

Policy: 1144.4, Unmanned Aircraft Systems (UAS)

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I. PURPOSE

The purpose of this policy is to establish guidelines and minimum standards for the use and oversight of unmanned aircraft systems (UAS), commonly known as “drones” and the associated storage, retrieval and dissemination of information obtained through the use of small unmanned aircraft systems (sUAS). The use of a sUAS is not intended for general patrol or observation of areas where there is a reasonable expectation of privacy.

II. POLICY

It shall be the policy of the Orlando Police Department to use an sUAS search for missing persons, assist in critical incident response, locate fleeing criminals, assist in firefighting, or to help prevent imminent danger to life or serious damage to property. The Department may use a UAS System in circumstances that may improve officer safety,

facilitate certain criminal investigations, or augment lifesaving activities as allowed by law. The Department's designated UAS operators shall adhere to FAA regulations and shall not intentionally record or transmit images where a person would have a reasonable expectation of privacy, unless authorized by law. Deployment of a UAS shall require authorization of the Chief of Police or authorized designee. Use of the Department's UAS shall comply with [Florida Statute 934.50](#).

III. DEFINITIONS

14 CFR Part 107: The Small UAS rule to allow for routine civil operation, to include public safety, of sUAS in the National Airspace System (NAS), and provides safety rules for those operations. The rule defines sUAS as unmanned aircraft weighing less than 55 pounds.

Accident: Any operation of the small unmanned aircraft involving at least: (a) Serious injury to any person or any loss of consciousness; (b) Damage to any property, other than the small unmanned aircraft, in excess of \$500; or (c) collision with a manned aircraft.

Certificate of Waiver or Authorization (COA): Certificate of Waiver or Authorization issued by the Federal Aviation Administration that permits public agencies and organizations to operate a particular aircraft for a particular purpose in a particular area or waives specific requirements for operations.

Counter Unmanned Aircraft Systems (C-UAS): Technologies and procedures designed to detect, identify, track, and neutralize unauthorized or malicious drones (Unmanned Aircraft Systems) that pose threats to security, safety, or privacy, using a combination of radar, RF sensors, optical/acoustic detection, and mitigation methods like jamming or cyber takeovers.

Defined Incident Perimeter (DIP): The location in which sUAS operations will be constrained during a specific mission. The maximum operating height of the mission will be in accordance with the altitude limit of the COA or as regulated by 14 CFR Part 107, depending on what authority the operation is being flown.

Image: A record of thermal, infrared, ultraviolet, visible light, or other electromagnetic waves; sound waves; odors; or other physical phenomena which represents conditions existing on or about real property or an individual located on that property.

Imaging Device: A mechanical, digital, or electronic viewing device; still camera; camcorder; motion picture camera; or any other instrument, equipment, or format capable of recording, storing, or transmitting an image.

Incident: Any accident, Near Mid Air Collision, or action resulting in the OPD UAS colliding with a person or a manned aircraft.

Near Mid Air Collision (NMAC): Each event where a UAS was operated less than 500 feet vertically and/or horizontally from an aircraft with at least one person onboard.

Patrol Drone Pilot: A Patrol officer who has obtained an FAA Part 107 Certificate and is assigned a department UAS.

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Remote Pilot-in-Command (RPIC): The person who is qualified and designated by the agency who is directly responsible for and is the final authority as to the operation of the sUAS (as described by Federal Aviation Regulations (14 CFR Part 91.3); and holds the appropriate FAA Remote Pilot certificate (if applicable) for the conduct of the flight.

Surveillance: With respect to an owner, tenant, occupant, invitee, or licensee of privately owned real property, the observation of such persons with sufficient visual clarity to be able to obtain information about their identity, habits, conduct, movements, or whereabouts.

Unmanned Aircraft Systems (UAS): An unmanned aircraft of any type capable of directed flight, with the associated support equipment, control station, data links, telemetry, communications and navigation equipment necessary to operate it. They are also known as drones, sUAS (Small Unmanned Aircraft Systems), sUA (Small Unmanned Aircraft), or UAV (Unmanned Aerial Vehicles).

Visual Line-of-Sight (VLOS): The ability of the RPIC and/or VO(s) to be able to see and determine the trajectory of the sUA throughout the entire flight with vision that is unaided other than by corrective lenses or sunglasses or both, and to determine its movement relative to intruding aircraft, obstacles, and terrain and observe the airspace for other air traffic or hazards to determine that the sUA does not endanger the life or property of another.

