



# DEERFIELD POLICE DEPARTMENT

## GENERAL ORDER

<b>Subject:</b>		<b>Number:</b>
<b>SMALL UNMANNED AIRCRAFT SYSTEMS (sUAS)</b>		<b>438</b>
<b>Chief of Police:</b>		<b>Effective/Revised:</b>
<i>John J. Illiorgio</i>	<b>Division:</b>	<b>08/29/23</b>
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### PURPOSE

This order establishes guidelines under which a small unmanned aircraft may be utilized, and the storage, retrieval and dissemination of images and data captured by such systems.

### POLICY

It is the policy of the Deerfield Police Department to ensure authorized Department members are trained on the use of small unmanned aircraft systems, hereinafter referred to as sUAS, 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 the sUAS shall be in strict compliance to relevant statutes, privacy rights, the Federal Aviation Administration, 14 CFR 107, and department policy.

### DEFINITIONS

- A. **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.
- B. **Information**—As defined in 725 ILCS 167/, any evidence, images, sounds, data, or other information gathered by the small unmanned aircraft system (sUAS).
- C. **Remote Pilot in Command**—Person directly responsible for and is the final authority as to the operation of the small unmanned aircraft.
- D. **Small Unmanned Aircraft System (sUAS)**—A small unmanned aircraft that does not carry a human operator, weighing less than 55 pounds on takeoff, and its associated elements, including communication links and the components that control the aircraft that are required for the safe and efficient operation of the aircraft.
- E. **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.
- F. **Parade** – 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 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 political protest, march, demonstration, or other assembly protected by the First Amendment.
- G. **Routed Event** – means a parade, walk, or race that:
  - Is hosted by the State of Illinois, or a county, municipality, township, or park district
  - Is outdoors and open to the public; and
  - Has an estimated attendance of more than 50 people.
- H. **Special Event** – means a concert or food festival that:
  - Is hosted by the State of Illinois or a county, municipality, township, or park district
  - Is outdoors and open to the public; and
  - Has an estimated attendance of:
    - 150 or more people in a unit of local government with a population that is less than 50,000.

## **PROCEDURES**

### **I. Program Coordinator and Team Supervisor**

- A. The Deputy Chief of Patrol or designee is designated as the sUAS Program Coordinator, responsible for the management of the Department's sUAS. The Program Coordinator has the following responsibilities:
1. Supervision of the Team Supervisor in matters related to the sUAS program.
  2. Ensure that policies and procedures conform to current laws, regulations, and best practices.
  3. Coordinate the FAA Certification of Authorization (COA) and/or the 14 CFR 107 application process; ensure all certifications are current.
  4. Ensure authorized remote pilots in command have completed the required Federal Aviation Administration (FAA) 14 CFR 107 training, and Department approved training in the operation, applicable laws, policies and procedures regarding use of the sUAS.
  5. Annually, by April 1, make a report to the Illinois Criminal Justice Information Authority. The report shall be submitted via, [https://icjia.az1.qualtrics.com/jfe/form/SV\\_do0G8BbIe2uH37f](https://icjia.az1.qualtrics.com/jfe/form/SV_do0G8BbIe2uH37f), and it shall include:
    - i. The number of drones the agency owns
    - ii. The number of times the drone was used to include:
      - a. Date of use
      - b. Time of use
      - c. Reason for use
      - d. Location
      - e. Whether video was recorded
      - f. Whether video is designated for retention for training purposes
      - g. Copy of agency policy
  6. Publicly make available, via the Department website, the Department's drone policy.
- B. A Department member selected by the Chief of Police will be the sUAS Team Supervisor. The Team Supervisor assists the Program Coordinator with the management of the Department's small unmanned aircraft program. The Team Supervisor shall have completed the required Federal Aviation Administration (FAA) and 14 CFR 107 training. The Team Supervisor has the following responsibilities:
1. Supervision of officers assigned to the sUAS in matters related to the sUAS program.
  2. Develop uniform protocol for submission and evaluation of requests to deploy the sUAS, including urgent requests made during on-going or emerging incidents.
  3. Develop protocol for conducting criminal investigations involving the sUAS, including documentation of time spent monitoring a subject.
  4. Implement a system for notification to the public and media outlets regarding sUAS deployment, when appropriate.
  5. Develop an operational protocol governing the safe deployment and operation of a sUAS, along with documenting all missions.
  6. Develop sUAS inspection, maintenance, and record keeping protocols to ensure continuing airworthiness of the sUAS, up to and including its overhaul or life limits.
  7. Develop protocol to ensure 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.
  8. Develop protocol to ensure retention and purge periods are maintained in accordance with established records retention schedules.
  9. Facilitate law enforcement access to images and data captured by the sUAS.
  10. Recommend program enhancements, especially regarding safety and information security.
  11. Ensure established protocols are followed by monitoring and providing quarterly program reports to the program coordinator responsible for the program.
  12. Conduct a documented annual audit of the program and flight documentation.

### **II. Training**

- A. Prior to authorization to operate a sUAS, assigned Department members must complete mandatory training to obtain an understanding on how to use the sUAS and the procedures outlined in this policy.
- B. Assigned members shall undergo annual refresher training on the equipment to ensure continued effective use

and operation of the equipment, including changes, updates or other revisions to the FAA and/or 14 CFR 107 requirements, statutes, or Department policy. If performance issues arise additional training will be required.

### III. Use of the sUAS

- A. The Department must obtain applicable authorizations, permits, or certificates as required by FAA prior to deploying or operating the sUAS, and ensure these documents are current. Applicable authorizations and permits shall be the responsibility of the pilot and Team Supervisor.
- B. Pursuant to 725 ILCS 167/15, the sUAS may not be used to gather information, except during the following types of situations:
  1. To counter a high risk of a terrorist attack by a specific individual or organization if the United States Department of Homeland Security determines that credible intelligence indicates there is a risk.
  2. Pursuant to a search warrant based on probable cause under Section 108-3 of the Code of Criminal Procedure of 1963. 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.
  3. 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 the sUAS under this paragraph is limited to a period of 48 hours. Within 24 hours of the sUAS initiation under this paragraph, the Chief of Police must report its use, in writing, to the State's Attorney.
    - a. Notification to the applicable State's Attorney's office shall be accomplished using the Notification of Drone Deployment form (Appendix C). The remote pilot in command shall complete the form and submit it to the Team Supervisor for approval. The Team Supervisor shall request the Chief of Police, or designee, to sign the form within 24 hours of the deployment. The Team Supervisor shall fax or email the completed form to the State's Attorney's Office and submit the form to the Records Section for filing with the Incident/Offense Report or supplemental report. 725 ILCS 167/15(3)
  4. To locate a missing person while not also undertaking a criminal investigation.
  5. To obtain crime scene and traffic crash scene photography in a geographically confined and time-limited manner. Use of the sUAS under this paragraph on private property requires either a search warrant or lawful consent to search (Appendix D). As it relates to lands, highways, roadways or areas belonging to the state, a search warrant or consent to search is not required. Reasonable attempts shall be made to only photograph the crime scene or traffic crash scene and to avoid other areas.
  6. 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 for an official declaration of disaster or public health emergency prior to use.
  7. Infrastructure inspection
  8. Demonstration for public relations
  9. Public safety answer points
  10. Routed special events
    - a. If the Department is using the sUAS at a routed or special event, the use of sUAS requires that:
      - i. A notice is posted at the event location for at least 24 hours before the event and clearly communicate that drones may be used at the upcoming event for the purpose of real-time monitoring of participant safety
      - ii. The notice be posted, if practical, at a major entry points to the event
      - iii. The sUAS be flown in accordance with Federal Aviation Administration safety regulations
- C. Requests to deploy the sUAS flight shall be made to the on-duty supervisor. who will advise as to the status of the proposed flight. When practical, the on-duty supervisor shall notify the Team Supervisor and the Program Coordinator of the request to deploy the sUAS.
- D. Whenever possible, if the sUAS will be flying within close proximity of a hospital heliport, which could create a hazardous situation for a manned aircraft, notification shall be made to the respective hospital's security office.
- E. When appropriate, notification of the sUAS deployment may be made to the public and/or media outlets.
- F. If applicable, at the conclusion of each deployment, the recordings shall be securely downloaded and proper evidence procedures shall be followed.

- G. All uses of the sUAS shall be documented on an Incident/Offense report or supplemental narrative. Information shall include the reason for the flight; the date, time and location; the person who approved of the deployment, assigned staff; and a summary of the activities covered, actions taken, and outcome of the deployment.
- H. All uses of the sUAS shall be documented by the remote pilot in command on an sUAS Flight Report (Appendix A) and submitted to the Team Supervisor for approval. Additionally, the remote pilot in command shall complete the sUAS Flight Log (Appendix B) which shall be maintained in a binder with the sUAS.

#### IV. Accident Reporting

- A. The FAA requires notification of certain sUAS accidents. Pursuant to 14 CFR 107 Drone Operation and Certification Regulations, within 10 days after the accident, the remote pilot in command must report accidents to the FAA in the following situations:
  - 1. The remote pilot in command of the small UAS or drone is required to report an accident to the FAA within 10 days if it:
    - a. Results in at least serious injury to any person or any loss of consciousness, or if it
    - b. Causes damage to any property (other than the UAS or drone) in excess of \$500 to repair or replace the property.
- B. The remote pilot in command is required to initiate a police report for any accident involving the sUAS. The police report shall include the following information:
  - 1. Name and contact information for operators and witnesses.
  - 2. Type of operation.
  - 3. Type of device and registration number/certificate.
  - 4. Event location and incident details.
  - 5. Evidence collection such as photos, video, and device confiscation, if necessary.
- C. When the accident meets the criteria listed under Section A, the remote pilot in command shall provide notification to the FAA by using the FAA's Drone Zone Portal at: <https://faadronezone.faa.gov/#/>.

#### V. Restrictions

- A. The sUAS shall not be used to:
  - 1. Conduct random surveillance activity.
  - 2. Target a person based solely on individual characteristics such as, but not limited to race, ethnicity, national origin, religion, disability, gender, or sexual orientation.
  - 3. Harass, intimidate, or discriminate against any individual or group.
  - 4. Conduct personal business of any type.
  - 5. Any situation outside what is considered an authorized Department use as outlined in this policy.
  - 6. The use of facial recognition software that works in conjunction with the sUAS during flight is prohibited unless:
    - a. To counter a high-risk of terrorist attack
    - b. The Department possesses reasonable suspicion that, under a 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.
- B. sUAS deployments by the Department must also adhere to the operating procedures established by the FAA. These rules are outlined below, but are not limited to:
  - 1. Conduct a pre-flight check to ensure the sUAS is in condition for safe operation.
  - 2. Keep the sUAS in visual line of sight.
  - 3. Fly at or below 400 feet above ground level.
  - 4. Fly at or below 100 mph.
  - 5. Yield right of way to manned aircraft.
  - 6. Not conduct sustained flying over people unless in compliance with FAA operations over people rule or operating with waiver (via FAA waiver) – this is an FAA rule
  - 7. Must not fly from a moving vehicle, except in rural areas.
  - 8. During an emergency situation, deviations from policy are permitted pursuant to FAA authorization. FAA Authorization must be received and reviewed by the Team Supervisor prior to the deviation.

Drone operators shall be trained on the waiver process.

- C. The Team Supervisor shall request a certificate waiver from the FAA which authorizes deviation from specific regulations. The certificate waiver will be granted when the FAA determines that the sUAS operation can be safely conducted under the terms of the certificate waiver.
- D. A Department member shall notify the Team Supervisor when he/she knows or has reason to know that he/she has a physical or mental condition that would interfere with the safe operation of the sUAS.

