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## LEGAL MEMORANDUM

### **Police Use of UAVs: Liability Analysis and Risk Management Considerations**

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**TO:** The Police Foundation and the U.S. Department of Justice – COPS Office

**FROM:** Anne T. McKenna, Esquire  
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**DATE:** April 14, 2014; edited July 14, 2014

**RE:** *Community Policing and UAS Guidelines to Enhance Community Trust*  
*2013-CK-WX-K002*  
**Police Use of UAVs: Liability Analysis and Risk Management Considerations**

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### MEMORANDUM OVERVIEW

This legal memorandum has been drafted pursuant to the principal legal consultant contract entered into between the Police Foundation and Anne T. McKenna to provide legal analysis and memoranda to be used by the Police Foundation, its Project Advisory Group, and the U.S. Department of Justice – COPS Office in the project entitled, *Community Policing and UAS Guidelines to Enhance Community Trust* (the “COPS contract”). Pursuant to the COPS contract Task 1 (detailed description of work appended to the COPS contract), this second memorandum (“Liability Analysis Memo”) addresses Task 1’s Line Item (7), which is a preliminary overview of liability concerns associated with police use of UASs/UAVs. This Memo is structured as follows:

## I. POTENTIAL LIABILITY EXPOSURE

- A. Overview of Law Enforcement Liability: General Principles
  - i. Waiver of Federal and State Sovereign Immunity
  - ii. Constitutional Torts
  
- B. Specific UAV Incidents and Potential Liability Exposure
  - i. UAV Collisions
  - ii. Violation of Property Rights
  - iii. Interference with Communications Systems
  - iv. Violation of the Fourth Amendment and Right to Privacy
    - 1. Intrusion Upon Seclusion
    - 2. Constitutional Torts
  
  - v. Liability Based on Federal Statute
    - 1. Title III – The Wiretap Act
    - 2. Pending Federal Legislation

## II. RISK MANAGEMENT

- A. UAS Program Training
- B. UAS Program Operating Procedures
- C. UAS Program Oversight

In sum, this Liability Analysis Memo provides a preliminary overview of liability concerns that should be addressed by any department or agency utilizing UAS, including risk management, risk avoidance, training, and potential civil and criminal liability exposure from the use of UAS. The Liability Analysis Memo also provides specific informative examples of how law enforcement has been deemed to be liable for use of certain electronic surveillance and other equipment, and how these principles of liability for equipment usage may provide guidance to potential liability for use of UAS/UAV equipment.

### **SUBJECT INTRODUCTION**

Unmanned Aerial Vehicles (UAVs) offer numerous benefits to domestic law enforcement. However, the presence of UAVs in domestic airspace also poses risk of injury to persons, property, and civil rights. This risk of injury in turn creates a potential of civil liability for law enforcement agencies who utilize UAVs.

The potential injuries and resulting liability caused by UAVs can be roughly divided into two categories:

- (1) *injury to a person or his or her property* resulting from UAV collisions or other physical intrusions; and
- (2) *injury to a person's right to privacy* resulting from UAV intrusion into his or her private space or affairs.

The first category is a familiar concept, similar to the liability that arises when a police officer negligently causes a car accident, or when a police helicopter collides with a private residence. The second category relates to the Fourth Amendment right to be free of unreasonable search and seizure. This right is asserted most often as a defense to criminal charges, *e.g.*, where a UAV employs a thermal-imaging device to determine heat patterns inside a private home. The Supreme Court has held that use of thermal imager in such a manner violates a homeowner's Fourth Amendment rights.<sup>1</sup> Thus, any resulting evidence from such a search would be suppressed, but more importantly for our analysis purposes in this Memo, the homeowner in question could initiate a civil rights and invasion of privacy lawsuit against the officer or agency to recover any damages that result.

In address both categories of potential liability (injury to person or property and injury to a person's right to privacy), This Liability Analysis Memo first provides a general overview of how and when law enforcement can be subject to civil lawsuits, followed by a discussion of specific incidents involving UAVs and the types of civil liability that could result. The final section offers risk management suggestions for law enforcement agencies with respect to training, operational procedures, and oversight of UAS programs.

