

GENERAL ORDER 41.10.1

Drone Team

GENERAL ORDER CROSS-REFERENCE: None

SUMMARY

The purpose of this policy is to establish guidelines for the use of Small Unmanned Aerial Systems (sUAS / Drones). This policy should be used in conjunction with all other applicable policies and procedures including: G.O. 2.3.1 – Mutual Aid, G.O. 43.3.2 – Surveillance Equipment, G.O. 47.2.2 – Special Events, and G.O. 83.2.1 – Crime Scene Processing / Evidence Handling.

DISCUSSION

Drones, also referred to as Small Unmanned Aerial Systems (sUAS) may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or may be less effective. All drone operations will be in accordance with Constitutional and privacy rights, Federal Aviation Administration (FAA) regulations, and Oregon Revised Statutes sections 837.310 through 837.345.

POLICY

I

DEFINITIONS

Small Unmanned Aerial System (sUAS) / Drone – An unmanned aircraft of any type (weighing less than 55 pounds) that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means. For the purposes of this policy, a UAS includes a drone, as defined by ORS 837.300.

Remote Pilot in Command (PIC) – The PIC is a Springfield Police Employee who has obtained and maintains a valid remote pilot airman certificate in compliance with all Federal Aviation Regulations. The PIC is responsible for the complete and overall operation of any UAS flight they command. The Pilot-In-Command's main duty during the deployment of a drone is to operate the drone safely while accomplishing the goals of the deployment.

Visual Observer (VO) – A Springfield Police Employee who conducts flight operations to support police UAS missions. The VO will be trained by police employees (PIC) who have obtained and maintain valid remote pilot airman certificates in compliance with all federal aviation regulations.

II

PRIVACY

The use of Drones involves privacy considerations.

- a. Drone operations will be conducted in accordance with all laws and regulations, including Federal, State and Local.

- b. PIC's shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during Drone operations.
- c. Use of facial recognition technology during drone operations is prohibited.

III

REQUIREMENTS FOR USE

- a. Only authorized operators who have completed the required training (including FAA Part 107 Remote Pilot Certification) shall be permitted to operate department drones. Non-certified team members may operate drones for training purposes under the supervision of a certified team member.
- b. The drones shall only be operated in accordance with Part 107 regulations.
- c. Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protected privacy interest or when in compliance with a search warrant, court order, or exigent circumstances. In all other instances, legal counsel should be consulted.
- d. Drones shall be flown in accordance with the following Oregon Revised Statutes;
 - 1. ORS 837.300 – Definitions
 - 2. ORS 837.310 – Restrictions
 - 3. ORS 837.320 – Authorized Use Upon Issuance of Warrant
 - 4. ORS 837.330 – Written Consent
 - 5. ORS 837.335 – Search and Rescue
 - 6. ORS 837.340 – Criminal Investigations
 - 7. ORS 837.345 – Training
 - 8. ORS 837.360 – Registration
 - 9. ORS 837.362 – Use of Data
 - 10. ORS 837.365 – Weaponized Unmanned Aircraft Systems (Prohibited)

Drones shall only be operated by SPD:

- a. Pursuant to a valid warrant authorizing its use (ORS 837.320).
- b. When there is probable cause to believe that a person has committed a crime, is committing a crime or about to commit a crime, and exigent circumstances exist that make it unreasonable to obtain a warrant authorizing the use (ORS 837.320).
- c. With written consent of an individual for the purpose of acquiring information about the individual or the individual's property (ORS 837.330).
- d. As part of search and rescue activities (ORS 837.335, 404.200).
- e. When assisting an individual in an emergency if there is a reasonable belief that there is an imminent threat to the life and safety of the individual (ORS 837.335).
 - 1. A report shall be prepared documenting the factual basis for the belief.
 - 2. Within 48 hours of the emergency, a sworn statement shall be filed with the circuit court describing the nature of the emergency and the need for the use of the UAS.

