

**PORTLAND POLICE BUREAU
INVESTIGATIONS BRANCH
STANDARD OPERATING PROCEDURES**

SUBJECT: Small Unmanned Aircraft System (sUAS) Standard Operating Procedures

PURPOSE: The purpose of this Standard Operating Procedure (hereafter referred to as the (SOP) is to establish policy, direction, and guidelines for managing the Investigations Branch UAS Program. This SOP exists to set forth rules, guidelines, and expectations for the safe and lawful operation of UAS.

- DEFINITIONS:**
1. Aircraft has the meaning given that term in ORS 836.005 (Definitions) and US Title 14 CFR 1.1 (Code of Federal Regulations).
 2. FAA means the Federal Aviation Administration.
 3. Law enforcement agency means an agency that employs peace officers, as defined in ORS 133.005 (Definitions for ORS 133.005 to 133.400 and 133.410 to 133.150), or that prosecutes offenses.
 4. Unmanned Aircraft System (UAS) means an unmanned flying machine, commonly known as a drone, and its associated elements, including communication links and the components that control the machine.
 5. Remote Pilot in Command (RPIC) means a person who holds a remote pilot certificate and has the final authority and ultimate responsibility as to the operation of the aircraft during flight.
 6. Remote Pilot (RP) is the person manipulating the flight controls of an unmanned aircraft system under supervision of an RPIC.
 7. Visual Observer (VO) is a person responsible for direct visual observation of an operational UAS.
 8. Critical Incident Commander (CIC): A specially trained on-call command person who responds to all SERT and CNT activations (other than unit assistance), high-risk warrants, and any other event designated by the Chief of Police or designee. The CIC has the authority and responsibility for all police actions related to the incident and reports to the designated Assistant Chief during emergency activations.
 9. Warrant means a warrant issued under ORS 133.525 (Definitions for ORS 133.525 to 133.703 (Identity of informants)).
 10. Search and Rescue Activities has the meaning given that term in ORS 404.200.

- POLICY:**
1. Management of the PPB UAS program lies with the Specialized Resources Division (SRD). UAS will be available to and standard issue for all other PPB divisions and personnel via SRD. All RPICs will be approved by the SRD Commander, and only members trained and authorized by SRD may deploy a UAS.

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2. The Traffic Investigations Unit (TIU) sergeant will be responsible for the Traffic Division's UAS deployments.
3. The Metro Explosive Disposal Unit (MEDU) sergeant or other sergeant authorized by the SRD Commander will be responsible for UAS deployment, training, inventory, and administration for all other authorized purposes.
4. The Air Support Unit (ASU) sergeant will oversee compliance with FAA regulations and applicable laws, provide guidance and submit required reports to FAA and Oregon Department of Aviation. The SRD Commander or designee may independently audit or gather information on any UAS deployment in order to ensure its validity and adherence to all rules and regulations.
5. The RPIC is directly responsible for and is the final authority as to the operation of the aircraft. This includes adherence to all laws, rules, directives, and SOP. (14 CFR 91.3)
6. All UAS deployments will comply with this SOP, FAA regulations, and applicable state law.
7. SRD management will be responsible for selection, administration, and management of the program.

Authorized Use

1. UAS may be utilized to enhance the protection of lives and property when other means and resources are not available, are less effective, or as a tool to augment existing tactics. Any use of UAS requires strict accordance with constitutional and privacy rights. Prior to deployment, the RPIC shall balance the need for UAS against the potential impact to the community.
2. Absent a warrant or exigent circumstances, RPIC's 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 should take reasonable steps to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions should include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

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3. In furtherance of this purpose members are authorized to deployed UAS only under the following conditions authorized by state law:
 - a) Pursuant to a valid warrant authorizing its use (ORS 837.230).
 - 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 its 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).
 - e) For the purpose of assisting an individual in an emergency where there is a reasonable belief there is an imminent threat to the life or safety of the individual (ORS 837.335).
 - f) During a state of emergency declared by the Governor, if:
 1. 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.
 2. The UAS operates in the geographical area specified in the Governor's proclamation.
 - g) For the purpose of reconstruction of a specific crime scene, or accident scene, or a similar physical assessment, related to a specific investigation (ORS 837.340).
 - h) For training in the use and acquisition of information (ORS 837.345).

