Workshop: Unsafe/Unauthorized UAS – What Can You Do?

#UAS2018

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FAA UAS SYMPOSIUM

#UAS2018

Overview

- Local Examples of Enforcement
- Local and State Laws
- Federal Law
- Preemption
- Working Together
- Case Studies

Local Examples of Enforcement

- Seattle, WA Incident

- Man convicted in drone crash that injured woman during Seattle's Pride Parade.

- Found guilty reckless endangerment Reckless endangerment carries a penalty of up to 364 days in jail and a $5,000 fine.

Local Examples of Enforcement

- Pacifica, CA Incident

- Police arrested a man for flying a drone close to a helicopter during a rescue mission.

- The police located the drone's pilot and arrested him for hampering the rescue effort.

Local Examples of Enforcement

- Yavapai County, AZ – Goodwin Wildfire

- Drone operator arrested for interfering with wildfire operations.

- 14 felony counts of endangerment.

Local Examples of Enforcement

- Cumberland, MD

- Two people were arrested attempting to fly narcotics and other contraband into a state prison.

- Charged with conspiracy and possession of contraband.

Local Examples of Enforcement

- Coney Island

- Nathan's Hot Dog Eating Contest

- UAS Operator cited under NYC Administrative code unlawful avigation, 10-126

Local Examples of Enforcement

- Macy's Thanksgiving Day Parade

Local Examples of Enforcement

- U.S. Open – two incidents

- Resulted in greater cooperation with private sector and improved response procedures

Local Examples of Enforcement

- Cincinnati, OH – crash into tower
  - Misdemeanor criminal mischief
- Aspen, CO – ESPN X Games
  - Misdemeanor reckless endangerment
- Los Angeles, CA
  - Obstructing a peace office in the lawful performance of his duties
- Valdosta, GA
  - Felony eavesdropping/surveillance
- Univ. of Kentucky
  - Second degree wanton endangerment

Local and State Laws

- Reckless Endangerment
  - Reckless Endangerment in the 2nd Degree, Penal Law Section 120.20 - You are guilty of Second Degree Reckless Endangerment when you recklessly engage in a course of conduct which creates a substantial risk of serious physical injury to another person.
  - Reckless Endangerment in the 1st Degree, Penal Law Section 120.25 - You are guilty of Reckless Endangerment in the First Degree when, under circumstances evincing a depraved indifference to human life, you recklessly engage in conduct which creates a grave risk of death to another person.

Local and State Laws - NYC

- New York Code - Avigation In And Over The City

    § 10-126 Avigation in and over the city.

    Sub (c). Take offs and landings. It shall be unlawful for any person avigating an aircraft to take off or land, except in an emergency, at any place within the limits of the city other than places of landing designated by the department of transportation or the port of New York authority.

Local and State Laws

- Assault, Battery
- Privacy
- Noise
- Trespass
- State aviation/motor vehicle law

Problems – Dispatch to Complaints

- Total number of drone complaints.

- How drone complaints are received and dispatched.
  - Priority based on the emergency of the complaint.
  - Urban versus Rural.

- Time frame of the drone flight.
  - One time operation
  - Multiple operations
  - Known operator

Dispatch to Complaints – Initial Steps

- Locate the Drone (UAS) operator.
  - Do not interfere with the operation of the flight (unless an emergency) and approach the operator after the drone has landed.
  - Obtain name, contact information (address, phone numbers, etc.)

- Ask the operator to identify what type of operation they are preforming.
  - Hobby/Recreational – flown for fun and enjoyment
  - Commercial – flown for compensation or hire
  - Public Use – flown by federal, state, or local government/university use

Dispatch to Complaints – Initial Steps

- Important questions to consider to determine appropriate level of Law Enforcement action:
  - What was the drone taking pictures of?
  - Did anyone see the drone fly over the horizon or into clouds?
  - Did the drown take off or land from private property? Did the operator have permission?
  - Did anyone see the drone fly close to an aircraft (plane, helicopter, other drone)?
  - Did the drone fly directly over people or crowds (estimate number and density)?
  - Was anyone injured by drone coming in contact with them? What was the nature and extent of the injury?
  - Did the drone fly into anything (tower, structure, or building)? What was the extent of the damage?

