

# 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.

## 606.2 DEFINITIONS

Definitions related to this policy include:

**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.

**Disaster:** As defined in 20 ILCS 3305, the Illinois Emergency Management Agency Act, means an occurrence of threat of widespread or severe damage, injury or loss of life or property resulting from any natural, technological, or human cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, public health emergencies, cyber incidents, or acts of domestic terrorism.

**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.

**Parade:** As defined in 725 ILCS 167/5, the Drones as First Responders Act, means 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.

**Program Coordinator:** Sworn supervisor responsible for the day-to-day management and usage of the small, unmanned aircraft.

**Public Health Emergency:** As defined in 20 ILCS 3305/1, the Illinois Emergency Management Agency Act, means an occurrence or imminent threat of an illness or health condition that:

- (a) is believed to be caused by any of the following: bioterrorism, the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin, a

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natural disaster, a chemical attack or accidental release or a nuclear attack or accident and

- (b) poses a high probability of any of the following harms: a large number of deaths in the affected population, a large number of serious or long-term disabilities in the affected population or widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

**Public Safety Answering Point (PSAP):** As defined in 50 ILCS 750, the Emergency Telephone System Act, means the primary answering location of an emergency call that meets the appropriate standards of service and is responsible for receiving and processing those calls and events according to a specified operational policy.

**Remote Pilot in Command (RPIC):** Person directly responsible for and is the final authority as to the operation of the small, unmanned aircraft.

**Routed Event:** Means a parade, walk, or race that (1) is hosted by the State of Illinois or a country, 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 any political protest, march, demonstration, or other assembly protected by the First Amendment.

**Special Event:** A concert or food festival hosted by the State or a county/municipality/township/park district. A special event does not include any political protest, march, demonstration, or other assembly protected by the First Amendment. For the purposes of a UAS usage, and in compliance with 725 ILCS 167, a Special Event is defined as follows:

- (a) Is hosted by the State of Illinois or a county, municipality, township, or park district.
- (b) Is outdoors and open to the public.
- (c) Has an estimated attendance of:
  1. 150 or more people in a unit of local government with a population that is less than 50,000.
  2. 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.
  3. 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.
  4. 500 or more people in a unit of local government with a population that is 500,000 or more.

**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.

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#### **606.3 POLICY**

The Carol Stream Police Department will establish aUAS program 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, Federal Aviation Administration (FAA) regulations, and all statutory requirements.

#### **606.4 UAS PROGRAM**

##### **606.4.1 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.

##### **606.4.2 DRONE TEAM LEADER**

The Program Coordinator may appoint a Drone Team Leader to assist with the following responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the 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.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, especially regarding safety and information security.
- Ensure that all UAS units and associated equipment are:
  - Securely stored in accordance with manufacturer specifications,
  - Maintained in a continuous state of operational readiness, and
  - Subject to regular maintenance and replacement schedules as prescribed by the UAS manufacturer. All maintenance activities, including inspections, repairs, calibrations, and part replacements, must be performed in strict compliance with the manufacturer's recommendations to uphold the integrity, safety, and performance of the equipment.

##### **606.4.3 TRAINING**

- (a) Per FAA regulations, personnel piloting the UAS must have a current and valid Remote Pilot License.
- (b) Prior to authorization to deploy or operate a UAS, assigned personnel must successfully complete mandatory training provided by the Department on the policies and procedures regarding the use of the UAS outlined in this policy.

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- (c) Assigned personnel will receive 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.
- (d) Additional training may be provided at periodic intervals to maintain skill levels or remediate substandard performance in the use of UAS equipment.

#### **606.5 DEPLOYMENT OF UAS**

Only authorized operators who have completed the required training shall be permitted to deploy and/or operate the UAS.

Authorized operators responsible for deploying the UAS must complete the designated form or log, as established by the Department, at the time of equipment issuance.

##### **606.5.1 AUTHORIZATION FOR USE OF UAS**

Requests to deploy the UAS shall be made to the Program Coordinator, on-duty Patrol Supervisor, or his/her designee.

##### **606.5.2 REQUIRED NOTIFICATIONS**

The remote pilot shall notify DuComm at the beginning and ending of all flights, and request the recording of the times in CAD. Notification to DuComm is not required for UAS flights conducted for public relations, training, or demonstration purposes.

Hospital Heliports - If the UAS 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, if possible.

##### **606.5.3 DOCUMENTATION**

All UAS operations are documented in a flight log via Axon Air/DroneSense. A supplemental report must be attached to the original call for service, including the reason for the flight, authorizing supervisor, date, time, location, and outcome of the deployment.

If the UAS is operated for an outside agency, a Call for Service (CFS) and Incident Number for an Assist other Agency shall be recorded and a report written detailing the mission.

##### **606.5.4 INFORMATION DOWNLOAD**

At the conclusion of each deployment, any recordings or images shall be securely downloaded following proper evidence procedures.

#### **606.6 AUTHORIZED AND PROHIBITED USES OF THE UAS**

##### **606.6.1 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 (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently

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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.

**606.6.2 USE IN COMPLIANCE WITH THE FREEDOM FROM DRONE SURVEILLANCE ACT**  
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.

UAS operations should only be conducted consistent with FAA regulations.

