

Chautauqua County Office of Emergency Services

small Unmanned Aircraft System (sUAS) Privacy Policy

I. Introduction

The Chautauqua County Office of Emergency Services (CCOES) is comprised of four missions - Emergency Management, Fire Coordinator, Special Operations and Emergency Medical Services, was created to provide leadership, coordination and support for efforts to prevent, protect against, prepare for, respond to, and recover from terrorism and natural disasters, threats, fires and other emergencies. Small Unmanned Aircraft Systems (sUAS(s)) have emerged as an important and effective tool in responding to emergencies/disasters. CCOES intends to primarily use sUAS(s) to respond to, recover from and plan for, emergencies and disasters, including: conducting damage assessments to public and private property following the occurrence of a disaster; evaluating dangerous environments (i.e. post-chemical spill and radiological exposure); assisting in search and rescue operations; conducting forensic imagery of suspicious fires; identifying fire hot spots; monitor and assess critical infrastructure and provide emergency incident situational awareness; inspecting pipelines and utilities. CCOES also serves an important training role for first responders throughout the county and will offer training to this group on the use and utility of sUAS(s)' in their emergency response and recovery operations.

The purpose of this policy is to define parameters for the use of sUAS technologies by CCOES personnel for official, authorized public safety purposes, in a manner consistent with the United States and New York State Constitutions, and all federal and state laws, rules, and regulations designed to protect citizens' privacy interests, civil rights, and civil liberties.

II. sUAS Program Oversight

The Director of Emergency Services will provide executive oversight of the sUAS program, including final approval of plans, policies, and procurement decisions. sUAS operations will be managed by the sUAS Program Coordinator, who will oversee the development and implementation of plans, policies, and procedures related to sUAS technologies. The sUAS Privacy Officer (See Section IX) will be responsible for ensuring that CCOES complies with all applicable laws related to information collection, use, and dissemination; acting as a liaison to citizen and community privacy advocacy groups; responding to public and other inquiries regarding sUAS privacy practices; receiving and investigating allegations regarding policy violations; and reporting investigative findings to the sUAS Program Coordinator and the County Executive. This policy will be reviewed and updated if necessary every 3 years.

III. Permissible Use of sUAS Technologies

sUAS technologies owned or leased by CCOES may be utilized only:

- By properly trained and credentialed CCOES personnel; and

- In the furtherance of the types of operational and training missions that are approved by the sUAS Program Coordinator and the Director; and
- In connection with statutorily authorized activities.

Authorized sUAS operations will involve the capture and collection of photo and video footage and related data that are relevant or incidental to the sUAS mission. CCOES' sUAS data capture and collection practices will comply with all applicable laws.

IV. Prohibited Use of sUAS Technologies

sUAS technologies owned or leased by CCOES will not be used to capture or collect information for any purpose not specifically authorized by this policy, including personal, commercial, and other non-official purposes. CCOES will not capture, collect, or retain information attributed to an identifiable person or entity for any purpose based solely upon reasons of:

- Religious, political, or social views or activities; or
- Participation in a noncriminal organization; or
- Race, creed, color, national origin, sex, marital status, sexual orientation, disability, or any other protected characteristic recognized under Article 4 of the New York Civil Rights Law, as amended from time-to-time.

V. Use of sUAS Recorded Data

sUAS recorded data may be used by CCOES personnel only in the performance of their official duties in furtherance of authorized CCOES operations and activities. sUAS-recorded data will not be collected, disseminated or retained solely for the purpose of monitoring activities protected by the U.S. Constitution, such as the First Amendment's protections of religion, speech, press, assembly, and redress of grievances (e.g., protests, demonstrations)

Collection, use, dissemination, or retention of sUAS-recorded data should not be based solely on individual characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender identity, religion, age, or gender), which is a violation of the law.

VI. Dissemination of sUAS Recorded Data

Except as required by law, sUAS recorded data will only be accessible by or disseminated to CCOES personnel, other federal, state, and local law enforcement agency officials, or other public officials, when such persons or organizations have a need to know and a right to know such information in the performance of their official duties. CCOES may provide an assessment of any sUAS recorded data it receives or gathers to any agency, entity, individual, or the public when credible information indicates potential imminent danger to life or property. CCOES will not sell, publish, exchange, or disclose for commercial purposes any of the sUAS recorded data it collects or retains.

