



**Forest Preserve District of DuPage County**  
Law Enforcement

<b>General Order:</b>	DEP 2-41.3a	<b>Effective:</b>	12-16-2019	<b>Revised:</b>	07-07-2023
<b>Chapter:</b>	XV – Patrol				
<b>Subject:</b>	Small Unmanned Aircraft Systems				
<b>References:</b>	<a href="#">DEP 2-17.6</a> , <a href="#">DEP 2-42.1</a> , <a href="#">DEP 2-46.8a</a> , <a href="#">DEP 2-54</a> , <a href="#">DEP 2-81</a> , <a href="#">DEP 2-83</a> CALEA 17.5.2, 43.1.5 725 ILCS 5/108-3, 725 ILCS 167, 14 CFR 107 <a href="#">Addendum 1</a>				

**I. POLICY**

It is the policy of this department to ensure authorized personnel are trained on the use of drones, to enhance the department’s mission of protecting lives and property when other means and resources are not available or are less effective. Any use of the drone will be in strict compliance to relevant statutes, privacy rights, the Federal Aviation Administration, and 14 CFR 107 requirements.

**II. PURPOSE**

To establish guidelines under which a drone may be utilized, in addition to the storage, retrieval, and dissemination of images and data captured by such systems.

**III. DEFINITIONS**

**Federal Aviation Administration (FAA):** a national authority with powers to regulate all aspects of civil aviation. These include the construction and operation of airports, the management of air traffic, the certification of personnel and aircraft, and the protection of U.S. assets during the launch or re-entry of commercial space vehicles.

**Information:** as defined in 725 ILCS 167, any evidence, images, sounds, data, or other information gathered by the drone.

**Notice to Airmen (NOTAM):** a noticed filed with an aviation authority to alert aircraft pilots of potential hazards along a flight route or at a location that could affect the safety of the flight.

**Parade:** a march, procession or other similar activity consisting of persons, animals, vehicles or things, or any combination thereof, upon a public street, sidewalk, alley or other public place, which requires a street closing or otherwise requires stopping or rerouting vehicular traffic because the parade will not or cannot comply with normal other assemble protected by the First Amendment. (725 ILCS 167/5)

**Remote Pilot in Command:** person directly responsible for and is the final authority as to the operation of the drone.

**Routed Event:** a parade, walk or race that: (1) is hosted by the State of Illinois or a county, municipality, township, or park district; (2) is outdoors and open to the public; and (3) has an estimated attendance of more than 50 people. Routed Event does not include any political protest, march, demonstration or other assembly protected by the First Amendment. (725 ILCS 167/5)

**Shift Command Officer:** any officer, who by title or temporary appointment supervises a given shift – includes Chief of Police, Lieutenant, Sergeants and Officer in Charge (OIC).

**Small Unmanned Aircraft System (sUAS):** otherwise referred to as a drone; a small unmanned aircraft that does not carry a human operator, weighing less than 55 pounds on takeoff, and its associated elements (including communication links and the components that control the aircraft) that are required for the safe and efficient operation of the aircraft in the national airspace system.

**Special Event:** a concert or food festival that: (1) is hosted by the State of Illinois or a county, municipality, township, or park district; (2) is outdoors and open to the public; and (3) has an estimated attendance of: (i) 150 or more people in a unit of local government with a population that is greater than or equal to 50,000; (ii) 250 or more people in a unit of local government with a population that is greater than or equal to 50,000 but less than 100,000; (iii) 350 or more people in a unit of local government with a population that is greater than or equal to 100,000 but is less than 500,000; or (iv) 500 or more people in a unit of local government with a population that is 500,000 or more. Special Event does not include any political protest, march, demonstration or other assembly protected by the First Amendment. (725 ILCS 167/5)

**Visual Observer:** the person designated by the remote pilot in command to assist with locating and avoiding other objects in the air (including other air traffic) or on the ground.

