

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.

South Holland Police Department Procedures regarding the Unmanned aerial system.

[South Holland PD Procedures Manual: 603.1 PURPOSE AND SCOPE](#)

[South Holland PD Procedures Manual: 603.2 DEPLOYMENT AND USE](#)

[South Holland PD Procedures Manual: 603.3 EVIDENCE](#)

[South Holland PD Procedures Manual: 604.1 PHOTOGRAPHIC LINEUPS PROCEDURES](#)

[South Holland PD Procedures Manual: 604.2 PHYSICAL LINEUP PROCEDURES](#)

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.

Disaster - As defined in 20 ILCS 3305, the Illinois Emergency Management Agency Act, means an occurrence of threat of widespread or severe damage, injury or loss of life or property resulting from any natural, technological, or human cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, public health emergencies, cyber incidents, or acts of domestic terrorism.

Drone Team Leader - Sworn supervisor responsible for the day-to-day management and usage of the small, unmanned aircraft.

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.

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Parade - As defined in 725 ILCS 167/5, 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.

Public Health Emergency - As defined in 20 ILCS 3305/1, the Illinois Emergency Management Agency Act, means an occurrence or imminent threat of an illness or health condition that: (a) is believed to be caused by any of the following: bioterrorism, the appearance of a novel or previously controlled or eradicated infectious agency or biological toxin, a natural disaster, a chemical attack or accidental release or a nuclear attack or accident and (b) poses a high probability of any of the following harms: a large number of deaths in the affected population, a large number of serious or long-term disabilities in the affected population or widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

Public Safety Answering Point (PSAP) - As defined in 50 ILCS 750, the Emergency Telephone System Act, means the primary answering location of an emergency call that meets the appropriate standards of service and is responsible for receiving and processing those calls and events according to a specified operational policy.

Remote Pilot in Command - Person directly responsible for and is the final authority as to the operation of the small, unmanned aircraft.

Routed Event - Means a parade, walk, or race that (1) is hosted by the State of Illinois or a country, municipality, township, or park district; (2) is outdoors and open to the public; and (3) 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.

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.

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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.

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.

606.2 POLICY

A UAS 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.

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 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.

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- 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.
- 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 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.

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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) To demonstrate the capabilities and functionality of a police UAS for public relations purposes, provided that no information is collected or recorded by the drone during such demonstration.
- (j) In response to Public Safety Answering Point (PSAP) dispatched calls for service, when the sole purpose for using a UAS 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, "Public Safety Answering Point" and "PSAP" have the meaning given to those terms in Section 2 of the Emergency Telephone System Act. Refer to the definitions section of this policy for more information.
- (k) 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.

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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.

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:

- (a) 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. The Special Event Coordinator is responsible for ensuring the posting of signs.
- (b) 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.
- (c) The UAS is flown in accordance with Federal Aviation Administration safety regulations. Under this paragraph, 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.
 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, including crowd movement.
 - (d) To assist in the response of public safety personnel to a real-time public safety incident at the event.
 - (e) To assess the traffic and pedestrian flow around the event in real-time.

606.5.1 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).

606.5.2 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.

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606.6 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.
- Gather information during a political protest, march, demonstration, or other assembly protected by the First Amendment.

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

606.7 ACCIDENT REPORTING

The FAA requires notification of certain UAS 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:

- (a) Serious injury to any person or loss of consciousness.
- (b) 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.

The Remote Pilot in Command is required to initiate a police report for any accident involving the UAS. The police report shall include the following information:

- (a) Name and contact information for operators and witnesses.
- (b) Type of operation.
- (c) Type of device and registration number/certificate.
- (d) Event location and incident details.
- (e) Evidence collection such as photos, video, and device confiscation, if necessary.

When the accident meets the criteria listed under the first paragraph of this section, the Remote Pilot in Command shall provide notification to the FAA by using the FAA's DroneZone Portal at: <https://faadronezone.faa.gov/#>

606.8 RETENTION OF UAS INFORMATION

The Records Division supervisor shall destroy all information gathered by the UAS within the timeframe specified by law (725 ILCS 167/20).

Information may be retained by a department supervisor when (725 ILCS 167/20):

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- (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 UAS.

606.9 REPORTING

The drone team 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.

The report shall contain a copy of the department's current UAS policy (725 ILCS 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 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).