



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE:	CHAPTER: 4- Field Operations	PAGE: 1 of 9	NUMBER: 4.06.17
SUBJECT:	DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)		
CHIEF:			

PURPOSE: To outline guidelines for the operation, training, and storage of unmanned aircraft systems for the Cleveland Division of Police that will align with the laws, rules, and regulations of the U.S. Constitution and the Federal Aviation Administration.

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.

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.

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.

PAGE: 2 of 9	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
------------------------	---	---------------------------

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.

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. General Guidelines

- A. All deployments of Unmanned Aircraft Systems (UAS) must be specifically authorized by the Chief of Police or his or her designee.
- B. All UAS deployments shall be done by certified UAS Operators.
- C. Prior to deployment and while operating a UAS, members shall comply with all rules and regulations set forth by the Federal Aviation Administration (FAA).
- D. UAS shall be utilized to provide aerial/visual support in the following instances:
 - 1. Pre-planned missions and events,
 - 2. To respond to, survey, and document certain emergency situations,
 - 3. Exigent circumstances,
 - 4. Crimes scenes to provide an aerial view,
 - 5. Other circumstances as approved by the Chief of Police or his/her designee.
- C. UAS shall not be used:
 - 1. For any reason other than supporting official law enforcement and public safety operations,

PAGE: 3 of 9	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
-----------------	--	--------------------

2. To target any person or group based solely on individual characteristics such as, but limited to race, ethnicity, national origin, religion, disability, gender, gender identity, or sexual orientation,
3. Contrary to the manufacturer's specifications or instructions,
4. In any unsafe manner or in violation of FAA rules or regulations,
5. For any purpose prohibited by state or federal law, the U.S. Constitution, or applicable Executive Orders or Directives.

D. All deployments shall be properly documented as specified by the Program Coordinator.

II. Equipment Standards and Documentation

- A. The Cleveland Division of Police shall furnish UAS and related equipment needed for operation to the personnel that are certified to deploy the UAS.
 1. Non-authorized equipment is prohibited.
- B. UAS operators are responsible for the care and maintenance of the UAS.
- C. UAS operators 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.

III. Protection of Rights and Privacy

- A. UAS operators and observers shall ensure the protection of private individuals' civil rights and reasonable expectations of privacy before deploying the UAS.
- B. A UAS shall not be deployed in a manner that violates an individual's Fourth Amendment rights. A search warrant shall be obtained to conduct surveillance in airspace where an individual has a reasonable expectation of privacy.
- C. UAS use by the police may be conducted without a search warrant and not violate the Fourth Amendment so long as the aerial surveillance is done from a public, navigable airspace and in a non-physically intrusive manner, or over an open field.

IV. Operational Procedures

- A. Flight crew requirement includes a pilot and shall include a visual observer.

PAGE: 4 of 9	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
-----------------	--	--------------------

- 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 or freeways unless exigent circumstances exist.
- D. Aviation Unit
 - 1. The helicopter pilot in charge has authority over the airspace they are operating in.
 - 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

V. 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.

PAGE: 5 of 9	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
-----------------	--	--------------------

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

1. All policies and protocols shall be evaluated and approved by the Chief of Police or designee.
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 request to deploy a UAS, including urgent request 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.

PAGE: 6 of 9	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
-----------------	--	--------------------

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.
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.
16. Maintain familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.
17. Be responsible for reporting incidents as required by the FAA.

VI. Supervisor Responsibilities

- A. Upon completion of roll call, provide CCS a list of the units that are UAS staffed-
- B. If the assistance of the UAS would be advantageous to an incident, request a UAS operator through CCS.
- C. During deployment, ensure there is clear communication with the Pilot-in-Command.
- D. 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.

PAGE: 7 of 9	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
-----------------	--	--------------------

VII. Emergencies and Collisions

- A. UAS involved in a collision:
 - a. The UAS requesting supervisor shall to respond to the scene.
 - b. The Visual Observer and Pilot in Command shall secure the scene and request EMS to respond if any individuals are injured.
 - c. The on scene supervisor shall request SIU to respond and process the scene.
 - d. UAS Pilot in Command shall contact the Program Coordinator before the end of the tour of duty via email.
 - e. A Damage to Property incident report and any other applicable incident reports shall be completed.
 - f. The Visual Observer shall complete a Form-1 detailing what was observed and forward to the investigating supervisor.
 - g. 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.
 - h. 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.

VIII. Training

- A. Unmanned Aircraft Operators shall complete the required training conducted through the Division of Police and the Federal Aviation Administration prior to any operation of the UAS.
- 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.

IX. 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).

PAGE: 8 of 9	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
-----------------	--	--------------------

X. Storage

- A. 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.
- B. The UAS and related equipment shall not be stored in a member's personal locker.
- C. Accountability
 1. An electronic UAS log shall be maintained at the district/unit where the Pilot in Command (PIC) are assigned.
 2. The District or Unit OIC with control of the locked location shall maintain the log.
 3. Each time a UAS is placed in or removed from storage, an entry shall be made in the log.
 4. 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.
- D. Vehicle and Patrol Ready Transportation
 1. UAS transported in a vehicle shall:
 - a. Be secured in a locked trunk.
 - b. The UAS shall remain in the carrying case when not secured or actively deployed.
 2. The PIC shall verify the following procedures when returning the UAS to the storage case:
 - a. A visual and physical inspection is completed to ensure the UAS is air worthy and no visible damage to major flight components are present.
 - b. Members shall notify their immediate supervisor and the program coordinator if UAS equipment is in need of maintenance or repair.
 - c. Alterations or repairs to the UAS or related equipment shall only be made by those authorized by the Chief of Police, or their designee.
 - d. 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: 9 of 9	SUBJECT: DIVISION UNMANNED AIRCRAFT SYSTEMS (UAS)	NUMBER: 4.06.17
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XI. 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.

XII. Data

- A. Any data collected through a UAS deployment, including still and motion images, shall be stored and retained in accordance with the City of Cleveland retention schedule. Copies or files may also be saved for training purposes.
- B. The UAS Coordinator is responsible for overseeing retention and data collection.
- C. Request for UAS data collected shall be made through a public records request.

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