agents of the LFUCG who deploy the use of an sUAS on behalf of the LFUCG.

DEFINITIONS

Small Unmanned Aircraft System (sUAS): An unmanned aircraft and its associated elements capable of directed flight, with the associated support equipment, control station, data links, telemetry, communications and navigation equipment required for safe and efficient operation.

Remote Pilot in Command (RPIC): The RPIC is the employee who is qualified and designated by the respective department, is directly responsible for and is the final authority as to the operation and safety of the sUAS (as described by Federal Aviation Regulations, 14 CFR Part 91.3); and holds the appropriate FAA Remote Pilot certificate required to conduct the flight of an sUAS. All employees trained as RPICs are also cross-trained to serve as visual observers.

Visual Observer (VO): A visual observer is a trained employee designated by the remote pilot in command (RPIC) to assist the RPIC with the responsibility to identify and avoid other air traffic or objects in the air or on the ground when a sUAS is being operated. The visual observer shall be trained by an RPIC.

sUAS Data: Includes all electronic information collected by an sUAS. The term “raw” sUAS data refers to sUAS data that has not been processed and cleaned of all personal identifiable information.

Personal Identifiable Information: Information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that are linked or linkable to a specific individual.

Digital Media (DM): Digital media is anything digitally recorded or transmitted by an imaging device affixed to the sUAS. Digital media includes digital recordings of images and associated data.

A. INFORMATION AND TRAINING

1. This policy must be followed by all employees who are sUAS operators, observers, employees with access to sUAS data, and those who supervise or manage sUAS-related activities.
2. Employees engaged in sUAS activities under this policy shall also comply with all state and federal laws and regulations as well as the constitutional guarantees of others.
3. Participants shall review all Federal Aviation Administration (FAA) requirements for the registration and use of an sUAS, which may be found at: <https://www.faa.gov/uas/>
4. All Remote Pilots In Command (RPIC) must have and possess a valid Federal Aviation Administration certificate. If a certification is expired, the RPIC shall be considered out-of-service until a current certification can be obtained.
5. A visual observer (VO) may be specifically trained in the duties of a VO, or may be a cross-trained RPIC.
6. Video and audio recordings from drones are considered information subject to the KY Open Records Act. The security and management of all recordings must be handled accordingly (*See the Data Security and Retention section*).

B. PROTECTION OF PUBLIC TRUST AND PRIVACY

An sUAS shall be utilized in a responsible, legal, and transparent manner to maintain public trust. The policy shall be administered in such a manner as to protect the rights and privileges of the public, including protecting the fundamental rights to free speech and expression; the freedom to assemble and protest; and the protection against unreasonable searches.

LFUCG prohibits the use of an sUAS in the manner that violates federal, state, or local laws¹, and the collection, use, retention, or dissemination of any information in any manner that would:

1. Infringe upon the right to free speech under the First Amendment of the U.S. Constitution and/or Section 1 of the Kentucky Constitution or any other constitutional rights, including the right to due process of law.
2. Violate a person's U.S. Constitution's Fourth Amendment protection against unreasonable searches.

¹ State and federal laws, regulations, and ordinances, including but not limited to Title 14, Code of Federal Regulations, Part 107, and Kentucky Revised Statute 500.130.

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3. Violate a person's reasonable expectation of privacy.
 - a. A reasonable expectation of privacy may include, but not be limited to, if the sUAS is used to view, inspect, photograph, or record:
 - i. locations that are not open to public use;
 - ii. locations where a person is an owner and has the right to control and exclude others;
 - iii. locations where a person has taken ordinary precautions to maintain privacy.
 - b. A person does not have a reasonable expectation of privacy in public or openly accessible places, or in places that can be viewed unassisted by the normal eye.

Incidental and transitory capture of information and images that could violate the Fourth Amendment of the U.S. Constitution or a person's reasonable expectation of privacy are allowed in situations such as emergency aerial flyovers of homes, neighborhoods, or businesses in route to an incident or an event or incident typically associated with exigent circumstances.

C. OPERATIONAL RULES

The following flight instructions shall be followed and or implemented whenever applicable, relevant, or reasonable to achieve.

