



Lake in the Hills Police Department Standard Operating Procedure 20-058

PROCEDURE TITLE:		Unmanned Aircraft Systems					
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PURPOSE:

The purpose of this policy is to provide guidance and direction on the use and deployment of the approved department unmanned aerial aircraft system, commonly referred to as a drone, and the storage, retrieval and dissemination of images, data and videos captured by the drone.

POLICY:

It is the policy of this department to ensure that authorized personnel are trained on the use of the drone to enhance the department’s mission in protecting life and property. Any use of the drone will be in compliance to all relevant statutes of the State of Illinois, specifically the Freedom from Drone Surveillance Act 725 ILCS 167/1, Federal law, and Federal Aviation Administration and 14 CFR 107 requirements.

DEFINITIONS:

Disaster - per the Illinois Emergency Management Agency Act, means an occurrence of threat of widespread or severe damage, injury or loss of life or property resulting from any natural, technological, or human cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, public health emergencies, cyber incidents, or acts of domestic terrorism.

Drone – means any aerial vehicle that does not carry a human operator.

Federal Aviation Administration (FAA) – A national authority with powers to regulate all aspects of civil aviation. These include the construction and operation of airports and 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.

Information – as defined in 725 ILCS 167/5, any evidence, images, sounds, data, or other information gathered by the unmanned aircraft.

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 a street closing or otherwise requires stopping or rerouting vehicular



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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.

Program Coordinator – Sworn supervisor and/or officer responsible for the management and supervision of the small, unmanned aircraft program

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

Routed Event – means a parade, walk, or race that is hosted by the State of Illinois or a county, municipality, township, or park district that is outdoors and open to the public and has an estimated attendance of more than 50 people. A Routed Event does not include any political protest, march, demonstration, or other assembly protected by the First Amendment.

Special Event – means a concert or food festival that is hosted by the State of Illinois or a county, municipality, township or park district that is outdoors and open to the public and has an estimated attendance of 150 people or more. A Special Event does not include any political protest, march, demonstration, or other assembly protected by the First Amendment.

Visual Observer – The person designated by the remote pilot in command to assist the remote pilot in command to see and avoid other air traffic or objects aloft or on the ground.

PROCEDURE:

1. Program Coordinator
 - A. Appointed by the Chief of Police and reports to the Deputy Chief of Patrol.
 - B. Will ensure that policies and procedures conform to Illinois statutes, FAA regulations and best practices for the program.
 - C. Coordinate the FAA Certification of Authorization (COA), if required, and/or the 14 CFR 107 application process and ensure all certifications are current.
 - D. Ensure all pilots have completed all required FAA, 14 CFR 107 and department approved training in the operation, applicable laws, policies, and procedures regarding use of the drone.
 - E. Develop uniform protocol for submission and evaluation of requests to deploy the departments drone, including urgent requests made during ongoing incidents.
 - F. Ensure proper notification and signage is posted regarding the drone deployment, when appropriate, including signage that will be posted at routed and special events.



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- G. Ensure the operational protocol governing the safe deployment and operation of the department drones along with documenting all deployments of the drone.
 - H. Ensure pilots conduct proper drone inspection, maintenance, and record keeping ensuring the airworthiness of the drone.
 - I. Ensure all data information intended to be used as evidence is accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements.
 - J. Meet with the supervisor in charge of evidence to ensure retention and purge periods are maintained in accordance with 725 ILCS 167/20.
 - K. Conduct an annual review of the program to determine the overall success of the program and to provide recommendations for improvements for the program. The report will be sent to the Deputy Chief of Patrol.
 - L. Coordinate pilot training covering a variety of scenario-based exercises during the year.
2. Training Prior to Use of the Drone
- A. Prior to Authorization to operate a drone, assigned pilots must complete mandatory training provided by the department to obtain an understanding on how to use the drone and the procedures outlined in this policy.
 - B. Annually, assigned pilots will undergo refresher training on the equipment to ensure continued effective use, operation of the equipment and to incorporate changes, updates, or other provisions to the FAA and/or 14 CFR 107 requirements, statutes or department policy.
 - C. Additional training may be provided at periodic intervals to ensure the continued effective use, operation and readiness of the equipment and the pilots.
3. Department Use of Drone
- A. The department must obtain applicable authorizations, permits or certificates as required by the FAA prior to deploying or operating the drone and ensure these documents are current.