#### IV. PROCERURES

##### A. Program Coordinator

The designated individual assigned to oversee the drone program is responsible for the development and management of the following:

1. Policies and procedures conform to current laws, regulations and best practices.
2. FAA Certification of Authorization (COA) and/or the 14 CFR 107 application is complete and all certifications are current.

3. Remote pilots in command complete the required FAA, 14 CFR 107, and department trainings, which focus on the operation, applicable laws, policies, and procedures regarding the use of the drone.
4. Uniform protocol for submission and evaluation of requests to deploy the drone, including urgent requests made during on-going or emerging incidents.
5. Protocol for conducting criminal investigations involving the drone, including documentation of time spent monitoring a subject ([DEP 2-42.1](#)).
6. Protocol for notification to the public and media outlets regarding drone deployment, when appropriate.
7. Protocol governing the safe deployment and operation of a drone along with documenting all missions.
8. Protocol for drone inspection, maintenance and record keeping to ensure continued airworthiness of the drone.
9. Protocol to ensure all data intended to be used as evidence is 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 ([DEP 2-83](#)).
10. Protocol to ensure retention and purge periods are maintained in accordance with established Federal, State, and department records retention schedules.
11. Facilitate law enforcement access to images and data captured by the drone when useful and allowable.
12. Recommend program enhancements, especially regarding safety and information security.
13. Ensure established protocols are followed by conducting a documented annual report of the program and flight documentation.

**B. Training Prior to Use of the sUAS**

1. Prior to receiving authorization to operate a drone, assigned personnel must complete mandatory training provided by the department to obtain an understanding on how to use the drone and the procedures outlined in this general order.

2. Every two years assigned officers will undergo refresher training on the equipment to ensure continued effective use, operation of the equipment, and to incorporate changes, updates or other revisions to the FAA and/or 14 CFR 107 requirements, statutes or the department general order.
3. Additional training may be provided at periodic intervals for personnel in the use of drone equipment.

### **C. Department Use of sUAS**

1. The department must obtain applicable authorizations, permits, or certificates as required by FAA prior to deploying or operating the drone, and ensure these documents are current.
2. Any drone flight shall be conducted pursuant to The Freedom from Drone Surveillance Act ([725 ILCS 167/15](#)). In these situations, the drone may not be used to gather information, except during the following types of situations:
  - a. To counter a high-risk 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 under the Code of Criminal Procedure of 1963 ([725 ILCS 5/108-3](#)).
    1. The warrant must be limited to a period of forty-five (45) days, renewable by a judge upon showing good cause for subsequent periods of forty-five (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.
    1. The use of the drone under this paragraph is limited to a period of forty-eight (48) hours. Within twenty-four (24) hours of the drone initiation under this paragraph, the Chief of Police must report its use, in writing, to the State's Attorney ([Notice of Drone Deployment](#)).
  - d. If the department is not undertaking a criminal investigation but is:
    1. Attempting to locate a missing person,
    2. Engaging in a search and rescue operation; or
    3. Aiding a person who cannot otherwise be safely reached.
  - e. To obtain crime scene and traffic crash scene photography in a geographically confined and time-limited manner. The use of the drone under this section on private property requires either a search warrant or lawful consent to search. As it relates to lands, highways, roadways or areas belonging to the state, a search warrant or consent to search is not required. Reasonable attempts shall be made to only photograph the crime scene or traffic crash scene and to avoid other areas.

