



ELGIN POLICE DEPARTMENT

151 Douglas Avenue Elgin, Illinois 60120



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STANDARD OPERATING PROCEDURE

Revised Date:

Chief of Police:

Small Unmanned Aircraft Systems (sUAS), 41.11

Cross Reference:

725 ILCS 5/108-3 Grounds for a Search Warrant
725 ILCS 167 Freedom from Drone Surveillance Act
14 CFR 107 Drone Operation & Certification Regulations

Policy Sections:

- 41.11.1 Program Coordinator
- 41.11.2 Training Prior to Use of the UAS
- 41.11.3 Department Use of the UAS
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- 41.11.8 Security of Recordings
- 41.11.9 Records Retention
- 41.11.10 Reporting
- 41.11.11 Information from Private Drones

PURPOSE

The purpose of this policy is to establish guidelines under which a small unmanned aircraft may be utilized and the storage, retrieval and dissemination of images and data captured by such systems.

POLICY

It is the policy of the Elgin Police Department to ensure authorized personnel 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 will be in strict compliance to 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.

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 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.

PROCEDURES

41.11.1 PROGRAM COORDINATOR

The commander assigned to the sUAS program appoints a program coordinator who is responsible for

the management of the department's small unmanned aircraft program. The program coordinator ensures that policies and procedures conform to current laws, regulations, and best practices. Listed below are the following additional responsibilities of the program coordinator:

1. Coordinate the FAA Certification of Authorization (COA) and/or the 14 CFR 107 application process; ensure all certifications are current.
2. 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.
3. Develop uniform protocol for submission and evaluation of requests to deploy the sUAS, including urgent requests made during on-going or emerging incidents.
4. Develop protocol for conducting criminal investigations involving the sUAS, including documentation of time spent monitoring a subject.
5. Implement a system for notification to the public and media outlets regarding sUAS deployment, when appropriate.
6. Develop an operational protocol governing the safe deployment and operation of a sUAS, along with documenting all missions.
7. Develop sUAS inspection, maintenance and record keeping protocol to ensure continuing airworthiness of a sUAS, up to and including its overhaul or life limits.
8. Develop protocol to ensure 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.
9. Develop protocol to ensure retention and purge periods are maintained in accordance with established records retention schedules.
10. Facilitate law enforcement access to images and data captured by the sUAS.
11. Recommend program enhancements, especially regarding safety and information security.
12. Ensure established protocols are followed by monitoring and providing quarterly program reports to the commander responsible for the program.
13. Conduct a documented annual audit of the program and flight documentation.

41.11.2 TRAINING PRIOR TO USE OF THE sUAS

- A. Prior to authorization to operate a sUAS, assigned personnel 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.
- B. Annually, assigned officers will undergo refresher training on the equipment to ensure continued effective use, operation of the equipment and to incorporate changes, updates or other revisions to the FAA and/or 14 CFR 107 requirements, statutes or department policy. Additional training may be provided at periodic intervals for personnel displaying a substandard performance in the use of sUAS equipment.

41.11.3 DEPARTMENT USE OF UAS

- A. The police 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.
- B. 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 Secretary 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.
 - 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 that an official declaration of disaster or public health emergency prior to use.
- C. Requests to deploy the sUAS flight shall be made to the program coordinator who will confer with the commander as to the status of the proposed flight.
- D. Whenever possible, if the sUAS 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.
- 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 will be documented on a form or database. 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.

41.11.4 ACCIDENT REPORTING

- A. The FAA requires notification of certain sUAS 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:
1. Serious injury to any person or loss of consciousness.
 2. 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.
- B. 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.
- C. 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://www.faa.gov/uas/report_accident/.

41.11.5 RESTRICTIONS

- A. The sUAS will not be used to:
1. Conduct random surveillance activities or requests for information.
 2. 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. Harass, intimidate or discriminate against any individual or group.
 4. Conduct personal business of any type.
 5. Any situation outside what is specified in Section 41.11.3 (B).
- B. 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 41.11.6.
 2. Keep the sUAS in visual line of sight.
 3. Fly during day or twilight hours.
 4. Fly at or below 400 feet above ground level.
 5. Fly at or below 100 mph.

6. Yield right of way to manned aircraft.
 7. Must not fly over people.
 8. Must not fly from a moving vehicle, except in rural areas.
 9. During an emergency situation, deviations from policy is permitted.
- C. 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.
- D. 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.

41.11.6 PRIVACY CONSIDERATIONS

- A. 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. 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.
- B. 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 will obtain a search warrant prior to conducting the flight.

41.11.7 INSPECTION AND CARE OF THE EQUIPMENT

- A. 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.
- B. 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.
 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.

41.11.8 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 Elgin 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.

41.11.9 RECORDS RETENTION

- A. Pursuant to 725 ILCS 167/20, within 30 days of the recording, the police 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.
- B. When the recording does not fall under the statutory exemptions, documentation pertaining to use of the sUAS, such as location, date, time, scope of the mission is not subject to being destroyed within 30 days of a recording.
- C. The retention of recordings that is exempt from the 30 day requirement is at the discretion of the program coordinator or determined by the completion of the criminal investigation or criminal trial.

41.11.10 REPORTING

Annually, by April 1, the program coordinator shall report to the Illinois Criminal Justice Information Authority the number of drones owned by the police department, 725 ILCS 167/35.

41.11.11 INFORMATION FROM PRIVATE DRONES

- A. The department may utilize information from private drones only for the purpose of undertaking the tasks outlined in Section 41.11.3.
- B. Private parties may voluntarily submit information acquired by the privately owned drone to the police department.
- C. 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 on-going investigation or pending criminal trial.