Buncombe County Sheriff's Office

	Policy Number: 403	**Effective Date: 04/17/2023**
	CALEA Standard:	
	Subject/Title: Unmanned Aircraft Systems (Drones) - Revision	
	Rescinds: N/A	
	Approved: Sheriff Quentin Miller	
	Approved/Date: 04/10/2023, Rev. 08/15/2026, 11/13/2026	

PURPOSE

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

POLICY STATEMENT

It is the policy of the Buncombe County Sheriff's Office (BCSO) to utilize unmanned aircraft systems (UAS) to enhance the Sheriff's Office mission of protecting lives and property when other means and resources are unavailable 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.

PROCEDURES

I. UAS Program Requirements

A. The Sheriff's Office will obtain applicable authorizations, permits, or certificates required by the Federal Aviation Administration (FAA) before deploying or operating a UAS. All authorizations, permits, and certificates will be maintained and renewed as required by law and/or regulation.

B. All UAS will be purchased from a known and proven manufacturer that is recognized as an industry provider of such aircraft systems.

C. All County-owned UAS will be housed and transported in an appropriate case for safe storage and transport of the system to approved missions.

D. All County-owned UAS will be able to capture each flight mission, flight data, as well as a cumulative flight log.

II. UAS Program Supervision

A. The Sheriff or Sheriff's designee will appoint a program commander, who will be responsible for the overall management of the UAS program. The program commander will ensure that policies and procedures conform to current laws, regulations, and best practices.

B. The drone commander will appoint a program coordinator who will report to the commander and will assist with training and guidance of program operations, including:

1. Ensuring that policies and procedures conform to current laws, regulations, and best practices.
2. Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies, and procedures regarding using the UAS.
3. Ensuring retention and purge periods are maintained in accordance with established records retention schedules.
4. Facilitating law enforcement access to images and data captured by the UAS.
5. Recommending program enhancements, particularly regarding safety and information security.
6. Providing periodic reports on the program to the Sheriff or Sheriff's designee.

III. UAS Training

A. All UAS operators must have completed a Part 107 training course and obtained their FAA Part 107 certification, at a minimum.

B. Certifications and endorsements are valid for two (2) years, and continued training is required to maintain those certifications and endorsements.

IV. Deployments

A. County-owned UAS will be deployed and used in accordance with State and Federal law only to support official law enforcement and public safety missions.

B. Only authorized UAS operators who have completed the required training and with appropriate certifications are permitted to operate the UAS. UAS operators must have their Part 107 license on their person during each flight mission and training exercise.

C. All UAS will be operated in accordance with the limitations set by the manufacturer.

D. Precautions will be taken to avoid flying the UAS over persons and property that could result in injury or damage whenever possible.

E. During flight missions, the UAS Pilot in Command (PIC) and the UAV need to be in sight of either the PIC or a visual observer (VO).

F. The following processes will be followed for Sheriff's Office requests for deployment of UAS:

1. Pre-planned deployment of the UAS, including but not limited to search warrants or Special Response Team (SRT) missions, must be made to the UAS program coordinator and approved via an agency operations plan. The UAS program coordinator will gather all available information relevant to the request and determine if the request can be followed legally and safely. Deployment of the

tactical Sky Hero kit, R10, or similar indoor drone will be at the discretion of the SRT commander, team leader, or UAS program coordinator.

2. Urgent Sheriff's Office requests for use of a UAS during ongoing or emerging incidents may be made to and approved by the on-duty watch commander. Such requests to include chases, suspect searches, and missing persons must conform to all applicable regulations, guidelines, laws, and Sheriff's Office directives.

3. In all cases, the UAS program commander, coordinator and/or UAS operators have ultimate discretion in determining when it is safe and lawful to fly a UAS.

4. All UAS operations must be in compliance with NCGS 15A-300.1.

G. UAS operators and observers will not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure).

1. UAS operators and observers will take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

2. When the county-owned UAS will be deployed, and there are reasonable grounds to believe that the UAS will collect evidence of criminal wrongdoing, and if the UAS will be used in a manner that may intrude upon reasonable expectations of privacy, the primary case deputy must obtain a search warrant specifically authorizing UAS use before conducting the UAS flight.