Dispatch to Complaints – Initial Steps

Note: Statutes will vary by state

- Important questions (continued):
  – Do you feel the drone operator committed a drone specific crime?
  – Do you feel the drone operator committed one of the following crimes:
    - Trespassing with intent to peer or peep into window or door § 820
    - Criminal Trespass 3rd § 821
    - Harassment § 1311
    - Violation of Privacy § 1335
    - Disorderly Conduct § 1301
    - Menacing § 602(a)
    - Reckless Endangering 2nd § 603
    - Stalking § 1312

NOTE: If the LEO feels that an applicable Delaware Criminal Code violation occurred, make contact with a Deputy Attorney General (DAG) to confirm criminal violation.

Dispatch to Complaints – Initial Steps

- If no criminal violation, but you believe a FAA rule was violated, complete a LIESS Assist Other Agency report and forward to:
  - Safety concern or serious UAS incident – contact the Regional Operations Center.
  - Investigation support – contact an FAA Law Enforcement Assistance Program (LEAP) Special Agent (business hours).

- If no criminal or FAA violation occurred, but you feel the drone was operated in an unsafe manner, educate the operator by referring them to https://www.faa.gov/uas/. Complete field/incident report.

Federal Law (Criminal)

- A knowing and willful violation of 49 U.S.C. § 40103(b)(3) applies to cases such as the unauthorized operation of a UAS within the Washington, DC, Flight Restricted Zone. The penalty is a maximum of 1 year in prison and/or $100,000 fine ($250,000 if the violation results in death). (49 U.S.C. § 46307).

Federal Law (Criminal)

- The willful interference, with the intent to endanger the safety of any person or with a reckless disregard for the safety of human life, of anyone engaged in the authorized operation of an aircraft or any air navigation facility aiding in the navigation of any such aircraft is a criminal violation that has a maximum penalty of 20 years in prison and/or $250,000 fine. (18 U.S.C. § 32

Federal Law (Criminal)

- Operating an aircraft without registration or any necessary airman certification can result in a penalty with a maximum of 3 years in prison and/or $250,000 fine. (49 U.S.C. § 46306(b) and (d))

Federal Law (Criminal)

- Other Federal laws –
- Destruction of property, energy facility, communications lines, etc…
- US terrorism laws, material support laws
- Photographing defense installations (designated by the President)
- Assault, homicide
- Smuggling
- Harassment of law enforcement and first responders
- Computer and network intrusions, jamming

Federal Law (Other)

- 49 USC 46320 - Interference with wildfire suppression, law enforcement, or emergency response effort by operation of unmanned aircraft. $20,000 per violation.

- 14 CFR Part 107 - sUAS

- 14 CFR Part 101 – Model Aircraft

- 14 CFR Part 91 – 333, Public Aircraft

- 14 CFR Part 47/48 - Registration

FAA Enforcement

- Compliance through education
- Penalties (CFRs)
  - Up to $32,666 per violation
  - Certificate action (revocation/suspension) where appropriate (e.g., Part 107)
- Since 2014, 70 enforcement cases
  - Most involve careless or reckless operations
  - Most are civil penalties but some certificate actions