## **I. POTENTIAL LIABILITY EXPOSURE**

### **A. Overview of Law Enforcement Liability: General Principles and Causes of Action**

#### ***i. Waiver of Federal and State Sovereign Immunity***

Sovereign immunity traditionally protects federal and state governments from civil suit, but this immunity has largely been waived at both the federal and state levels. For example, the U.S. federal government, through the Federal Tort Claims Act, accepts liability for the negligent acts of government employees who are acting within the scope of their official employment duties.<sup>2</sup> This liability is imposed "in the same manner and to the same extent as a private

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<sup>1</sup> *Kyllo v. United States*, 533 U.S. 27 (2001).

<sup>2</sup> 28 U.S.C. §§ 1346(b), 2671-80 (2006).

individual under like circumstances.”<sup>3</sup> In addition, the cause of action must be one recognized by state law; the FTCA is merely a procedural statute and creates no substantive causes of action against the United States.

In general, a law enforcement officer is personally responsible for her own negligent or tortious acts, unless she can invoke an immunity defense. A police officer can generally claim immunity from tort liability when her acts are discretionary. A police officer also receives qualified immunity from civil rights liability when her acts did not violate a clearly established statutory or constitutional right. Immunity defenses are generally not available where a police officer commits an intentional tort.<sup>4</sup> Both the police officer and the employing government agency can be held jointly and severally liable for the victim’s injuries based on the doctrine of *respondeat superior*.<sup>5</sup>

## ii. “Constitutional Torts”

A party who believes her Fourth Amendment rights have been violated by law enforcement can file a civil rights lawsuit based on 42 U.S.C § 1983. Section 1983 permits federal suit against local governments and state and local government employees based on violation of a federal constitutional or statutory right. This statute creates a private cause of action against any “person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws.”<sup>6</sup> The Supreme Court expanded this liability to include municipalities, but only “when execution of a government’s policy or custom...inflicts the injury.”<sup>7</sup>

An individual could also bring a “*Bivens* Action,” which is a claim for damages against federal officials for violating that person’s constitutional rights. The absence of a statute granting the right to recover damages does not prevent such suits.<sup>8</sup> A *Bivens* claim can be maintained against federal officers only in their individual capacities.<sup>9</sup> A claim against federal officers in their official capacities requires a waiver of sovereign immunity.<sup>10</sup>

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<sup>3</sup> 28 U.S.C. § 2674.

<sup>4</sup> See Eugene McQuillin, *The Law of Municipal Corporations* §45:52 (3d ed. 2006).

<sup>5</sup> *Respondeat Superior* is a latin phrase, meaning in common parlance: “Let the chief answer.” A superior is responsible for any acts of omission or commission by a person of less responsibility to him.

<http://thelawdictionary.org/respondeat-superior/>

<sup>6</sup> 42 U.S.C.A. § 1983.

<sup>7</sup> *Monell v. Dep’t of Soc. Servs. of City of New York*, 436 U.S. 658, 694, 98 S. Ct. 2018, 2037-38, 56 L. Ed. 2d 611 (1978).

<sup>8</sup> *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

<sup>9</sup> *Nurse v. United States*, 226 F.3d 996, 1004 (9th Cir. 2000).

<sup>10</sup> *Id.*

Government officials may be entitled to qualified immunity where “their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.”<sup>11</sup> The availability of qualified immunity is measured by “the ‘objective legal reasonableness’ of the action, assessed in light of the legal rules that were ‘clearly established’ at the time the action was taken.”<sup>12</sup>

## **B. Specific UAV Incidents and Potential Liability Exposure**

### *i. UAV Collisions*

Recent incidents of UAV crashes have been well-documented by the media.<sup>13</sup> When a UAV or its component parts crashes to the ground, both property loss and human casualties can occur. Another risk associated with UAVs flying in domestic airspace is in-air collisions with other aircraft, including passenger airplanes and other UAVs.

Due to the relatively recent emergence of law enforcement use of UAVs, legal rules directly related to civil liability in this context are sparse. Legal rules regarding government-operated aircraft and motor vehicles are instructive by analogy with respect to personal injury and property damages caused by UAV crashes.

