

Unmanned Aerial System

605.1 PURPOSE AND SCOPE

Best Practice

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.

605.1.1 DEFINITIONS

Best Practice

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.

605.2 POLICY

Best Practice

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.

605.3 PRIVACY

Best Practice ILEAP 2023 - OPR.02.07 (c)

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.

605.4 PROGRAM COORDINATOR

Best Practice MODIFIED

The Deputy Chief of Police will be the 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:

- 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.

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- Ensuring all department operators are FAA Part 107 Certified or FAA Part 61 Certified with ALC-451 training.
- 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 authorization from the Deputy Chief of Police, Chief of Police, or Sergeant depending on the type of mission.
- 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.
- Implementing a minimum of bi-monthly training for all department operators.
- Ensuring that the [department/office]'s current UAS policy is posted on the [department/office]'s website (725 ILCS 167/35).

605.5 USE OF UAS

State **MODIFIED**

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

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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 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.

See attachment: [SOPSwanseaUAS.pdf](#)

605.5.1 PRIVATE UAS OWNERS

State

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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).

605.5.2 FACIAL RECOGNITION WITH UAS

State

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.

605.6 PROHIBITED USE

Federal

ILEAP 2023 - OPR.02.07 (c)

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).

605.7 RETENTION OF UAS INFORMATION

State

The Records 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):

- (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.

605.8 REPORTING

State

The Records 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.

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

605.9 DISCLOSURE OF UAS INFORMATION

State

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).

605.10 COMPLIANCE WITH THE FREEDOM FROM DRONE SURVEILLANCE ACT

State

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).

Attachments

SOPSwanseaUAS.pdf



Police Department

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- ❖ Integrity
- ❖ Teamwork
- ❖ Service
- ❖ Leadership

STANDARD OPERATING PROCEDURES

UNMANNED AIRCRAFT SYSTEMS (UAS) OPERATING PROCEDURES

Revision Date: New

Issuance Date:

Policy Statement: The operation of UAS is regulated by the Federal Aviation Administration (FAA) and relevant Illinois state law. This policy establishes the authorized use and operational guidelines for Unmanned Aircraft Systems (UAS) for the Swansea Police Department.

Purpose: This SOP establishes standards for the safe use and operation of UAS, while reducing risks to public safety, security, and privacy regarding unmanned aircraft systems.

Scope: This SOP covers the guidelines for use and procedures of the UAS for all sworn personnel.

I. Definitions:

- A. **Unmanned Aircraft System (UAS)** means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is onboard or otherwise attached to the aircraft.
- B. **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.
- C. **Remote Pilot in Command (RPIC)** is an individual who has received a Remote Pilot Certification from the FAA.
- D. **Visual Observer (VO)**– 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.
- E. **Visual Line of Sight (VLOS)** - The Remote Pilot and/or the Visual Observer can see, unaided, the UAS under their control during flight.
- F. **Part 107**- Refers to the FAA remote pilot licensing covered under 14 CFR 107.

II. Permitted Use of UAS

725 ILCS 167 Freedom from Drone Surveillance Act

A. 725 ILCS 167/15 Exceptions for use of UAS by law enforcement agency.

1. To counter a high risk of a terrorist attack by a specific individual or organization, which has been verified by the United State Secretary of Homeland Security.
2. The execution of a lawful search warrant based on probable cause. The warrant must be limited to a period of 45 days, renewable by the judge upon a showing of good cause for subsequent periods of 45 days.
3. If a law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life, or to prevent the imminent escape of a suspect or the destruction of evidence.
4. If a law enforcement agency is attempting to locate a missing person, and is not also undertaking a criminal investigation.
5. If UAS is solely used for crime scene and traffic crash scene photography. The use of UAS on private property to collect evidentiary photography requires either a search warrant based on probable cause or lawful consent to search. The use of UAS for crime scene recording on public property does not require the issuance of a search warrant or lawful consent.
6. If a law enforcement agency is using the UAS during a disaster or public health emergency. The use of the UAS under these circumstances does not require a disaster declaration and may be used to gather information necessary for the determination whether a disaster or public health disaster should be declared.

