

Small Unmanned Aerial System (sUAS) Operations

604.1 PURPOSE AND SCOPE

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

604.1.1 DEFINITIONS

Definitions related to this policy include:

Federal Aviation Administration (FAA) - A national authority with powers to regulate all aspects of civil aviation. The FAA regulates 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.

Parade - A march, procession, or other similar activity consisting of persons, 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, or demonstration, or other assembly protected by the First Amendment.

Remote Pilot In Command (PIC) - A person directly responsible for the operation of small unmanned aircraft.

Routed Event - A parade, walk, or race that is hosted by the State of Illinois or a county, municipality, township, or park district which is outdoors and open to the public and has an estimated attendance of more than 50 people. Routed event does not include a political protest, march, or demonstration, or other assembly protected by the First Amendment.

Small Unmanned Aerial System (sUAS) - Commonly referred to as a drone, a small unmanned aircraft that does not carry a human operator, weighs less than 55 pounds on takeoff, with its associated elements, which includes communication links and the components that control the aircraft which are required for the safe and efficient operation of the aircraft. An sUAS is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)). An sUAS may be equipped with supporting or attached systems designed for gathering information through imaging, recording or any other means.

Special Event - A concert or food festival that is hosted by the State of Illinois or a county, municipality, township, or park district which is outdoors and open to the public and has an estimated attendance of 150 or more people in a unit of local government with a population that is less than 50,000; 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; 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 500 or more

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people in a unit of local government with a population that is 500,000 or more. Special event does not include a political protest, march, or demonstration, or other assembly protected by the First Amendment.

Visual Observer (VO) - A person designated by the PIC to assist in observing and avoiding other air traffic and objects aloft or on the ground.

604.2 POLICY

sUAS's 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 sUAS will be in strict accordance with the Illinois Freedom from Drone Surveillance Act (725 ILCS 167/1), constitutional and privacy rights, and Federal Aviation Administration (FAA) regulations.

604.3 PRIVACY

The use of the sUAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, PIC's and VO's 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). PIC's and VO's 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 sUAS operations.

604.4 DRONE COORDINATOR

The Chief of Police will appoint a Drone Coordinator who will be responsible for the management of the sUAS program. The Drone Coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized PIC's 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. Deployment of a sUAS shall require authorization of the on-duty Shift Commander or other authorized designee, depending on the type of mission.
- Where applicable, implementing a system for public notification of sUAS deployment.
- Developing an operational protocol governing the deployment and operation of a sUAS including, but not limited to, safety oversight, use of VO's, establishment of lost link procedures and secure communication with air traffic control facilities.
- Ensuring that all missions are documented in a case or supplemental report.

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- 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 is processed and maintained in accordance with established department evidence protocols.
- 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 program monitoring and providing an annual program report to the Chief of Police.

604.5 USE OF SUAS

Only authorized PIC's who have successfully completed the required training and the required FAA license shall be permitted to operate the sUAS.

All sUAS flights will be documented on a Libertyville Police Department Flight Report Form. [LPD Flight Report Form.pdf](#)

The sUAS, or images and data produced by its use, shall not be used for personal business of any type. Any use of the sUAS that is not specifically related to the operation or mission of this department shall require the express authorization of the Chief of Police or their authorized designee. The transfer or download of any images and data must contain evidence of criminal activity, or the information must be relevant to an ongoing investigation or pending criminal trial ([725 ILCS 167/20](#)).

The Libertyville Police Department may not use the sUAS to gather information except for the following ([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.
- (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 sUAS under this paragraph is limited to a period of 48 hours. Under this paragraph, the Drone Coordinator must report the agency's use of an sUAS within 24 hours of sUAS initiation, in writing, to the State's Attorney using the LPD Drone Use State's Attorney Notification Form. [LPD Drone Use States Attorney Notification Form.pdf](#)

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- (d) If not undertaking a criminal investigation, to engage in search and rescue operations or to aid a person who cannot otherwise be reached
- (e) To obtain crime scene and traffic crash scene photography in a geographically confined and time-limited manner. The use of the sUAS 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 infrastructure inspection of a building or structure at the express request of a local government agency.
- (h) To demonstrate the capabilities and functionality of a police drone for public relations purposes.
- (i) In response to Public Safety Answering Point (PSAP) dispatched calls for service, when the sole purpose for using a drone is for 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.
- (j) Prior to, and during, a routed event or special event.

Drone operations will be conducted in accordance with [14 C.F.R. Part 107](#), unless a Certificate of Waiver or authorization (COA) is obtained from the FAA. Only the Chief of Police or their designee may authorize the COA request through the FAA.

604.5.1 PRIVATE SUAS OWNERS

This policy and its restrictions apply to the department's directed use of a sUAS owned by a private third party and information gathered by a sUAS voluntarily submitted to the Department by a private third party ([725 ILCS 167/40](#)).

604.5.2 SUAS ACCIDENT REPORTING

The FAA requires notification of certain sUAS accidents. Pursuant to [14 C.F.R. Part 107](#) Drone Operation and Certification Regulations, the PIC must report accidents to the FAA within 10 days of the accident 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:
 1. The cost to repair, or replace, (whichever is lower) including materials and labor does not exceed \$500.00
 2. The fair market value of the property does not exceed \$500.00 in the event of a total loss

The PIC is required to initiate a police report for any accident involving the sUAS. The police report shall include the following information:

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- (a) Name and contact information for operators and witnesses
- (b) Type of operation
- (c) Type of device and registration number/ certificate
- (d) Event location
- (e) A detailed account of the incident
- (f) Evidence collection such as photos, video and device confiscation, if necessary

In the event of an accident involving an sUAS, the PIC shall complete a [LPD Pilot Incident Report.pdf](#) and provide notification to the FAA through the [FAA's Drone Zone Portal](#).