Local and Federal Cooperation

- Petco Park, San Diego, CA
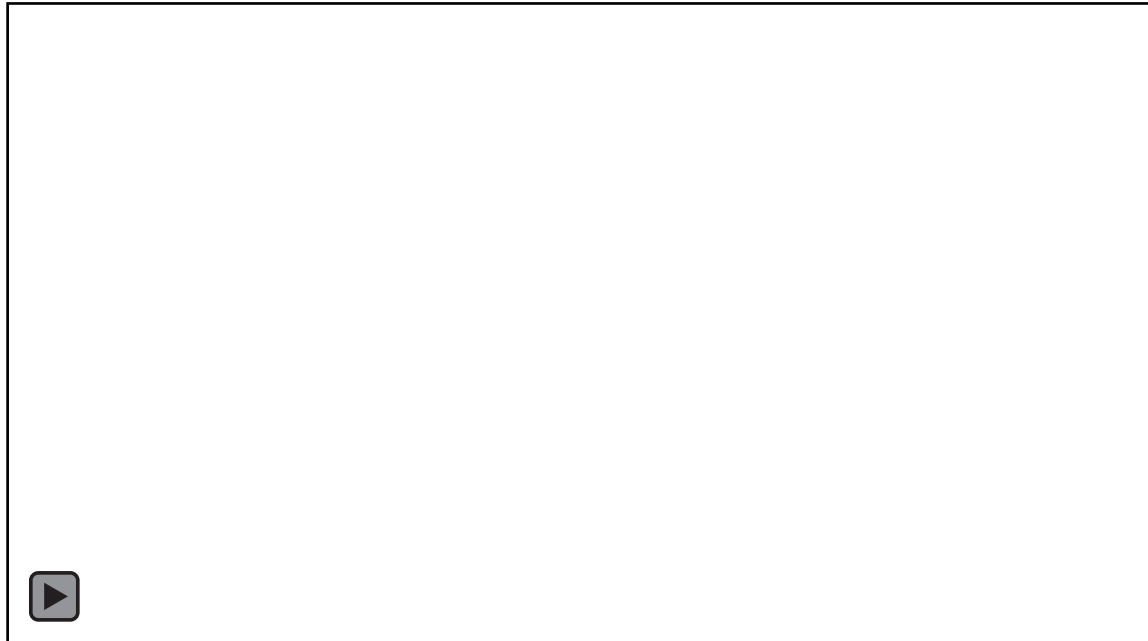
Preemption

- Federal Framework for Aviation
  - Federal law establishes a single and comprehensive system for regulating aviation in the US.
  - The U.S. has exclusive sovereignty over the airspace, which includes "airspace above the minimum altitudes of flight prescribed by regulations ... including airspace needed to ensure safety in the takeoff and landing of aircraft."

- This framework is designed is to ensure the safety of aircraft and the efficient use of airspace.

Preddmption

- FAA's responsibilities include prescribing air traffic regulations on the flight of aircraft and safe altitudes for:

  – Navigating, protecting, and identifying aircraft;

  – Protecting individuals and property on the ground;

  – Using the navigable airspace efficiently; and

  – Preventing collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.

Preemption

- The extensive Federal framework of regulation includes rules addressing such topics as:

  – Designation of types of airspace;

  – General operating and flight rules;

  – Air traffic rules;

  – Specialized aircraft rules for rotorcraft rules, agricultural aircraft; certification of airmen, aircraft, air carriers; and

  – Current rulemaking on small UAS and registration of UAS.

Preemption

- Examples of laws where consultation with FAA is recommended:
  - Restrictions on overflight, flight altitude, flight paths, operations; any regulation of the navigable airspace, including rules on how close a UAS may operate from a manned aircraft, time-of-day restrictions, weather condition minimums.
  - Limitations on operating UAS within the city limits, within the airspace above the city, or within certain distances of landmarks.
  - Required equipment or training for UAS operators related to aviation safety such as 'geo-fencing.'

Preemption

- Laws likely within state and local police powers:
    - Laws traditionally related to a state or local government's police powers are generally not preempted by Federal law, such as land use planning and zoning, health, safety, advertising, general welfare of the inhabitants.

Law Enforcement Assistance Program (LEAP)

FAA Point of contact for Federal, State, local, tribal and international law enforcement agencies in matters of organized crime, drug trafficking, criminal violations, and threats to the national security involving U.S. registered aircraft and FAA certificate holders.

Working Together

- What LEAP can do for you:
  - Outreach/Education for LE and other public safety
  - Registration information
  - Information gathering for initial FAA investigations
  - Facilitate forensic investigation
    - Flight information
    - Photo/Video
    - Social media preservation and certification

Working Together

- Additional FAA Assistance
  - Assistance with drafting legislation
  - Technical Assistance
    - Airspace access
    - UAS program start-up
  - Resources
    - Law Enforcement Guidance
    - Law Enforcement Reference Card
    - Monthly 4-1-1 for 9-1-1 Webinars
    - www.faa.gov/uas/resources/law_enforcement/

Working Together

- What we ask you to do for us
  - Incident Notification
    - Operator information
    - Witness identification and interview
    - Associated evidence
  - Draft Ordinances/Legislation

Who Do I Contact?