3. UAVs will not be used to intentionally look into structures (windows, skylights, or other means) as part of any law enforcement investigation

unless a search warrant authorizes the use of UAS technology.

4. Forward-looking infrared (FLIR) technology will not be used to look through structures or at structures emitting high levels of heat unless a search warrant specifically authorizes such use on a case-by-case basis.

H. The UAS operator will document all flight missions within the UAS management software for submission to the UAS program coordinator within ten (10) business days of the flight, and a copy will be provided to the case agent or primary law enforcement officer to be included in the investigative case file.

I. UAS pilots will only operate the UAS while using the designated management software program.

J. ~~A report or supplement must be completed in RMS~~. Pilots must complete a post flight report in the Skydio cloud and any necessary case supplements in RMS.

V. Unauthorized Uses

A. Any unauthorized use of the county-owned UAS can and may result in corrective action and/or civil and criminal penalties. Unauthorized uses include, but are not limited to:

1. The UAS will not be utilized in violation of Sheriff's Office policies or directives.

2. The UAV will not be flown in violation of state laws or FAA Part 107 guidelines.

3. The UAV will not be flown in conditions that exceed the manufacturer's recommended limitations.

4. The UAV will not be flown for any mission where the UAS operator or UAS program coordinator determines the risk of flying outweighs the benefit of the mission.

5. The UAV is prohibited from transporting hazardous materials.

6. The UAV will not be equipped with weapons of any kind.

7. No county-owned UAS may be operated by any employee who has alcohol, drugs, or any other impairing substance in their system.

8. The UAS will **not** be used to conduct random surveillance activities or for personal business of any type.

9. The UAS will be deployed and used only to support official public safety missions, training, and other official agency use.

10. The UAS will not be operated in an unsafe manner or in violation of any FAA rules or state or local laws. The PIC will be the final authority and entirely responsible for this decision as a Part 107 license holder.

11. Agency UAS equipment is intended for official use only and will not be used for unofficial, personal, or frivolous activities.

12. The UAS, while operated in the national airspace, will not be equipped with weapons.

13. Unless the aircraft is rated for operating in inclement weather, absent a pilot's decision of exigent circumstances for public or law enforcement officer safety, the aircraft should not be operated in inclement weather.

VI. Call-Out Procedures

A. If an on-duty PIC is unavailable, a request for UAS deployment should be made to the watch commander.

B. The watch commander should screen all initial requests and contact the on-call PIC, the drone team commander, or the UAS program coordinator.

C. The PIC has the ultimate decision-making authority and responsibility of mission acceptance or denial due to federal civil liability. The PIC will screen the requests using the following considerations and either accept or decline the assignment.

1. Is the proposed use within the capabilities of the UAS equipment and team to perform?
2. Does the proposed use comply with FAA and department policies and regulations?
3. Is the deployment possible, given the current weather conditions?
4. Are sufficient trained and qualified drone team members available to conduct the mission?

D. If a search warrant or other legal process is necessary, it must be approved and available before deployment.

E. All requests from outside agencies will follow Policy 311-Mutual Aid.

VII. Flight Planning

A. The drone team members should familiarize themselves with all available information concerning the mission, including, but not limited to:

1. Weather conditions
2. Terrain and associated hazards
3. Time of day

4. Incident details
5. Description of any victims/subjects
6. Deployment goals
7. Any active Temporary Flight Restriction's (TFR) in place.

B. The PIC should utilize flight applications before all missions for weather data and knowledge assessment.

C. The drone team will ensure that the take-off and landing location is adequate for safety.

D. The take-off and landing locations should be clearly marked and identifiable.

E. At least one emergency landing area should be identified per deployment.

F. Drone team members will ensure they are aware of their surroundings in case an emergency landing is necessary, including the ability to recover the UAS.

