
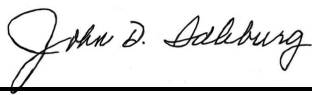


General Order		Issued: 10/27/2023	Policy Number: 4.3.06
 Lake County Sheriff's Office	Policy Title: Small Unmanned Aircraft Systems (sUAS)		
	Section: 4 – Support / Special Services		
	By order of the Sheriff:		Replaces: NEW
ILEAP Standards: NA			Page 1 of 8
<i>Any previously written orders, directives, or memoranda of Sheriff's Office policy dealing with this subject are hereby rescinded as of the effective date of the policy.</i>			

PURPOSE

To establish guidelines under which small, unmanned aircraft systems (sUAS) (aka Drones) may be utilized, and the storage, retrieval, and dissemination of images and data captured by such systems. In this policy, the terms sUAS and drone are used interchangeably.

POLICY

It is the policy of the Lake County Sheriff's Office (LCSO) to ensure authorized agency members are trained on the proper use of sUAS to enhance the agencies mission of protecting our communities and maintaining order when other means and resources are not available or are less effective. Any use of a sUAS will comply with regulations of the Federal Aviation Administration (FAA) and Illinois State Laws.

DEFINITIONS

14 CFR Part 107 - Regulations issued by the FAA for the commercial or public operation of small, unmanned aircraft systems.

Drone - Any aerial vehicle that does not carry a human operator. (725 ILCS 167/5)

Federal Aviation Administration (FAA) - The division of the United States Department of Transportation that inspects and rates civilian aircraft and pilots, enforces the rules of air safety and installs and maintains air-navigation and air traffic-control facilities.

Information - Any evidence, images, sounds, data, or other information gathered by a drone. (725 ILCS 167/5)

Law Enforcement Agency - Means 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. (725 ILCS 167/5)

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, ally, 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. (725 ILCS 167/5)

Remote Pilot in Command (PIC) - Authorized operator of the sUAS who is ultimately responsible for the operation and safety of the flight. Holds current FAA pilot certification for sUAS.

Risk Analysis - A structured risk-mitigation procedure to determine the risk of flight.

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. (725 ILCS 167/5)

Safety Stand Down - A temporary suspension of all flight operations.

Small Unmanned Aircraft System (sUAS) aka "drone" - A small, unmanned aircraft that does not carry a human operator, weighing less than 55 pounds on takeoff, and its associated elements, including communication links and the components that control the aircraft that are required for the safe and efficient operation of the aircraft.

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. (725 ILCS 167/5)

PROCEDURE

I. PROGRAM ADMINISTRATION

A. sUAS Coordinator – A command officer selected by the LCSO Administration to oversee the safe operation of the agency sUAS program. The coordinator will perform established Pilot-in-Command responsibilities when applicable. The coordinator is responsible for ensuring the training of all sUAS pilots in accordance with LCSO operating procedures and overseeing the daily operation of the LCSO sUAS program. The duties of the coordinator include (but are not limited to) the following:

1. Ensuring compliance with all FAA regulations and IL State Laws.
2. Safe efficient and dependable sUAS support.
3. Ensuring all LCSO sUAS pilots are certified to the required level.
4. Ensuring adequate pilot proficiency in required areas is maintained by all sUAS pilots.
5. Per 725 ILCS 167/35, report annually, by April 1, to the Illinois Criminal Justice Information Authority the following:
 - a. The number of sUAS owned by the LCSO.

