

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 POLICY

A UAS may be utilized to enhance the [department/office]'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 DEFINITIONS

- a. **Unmanned Aerial System** - An unmanned aircraft or drone of any type that is capable of sustaining direct 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 and any other means.
- b. **Small Unmanned Aircraft (UA)** - AUA weighing less than 55 pounds and can be flown without the possibility of direct human intervention from within or on the aircraft. Also called a remotely piloted aircraft (RPA), remotely operated vehicle (ROV), unmanned aerial vehicle (UAV), or Drone.
- c. **Small Unmanned Aircraft System (sUAS)** - A small UA and its associated elements that are required for the safe and efficient operation of the small UA in the National Air Space that includes the necessary equipment, network, and personnel to control a small UA.
- d. **Visual Observer** - A person acting as a flight crew member who assists the small UA RPIC to see and avoid other air traffic or objects aloft or on the ground.
- e. **Remote Pilot in Command** - A person who holds a remote pilot certificate with a sUAS rating and has the final authority and responsibility for the operation and safety of a sUAS operation conducted under part 107.
- f. **FAA 14 CFR Part 107** - The federal regulations set forth by the federal aviation administration (FAA) regarding sUAS operations in the national airspace (NAS).
- g. **Control Station (CS)** - An interface used by the RPIC to control the flight path of the small UA.
- h. **Digital multimedia evidence (DME)** - Digital recording of images, sounds, and associate data.

606.4 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 recording or

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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.

606.5 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 and will have the following additional 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/office] operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and [department/office]-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. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
- 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.
- 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.

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- 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.
- 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/office]'s current UAS policy is posted on the [department/office]'s website (725 ILCS 167/35).

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.

UAS operations should only be conducted consistent with FAA regulations.

The [Department/Office] 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.
- 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.

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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. 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 event 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.

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/Office] 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.

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 TRAINING

,Employees selected to be unmanned aircraft pilots will be required to complete Department approved training. The training will consist of, at a minimum:

- a. 24 hours of training that includes flight operations and ground station operations; and,
- b. Online training and FAA remote pilot certification (Part 107); and,
- c. Flight training shall consist of the following:
 1. Pre-flight review actions
 - a. Pre/post flight checklist
 - b. Proper assembly of the UAS

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2. Ground control discussion
 - a. Discuss the responsibilities of those involved in ground control and their function
 - b. Properly brief and debrief mission plan
3. Conduct flight
 - a. Properly displayed command and control of the UAS in take-off, flight and landing

Pilots are required to have a minimum of three (3) take-offs and three (3) landings every 60 days. Pilots are to participate in a missioned based training bi-monthly.

606.8.1 PROFICIENCY TRAINING

Unmanned aircraft pilots will ensure that they continue training and education to remain proficient in all aspects of flight operations.

606.9 PRE-DEPLOYMENT

Prior to deployment of the Unmanned Aircraft System for any operation, Remote Pilot in Command will complete the following:

- a. Obtain authorization from the Chief of Police or designee for operations other than training; and,
- b. Perform a preflight inspection of the Unmanned Aircraft which includes:
 1. locations authorizing safe to fly; and,
 2. firmware is up to date for all components; and,
 3. micro SD card is properly installed; and,
 4. flight mode switch is in the GPS (P) mode on remote control (RC); and,
 5. aircraft, controller and pilot display all powered on and communicating; and,
 6. compass is calibrated, (if compass errors or traveled more than 30 miles); and,
 7. motors start with no abnormal noises heard; and,
 8. aircraft is tracking at least SI satellites, (Green flight status indicator); and,
 9. check for consistent voltage on flight battery monitoring system.
- c. Make any required notifications of the planned flight; and,
- d. when being utilized for a criminal investigation involving potential Fourth Amendment issues the investigating officer will notify and consult the State's Attorney's Office.