Aircraft collisions resulting in ground damage can give rise to civil liability based on claims of either negligence or strict liability.<sup>14</sup> In its early years, aviation was considered an “ultrahazardous activity” by the legal community. Those who engage in such an activity are strictly liable for any resulting damage, regardless of how much or how little care they exercised. As aircraft operation became safer and more widespread, many courts shifted toward imposing liability only where there was negligence on behalf of the operators and owners of damage-causing aircraft, rather than holding them strictly liable.<sup>15</sup>

In states that continue to apply strict liability to ground damages resulting from aircraft accidents, whether this standard applies to UAV accidents may depend on whether a “unmanned aerial *vehicle*” is deemed to be an “aircraft.”<sup>16</sup> However, a court may apply strict liability regardless where it deems the operation of UAVs to be an abnormally dangerous activity subject

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<sup>11</sup> *Harlow v. Fitzgerald*, 457 U.S. 800, 818, 102 S. Ct. 2727, 2738, 73 L. Ed. 2d 396 (1982).

<sup>12</sup> *Anderson v. Creighton*, 483 U.S. 635, 107 S. Ct. 3034, 3036, 97 L. Ed. 2d 523 (1987) (*quoting Harlow v. Fitzgerald*, 457 U.S. 800, 102 S.Ct. 2727, 73 L.Ed.2d 396).

<sup>13</sup> Chris Lawrence, *Navy Drone Crashes in Maryland*, CNN, June 11, 2012, *available at* <http://www.cnn.com/2012/06/11/us/maryland-drone-crash>; Military Drone Crashes Near Pennsylvania Elementary School, RT.com, April 5, 2014, *available at* <http://rt.com/usa/military-drone-crashes-pa-school-501/>.

<sup>14</sup> Geoffrey Christopher Rapp, *Unmanned Aerial Exposure: Civil Liability Concerns Arising from Domestic Law Enforcement Employment of Unmanned Aerial Systems*, 85 N.D. L. Rev. 623, 635 (2009).

<sup>15</sup> *Id.* at 636.

<sup>16</sup> *Id.*

to strict liability.<sup>17</sup> Where strict liability does not apply to ground damages resulting from UAV collisions, injured parties could bring claims against law enforcement alleging negligent operation or maintenance of the UAV.

Negligent operation and maintenance are also viable causes of action to recover damages caused by in-flight collisions. Negligent piloting of manned aircraft focuses largely on a pilot's duty to "see and avoid" airspace traffic. It is presently unclear what constitutes reasonable care and watchfulness during the in-flight operation of UAVs; thus, what degree of carelessness gives rise to civil liability for negligent operation remains to be seen.

### *ii. Violation of Property Rights*

Low-flying UAVs may give rise to a landowner's claim for both trespass and nuisance.<sup>18</sup>

UAVs flying above an individual's property may create noise pollution or visual pollution. If such pollution arises to "a substantial and unreasonable interference" with the "use and enjoyment" of property, it could support a private nuisance claim against the responsible law enforcement agency or municipality. Landowners have succeeded in nuisance claims against municipalities based on noise pollution created by aircraft. The altitude of an aircraft is a key factor to finding whether the noise pollution constitutes actionable nuisance.

Landowners have also successfully brought trespass claims based on low-flying aircraft, but only where such low-level flights have actually interfered with the owner's use of the land.

### *iii. Interference with Communications Systems*

UAS operation that depends on communications connections can create harmful interference with communication systems in several ways. UAS communication signals could interfere with cell phone, internet or television signals. Members of the public or service providers who suffer damages as a result of this service loss could seek compensation from the law enforcement agency whose UAS operation caused the interference.<sup>19</sup>

Conversely, interruption of UAS communication systems could also give rise to civil liability. Signals between the UAV and its operator could be disrupted, potentially causing an air-to-air or ground collision that could give rise to liability for resulting damages.<sup>20</sup> A UAS could also be hacked by a third party. The UAV itself could be used by the hacker to injure persons or property, or the hacker could gain unauthorized access to the surveillance records

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<sup>17</sup> *Id* at 637.

<sup>18</sup> *Great Westchester Homeowners Assn' v. City of Los Angeles*, 603 P.2d 1329 (Cal. 1979).

<sup>19</sup> Rapp, *supra* note 12, at 630.

