



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 43.5

TITLE: UNMANNED AIRCRAFT SYSTEMS (sUAS / Drones)

EFFECTIVE: **DRAFT**

REVISED:

PURPOSE

The deployment of small Unmanned Aircraft Systems (sUAS) ("drones") by the New Orleans Police Department (NOPD) is expected to assist the agency as a force multiplier, providing increased situational awareness, improved operating cost efficiency, and enhanced officer and public safety. Deployments of this technology will be in direct support of emergency events, crime scene and vehicular accident forensics collection, tactical operations, officer training, disaster response and any other missions requiring aerial surveillance within a Defined Incident Perimeter (DIP).

POLICY STATEMENT

1. It is the policy of the NOPD that sUAS shall be deployed only for specific public safety missions, in compliance with all applicable laws, and only by trained and authorized personnel.
2. This Chapter is not intended to be all-inclusive, but instead shall serve as a supplement to other NOPD Chapters, policies and procedures, applicable national aviation authority regulations, and sUAS manufacturers' approved flight manuals.

DEFINITIONS

Digital Media Evidence (DME) - Digital recordings of images, sounds, and associated data.

Remote Pilot Certificate – A required certification under 14 CFR Part 107 – Small Unmanned Aircraft Systems. The Remote Pilot Certificate demonstrates that HCSO UAS pilots understand the regulations, operating requirements, and procedures for safely flying drones. The Remote Pilot Certificate must be available whenever an HCSO pilot operates a UAS (digital copy is acceptable).

Remote Pilot in Command (RPIC): The individual with the final authority and responsibility for operation and safety of a sUAS operation.

Small Unmanned Aircraft System (sUAS): An unmanned aircraft and its associated elements, including communication links and the components that control the aircraft that are required for safe and efficient operation.

Unmanned Aircraft: An aircraft that is operated without direct human intervention from within or on the

aircraft. Also called remote piloted aircraft or drones.

Visual Observer (VO): A sUAS flight crewmember designated by the RPIC to assist with the responsibility to identify and avoid other air traffic or objects in the air or on the ground.

PROCEDURES

Program Administration

3. NOPD sUAS shall be used only to support NOPD operations or pursuant to a written Memorandum of Understanding (MOU) or Cooperating Endeavor Agreement (CEA) with another law enforcement agency which has been approved by the Superintendent of Police. A copy of the MOU or CEA shall be kept on file by the Professional Standards and Accountability Bureau (PSAB).
4. The list of authorized missions shall be clearly defined. Those missions may include, but are not limited to:
 - a. situational awareness;
 - b. search and rescue;
 - c. tactical deployment; and
 - d. incident scene documentation (crime, traffic crash, disaster).
5. The sUAS program shall be limited to those personnel assigned by the Superintendent of Police and may include the NOPD personnel who have been designated as RPICs, visual observers, persons permitted to manipulate the sUAS controls, and others deemed necessary to ensure safe and efficient operations. A list of approved personnel shall be maintained by PSAB and reviewed quarterly to ensure accuracy.
6. To enhance the level of safety and promote appropriate use of sUAS, all procedures contained herein shall be followed without deviation, unless necessary during an emergency, or with approval from the Captain overseeing the operation, a Deputy Chief, or the Superintendent of Police. All deviation approvals shall be documented in an interoffice correspondence within 24 hours of being granted by the authorizing supervisor.

Complaint Investigations

7. Should there be a complaint alleging inappropriate use of the sUAS, the complaint shall be handled in accordance with NOPD Chapter 52.1.1 – Misconduct Intake and Complaint Investigation.
8. Any complaint alleging a violation of a person's civil rights by use of the sUAS shall be documented and be investigated by the Public Integrity Bureau.
9. Unauthorized or inappropriate use of an sUAS shall result in strict accountability, in accordance with established disciplinary procedures.

