
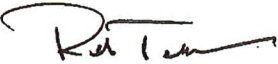


General Order		Issued: 2/26/2019	GO 2.2.10
 McHenry County Sheriff's Office Robb Tadelman, Sheriff	ACA Standards:		
	Approved: 	Revised: 09/25/2023	
Chapter Title: OPERATIONS			Page 1 of 10
Subject: Unmanned Aerial System (UAS) Operations			

I. PURPOSE

- A. This policy establishes guidelines for the operation of unmanned aerial systems, as well as the capturing, retention, dissemination, and destruction of data obtained during its operation.

II. POLICY

- A. It is the policy of the McHenry County Sheriff's Office to utilize unmanned aerial systems (UAS) to survey crime and crash scenes and to protect lives and property when other means and resources are not available or are less effective. UAS operations will be performed by trained personnel and in strict compliance with relevant state and federal statutes and in accordance with constitutional and privacy rights.

III. DEFINITIONS

- A. *Federal Aviation Administration (FAA)*: The federal authority with powers to regulate all aspects of civil aviation.
- B. *Information*: As defined by 725 ILCS 167/5: Any evidence images, sounds, data, or other information gathered by a drone.
- C. *Pilot in Command*: Person directly responsible for and is the final authority as to the operation of the unmanned aircraft.
- D. *Unmanned Aerial System (UAS)*: A small, unmanned aircraft, weighing less than 55 pounds on takeoff.
- E. *Drone*: Any aerial vehicle that does not carry a human operator.
- F. *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 and usual traffic regulations or controls. "Parade" does not include a political protest, march, demonstration, or other assembly protected by the First Amendment.
- G. *Routed Event*: means a parade, walk, or race that:

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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.
4. “*Routed Event*” does not include a political protest, march, demonstration, or other assembly protected by the First Amendment.

H. *Special Event*: means 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:
 - a. 150 or more people in a unit of local government with a population that is less than 50,000;
 - b. 250 or more people in a unit of local government with a population that is greater or equal to 50,000 but less than 100,000;
 - c. 350 or more people in a unit of local government with a population that is greater or equal to 100,000 but less than 500,000;
 - d. 500 or more people in a unit of local government with a population that is 500,000 or more.
4. “*Special Event*” does not include a political protest, march, demonstration, or other assembly protected by the First Amendment

IV. PROCEDURES

A. Deployment of the Unmanned Aerial System

1. Pursuant to 725 ILCS 167/15, within Illinois a UAS may not be deployed to gather information, except during the following circumstances:
 - 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 that there is that risk.
 - b. Pursuant to a search warrant based on probable cause issued under section 108-3 of the Code of Criminal Procedure of 1963. 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. The search warrant must specifically include the utilization of the drone.

- c. Upon reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life, or to forestall the imminent escape of a suspect or the destruction of evidence, and for a period not to exceed 48 hours.
 - 1) Use of the UAS pursuant to subsection (c) requires notification to the local States Attorney's Office within 24 hours of the initiation.
- d. If a law enforcement agency is not undertaking a criminal investigation but is attempting to locate a missing person, engaging in search and rescue operations, or aiding a person who cannot otherwise be safely reached.
- e. Solely for the use of crime scene or traffic crash scene photography within a geographically confined and time-limited manner to document specific occurrences.
 - 1) Use of the UAS pursuant to subsection (e) on private property requires a search warrant based on probable cause issued under section 108-3 of the Code of Criminal Procedure of 1963 or lawful consent to search. The search warrant must specifically include the utilization of the drone.
- 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. No official declaration of a disaster or public health emergency is required prior to use.
- g. To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency.
 - 1) Every reasonable attempt shall be made 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 relation purposes, provided that no information is collected or recorded by the drone.
- i. In response to dispatched calls for service, when the sole purpose for using the 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. The use of a drone under this requires that:

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- 1) Notice is posted at the event location for at least 24 hours before the event and clearly communicates that the drone may be used at the upcoming event for the purpose 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;
 - 3) The drone is flown in accordance with FAA safety regulations.
- k. Under paragraph (j), a law enforcement agency may use the drone:
- 1) In advance of an event, before event participants have arrived, for the sole purpose of creating maps and determining appropriate access route, staging areas, and traffic routes, provided no personal identifying information is recorded and provided further that no recorded information is used in any criminal prosecution; or
 - 2) During the event to proactively support public safety personnel by monitoring the event footprint in real time.
 - (a) 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.
 - (b) To evaluate crowd size and density.
 - (c) To identify activity that could present a public safety issue for the crowd as a whole, including crowd movement.
 - (d) To assist in the response of public safety personnel to a real-time public safety incident at the event.
 - (e) To assess the traffic and pedestrian flow around the event in real time.

2. Pilot in Command responsibilities

- a. The decision whether safe conditions exist to deploy the UAS lies solely with the designated Pilot in Command and may be based on the following, but not limited to:
 - 1) Airspace conditions.
 - 2) Weather conditions.
 - 3) Condition of the Pilot in Command.

