
Unmanned Aerial System

616.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an small unmanned aerial system (sUAS) and for the storage, retrieval and dissemination of images and data captured by the sUAS.

616.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type 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.

616.2 POLICY

It is the policy of the Crook County Sheriff's Office (CCSO) that Small Unmanned Aerial Systems (sUAS's) will be deployed and used in strict accordance with constitutional and privacy rights, Oregon Revised Statutes (ORS), Federal Aviation Administration (FAA) regulations, and this policy.

The CCSO will only collect information using sUAS, or use sUAS-collected information, to the extent that such collection or use is consistent with, and relevant to, an authorized purpose. Data collected will be secured, retained, disseminated, and purged in accordance with the law and CCSO policy.

Except under exigent circumstances, all flights must be approved by the Sheriff or authorized designee, preferably in writing.

616.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers 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 UAS operations.

616.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current (OAR 738-080-0045), and/or coordinating

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compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for office operations.

- Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.
- 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).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing 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.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence is 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 to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.
- Ensuring that the UAS is registered with the Oregon Department of Aviation (ORS 837.360).
- Developing protocols for storage, security, and access to data collected by the UAS (ORS 837.362).
- Developing protocols if a third party is used for the storage of data, including handling, security, and access to the data by the third party (ORS 837.362).

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- Developing protocols for disclosing data collected by the UAS through intergovernmental agreements (ORS 837.362).
- Publishing the office policies and procedures regarding the use, storage (including third party storage), accessing, sharing, and retention of data collected by the UAS, including the text of ORS 192.345 on the office website or other publicly accessible system (ORS 837.362).
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

616.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

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 protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

The UAS shall only be operated by the Office (ORS 837.320; ORS 837.330; ORS 837.335):

- (a) Pursuant to a valid warrant authorizing its use.
- (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.
- (c) With written consent of an individual for the purpose of acquiring information about the individual or the individual's property.
- (d) As part of search and rescue activities, as defined in ORS 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.
 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 UAS 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 UAS is operated only in the geographical area specified in the Governor's proclamation.
- (g) For the purpose of reconstructing a crime scene or accident scene, or a similar physical assessment that is related to a specific investigation, as provided by ORS 837.340.

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- (h) For the purpose of training in the use and acquisition of information, as provided in ORS 837.345.

616.6 PROHIBITED USE

The sUAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as but not limited to race, ethnicity, national origin, religion, disability, gender, or sexual orientation.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

Equipping the sUAS with weapons of any type (bullets, projectiles, lasers, etc.) is prohibited. [ORS 837.365]

The UAS shall not be used in any way that causes interference with an aircraft that is in the air, taking off, or landing (ORS 837.374).

The CCSO will not use model aircraft, modified with cameras or other sensors, in place of sUAS's.

CCSO volunteers are not authorized to operate the CCSO sUAS. Volunteer Search and Rescue personnel who have a personal license to operate a sUAS and own their own sUAS may deploy their sUAS on CCSO missions only when specifically authorized by the Sheriff or designee. They must follow all regulations of this policy when deployed on a CCSO mission.

Unauthorized use of a sUAS may result in discipline, up to and including termination.

616.7 DATA COLLECTION AND RETENTION

The CCSO will only collect information using sUAS to the extent that such collection or use is consistent with and relevant to an authorized purpose.

Electronic trails, including encryption, authenticity certificates and date and time stamping, will be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

Information collected using sUAS will not be disseminated outside the CCSO unless such dissemination is required by law or fulfills an authorized purpose complying with CCSO procedures.

Data collected by the sUAS should be retained as provided in the established records retention schedule and CCSO procedures.

616.8 REPORTING

The Records Section supervisor shall ensure that an annual report is provided to the Oregon Department of Aviation that summarizes the frequency of UAS use and the purpose for the

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use, and indicates how the public can access the office's policies and procedures regarding the use of data resulting from the use of UAS as required by ORS 837.360.

616.9 ANNUAL REPORT TO OREGON DEPARTMENT OF AVIATION

The sUAS Program Coordinator will monitor sUAS compliance with all state and federal regulations and prepare an annual report summarizing the frequency of sUAS use and the purpose for the use as required by ORS 837.360. The report will also indicate how the public can access the Sheriff's policies and procedures regarding the use of data resulting from the use of sUAS. The sUAS Program Coordinator will ensure that this annual report is provided to the Oregon Department of Aviation no later than January 31st of each year.

616.10 PROGRAM AUDIT AND REVIEW

sUAS policies and procedures related to the collection, use, retention, and dissemination of information obtained by sUAS will be reviewed to ensure that privacy, civil rights, and civil liberties are protected. This review will take place at least every three years, but more frequently if needed.

The sUAS Program Coordinator is responsible for auditing the use of sUAS equipment to ensure that usage complies with policies and regulations. This includes ensuring appropriate mutual aid agreements are in place when deploying outside Crook County.

616.11 COMPLAINT PROCEDURE

Citizen complaints of sUAS usage will follow procedures as outlined on the CCSO website and documented in CCSO POLICY 1020 Citizen (Personnel) Complaints and CCSO policy 402, Bias-Based Policing.

616.12 FORMS AND RESOURCES

The following forms and resources referenced in this policy and are available on the Lexipol CCSO Policy system:

- **CCSO sUAS Flight/Deployment Report**
- **CCSO Policy 102 Citizen/ Personnel Complaints**
- **CCSO Policy 402 Bias-Based Policing**