- b. The number of times a sUAS was used pursuant to each paragraph of 725 ILCS 175/15 to include the date of use, time of use, reason for use, location, whether video was recorded, and whether the video is designated for retention for training purposes.
 - c. A copy of the current LCSO policy as of the most recent date of April 1.
 - d. To aid in the collection of this data, all sUAS PIC must complete a fillable form for each flight they conduct which is located on the Sheriff's Office Intranet page under Useful Links.
 6. Per 725 ILCS 167/35, ensure the current copy of this policy governing the operation, use, administration, and oversight of the LCSO program is posted on the Sheriff's Office website for public viewing
- B. sUAS Safety Officer – The sUAS Coordinator will act as the Safety Officer unless another sUAS deputy or command officer is assigned this task. The Safety Officer is responsible for assisting the sUAS Coordinator with pilot training and whose duties include (but are not limited to) the following:
 1. Assisting in the duties listed for the sUAS Coordinator.
 2. Monitoring maintenance requests and remaining up to date with technological advances and equipment that may be beneficial to provide more efficient services.
 3. Supervising and inspecting of all sUAS pilots and their activities as well as sUAS equipment.
- C. PIC – The sUAS Coordinator, with approval from the Sheriff's Administration, will identify and select candidates when additional PICS's are needed. A PIC must remain knowledgeable of all applicable FAA regulations, LCSO policy, and IL State Laws governing the use of a sUAS.
 1. Only PIC's who are employees of the LCSO and are certified in accordance with FAA regulations may act as a PICS of an LCSO sUAS.
 2. PIC's must comply with all applicable FAA requirements and maintain FAA sUAS pilot certification.
 3. PIC's may be temporarily removed from flight status by the sUAS Coordinator, the sUAS Safety Officer, or a member of the Sheriff's Administration at any time for reasons including, but not limited to, performance, proficiency, etc., A PIC may be permanently removed from the team for cause.
 4. Failure to maintain assigned equipment, and/or failure to meet training requirements or certification requirements may result in permanent removal from the sUAS program.
- D. PIC Fitness for Flight – The PIC must continually evaluate his or her physical and mental condition for any indication which would impair judgment or degrade their ability to fly the sUAS.

1. No person may act as a PIC of an LCSO sUAS within eight hours of consumption of any alcoholic beverage.
 2. Any PIC whose ability to pilot a sUAS is affected by any drug will not operate the sUAS. It is the PIC's responsibility to ask his/her doctor if any prescribed drug or over-the-counter medication will affect their ability to function as a PIC.
 3. The PIC must decline or terminate a flight when the PIC determines his or her fitness for flight may be less than adequate to maintain a sufficient level of flight safety.
 4. If a PIC is on light duty and not at full duty status, the PIC must turn the assigned sUAS in to the sUAS Coordinator or sUAS Safety Officer until returned to full duty status.
- E. Visual Observer – A visual observer must be used to assist the PIC during all night operations unless there are exigent circumstances.

II. USE OF A SUAS

- A. Only an LCSO owned sUAS is authorized for use, a personally owned sUAS is not authorized.
- B. The use of the sUAS must be in accordance with all applicable FAA regulations, State of IL Laws, and the manufacturer's recommendations.
- C. All agency PICs must follow the LCSO sUAS SOP.
- D. Pursuant to 725 ILCS 167/15, a sUAS may be used by the LCSO for the following purposes:
 1. 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.
 2. If a law enforcement agency first obtains a search warrant based on probable cause.
 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 is limited to 48 hours of the initiation and the chief executive officer of the law enforcement agency must report in writing to the use of a drone to the local State's Attorney.
 4. 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.

5. If a law enforcement agency is using a drone solely for crime scene and traffic crash scene photography. The photography must be conducted in a geographically confined and time-limited manner. The use of the drone on private property requires a search warrant or lawful consent to search. Every reasonable attempt must be made to only photograph the crime scene or traffic crash scene and avoid other areas.
6. 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 the drone is permissible during the disaster or public health emergency and during subsequent response and recovery efforts.
7. To conduct an infrastructure inspection of a designated building or structure at the express request of 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 and to avoid other areas.
8. To demonstrate the capabilities and functionality of a police drone for public relations purposes, provided that not information is collected or recorded by the drone during such demonstration.
9. 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 response of emergency vehicles and personnel to an emergency.
10. 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:
 - a. Notice is posted at the event location for at least 24 hours before the even and clearly communicates that drones may be used at the upcoming event for the purpose of real-time monitoring of participant safety;
 - b. Notice is posed, if practical, at major entry point to the event clearly information the attendees that a drone may be used for the purpose of real-time monitoring of participant safety; and
 - c. The drone is flown in accordance with FAA safety regulations.