VII. Retention of sUAS Recorded Data

Any sUAS recorded data captured by CCOES personnel that are deemed irrelevant or immaterial to the sUAS mission or another public safety purpose will be purged no later than thirty (30) days after completion of the sUAS mission and not retained by CCOES, unless there is a litigation hold or other legal obligation in place prohibiting CCOES from destroying records relating to a particular matter. sUAS recorded data that are deemed relevant and material to the sUAS mission or another public safety purpose will be retained in a manner consistent with the General Retention and Disposition Schedule for New York State Governments Records, CCOES retention schedule, or, for data that is considered evidence or potential evidence of actual or suspected criminal activity, in accordance with the CCOES evidence retention policies.

VIII. Safeguarding sUAS Recorded Data

Data collected during sUAS operations will be safeguarded to ensure that it can be accessed only by authorized personnel with a need to know. The remote pilot in command (i.e., sUAS Operator) is responsible for transferring data collected during a sUAS mission to a secure hard drive or secure server or cloud service. Access to sUAS files maintained on secure hard drives and/or servers or cloud services are restricted to CCOES personnel who are responsible for managing and overseeing such data.

IX. sUAS Privacy Program

CCOES Privacy Officer responsible for reviewing sUAS use to ensure that CCOES operations are in compliance with federal and state laws related to privacy, civil rights and civil liberties, and the requirements of this Policy. The Privacy Officer is an individual other than the sUAS Program Coordinator.

The sUAS Privacy Officer will review this policy annually and, if necessary, consider updating it to address any changes in applicable law, technology, the purpose and use of sUAS, and/or other considerations regarding privacy, civil rights, and civil liberties. Additionally, the Privacy Officer will review all relevant records documenting the Agency's sUAS operations to evaluate and assess whether the program is operating in compliance with federal and state laws related to privacy, civil rights and civil liberties, and the requirements of this Policy.

X. Documenting sUAS Usage

CCOES will record and maintain records documenting the date, time, location and purpose of each sUAS deployment. Such documentation and any other records related to sUAS deployments will be considered exempt from public disclosure if disclosure could endanger the life and safety of any person, interfere with public safety operations, or is otherwise exempt from disclosure under applicable law.

XI. Public Notice of sUAS Operations

CCOES will update its website to reflect its current policy on its use of sUAS(s) on an ongoing basis, and will annually provide a general summary of its sUAS operations during the previous year, including a brief description of the types and categories of operations conducted provided

that such information does not endanger public safety or interfere with public safety operations. The County will inform the public through its website to provide notice to the public regarding where and how the sUAS(s) are authorized to operate.

XII. Accountability and Enforcement

CCOES has a process for members of the public to file complaints regarding CCOES sUAS operations. CCOES will investigate any reports of members of the public filing complaints regarding CCOES sUAS operations. All complaints will be investigated promptly and any necessary corrective action will be taken.

All sUAS operators will be provided a copy of this policy prior to being permitted to operate any CCOES sUAS. In the event that any sUAS operator is found to have violated this policy, the sUAS operator will be subject to disciplinary action in accordance with existing CCOES policies.

XIII. Training

All CCOES personnel who are assigned duties and responsibilities related to the CCOES' sUAS Program are required to attend annual privacy, civil rights, and civil liberties training, which does include training on the purpose, substance, intent, compliance with, and enforcement of this policy. Such training may be provided in-house if qualified staff trainers are available.

XIV. Mutual Aid

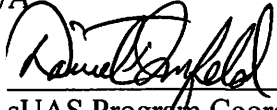
Chautauqua County will be available for mutual aid to other government departments in the county. It will also be able to be utilized for Search and Rescues by DEC and Police agencies.

Once a need for a sUAS mission has been identified (either internally or at the request of others), the Program POCs will be contacted to determine if/how the program can fill the mission request. This may include the identification of an internal capability within a CCOES program area or externally through a partner agency. In some cases, a CCOES program area may both identify a mission and be able to meet the need, but the Program POC is responsible for obtaining any necessary approvals from their chain of command before accepting the mission. Once the sUAS mission is approved, a Remote Pilot In Command (RPIC) will be selected based on their proximity to the emergency location and availability to respond. The RPIC will be responsible for coordinating and obtaining flight authorizations and eCOAs if needed.

Once the mission has been approved and the RPIC has been identified, the Program POC or RPIC will be responsible for notifying the CCOES Coordinator or Director.

Depending on the size and scope of the incident, sUAS operations may also be coordinated through an EOC or Air Operations Branch and/or other such operational structures.