<sup>20</sup> *Id* at 630.

collected by the UAS.<sup>21</sup> If a law enforcement agency is negligent in safeguarding against such risks, it could be held liable for resulting injuries. For example, municipal liability was upheld in a wrongful death action where a police officer negligently permitted his vehicle to be stolen by an escaped prisoner, and that prisoner caused a collision resulting in the death of a civilian.<sup>22</sup>

#### ***iv. Violation of the Fourth Amendment and Right to Privacy***

UAV surveillance by law enforcement may give rise to claims related to invasion of privacy or violation of the Fourth Amendment. This discussion identifies how a citizen may seek redress of a constitutional violation; whether certain UAV usage constitutes a violation is addressed in Legal Memo 1. While such claims will most likely arise primarily in defense of criminal charges, it may be possible for UAV surveillance to constitute grounds for a civil action. For example, an individual may claim that such surveillance constitutes a common law tort of intrusion upon seclusion, or a “constitutional tort” due to violations of Fourth Amendment rights against unreasonable search and seizure. However, a plaintiff must prove “actual injury” to recover damages pursuant to either type of claim.<sup>23</sup>

##### ***1. Intrusion Upon Seclusion***

An individual who seeks to recover damages based on the common law action for intrusion upon seclusion must show that the claimed intrusion is upon his “solitude or seclusion...or his private affairs or concerns” and is “highly offensive to a reasonable person.”<sup>24</sup> Thus, if a UAV captures photograph or visual images of the plaintiff without his consent and within his private home, that person may recover damages for intrusion upon seclusion if he suffered emotional distress or other injuries.<sup>25</sup>

##### ***2. “Constitutional Torts”***

A party who believes her Fourth Amendment rights have been violated by law enforcement can file a civil rights lawsuit based on 42 U.S.C § 1983. This statute creates a private cause of action against any “person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and

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<sup>21</sup> *Id* at 362.

<sup>22</sup> *Finnigan v. Blanco County*, 670 S.W.2d 313 (Tex. App. 1984).

<sup>23</sup> See *Memphis Comm. Sch. Dist. v. Stachura*, 477 U.S. 299, 308 (1986).

<sup>24</sup> Restatement (Second) of Torts § 652B (1977).

<sup>25</sup> See Brian Craig, *Online Satellite and Aerial Images: Issues and Analysis*, N.D. L. Rev. 547, 562 (2007).

laws.”<sup>26</sup> An individual could also bring a “*Bivens* Action,” which is a claim for damages against federal officials for violating that person’s constitutional rights.<sup>27</sup>

Where a UAV obtains imagery of an individual in violation of the Fourth Amendment and that individual is able to prove “actual injury” as a result, he may be able to recover resulting damages from law enforcement through either a section 1983 or a “*Bivens* Action.” Unlawful electronic surveillance may give rise to liability under section 1983.<sup>28</sup> An individual may be able to prove “actual injury” where these images are made public, even if unintentionally or through third-party interception.<sup>29</sup> For example, the 11<sup>th</sup> Circuit upheld a § 1983 claim when it determined that officers violated the constitutional right to privacy when an officer seized a video tape of the plaintiff engaging in sexual acts and then circulated the tape among other officers.<sup>30</sup> However, law enforcement may be entitled to qualified immunity based on a lack of clearly established legal rules governing the Fourth Amendment implications with respect to UAV surveillance.

#### **v. Liability Based on Federal Statute**

In addition to lawsuits based on state law and “constitutional tort” claims, plaintiffs can also bring suit against law enforcement agencies based on federal statutes that authorize private causes of action. In particular, federal law that prohibits unauthorized wiretapping permits a party subjected to prohibited wiretapping to file a civil lawsuit against the party who violated this law. Law enforcement use of UAVs that employ audio-recording technology could potentially engage in such unauthorized wiretapping, and thus be subject to civil liability. The following discussion simply highlights one of many federal laws that could potentially be a basis for civil liability; violation of other federal and state statutes may also create exposure to lawsuits.

##### ***1. Title III of the Omnibus Crime Control and Safe Streets Act of 1968 (The “Wiretap Act”)***

Title III of the Omnibus Crime Control and Safe Streets Act of 1968, also known as the “Wiretap Act” prohibits the unauthorized, nonconsensual interception of “wire, oral, or electronic communications.”<sup>31</sup> Section 2520 of the Act states that “any person whose wire, oral,

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<sup>26</sup> 42 U.S.C.A. § 1983.

