

Village of Huntley Police Department
STANDARD OPERATING PROCEDURE

Subject: **Unmanned Aircraft Systems (UAS)**
CALEA Standard Reference/s: None

General Order No. **41-018**
Effective Date: October 23, 2018

PURPOSE

The purpose of this policy is to establish guidelines under which unmanned air crafts may be utilized and the storage, retrieval and dissemination of images and data captured by such systems.

POLICY

It is the policy of the Huntley Police Department to ensure authorized personnel are trained on the use of unmanned aircraft systems, hereinafter referred to as UAS, 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 compliance to relevant statutes, the Illinois Drones as First Responders Act (PA 103-0101), the Illinois Freedom from Drone Surveillance Act ([725 ILCS 167/](#)), privacy rights, and the Federal Aviation Administration and [14 CFR 107](#) requirements.

DEFINITIONS

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 reentry of commercial space vehicles.

Information – As defined in [725 ILCS 167](#), any evidence, images, sounds, data, or other information gathered by the unmanned aircraft.

Notice to Airmen (NOTAM) – A notice filed with an aviation authority to alert aircraft pilots of potential hazards along a flight route or at a location that could affect the safety of the flight.

Parade – 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. ([725 ILCS 167/5](#))

Remote Pilot in Command – Person directly responsible for and is the final authority as to the operation of the unmanned aircraft.

Routed Event – A parade, walk or race that:

- (1) is hosted by the State of Illinois or a county, 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. ([725 ILCS 167/5](#))

Unmanned Aircraft (UA) – Any aerial vehicle that does not carry a human operator and operates without the possibility of direct human intervention from within or on the aircraft; also referred to as a drone.

Unmanned Aircraft System (UAS) – A small unmanned aircraft, 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.

Special Event – A concert or food festival that:

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

Special Event does not include any political protest, march, demonstration or other assembly protected by the First Amendment. ([725 ILCS 167/5](#))

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.

PROCEDURE

A. PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the department's unmanned aircraft 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:

1. Coordinate the FAA Certification of Authorization (COA) and/or the [14 CFR 107](#) application process; ensure all certifications are current.
2. Ensure all authorized remote pilots in command have completed all required Federal Aviation Administration (FAA), [14 CFR 107](#), and department approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
3. Develop uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
4. Develop protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
5. Implement a system for notification to the public and media outlets of UAS deployment, when appropriate.
6. Develop an operational protocol 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 communications with air traffic control facilities.
7. Develop protocol for fully documenting all missions.
8. Develop UAS inspection, maintenance and record keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
9. 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.

10. Develop protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
11. Facilitate law enforcement access to images and data captured by the UAS.
12. Recommend program enhancements, especially regarding safety and information security.
13. Ensure that established protocols are followed by monitoring and providing periodic program reports to the Deputy Chief of Patrol Services.
14. Conduct a documented, annual audit of the program and flight documentation.

B. TRAINING PRIOR TO USE OF THE UAS

1. Prior to authorization to operate a UAS, assigned personnel must complete mandatory training provided by the department to obtain an understanding on how to use the UAS and the procedures outlined in this policy.
2. 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.
3. Additional training may be provided at periodic intervals for personnel displaying a substandard performance in the use of UAS equipment.

C. DEPARTMENT USE OF UAS

1. The police department must obtain applicable authorizations, permits, or certificates as required by FAA prior to deploying or operating the UAS, and ensure these documents are current.
2. Pursuant to [725 ILCS 167/15](#), the UAS may not be used to gather information, except during the following types of situations:
 - 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 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.
 - 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. If the department is not undertaking a criminal investigation but is:
 - i. Attempting to locate a missing person;
 - ii. Engaging in a search and rescue operation; or
 - iii. Aiding a person who cannot otherwise be safely reached.

- 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. 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.
- f. To obtain information necessary for the determination of whether a disaster (as defined in [20 ILCS 3305/4](#)) 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 that an official declaration of disaster or public health emergency prior to use.
- g. To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. Department members shall make every reasonable attempt to photograph only the building or structure and to avoid other areas.
- h. To demonstrate the capabilities and functionality of a police drone for public relations purposes, provided that no information is collected or recorded by the drone during such demonstration.
- i. In response to Public Safety Answering Point (PSAP) dispatched calls for service, when the sole purpose for using a drone is for one or more first responders to locate victims, to assist with immediate victim health or safety needs, or to coordinate the response of emergency vehicles and personnel to an emergency.
- j. During a Routed Event or a Special Event, as defined above.
 - i. The drone may be used in advance of the 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.
 - ii. Additionally, the drone may be used during the event to proactively support public safety personnel by monitoring the event footprint in real time to:
 - 1) 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) evaluate crowd size and density;
 - 3) identify activity that could present a public safety issue for the crowd as a whole, including crowd movement;
 - 4) assist in the response of public safety personnel to a real-time public safety incident at the event; and
 - 5) assess the traffic and pedestrian flow around the event in real time.
 - iii. The use of a drone at a routed event or special event requires that:
 - 1) Notice is posted at the event location for at least twenty-four (24) hours before the event and clearly communicates that drones may be used at the upcoming event for the purpose of real-time monitoring of participant safety;
 - 2) Notice is posted, if practical, at major entry points to the event clearly informing the attendees that a drone may be used for the purpose of real-time monitoring of participant safety; and

