

UAS Legal Issues



Dawn McDermott
Schaumburg Police Department
dmcdermott@schaumburg.com
847-348-7275

Disclaimer

The information in this presentation is not legal advice.

Rules and laws may (and probably will) change.

Check with your local State's Attorney's Office or your employer's legal counsel.


Constitutional issues

Case law

Other liability issues

Illinois law



A close-up shot of RoboCop in his iconic silver helmet and visor, standing in front of a brick wall. The scene is dimly lit, with a window visible in the background. The text "Stay out of trouble" is overlaid in large, bold, white letters with a black outline.

Stay out of trouble

<https://www.youtube.com/watch?v=sWTVc8JG3UU>

Civil Rights Considerations

West  Series

MICHAEL G. COLLINS

Section 1983 Litigation

in a
nut
shell

4th Edition

Avg. 2 cases per year until 1961. Now over 100,000 a year

WEST.



Title 42 USC Section 1983

Any
**unreasonable
search can be
the subject of a
1983 action
(usually homes
or intrusive
body searches.)**

Do *not* use your drone for intrusive body searches.

<https://geekologie.com/2018/07/guy-performs-classic-pull-a-tablecloth-o.php>

You can be charged and convicted of federal civil rights violations even if the complainant *does not sue*.

U.S. v. Brown 7th Cir. 2017



<https://www.chicagotribune.com/news/local/breaking/84796360-132.html>

**Result of
actions
between 2
or more
officers**

Includes *failure to act*:

Failure to intervene when
present during an ongoing
civil rights violation.

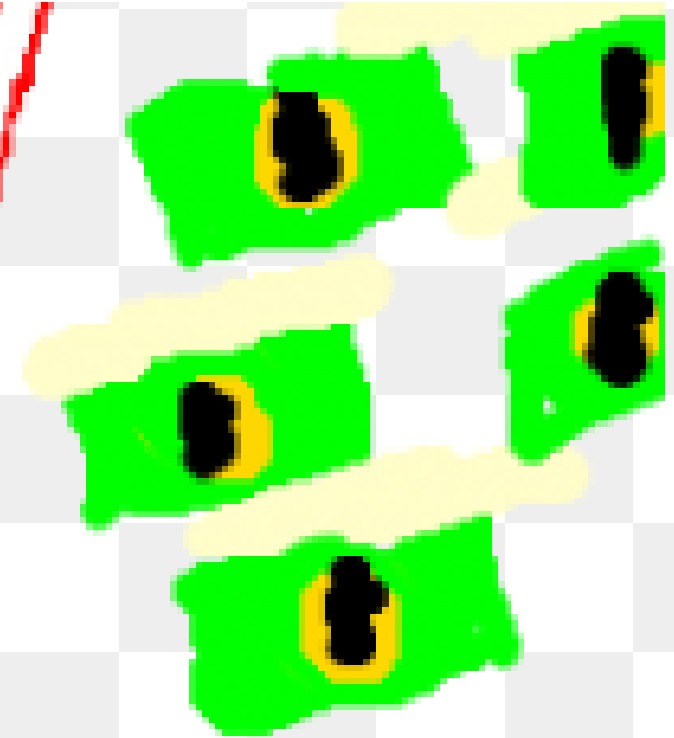
**Punitive damages
responsibility of officer!**



Attorney fees paid by loser

Wow!!!

May be higher than amount awarded



**Ex: attorney got \$1000 settlement for client,
received \$459,000 in attorney's fees**

So, even if your conduct did not cause great injury or damage, it can still cost a lot of \$\$\$

Defense - Qualified Immunity



Law is not settled on the issue at time of violation such as that the reasonable officer would not know that he or she committed a violation.

