



Effective: July 24, 2023
Relates to Standards: 17.5.2, 43.1.4, 43.1.5, 41.1.3
Revises/Rescinds: New Policy/Standard Operating Procedure I-22
Indexed As: Unmanned Aircraft System (Drone)

PURPOSE:

The purpose of this Order is to establish policy and guidelines for the operation, maintenance, and reporting of a law enforcement small, unmanned aircraft system (sUAS) and for the storage, retrieval, and dissemination of data acquired by such system.

POLICY:

It shall be the policy of the Wheeling Police Department to ensure authorized Department members are trained on the use of small, unmanned aircraft systems, hereinafter referred to as sUAS, 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 the sUAS shall be in strict compliance with 725 ILCS 167 and other relevant statutes, privacy rights, the Federal Aviation Administration, and 14 CFR 107 requirements.

DEFINITIONS:

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.

Program Coordinator: Sworn supervisor responsible for the day-to-day management and usage of the Small Unmanned Aircraft System (sUAS).

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

Small Unmanned Aircraft System (sUAS): A small, unmanned aircraft that does not carry a human operator, weighing less than 55 pounds on takeoff, and its associated elements, including



communication links and the components that control the aircraft that are required for the safe and efficient operation of the aircraft.

Visual Observer: The person or persons 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.

Routed Event: A parade, walk, or race that is hosted by the State of Illinois, county, municipality, township, or park district and is outdoors, open to the public, and has an estimated attendance in excess of 50 people. This specifically excludes a political protest, march, demonstration, or other assembly protected by the First Amendment.

Special Event: A concert or food festival that is hosted by the State of Illinois, county, municipality, township, or park district and is outdoors, open to the public, and has an estimated attendance in excess of 150 people. This specifically excludes a political protest, march, demonstration, or other assembly protected by the First Amendment.

PROCEDURE:

I. 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:

- A. Coordinate the FAA Certificate of Waiver or Authorization (COA) application process and ensure all certifications are current.
- B. Ensure authorized Remote Pilots in Command have completed the required Federal Aviation Administration (FAA) and 14 CFR 107 training and Department approved training in the operation, applicable laws, policies, and procedures regarding use of the sUAS.
- C. Ensure that policies and procedures conform to current laws, regulations, and best practices.
- D. Register all sUAS with the FAA.



- E. Request a certificate waiver from the FAA which authorizes deviation from specific regulations.
- F. Implement a system for public notification of sUAS deployment, when appropriate.
- G. Establish a point of contact at Chicago Executive Airport (206 Industrial Ln) and conduct meetings as needed to establish communication protocols, operational plans, and notification requirements.
- H. Develop an operational protocol governing the safe deployment and operation of the sUAS, including safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- I. Develop protocols to ensure that all data intended to be used as evidence is accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements in accordance with S.O.P. I-11.
- J. Develop protocols that ensure retention and purge periods are maintained in accordance with 725 ILCS 167/20.
- K. Recommend program enhancements, especially regarding safety and information security.
- L. Ensure that established protocols are followed by monitoring and providing annual program reports to the Chief of Police.
- M. Conduct a documented annual audit of the program and flight documentation.
- N. Annually, by April 1, report to the Illinois Criminal Justice Information Authority the number of small unmanned aircraft owned by the Department (725 ILCS 167/35) and all uses of the sUAS including all statutory required details of those operations.

II. TRAINING

Prior to authorization to operate a sUAS, assigned Department members must complete mandatory training provided by the Department to obtain an understanding on how to use the sUAS and the procedures outlined in this policy.

- A. All department personnel with sUAS responsibilities shall also be trained in the local and federal laws and regulations, as well as policies and procedures governing the



deployment and use of the small unmanned aircraft system(s).

