

Investigating and Reporting Drones

612.1 PURPOSE

The unauthorized use of small, inexpensive Unmanned Aircraft Systems (UAS or "drones") by individuals and organizations, including companies, can cause aviation and privacy issues. The FAA retains the responsibility for enforcing Federal Aviation Regulations, including those applicable to the use of UAS. The FAA recognizes that local Law Enforcement Agencies (LEA) are often in the best position to deter, detect, immediately investigate, and, as appropriate, pursue enforcement actions to stop unauthorized or unsafe UAS operations. The information provided in this policy is intended to support the partnership between the FAA and the St. Mary's County Sheriff's Office (SMCSO) in addressing these activities.

This policy is intended to assist SMCSO personnel in understanding the legal framework that serves as the basis for FAA legal enforcement action against UAS operators for unauthorized and/or unsafe UAS operations and to provide guidance regarding the role of the SMCSO in deterring, detecting, and investigating unauthorized and/or unsafe UAS operations.

612.2 POLICY

It is the policy of the St. Mary's County Sheriff's Office to conform with the Federal Aviation Administration (FAA) and Maryland State Laws pertaining to UAS. This policy is designed to establish clear guidelines on the public/commercial use, legal oversight, and investigation of UAS that may be in violation of FAA and Maryland state laws within St. Mary's County, Maryland.

612.3 DEFINITIONS

Model Aircraft – Any radio or otherwise remotely controlled aircraft, rocket, or other aerial vehicle used only for sport or recreation.

Law Enforcement Agencies (LEA) – Any local, state, or regional agency or entity that has a duty to enforce the law, respond to or plan for response to emergency situations.

Public Safety Purpose – Any flight that:

- (a) Has been approved by a court of competent jurisdiction;
- (b) Is for a legitimate public safety or routine law enforcement purpose;
- (c) Is necessary to assist in locating a fugitive, the victims of suspected crimes (i.e. abduction/kidnapping), providing for officer or public safety or assisting in managing or preparing to manage the response to an emergency caused by any natural or manmade disaster or threat of harm to the public;
- (d) Has been approved by a supervisor.

Routine Law Enforcement Purpose – Any law enforcement activity that does not require judicial approval under the statutory or decisional law of the jurisdiction.

Unmanned Aerial Vehicle [UAV] – Any powered aerial vehicle which:

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- (a) Does not carry a human operator;
- (b) Uses Aerodynamic forces to provide vehicle lift;
- (c) Can be programmed to fly autonomously or can be piloted remotely;
- (d) May be expendable or recoverable; and
- (e) Can serve as a platform for devices or systems which are capable of:
 1. Photographing persons or objects, or mapping surface or geological formations and storing or transmitting the captured images;
 2. Tracking or detecting persons or objects using infrared, thermal or any similar technology and storing or transmitting the captured information;
 3. Engaging in the real-time video recording of the movements of persons or objects and storing or transmitting the captured information;
 4. Detecting and capturing aural, digital or other forms of communication and storing or transmitting the captured communications.

Unmanned Aerial Vehicle System [UAVS] – The personnel who:

- (a) Operate the UAV itself;
- (b) Maintain the UAV and any systems with which it is equipped;
- (c) Monitor, capture, display, download, store or otherwise manipulate the data collected and/or transmitted by the UAV while it is in operation;
- (d) The personnel involved in the operation of the UAV; and
- (e) Approve or seek approval of a UAV operation.

612.4 ST. MARY'S COUNTY AIRPORTS

St. Mary's County Regional Airport -

Capt. Walter Francis Duke Regional Airport

44174 Airport Rd., California, MD 20636

Phone: (301) 373-2102

612.5 LEGAL MANDATES

The FAA's safety mandate under 49 U.S.C. § 40103 requires it to regulate aircraft operations conducted in the National Air Space (NAS) which includes UAS operations, to protect persons and property on the ground, and to prevent collisions between aircraft and other aircraft or objects. In addition, 49 U.S.C. § 4701(a) requires the agency to promote safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for other practices, methods, and procedures the Administrator finds necessary for safety in air commerce and national security.

