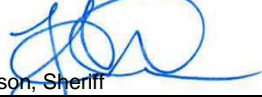




DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: Unmanned Aerial System (UAS) Operations	Effective Date: February 21, 2017	Policy Number: 5.51	
Accreditation Reference:	Review Date: February 21, 2020	Supercedes: New Policy	Pages: 3
Attachments:	L. Shane Nelson, Sheriff 		

I. PURPOSE

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

II. POLICY

Unmanned aerial systems may be utilized to enhance the Sheriff's Office mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights, Oregon Revised Statutes and Federal Aviation Administration (FAA) regulations.

III. DEFINITIONS

Unmanned Aerial System (UAS) is 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. For the purposes of this policy, a UAS includes a drone, as defined by ORS 837.300.

IV. PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and 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.

V. PROGRAM COORDINATOR

The Special Services Lieutenant will be responsible for the management of the UAS program. The Special Services Lieutenant will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- a. Develop procedures for the use, documentation and training of UAS.

- b. Developing operational protocols governing the deployment and operation of a UAS including, but not limited to authorization, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities when applicable.
- c. 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.
- d. Ongoing evaluation for recommending program enhancements.
- e. Publishing the agency 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 192.501 on the Sheriff's Office website or other publicly accessible system (2016 Oregon Laws, C.72, § 7).

VI. USE OF UAS

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

Use of vision enhancement technology 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 during daylight hours and a UAS should not be flown over populated areas without FAA approval (waiver).

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 or safety of the individual.
 - i. A report shall be prepared documenting the factual basis for the belief.
 - ii. Within 48 hours of the emergency, a sworn statement shall be filed with the circuit court by the Special Services Lieutenant or his/her designee, 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:
 - i. 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.
 - ii. 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 a similar physical assessment, that is related to a specific criminal investigation, as provided by ORS 837.340.
- h. For the purpose of training in the use and acquisition of information, as provided in ORS 837.345.

VII. PROHIBITED USE

The UAS surveillance equipment shall not be used:

- a. To conduct random surveillance activities.
- b. 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.
- c. To harass, intimidate or discriminate against any individual or group.
- d. To conduct personal business of any type.
- e. The UAS shall not be weaponized (ORS 837.365).
- f. The UAS shall not be used in any way which causes interference with an aircraft that is in the air, taking off or landing (2016 Oregon Laws, C.72 § 5).

VIII. RETENTION OF DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule. Protocols shall be established if a third party is used for the storage of data, including handling, security and access to the data by the third party (2016 Oregon Laws, C.72, § 7).

All data intended to be used as evidence shall be 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.

IX. MONITORING AND REPORTING

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