<sup>27</sup> *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

<sup>28</sup> *Police Misconduct: Law and Litigation* § 2:24. In *Whitaker v. Garcetti*, 291 F. Supp. 2d 1132 (C.D. Cal. 2003), aff’d in part, vacated in part, rev’d in part, 486 F.3d 572, 67 Fed. R. Serv. 3d 1167 (9th Cir. 2007), the district court was presented with a § 1983 claim based on undisclosed use of wiretapping obtained in violation of the Fourth Amendment. The district court concluded that the wiretapping scheme was per se unconstitutional. However, both the district court and the Ninth Circuit determined that the subjects of the search were barred from bringing a § 1983 claim because they had been convicted of criminal offenses that had not been reversed or vacated.

<sup>29</sup> Rapp, *supra* note 12, at 643.

<sup>30</sup> *James v. City of Douglas, Ga.*, 941 F.2d 1539 (11th Cir. 1991).

<sup>31</sup> 18 U.S.C. § 2511.

or electronic communication is intercepted, disclosed, or intentionally used in violation of this chapter may in a civil action recover from the person or entity, other than the United States, which engaged in that violation.”<sup>32</sup> The Act does not define what constitutes an “entity” and courts have split over whether state and local government agencies qualify as such. Several courts have held that state government agencies can be sued for the unlawful interception, disclosure or use of communications under § 2520. However, other courts have held that Congress did not intend for local government agencies to be considered an “entity” susceptible to civil liability under § 2520.<sup>33</sup> It is also important to note that while video surveillance is not explicitly included within the scope of Title III, the Act’s requirements and prohibitions may nevertheless be triggered where the video technology also captures audio recordings or oral or wire communications.

Civil liability can also arise where intercepted communications are wrongfully disclosed: (g) *Improper disclosure is violation.*—Any willful disclosure or use by an investigative or law enforcement officer or governmental entity of information beyond the extent permitted by section 2517 is a violation of this chapter for purposes of section 2520(a).<sup>34</sup>

Recall that in *Katz v. United States*, the Supreme Court emphasized that the Fourth Amendment “protects people, not places.”<sup>35</sup> Subsequently, what a person “seeks to keep private, even in an area accessible to the public, may be constitutionally protected.”<sup>36</sup> Thus, private conversations taking place in public may still be afforded Title III protection against unlawful interception. Where UAV surveillance by law enforcement results in the unauthorized and non-consensual interception of in-person or cell phone conversations intended to be private, civil liability under Title III may arise.

## ***2. Pending Federal and State Legislation Specifically Regulating UAV/UAS***

Several bills pending before Congress aim to regulate the use of UAVs in domestic surveillance operations. A number of these proposals would create private rights to sue for violations of that legislation. The Preserving Freedom from Unwarranted Surveillance Act of 2013 (H.R. 972) would create a right to sue for any violation of its prohibitions<sup>37</sup>. H.R. 1262, The Drone Aircraft Privacy and Transparency Act of 2013 (H.R. 1262) would provide for a private right of action for a person injured by a violation of this legislation.<sup>38</sup> In addition, the Preserving American Privacy Act of 2013 (H.R. 637) would permit administrative discipline

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<sup>32</sup> 18 U.S.C. § 2520.

<sup>33</sup> See Fishman and McKenna, *Wiretapping and Eavesdropping* § 3:42.

<sup>34</sup> 18 U.S.C. § 2520(g); see generally, Fishman and McKenna, *Wiretapping and Eavesdropping* § 3:40.

<sup>35</sup> *Katz v. United States*, 389 U.S. 347, 351 (1967).

<sup>36</sup> *Id.* at 351.

<sup>37</sup> H.R. 972, 113<sup>th</sup> Cong. (1<sup>st</sup> Sess. 2013).

<sup>38</sup> H.R. 1262, 113<sup>th</sup> Cong. (2<sup>d</sup> Sess. 2013).

against an officer who intentionally violates a provision of the act.<sup>39</sup> Law enforcement agencies seeking to implement UAV programs should keep abreast of legislative developments, as this issue has received increased Congressional attention.

