



PORTAGE DEPARTMENT OF PUBLIC SAFETY POLICY AND PROCEDURE		ORDER NO. 200-86
SUBJECT: Drone Guidelines		
EFFECTIVE DATE September 17, 2018	DISTRIBUTION AP	NEW <input type="checkbox"/> AMENDED <input type="checkbox"/> REVISED <input checked="" type="checkbox"/> March 20, 2020 REVIEWED <input type="checkbox"/>
ISSUED BY: <i>Nicholas J. Arnold</i> Nicholas J. Arnold, Public Safety Director		REPLACES: CALEA:

- I. Purpose
- II. Policy
- III. Definitions
- IV. General Regulations
- V. Operational and System Requirements
- VI. Flight Operations and Operational Control
- VII. Training Requirements
- VIII. Privacy
- IX. Image Retention and Documentation
- X. Distribution of Recordings to Outside Agencies or Persons
- XI. Standard Maintenance

I. PURPOSE

The purpose of this policy is to establish the guidelines for the safe and legal use of small Unmanned Aircraft Systems (sUAS) by the Portage Department of Public Safety.

II. POLICY

The small Unmanned Aircraft System, also known as a “drone,” is utilized as a resource by the Portage Department of Public Safety to protect lives, safeguard property, document incident scenes and detect danger that could not otherwise be seen.

The operation of Public Safety sUAS shall be conducted in a legal and constitutional manner and is required to comply with current state and federal regulations, specifically Federal Aviation Administration (FAA) Title 14 of the Code of Federal Regulations (14 CFR) Part 107, small Unmanned Aircraft Systems, and City of Portage Administrative Order.

III. DEFINITIONS

- A. **Certification (Certificate) of Authorization (COA):** Certificate given by the Federal Aviation Administration which grants permission to fly within specific boundaries and perimeters. Training flights cannot take place without a valid training and evaluation period.
- B. **Federal Aviation Administration (FAA):** The agency of the United States Department of Transportation responsible for the regulation and oversight of civil aviation within the United States, as well as operation and development of the National Airspace System.
- C. **Visual Observer (VO):** A person acting as a flight-crew member who assists the PIC and the person manipulating the controls to see and avoid other air traffic or objects aloft or on the ground.
- D. **Remote Pilot-in-Command (PIC):** The authorized person responsible for all small Unmanned Aircraft System flight operations and equipment on the ground.
- E. **Small Unmanned Aircraft System (sUAS or drone):** An UA weighing less than 55 pounds, including everything that is onboard or otherwise attached to the aircraft, and can be flown without the possibility of direct human intervention from within or on the aircraft.
- F. **Part 107:** Federal Aviation Administration (FAA) Title 14 of the Code of Federal Regulations (14 CFR) Part 107, Small Unmanned Aircraft Systems.
- G. **sUAS Program Administrator:** Director of Technology Services for the City of Portage.

IV. GENERAL REGULATIONS

- A. Public Safety drone must be registered with the FAA and covered by City of Portage insurance.
- B. The drone shall only be operated by Public Safety personnel who have been authorized, certified and trained in the safe operation of the sUAS. Specifically, an operator must hold a Remote Pilot Airman Certificate and be authorized to conduct flight operations by the sUAS Program

Administrator and Director of Public Safety. All drone operators will complete any FAA mandated certification and training prior to drone operation.

