

EAST MOLINE POLICE DEPARTMENT DIRECTIVE		Subject UNMANNED AERIAL SYSTEMS	
		Number 1412	
Date 04/10/2024	Effective Date 04/20/2024	Approval JR	Number of Pages 7

PURPOSE

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

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, applicable state and federal law, and Federal Aviation Administration (FAA) regulations.

1412.1 DEFINITIONS

- A. 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.
- B. Pilot in Command (PIC): The individual responsible for the overall flight operations of a specific mission.

- C. Parade: A march, procession, or other similar activity consisting of persons, animals, vehicles or things, or a combination thereof, up a public street, sidewalk, alley, or other public place, which requires street closings or otherwise requires stopping or re-routing 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.
- D. 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 50 people.
- E. Special Event: A concert or food festival 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 150 people. “Special event” Does not include any political protest, march, demonstration, or other assembly protected by the First Amendment.

1412.2 PROCEDURE:

- A. Authorization:
 - 1. The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. Only authorized operators who have completed the required training shall be permitted to operate the UAS as a PIC
 - 2. The PIC may be temporarily removed from flight status at any time by the Program Coordinator or Chief of Police, or designee, at any time for reasons including performance, or proficiency.
 - 3. Requests for Mutual Aid by use of UAS will be forwarded to the Chief of Police, or their designee, and screened by a PIC for compliance with policy and regulations prior to deployment.
- B. Training
 - 1. Prior to authorization to operate a UAS assigned personnel 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.
 - 2. Annually, assigned officers will undergo refresher training on the equipment to ensure continued effective use, operation of the equipment, and to incorporate changes in the statutes or department policy.
- C. Permitted Use:
 - 1. The East Moline Police Department may not use the UAS to gather information except under (725 ILCS 167/15) such as:
 - 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 or their designee 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. The use of the UAS under this paragraph on private property requires either a search warrant or lawful consent to search. The use of a drone on lands, highways, roadways, or areas belonging to this state or political subdivisions of this State does not require a search warrant or 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.
 - g. To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. In this instance the operator shall make every reasonable attempt to photograph only the building or structure and avoid other areas.
 - h. For public demonstrations provided no information is collected or recorded by the drone during such demonstrations.
2. The Program Coordinator will review all drone deployments and report to the Chief of Police or their designee if each deployment was within policy.
 3. All drone deployments require an Incident Report to be completed.
 - a. All reports will be properly coded to track UAS deployments.
 - b. All reports will include the permitted use description and justification.

1412.3 SPECIAL EVENT, ROUTED EVENT OR PARADE:

- A. If a drone is used at a routed event or special event, the use of a drone under this paragraph requires:
 1. Notice to be 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;

2. Notice be posted, if practical, at major entry points to the event clearly informing the attendees that a drone may be used for the purpose of the real-time monitoring of participant safety and the drone be flown in accordance with the Federal Aviation Administration safety regulations.
- B. Under this section the department may use the drone:
1. 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.
 2. During the event to proactively support public safety personnel by monitoring the event in real time.
 3. To 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.
 4. To evaluate crowd size and density.
 5. To identify activity that could present a public safety issue for the crowd as a whole, including crowd movement.
 6. To assist in the response of public safety personnel to a real-time public safety incident at the event.
 7. To assess the traffic and pedestrian flow around the event in real time

1412.4 PROHIBITED USE:

- A. The UAS video surveillance equipment shall not be used:
1. To conduct random surveillance activities.
 2. To 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. To record data that will be collected, disseminated, or retained solely for the purpose of monitoring activities protected by the U.S. Constitution, such as the First Amendment protections of religion, speech, press, assembly, and redress of grievances (e.g., protests, demonstrations).
 4. To harass, intimidate or discriminate against any individual or group.
 5. 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 expressed authorization of the Chief of Police or the authorized designee.
 6. The UAS shall not be weaponized in any way to include lasers, kinetic impact projectiles, chemical agents, or any other lethal or non-lethal weapon.

- B. If the PIC determines that the use of the UAS would violate department policy or directives, the PIC will inform the Incident Commander of the potential conflict along with recommendations for modifying the requested mission to conform to the department policies and procedures.
- C. The PIC will have sole discretion for overall mission safety, identifying potential violations of FAA rules, and risks of potential damage to the UAS or its associated equipment. If the PIC makes this determination that any of these issues are present, the PIC will inform the Incident Commander of the reasons for refusing to operate the UAS and notify the UAS Program Coordinator. The UAS will not be flown in this circumstance and the authority of the PIC is absolute.

1412.5 PROGRAM COORDINATOR:

- A. The Chief of Police will designate an officer to be the UAS Program Coordinator. The UAS Program Coordinator will report to the Chief of Police or their designee and be responsible for the following duties:
 - 1. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities.
 - 2. Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
 - 3. 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 use of the UAS.
 - 4. Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
 - 5. Deployment of a UAS shall require authorization of the Chief of Police or the authorized designee, depending on the type of mission.
 - 6. Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
 - 7. Implementing a system for public notification of UAS deployment.
 - 8. Conduct an outreach campaign to include a press release or social media post prior to the implementation of the UAS program. In an effort to be transparent, and to inform the public about how the department will be utilizing the drone, its capabilities, and how the East Moline Police Department will ensure the privacy of the public in accordance with presidential directives.
 - 9. 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.

10. Developing a protocol for fully documenting all missions.
11. 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.
12. 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.
13. Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
14. Facilitating law enforcement access to images and data captured by the UAS.
15. Recommending program enhancements, especially regarding safety and information security.
16. Ensuring that established protocols are followed by monitoring and providing periodic (quarterly) program reports to the Chief of Police.
17. Will coordinate with the Chief of Police or their designee to conduct an internal audit or assessment of the UAS program to ensure compliance with department policies and procedures and the safeguard of any Personal Identifiable Information (PII) collected.
18. Provide an annual report to document the number of times the UAS was used, or categories of missions flown, and the number of times the agency provided assistance to other agencies, or to state, local, tribal, or territorial governments to the Chief of Police annually.

1412.6 RETENTION AND DISCLOSURE OF UAS INFORMATION:

- A. 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).
- B. 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).

- C. The East Moline Police Department will ensure all data-sharing agreements, data use, and record management policies applicable to UAS conform to (725 ILCS 167) Freedom from Drone Surveillance Act.
- D. All footage will be classified in accordance with the Body Worn Camera (BWC) Policy.

1412.7 REPORTING:

- A. The program coordinator shall ensure an After Action – Mission Report or similar briefing is forwarded to the Chief of Police or their designee.
- B. The Chief of Police or their designee shall report annually, by April 1, to the Illinois Criminal Justice Information Authority the number of UAS's owned by the East Moline Police Department (725 ILCS 167/35).