



FOX LAKE POLICE DEPARTMENT POLICY

No.
T513

Subject
SMALL UNMANNED AIRCRAFT SYSTEMS
(sUAS)

Date of Issue
October 22, 2019

Amended Date
June 21, 2023

Reference

725 ILCS 5/108-3 Grounds for a Search Warrant
725 ILCS 167 Freedom from Drone Surveillance Act
14 CFR 107 Drone Operation & Certification Regulations

Rescinds

PURPOSE: The purpose of this policy is to establish guidelines under which a small unmanned aircraft may be utilized and the storage, retrieval and dissemination of images and data captured by such systems.

POLICY: It is the policy of the Fox Lake Police Department to ensure authorized personnel are trained on the use of small unmanned aircraft systems, hereinafter referred to as sUAS, 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 the sUAS will be in compliance to relevant statutes, privacy rights, the Federal Aviation Administration, and 14 CFR 107 requirements.

I. Definitions

Federal Aviation Administration (FAA) – A national authority, with powers to regulate all aspects of civil aviation. These include the construction and operation of airports, the management of air traffic, the certification of personnel and aircraft, and the protection of US assets during the launch or re-entry of commercial space vehicles.

Information – As defined in 725 ILCS 167, any evidence, images, sounds, data, or other information gathered by the unmanned aircraft.

Remote Pilot in Command – Persons authorized by the Chief of Police and directly responsible for the operation of the small unmanned aircraft.

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

Visual Observer – The person designated by the remote pilot in command to assist the remote pilot in command and the person manipulating the flight controls of the aircraft to see and avoid other air traffic or objects aloft or on the ground.

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 is hosted by the State of Illinois or a county, municipality, township, or park district; is outdoors and open to the public; and has an estimated attendance of more than 50 people. A routed event does not include any political protest, march, demonstration, or other assembly protected by the First Amendment.

Special Event – means a concert or food festival that is hosted by the State of Illinois or a county, municipality, township or park district.

II. Procedures

A. PROGRAM COORDINATOR: The Chief of Police appoints a program coordinator who is responsible for the management of the department's small unmanned aircraft program. The program coordinator ensures that policies and procedures conform to current laws, regulations, and best practices. Listed below are the following additional responsibilities of the program coordinator:

1. Coordinate the FAA Certification of Authorization (COA) and/or the 14 CFR 107 application process; ensure all certifications are current.
2. Ensure authorized remote pilots in command have completed the required Federal Aviation Administration (FAA) and 14 CFR 107 training and department approved training in the operation, applicable laws, policies and procedures regarding use of the sUAS.
3. Consult with the Chief of Police or Commander regarding notification to the public and media outlets of sUAS deployment, when appropriate.
4. Ensure all personnel operate under the protocols governing the safe deployment and operation of a sUAS, along with documenting all missions. (See Annex A- UAS Mission Checklist and Annex B- Training/Flight Log)
5. Ensure that sUAS inspection and maintenance records are kept.
6. Ensure all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner consistent with existing department policies and procedures.
7. Recommend program enhancements, especially regarding safety and information security.
8. Conduct an annual audit of the program to include all documentation, and submit a report to the Chief of Police by January 15th.

B. TRAINING PRIOR TO USE OF THE sUAS

1. Prior to authorization to operate a sUAS, assigned personnel must complete an approved mandatory training program.
2. As needed, assigned officers will undergo refresher training on the equipment to ensure continued effective use, operation of the equipment and to incorporate changes, updates or other revisions to the FAA and/or 14 CFR 107 requirements, statutes, or department policy.

C. DEPARTMENT USE OF sUAS

1. The police department must obtain and maintain the applicable authorizations, waivers, permits, or certificates as required by FAA prior to deploying or operating the sUAS, and ensure these documents are current.
2. Pursuant to 725 ILCS 167/15, the sUAS may not be used to gather information, except during the following types of situations:
 - 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 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.

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 the sUAS under this paragraph is limited to a period of 48 hours. Within 24 hours of the sUAS initiation under this paragraph, the Chief of Police must report its use, in writing, to the state's attorney. (See Annex C- State's Attorney Notification Letter)

d) 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.

e) To obtain crime scene and traffic crash scene photography in a geographically confined and time-limited manner. Use of the sUAS under this paragraph on private property requires either a search warrant or lawful consent to search. As it relates to lands, highways, roadways or areas belonging to the state, a search warrant or consent to search is not required. Reasonable attempts shall be made to only photograph the crime scene or traffic crash scene and to avoid other areas.

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. There is no requirement that an official declaration of disaster or public health emergency prior to use.

g) To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. Reasonable attempts shall be made to only photograph the building or structure and to avoid other areas.

h) 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 demonstration.

i) 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.

j) For routed or special events:

(1) 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

(2) During the event to proactively support public safety personnel by monitoring the event footprint in real time:

- 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
- to evaluate crowd size and density
- to identify activity that could present a public safety issue for the crowd as a whole, including crowd movement
- to assist in the response of public safety personnel to a real-time public safety incident at the event; and
- to assess the traffic and pedestrian flow around the event in real time.

(3) A notice will be posted at the event location for at least 24 hours before the event and if practical will be posted at major entry points clearly informing the attendees that a drone may be used for the purpose of real-time monitoring of participant safety.

3. Requests to deploy the sUAS shall be made to the Chief of Police or Commander.

4. If the sUAS will be flying within close proximity to a hospital heliport, which could create a hazardous situation for a manned aircraft, notification shall be made to the respective hospital's security office, whenever possible.

5. When appropriate, notification of the sUAS deployment shall be made to the public and/or media outlets.

6. At the conclusion of each deployment, any evidentiary video recordings or digital images shall be securely downloaded and stored consistent with existing department policies and procedures.

7. All deployments of the sUAS will be documented on Annexes A and B. The minimum information shall include the purpose for the flight, the date, time, location, and a brief summary of the disposition of the mission.

D. ACCIDENT REPORTING

1. The FAA requires notification of certain sUAS accidents. Pursuant to 14 CFR 107 Drone Operation & Certification Regulations, within 10 days after the accident, the remote pilot in command must report accidents to the FAA in the following situations:

a) Serious injury to any person or loss of consciousness.

b) Damage to any property, other than the sUAS, unless one of the following conditions is satisfied (a) the cost of repair including materials and labor does not exceed \$500.00 or (b) the fair market value of the property does not exceed

\$500.00 in the event of a total loss.

2. The remote pilot in command is required to initiate a police report for any accident involving the sUAS. The police report shall include the following information:

- a) Name and contact information for operators and witnesses.
- b) Type of operation.
- c) Type of device and registration number/certificate.
- d) Event location and incident details.
- e) Evidence collection such as photos, video, and device confiscation, if necessary.

3. When the accident meets the criteria listed under Section A, the remote pilot in command shall provide notification to the FAA by using the FAA's DroneZone Portal at: https://www.faa.gov/uas/report_accident/.

E. RESTRICTIONS

1. The sUAS will not be used to:

- a) Conduct random surveillance activities or requests for information.
- b) Target a person based solely on individual characteristics such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- c) Harass, intimidate or discriminate against any individual or group.
- d) Conduct personal business of any type.
- e) Gather information using onboard facial recognition software, unless the drone is being used to counter a high risk of terrorist attack by a specific individual or organization and the United States Secretary of Homeland Security has determined credible intelligence indicates that there is such a risk or there is 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 any weapons equipped by the sUAS but not limited to any firearm, weaponized laser, kinetic impact projectile, chemical agent or irritant, or any other lethal or non-lethal weapon.

