

Unmanned Aerial System

606.1 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.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft 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.

Federal Aviation Administration (FAA) – The national authority regulating all aspects of civil aviation, including air traffic management, personnel certification, and aircraft safety.

Information – As defined in the Freedom from Drone Surveillance Act, 725 ILCS 167, any evidence, images, sounds, data, or other information gathered by an unmanned aircraft.

Program Coordinator – The sworn supervisor responsible for the day-to-day management and operation of the department's sUAS program.

Public Safety Answering Point (PSAP) – The primary answering location of an emergency call that meets appropriate standards of service and operational policy.

Remote Pilot in Command (PIC) – The person directly responsible for and the final authority over the operation of the sUAS.

Small Unmanned Aircraft System (sUAS) – An unmanned aircraft weighing less than 55 pounds on takeoff, including its associated elements such as communication links and control components required for safe operation.

Visual Observer – A person designated by the Remote PIC to assist in maintaining visual contact with the aircraft and avoiding hazards.

606.2 POLICY

It is the policy of the Rock Valley College Police Department to ensure that authorized personnel are properly trained in the safe and lawful use of small unmanned aircraft systems to enhance the department's mission of protecting life and property. The use of any sUAS shall comply with all relevant federal, state, and local laws, including the Freedom from Drone Surveillance Act (725 ILCS 167) and FAA Part 14 CFR 107 regulations, as well as applicable constitutional and privacy protections.

606.3 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

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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.

606.4 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 with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- 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 protocols 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 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.

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- 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.
- Developing procedures for the use of facial recognition software to evaluate information gathered by a UAS, as permitted by 725 ILCS 167/17.
- Ensuring that the department's current UAS policy is posted on the department's website (725 ILCS 167/35).

606.5 TRAINING PRIOR TO USE OF THE SUAS

A. Prior to authorization to operate an sUAS, assigned personnel shall complete all FAA Part 107 and department-approved training.

B. Officers shall conduct at least two (2) training flights per month to maintain proficiency and incorporate regulatory or procedural updates.

606.6 USE OF UAS

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.

A. The department must obtain and maintain all applicable FAA authorizations, permits, or certificates before operation.

B. All documents shall be carried by the Remote PIC during operation.

C. sUAS use shall comply with the Freedom from Drone Surveillance Act, 725 ILCS 167/15.

D. Requests to deploy the sUAS shall be made to the on-duty supervisor, who will confer with a certified Remote PIC.

E. When operating near hospital heliports or other aviation-sensitive areas, appropriate notifications shall be made.

F. Public or media notification may be issued when appropriate.

G. Upon mission completion, any recordings shall be securely downloaded and handled per evidence procedures.

H. All sUAS use, including training flights, shall be documented on a Drone Usage Form by the Remote PIC.

I. Vision-enhancement technology (e.g., thermal imaging) may be used only in areas with no protectable privacy interest or pursuant to a warrant or court order.

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UAS operations should only be conducted consistent with FAA regulations.

The 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, 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.

606.6.1 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 Department by a private third party (725 ILCS 167/40).

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606.6.2 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.

606.7 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).

All sUAS operations must comply with FAA Part 107 requirements, including:

- Pre-flight safety inspections.
- Maintaining visual line of sight.
- Operating at or below 400 feet AGL and 100 mph.
- Yielding right-of-way to manned aircraft.
- Avoiding operation from moving vehicles except in rural areas.

The Program Coordinator may request FAA waivers or Certificates of Authorization when necessary for safe deviation from standard regulations.

Personnel shall promptly report any medical condition affecting flight safety to the Program Coordinator.

606.8 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).

1. Data collected under subsections (1)–(6) and (9): within 30 days.
2. Data collected under subsection (7): upon transfer to the requesting local agency.
3. Data collected under subsection (10): within 24 hours.
4. No data shall be gathered under subsection (8).

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.

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- (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.

The Program Coordinator shall ensure compliance with these retention and destruction standards.

606.9 REPORTING

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

- Number of drones owned by the department;
- Number and purpose of flights conducted under each paragraph of 725 ILCS 167/15;
- Dates, times, locations, and whether video was recorded or retained;
- A copy of the department's current sUAS policy (725ILCS 167/35).

606.10 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).

606.11 ACCIDENT REPORTING

A. Pursuant to 14 CFR 107.9, the Remote PIC shall report any sUAS accident within 10 days that results in:

1. Serious injury or loss of consciousness; or
2. Property damage exceeding \$500 in repair costs or fair market value.

B. The Remote PIC shall also initiate a police report including:

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- Operator and witness information;
- Nature of operation;
- Device details and registration number;
- Incident location and description;
- Supporting evidence such as photos or video.

C. FAA notification shall be made via the FAA DroneZone Portal (<https://faadronezone.faa.gov/#/>).

606.12 INSPECTION, CARE AND USE OF EQUIPMENT

The sUAS and all associated equipment shall be maintained in a state of operational readiness. Officers shall use reasonable care to ensure proper functioning and immediately report malfunctions to the Program Coordinator.

Pre- and Post-Flight Procedures:

1. Inspect the aircraft, propellers, and cables for damage; confirm batteries are charged.
2. Verify suitable weather and airspace conditions for safe flight.
3. Obtain supervisor authorization prior to operation.
4. After use, inspect equipment again, recharge batteries, return to proper storage, and complete the Drone Usage Form.

606.13 COMPLIANCE WITH THE FREEDOM FROM DRONE SURVEILLANCE ACT

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 UAS pilot has willfully violated the Act, the Department shall promptly remove the pilot from its UAS program and take other appropriate action (see the Personnel Complaints Policy) (725 ILCS 167/45).