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- 4) Number and condition of crew personnel available.
 - 5) Condition of the UAS and associated equipment.
 - 6) The Pilot in Command's understanding of their abilities and capabilities of the UAS.
 - 7) An additional visual observer is required during the hours of dusk to dawn who is trained in accordance with FAA regulations Part 107.31.
- b. Prior to the operation of the UAS, the Pilot in Command shall inspect the UAS and associated equipment for any conditions which would adversely affect the safe operation of the UAS.
 - c. If at any time during the flight operation the Pilot in Command experiences a problematic condition with the UAS or associated equipment, the Pilot in Command will safely land the UAS in order to assess and remedy the problem prior to continued use.

B. UAS Program Coordinator

1. The UAS Program Coordinator will be responsible for ensuring the safe and legally compliant operation of the McHenry County Sheriff's Office UAS program and will have the following additional responsibilities:
 - a. Coordinating the FAA Certificate of Authorization (COA), Certificate of Waiver (COW) and/or 14 CFR 107 Application process and ensuring all are current.
 - b. Maintain an active list of Pilots in Command who have completed required training and possess a valid FAA Remote Pilot Certificate or Temporary Airman Certificate with Small Unmanned Aircraft System rating.
 - c. Maintain UAS inspection, maintenance, and record keeping protocol to ensure continuing airworthiness of each UAS.
 - d. Ensure data captured by the UAS is obtained, maintained, and destroyed in accordance with state and federal requirements.
 - e. Develop operational protocol covering the deployment and operation of the UAS.
 - f. Ensure notification is made to the McHenry County States Attorney's Office when a UAS deployment occurs pursuant to Section IV. A. 1. c.
 - g. Review incidents which resulted in damage to property or injury to persons in connection with a UAS deployment and make necessary notifications to Federal Authorities.

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h. Conduct an annual audit of UAS operations.

C. Training

1. Prior to solo operation of the UAS, Sheriff's personnel are required to complete the following:
 - a. Successfully pass of the Federal Aviation Administration's Remote Pilot Knowledge Examination,
 - b. Complete recurrent training covering the areas of knowledge every 24 months as specified in FAA Part 107 regulations (specifically 107.73),
 - c. Obtain either a Temporary Airman Certificate or Remote Pilot Certificate with Small Unmanned Aircraft System rating,
 - d. Participate in flight training consisting of hands-on flight training and deployment procedures.
2. No persons without a Part 107 license will operate the UAS unless under the direct supervision of a FAA licensed Pilot in Command.

D. Restrictions

1. The UAS will not be used to:
 - a. Conduct random surveillance activities or quests for information.
 - b. Target a person based solely on an individual's race, ethnicity, age, national origin, gender, sexual preference, religion, economic status, cultural group, or any other identifiable affiliation unless specific information is received regarding potential criminal activity or criminal activity which has already occurred, and substantial facts are present which support such an indication of the presence of criminal activity.
 - c. Harass, intimidate, or discriminate against any individual or group.
 - d. Conduct personal business of any type.
 - e. Purposefully disturb or pursue wildlife.
 - f. Use of facial recognition software.
 - g. Any situation outside those specified within IV. A. 1. with the exception of training.
2. No weapons of any kind will be attached to or deployed by a UAS.

3. UAS deployments will adhere to FAA requirements unless otherwise waived by proper authorization by the FAA which include, but are not limited to:
 - a. Maintaining line-of-sight with the UAV.
 - b. Flying at or below 400 feet above ground level.
 - c. Yielding the right-of-way to manned aircraft.
 - d. Not operating over moving vehicles.
 - e. Not operating over person not involved in the flight operation.
 - f. Not operating during hours of darkness.
4. Personnel shall notify the UAS Program Coordinator or their supervisor when he knows or has reason to know he has a physical or mental condition that would interfere with the safe operation of the UAS.

E. Accident Reporting

1. Whenever disabling damage is sustained by the UAS, the Pilot in Command will complete a departmental correspondence detailing the circumstances leading up to the damage.
2. Whenever serious injury or property damage of greater than \$500 is sustained to property other than the UAS, in connection with the UAS's operation:
 - a. The Pilot in Command will immediately report the occurrence to the UAS Program Coordinator, who will subsequently report the incident through the chain of command to the Chief of Operations.
 - b. Within 10 days, the UAS Program Coordinator will report the incident to the Federal Aviation Administration.
3. Operation of the UAS which result in the following circumstances will expeditiously be reported to the National Transportation Safety Board Operations Center at (844) 373-9922
 - a. Serious injury.
 - b. An uncontrolled fly away when the UAS is unable to be located.
 - c. An in-flight fire.
 - d. An aircraft in-flight collision.
 - e. More than \$25,000 in damage, other than to the UAS.