Prohibited Use

1. UAS equipment shall not be used to:
 - a) Conduct random or indiscriminate mass surveillance activities.
 - b) Target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, economic source or status, housing status, gender, or sexual orientation.
 - c) Harass, intimidate, or discriminate against any individual or group.
 - d) Conduct personal business of any type.

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- e) Crowd control/crowd management unless a life safety critical incident occurs.
2. The UAS shall not be weaponized (ORS 837.365).
3. The UAS will not be used in conjunction with any type of facial recognition technology.

Privacy Considerations

1. Absent a warrant or exigent circumstances, RPIC's 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 should take reasonable steps to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions should include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.
2. Members will adhere to all laws governing the use of airborne cameras and thermal imaging systems for searches. When a search utilizing a thermal imaging system or UAS' camera system is conducted under the authority of a search warrant, a copy of the warrant will be included with the post flight crew report.
3. Video recordings and photos will only be taken in situations where there is a reasonable expectation that the data will contain evidentiary value and in situations where it will provide public transparency of flight operations.
4. Video recordings and photos may be taken for training purposes when precautions have been taken to avoid collecting any personally identifiable information about any person with a reasonable expectation of privacy.
 - a) RPICs should be aware there are restrictions to the evidentiary use of training images under ORS 837.345.
 - b) All video recordings and photos will be retained in accordance with public records law, PPB policy, the PPB UAS program retention schedule and ORS 837.362 Policies and Procedures for Use of Data resulting from the use of UAS.

PROCEDURE:

Marking and Identification

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1. All UAS's will be clearly marked to maximize visibility and identification with the City of Portland and/or Portland Police Bureau name and logo.

Documentation and Reporting

1. The RPIC Flight Report form or application entry will be completed for every flight. UAS RPIC's should attach to related CAD call with UAS unit number for transparency and reporting purposes. Reports will document the following:
 - a) Date
 - b) Time
 - c) Location
 - d) Purpose of Flight and call type or case number
 - e) Crew Members Assigned
 - f) Disposition of Digital Media Evidence and Other Data Gathered
 - g) Summary of Activities
2. Current Documentation of flight hours will be maintained by each UAS RPIC, RP, RU supervisory personnel, and the supervisory sergeant.
3. A UAS Logbook or approved electronic flight log application will be maintained for each UAS for the purpose of maintenance tracking. For each flight or maintenance cycle, the RPIC will document the following:
 - a) Date
 - b) Time
 - c) Location
 - d) Crew Members Assigned
 - e) Flight Duration
 - f) Any Repairs Completed or Equipment/Performance Discrepancies Noted
4. The RPIC shall update the UAS Flight Log at the completion of each flight or maintenance procedure.
5. An annual report will be completed and submitted by the end of February of the following year.
6. All search and rescue life safety flights will be documented by the RPIC with the courts as required by ORS 837.335.

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Deployment

1. UAS RPICs shall inspect and test UAS equipment prior to and after each deployment to verify the proper functioning of all equipment and the airworthiness of the aircraft.
2. UAS RPIC's will meet requirements for training and flight hours as directed by UAS supervisors. RPIC's can be restricted or removed from the program for any deviation from training, flight or reporting requirements.

Evidence

1. All digital evidence shall be securely downloaded at the first available opportunity following each flight.
2. All evidence resulting from the use of UAS will be handled and stored in accordance with PPB evidence procedures. Oregon public records laws and ORS 837.362 Policies and Procedures for Use of Data.
3. Digital evidence shall not be edited, altered, erased, duplicated, copied, shared, or otherwise distributed in a manner inconsistent with established evidence protocols utilized by the Bureau.
4. Members will not retain personal copies of media created or obtained during the scope of their employment.

TRAINING:

1. SRD is responsible for identifying, training, and certifying all RPICs, RCs, and VOs.
2. SRD will develop and maintain initial and ongoing training curriculums appropriate for all PPB UAS programs.
 - a) RPICs will maintain current certification and required flight hours.
 - b) RPICs will document all training flight hours.
 - c) If for any reason a RPIC fails to maintain certification or a required number of flight hours, the RPIC's flight status will be suspended until such requirements are satisfied.



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