

**DECATUR POLICE DEPARTMENT
GENERAL ORDER 22-03**

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| SUBJECT: | Small Unmanned Aircraft Systems/Drone (sUAS) Unit | | |
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***changes in bold

POLICY:

It is the policy of the Decatur Police Department to ensure authorized personnel are trained on the use of small, unmanned aircraft systems (sUAS), also commonly referred to as drones, to enhance the Department's overall mission of protecting lives and property. Any use of the sUAS will be in compliance to relevant statutes, privacy rights, the Federal Aviation Administration, **Drones as First Responders Act 725 ILCS 167**, and 14 CFR 107 requirements. **This policy will be publicly posted pursuant to Illinois law.**

PURPOSE:

The purpose of this policy is to establish guidelines for sUAS deployment, training, **information** retention and reporting requirements.

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. **725 ILCS 167**-Illinois Freedom from Drone Surveillance Act
- C. **14 CFR 107**-Federal statute governing certification of sUAS pilots.
- D. **Remote Pilot in Command (RPIC)**-Person directly responsible for and is the final authority as to the operation of the small, unmanned aircraft.
- E. **Small Unmanned Aircraft Systems (sUAS)**-A small, unmanned aircraft that does not carry a human operator, and its associated elements (payload), including communication links and the components that control the aircraft that are required for the safe and efficient operation of the aircraft.

- F. **Information**-As defined in 725 ILCS 167, any evidence, images, sounds, data, or other information gathered by the unmanned aircraft.
- G. **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 on the ground.
- H. **ATC**-Air Traffic Control. ATC directs all controlled airspace within its boundary. A portion of Decatur, Illinois is Class D airspace during tour operation 0600-2200 hrs. ATC - (217) 429-1033
- I. **PSAP “Public Safety Answering Point”** – As defined by 50 ILCS 750/2. A PSAP means the primary answering location for an emergency call that meets appropriate standards of service and is responsible for receiving and processing those calls and events according to a specified operational policy.
- J. **Parade**-As defined by 725 ILCS 167, means 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 usual traffic regulations or controls. Parade does not include a political protest, march, demonstration, or other assembly protected by the First Amendment.
- K. **Routed event**-As defined by 725 ILCS 167, means a parade, walk, or race 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; and
 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.
- L. **Special event**-As defined by 725 ILCS 167, means a concert or food festival 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; and
 3. Has an estimated attendance of 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 people.

II. PRIVACY

The use of a sUAS potentially involves privacy concerns and considerations. Absent a warrant or exigent circumstances, sUAS operators and visual 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.

III. PROCEDURE

A. PROGRAM COORDINATOR

The coordinator assigned to the sUAS program will be designated by the Chief of Police and will serve at his discretion. The coordinator may choose to appoint an assistant coordinator(s) who will assist the coordinator in the management of the sUAS unit. The program coordinator ensures the policies and procedures of the unit conform to current laws, regulations and best practices. Listed below are the following additional responsibilities of the program coordinator:

1. Coordinate the 14 CFR 107 application process; ensure all certifications are current.
2. Ensure authorized RPIC have completed the required Federal Aviation Administration (FAA) and 14 CFR 107 certification process and 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 investigation involving the sUAS, including documentation of time spent monitoring a subject.
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 protocol to ensure continuing airworthiness of a sUAS, up to and including its overhaul or life limits.
7. Recommend program enhancements, especially regarding safety and information security.
8. Ensure established protocols are followed by monitoring and providing program reports through the chain of command to the Chief of Police.
9. Conduct periodic audits of the program and flight documentation.

10. **Ensure all** annual reports are filed **with** the Illinois Criminal Justice Information Authority pursuant to 725 ILCS 167/35.

B. TRAINING PRIOR TO USE OF THE sUAS

1. Prior to authorization to operate the sUAS, assigned personnel must complete mandatory training by the department to obtain an understanding on how to use the sUAS and the procedures outlined in the policy.
2. In addition to 14 CFR 107 requirements, 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 of department policy.

C. DEPARTMENT USE OF THE sUAS

1. The department and/or RPIC must obtain applicable authorizations, permits, or certificates as required by the FAA prior to deploying or operating the sUAS, and ensure these documents are current.
2. Pursuant to the Illinois Freedom from Drone Surveillance Act 725 ILCS 167/15, the sUAS may not be used to gather information, except during the following types of situations:
 - a. To counter a high risk of a terrorist attack by a specific individual or organization if the United States Secretary of Homeland 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 who poses a significant risk if not apprehended, or prevent the destruction of evidence with consideration given to the level of the offense. The use of the sUAS under this paragraph is limited to a period of 48 hours. Within 24 hours of the initiation of the sUAS under this paragraph, the Chief of Police, or his acting designee, must report its use in writing to the Macon County State's Attorney.
 - d. **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.**
 - 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 or city, a search warrant or consent 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, 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 be made prior to use under this paragraph.
- g. **To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. Any law enforcement agency operating under this paragraph shall make every reasonable attempt to photograph only the building or structure and to avoid other areas.**
 - i. **Under this paragraph the RPIC must have command approval.**
- 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 a PSAP - Public Safety Answering Point 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 vehicle and personnel to an emergency.**
- j. **At a “routed event” or “special event.” The use of a drone under this paragraph requires that:**
 - i. **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;**
 - ii. **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**
 - iii. **The drone is being flown in accordance with Federal Aviation Administration safety regulations.**

Under this paragraph, a law enforcement agency may use the drone:

- iv. **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**
 - v. **During the event to proactively support public safety personnel by monitoring the event footprint in real time:**
 - 1. **To detect a breach of event space, including a breach of an unauthorized vehicle, an interruption of a parade route, or a breach of an event barricade or fencing;**
 - 2. **To evaluate crowd size and density**
 - 3. **To identify activity that could present a public safety issue for the crowd as a whole, including crowd movement;**
 - 4. **To assist in the response of public safety personnel to a real-time public safety incident at the event; and**
 - 5. **To assess the traffic and pedestrian flow around the event in real time.**
- 3. Requests to deploy the sUAS shall be made to officers of the sUAS unit currently working. If no member is currently working, with consideration for the seriousness of the incident, DPD command shall contact the sUAS Coordinator to determine if an officer will respond.
 - 4. Whenever possible, if the sUAS will be flying within close proximity to a hospital heliport, which could create a hazardous situation for manned aircraft, notification shall be made to the respective hospital's security office.
 - 5. The pre-flight checklist shall be completed prior to deploying the sUAS and submitted to sUAS command after the deployment.
 - 6. All non-training operations shall be recorded via on board external SD memory card. Recordings pursuant to criminal investigations shall be uploaded to the UDE and labeled as the appropriate offense.
 - a. **Operations pursuant to III.C.2.a-f and III.C.2.i of this policy shall be labeled as *MISC-sUAS to be destroyed within 30 days. Operations pursuant to III.C.2.j shall be labeled as *MISC24-sUAS to be destroyed within 24 hours. Operations pursuant to III.C.2.g shall be turned over immediately and deleted.**

7. In the event the deployment was conducted pursuant to 725 ILCS 167/15(3) and III.C.2.c of this policy, the RPIC shall complete a DPD State's Attorney's Office Reporting Form. This form shall be emailed to the State's Attorney and all sUAS unit command prior to leaving.
8. In the event the deployment is conducted pursuant to all other allowable circumstances in 725 ILCS 167/15, and this policy, a DPD sUAS Operation Summary Form shall be completed during the officers next working day and submitted to the sUAS command.

D. RESTRICTIONS

1. The sUAS will not be used to:
 - a. Conduct random surveillance activities or requests for information.
 - b. Target a person based solely on individual characteristics such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
 - c. Harass, intimidate or discriminate against any individual or group.
 - d. Conduct personal business of any type.
 - e. In a reckless or dangerous manner.
 - f. Any situation outside what is specified in this policy or 725 ILCS 167/15.
2. 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:
 - a. Conduct a preflight check to ensure the sUAS is in condition for safe operation.
 - i. If any deficiencies are noted, the sUAS must be repaired before flight. If it cannot be repaired, the sUAS shall not be deployed.
 - b. Absent waiver, keep the sUAS in visual line of sight.
 - c. Night operations shall be in accordance with FAA regulations.
 - d. Flight over people shall be in accordance with FAA regulations. Every step shall be taken to ensure these operations are conducted in the safest manner possible.
 - e. Yield to right of way of manned aircraft.

- f. Fly at or below 400 feet above ground level unless in accordance with FAA regulations.
- g. Must not fly from a moving vehicle, except in sparsely populated area.
- h. Fly at or below 100 mph.

E. ACCIDENT REPORTING

1. The FAA requires notification of certain sUAS 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 in the following situation:
 - 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 (a) the cost of repair including materials and labor does not exceed \$500 or (b) the fair market value of the property does not exceed \$500 in the event of a total loss.
2. The RPIC is required to initiate a police report for accidents involving injury to other parties. The RPIC is required to notify sUAS Command immediately in the event of any accident.
3. When the accident meets the criteria listed under Section E.1, the RPIC shall provide notification to the FAA by using the FAA's DroneZone portal at https://www.faa.gov/uas/report_accident/.
4. In the event of a flyaway or other emergency, the RPIC shall immediately notify ATC if during the hours of 0600-2200 hrs. (217) 429-1033

IV. 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 or deficiencies shall be brought to the attention of the program coordinator as soon as possible. An email shall be sent to all members of the sUAS unit highlighting the malfunction or deficiency. Extra caution must be taken to ensure the equipment is not stored in extreme temperatures.
- B. Prior to use, assigned officers shall complete the preflight checklist to ensure safe operation. This checklist shall be submitted to the sUAS Coordinator in a timely manner.

V. SECURITY OF RECORDINGS

1. Personnel should be aware recordings may contain sensitive information and are responsible for ensuring compliance with the information in this policy. A breach in security, careless handling of the recording and/or intentional release of recordings to non-authorized individuals shall not be done.
 1. All recordings are considered to be investigative property of the Decatur Police Department. The utmost care and caution shall be taken to ensure the recordings are not mishandled or misused.
 2. Employees shall not edit, alter, erase, duplicate, copy, share or otherwise distribute in any manner recordings without authorization by the Chief of Police or designee.
 3. 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.

VI. INFORMATION RETENTION

- A. **Under Illinois law and pursuant to this policy, all information gathered shall be destroyed within the following timeframes:**
 1. **All information gathered under III.C.2.a-f and III.C.2.i of this policy shall be destroyed within 30 days of being gathered.**
 2. **All information gathered under III.C.2.j of this policy shall be destroyed within 24 hours of being gathered.**
 3. **All information gathered under III.C.2.g of this policy shall be turned over to the requesting authorities and immediately destroyed.**
- B. **Notwithstanding paragraph A of this section, the information shall be retained under 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. **A supervisor at the agency deems that the information will be used exclusively for training purposes, provided that 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.

BY ORDER OF:

Shane Brandel

Shane G. Brandel
Chief of Police

DISTRIBUTION: A