- 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 ([DEP 2-46.8a](#)). There is no requirement for an official declaration of disaster or public health emergency prior to use.
- g. To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. Any law enforcement agency operating a drone under this section shall make every reasonable attempt to photograph only the building or structure and to avoid other areas.
- h. To demonstrate the capabilities and functionality of a police drone for public relations purposes, provided that no information is collected or recorded by the drone during such demonstration.
- i. In response to Public Safety Answering Point (PSAP) dispatched calls for service, when the sole purpose for using a drone is for one or more first responders to locate victims, to assist with immediate victim health or safety needs, or to coordinate the response of emergency vehicles and personnel to an emergency.
- j. If a law enforcement agency is using a drone at a Routed Event or Special Event, as defined above.
  1. The use of a drone under this paragraph requires that:
    - notice is posted at the event location for at least 24 hours before the event and clearly communicates that drones may be used at the upcoming event for the purpose of real-time monitoring of participant safety.
    - notice is posted, if practical, at major entry points to the event clearly informing the attendees that a drone may be used for the purpose of real-time monitoring of participant safety; and
    - the drone is flown in accordance with Federal Aviation Administration safety regulations.
  2. The drone may be used in advance of an event, before event participants have begun to assemble, for the sole purpose of creating maps and determining appropriate access routes, staging areas, and traffic routes, provided that no personal identifying information is recorded and provided further that no recorded information is used in any criminal prosecution.
  3. Additionally, the drone may be used during the event to proactively support public safety personnel by monitoring the event footprint in real time to:
    - to detect a breach of event space, including a breach by an unauthorized vehicle, an interruption of a parade route, or a breach of an event barricade or fencing;
    - to evaluate crowd size and density;
    - to identify activity that could present a public safety issue for the crowd, including crowd movement;

- to assist in the response of public safety personnel to a real-time public safety incident at the event; and
  - to assess the traffic and pedestrian flow around the event in real time.
3. Department use drone deployments shall be authorized by the shift command officer. During an emergency situation where an official written request was not submitted, a memorandum outlining the reason for the use of the drone shall be submitted to the Program Coordinator; this shall be completed as soon as practicable.
  4. When a pilot is not on duty, the drone call out list ([Addendum 1](#)) shall be utilized. If there is a M.E.R.I.T. call out, the responding pilot shall contact the shift command officer as soon as possible to make notification of the response.
  5. Whenever possible, if the drone will be flying within close proximity to a hospital heliport, which could create a hazardous situation for a manned aircraft, notification shall be made to the respective hospital's security office.
  6. Before the drone is deployed, SkyVector ([www.skyvector.com](http://www.skyvector.com)) shall be checked for any NOTAMS that may affect the flight.
  7. The shift command officer on scene shall notify the Chief of Police prior to any conversations with the media ([DEP 2-54](#)).
  8. At the conclusion of each deployment, the recordings shall be securely downloaded and proper evidence procedures shall be followed ([DEP 2-83](#)).
  9. All uses of the drone will be documented on the [Drone Flight Log](#) and entered into the designated spreadsheet.

#### **D. Request from Other Agencies**

1. The department shall make a reasonable attempt to assist other DuPage County law enforcement agencies if department drone resources are requested. Approval from the shift command officer shall be obtained prior to utilizing the drone. If a request is made after hours, the Dispatch Center shall notify the on-call command officer, who will determine the appropriate response ([DEP 2-81](#)).
2. An attempt to notify the Chief of Police shall be made prior to any deployment of the drone.
3. Use of the drone outside of District property shall be in compliance with this general order and the appropriate statutes.

4. Requests from agencies outside of DuPage County shall be approved on a case-by-case basis by the Chief of Police, with consideration for the urgency of the crime/circumstances, available manpower, and travel distance from the county.

#### **E. Accident Reporting**

1. The remote pilot in command shall complete a [Property/Equipment Damage Report](#) and an incident report for any accident involving the drone and include the following information:
  - a. name and contact information for operators and witnesses
  - b. type of operation
  - c. type of device and FAA registration number/certificate
  - d. event location and incident details
  - e. evidence collection such as photos, video, and device confiscation, if necessary
2. The shift command officer shall be notified whenever a department drone is involved in an accident. The Chief of Police shall be notified when drone accidents are in accordance with FAA notifications.
3. The FAA requires notification of certain drone accidents, pursuant to the Drone Operation & Certification Regulations (14 CFR 107). Within ten (10) days after the accident, the remote pilot in command must report the following situations to the FAA:
  - a. serious injury to any person or loss of consciousness
  - b. damage to any property, other than the drone, unless one of the following conditions is satisfied (a) the cost of repair including materials and labor does not exceed \$500.00 or (b) the fair market value of the property does not exceed \$500.00 in the event of a total loss.
4. When the FAA must be notified, the remote pilot in command shall use the FAA's Drone Zone Portal at: <https://faadronezone-access.faa.gov/#/>

