SUBJECT: Unnamed Aircraft System Standard Operating Procedure

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 pilot project. This SOP exists to set forth rules, guidelines, and expectations for the safe and lawful operation of UAS.

REFERENCE: Directive: 720.00 Special Emergency Reaction Team (SERT)/Crisis Negotiations Team (CNT) Use.
Directive: 740.00 Explosive Device Incidents and Explosive Disposal Unit (EDU).
Oregon Revised Statutes (ORS).

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 all PPB UAS programs lies with the Air Support Unit (ASU). All RPICs will be selected by ASU, and only members trained and authorized by ASU may deploy a UAS. The Traffic Investigations Unit (TIU) sergeant will be responsible for the Traffic Division’s UAS deployments. The Explosive Disposal Unit (EDU) sergeant will be responsible for UAS deployments for EDU and SERT.

2. The RPIC is directly responsible for, and is the final authority as to the operation of that aircraft. (14 CFR 91.3)

3. All USA deployments will comply with this SOP, FAA regulations, and applicable state law.

4. Purchase and acquisition of all UAS’ will comply with City Council resolution 37520, controlled equipment list.

Authorized Use

1. The purpose of this Investigations Branch SOP is to ensure the safe and effective use of UAS in critical life Safety situations. These situations are limited to the following:
   a) The detection, investigation, and securing of suspected explosive devices, and hazardous materials, in accordance with Directive 740.00.
   b) Active violent incidents, high risk search/arrest missions, hostage situations, sniper situations, armed barricaded suspect(s), area search for an individual armed with a gun, as described in Directive 720.00.
   c) Search and rescue as defined by Oregon Revised Statutes 404.200.
   d) To gather evidence and document crime scenes while investigating serious injury collisions, fatal collisions, and major traffic crimes as part of a TIU Major Crash Team activation as per Directive 640.50.

2. In furtherance of this purpose Investigations Branch 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 the RPIC believes there is an imminent threat to the life or safety of the individual (ORS 837.335).

f) 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).

g) For training in the use and acquisition of information (ORS 837.345).

h) All UAS deployments will be authorized by the SRD Commander or Designee, along with a Sergeant from the Investigations Branch who has completed UAS Supervisor training with ASU.

i) In situations where there is an imminent threat to the life or safety of an individual, an RPIC may deploy UAS at the request of the Incident Commander (IC). UAS deployments during SERT operations will be authorized by the SERT Lieutenant prior to use unless exigent circumstances exist.

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.
   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. Use of UAS camera systems will be conducted in a professional, ethical, and legal manner. Camera systems lawfully deployed without a search
warrant or valid warrant exception or investigate an area where a reasonable expectation of privacy exists. Operators will avoid recording a transmitting image of any location where a person would have a reasonable expectation of privacy.

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

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 with every flight. RPIC Flight Reports will document the following:
   a) Date
   b) Time
   c) Location
   d) Purpose of Flight
   e) Supervisor Approving Flight
   f) Crew Members Assigned
g) Duration of Flight  
h) Disposition of Digital Medial Evidence and Other Data Gathered  
i) Summary of Activities  
j) Outcome of Deployment  
k) Supervisor Approving the Post Flight Report

2. Current Documentation of flight hours will be maintained by each UAS RPIC, RP, RU supervisory personnel, and the ASU 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. The ASU Lead Pilot will audit flight documentation monthly. The results of the audit will be documented, and a Memorandum will be forwarded through the chain of command to the branch assistant chief. An annual audit will be completed and submitted by the end of February of the following year.

6. The ASU Lead Pilot will be responsible to fulfill annual reporting requirements to the Oregon Department of Aviation (ORS 837.360(6)(a and b)).

7. All search and rescue life safety flights will be documented by the RPIC with the courts as required by ORS 837.335.

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.

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. The Air Support Unit is responsible for identifying, training, and certifying all RPICs, RCs, and VOs.

2. The Air Support Unit 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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