



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 (CPC)</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 must, at a minimum, align with privacy rights and the laws, rules, and regulations of the U.S. Constitution and the Ohio Constitution, the Federal Aviation Administration (FAA) and other federal regulations, state laws and regulations and local policies. The Division affirms its commitment to protecting the freedom of speech and the right to peaceably assemble under the U.S. Constitution. Furthermore, as outlined in [GPO 4.07.01 – Crowd Management](#), the Division shall place only those limitations and restrictions on demonstrations necessary to maintain public safety and order while facilitating free speech, commerce and freedom of movement.

POLICY: **It is the policy of the Cleveland Division of Police (CDP)** 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, provided such efforts do not invade a person’s reasonable expectation of privacy nor their right to be secure against unreasonable search and seizure.

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.

Blackout Mode – Also referred to as “stealth mode,” in this setting the device’s LED, RBG, infrared, thermal, and other electronic markers are turned off, although the system is otherwise fully operational and able to capture and record data.

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

Certificate or Certification – means the remote pilot certificate issued by the Federal Aviation Administration (FAA) pursuant to FAA Regulations Part 107 that demonstrates an understanding of the regulations, operating requirements, and procedures for safely using UAS and flying UAVs.

Collision – means when the UAV physically impacts a person or property in a manner that results in injury to such person or property.

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Federal Aviation Administration (FAA) – the agency of the United States 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 for civil aviation.

Flight Crew – consists of at least a Pilot-In-Command and a Visual Observer and may consist of multiple pilots and observers.

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

Pilot – Division member who holds a Certificate and manipulates the controller to operate the UAV.

Pilot-In-Command (PIC) – Division member who holds a Certificate and has the final authority and responsibility for operation and safety of a 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 system of powered, aerial Unmanned Aerial Vehicles (UAV) that carry or are equipped with a device that, in analog, digital, or other form, gathers, records, or transmits a sound or image, does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely.

Unmanned Aerial Vehicles (UAV) - is colloquially known as a drone. It is 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 member of the Flight Crew (i.e., the remote PIC, person manipulating the controls, and Visual Observers) who 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 who is trained and assigned the responsibility of assisting the Pilot during deployment of the UAS.

PROCEDURES:

I. General Pre-Deployment & Deployment Requirements

- A. The UAS-certified member shall inspect, test, and conduct a pre-flight checklist as required by the manufacture and approved by the Division at the beginning of their tour of duty to verify the proper functioning and the airworthiness of all equipment associated with the UAS.

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- B. Prior to UAS deployment, alternatives to deployment, based on a totality of circumstances, shall be considered.
- C. Prior to deployment and while operating a UAS, members must comply with all rules and regulations set forth by the Federal Aviation Administration (FAA).
- D. All UAS deployments shall include a Flight Crew that has completed the required training and/or possess the required certifications.
- E. All deployments of a UAS shall be specifically authorized by this policy, as described below.
- F. All deployments of a UAS shall be properly documented as specified in Section V herein.
- G. UAS and crew may be called to any scene at the discretion of the Officer in Charge and held in reserve. Use of the UAV on scene is subject to the conditions herein.
- H. UAS may be deployed in Blackout Mode only when a search warrant has been obtained prior to deployment.

II. Pre-Authorized Use of UAS

- A. The Officer-in-Charge and/or Incident Commander of the scene shall have pre-authorized discretion to use the UAS 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. classroom and scenario-based training;
 - 8. Situations that present an imminent risk to officer and/or public safety, including, but not limited to:
 - a. Barricaded suspects;

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- b. Fleeing suspects;
 - c. Domestic Violence with injuries or weapons reported;
 - d. Hostage situations;
 - e. Armed suicidal persons;
 - f. Service and effectuation of high-risk search and arrest warrants involving armed and/or dangerous persons;
 - g. Arrest of armed and/or dangerous persons; and
9. Other uses specifically authorized by court approval or warrant.

III. Situations Requiring Additional Command Approval of UAS

- A. The Officer-in-Charge and/or Incident Commander of the scene shall seek approval from the Chief or the Chief's Designee at the rank of Commander or above prior to deployment of a UAS in any circumstances not set forth in Section above titled "Pre-Authorized Use" .
- B. The Chief or Chief's Designee at the rank of Commander or above may authorize deployment of a UAS in any of the following circumstances:
 1. As part of a written Incident Action Plan (Safety Plan) for outdoor public events, subject to the prohibitions found in Section IV of this Police Order;
 2. Operational pre-planning for serving and subsequent effectuation 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;
 3. Other circumstances, including flying over large crowds, where there is probable cause that a crime is being or has been committed or where public safety is being endangered that would meet the requirements for a warrantless search under the Fourth Amendment (GPO 2.02.02); or

