



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE:	CHAPTER: 4 - Field Operations	PAGE: 1 of 13	NUMBER: 4.06.17
SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)			
CHIEF:			
COMMUNITY POLICE COMMISSION: <i>Approved by the Community Police Commission</i>			

PURPOSE: To outline guidelines for the operation, training, and storage of Unmanned Aircraft Systems (UAS) and Unmanned Aircraft Vehicles (UAV), better known as “Drones,” for the Cleveland Division of Police. All uses will align with privacy rights and the laws, rules, and regulations of the U.S. Constitution and the Federal Aviation Administration (FAA).

POLICY: It is the policy of the Cleveland Division of Police that trained and authorized personnel may deploy an Unmanned Aircraft System (UAS) when appropriate in the performance of their official duties to aid the Division’s mission. It shall be the intent of every UAS operator to make reasonable efforts to not invade a person’s expectation of privacy when operating the UAS.

DEFINITIONS:

Aircraft – a device that is used or intended to be used for flight in the air.

Airport – a landing area used regularly by aircraft for receiving or discharging passengers or cargo.

Beyond Visual Line of Sight (BVLOS) – operations of an unmanned aircraft beyond a distance where the remote pilot is able to respond to or avoid other airspace user by direct visual means.

Blackout Mode – Also referred to as “stealth mode,” in this setting the device’s LED, RGB, infrared, thermal, and other electronic markers are turned off, although the system is still able to record what it is advertised as being capable of.

Certificate of Authorization (COA) – authorization issued by the Air Traffic Organization of the FAA to a public operator for specific unmanned aircraft activity.

Federal Aviation Administration (FAA) – the agency of the United State Department of Transportation responsible for the regulation and oversight of civil aviation within the U.S. as well as operation and development of the National Airspace System. Its primary mission is to ensure safety to civil aviation.

PAGE: 2 of 13	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
------------------	--	--------------------

FAA Part 107 – the remote pilot certificate from the Federal Aviation Administration that demonstrates an understanding the regulations, operating requirements, and procedures for safely flying unmanned aircraft systems.

Program Coordinator– responsible for the management of the UAS Program and the reporting of applicable incidents to the FAA.

Pilot-In-Command (PIC) – division member who holds a remote pilot certificate with an UAS rating and has the final authority and responsibility for operation and safety of an UAS operation conducted under Part 107.

Unmanned Aircraft System Operator – a member of the Division who has completed the required departmental training and has been approved through the UAS Coordinator to operate the Division’s UAS.

Unmanned Aircraft System (UAS) – a powered, aerial vehicle that carries or is equipped with a device that, in analog, digital, or other form, gathers, records, or transmits a sound or image, that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely.

Unmanned Aerial Vehicle (UAV) – includes a remote control unit, chassis with multiple propellers for flight, control propellers and other flight stabilization technology (e.g. accelerometer, a gyroscope), radio frequency and antenna equipment to communicate, a computer chip for technology control, a camera, with thermal imaging capabilities so the pilot can view the aerial perspective, a digital image/video storage system and/or transmission system, a removable speaker, and battery charging equipment for the aircraft and remote control.

Visual Line of Sight (VLOS) – any flight crewmember (i.e., the remote PIC, person manipulating the controls, and visual observers is used) is capable of seeing the aircraft with vision unaided by any device other than corrective lenses (e.g., spectacles or contact lenses).

Visual Observers (VO) – a member of the Division that is trained and assigned the responsibility of assisting the UAS operator during deployment of the UAS.

PROCEDURES:

I. Authorized Use

- A. Prior to deployment and while operating a UAS, members shall comply with all rules and regulations set forth by the Federal Aviation Administration (FAA).
- B. All deployments of Unmanned Aircraft Systems (UAS) must be specifically authorized by the Chief of Police or the Chief’s designee.
- C. All deployments shall be properly documented as specified by the Program Coordinator.
- D. All UAS deployments shall be done by certified UAS Operators who have completed the

PAGE: 3 of 13	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
------------------	--	--------------------

required training.