## **VI. Privacy Considerations**

- A. Use of the sUAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and visual observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy. Operators and visual observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.
- B. When there are specific and articulable grounds to believe that the sUAS will collect evidence of criminal wrongdoing and/or if the sUAS will be used in a manner that may intrude upon reasonable expectation of privacy, the Department shall obtain a search warrant prior to conducting the flight.

## **VII. Equipment Inspection and Care**

- A. The sUAS 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 sUAS equipment. Malfunctions shall be brought to the attention of the Team Supervisor as soon as possible. Extra caution must be taken to ensure the equipment is not stored in extreme temperatures. The Team Supervisor is responsible for ensuring sUAS is in state of operational readiness by assigning officers to inventory and inspection of the sUAS annually.
- B. Prior to use, assigned officers shall:
  - 1. Before using the sUAS Flight Report (Appendix A), inspect the sUAS and related equipment to verify proper functioning and ensure batteries are fully charged in accordance to the manufacturer's recommendations.
  - 2. Inspect the body of the sUAS, the charging and camera cables to look for signs of visible damage. Ensure the propeller blades are in flight worthy condition.

## **VIII. Security and Retention of Recordings**

- A. Department members should be aware that recordings may contain sensitive information and members are responsible for ensuring compliance to the information in this policy. A breach in security, careless handling of the recording, and/or intentional release of recordings to non-authorized individuals may jeopardize relationships with citizens, subject victims to an invasion of privacy, jeopardize prosecutions, and endanger the safety of individuals.
- B. All recordings are considered investigative property of the Deerfield Police Department. The utmost care and caution shall be taken to ensure the recordings are not mishandled or misused.
- C. Members shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner recordings without written authorization by the Team Supervisor.
- D. Any violations related to unauthorized edits, alterations, and dissemination of this data shall be cause for disciplinary action and/or removal as a drone operator.
- E. Pursuant to 725 ILCS 167/25, the disclosure of information is prohibited, except 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.
- F. Pursuant to 725 ILCS 167/20, within thirty (30) days of the recording, the Department shall destroy all information gathered by the sUAS, except 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.

- G. If the sUAS is utilized for parade, routed or special events, all information shall be destroyed within 24 hours after being gathered (725 ILCS 167/20(2))
- H. When the recording does not fall under the statutory exemptions, documentation pertaining to use of the sUAS, such as location, date, time, and scope of the mission, is not subject to being destroyed within thirty (90) days of a recording. The retention of recordings that is exempt from the ninety (90) day requirement is at the discretion of the Team Supervisor or determined by the completion of the criminal investigation or criminal trial.

**IX. Information Obtained from Private Drones**

- A. The Department may utilize information from private drones only for the purpose of undertaking the tasks outlined in Section IV.B above. Information must be voluntarily provided by a private citizen and officers shall not ask a private citizen to become an agent of the Department to gather information.
- B. Private parties may voluntarily submit information acquired by the privately-owned drone to the Department.
- C. 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 ongoing investigation or pending criminal trial.

**X. Assistance to Other Agencies**

- A. The sUAS equipment shall not be loaned to other agencies. Requests by other agencies for sUAS assistance require that a Department assigned operator respond with the equipment and operate it. All assistance shall be documented in an Incident Report and a copy provided to the Team Supervisor. Assistance to other agencies shall also require the completion of the sUAS Flight Report, the sUAS Flight Log, and the Notification of Drone Deployment form, if applicable.

This Order supersedes all previous written and unwritten policies of the Deerfield Police Department on the above subject.

Attachments: Appendix A [sUAS Flight Report](#)  
Appendix B [sUAS Flight Log](#)  
Appendix C [Notification of Drone Deployment](#)  
Appendix D [Consent to Search Form](#)