IV. Prohibited Use

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- A. UAS not transmit any data except between UAVs and to the Real Time Crime Center.
- B. UAS will not be equipped with any weapon systems or automated analytics capable of identifying groups or individuals, including but not limited to facial recognition or gait analysis.
- C. UAS will not be used for any reason other than supporting official law enforcement and public safety operations, as authorized herein. The following is a non-exhaustive list of activities that are strictly prohibited:
 - 1. Conducting surveillance of individuals or groups within public demonstrations, other large gatherings or for crowd control;
 - 2. Targeting 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;
 - 3. Harassing, intimidating, or discriminating against any individual or group;
 - 4. Conducting personal business, personal transactions or personal activities of any type;
 - 5. Uses contrary to the manufacturer's specifications or instructions;
 - 6. In any unsafe manner or in violation of FAA rules or regulations; and
 - 7. For any purpose prohibited by local, state or federal laws, rules or policies, the U.S. Constitution, or applicable Executive Orders or Directives.

V. Equipment Standards and Documentation

- A. The Division will furnish UAS and related equipment needed for operation to Flight Crews authorized to deploy the UAS.
- B. Non-authorized equipment, including personal, non-Division equipment provided by or to members of the Division, is prohibited.
- C. Flight Crews are responsible for the care and maintenance of the UAS. They will ensure the equipment is in a condition for safe operation before deployment.
- D. If a UAS unit is damaged or malfunctioning, it will be reported to the Program Coordinator or designee.

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- E. Flight Crews will record all mission deployment details from each UAS deployment onto a flight log, which will be submitted to the Program Coordinator and kept on file for FAA records purposes.

VI. Protection of Rights and Privacy

- A. Pilots and Visual Observers shall ensure the protection of private individuals' civil rights and their reasonable expectations of privacy under the U.S. Constitution before deploying the UAS. Officers shall be aware that the use of UAS to search a specified property or observe activity in an area where someone has a reasonable expectation of privacy constitutes a search and may only be conducted in accordance with all applicable laws and the regulations of this department (*See [GPO 2.2.04 – Warrant Service](#)*).
- B. UAS shall not be used in any way that violates an individual's Fourth Amendment rights regarding surveillance, search, and seizure. The Division may operate a UAS without a search warrant as long as it does not infringe on these rights or violate any relevant federal, state, or local laws or regulations, or any CDP policy. A search warrant shall be required for surveillance in areas where individuals have a reasonable expectation of privacy, such as over residences, yards, or enclosures. Without a valid warrant, Flight Crews shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy.
- C. When a UAS unit is being flown, UAS Pilots and Visual Observers will take steps to ensure the camera is focused on the areas necessary to the mission and to minimize the inadvertent collection and transmission of data about uninvolved persons or places. When images, data and information of uninvolved persons or places are recorded, captured or transmitted, they will be deleted within thirty days, at most, in compliance with City of Cleveland retention schedule.

VII. Joint Airspace Procedures

- A. The following shall apply when multiple CDP air operations occur simultaneously:
 1. The helicopter pilot in charge has authority over the airspace they are operating in;
 2. For the purpose of navigation and safety, the UAS Pilot-in-Command will follow the instruction of the helicopter pilot when operating near the helicopter's airspace. The helicopter pilot will not assume broader responsibility to make decisions regarding any aspects of authorized use;
 3. Flight Crews shall coordinate with the aviation unit by providing their flight area and path, their altitude ceiling, and any other pertinent or requested information; and
 4. Flight Crews will follow FAA regulation and guidance on remaining clear of crewed aircraft.

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VIII. UAS Administration: Member Responsibilities

A. Pilots shall be responsible for:

1. operating the UAS within the guidelines of the FAA;
2. maintaining their Certificate;
3. responding to requests for a Pilot as relayed via the Communication Control Section (CCS);
4. assisting on scene with an aerial view and communicating information to officers on scene that may be of importance;
5. ensuring the UAS and all related equipment are properly maintained as recommended by the manufacturer and functional at all times;
6. completing and forwarding a Form-1 detailing any issues discovered with the UAS or related equipment; and
7. documenting flight information and following data management procedures after each deployment, including the uploading of any data collected through a UAS deployment to evidence.com as described in section XI.C.2 in this police order.

B. Visual Observer shall be responsible for:

1. assisting the Pilot-in-Command during UAS deployments by maintaining a Visual Line of Sight with the UAS;
2. notifying the Pilot-in-Command of potential need for additional Visual Observers; and
3. notifying the Pilot-in-Command of the location of the UAS in the event UAS malfunctions, is involved in a Collision, or any other scenario or conditions that may impact, effect, or impede the deployment of the UAS.

C. Program Coordinator shall be responsible for:

1. ensuring, on no less than an annual basis that all policies and procedures relating to the UAS comply with current federal, state, and local laws and regulations, along with best practices. Any changes must be submitted to the Cleveland Community Police Commission for approval. Evidence of reviews, even without changes, must also be submitted to the CPC;
2. coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensure that the COA and Certification are current, and/or coordinate

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and ensure compliance with all rules and regulations required to maintain the Certification, as appropriate for Division operations;

3. ensuring that all Pilots and Visual Observers have completed all required FAA and Division approved training in the operation, applicable laws, policies and procedures and regulations regarding the use of the UAS;
4. developing, updating, and maintaining uniform protocols for submissions and evaluations of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents and both warranted and warrantless uses;
5. coordinating 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. updating and maintaining protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject;
7. updating and maintaining 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 securing communication with air traffic control facilities;
8. ensure Flight Crews document all UAS deployments;
9. developing, updating and maintaining a UAS inspection, maintenance, and record-keeping protocol, in coordination with the UAS Supervisor, to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits. This protocol will be included in the UAS procedure manual. Maintenance and record-keeping should also include expenditures such as purchase of new equipment and mechanical repairs;
10. updating and maintaining 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 must be used as appropriate to preserve individual rights and ensure the authenticity and maintenance of a secure evidentiary chain of custody;
11. updating and maintaining protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules;
12. facilitating law enforcement access to images and data captured by the UAS as allowable by Division policy and/or City of Cleveland ordinance;
13. recommending to the UAS Supervisor any program enhancements or improvements, especially regarding safety and information security;

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14. working with the UAS Supervisor to establish a system for documenting all UAS uses, with specific focus on ensuring established protocols are followed, particularly those concerning the privacy rights of individuals and the community, providing quarterly reports on the program to the Chief of Police and the Community Police Commission. These reports will include all use of the UAS technology and a breakdown of incident type during the reporting period, including an electronic record of time, location, equipment, purpose of deployment and number of UAS personnel involved. Whenever a deployment occurs, the Flight Crew must send notification or submit to the UAS coordinator to include the topics listed above. This will allow the UAS coordinator to maintain a running log of all deployments and assist in the creation of reports to the Chief of Police and the CPC;
15. implementing a system for public notification of UAS deployment that includes establishing and maintaining 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 will also be included in the quarterly report, which will be posted on the Division website;
16. working with the UAS Supervisor to establish a protocol for developing and documenting data for a cost-benefit analysis. This cost-benefit analysis will include the number of UAS personnel involved (operators and Visual Observers), UAS equipment utilized, suspect(s) located (including gender, race, ethnicity and age) and the recovery of evidentiary items (e.g. firearms, clothing, vehicles, etc.);
17. maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS; and
18. reporting incidents to the proper authorities as required by the FAA.

IX. UAS Administration: Supervisor Responsibilities. The UAS Supervisor, as determined by the Division, shall be responsible for the following:

- A. reviewing and approving protocol for submission and evaluation of requests to deploy a UAS as developed by the UAS coordinator, and submit to Chief of Police and the Community Police Commission for final approval;
- B. reviewing and approving, as appropriate, recommendations from the UAS coordinator for program enhancements or improvement, particularly those involving safety, information security and rights to privacy, and submit to the Chief of Police and CPC for final approval;
- C. working with the UAS coordinator to develop, update and maintain a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of all UAVs;
- D. working with the UAS coordinator to establish a protocol for developing and documenting data for a cost-benefit analysis as described in Section VI 16;

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E. reviewing and approving, as appropriate, a system created by the UAS coordinator for documenting all UAS uses as described above.;

X. UAS Administration: Sector Supervisor Responsibilities:

- A. upon completion of daily 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, requesting a Flight Crew through CCS;
- C. during deployment, ensuring there is clear communication with the Pilot-in-Command; and
- D. responding to scene for accidents involving or Collision of the UAS or UAV and thereafter effectuating the following protocol:
 - 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.

