



CLACKAMAS COUNTY SHERIFF'S OFFICE

Policy # 38

Printed copies are for reference only.
Please refer to the electronic copy for the latest version.
Published: 2/11/2020

References: [ORS chapter 837](#); [ORS 404 Search and Rescue](#); [ORS 401 State of Emergency](#), and [14 CFR Part 107](#).

DRONE USE AND DEPLOYMENT

Purpose

1. This policy applies to all personnel who request or deploy an unmanned aircraft system, commonly known as a drone and establishes guidelines for use, storage, accessing, sharing and retention of images and data captured by drones, including but not limited to video and audio recordings. This policy also creates the Sheriff's Office, Air Unit Drone Program.

Definitions

2. Drone, means an unmanned aircraft system as defined by ORS 837.300 and weighs less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft and is operated without the possibility of direct human intervention from within or on the aircraft.

3. Federal Aviation Administration (FAA) regulations, means Code of Federal Regulations (CFR), Title 14, Chapter 1, Subchapter F, [Part 107](#), regulations for small unmanned aircraft systems.

4. Remote Pilot in Command (PIC), means a CCSO employee who has obtained and maintains a valid Remote Pilot Airman certificate in compliance with all [FAA Regulations](#) and is the person exercising control over the drone during flight. The PIC is responsible for the complete and overall operation of any drone flight they command and is the final authority over operations of the drone.

5. Unmanned Aircraft System, has the same meaning as used in ORS [837.300 \(4\)](#).

6. Visual Observer (VO), means a CCSO employee or member of another law enforcement agency who conducts flight operations to support law enforcement drone missions and who is designated by the CCSO PIC to assist the PIC or the person manipulating the flight controls of the drone to see and avoid other air traffic or objects aloft or on the ground. The VO will be trained by the CCSO PIC or other individual who maintains a valid Remote Pilot Airman certificate in compliance with all FAA regulations.



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Air Unit Drone Program

7. The Air Unit Commander, has primary responsibility for the deployment of CCSO drones in accordance with this policy and the Drone Operations Manual. The Air Unit Commander will ensure that CCSO policies and procedures conform to current laws, regulations and best practices in addition to the following responsibilities:

- a. audit and report quarterly to the Patrol Division Captain, number of drone deployments, nature of operations and training conducted.
- b. oversee authorizations, permits or certificates required by FAA regulations are maintained to include Waivers per, [14 CFR part 107, Subpart D - Waivers](#);
- c. registration of all CCSO drones with the Oregon Department of Aviation and preparation of an annual report per [ORS 837.360 \(6\)](#); and
- d. ensure drone use, storage of data collected, accessed or shared, and data retention, is consistent with federal and state laws, and FAA regulations.

Program Coordinator Duties

8. In consultation with the Patrol Division Captain, the Air Unit Commander will appoint the Air Unit Drone Program Coordinator to assist in the management of the program. The program coordinator is responsible for drone equipment and its use, and will have the following additional responsibilities:

- a. ensure all authorized operators and visual observers have completed all required FAA and CCSO approved training in drone operation and use;
- b. ensure each drone flight is fully documented to include flight times, locations, missions and operators;
- c. ensure command is notified of any drone activation and plans;



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- d. inspect and test drone equipment prior to each deployment to verify the proper functioning of all equipment; and
- e. document and maintain a working-file of any request for assistance by another law enforcement agency.

Deployment Objectives

9. Situational Awareness or Emergency Management: To assist law enforcement in understanding the nature, scale, and scope of an incident, and to aid them in planning and coordinating an effective response;
10. Search and Rescue: To assist missing person investigations, AMBER Alerts, Project Lifesaver notifications, and other search and rescue missions;
11. Tactical Deployment: To support the tactical deployment of deputies and equipment in emergency situations, such as incidents involving hostages or barricades and large-scale tactical operations;
12. Visual Perspective: To assist law enforcement in providing direction for crowd control, traffic incident management, special circumstances, and temporary perimeter security;
13. Scene Documentation: To document a crime scene, crash scene, or other major incident scene, such as disaster management, incident response, or large-scale forensic scene investigation.

