

Small Unmanned Aerial System (sUAS)

610.1 PURPOSE AND SCOPE

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

610.1.1 DEFINITIONS

Definitions related to this policy include:

Small Unmanned Aerial System (sUAS) - 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.

LAW - 725 ILCS 167/ Drones as First Responders Act

610.2 POLICY

A sUAS 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 sUAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

610.3 PRIVACY

The use of the sUAS 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 recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include deactivating or turning imaging devices away from such areas or persons during sUAS operations.

610.4 PROGRAM COORDINATOR

610.1 PROGRAM COORDINATOR

The Chief of Police shall appoint a sUAS Coordinator to manage the sUAS program. The sUAS Coordinator shall ensure that policies and procedures conform to current laws, regulations and best practices.

The sUAS Coordinator shall:

- (a) (a) Coordinate the FAA Certificate of Waiver or Authorization (COA) application process and ensure that the COA is current coordinating compliance with FAA Part 107 Remote Pilot Certificate as appropriate.

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- (b) Ensure that all authorized operators and required observers have completed all required FAA and training in the operation, applicable laws, policies and procedures regarding use of the sUAS.
- (c) Develop uniform protocols for submission and evaluation of requests to deploy a sUAS, including urgent requests made during ongoing or emerging incidents.
- (b) (a) Develop protocols for conducting criminal investigations involving a sUAS, including documentation of time spent monitoring a subject.
- (b) (b) Implement a system for public notification of sUAS deployment.
- (c) Develop operational protocols to govern the deployment and operation of a sUAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- (d) Develop a protocol for fully documenting all missions.
- (e) Develop a sUAS inspection, maintenance and record keeping protocol to ensure airworthiness of the department's sUAS up to and including its overhaul or life limits.
- (f) Develop 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 to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- (g) Develop protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- (h) Facilitate law enforcement access to images and data captured by the sUAS.
- (i) Recommend program enhancements, especially enhancements for safety and information security.
- (j) Ensure that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- (k) Maintain familiarity with FAA regulatory standards, state laws and regulations and local ordinances regarding the operations of a sUAS.
- (l) Develop procedures for the use of facial recognition software to evaluate information gathered by a sUAS, as permitted by 725 ILCS 167/17.
- (m) Ensure that the department's current sUAS policy is posted on the department's website (725 ILCS 167/35).

610.5 SUAS OPERATOR

sUAS operators shall have the required training and certifications prior to operating a sUAS.

sUAS Operators shall operate sUAS in accordance with all department policies and procedures as well as all State law.

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Only authorized operators who have completed the required training shall be permitted to operate the sUAS.

Maintain familiarity with FAA regulatory standards, state laws and regulations and local ordinances regarding the operations of a sUAS

610.6 USE OF UAS

Deployment of a sUAS requires written authorization of a supervisor or the sUAS Coordinator or the authorized designee, depending on the type of mission.

sUAS Operators

- (a)
 1. Shall only use vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) when viewing areas where there is no protected privacy interest or when in compliance with a search warrant or court order. In all other instances legal counsel should be consulted.
 2. Shall conduct operations consistent with FAA regulations.
 3. Except in cases of training deployments, shall complete an incident report.
 4. Shall complete a sUAS Notification Form and submit it to the State's Attorney's Office within 24 hours of deployment by the operator of the flight.
 5. Shall complete the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations) to safeguard human life. Note the sUAS Coordinator shall assist in the completion of the FAA Emergency Operation Request Form.
 6. Shall complete the flight log after the flight and note such in the incident report.
 7. Should complete a pre-flight check document any issues in the Maintenance Log.
 8. Shall make or cause to be made public notification should anytime sUAS are being used for demonstrations, parades, fests, or other events in which the public will be in attendance.
 9. Shall not use the sUAS 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.
- (b)
 1. (a) 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 sUAS under is limited to a period of 48 hours.

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- (b) 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.
- (c) To obtain crime scene and traffic crash scene photography in a geographically confined and time-limited manner. The use of the sUAS on private property requires either a search warrant or lawful consent to search. 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.
- (d) To conduct an inspection of the infrastructure of a designated building or structure when requested by a local government agency.
- (e) 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.
- (f) In advance of, or during a routed event or special event, as defined in 725 ILCS 167/5, and for those uses allowed under 725 ILCS 167/15. The notice for sUAS use should be posted at a time, place, and manner as required by 725 ILCS 167/15.

The supervisor who authorized the deployment of the sUAS shall approve the incident report.

Training deployments shall be logged on the flight logs and the notes should include the purpose of training.

610.7 ACCIDENT REPORTING

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

- (a)
 - 1. Serious injury to any person or loss of consciousness.
 - 2. 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.

The sUAS Operator in Command shall complete a police report for any accident involving the sUAS. The police report, at a minimum, shall include the following information:

- (a)
 - 1. Name and contact information for operators and witnesses.
 - 2. Type of operation.
 - 3. Type of device and registration number/certificate.

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4. Event location and incident details.
5. Evidence collection such as photos, video and device confiscation, if necessary.

When the accident meets the criteria listed under Paragraph A, the sUAS Operator in command shall provide notification to the FAA by using the FAA's Drone Zone Portal at: https://www.faa.gov/uas/report_accident/.

610.8 PROHIBITED USE

The sUAS video surveillance equipment shall not be used:

- (a) (a) To conduct random surveillance activities.
- (b) 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.
- (c) To harass, intimidate, or discriminate against any individual or group.
- (d) To conduct personal business of any type.
- (e) The sUAS shall not be weaponized (725 ILCS 167/18).

610.9 PRIVATE UAS OWNERS

This policy and its restrictions apply to the department's directed use of a sUAS owned by a private third party and information gathered by a sUAS voluntarily submitted to the Department by a private third party (725 ILCS 167/40).

610.10 FACIAL RECOGNITION WITH UAS

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

610.11 RETENTION OF UAS INFORMATION

The Records Supervisor shall cause to be destroyed all information gathered by the sUAS within the timeframe specified by law (725 ILCS 167/20).

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

- (a) 1. There is reasonable suspicion that the information contains evidence of criminal activity.
2. The information is relevant to an ongoing investigation or pending criminal trial.
3. The information will be used exclusively for training purposes and all personally identifiable information has been removed from it.
4. The information contains only flight path data, metadata, or telemetry information of the sUAS.

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610.12 REPORTING

By April 1 of every year, the Records Supervisor shall report to the Illinois Criminal Justice Information Authority the number of sUAS 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 sUAS policy (725 ILCS 167/35).

610.13 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 sUAS is prohibited except (725 ILCS 167/25):

- (a)
 1. 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.
 2. Pursuant to a court order or subpoena in connection with a criminal proceeding.
 3. In regard to a completed traffic crash investigation.
 4. 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).

Within 24 hours of sUAS initiation under this paragraph, the Chief of Police must report its use, in writing, to the State's Attorney.

610.14 COMPLIANCE WITH THE FREEDOM FROM DRONE SURVEILLANCE ACT

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