

# Small Unmanned Aerial System (sUAS) Operations

## 606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines under which small unmanned aerial systems (sUAS) 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:

**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.

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

**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.

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

**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.

## 606.2 POLICY

Small 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 sUAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations, the Illinois Freedom from Drone Surveillance Act (725 ILCS 167/1, et seq.) /the Drone as First Responders Act.

## 606.3 PRIVACY

The use of the sUAS potentially involves privacy considerations. Absent a warrant, waiver or exigent circumstances, 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). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas

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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 sUAS operations.

#### **606.4 SUAS UNIT ORGANIZATION**

The Algonquin Police Department sUAS unit will be organized as follows:

##### **606.4.1 SUPERVISOR IN CHARGE**

The Chief of Police, or his/her designee, will appoint a supervisor in charge of the sUAS unit. The supervisor in charge shall be responsible for complete oversight of the sUAS unit. Listed below are the following additional responsibilities of the supervisor in charge:

- (a) Ensure that all policies and proper procedures are being followed by the Program Coordinator and all licensed pilots assigned to the sUAS unit.
- (b) Ensuring that all authorized operators and required observers have completed the required Federal Aviation Administration (FAA) and 14 CFR 107 training and department approved training in the operation, applicable laws, policies and procedures regarding use of the sUAS.
- (c) Maintain an active list of Remote Pilots in Command who have completed the required training and possess a valid FAA Remote Pilot Certificate or Temporary Airman Certificate with Small Unmanned Aircraft System Rating.
- (d) Developing uniform protocol for submission and evaluation of requests to deploy a sUAS, including urgent requests made during ongoing or emerging incidents.
- (e) 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 ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- (f) Implementing a system for public notification of UAS deployment.
- (g) Facilitating law enforcement access to images and data captured by the sUAS.
- (h) Reviewing and documenting all quarterly reports received from the Program Coordinator.
- (i) Ensuring that established protocols are followed by monitoring and providing periodic program reports to the Chief of Police.

##### **606.4.2 PROGRAM COORDINATOR**

The Chief of Police, or his/her designee will appoint a program coordinator who will be responsible for the management of the sUAS 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:

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- (a) Coordinating the FAA Certificate of Authorization (COA), and/or 14 CFR 107 application process, ensuring that all certifications are current.
- (b) Obtaining any and all necessary FAA waivers (operations over human beings, etc.).
- (c) Developing protocol for conducting criminal investigations involving a sUAS, including documentation of time spent monitoring a subject.
- (d) Developing an operational protocol governing the deployment and operation of a sUAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- (e) Developing a protocol for fully documenting all missions.
- (f) Developing a sUAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a sUAS, up to and including its overhaul or life limits.
- (g) Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules and the Illinois Freedom from Drone Surveillance Act.
- (h) Recommending program enhancements, especially regarding safety and information security.

#### 606.4.3 REMOTE PILOT IN COMMAND

The remote pilot in command is the assigned licensed pilot present on scene. Remote pilots shall be chosen by the Chief of Police, his/her designee, and/or the Supervisor in Charge of the sUAS unit. Listed below are the following responsibilities of the remote pilot in command:

- (a) The decision whether safe conditions exist to deploy the sUAS lies solely with the designated Remote Pilot in Command who shall take the following conditions into consideration prior to conducting a mission:
  - Airspace Conditions
  - Weather Conditions
  - Condition of Remote Pilot in Command
  - Necessary Flight Crew Number and Condition of Crew
  - Condition of sUAS and Associated Equipment
  - The Remote Pilot in Command's understanding of their abilities and capabilities of the sUAS
- (b) Prior to the operation and use of any sUAS, the Remote Pilot in Command shall conduct an inspection of the sUAS and its associated equipment for any conditions which would adversely affect the safe operation of the sUAS.
- (c) If at any time during a flight mission the Remote Pilot in Command experiences any problematic condition with the sUAS, its associated equipment, or other outside factors, the Remote Pilot in Command will safely land the sUAS to assess and remedy the problem prior to continued use.

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- (d) If at any time during a flight mission, the Remote Pilot in Command believes that the situation or conditions dictate that the mission is no longer safe or feasible, the Remote Pilot in Command shall safely land the sUAS and cease all sUAS operations.
- (e) Upon the completion of any flight mission, the UAS Flight Documentation Form, as well as all necessary associated paperwork, shall be completed and submitted to the Program Coordinator or Supervisor assigned to the sUAS program.
- (f) Notify the McHenry County or Kane County States Attorney's Office when a sUAS deployment occurs, when required by state law.

