



# NAPERVILLE POLICE

## GENERAL ORDER

ORDER NUMBER: 85.1

SUBJECT: SMALL UNMANNED AIRCRAFT SYSTEMS (sUAS)

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### References:

- [725 ILCS 5/108-3. Grounds for a Search Warrant](#)
- [725 ILCS 167/5 Drones as a First Responder Act](#)
- [14 CFR 107. Drone Operation and Certification Regulations](#)

### Purpose:

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

### Policy:

It is the policy of the Naperville Police Department to ensure authorized personnel are trained on the use of small unmanned aircraft systems, hereinafter referred to as sUAS, 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 the sUAS will be in strict compliance to relevant statutes, privacy rights, the Federal Aviation Administration, and 14 CFR 107 requirements.

### Definitions:

**Drone** – 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, 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, any evidence, images, sounds, data, or other information gathered by the unmanned aircraft.

**Program Coordinator** – A licensed FAA sUAS pilot appointed by the sUAS Commander who is responsible for management of the department's 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.

**Small Unmanned Aircraft System (sUAS)** – A small unmanned aircraft that does not carry a human operator, 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.

**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.

## **ORDER:**

### **85.1.1 Program Coordinator**

- A. The commander assigned to the sUAS program appoints a program coordinator who is responsible for the management of the department's small unmanned aircraft program. The program coordinator ensures that policies and procedures conform to current laws, regulations, and best practices. Listed below are the following additional responsibilities of the program coordinator:
1. Coordinate the FAA Certification of Authorization (COA) and/or the 14 CFR 107 application process; ensure all certifications are current.
  2. Ensure authorized remote pilots in command have completed the required Federal Aviation Administration (FAA) and 14 CFR 107 training and department approved training in the operation, applicable laws, policies, and procedures regarding use of the sUAS.
  3. Develop uniform protocol for submission and evaluation of requests to deploy the sUAS, including urgent requests made during on-going or emerging incidents.
  4. Develop protocol for conducting criminal investigations involving the sUAS, including documentation of time spent monitoring a subject.
  5. Implement a system for notification to the public and media outlets regarding sUAS deployment, when appropriate.
  6. Develop an operational protocol governing the safe deployment and operation of a sUAS, along with documenting all missions.
  7. Develop sUAS inspection, maintenance and record keeping protocol to ensure continuing airworthiness of a sUAS, up to and including its overhaul or life limits.
  8. 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.
  9. Develop protocol to ensure retention and purge periods are maintained in accordance with established records retention schedules
  10. Facilitate law enforcement access to images and data captured by the sUAS.
  11. Recommend program enhancements, especially regarding safety and information security.
  12. Ensure established protocols are followed by monitoring and providing quarterly program reports to the commander responsible for the program.
  13. Conduct a documented annual audit of the program and flight documentation.
  14. Coordinate and implement a regular training curriculum to maintain proficiencies and stay apprised of current trends.

### **85.1.2 Training and Performance Evaluation of the sUAS**

- A. Prior to authorization to operate a sUAS, assigned personnel must complete mandatory training, a "check ride" or practical examination from the Program Coordinator, or designee, to obtain an understanding on how to use the sUAS and the procedures outlined in this policy. Pilots must also complete a written examination with a passing score of 70% or higher.
- B. Annually, assigned officers will undergo a performance evaluation on the equipment to ensure continued effective use, operation of the equipment and knowledge of 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. Failure to improve substandard performance could result in the removal from the team.

- C. UAS personnel shall train once a month as a team. Additional training is recommended to maintain proficiency.

### **85.1.3 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 sUAS, and ensure these documents are current.
- 2) Pursuant to [725 ILCS 167/15](#), the sUAS may not be used to gather information, except during the following type 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 the sUAS under this paragraph is limited to a period of 48 hours. Within 24 hours of the sUAS initiation under this paragraph, the Chief of Police or designee must report its use, in writing, to the applicable State's Attorney's Office, see Attachment B, State's Attorney Notification of Drone Use form.
  - d) If the Naperville Police Department is not undertaking a criminal investigation but is attempting to locate a missing person, engaging in search and rescue operations, or aiding a person who cannot otherwise safely be reached.
  - e) To obtain crime scene and traffic crash scene photography in a geographically confined and time-limited manner. Use of the sUAS 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 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 was issued.
  - g) To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. Operating a drone under this paragraph, this department 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. As used in this paragraph (i), "Public Safety Answering Point" and "PSAP" have the meaning given to those terms in Section 2 of the Emergency Telephone System Act 50 ILCS 750.
  - j) If a law enforcement agency is using a drone at a routed event or special event. The use of a drone under this paragraph (10) requires that:
    - i) notice is posted at the event location for at least 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;