- C. Flight operations are restricted to city limits, unless otherwise approved by the sUAS Program Administrator, or unless mutual aid is requested.
- D. Public Safety flight operations will be conducted as public flights under the COA, which must be successfully obtained and renewed by the department.
- E. Unless special authorization is provided by the sUAS Program Administrator, Public Safety flight operations are restricted to those listed in Section V. – Flight Operations.
- F. Drone operations may be conducted at night under the provisions set forth in the COA, Section E. Night small UAS Operations.
- G. The PIC will submit required documentation of each flight operation to the sUAS Program Administrator within seven days of the flight operation. Documentation of all public flight operations must also be reported on a monthly basis to the FAA online system: **[caps.faa.gov](https://www.faa.gov/caps)**.
- H. The PIC shall not pilot more than one drone at any time. The drone shall not be operated in a manner that presents any undue risk to persons or property on the ground or in the air. The PIC is authorized to refuse any flight request based on current weather conditions, crowd conditions or for any other safety concerns. While the drone is in flight, the PIC is authorized and is responsible for making all decisions regarding the use of the drone. The PIC may deviate from the requirements of Part 107 and the COA in response to an in-flight emergency.
- I. The drone must remain within visual line-of-sight (VLOS) of the operator and visual observer. The drone must remain close enough for the operator to see the sUAS with vision, unaided by any device other than corrective lenses (i.e. eyeglasses or contact lenses).
- J. The PIC will immediately report all incidents resulting in property damage or injury to the sUAS Program Administrator, department head, Human Resources Department and to the FAA as required by Part 107 or COA regulations.
- K. The PIC will have the appropriate City and Remote Pilot Airman Certification credentials on their person while conducting flight operations and be easily identified by the general public as a Public Safety employee.

- L. The PIC will maintain a binder containing the following documents and have it available during each flight operation:
1. Drone certificate of registration
 2. Remote Pilot Airman Certification
 3. COA/COW, Administrative Order, Department Policy
 4. Flight Operation Plan
 5. Hardcopy of Packing Checklist, Pre-Flight Checklist, Post-Flight Checklist and In-Flight Incident Form.
- M. The PIC must have the following equipment onsite for a drone flight:
1. Fire extinguisher
 2. First aid kit
 3. Two-way communications with VO
 4. Public Safety – Drone Operator Vest
 5. Smart phone/device, with the following management and reporting applications installed:
 - NOTAM and METAR checks
 - Skyward or Airmap (for immediate COW request approval)
 6. The following requires sUAS Program Administrator approval:
 - departmental policies
 - purchases
 - drone registrations and insurance
 - COA and COW submissions
 - PIC authorizations
 - training materials and processes
 - flight requests that are not listed under section V. b.
 - drone equipment attachments

V. OPERATIONAL AND SYSTEM REQUIREMENTS

- A. The drone is assigned to the Senior Deputy Police Chief - Operations, or his/her designee. The drone will be stored at a predetermined secure location.
- B. The operation of the sUAS may be authorized for the following:
- documentation of crime and vehicle collision scenes
 - hazardous material (HAZMAT) incidents
 - search and rescue operations
 - barricaded subjects/Special Weapons and Tactics (SWAT) Team call-outs
 - disaster responses
 - searches for fleeing suspects
 - training
- C. PIC duties include, but are not limited to, the following:
1. Maintaining a current FAA Unmanned Aircraft Operator Certificate, completing a biennial flight review and successfully passing a recurrent aeronautical knowledge test for a Remote PIC holding an Unmanned Aircraft Operator Certificate.
 2. Maintaining current awareness of all pertinent drone agency requirements, FAA regulations and other drone regulatory data bearing on the performance of their duties.
 3. Flight planning and preparation, including pre-flight inspections of the drone and its equipment, in addition to a weather briefing.
 4. Performing tasks assigned by the Senior Deputy Police Chief – Operations, or designee, KM-SWAT Team Leader or Incident Commander (IC).
 5. Flight operations, including course, air speed, altitude and duration, landing zone selection, minimum flight approvals and landing judgments with regards to weather or other criteria. The sUAS

should not exceed air speeds of 100 miles per hour (MPH) or an altitude of 400' above ground level.

6. Timely reporting of new or previously unknown hazards encountered.
7. Post-flight inspection, to include verifying that batteries are recharged and the sUAS is ready for the next mission.