Auditing and Annual Reporting

10. All NOPD personnel assigned to maintain and operate an sUAS shall ensure all flight logs, pre-flight checklists, and any other data captured is provided to and available for review by PSAB.
11. PSAB shall audit flight documentation monthly. This audit shall include, at minimum, a summary of the following:
 - a. number of missions/uses;
 - b. appropriateness of uses;

- c. evaluation of the effectiveness of the sUAS;
 - d. safety concerns;
 - e. equipment concerns; and
 - f. flight time, to include a review of flight logs or data from flight time counters.
12. NOPD shall publish an annual report, prepared by PSAB, documenting the use of NOPD sUAS. This report shall be reviewed and shared with the community.
 13. The Management Services Bureau (MSB) shall maintain a log that contains the current status of all devices owned by NOPD. MSB shall be responsible for ensuring the log is up to date and accessible to PSAB and those employees authorized to view it.

Personnel Qualifications and Training

14. All sUAS program personnel shall receive training necessary to safely, efficiently, and effectively manage or operate sUAS, to include initial and recurrent training, coordinated through the NOPD Education and Training Division.
15. All RPICs shall hold the appropriate credentials required for the sUAS operated by the RPIC and the type of flight conducted by the RPIC.
16. All sUAS program personnel shall receive training in the legal aspects of sUAS use.
17. All sUAS program personnel shall receive annual training on the NOPD Chapters, Standard Operating Guidelines, policies, and procedures governing the use of the equipment.

Operational Procedures

18. NOPD sUAS operations shall comply with the guidelines from the applicable national aviation authority.
19. All sUAS missions shall be approved by a Command level supervisor (Captain or above).
20. Supervisory personnel should manage all deployments and uses of sUAS to ensure that officers equipped with sUAS devices utilize them in accordance with NOPD Chapters, Standard Operating Guidelines, policies, and procedures defined herein.
21. All flights shall be documented on a form or database designed for that purpose, referred to as a flight log, and all flight time shall be accurately recorded. Copies of each flight log shall be provided to or made available to PSAB for auditing. The flight log shall include information regarding:
 - a. the reason for the flight;
 - b. the time, date, duration, and location of the flight;
 - c. The names and information of the RPIC and any visual observes
 - d. the names of the supervisor approving the deployment; and
 - e. a summary of the activities covered, actions taken, and outcomes from the deployment.
22. Except for those instances where officer safety or investigation could be jeopardized, and where reasonably possible and practical, NOPD should consider notifying the public in the area of the flight, using social media and/or emergency alert systems.
23. Where there are specific and articulable grounds to believe that the sUAS shall collect evidence of criminal wrongdoing and the sUAS shall be used in a manner that may intrude upon reasonable expectations of privacy, members shall obtain a search warrant prior to conducting the flight.

24. NOPD shall collect data using sUAS or use sUAS-collected data only to the extent that such collection or use is consistent with and relevant to an authorized purpose.
25. Incident scene documentation using sUAS shall be documented under the same item number as the incident properly labeled and entered into Evidence.com.
26. NOPD may consider sUAS use in the following situations:
 - a. Hazardous Materials Incidents – The sUAS may be used for imagery, to include the use of thermography, to determine the incident type (i.e., spill/leak/vapor release), product/agent being released, assist with determining operational zones such as “Hot/Warm/Cold” zones, assist with assessment of spread area including into waterways, as well as determine areas of evacuation/shelter in place.
 - b. Rescue Operations – The sUAS may be used for delivery of equipment and supplies including, but not limited to, rope rescue lines, Personal Flotation Devices (PFD), communications equipment, and medical supplies (must be within the guidelines of the payload capacity for the sUAS).
 - c. Special Events / Public Safety Concerns – The sUAS may be used for imagery during special events or incidents potentially impacting public safety to assess areas of concern. The sUAS may also be used to guide law enforcement and emergency personnel to requests for assistance.
 - d. Storm Damage Assessment – The sUAS may be used for imagery after a severe weather event to determine affected areas as well as to assess the severity of damage in order to define and prioritize operational areas and needs. The imagery may also be used to locate available access routes into damaged areas.
 - e. Suspect / Lost Victim Search – The sUAS may be used for imagery, to include the use of thermography, to assist in the search for suspects or lost victims utilizing live imagery as well as recorded imagery that can be reviewed during search operations.
 - f. SWAT / Tactical Operations – The sUAS may be used for imagery, to include the use of thermography, and intelligence gathering during planning and execution of high-risk events, i.e., barricaded suspects, hostage negotiations / rescues, etc.
 - g. The sUAS may be used during any event or operation in which the safety of law enforcement personnel and citizens is a concern.
 - h. Accident Investigations – The sUAS may be used for imagery, to include a 360° panoramic view, to assist with origin/cause, determination of fault and evidence documentation.
 - i. Criminal and Crime Scene Investigations - The sUAS may be used for imagery, to include a 360° panoramic view, to assist Criminal Investigators and Crime Scene Investigators in the documentation of crime scenes and evidence.
 - j. Post-Incident Reviews / Reconstruction – The sUAS may be used for imagery to assist with post-incident reviews and/or reconstruction.
 - k. The sUAS may be used for imagery during operational critiques of events in order to gain knowledge concerning deployment of the sUAS and personnel. The sUAS may also be used

