

# Unmanned Aerial System

## 186.1 PURPOSE AND SCOPE

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.

### 186.1.1 ISSUANCE/EFFECTIVE DATE

This policy was re-issued on Aug 1, 2025 and shall become effective upon issuance (operational updates).

### 186.1.2 DEFINITIONS

Definitions related to this policy include:

**Unmanned aerial system (UAS)** - An unmanned aircraft or drone 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.

## 186.2 POLICY

It is the policy of the Cook County Sheriff's Office to utilize a UAS to enhance law enforcement operations, while exercising the utmost care to preserve the privacy and civil liberties of the public, and adhere to Federal Aviation Administration (FAA) regulations.

Refer to the Aerial Support Response Team Procedure (Administration Manual) for further guidelines.

## 186.3 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 area) in a manner that would exceed the capacity of unassisted human vision at a distance of at least 400 feet. 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.

## 186.4 FLIGHT OPERATIONS SUPERVISOR

The Executive Director of Fleet Management and Logistics, who is responsible for the overall management of the UAS program shall appoint a Flight Operations Supervisor to oversee the Aerial Support Response Team (ASRT) as follows:

- Ensuring that policies and procedures conform to current laws, regulations, and best practices.

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- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate and/or FAA Part 91 Certification, as appropriate for Sheriff's Office operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and Sheriff's 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 Chief of Staff 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 including flight log requirements and after-action documentation.
- 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 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.
- 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, especially regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Executive Director over the ASRT or the authorized designee.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

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- Developing procedures for the use of facial recognition software to evaluate information gathered by a UAS, as permitted by 725 ILCS 167/17.
- Ensuring that the Sheriff's Office's current UAS policy is posted on the Sheriff's Office's website (725 ILCS 167/35).

#### **186.5 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, or images and data produced by its use, shall not be used for personal business of any type. Any use of the UAS that is not specifically related to the operation or mission of the Sheriff's Office shall require the express authorization of the Executive Director over the ASRT or the authorized designee. The Sheriff's Office may not use the UAS to gather information except (725 ILCS 167/15):

- (a) To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland Security determines that credible intelligence indicates there is a risk.
- (b) Pursuant to a search warrant based on probable cause. The warrant must be limited to a period of 45 days, renewable by a judge upon showing good cause for subsequent periods of 45 days.
- (c) Upon reasonable suspicion that under particular circumstances, swift action is needed to prevent imminent harm to life, forestall the imminent escape of a suspect, or prevent the destruction of evidence. The use of a UAS under this paragraph is limited to a period of 48 hours. Within 24 hours of UAS initiation under this paragraph, the respective department head must report its use, in writing, to the State's Attorney.
- (d) To locate a missing person, engage in search and rescue operations, or aid a person who cannot otherwise be safely reached while not also undertaking a criminal investigation.
- (e) To obtain crime scene and traffic crash scene photography in a geographically confined and time-limited manner. The use of the UAS under this paragraph on private property requires either a search warrant or lawful consent to search.
- (f) To obtain information necessary for the determination of whether a disaster or public health emergency should be declared, to manage a disaster by monitoring weather or emergency conditions, to survey damage, or to coordinate response and recovery efforts.

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- (g) To conduct an inspection of the infrastructure of a designated building or structure when requested by a local government agency.
- (h) To locate victims, assist with victims' immediate health or safety needs, or coordinate the response of emergency vehicles and personnel, when dispatched to an emergency.
- (i) In advance of or during a routed event or special event, as defined in 725 ILCS 167/5, for those uses allowed under 725 ILCS 167/15.
  - 1. The notice for UAS use in these instances should be posted at a time, place, and manner as required by 725 ILCS 167/15.

#### **186.5.1 PRIVATE UAS OWNERS**

This policy and its restrictions apply to the Sheriff's Office directed use of a UAS owned by a private third party and information gathered by a UAS voluntarily submitted to the Sheriff's Office by a private third party (725 ILCS 167/40).

#### **186.5.2 FACIAL RECOGNITION WITH UAS**

Facial recognition software onboard a UAS shall not be used during a flight (725 ILCS 167/17). Use of facial recognition software to evaluate information gathered by a UAS is permissible only under those circumstances described in 725 ILCS 167/17.

#### **186.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized (725 ILCS 167/18).

#### **186.7 RETENTION OF UAS INFORMATION**

The Executive Director over the ASRT or the authorized designee shall destroy all information gathered by the UAS within the timeframe specified by law (725 ILCS 167/20).

Information may be retained when (725 ILCS 167/20):

- (a) There is reasonable suspicion that the information contains evidence of criminal activity.
- (b) The information is relevant to an ongoing investigation or pending criminal trial.
- (c) The information will be used exclusively for training purposes and all personally identifiable information has been removed from it.

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- (d) The information contains only flight path data, metadata, or telemetry information of the UAS.

### **186.8 DISCLOSURE OF UAS INFORMATION**

Information gathered during an inspection of the infrastructure of a designated building or structure shall be given, as soon as practicable, to the requesting local government agency before it is destroyed (725 ILCS 167/20).

The disclosure of information gathered by the UAS is prohibited except (725 ILCS 167/25):

- (a) To another government agency when there is reasonable suspicion that the information contains evidence of criminal activity or the information is relevant to an ongoing investigation or pending criminal trial.
- (b) Pursuant to a court order or subpoena in connection with a criminal proceeding.
- (c) In regard to a completed traffic crash investigation.

Available records of drone usage and capabilities (e.g., flight path data, metadata, telemetry information of specific flights, sensor payload, performance) may be disclosed subject to the Freedom of Information Act, 5 ILCS 140/1 et seq., and rules adopted under it (725 ILCS 167/25).

### **186.9 COMPLIANCE WITH THE FREEDOM FROM DRONE SURVEILLANCE ACT**

If a determination is made that a member has violated the Act, the Sheriff's Office shall take prompt and appropriate action (e.g., training, discipline) (725 ILCS 167/45). If a determination is made that a UAS pilot has willfully violated the Act, the Sheriff's Office shall promptly remove the pilot from its UAS program and take other appropriate action (see the Personnel Complaints Policy) (725 ILCS 167/45).

### **186.10 REPORTING**

The Executive Director over the ASRT or the authorized designee shall report annually, by April 1, to the Illinois Criminal Justice Information Authority the number of UASs owned by the Sheriff's Office and any other required information to be reported under 725 ILCS 167/35.

Notify the Chief of Staff when a drone is used in circumstances where swift action is needed to prevent imminent harm to life, to forestall the imminent escape of a suspect, or forestall the destruction of evidence. Within 24 hours of the initiation of the use of the drone in these circumstances, the Chief of Staff or the authorized designee shall submit a written report to the State Attorney's Office. Drone use is limited to a period of 48 hours in these circumstances.

The report shall contain a copy of the Sheriff's Office's current UAS policy (725 ILCS 167/35).