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# Unmanned Aerial System (UAS) Operations

## 608.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines under which unmanned aerial systems (UAS) may be used, and the storage, retrieval and dissemination of images and data captured by such systems.

### 608.1.1 DEFINITIONS

**Unmanned Aerial System (UAS)** - An unmanned aircraft or drone 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.

**Information** - Any evidence, images, sounds, data, or other information gathered by a unmanned aerial system.

**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. A parade does not include a political protest, march, demonstration, or other assembly protected by the First Amendment.

**Routed Event** - A parade, walk, or race that is hosted by the State of Illinois, a county, a municipality, a township, or a park district; 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** - A concert or food festival that is hosted by the State of Illinois, a county, a municipality, a township, or a park district; 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.

## 608.2 POLICY

Unmanned aerial systems may be utilized 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 accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations and the Illinois Freedom from Drone Surveillance Act (725 ILCS 167/1, et seq.).

## 608.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant, exigent circumstances, or those situations authorized by the Illinois Freedom from Drone Surveillance Act, 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

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(e.g., residence, yard, enclosure). When use is authorized, 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.

#### **608.4 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 or ensuring that all operators and observers have a current FAA Remote Pilot Certificate (Part 107).
- Obtaining any and all necessary FAA waivers (operation over human beings, etc.)
- Register all UAS's with the FAA.
- Ensuring that all authorized operators have completed all required FAA and Department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require supervisor authorization.
- Developing protocol 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 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 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 and the Illinois Freedom from Drone Surveillance Act.
- 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 program reports to the Chief of Police.

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#### **608.5 USE OF UAS**

Only operators authorized through a COA or who possess a current FAA Remote Pilot Certificate, and who have completed the required training shall be permitted to operate the UAS. Central Illinois Emergency Response Team members operating a drone exclusively within a residence or other structure are exempt from this requirement as indoor space is not regulated by the FAA.

Operators are permitted to use vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) pursuant to a search warrant or court order. Such technology may also be used in areas that lack a reasonable expectation of privacy.

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 may be conducted during daylight or nighttime hours in accordance with FAA rules. The UAS should not be flown over people, without a waiver or as authorized by FAA rules.

The UAS, or images and data produced by its use, shall not be used for personal business of any type. Any use of the UAS that is not specifically related to the operation or mission of this Department shall require the express authorization of the Chief of Police, the authorized designee, or the UAS program coordinator.

The Pekin Police Department 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 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.

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(g) To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. Every reasonable attempt will be made to avoid other areas and to photograph only the building or structure.

(h) To demonstrate the capabilities and functionality of a drone for public relations purposes. No information shall be recorded during the demonstration.

(i) In response to calls for service when the primary purpose for using a drone is to locate victims or to coordinate the response of emergency personnel along with emergency vehicles to an emergency.

#### **608.6 ROUTED OR SPECIAL EVENT**

The following requirements must be met when using an Unmanned aerial system at a routed or special event:

(a) A notice must be posted at the event location for at least 24 hours prior to the event. The notice must clearly communicate that UAS may be used at the upcoming event for the purpose of real-time monitoring of participant safety (b) A notice must be posted, if practical, at major entry points to the event clearly informing the attendees that a UAS may be used for the purpose of real-time monitoring of participant safety (c) The drone is flown in accordance with Federal Aviation Administration (FAA) safety regulations.

Unmanned aerial systems may be utilized at routed or special events:

(a) In advance of an event, before event participants have begun to assemble, for the sole purpose of creating maps, determining appropriate access routes, staging areas, and traffic routes. No personal identifying information may be recorded and no recorded information may be used in any criminal prosecution; (b) To proactively support public safety personnel by monitor the event footprint in real time to detect:

(1) 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) to evaluate crowd size and density

(3) to identify activity that could present a public safety issue for the crowd as a whole, including crowd movement

(4) to assist in the response of public safety personnel to a real-time public safety incident at the event

(5) to assess the traffic and pedestrian flow around the event in real time

#### **608.7 PRIVATELY OWNED UNMANNED AERIAL SYSTEMS**

This policy and its restrictions apply to information acquired from 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 by a private third party (725 ILCS 167/40).