- 3) The drone is flown in accordance with Federal Aviation Administration safety regulations.
3. Requests to deploy a UAS flight shall be submitted to the on-duty supervisor. During an emergency situation where an official written request was not submitted, a memorandum outlining the reason for use of the UAS shall be submitted to the program coordinator; this shall be completed as soon as practicable.
4. Whenever possible, if a UAS will be flying within 5 miles of hospital heliport (Northwestern Medicine Huntley Hospital), the program coordinator shall submit flight data via the [B4UFly App](#). Additionally, notification shall be made to the respective hospital's emergency department charge nurse at 224-654-0000 and Flight for Life at 414-778-5427.
5. Before the drone is deployed, SkyVector (www.skyvector.com) shall be checked for any NOTAMS that may affect the flight.
6. At the conclusion of each deployment, the recordings shall be securely downloaded and proper evidence procedures shall be followed.
7. All uses of the UAS will be documented on a [Drone Flight Check List](#) and an RMS report. 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.

D. ACCIDENT REPORTING

1. The FAA requires notification of certain UAS accidents. Pursuant to [14 CFR 107](#) Drone Operation & Certification Regulations, within 10 days after the accident, the remote pilot in command must report accidents to the FAA in the following situations:
 - a. Serious injury to any person or loss of consciousness.
 - b. Damage to any property, other than the UAS, 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.
2. The remote pilot in command is required to initiate a police report for any accident involving the UAS. The police report shall include the following information:
 - a. Name and contact information for operators and witnesses
 - b. Type of operation
 - c. Type of device and registration number/certificate
 - d. Event location and incident details
 - e. Evidence collection such as photos, video, and device confiscation, if necessary. (Note: search warrants may be required to download the recorded or still footage from the UAS.)
3. The remote pilot in command shall provide notification to the FAA by using the [accident reporting portal](#) on the FAA's website.

E. RESTRICTIONS

1. The UAS will not be used to:

- a. Conduct random surveillance activities or requests for information
 - b. Target a person based solely on individual characteristics such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
 - c. Harass, intimidate or discriminate against any individual or group.
 - d. Conduct personal business of any type.
 - e. Any situation outside what is specified in Section C above.
2. Department members are prohibited from using, during a flight, onboard facial recognition software that works in conjunction with the drone. Department members are prohibited from using any information gathered by a drone with any facial recognition software, unless either:
 - a. The Department is using a drone 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; or
 - b. The Department 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. ([725 ILCS 167/17](#))
 3. No weapons of any kind will be attached to or deployed by a UAS. ([725 ILCS 167/18](#))
 4. UAS deployments by the police department must also adhere to the operating procedures established by the FAA. These rules are outlined below, but are not limited to:
 - a. Conduct a pre-flight check to ensure UAS in condition for safe operation. This is covered in Section G below;
 - b. Keep the UAS in visual line of sight;
 - c. Fly during day or twilight hours;
 - d. Fly at or below 400 feet above ground level;
 - e. Fly at or below 100 mph;
 - f. Yield right of way to manned aircraft;
 - g. Must not fly over people; and
 - h. Must not fly from a moving vehicle, except in rural areas.
 5. The program coordinator 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 UAS operation can be safely conducted under the terms of the certificate waiver.
 6. Personnel shall notify the program coordinator 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 UAS.

F. PRIVACY CONSIDERATIONS

1. Use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and 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 observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

2. When there are specific and articulable grounds to believe that the UAS will collect evidence of criminal wrongdoing and/or if the UAS will be used in a manner that may intrude upon reasonable expectation of privacy, the department will obtain a search warrant prior to conducting the flight.

G. INSPECTION AND CARE OF THE EQUIPMENT

1. The UAS 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 UAS equipment. Malfunctions shall be brought to the attention of the program coordinator as soon as possible. Extra caution must be taken to ensure the equipment is not stored in extreme temperatures.
2. Prior to use, assigned officers shall:
 - a. Using the [Drone Flight Check List](#), inspect the UAS and related equipment to verify proper functioning and ensure the battery is fully charged in accordance to the manufacturer's recommendations.
 - b. Inspect the body of the UAS, the charging and camera cables to look for signs of visible damage. Ensure the propeller blades are in flight worthy condition.

H. SECURITY OF RECORDINGS

1. Personnel should be aware that recordings may contain sensitive information and are responsible for ensuring compliance to the requirements 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.
2. All recordings are considered investigative property of the Huntley Police Department. The utmost care and caution shall be taken to ensure the recordings are not mishandled or misused.
3. Employees shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner recordings without written authorization by the program coordinator.
4. Any violations related to unauthorized edits, alterations, and dissemination of this data shall be cause for disciplinary action.
5. 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.