604.6 PROHIBITED USE

The sUAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The sUAS shall not be weaponized in accordance with [\(725 ILCS 167/18\)](#).

The sUAS shall not be equipped with facial recognition software in accordance with [\(725 ILCS 167/17\)](#).

604.7 DEPARTMENT REQUESTS FOR DRONE TEAM ASSISTANCE

Requests for assistance from outside agencies or task forces for additional drone teams may be made by the on-duty Shift Commander. Requested drone teams may provide assistance with search and rescue operations, situational awareness, incident scene documentation or other deployments that may be needed to assist LPD operations in compliance with 725 ILCS 167/15). If a task force or outside agency provides drone assistance, the Drone Coordinator will work with the agency or task force to ensure that all appropriate documentation and reporting requirements are fulfilled.

604.8 CALL OUT PROCEDURES

On-duty PIC's should be the first option for departmental drone operations.

If a PIC must be called in for a drone operation, it shall be done by the on-duty shift commander.

A PIC may assist any jurisdiction or task force within Lake County as long as the request is made through, and approved by, the on-duty Shift Commander.

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- (a) Requests for an on-duty PIC will be reviewed by the Shift Commander and the PIC. Consideration will be given to the circumstances involved in each case and current staffing levels.
- (b) Requests for an off-duty PIC will be reviewed by the Shift Commander. The shift commander will contact the PIC and review the circumstances involved in the case and a determination will be made.

The PIC who assists any outside agency or task force will work with LPD's Drone Coordinator and the outside agency or task force to ensure that all appropriate documentation and reporting requirements are fulfilled.

604.9 INSPECTION AND MAINTENANCE REQUIREMENTS

The PIC shall conduct a preflight inspection of the sUAS and all related equipment prior to each use. The PIC shall document any preflight inspection on a Libertyville Police Department Flight Checklist Form. [LPD Drone Flight Checklist.pdf](#)

Assigned officers shall be responsible for ensuring that the sUAS and related equipment is maintained in a state of operational readiness.

Assigned officers shall ensure that the sUAS and related equipment is not stored in an environment subject to extreme temperatures.

If the sUAS or related equipment is found to be defective or experiences a malfunction, the assigned officer shall report the defective or malfunctioning equipment to the Drone Coordinator as soon as practicable.

604.10 TRAINING

Officers who are authorized to operate a sUAS shall be permitted to do so after successfully completing the initial department-approved training and the required FAA license.

Proficiency training for PIC's will be conducted annually. A reassessment of an officer's knowledge and/or practical skills may be required at any time if deemed appropriate by the Drone Coordinator. All training will be documented by the Drone Coordinator and submitted to the Training Coordinator.

The Drone Coordinator is responsible for ensuring that all PIC's have received initial and annual proficiency training.

The Drone Coordinator should ensure that all training includes:

- (a) A review of applicable policies
- (b) A review of applicable FAA regulations, federal and state laws, and associated case law

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604.11 RETENTION AND DISCLOSURE OF UAS INFORMATION

The Drone Coordinator shall ensure that any 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 is destroyed pursuant to the statutory guidelines set forth in [\(725 ILCS 167/20\)](#).

The disclosure of information gathered by the sUAS 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 [\(725 ILCS 167/25\)](#).

The Drone Coordinator may retain particular information if it is relevant to an ongoing investigation or pending criminal trial, if the Drone Coordinator, or other supervisor deems that the information will be used exclusively for training purposes, provided that such information shall not contain any personally identifiable information, or the information consists of only flight path data, metadata, or telemetry information of the drone.

604.12 VIOLATIONS

The Department will handle violations of this policy, applicable FAA regulations, federal and state laws in accordance with [\(725 ILCS 167/45\)](#).

If any member of this department becomes aware of a possible violation of this policy, applicable FAA regulations, and Federal and/or state laws, they shall notify their supervisor immediately. The supervisor shall forward the information of the possible violation to both the Drone Coordinator and the Deputy Chief of Administration. The Drone Coordinator shall review the reported violation to determine whether or not a violation occurred. If the Drone Coordinator determines that no violation occurred, they shall document such in a memorandum to the Chief of Police. If the Drone Coordinator determines that a violation occurred, they shall do the following:

- (a) Document the the date, time, location, PIC, VO and any other department personnel present when the violation(s) occurred.
- (b) Document the specific violation(s)
- (c) Identify the events that lead to the violation(s)
- (d) Provide a training plan to the Deputy Chief of Administration to include a review of department policy, applicable FAA regulations, federal and state laws, associated case law, and remedial training on the use of the sUAS

Once the training plan is approved, the Drone Coordinator will oversee the remedial training to ensure department PICs are in compliance with this policy, applicable FAA regulations, federal and state laws.

If it is determined that disciplinary measures are appropriate, the Department will act in accordance with [GO 00-09 Administrative Review and Disciplinary Procedures \(white\) 8-6-12.pdf](#) .

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604.13 REPORTING

The Drone Coordinator shall report annually, by April 1, to the Illinois Criminal Justice Information Authority the number of sUAS's owned by the Libertyville Police Department, the number of times a drone was used pursuant to each paragraph of section 15 of the Illinois Freedom from Drone Act 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. The report must also contain a copy of the Department's current policy on drone use as of the most recent date of April 1 ([725 ILCS 167/35](#)). The Drone Coordinator shall also be responsible for fulfilling any additional reporting requirements.