Visual Observer (VO): A person who is designated by the agency and/or RPIC to assist the RPIC (or the person manipulating the flight controls) to maintain VLOS with the sUA.

IV. PROCEDURES

1. COORDINATOR

1.1 RESPONSIBLE PARTY

The Emergency Services Unit Drone Team Commander will serve as the Orlando Police Department UAS Program Coordinator, who will be responsible for the management of the UAS program.

1.2 COORDINATOR RESPONSIBILITIES

The coordinator will ensure policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- a. Ensure FAA Authorization is current and make necessary applications for Certificate of Authorization (COA) and waivers.
- b. Ensure all authorized operators have completed all required FAA and department training in the operation, applicable laws, policies and procedures regarding the use of UAS, and monitor pilot logbooks.
- c. Develop protocols to deploy a UAS, including requests made during ongoing or emerging incidents. Deployment of a UAS shall require approval of the Chief of Police or authorized designee.
- d. Develop protocols for the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.

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- e. Develop a protocol for fully documenting all missions.
- f. Develop a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including overhaul or life limits.
- g. Establish protocols to ensure all data to be used as evidence is accessed, maintained, stored, and retrieved in a manner ensuring its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- h. Develop protocols ensuring retention and purge periods are maintained in accordance with established records retention schedules.
- i. Facilitate law enforcement access to images and data captured by the UAS.
- j. Recommend program enhancements, particularly regarding safety and information security.
- k. Ensure established protocols are followed by monitoring and providing periodic reports to the Chief of Police.

2. REASONABLE EXPECTATION OF PRIVACY

2.1 AUTHORIZED USE

The UAS must be operated at an altitude, speed, and with a planned flight pattern that will ensure that the risk of any invasion of privacy of a third party that is not under investigation is minimized.

Absent a warrant or exigent circumstances, department personnel operating a UAS shall avoid intentionally recording or transmitting images from locations where there is a reasonable expectation of privacy.

Department personnel operating a UAS shall adhere to Federal Aviation Administration (FAA) regulations governing altitude and location of flight unless otherwise authorized.

2.2 USE OF INDOOR DRONES

Drones shall not be operated within a structure or other space where a person has a reasonable expectation of privacy unless the officer has a lawful reason to be present within the structure or space.

Indoor drones may only enter a structure or other space where an officer is lawfully permitted to enter.

Consistent with section 934.50(4), Florida Statute, indoor drones may be operated if:

- a. It is to counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates that there is such a risk.
- b. The Department first obtains a search warrant signed by a judge authorizing the use of a drone.
- c. The Department possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life or serious damage to property, to forestall the imminent escape of a suspect or the destruction of evidence, or to achieve purposes including, but not limited to, facilitating the search for a missing person.

2.3 USE OF DRONES AS FIRST RESPONDERS

Consistent with section [934.50\(4\), Florida Statute](#), Drones As First Responders (DFR) may be used if:

- a. It is to counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates that there is such a risk.
- b. The Department first obtains a search warrant signed by a judge authorizing the use of a drone.
- c. The Department possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life or serious damage to property, to forestall the imminent escape of a suspect or the destruction of evidence, or to achieve purposes including, but not limited to, facilitating the search for a missing person.

3. DEPARTMENT USE OF UAS

3.1 OPERATIONS

- a. UAS operations should only be conducted with the approval of the Chief of Police or authorized designee. Authorized operators shall be familiar with emergency/contingency procedures, including UAS system failure, flight termination, divert and lost link procedures.
- b. Only authorized operators who have completed the required training shall be permitted to operate any department UAS.
- c. The authorized operator must maintain a visual line-of-sight on the UAS at all times and should not operate directly above any persons not involved in the mission or call for service unless otherwise authorized by the FAA. Authorized indoor drone flights with an approved indoor drone may be operated beyond visual line of sight. Authorized drones as First Responder flights with an approved UAS may be operated beyond visual line of sight.
- d. The UAS shall be equipped with the technology to prevent the UAS from being “hijacked” by a competing control signal.
- e. The authorized operator must yield the right-of-way to other manned or unmanned aircraft and will not operate the UAS in a careless or reckless manner.
- f. The authorized operator may operate in Class B, C, D, and E airspace, but is required to review the current UAS facility map (https://www.faa.gov/uas/commercial_operators/uas_facility_maps/) or contact the controlling air traffic control (ATC) facility prior to doing so.
- g. Patrol drone pilots may deploy a department-assigned UAS while adhering to Florida Statute 934.50. The UAS pilot may deploy the UAS after receiving approval from the on-scene supervisor and all FAA rules, regulations, and OPD policies are followed.
- h. Crime Scene Investigators may only deploy UAS to facilitate the collection of evidence at a crime scene or a traffic crash scene while adhering to all FAA rules, regulations, and OPD policy.
- i. The authorized operator will activate the record mode on the UAS camera when flying during an approved mission. The record mode will be turned off when the UAS is landed. All video and images recorded on an approved mission shall be stored pursuant to department policy.
- j. The UAS will not operate at an altitude higher than 400 feet above ground level (AGL).
- k. The UAS operator will complete the post-flight inspection and flight logs after each mission.

