

**1. PURPOSE**

This order establishes policy and guidelines for the operation, maintenance, and reporting of a law enforcement unmanned aircraft system (UAS) and storing, retrieving, and disseminating data acquired by the UAS.

**2. 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.

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.

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

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

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.

Parade: As defined in **725 ILCS 167/5**, 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.

Routed event: As defined in **725 ILCS 167/5**, means a parade, walk, or race that:

- A. is hosted by the State of Illinois or a county, municipality, township, or park district;
- B. is outdoors and open to the public and
- C. has an estimated attendance of more than 50 people.

Special event: As defined in **725 ILCS 167/5**, means a concert or food festival that:

- A. is hosted by the State of Illinois or a county, municipality, township, or park district;
- B. is outdoors and open to the public and
- C. has an estimated attendance of ... (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. "Parade," "Routed event," and "Special event" do not include any political protest, march, demonstration, or other assembly protected by the First Amendment.

**3. PROGRAM COORDINATOR**

The Chief of Police shall appoint a Program Coordinator who will be responsible for the management of the Joliet Police Department UAS program. The program coordinator will ensure that policies and procedures conform to current laws, FAA regulations, and best practices.

The Program Coordinator, or his designee, shall also be responsible for:

- 3.1 Coordinating the FAA Certificate of Waiver or Authorization (COA) application

- process and ensuring that the COA is current or ensuring that all operators and observers have a current FAA Remote Pilot Certificate (Part 107).
- 3.2 Ensuring that all authorized operators and required observers have completed all required FAA and Department-approved training in the operation, applicable laws, policies, and procedures regarding using the UAS.
  - 3.3 Register all UASs with the FAA.
  - 3.4 Obtaining any necessary FAA waivers (night operations, etc.).
  - 3.5 Implementing a system for public notification of UAS deployment.
  - 3.6 Developing an operational protocol governing the deployment and operation of a UAS includes, but is not limited to, safety oversight, the use of visual observers, the establishment of lost link procedures, and secure communication with air traffic control facilities.
  - 3.7 Developing a protocol for fully documenting all missions and conducting an annual audit of the program, including:
    - A. Number of deployments in the field
    - B. Locations of the incident(s)
    - C. Purpose of the deployments
    - D. Report numbers, if applicable
    - E. Any unusual circumstances surrounding the deployment(s)
  - 3.8 Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS.
  - 3.9 Ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence consistent with General Order 16-1.
  - 3.10 Developing protocols that ensure information retention and purge periods are maintained in accordance with the Illinois Freedom from Drone Surveillance Act 725 ILCS 167.
  - 3.11 Informing the Illinois Criminal Justice Information Authority (ICJIA) by April 1st annually (725 ILCS 167/35):
    - A. The number of drones owned by the Police Department
    - B. The number of times a sUAS was used pursuant to 725 ILCS 167/15, including:
      - i. The date and time of use
      - ii. The reason for the use
      - iii. The location
      - iv. Whether the video was recorded
      - v. Whether the video is designated for retention for training purposes
    - C. The most recent copy of this sUAS policy as of the most recent April 1<sup>st</sup>.
  - 3.12 Make this sUAS policy publicly available on the Joliet Police Department website.

#### **4. POLICY**

It is the policy of the Joliet Police Department to ensure authorized personnel are trained on the use of UAS, as well as the laws and regulations governing the use of UAS, to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective.

#### **5. TRAINING**

Before authorization to operate a UAS, assigned personnel must complete mandatory training provided by the department to understand how to use the UAS and the procedures outlined in this policy.

- 5.1 All department personnel with UAS 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).

- 5.2 Annually, assigned officers will undergo refresher training on the equipment to ensure continued effective use and 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.
- 5.3 Additional training may be provided at periodic intervals for personnel displaying substandard performance in using UAS equipment. Additional training may be required at periodic intervals to ensure the continued effective operation of the UAS and to incorporate changes, updates, or other revisions in policy, regulation, law, or the equipment itself.

## **6. MAINTENANCE**

All authorized Department UAS and related equipment shall be maintained in a state of operational readiness or shall be considered out of service until repaired or replaced.

- 6.1 Modifications outside the manufacturer's specifications shall not be made to any Department UAS.
- 6.2 No additional equipment shall be fitted to a UAS without approval from the Chief of Police or their designee.
- 6.3 Assigned officers shall use reasonable care to ensure the proper functioning of the UAS equipment. Malfunctions shall be brought to the attention of the UAS Program Coordinator as soon as possible. The equipment shall not be stored in extreme temperatures.

