
Unmanned Aerial System

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

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 - Person directly responsible for and is the final authority as to the operation of the Unmanned Aerial System (UAS).

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

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.

606.2 POLICY

A UAS 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.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy. 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.

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606.4 PROGRAM COORDINATOR

The Chief of Police will appoint a sworn supervisor to be the UAS 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:

- Ensuring that the FAA Certificate of Waiver or Authorization (COA) is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- 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 protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment, when appropriate.
- Developing operational protocols 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 reports on the program to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

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- Developing procedures for the use of facial recognition software to evaluate information gathered by a UAS, as permitted by 725 ILCS 167/17.
- Ensuring that the department's current UAS policy is posted on the department's website (725 ILCS 167/35).

606.5 TRAINING PRIOR TO USE OF THE UAS

Prior to authorization to operate a UAS, assigned personnel must complete mandatory training provided by the department to obtain an understanding on how to use the UAS and the procedures outlined in this policy.

Annually, assigned officers will undergo refresher training on the equipment to ensure continued effective use and operation of the equipment, and to incorporate changes, updates, or other revisions to FAA requirements, statutes, or departmental policy. Additional training may be provided at periodic intervals for personnel displaying a substandard performance in the use of UAS equipment.

606.6 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. In all other instances, legal counsel should be consulted.

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.

UAS operations should only be conducted consistent with FAA regulations.

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

- (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. 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 a UAS under this paragraph is limited to a

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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.

- (d) To locate a missing person, engage in search and rescue operations, or aid 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. The use of the UAS under this paragraph on private property requires either a search warrant or lawful consent to search.
- (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 be issued prior to use.
- (g) To conduct the inspection of the infrastructure of a designated building or structure when requested by a local government agency.
- (h) To locate victims, assist with victims' immediate health or safety needs, or coordinate the response of emergency vehicles and personnel, when dispatched to an emergency.
- (i) In advance of or during a routed or special event, as defined in 725 ILCS 167/5, for those uses allowed under 725 ILCS 167/15.
 - 1. The notice for UAS use in these instances should be posted at a time, place, and manner as required by 725 ILCS 167/15.

Requests to deploy the UAS shall be made to the program coordinator or on-duty supervisor to determine if the proposed flight will be permitted. If permitted, the UAS operator shall complete the established pre-flight checklist. [See attachment: UAS Pre and Post Flight Checklist.pdf](#)

When appropriate, notification of the UAS deployment should be made to the public and/or media outlets.

606.6.1 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).

606.6.2 FACIAL RECOGNITION WITH UAS

Facial recognition software onboard a UAS shall not be used during a flight (725 ILCS 167/17). Use of facial recognition software to evaluate information gathered by a UAS is permissible only under those circumstances described in 725 ILCS 167/17.

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606.7 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 (725 ILCS 167/18).

606.8 INSPECTION AND CARE OF THE EQUIPMENT

The UAS 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 UAS equipment. Malfunctions shall be brought to the attention of the program coordinator as soon as possible. Caution should also be taken to ensure the equipment is not stored in extreme temperatures.

Prior to use, assigned officers shall:

- Using an equipment checklist, inspect the UAS and related equipment to verify proper functioning and ensure the battery is adequately charged in accordance with manufacturer recommendations.
- Inspect the body of the UAS, inspect the charging and camera cables to look for signs of visible damage, and ensure the propellor blades are in flight worthy condition.

606.9 RETENTION OF UAS INFORMATION

The program coordinator shall destroy all information gathered by the UAS within the timeframe specified by law (725 ILCS 167/20).

Information may be retained by a department supervisor when (725 ILCS 167/20):

- (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) The information will be used exclusively for training purposes and all personally identifiable information has been removed from it.
- (d) The information contains only flight path data, metadata, or telemetry information of the UAS.

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606.10 DISCLOSURE OF UAS INFORMATION

Information gathered during an inspection of the infrastructure of a designated building or structure shall be given, as soon as practicable, to the requesting local government agency before it is destroyed (725 ILCS 167/20).

The disclosure of information gathered by the UAS is prohibited except (725 ILCS 167/25):

- (a) 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.
- (b) Pursuant to a court order or subpoena in connection with a criminal proceeding.
- (c) In regard to a completed traffic crash investigation.

Available records of drone usage (e.g., flight path data, metadata, telemetry information of specific flights) may be disclosed subject to the Freedom of Information Act, 5 ILCS 140/1 et seq., and rules adopted under it (725 ILCS 167/25).

606.11 REPORTING

The program coordinator shall report annually, by April 1, to the Illinois Criminal Justice Information Authority the number of UASs owned by the Department and any other required information to be reported under 725 ILCS 167/35.

