

# HINSDALE POLICE DEPARTMENT

## GENERAL ORDER



Subject: SMALL UNMANNED AIRCRAFT SYSTEMS - DRONE

Issued Date: 07/03/2023

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### PURPOSE:

The purpose of this Order is to establish guidelines under which a small unmanned aircraft may be utilized, and the storage, retrieval, and dissemination of images and data captured by such systems.

### POLICY STATEMENT:

It is the policy of the Hinsdale Police Department to ensure authorized personnel are trained on the use of small unmanned aircraft systems, hereinafter referred to as a drone, 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 the drone will be in strict compliance with the Illinois Freedom from Drone Surveillance Act (725 ILCS 167), Federal Aviation Administration regulations, Title 14 of the Code of Federal Regulations (14 CFR) Part 107 requirements, and privacy rights.

### DEFINITIONS:

Drone: Any aerial vehicle that does not carry a human operator.

Federal Aviation Authority: 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.

Information- As defined in 725 ILCS 167, any evidence, images, sounds, data, or other information gathered by unmanned aircraft.

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, demonstration, or other assembly protected by the First Amendment.

Remote Pilot in Command: Person directly responsible for and is the final authority as to the operation of the small unmanned aircraft.

Routed Event: 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; (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.

Special Event: 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; (3) has an estimated attendance of 150 or more people in a unit of local government with a population that is less than 50,000.

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 aloft or on the ground.

## AUTHORIZED USE OF DRONES

Pursuant to 725 ILCS 167/15, the drone 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 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 drone under this paragraph is limited to a period of 48 hours. Within 24 hours of drone 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, 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 drone 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. 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 prior to use.
- G. To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency, making reasonable efforts to photograph only the building or structure and to avoid other areas.
- 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 Public Safety Answering Point (PSAP) dispatched calls for service, when the sole purpose for using the 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.
- J. 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 during the event to proactively support public safety personnel by monitoring the event footprint in real time to: (1) detect a breach of event space, including a breach by 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.

When using the drone at a routed event or special event, notice must be posted at the event location for at least 24 hours before the event and clearly communicate that drones may be used at the upcoming event for the purpose of real-time monitoring of participant safety; and if practical, at major entry points to the event.

DRONE deployments by the Hinsdale Police Department must adhere to the operating procedures established by the FAA which are specified in Title 14 of the Code of Federal Regulations (14 CFR) Part 107, "Small Unmanned Aircraft Systems."

A certificate waiver from the FAA may be applied for which authorizes deviation from specific regulations as may be required. The certificate waiver will be granted when the FAA determines that the drone operation can be safely conducted under the terms of the certificate waiver.

When appropriate, notification of the drone deployment shall be made to the public.

#### **PROHIBITED USE OF SMALL UNMANNED AIRCRAFT SYSTEMS**

The drone shall not be utilized to:

1. Conduct random surveillance activities or quests 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. Any situation outside what is specified in policy as a permitted use.
6. Use of facial recognition, unless used to counter a high risk of a terrorist attack by a specific individual or organization; or reasonable suspicion exists that swift action is needed to prevent imminent harm to life or to forestall the imminent escape of a suspect or the destruction of evidence.

#### **PRIVACY CONCERNS**

1. Use of the drone 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.
2. When there are specific and articulable grounds to believe that the drone will collect evidence of criminal wrongdoing and/or if the drone will be used in a manner that may intrude upon reasonable expectation of privacy, the department will obtain a search warrant prior to conducting the flight.

#### **TRAINING**

1. Only officers that have completed the required training will be allowed to operate a drone. All officers operating department drone shall be certified under the Federal Aviation Authority's drone rule, Part 107.
2. Prior to authorization to operate a drone, assigned personnel must complete mandatory training provided by the department to obtain an understanding on how to use the drone.

#### **PROGRAM COORDINATOR DUTIES**

1. The Chief of Police will appoint a program coordinator who will be responsible for the management of the department's drone program. The program coordinator will ensure that this the drone program conforms to current laws, regulations, and best practices. The program coordinator will have the following responsibilities:
  - A. Coordinate Federal Aviation Authority (FAA) 14 CFR 107 application process and ensure all certifications are current.
  - B. Ensure all authorized operators and visual observers have completed all required FAA and department-approved training in the operation, applicable laws, and department guidelines regarding the use of the drone.
  - C. Obtain any and all necessary FAA waivers and ensure waivers are current.
  - D. Develop drone inspection, maintenance, and record keeping protocol to ensure continuing airworthiness of the drone(s), up to and including its overhaul or life limits.
  - E. Ensure that established protocols are followed by monitoring and providing periodic program reports to the Chief of Police.
  - F. Establish and/or maintain a team of department personnel trained and certified to operate drone

in compliances with current laws and regulations (i.e. "drone team")..

- G. Designate a supervisor of the rank or sergeant or above for direct supervision of the drone team. Duties of this supervisor shall include but not be limited to the coordination of training and review of deployment reports.

#### **SUPERVISOR DUTIES**

1. When appropriate, notification of the drone deployment shall be made to the public. It is the responsibility of the on-duty supervisor to make notification to the Village of Hinsdale Communications Coordinator.
2. The on-duty supervisor shall also notify the deputy chief of operations and the program coordinator if a drone is deployed pursuant to 725 ILCS 167/15. The program coordinator shall ensure that notification is made to the DuPage County State's Attorney if the deployment requires notification under 725 ILCS 167/15.

#### **REMOTE PILOT IN COMMAND**

1. Upon determining that an incident qualifies for the use of a drone, the remote pilot in command will contact the on-duty supervisor for approval to deploy the drone.
2. Prior to deployment, the remote pilot in command will conduct a preflight inspection and document such on the Hinsdale Police Department Preflight Checklist.
3. The remote pilot in command shall ensure the use of a visual observer as required by FAA regulations during deployment.
4. Upon completion of the deployment of the drone, the remote pilot in command will complete a supplemental report documenting the use and results of the drone.

5. All uses of the drone will be documented. Information shall include the reason for the flight; the date, time, and location; the supervisor who approved of the deployment and the assigned operators; and a summary of the activities covered, actions taken, and outcome of the deployment.
6. Per 725 ILCS 167/20, all information gathered by the drone shall be destroyed within 30 days, 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. Information gathered at a routed event or special event, the information shall be destroyed within 24 hours after being gathered. The remote pilot in command will be responsible for destroying these files.
7. If the information obtained from the drone will be maintained as evidence, the remote pilot in command will securely download the recordings and inventory them to the BEAST evidence system. Destruction of information which is not being retained shall be documented in the Hinsdale Police Department Drone Log.

## SECURITY OF RECORDINGS

1. Personnel should be aware that recordings may contain sensitive information and are responsible for ensuring compliance to this Order. A breach in security, careless handling of the recordings, and/or intentional release of recordings to non-authorized individuals may jeopardize relationships with citizens, subject victims to an invasion of privacy, and jeopardize prosecutions.
2. All recordings are considered investigative property of the Hinsdale Police Department. The utmost care and caution shall be taken to ensure the recordings are not mishandled or misused.

3. Employees shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner recordings without authorization under existing law, this order, or the program coordinator.
4. Any violations related to unauthorized edits, alterations, and dissemination of this data shall be cause for disciplinary action.
5. Information retained as evidence pursuant to 725 ILCS 167/15 shall be uploaded to the BEAST evidence system.

## RETENTION AND DISCLOSURE OF DRONE INFORMATION

Per 725 ILCS 167/20, all information gathered by the drone shall be destroyed within 30 days, 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. Information gathered at a routed event or special event, the information shall be destroyed within 24 hours after being gathered.

Pursuant to 725 ILCS 167/25, the disclosure of information gathered by a drone is prohibited, except to another government agency where 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. The disclosure of information to another government agency must first be approved by a supervisor.

Information gathered may also be retained if the drone program coordinator, or other agency supervisor, deems that the information will be used exclusively for training purposes, provided that any 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.

Disclosure of records of drone usage is subject to the the Freedom of Information Act, including flight path data, metadata, or telemetry information of specific flights.

## REPORTING

The program coordinator shall report the following per 725 ILCS 167/35:

Annually, by April 1st, the program coordinator shall report to the Illinois Criminal Justice Authority: (1) the number of drones owned by the Hinsdale Police Department; (2) the number of times a drone was used pursuant to each paragraph of 725 ILCS 167/15, (3) date of use, (4) time of use, (5) reason for use, (6) location, (7) whether video was recorded, and (8) whether video is designated for retention for training purposes.

Within 24 hours of utilizing a drone for circumstances as described under section 725 ILCS 167/15 (3), the Chief of Police or his designee shall notify the respective County State's Attorney's Office of the use.

The remote pilot in charge shall also report the following:

- A. Within 10 days, the remote pilot in charge will notify the FAA of an accident in the following situations:
  1. Serious injury to any person or loss of consciousness; or
  2. Damage to any property, other than the drone, unless the cost of repair including materials and labor does not exceed \$500.00 or the fair market value of the property does not exceed \$500 in the event of a total loss.
- B. In case of an accident involving a drone, the remote pilot in charge shall notify his on-duty supervisor and generate a police report.
- C. After all deployments of a drone, the remote pilot in charge will complete the Hinsdale Police De-

partment *Drone Flight Log*, as well as a supplemental incident report when the drone is used to assist in a criminal investigation, or other incidents in which evidence has been collected.