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- B. Pursuant to the Illinois Drone as First Responders Act, 725 ILCS 167/15, the drone 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 Secretary 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 a drone under this paragraph is limited to a period of 48 hours. Within 24 hours of drone initiation under this paragraph, the Chief of Police must report its use, in writing, to the State's Attorney.
 4. To locate a missing person, search and rescue or aid a person that cannot be safely reached, 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. The use of the drone 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.
 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 that an official declaration of disaster or public health emergency be required prior to use.



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7. To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. Any law enforcement agency operating a drone under this paragraph shall make every reasonable attempt to photograph only the building or structure and to avoid other areas.
 8. To demonstrate the capabilities and functionality of the department drone for public relations purposes, provided that no information is collected or recorded during such demonstration.
 9. 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.
- C. Except for department deployments, requests to deploy the department's drone shall be submitted to the Chief of Police or assigned designee. During an emergency situation where an official written request was not submitted, a memorandum outlining the reason for use of the drone shall be submitted to the program coordinator, this shall be completed as soon as practical.
- D. For flights near airports in uncontrolled airspace that remain under 400' above the ground, prior authorization is not required (Lake in the Hills Airport is in uncontrolled airspace). When flying in these areas, remote pilots and recreational flyers must be aware of and avoid traffic patterns and takeoff and landing areas. A drone must not interfere with operations at the airport and must yield right-of-way to all other aircraft. Uncontrolled airspace and other flying restrictions can be found on our B4UFLY app. - FAA.GOV (Using the LAANC system is only requests for approval to fly in controlled or restricted airspace).
- E. Before the drone is deployed, FAADroneZone, shall be checked for any NOTAMS that may affect the flight.
- F. At the conclusions of each deployment, the recordings shall be securely downloaded, and proper evidence procedures followed.
- G. All uses of the drone will be documented per department policy and a report or supplemental report shall be written. The report shall include but not limited to the following:



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1. Reason for the flight, the date, the time, and general flight location.
 2. Name of approving supervisor and the pilot assigned.
 3. Summary of activities, actions taken, and outcome of deployment.
4. Routed Event and Special Event
- A. Usage of a drone at a routed event or special event requires that:
 1. A notice is posted at the event location for at least 24 hours before the event and clearly communicates that a drone may be used for the purpose of real-time monitoring of participants 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.
 3. The drone is flown in accordance with Federal Aviation Administration safety regulations.
 - B. The drone may also be used:
 1. In advance of an event, before the participants have begun to assemble, for the sole purpose of creating maps and determine access routes, staging areas, and traffic routes, providing that no personal identifying information is recorded and used in any criminal proceeding, or;
 2. During the event to proactively support public safety personnel by monitoring the event footprint in real time.
 - a. To 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/fencing.
 - b. To evaluate crowd size and density.
 - c. To identify activity that could present a public safety issue for the crowd as a whole, including crowd movement.
 - d. To assist in the response of public safety personnel to a real-time public safety incident at the event.



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- e. To assess the traffic and pedestrian flow around the event in real time.

5. Accident Reporting

A. The FAA requires notification of certain drone 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:

1. Serious injury to any person or loss of consciousness.
2. Damage to any property, other than the drone, 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.

B. The remote pilot in command is required to initiate a police report for any accident involving the drone. The police report shall include the following information:

1. Name and contact information for operators and witnesses.
2. Type of operation.
3. Type of drone and registration number/certificate.
4. Event location and incident details.
5. Evidence collection such as photos, video, and drone 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/#/>

D. All accidents or damage shall be reported to the Program Coordinator and Deputy Chief of Patrol Services, who shall then immediately notify the Chief of Police.



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6. Restrictions

A. The Drone will not be used to:

1. Conduct random surveillance activities or requests for information.
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. Gather information during a political protest, march, demonstration, or other assembly protected by the First Amendment.
6. Any situation outside what is specified in Section 3 and 4 above.

C. No weapons of any kind will be attached to or deployed by a drone.

D. Drone 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:

1. Conduct a pre-flight check to ensure drone in condition for safe operation.
2. Keep the drone in visual line of sight;
3. The FAA requires that all drones weighing more than 0.55 pounds (250 grams) must be equipped with drone anti-collision lights. The lights must be visible from a distance of at least 3 statute miles (5 kilometers). There are no specific requirements for the type of light that must be used, but it must be visible from all directions. The anti-collision light must be operational 30 minutes after sunset and 30 minutes prior to sunrise;
4. Fly at or below 400 feet above ground level;
5. Fly at or below 100 mph;



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6. Yield right of way to manned aircraft;
 7. Must not fly over people; and
 8. Must not fly from a moving vehicle, except in rural areas.
- E. The program coordinator may 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 drone operation can be safely conducted under the terms of the certificate waiver.
7. Privacy Considerations
 - A. Use of the drone 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 drone will collect evidence of criminal wrongdoing and/or if the drone 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.
 8. Facial Recognition
 - A. During a flight, onboard facial recognition software that works in conjunction with the drone is prohibited unless;
 1. The drone is being used 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 there is such a risk.
 2. There is 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.
 10. Inspection and Care of the Equipment



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- A. The drone and related equipment shall be maintained in a state of operational readiness. Assigned officers shall use reasonable care to ensure the proper functioning of the drone equipment. Malfunctions shall be brought to the attention of the program coordinator and Deputy Chief of Patrol as soon as possible. Extra caution must be taken to ensure the equipment is not stored in extreme temperatures.
- B. Prior to use, assigned officers shall:
 - 1. Using the Axon Air DroneSense Check List, inspect the drone and related equipment to verify proper functioning and ensure the battery is fully charged in accordance to the manufacturer's recommendations.
 - 2. Inspect the body of the drone, the charging and camera cables to look for signs of visible damage. Ensure the propeller blades are in flight worthy condition.

11. Recording and Information Disclosure

- A. All recordings are considered investigative property of the Lake in the Hills Police Department. The utmost care and caution shall be taken to ensure the recordings are not mishandled or misused.
- B. Employees shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner recordings without written authorization by the program coordinator.
- C. Any violations related to unauthorized edits, alterations, and dissemination of this data shall be cause for disciplinary action.
- D. Pursuant to 725 ILCS 167/25, information obtained by a drone under Section 3.B of this policy, 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.
- E. Records of drone usage, including flight path data, metadata, or telemetry information of specific flights, if available, may be disclosed subject to the Freedom of Information Act and rules adopted under that Act.
- F. Nothing in this Act prevents the disclosure of information through a court order or subpoena in connection with a criminal proceeding or if the disclosure is regarding a completed traffic crash investigation.



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12. Retention of Drone Records
- A. Pursuant to 725 ILCS 167/20, within 30 days of the recording, the police department shall destroy all information gathered by the drone under Section 3.B of this policy.
 - B. All information gathered reference a routed event or special event shall be destroyed within 24 hours after being gathered.
 - C. All information gathered pursuant to paragraph Section 3.B.7 of this policy 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.
 - D. Notwithstanding the above, a supervisor at a law enforcement agency may retain particular information if:
 - 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. A supervisor at the agency deems that the information will be used exclusively for training purposes, provided that any such information shall not contain any personally identifiable information.
 - 4. The information consists of only flight path data, metadata, or telemetry information of the drone.
 - E. The retention of recordings that are exempt from the 30-day requirement is at the discretion of the program coordinator or determined by the completion of the criminal investigation or criminal trial.
13. Reporting and Public Information
- A. Annually, by April 1, the Deputy Chief of Patrol Services shall report to the Illinois Criminal Justice Information Authority the number of drones that it owns, the number of times a drone was used pursuant to each paragraph of Section 15 of 725 ILCS 167/, including the date of use, time of use, reason for use, location, whether video was recorded, and whether the video is designated for retention for training purposes. The report shall contain a copy of the agency's latest policy concerning drones as of the most recent April 1.
 - B. Each law enforcement agency that uses a drone shall implement and make publicly available on its website the law enforcement agency's policy governing the operation, use, administration, and oversight of its drone program.



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14. Information From Private Drones
 - A. The department may utilize information from private drones only for the purpose of undertaking the tasks outlined in Section 3, Department Use of Drone, above.
 - B. Private parties may voluntarily submit information acquired by a privately owned drone to the police 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 on-going investigation or pending criminal trial.

15. Adherence to the Freedom from Drone Surveillance Act
 - A. If it is determined a department member violated the Freedom from Drone Surveillance Act the department shall take prompt action to prevent future violations through training and discipline. If it is determined a pilot (or other department member) has willfully and wantonly violated the Freedom from Drone Surveillance Act, the department shall promptly remove the pilot from his assignment and take appropriate action.

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