III. UAS Pilot Qualifications (FAA Part 107 Guidelines)

- A. Establishes a remote pilot in command position.
- B. A person operating a small UAS must either hold a remote pilot airman certificate with a small UAS rating or be under the direct supervision of a person who does hold a remote pilot certificate (remote pilot in command).
- C. To qualify for a remote pilot certificate, a person must:
 1. Demonstrate aeronautical knowledge by either:
 - a) Passing an initial aeronautical knowledge test at an FAA-approved knowledge testing center
 - b) Hold a part 61 pilot certificate other than student pilot, complete a flight review within the previous 24 months, and complete a small UAS online training course provided by the FAA (ALC-451).

- D. Part 61 pilot certificate holders may obtain a temporary remote pilot certificate immediately upon submission of their application for a permanent certificate.
- E. Part 107 certification is good for 2 years and must be renewed by passing the aeronautical knowledge administered by the FAA.

IV. Remote Pilot In Command Responsibilities

A remote pilot in command must:

1. Make available to the FAA, upon request, the UAS for inspection or testing, and any associated documents/records required to be kept under the rule.
2. Report to the FAA within 10 days of any operation that results in at least serious injury, loss of consciousness, or property damage of at least \$500.
3. Conduct a preflight inspection, to include specific aircraft and control station systems checks, to ensure the small UAS is in a condition for safe operation.
4. Ensure that the small unmanned aircraft complies with the existing registration requirements specified in § 91.203(a) (2).
5. A remote pilot in command may deviate from the requirements of this rule in response to an in-flight emergency.
6. A flight log shall be kept with the date, flight length, weather conditions, pre-flight check status, complaint number (if applicable), and pilot identification. The flight log will be kept on a Google drive account controlled by the Deputy Chief of Police.
7. All operations shall be planned and monitored by a certified part 107 pilot in command. All flights should consist of a pilot in command and a visual observer, at minimum.

V. Operation Limitations

- A. Unmanned aircraft must weigh less than 55 lbs. (25 kg).
- B. Visual line-of-sight (VLOS) only;
 1. The unmanned aircraft must remain within VLOS of the remote pilot in command and the person manipulating the flight controls of the UAS, or
 2. Alternatively, the unmanned aircraft must remain within VLOS of the visual observer.
- C. At all times the small unmanned aircraft must remain close enough to the remote pilot in command and the person manipulating the flight controls of the UAS for those people to be capable of seeing the aircraft with vision unaided by any device other than corrective lenses.
- D. Small unmanned aircraft may not operate over any persons not directly participating in the operation, not under a covered structure, and not inside a covered stationary vehicle.

- E. During civil twilight (30 minutes before official sunrise to 30 minutes after official sunset, local time) or night the UAS will have appropriate anti-collision lighting visible in all directions at a minimum of 3 statute miles.
- F. Must yield right of way to other aircraft.
- G. Must use visual observer (VO).
- H. First-person view camera cannot satisfy “see-and-avoid” requirement but can be used as long as requirement is satisfied in other ways.
- I. Maximum groundspeed of 100 mph (87 knots).
- J. Maximum altitude of 400 feet above ground level (AGL) or, if higher than 400 feet AGL, remain within 400 feet of a structure.
- K. Minimum weather visibility of 3 miles from control station.
- L. Operations in Class B, C, D, and E airspace are allowed with the required ATC permission.
- M. Operations in Class G airspace are allowed without ATC permission.
- N. No person may act as a remote pilot in command or VO for more than one unmanned aircraft operation at one time.
- O. Requires preflight inspection by the remote pilot in command.
- P. A person may not operate a small unmanned aircraft if he or she knows or has reason to know of any physical or mental condition that would interfere with the safe operation of a UAS.
- Q. Most of the restrictions discussed above are waivable if the applicant demonstrates that his or her operation can safely be conducted under the terms of a certificate of waiver. Waivers shall be granted by the FAA upon request.

VI. Some operations are not covered under Part 107 and will require a waiver. Here are some common examples of Part 107 sections that are subject to waiver:

- A. Operation from a moving vehicle or aircraft (§ 107.25)
- B. Visual line of sight aircraft operation (§ 107.31)
- C. Operation over people (§ 107.39)
- D. Operation in certain airspace (§ 107.41)

VI. UAS Registration

- A. Department-owned UAS must be registered with the FAA every three (3) years with payment of \$5 being paid to the FAA.
- B. To register the UAS visit <https://faadronezone.faa.gov/#/>
- C. An FAA registration number must be attached to the UAS and visible at all times.

VII. Accident Notification and Investigation

- A. All in flight accidents and incidents involving fatalities, injuries, property damage, and lost link shall be immediately reported to the Deputy Chief of Police.
- B. All accidents involving serious injury or property damage over \$500 (which includes materials and labor) will be reported to the FAA within 10 days of the incident.
- C. All damage will be reported through an official police report, with physical evidence and photographic evidence collected and secured under Swansea Police Department evidence policies.
- D. When an accident meets the criteria listed under this section, the RPIC shall provide notification to the FAA by using the FAA's DroneZone Portal at:
https://www.faa.gov/uas/report_accident/
- E. Pursuant to 725 ILCS 167/15(3) the Deputy Chief of Police will inform the appropriate State's Attorney's office in writing of the use of the UAS pursuant to specific requirements in section 15, paragraph 3 within 24 hours.

VIII. UAS Visual Observer (VO)

- A. Assistance shall include, but not be limited to:
 - 1. Performing assignments assigned by a RPIC.
 - 2. Assisting the RPIC in the safe conduct of all flights, including but not limited to:
 - a) The VO shall assist in see-and-avoid operations of the UAS.
 - b) The VO shall remain in contact with the RPIC and communicate any obstacles the aircraft might encounter.
 - c) If the flight becomes a hazard to ground personnel or other aircraft, the VO shall immediately notify the RPIC.
 - d) During any phase of flight, if the VO notices a malfunction with the aircraft, he should immediately notify the RPIC.

IX. After Hours Callouts

- A. In the event the UAS is needed and no RPIC is on-duty, the Deputy Chief of Police will be notified, who shall coordinate with a RPIC to determine if conditions are favorable to deploy the UAS.
 - 1. Incidents where a UAS may be called out:
 - a) Missing person(s)
 - b) Over watch for high-risk search/arrest warrant execution
 - c) Evidence photography for large outdoor crime scene
 - d) Barricaded subject(s)
 - e) Outdoor search for suspect(s) wanted on felony charges
 - f) To access natural or human-made disaster damage
 - g) Public relations events approved by the Chief of Police
- B. All missions will include:

1. Notification to Dispatch for a complaint number if not already assigned to the call
 2. If UAS is being operated for an outside agency, a complaint number for an Assist other Agency shall be recorded and report written detailing the mission. All UAS reports are to be forwarded to the Deputy Chief of Police.
 3. Dispatch should be notified of beginning and ending of flight. Times should be recorded in the CAD system.
 4. Flight details should be recorded on flight log along with the completion of a supplemental report, which should be attached to the original call for service.
 5. All photographic/video recorded data shall be uploaded to evidence.com and classified as drone footage, per Swansea Police Department evidence policy and procedures.
- C. Mutual Aid – Any requests for the Swansea Police Departments UAS by an outside agency will be forwarded to the Sergeant or OIC on duty. The Sergeant or OIC will make a determination to contact the Deputy Chief of Police if the situation is warranted. The Deputy Chief of Police will determine if the request should be granted or denied. Final determination for granting the request must be made by the Chief or Deputy Chief of Police.
- D. Whenever possible, if the UAS will be flying within close proximity to a hospital heliport, which could create a hazardous situation for a manned aircraft, notification shall be made to the respective hospital’s security office.
- VII. UAS Training
- A. The Swansea Police Department will provide training as needed for personnel assigned to the UAS program, training should include, but is not limited to:
1. Licensing and testing requirements.
 2. Practice flight time.
 3. Any other training deemed necessary by the Deputy Chief of Police.
- VIII. Maintenance and Care
- A. The RPIC is responsible for the care and maintenance of the UAV.
- B. Routine maintenance for the UAV shall be done according to specification outlined by the UAV manufacturer.
- IX. Storage
- A. The UAV shall be kept in a specified area when not in use.
- B. The UAV shall not be left in a vehicle for extended periods when not in use.

BY ORDER OF:

CHIEF OF POLICE