



YORKVILLE POLICE DEPARTMENT

333 - Unmanned Aerial System Operations (UAS)

SUBJECT: Unmanned Aerial System (UAS) Operations
EFFECTIVE DATE: January 26, 2023
DISTRIBUTION: All Personnel

Purpose: The purpose of this Departmental Policy is to establish procedures under which unmanned aerial systems (UAS) may be used, and the storage, retrieval and dissemination of images and data captured by such systems.

Policy: It will be the policy of the Yorkville Police Department to ensure authorized department members are trained on the use of unmanned aerial systems, hereinafter referred to as UAS, to enhance the department's mission of protecting lives and property when other means and resources are not available or less effective. Any use of the UAS shall be in strict compliance to relevant statutes, privacy rights, the Federal Aviation Administration, and 14 CFR 107 requirements.

This Policy shall be comprised of the following sections:

- I. Definitions**
- II. Program Coordinator and Team Supervisor**
- III. Training**
- IV. Use of UAS by Law Enforcement**
- V. Accident Reporting**
- VI. Restrictions**
- VII. Privacy Considerations**
- VIII. Equipment Inspection and Care**
- IX. Security and Retention of Recordings**
- X. Information Obtained from Private Drones**
- XI. Assistance to Other Agencies**
- XII. Attachments**
- XIII. Compliance**
- XIV. Effective Date**

I. DEFINITIONS

- A. 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.
- B. Information:** As defined in 725 ILCS 167, any evidence, images, sounds, data, or other information gathered by the UAS.

- C. **Remote Pilot in Command (RPIC):** Person directly responsible for and is the final authority as to the operation of the UAS.
- D. **Unmanned Aerial System:** A small unmanned aircraft that does not carry a human operator, weighing less than 55 pounds at takeoff, and it's associated elements including communication links and the components that control the aircraft that are required for the safe and efficient operation of the aircraft.
- E. **Visual Observer:** The person designated by the RPIC to assist the pilot in seeing and avoiding other air traffic or objects aloft or on the ground.
- F. **Department Recording:** Electronic audio, photo, or video record that does not contain private citizens or their property or fall under section IV below.
- G. **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.
- H. **Routed Event:** A parade, walk, or race that is hosted by the State of Illinois, or a county, municipality, township, or park district that is outdoors and open to the public, and has an estimated attendance of more than fifty (50) people. Routed events do not include any political protest, march, demonstration, or other assembly protected by the first amendment.
- I. **Special Event:** A concert or food festival that is hosted by the State of Illinois, a county, municipality, township, or park district that is outdoors and open to the public and has an estimated attendance of one hundred and fifty (150) or more people. Special event does not include any political protest, march, demonstration, or other assembly protected by the First Amendment.

II. PROGRAM COORDINATOR AND TEAM SUPERVISOR

- A. The Field Operations Patrol Commander is designated at the UAS Program Coordinator. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:
 - 1. Supervision of the Team Supervisor in matters related to the UAS program.
 - 2. Ensure that policies and procedures conform to current laws, regulations, and best practices.
 - 3. Coordinate the FAA Certificate 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 and 14 CFR 107 training and department approved in the operation, applicable laws, policies, and procedures regarding use of the UAS.
 - 5. Annually, by April 1, report to the Illinois Criminal Justice Information Authority the number of UAS owned by the department (725 ILCS 167/35).
- B. A UAS team member selected by the Program Coordinator will be the **UAS Team Supervisor**. The Team Supervisor assists the Program Coordinator with the management of the program. The Team Supervisor shall have completed the required Federal Aviation Administration (FAA) and 14 CFR 107 training and has the following responsibilities:
 - 1. Supervision of the offices assigned to the UAS team in matters to related to the UAS program.

2. Develop uniform protocol for submission and evaluation of requests to deploy the UAS, including urgent requests made during on-going or emerging incidents.
3. Develop protocol for conducting criminal investigations involving the UAS, including documentation of time spent monitoring a subject.
4. Develop an operational protocol governing the safe deployment and operation of a UAS along with documenting all missions.
5. Develop UAS inspection, maintenance, and record keeping protocols to ensure continuing airworthiness of the UAS, up to and including its overhaul or life limits.
6. Develop protocol to ensure retention and purge periods are maintained in accordance with established records retention schedules.
7. Develop protocol to ensure all data intended to be used as evidence is submitted into evidence in accordance with departmental policy and procedures.
8. Facilitate law enforcement access to images and data captured by the UAS.
9. Recommend program enhancements, especially regarding safety and information security.
10. Ensure established protocols are followed, including at least quarterly inspections for operational readiness of equipment.
11. Conduct a documented review of flight records, pilot training, and equipment maintenance on at least an annual basis.
12. Develop training protocol to ensure all RPICs have developed the necessary proficiency to safely and efficiently operate a UAS in a law enforcement environment. The includes initial training, proficiency training, and advanced training.