See attachment: [DRONE FLIGHT REPORT \(UPDATED\) 2024.02.pdf](#)

See attachment: [DRONE SAO NOTIFICATION \(FILLABLE\) v2024-02-1.pdf](#)

#### **606.5 USE OF SUAS**

Only authorized operators who have completed the required training shall be permitted to operate the sUAS.

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.

sUAS operations should only be conducted consistent with FAA regulations.

The Department may not use the sUAS 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 sUAS under this paragraph is limited to a period of 48 hours. Within 24 hours of sUAS 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, engage in search and rescue operations, or aid a person who cannot otherwise be safely reached 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 sUAS 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

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or emergency conditions, to survey damage, or to coordinate response and recovery efforts.

- (g) To conduct an inspection of the infrastructure of a designated building or structure when requested by a local government agency. Any law enforcement agency operating a drone under this paragraph shall make every reasonable attempt to photograph only the building/structure and to avoid other areas.
- (h) To demonstrate the capabilities and functionality of a police drone for public relation 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 a drone is for one or more first responders to locate victims, assist with victims' immediate health or safety needs, or coordinate the response of emergency vehicles and personnel, when dispatched to an emergency.
- (j) In advance of or during a routed event or special event, as defined in 725 ILCS 167/5, for those uses allowed under 725 ILCS 167/15.
  - 1. The notice for sUAS use in these instances should be posted at a time, place, and manner as required by 725 ILCS 167/15.

#### 606.5.1 PRIVATE UAS OWNERS

This policy and its restrictions apply to the department's directed use of a sUAS owned by a private third party and information gathered by a sUAS voluntarily submitted to the Department by a private third party (725 ILCS 167/40).

#### 606.5.2 FACIAL RECOGNITION WITH UAS

Facial recognition software onboard a sUAS shall not be used during a flight (725 ILCS 167/17). Use of facial recognition software to evaluate information gathered by a sUAS is permissible only under those circumstances described in 725 ILCS 167/17.

#### 606.6 RESTRICTIONS

- 1. The sUAS shall not be used:
  - (a) To conduct random surveillance activities.
  - (b) 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.
  - (c) To harass, intimidate, or discriminate against any individual or group.
  - (d) To conduct personal business of any type.
  - (e) Purposefully disturb or pursue wildlife.
- 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 pre-flight check to ensure the sUAS in condition for safe operation.

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- (b) Keep the sUAS in 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 from a moving vehicle, except in rural areas.
  - (g) During an emergency situation, deviations from policy are permitted.
  - (h) Flight outside of daylight and twilight hours must be done with Anti-Collision lighting that can be seen for 3 Statute Miles. (Dimming of Anti-Collision lighting may only be done when safety is a concern.
3. The sUAS shall not be weaponized.
  4. The program supervisor or their designee 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 sUAS operation can be safely conducted under the terms of the certificate waiver.
  5. Personnel shall notify the program supervisor or their designee when he/she knows or has reason to know that he/she has a physical or mental condition that would interfere with the safe operation of the sUAS.

#### **606.7 SECURITY OF RECORDINGS**

Personnel should be aware that recordings may contain sensitive information and are responsible for ensuring compliance to the rules and regulations 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.

- (a) All recordings are considered investigative property of the Algonquin Police Department. The utmost care and caution shall be taken to ensure the recordings are not mishandled or misused.
- (b) Employees shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner, recordings without written authorization by the program coordinator or supervisor in charge of the program.
- (c) Any violations related to unauthorized edits, alterations, and dissemination of this data shall be cause for disciplinary action.
- (d) 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.

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#### **606.8 RETENTION OF UAS INFORMATION**

The Records Department supervisor shall destroy all information gathered by the sUAS within the timeframe specified by law (725 ILCS 167/20).

Information may be retained by a department supervisor when (725 ILCS 167/20):

- (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) The information will be used exclusively for training purposes and all personally identifiable information has been removed from it.
- (d) The information contains only flight path data, metadata, or telemetry information of the sUAS.

#### **606.9 REPORTING**

##### **606.9.1 ACCIDENT REPORTING**

1. The FAA requires notification of certain sUAS accidents. Pursuant to 14 CFR 107 Drone Operation & Certification Regulations, within 10 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 sUAS, 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.
2. The remote pilot in command is required to initiate a police report for any accident involving the sUAS. The police report shall include the following information:
  - (a) Name and contact information for operators and witnesses.
  - (b) Type of operation.
  - (c) Type of device and registration number/certificate.
  - (d) Event location and incident details.
  - (e) Evidence collection such as photos, video, and device confiscation, if necessary.

##### **606.9.2 REPORTING REQUIREMENTS**

1. Every remote pilot in command shall be responsible for completing all of the following documentation when required by this departmental policy or state law:
  - (a) Algonquin Police Department UAS Flight Documentation Form
  - (b) Algonquin Police Department States Attorney's Office Notification Form
2. Copies of the above forms shall be submitted to the Supervisor in Charge and Program Coordinator.

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3. The completion of the above steps shall be noted in the remote pilot in commands report.
4. Annually, by April 1, the program supervisor or their designee shall report to the Illinois Criminal Justice Information Authority the number of drones owned by the police department, 725 ILCS 167/35.

#### **606.10 PROVIDING SUAS ASSISTANCE**

The Algonquin Police Department sUAS Unit is authorized to assist other law enforcement agencies with sUAS deployment, provided all of the aforementioned criteria is met. The determination as to whether or not a member or members of the sUAS Unit will be dispatched to assist will be made by the on-duty shift supervisor. The on-duty supervisor is to make their determination based on the availability of Unit personnel and the severity of the incident for which assistance is requested. In the event that a member of the Unit is available at the time of the request, that member is to be consulted regarding the current weather conditions and the status of the sUAS equipment and will provide a recommendation as to whether or not a deployment is feasible.

The Algonquin Police Department will retain footage of recorded flights that are requested by another law enforcement agency and will follow the aforementioned retention schedule for those recordings. Copies of the recordings may be released to the agency requesting assistance, with those copies becoming the property of the receiving agency.

#### **606.11 DISCLOSURE OF SUAS INFORMATION**

Information gathered during an inspection of the infrastructure of a designated building or structure shall be given, as soon as practicable, to the requesting local government agency before it is destroyed (725 ILCS 167/20).

The disclosure of information gathered by the sUAS is prohibited except (725 ILCS 167/25):

- (a) 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.
- (b) Pursuant to a court order or subpoena in connection with a criminal proceeding.
- (c) In regard to a completed traffic crash investigation.

Available records of drone usage (e.g., flight path data, metadata, telemetry information of specific flights) may be disclosed subject to the Freedom of Information Act, 5 ILCS 140/1 et seq., and rules adopted under it (725 ILCS 167/25).

#### **606.12 COMPLIANCE WITH THE DRONES AS FIRST RESPONDERS ACT**

If a determination is made that a member has violated the Act, the Department shall take prompt and appropriate action (e.g., training, discipline) (725 ILCS 167/45). If a determination is made that a sUAS pilot has willfully violated the Act, the Department shall promptly remove the pilot



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from its sUAS program and take other appropriate action (see the Personnel Complaints Policy (725 ILCS 167/45)).

## Attachments

## **DRONE FLIGHT REPORT (UPDATED) 2024.02.pdf**

**ALGONQUIN POLICE DEPARTMENT  
UAS FLIGHT DOCUMENTATION**

**REPORT #**

REASON FOR FLIGHT (Check All That Apply)				SAO NOTIFICATION REQUIRED								
<input type="checkbox"/> Terrorist Attack	<input type="checkbox"/> Search Warrant	<input type="checkbox"/> Missing Person	<input type="checkbox"/> Disaster / Public Health	<input type="checkbox"/> Crime Scene Photography	<input type="checkbox"/> Traffic Crash Photography	<input type="checkbox"/> Infrastructure Inspection	<input type="checkbox"/> Demonstration	<input type="checkbox"/> Special / Routed Event	<input type="checkbox"/> Training	<input type="checkbox"/> Harm to Life	<input type="checkbox"/> Forestall Escape	<input type="checkbox"/> Destruction of Evidence
GENERAL INFORMATION												
DATE		TIME		AUTHORIZING SUPERVISOR		VIDEO/STILL IMAGES <input type="checkbox"/> Yes <input type="checkbox"/> No		IF YES, FOOTAGE WAS: <input type="checkbox"/> Deleted <input type="checkbox"/> Evidence <input type="checkbox"/> Training Purposes				
LOCATION				REPORT TITLE				MAX ALT. TO BE FLOWN				
REMOTE PILOT IN COMMAND				VISUAL OBSERVER				LENGTH OF FLIGHT (MINUTES)				
UAS USED FOR FLIGHT												
<input type="checkbox"/> Mavic Pro 2 EA <input type="checkbox"/> Mavic Mini 2 <input type="checkbox"/> Other:												
DRONE SIGNS PLACED				DISPATCH NOTIFIED		LAANC AUTHORIZATION NUMBER (When Required)						
<input type="checkbox"/> Yes <input type="checkbox"/> Yes, 24 Hrs Prior <input checked="" type="checkbox"/> No				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
LAND AUTHORIZATION – LIST ALL (include name, location, type of consent obtained)												
REQUIRED/COURTESY NOTIFICATIONS												
<input type="checkbox"/> Huntley Northwestern Hospital (224)654-0000 <input type="checkbox"/> Advocate Sherman (847)742-9800 <input type="checkbox"/> Lake in the Hills Airport 3CK (815)479-7960 <input type="checkbox"/> Other: <input type="checkbox"/> Special Government Interest (SGI) for exigent waiver if needed 202-267-8276												
WEATHER CONDITIONS												
Max Wind: 27mph    Min Visibility: 3 miles    Min/Max Temp: -4°F/113°F    Ceiling: 500 ft below clouds												
SOURCE			METAR LOCATION (if Applicable)			TIME RECORDED			TEMPERATURE			
WIND DIRECTION			WIND SPEED			VISIBILITY			CLOUD CEILING/STATUS			
DRONE SET-UP						OPTIONAL ATTACHMENT ASSEMBLY						
YES	NO	DNA				YES	NO	DNA				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Extend Arms / Attach & Secure Legs			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Install Search Lights			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Remove Gimbal Cover / Attach Camera			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Install/Activate Anti-Collision Lights			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Inspect and Install Propellers			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Install/Use Loudspeaker			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Inspect UAS for Damage			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Install/Secure Drop Device			
PRE-FLIGHT CHECKS						POST FLIGHT						
YES	NO	DNA				YES	NO	DNA				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Check Airspace and Flight Restrictions			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Notify dispatch flight ended			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Scan for People and Other Hazards			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Complete report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Brief Visual Observer/Flight Crew			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Send SAO notification as required			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ensure Remote and UAS Are Linked									
FLIGHT NOTES/EQUIPMENT ISSUES												

**DRONE SAO NOTIFICATION  
(FILLABLE) v2024-02-1.pdf**



VILLAGE OF ALGONQUIN  
ALGONQUIN POLICE DEPARTMENT



**Attention:** County State's Attorney's Office **Date:** \_\_\_\_\_

The following is a notification from the Algonquin Police Department on behalf of Chief Dennis Walker, pursuant to the Illinois Drone Surveillance Act, specifically 725 ILCS 167/15(3), which states that the act does not prohibit the use of a drone by a law enforcement agency: If a 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. The use of a drone under this paragraph (3) is limited to a period of 48 hours. Within 24 hours of the initiation of the use of a drone under this paragraph (3), the chief executive officer of the law enforcement agency must report in writing the use of a drone to the local State's Attorney.

Below are the details of a recent deployment that was conducted, as authorized in 725 ILCS 167/15(3):

**Date of Deployment:** \_\_\_\_\_ **Time of Deployment:** \_\_\_\_\_

**Length of Deployment:** \_\_\_\_\_ **# of drones deployed:** \_\_\_\_\_

**Location of deployment:** \_\_\_\_\_

**Purpose:**

- Prevent harm to life       Forestall escape of a suspect       Prevent destruction of evidence

**Video footage recorded**

(yes/no):

No

**Is the video being kept as evidence**

(yes/no):

No

**Was any drone video footage obtained from a private third party (yes/no):** No

**APD Report #** \_\_\_\_\_ **Title of Report:** \_\_\_\_\_

**Charges authorized (indicate if Misd. or Felony):** \_\_\_\_\_

**Drone pilots who conducted the deployment:** \_\_\_\_\_

**Supervisor authorizing the deployment:** \_\_\_\_\_

**Summary of reasonable suspicion (attach additional pages if necessary):**