



# STANDARD OPERATING PROCEDURE

<u>SECTION AND NUMBER</u> <b>Patrol Policies</b> <b>7.32</b>
<u>EFFECTIVE DATE</u> <b>10/10/23</b>
<u>NUMBER OF PAGES</u> <b>11</b>
<u>SUPERSEDES</u>
<b>Todd C. Green</b> <b>Police Chief</b>

<u>SUBJECT</u> <b>Unmanned Aerial Systems (UAS) Operations</b>
<u>DISTRIBUTION</u> <b>All Personnel</b>
<u>OTHER REFERENCE</u> <b>(14CFR) Part 107</b>
<u>AUTHORITY</u> <i>Todd C. Green</i>

## POLICY

The UAS may be utilized to enhance the department’s mission of protecting lives and property. Any use of the UAS will be in strict accordance with constitutional and privacy rights, FAA regulations, and department policy.

## 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.

## DEFINITIONS

Definitions related to this policy include:

- A. 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.
- B. Accidents – All accidents/mishaps involving UAS operations where any of the following occurs;
  - 1. Fatal injury, where the operation of a UAS results in a death occurring within 30 days of the accident/mishap
  - 2. Serious injury, where the operation of a UAS results in a hospitalization of more than 48 hours, the fracture of any bone (except for simple fractures of fingers, toes, or nose), severe hemorrhage or tissue damage, internal injuries, or second or third-degree burns
  - 3. Total unmanned aircraft loss
  - 4. Substantial damage to the unmanned aircraft system where there is damage to the airframe, power plant, or onboard systems that must be repaired prior to further flight

5. Damage to property, other than the unmanned aircraft.
- C. Certificate of Authorization (COA): Given by the Federal Aviation Administration (FAA) granting permission to fly the UAS within specific boundaries and perimeters.
  - D. [Code of Federal Regulations \(14CFR\) Part 107](#) – Regulations issued by the FAA for the commercial or public operation of small unmanned aircraft systems.
  - E. Federal Aviation Administration (FAA) - The division of the United States Department of Transportation that inspects and rates civilian aircraft and pilots, enforces the rules of air safety and installs and maintains air-navigation and traffic-control facilities.
  - F. Incident – Incident/mishap that results in an unsafe/abnormal operation including but not limited to:
    1. A malfunction or failure of the unmanned aircraft’s on-board flight control system (including navigation)
    2. A malfunction or failure of ground control station flight control hardware or software (other than loss of control link)
    3. A power plant failure
    4. An in-flight fire
    5. An aircraft collision
    6. Any in-flight failure of the unmanned aircraft’s electrical system requiring use of alternate or emergency power to complete the flight.
    7. A deviation from any provision contained in the COAs
    8. A deviation from an ATC clearance and/or Letter(s) of Agreement/Procedures
    9. A lost link event resulting in a Fly-away, or execution of a pre-planned/unplanned lost link procedure.
  - G. National Transportation Safety Board (NTSB) – An independent U.S. government investigative agency responsible for civil transportation accident investigation.
  - H. Notice to Airman (NOTAM) – A written notification issued to pilots before a flight, advising and warning them of circumstances relating to their flying.
  - I. Visual Observer: A member of the Peoria Park District Police Department authorized to maintain visual observation of the UAS while in flight.
  - J. Pilot in Command: A member of the Peoria Park District Police Department who is trained, certified and authorized to control a UAS during flight.
  - K. Risk Analysis – A structured risk-mitigation procedure to determine the risk of flight.
  - L. Unmanned Aircraft System (UAS): Consists of the small, unmanned aircraft weighing less than 55 lbs., the command system, a secure control link and other

safety and support systems for operation of the UAS.

M. Parade: As defined in 725 ILCS 167/5, (Section 5 of the Drones as First Responders Act), 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 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.