- B. Annually, assigned members shall undergo refresher training on the equipment to ensure continued effective use and operation of the equipment, including changes, updates or other revisions to the FAA and/or 14 CFR 107 requirements, statutes, or Department policy.
- C. Additional training may be provided at periodic intervals for
 - 1. Officers displaying a substandard performance in the use of sUAS equipment.
 - 2. Ensuring the continued effective operation of the sUAS and to incorporate changes, updates, or other revisions in policy, regulation, law, or the equipment itself

III. USE OF THE SMALL UNMANNED AIRCRAFT SYSTEMS

Only authorized operators who have completed the required training shall be permitted to operate the sUAS. Requests to deploy the sUAS shall require authorization of the Chief of Police, authorized designee, or supervisor. The Department must obtain applicable authorizations, permits, or certificates as required by FAA prior to deploying or operating the sUAS, and ensure these documents are current. Use of the sUAS shall be limited to functions which support official law enforcement and public safety missions and must adhere to the limitations of the FAA waivers obtained.

- A. Pursuant to 725 ILCS 167/15, the sUAS may not be used to gather information, except during the following types of situations:
 - 1. To counter a high risk of a terrorist attack by a specific individual or organization if the United States Department of Homeland Security determines that credible intelligence indicates there is a risk.
 - 2. Pursuant to a search warrant based on probable cause under Section 108-3 of the Code of Criminal Procedure of 1963. 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 the sUAS under this paragraph is limited to a period of 48 hours. Within 24 hours of the sUAS initiation under this paragraph, the Chief of Police must report its use, in writing, to the State's Attorney. Notification to the applicable State's Attorney's office



shall be accomplished using the Notification of Drone Deployment form (Appendix A). The remote pilot in command shall complete the form and submit it to the Program Coordinator for approval. The Program Coordinator shall request the Chief of Police or designee to sign the form within 24 hours of the deployment. The Program Coordinator shall fax or email the completed form to the State's Attorney's Office and submit the form to the Records Department for filing with the Incident/Offense Report or supplemental report.

4. To locate a missing person 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. Use of the sUAS under this paragraph on private property requires either a search warrant or lawful consent to search. As it relates to lands, highways, roadways, or areas belonging to the state, a search warrant or consent to search is not required. Reasonable attempts shall be made to only photograph the crime scene or traffic crash scene and to avoid other areas.
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. There is no requirement for an official declaration of disaster or public health emergency prior to use.
7. To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. Reasonable attempts shall be made to only photograph only the building and to avoid other areas.
8. To demonstrate the capabilities and functionality of a police sUAS for public relations purposes, provided that no information is collected or recorded by the sUAS during such demonstration.
9. In response to dispatched calls for service, when the sole purpose for using a sUAS is for one or more first responders to locate victims, assist with immediate victim health or safety needs, or to coordinate the response of emergency vehicles and personnel to an emergency.
10. Prior to or during a routed event or special event, provided that adequate and clear notice is posted. Notice shall be posted at the location at least 24 hours prior to the event clearly communicating that the sUAS will be in use for the purpose of real-time monitoring of participant safety. This notice shall also be posted at all major entry points.



- (1) The sUAS can be used prior to an event before participants have assembled for the sole purpose of creating maps and determining appropriate access routes, staging areas, and traffic routes.
 - (2) When used prior to the event, no personal identifying information may be recorded and no recorded information may be used in any criminal prosecution. The sUAS may be used during the event to proactively support public safety personnel by monitoring the event footprint in real time to:
 - (a) 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) Evaluate crowd size and density.
 - (c) Identify activity that could present a public safety issue for the crowd as a whole, including crowd movement.
 - (d) Assist in the response of public safety personnel to a real-time public safety incident at the event.
 - (e) Assess the traffic and pedestrian flow around the event in real time.
- B. 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.
- C. The Remote Pilot in Command shall utilize a Visual Observer whenever possible to help identify and avoid other air traffic or objects aloft or on the ground.
- D. Whenever possible, if the sUAS will be flying within close proximity to an airport or hospital heliport, which could create a hazardous situation for a manned aircraft, notification shall be made to the respective organization.
- E. When appropriate, notification of the sUAS deployment shall be made to the public and/or media outlets.
- F. At the conclusion of each deployment, the recordings shall be securely downloaded and proper evidence procedures shall be followed.
- G. All uses of the sUAS shall be documented on an Incident/Offense report or supplemental narrative. Information shall include the reason for the flight; the date, time and location; the person who approved of the deployment, assigned staff; and a summary of the activities covered, actions taken, and outcome of the deployment.



- H. All uses of the sUAS shall be documented by the remote pilot in command on an sUAS Flight Report (Appendix B) and submitted to the Program Coordinator for approval. Additionally, the remote pilot in command shall complete the sUAS Flight Log (Appendix C) which shall be maintained in a binder with the sUAS.

IV. ACCIDENT REPORTING

The FAA requires notification of certain sUAS accidents. Pursuant to 14 CFR 107 Drone Operation and 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 sUAS, 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.
- C. The remote pilot in command is required to initiate a police report for any accident involving the sUAS. The police report shall include the following information:
 - 1. Name and contact information for operators and witnesses.
 - 2. Type of operation.
 - 3. Type of device and registration number/certificate.
 - 4. Event location and incident details.
 - 5. Evidence collection such as photos, video, and device confiscation, if necessary.
 - 6. When the accident meets the criteria listed under Section A, the remote pilot in command shall provide notification to the FAA by using the FAA's DroneZone Portal at: <https://faadronezone.faa.gov/#/>.

V. RESTRICTIONS

The sUAS shall not be used to:

- A. Conduct random surveillance activities or requests for information.



- B. Target a person based solely on individual characteristics such as, but not limited to race, ethnicity, national origin, religion, disability, gender, or sexual orientation.
- C. Harass, intimidate, or discriminate against any individual or group.
- D. Conduct personal business of any type.
- E. Operate in any situation outside what is considered an authorized Department use as outlined in this policy.
- F. The sUAS shall not be weaponized. No lethal or non-lethal weapon may be equipped to the sUAS.
- G. No on-board facial recognition software may be used while the sUAS is in flight. Facial recognition software also may not be used on information gathered by the sUAS unless:
 - 1. The law enforcement agency is using the sUAS to counter a high risk of a terrorist attack by a specific individual or organization if the United States Department of Homeland Security determines that credible intelligence indicates there is a risk.
 - 2. The law enforcement agency possesses 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.

VI. EMERGENCY SITUATIONS

sUAS deployments by the Department must also adhere to the operating procedures established by the FAA. During an emergency, deviations from policy are permitted. The deviations may apply to the following FAA guidelines:

- A. Conduct a pre-flight check to ensure the sUAS in condition for safe operation.
- B. Keep the sUAS in visual line of sight.
- C. Fly during day or twilight hours.
- D. Fly at or below 400 feet above ground level.
- E. Fly at or below 100 mph.
- F. Yield right of way to manned aircraft.



- G. Flight over people.
- H. Flying from a moving vehicle.

The Program Coordinator shall request a certificate waiver from the FAA which authorizes deviation from specific regulations. The certificate waiver will be granted when the FAA determines that the sUAS operation can be safely conducted under the terms of the certificate waiver.

VII. PRIVACY CONSIDERATIONS

Use of the sUAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and visual 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 visual 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 person during sUAS operations.

When there are specific and articulable grounds to believe that the sUAS will collect evidence of criminal wrongdoing and/or if the sUAS will be used in a manner that may intrude upon reasonable expectation of privacy, the Department shall obtain a search warrant prior to conducting the flight.

VIII. EQUIPMENT INSPECTION AND CARE

The sUAS and related equipment shall be maintained in the state of operational readiness. Assigned officers shall use reasonable care to ensure the proper functioning of the sUAS equipment. Malfunctions shall be brought to the attention of the Program Coordinator as soon as possible. Extra caution must be taken to ensure the equipment is not stored in extreme temperatures.

Prior to use, assigned officers shall inspect the sUAS, and all related equipment, to verify proper functioning and ensure the battery is fully charged in accordance to the manufacturer's recommendations. This inspection shall include, but not be limited to:

- A. Inspecting the body of the sUAS, as well as the charging and camera cables to look for signs of visible damage



B. Ensuring the propeller blades are in flight worthy condition.

Any sUAS, or related equipment, found to be not functioning properly, shall be immediately taken out of service. The sUAS Program Coordinator shall be notified in writing as soon as practical.

IX. SECURITY AND RETENTION OF RECORDINGS

Department members should be aware that recordings may contain sensitive information and members are responsible for ensuring compliance to the information in this policy. A breach in security, careless handling of the recording, and/or intentional release of recordings to non-authorized individuals may jeopardize relationships with citizens, subject victims to an invasion of privacy, jeopardize prosecutions, and endanger the safety of individuals.

All recordings are considered investigative property of the Wheeling Police Department. The utmost care and caution shall be taken to ensure the recordings are not mishandled or misused. Members shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner recordings without written authorization by the Program Coordinator. Any violations related to unauthorized edits, alterations, and dissemination of this data shall be cause for disciplinary action.

Pursuant to 725 ILCS 167/25, the disclosure of information 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.

Pursuant to 725 ILCS 167/20, within thirty (30) days of the recording, the Department shall destroy all information gathered by the sUAS, 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. There are two exceptions. When information is gathered from use of a sUAS at a routed event or special event, that information shall be destroyed within 24 hours. When information is gathered as part of an infrastructure inspection, that information shall be turned over to the requesting government agency as soon as practicable and then destroyed.

When the recording does not fall under the statutory exemptions, documentation pertaining to use of the sUAS, such as location, date, time, and scope of the mission, is not subject to being destroyed within thirty (30) days of a recording.



A supervisor may retain particular information if he or she deems that there is reasonable suspicion that the information contains evidence of criminal activity, the information is relevant to an ongoing investigation or pending criminal trial, he or she deems that the information will be used exclusively for training purposes (and does not contain any personally identifiable information), or the information consists only of flight path data, meta data, or telemetry information of the sUAS.

The retention of recordings that is exempt from the thirty (30) day requirement is at the discretion of the Program Coordinator or determined by the completion of the criminal investigation or criminal trial.

X. INFORMATION OBTAINED FROM PRIVATE DRONES

The Department may utilize information from private drones only for the purpose of undertaking the tasks outlined in Section IV.A above.

Private parties may voluntarily submit information acquired by the privately-owned drone to the Department.

The Department shall not disclose any information gathered by the private drone. However, a supervisor may disclose information 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.

XI. ASSISTANCE TO OTHER AGENCIES

The sUAS equipment shall not be loaned to other agencies. Requests by other agencies for sUAS assistance require that a Department assigned operator respond with the equipment and operate it. All assists shall be documented in an Incident Report and a copy provided to the Program Coordinator. Assists to other agencies shall also require the completion of the sUAS Flight Report, the sUAS Flight Log, and the Notification of Drone Deployment form, if applicable.

POLICE DEPARTMENT
Wheeling, Illinois



General Order Number
23-6

Standard Operating Procedure Code
I-22, Page 12 of 16

This Order supersedes all previous written and unwritten policies of the WHEELING POLICE DEPARTMENT on the above subject.

By Order of,

A handwritten signature in black ink that reads "Joseph Kopecky".

Joseph Kopecky
Chief of Police

Attachments: Appendix A: Report of Law Enforcement Drone Flight Operations
Appendix B: WPD Flight Report
Appendix C: Drone Flight Log

POLICE DEPARTMENT
Wheeling, Illinois



General Order Number
23-6

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Appendix A



To: Cook County State's Attorney's Office, Leturah Jackson

From: Chief James J. Dunne


Date:

Subject: Report of Law Enforcement Drone Flight Operations under Illinois Compiled Statutes 725 ILCS 167/15-3

This memorandum is formal notification that the Wheeling Police conducted a drone flight under Illinois Compiled Statutes 725 ILCS 167/15-3 for the purpose of:

- Preventing imminent harm to life
- Preventing imminent escape of a suspect
- Preventing the destruction of evidence

This drone flight was conducted on _____ from approximately _____ hours until _____ hours in accordance with report number _____ (copy attached).