The report shall contain a copy of the department's current UAS policy (725 ILCS 167/35).

606.11.1 ACCIDENT REPORTING

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

- Serious injury to any person or loss of consciousness.
- Damage to any property, other than the UAS, unless one of the following conditions is satisfied:
 - The cost of the repair including materials and labor does not exceed \$500.00, or
 - The fair market value of the property does not exceed \$500.00 in the event of a total loss.

When an accident meets the FAA reporting criteria above, the remote pilot in command should provide notification to the FAA by using the FAA's DroneZone Portal at: <https://faadronezone.faa.gov/#/>

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

- Name and contact information for operators and witnesses.
- Type of operation (i.e. search and rescue, training, search warrant, etc.).

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- Type of device and registration number/certificate.
- Event location and incident details.
- Evidence collection such as photos, video, and device confiscation, if necessary.

606.11.2 DEPARTMENT REPORTING REQUIREMENTS

Every remote pilot in command shall be responsible for completing the following documentation after any non-training-related deployment of a UAS:

- (a) Batavia Police Department UAS Deployment Log.
- (b) Batavia Police Department Drone Use Notification to State's Attorney's Office Form, when required. [See attachment: UAS Use Notification to SAO.pdf](#)

Copies of the above form shall be submitted to the on-duty supervisor and the program coordinator, when applicable.

Any UAS deployment shall be documented in a corresponding general case report.

606.12 COMPLIANCE WITH THE FREEDOM FROM DRONE SURVEILLANCE ACT

If a determination is made that a member has violated the Act, the Department shall take prompt and appropriate action (e.g., training, discipline) (725 ILCS 167/45). If a determination is made that a UAS pilot has willfully violated the Act, the Department shall promptly remove the pilot from its UAS program and take other appropriate action (see the Personnel Complaints Policy) (725 ILCS 167/45).

Attachments

UAS Pre and Post Flight Checklist.pdf



Batavia PD Pre-Flight Checklist

- 1) Determine applicable 'Drone as First Responder Act' exception.
- 2) Obtain Supervisor approval for flight.
- 3) Determine if LAANC Authorization is required and obtain if needed.
- 4) Check METAR for weather. Remember, minimum 3-mile visibility and must fly at least 500' below the cloud deck.
- 5) Provide notifications as appropriate or required.
 - Tri-Com Dispatch (630) 232-6739
 - DuPage Airport (630) 587-7823
 - Northwestern Delnor Hospital (630) 208-3000
- 6) If exigent waiver of FAA rules is required for Special Government Interest (SGI) call 202-267-8276.
- 7) Turn on Mobile Hotspot. RC controller should automatically connect to provide maps and service updates. You may need to apply mandatory service updates before flight.
- 8) Prepare UAS and RC Controller.
 - Check UAS for damage.
 - Inspect camera, gimbal and propellers.
 - Extend and secure arms.
 - Attach optional accessories as needed.
 - Make sure Controller Stick Mode is set properly. (Default is #2)
- 9) Review known hazards and concerns, then brief visual observer.

Batavia PD Post-Flight Checklist

- 1) Notify Tri-Com (and others) that the flight has ended.
- 2) Inspect UAS for damage.
- 3) Transfer or delete images and video as required by Act exception.
- 4) Perform any deferred updates to controller or drone.
- 5) Shut down Controller and Mobile Hotspot.
- 6) Complete 'BPD UAV Deployment Log' (Shared Excel Document)
- 7) Document flight in case report or supplemental report.
Include private property landing authorization if relevant.
- 8) Send SAO notification if required.

UAS Use Notification to SAO.pdf



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Drone Use Notification to State's Attorney's Office

Attention: _____ **Date:** _____

The following is a notification from the Batavia Police Department on behalf of Chief Shawn Mazza, pursuant to the Illinois Drone Surveillance Act, specifically 725 ILCS 167/15(3), which states that the act does not prohibit the use of a drone by a law enforcement agency: 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.

Below are the details of a recent deployment that was conducted, as authorized in 725 ILCS 167/15(3):

Date of Deployment: _____ **Time of Deployment:** _____

Length of Deployment: _____ **# of drones deployed:** _____

Location of deployment: _____

Purpose:

Prevent harm to life Forestall escape of a suspect Prevent destruction of evidence

Video footage recorded (yes/no): _____ **Is the video being kept as evidence (yes/no):** _____

Was any drone video footage obtained from a private third party (yes/no): _____

BPD Report # _____ **Title of Report:** _____

Charges authorized (indicate if Misd. or Felony): _____

Drone pilots who conducted the deployment: _____

Supervisor authorizing the deployment: _____

Summary of reasonable suspicion (attach additional pages if necessary):