

# 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.

## 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 designate a coordinator and 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:

- Coordinate the FAA Certification of Authorization (COA) and/or the 14 CFR 107 application process; ensure all certifications are current.
- Ensuring that all authorized operators and required (visual) observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the sUAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a sUAS, including urgent requests made during ongoing or emerging incidents.
- Developing protocol for conducting criminal investigations involving a sUAS, including documentation of time spent monitoring a subject.

# Mount Prospect Police Department

## Policy Manual

### *Unmanned Aerial System*

---

- Implement a system for notification to the public and media outlets regarding sUAS deployment, when appropriate.
- Developing an operational protocol governing the deployment and operation of a sUAS 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 sUAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a sUAS, 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 sUAS.
- 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 or designee.
- Conduct a documented annual audit of the program and flight documentation.

#### **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.

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.

# Mount Prospect Police Department

## Policy Manual

### *Unmanned Aerial System*

---

- (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 (email), to the State's Attorney. [See attachment: UAS ASA Notification.pdf](#)
- (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.

#### 606.5.1 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.

### **606.6 RESTRICTIONS**

The sUAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- 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.
- To harass, intimidate or discriminate against any individual or group.

# Mount Prospect Police Department

## Policy Manual

### *Unmanned Aerial System*

---

- To conduct personal business of any type.
- Any situation outside what is specified in 725 ILCS 167/15

All sUAS deployments by the police department must also adhere to the operating procedures established by the FAA. These rules are outlined below, but are not limited to:

1. Conduct a pre-flight check to ensure the sUAS in condition for safe operation. This is covered in Section 606.3.
2. Keep the sUAS in visual line of sight.
3. Fly at or below 400 feet above ground level.
4. Fly at or below 100 mph.
5. Yield right of way to manned aircraft.
6. Must not fly from a moving vehicle, except in rural areas.
7. During an emergency situation, deviations from policy is permitted.

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.

Personnel shall notify the program coordinator when he/she knows or has reason to know that he/she has a physical or mental condition that would interfere with the safe operation of the sUAS.

The sUAS shall not be weaponized.

#### **606.7 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).

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.

#### **606.8 REPORTING**

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

# Mount Prospect Police Department

## Policy Manual

### *Unmanned Aerial System*

---

#### **606.9 INSPECTION AND CARE OF THE EQUIPMENT**

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:

1. Using an equipment checklist, inspect the sUAS and related equipment to verify proper functioning and ensure the battery is fully charged in accordance to the manufacturer's recommendations. [See attachment: UAS Operational Checklist.pdf](#)
2. Inspect the body of the sUAS, the charging and camera cables to look for signs of visible damage. Ensure the propeller blades are in flight worthy condition.

#### **606.10 SECURITY OF RECORDINGS**

Personnel should be aware that recordings may contain sensitive information and 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.

- (a) All recordings are considered investigative property of the Mount Prospect Police Department. The utmost care and caution shall be taken to ensure the recordings are not mishandled or misused.
- (b) Employees shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner recordings without written authorization by the program coordinator.
- (c) Any violations related to unauthorized edits, alterations, and dissemination of this data shall be cause for disciplinary action.
- (d) 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.

#### **606.11 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.

# Mount Prospect Police Department

## Policy Manual

### *Unmanned Aerial System*

---

- (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).

#### **606.12 VIOLATIONS OF FREEDOM FROM DRONE SURVEILLANCE ACT**

Pursuant 725 ILCS 167/45: Each law enforcement agency using drones under this Act shall have a policy outlining drone use consistent with this Act. The policy shall include that, if an agency learns of violations of this Act, the agency shall immediately take actions to prevent future violations of the Act through any one or more of the following means: training, discipline, including progressive discipline for repeat violations, or other means that will prevent repeated violations of the Act by law enforcement. If an agency learns of willful and wanton violations of this Act, the agency shall immediately remove the pilot from its drone program and take action to prevent future willful and wanton violations of the Act.

## Attachments

## **UAS ASA Notification.pdf**



# Mount Prospect Police Department

911 E Kensington Rd, Mount Prospect, IL, 60056 Phone: 847-870-5656 Fax: 847-818-5228

## NOTIFICATION OF DRONE DEPLOYMENT

**Attention: Cook County State’s Attorney’s Office- 3<sup>rd</sup> District**

The following is a notification from the Mount Prospect Police Department, on behalf of the Chief of Police, pursuant to the Illinois Freedom From Drone Surveillance Act. Specifically, 725 ILCS 167/15(3) states the act does not prohibit use of a drone by a law enforcement agency, “If a law enforcement agency possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life, or to forestall the imminent escape of a suspect or the destruction of evidence. The use of a drone under this paragraph (3) is limited to a period of 48 hours. Within 24 hours of the initiation of the use of a drone under this paragraph (3), the chief executive officer of the law enforcement agency must report in writing the use of a drone to the local State’s Attorney.”

**Case #:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Authorized Purpose (Check One):**

\_\_\_\_\_ **Prevent imminent harm to life**

\_\_\_\_\_ **Forestall imminent escape of a suspect**

\_\_\_\_\_ **Prevent Destruction of Evidence**

**Drone Pilot-In-Command:** \_\_\_\_\_

**Signature and Star #:** \_\_\_\_\_