- ii) 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
  - iii) the drone is flown in accordance with Federal Aviation Administration safety regulations. Under this paragraph (j), a law enforcement agency may use the drone:
    - (1) in advance of an 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; 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 or 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; and
      - (e) to assess the traffic and pedestrian flow around the event in real time.
- 3) Requests to deploy the sUAS flight shall be made to the program coordinator who will confer with the commander as to the status of the proposed flight. The Chief of Police or designee must also be notified on any sUAS deployment.
  - 4) Whenever possible, if the sUAS will be flying within close proximity to an airport or hospital heliport, which could create a hazardous situation for a manned aircraft, notification shall be made to the respective airport management or hospital's security office.
  - 5) When appropriate, notification of the sUAS deployment shall be made to the public and/or media outlets.
  - 6) At the conclusion of each deployment, the recordings shall be securely downloaded, and proper evidence procedures shall be followed. Unless the deployment was at a special event or routed event, in which case the recordings shall be deleted within 24 hours of the conclusion of the event.
  - 7) All uses of the sUAS will be documented on a form or database. 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.

#### **85.1.4 Accident Reporting**

- A. The FAA requires notification of certain sUAS 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 sUAS, 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 immediately notify a supervisor on any accident involving the sUAS. The supervisor and/or program coordinator will determine the appropriate reporting requirements pursuant to statute, FAA rules, or Naperville Police Department internal procedures.
- 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 DroneZone Portal at: <https://faadronezone.faa.gov/#/>.

### **85.1.5 Restrictions**

- A. The sUAS will not be used to:
  - 1. Conduct random surveillance activities or for information gathering, unless a search warrant has been issued
  - 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. Any situation outside what is specified in Section 85.1.3.
- B. sUAS 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 safe operation of the sUAS.
  - 2. Keep the sUAS in visual line of sight, except when tactical beyond visual line of sight operations (BVLOS) applies in accordance with the City of Naperville's FAA authorized Certificate of Waiver or Authorization (COA).
  - 3. Fly during daylight hours or at night per requirements defined in 14 CFR 107.29.
  - 4. Fly at or below 400 feet above ground level or up to 400 feet above a structure.
  - 5. Fly at or below 100 mph.
  - 6. Yield right of way to manned aircraft.
  - 7. Must not fly over people, unless the operation meets the requirements defined in 14 CFR 107.39 & 107.105.
  - 8. Must not fly over moving vehicles, unless the operation meets the requirements defined in 14 CFR 107.145.
  - 9. During an emergency situation, deviations from policy are permitted.
- C. 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 sUAS operation can be safely conducted under the terms of the certificate waiver.
- D. 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 sUAS.
- E. Use of facial recognition. The Naperville Police Department while operating a drone, is prohibited from using, during a flight, onboard facial recognition software that works in conjunction with the drone. Moreover, this department is prohibited from using any information gathered by a drone with any facial recognition software, unless either
  - 1. 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
  - 2. 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
- F. Use of weapons. The Naperville Police Department is prohibited from equipping or using on a drone any firearm, weaponized laser, kinetic impact projectile, chemical agent or irritant, or any other lethal or non-lethal weapon.

### **85.1.6 Inspection and Care of Equipment**

- A. The sUAS 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 sUAS 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.

B. Prior to use, assigned officers shall:

1. Using an equipment checklist, inspect the sUAS 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 sUAS, the charging and camera cables to look for signs of visible damage. Ensure the propeller blades are in flight-worthy condition.

#### **85.1.7 Security of Recordings**

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

#### **85.1.8 Records Retention**

- A. If the Naperville Police Department, or designee, uses a drone under 725 ILCS 167/15, they shall destroy all information gathered by the drone within the following timeframes:
  1. All information gathered pursuant to paragraph (a), (b), (c), (d), (e), (f), or (h) of Section 85.1.3 shall be destroyed within 30 days after being gathered;
  2. All information gathered pursuant to paragraph (j) of Section 85.1.3 shall be destroyed within 24 hours after being gathered;
  3. All information gathered pursuant to paragraph (g) of Section 85.1.3 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.
- B. Notwithstanding subsection (A), except that a supervisor 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; or
  4. the information consists of only flight path data, metadata, or telemetry information of the drone.

#### **85.1.9 Reporting**

- A. Annually, by April 1, the UAS Commander, or designee, shall report to the Illinois Criminal Justice Information Authority the number of drones owned by the police department, the number of times a drone was used pursuant to each paragraph of Section 85.1.3, 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. This department shall implement and make available its policy, General Order 85.1, on the city's website governing the operation, use, administration, and oversight of its drone program.
- C. Drone use in any application other than training requires the remote pilot in command to complete a report detailing the conditions of flight as spelled out in Attachment A, UAS Flight Report along with circumstances specific to the event.

**85.1.10 Information from Private Drones**

- A. The department may utilize information from private drones only for the purpose of undertaking the tasks outlined in Section 85.1.3.
- B. Private parties may voluntarily submit information acquired by the 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.