Chautauqua County Office of Emergency Services Policies & Procedures

sUAS Operations during Emergency Incidents and non-Emergency Missions	Procedure: sUAS 23-01 (New) Effective Date: 6/1/2023 Supersedes: N/A Approved:  sUAS Program Coordinator Page 1 of 6
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1.0 PURPOSE

- 1.1 To identify the broad range of uses for small Unmanned Aerial Systems Vehicle (sUAS) in public safety
- 1.2 To provide operational guidelines for safe operation small Unmanned Aerial Systems (sUAS) commonly referred to as “Drones” during emergencies as well as non emergencies missions.
- 1.3 Identify the procedure to request sUAS for deployment at emergency scenes and other non emergency uses as requested.

2.0 PERSONS AFFECTED

- 2.1 All Department personnel.

3.0 RESPONSIBILITY

- 3.1 All Coordinators are responsible to comply with and ensure that personnel under their command are adequately trained, fully understand, and comply with this policy.
- 3.2 All authorized members have the responsibility to learn, understand and follow this policy.
- 3.3 The Incident Commander is responsible for ordering sUAS deployment and to ensure that all sUAS operations are performed in a safe manner.

4.0 USE OF sUAS IN EMERGENCY AND NON EMERGENCY OPERATIONS

- 4.1 sUAS (Drones) can be requested for a wide variety of emergency and non emergency support functions which include but are not limited to the following:
- A. Hazardous Materials recon to assist in recognition and identification as well as assess the effectiveness of control and containment techniques of material(s) involved in spill. Assist in environmental impact and assessments. Can also be used as platform for air monitoring as technology evolves.
 - B. Aerial recon during fires and emergencies to provide the Incident Commander (IC) with information on overall incident operations and deployments as well as monitoring changing conditions. This is done through the use of streaming live video, pictures and Thermal camera imaging.
 - C. Search and Rescue operations to locate lost or missing persons in urban and wildland areas.
 - D. Technical Rescue operations to provide IC overview of scene as well as identify location of lost or injured victims.
 - E. Water/Dive Rescue to locate lost or missing persons, victims in distress, or provide aerial recon for flood operations and forecasting.
 - F. Utilizing sUAS for Damage Assessments after storms and natural disasters.
 - G. Fire investigation to provide topographical images of fire scene to assist and determining cause and origin of fires.
 - H. Criminal investigations through the use of live video and thermal imaging to identify and assist in apprehension of suspects or in evidence gathering and topographical imaging.
 - I. SWAT team assistance to provide surveillance and recon as needed.
 - J. Motor vehicle Accident scene reconstruction to provide topographical imaging.
 - K. Bomb squad use to provide identification and imaging (thermal and HD) of suspect packages and devices.
 - L. Monitoring at large scale events.

- M. Public service and community events for safety and security and public relations as requested and approved.
- 4.2 sUAS can and should be requested anytime the IC feels that it would enhance situational awareness and assist in the safe handling and management of the emergency or event.
- 4.3 sUAS use and deployment should not steal from limited resources and prevent responders from completing their primary objectives, nor should it serve as a distraction to managing the scene, rather it should be another tool in the IC toolbox.

5.0 OPERATIONAL GUIDELINES FOR SAFE OPERATION OF sUAS

- 5.1 Emergency Service sUAS/Drones should be operated in accordance with all current FAA rules regulations and guidelines as well as all applicable laws and regulations. (Current regulations call for a 333 exemption or 107 Certification for the Remote pilot-in-command (RPIC))
- 5.2 All Emergency responders operating sUAS shall be trained in the safe use of all sUAS equipment and aircraft used in Emergency Operations and shall meet all current FAA and Federal Training requirements.
- 5.3 Responders shall also be required to take the in house sUAS Emergency Response Training Program to become certified as an Emergency sUAS operator.
- 5.4 All sUAS responses shall consist at a minimum of two members, one operating as the Remote Pilot-in-Command (RPIC) and another assigned as Visual Observer (VO) who shall work together during all sUAS missions.
- 5.5 sUAS equipment shall be registered as required by the FAA with the registration number affixed to the aircraft. Operators must register with the FAA every 3 years.
- 5.6 sUAS aircraft shall be maintained and operated in accordance with the manufacturers guidelines and shall be kept in a state of readiness so they can be quickly deployed as needed.
- 5.7 The following are the current FAA safety guidelines for use of sUAS in the National Airspace (NAS)
 - 1. Unmanned aircraft must weigh less than 55 lbs, (25 kg)

