# Unmanned Aerial System

## 607.1 PURPOSE AND SCOPE

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

### 607.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned aerial system (UAS)** - An unmanned aircraft or drone 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.

## 607.2 POLICY

Unmanned aerial systems 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.

## 607.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and 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 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.

## 607.4 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:

(a) Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.

(b) 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.

(c) Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.

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(d) Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.

(e) Implementing a system for public notification of UAS deployment.

(f) 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.

(g) Developing a protocol for fully documenting all missions.

(h) 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.

(i) 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.

(j) Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.

(k) Facilitating law enforcement access to images and data captured by the UAS.

(l) Recommending program enhancements, especially regarding safety and information security.

(m) Ensuring that established protocols are followed by monitoring and providing periodic program reports to the Chief of Police or his designee.

## 607.5 UAS OPERATION

(a) 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.

(b) A UAS should not be flown over populated areas without FAA approval. The UAS, or images and data produced by its use, shall not be used for personal business of any type. Any use of the UAS 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. The Countryside Police Department may not use the UAS 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.

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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 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 or his designee must report its use, in writing, to the State's Attorney.
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. The use of the UAS 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 infrastructure inspection of a designated building or structure at the express request of a local government agency. Any law enforcement agency operating a drone under this exception shall make every reasonable attempt to photograph only the building or structure and to avoid other areas.
8. To demonstrate the capabilities and functionality of a police drone for public relations purposes, provided that no information is collected or recorded by the drone during such demonstration.
9. In response to Public Safety Answering Point (PSAP) dispatched calls for service, when the sole purpose for using the drone 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.
10. A drone can be used at routed events, such as a parade, or special events that meet the criteria set forth in 725 ILCS 167/5.
    (a) A routed event qualified for the use of a drone must be hosted by a public entity, be outdoors, and have an attendance greater than 50 people.
    (b) Use of a drone is PROHIBITED at political protests, marches, demonstrations, or other assembly protected by the First Amendment.
    (c) A special event qualified for the use of a drone is a concert or food festival hosted by a public entity, is outdoors and open to the public, have estimated attendance of at least 150 people.
    (d) Signage providing notice to the use of a drone must be posted at least 24 hours prior to the event where a drone will be used. The signage shall be posted, if practical, at major entry points to the event.

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607.5.1 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).

## 607.6 PROHIBITED USE

(a) The UAS video surveillance equipment shall not be used:

1. To conduct random surveillance activities.
2. To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
3. To harass, intimidate or discriminate against any individual or group.
4. To conduct personal business of any type.

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

## 607.7 RETENTION AND DISCLOSURE OF UAS INFORMATION

(a) Within 30 days of UAS use, the Records Section supervisor shall destroy all information gathered by the UAS 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 (725 ILCS 167/20).

(b) The disclosure of information gathered by the UAS 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 (725 ILCS 167/25).

(c) The Records Coordinator shall report annually, by April 1, to the Illinois Criminal Justice Information Authority the number of UAS's owned by the Countryside Police Department (725 ILCS 167/35).

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