

**POLICY
908**

**EFFECTIVE
DATE
4-24-19**

**Eugene
Police Department**



Drone Team

908.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Small Unmanned Aerial Systems (sUAS / Drones). This policy should be used in conjunction with all other applicable policies and procedures including: *Procedure 3.17 – Video Recording and Monitoring of Events, Procedure 3.23 – Field Photographs and Digital Images, Procedure 1.2 – Outside Agency Assistance, Policy 1104 – Evidence and Property Handling.*

908.2 POLICY

Drones, also referred to as Small Unmanned Aerial Systems (sUAS) may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or may be less effective. All drone operations will be in accordance with; Constitutional and privacy rights, Federal Aviation Administration (FAA) regulations, and Oregon Revised Statutes listed in section 908.5.

908.3 DEFINITIONS

Small Unmanned Aerial System (sUAS) / Drone – An unmanned aircraft of any type (weighing less than 55 pounds) that is capable of sustaining directed flight, whether preprogrammed 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 purposed of this policy, a UAS includes a drone, as defined by ORS 837.300.

Remote Pilot in Command (PIC) – The PIC is a Eugene Police Employee who has obtained and maintains a valid remote pilot airman certificate in compliance with all Federal Aviation Regulations. The PIC is responsible for the complete and overall operation of any UAS flight they command.

Visual Observer (VO) – A Eugene Police Employee who conducts flight operations to support police UAS missions. The VO will be trained by police employees (PIC) who have obtained and maintain valid remote pilot airman certificates in compliance with all federal aviation regulations.

908.4 PRIVACY

The use of Drones involves privacy considerations.

- a. Drone operations will be conducted in accordance with all laws and regulations, including Federal, State and Local.
- b. PIC's 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 Drone operations.
- c. Use of facial recognition technology during drone operations is prohibited.

908.5 REQUIREMENTS FOR USE

- a. Only authorized operators who have completed the required training (including FAA Part 107 Remote Pilot Certification) shall be permitted to operate department drones. Non-certified team members may operate drones for training purposes under the supervision of a certified team member.
- b. The drones shall only be operated in accordance with Part 107 regulations.
- c. 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 protected privacy interest or when in compliance with a search warrant, court order, or exigent circumstances. In all other instances, legal counsel should be consulted.
- d. Drones shall be flown in accordance with the following Oregon Revised Statutes;
 - 1. ORS 837.300 – Definitions
 - 2. ORS 837.310 – Restrictions
 - 3. ORS 837.320 – Authorized Use Upon Issuance of Warrant
 - 4. ORS 837.330 – Written Consent
 - 5. ORS 837.335 – Search and Rescue
 - 6. ORS 837.340 – Criminal Investigations
 - 7. ORS 837.345 – Training
 - 8. ORS 837.360 – Restrictions
 - 9. ORS 837.365 – Weaponized Unmanned Aircraft Systems (Prohibited)

908.8.5.1 Drones shall only be operated by EPD:

- a. Pursuant to a valid warrant authorizing its use (ORS 837.320).
- 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 (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, 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 (ORS 837.335).
 - 1. A report shall be prepared documenting the factual basis for the belief.

2. Within 48 hours of the emergency, a sworn statement shall be filed with the circuit court describing the nature of the emergency and the need for the use of the UAS.
- f. During a state of emergency declared by the Governor, if:
 1. The drone 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 drone is operated only in the geographical area specified in the Governor's proclamation.
 - g. For the purpose of reconstructing a crime scene, or a similar physical assessment, that is related to a specific criminal investigation, as provided by ORS 837.340. Under this statute, the operations may not exceed 5 days.
 - h. For the purpose of training in the use and acquisition of information, as provided in ORS 837.345.

908.6 OPERATIONS

The Eugene Police Drone Team shall adopt, and utilize the finalized *COE Unmanned Aerial System Operations Manual*.

908.7 SAFETY

Safety of drone operations is of utmost concern. The safety of all operations should be considered during every flight. Part 107 requirements must be followed at all times, as well as safety requirements as outlined in the *COE Unmanned Aerial System Operations Manual*

908.8 PROHIBITED USE

908.8.1 Drone video surveillance equipment shall not be used to:

- a. Conduct random surveillance activities.
- b. Target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation, housing status, or source of income.
- c. Harass, intimidate, or discriminate against any individual or group.
- d. Conduct personal business of any type.

908.8.2 Drones shall not be weaponized (ORS 837.365).

908.9 REMOTE PILOT CERTIFICATION

All members of the EPD Drone team shall obtain, and maintain, a Part 107 Remote Pilot Certificate through the FAA. Each member will be required to obtain certification within two months of being selected for the team.

908.10 UAS TEAM CONFIGURATION

Due to the vast array of operational uses, and to avoid overwhelming one work unit with requests from many other units, the drone team may consist of a variety of individuals with specialized skills.

908.11 EQUIPMENT

In order to maintain transparency, all drones will be clearly marked to maximize visibility with:

- a. City of Eugene and/or EPD name and logo.
- b. Red and blue anti-collision lights. Red and Blue lights should be used in addition to FAA required lighting, depending on the circumstances. Lights may not be used in rare circumstances where covert operations are necessary to preserve the integrity of an investigation or when required for officer safety related concerns.

908.12 OPERATIONAL REPORTING

Each mission will be documented with a flight log.

908.13 DATA RECORDING

Video recordings and photos will only be taken during missions where there is a reasonable expectation that the data will contain evidentiary value, or in situations where it may provide transparency of police department operations.

Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner digital content captured by drone operations without prior written authorization from the Chief of Police, or designee.

908.14 RETENTION AND RELEASE OF UAS DATA

All evidentiary data will be maintained in accordance with established EPD evidence handling and retention standards.

Chris Skinner
Chief of Police