III. TRAINING

- A. Prior to authorization to operate a UAS, assigned department members must complete mandatory training provided by the department to obtain an understanding on how to use the UAS and the procedures outlined in this policy (**ATTACHMENT A**).
- B. On an annual basis, assigned members will complete refresher training to ensure the safe and efficient operation of the UAS. This training shall include any applicable changes, updates, or other revisions to federal regulations, state regulations, local ordinances, and department policies and procedures.
- C. Assigned members will maintain currency on any UAS prior to performing RPIC responsibilities. If any RPIC is not current on a UAS, they must demonstrate proficiency by passing a UAS currency check flight and reviewing the Yorkville Police Department Flight Operations Manual (**ATTACHMENT B**) prior to assuming RPIC responsibilities.
- D. A RPIC must satisfactorily complete night operation training prior to conducting any night flight. Night flight is defined as any flight that has any portion of the flight between 30 minutes after sunset and 30 minutes before sunrise.

IV. USE OF UAS BY LAW ENFORCEMENT

- A. The department must obtain applicable authorizations, permits, or certificates as required by the FAA prior to deploying or operating the UAS, and ensure these documents are current.
- B. Pursuant to 725 ILCS 167/15, the UAS may not be used by law enforcement 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 Department 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. The department possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent the imminent harm to life, forestall the imminent escape of a suspect, or to prevent the destruction of evidence. The use of UAS under this paragraph is limited to a period of 48 hours.
 - a. Within 24 hours of the UAS initiation under this paragraph, the Chief of Police must report its use, in writing, to the local State's Attorney **(ATTACHMENT C)**.
4. If a law enforcement agency is not undertaking a criminal investigation but is attempting to locate a missing person, engaging in search and rescue operations, or aiding a person who cannot otherwise be safely reached.
5. To obtain crime scene and traffic crash scene photography, in a geographically confined and time-limited manner, to document specific occurrences. Use of the UAS 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. Every reasonable attempt 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 health emergency conditions, to survey damage, or coordinate response and recovery efforts. There is no requirement for an official declaration of disaster or public health emergency prior to use.
7. To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. Every reasonable attempt will be made to photograph only the building or structure and avoid all 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 demonstrations.
9. 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.
10. If a law enforcement agency is using a drone at a routed event or special event. The use of a drone requires that:
 - a. Notice is posted at the event location for at least 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.
 - b. 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.
 - c. The drone may be used 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.
 - d. The drone may be used during the event to proactively support public safety personnel by monitoring the event footprint in real time to detect a breach of event space, to evaluate crowd size, to identify activity that could present a

public safety issue for the crowd as a whole, including crowd movements, to assist in the response of public safety personnel to a real-time public safety incident at the event, and to assess the traffic and pedestrian flow around the event in real time.

- C. Use of facial recognition software is prohibited in conjunction with drone use.
- D. Equipping the drone with any firearm, weaponized laser, kinetic impact projectile, chemical agent, or irritant, or any other lethal or non-lethal weapon is prohibited.
- E. Requests to schedule the UAS should be made to the Team Supervisor. If there is an immediate need to deploy, the Shift Supervisor will be the approving authority.
- F. When appropriate, notification of the UAS deployment shall be made to the public and/or media outlets.
- G. At the conclusion of each deployment, all recordings made shall be either submitted into evidence or transferred for Team Supervisor review.
- H. All uses of the UAS shall be documented in the UAS Tracking Log (**ATTACHMENT D**). Use of the UAS in the officer's CAD notes or Case Report as necessary. Any alternative applications of the UAS must have prior approval from the Team Supervisor or Program Coordinator.
- I. Use of the UAS is authorized to obtain department recordings to memorialize events, celebrations, training, and for the creation of marketing materials.

V. ACCIDENT REPORTING

- A. The RPIC is required to notify the Team Supervisor or Shift Supervisor of all accidents that result in injury or damage to city property as well as any accident or incident that results in damage to property or injury that could result in a claim against the city. The incident must be documented as soon as possible at the officer will include a memorandum documenting damaged equipment.
- B. The FAA requires notification of certain UAS accidents. Pursuant to 14 CFR 107 Drone Operation and Certification Regulations, within 10 days after the accident, the RPIC must report accidents to the FAA by using the FAA's DroneZone portal at: <https://faadronezone.faa.gov/#/> in the following situations:
 - 1. Serious injury to any person or loss of consciousness.
 - 2. Damage to any property, other than the UAS, 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.

VI. RESTRICTIONS

- A. The UAS shall not be used for:
 - 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. Conduct any flight that would be considered outside the scope of authorized departmental use as outlined in this policy.

- B. USA 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. Operate the UAS in accordance with federal, state, local regulations, and department policy and procedures.
 - 2. Operate within the UAS manufacturer guidelines and limitations.
 - 3. Conduct a pre-flight check to ensure the UAS in condition for safe operation.
 - 4. Keep the UAS in visual line of sight, or as otherwise authorized by the FAA.
 - 5. Fly at or below 400 feet above ground level, or as otherwise authorized by the FAA.
 - 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 as necessary to avoid loss of life and destruction of property and equipment in accordance with principles of aeronautical decision making.
- C. 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 UAS.

VII. PRIVACY CONSIDERATIONS

- A. Use of the UAS 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 UAS will collect evidence of criminal wrongdoing and/or the UAS 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.

VIII. EQUIPMENT INSPECTION AND CARE

- A. The UAS and related equipment shall be maintained in the state of operational readiness and inspected at least quarterly. Assigned officers shall use reasonable care to ensure the proper functioning of the UAS equipment. Malfunctions and other deficiencies 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.
- B. Prior to use, the PRIC shall conduct a physical inspection of the UAS and its associated components in accordance with the UAS preflight inspection (**ATTACHMENT E**).
- C. The UAS shall be inspected periodically in accordance with an inspection schedule developed by the Team Supervisor and documented in the UAS Maintenance Inspection Log (**ATTACHMENT F**).
- D. Any time a UAS deficiency is discovered that would impact the safe operation of the UAS, it shall be grounded until the deficiency is corrected and documented in the UAS Maintenance Log (**ATTACHMENT G**).

IX. 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 Yorkville 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 authorization by the Team Supervisor. Any violations related to unauthorized edits, alterations, and dissemination of this data shall be cause for disciplinary action.
- D. RPIC will report in writing each time the UAS was used pursuant to each paragraph of section 725 ILCS 167/15. The information will be documented with the UAS deployment report (**ATTACHMENT I**) and submitted to the UAS Team Supervisor.
- E. Pursuant to 725 ILCS 167/35 the UAS Team Supervisor will report in writing annually by April 1 to the Authority the number of drones owned by The Yorkville Police Department and the number of times a drone was used pursuant to each paragraph of section 725 ILCS 167/15.
- F. Any non-evidentiary recordings shall be saved for review by the Team Supervisor. Review shall be completed at least every 30 days. At the completion of the review, any recordings that are not retained as department recordings or in accordance with 725 ILCS 167/20 shall be deleted. All reviews shall be documented in the UAS Electronic Information Review Log (**ATTACHMENT H**).
- G. 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.
- H. Pursuant to 725 ILCS 167/20, within 30 days of the recording, the department 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.
- I. The retention of recordings that are exempt from the 30-day requirement is at the discretion of the Team Supervisor or determined by the completion of the criminal investigation or criminal trial.

X. INFORMATION OBTAINED FROM PRIVATE DRONES

- A. The department may acquire or direct the acquisition of information obtained through the use of a drone owned by a private third party only for the purpose of undertaking the tasks outlined in section IV – B listed above. This does not prevent a private third party from voluntarily submitting information acquired by a privately owned drone to law enforcement.

- a. In the event that law enforcement acquires information from the voluntary submission of that information, whether under a request or on a private drone owner's initiative, the information is subject to section IX – E and F listed above regarding the disclosure and retention rules.

XI. ASSISTANCE TO OTHER AGENCIES

- A. The UAS equipment shall not be loaned to other agencies. Requests by other agencies for UAS assistance require that a department assigned RPIC respond with the equipment and operate it. Visual observers can be selected from any suitable personnel that are available, regardless of organization.

XII. ATTACHMENTS

Attachment A: UAS Flight Training Requirements
Attachment B: UAS Flight Operations Manual
Attachment C: UAS State's Attorney Notification
Attachment D: UAS Tracking Log
Attachment E: UAS Maintenance Inspections and Schedules
Attachment F: UAS Maintenance Inspection Log
Attachment G: UAS Maintenance Log
Attachment H: UAS Electronic Information Review Log
Attachment I: UAS Deployment Report

XIII. COMPLIANCE

It is the responsibility of all Officers, Supervisors, and Administrative Personnel to comply with all sections of this directive. This Policy supersedes all previous written and unwritten policies and procedures of the Yorkville Police Department on the above subject.

XIV. EFFECTIVE DATE

This Policy shall be effective as of: **January 26, 2023**

By order of,



James Jensen
Chief of Police