VI. FLIGHT OPERATIONS AND OPERATIONAL CONTROL

A. Remote Pilot-in-Command (PIC)

There will only be one PIC at any given time, and they will exercise final responsibility and authority for the safety of the drone, personnel and equipment during flight operations.

B. Flight Requests

Public (Public Safety) flight operations do not require sUAS Program Administrator approvals, but are restricted to the authorized flight operations as outlined within this policy and in conjunction with all pertinent City of Portage Administrative Orders.

C. Requests for Assistance by Outside Agencies

It is the policy of the Portage Department of Public Safety to respond to requests for assistance from outside agencies. The guidelines below will assure that other police agencies do not act to compromise the interests of the City of Portage. The following procedures will be followed:

1. Supervisory approval will be obtained prior to a drone being utilized by an outside agency.
2. Upon arrival at the scene of the call and prior to the commencement of any flight, contact the highest ranking officer on the scene and ascertain from this officer the full facts surrounding the request.
3. Arrange proper interoperability radio communication with the requesting agency.
4. All applicable reports relating to the deployment will be completed in accordance with Portage Department of Public Safety policy.
5. All Portage Department of Public Safety Policy and Procedural Orders apply and will take precedence over the requesting agencies protocols.

D. Pre-Flight Inspections/Checklists

Prior to any flight, the PIC is responsible for pre-flight inspections of the aircraft according to the pre-flight checklist. Any issues found by the PIC will be fixed before a flight is conducted.

1. *Pre-Flight Packing List:* PIC will check the pre-flight packing list to ensure all necessary equipment has been packed.
2. *Pre-Flight Checklist:* PIC will conduct a preflight inspection to include specific aircraft and control station systems checks; to ensure the sUAS is in a condition for safe operation.

E. Flight Plan and Weather Briefing

1. Drone flights shall only take place after the PIC has conducted a thorough assessment of risks associated with the flight. This risk assessment shall include, but is not limited to, the following:
 - a. Weather conditions relative to the performance capability of the drone.
 - b. An identification of normally anticipated failure modes (i.e. lost link, power failures, loss of control, etc.) of the drone and the consequences of these failures.
 - c. The PIC and Observer fitness for flight operations.
 - d. Overlying airspace, compliance with FAA regulations as appropriate to the operation and any unusual procedures anticipated.
 - e. Communication, command, control and payload frequency requirements.
 - f. The reliability, performance and airworthiness of the drone in order to meet established standards.
2. PIC will review the flight plan and emergency procedures with the flight crew.
 - a. PIC will check the Meteorological Terminal Aviation Routine Weather Report (METAR).
 - b. PIC will review the most current KAZO Chart Supplement to determine operating hours and class of airspace.

- c. PIC will review the UASFM to ensure the operation will be conducted within the prescribed altitude limits for the designated area of operations.
- d. Routine (non-emergency) flight operations conducted under the COA must include the filing of a Distant Notice to Airmen (NOTAM) by contacting the NOTAM Flight Service Station at 1-877-4-US-NTMS (1-877-487-6867). PIC must cancel the NOTAM when UAS operations are completed or will not be conducted. For emergency management operations, the Distant NOTAM notification requirement may be issued as soon as practical before flight and if the issuance of the Distant NOTAM is not issued, the proponent must be prepared to provide justification to the FAA upon request.
- e. PIC will create a safe flight operation perimeter, alert nearby people of the flight operation and present PIC/COP credentials as necessary.
- f. Requests to operate in an area outside the approved operating area of the COA should be limited to emergency/life threatening operations. Coordinate these flights through the Special Government Interest (SGI) process by calling the SOSC at (202) 267-8276 or email: 9-ATOR-HQ-SOSC@faa.gov. Otherwise, Public Safety flight operations conducted outside the approved operating area of the COA will be conducted under Part 107, which requires KAZO Air Traffic Control approval, accomplished immediately through the Skyward or Airmap web application.
- g. PIC shall obtain authorization from the appropriate authority for any operations that may result in launching/or landing from lands or waters administered by a Federal, State or Public agency (e.g. National Parks, State Parks, Wilderness Area and Wildlife Refuge, etc.).