2. Visual line-of-sight (VLOS) only; the unmanned aircraft must remain within VLOS of the remote pilot in command and the person manipulating the flight controls of the small sUAS. Alternatively, the unmanned aircraft must remain within VLOS of the visual observer.
3. Small unmanned aircraft may not operate over any persons not directly participating in the operation, not under a covered structure, and not inside a covered stationary vehicle. Remain at least 25 feet away from individuals and vulnerable property.
4. Daylight-only operations or civil twilight (30 minutes before official sunrise to 30 minutes after official sunset, local time) with appropriate anti-collision lighting.
5. Must yield right of way to other aircraft.
6. Contact the airport or control tower before flying within five miles of an airport and advise them of your mission objectives and flight plan. This should include at a minimum the following
 - A. Geographic Area operating in as well as purpose of operations.
 - B. Maximum altitude for flights (Max 400 Above Ground Level (AGL)).
 - C. Time frame of mission and number of sUAS in use.
 - D. Name of operator and department affiliation.
 - E. Contact phone number or frequency.

If there is a Temporary Flight Restriction (TFR) for the where area sUAS operations are to be flown the control tower may deny operations.

Portable Aircraft Radio will be deployed with sUAS team and can be used to contact tower as well as advise all local air traffic (news helicopters etc.) of sUAS operations in specific area.

7. Maximum altitude of 400 feet above ground level (AGL) or, if higher than 400 feet AGL, remain within 400 feet of a structure.
8. Minimum weather visibility of 3 miles from control station.
9. When operating in Class B, C, D and E airspace Air Traffic Control (ATC) must be contacted for permission. In Class G airspace no permission required.
10. No operations from a moving vehicle, unless the operation is over a sparsely populated area, is permitted.
11. External load operations are allowed if the object being carried by the unmanned aircraft is securely attached and does not adversely affect the flight characteristics or controllability of the aircraft.
12. Do not fly in adverse weather conditions such as in high winds or reduced visibility. The flight limitations for each sUAS should be adhered to.
13. Night time flights should only be done during emergency operations. As of policy date we have not received exemption but plan on applying for night flight as well as VLOS and Visibility exemptions to allow during normal operations.

5.8 sUAS operations shall not infringe upon the rights and liberties of individuals (See Privacy Policy)

1. The Department, shall during sUAS operations, protect civil rights and civil liberties of the public they serve.
2. Prohibit the collection, use, retention, or dissemination of data in any manner that would violate the First Amendment or in any manner that would discriminate against persons based upon their ethnicity, race, gender, national origin, religion, sexual orientation, or gender identity, in violation of law.
3. Ensure that sUAS activities are performed in a manner consistent with the Constitution and applicable local and State laws.
4. Ensure that adequate procedures are in place to receive, investigate, and address, as appropriate, privacy, civil rights, and civil liberties complaints.

- 5.9 All recordings images, video, flight logs and any other data obtained is the property of the Chautauqua County Office of Emergency Services and is not to be shared outside of authorized on scene agencies without the written consent of the Director or his designee

6.0 REQUEST FOR sUAS DEPLOYMENT AT EMERGENCY SCENES

- 6.1 All requests for sUAS operations shall be initiated by the Incident Commander or his designee and shall require the following information.
- A. Agency requesting sUAS services with contact number or radio talk group.
 - B. Location of incident and location for sUAS to report to.
 - C. Type of incident and type of sUAS mission requested (examples)
 - Search and rescue
 - Criminal investigation
 - Recon
 - Etc.
 - D. Contact number (cell) or Radio Talk Group of IC on scene.
- 6.2 Mutual aid requests from outside agencies (Police, SWAT, Bomb Squad, Etc.) should contact County Fire Dispatch and be routed to sUAS Coordinator via text page or phone.
- 6.3 If the mission request is able to be fulfilled (weather conditions appropriate, operator available, etc.) sUAS assets shall respond to scene and report to IC for briefing.
- 6.4 Once briefing is done it is at the discretion of the Remote Pilot in Command (RPIC) on whether or not the specific request for assistance can for fulfilled. Items impacting a go or no go status include but are not limited to:
- A. Flight meets Privacy Policy Criteria
 - B. Weather conditions prevent safe sUAS operations
 - C. Terrain or location prevent safe sUAS operations
 - D. Equipment available is not equipped to fulfill mission.
 - E. Request is not appropriate.
 - F. TFR or Air Traffic in area prevents sUAS use.
- 6.5 Requesting agency accepts all liability for use of the sUAS on the emergency scene and shall handle all requests for digital records associated with the missions flown.