

SOP Number: 2.17

BLOOMINGTON POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

SMALL UNMANNED AIRCRAFT SYSTEMS (sUAS)

Reviewed by: Sergeant Jared R. Bierbaum	Effective Date: July 15, 2023
Authorized by: Chief Jamal A. Simington	Revision Date: February 24, 2024

PURPOSE

The purpose of this policy is to establish guidelines under which small, unmanned aircraft systems (sUAS) may be utilized by Bloomington Police Department (BPD). This SOP will also provide guidance regarding the storage, retrieval, and dissemination of images and data captured by these systems.

POLICY

It is the policy of the Bloomington Police Department to ensure authorized personnel are trained on the use of small, unmanned aircraft systems, hereinafter referred to as sUAS, 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 sUAS will be in strict compliance to relevant statutes, privacy rights, the Federal Aviation Administration (FAA), and 14 CFR 107 requirements.

DEFINITIONS

[Illinois Freedom from Drone Surveillance Act \(725 ILCS 167\)](#)

[FAA 14 CFR 107 sUAS Regulations](#)

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.

Disaster: As defined in 20 ILCS 3305, the Illinois Emergency Management Agency Act, means an occurrence of threat of widespread or severe damage, injury or loss of life or property resulting from any natural, technological, or human cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, public health emergencies, cyber incidents, or acts of domestic terrorism.

Public Safety Answering Point (PSAP): As defined in 50 ILCS 750, the Emergency Telephone System Act, means the primary answering location of an emergency call that meets the appropriate standards of service and is responsible for receiving and processing those calls and events according to a specified operational policy (a dispatch center).

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 167/5, any evidence, images, sounds, data, or other information gathered by the unmanned aircraft.

Drone Program Coordinator: Sworn supervisor responsible for the day-to-day management and usage of the small, unmanned aircraft.

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

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

Routed Event: Means 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 and open to the public; and
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: For the purpose of sUAS usage and as defined in 725 ILCS 167/5, means a concert or food festival hosted by the State or a county/municipality/township/park district 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:
 - a) 150 or more people in a unit of local government with a population that is less than 50,000.

b) 250 or more people in a unit of local government with a population that is greater than or equal to 50,000 but less than 100,000.

c) 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.

d) 500 or more people in a unit of local government with a population that is 500,000 or more

A special event does not include any political protest, march, demonstration, or other assembly protected by the First Amendment.

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.

PROCEDURES

DRONE PROGRAM COORDINATOR

The drone program coordinator assigned to the sUAS program will be designated by the Chief of Police and will serve at their discretion. The coordinator may choose to appoint an assistant coordinator(s) who will assist the coordinator in the management of the sUAS program. The drone program coordinator ensures that policies and procedures conform to current laws, regulations, and best practices. Listed below are the following additional responsibilities of the drone program coordinator:

1. Coordinate the FAA Certification of Authorization (COA) and/or the 14 CFR 107 application process; ensure all certifications are current.
2. Ensure authorized remote pilots in command 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.
3. Develop uniform protocol for submission and evaluation of requests to deploy the sUAS, including urgent requests made during on-going or emerging incidents.
4. Develop and maintain protocol for conducting criminal investigations involving the sUAS, including documentation of time spent monitoring a subject.
5. Implement a system for notification to the public and media outlets regarding sUAS deployment, when appropriate.
6. Develop and maintain an operational protocol governing the safe deployment and operation of a sUAS, along with documenting all missions.

7. Develop and maintain sUAS inspection, maintenance and record keeping protocol to ensure continuing airworthiness of a sUAS, up to and including its overhaul or life limits.
8. Develop and maintain protocol to ensure retention and purge periods are maintained in accordance with established records retention schedules
9. Facilitate law enforcement access to images and data captured by the sUAS.
10. Recommend program enhancements, especially regarding safety, information security, and yearly departmental budget requests.
11. Ensure established protocols are followed by monitoring and providing program reports to the Chief of Police or his/her designee upon request.
12. Conduct periodic audits of the program and flight documentation.
13. Coordinate, implement, and maintain a regular training curriculum to maintain proficiencies and stay apprised of current trends.
14. Ensure all annual reports are filed with the Illinois Criminal Justice Information Authority (ICJIA) pursuant to 725 ILCS 167.

TRAINING PRIOR TO USE OF sUAS

Prior to authorization to operate a sUAS, assigned personnel must complete mandatory training to obtain an understanding on how to use the sUAS and the procedures outlined in this policy.

The BPD will pay for the Part 107 exam and in addition, the department will pay for one re-take should an officer fail to pass the initial certification exam. If an officer fails the second certification exam attempt, the officer will be responsible to pay for any additional attempts at the certification exam.

In addition to 14 CFR 107 requirements, assigned officers will undergo refresher training on the equipment to ensure continued effective use, 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. Additional training may be provided at periodic intervals for personnel displaying a substandard performance in the use of sUAS equipment.

DEPARTMENT USE OF sUAS

The police department must obtain applicable authorizations, permits, or certificates as required by FAA prior to deploying or operating the sUAS, and ensure these documents are current.