The 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 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. View the Department's Drone Notification to the State's Attorney's Office.
- (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.
  - 1. The use of a UAS under this paragraph on private property requires either a search warrant based on probable cause under Section 108-3 of the Criminal Code of Procedure of 1963 or lawful consent to search.
  - 2. The use of a UAS under this paragraph on lands, highways, roadways, or areas belonging to this State or political subdivisions of this State does not require a search warrant or consent to search.
  - 3. Any law enforcement agency operating a UAS under this paragraph shall make every reasonable effort to only photograph the crime scene or traffic crash scene and 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.

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- (g) To conduct an inspection of the infrastructure of a designated building or structure when requested by a local government agency.
- (h) In response to Public Safety Answering Point (PSAP) dispatched calls for service, when the sole purpose for using a UAS is for one or more first responders to locate a reported missing person(s) or victim(s), to assist with immediate victim health or safety needs, or to coordinate the response of emergency vehicles and personnel to an emergency.
- (i) To demonstrate the capabilities and functionality of a police UAS for public relations purposes, provided that no information is collected or recorded by the drone during such demonstration.

#### 606.6.3 UAS USAGE AT ROUTED EVENTS AND SPECIAL EVENTS

The Program Coordinator shall be consulted to evaluate the potential use of a UAS during a special event, parade, or routed event as defined in 725 ILCS 167/5, for those uses allowed under 725 ILCS 167/15 to:

- (a) Prepare for or observe crowd size, density, and movement,
- (b) Assess public safety staffing, or
- (c) Oversee the general safety of the participants.

Prior to any deployment of the UAS for these purposes, the Program Coordinator must obtain authorization from the Chief of Police.

#### Posting of Notices:

- (a) The Program Coordinator is responsible for ensuring the posting of notices at the event location for at least 24 hours before the event and clearly communicates that a UAS may be used at the upcoming event for the purpose of real-time monitoring of participant safety.
- (b) Notices will be posted, if practical, at major entry points to the event and clearly communicate to the participants that a drone may be used for the purpose of real-time monitoring of participant safety.

The UAS is flown in accordance with Federal Aviation Administration safety regulations. Under this paragraph, a law enforcement agency may use the drone:

- (a) 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.
- (b) During the event to proactively support public safety personnel by monitoring the event footprint in real-time:
  - 1. 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.
  - 2. To evaluate crowd size and density.

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3. To identify activity that could present a public safety issue for the crowd, including crowd movement.
4. To assist in the response of public safety personnel to a real-time public safety incident at the event.
5. To assess the traffic and pedestrian flow around the event in real-time.

#### 606.6.4 PROHIBITED USES

The UAS video surveillance equipment shall not be used to:

- Conduct random surveillance activities.
- 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.
- Harass, intimidate, or discriminate against any individual or group.
- Conduct personal business of any type.
- Gather information during a political protest, march, demonstration, or other assembly protected by the First Amendment.
- Any use not specifically authorized in this policy.

The Department shall not equip, or use on, any UAS any weapons, chemical agent or irritant (725 ILCS 167/18).

#### 606.6.5 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:

- The law enforcement agency is using a UAS 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.
- The 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.

#### 606.6.6 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).

The department may utilize information from private drones only for the purpose of undertaking the tasks outlined in Section 606.5.

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

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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.

#### **606.7 UAS INFORMATION**

##### **606.7.1 DISSEMINATION 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 (725 ILCS 167/20). Once the gathered information has been turned over to the requesting local government agency, the information shall be immediately destroyed.

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).

##### **606.7.2 RETENTION OF UAS INFORMATION**

If the Department uses a UAS for authorized reasons specified in this policy, the Department shall destroy all information gathered by the UAS within the following timeframes:

- (a) All information gathered pursuant to a terrorist attack, a search warrant, preventing harm to life and destruction of evidence, missing persons, search and rescue operation, aiding a person who cannot be safely reached, traffic crash and crime scene, disaster or public health emergency, or Public Safety Answering Point (PSAP) dispatched calls for service shall be destroyed within 30 days after being gathered.
- (b) All information gathered pursuant to a routed event or special event shall be destroyed within 24 hours after being gathered.

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.

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- (d) The information contains only flight path data, metadata, or telemetry information of the UAS.

#### **606.8 VIOLATIONS**

##### **606.8.1 VIOLATIONS OF 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).

##### **606.8.2 POLICY VIOLATIONS**

A member of the department's UAS program becoming aware of any violations of this policy must notify the Program Coordinator via the Chain of Command. In the violation is sustained, the Chief of Police will determine the appropriate corrective actions, including immediate actions to prevent future willful and wanton violations using:

- (a) Training; and/or
- (b) Discipline including progressive discipline for repeat violations, or other means that will prevent repeated violations; and/or
- (c) Removing the pilot from the Department's UAS Program.

#### **606.9 REPORTING REQUIREMENTS**

Pursuant to 725 ILCS 167/35, the Department shall report in writing annually, by April 1, to the Illinois Criminal Justice Information Authority the:

- (a) Number of UAS the Department owns.
- (b) Number of times a UAS was used pursuant to the categories of use specified in this policy, including:
  1. the date of use,
  2. time of use,
  3. reason for use,
  4. location,
  5. whether video was recorded, and
  6. whether the video is designated for retention for training purposes.
- (c) The report shall contain a copy of the Department's latest policy concerning UAS as of the most recent April 1 (725 ILCS 167/35).

The Program Coordinator shall conduct a documented annual year-end review of the program to determine the overall success of the program and to provide recommendations for improvements, if any. The report shall be forwarded to the Chief of Police via the chain of command.