

Unmanned Aerial System

607.1 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.

607.1.1 DEFINITIONS

Definitions related to this policy include:

Disaster:

- (a)
- (b)
- (c)

607.2 POLICY

A UAS may be utilized to enhance the Lockport Police 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 accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

607.3 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.

607.4 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

Lockport Police Department

Policy Manual

Unmanned Aerial System

with FAA Part 107 Remote Pilot Certificate, as appropriate for Lockport Police Department operations.

- Ensuring that all authorized operators and required observers have completed all required FAA and Lockport Police Department-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 may 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. Ensuring drone accidents are reported to the FAA as required by 14 CFR 107.
- Developing procedures for the use of facial recognition software to evaluate information gathered by a UAS, as permitted by 725 ILCS 167/17.

Lockport Police Department

Policy Manual

Unmanned Aerial System

- Ensuring that the Lockport Police Department's current UAS policy is posted on the Lockport Police Department's website (725 ILCS 167/35).

607.5 USE OF UAS

TRAINING PRIOR TO USE OF THE UAS

- a. 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.
- b. Assigned officers will undergo 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 UAS equipment. Members who have been selected for the drone unit can operate the UAS outdoors as long as they are directly supervised by an authorized and certified pilot as defined as FAA part 107. Members who have been authorized for solo flight operations by the program coordinator can operate the UAS indoors without the presence of a certified pilot.

INSPECTION AND CARE OF THE EQUIPMENT

- a. The UAS 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 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.

Prior to use, assigned officers shall:

- a. 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.

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 Lockport Police Department may not use the UAS to gather information except (725 ILCS 167/15):

Lockport Police Department

Policy Manual

Unmanned Aerial System

- (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.

607.5.1 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 Lockport Police Department by a private third party (725 ILCS 167/40).

607.5.2 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.

Unmanned Aerial System

607.6 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).

607.7 RETENTION OF UAS INFORMATION

The Records Section 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 Lockport Police Department 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.

607.8 REPORTING

The Records Section supervisor shall report annually, by April 1, to the Illinois Criminal Justice Information Authority the number of UAS owned by the Lockport Police Department and any other required information to be reported under 725 ILCS 167/35.

The report shall contain a copy of the Lockport Police Department's current UAS policy (725 ILCS 167/35).

The deployment of a drone does not necessarily require a written case report, unless the call for service requires one; however, for every deployment, the pilot must complete a Drone Deployment Form as soon as practicable, but no later than the ending of the pilot's tour of duty. [See attachment: LPD Drone deployment form.pdf](#)

ACCIDENT REPORTING

- (a) 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.

Lockport Police Department

Policy Manual

Unmanned Aerial System

- 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.
- (b) 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.
- (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/#/>

607.9 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).

607.10 COMPLIANCE WITH THE FREEDOM FROM DRONE SURVEILLANCE ACT

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

Attachments

LPD Drone deployment form.pdf

LOCKPORT POLICE DEPARTMENT DRONE DEPLOYMENT FORM

Pilot: _____ Incident# _____ Report# _____
Date of use: _____ Time of use: _____ Duration of use: _____

Location of use:

Reason for use:

Summary of flight:

Pilot's Signature _____

Supervisor's Signature _____

Does the reviewing supervisor recommend drone video/photos be retained?

Yes No

If yes, list reason: