

OGLE COUNTY SHERIFF'S OFFICE

GENERAL ORDER NUMBER: 4-19		Page 1 of 5
Effective Date: 9/25/23	Reissue Date:	
Chapter: Procedures		
Subject: Unmanned Aircraft Systems (Drones)		

I. POLICY

The Ogle County Sheriff's Office has a responsibility to ensure that the use of Unmanned Aircraft Systems (UAS) by agency personnel is in accordance with applicable laws and regulations set forth by the United States Government and the State of Illinois. Specifically, *20 ILCS 3305/4, "Definitions"; 725 ILCS 5/108-3, "Grounds for search warrant"; 725 ILCS 167, "Freedom from Drone Surveillance Act."; FAA Modernization and Reform Act of 2012 (FMRA), Pub. L. No. 112-95, 126 Stat. 11 (Feb. 2012)*

II. PURPOSE

To establish uniform guidelines and standard operating procedures for the operation and use of Unmanned Aircraft Systems (UAS) by agency personnel.

III. DEFINITIONS

As used in this document, the following definitions shall apply:

- A. Federal Aviation Administration (FAA) - The division of the United States (U.S.) Department of Transportation that inspects and rates civilian aircraft and pilots, enforces the rules of air safety, and installs and maintains air-navigation and traffic-control facilities.
- B. Information - Any evidence, images, sounds, data, or other information gathered by a UAS.
- C. Law Enforcement Agency - any agency of this State or a political subdivision of this State, which is vested by law with the duty to maintain public order and to enforce criminal laws.
- D. Observer – Person who assists the Pilot in Command in maintaining visual line of sight of the UAS.
- E. Pilot in Command (PIC) - Primary operator of the UAS, within the county, shall operate under the COA. Primary operator of the UAS, outside of the county, must pass the FAA Part 107 Drone Pilot written exam, possess second class FAA medical certificate, complete manufacturer's training course and be well versed in aviation phraseology.

- F. Unmanned Aircraft Vehicle (UAV) - A remote-control aircraft that does not carry a human operator.
- G. Unmanned Aircraft System (UAS) – A small UAV and its associated elements (including Com lines and components that control the small UAV that are required for the safe and efficient operation of the UAV in the National Airspace System).
- H. Parade - means 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 traffic regulations or controls. "Parade" does not include a political protest, march, demonstration, or other assembly protected by the First Amendment.
- I. Routed Event - means 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.
- J. 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:
(i) 150 or more people in a unit of local government with a population that is less than 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 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.
- K. Certificate of Waiver or Authorization - COA is a certificate issued by the FAA that permits persons, public agencies, and organizations to operate unmanned aircraft, for a particular purpose, as an exception to the FAA Regulations.

IV. GENERAL PROVISIONS AND PROCEDURES

- A. The operation and maintenance of the UAS will be the responsibility of Patrol Operations.
- B. Use of the Unmanned Aircraft System (UAS)
 - 1. All applicable FAA regulations and the manufacturer's procedures must be followed at all times.
 - 2. Pursuant to 725 ILCS 167, the "Freedom from Drone Surveillance Act," a UAS may be used:
 - a. To counter a high risk of a terrorist attack by a specific individual or organization if the U.S. Secretary of Homeland Security determines that credible intelligence indicates that there is that risk.
 - b. If the Sheriff or his designee first obtains a search warrant based on probable cause issued under Section 108-3 of Chapter 725 ILCS. The warrant must be limited to a period of 45 days, renewable by the judge upon a showing of good cause for subsequent periods of 45 days.
 - c. If the Sheriff or his designee possesses 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. The use of a UAS under this exception is limited to a period of 48 hours. Within 24 hours of the initiation of the use of a UAS under this exception, the Sheriff or his designee must report in writing the use of a UAS to the Ogle County State's Attorney.
 - d. If the Sheriff or his designee is attempting to locate a missing person, and is not also undertaking a criminal investigation.
 - e. If the Sheriff or his designee is using a UAS solely for crime scene and traffic crash scene documentation. Crime scene and traffic crash photography must be conducted in a geographically confined and time-limited manner to document specific occurrences. The use of a UAS for this purpose on private property requires either a search warrant based on probable cause under Section 108-3 of Chapter 725 ILCS or lawful consent to search. The use of a UAS for this purpose on lands, highways, roadways, or areas belonging to this State or political

subdivisions of this State does not require a search warrant or consent to search. Sheriff's personnel operating a UAS for this purpose shall make every reasonable attempt to only document the crime scene or traffic crash scene and avoid other areas.

f. If the Sheriff or his designee is using a UAS during a disaster or public health emergency, as defined by Section 4 of the Illinois Emergency Management Agency Act. The use of a UAS under this paragraph does not require an official declaration of a disaster or public health emergency prior to use. If the Sheriff or his designee may use a UAS under this paragraph to obtain information necessary for the determination of whether or not a disaster or public health emergency should be declared, to monitor weather or emergency conditions, to survey damage, or to otherwise coordinate response and recovery efforts. The use of a UAS under this paragraph is permissible during the disaster or public health emergency and during subsequent response and recovery efforts.

3. The UAS may be used for parades, routed events, and special events as approved by the Patrol Operations Commander. The requesting agency shall be responsible for 24-hour advanced notice to the public of drone usage during the parade, routed event, or special event.
4. The PIC shall be the only person authorized to operate the UAS and may be accompanied by an Observer. The PIC is responsible for making the final determination for when the UAS will be utilized or if a mission will be terminated, based on weather, airworthiness or other related factors.

V. PROHIBITED USE

Except as provided in Section IV above, the Sheriff's Office may not use an UAS for any other purpose.

VI. REQUESTING THE UAS

- A. The UAS may be requested for incidents meeting the criteria listed in Section IV of this General Order.
- B. All requests for the UAS shall be made through the Patrol Operations Commander and documented. The Patrol Ops Commander will ensure

the request meets all statutory requirements before authorizing its use.

VII. RETENTION AND DISCLOSURE

- A. The Sheriff's Office shall retain all information gathered by the UAS for a period of 30 days and then purge, except that a supervisor of this agency may retain particular information if:
1. There is reasonable suspicion that the information contains evidence of criminal activity, or
 2. The information is relevant to an ongoing investigation or pending criminal trial.
- B. The Sheriff's Office shall not disclose any information gathered by the UAS, except that a supervisor of this agency may disclose particular information to another government agency, if:
1. There is reasonable suspicion that the information contains evidence of criminal activity, or
 2. The information is relevant to an ongoing investigation or pending criminal trial.



Sheriff Brian VanVickle

9/25/2023

Date