#### **F. Restrictions**

1. The drone will not be used to:
  - a. conduct random surveillance activities or requests for information outside District property
  - b. 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. harass, intimidate or discriminate against any individual or group
  - d. conduct personal business of any type, unless in accordance with [HB 3902](#).
  - e. any situation outside what is specified in Section IV.C.
2. Department personnel are prohibited from using, during a flight, onboard facial recognition software that works in conjunction with the drone. Department

personnel are prohibited from using any information gathered by a drone with facial recognition software, unless either:

- a. The department is using a drone to counter a high risk of a terrorist attack by a specific individual or organization and the United States Secretary of Homeland Security has determined that credible intelligence indicates that there is such a risk; or
  - b. The department possesses reasonable suspicion that, under particular circumstance, swift action is needed to prevent imminent harm to life or to forestall the imminent escape of a suspect or the destruction of evidence. (725 ILCS 167/17)
3. No weapons of any kind will be attached to or deployed by a drone. (725 ILCS 167/18)
  4. Drone deployments by the department must also adhere to the operating procedures established by the FAA. These rules are outlined below, but are not limited to:
    - a. conduct a pre-flight check to ensure the drone in condition for safe operation
    - b. keep the drone in visual line of sight
    - c. for nighttime flying have anti-collision lighting visible from three (3) miles away
    - d. fly at or below 400 feet above ground level
    - e. fly at or below 100 mph
    - f. yield right of way to manned aircraft
    - g. must not fly over people
    - h. must not fly from a moving vehicle, except in rural areas
  5. During an emergency situation, deviations from the general order are permitted to the extent which is warranted by the emergency.
  6. The program coordinator shall request a certificate waiver from the FAA which authorizes deviation from specific regulations. The certificate waiver will be granted when the FAA determines that the drone operation can be safely conducted under the terms of the certificate waiver.
  7. Personnel assigned to be either a remote pilot or observer shall notify the program coordinator when they know or have reason to know that they have a physical or mental condition that would interfere with the safe operation of the drone.

## **G. Privacy Considerations**

1. Use of the drone potentially involves privacy considerations. Without a warrant or exigent circumstances, operators and visual observers shall adhere to FAA altitude regulations and shall take reasonable precautions to avoid inadvertently recording or transmitting images of any location where a person would have a reasonable expectation of privacy.
2. When there are specific and articulable grounds to believe the drone will collect evidence of criminal wrongdoing and/or if the drone will be used in a manner that may intrude upon reasonable expectation of privacy, the department will obtain a search warrant prior to conducting the flight.

## **H. Inspection and Care of the Equipment**

1. The drone and related equipment shall be maintained in the state of operational readiness ([DEP 2-17.6](#)).
2. Certified officers shall use reasonable care to ensure the proper functioning of the drone equipment. A designated officer shall maintain the [inspection log](#) verifying the drone equipment is in working order and turn in the log at the end of each calendar year. Malfunctions shall be brought to the attention of the program coordinator as soon as possible. Extra caution must be taken to ensure the equipment is not stored in extreme temperatures.
3. Prior to use, certified officers shall complete a [Drone Flight Report](#), which includes a pre-flight equipment checklist. Completed reports will be stored in the drone binder until the end of each calendar year.

## **I. Security of Recordings**

Personnel should be aware that recordings may contain sensitive information and they are responsible for ensuring compliance. A breach in security, careless handling of the recording and/or intentional release of recordings to non-authorized individuals may jeopardize relationships with citizens, subject victims to an invasion of privacy, jeopardize prosecutions and endanger the safety of individuals.