## **7. DEPARTMENT USE OF UAS**

Only operators authorized through a COA or who possess a current FAA Remote Pilot Certificate and who have completed the required training shall be permitted to operate the UAS.

- 7.1 Prior to use, assigned officers shall inspect the UAS 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 UAS, as well as the charging and camera cables, to look for signs of visible damage; and
  - B. Ensure the propeller blades are in flight-worthy condition.
  - C. Any UAS or related equipment not functioning properly shall be immediately taken out of service. The UAS Program Coordinator shall be notified in writing as soon as practical.
- 7.2 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.
- 7.3 Pursuant to 725 ILCS 167/15, the UAS 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 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 a 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. Under this paragraph, the use of the UAS is limited to a period of 48 hours. Within 24 hours of the UAS initiation under this paragraph, the Chief of Police, or his designee on his behalf, must report its use, in writing, to the appropriate local State's Attorney.
  - D. Not also undertaking a criminal investigation,

1. Attempt to locate a missing person
  2. Engage in search and rescue operations
  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. Under this paragraph, the use of the UAS on private property requires either a search warrant or lawful consent to search. Regarding 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 photograph only the crime scene or traffic crash scene and to avoid other areas.
- F. To obtain information necessary to determine 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 damage, or to coordinate response and recovery efforts. There is no requirement for an official declaration of disaster or public health emergency before use.
- G. To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency while making every reasonable attempt to photograph only the building or infrastructure.
- H. To demonstrate the capabilities and functionality of a police drone for public relations purposes, provided no information is collected or recorded during said demonstrations.
- I. At a routed event or special event, provided that:
1. Notice is posted at the event location for at least 24 hours before the event, clearly communicating that a drone may be used at the upcoming event for the purpose of real-time monitoring of participant safety and
  2. Notice is posted (if practical) at major entry points to the event informing attendees that a drone may be used for real-time monitoring of participant safety.
- J. To create maps and determine appropriate access routes, staging areas, and traffic routes in advance of an event before participants have begun to assemble, providing no personal identifying information is recorded and the information that is recorded is not used in any criminal prosecution.
- K. To proactively support public safety personnel with real-time monitoring of an event to:
1. Detect a breach of event space by an unauthorized vehicle, an interruption of a parade route, or a breach of an event barricade or fencing;
  2. Evaluate crowd size and density;
  3. Identify activity that could present a public safety issue for the crowd as a whole, including crowd movement;
  4. Assist in the response of public safety personnel to a real-time public safety incident at the event;
  5. Assess traffic and pedestrian flow around the event.
- 7.4 Whenever possible, if the UAS is 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.
- 7.5 When appropriate, notification of the UAS deployment shall be made to the public and/or media outlets.
- 7.6 After each deployment, the recordings shall be securely downloaded, and proper evidence procedures shall be followed.

- 7.7 All uses of the UAS will be documented on a form or database. Information shall include the reason for the flight, the date, time, and location, the remote pilot and assigned crew, and a summary of the activities covered, actions taken, and outcome of the deployment.
- 7.8 Deployment of a UAS shall require authorization of the Chief of Police, Program Coordinator, or an authorized designee, such as the shift Watch Commander.
- 7.9 UAS 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 pre-flight check to ensure the UAS is in condition for safe operation.
  - B. Keep the UAS in a visual line of sight.
  - C. Fly at or below 400 feet above ground level.
  - D. Fly at or below 100 mph.
  - E. Yield right of way to manned aircraft.
  - F. Must not fly over people.
  - G. Must not fly from a moving vehicle, except in rural areas.
  - H. During an emergency situation, deviations from policy are permitted.
- 7.10 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 UAS operation can be safely conducted under the terms of the certificate waiver.

## **8. SECURITY OF RECORDINGS**

Personnel should be aware that 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 may jeopardize relationships with citizens, subject victims to an invasion of privacy, jeopardize prosecutions, and endanger the safety of individuals.

