

HENDERSON COUNTY SHERIFF'S OFFICE PERSONNEL POLICY AND PROCEDURE

Section 35: Unmanned Aerial Systems

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.

Definitions

Definitions related to this policy include;

Unmanned aerial system (UAS) – An unmanned aerial 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 or drone, and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means).

Policy

A UAS may be used to enhance the Henderson County Sheriff's Office's mission of protecting lives and property when other means are less effective or are not available. Any use of the UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

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 or enclosure). Operators and observers shall take reasonable precaution 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.

Program Coordinator

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that the policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities,

- 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, as appropriate for Henderson County Sheriff's Office operations.

- Ensuring that all authorized operators and required observers have completed all FAA and HCSO- approved training in the operation, applicable laws, policies and procedures regarding the use of the UAS

- Developing uniform protocols for the submission and evaluation of requests to deploy the UAS, including urgent requests made during ongoing emergency incidents.

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Deployment of a UAS shall require the authorization of the Sheriff or 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 time spent monitoring a subject.

Implementing a system for public notification of a 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 full documenting all missions.

Developing a UAS inspection, maintenance and record keeping protocol to ensure continued 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 evidence chain of custody.

Develop a protocol to ensure that maintenance and purge periods are maintained in accordance with established records retention scheduled.

Facilitating law enforcement access to images and data captured by the UAS.

Recommending program enhancements, especially pertaining to safety and information security.

Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.

Maintaining familiarity with FAA regulatory standards, state laws and regulations and local ordinances regarding the operation of a UAS.

Developing procedures for the use of facial recognition software to evaluate information gathered by the UAS. As permitted by 725 ILCS 167/17.

Ensuring that Henderson County Sheriff's Office current UAS policy is posted on the Henderson County Sheriff's Office website (725 ILCS 167/35)

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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 where there is no protectable privacy interest or when compliance with a search warrant or court order. In all other instances, The Henderson County States Attorney should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

The Henderson County Sheriff's Office May not use the UAS to gather information except as provided in (725 ILCS167/15):

- (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. The warrant must be limited to a period of 45 days, renewable by a judge upon showing good cause for a subsequent period 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 the UAS under this paragraph is limited to a period of 48 hours. Within 24 hours of UAS initiation under this paragraph, the Sheriff must report its use to the States 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 or 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 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.
- (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 victims with 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 ILCS167/5, for the uses allowed under 725 ILCS 167/15.
 1. The notice for UAS operation and use in these instances should be posted at a time, time, place and manner as required by 725 ILCS 167/15.

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Private UAS Owners

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

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 725ILCS167/17.

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).

Retention of UAS Information

The records Division Supervisor shall destroy all information gathered by the UAS within the timeframe specified by law (725 ILCS 167/20).

Information may be retained by The Henderson County Sheriff 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.
- (d) The information contains only flight path data, metadata, or telemetry information of the UAS.

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Reporting

The records division supervisor shall report annually, by April 1st, to the Illinois Criminal Justice Information Authority the number of UASs owned by the Henderson County Sheriff's Office and any other required information to be reported under (725 ILCS 167/35). The report shall contain a copy of the Henderson County Sheriff's Office UAS policy (725 ILCS 167/35).

Compliance with the Freedom from Drone Surveillance Act.

If a determination is made that a member has violated the act, The Henderson County Sheriff's Office shall take prompt and appropriate action (training or discipline) (725ILCS 167/45). If a determination is made that a UAS pilot has willfully violated the act, The Henderson County Sheriff's office shall promptly remove the pilot from the UAS program and take other appropriate action.

Disclosure of UAS Information

Information gathered during and 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 167/25).

The disclosure of information gathered by 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 (e.g., flight path data, metadata, telemetry information of specific flights, 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).

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I _____ (print name), have read and understand the Henderson County Sheriff's Office Personnel Policy and Procedure manual. I understand that the Personnel Policy and Procedure is subject to change and modification. I also understand it is a violation of the Personnel Policy and Procedure not to know, understand, and follow it.

Signed

Date