Under this paragraph, a law enforcement agency may use the drone:

- i. In advance of an event, before event participants have begun to assemble, for the sole purpose 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
- ii. During the even to proactively support public safety personnel by monitoring the even footprint in real time:

- (a) To detect a breach of event space, including a breach by an unauthorized vehicle, and 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; and
- (e) To assess the traffic and pedestrian flow around the event in real time.

E. Facial Recognition

- 1. A law enforcement agency operating a drone is prohibited from using, during a flight, onboard facial recognition software that works in conjunction with the drone.
- 2. A law enforcement agency operating a drone is prohibited from using any information gathered by a drone with any facial recognition software, unless either
 - a. The law enforcement agency is using a drone to counter a high risk of terrorist attack by a specific individual or organization and the United Secretary of Homeland Security has determined that credible intelligence indicates that there is such a risk or
 - b. The 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.

F. Use of Weapons – A law enforcement agency operating a drone is prohibited from equipping or using on a drone any firearm, weaponized laser, kinetic impact projectile, chemical agent or irritant, or any other lethal or non-lethal weapon.

III. USE OF INFORMATION

- A. Information Retention – Per 725 ILCS 167/20 - If a law enforcement agency uses a drone under 725 ILCS 167/15, the agency shall destroy all information gathered by the drone within the following timeframes:
- 1. All information gathered pursuant to paragraph (1), (2), (3), (4), (5), (6), or (9) of Section 15 shall be destroyed within 30 days after being gathered.
 - 2. All information gathered pursuant to paragraph (10) of Section 15 shall be destroyed within 24 hours after being gathered.
 - 3. All information gathered pursuant to paragraph (7) of Section 15 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.

4. Notwithstanding subsection (a) a supervisor at a law enforcement agency may retain particular information if:
 - 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. A supervisor at the agency deems that the information will be used exclusively for training purposes, provided that any such information shall not contain any personally identifiable information; or
 - d. The information consists of only flight path data, metadata, or telemetry information of the drone.

B. Information Disclosure – Per 725 ILCS 167/25

1. If a law enforcement agency uses a drone under Section 15, the agency shall not disclose any information gathered by the drone, except that a supervisor of that agency may disclose particular information to another government agency if
 - a. There is reasonable suspicion that that information contains evidence of criminal activity or
 - b. The information is relevant to an ongoing investigation or pending criminal trial.
2. Records of drone usage, including flight path data, metadata, or telemetry information of specific flights, if available, may be disclosed subject to the Freedom of Information Act and rules adopted under the act.
3. A law enforcement agency that uses a drone under Section 15 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. Nothing in this Act prevents the disclosure of information through a court order or subpoena in connection with a criminal proceeding or if the disclosure is in regard to a completed traffic crash investigation.

IV. VIOLATIONS AND OVERSIGHT - Per 725 ILCS 167/45

- A. If the LCSO learns of violations of this Act, the LCSO shall immediately take actions to prevent future violations of the Act through any one or more of the following means:
 1. Training,
 2. Discipline, including progressive discipline for repeat violations, or
 3. Other means that will prevent repeated violations of the Act by law enforcement.

4. If the LCSO learns of willful and wanton violations of this Act, the agency shall immediately remove the pilot from the drone program and take action to prevent future willful and wanton violations of the Act.

- B. The Attorney General shall have authority to conduct investigations into patterns of practices of violations of this Act per 725 ILCS 167/45 (b) through 167/45 (e).

V. DISCIPLINE

Members violating this policy will be subject to progressive discipline up to and including termination in accordance with all applicable Sheriff's Office rules, regulations, and policies.

VI. ATTACHMENTS

- A. 4.3.06A – sUAS Standard Operating Procedure