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# 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:

**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.

## 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 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 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.

## 606.4 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.

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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.
- 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).

#### **606.5 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

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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.
- (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.

[See attachment: SOP 606-1 FAA Operational Guidelines.pdf](#)

[See attachment: SOP 606-2 Night Time Operations.pdf](#)

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#### 606.5.1 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).

#### 606.5.2 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.

#### **606.6 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).

#### **606.7 RETENTION OF UAS INFORMATION**

The Records Bureau 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.

#### **606.8 REPORTING**

The Records Bureau 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).

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### **606.9 TRAINING**

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

Annually, assigned officers will undergo refresher 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. Additional training may be provided at periodic intervals for personnel displaying a substandard performance in the use of sUAS equipment.

### **606.10 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).

### **606.11 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).

## **Attachments**

## **SOP 606-1 FAA Operational Guidelines.pdf**

# STANDARD OPERATING PROCEDURE

CITY OF EVANSTON, ILLINOIS			POLICE MANUAL		
<b>Subject: FAA Operational Guidelines</b>	<b>Number LEXIPOL 606-1</b>	<b>Rev. Oct 26, 2020</b>	<b>Effective Date With LEXIPOL</b>	<b>Page  1</b>	<b>Of  2</b>
<b>Index As: Unmanned Ariel Systems (UAS) Operations</b>			<b>Prepared For Demitrous Cook Chief of Police</b>		

**POLICY:** The following directives and guidelines come from the Federal Aviation Administration.

- I. Flight operations will be visual line-of-sight (VLOS) only.
  - A. At all times, the small unmanned aircraft must remain close enough to the operator or visual observer (VO) to see the aircraft with vision unaided by any device other than corrective lenses.
- II. The small unmanned aircraft may not operate over any person(s) not directly involved in the operation.
- III. Daylight operations (30 minutes before sunrise until 30 minutes after sunset) are only authorized unless nighttime waiver acquired.
- IV. The small unmanned aircraft must yield right-of-way to other aircraft, manned or unmanned.
- V. The use of a VO is authorized but not required.
- VI. First-person view camera cannot satisfy “see-and-avoid” requirement but can be used as long as requirement is satisfied in other ways.
- VII. The small unmanned aircraft shall not exceed a maximum airspeed of 100 mph (87 knots).
- VIII. The small unmanned aircraft must remain below an altitude of 400 feet above ground level.
- IX. The small unmanned aircraft system shall only operate when the minimum weather visibility is 3 miles or greater from the control station.
- X. No UAS Flight Crewmember may operate more than one unmanned aircraft operation at one time.
- XI. A preflight inspection of the small unmanned aircraft by a UAS Flight Crewmember is required before flight.

# STANDARD OPERATING PROCEDURE

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- XII. UAS Flight Crewmembers must stay out of airport flight paths and restricted airspace areas, and obey any FAA Temporary Flight Restrictions (TFRs)
- XIII. (<http://tfr.faa.gov/tfr2/list.html> or 1-800-WX-BRIEF).
- XIV. All sUAS operations shall take place in Class G Airspace; and:
  - A. Shall not operate within (5) nautical miles (NM) from an airport having an operational control tower; or
  - B. Three (3) NM from an airport having a published instrument flight procedure, but not having an operational control tower; or
  - C. Two (2) NM from an airport not having a published instrument flight procedure or an operational control tower; or
  - D. Two (2) NM from a heliport

## **SOP 606-2 Night Time Operations.pdf**

# STANDARD OPERATING PROCEDURE

CITY OF EVANSTON, ILLINOIS			POLICE MANUAL		
<b>Subject: Night Time Operations</b>	<b>Number LEXIPOL 606-2</b>	<b>Rev. Oct 26, 2020</b>	<b>Effective Date With LEXIPOL</b>	<b>Page  1</b>	<b>Of  2</b>
<b>Index As: Unmanned Ariel Systems (UAS) Operations</b>			<b>Prepared For Demitrous Cook Chief of Police</b>		

**POLICY:** The following directives and guidelines come from the Federal Aviation Administration.

- I. The primary takeoff/landing area will have a perimeter marked with (4) illuminated orange cones in a perimeter of 30 feet surrounding the illuminated landing pad.
- II. During any flight operations that take place during the night, the flight crew will consist of a PIC (pilot-in-command) and a VO (visual observer).
- III. No persons are to be inside of the perimeter without the authorization of the PIC.
- IV. The sUAS will be flown within line-of-sight by the PIC for the entire duration of the flight.
  - A. The PIC and VO will maintain communication by direct contact, police radio systems, or cellular telephones at all times.
  - B. At no time will the PIC continue flight operations if the sUAS is not in the line of sight and are unable to determine its position, orientation, altitude or the environment around the sUAS.
  - C. The PIC and VO will be familiar with the minimum safe altitudes and weather conditions and determine any structures or hazards prior to flight operations taking place.
  - D. Safe alternate landing areas will be identified in the event the sUAS cannot be recovered to the takeoff point.
  - E. The sUAS shall be equipped with strobe lights that are visible 360 degrees for a minimum of 3 statute miles at night.
- V. The PIC will utilize a visual camera when operating an illuminated area, or when operating with an installed spotlight system that illuminates the ground, or FLIR camera when so equipped.

# STANDARD OPERATING PROCEDURE

CITY OF EVANSTON, ILLINOIS			POLICE MANUAL		
<b>Subject: Night Time Operations</b>	<b>Number LEXIPOL 606-2</b>	<b>Rev. Oct 26, 2020</b>	<b>Effective Date With LEXIPOL</b>	<b>Page</b>	<b>Of</b>
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- VI. All sUAS drone operations will be briefed on and familiar with night vision physiology and common night vision illusions:
  - A. Darkness adaptation: 30-45 minutes to adapt, loss of adaptation with exposure to momentary bright light.
  - B. Central blind spot: Understanding of the importance of off-centered viewing of objects at night.
  - C. Visual scanning techniques: Deliberate pausing at each direction and importance of peripheral vision to detect motion.
  - D. Empty-field myopia: Loss of detail acuity due to lack of objects to focus on beyond 20 feet.
  - E. Auto kinesis: Apparent movement of an object when the object is stared at for a length of time.
  - F. Flicker vertigo: Disorientation due to flashing light stimulus in fog or haze conditions.
  
- VII. In the event of a lost control link, the sUAS is equipped with a GPS enabled return-to-home (RTH) system that will record the initial takeoff location for automated return, and landing if required.
  
- VIII. If another aircraft, uSAS or manned, is encountered during flight operations occurring at night, the sUAS will immediately be maneuvered by the PIC to a position that does not cause a hazard to the other aircraft, persons, or vehicles on the ground or any structure.
  
- IX. Prior to being authorized to conduct night operations, the sUAS drone operator must satisfactorily complete a department certification training program which includes a practical and written examination.