606.10 FLIGHT OPERATIONS

The Remote Pilot in Command will ensure the following during flight operations:

- a. The flight is in compliance with all applicable FAA rules and regulations under Part 107; and,
- b. The flight is in compliance with all federal and state laws; and,
- c. The flight is conducted safely by assessing the operating environment that must include the local weather conditions, local airspace in any flight restrictions, location of persons and property on the surface and other ground hazards. The Remote Pilot in Command (RPIC) has the ultimate authority to deploy or not deploy the Unmanned Aircraft System (UAS) once the above factors have been evaluated; and,

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- d. The Remote Pilot in Command (RPIC) will be responsible for any recordings that may violate any citizens right to privacy; and,
- e. The Remote Pilot in Command (RPIC) will maintain the ability to track and record the flight pattern and location of the Unmanned Aircraft (UA); and,
- f. Request for assistance from outside agencies will be directed to the Office of the Chief of Police or designee; and,
- g. All official missions will be recorded on the airframes SD card or any storage device in conjunction with Crystalsky.

606.11 POST OPERATIONS

Remote Pilot in Command (RPIC) will complete the following upon completion of any flight:

- a. Inspect batteries to ensure flight packs have no noticeable bulges or swelling; and,
- b. Inspect propellers leading edges for cracks, chips and loose mounts; and,
- c. Inspect motors to ensure they spin freely with no resistance from bearings; and,
- d. Inspect the fuselage for cracks, loose fasteners, or abnormal movement; and,
- e. Inspect moving parts to ensure they are not excessively loose or tight and are properly lubricated per OEM specifications; and,
- f. Ensure an incident report is completed in Spillman under incident type "UAS Drone"; and,
- g. Ensure any recorded digital multimedia evidence is downloaded and entered into evidence.

606.12 MAINTENANCE, REPAIR AND DAMAGE

Most problems with the Unmanned Aircraft System can be handled by the employees that have been trained in the operation of the equipment utilizing information they received during their training. Any problems that cannot be corrected will be documented in an email citing details of the malfunction or problem and submitted to the Chief of Police.

When damage occurs (or is discovered) to any component of the Unmanned Aircraft System, it will be documented in an incident report and forwarded to the chain of command to the Chief of Police. The report will include the extent of the damage and how it occurred.

606.13 DIGITAL MULTIMEDIA RECORDINGS

For any recordings made during the deployment of the unmanned aircraft system the following procedure will be adhered to:

- a. Upon completion of the deployment, the remote pilot in command will ensure that the digital media recording of the flight is downloaded to an electronic storage device.
- b. The demo digital media recording will be reviewed by the program coordinator who will determine what has evidentiary value and what doesn't. Only those recordings that contain evidentiary value will be retained. Said recording will be stored on a digital device and entered into evidence.

606.13.1 USE FOR TRAINING

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When an employee believes that a recording has value as a training aid, the employee will submit a memorandum to the program coordinator to the chain of command indicating that the recording may have some training value and the reason why. Upon approval of the Chief of Police the recording may be reproduced as a training aid.

- a. Approval will not be granted for any recording that documents an active civil, criminal or professional responsibility investigation.
- b. External educational recordings and/or public information recordings developed from actual footage will only be reproduced with the authorization of the Chief of Police.
- c. With the permission of the Chief of Police, the executive command staff may periodically review or copy recordings to assess training needs, employee performance, terminal procedures, or to supplement any investigation or intelligence function of the department. Reproduction of recordings will be a document using Reproduction of Videos form.

606.14 RETENTION OF UAS INFORMATION

The Bureau of Records and Archives supervisor 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/office] 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.

606.15 REPORTING

The Bureau of Records and Archives supervisor shall report annually, by April 1, to the Illinois Criminal Justice Information Authority the number of UASs owned by the [Department/Office] and any other required information to be reported under 725 ILCS 167/35.

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

606.16 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):

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- 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).

606.17 COMPLIANCE WITH THE FREEDOM FROM DRONE SURVEILLANCE ACT

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