

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 10.01
		Issue Date: March 16, 2020
		Revision Date: April 4, 2022
CHAPTER: Specialized Operations		Related Policy: 10.05 Search & Rescue; 11.04 Property/Evidence
SUBJECT: Small Unmanned Aerial Systems / Drone		Related Laws: ORS 837.300 (Definitions), 837.310 (Restrictions), 837.320 (Authorized use upon issuance of warrant), 837.330 (Written consent), 837.335 (Search & Rescue), 837.340 (Criminal investigation), 837.345 (Training), 837.360 (Restrictions), 837.365 (Weaponized unmanned aircraft systems-Prohibited)

POLICY: The purpose of this policy is to establish guidelines for the use of Small Unmanned Aerial Systems (sUAS / Drones). 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.

RULE: All drone operations will be in accordance with; Constitutional and privacy rights, Federal Aviation Administration (FAA) regulations, and Oregon Revised Statutes.

DEFINITIONS:

1. 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.
2. Remote Pilot in Command (PIC) – The PIC is a Lane County Sheriff’s Office Employee or Volunteer 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.
3. Visual Observer (VO) – A Lane County Sheriff’s Office Employee or Volunteer who conducts flight operations to support police UAS missions. The VO will be trained by

employees or volunteers who have obtained and maintain valid remote pilot airman certificates in compliance with all federal aviation regulations.

PROCEDURE:

I. 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.
- D. A notice shall be maintained on the Sheriff's Office website informing the public of the existence of the sUAS program and the safeguards in place for privacy, civil rights, and civil liberties concerns, as well as the procedures in place for filing a complaint.

II. 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 or specific waivers issued by the FAA.
- 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)

III. Operations

Drones shall only be operated by LCSO:

- 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 and it is not a search and rescue operation, but 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. (Bottom of General Order, Intranet Sheriff Office Tab)
- 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.
- I. LCSO owned drones, and LCSO PICs or VOs, may be made available to other public safety agencies through intergovernmental agreements, mutual aid, EMAC, or similar requests. In these circumstances, this policy and all other LCSO policies will continue to be applicable and enforced.

IV. Safety

Safety of drone operations is of utmost concern. The safety of all operations should be considered during every flight. Part 107 requirements (or the specific requirements provided by an FAA Waiver) must be followed at all times, as well as safety requirements as outlined by the manufacturers of equipment.

V. Prohibited Use

- A. Drone video surveillance equipment shall not be used to:
1. Conduct random surveillance activities.
 2. 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.

3. Harass, intimidate, or discriminate against any individual or group.
4. Conduct personal business of any type.

B. Drones shall not be weaponized (ORS 837.365).

VI. 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.

VII. Operational Reporting

A. Each mission will be documented with a flight log.

B. An annual summary will be made publically available describing the types or categories of missions flown, and the approximate number of missions flown, in the previous year.

VIII. Data Recording

LCSO shall only collect information using a sUAS, or use sUAS- collected information, to the extent that such collection or use is consistent with and relevant to an authorized purpose. Video recordings and photos will only be taken during missions where there is a reasonable expectation that the data will contain evidentiary value, when necessary for later analysis of the imagery, in situations where it may provide transparency of Sheriff's Office operations, or for training and promotional purposes.

IX. Retention and Release of UAS Data

Retention of information collected using a sUAS that may contain personally identifiable information (PII) shall not be retained for more than 180 days unless retention of the information is determined to be necessary to an authorized mission of LCSO, or is required to be retained for a longer period by any other applicable law or regulation, and in either case is maintained in a system of records covered by the Privacy Act. All systems of records used to retain or store this information, whether internal or third-party, shall comply with all Criminal Justice Information System (CJIS) requirements as they pertain to handling, security, and access. Data collected that contains PII shall only be disseminated where required by law or court order, or when necessary for an authorized purpose.

Only employees or volunteers with appropriate CJIS training and certification, as well as a legitimate and authorized purpose, shall have access to this information.

Any intergovernmental agreement relating disclosure of data acquired by sUAS technology, which contains or may contain PII, must include provisions that the receiving agency have policies and procedures in place that provide safeguards to public privacy and rights at least as protective as LCSO's policies.

All evidentiary data will be maintained in accordance with established Sheriff's Office evidence handling and retention standards. Public records requests for this data will be handled in accordance with Oregon Public Records law with any needed guidance from Lane County Counsel.

X. Accountability

This policy, and any other policies or procedures relating to the collection, use, retention, and dissemination of information obtained by sUAS, shall be reviewed at least every three years, and prior to deployment of new sUAS technology, to ensure that privacy, civil rights, and civil liberties are protected.

At the same time as the above review, the leadership of the LCSO Drone Team and the LCSO Management Team shall review, assess, and audit the past and present operations of sUAS technology by LCSO for compliance with all applicable policies, procedures, and law.

Complaints or concerns from members of the public can be made using the Complaint Form available on the Sheriff's Office website, in the Sheriff's Office lobby, or available from any Sheriff's Office Supervisor. All complaints shall be investigated and handled as established by G.O. 3.22.

