

Unmanned Aerial System

606.1 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.

606.1.1 DEFINITIONS

Definitions related to this policy include:

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

606.2 POLICY

A UAS may be utilized to enhance the [department/office]'s mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 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). 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.

606.4 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 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 Kane County Sheriff's Office operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and [Department/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.

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Deployment of a UAS shall require written authorization of the Sheriff 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.
- 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 Sheriff.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.
- 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 [department/office]'s current UAS policy is posted on the [department/office]'s website (725 ILCS 167/35).

606.5 UAS PILOT REQUIREMENTS

All pilots will have successfully completed the FAA Part 107 Class and be issued a current and valid FAA UAS Pilot's license.

All pilots will have successfully law enforcement specific class on the use of UAS (drones)

Attend ongoing departmental training as required.

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606.6 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 [Department/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 Sheriff 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.
- (g) To conduct an inspection of the infrastructure of a designated building or structure when requested by a local government agency. Any law enforcement agency operating a drone under this paragraph shall make every reasonable attempt to photograph only the building or structure 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

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response of emergency vehicles and personnel to an emergency. As used in this paragraph (i), "Public Safety Answering Point" and "PSAP" have the meaning given to those terms in Section 2 of the [Emergency Telephone System Act](#) .

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- (j) If a law enforcement agency is using a drone at a routed event or special event, The use of a drone under this paragraph requires that:
 1. 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 purposes of real-time monitoring of participant safety;
 2. 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
 3. the drone is flown in accordance with Federal Aviation Administration safety regulations. Under this paragraph (j), a law enforcement agency may use the drone:
 - (a) in advance of an event, before event participants have begun to assemble, for the sole purposes 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; or
 - (b) during the event to proactively support public safety personnel by monitoring the event footprint in real-time:
 1. 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;
 - (a) to evaluate crowd size and density;
 - (a) to identify activities that could present a public safety issue for the crowd as a whole, including crowd movement;
 - (a) to assist in the response of public safety personnel to a real-time public safety incident at the event and
 - (b) to assess the traffic and pedestrian flow around the event in real time.

606.6.1 PRIVATE UAS OWNERS

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

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606.6.2 UAS CALL OUT PROCEDURES

A list of Certified UAS Pilots will be provided to KaneComm and available to all KCSO supervisors through the records management system. If a UAS is needed, a supervisor will determine if any UAS operators are working and determine if they are able to respond. If no UAS Pilots are working, or if one is working but not available, the supervisor will notify KaneComm to call out a Pilot. It is the discretion of the pilot to respond. In the event a pilot is called out after hours they will be compensated in accordance with the applicable Collective Bargaining Agreement.

606.6.3 TRAINED VISUAL OBSERVERS (SPOTTER)

A trained visual observer or spotter shall be with the UAS pilot at all times during flight. This requirement is waived in situations when there is articulable facts that show human lives could be at risk and deployment of the UAS is necessary to lessen that risk. All visual observers will complete a course of training as determined by the UAS Program Coordinator.

606.6.4 UAS PILOT

UAS operators will

- submit a flight plan to the FAA when deploying a drone, in accordance with FAA rules and regulations
- will maintain a training log
- document any non training related use on an incident report
- follow all applicable Part 107 rules and granted waivers
- immediately report any damage caused by a drone

606.7 CERTIFICATE OF AUTHORIZATION (COA)

KCSO has two (COA) which allow for waiver of certain restrictions.

- Jurisdictional COA allows for operation in controlled airspace anywhere within the county and allows for flight over people in exigent circumstances
- Tactical Beyond Visual Line of Sight COA authorizes operation beyond visual line of sight in real world emergency situations.

Continued requirements for COA use:

- Operate at or below 400 feet AGL and not exceed 100 mph
- A Notice to Airman (NOTAM) must be issued as soon as practical before the flight, and if the issuance of a NOTAM may endanger the safety of persons on the ground, it may be excluded.
- All UAS operators must make every attempt to attend at least one day and one night training session monthly to maintain compliance with these COAs
- All UAS must be equipped with lighted anti-collision lighting visible from a distance of no less than 3 statute miles when operating after End Evening Nautical Twilight (EENT)

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- The Sheriff's Office must submit documentation of all operations conducted under these COAs to the FAA monthly

606.8 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).

606.9 RETENTION OF UAS INFORMATION

The Records Center supervisor shall destroy all information gathered by the UAS within the timeframe specified by law (725 ILCS 167/20).

Information may be retained by a [department/office] supervisor 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.

606.10 REPORTING

The Records Center supervisor shall report annually, by April 1, to the Illinois Criminal Justice Information Authority the number of UASs owned by the [Department/Office] and any other required information to be reported under 725 ILCS 167/35.

The report shall contain a copy of the [department/office]'s current UAS policy (725 ILCS 167/35).

606.11 ASSIGNMENT OF DRONES

Individually Assigned Drones- In order to familiarize our Pilots with the Drones and to keep their skills, Deputies may be issued a Department UAS. This will also facilitate having a UAS on scene in a more expedient manner.

- (a) Deputies will be responsible for keeping the UAS in operational condition at all times. Anything that causes the UAS to be taken out of operations shall be reported to the UAS Supervisor as soon as practicable.

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- (b) Deputies are authorized to use the UAS during non-work hours to maintain and enhance their skills. All FAA Guidelines will be maintained and all flight time will be logged.
- (c) Due to the nature of UAS Operation, damage may occur to the UAS during training flights. The Operator will not be held responsible for this damage as long as they were following all applicable policies, laws, and procedures.
- (d) Use of KCSO UAS Equipment shall not be used as part of any other outside employment.
- (e) Off Duty use of the UAS is strictly at the discretion of the UAS Pilot and is voluntary. UAS Operators will not be compensated for any time used during this off duty flight.

606.12 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 (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).

606.13 COMPLIANCE WITH THE FREEDOM FROM DRONE SURVEILLANCE ACT

If a determination is made that a member has violated the Act, the [Department/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 [Department/Office] shall promptly remove the pilot from its UAS program and take other appropriate action (see the Personnel Complaints Policy) (725 ILCS 167/45).