1. All recordings are considered investigative property of the department. The utmost care and caution shall be taken to ensure the recordings are not mishandled or misused ([DEP 2-83](#)).
2. Employees shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner recordings without written authorization by the Chief of Police, or his designee.

3. Any violations related to unauthorized edits, alterations, and dissemination of this data shall be cause for disciplinary action.
4. The disclosure of information is prohibited, except 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 (725 ILCS 167/25).

#### **J. Recording Retention**

1. Within thirty (30) days of the recording, the remote pilot in command shall destroy all information gathered by the drone, except 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 (725 ILCS 167/20).
2. All information gathered during a Routed Events or Special Events shall be destroyed within twenty-four (24) hours after being gathered.
3. All information gathered for infrastructure inspection shall be turned over to the requesting local government as soon as practicable, and all gathered information shall be destroyed immediately after the information has been turned over.
4. When the recording does not fall under the statutory exemptions, documentation pertaining to use of the drone, such as location, date, time, scope of the mission is not subject to being destroyed within thirty (30) days of a recording.
5. The retention of recordings exempt from the thirty (30) day requirement is at the discretion of the Chief of Police or determined by the completion of the criminal investigation or criminal trial.

#### **K. Reporting**

Annually, by April 1, the program coordinator shall report to the Illinois Criminal Justice Information Authority the number of drones owned by the department (725 ILCS 167/35), the number of times a drone was used pursuant to each paragraph of Section 15, including the date of use, time of use, reason for use, location, whether video was recorded, and whether the video is designated for retention for training purposes. The report shall contain a copy of the agency's latest policy concerning drones as of the most recent April 1.

#### **L. Information from Private Drones**

1. The department may utilize information from private drones only for the purpose of undertaking the tasks outlined in Section IV.C.4.

2. Private parties may voluntarily submit information acquired by their privately owned drone to the department.
3. The department shall not disclose any information gathered by the private drone. However, command staff, or their designee may disclose information to another government agency when there is reasonable suspicion that the information contains evidence of criminal activity or the information is relevant to an on-going investigation or pending criminal trial.

**M. Public Information**

1. The department shall make publicly available on its website the policy governing the operation, use, administration, and oversight of its drone program. (725 ILCS 167/35)

**N. Violations of State Statute and Policy**

1. Per 725 ILCS 167/45, if the Department learns of violations of State Statute or this policy, the Department shall immediately take actions to prevent future violations through any one or more of the following means: training, discipline, including progressive discipline for repeat violations, or other means that will prevent repeated violations of State Statute or this policy by personnel. If the Department learns of willful and wanton violations of the Drone Act, the Department shall immediately remove the pilot from its drone program and take action to prevent future willful and wanton violations of the Drone Act.
2. The Attorney General shall have authority to conduct investigations into patterns and practices of violations of this Act. The Attorney General may:
  - a. Require a law enforcement agency, law enforcement official, or any other person or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider necessary;
  - b. Examine under oath any law enforcement official or any other person alleged to have participated in or with knowledge of the alleged violation; or
  - c. Issue subpoenas, obtain records, conduct hearings, or take any other actions in aid of any investigation. If a law enforcement agency, law enforcement official, or other person or entity fails to comply, in whole or in part, with a subpoena or other investigative request issued, the Attorney General may compel compliance through an action in the circuit court.
3. Following completion of an investigation, the Attorney General may, upon his or her own information or upon the complaint of any person, maintain an action for declaratory, injunctive, or any other equitable relief in the circuit court against any law enforcement agency, law enforcement official, or other person or entity who violates any provision of the Drone Act. These remedies are in addition to, and not in substitution for, other available remedies, penalties, or disciplinary action.

4. Upon entry of an adverse judgment under the Drone as First Responders Act demonstrating a pattern or practice of violations of the Act, a law enforcement agency shall forfeit its ability to use drones for not less than 6 months for a first adverse judgment and up to one year for a second adverse judgment demonstrating a pattern or practice of violating the act.