- f. During a state of emergency declared by the Governor, if:
 - 1. The drone is used for preserving public safety, protecting property or conducting surveillance that will be used to assess and evaluate environmental or weather- related damage, erosion or contamination.
 - 2. The drone is operated only in the geographical area specified in the Governor’s proclamation.
- g. For the purpose of reconstructing a crime scene, or a similar physical assessment, that is related to a specific criminal investigation, only if the operations do not exceed 5 days (ORS 837.340).
- h. For the purpose of training in the use and acquisition of information, as provided in ORS 837.345.

IV

OPERATIONS

The Springfield Police Drone Team shall adopt, and utilize the finalized City of Springfield *Unmanned Aerial System Operations Manual*.

V

SAFETY

Safety of drone operations is of utmost concern. The safety of all operations should be considered during every flight. Part 107 requirements must be followed at all times, as well as safety requirements as outlined in the City of Springfield *Unmanned Aerial System Operations Manual*.

VI

PROHIBITED USE

Drone surveillance equipment shall not be used to:

- a. Conduct random surveillance activities.
- b. Target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation, housing status, or source of income.
- c. Harass, intimidate, or discriminate against any individual or group.
- d. Conduct personal business of any type.

Drones shall not be weaponized (ORS 837.365).

VII

REMOTE PILOT CERTIFICATION

All members of the SPD Drone team shall obtain, and maintain, a Part 107 Remote Pilot Certificate through the FAA. Each member will be required to obtain certification within two months of being selected for the team.

VIII

UAS TEAM CONFIGURATION

Due to the vast array of operational uses, and to avoid overwhelming one work unit with requests from many other units, the drone team may consist of a variety of individuals with specialized skills.

IX

EQUIPMENT

In order to maintain transparency, all drones will be clearly marked to maximize visibility with:

- a. City of Springfield and/or SPD name and logo.
- b. Red and blue anti-collision lights. Red and Blue lights should be used in addition to FAA required lighting, depending on the circumstances. Lights may not be used in rare circumstances where covert operations are necessary to preserve the integrity of an investigation or when required for officer safety related concerns.

X

OPERATIONAL REPORTING

Each mission will be documented with a flight log.

XI

DATA RECORDING

Video recordings and photos will only be taken during missions where there is a reasonable expectation that the data will contain evidentiary value, or in situations where it may provide transparency of police department operations.

Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner digital content captured by drone operations without prior written authorization from the Chief of Police, or designee.

XII

RETENTION AND RELEASE OF UAS DATA

All evidentiary data will be maintained in accordance with established SPD evidence handling and retention standards. All video files from Unmanned Aircraft Systems (UAS) cameras shall be securely stored in accordance with state records retention laws and will be purged after no longer useful for purposes of training, or for use in an investigation or prosecution (including appeals), or for use in resolving a claim or pending litigation, or disciplinary investigation.

All data, images, video and metadata captured by the Department cameras are subject to State statutes and City policies regarding use and records retention. Recording from UAS cameras shall be retained for at least 180 days, but no more than 30 months for a recording not related to a court proceeding or ongoing investigation. Recording that are evidence for an ongoing criminal investigation or court proceeding shall be kept in accordance with current records retention laws. The retention period begins from the date the UAS video camera recording was labeled.

Any department member who receives a request for records shall route the request to the Digital Evidence Technician or the Unit Supervisor. Such recordings may only be disclosed under the conditions provided under Oregon Revised Statute 192.345. A reasonable attempt will be made by the releasing person or designee to notify any involved employee(s) prior to release of the information.

XIII

TEAM MEMBER EXPECTATIONS

Drone Team members are expected to meet the following:

1. Average attendance of 80% of team training days (rolling 12-month period).
2. Responsiveness to team callouts with an average attendance of 60% (rolling 12-month period).
3. Carry a drone every patrol shift and conduct at least 2 flights per week (training or deployment).
4. Complete a minimum of 2 hours of flight time every month, in addition to flights conducted on the monthly team training day.
5. Follow all training, FAA regulations, and SPD Policy and Procedure including State Law.
6. Follow the Safety Officer's pre-flight checklist for all flights.
7. Each pilot is responsible for operating their aircraft with caution and due regard for the safety of the aircraft and persons on the ground.