XI. Emergencies and Collisions

- i. When a UAV is involved in a Collision, the following protocol shall be used:
- ii. The UAS Supervisor must respond to the scene;
- iii. The Visual Observer and Pilot-in-Command must secure the scene and request EMS to respond if any individuals are injured;
- iv. The on-scene Supervisor shall request required units to respond and process the scene;
- v. the Pilot-in-Command must contact the Program Coordinator before the end of the tour of duty via email;
- vi. A “Damage to Property” incident report and any other applicable incident reports shall be completed;
- vii. Monitor and provide annual reports to the Chief of Police and the CPC regarding the adherence of personnel to the established procedures;

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- viii. The Visual Observer must complete a Form-1 detailing what was observed and forward to the investigating supervisor;
- ix. The Program Coordinator must 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; and
- x. The investigating Supervisor must complete a District/Bureau Investigation (DBI) in the Division's tracking software and forward through the chain to their respective Deputy Chief within five days.

XII. Training

- i. Prior to any UAS use, Operators must 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.
- ii. Any Pilot shall have obtained a Certificate prior to operating the UAS and shall ensure that all requirements are met to maintain a valid Certificate, including biyearly renewal.
- iii. Recertification with the Division is required annually.
- iv. To maintain valid certification, Pilots must at a minimum operate the UAS for eight (8) hours annually.

XIII. Captured Media

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

XIV. Data Collection, Retention, Access and Storage

- i. The video recording only function of the UAS will be activated whenever the UAS is deployed, and deactivated whenever the UAS deployment is completed.
- ii. The Program Coordinator is responsible for overseeing data collection and retention.
- iii. Video recording collected by Division UAS will be retained 30 days and deleted using the timeline outlined in General Police Order 4.06.04 Wearable Camera System:
 - 1. The recording is needed for a criminal investigation;

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2. The recording is related to a City of Cleveland Division of Police; or administrative investigation.
3. The UAV is involved in a Collision.
- iv. The Program Coordinator, under the guidance of and with approval of their supervisor, must develop procedures to ensure that data are retained and purged in accordance with applicable record retention schedules.
- v. Members approved to access UAS equipment under these guidelines are only permitted to access the data for administrative or criminal investigation purposes.
- vi. Any data collected through a UAS deployment, including still and motion images, will be uploaded to evidence.com, and stored and retained in accordance with the City of Cleveland retention schedule. The UAS will 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 will not be stored in a member's personal locker.
- vii. Requests for UAS data collected may be made through a public records request.

XV. Data Sharing

- i. UAS systems deployed by the Division shall not share any data with any external organizations or other non-Cleveland governmental entities via integrated technology.
- ii. 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:
 1. The name of the requesting agency;
 2. The name of the individual making the request and
 3. The basis of their need for and right to the information.
 - a. A right to know is the legal authority to receive information pursuant to a court order, statutory law, or case law.
 - b. A need to know is a compelling reason to request information such as direct involvement in an investigation.
- iii. The request is reviewed by the Chief of Police or designee, who must serve in the rank of Commander or above, and approved before the request is fulfilled.

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

XVI. Accountability

- i. An electronic UAS log must be maintained at the district/unit where the Pilots-in-Command are assigned.
- ii. The District or Unit OIC with control of the locked location must maintain the log.
- iii. These logs will be reviewed on quarterly basis by the Program Coordinator and Supervisor, and will be included in their reports to the Chief of Police and the CPC.
- iv. Each time a UAS is placed in or removed from storage, an entry will be made in the log.
- v. District and Unit OICs must ensure accountability for all UAS at the beginning of their tour by making an entry of their full signature and printed name, for their tour.
- vi. The time, date and flight path of all UAS use must be publicly displayed on the Division's website within 48 hours of each flight.
- vii. Public complaints of misconduct involving UAS will be treated as all other public complaints. (see GPO 1.07.04)
- viii. When a deployment under Sections II or III occurs, the division shall within 30 calendar days, complete a report describing the specific circumstances of each use and explaining how those circumstances satisfied the Fourth Amendment requirements. A copy of the report shall be provided to the Commission within 7 days.

XVII. Vehicle and Patrol Ready Transportation

UAS transported in a vehicle will:

- i. Be secured in a locked trunk;
- ii. The UAS will remain in the carrying case when not secured or actively deployed; and
- iii. The Pilot-in-Charge will verify the following procedures when returning the UAV to the storage case:
 1. A visual and physical inspection is completed to ensure the UAV is air worthy and no visible damage to major flight components are present;
 2. Members must 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 will only be

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made by those authorized by the Chief of Police. Alterations to the capacity or capabilities of the UAS must be approved by the Community Police Commission; and

4. Members of the Division will 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.

XVIII. Issuance/Exchange/Inspection of UAS

- i. The Program Coordinator will issue and exchange Division UAS and related equipment.
- ii. The District or Unit OICs will complete an inspection at least 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.

DAT/jg/nh/km Homeland Operations CPC