

UNMANNED AERIAL SYSTEM (UAS) OPERATIONS

430.1 DEFINITIONS

Unmanned Aircraft System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether pre-programmed 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 purpose of this policy, a UAS includes a drone, as defined by ORS 837.300.

430.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

430.3 PRIVACY

The use of UAS involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers 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 UAS operations.

430.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- A. If applicable, coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current (OAR 738-080-0045).
- B. Ensuring that all authorized operators and required observers have completed all required FAA and department approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- C. Coordinating and developing training for all department approved UAS members.
- D. Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
- E. Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.

Sandy Police Department

Sandy PD Policy Manual

UNMANNED AERIAL SYSTEM (UAS) OPERATIONS

- F. Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- G. Developing a protocol for fully documenting all missions.
- H. Developing UAS inspection, maintenance, and record-keeping protocols to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- I. Developing protocols to ensure that all data intended to be used as evidence is accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- J. Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- K. Facilitating law enforcement access to images and data capture by the UAS.
- L. Recommending program enhancements, particularly regarding safety and information security.
- M. Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- N. Ensuring that the UAS is registered with the Oregon Department of Aviation (ORS 837.360).
- O. Developing protocols for storage, security, and access to data collected by the UAS (ORS 837.362).
- P. Developing protocols if a third party is used for the storage of data, including handling, security, and access to the data by the third party (ORS 837.362).
- Q. Developing protocols for disclosing data collected by the UAS through intergovernmental agreements (ORS 837.362).
- R. Publishing the department policies and procedures regarding the use, storage (including third party storage), accessing, sharing, and retention of data collected by the UAS, including the text of ORS 192.345 on the department website or other publicly accessible system (ORS 837.362).

430.5 USE OF UAS

Authorization to deploy a UAS lies with the UAS operator(s). The UAS operator should regularly balance the need of an officer physically present and assisting with the search for officer safety reasons with the need for aerial support for the search team. Only authorized operators who have completed the required training shall be permitted to operate the UAS.

The use of UAS provides advantageous information to responders and investigators. The department has acquired a UAS to assist with general operations of the department. As an agency our department has identified several operational objectives the UAS can assist with. In general,

Sandy Police Department

Sandy PD Policy Manual

UNMANNED AERIAL SYSTEM (UAS) OPERATIONS

department members can employ the use of a UAS if it is lawful and fits one of the following reasons:

- A. Situational Awareness or Emergency Management: To assist law enforcement in understanding the nature, scale, and scope of an incident, and to aid them in planning and coordinating an effective response.
- B. Search and Rescue: To assist missing person investigations, AMBER Alerts, Project Lifesaver notification, and other search and rescue missions.
- C. Tactical Deployment: To support the tactical deployment of officers and equipment in emergency situations, such as incidents involving hostages or barricades and large-scale tactical operations.
- D. Visual Perspective: To assist law enforcement in providing direction for crowd control, traffic incident management, special circumstances, and temporary perimeter security.
- E. Scene Documentation: To document a crime scene, crash scene, or other major incident scene, such as disaster management, incident response, or large-scale forensic scene investigation.

Regardless of the reason for deployment, the 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 protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal advice should be obtained. UAS should not be flown over heavily populated areas without FAA approval, unless a current COA is in place.

Pursuant to ORS 837.320; ORS 837.330; and ORS 837.335, department members are authorized to deploy a UAS:

- A. Pursuant to a valid warrant authorizing its use.
- 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.
- C. With written consent of an individual for the purpose of acquiring information about the individual or the individual's property.
- D. As part of search and rescue activities, as defined in ORS 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. A written report shall be prepared documenting the factual basis for the operators belief at the time of the incident.
- F. During a state of emergency declared by the Governor, if the UAS 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, and the UAS is operated only in the geographical area specified in the Governor's proclamation.
- G. For the purpose of reconstructing a crime scene or accident scene, or a similar physical assessment, which is related to a specific investigation, as provided by ORS 837.340.

Sandy Police Department

Sandy PD Policy Manual

UNMANNED AERIAL SYSTEM (UAS) OPERATIONS

- H. For the purpose of training in the use and acquisition of information, as provided in ORS 837.345.

430.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- A. To conduct random surveillance activities.
- B. To target a person based solely on actual or perceived characteristics, such as but not limited to race, ethnicity, national origin, religion, disability, gender, or sexual orientation, economic status, age or cultural group.
- C. To harass, intimidate, or discriminate against any individual or group.
- D. To conduct personal business of any type.

Pursuant to ORS 837.374 the UAS shall not be used in any way that causes interference with an aircraft that is in the air, taking off or landing.

Pursuant to ORS 837.365 the UAS shall not be weaponized.

430.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule (ORS 837.362).