- E. UAS may not always be ideal for deployment and alternatives should be considered prior to deployment.
- F. UAS shall only be utilized to provide aerial/visual support in the following instances:
 - 1. Mass casualty incidents (e.g. large structure fires with numerous casualties, mass shootings involving multiple deaths or injuries);
 - 2. Disaster management;
 - 3. Missing or lost persons;
 - 4. Hazardous material releases;
 - 5. Rescue operations;
 - 6. Scene documentation for evidentiary or investigatory value (e.g. crime, collision, or use of force scenes);
 - 7. Training;
 - 8. Hazardous situations that present a risk to officer and/or public safety, to include:
 - a. Barricaded suspects;
 - b. Hostage situations;
 - c. Armed suicidal persons;
 - d. Service of high-risk search and arrest warrants involving armed and/or dangerous persons;
 - e. Arrest of armed and/dangerous persons;
 - f. Operational pre-planning [prior planning for services of search and arrest warrants. This would provide up-to-date intelligence (e.g. terrain, building layout) so that personnel allocate appropriate resources and minimize last minute chance encounters and uses of force];
 - g. Additional legitimate law enforcement uses not listed here that do not violate constitutional protections as guaranteed in the 4th Amendment and are approved by the Chief of Police or the Chief's designee.
 - 9. Other exigent circumstances that would meet the requirements for a warrantless search under the Fourth Amendment. Such uses must be approved by the Chief of Police or the Chief's designee. A report describing the specific circumstances justifying this use and explaining how those circumstances satisfied the Fourth Amendment requirements shall be completed and forwarded to the Chief of Police and the Cleveland Community Police Commission for all deployments authorized under exigent circumstances, for a full review to determine policy compliance. (See Search and Seizure GPO 2.02.02 for relevant exigent circumstances.)
- G. UAVs shall be deployed in blackout or stealth mode only when a warrant has been obtained prior to deployment.

PAGE: 4 of 13	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
------------------	--	--------------------

II. Prohibited Use

- A. UAS and remote-control units shall not transmit any data except to each other and the Real Time Crime Center.
- B. UAS shall not be equipped with any weapon systems or analytics capable of identifying groups or individuals, including but not limited to facial recognition or gait analysis.
- C. UAS shall not be used for any reason other than supporting official law enforcement and public safety operations. The following activities are prohibited:
 - 1. For any activity not defined by “Authorized Use” Part 3 above;
 - 2. Conducting surveillance of individuals or groups within large gatherings or for crowd control;
 - 3. To target any person or group based solely on individual characteristics such as, but not limited to race, ethnicity, national origin, religion, disability, clothing, tattoos, gender, gender identity, or sexual orientation and/perceived affiliation when not connected to actual information about specific individuals related to criminal investigation;
 - 4. Harassment, intimidation, or discrimination against any individual or group;
 - 5. To conduct personal business of any type;
 - 6. Uses that are contrary to the manufacturer’s specifications or instructions;
 - 7. In any unsafe manner or in violation of FAA rules or regulations;
 - 8. For any purpose prohibited by state or federal law, the U.S. Constitution, or applicable Executive Orders or Directives.

III. Equipment Standards and Documentation

- A. The Cleveland Division of Police shall furnish UAS and related equipment needed for operation to certified UAS Operators authorized to deploy the UAS.
 - 1. Non-authorized equipment is prohibited.
- B. UAS Operators are responsible for the care and maintenance of the UAS. They shall ensure the equipment is in a condition for safe operation before deployment.
 - 1. If a UAS is damaged or malfunctioning, it shall be reported to the Program Coordinator or designee.

PAGE: 5 of 13	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
------------------	--	--------------------

- C. UAS Operators shall record all mission deployment details from each UAS deployment onto a flight log which shall be submitted to the Program Coordinator and kept on file for FAA records purposes.

