Unmanned Aerial System (UAS) Operations

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

606.1.1 DEFINITIONS
Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft or drone of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

606.2 POLICY
Unmanned aerial systems 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 UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations and the Illinois Freedom from Drone Surveillance Act (725 ILCS 167/1, et seq.).

606.3 PRIVACY
The use of the UAS potentially involves privacy considerations. Absent a warrant, exigent circumstances, or those situations authorized by the Illinois Freedom from Drove Surveillance Act, operators and 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 (e.g., residence, yard, enclosure). When use is authorized, operators and observers 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 UAS operations.

606.4 PROGRAM COORDINATOR
The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program 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 or ensuring that all operators and observers have a current FAA Remote Pilot Certificate (Part 107).
- Obtaining any and all necessary FAA waivers (operation over human beings, etc.)
- Register all UAS’s with the FAA.
Unmanned Aerial System (UAS) Operations

- Ensuring that all authorized operators have completed all required FAA and Department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require supervisor authorization.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to 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, 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.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules and the Illinois Freedom from Drove Surveillance Act.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, especially regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic program reports to the Chief of Police.

606.5 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. Special Response Team members operating a drone exclusively within a residence or other structure are exempt from this requirement as indoor space is not regulated by the FAA.

Operators are permitted to use vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) pursuant to a search warrant or court order. Such technology may also be used in areas that lack a reasonable expectation of privacy.
Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations may be conducted during daylight or nighttime hours in accordance with FAA rules. The UAS should not be flown over people, without a waiver or as authorized by FAA rules.

The UAS, or images and data produced by its use, shall not be used for personal business of any type. Any use of the UAS that is not specifically related to the operation or mission of this Department shall require the express authorization of the Chief of Police, the authorized designee, or the UAS program coordinator.

The Aurora Police Department may not use the UAS to gather information except (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 UAS under this paragraph is limited to a period of 48 hours. Within 24 hours of UAS initiation under this paragraph, the Chief of Police must report its use, in writing, to the State’s Attorney.

(d) To locate a missing person while not also undertaking a criminal investigation.

(e) To obtain crime scene and traffic crash scene photography in a geographically confined and time-limited manner. The use of the UAS 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.

606.5.1 PRIVATE UAS OWNERS
This policy and its restrictions apply to the Department’s directed use of a UAS owned by a private third party and information gathered by a UAS voluntarily submitted to the Department by a private third party (725 ILCS 167/40).

606.6 PROHIBITED USE
The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
Unmanned Aerial System (UAS) Operations

- 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 UAS shall not be weaponized.

606.7 RETENTION AND DISCLOSURE OF UAS INFORMATION
Within 30 days of UAS use, the Program Coordinator 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 (725 ILCS 167/20).

The disclosure of information gathered by the UAS 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).

606.8 REPORTING
The Chief of Police or the authorized designee shall report the following:

- Annually, by April 1, to the Illinois Criminal Justice Information Authority the number of UAS’s owned by the Aurora Police Department (725 ILCS 167/35).
- Within 24 hrs of UAS initiation, notifying the appropriate State’s Attorney’s Office of any uses that would require such notification, as required by the Illinois Freedom from Drone Surveillance Act.

The Remote Pilot in command shall report the following:

- Within 10 days, notify the FAA (via the FAA website) of an accident in the following situations:
  - Serious Injury to any person or loss of consciousness
  - 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.
- Immediately notify the program coordinator of any damage to the UAS, related equipment or to another person’s property.
- Immediately notify the FAA, any adjacent airport and the program coordinator of a “fly away”
- Prior to the end of their shift, document the use of the UAS on departmental UAS forms, and complete a follow-up police report when drone photographs or video are retained as evidence or as directed by a supervisor.