- 8.1 All recordings are considered investigative property of the Joliet Police Department. The utmost care and caution shall be taken to ensure the recordings are not mishandled or misused.
- 8.2 Employees shall not edit, alter, erase, copy, share, or otherwise distribute in any manner information collected by the UAS without authorization by the Program Coordinator.
- 8.3 Pursuant to 725 ILCS 167/25, the disclosure of information is prohibited, except to another governmental agency, when there is reasonable suspicion that the information contains evidence of criminal activity or information relevant to an ongoing investigation or pending criminal trial.
- 8.4 Private parties may voluntarily submit information acquired by a privately owned drone to the police department. The department shall not disclose any information gathered by private drones. However, a supervisor may disclose information to another government agency when there is reasonable suspicion that the information contains evidence of criminal activity or information relevant to an ongoing investigation or pending criminal trial.
- 8.5 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 and rules adopted under that Act.
- 8.6 Information gathered by the drone shall not be sold or disclosed to any person to whom disclosure is not authorized pursuant to 725 ILCS 167/25.
- 8.7 Information gathered by the drone may be disclosed pursuant to a court order or subpoena concerning a criminal proceeding if the disclosure is regarding a completed traffic crash investigation.

## 9. RECORDS RETENTION

- 9.1 Pursuant to 725 ILCS 167/20, the police department shall destroy all information gathered by the UAS in the following timeframes:
- A. All information gathered pursuant to a counter-terrorism deployment, obtaining a search warrant, preventing imminent harm to life, forestalling the imminent escape of a suspect or destruction of evidence, missing persons, search and rescue, aiding a person who cannot be safely reached, crash and crime scene, disaster, or public health emergency shall be destroyed within **30 days** after being gathered.
  - B. All information gathered related to a routed or special event shall be destroyed within **24 hours** after being collected.
  - C. All information gathered pursuant to a qualified infrastructure inspection of a designated building or structure shall be turned over to the requesting local government agency as soon as practical and shall be destroyed immediately after the information has been turned over.
- 9.2 When the recording does not fall under the 725 ILCS 167 exemptions, documentation pertaining to the use of the UAS, such as date, time, location, and scope of the mission, is not subject to being destroyed within 30 days of a recording.
- 9.3 The retention of recordings exempt from the 30-day requirements as outlined in section 9.1 is at the discretion of the Program Coordinator or determined by the completion of the criminal investigation or trial. A sworn supervisor may retain particular information if:
- A. There is reasonable suspicion that the information contains evidence of criminal activity;
  - B. The information is relevant to an ongoing investigation or pending criminal trial;
  - C. A supervisor deems the information will be used exclusively for training purposes provided that any such information shall not contain any personally identifiable information;
  - D. The information consists only of flight path data, metadata, or telemetry information of the drone.

## 10. ACCIDENT REPORTING

- 10.1 The FAA requires notification of certain UAS accidents. Pursuant to 14 CFR 107 Drone Operation & Certification Regulations, within ten days after the accident, the Remote Pilot in Command must report accidents to the FAA in the following situations:
- A. Serious injury to any person or loss of consciousness.
  - B. Damage to any property, other than the UAS, if the cost of repair, including materials, is more than \$500.00 or the property's fair market value is more than \$500.00 in the event of a loss.
- 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>
- 10.2 The Remote Pilot in Command is required to initiate a police report for any accident involving the UAS. The police report shall include the following information:
- A. Operator(s) and witnesses.
  - B. Type of operation (search and rescue, crash investigation, training, etc.)
  - C. Date, time, location, and weather conditions.
  - D. Evidence collection such as photos and videos of the UAS and the UAS itself if necessary.

**11. PROHIBITED USE**

The Department UAS will *not* be used to:

- 11.1 Conduct random surveillance activities or requests for information.
- 11.2 Conduct personal business of any type.
- 11.3 Harass, intimidate, or discriminate against any individual or group.
- 11.4 Gather information during a political protest, march, demonstration, or other assembly protected by the First Amendment.
- 11.5 Gather information during a flight with onboard facial recognition software or use information gathered by a drone with facial recognition software pursuant to the Drones as First Responders Act 725 ILCS 167/17, unless:
  - A. The law enforcement agency is using a sUAS 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
  - B. The law enforcement agency 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.
- 11.6 Transport or activate any weapons such as a firearm, weaponized laser, kinetic impact projectile, chemical agent or irritant, or any other lethal or non-lethal weapon.

**12. VIOLATIONS**

Any violations of this order or the Drones as First Responders Act 725 ILCS 167 shall result in immediate **DISCIPLINARY PROCEDURES** as outlined in *G.O. 2-18*. Per statute 725 ILCS 167/45, this shall include:

- 12.1 Training
- 12.2 Discipline
- 12.3 Progressive discipline for repeat violations or other means to prevent repeat violations.

Willful and wanton violations of the Drones as First Responders Act shall result in the immediate removal of the pilot from the drone program. The Joliet Police Department will take action to prevent future willful and wanton violations of the Act.

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