

 <p>CITY OF ST. CHARLES ILLINOIS • 1834</p>	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item number: 5e
	Title:	Recommendation to approve a Resolution Regarding Drones as First Responders	
	Presenter:	Police Chief James Keegan	
Meeting: City Council		Date: March 20, 2023	
Proposed Cost: \$		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
TIF District: None			
Executive Summary (if not budgeted, please explain):			
<p>The attached resolution supports the proactive use of drones by law enforcement at special events to observe crowd size, behavior, and movement. Currently, the use of this resource is limited by the Drone Surveillance Act.</p> <p>On behalf of the men and women of the St. Charles Police Department, I respectfully ask the City Council to extend its full support of the resolution. The Illinois Chiefs of Police Association also supports this measure (see attached fact sheets).</p>			
Attachments (please list):			
Resolution, Fact Sheet			
Recommendation/Suggested Action (briefly explain):			
Recommendation to approve a Resolution Regarding Drones as First Responders			



Illinois Association of CHIEFS OF POLICE

Fact Sheet: Support passage of “drone bill” – HB 5452 in special session or veto session in the fall of 2022

Background

The original “Illinois Freedom from Drone Surveillance Act” passed in Illinois in 2013. Since then, the public use of drones has increased substantially. Drones are now regularly used by hobbyists, news media, construction managers, Realtors and others -- and for the inspection of bridges, water towers and power lines. Law enforcement can use drones to photograph accident scenes and crime scenes, to search for missing persons, and *after an emergency is under way*, but cannot proactively observe a community event such as a concert or parade.

Highland Park example – July 4, 2022, parade

The Highland Park incident is a clear example where law enforcement and the entire community may have benefited from more common-sense language in state law. The law in its current form prohibits law enforcement from using drones in a proactive, preventative manner for community events.

How HB 5452 will make communities safer

This legislation began as an initiative of the Aurora Police Department, and it has since united with other law enforcement agencies, various municipalities, and the Illinois Association of Chiefs of Police into a coalition seeking changes to an outdated law. The recommendations are limited to specific situations that would provide proactive and/or preventative benefits for public safety.

Summary of Major Proposed Changes:

- Updates definition of “special event”
 - Definition taken from the Federal Emergency Management Agency (FEMA).
 - Permits the use of a drone by a law enforcement agency at a special event to prepare for or observe crowd size, density, and movement; assess public safety staffing; or oversee the general safety of the participants.
 - If a special event is occurring on private property, use of a drone must be authorized by the owners or organizers prior to flight.
- Provides that a law enforcement agency may use a drone to respond to Public Safety Answering Point (PSAP) dispatched calls for service, when the primary purpose for the response is to locate or assist victims, or both, identify offenders, and to guide emergency response.
- Allows an evaluation of traffic flow around schools when planned in advance and authorized by the school administrator, with advance notification to parents.
- Provides transparency because information data on drone usage would be subject to the disclosure and exception to disclosure provisions of the Freedom of Information Act.



Illinois Association of CHIEFS OF POLICE

ACTION ALERT on HB 5452 – Talking Points for ILACP Members

“Support the drone bill to give law enforcement an important tool”

August 9, 2022

1. ACTION ALERT:

- a. **Contact your state reps and senators NOW – in August 2022 – and tell them it’s a priority to get HB 5452 passed this fall, whether in a special session or veto session.**
 - b. Share with them the attached FACT SHEET.
 - c. Tell them Illinois law needs to be changed to allow law enforcement to have common-sense ways to deploy drones at events. Waiting until something happens is too late!
2. This bill will make it easier for law enforcement to use drones, especially at community events, while still protecting people’s privacy and civil rights.
 3. For law enforcement, a drone (technically called an unmanned aerial vehicle):
 - a. Is a force multiplier, adding to other tools now utilized
 - b. Allows for real-time, unobtrusive intelligence at events such as parades, concerts, and festivals
 - c. Is a much more common device now used by citizens, hobbyists, Realtors, inspectors of bridges, and much more
 4. Why we need this bill: Law enforcement can use drones to photograph accident scenes and crime scenes, to search for missing persons, and after an emergency is under way, **but cannot proactively observe a community event such as a concert or parade.**

The Highland Park incident on July 4 is a clear example where law enforcement and the entire community may have benefited from more common-sense language in state law.

5. Ironically, helicopters with cameras are now allowed, but not drones, which are far less expensive and far easier to deploy.
6. Types of events and incidents where the law would allow LE to have real-time intelligence: Cars dashing into crowds, people on rooftops, parades, festivals, concerts.
7. Examples of incidents where proactive use of drones, if allowed in Illinois, would have been helpful in possibly preventing a mass incident or reducing its negative impact: the Las Vegas concert shooting, the Waukesha parade, the Houston concert trampling

**The City of St. Charles, Illinois
Resolution No. _____**

A Resolution Regarding Drones as First Responders

**Presented & Passed by the
City Council on _____**

WHEREAS, in 2013, the Illinois General Assembly approved the Freedom from Drone Surveillance Act, which later became law as Public Act 98-569 (“the Act”) and effective on January 1, 2014; and

WHEREAS, in recent years the availability and use of unmanned aerial vehicles or “drones” for civilian as well as governmental applications has increased significantly; and

WHEREAS, the current Act bans the use of drones by law enforcement entities, subject to specific enumerated exceptions; and

WHEREAS, the Act’s restrictions on the use of drones by law enforcement unreasonably limits the use of drones for legitimate, reasonable, and safe crime prevention and public safety purposes; and

WHEREAS, the Act’s restrictions on the use of drones by trained law enforcement personnel are far greater than any other federal or state restrictions on their use by civilian or other governmental authorities; and

WHEREAS, the Act restrictions represent a reaction of the legislature to new technology and perceived concerns about the improper use of drones by law enforcement as tools; and

WHEREAS, law enforcement personnel have worked closely with state legislators to propose amendatory language to the Act that achieves a better balance between the legitimate use of drones for law enforcement purposes and the privacy concerns that underly its existing regulations; and

WHEREAS, Senate Bill 107, also known as the Drones as First Responders’ Act as introduced in the 103rd General Assembly is one example of a collaboration between legislators, municipalities, law enforcement agencies, and privacy advocates that modernizes the regulations in the Act to permit the use of drones by law enforcement as proactive and preventative tools, while ensuring appropriate oversight, accountability, and transparency; and

WHEREAS, legislation like Drones as First Responders Act is critical to allowing the use of drones to enhance public safety as a crime prevention and supplemental law enforcement tool;

Date
Resolution No.

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of St. Charles, Kane, and DuPage, that the City of St. Charles extends its full support to well-reasoned measures intended to modernize the original 2013 Act and further encourages the General Assembly to act with all deliberate speed in the adoption of the Drones as First Responders Act; and further

BE IT RESOLVED that in the event of the passage of SB 107 consistent with the aims of this Resolution that encourages the Governor of this State to approve said measure without delay; and further

BE IT RESOLVED that a copy of this Resolution shall be transmitted forthwith to all members of the Illinois General Assembly whose districts encompass any portion of the corporate limits of the City; and further

BE IT RESOLVED that a copy of this Resolution shall be immediately transmitted to the Governor forthwith upon notice of the passage of any legislation consistent with the aims of this Resolution by the General Assembly.

PRESENTED to the City Council of the City of St. Charles, Illinois, this ____ day of _____, 2023.

PASSED by the City Council of the City of St. Charles, Illinois this ____ day of _____, 2023.

APPROVED by the Mayor of the City of St. Charles, Illinois this ____ day of _____, 2023.

Mayor Lora A. Vitek

Attest:

City Clerk

Council Vote:

Ayes: _____

Nays: _____

Abstain: _____

Absent: _____