

Department of the Interior Law Enforcement Policy

Effective Date: November 27, 2017
Series: Law Enforcement and Security
Chapter 19: Use of Small Unmanned Aircraft and Aircraft Systems in Law Enforcement Missions

Originating Office: Office of Law Enforcement and Security

19.1 Purpose. This chapter establishes the policy and mandatory minimum requirements with which Bureaus of the Department of the Interior will comply when using small unmanned aircraft and aircraft systems to conduct law enforcement missions. The requirements of this Chapter are in addition to any requirements for the general operation of small unmanned aircraft and aircraft systems imposed by the Director, Office of Aviation Services.

19.2 Scope. This policy applies to all Department of the Interior Bureaus that use small unmanned aircraft to conduct law enforcement missions.

19.3 Authority. This policy is issued pursuant to 112 DM 17 and 212 DM 17.

19.4 Policy. It is the policy of the Secretary of the Interior to protect and preserve the natural resources for which the Department of the Interior is responsible through, among other means, effective law enforcement operations conducted with humility and efficiency and that respect the civil liberties and constitutional rights of all citizens of the United States. Small unmanned aircraft, properly used, can be an effective law enforcement tool in protecting both the great natural places of our country and the safety of the public that visits them. This policy establishes controls on and accountability for the employment of small unmanned aircraft used in law enforcement missions and ensures an appropriate balance between resource protection and public safety.

19.5 Responsibilities

A. Assistant Secretary - Policy Management and Budget (PMB) is responsible for management direction and support for all LE programs through Department-wide policies, standards and guidelines for the law enforcement activities of the Department.

B. Deputy Assistant Secretary, Public Safety, Resource Protection and Emergency Services (DAS-PRE) is the Department's primary law-enforcement policy officer and the

principal advisor to the Secretary, Deputy Secretary, and Assistant Secretary – Policy Management and Budget on law enforcement policy and operations.

C. Director, Office of Law Enforcement and Security (OLES) is delegated by the DAS-PRE responsibility for law enforcement policy development and oversight of the compliance by Bureau law enforcement programs with the Department’s law enforcement policies.

D. Director, Office of Aviation Services (OAS) is the sole official in the Department of the Interior authorized to procure aircraft, certify and qualify pilots, and establish operational requirements for the Department’s manned and unmanned aircraft fleet.

E. Bureau Directors are responsible for ensuring that bureau law enforcement programs, including the use of unmanned aircraft for law enforcement purposes, are managed in accordance with law, regulation, and Departmental policy.

F. Bureau Directors of Law Enforcement are responsible for establishing and enforcing policies and procedures that comply with law, regulation, and Departmental policy.

G. Bureau/Office LEOs are responsible for complying with established policy and standards governing the use of unmanned aircraft for law enforcement purposes.

19.6 Definitions

A. *Unmanned aircraft* means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

B. *Small unmanned aircraft* means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

C. *Small unmanned aircraft system* means a small, unmanned aircraft and its associated elements (including communications links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

D. *Law enforcement mission* means any activity undertaken by a law enforcement agency of a Bureau of the Department of the Interior for the purpose of investigating criminal activity or supporting a law enforcement officer in any aspect of his official duties.

19.7 Procurement of Small Unmanned Aircraft and Aircraft Systems. Bureaus are not authorized to independently purchase, lease or otherwise obtain small unmanned aircraft or aircraft systems from any source. All unmanned aircraft and aircraft systems operated by the Department of the Interior, its bureaus, or a contractor for any mission, including law enforcement missions, must be obtained through the Director, OAS. [DOI, OPM-11 DOI Use of Unmanned Aircraft Systems (UAS), *version 03-16-2017*]

19.8 Qualification for Operators of Small Unmanned Aircraft and Aircraft Systems. Only the Director, OAS can authorize an employee of the Department to operate small unmanned aircraft and aircraft systems. Bureaus are not authorized to independently train, or seek training for, operators of small unmanned aircraft or aircraft systems. All operators of such aircraft or systems must comply with the requirements established by the Director, OAS.

19.9 Operation of Small Unmanned Aircraft and Aircraft Systems. Pre-flight, flight, post flight and maintenance operations of small unmanned aircraft and aircraft systems for any mission, including a law enforcement mission, must comply with all operational requirements established by the Director, OAS.

19.10 Sensors, Weapons and Other Equipment Carried by Small Unmanned Aircraft

A. The Director, OAS must approve all payload devices carried by small unmanned aircraft. Bureaus are not authorized to install any device (including cameras, infra-red imaging tools, cell phone interception or jamming equipment, thermal imaging devices or other equipment) unless the device is specifically approved by the Director, OAS.

B. Bureaus are not authorized to add weapons of any kind, lethal or non-lethal, to an unmanned aircraft used to conduct a law enforcement mission.

19.11 Non-Official Use of Small Unmanned Aircraft and Aircraft Systems. Small unmanned aircraft and aircraft systems must be used by a Bureau law enforcement agency only for official law enforcement business. Personal or recreational use is not authorized under any circumstances.

19.12 Use of Small Unmanned Aircraft and Aircraft Systems for Law Enforcement Missions

A. Bureau Directors of Law Enforcement will create approval standards for any law enforcement mission in which small unmanned aircraft will be used.

B. Bureaus must consult with the appropriate United States Attorney or the Office of the Solicitor before conducting any law enforcement mission using a small unmanned aircraft that:

(1) is intended to collect evidence of criminal wrongdoing, or

(2) is intended to surveil, including the taking of photographs or video images of, a person or place where criminal wrongdoing is suspected, or

(3) is likely to intrude upon the reasonable expectation of privacy of an individual or group.

C. Law enforcement support missions such as search and rescue, officer safety, ingress and egress reconnaissance, perimeter security, crime scene documentation, and routine patrol of areas may generally be conducted using small unmanned aircraft without obtaining a warrant. If

in doubt regarding the need for a warrant for a proposed law enforcement support mission, Bureaus must consult the appropriate United States Attorney or the Office of the Solicitor before beginning the mission.

D. Law enforcement use of small unmanned aircraft within areas established by the Federal Aviation Administration (FAA) as Special security instructions (SSI) airspace, a.k.a. 14 CFR § 99.7 TFRs, require strict coordination between the FAA and established DOI points of contact. Coordination of special exemptions or waivers for administrative use in these areas will follow procedures outlined in the *FAA/DOI J-SOP for UAS Specific SSI, version 1.0 – 2017/07/28 - 1051Z*. Consultation with Bureau National Aviation Managers and OAS may also be appropriate.

19.13 **Data Collection and Storage**

A. Bureau Directors of Law Enforcement will develop policy and procedures to ensure secure processing and storage of audio and visual image data or other information collected by small unmanned aircraft during a law enforcement mission. Such policy and procedures will comply with all Departmental records retention and electronic information security requirements.

B. All data gathered by a small unmanned aircraft that is evidence of a crime will be processed in accordance with 446 DM 7 – Evidence Handling and Storage.

C. Bureau Directors of Law Enforcement will establish procedures that ensure that audio and visual image data or other information collected by a small unmanned aircraft during a Bureau mission that is not a law enforcement mission but that might be evidence of criminal activity is reported to and processed by Bureau law enforcement personnel in accordance with 19.13 A. and B. above.

19.14 **Reporting Use of Small Unmanned Aircraft in Law Enforcement Missions.**

A. Each use of a small unmanned aircraft in a law enforcement mission will be documented in IMARS.

B. In addition to the requirement in 19.14 A. above, and in coordination with the Director, OAS, Bureaus will develop a tracking system to record the date, purpose, and duration of flight for each use of small unmanned aircraft in a law enforcement mission.

19.15 **Notification and Outreach.** To the greatest extent possible, Bureau Directors of Law Enforcement and National Aviation Managers, or their designees, will inform the local public of the fact that small unmanned aircraft are being used as a tool in accomplishing law enforcement missions, the manner in which they are being used, and the benefits accruing to public safety and resource protection from their use. This outreach may take the form of contact with local law enforcement agencies, press releases, demonstrations of small unmanned aircraft capabilities, or any other appropriate means.