2. sUAS deployments by the police department must also adhere to the operating procedures established by the FAA. These rules are outlined below, but are not limited to:

- a) Conduct a pre-flight check to ensure the sUAS in condition for safe operation. This is covered in Section A.6.
- b) Keep the sUAS in visual line of sight.
- c) Fly during day or twilight hours.
- d) Fly at or below 400 feet above ground level.

- e) Fly at or below 100 mph.
- f) Yield right of way to manned aircraft.
- g) Must not fly directly over people.
- h) Must not fly from a moving vehicle, except in rural areas.
- i) During an emergency situation, deviations from policy are permitted.

3. The program coordinator may request a certificate waiver from the FAA which authorizes deviation from some of the above regulations. The certificate waiver will be granted when the FAA determines that the sUAS operation can be safely conducted under the terms of the certificate waiver. A copy of any certificate waiver must be available on-scene when operating under the terms of that certificate waiver.

4. Personnel shall notify the Program Coordinator when he/she knows or has reason to know that he/she has a physical or mental condition that would interfere with the safe operation of the sUAS. That person shall not operate the sUAS until evaluated and cleared by the program coordinator.

III. PRIVACY CONSIDERATIONS

A. Use of the sUAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and visual 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. Operators and visual observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

B. When there are specific and articulable grounds to believe that the sUAS will collect evidence of criminal wrongdoing and/or if the sUAS will be used in a manner that may intrude upon reasonable expectation of privacy, the department will obtain a search warrant prior to conducting the flight.

IV. INSPECTION AND CARE OF THE EQUIPMENT

A. The sUAS and related equipment shall be maintained in the state of operational readiness. Assigned officers shall use reasonable care to ensure the proper functioning of the sUAS equipment. Malfunctions shall be brought to the attention of the program coordinator as soon as possible. Extra caution must be taken to ensure the equipment is not stored in extreme temperatures.

B. Prior to use, the Pilot in Command shall inspect the sUAS and all related equipment to verify proper functioning, completing the Mission Checklist. (See Annex A)

V. INFORMATION DISCLOSURE

A. Personnel should be aware that information may contain sensitive information and are responsible for ensuring compliance to the information in this policy. A breach in security, careless handling of the information and/or intentional release of recordings the information to non-authorized individuals may jeopardize relationships with citizens, subject victims to an invasion of privacy, jeopardize prosecutions, and endanger the safety of individuals.

B. All information is considered investigative property of the Fox Lake Police

Department. The utmost care and caution shall be taken to ensure the information is not mishandled or misused.

C. Any violations related to unauthorized edits, alterations, and dissemination of this information shall be cause for disciplinary action.

D. Pursuant to 725 ILCS 167/25, the disclosure of information is prohibited, except 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.

E. 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 that Act.

F. All information gathered by the drone shall not be sold nor disclosed to any person whom disclosure is not authorized under section 725 ILCS 167/25.

VI. INFORMATION RETENTION

A. Pursuant to 725 ILCS 167/20, within 30 days of the gathering of the information, the police department shall destroy all information gathered by the sUAS, except when there is reasonable belief that the information contains evidence of criminal activity or the information is relevant to an ongoing investigation or pending criminal trial, or

1. If the drone was used for a routed or special event, all information gathered shall be destroyed within 24 hours.
2. If the drone was used for infrastructure inspection, the data 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.
3. Drone data may be retained if it has been deemed to be exclusively used for training purposes and does not contain any personally identifiable information or the data consists of only flight path data, metadata, or telemetry information.

VII. REPORTING

A. Annually, by April 1, the program coordinator shall report to the Illinois Criminal Justice Information Authority the number of drones owned by the 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 contain a copy of the agency's latest policy concerning drones as of the most recent April 1.

VIII. INFORMATION FROM PRIVATE DRONES

A. The department may utilize information from private drones for the purpose of undertaking the tasks outlined in Section C - DEPARTMENT USE OF UAS.