Drone Use

14. Reasonable Expectation of Privacy:
 - a. use of drones may involve privacy considerations. Absent permitted uses consistent with this policy, the Pilot in Command (PIC) and the Visual Observer (VO) 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 and will take reasonable precautions to avoid this occurrence. Reasonable precautions may include deactivating or turning imaging devices away from areas such as yards, residences, enclosures, or persons; and



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- b. to safeguard privacy, collection of data including but not limited to, digital photographs, digital video, infrared images, and sound recordings, will be limited to the extent absolutely necessary to accomplish the current mission.
15. Operator Requirements:
 - a. only fully licensed and trained staff who have completed CCSO-approved training to ensure legal and proper drone use are permitted to operate a drone in the course of their duties.
16. Scope of Deployment:
 - a. drones will only be deployed to support official law enforcement and public safety missions. Any use of a drone will be in accordance with ORS Chapter 837, FAA regulations, and privacy rights governed by the U.S. Constitution and Oregon law.
17. Permitted Use - Under Oregon law drones may be authorized to fly in areas where there is an expectation of privacy in the following specific circumstances:
 - a. warrant authorizing use ([ORS 837.320](#));
 - b. exigent Circumstances that make it unreasonable to obtain a warrant authorizing use, when there is probable cause to believe that a person has committed a crime, is committing a crime or about to commit a crime ([ORS 837.320](#));
 - c. written consent of an individual for the purpose of acquiring information about the individual or the individual's property ([ORS 837.330](#));
 - d. search and rescue activities, as defined in [ORS 404.200](#), ([ORS 837.335](#));
 - e. an imminent threat to the life and safety of an individual ([ORS 837.335](#));



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- f. investigations of crimes and accidents for reconstruction of a specific crime or accident scene ([ORS 837.340](#));
 - g. State of Emergency declared by the Governor in [ORS chapter 401.165](#), ([ORS 837.335](#)); and
 - h. training purposes regarding the use and acquisition of information through drone operation ([ORS 837.345](#)).
18. Prohibited Use - Drone equipment shall not be used in the following manner:
- 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 or unofficial non-work related activity of any type;
 - e. a drone shall not be equipped with weapons; and
 - f. any image or other information acquired through drone use while training, and any evidence derived from that image or information, is not admissible in court and may not be used to establish reasonable suspicion or probable cause to believe an offense has been committed.
19. Request for Deployment:
- a. deputies may request drone assistance through any on-duty Sergeant who will confer with the Drone Program Coordinator. Requests for non-immediate use will be made through the Drone Program Coordinator; and
 - b. Interagency Assistance - a CCSO drone may be deployed to assist a requesting law enforcement agency for use consistent with this policy. A request for assistance and drone deployment will be documented by



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the PIC. The Air Unit Commander will notify the Sheriff or designee prior to deployments outside of Clackamas County.

20. Drone Use Inside Buildings:

- a. deployments of drones inside buildings will be subject to the procedures currently in place for deploying robots, pole cameras and other observation devices to include search warrant requirements. Use of a drone in this capacity must be authorized by someone with the rank of Lieutenant or higher.

Storage, Retention and Preservation of Data

21. All data, images, video, and metadata captured, recorded or otherwise produced by drone operation is Sheriff's Office property and will be maintained and securely stored by the Sheriff's Office, Information Technology Unit.

22. Data will be retained in accordance with state record retention laws, [OAR 166-150-0135](#), and no longer than necessary for purposes of training, or for use in an investigation or prosecution. The Air Unit Commander will oversee and periodically confirm data deletion.

23. No personnel shall edit, erase, copy, share, or otherwise distribute, in any manner, drone data without the prior written approval of the Sheriff or designee. Distributing drone data for non-law enforcement purposes is strictly prohibited.

Data Access and Sharing

24. During an incident the Pilot in Command may share live stream data with CCSO personnel and other first responders to assist situational awareness. Access will be controlled by the Incident Commander.

25. As authorized by the Air Unit Commander or the Division Commander, the Drone Program Coordinator and approved personnel will have access to view drone data for any law enforcement related purpose such as a review of a critical incident, investigations, review of incidents associated with a complaint and training.



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26. As authorized by the Air Unit Commander crime scene or traffic crash scene diagrams that are derived from drone data may be shared with CCSO personnel assigned to investigate and other law enforcement agencies participating in the investigation.