430.8 REPORTING

The program coordinator shall ensure that an annual report is provided to the Oregon Department of Aviation that summarizes the frequency of UAS use and the purpose for the use and indicates how the public can access the department's policies and procedures regarding the use of data resulting from the use of UAS as required by ORS 837.360.

430.9 ASSISTING OUTSIDE AGENCIES

The Sandy Police Department understands the need and benefit of assisting surrounding jurisdictions. Assisting outside agencies fosters positive relationships and often results in reciprocal assistance when needed by our department. The Sandy Police Department will strive to assist other agencies if assistance is requested and the department can do so without creating and undue hardship for the department or community members.

Sandy Police Department

Sandy PD Policy Manual

UNMANNED AERIAL SYSTEM (UAS) OPERATIONS

All requests for assistance for a pre-approved event or operation shall be approved by the drone team supervisor. Requests for assistance of an urgent nature should follow the guidance in "Urgent and Emergency Call Outs", found in this policy.

Sandy Police department supervisors should evaluate the request for assistance from outside agencies and make the decision if the request will be granted. If a supervisor is not on shift, the on-call supervisor will be contacted.

When determining whether to respond to request for assistance to another jurisdiction, department members should consider the following:

- A. If the requested deployment falls within the scope of the law and department policy.
- B. The severity of the crime or the incident, and the governmental interest in a UAS deployment.
- C. If deployment would mitigate risk to community members or law enforcement officers.
- D. If conditions at the scene of the incident would allow for successful deployment.
- E. The location of the incident in relation to the City of Sandy.
- F. The known availability of other qualified UAS operators, who may be geographically closer.
- G. The reciprocal relationship between the department and the requesting agency.

430.10 DRONE TEAM CALL-OUTS AND OPERATIONS

Whenever practical, an on-duty UAS operator should be utilized prior to calling an off duty member out. All call-outs that would result in a department member obtaining overtime require authorization from a department supervisor. Members of the drone team are subject to call-out based upon their availability and shall not be considered on-call.

Preplanned events such as protests, planned high risk search warrants, and investigations will be scheduled through the drone team supervisor and may be assigned by the drone team supervisor pursuant to the collective bargaining agreement. The number of pilots required for each activation will be determined by the team supervisor based on details known about the event.

When evaluating a pre-planned operation, the drone team supervisor will consider the following factors:

- A. Is the proposed use of a UAS within the capabilities of the UAS equipment and personnel to perform?
- B. Does the proposed use of the UAS fall within FAA and department policies and procedures of the UAS usage?

Sandy Police Department

Sandy PD Policy Manual

UNMANNED AERIAL SYSTEM (UAS) OPERATIONS

- C. Can the UAS be deployed safely given forecasted weather conditions?
- D. Would the UAS deployment require a warrant and if so, has one been obtained?
- E. How many qualified UAS personnel are available to safely fulfill the mission?

Any Sandy Police Department supervisor can request an urgent or emergency call-out. Urgent or emergency call-outs can be done for a variety of reasons such as crime scene documentation, search and rescue operations, patrol responses, or any other qualifying reason.

If there is an urgent need for a UAS operator, and one is not on duty, a request will be made through CCOM for on-duty personnel that work at surrounding agencies. If one is unavailable, the process of a call-out may be necessary. Prior to initiating a call-out, the requesting supervisor should consider the following:

- A. If the requested deployment falls within the scope of the law and department policy.
- B. The severity of the crime or the incident, and the governmental interest in a UAS deployment.
- C. If deployment would mitigate risk to community members or law enforcement officers.
- D. If conditions such as weather, wind, tree cover, effective containment, air space considerations and response time to the incident would allow for successful deployment.

When a supervisor requests a call-out, all drone team members should receive a page via group text message on their department issued cell phone. This initial call-out message should include the number of UAS operators needed, the type of response needed, incident location, and estimated time on scene. If a UAS operator is available, he or she should respond in the group message that they are available. The supervisor making the request must factor in the responding UAS operator's timeliness in responding to the call location, their last patrol shift worked, and impacts to staffing in upcoming shifts. Selection of the responding UAS operator should be based on who can respond to the emergency soonest.

If no team member answers the initial call-out text message, the supervisor may then start making phone calls to eligible team members.

430.11 UAS REPORTING

Each time that the UAS is deployed, a report will be taken. In the case of deployments in Sandy, where a report is initiated by the primary officer, a supplemental report will suffice. In the case of deployments outside the City of Sandy, a report will be written in the SPD report management system. Each report shall include, at minimum, the following:

- A. Location of the deployment.
- B. The initial reason for the deployment.
- C. Success or failure of the deployment, and factors that led to the outcome.

Sandy Police Department

Sandy PD Policy Manual

UNMANNED AERIAL SYSTEM (UAS) OPERATIONS

- D. The fact that all laws and departmental policies were followed.
- E. The number of batteries used and the total flight time of the mission.