N. Routed Event means a parade, walk, or race that:

- a. is hosted by the State of Illinois or county, municipality, township, or park district;
- b. is outdoors and open to the public; and
- c. 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

O. Special Event: For the purpose of UAS usage and 725 ILCS 167, means a concert or food festival hosted by the State or a county/municipality/township/park district. A special event does not include any political protest, march, demonstration, or other assembly protected by the First Amendment.

- a. Is hosted by the State of Illinois or a county, municipality, township, or park district.
- b. Is outdoors and open to the public.
- c. Has an estimated attendance of:
  1. 150 or more people in a unit of local government with a population that is less than 50,000.
  2. 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.
  3. 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.
  4. 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.

## **PRIVACY**

The 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 (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.

## **PROGRAM COORDINATOR**

The Chief of Park District Police will appoint a trained and authorized 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.
- Ensuring that all authorized operators and required observers 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.
- 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.
- 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.

## **USE OF UAS**

The Chief of Peoria Park District Police or his designee may authorize the deployment of the UAS under. 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 during daylight hours and a UAS should not be flown over populated areas without FAA approval.

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 or the authorized designee.

The Peoria Park District 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.
- (g) Mass casualty events.
- (h) The Chief of Police shall determine if a UAS should be utilized during a special event, parade, or routed event in order to assess crowd size, density, and movement, assess public safety staffing, or oversee the general safety of the participants.
  - a. If a law enforcement agency is using a UAS at a routed event or special event, the use of a UAS under this paragraph requires that:
    1. A notice is posted at the event location for at least 24 hours before the event and clearly communicates that a UAS may be used at the upcoming event for the purpose of real-time monitoring of participant safety. Chief of Police or his designee is responsible for ensuring the posting of signs.

2. A notice is posted, if practical, at major entry points to the event and clearly communicate to the participants that a drone may be used for the purpose of real-time monitoring of participant safety.
3. The UAS is flown in accordance with Federal Aviation Administration safety regulations. Under this paragraph, a law enforcement agency may use the drone:
  - a. 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.
  - b. During the event to proactively support public safety personnel by monitoring the event footprint in real-time:
    1. 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.
    2. To evaluate crowd size and density.
    3. To identify activity that could present a public safety issue for the crowd, 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.
- (i) Lost or missing persons, and is not also undertaking a criminal investigation;
- (j) Rescue events;
- (k) Disaster response and recovery;
- (l) Suspected explosive devices;
- (m) Public safety and life preservation missions;
- (n) Fire suppression or investigation;
- (o) Hazardous material releases;
- (p) In support of the Peoria Fire Department when the underlying mission meets the uses outlined in this policy; and
- (q) Mutual Aid support when the underlying mission meets the uses outlined in this policy.

## **ROLES AND RESPONSIBILITIES**

- A. The UAS Program Manager shall manage the UAS Program and ensure the program operates in accordance with all Federal, State and local laws, and within department policy and guidelines. In addition, the UAS Program Manager will:
  1. Maintain all training flight and maintenance records for each operator and observer, as well as individual airframes.
  2. Ensure operators and observers stay current with their training and certifications.
  3. Maintain contact with the FAA and familiarity with the pertinent FAA regulations.
  4. Evaluate airframes based on mission needs.
  5. Remain up to date with current UAS case law, best practices, and industry standards.

- B. Operator—the operator’s role is to safely operate the UAS in accordance with all applicable law and policy.
  - 1. The operator may reject a flight based on personnel safety or violation of FAA regulations.
  - 2. The operator shall be responsive to requests and input from the observer in order to accomplish the safe and effective deployment of the UAS.
  - 3. Operators are responsible for mission documentation and updating the flight book.
  
