

Unmanned Aerial System (UAS) Operations

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines under which unmanned aerial systems (UAS) may be used, and the storage, retrieval and dissemination of images and data captured by such systems.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Remote Pilot in Command (RPIC) - The individual with the final authority and responsibility for operation and safety of UAS operations.

Unmanned Aircraft System (UAS) An unmanned aircraft system is an aircraft that is operated without direct human intervention from within or on the aircraft. Also called remote piloted aircraft or drones, unmanned aircraft systems may be equipped with technology that allows the operator to gather information (i.e. any evidence, images, sounds, data, or other information).

Small Unmanned Aircraft System (sUAS) – An unmanned aircraft and its associated elements, including communication links and the components that control the aircraft that are required for safe and efficient operations, that is under 55 pounds. Small Unmanned Aircraft Systems are covered under 14 CFR Part 107

Visual Observer – If used, a UAS flight crew member designated by the RPIC to assist with the responsibility to identify and avoid other air traffic or objects in the air or on the ground.

Federal Aviation Administration (FAA) – National aviation authority in the United States.

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.

Routed Event - A parade, walk, or race that:

1. Is hosted by the State of Illinois or 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 a political protest, march, demonstration, or other assembly protected by the First Amendment.

Special Event - 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

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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.

606.2 POLICY

Unmanned aerial systems 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. The RPIC will make the final determination if an UAS can be deployed. Factors such as weather, safety, and legality should determine the suitability of a deployment.

606.3 PRIVACY

The use of the sUAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and 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 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.
- 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 protocol 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 Chief of Police or the authorized designee, depending on the type of mission.

- Developing protocol 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 an operational protocol 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 program reports to the Chief of Police.

606.5 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.

The UAS, or images and data produced by its use, shall not be used for personal business of any type. Any use of the UAS that is not specifically related to the operation or mission of this department shall require the express authorization of the Chief of Police or the authorized designee.

The Lake Forest Police Department may not use the UAS to gather information except (725 ILCS 167/15):

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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 there is a risk.
2. 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.
3. 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 Chief of Police must report its use, in writing, to the State's Attorney.
4. To locate a missing person, engaging in search and rescue operations, or aiding a person who cannot otherwise be safely reached, while not also undertaking a criminal investigation.
5. 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.
6. 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.
7. To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. Lake Forest Police Department members operating a drone under this paragraph shall make every reasonable attempt to photograph only the building or structure and avoid other areas.
8. 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 demonstrations.
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. During a routed event or special event provided that:
 - A. 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 purpose of real-time monitoring of participant safety;
 - B. 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 or participant safety; and
 - C. The drone is flown in accordance with Federal Aviation Administration safety regulations.

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Under this paragraph, the Lake Forest Police Department may use a 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 event to proactively support public safety personnel by monitoring the event footprint in real time:
 - I. To detect a breach of event space, including a breach by an unauthorized vehicle, an interruption of parade route, or a breach of an event barricade or fencing;
 - II. To evaluate crowd size and density;
 - III. To identify activity that could present a public safety issue for the crowd as a whole, including crowd movement;
 - IV. To assist in the response of public safety personnel to a real-time public safety incident at the event; and
 - V. To assess the traffic and pedestrian flow around the event in real time.

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).

606.6 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.

606.7 USE OF FACIAL RECOGNITION

The Lake Forest Police Department is prohibited from using, during a flight, onboard facial recognition software that works in conjunction with the drone. The Department is prohibited from using any information gathered by a drone with any facial recognition software, unless either:

- i. The Department is using a drone to counter a high risk of a terrorist attack by a specific individual or organization and the United States Secretary of Homeland Security has determined that credible intelligence indicates that there is such a risk; or

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- ii. The Department 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.

(725 ILCS 167/17)

606.8 RETENTION OF UAS INFORMATION

The Records Section supervisor shall destroy all information gathered by the UAS within the following timeframe:

1. All information gathered during the following UAS operations shall be destroyed after a period of 30 days:
 - (a) Counter-terrorism
 - (b) Pursuant to a search warrant
 - (c) Imminent harm to life, forestall the imminent escape of a suspect or prevent the destruction of evidence
 - (d) Missing person or search & rescue
 - (e) Crime or traffic crash scene processing
 - (f) Disaster or public health emergencies
 - (g) Responding to PSAP calls for service
2. All information gathered during UAS operations for routed events or special events shall be destroyed after a period of 24 hours.
3. All information gathered during UAS operations during infrastructure inspections shall be turned over to the requesting local government agency as soon as practicable. Once turned over, all information gathered shall be immediately destroyed

The Lake Forest Police Department may retain particular information if:

1. There is reasonable suspicion that the information contains evidence of criminal activity;
2. The information is relevant to an ongoing investigation or pending criminal trial;
3. A supervisor deems the information will be used exclusively for training purposes. Provided the information does not contain any personal identifiable information; or
4. The information only consists of only flight path data, metadata, or telemetry information of the drone

(725 ILCS 167/20)

606.9 UAS INFORMATION DISCLOSURE

Information gathered during a UAS operation may not be disclosed except during the following circumstances:

1. Upon the request of another governmental agency provided that:

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- (a) There is reasonable suspicion that the 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.

No member of this Department shall sell information gathered by the drone nor disclose any information gathered by the drone to any person to whom disclosure is not authorized.

Nothing 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 complete traffic crash investigation.

606.10 REPORTING

The Administrative Commander shall report annually, by April 1, to the Illinois Criminal Justice Information Authority the number of UAS's owned by the Lake Forest Police Department, the number of times a drone was used, including 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. The report shall also include a copy of the Lake Forest Police Department's latest policy concerning drones (725 ILCS 167/35).

606.11 OVERSIGHT

Following a drone deployment, the Administrative Commander shall review the circumstances surrounding the use of the drone to determine if proper laws, policies, and procedures were followed.

If the Lake Forest Police Department learns of any violations of state law, the Administrative Commander shall immediately take action to prevent future violations through training, discipline, or other means to prevent repeated violations. If it is determined that Department members willfully and wantonly violated state law, the pilot in question shall be immediately removed from the drone program. The Administrative Commander shall take immediate actions to prevent further willful and wanton violations from occurring (725 ILCS 167/45).