B. Private parties may voluntarily submit information acquired by the privately owned drone to the police department.

C. The department shall not disclose any information gathered by the private drone. However, a supervisor may disclose information to another government agency when there is reasonable suspicion that the information contains evidence of criminal activity or

the information is relevant to an on-going investigation or pending criminal trial.

By Order of

A handwritten signature in black ink, reading "Jimmy A. Lee, Jr." in a cursive script.

Jimmy A. Lee, Jr.
Chief of Police



FOX LAKE POLICE DEPARTMENT UAS MISSION CHECKLIST



GENERAL INFORMATION		
DATE / TIME OF INCIDENT:	JURISDICTION:	AGENCY CASE NUMBER:
LOCATION OF FLIGHT:	MISSION DESCRIPTION:	AUTHORIZATION TYPE: COA ☐ PART 107 ☐
PILOT / AIRCRAFT INFORMATION		
PILOT IN COMMAND:	VISUAL OBSERVERS:	UAV FAA REGISTRATION NUMBER: FA3C4PCA49
PRE-FLIGHT INFORMATION		
CATEGORY:	ITEM:	COMPLETED
WEATHER (NOTE ACTUAL CONDITIONS)	Visibility (3 SM minimum):	
	Ceiling (600' minimum):	
	Winds (30-mph maximum):	
	Temperature (0 F minimum):	
	Precipitation:	
AIRSPACE / OPERATIONS AREA	Verify airspace and required waivers (controlled airspace, daylight operations).	
	Check for TFRs and NOTAMs.	
	Check for potential obstructions and hazards (terrain, towers, wires, etc.).	
T/O AND LANDING AREA	Identify primary T/O and landing zone (30' diameter and free of hazards).	
	Clearly mark T/O and landing zone and set up barriers. Use scene lighting for nighttime operations.	
	Identify emergency landing zones.	
PERSONNEL BRIEFING	Locate and review all emergency procedures.	
	Notify all personnel of communications procedures (radio, cell phone, etc.).	
	Notify all personnel of contact information/location of emergency services.	
	Notify all personnel of location of first aid equipment and fire extinguisher.	
UAS INSPECTION AND SETUP	Verify possession of licenses and waivers.	
	UAV: landing gear installed and locked, propellers installed and locked, batteries installed and locked.	
	Cameras: Z30-Gimbal II, XT2-Gimbal I (locked and micro SD cards inserted).	
	Control Station: locked to display, batteries locked, antennae attached.	
	Power up control station and verify boot-up.	
	Power up UAV and verify connection to control station.	
	Verify battery power levels.	
	Verify UAV P-mode / GPS-mode.	
Verify vision system active and all flight parameters set in DJI Pilot app.		
REPORTING OFFICER:	DEPARTMENT:	SUPERVISOR APPROVAL:



FLIGHT OPERATIONS		
CATEGORY:	ITEM:	COMPLETED
TAKEOFF	Announce takeoff and ensure T/O and landing zone is safe and clear.	
	Upon takeoff, hover in place at 10' and verify control and telemetry of UAV.	
	Verify UAV lighting including anti-collision lighting during nighttime operations.	
	Proceed with mission.	
LANDING	Announce landing and ensure T/O and landing zone is safe and clear.	
	Power down UAV first, and then control station.	
	Remove memory cards and store safely.	
	Disassemble UAS and check for damaged or worn components.	
NOTES		
REPORTING OFFICER:	DEPARTMENT:	SUPERVISOR APPROVAL:

T513-SMALL UNMANNED AIRCRAFT SYSTEMS

ANNEX B

[illegible]



DEPARTMENT OF POLICE

VILLAGE OF FOX LAKE

301 SOUTH ROUTE 59 • FOX LAKE, ILLINOIS 60020 • 847-587-3100

Date:

To: Lake County State's Attorney's Office FAX: (847) 360-0993

From: Chief Jimmy A. Lee Jr.

Reference: Drone Usage

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

(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: