

Small Unmanned Aircraft System (sUAS) Operations

606.1 PURPOSE AND SCOPE

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

606.1.1 DEFINITIONS

Definitions related to this policy include:

Information - Means any evidence, images, sounds, data, or other information gathered by a drone.

Remote Pilot in Command (RPIC) - Means the person who holds a remote pilot certificate and has the final authority and responsibility for operation and safety of a sUAS operation conducted under FAA Part 107.

Small Unmanned Aircraft System (sUAS) - Means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the National Airspace System.

Small Unmanned Aircraft - Means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

Visual Observer - Means a person who is designated by the remote pilot in command to assist the remote pilot in command and the person manipulating the flight controls of the small unmanned aircraft system to see and avoid other air traffic or objects aloft or on the ground.

606.2 POLICY

A sUAS 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 sUAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the sUAS 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 sUAS operations.

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606.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the sUAS 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 with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- 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 sUAS.
- Implementing a system for public notification of sUAS deployment.
- Developing an operational protocol governing the deployment and operation of a sUAS 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 sUAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a sUAS, up to and including its overhaul or life limits.
- Recommending program enhancements, especially regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic updates to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operation of a sUAS.
- Ensuring that the department's current policy is posted on the department's website (725 ILCS 167 /35).

606.5 USE OF A SMALL UNMANNED AIRCRAFT SYSTEM

606.5.1 TRAINING AND QUALIFICATIONS

Only authorized operators who have completed the required training shall be permitted to operate the sUAS.

The minimum training requirements for a RPIC include:

- a. Completion of a FAA Part 107 knowledge training course.
- b. Successful completion of the FAA Part 107 Remote Pilot Knowledge Examination.
 1. Successful completion of the FAA Part 107 recurrent examination, as required by regulation or law.
- c. Completion of two day and night initial training flights as deemed appropriate by the Program Coordinator.

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- d. Training on legal aspects of the sUAS to include the waiver process and State's Attorney notification, when applicable.
- e. Familiarization with the appropriate user manuals.
 - 1. Shall include loss of remote control signal and other abnormal conditions.

Training records shall be forwarded to the Training Supervisor in compliance with the Training Policy.

606.5.2 OPERATION OF A SMALL UNMANNED AIRCRAFT SYSTEM

All sUAS operations shall comply with FAA regulations, as well as applicable state and federal laws, additionally:

- a. All flights shall be documented on a Flight Report by the RPIC and maintained in the sUAS logbook.
 - 1. A check of the logbook for airworthiness shall be done before flight operations.
- b. The RPIC shall use the approved Flight Checklist when operating a sUAS.
- c. Use of a visual observer is highly recommended for all flight operations.
- d. Operation in or around high levels of electromagnetism should be avoided.
- e. Appropriate FAA waivers shall be obtained prior to flight when required. FAA waivers may be obtained through the Low Altitude Authorization and Notification Capability (LAANC) System (Aloft telephone application) or, if appropriate, using the FAA Expedited Special Government Interest (SGI) form.
- f. 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.
- g. The sUAS, or images and data produced by its use, shall not be used for personal business of any type. Any use of the sUAS 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.
- h. The Round Lake Police Department may not use the sUAS to gather information except (725 ILCS 167/15):
 - 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. 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 sUAS under this paragraph is limited to a period of 48 hours. Within 24 hours of sUAS initiation under this paragraph, the Chief of Police must report its use, in writing, to the State's Attorney.

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4. 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.
5. To obtain crime scene and traffic crash scene photography in a geographically confined and time-limited manner. The use of the sUAS under this paragraph on private property requires either a search warrant or lawful consent to search.
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.
7. To conduct an inspection of the infrastructure of a designated building or structure when requested by a local government agency.
8. When the sole purpose is 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.
9. 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.
 - a. The notice for sUAS use in these instances should be posted at a time, place, and manner as required by 725 ILCS 167/15.

Requests for a sUAS operation by an outside agency shall be in accord with the Outside Agency Assistance Policy.

606.5.3 PRIVATE OWNERS

This policy and its restrictions apply to the department's directed use of a sUAS owned by a private third party and information gathered by a sUAS voluntarily submitted to the Department by a private third party (725 ILCS 167/40).

606.5.4 FACIAL RECOGNITION

Facial recognition software onboard a sUAS shall not be used during a flight (725 ILCS 167/17). Use of facial recognition software to evaluate information gathered by a sUAS is permissible only under those circumstances described in 725 ILCS 167/17.

606.6 PROHIBITED USE

The sUAS 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.

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The sUAS shall not be weaponized (725 ILCS 167/18).

606.7 RETENTION OF INFORMATION

The Evidence Custodian shall destroy all information gathered by the sUAS within the timeframe specified by law (725 ILCS 167/20).

Information may be retained by a 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 sUAS.

Evidence shall be collected, logged, and secured in compliance with the Property and Evidence Policy.

606.8 REPORTING

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

The report shall contain a copy of the department's current sUAS policy (725 ILCS 167/35).

606.9 DISCLOSURE OF 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 sUAS 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).

606.10 COMPLIANCE WITH THE FREEDOM FROM DRONE SURVEILLANCE ACT

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If a determination is made that a member has violated the Act, the Department shall take prompt and appropriate action (e.g., training, discipline) (725 ILCS 167/45). If a determination is made that a sUAS pilot has willfully violated the Act, the Department shall promptly remove the pilot from its sUAS program and take other appropriate action (see the Personnel Complaints Policy) (725 ILCS 167/45).