- Current Threat to the NAS
  - East ROC 404-305-5180
  - Central ROC 817-222-5006
  - West ROC 425-227-1999
  - Washington Operations Center 202-267-3333
- Preemption/Ordinance
  - Office of Chief Counsel
- Incident Reports
  - LEAP Agent
- Setting up a UAS Program
  - UASHelp@faa.gov
- Airspace Access
  - Non-Emergency Part 107 – LAANC or DroneZone
  - Non-Emergency- Public Aircraft Operation – See your COA
  - Emergency – (202) 267-8276 or 9-ator-hq-sosc@faa.gov

Law Enforcement Assistance Program Branch–West (AXE-830)

LEAP Branch Manager
(425) 227-1217

Seattle, WA
Special Agent   (425) 227-2709
(Washington, Idaho, Northern Oregon, Montana, and Wyoming)

Sacramento, CA
Special Agent   (916) 422-0272 ext 254
(Northern Nevada, Northern California, and Southern Oregon)

Los Angeles, CA
Special Agent   (310) 725-3737
(Southern California, Southern Nevada, Colorado, and Guam)

Phoenix, AZ
Special Agent   (602) 721-6091
(Arizona, Utah, Hawaii)

Anchorage, AL
Special Agent   (907) 271-2994
(Alaska)

International Area of Responsibility (AOR):
• Canada (British Columbia, Alberta, Saskatchewan, Yukon)
• Asia, Australia, New Zealand, India, and Pacific Islands

Law Enforcement Assistance Program Branch–Central (AXE-820)

LEAP Branch Manager
VACANT

Kansas City, MO
(Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Special Agent   (816) 329-3717
Special Agent   (816) 329-3713

Fort Worth, TX
(Arkansas, Louisiana, Oklahoma, New Mexico, Texas)

Special Agent   (817) 222-5713
Special Agent   (817) 222-5742

International AOR:
• Canada (Manitoba, Ontario)
• Mexico

National Headquarters

Enforcement Standards and Policy Division/Events in Washington, DC
(202) 267-4641

Law Enforcement Assistance Program Branch – East (AXE-810)

LEAP Branch Manager
(404) 305-6816

Burlington, MA
Special Agent   (781) 238-7704
(Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)

Special Agent   (781) 238-7073
(Delaware, Maryland, New Jersey, New York, Pennsylvania)

Atlanta, GA
Special Agent   (404) 305-6807
(Georgia, South Carolina, Virginia, West Virginia)

Special Agent   (404) 305-6759
(Alabama, Mississippi, Tennessee, Kentucky, North Carolina)

Orlando, FL
Special Agent   (407) 472-8349
(Central & North Florida)

Miami, FL
(South Florida, Puerto Rico, Virgin Islands)
Special Agent – Vacant   TBD
Special Agent   (305) 716-3332 X 217

International AOR:
• Canada (Quebec, Nova Scotia, Newfoundland)
• Europe, Middle East, Africa, Central America, South America, and the Caribbean

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FAA UAS SYMPOSIUM

LEAP@FAA.gov

Law Enforcement Assistance Program

FAA UAS SPECIAL AGENT

Federal Aviation Administration

AUVSI

Case Studies - Local LE Call for Service

- LE receives non-emergency call from a private citizen he found a drone lodged in the tree in his front yard

- What can the responding officer do?

Case Studies - Local LE Call for Service

- 911 Center receives a call for service for a neighbor flying a UAS over the callers house and her children are swimming in the pool.

- Uniform patrol officer responds and interacts with the complainant.

- The patrol officer identifies the operator of the UAS and makes contact with him. (58-year old male subject)

- The local jurisdiction does not have any ordnances/laws regarding the operation of UAS.

- What does the responding officer do?

Case Studies - Local LE Call for Service

- Operations manager at a General Aviation airport found a crashed UAS between the runway and taxiway.

- The UAS was covered with foil and the SD card was full of photos and videos.

- Airport Ops calls LE for assistance, what do you do?