XIV

TRAINING

The Drone Team will train one day each month. New pilots will receive a basic training period as recommended by the team supervisor. In order to operate different aircraft, pilots will be required to demonstrate proficiency to the team supervisor or other approved pilot prior to being released to fly additional craft.

XV

PATROL DEPLOYMENTS

Pilots are expected to self-dispatch to calls where they believe a drone may be of assistance. The final decision of whether to deploy a drone is at the discretion of the pilot on scene. On-duty pilots (including the supervisor) are expected to handle emergent drone related calls to the best of their ability with the equipment and team members working. Patrol often only has one Drone Team Pilot working, and they are expected to handle the calls to the best of their ability. If a patrol call becomes protracted, or the need for additional equipment and resources are needed, the supervisor should be consulted regarding activating additional team members.

Considerations for activating additional resources include, but are not limited to:

- a. The likelihood of the event continuing long enough for team member response (potentially 45 minutes to one hour).
- b. The level of need, and benefit of additional equipment or personnel.
- c. Pilot fatigue, duration the patrol pilot has been flying.

XVI

TEAM CALL-OUTS

The Drone Team touches many different aspects of police work from emergency Patrol responses, to crime scene photography and mapping, and preplanned events, among other uses.

1. Emergency call-outs, scene mapping, and photographs will be offered to pilots based on availability. On duty personnel first, and if none available, through a team call-out.
2. Pre-planned events such as protests, SWAT activations, and Investigations assistance will be assigned by the team supervisor. The number of pilots required for each activation will be determined by the team supervisor based on the totality of the details known about the event.
3. The team supervisor will respond to team call-outs at their discretion.

Call-out requests made to the team supervisor will be screened for the following factors:

1. Is the proposed use of a drone within the capabilities of the drone equipment and personnel to perform?
2. Does the proposed use of the drone fall within FAA and department policies and procedures of drone usage?
3. Can the drone be deployed safely given current weather conditions?
4. If the drone deployment requires a warrant has one been requested and approved?
5. Are enough trained and qualified personnel available to safely operate the drone?

XVII

NIGHT FLIGHTS

Flying at night presents additional challenges and risks due to low visibility. Team Members are expected to follow FAA regulations regarding night flying. In addition, the following regulations are to be followed:

1. Minimum flight altitude of 250 feet.
2. Visual Line of Sight at all times by the Pilot-In-Command, unless operating with another member of the Drone Team, in close communication.
3. No flights in any area of elevation gain (south hills) without authorization from the team supervisor.

XIII

REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for the Drone Team will be approved by the Unit Supervisor prior to making any commitment.

XIX

REQUEST FOR OUTSIDE AGENCY ASSISTANCE

The Watch Commander, Unit Lieutenant or Unit Supervisor must approve all requests for drone assistance from outside agencies. When feasible, the department will attempt to honor such requests. All SPD Policies and Procedures must be followed while operating outside of the city.

XX

INCIDENT REPORTING / INVESTIGATIONS

The Drone Team completes several different steps for flight and incident reporting.

1. All pilots will complete a supplemental report per department standards for any major incident.
2. All flights will be synced to AirData at the conclusion of each incident.
3. All activations/deployments will be documented in the activation log.
4. A "Drone Brief" will be sent to the team with a summary of the activation/deployment.
5. Any pilot involved in a crash will be unavailable to fly pending investigation of the crash which will take no longer than 30 days. The involved pilot will be available for callouts in a support role.

XXI

EQUIPMENT

It is imperative that team members take care of the drone equipment.

1. Pilots should conduct a visual inspection of the drone prior to each shift.
2. If any damage is found, the equipment should be marked out of service, and an email sent to the drone team email group noting the problem and a phone call or text sent to the team supervisor.

XXII

STATE REQUIRED ANNUAL REPORT

An annual written report will be provided to the Oregon Department of Aviation (OAR 738-080-0050) that:

- (A) Summarizes the frequency of use of the unmanned aircraft systems during the preceding calendar year;
- (B) Summarizes the purposes for which the unmanned aircraft systems have been used by the public body during the preceding calendar year; and
- (C) Indicates how the public can access the policies and procedures established under ORS 837.362.