I. RECORDS RETENTION

1. Pursuant to [725 ILCS 167/20\(a\)](#), the Department shall destroy all information gathered by the UAS within the following timeframes:
 - a. Destruction within thirty (30) days after being gathered pursuant to:
 - (1) [725 ILCS 167/15\(1\)](#) (terrorist attack);

- (2) [725 ILCS 167/15\(2\)](#) (search warrant);
 - (3) [725 ILCS 167/15\(3\)](#) (prevention of imminent harm to life, forestall imminent escape of a subject, or destruction of evidence);
 - (4) [725 ILCS 167/15\(4\)](#) (location of a missing person, search and rescue operation, or aiding a person who cannot otherwise be safely reached);
 - (5) [725 ILCS 167/15\(5\)](#) (crime scene and traffic crash scene photography);
 - (6) [725 ILCS 167/15\(6\)](#) (disaster or public health emergency); or
 - (7) [725 ILCS 167/15\(9\)](#) (call for service dispatched by a PSAP where the sole purpose is to locate victims, assist with victim health and safety needs, or to coordinate an emergency response).
- b. Destruction within twenty-four (24) hours after being gathered pursuant to:
- (1) [725 ILCS 167/15\(10\)](#) (routed event or special event).
- c. All information gathered pursuant to [725 ILCS 167/15\(7\)](#) (infrastructure inspection) shall be turned over to the requesting local government agency as soon as practicable, and all gathered information shall be destroyed immediately after the information has been turned over.
2. Notwithstanding [725 ILCS 167/20\(a\)](#) and the timeframes listed above, a department supervisor may retain particular information if:
- 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 supervisor deems that the information will be used exclusively for training purposes, provided that any such information shall not contain any personally identifiable information; or
 - d. The information consists of only flight path data, metadata, or telemetry information of the drone. ([725 ILCS 167/20\(b\)](#))
3. When the recording does not fall under the statutory exemptions, documentation pertaining to use of the UAS, such as location, date, time, scope of the mission, is not subject to being destroyed within the timeframes listed in [725 ILCS 167/20](#).
4. The retention of recordings that are exempt from the statutory destruction requirement is at the discretion of the program coordinator or determined by the completion of the criminal investigation or criminal trial.

J. REPORTING

1. Annually, by April 1, the program coordinator shall report to the Illinois Criminal Justice Information Authority the number of drones owned by the police department, per [725 ILCS 167/35](#).

K. INFORMATION FROM PRIVATE DRONES

1. The department may utilize or direct the acquisition of information from private drones only for the purpose of undertaking the tasks outlined in Section C, Department Use of UAS, above.

2. Private parties may voluntarily submit information acquired by a privately owned drone to the police department.
3. 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.

L. PUBLIC INFORMATION

1. The department shall make publicly available on its website the policy governing the operation, use, administration and oversight of its UAS program.

M. VIOLATIONS OF STATE STATUTE AND POLICY

1. Per [725 ILCS 167/45](#), if the Department learns of violations of State Statute or this policy, the Department shall immediately take actions to prevent future violations through any one or more of the following means: training, discipline, including progressive discipline for repeat violations, or other means that will prevent repeated violations of State Statute or this policy by personnel. If the Department learns of willful and wanton violations of the Drone Act, the Department shall immediately remove the pilot from its drone program and take action to prevent future willful and wanton violations of the Drone Act.
2. The Attorney General shall have authority to conduct investigations into patterns and practices of violations of this Act. The Attorney General may:
 - a. Require a law enforcement agency, law enforcement official, or any other person or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider necessary;
 - b. Examine under oath any law enforcement official or any other person alleged to have participated in or with knowledge of the alleged violation; or
 - c. Issue subpoenas, obtain records, conduct hearings, or take any other actions in aid of any investigation. If a law enforcement agency, law enforcement official, or other person or entity fails to comply, in whole or in part, with a subpoena or other investigative request issued, the Attorney General may compel compliance through an action in the circuit court.
3. Following completion of an investigation, the Attorney General may, upon his or her own information or upon the complaint of any person, maintain an action for declaratory, injunctive, or any other equitable relief in the circuit court against any law enforcement agency, law enforcement official, or other person or entity who violates any provision of the Drone Act. These remedies are in addition to, and not in substitution for, other available remedies, penalties, or disciplinary action.
4. Upon entry of an adverse judgment under the Drone as First Responders Act demonstrating a pattern or practice of violations of the Act, a law enforcement agency shall forfeit its ability to use drones for not less than 6 months for a first adverse judgment and up to one year for a second adverse judgment demonstrating a pattern or practice of violating the act.

This order supersedes all previous written and unwritten policies and practices of the Village of Huntley Police Department as related to Unmanned Aircraft Systems (UAS).

This ORDER was issued by: _____
Robert Porter, Chief of Police

Effective Date: October 23, 2018

Revision Date: July 1, 2023

Revision Note: Updates per the Illinois Drones as First Responders Act. Definitions added for the following terms: Parade, Routed Event and Special Event. Section C updated to add permitted uses of UAS. Section E updated to prohibit equipping UAS with facial recognition software. Section I updated with records retention requirements. Sections L Public Information and M Violations of State Statute and Policy added.