

	<b>GENERAL ORDER</b> <b>Effective: 2-28-2022</b>	<b># 05-07</b>
	<b>Section:</b> <b>Equipment and Technology</b>	<b>Replaces or Modifies:</b> <b>General Order 05-06</b>
	<b>Title:</b> <b>Unmanned Aircraft Systems</b>  <b>Issued by:</b> <b>Chief Deputy Mattie Provost</b>	

**I. Purpose:**

To implement specific policy concerning the use of Unmanned Aircraft Vehicles operated by the Fort Bend County Sheriff's Office (FBCSO).

**II. Policy:**

Unmanned Aircraft Vehicles will be operated in accordance with provisions of this General Order.

**III. Definitions:**

- A. **Aircraft**- A device that is used or intended to be used for flight in the air. This includes UAS.
- B. **Image**- Means any capturing of sound waves, thermal, infrared, ultraviolet, visible light, or other electromagnetic waves, odor, or other conditions existing on or about real property in this state or an individual located on that property. Imagery may include data about people, organizations, events, incidents, or objects as well as metadata.
- C. **Line of Sight (LOS)** – the Remote Pilot and/or the Visual Observer can see, unaided, the UAS under their control during flight.
- D. **Mission Area of Operations (AOR)**- A defined perimeter/ parameters to be determined based on the scope and type of the operation and a defined operational ceiling at or below 400 feet and above the ground. The altitude of the small unmanned aircraft cannot be higher than 400 feet above the ground, unless the small unmanned aircraft is flown within a 400 foot radius of a structure and does not fly higher than 400 feet above the structures immediate uppermost limit.

- E. **National Airspace System (NAS)**- Airspace inside the continental United States. It is further defined through air navigation facilities, equipment and services, airports, or landing areas aeronautical rules, regulations, and procedures. There are two types of airspace with the NAS, controlled and uncontrolled. Operation of the UAS in controlled airspace adds another layer of responsibilities and requirements that must be met to operate the UAS.
- F. **Night Flight**- Flight of a UAS that occurs between the hours of one half hour after sunset and one half hour before sunrise. The time of sunset and sunrise are determined by the National Oceanic and Atmospheric Administration (NOAA), but 14 CFR Part 107 will allow small UAS operations to be conducted during civil twilight if the small unmanned aircraft has lighted anti-collision lighting visible for at least 3 statute miles. Night flights are authorized without a waiver for Part 107 pilots who have completed the recurrent training and fly a UAS with lighted anti-collision lighting visible for at least 3 statute miles and a flash rate sufficient to avoid a collision.
- G. **Remote Pilot** - The individual exercising pilot at the controls over the UAS during flight. The Remote Pilot must meet all 14 CFR 107 certification requirements of a Remote Pilot in Command
- H. **Remote Pilot in Command (RPIC)** - The mission commander with on-site authority for a specific UAS. The individual solely responsible for the overall flight operations of a UAS for a specific mission.
- I. **Tactical Operation** - As any spontaneous or planned event that poses a threat of harm to citizens and personnel. Planned events would include any event placing emergency services on elevated alert, has a pre-approved operations plan, and specific use of any UAS is outlined in the operations plan.
- J. **Unmanned Aircraft System (UAS)** - UAS is the unmanned aircraft system and all associated support equipment, control station, data links, telemetry, communications, and navigation equipment, etc., necessary to operate the unmanned aircraft. The aircraft's flight is controlled either autonomously by hardware within the UAS or under the remote control of a Remote Pilot on the ground or in another ground vehicle.
- K. **Drone**. A drone is defined as an unmanned aircraft, watercraft, or ground vehicle or robotic device that is controlled remotely by a human operator or operates autonomously through computer software or other programming. A UAS is considered a drone.

#### IV. Procedure:

##### A. UAS Unit

1. The UAS Unit will operate under the direction of the Patrol Commander.
2. The UAS Unit Supervisor will be a Patrol Division Supervisor designated by the Patrol Division Commander.
3. The UAS Unit operations shall be conducted in compliance with the UAS Standard Operating Procedure.

##### B. Use of UAS

All external UAS missions are initiated by request to the Patrol Division Commander, the UAS Unit Supervisor, or on duty Patrol Watch Commander, who will have responsibility for the request and who should ensure the request is in compliance with General Orders and law regarding the use of an UAS.