G. The PIC has the sole discretion to determine whether a flight will be attempted or aborted if it is already underway. Conditions which could cause a mission to be aborted once accepted include, but are not limited to:

1. Safety issues, such as weather, terrain, and line of sight.
2. The operational condition of the UAS.
3. Any potential violation of FAA regulations and/or department directives.

VIII. Drone As a First Responder Program

A. Missions operated under the DFR program will be conducted under an FAA-approved certificate of authorization (COA) for beyond visual line of sight operation, including operating over persons and moving vehicles in pursuit of public safety.

B. The PIC of DFR missions will be stationed, per COA, at a central location with the

DFR-designated aerial system, authorizing and controlling the functionality of the system at all times.

C. The DFR PIC must communicate via radio with all ground personnel serving as visual observers (VO) throughout the full mission operation.

D. In pursuit of privacy for our citizens and visitors to our county, during DFR response to a call for service, the UAS will fly from a centralized location or a previous call for service location with the gimbal camera on the horizon and not pointed downward until arrival in the area of the scene unless the need to identify elements associated with the call(s) for service warrant this need.

E. Drone pilots will follow the DFR daily operating guide for setup and operations workflow.

IX. Training

A. Department members assigned to the drone team must complete mandatory training within three (3) months of assignment to ensure knowledge of the proper use and operation of UAS.

B. Before a team member can fly as a pilot manipulating controls during a mission, they must complete at least eight (8) hours minimum of flight training on each platform under a PIC (four (4) hours at night and four (4) hours during the day) and show proficiency with the airframe(s). UAS operators must complete an additional six (6) ~~ten (10)~~ hours of training with the Loki MKII ~~and successfully pass the proficiency test~~.

C. Before acting as PIC, a pilot must:

1. Hold a current and valid 14 CFR Part 107 certification.
2. Have a minimum of eight (8) ~~four (4)~~ hours of documented training time (four ~~two~~ hours in day flight and four ~~two~~ hours in night operations) for

every aircraft model flown by the pilot.

3. Not be under disciplinary or probationary status.

D. Drone team training will be conducted regularly to ensure the continued effective use and operation of all UAS. All equipment will be inspected, and the results will be documented to include proper operation and performance at each team training.

E. All agency personnel assigned to the drone team, including command officers, will also be trained in the local, state, and federal laws and regulations, as well as policies and procedures governing the deployment and use of the UAS.

X. Safety

A. It is the duty of every member of a UAS deployment to ensure safe operations.

B. Any drone team member can stop a flight for any perceived safety hazards or unsafe act.

C. Any safety hazard, whether procedural or operational, should be identified as soon as possible and should be immediately mitigated.

D. If any drone team member observes or knows of any unsafe, illegal, or dangerous act or condition, that member must immediately provide the UAS program coordinator or watch commander with all known information.

XI. Maintenance

A. The drone team will follow all manufacturers' maintenance schedules, including software updates.

B. All maintenance and software updates will be documented in a maintenance log assigned to each aircraft. All historical and current maintenance and service logs will be managed and maintained by the UAS program coordinator for each agency drone.

C. Any maintenance issues that cannot be resolved by routine methods must be

reported to the UAS program coordinator, who will consult with the manufacturer or knowledgeable repair center for technical assistance.

D. Drones with maintenance issues impacting flight will be grounded until the issue is resolved.

E. Batteries will be maintained for ~~to~~ a maximum of 300 ~~four hundred (300-500)~~ cycles for active missions or after one year of use. The batteries will then be retired for training purposes only. ~~(How to Track?)~~

F. Any batteries with swelling or exterior casing cracks or damage must be marked, retired immediately, and reported to the UAS program coordinator.

XII. UAS Equipment Management

A. UAS will be stored in an assigned area with limited access except by drone team members and sworn department supervisors.

B. All UAS will be assigned a UAS number. This number will indicate the UAS's actual call sign. Operators will utilize the call sign as given to each UAS platform.