- C. Visual Observer—the Visual Observer’s role is to assist in the safe and effective operation of the UAS. The observer shall:
  - 1. Assist the operator in avoiding obstacles
  - 2. Operate any attachments to the UAS
  - 3. Remain alert for safety issues surrounding the operator and observer

## **OPERATION OF THE UAS**

- A. The use of the UAS shall be in accordance to 725 ILCS 167, all applicable FAA regulations and the manufacturer’s procedures.
- B. The UAS shall only be operated for legitimate departmental purposes.
- C. The UAS shall only be operated in accordance with the approved FAA COAs or CFR Part 107.
- D. The PIC will only operate the UAS in weather conditions as recommended by the manufacturer and FAA regulations.
- E. The PIC will complete a risk analysis assessment and implement risk mitigation measures when necessary, so as to operate the UAS in a safe manner.
- F. The PIC will conduct a safety briefing with the visual observer and any other personnel at the flight location.
- G. The PIC will be aware of his/her surroundings and note any obstacles or any other possible dangers in the flight area.
- H. The PIC will identify a second landing area in case of an emergency.
- I. The PIC is responsible for making the final determination if the UAS will be utilized. At any time the PIC may terminate the mission.
- J. In addition to equipment and documents required by the FAA, some type of communication device (i.e. a VHF radio, departmental issue radio or cell phone) will

be carried by the PIC while operating the UAS.

K. The presence of visual observers and spectators is authorized given compliance with the following provisions:

4. The visual observers and spectators will receive a safety briefing that addresses the mission intent, safety barriers, non-interference with UAS mission personnel, and emergency procedures in the event of an incident or accident.
5. The spectators will be directed to, and contained within, a specific observation point that minimizes the risk of injury and ensures that they do not interfere with the UAS mission.
6. The Department will ensure that spectators do not engage in conversations, discussions, or interviews that distract any crew member or mission personnel from the performance of his/her duties or interfere in any way with the proper conduct of those duties.
7. The Department will limit the number of spectators that can be adequately monitored and protected by personnel and resources onsite.
8. Operations will be conducted in compliance with all of the existing provisions, conditions and mitigations of the current/active COA(s) on file or [CFR Part 107](#).

L. Accident/Incident Investigation – The Park District Chief of Police shall be notified of any accident/incident. The PIC will document all accidents and incidents involving department UASs. If required, the PIC is responsible for reporting any accidents or incidents to the FAA in a manner acceptable to the FAA Administrator and must supply any additional documentation that may be required. The FAA requires accident or incident reports be submitted within 10 calendar days. The NTSB shall be notified immediately if an unmanned aircraft accident occurs and any person suffers death or serious injury.

### **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 gathering by a UAS voluntarily submitted to the Department by a private third party (725 ILCS 167/40).

### **ALTITUDE RESTRICTIONS**

- A. The PIC will ensure the UAS is operated at a safe altitude and in accordance with any and all applicable FAA regulations and in accordance with the PIC's training and SOPs for the UAS.
- B. When operating under [CFR Part 107](#) the altitude of the small unmanned aircraft cannot be higher than 400 feet above ground level, unless the small unmanned aircraft is flown within 400 foot radius of a structure; and does not fly higher than 400 feet above the structures immediate uppermost limit.

## **EMERGENCY PROCEDURES**

- A. Lost Link – loss of the communication link between the UAS and the hand controller
  - 1. The PIC will announce the failure to the observer.
  - 2. The UAS will enter a fail-safe mode within one second of the condition being detected. The UAS will be set to return to the point of departure or “home.” After landing, the UAS motors will be powered off.
  - 3. In the event of a Lost Link Fly-Away, the PIC will immediately notify the Air Traffic Control.
- B. Fatal Condition Response (FCR)- a sensor failure, motor failure, airframe damage or power failure
  - 1. The PIC will announce the FCR.
  - 2. The PIC will immediately initiate an emergency landing.
  - 3. The visual observer will assist the PIC to avoid persons or property during landing.
- C. Lost Visual Contact- loss of sight of the UAS by the Observer
  - 1. Visual observer will announce lost sight of UAS.
  - 2. PIC will hover until visual observer re-establishes visual contact.
  - 3. If contact is still lost, the PIC will ascend to re-establish visual contact.
  - 4. If unable to re-establish contact the PIC will return the UAS to home above the Minimum Safe Height (MSH) and land. If sight is re-established by the visual observer the mission can resume.