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612.6 RECREATIONAL AIRCRAFT OPERATIONS

The FAA's rules and Federal law for Recreational Drone Flying specifically require the following limitations:

- (a) The drone aircraft is flown strictly for recreational purposes.
- (b) The drone aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.
- (c) The drone aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.
- (d) In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the drone operator obtains prior authorization from the Administrator or designee before operating and complies with all airspace restrictions and prohibitions.
 - 1. The area surrounding NAS Patuxent River is classified as Class D airspace. (See 2.23.010 – Drone Aircraft Airspace Maps for St. Mary's County)
 - 2. All drone aircraft are strictly prohibited from flying over military installations at all times.
- (e) In non-controlled airspace, the drone aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.
- (f) The drone aircraft is registered and the registration number is displayed on the outside. The operator must carry proof of registration.
- (g) Drone aircrafts are prohibited from flying over groups of people, public events, or stadiums full of people.
- (h) Drone aircrafts are prohibiting from flying near emergencies such as any type of accident response, law enforcement activities, firefighting, or hurricane recovery efforts.
- (i) Operators are prohibited from operating drone aircraft under the influence of drugs or alcohol.

612.7 COMMERCIAL AND OTHER NON-MODEL AIRCRAFT UAS OPERATIONS (DRONES)

UAS operations that do not meet the definition of Model Aircraft or are not conducted in accordance with Section 336(a) of the Act may only be operated under FAA rules for UAS or with specific authorization from the FAA. UAS that are not flown for hobby or recreational purposes may be operated through one of four avenues:

- (a) 14 C.F.R. Part 107: The new regulatory framework enables certain small UAS operations for commercial and other non-hobby purposes. The rule addresses airspace restrictions, remote pilot certification, and operational limits. The full regulation can be found at the below link: <https://www.federalregister.gov/articles/2016/06/28/2016-15079/operation-and-certification-of-small-unmanned-aircraft-systems>

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- (b) **Section 333 Exemptions:** The FAA issued these exemptions to authorize certain commercial operations as a bridge to 14 C.F.R. Part 107. These exemptions are valid for two years. Existing Section 333 exemption holders will still be able to operate under the terms of their exemption after Part 107 takes effect. UAS operators who have obtained an exemption must also obtain a Certificate of Waiver or Authorization (COA).
- (c) **Public Aircraft Operations:** Public aircraft operators must obtain a COA prior to operations. Further information about public aircraft operations is available in Advisory Circular (AC) 00-1.1A, Public Aircraft Operations.
- (d) **Airworthiness Certification:** Some UAS are issued an airworthiness certificate that prescribes specific operational provisions for a particular aircraft. Operators of these aircraft must also obtain a COA.
- (e) **Operational Limitations:** All Commercial or Nonrecreational Aircraft Operations are required to follow the Operational Limitations listed under paragraph 2.23.005 as well as remaining in compliance with Part 107 and any Section 333 Exceptions. A list of additional operational limitations for Part 107 can be located at the below link: https://www.faa.gov/uas/media/Part_107_Summary.pdf

It is important to understand that all UAS operations not operated as Model Aircraft under Section 336 of the Act are subject to current and future FAA regulation. At a minimum, any such flights are currently required under the FAA's regulations to be operated within the framework of one of the four means of authorization detailed above. Further, these flights must be conducted with an authorized aircraft (certificated or exempted), with a valid aircraft registration certificate and with a properly certificated pilot.

Regardless of the type of UAS operation, the FAA's statutes and the Federal Aviation Regulations prohibit any conduct that endangers individuals and property on the surface, other aircraft, or otherwise endangers the safe operation of other aircraft in the NAS.

612.8 UAS COMPLIANCE WITH AIRSPACE SECURITY REQUIREMENTS

As an aircraft, UAS operations (including those involving Model Aircraft) must be conducted in accordance with the airspace-centric security requirements prescribed by the FAA's regulations and various implementation tools used by the FAA, specifically including airspace with special flight rules and Notices to Airmen (NOTAM) that define Temporary Flight Restrictions (TFR). It is important that UAS operators and LEAs be familiar with the airspace restrictions respectively relevant to their operations and their enforcement area of responsibility.

Flight restrictions are used to protect, but are not limited to, special security events, sensitive operations (e.g., select Law Enforcement activity, space flight operations, etc.), and Presidential movement. The most up-to-date list of TFRs is available at the following link: <http://tfr.faa.gov/tfr2/list.html>.

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612.9 UAS REGISTRATION REQUIREMENTS

All unmanned aircraft, including those operated exclusively as Model Aircraft, that weigh more than 0.55 pounds and are operated in the NAS must be registered with the FAA by their owner under either 14 C.F.R. Part 47 or Part 48.

The FAA will issue a unique registration number that begins with either an "N" or "FA." These numbers must be placed on the unmanned aircraft to be readily visible, or they may be inside a battery compartment or other place in the aircraft, provided no tools are needed to open the compartment. The registration number will be unique to the operator if operating strictly as a Model Aircraft, and unique to the aircraft if operating other than as a Model Aircraft. The operator of the UAS must carry a Certificate of Aircraft Registration in either paper or electronic format and make it available to Law Enforcement upon request.

Failure to register a UAS, including Model Aircraft, in accordance with these rules may result in regulatory and criminal sanctions. The FAA may assess civil penalties up to \$27,500. Criminal penalties include fines of up to \$250,000 and/or imprisonment for up to three (3) years.

More information about UAS registration can be found at <https://registermyuas.faa.gov/>

612.10 INVESTIGATION AND REPORTING

Investigation

(a) Investigation Procedures

1. When responding to complaints about drone or UAS operations or a situation involving a drone, there are several things to consider. Deputies should focus on the underlying activity in drone complaints – if you take the drone out of the incident you can apply already existing law to infractions committed (for example, reckless endangerment, voyeurism, or harassment).
2. The deputy will attempt to locate the drone operator and determine the type of operation they are performing (hobby/recreational, commercial, or public use) by objectively assessing the situation and talking to the operator, then determine what level of law enforcement action is required. Depending on the situation, it may involve a violation of FAA regulations and/or state/local laws. Violations can include operating an aircraft without registration or necessary airman certification, operating an aircraft in an unsafe manner as to endanger persons or property, and can be either administrative or criminal.

(b) Investigative Documentation

1. Whenever a UAS complaint is received or an incident is investigated by the St. Mary's County Sheriff's Office, a Deputy WILL ensure a Computer Aided Dispatch (CAD) event for "Drone Incident" is started. The Deputy will conduct an investigation, and if no criminal or FAA violation has occurred, the Deputy will add detailed notes in the CAD system.
2. If there is a criminal complaint or FAA violation (See paragraphs 2.23.005 and 2.23.006) reported, the Deputy WILL complete an Offense Report (OR).

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3. The Deputy will initiate a CCN (complaint control number) with the "Drone" Unicode and classify his/her OR report as "Drone Incident".
 4. The Deputy is responsible for forwarding all information pertaining to an investigation for a criminal violation or FAA violation regarding a UAS to the FAA Eastern Regional Operation Center (9-ESA-ROC@faa.gov) for further disposition.
- (c) Witness Identification and Interviews
1. Deputies should attempt to identify potential witnesses and conduct initial interviews, documenting what they observed while the event is still fresh in their minds.
 2. Deputies should secure all information necessary for FAA safety inspectors to contact these witnesses in any subsequent FAA investigation.
- (d) Identification of Operators
1. Deputies should attempt to locate the suspected operators of the UAS, and any participants or support personnel accompanying the operators.
 2. Registration information collected from the device or from the operator can aid in identification and enforcement efforts by the FAA.
 3. Identify and document the purpose for the UAS operation (such as in support of a commercial venture, to further some business interest, or to secure compensation for their services). This may become an important element in determining what regulations, if any, may have been violated by the operation.
- (e) Viewing and Recording the Location of the Event
1. Deputies should take pictures in close proximity to where the incident occurred. Photos will accurately describe light and weather conditions, any damage or injuries, and the number and density of people where the incident occurred.
- (f) Identifying Sensitive Locations, Events, or Activities
1. The FAA maintains a variety of security-driven airspace restrictions around the country to help protect sensitive locations, events, and activities. UAS operations, including Model Aircraft flights, are generally prohibited within these defined volumes of airspace. Deputies should become familiar with FAA airspace restrictions that are instituted to help protect sensitive events (e.g., major gatherings of elected officials) and activities (e.g., Presidential movements). If there is any question as to whether an airspace restriction has been established in a given location, contact the nearest air traffic facility or flight service station for further information or visit <http://tfr.faa.gov/tfr2/list.html> for a graphic representation of airspace restrictions by state and effective dates.