- a. Missions initiated in support of other law enforcement agencies shall require the approval of the Watch Commander, UAS Unit Supervisor, or higher authority.

All internal missions may be initiated by the on duty Watch Commander, UAS Unit Supervisor, or higher authority.

- a. These missions require notification of the UAS Unit Supervisor and the Patrol Division Commander by email.
- b. The RPIC will have responsibility to ensure the request is within departmental guidelines, needs, and law regarding the use of an UAS.

Missions to be considered for approval are outlined in the UAS SOP.

All missions will be flown in accordance with all current applicable FAA regulations, Texas State Law, and Fort Bend County Policy and Procedure.

## **C: Image Capture and Retention**

1: The capture of images is permissible if the image is captured by a law enforcement authority or a person who is under contract with or otherwise acting under the direction or on behalf of a law enforcement authority:

- a) With consent of the individual who owns or lawfully occupies the real property that is captured in the image;
- b) Pursuant to a valid search or arrest warrant;
- c) In immediate pursuit of a person law enforcement officers have reasonable suspicion or probable cause to suspect has committed an offense, not including misdemeanors or offenses punishable by a fine only;
- d) For the purpose of documenting a crime scene where an offense, not including misdemeanors or offenses punishable by a fine only, has been committed;
- e) For the purpose of investigating the scene of a human fatality;
- f) For the investigation of a motor vehicle accident causing death or serious bodily injury to a person; or any motor vehicle accident on a state highway or federal interstate or highway;
- g) In connection with the search for a missing person;
- h) For the purpose of conducting a high-risk tactical operation that poses a threat to human life;
  
- i) On private property that is generally open to the public where the property owner consents to law enforcement public safety responsibilities; or
- j) If the image is captured by state or local law enforcement authorities, or a person who is under contract with or otherwise acting under the direction or on behalf of state or local authorities, for the purpose of surveying the scene of a catastrophe or other damage to determine whether a state of emergency should be declared;
  - (1) preserving public safety, protecting property, or
  - (2) surveying damage or contamination during a lawfully declared state of emergency; or
  - (3) conducting routine air quality sampling and monitoring, as provided by state or local law;
  - (4) at the scene of a spill, or a suspected spill, of hazardous materials;
  - (5) for the purpose of fire suppression;
  - (6) for the purpose of rescuing a person whose life or well-being is in imminent danger.

## 2. Image Retention

- a) If an image is captured that is to be used as evidence in a criminal event a report will be generated and the images will be retained in compliance with General Order 03-05.
- b) Images shall be retained according to the rules of evidence for the offense under investigation.
- c) If images captured are deemed by the UAS Unit Supervisor, or his/her designee to be in violation of Texas Government Code 423, they shall be immediately destroyed in order to come into compliance.
- d) If an image is captured for training purposes, those images will be saved in the UAS Training folder. The images shall not be distributed or displayed without the consent of the Patrol Division Commander.
- e) If an image is captured at the request of another department or agency, said image will be copied to a DVD and released to that department. A report will be generated with the appropriate title and the images are to be retained in compliance with General Order 03-05.

## **D: Reporting Requirements.**

- 1:** The RPIC is responsible for the completion of a flight log following every UAS flight. If the situation of the mission does not allow for immediate entry of the flight data, then the log can be completed the following work shift.
- 2:** Any mission where images or evidence is collected the RPIC is to issue a case number and document the event and store the images / evidence in compliance with General Orders.
- 3:** Any mission where a case number is already being issued, the RPIC will supplement the case advising the pilot's involvement in the case.
- 4:** Reporting will be in compliance with the Texas Government Code, Article 423.008.

## E. Miscellaneous Requirements

1. As per Sec. 423.008, Loc. Gov. Code. Reporting by Law Enforcement Agency, the Captains of Regulatory Affairs & Enforcement will produce a report to submit to the TX Governor's Office in odd-numbered years, to report prior 24 month deployments, by date, time, location, and type of incident/ justification; number of criminal investigations aided; number of deployments for law enforcement operations; type of information collected; and total cost of acquiring, maintaining, repairing, and operating the UAS (drone).
2. UAS shall not be used as a use of force option; any policy revision on use of UAS as a force option shall be sent to TCOLE by January 1 of even-numbered years.