Numerous states have passed legislation that regulate the use of UAVs by both police and private individuals and businesses. It is essential that any police department that employs a UAS/UAV ensures prior to use that its actions comport with state law.

## **II. RISK MANAGEMENT**

UAS operation by law enforcement agencies in public spaces poses a variety of safety risks and potential exposure to legal liability. In addition, the unique capabilities of this powerful technology make it particularly susceptible to potential abuse.<sup>40</sup> It is essential that any law enforcement agency considering usage of UAS implement standard operating procedures that are applied uniformly and followed consistently. Agencies must also ensure that every UAS deployment obtains and strictly adheres to the Certificate of Authorization (COA) issued by the Federal Aviation Administration (FAA).

For an excellent example of UAS operating procedures, see *Special Operations Standard Operating Procedures, Arlington, Texas Police Department*. The standard operating procedures developed by Arlington Texas Police Department for its small Unmanned Aircraft System (Arlington-TX UAS SOP) program presents a comprehensive policy “designed to minimize risk to people, property, and aircraft during the operations of the sUAS while continuing to safeguard the right to privacy of all persons.”

We have reviewed closely the Arlington-TX UAS SOP. It is our legal opinion that this SOP is an excellent model for a proposed uniform UAS-SOP for any police department.

### **A. UAS Program Training**

Law enforcement officers involved in the use of UAS must be properly trained with respect to the operation of that UAS, ideally by representatives of the manufacturer or certified instructors. Additional specialized training may be necessary for certain specific missions. Officers performing specific functions during the UAS operation, such as the camera operator or flight observer, will also require additional specialized training. Officers piloting the UAS must ensure they possess proper certifications as required by the FAA.

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<sup>39</sup> H.R. 637, 113<sup>th</sup> Cong. (1<sup>st</sup> Sess. 2013).

<sup>40</sup> See Olivia J. Greer, *No Cause of Action: Video Surveillance in New York City*, 18 Mich. Telecomm. & Tech. L. Rev. 589, 610 (2012) (citing Associated Press report on New York City police officers using surveillance cameras to “take pictures up women’s skirts or down their blouses on city streets.”)

In addition to mastering the logistical operations of UAS, officers involved in UAS missions must have a thorough understanding of Fourth Amendment law, as discussed in Legal Memo 1. Officers must recognize UAS activities that violate a civilian's constitutional rights, and officers must know how and when to avoid such violations. It is particularly important that officers recognize when their conduct approaches a potential or uncertain violation, as the parameters of Fourth Amendment protections are imprecise and constantly evolving. Without a strong grasp of Fourth Amendment jurisprudence, law enforcement agencies will be at heightened risk of incurring major civil liability and jeopardizing ongoing criminal investigations.

### **B. UAS Program Operating Procedures**

Law enforcement agencies must develop detailed procedures for every stage of UAS operation. Agencies must ensure that UAS are properly maintained, which should include pre-flight and post-flight inspections. Agency policy should also require detailed reporting and documentation of all maintenance performed, any equipment issues encountered, and any changes to the UAS software or hardware.

Prior to flight, agencies should review the goals and scope of the mission, the role to be played by the UAS in that mission, the flight area, weather conditions, and any other issues that will inform UAS operation. Advance notice of all training and mission operations must be provided to air traffic control and any other parties as required by local aviation authorities. Agencies should also develop procedures to follow in the event of loss of communications signal or visual contact with the UAV, UAV collision, or other emergency events.

In-flight operational procedures should include measures to avoid collision with other aircraft and property, and steps to take when risk of harm arises. Agencies should also clearly identify prohibited acts involving UAS and ensure that all officers involved in UAS operations recognize and understand when there is a risk that a prohibited act may occur. Such prohibited acts should include warrantless searches, outfitting UAVs with weaponry. In general, operational procedures should discourage the use of UAS where the risks of deploying the UAS outweigh the benefit to the law enforcement mission.

### **C. UAS Program Oversight**

Any UAS program must include procedures for auditing, a system of oversight, and consequences for abuse. UAS technology is highly susceptible to misuse, and such misuse can create significant civil – and possibly criminal – liability for officers, supervisors, and state and local government entities. Due to the serious risks involved, law enforcement agencies should

ensure that an adequate system of checks and balances is in place to prevent the possibility of systematic abuse.