## **TRAINING**

- A. All PICs who will be flying UAS missions shall be properly trained in accordance with the FAA requirements.
  - i. The PIC will meet all conditions of the COA, or CFR Part 107 as issued by the FAA.
  - ii. The PIC will have a current working knowledge of the airspace intended for operations, air traffic control communication requirements, specific UAS aerodynamic factors, and the ability to obtain and interpret weather.
  - iii. All new PICs will demonstrate proficiency in the operations of the UAS to the Technical Services Lieutenant or designee.
- B. The PICS will update all training records and certificates consistent with FAA regulations as referenced in the COA or CFRPART. The PIC will maintain copies of all of his/her records and certificates.
- C. Training must follow the requirements set forth in the Freedom from Drone Surveillance Act.

## **MAINTENANCE**

Properly maintained UASs are essential to safe operations. Compliance with manufacturer’s scheduled maintenance, pre-flight inspections, and immediate repair of mechanical problems ensure the availability and safety of Departments UASs.

## **PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- With facial recognition software. A law enforcement agency operating a UAS under the Drones as First Responders Act is prohibited from using, during a flight, onboard facial recognition software that works in conjunction with the UAS. A law enforcement agency operating a UAS under the Drones as First Responders Act is prohibited from using any information gathered by a UAS with any facial recognition software, unless either:
  - a. The law enforcement agency is using a UAS 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.
  - b. The law enforcement agency 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.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.
- The UAS shall not be weaponized.

#### **RETENTION AND DISCLOSURE OF UAS INFORMATION**

Within 30 days of UAS use, the program coordinator shall destroy all information gathered by the UAS except 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 (725 ILCS 167/20).

The disclosure of information gathered by the UAS 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 (725 ILCS 167/25).

Departmental request for a UAS video, including requests from the Peoria County State's Attorney's Office or City Attorney's Office, shall be forwarded as a written request via e-mail, to the Property Room, with sufficient information to locate the UAS video.

Non-Departmental Requests for a UAS video shall be accepted and processed in accordance with Federal, State, and local laws, and departmental policy (discovery, media inquiries, subpoenas, Public Records Act requests, etc.).

#### **REPORTING**

The program coordinator shall report annually, by April 1, to the Illinois Criminal Justice Information Authority the number of UAS's owned by Peoria Park District Police Department (725 ILCS 167/35).

#### **POLICY VIOLATIONS**

- A. In the event the Chief of Police or any other Park Police drone operator learns of any violations to this policy, those persons shall notify the Commander responsible for the department's UAS Program to determine the next steps to include immediate actions to prevent future violations through any of the below means:

1. Training.
  2. Discipline including progressive discipline for repeat violations, or other means that will prevent repeated violations. See: Disciplinary Procedures for information about the discipline process.
- B. When it is learned that willful and wanton violations of this policy occurred, the department will immediately remove the pilot from the UAS Program and take actions to prevent future willful and wanton violations of this policy.
- C. The Attorney General shall have the authority to conduct investigations into patterns and practices of violations of this policy, to include 725 ILCS 167 and may:
1. 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.
  2. Examine under oath any law enforcement official or any other person alleged to have participated in or with knowledge of the alleged violation.
  3. Issue subpoenas, obtain records, conduct hearings, or take any other actions in aid of any investigation.
- D. 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 under C (3) listed above, the Attorney General may compel compliance through an action in the circuit court. Refer to 725 ILCS 167 for more information on an investigation completed by the Attorney General.
- E. Upon entry of an adverse judgment under 725 ILCS 167, demonstrating a pattern or practice of violations of the above-mentioned statute, a law enforcement agency shall forfeit its ability to use UAS for not less than six months for a first adverse judgement and up to one year for a second adverse judgment demonstrating a pattern of violating this policy.

*NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department and then only in a non-judicial administrative setting*