3.2 GATHERING INFORMATION

Department personnel shall not use a UAS to gather evidence or other information except as per [Florida Statute 934.50](#). Authorized uses of a department UAS are:

- a. To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates there is such a risk.
- b. If the Department obtains a search warrant authorizing the use of a drone.
- c. If the Department has reasonable suspicion that swift action is needed to:
 1. If the law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent danger to life or serious damage to property.
 2. Forestall the imminent escape of a suspect or the destruction of evidence.
 3. Achieve purposes including, but not limited to, facilitating the search for a missing person.
 4. To provide an aerial perspective of a crowd 50 people or more. This policy and procedure, issued by the Chief of Police, constitutes written authorization for such use pursuant to Florida Statute section 934.50(4)(d)(2).
- d. To assist a law enforcement agency with traffic management; however, traffic infraction citations may not be issued based on images or video captured by the SUAS.
- e. To facilitate the collection of evidence at a crime scene or a traffic crash scene.

4. PROHIBITED USES OF UAS

4.1 EQUIPMENT AND USES

Department UAS equipment shall not be used:

- a. To record an image of privately owned real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance on the individual or property captured in the image in violation of such person's reasonable expectation of privacy without his or her written consent or unless authorized by Florida law.
- b. To monitor individuals peacefully exercising their constitutional right of free speech and assembly, except when aerial perspective of a crowd of 50 people or more or to provide or maintain the public safety of such crowd or otherwise authorized by Florida law.
- c. To harass or intimidate any individual or group.
- d. Department UAS shall not be weaponized.
- e. When other manned aircraft are operating in the immediate area of an airport unless authorized by the FAA.
- f. Contrary to the manufacturer's specifications or instructions.
- g. In situations where there may be an increased risk of injury to others.
- h. To conduct personal business.

5. COUNTER UAS OPERATIONS

Counter Unmanned Aircraft Systems (C-UAS) equipment will be maintained, deployed, and operated by members of the Emergency Services Unit Drone Team under the direction of the Emergency Services Unit chain of command. These team members will all have an active Part 107 license.

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5.1 C-UAS DETECTION

- a. The use of RF (Radio Frequency) sensors, radar, or optical tracking to identify and locate a drone and/or its operator.
- b. Detection equipment will only be operated by properly trained department members.

5.2 C-UAS MITIGATION

- a. Actions taken to disrupt, seize, or disable a drone.
- b. Mitigation shall only be enacted when a UAS poses a credible threat to the safety or security of people, facilities, and assets, a venue or set of venues used for large-scale public gatherings or events, critical infrastructure, or correctional facilities.
- c. Mitigation shall only be conducted by a C-UAS team member who has completed the Counter-UAS System Operator course at the FBI's National Counter-UAS Training Center.
- d. Within 48 hours of taking any mitigation action the department shall submit a notification to the Attorney General and the Secretary of Homeland Security.

5.3 C-UAS EQUIPMENT

- a. Authorized Devices: The department shall only utilize C-UAS systems included on the Joint Federal Authorized List (maintained by Department of Justice, the Department of Homeland Security, the Department of Defense, the Department of Transportation, the Federal Communications Commission, and the National Telecommunications and Information Administration).
- b. Prohibited Devices: Non-authorized "drone jammers" or "spoofers" purchased from unvetted vendors are strictly prohibited due to the risk of interfering with legitimate communications.

6. ANNUAL REPORTS

6.1 DISCLOSURES

The Department will publish an annual report which discloses:

- a. The number of UAS flights.
- b. The total time a UAS was used for all flights.
- c. The number of UAS flights which resulted in the collection of data which was retained for further use.
- d. Any Orlando Department incident numbers for reports completed as a result of a UAS operation.

7. SAFETY

7.1 SAFETY RESPONSIBILITIES

The safety of all people is the number one priority of the UAS team. It is the responsibility of the RPIC and all UAS team members to assess all hazards within the Defined Incident Perimeter that could pose a potential safety risk, and to deny launching the UAS or terminate a flight when it is clearly unsafe to continue.

The RPIC is the sole and final authority regarding the safe operation of the UAS.

1. The UAS is to be maintained and flight ready according to the manufacturer's recommendations and related industry standards.
2. Prior to any mission, authorized operators/RPIC shall inspect the UAS to ensure it is airworthy.

The designated RPIC is authorized to evaluate and accept, or decline, any UAS mission or portion thereof for which the safe or legal completion of the mission is in question.

VOs and other team members are expected to assist the RPIC with the mission evaluation and contribute mitigation strategies or issues that are relevant to the RPIC making a valid risk-based decision.

All sUAS team members shall comply with the UAS Operator Manual, warnings, limitations, placards and/or mission checklists at all times unless an emergency dictates otherwise.

7.2 INCIDENT REPORTING

- a. Within 10 calendar days after an accident (as defined by regulation) and before additional flights, the operator must provide notification to the FAA per Part 107.9 and complete an Orlando Police Department incident report.
- b. FAA defines an accident when:
 1. Serious injury to any person or any loss of consciousness; or
 2. Damage to any property, other than the small UAS, if the cost is greater than \$500 to repair or place the property.
- c. The RPIC will call the UAS Program Manager if an incident occurs during a Patrol Drone or ESU operation. The RPIC will call the Crime Center Section Commander if an incident occurs during DFR operations. If the incident was an NMAC, an email to both parties will suffice.
- d. The RPIC will notify the on-duty watch commander immediately of the following:
 1. Any accident
 2. An OPD UAS collides with a person.
 3. An OPD UAS collides with a manned aircraft.
- e. After an accident, the RPIC shall follow the procedures set forth in Policy and Procedure 1605, Employee Drug and Alcohol Screening.
- f. All mandatory reporting and communications to the FAA will be conducted at the direction of the UAS Program Manager.
- g. The OPD UAS Maintenance Officer will maintain an electronic log of all incidents, including the findings of the incident review.

7.3 INCIDENT REVIEW

- a. After an incident occurs, the Orlando Police Department UAS Program Manager will assign a Crime Center sergeant or ESU sergeant to review all available facts and data regarding the incident. The assigned sergeant must have an active FAA Part 107 license.
- b. All accident investigations will be conducted by the FAA before an internal review is conducted.
- c. After the incident review is completed, the sergeant will submit their findings to the UAS Program Manager. The UAS Program Manager will make one of the following determinations:

1. **No further action.** After reviewing the incident, it was determined the RPIC's actions did not cause the incident. The RPIC will remain in active flight status.
2. **Training required.** After reviewing the incident, it was determined the RPIC's actions did cause or contribute to the incident. The RPIC's flight status will be suspended until the training is completed. The training will be completed and documented by the Orlando Police Department Lead UAS Instructor.
3. **INOI initiated.** After reviewing the incident, it was determined the RPIC was careless or negligent in their operation of the UAS. The pilot will be grounded until Internal Affairs completes their investigation. Afterwards, the RPIC's flight status will be evaluated by the UAS Program Manager.

8. DRONE INVESTIGATIONS

Complaints about drone activity can be investigated by any member of the Orlando Police Department. UAS are considered aircraft by [Florida Statute 330.27\(2\)](#) and their use is regulated by several Florida Statute Statutes.