James J. Dunne
Chief of Police
Wheeling Police Department



Appendix B

WPD Flight Report (1/2)

Case Information			
Activation Date & Time:		Case Number:	
Location:		Pilot: Visual Observer:	
sUAS Mission	<input type="checkbox"/> Scene Documentation	<input type="checkbox"/> Emergency Response/Victim Assistance	
	<input type="checkbox"/> Missing Person (non-criminal)	<input type="checkbox"/> Routed or Special Event (e.g. parade or festival)	
	<input type="checkbox"/> Exigent circumstances (<48 hours)	<input type="checkbox"/> Other (Describe) and list approving supervisor	
	<input type="checkbox"/> Search Warrant		
	<input type="checkbox"/> Terrorist Threat		
	<input type="checkbox"/> Disaster Determination		
	<input type="checkbox"/> Public Demonstration		
Weather			
Wind (mph):		Gusts (mph):	Temp(F):
Pre-Flight Checklist			
<i>(Note: complete all items, if an item cannot be completed, STOP and correct it before take off)</i>			
Item	Acceptable Condition		Satisfactory?
1	Airspace	Unrestricted Airspace or Authorized Via Waiver	
2		Potential Obstructions near Flight Path Identified	
3		No NOTAMS or TFRs in Operation Area	
4	Weather	Visibility (3+ Statute Miles)	
5		Cloud Cover (500 ft Vertical, 2000 ft Horizontal)	
6		Winds (<22 mph), Temperature (>14F)	
7	Flight Area Exam	Overall Inspection (lighting, bystanders, private prop.)	
8		Identify Perimeter and Flight Path Hazards	
9		Identify Higher Detail Area, Verify Evidence	
10		If Scene Doc, Mark 3 Reference Points ("L" shape)	
11	sUAS Inspection	Check Drone Body for Physical Damage/Defects	
12		Check Micro SD Card and sUAS/Controller Batteries	
13		Check Propellers for Damage	
14	sUAS Setup	Unlock Gimbal and Fully Extend Arms	
15		Power Up Controller and Drone (Power x 2 and Hold)	
16		Confirm "N-Mode" and Check for Errors or Alerts	
17		Confirm Compass Calibrated to Current Location	
18	Brief Personnel	Brief Visual Observer and Flight Crew	
19		Prepare Flight Area, Notify Bystanders	
20		Verify PIC License and Waivers	
Batteries Used	<input type="checkbox"/> Battery Set 1	Starting % _____	Ending % _____
	<input type="checkbox"/> Battery Set 2	Starting % _____	Ending % _____
	<input type="checkbox"/> Battery Set 3	Starting % _____	Ending % _____
	<input type="checkbox"/> Battery Set 4	Starting % _____	Ending % _____



Appendix B cont.

WPD Flight Report (2/2)

Flight Information		
Item	Acceptable Condition	Satisfactory?
1	sUAS	Establish Take Off Location (25' Radius, No Overhead Obstructions)
2		Confirm Desired Capture Mode and Camera Transmission
3		Confirm Home Point is Set and Accurate to Desired Location
4		Start Motors, Idle, Confirm no Abnormal Noises or Issues
5		Launch and Hover Check (Flight Control, Telemetry, Gimbal)
Flight Capture (If Scene Documentation Mission)		
Item	Acceptable Condition	Completed
1	Image Capture	Survey Grid (Over Left Edge, <u>Up</u> until you See Right Edge). Each Point in 4 Photos, 2 Passes – L Edge/ R Edge Height(ft): _____
2		Overview Pass 1.5x Height of Survey Grid; (Center of Scene). Each Point in 4 Photos, Center of Scene to Both Edges Height(ft): _____
3		Evidence Grid (1/2 Height Survey Grid) Each Point in 4 Photos, Paint/Markers and Evidence Height(ft): _____
4		Additional Evidence Grid (if needed) (1/2 Height of Previous Evidence Grid) Height(ft): _____
5		Obliques (if needed) (1/2 Height of Survey Grid) 30° max (-60° angle) Capture 360° of vehicle at clock stops Height(ft): _____
Flight Conclusion		
Item	Acceptable Condition	Satisfactory?
1	sUAS	Check for Hazards – Clear and Safe Landing Zone
2		Lower to 20ft and Hover
3		Land sUAS and Shut Down Motors
4		Review Images
5		Inspect sUAS and Controller for issues
6		Power Down sUAS and Controller
7		Remove all Batteries and Secure All Equipment in Case
8	Scene	Advise all that sUAS Mission is Complete
9		Measure and Photograph Reference Markers RP1 to RP2 Distance (ft) _____ RP2 to RP3 Distance (ft) _____ RP1 to RP3 Distance (ft) _____
Signatures		
Reporting Officer:		Supervisor Approval:

