

# POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 297-P

REFERENCE STANDARDS: 17.5.2 41.1.3 41.2.5 83.2.2

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SUBJECT: Small Unmanned Aircraft Systems (sUAS)

POLICY: It is the policy of the Hanover Park Police Department to ensure authorized personnel are trained on the use of small, unmanned aircraft systems (sUAS) to protect lives and property when other means and resources are not available or are less effective. Any use of the Police Department sUAS will be in strict compliance with the Illinois Freedom from Drone Surveillance Act (725 ILCS 167), Federal Aviation Administration Regulations, Title 14 of the Code of Federal Regulation (14 CFR) Part 107 requirements and privacy rights.

PURPOSE: This procedure establishes guidelines for the operation, maintenance, and reporting of a law enforcement small, unmanned aircraft system (sUAS) and the storage, retrieval, and dissemination of data acquired by the sUAS.

## I. 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 U.S. assets during the launch or re-entry of commercial space vehicles.

**Information:** As defined in 725 ILCS 167/5, any evidence, images, sounds, data, or other information gathered by the sUAS.

**Parade:** A march, procession or other similar activity consisting of person, animals, vehicles, or things, or any combination thereof, upon a public street, sidewalk, alley, or other public place, which requires a street closing or otherwise requires stopping or rerouting vehicular traffic because the parade will not or cannot comply with normal and usual traffic regulations or controls. Parade does not include a political protest, march, demonstration, or other assembly protected by the First Amendment. (725 ILCS 167/5)

**Remote Pilot-in-Command (PIC):** A person directly responsible for and is the final authority as to the operation of the small, unmanned aircraft.

**Routed Event:** A parade, walk, or race that: (1) is hosted by the State of Illinois or county, municipality, township, or park district; (2) is outdoors and open to the public; (3) has an

estimated attendance of more than 50 people. Routed event does not include any political protest, march demonstration, or other assembly protected by the First Amendment. (725 ILCS 167/5)

**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.

**Special Event:** A concert, festival, or gathering that: (1) is hosted by the State of Illinois or a county, municipality, township, or park district; (2) is outdoors and open to the public; (3) has an estimated attendance of: (i) 150 or more people in a unit of local government with a population that is less than 50,000; (ii) 250 or more people in a unit of local government with a population that is greater than or equal to 50,000 but less than 100,000; (iii) 350 or more people in a unit of local government with a population that is greater than or equal to 100,000 but less than 500,000; or (iv) 500 or more people in a unit of local government with a population that is 500,000 or more. Special Event does not include any political protest, march, demonstration, or other assembly protected by the First Amendment. (725 ILCS 167/5)

**Visual Observer (VO):** 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.

## II. PROGRAM COORDINATOR AND TEAM SUPERVISOR

A. The Investigations Lieutenant is designated as the sUAS Program Coordinator, responsible for the management of the Department's small, unmanned aircraft program. The Program Coordinator has the following responsibilities:

1. Supervision of the Team Supervisor in matters related to the sUAS program.
2. Ensure that policies and procedures conform to current laws, regulations, and best practices.
3. Coordinate the FAA Certification of Authorization (COA) and/or the 14 CFR 107 application process; ensure all certifications are current.
4. 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.
5. Annually, by April 1, report to the Illinois Criminal Justice Information Authority the following information: (725 ILCS 167/35(a))
  - a. The number of drones owned by the Department.

- b. The number of times a drone was used pursuant to each paragraph of 725 ILCS 167/15, including the date of use, time of use, reason for use, location, whether video was recorded, and whether the video is designated for retention for training purposes.
      - c. The report shall contain a copy of the Department's latest policy concerning drones as of the most recent April 1.
    - 6. Implement and make publicly available on the Department's website the Department's policy governing the operation, use, administration, and oversight of its drone program. (725 ILCS 167/35(c))
  - B. A Department supervisor with the rank of Sergeant or above, and selected by the Chief of Police, is the sUAS Team Supervisor. The Team Supervisor assists the Program Coordinator with the management of the Department's small, unmanned aircraft program. The Team Supervisor shall have completed the required Federal Aviation Administration (FAA) and 14 CFR 107 training. The Team Supervisor has the following responsibilities: (41.1.3)
    - 1. Supervision of officers assigned to the sUAS in matters related to the sUAS program.
    - 2. Develop uniform protocol for submission and evaluation of requests to deploy the sUAS, including urgent requests made during on-going or emerging incidents.
    - 3. Develop protocol for conducting criminal investigations involving the sUAS, including documentation of time spent monitoring a subject.
    - 4. Implement a system for notification to the public and media outlets regarding sUAS deployment, when appropriate.
    - 5. Develop an operational protocol governing the safe deployment and operation of a sUAS, along with documenting all missions.
    - 6. Develop sUAS inspection, maintenance, and record keeping protocols to ensure continuing airworthiness of the sUAS, up to and including its overhaul or life limits.
    - 7. Develop protocol to ensure 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. 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.
    - 8. Develop protocol to ensure retention and purge periods are maintained in accordance with established records retention schedules.
    - 9. Facilitate law enforcement access to images and data captured by the sUAS.