F. In Flight Operations

- 1. The PIC and VOs shall identify themselves to the public as city employees and present their PIC credentials as requested. The PIC and VOs shall practice situational awareness at all times, which includes maintaining unaided Visual Line of Site (VLOS), practicing “see and avoid” of all ground and air hazards, maintaining unbroken communications with other flight operation participants and listening to the local ATC CTAF as required by the COA.

While the drone is in flight, the PIC is directly responsible for, and is the final authority as to, the safe operation of the drone during flight operations authorized and is responsible for making all decisions regarding the use of the drone including, but not limited to, the following:

- a. Direction of the drone
- b. Duration of the flight time
- c. Capabilities of the drone
- d. Maximum load allowance
- e. Use of affixed certified equipment
- f. Allowance or advisability of affixing additional personal or departmental equipment.

G. Post Flight

1. A post-flight inspection will be conducted by the PIC according to the required post-flight checklist.
2. The Senior Deputy Police Chief – Operations, or designee, is responsible for making sure all checklists are up-to-date for each drone.

H. Contingency and Emergency Procedures

1. All flight personnel will be thoroughly familiar with emergency procedures and their specific duty assignments.
2. The PIC must have a contingency plan that includes an alternate landing/recovery site to be used in the event of an abnormal condition that requires a precautionary landing away from the original launch location. The PIC must follow the “Lost Link Emergency/Contingency Procedures” as outlined in Section I of the COA.
3. In the event of an emergency involving the safety of persons or property, the PIC may deviate from the procedures of this directive relating to aircraft, equipment and weather conditions, to the extent required during the emergency. The PIC shall properly document deviations as a result of emergency procedures as per the sUAS Program Administrator and FAA requirements.

4. In the event of an emergency fly-away, the PIC will immediately contact the appropriate ATC.
5. The drone “Fly Home” feature must be configured and tested prior to each flight for use in the event of an in-flight emergency.

I. Authority

1. The Director of Public Safety or designee has the following authority:
 - a. Ensuring compliance with City and Department drone policies.
 - b. Selection of personnel for Pilot-in-Command (PIC)
2. The Remote PIC has the following authority.
 - a. Initiating the flight only when they are confident that the flight can be conducted safely.
 - b. Verifying that there is a Certificate of Authorization (COA) from the FAA to conduct flights in the national airspace.
 - c. If a search warrant is required to fly the drone during a deployment, the PIC is responsible for reviewing the search warrant.
3. The Visual Observer (VO) has the following authority:
 - a. The VO is responsible for “see-and-avoid” operations of the aircraft. The VO will maintain contact with the PIC and communicate any obstacles that the drone may encounter.
 - b. When the flight becomes a hazard to ground personnel or other aircraft, the VO will immediately notify the PIC.
 - c. During any phase of the flight, if the VO notices a malfunction with the drone they will notify the PIC who will immediately terminate the flight.
 - d. The VO is responsible for all radio communications with Air Traffic Control.
 - e. The VO is responsible for the law enforcement aspect of the deployment.

- f. The VO will operate any attachments to the drone, allowing the PIC to maintain complete focus on the operation of the drone.

J. Media

No member, regardless of involvement in an emergency situation, will make any statements to the general public or the media regarding drone operations without the approval of the Director of Public Safety or designee.

K. Accident Reporting

1. Any accident resulting in serious injury to any person or any loss of consciousness or damage to any property greater than \$500 in repairs/replacement must be reported to the FAA within 10 days of the operation.
2. Any accident involving the operation of the sUAS shall be reported to the sUAS Program Administrator, Public Safety Director and Human Resources Director within 24 hours.

