



FAA UAS SYMPOSIUM

Local and State UAS Enforcement Authorities

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Federal Aviation
Administration



#UAS2017

Workshop 7: Local and State UAS Enforcement Authorities



- **Lead: Charles Raley**, Senior Attorney, UAS Team Lead for Enforcement Policy and Outreach, FAA Office of the Chief Counsel
- **Janet Riffe**, Investigations Specialist, FAA Office of National Security Programs and Incident Response
- **Don Roby**, Training Program Manager, Airborne Law Enforcement Association (ALEA), International Association of Chiefs of Police Aviation Committee
- **Douglas Johnson**, Vice President of Technology Policy, Consumer Technology Association



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
- A Seattle Municipal Court jury found a man guilty Friday of reckless endangerment stemming from a June 2015 incident in which a woman was knocked unconscious when she was struck by a small drone during the Pride Parade in downtown Seattle.
- 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

- U.S. Open Incident
- Operator was arrested on charges of reckless endangerment, reckless operation of a drone and operating a drone in a New York City park outside of a prescribed area.
- Ordered to perform five days of community service.

Local Examples of Enforcement

- Los Angeles, CA Incident
- Criminal charges under drone ordinance that makes it a misdemeanor to fly a drone more than 500 feet in the air, within five miles of an airport without permission or within 25 feet of another person.
- Jury returned a unanimous “not guilty” verdict in favor of the operator.
- The operator challenged the constitutionality of the municipal charges against him as “preempted” by federal law. That challenge resulted in a dismissal of many of the charges against the operator, leaving to a jury only the question of whether he operated his drone in a “careless or reckless” manner. The jury concluded he had not.

Local Examples of Enforcement

- Cincinnati, OH – Crash into tower
 - Misdemeanor criminal mischief
- Aspen, CO – ESPN X Games
 - Misdemeanor reckless endangerment
- Los Angeles, CA – Operation near helicopter
 - Obstructing a peace officer in the lawful performance of his duties
- Valdosta, GA – Peeping Tom
 - Felony eavesdropping/surveillance
- Univ. of Kentucky - Stadium
 - 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



- Privacy
 - California Civil Code 1708.8(a) – prohibits physical invasion of privacy when a person knowingly enters upon the land of another without permission to capture any type of visual image, sound recording or other physical impression of a person engaging in a private, personal or familial activity in a manner which is offensive to a reasonable person.
 - AB 856 amended the definition of physical invasion of privacy to include airspace above someone's property.
 - Liability up to 3 x any general and special damages caused by the invasion as well as a fine of \$5,000 - \$50,000

Local and State Laws

- Noise
 - Long Beach, CA – 8.8.130 – Disturbing Noises Prohibited
 - Notwithstanding any other provision of this Chapter, and in addition thereto, it is unlawful for any person to willfully make or continue, or cause to be made or continued, a loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
 - Example – Night (10:00 pm to 7:00 am) – 45 dBA (for reference, 45 dBA is considered a quiet urban nighttime environment, 44 dBA is a bird call)

Local and State Laws



- Interference with Law Enforcement
 - Washington State – RCW 9A.76.020
 - Obstructing a law enforcement officer. (1) A person is guilty of obstructing a law enforcement officer if the person willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.

Local and State Laws



- Other examples:
 - Assault, Battery
 - Trespass
 - State aviation/motor vehicle law, e.g., DUI/DWI

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)

- 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)

- Destruction of property, energy facility, communications lines, etc...
- U.S. 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 than Criminal)

- 49 USC § 46320 - Interference with wildfire suppression, law enforcement, or emergency response effort by operation of unmanned aircraft. \$20,000 per violation.
- Federal Aviation Regulations:
 - 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 \$32,140 per violation
 - Certificate action (revocation/suspension) where appropriate (e.g., Part 107)
- Since 2014, 48 enforcement cases
 - Most involve careless or reckless operations
 - Most are civil penalties but some certificate actions

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 to ensure the safety of aircraft and the efficient use of airspace.

Preemption



- 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

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.
- State and Local Fact Sheet
 - Being reviewed and will be updated to reflect Part 107 and critical infrastructure issues.

Working Together

- What we can do for you
 - FAA assistance with drafting
 - Outreach and training
 - Technical Assistance
 - Airspace
 - Data Analysis
 - Forensics
- What we ask you to do for us
 - Notification
 - Incidents
 - Draft Ordinances/Legislation

Working Together

- Available resources
 - Law Enforcement Guidance
 - Law Enforcement Reference Card
 - www.faa.gov/uas/resources/law_enforcement/
- Who to contact
 - Law Enforcement Assistance Program Agent
 - HQ Law Enforcement Assistance Program Office
 - Office of Chief Counsel
 - Regional Operations Centers – for current threat only
- Future Efforts
 - Broad scale LE webinars
 - Training video for wide distribution

<p>Joint Security and Hazardous Materials Safety Office—West (AHW)</p> <p>LEAP Branch Manager (425) 227-1217</p> <p>Seattle, WA Special Agent (425) 227-2709 (Washington, Idaho, Northern Oregon, Montana, and Wyoming)</p> <p>Sacramento, CA Special Agent (916) 956-8830 (Northern Nevada, Northern California, and Southern Oregon)</p> <p>Los Angeles, CA Special Agent (310) 725-3737 (Southern California, Southern Nevada, Colorado, and Guam)</p> <p>Phoenix, AZ Special Agent (602) 721-6091 (Arizona, Utah, Hawaii)</p> <p>Anchorage, AK Special Agent (907) 271-2994 (Alaska)</p> <p>International Area of Responsibility (AOR): • Canada (British Columbia, Alberta, Saskatchewan, Yukon) • Asia, Australia, New Zealand, India, and Pacific Islands</p>	<p>Joint Security and Hazardous Materials Safety Office—Central (AHC)</p> <p>LEAP Branch Manager (817) 222-5969</p> <p>Chicago, IL Special Agent (847) 343-3860 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)</p> <p>Kansas City, MO Special Agent (816) 329-3717 (Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota)</p> <p>Fort Worth, TX Special Agent (817) 222-5713 Special Agent (Arkansas, Louisiana, Oklahoma, New Mexico, Texas)</p> <p>International AOR: • Canada (Manitoba, Ontario) • Mexico</p> <p>National Headquarters</p> <p>Investigation Programs and Operations Division Manager (202) 267-2480</p> <p>LEAP Program Manager (202) 267-4641</p>	<p>Joint Security and Hazardous Materials Safety Office—East (AHE)</p> <p>LEAP Branch Manager (404) 305-6816</p> <p>Burlington, MA Special Agent (781) 238-7704 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)</p> <p>Mid-Atlantic Special Agent (404) 305-6816 (Delaware, Maryland, New Jersey, New York, Pennsylvania)</p> <p>Atlanta, GA Special Agent (404) 305-6807 Special Agent (404) 305-6759 (Alabama, Mississippi, Tennessee, Virginia, West Virginia, Kentucky, Georgia, North Carolina and South Carolina)</p> <p>Orlando, FL Special Agent (404) 430-1365 (North Florida)</p> <p>Miami, FL Special Agent (305) 716-3332 X 204 (South Florida, Puerto Rico, Virgin Islands)</p> <p>International AOR: • Canada (Quebec, Nova Scotia, Newfoundland) • Europe, Middle East, Africa, Central America, South America, and the Caribbean</p>
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Law Enforcement Assistance Program

Revised 1/10/17

Case Study 1 – 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 who is operating the UAS from a city park.
- The patrol officer identifies the operator of the UAS and makes contact with him. (58-year old male subject).

Case Study 1 – Local LE Call for Service



- The local jurisdiction has a local ordinance restricting UAS takeoffs/landings/operation from city parkland.
- What does the responding officer do?



Case Study 2 – 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)

Case Study 2 – Local LE Call for Service



- The local jurisdiction does not have any ordinances/laws regarding the operation of UAS.
- What does the responding officer do?

Case Study 3 – FAA Notification of LE

- FAA control tower at airport within Class C airspace sees UAS operating off of approach end of active runway.
- FAA contacts local law enforcement to attempt to identify operator.
- Default to previous law enforcement responses.

Case Study 4 – FAA Notification of LE

- FAA receives call concerning UAS being operated in close proximity to sight-seeing aircraft and is provided links to online videos.
- FAA inspector identifies the operator through an investigation.
- FAA brings enforcement action and forwards case to DOT IG for possible criminal enforcement.

Questions / Comments

- Doug Johnson, Vice President, Technology Policy, Consumer Technology Association
- Don Roby, Training Program Manager, Airborne Law Enforcement Association
- Janet Riffe, Law Enforcement Assistance Program Manager, FAA
- Charles Raley, FAA Senior Attorney, UAS Team Lead for Enforcement, Policy and Outreach

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Charles Raley, Senior Attorney, UAS Team Lead for Enforcement Policy and Outreach, FAA Office of the Chief Counsel



Charles Raley is a senior attorney with the FAA's Office of Chief Counsel, Enforcement Division and is the Unmanned Aircraft Systems Team Lead for Enforcement, Policy & Outreach. His practice involves policy work and representing the Agency in litigation before the U.S. Courts of Appeal and in administrative proceedings before the National Transportation Safety Board and the Department of Transportation.

Prior to becoming an attorney, he was an aviator in the U.S. Navy flying the S-3B Viking. Mr. Raley earned a Juris Doctor with honors from The George Washington Law School, a Master of Science from the University of San Diego, and a Bachelor of Arts from Villanova University. He is a member of the New York and Washington, D.C. bar associations.



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Janet Riffe, Investigations Specialist, FAA Office of National Security Programs and Incident Response



Janet Riffe is a Special Agent in the Federal Aviation Administration's (FAA) Office of Security and Hazardous Materials Safety. She has program management oversight of the Law Enforcement Assistance Program (LEAP) and serves as the focal point for UAS security related issues.

With over 30 years of Federal service, including 27 in the field of aviation security, she held positions as an Assistant Federal Security Director, Special Agent, Federal Air Marshal, Training Manager, Principal Security Inspector and Intelligence Analyst with the FAA, Transportation Security Administration and U.S. Customs Service. She was the primary point of contact and FAA liaison during several high profile incidents including the 9/11 hijackings, Richard Reid shoe bombing attempt, the crash of American flight 587 and TWA 800.



Ms. Riffe holds a Bachelor of Science in political science and criminal justice from Texas Christian University.

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Don Roby, Training Program Manager, Airborne Law Enforcement Association (ALEA), International Association of Chiefs of Police Aviation Committee



Don Roby is the Training Program Manager for the Airborne Law Enforcement Association. He is responsible for the international and domestic training programs for the association. He recently retired from the Baltimore County Police Department (Maryland) at the rank of Captain after over 35.5 years of law enforcement work. Mr. Roby worked a variety of assignments, including patrol, special operations, criminal investigations, aviation and administration. He served as his agency's aviation unit commander for over 10-years as a captain, and as a lieutenant for 3-years in the aviation unit. He currently serves as the chairperson of the International Association of Chiefs of Police Aviation Committee, Vice-Chair of the Helicopter Association International's (HAI) Government Services Committee, member of the HAI's Training Committee and as a member of the National Sheriff's Association's Homeland Security Committee.



Mr. Roby is a frequent presenter at various international and domestic conferences on law enforcement aviation and small unmanned aircraft systems matters and has been part of the National Institute of Justice Small Unmanned Aircraft Systems Technical Working Group, and the FAA's Small UAS Proposed Rule Making Committee. He is the recipient of the 2005 HAI Excellence in Law Enforcement Aviation Award. Mr. Roby resides in Stewartstown, Pennsylvania with his wife.

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Douglas Johnson, Vice President of Technology Policy, Consumer Technology Association



Doug Johnson is vice president of technology policy for the Consumer Technology Association (CTA)TM, the trade association representing the \$292 billion U.S. consumer technology industry, which supports more than 15 million U.S. jobs.

Mr. Johnson is responsible for public policy issues affecting product development, operations, sales and marketing across the consumer technology industry. He advocates for the tech sector before regulators and legislators at the local, national and international levels on issues such as energy efficiency, regulatory reform, in-flight technology use, and policy concerning the operation of consumer and commercial drones. Mr. Johnson has served on advisory committees related to consumer technology, energy efficiency and aviation, including the US FAA's Micro UAS Aviation Rulemaking Committee and UAS Registration Task Force. He currently serves as a subcommittee member of the FAA's Drone Advisory Committee.



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