10. Recommend program enhancements, especially regarding safety and information security.
11. Ensure established protocols are followed by monitoring and providing quarterly program reports to the Lieutenant responsible for the program.
12. Conduct a documented annual audit of the program and flight documentation.

### III. TRAINING

- A. Prior to authorization to operate an sUAS, assigned personnel must complete mandatory training provided by an unmanned aerial systems class to obtain understanding of how to use a sUAS and the procedures outlined in this policy. The training will also serve as test preparation for the small, unmanned aircraft system test required by the FAA in order to be a remote pilot in command. (41.1.3)
- B. 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).
- C. 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.
- D. Additional training may be provided at periodic intervals for personnel displaying substandard performance in the use of sUAS equipment. Additional training may be required at periodic intervals to ensure the continued effective operation of the sUAS and to incorporate changes, updates, or other revisions in policy, regulation, law, or the equipment itself.
- E. All certified personnel will be required to train with the sUAS at least one hour every two weeks to maintain their skills and proficiency.

### IV. MAINTENANCE

- A. All authorized Department sUAS and related equipment shall be maintained in a state of operational readiness or shall be considered out of service until repaired or replaced. (17.5.2)
  1. Modifications outside the manufacturer's specifications shall not be made to any Department sUAS.
  2. No additional equipment shall be fitted to a sUAS without approval from the Chief of Police or his/her designee.

3. Assigned officers and personnel shall use reasonable care to ensure the proper functioning of the sUAS equipment. Malfunctions shall be brought to the attention of the sUAS Program Coordinator as soon as possible. The equipment shall not be stored in extreme temperatures.

V. DEPARTMENT USE OF sUAS

- A. Only operators who possess a current FAA Remote Pilot Certificate and who have completed the required training shall be permitted to operate the sUAS. (41.1.3)
  1. 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.
  2. Pursuant to 725 ILCS 167/15, the sUAS may not be used to gather information except during the following types of situations (41.1.3)
    - 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 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.
    - 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 the sUAS under this paragraph is limited to a period of forty-eight (48) hours. Within twenty-four (24) hours of the sUAS initiation under this paragraph, the Chief of Police must report its use, in writing, to the State's Attorney.
    - d. If the Department is not undertaking a criminal investigation but is:
      1. Attempting to locate a missing person; (41.2.5)
      2. Engaging in search and rescue operations; or
      3. Aiding a person who cannot otherwise be safely reached.
    - e. 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.

- f. To obtain information necessary for the determination of whether a disaster or public health emergency should be declared as defined by the Illinois Emergency Management Act (20 ILCS 3305/4), to manage a disaster by monitoring weather or emergency conditions, to survey the 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.
- g. To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. Department members shall make every reasonable attempt to photograph only the building or structure and to avoid other areas.
- h. 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.
- i. In response to Public Safety Answering Point (PSAP) dispatched calls for service, when the sole purpose for using a 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. The Department's Public Safety Answering Point (PSAP) is DuComm.
- j. If the Department is using a drone at a routed event or special event. The use of a drone under this section requires that:
  - 1. Notice is posted at the event location for at least twenty-four (24) hours before the event and clearly communicates that drones may be used at the upcoming event for the purpose of real-time monitoring of participant safety;
  - 2. Notice is posted, if practical, at major entry points to the event clearly informing the attendees that a drone may be used for the purpose of real-time monitoring of participant safety; and
  - 3. The drone is flown in accordance with Federal Aviation Administration safety regulations.
- k. Under Section 3(j) above, the Department may use the drone:
  - 1. In advance of an event, before event participants have begun to assemble, for the sole purpose of creating maps and determining appropriate access routes, staging areas, and traffic routes, provided that no personal identifying information is recorded and provided further that no recorded information is used in any criminal prosecution; or