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#### **608.8 OTHER AGENCY REQUESTS FOR UAS DEPLOYMENT**

The Pekin Police Department will give consideration to requests for UAS deployments from other agencies when:

- (a) The request falls within the authorized deployments listed in Section 618.5, Use of UAS, and
- (b) The deployment does not create an unreasonable manpower burden

The UAS Program Coordinator or the on-duty supervisor must authorize the deployment

#### **608.9 INFORMATION RETENTION**

Information obtained by the UAS shall be retained for the following timeframes:

Destroyed within 30 days:

- (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 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.
- (i) In response to calls for service when the primary purpose for using a drone is to locate victims or to coordinate the response of emergency personnel along with emergency vehicles to an emergency.

Destroy within 24 hours:

Routed or Special Event information

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Destroyed Immediately after release to requesting agency:

- (g) To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. Every reasonable attempt will be made to avoid other areas and to photograph only the building or structure.

The Chief of Police or his designee may authorize the retention of particular information when:

- (a) There is reasonable suspicion that the information contains evidence of criminal activity
- (b) The information is relevant to an on-going investigation or pending criminal trial
- (c) A supervisor deems that the information will be used exclusively for training purposes, providing that any such information shall not contain any personally identifiable information
- (d) The information consists of only flight path data, metadata, or telemetry information of the UAS

#### **608.10 INFORMATION DISCLOSURE**

Information obtained by the UAS while operating under Section 618.5 and 618.6 shall not be disclosed except in following:

- (a) A supervisor may disclose particular information to another governmental agency if:
  - (1) there is reasonable suspicion that the information contains evidence of criminal activity; or
  - (2) the information is relevant to an on-going investigation or pending criminal trial.
- (b) Records of UAS usage, including flight path data, metadata, or telemetry information of specific flights, if available, may be disclosed subject to the Freedom of Information Act.
- (c) The Pekin Police Department shall neither sell any information gathered by the UAS or disclose any information gathered by the UAS to any person who is not authorized.
- (d) Nothing in the Freedom from Drone Surveillance Act prevents the disclosure of information through a court order or subpoena in connection with a criminal proceeding or if the disclosure is in regard to a completed traffic crash investigation.

#### **608.11 REPORTING**

The Chief of Police shall report the following:

If the Pekin Police 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, and a UAS is utilized; Within 24 hours of initiation of the use the Chief of Police must report the use, in writing, to the State Attorney's Office.

The Chief of Police or their designee shall report the following:

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Annually, by April 1, to the Illinois Criminal Justice Information Authority the number of unmanned aerial systems owned, the number of times the UAS was used pursuant to each paragraph of Section 618.5 and 618.6, including the date of use, time of use, reason for use, location, and whether video was recorded, and whether the video was designated for retention for training purposes. The report shall contain a copy of the latest UAS policy.

The Remote Pilot in command shall report the following:

Within 10 days, notify the FAA (via the FAA website) of an accident in the following situations:

Serious injury to any person or loss of consciousness

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.

Immediately notify the Program Coordinator of any damage to a UAS, related equipment or to another person's property.

Immediately notify the FAA, any adjacent airport, and the Program Coordinator of a "Fly Away"

Prior to the end of their shift, document the use of the UAS on departmental UAS forms, and complete a original or supplemental police report when UAS photographs or video are retained as evidence or as directed by a supervisor.

#### **608.12 FACIAL RECOGNITION**

Unmanned aerial systems are prohibited from using, during flight, onboard facial recognition software that works in conjunction with the drone unless:

(a) the UAS 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 that there is such a risk; or

(b) Pekin Police Department officers possess 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.

#### **608.13 USE OF WEAPONS**

Pekin Police Unmanned aerial systems are prohibited from being equipped with any firearm, weaponized laser, kinetic impact projectile, chemical agent or irritant, or any other lethal or non-lethal weapon.

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#### **608.14 PROHIBITED USE**

The UAS shall not be used:

- (a) To conduct random surveillance activities
- (b) To target a person solely on actual or perceived characteristics such as race, ethnicity, national origin, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- (c) To harass, intimidate, or discriminate against any individual or group
- (d) To conduct personal business for any type

#### **608.15 VIOLATIONS**

If the Pekin Police Department identifies any violations of the Freedom from Drone Surveillance Act, immediate action will be taken to prevent any further violations. Actions that could be taken may be individual or a combination of additional training, discipline, or progressive discipline for repeated violations of the Act.

If the Pekin Police Department learns of willful and wanton violations of the Freedom from Drone Surveillance Act, the Remote Pilot shall be immediately removed from the program and may receive discipline. An after actions review shall take place in an attempt to prevent further violation of the Act.