during training to critique tactical deployment of the UAS and personnel to develop enhanced strategies during missions.

- I. The sUAS may only be used during ongoing criminal investigations or for active surveillance operations pursuant to a valid search warrant or other judicial approval, if necessary, and in accordance with all applicable laws and the regulations of this department (See Chapter [1.2.4.2 – Search Warrants](#)).
 - m. The sUAS may also be used during any event not contemplated in this policy at the direction or with the approval of the Superintendent of Police or their designee.
27. If an sUAS is used to observe police or civilian actions during any first amendment assembly the supervisor approving the use of the sUAS, or their designee, must notify OPCD of the drone use during the first amendment assembly and the area in which the drone is being used in. The supervisor, or their designee, must also ensure NOPD's Public Information Office (PIO) is aware of the drone use and posts public announcement informing the public that an sUAS will be used during the event in the area to observe the actions of both police and civilians during the event. This announcement shall be posted publicly prior to the use of the sUAS.

Criminal Investigations and/or Surveillance Operations

28. The use of an sUAS for ongoing criminal investigations or active surveillance shall be authorized only for those crimes listed under Section 147-2(d) or felony narcotic investigations (i.e., Distribution, manufacturing, drug trafficking).
29. Officers shall be aware the use of an sUAS to search a specified property or observe activity in an area where someone has a reasonable expectation of privacy for the purpose of obtaining information constitutes a search and may only be conducted in accordance with all applicable laws and the regulations of this department ([See Chapter 1.2.4.2 – Search Warrants](#)).
30. When requesting use of an sUAS for an ongoing criminal investigation, a member shall:
- a. Write an interoffice correspondence (Form 105) through the chain of command detailing the probable cause for the use of the equipment, the length or amount of times monitoring may be needed, and why traditional surveillance is not preferable or has failed.
 - b. The member's Commander shall check with the Deputy Chiefs of FOB, ISB and PIB to ensure the surveillance will not interfere with a current ongoing investigation.
 - c. Forward that request to the Deputy Chief, or their designee, of the bureau to which the sUAS is assigned.
 - d. Provide a copy of the request to the PSAB Deputy Chief, or their designee, for purposes of tracking and accountability.
 - e. Attach the written request to their investigative report to be maintained with the case file.
31. All Supervisors overseeing an investigation which utilizes an sUAS shall ensure that:
- a. Devices are only deployed in accordance with the procedures established in this chapter
 - b. Devices are only utilized for ongoing criminal investigations pursuant to all applicable laws and the regulations of this department.

32. Investigators utilizing an sUAS for ongoing criminal investigations or active surveillance shall document the reasons for the request, the dates of the use of the device, and all information obtained from the use of the device in an investigative report.

DME Retention and Management

33. All DME captured, recorded, or otherwise produced by the equipment is the sole property of the NOPD.
34. All DME shall be handled in accordance with existing Chapters and policies on data and records retention, where applicable.
35. The sUAS RPIC shall record information for each file that shall include the date, time, location, and case reference numbers or other mission identifiers and those NOPD personnel involved in mission.
36. Members shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute DME in any manner without prior authorization from the Superintendent of Police or their designee.
37. All access to sUAS DME shall be specifically authorized, in writing, by the Deputy Chief of PSAB or their designee, and all access is to be audited by PSAB to ensure only authorized users are accessing the data and only for legitimate and authorized purposes.
38. All DME shall be securely downloaded at the completion of each mission. The DME with all authorizations and any other sUAS files should be securely stored in accordance with NOPD policy and appropriate records retention laws and retained no longer than necessary for purposes of training or for use in an investigation or prosecution.
39. All video recordings and still images captured during any NOPD drone flight shall be uploaded to Evidence.com. Any DME uploaded to Evidence.com shall be access restricted if it contains information regarding operational security on tactical deployments or crime scene evidence of a sensitive nature (i.e., Critical Incidents).

Restrictions on the use of sUAS

40. The sUAS shall be deployed and used only to support official law enforcement and public safety missions.
41. The sUAS shall not be operated in an unsafe manner or in violation of regulations.
42. The sUAS shall not be equipped with weapons of any kind.
43. Tactical deployment of the sUAS shall be governed by standard operating procedures established by SOD.
44. NOPD sUAS will not be utilized under any of the following conditions:
 - a. Missions that would violate FAA regulations, including operations within restricted airspace without authorization, such as areas of Temporary Flight Restrictions (TFR); restricted airspaces near airports, specifically within 2 miles of approaches or within a 5-mile radius of any airport until communications have been established with the airport manager, Air Traffic Control (ATC) tower, or general air traffic via radio.

- b. Manned aircraft operations within the same local airspace as a sUAS mission. For the safety of the aircrew and national air space in general, all sUAS shall yield the right of way to manned aircraft. The exception to this rule is if a TFR has been established and the manager of the TFR airspace has established altitudes and rules in which sUAS and manned aircraft can operate within the same airspace. Even with a managed TFR, the sUAS shall yield to manned aircraft to avoid collision. This includes the destruction of the sUAS if necessary.
- c. Weather conditions that would likely cause the loss of pilot control of the sUAS. These thresholds will depend upon the physical capabilities and design of the sUAS.
- d. The sUAS shall not be operated above an altitude of 400 feet Above Ground Level (AGL), except in those situations allowed by FAA regulations.
- e. The sUAS shall not be operated where the RPIC, or the Visual Observers cannot visually observe the sUAS or its operations, except in exigent circumstances; or with a waiver as required by FAA Regulations. This excludes indoor operations, outside of the national airspace.
- f. sUAS shall not be operated if the RPIC determines conditions to be unsafe. The sUAS RPIC has the final decision as to whether the aircraft will be flown.
- g. The sUAS shall not be operated in any situation that would violate NOPD policies governing general rules of conduct including violation of local/state/federal laws, activities considered harassment, use of alcohol or illegal drugs, and actions deemed to be unsafe.

Safety

45. The sUAS program shall have a safety program based on the principles of an aviation safety management system.
46. All sUAS personnel shall receive appropriate safety training, coordinated through the NOPD Education and Training Division.

sUAS Accidents

47. All accidents involving NOPD sUAS will be reported through the RPIC's chain of command immediately following the incident, when safe to do so. All accidents will be internally documented via an incident report documented in a departmental memo. In the event of injury or property damage, a police report will be generated documenting the incident and the item number will be provided to the injured party or property owner. NOPD Risk Management will be notified and provided with a copy of the incident report within 5 days of the accident.
48. Accident reporting will be conducted in accordance with [CFR 14 Part 107.9](#). All FAA notifications will be handled by, or under the supervision of, the RPIC's supervisor. The following incidents will require notification to the FAA no later than 10 days following the incident:
 - a. Serious injury, or death, to any person or any loss of consciousness.
 - b. Damage to any property, other than the sUAS, unless one of the following conditions exists:
 - i. The cost of repair (including materials and labor) does not exceed \$500; or
 - ii. The fair market value of the property does not exceed \$500 in the event of a total loss.

Maintenance

49. Each sUAS shall be inspected by NOPD personnel assigned to house and maintain their unit's sUAS on a monthly basis to determine if additional maintenance is necessary. The inspection shall be conducted in accordance with the manufacturer's recommendations and logged into a ledger provided to PSAB and maintained for a period of 3 years after the operational life of the sUAS.
50. If any ongoing legal action results from or involves the operation of the sUAS, all records pertaining to the operation or maintenance of the sUAS shall be maintained until all possible legal actions have concluded.
51. The sUAS program shall have a documented maintenance program to include manufacturer's recommendations.
52. The maintenance program shall describe who is authorized to perform maintenance on the sUAS and the required training for those personnel.
53. Records shall be kept of all maintenance performed on NOPD sUAS.

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