IV. Protection of Rights and Privacy

- A. UAS operators and observers shall adhere to FAA altitude regulations.
- B. UAS operators and observers shall ensure the protection of private individuals' civil rights and reasonable expectations of privacy before deploying the UAS.
- C. A UAS shall not be deployed in a manner that violates an individual's Fourth Amendment rights. UAS use by the police may be conducted without a search warrant as long as it does not violate the Fourth Amendment. UAS Operators 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). A search warrant shall be obtained to conduct surveillance in airspace where an individual has a reasonable expectation of privacy.
- D. UAS use by the police may be conducted without a search warrant as long as circumstances would not violate the Fourth Amendment.
- E. When the UAS is being flown, operators will take steps to ensure the camera is focused on the areas necessary to the mission and to minimize the inadvertent collection of data about uninvolved persons or places. Operators and observers shall take reasonable precautions, such as turning imaging devices away, to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

V. Operational Procedures

- A. Flight crew requirement includes a pilot and shall include a visual observer.
- B. The UAS-certified member shall inspect, test, and conduct a pre-flight check list as required by the manufacture at the beginning of their tour of duty to verify the proper functioning and the airworthiness of all equipment associated with the UAS.
- C. UAS operators shall not fly over large crowds unless exigent circumstances exist or unless absolutely necessary for law enforcement purposes and approved by the onsite command officer. UAS operators shall avoid flying the devices over freeways unless absolutely necessary.
- D. Aviation Unit
 - 1. The helicopter pilot in charge has authority over the airspace they are operating in.

PAGE: 6 of 13	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
------------------	--	--------------------

2. UAS Pilot-in-Command shall follow the instruction of the helicopter pilot when operating near their airspace.
3. UAS Operators shall coordinate with the aviation unit by providing their flight area, their altitude ceiling, flight path, and any other pertinent or requested information.
4. UAS Operators will follow FAA regulation and guidance on remaining clear of crewed aircraft.

VI. UAS Administration: Member Responsibilities

A. UAS Operator

1. Shall operate the UAS within the guidelines of the FAA.
2. Shall maintain their FAA Part 107 certification.
3. Respond to request for a UAS operator as relayed via the Communication Control Section (CCS).
 - a. Assist on scene with an aerial view and communicate information to officers on scene that may be of importance.
4. Ensure the UAS and all related equipment are properly maintained as recommended by the manufacturer and functional at all times.
 - a. Complete and forward a Form-1 detailing any issues discovered with the UAS or related equipment.
5. Document flight information and follow data management procedures after each deployment.

B. Visual Observer

1. Responsible for assisting the Pilot-in-Command during UAS deployments by maintaining visual contact with the UAS.
 - a. Additional visual observers may be assigned as necessary to assist with and maintain a visual line of sight with the UAS.
 - b. If during the deployment the UAS malfunctions or crashes, they shall immediately notify the Pilot-in-Command of the location of the UAS.

C. Program Coordinator

PAGE: 7 of 13	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
------------------	--	--------------------

1. All policies and protocols shall be evaluated and approved by the Chief of Police or the Chief's designee. Program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices.
2. Coordinate the FAA Certificate of Waiver or Authorization (COA) application process and ensure that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for Division operations.
3. Ensure that all UAS operators and visual observers have completed all required FAA and Division approved training in the operation, applicable laws, policies and procedures regarding the use of the UAS.
4. Update and maintain uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
5. Coordinate the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
6. Update and maintain protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
7. Implement a system for public notification of UAS deployment.
8. Update and maintain 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.
9. Ensure UAS operators document all UAS deployments.
10. Update and maintain a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits. This protocol shall be included in the UAS procedure manual. Maintenance and record-keeping should also include expenditures such as purchase of new equipment and mechanical repairs
11. Update and maintain protocols to ensure that all data intended to be used as evidence are 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 ensure the authenticity and maintenance of a secure evidentiary chain of custody.

PAGE: 8 of 13	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
------------------	--	--------------------

12. Update and maintain protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
13. Facilitating law enforcement access to images and data captured by the UAS.
14. Recommend program enhancements, especially regarding safety and information security.
15. Ensure that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police and the Community Police Commission. This will include an annual report that covers all use of the UAS technology and breakdown of incident type during the previous year.
16. Establish and maintain a publicly available map on the Division website that shows the time, date and flight path of all UAS flights within 48 hours of each flight. This information shall also be included in the annual report, which shall be posted on the Division website.
17. Maintain familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.
18. Be responsible for reporting incidents as required by the FAA.