VII. TRAINING REQUIREMENTS

- A. Proficiency and Annual Check Performance standards shall be evaluated in accordance with the maneuvers and procedures listed in the FAA Pilot Training Standards (PTS) for Small Unmanned Aircraft Regulations and the COA for the drone. Additional training may be required by the sUAS Program Administrator.
- B. If required, a FAA-designated flight examiner may conduct a proficiency flight test as often as the FAA deems necessary for safe flights of the drone.
- C. All drone-trained officers shall maintain their PIC and VO credentials. Officers who do not have any documented training or flight time within a span of 30 days shall not assume the role of a Remote PIC during a deployment or exercise.
- D. Recurrent training is not limited to actual PIC skills, but includes knowledge of all pertinent drone/aviation matters.
- E. The Senior Deputy Police Chief - Operations, or designee, is responsible for the standardization of flight crews and aircraft operations. The primary means for accomplishing a standardization program will be through the use of initial and recurrent training and flight proficiency checks. These

flight checks are essential so a high level of competency and uniformity exists in flight inspection operations.

VIII. PRIVACY

- A. The drone shall not be used for the purpose of investigative surveillance. The PIC shall make every effort not to record locations and persons that are not the subject of the mission. This effort is an attempt to protect the individual privacy of members of the public who are not involved in the incident.
- B. The sUAS program shall adhere to all local, state and federal laws regarding individual privacy. Improving public awareness and education on the operation of the sUAS are ongoing goals of the Department.
- C. See the City of Portage – Small Unmanned Aircraft Systems Privacy Policy

IX. IMAGE RETENTION AND DOCUMENTATION

- A. All video and still recordings shall be downloaded at the conclusion of the mission and submitted in accordance with existing property and evidence handling policies. All of the recordings shall be retained pursuant to federal, state and local records retention schedules.
- B. A log shall be maintained for each incident when a drone is utilized, which includes the following:
 - The date(s) and time(s)
 - Location(s) of the flight(s)
 - The reason(s) for the deployment(s)
 - The result(s) of the mission(s)
- C. Regular, random audits shall be conducted to verify that the drone is being utilized pursuant to the procedures outlined in this policy and procedure. Recordings and logs shall be reviewed by the Senior Deputy Police Chief – Operations, or designee.
- D. The drone should have the ability to capture individual and cumulative flight times.

X. DISTRIBUTION OF RECORDINGS TO OUTSIDE AGENCIES OR PERSONS

- A. Recordings generated on department owned equipment are the property of the Portage Department of Public Safety. Copying or reproducing any recording, or segment of any recording, generated by the Portage Department of Public Safety, or the removal of any recording outside of the Portage Department of Public Safety, without the written authorization of the Director of Public Safety or designee, is prohibited.
- B. Open record requests for copies of recordings from persons or agencies outside of the Portage Department of Public Safety shall be directed, in writing, to the Records Division. Open records requests submitted by the media shall be directed, in writing, to the Records Division. Any parts of a recording that infringe on an individual's privacy rights or which may compromise an investigation may be redacted.
- C. Recordings provided to persons or agencies outside the Portage Department of Public Safety shall be duplicated on new media and will be provided by the department for a reasonable fee.
- D. Only that portion of a recording which contains a specific contact in question may be reproduced. When any recording, or any portion of a recording, is to be reproduced for use by an outside person or agency, the officer who generated the video will be notified, in writing, by the Director of Public Safety or designee, of the planned reproduction.
- E. Nothing in this section prevents officers from securing or releasing copies of drone recordings to the United States Attorney's Office, Kalamazoo County Prosecuting Attorney's Office or Office of the City Attorney for official purposes.

XI. STANDARD MAINTENANCE

- A. Public Safety drones are to be flown at least once each month to test flight worthiness and ensure that all software and firmware upgrades have been applied and all batteries are fully charged.
- B. All identified maintenance issues are to be reported to the sUAS Program Administrator and entered in the maintenance log.
- C. Public Safety drone shall not be flown until the maintenance issues have been fixed.