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- f. Release of a propeller blade not due to ground contact.
- g. Damage to the structure or rotor blades, including ground damage, that requires major repair or replacement of the blade(s).

F. Reporting Requirements

1. The Mobile Filed Reporting system will be utilized to document instances of a UAS deployment under the following circumstances:
 - a. Pursuant to Section IV. A. 1. c., where written notification to the States Attorney's Office is required.
 - 1) The report shall articulate the basis of the reasonable suspicion for the UAS deployment and be forwarded to the States Attorney's Office upon approval by a supervisor.
 - b. Whenever an accident occurs which meets requirements outlined within Sections IV. E. 2. and/or Section IV. E. 3.
 - 1) The report will include following information at a minimum:
 - (a) The UAS involved.
 - (b) The event location and circumstances.
 - (c) Name and contact information of witnesses.
 - (d) Photographic evidence of the injuries and/or damaged property.
 - c. Whenever documentation through use of the UAS Flight Record Report is insufficient.
 - d. At the direction of the UAS Program Coordinator or another supervisor.
2. A UAS Flight Record Report will be completed by the Pilot in Command, or his designee, for all instances where a UAS is deployed by Sheriff's personnel, other than for training purposes.
 - a. The UAS Flight Record Report will be developed and maintained by the UAS Program Coordinator and will include the following information at a minimum:
 - 1) Designated report number for the assigned incident
 - 2) Purpose of the flight
 - 3) Names of participating flight crew

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- 4) Airspace and weather authorizations
- 5) A pre-flight checklist

G. Records Retention, Disclosure, & Reporting

1. Retention of information gathered by a UAS, including evidence, images, sounds, or data, pursuant to Section IV. A. 1. is guided by 725 ILCS 167/20.
 - a. Information gathered by the UAS will be destroyed within the following timeframes, except a law enforcement supervisor of the Sheriff’s Office may authorize its continued retention if 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, the information will be used for training purposes only and shall not contain any personally identifiable information, or the information consists of only flight path data, metadata, or telemetry information of the drone.
 - 1) All information gathered pursuant to paragraphs (a), (b), (c), (d), (e), (f), (i) under Section IV. A. 1 of this General Order shall be destroyed 30 days after being gathered.
 - 2) All information gathered pursuant to paragraph (j) under Section IV. A. 1 of this General Order shall be destroyed within 24 hours after being gathered.
 - 3) All information gathered pursuant to paragraph (g) under Section IV. A. 1 of this General Order shall be turned over to the requesting local government agency as soon as practicable, and all gathered information shall be destroyed immediately after the information has been turned over.
 - b. Information obtained from or provided by a privately owned UAS will be held in compliance with the above section.
2. Disclosure of information gathered by a UAS, including evidence, images, sounds, or data, pursuant to Section IV. A. 1. is guided by 725 ILCS 167/25.
 - a. Information gathered by the UAS pursuant to Section IV. A. 1. will not be released other than as follows:
 - 1) A supervisor of the Sheriff’s Office may release the information to another governmental agency if 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.
 - 2) Records of drone usage, including flight path data, metadata, telemetry information of specific flights, if available, may be

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disclosed under the Freedom of Information Act and rules adopted under the Act.

- 3) A law enforcement agency shall neither sell any information gathered by the drone nor disclose any information gathered by the drone to any person to whom disclosure is not authorized under this Section.
 - 4) Pursuant to a court's order or subpoena in connection with a criminal proceeding or if the disclosure is in regard to a completed traffic investigation.
- b. Information obtained from or provided by a privately owned UAS will be disclosed in compliance with the above section.
 - c. Restrictions on the release of information gathered by the UAS shall not apply to:
 - 1) Reports completed by Sheriff's Personnel and submitted to the Records Division to be part of a case report.
3. Reporting number of drone(s) and their usage is guided by 725 ILCS 167/35.
 - a. The UAS Program Coordinator shall report in writing annually by April 1 to Illinois Criminal Justice Authority the number of drones we own, the number of times a drone was used pursuant to each paragraph of Section IV. A. 1, including the date of use, time of use, reason for use, location, whether video was recorded, whether video was retained for training purposes. The report shall include this agency's latest policy concerning drones as of the most recent April 1.
 - b. The UAS Program Coordinator will work with the Sheriff's website coordinator to make publicly available on the Sheriff's website our policy governing the operation, use, administration, and oversight of our drone program.

H. Policy Violation

1. If anyone in this agency learns of violations of The Freedom from Drone Surveillance Act by our drone operators, they shall immediately notify the UAS Program Coordinator of the violation. The UAS Program Coordinator shall immediately take action to prevent future violations of the Act through any one of the following means: training, discipline, including progressive discipline for repeat violations, or other means that will prevent repeated violations of this Act.
2. If the UAS Program Coordinator learns of any willful and wanton violations of the Act, the UAS Program Coordinator shall immediately remove the pilot from its drone program.