VII. UAS Administration: Supervisor Responsibilities

- A. Shall develop a uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
- B. Shall facilitate law enforcement access to images and data captured by UAS as allowable by department policy and/or City of Cleveland ordinance.
- C. Shall recommend and accept program improvement suggestions, particularly those involving safety and information security.
- D. Shall develop a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, and include this protocol in the UAS procedure manual.
- E. Shall develop a protocol for developing and documenting data for a cost-benefit analysis. This cost benefit analysis will include amount of UAS personal involved (operators and visual observers), UAS equipment utilized, suspect(s) located (e.g. gender, race and age) and the recovery of evidentiary items (e.g. firearms, clothing, vehicles, etc).
- F. Shall develop a protocol for documenting all UAS uses in accordance to this policy with specific regards to safeguarding the privacy rights of the community and include this in the UAS procedure manual and the annual UAS report. The UAS supervisor will develop an electronic record of time, location, equipment, purpose of deployment, and number of UAS

PAGE: 9 of 13	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
-------------------------	---	---------------------------

personnel involved. Whenever a deployment occurs, the UAS Operator will send notification/submit (either electronically or hard copy) to the UAS Supervisor to include the topics listed above. This protocol will allow the UAS supervisor to have a running log of all deployments and assist in the annual report.

- G. Shall monitor the adherence of personnel to the established procedures and shall provide an annual report on the program to the Chief of Police that contains a summary of authorized access and use.
- H. Upon completion of roll call, provide CCS a list of the units that are UAS staffed.
- I. If the assistance of the UAS would be advantageous to an incident, request a UAS operator through CCS.
- J. During deployment, ensure there is clear communication with the Pilot-in-Command.
- K. Respond to scene for accidents involving the UAS.
 - 1. Ensure the UAS Program Coordinator is notified through CCS.
 - 2. Request SIU to respond to the scene through CCS.
 - 3. Create a District/Bureau Investigation (DBI) using the Division tracking software for Damage to Division Property and forward the entry through the chain of command for a damaged UAS.
 - 4. Ensure all reports are completed.

VIII. Emergencies and Collisions

- A. UAS involved in a collision:
 - 1. The UAS requesting supervisor shall respond to the scene;
 - 2. The Visual Observer and Pilot in Command shall secure the scene and request EMS to respond if any individuals are injured;
 - 3. The on-scene Supervisor shall request SIU to respond and process the scene;
 - 4. UAS Pilot in Command shall contact the Program Coordinator before the end of the tour of duty via email;
 - 5. A "Damage to Property" incident report and any other applicable incident reports shall be completed;

PAGE: 10 of 13	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
--------------------------	---	---------------------------

6. The Visual Observer shall complete a Form-1 detailing what was observed and forward to the investigating supervisor;
7. The Program Manager shall report crashes that result in damage over five hundred (\$500) dollars, serious bodily injury, or death to the FAA and NTSB (Part 830) within ten (10) days of the accident;
8. The investigating Supervisor shall complete a District/Bureau Investigation (DBI) in the Division's tracking software and forward through the chain to their respective Deputy Chief within 5 days.

IX. Training

- A. Prior to any UAS use, unmanned Aircraft Operators shall complete required training conducted by the Division of Police that includes instruction on authorized use, prohibited use, Fourth Amendment requirements, data storage, access and sharing. Operators also must complete the Federal Aviation Administration training.
- B. FAA Part 107 certification is required prior to operating the UAS
 1. Licensing is required every two years.
- C. Recertification with the Division is required annually.
- D. UAS Operators shall at a minimum operate the UAS for eight (8) hours annually.

X. Captured Media

- A. All media captured during UAS deployments shall be categorized as established in Evidence.com. (Refer to General Police Order 4.06.04 Wearable Camera System).