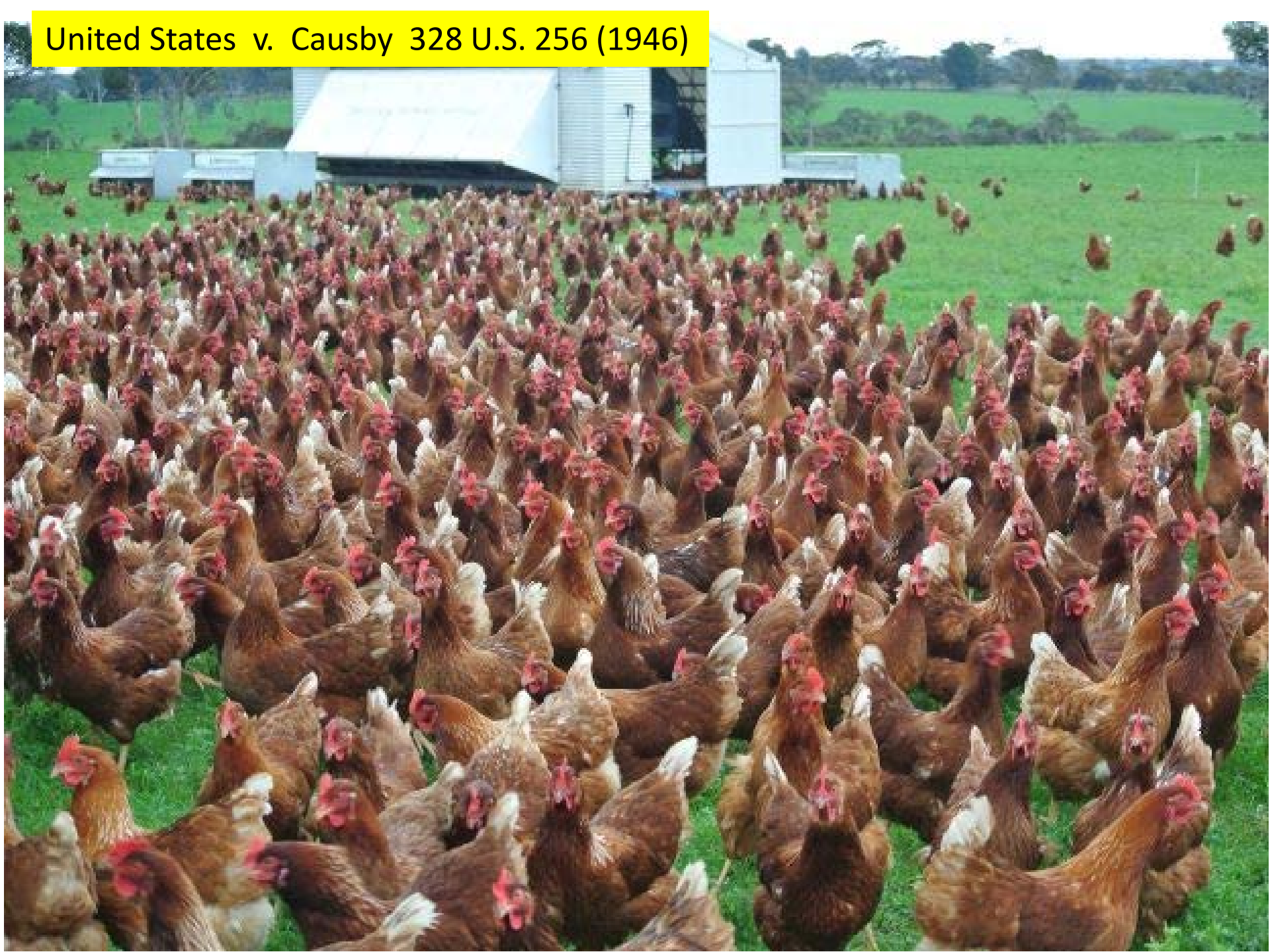
Case Law

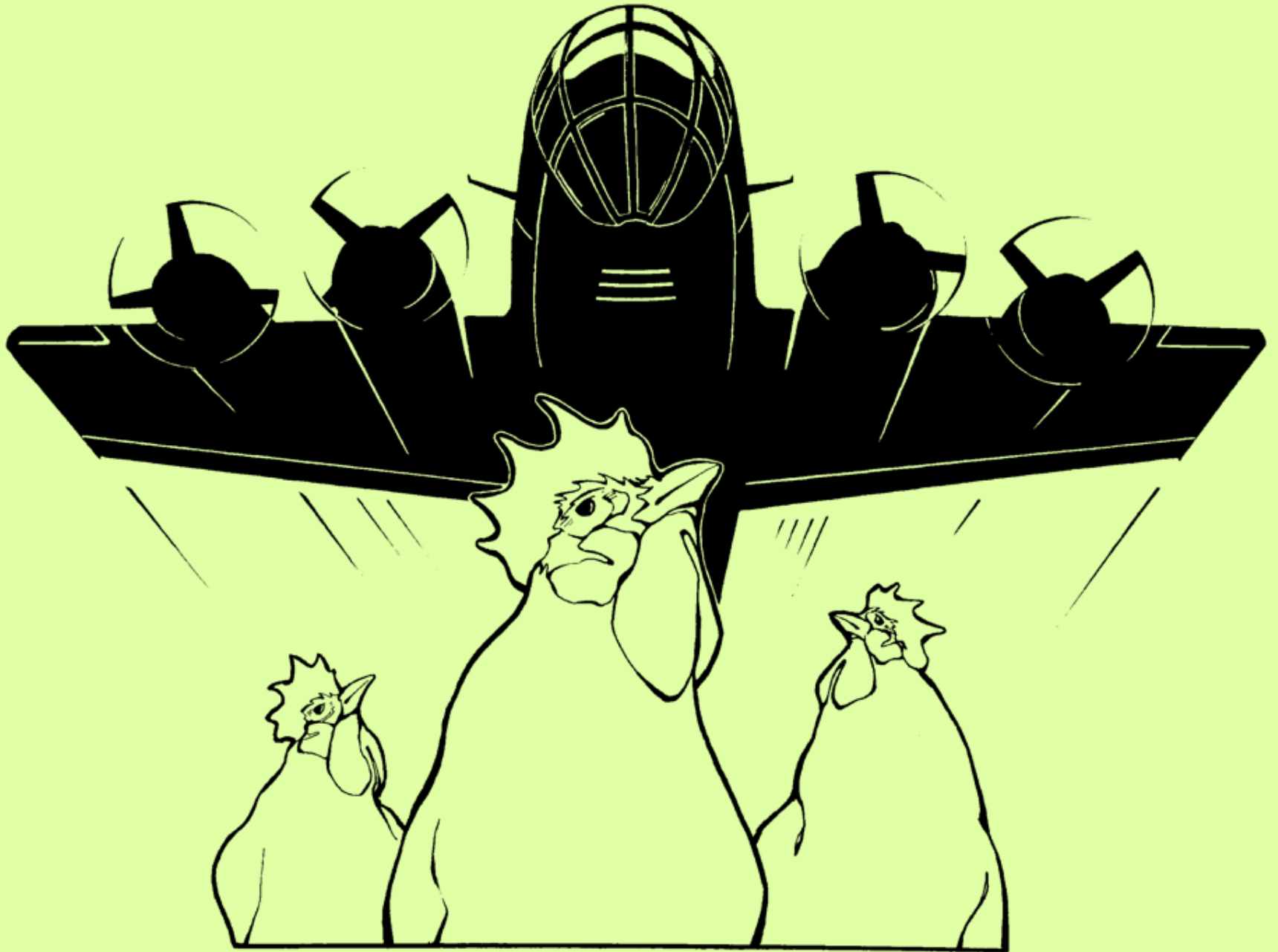
**Property
Rights**

**Privacy
Rights**



United States v. Causby 328 U.S. 256 (1946)







Awarded \$1,060 for the decline in the value of their land, plus \$375 for the dead poultry.

U.S. v. Causby

A white chicken is the central focus of the image, standing on a grassy field with its wings spread wide. The chicken is facing forward, and its tail feathers are visible. The background is a soft-focus green field. The entire image has a reddish-pink tint.

Common law rule was: land beneath their property and all of their sky above their property “into the periphery of the universe.”

Created “enveloping atmosphere” rule

Landowner owns at least as much of the space above the ground as he can occupy or use in connection with the land



Plain View Doctrine

Officer must be lawfully present in the area where the evidence is

and

Officer must have probable cause to believe evidence is crime-related.

Assisted/magnified views: may used to see what can lawfully be seen from a closer distance.



