

1.3.A.15 Regulation of Unmanned Aircraft

I Policy Index:



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II Policy:

To provide procedures for identifying and responding to the unauthorized use of small unmanned aircraft (UA), otherwise commonly referred to as drones, within or above the grounds of Department of Corrections (DOC) owned or leased institutions housing inmates.

III Definitions:

Drone:

A powered, aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, that can fly autonomously or be piloted remotely. The vehicle may be expendable or recoverable.

Small Unmanned Aircraft (UA):

An unmanned aircraft weighing less than 55 pounds, including everything that is onboard or otherwise attached to the aircraft, that can be flown without the possibility of direct human intervention from within or on the aircraft.

IV Procedures:

1. Unmanned Aircraft (UA) Approaches and Intrusions:

- A. DOC staff who observe an unmanned aircraft (UA) operating directly over or adjacent to the grounds of a DOC owned or leased institution (the security perimeter) that houses inmates, shall immediately activate the Incident Command System for Corrections (ICSC), pursuant to DOC policy 1.3.B.1 *Emergency Response* or contact the Officer in Charge (OIC). Staff will maintain direct observation of the UA, if safe to do so.
- B. Upon activation of the ICSC, staff will immediately evacuate any inmates located in the area directly impacted by the UA activity.
- C. The incident commander will, to the best of his/her ability, determine if the UA poses a direct or indirect threat to human life or property. Direct or indirect threat includes any threat posed by the operator of the UA, the UA itself, or any contraband the UA is observed or suspected of carrying.
- D. If a UA lands within the secure perimeter of a DOC institution, staff shall establish a perimeter to maintain separation between inmates and the UA.
 1. Staff will use extreme caution when approaching a UA that has landed on the ground.

- E. Staff will attempt to obtain a description of the UA, including model, color and any visible ID number located on the UA, including any information about the operator(s) or suspected operator(s) of the UA, i.e., a physical description of the person(s) or vehicle(s) suspected to be associated with the operator.

2. Summary of Unmanned Aircraft Regulations:

- A. The following Federal Aviation Administration (FAA) operational limitations apply to the operation of all UAs:
1. The UA must remain close enough to the remote pilot/operator in command of the UA so that the pilot/operator is capable of seeing the aircraft.
 2. The UA may not operate over any persons not directly participating in the operation of the aircraft, not under a covered structure, or not inside a covered stationary vehicle. Operating a UA while operating a motor vehicle is a violation of state law.
 3. Daylight-only operation, or twilight operation when equipped with appropriate anti-collision lighting.
 4. Must have a minimum weather visibility of 3 miles from the control station/operator.
 5. No careless or reckless operation of the UA.
 6. May not carry hazardous materials.
 7. May not be operated at an altitude higher than 400 feet above ground.
 8. May not be operated in protected air space (primarily airports) without proper FAA authorization.
- B. No person may operate a UA over the grounds of a prison, correctional facility, jail or juvenile detention facility, unless expressly authorized by the administrator. Violation is a Class 1 misdemeanor (See SDCL § [50-15-3](#))
- C. Any person who uses a UA to deliver contraband or controlled substances to a state prison or other correctional facility is guilty of a Class 6 felony (See SDCL § [50-15-4](#)).
- D. In accordance with state statute, any operation of a UA in the state shall comply with the applicable FAA rules/requirements (See SDCL § [50-15-2](#)).
- E. No person may use a UA to photograph, record, eavesdrop or otherwise observe any person in a private place where the person has a reasonable expectation of privacy or to subject persons to unauthorized surveillance while in a private place (See SDCL § [22-21-1](#)).

3. Reporting Violations:

- A. DOC staff will notify local law enforcement anytime a UA is discovered operating over the grounds of a DOC owned or leased institution housing inmates (operated over the security perimeter).
- B. Staff observing a UA operating directly adjacent to the grounds of a DOC owned or leased institution housing inmates in a manner inconsistent with FAA operational regulations will notify law enforcement. For example:
1. A UA operated adjacent to the grounds of the South Dakota State Penitentiary may be within federally protected airspace.

V Related Directives:

SDCL §§ [22-21-1](#), [50-15-2](#), [50-15-3](#) and [50-15-4](#).

DOC policy 1.3.B.1 [Emergency Response](#)

VI Revision Log:

December 2016: New Policy.

March 2017: Added definition of "Drone". Deleted "if it is determined by the Incident Commander or Officer in Charge that the UA poses a direct or indirect threat to inmates, staff or property, or whenever a UA has landed or attempted to land within the secure perimeter" and Replaced with "operating over the grounds of a DOC owned or leased institution housing inmates (operated over the security perimeter)" in Section 1 F. Deleted 1. "If local law enforcement is not contacted when a UA is initially observed by staff, law enforcement must be contacted if contraband is later discovered in the area that may have been deposited by the UA or operator of the UA" in Section 1 F. Added B., C., and D. to Section 2. Added new Section 3.

March 2018: Reviewed with no changes.

February 2019: Added E. to Section 2.

April 2020: Reviewed with no changes.

Mike Leidholt (original signature on file)

Mike Leidholt, Secretary of Corrections

04/08/2020

Date