8.1 CONDUCTING AN INVESTIGATION

- a. Officers encountering drones piloted for legitimate purposes should not contact any member of the flight crew (Pilot, Observer, or others) during flight operations. Officers should allow the aircraft to land prior to making contact.
- b. Officers encountering drones being operated in a careless, reckless, or otherwise unlawful manner should contact the drone pilot and direct them to land in a safe manner. Officers should not take control of the drone or otherwise interfere with the pilot landing the drone.
 1. Examples of careless or reckless operation could include:
 - a. Flying over people who are not under cover of a building or inside a vehicle.
 - b. Operating erratically in congested areas.
 - c. Operating too closely to buildings, power lines, guy wires, towers, or other structures.
 - d. Operating around critical infrastructure/schools without apparent authorization.
 - e. Flying into or through designated no-fly or no-drone areas.
 - f. Flying at night without required anti-collision strobe.
 - g. Flying in controlled airspace without authorization.
 - h. Flying so low as to create a hazard for pedestrians, traffic, other aircraft, or buildings.
 - i. Flying so high as to violate airspace restrictions.
 2. When determining potential enforcement officers should determine the intent of the pilot in their operation, as you would when evaluating traffic violations for careless/reckless driving.
- c. Once the drone has safely landed, officers should determine the type of operation (Government/Commercial/Recreational) and obtain pilot/vehicle identification.
- d. Officers may then conduct an investigation into the potential Florida State Statute violations.
- e. Drones and controllers potentially contain a large amount of electronic data, ranging from telemetry data to photos/videos. If drones/controllers are taken as potential evidence in a criminal case, they should be handled and processed like cell phones & computers, obtaining search warrants as appropriate.
- f. If assistance is required, a department UAS pilot can be requested.

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8.2 STATUTES REGULATING UAS ACTIVITY

- a. [Florida State Statute 330.04](#) – Possession of Pilot’s License - The pilot’s license required shall be kept in the personal possession of the licensee when he or she is operating aircraft within this state, and must be presented for inspection upon the demand of any passenger, any peace officer of this state, or any official, manager, or person in charge of any airport or landing field in this state upon which the licensee shall land.
 1. UAS Pilots may have a Part 107 Remote Pilot Certificate issued by the FAA, which authorizes a pilot to operate a UAS in the national airspace.
 2. Pilots who are operating a UAS strictly for recreational purposes must have a TRUST certificate
- b. [Florida State Statute 329.10\(1\)](#) – Aircraft Registration - It is unlawful for any person in this state to knowingly have in his or her possession an aircraft that is not registered in accordance with the regulations of the Federal Aviation Administration contained in Title 14, chapter 1, parts 47-49 of the Code of Federal Regulations.
 1. Drones weighing more than .55 pounds (249 grams) and less than 55 pounds must be registered and labeled with their registration number.
 2. Unregistered drones possessed in violation of FSS 329.10(1) are subject to forfeiture per Florida State Statute 329.10(6)(b)
- c. [Florida State Statute 860.13](#) - Operation of aircraft while intoxicated or in careless or reckless manner – prohibits the operation of aircraft while intoxicated or in a careless or reckless manner so as to endanger the life or property of another.
- d. [Florida State Statute 330.41](#) - Unmanned Aircraft Systems Act – Prohibits the operation of a drone over a Critical infrastructure facility (Florida State Statute 330.41(4)), as defined in Florida State Statute 330.41(2)(b), or a school (Florida State Statute 330.41(5)).

8.3 ENFORCEMENT AND REPORTING

- a. Drone investigations should be an incident type of “13D – Suspicious Drone Activity”
- b. Most drone related violations are unintentional due to a lack of education of the operator. Officers should educate the operator about lawful drone operation when possible, when violations are minor or unintentional.
- c. For more egregious violations, officers should complete an incident report documenting the following:
 1. Drone’s FAA registration number
 2. Drone’s serial number
 3. Drone controller’s serial number
 4. Pilot’s information
 5. Pilot’s FAA pilot certification
 6. Pilot’s LAANC approval number (if required)
 7. Characteristics of flight used to determine careless or reckless operation
 8. Purpose of the flight
 9. Any enforcement action taken

- d. The UAS Program Manager should be notified via email when incident reports are completed to review for coordination for FAA review.

9. RETENTION OF RECORDS

All recordings made using OPD UAS shall be retained for at least the minimum length of time required by the General Retention Schedules set by the Division of Library and Information Services (<https://dos.fl.gov/library-archives/records-management/general-records-schedules/>).

Recordings made using an OPD UAS in connection with any criminal investigation shall be retained as Criminal Investigative Records in accord with the applicable provisions of Schedule GS2 of the General Records Schedules.

Recordings made using an OPD UAS in connection with obtaining an aerial perspective of a crowd of 50 people or more or to provide or maintain the public safety of such crowd shall be retained for a minimum of four years from the date the recording is made.

V.FORMS AND APPENDICES

APPENDIX A-Drone Investigation Reference

VI.REFERENCES

This policy rescinds Policy and Procedure 1144.3

Related Policies: Not Applicable

Related Laws: [Florida State Statute 934.50](#)