C. Each UAS will have a specified space where the paired components will be placed and maintained.

D. UAS should never be left in hot or cold vehicles or non-climate-controlled environments for extended periods.

E. Drone systems should never be left in vehicles while not actively on duty, except for vehicles outfitted with drone vault storage.

F. The on-duty PIC will check UAS in/out at the beginning and end of their tour of duty.

1. The PIC must ensure the UAS is maintained securely, either in a vehicle(while on duty) or in their home (while off duty). The PIC may check the system in

and out at the beginning or end of each duty shift if there are security concerns.

2. The PIC ending their tour of duty will return the system, remove all components from the case, inspect the components, and set them up for charging for the next tour.

G. Any damage or concerns at check-out or return should be reported in compliance with Buncombe County Risk Management policies, before the end of the tour of duty, and the UAS program coordinator must be notified.

XIII. Livestreaming

A. All live streaming for DFR operations will be conducted through DFR partner software. Logins will be provided, or a link will be provided to BCSO staff only. This link will not be provided to anyone outside of BCSO without unit command approval.

B. All live streaming for tactical operations will be conducted using an approved management platform. Each pilot will hold a unique login and URL for their stream link. This link will not be provided to anyone outside of BCSO without approval by a drone commander or above.

XIV. UAS Data – Video Recording, Retention, and Management

A. All UAS operators must make the small UAS for inspection or testing available to the FAA upon request, and any associated documents/records required to be kept under Part 107 guidelines.

B. The UAS program coordinator will conduct random audits of UAS data and recordings to ensure that Sheriff's Office usage complies with this policy and applicable regulations.

C. The Sheriff's Office will ensure that all data intended to be used as evidence is accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to the chain of custody

requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, will be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

D. Management, storage, disclosure, and release of recordings made by a device operated by or on behalf of the Sheriff's Officer or Sheriff's Office personnel while carrying out law enforcement responsibilities will follow the same guidelines provided in Policy 213-Body-Worn Cameras and in accordance with N.C. Gen. Stat.§ 132-1.4

E. All video recordings and still images captured by department UAS will be downloaded to Evidence.com at the completion of each mission. The PIC will record information for each flight that will include:

1. Date, time, and location.
2. The case number (if applicable)
3. Drone team personnel involved in the mission.
4. Other mission identifiers, as appropriate

F. Employees will not edit, alter, erase, duplicate, copy, share, or otherwise distribute UAS video recordings in any manner without prior written authorization and approval from the Sheriff or Sheriff's designee.

DEFINITIONS

Pilot in Command (PIC): a Sheriff's Office member who possesses an FAA Remote Pilot License is authorized and in command of the operations of a UAS.

Unmanned Aircraft System (UAS): a system consisting of a ground-based controller(s), UAV, communication links, and human intervention.

Unmanned Aerial Vehicle (UAV): an unmanned aerial vehicle, commonly known as a drone, is an aircraft without a human pilot aboard. UAVs are a component of an unmanned aircraft system.

Visual Observer: a Sheriff's Office member who has been instructed by a PIC in observing a UAV in flight, maintaining awareness of in-flight hazards, and communicating potential hazards back to the PIC.

Authorization/Waiver: in the context of this directive, a document issued by the Federal Aviation Administration (FAA) allowing authorized flight within a certain airspace or allowing an operation deviating from standard allowable 14 CFR 107 rules.

Certificate of Authorization (COA): an authorization issued by the Federal Aviation Administration (FAA) permitting public agencies and organizations to operate a particular UAS for a particular purpose in a particular area that includes special safety provisions unique to the proposed operation.

Drone as a First Responder (DFR) Program: unlike standard tactical UAS deployment missions near a scene or call for service, the DFR program prepares UAS for immediate launch response to calls for service from a preplanned launch location.

Pilot: the individual responsible for exercising, operating, and manipulating control over the UAS during flight under the direct supervision of a pilot in command.

UAS Program Coordinator: the individual assigned to oversee the day-to-day administration of the department's UAS program.

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