XI. Data

- A. Data Collection
 1. The UAS Coordinator is responsible for overseeing retention and data collection.
 2. The video recording only function of the UAS shall be activated whenever the UAS is deployed, and deactivated whenever the UAS deployment is completed.
- B. Data Retention
 1. The UAS Coordinator is responsible for overseeing retention and data collection.
 2. Video recording collected by Division UAS shall be retained 30 days and deleted on the fifth day unless:

PAGE: 11 of 13	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
-------------------	--	--------------------

- a. The recording is needed for a criminal investigation; or,
- b. The recording is related to a City of Cleveland Police Department administrative investigation.

3. The Program Coordinator, under the guidance of and with approval of their supervisor, shall develop procedures to ensure that data are retained and purged in accordance with applicable record retention schedules.

C. Data Storage, Access, and Security

1. Members approved to access UAS equipment under these guidelines are only permitted to access the data for administrative or criminal investigation purposes.
2. Any data collected through a UAS deployment, including still and motion images, shall be uploaded to evidence.com, and stored and retained in accordance with the City of Cleveland retention schedule. Copies or files may also be saved for training purposes.
3. The UAS shall be stored in the issued carrying case in a locked armory or evidence room inaccessible to unauthorized personnel at the member's district/unit. The UAS and related equipment shall not be stored in a member's personal locker.
4. Requests for UAS data collected shall be made through a public records request as soon as the criminal/administrative investigation has concluded and/or been adjudicated.

D. Data Sharing

1. UAS systems deployed by the Division shall not share any data with any external organizations or other government entities via integrated technology.
2. UAS image and video data may be shared with other law enforcement, prosecutorial or defense entities for official law enforcement or legal purposes or as otherwise permitted by law, using a pre-structured, web-based form that requests the following information:
 - a) The name of the requesting agency.
 - b) The name of the individual making the request.
 - c) The basis of their need for and right to the information.
 - i. A right to know is the legal authority to receive information pursuant to a court order, statutory law, or case law.
 - ii. A need to know is a compelling reason to request information such as direct involvement in an investigation.

PAGE: 12 of 13	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
--------------------------	---	---------------------------

3. The request is reviewed by the Chief of Police or designee and approved before the request is fulfilled.

4. The approved request is retained on file and incorporated into the annual report.

XII. Accountability

- A. An electronic UAS log shall be maintained at the district/unit where the Pilot in Command (PIC) are assigned.
- B. The District or Unit OIC with control of the locked location shall maintain the log.
- C. Each time a UAS is placed in or removed from storage, an entry shall be made in the log.
- D. District and Unit OICs shall ensure accountability for all UAS at the beginning of their tour by making an entry of their initials, for their tour.
- E. The time, date and flight path of all UAS use will be publicly displayed on the Division's website within 48 hours of each flight.
- F. Public complaints of misconduct involving UAS shall be treated as all other public complaints. (see GPO 1.07.04)

XIII. Vehicle and Patrol Ready Transportation

- A. UAS transported in a vehicle shall:
 - 1. Be secured in a locked trunk.
 - 2. The UAS shall remain in the carrying case when not secured or actively deployed.
- B. The PIC shall verify the following procedures when returning the UAS to the storage case:
 - 1. A visual and physical inspection is completed to ensure the UAS is air worthy and no visible damage to major flight components are present;
 - 2. Members shall notify their immediate supervisor and the program coordinator if UAS equipment needs maintenance or repair;
 - 3. Alterations or repairs to the UAS or related equipment shall only be made by those authorized by the Chief of Police, or the Chief's designee;
 - 4. Members shall be held accountable for damage to the UAS sustained by improper handling, carelessness, and neglect or negligently allowing unauthorized persons to handle, tamper with, and repair the UAS or related equipment.

PAGE: 13 of 13	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
-------------------	--	--------------------

XIV. Issuance/Exchange/Inspection of UAS

- A. The Program Coordinator shall issue and exchange Division UAS and related equipment.
- B. The District or Unit OICs shall complete an inspection annually to ensure listed equipment is present and no defects are apparent.

THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.

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Homeland Operations
CPC