

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.

PROCEDURE:

[PRE-FLIGHT CHECK](#)

[CERTIFICATE OF WAIVER](#)

ATTACHMENTS:

[Drone Usage States Attorney Report](#)

[FAA SGI Waiver](#)

[RLB-FLIGHT-REPORT](#)

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'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.

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606.4 PROGRAM COORDINATOR

The Chief of Police 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 department operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-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. Deployment of a UAS shall require written authorization of the Chief of Police 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 Chief of Police.

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- 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's current UAS policy is posted on the department's website (725 ILCS 167/35).
- Ensuring compliance with the Lake County State's Attorney's Office's reporting requirements.

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS. All flights shall be documented on a Flight Report and forwarded to the UAS program coordinator.

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 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 UAS Program Coordinator must report its use, in writing, to the Lake County State's Attorney's Office (see Drone Usage State's Attorney Report Form).
- (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

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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 with victims' 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 ILCS 167/5, for those uses allowed under 725 ILCS 167/15.
 - 1. The notice for UAS use in these instances should be posted at a time, place, and manner as required by 725 ILCS 167/15.

606.5.1 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 by a private third party (725 ILCS 167/40).

606.5.2 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 725 ILCS 167/17.

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- (a) To conduct random surveillance activities.
- (b) 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.
- (c) To harass, intimidate, or discriminate against any individual or group.
- (d) To conduct personal business of any type.

The UAS shall not be weaponized (725 ILCS 167/18).

606.7 RETENTION OF UAS INFORMATION

The UAS Program Coordinator shall facilitate the destruction of all information gathered by the UAS within the timeframe specified by law (725 ILCS 167/20).

Information may be retained by a department 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.

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- (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.

606.8 REPORTING

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

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

606.9 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).

606.10 COMPLIANCE WITH THE DRONES AS FIRST RESPONDERS ACT

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

Attachments

Drone Usage States Attorney Report.pdf



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Drone Usage States Attorney Report

(Agency Chief Executive Officer Must Send to SA Within 24 Hours of Drone Use)

Case Number	Location of Incident	Date of Incident	Time of Incident

Date:

To: Lake County State's Attorney's Office

From: Chief Wilde

Reference: Drone Usage

Pursuant to the "Freedom from Drone Surveillance Act" 725 ILCS 167/15(3):

If a law enforcement agency 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 drone under this paragraph (3) is limited to a period of 48 hours. Within 24 hours of the initiation of the use of a drone under this paragraph (3), the chief executive officer of the law enforcement agency must report in writing the use of a drone to the local State's Attorney.

Notification is hereby made of the use of a drone by law enforcement as follows:

Reason(s) (check one or more):

- To prevent imminent harm to life;
- To forestall the imminent escape of a suspect;
- To forestall the destruction of evidence.

Synopsis of Circumstances:

FAA SGI Waiver.pdf



FAA REQUEST FORM FOR EXPEDITED SGI WAIVER OR AUTHORIZATION FOR UAS OPERATION

Basic Qualifications

- The requesting operator must possess a Certificate of Waiver or Authorization (COA) or Part 107 Pilot License
- The UAS operation must support an emergency response or other effort being conducted to address exigent circumstances and that will benefit the public good
- The requested FAA approval cannot be secured via normal processes in time to meet urgent operational needs

Operator Information

Mandatory entry

Operator Organization (e.g., agency or company)

Operator Address

Operator Point-of Contact (including name, office + mobile phone number, and email)

Pilot and Observers (including names, mobile phone numbers, and emails)

Type of UAS and Registration Number

Documentation

If the requested UAS operation will be flown under a pre-existing COA, please attach it hereto and provide the COA number below.

If the requested UAS operation will be flown under Part 107, please provide the Part 107 Pilot License number below.

Requested Flight Details

Enter the date(s) of the proposed UAS operation (e.g., 03/18/2018 or 03/18/2018-03/21/2018) **Mandatory entry**

Enter the times of the proposed UAS operation (be sure to confirm time zone; e.g., 1200L-1400L daily) **Mandatory entry**

Enter the location of the proposed flight (reference the nearest city or town, and state; e.g., Gulfport, MS)

Enter the distance and direction from the nearest airport, and FAA identification of the same (e.g., 6 NM W of GPT)

Identify the class(es) of airspace in which the flight will be conducted (e.g., Class G/E/D/C/B/A)

Requested altitude of UAS flight: **Mandatory entry**

Enter GIS details defining location of proposed flight (only one area type description needed) **Mandatory entry**

For those flights remaining within a general contiguous area, which can be described as a circular polygon, provide the latitude and longitude, expressed as **degrees/minutes/seconds**, of the center of that area and the radius of that same area (e.g., XX:XX:XXN / XXX:XX:XXW - .25NM radius)

For those flights remaining within a general contiguous area, which cannot be easily described as a circular polygon, provide the latitude and longitude, expressed as **degrees/minutes/seconds**, of the vertices of the general area starting with the most northerly point and then progressing clockwise (e.g., (XX:XX:XXN / XXX:XX:XXW; XX:XX:XXN / XXX:XX:XXW; XX:XX:XXN / XXX:XX:XXW)

For those flights following an extended route, provide the latitude and longitude, expressed as **degrees/minutes/seconds**, of the key waypoints of the route, and, as appropriate provide the width of the route (e.g., XX:XX:XXN / XXX:XX:XXW; XX:XX:XXN / XXX:XX:XXW ; XX:XX:XXN / XXX:XX:XXW ; XX:XX:XXN / XXX:XX:XXW - .25NM wide)

Nature and Description of Event

Enter the type of urgent UAS operation to be flown		Description of event
<input type="checkbox"/>	Firefighting Law Enforcement Search and Rescue	
<input type="checkbox"/>	Local / National / Natural Disaster	
<input type="checkbox"/>	Other (specify below)	

Additional Pilot Qualifications

Enter additional pilot qualifications

<input type="checkbox"/>	Sport/Recreational/Private pilot certificate
<input type="checkbox"/>	Commercial/Airline pilot certificate
<input type="checkbox"/>	Flight instructor certificate

Contacting the SOSC

The SOSC office and email (9-ATOR-HQ-SOSC@faa.gov) are staffed/monitored 0600-2400 Eastern Time. For all emergencies, please follow up any email with a phone call to 202-267-8276, which is answered **24/7**.

RLB-FLIGHT-REPORT.pdf



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Flight Report

Case Information				
Case Number	Location of Flight	Incident Date	Incident Time	
Pilot Information				
Remote Pilot in Command		Visual Observers		
Weather Information				
Flight Date and Time	Day/Night	Temperature	Winds	Visibility
Cloud Percent & Height (AGL)	Precipitation		Weather Notes	
Additional Information				
sUAS Registration		sUAS Make/Model		
Flight Purpose			Flight Duration Minutes	
FAA Waiver Required Yes No		Person Consenting, if Needed		
Additional Comments				
Maintenance				
sUAS Down for Maintenance Yes No		sUAS Airworthy Back in Service Yes No		
Repairs Requested				
Repairs Completed				Date