2. During the event to proactively support public safety personnel by monitoring the event footprint in real time:
  - a. To 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. To evaluate crowd size and density;
  - c. To identify activity that could present a public safety issue for the crowd as a whole, including crowd movement;
  - d. To assist in the response of public safety personnel to a real-time public safety incident at the event; and
  - e. To assess the traffic and pedestrian flow around the event in real time.
3. Requests to deploy the sUAS flight shall be made to the Team Supervisor who will advise as to the status of the proposed flight.
4. 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.
5. When appropriate, notification of the sUAS deployment shall be made to the public and/or media outlets.
6. At the conclusion of each deployment, the recordings shall be securely downloaded, and proper evidence procedures shall be followed. (83.2.2)
7. 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.
8. All uses of the sUAS shall be documented by the remote pilot in command on an sUAS Flight Report and submitted to the Team Supervisor for approval. Additionally, the remote pilot in command shall complete the sUAS Flight Log which shall be maintained in a binder with the sUAS.

## VI. SECURITY AND RETENTION OF RECORDINGS

- A. 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.

- B. All recordings are considered investigative property of the Hanover Park Police Department. The utmost care and caution shall be taken to ensure the recordings are not mishandled or misused.
- C. Members shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner recordings without written authorization by the Team Supervisor.
- D. Any violations related to unauthorized edits, alterations, and dissemination of this data shall be cause for disciplinary action.
- E. Pursuant to 725 ILCS 167/20(a), the Department shall destroy all information gathered by the sUAS within the following timeframes:
  - 1. Destruction within thirty (30) days after being gathered pursuant to:
    - a. 725 ILCS 167/15(1) (terrorist attack);
    - b. 725 ILCS 167/15(2) (search warrant);
    - c. 725 ILCS 167/15(3) (prevention of imminent harm to life, forestall imminent escape of a subject, or destruction of evidence);
    - d. 725 ILCS 167/15(4) (location of a missing person, search and rescue operation, or aiding a person who cannot otherwise be safely reached);
    - e. 725 ILCS 167/15(5) (crime scene and traffic crash scene photography);
    - f. 725 ILCS 167/15(6) (disaster or public health emergency); or
    - g. 725 ILCS 167/15(9) (call for service dispatched by a PSAP where the sole purpose is to locate victims, assist with victim health and safety needs, or to coordinate an emergency response).
  - 2. Destruction within twenty-four (24) hours after being gathered pursuant to 725 ILCS 167/15(10) (routed event or special event).
  - 3. All information gathered pursuant to 725 ILCS 167/15(7) (infrastructure inspection) shall be turned over to the requesting local government agency as soon as practicable, and all gathered information shall be destroyed immediately after the information has been turned over.

- F. Notwithstanding 725 ILCS 167/20(a) and the timeframes listed in section E above, a Department supervisor may retain particular information if:
1. There is reasonable suspicion that the information contains evidence of criminal activity;
  2. The information is relevant to an ongoing investigation or pending criminal trial;
  3. The supervisor deems that the information will be used exclusively for training purposes, provided that any such information shall not contain any personally identifiable information; or
  4. The information consists of only flight path data, metadata, or telemetry information of the drone. (725 ILCS 167/20(b))
- G. Information Disclosure
1. Pursuant to 725 ILCS 167/25, the Department shall not disclose any information gathered by the drone, except a Department supervisor may disclose particular information to another governmental agency if 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.
  2. Records of drone usage, including flight path data, metadata, or telemetry information of specific flights, if available, may be disclosed subject to the Freedom of Information Act (5 ILCS 140/) and rules adopted under that Act.
  3. The Department shall neither sell any information gathered by the drone nor disclose any information gathered by the drone to any person to whom disclosure is not authorized under 725 ILCS 167/25.
  4. Nothing in the Illinois Drones as First Responders Act (PA103-0101) prevents the disclosure of information through a court order or subpoena in connection with a criminal proceeding or if the disclosure is in regard to a completed traffic crash investigation.
- H. When the recording does not fall under the statutory exemptions listed in 725 ILCS 167/15, documentation pertaining to use of the sUAS, such as location, date, time, and scope of the mission, is not subject to being destroyed within the timeframes listed in 725 ILCS 167/20.
- I. The retention of recordings which are exempt from the statutory destruction requirement is at the discretion of the Team Supervisor or determined by the completion of the criminal investigation or criminal trial.

