



Approved:  
*Chief Marcia Harnden*

Subject:

# 660. Drones

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## 660.1: PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the operation and use of Small Unmanned Aircraft Systems (Drone) and for the storage, retrieval and dissemination of images and data captured by the Drone.

## 660.2: POLICY

It is the policy of the Albany Police Department to utilize drones to enhance the department's ability of saving lives, protecting property, and documenting crime scenes and collision scenes. Any application of a drone will be in strict accordance with Federal, State and City laws, to include constitutional privacy rights, search and seizure laws, and Federal Aviation Administration (FAA) regulations.

## 660.3: PRIVACY

The use of drones 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., inside a house, fenced yard, enclosed area only visible from an elevated position). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

## 660.4: ADMINISTRATION

Deployments of drones must be specifically authorized by the Chief of Police or designee, or the Program Coordinator. This agency has adopted the use of drones to provide an aerial visual perspective in responding to emergency situations and exigent circumstances, and for the following objectives:

- a. Situational Awareness: To assist decision makers (e.g., incident command staff; first responders; city, county, and state officials) in understanding the nature, scale, and scope of an incident and for planning and coordinating an effective response.
- b. Search and Rescue: To assist missing person investigations, AMBER Alerts, and other search and rescue missions.

- c. Tactical Deployment: To support the tactical deployment of officers and equipment in emergency situations (e.g., incidents involving hostages and barricades, support for large-scale tactical operations, and other temporary perimeter security situations).
- d. Visual Perspective: To provide an aerial visual perspective to assist officers in providing direction for crowd control, traffic incident management, special circumstances, and temporary perimeter security.
- e. Scene Documentation: To document a crime scene, accident scene, or other major incident scene (e.g., disaster management, incident response, large-scale forensic scene investigation).
- f. Training and Promotional Videos: To create training and promotional videos for the department or the City of Albany.

### **660.5: PROGRAM COORDINATOR**

The Chief of Police will appoint a program coordinator to manage the drone 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:

- a. Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current or follow the requirements of part 107.
- b. Overseeing the selection and training of operators.
- c. Establishing a training standard for operators that meets FAA requirements.
- d. Overseeing procurement and maintenance of drone equipment.
- e. Ensuring that all authorized operators have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the drone.
- f. Developing uniform protocol for submission and evaluation of requests to deploy a drone, including urgent requests made during ongoing or emerging incidents.
- g. Developing protocol for conducting criminal investigations involving a drone, including documentation of time spent monitoring a subject.
- h. Developing an operational protocol governing the deployment and operation of a drone including, but not limited to, safety oversight, use of visual observers if warranted, establishment of lost link procedures and secure communication with air traffic control facilities.
- i. Developing a protocol for fully documenting all missions.
- j. Developing a drone inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a drone, up to and including its overhaul or life limits.

- k. Developing protocols to ensure that all data intended to be used as evidence are 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.
- l. Facilitating law enforcement access to images and data captured by the drone.
- m. Recommending program enhancements, particularly regarding safety and information security.
- n. Conducting audits of flight logs semiannually.
- o. Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

#### 660.6: PROCEDURES FOR USE

- a. The agency must obtain applicable authorizations, permits, or certificates required by the FAA prior to deploying or operating the drone, and these authorizations, permits, and certificates shall be maintained and current.
- b. The drone will be operated only by personnel who have been trained and certified in the operation of the system, are FAA Certified Remote Pilots (FAA Part 107), or authorized under an FAA COA.
- c. The drone-certified personnel shall inspect and test drone equipment prior to each deployment to verify the proper functioning of all equipment and the airworthiness of the device.
- d. The drone equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the program coordinator as soon as possible so that an appropriate repair can be made, or a replacement unit can be procured.
- e. All flights will be documented on a form or database designed for that purpose, and all flight time shall be accurately recorded. In addition, each deployment of the drone shall include information regarding the reason for the flight; the time, date, and location of the flight; the staff assigned; and a summary of the activities covered, actions taken, and outcomes from the deployment.
- f. Where there are specific and articulable grounds to believe that the drone will collect evidence of criminal wrongdoing and/or if the drone will be used in a manner that may intrude upon reasonable expectations of privacy, the agency will obtain a search warrant prior to conducting the flight unless exigent circumstances exist.
- g. 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 absent exigent circumstances.

- h. The drone equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
- i. Except in those instances where officer safety or investigation integrity could be compromised, consideration should be made concerning public notification.

#### **660.7: PROHIBITED USE**

- a. The drone video surveillance equipment shall not be used:
  - 1) To conduct random surveillance activities.
  - 2) 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.
  - 3) To harass, intimidate or discriminate against any individual or group.
  - 4) To conduct personal business of any type.
- b. The drone shall not be weaponized.

#### **660.7: DIGITAL MULTIMEDIA EVIDENCE RETENTION AND MANAGEMENT**

- a. All digital multimedia evidence (DME) shall be handled in accordance with [Policy 0633: Digital Media Recordings](#) and [ORS 192.345](#), where applicable.
- b. All DME shall be securely downloaded at the completion of each mission. The drone certified operators will record information for each file that shall include the date, time, location, and case reference numbers or other mission identifiers and identify the drone personnel involved in the mission.
- c. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner drone DME without prior written authorization and approval of the Chief of Police or designee. Except when assisting another agency with an investigation.
- d. All access to drone DME must be specifically authorized by the Chief of Police or designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- e. Files should be securely stored in accordance with agency policy and state records retention laws and retained no longer than necessary for purposes of training or for use in an investigation or prosecution.

**660.8: DRONE SUPERVISION AND REPORTING**

- a. Drone supervisory personnel shall manage all deployments and uses of drones to ensure that officers equipped with drone devices utilize them in accordance with policy and procedures defined herein.
- b. An authorized drone supervisor or administrator will audit flight documentation at regular intervals. The results of the audit will be documented. Any changes to the flight time counter, if equipped, will be documented.
- c. The Chief of Police or designee shall document the agency's deployment and use of drones.

**660.8.1: ANNUAL REPORTING**

- a. The drone coordinator shall submit an annual report by January 31 each year to the Oregon Department of Aviation.
- b. The annual report shall include the following information from the prior calendar year:
  - 1) Frequency of use of drones;
  - 2) The purposes for which the drones were utilized; and
  - 3) Information on how the public can access the departments drone policies and procedures ([ORS 837.362](#)).
- c. The drone flight log is recorded in Guardian Tracking and will be utilized to provide data for the annual report.

**660.9: TRAINING**

- a. Police personnel who are assigned to drone must complete an agency approved training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use, operation, proper calibration, maintenance, and performance of the equipment and to incorporate changes, updates, or other revisions in policy and equipment.
- b. All agency personal with drone responsibilities, including command officers, shall also be trained in the local and federal laws and regulations, as well as policies and procedures governing the deployment and use of drone.