1. Provide prior notice to public of sUAS operation(s) timeframe and location, unless notification is not possible or reasonable.
2. Notify the public of sUAS operations at the site of operations through signage in readily viewable public areas.
3. An sUAS shall be operated in a safe and responsible manner as needed to avoid personal injury and or property damage.
4. A qualified visual observer (VO) is required and must be an employee of the LFUCG.
5. Each sUAS shall have a global positioning system (GPS). The software and/or firmware used to operate the sUAS must be up to date and maintained.
 - a. An sUAS that loses its signal to their remote operator or when low power (20% or lower battery power) is detected shall be set to return to its home/origin.
6. Employees must have an authorized purpose to collect information using an sUAS, or to use information collected by an sUAS (*see Data Retention and Security section below*).

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7. sUAS equipment must be properly stored and secured to prevent against physical theft or damage during transport, storage, and from exposure to extreme temperatures.
8. All sUAS operators must remain aware of and compliant with evolving federal, state, and local sUAS laws.
9. In the event of a crash or damage to property, both the RPIC and the VO will be required to provide a written report detailing the accident. The operator of a drone crash or damage incident is subject to CAO Policy No. 7 regarding Post Critical Incident Testing requirements.
10. Flight control modules must contain the manufacturer's designated display screen.
11. If an sUAS lands out of the flight team's sight, then it shall be retrieved as soon as possible using reasonable action. If the sUAS lands on private property, the RPIC or VO shall only enter the property with permission from the land owner or his/her agent.

D. FLIGHT BOOK

1. A flight book shall keep an accurate record of sUAS activities and maintenance.
2. Before and after each sUAS flight session, entries must be made in the Flight Book indicating: pilot, visual observer, location, purpose of flight, weather conditions at time of takeoff and damage reports.
3. A flight session shall be designated as the duration of time between takeoff and landing.
4. A separate flight book must be kept for each sUAS and each book shall be made available for public inspection if requested. Flight records related to current or on-going law enforcement activities, investigations, or related litigated matters are exempt from public inspection.

E. PROHIBITED OPERATION AND USE

Engaging in the unauthorized use of sUAS devices or activities that are inconsistent with this policy may subject an officer or employee to discipline, as well as to applicable monetary fines and penalties. LFUCG prohibits:

1. Deployment and operation of an sUAS outside of FAA guidelines.
2. Any unauthorized use or deployment of an sUAS other than official LFUCG purposes.

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3. Deployment of any sUAS platform not owned by LFUCG and/or for which an employee does not possess the appropriate FAA certification to operate.
4. Using a phone or other related device while operating an sUAS.
5. Operating outside of an approved flight plan.
6. Operating an sUAS on or within five (5) miles of any airport or FAA no-fly zone without approval by the appropriate authority.
7. Operating an sUAS in conditions or manners inconsistent with the manufacturer's recommended limitations, including but not limited to range, ceiling, wind strength, and battery charge.
8. Deployment of an sUAS to intentionally pursue, harass, disturb, or destroy wildlife.
9. Prolonged or extensive tracking or surveillance that reveals non-public information, such as detailed locations, affiliations, or movements.
10. An sUAS may not be used to circumvent a warrant to conduct a search of persons or property.
11. Unnecessary and or unauthorized surveillance of people or properties, either by stationary or transitory use of an sUAS, without appropriate authorization.

F. DATA SECURITY AND RETENTION

1. Except as otherwise required by law, employees shall restrict access to any raw sUAS footage it retains to authorized staff.
2. In all circumstances, raw, unprocessed sUAS-collected data may not be exchanged between departments or disclosed to the public except as may be required for critical public safety needs or as required by law.
3. An sUAS is subject to inspection of public records as required by the Kentucky Open Records Act for its sUAS flight information.
4. Take reasonable care and due diligence when operating an sUAS or collecting and storing digital media:
 - a. Employees must have an authorized purpose to collect information using an sUAS, or to use information collected by an sUAS.

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- b. The collection, use, storage and dissemination of such must adhere to federal, state, and local laws. Consideration must be given to reasonable expectations of privacy, as those circumstances may arise;
- c. Secure all digital media and data that meets the Department of IT's minimum information security standards;
- d. Digital media subject to the KY Open Records Act under KRS 171.410, must be retained for 60 days, then destroyed.

G. THIRD PARTY

Any contracted agent, vendor, or third party of the LFUCG shall be bound to this Policy and must execute an Acknowledgement Form.

H. REFERENCE

The FAA has developed regulations on the use of an sUAS. For more information, please refer to their website at: <https://www.faa.gov/uas>