## VII. 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 the cost of repair, including materials, is not more than \$500.00, or the fair market value of the property is not more than \$500.00 in the event of a total loss.
    - a. When the accident meets the above criteria, the Remote Pilot in Command shall provide notification to the FAA by using the FAADroneZone portal at <https://faadronezone.faa.gov>
- 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.

## VIII. ASSISTANCE TO OTHER AGENCIES

- A. 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 assistance shall be documented in an Incident Report and a copy provided to the Team Supervisor. 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.

## IX. PROHIBITED USE AND RESTRICTIONS

- A. The sUAS shall not be used to: (41.1.3)
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 considered an authorized Department use as outlined in this policy.

**B. Use of Facial Recognition:**

Department members are prohibited from using, during a flight, onboard facial recognition software that works in conjunction with the drone. Department members are prohibited from using any information gathered by a drone with any facial recognition software, unless either:

1. The Department is using a drone to counter a high risk of a terrorist attack by a specific individual or organization and the United States Secretary of Homeland Security has determined that credible intelligence indicates that there is such a risk; or
2. The Department 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. (725 ILCS 167/17)

**C. Use of Weapons:**

Department members are prohibited from equipping or using on a drone any firearm, weaponized laser, kinetic impact projectile, chemical agent or irritant, or any other lethal or non-lethal weapon. (725 ILCS 167/18)

**D. sUAS deployments by the 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 is in condition for safe operation.
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 are permitted.
- E. The Team Supervisor 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.
- F. A Department member shall notify the Team Supervisor 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.

## X. 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 shall obtain a search warrant prior to conducting the flight.

## XI. EQUIPMENT INSPECTION AND CARE

- 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 Team Supervisor as soon as possible. Extra caution must be taken to ensure the equipment is not stored in extreme temperatures. **(17.5.2)**
- B. Prior to use, assigned officers shall:
1. Inspect the sUAS, and all related equipment, to verify proper functioning and ensure the battery is fully charged in accordance with 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; and
    - b. Ensuring the propeller blades are in flight-worthy condition.
    - c. 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.

## XII. INFORMATION OBTAINED FROM PRIVATE DRONES

- A. The Department may utilize information from private drones only for the purpose of undertaking the tasks outlined in Section V(A)(2) above.
- B. Private parties may voluntarily submit information acquired by the privately-owned drone to the 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 ongoing investigation or pending criminal trial.

## XIII. POLICY REQUIREMENTS AND VIOLATIONS

- A. The Illinois Drones as First Responders Act (PA103-0101) requires the Department to have a policy outlining drone use consistent with the Act. The policy shall include that, if the Department learns of violations of the Act, the Department 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 the Department learns of willful and wanton violations of the Act, the Department shall immediately remove the pilot from its drone program and take action to prevent future willful and wanton violations of the Act. (725 ILCS 167/45(a))
- B. The Illinois Attorney General shall have authority to conduct investigations into patterns and practices of violations of the Illinois Drones as First Responders Act. The Attorney General may:
  - 1. Require a law enforcement agency, law enforcement official, or any other person or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider necessary;
  - 2. Examine under oath any law enforcement official or any other person alleged to have participated in or with knowledge of the alleged violation; or
  - 3. Issue subpoenas, obtain records, conduct hearings, or take any other actions in aid of any investigation. (725 ILCS 167/45(b))
- C. If a law enforcement agency, law enforcement official, or other person or entity fails to comply, in whole or in part, with a subpoena or other investigative request, the Attorney General may compel compliance through an action in the circuit court. (725 ILCS 167/45(b))

- D. Following completion of an investigation, the Attorney General may, upon his or her own information or upon the complaint of any person, maintain an action for declaratory, injunctive, or any other equitable relief in the circuit court against any law enforcement agency, law enforcement official, or other person or entity who violates any provision of the Act. These remedies are in addition to, and not in substitution for, other available remedies, penalties, or disciplinary action. (725 ILCS 167/45(c))
  
- E. Upon entry of an adverse judgment under the Act demonstrating a pattern or practice of violations of the Act, a law enforcement agency shall forfeit its ability to use drones under 725 ILCS 167/15 for not less than six (6) months for a first adverse judgment and up to one (1) year for a second adverse judgment demonstrating a pattern or practice of violating the Act. (725 ILCS 167/45(d))