Drone Reporting

- (a) Drone-Related Incident Data Collection Form
1. This form is for the collection of data related to incidents reported to or investigated by any Maryland Law Enforcement agency involving a UAS,

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unmanned aerial vehicle or system, or similar device, collectively referred to as "Drone" within this form. The data collected by this form will be presented for use in the design of future Maryland laws related to drone operations.

- (a) Incidents that should be entered include any of the following reported to MD Law Enforcement:
 1. The crash or near crash of a drone where there was injury or property damage.
 2. Use of a drone in the commission of a crime under Maryland Law, including violations of Protective or Peace orders.
 3. Unsafe use of a drone, including use within protected/restricted airspace, too close to an aircraft, airport etc.
 4. The use of a drone to observe, photograph, or interfere with Police, Fire, or EMS response.
 5. Other complaints regarding the use of a drone which were received (even if not formally investigated) by Law Enforcement. This includes "nuisance reports", "concerned citizen reports" and "good intention reports", and civil complaints, etc.
 6. Other reports which may be of interest.
- (b) The Drone-Related Incident Data Collection Form can be located on the SMCSO M:Drive in the "Sheriff's Office Forms" folder.
2. Deputies shall forward a copy of the completed Drone Related Incident Data Collection Form to the Maryland Coordination and Analysis Center (MCAC) at mdwatch@mcac.maryland.gov.
 - (a) Immediate Notification of an Incident to FAA
3. When the deputy gathers enough information to determine a possible violation has occurred involving an incident, accident or other suspected UAS violation, notification will be made to one of the FAA Regional Operation Centers (ROC). The ROC is manned 24 hours a day, 7 days a week with personnel who are trained in how to contact appropriate duty personnel during non-business hours when there has been an incident, accident, or other matter that requires timely response by FAA employees. Contact Information: Eastern ROC Phone #: 1-404-305-5150 Eastern ROC Email: 9-ESA-ROC@faa.gov
4. FAA Law Enforcement Assistance Program (LEAP) Special Agents are also available to provide investigative support. LEAP Agents can be reached at 404-305-6816.

Evidence Collection

- (a) Identifying and preserving any public or private security systems that may provide photographic or other visual evidence of UAS operations, including video or still picture security systems, can provide essential evidence to the FAA. Deputies should inquire and make initial requests to identify and preserve this form of evidence or obtain legal

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process for securing this evidence in the context of an investigation of a possible violation of state criminal law.

- (b) In addition, all UAS that weigh more than 0.55 pounds and are operated in the NAS must be registered with the FAA and must display identification numbers signifying FAA registration, and individuals operating a UAS must carry, in paper or electronic form, an FAA-issued aircraft registration certificate. Note that identification numbers may not be conspicuous from a distance because of the size and non-traditional configuration of some UAS.
- (c) The registration database for UAS assigned an "N-number" may be searched by using the "Look up N-numbers" search box on the FAA's homepage (www.faa.gov). UAS that have been assigned an "FA-number" registration can be verified by contacting a FAA LEAP Special Agent.
- (d) Other evidence collection also may prove useful, such as consensual examination of the UAS, equipment trailers, and documentation. However, other Law Enforcement processes, such as arrest and detention or non-consensual searches almost always fall outside of the allowable methods to pursue administrative enforcement actions by the FAA unless they are truly a by-product of a State criminal investigation.