1. Whenever possible, if the sUAS will be 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.
2. At the conclusion of each deployment, the remote pilot in command shall ensure any recordings or images containing evidence shall be securely downloaded, and proper evidence procedures shall be followed. If recordings or images are not deemed evidence, those recordings or images shall be destroyed in accordance with 725 ILCS 167/20 (Information Retention Periods).
3. All uses of the sUAS shall be documented by the remote pilot in command into AxonAir. Information shall include the reason for the flight, the date, time, and location of the flight, outcome of the mission, if any recordings were made, and what division or shift requested the use.
4. Per the [14 CFR Part 107](#), no BPD officer may manipulate the flight controls of a sUAS unless:
 - a. The officer has a Part 107 remote pilot certificate with a sUAS rating or;
 - b. The BPD officer is under the direct supervision of a remote pilot in command that is duly sworn as a police officer in the state of Illinois and possesses a Part 107 remote pilot certificate with a sUAS rating, and and the remote pilot in command has the ability to immediately take direct control of the flight of the sUAS.
5. No person(s) shall fly any drones owned by the BPD except for BPD personnel adhering to section 4 of this Standard Operating Procedure.
6. Strict adherence to 725 ILCS 167 shall be conducted at all times and careful consideration shall be made to any request to fly a BPD owned drone to ensure the use is authorized under the statute.

Pursuant to 725 ILCS 167, the sUAS may not be used to gather information, except during the following type of situations:

- 1) 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.
- 2) 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. [Search Warrant Language to be Used with Drone Usage](#)

3) 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 the sUAS under this paragraph is limited to a period of 48 hours. Within 24 hours of the sUAS initiation under this paragraph, the Chief of Police or designee must report its use, in writing, to the applicable State's Attorney's Office (See attachment A, [States Attorney Notification of Drone Use form](#)).

4) To locate a missing person engaging in search and rescue operations or aiding a person who cannot otherwise be safely reached while not also undertaking a criminal investigation.

5) If a law enforcement agency is using a sUAS solely for crime scene and traffic crash scene photography. Crime scene and traffic crash photography must be conducted in a geographically confined and time-limited manner to document specific occurrences.

a. The use of a sUAS under this paragraph on private property requires either search warrant based on probable cause under Section 108-3 of the Criminal Code of Procedure of 1963 or lawful consent to search.

b. The use of a sUAS under this paragraph 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.

c. Any law enforcement agency operating a sUAS under this paragraph shall make every reasonable effort to only photograph the crime scene or traffic crash scene and avoid other areas.

6) If a law enforcement agency is using a sUAS during a disaster or public health emergency, as defined by 20 ILCS 3305/1. The use of a sUAS does not require an official declaration of a disaster or public health emergency prior to use. A law enforcement agency may use a sUAS under this paragraph to obtain information necessary for the determination of whether or not a disaster or public health emergency should be declared, to monitor weather or emergency conditions, to survey damage, or to otherwise coordinate response and recovery efforts. The use of a sUAS under this paragraph is permissible during the disaster or public health emergency and during subsequent response and recovery efforts.

7) To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. Any law enforcement agency operating a sUAS under this paragraph shall make every reasonable attempt to photograph only the building or structure and avoid other areas.

8) To demonstrate the capabilities and functionality of a police sUAS for public relations purposes, provided that no information is collected or recorded by the drone during such demonstration.

9) In response to Public Safety Answering Point (PSAP) dispatched calls for service, when the sole purpose for using a sUAS 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.

10) Routed Events or Special Events: The Special Events Coordinator shall consult with the Drone Program Coordinator to determine if a sUAS should be utilized during a special event, parade, or routed event to prepare for or observe crowd size, density, and movement, assess public safety staffing, or oversee the general safety of the participants.

If a law enforcement agency is using a sUAS at a routed event or special event, as specified in paragraph 10, the use of a sUAS under this paragraph requires that:

1. A notice is posted at the event location for at least 24 hours before the event and clearly communicates that a sUAS may be used at the upcoming event for the purpose of real-time monitoring of participant safety. The Special Event Coordinator is responsible for ensuring the posting of signs.
2. A notice is posted, if practical, at major entry points to the event and clearly communicate to the participants that a drone may be used for the purpose of real-time monitoring of participant safety.
3. The sUAS is flown in accordance with Federal Aviation Administration safety regulations.

Under this paragraph, a law enforcement agency 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 footprint in real-time:
 - a. 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.

- b. To evaluate crowd size and density.
- c. To identify activity that could present a public safety issue for the crowd, including crowd movement.
- d. To assist in the response of public safety personnel to a real-time public safety incident at the event.
- e. To assess the traffic and pedestrian flow around the event in real-time.

NOTHING IN 725 ILCS 167 FREEDOM FROM DRONE SURVEILLANCE ACT PROHIBITS THE USE OF DRONES FOR TRAINING PURPOSES

ACCIDENT REPORTING

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.

The Remote Pilot in Command is required to initiate an EJS police report for any accident involving injury to other parties or for an accident causing damage in excess of \$500.00. The police report shall include the name and contact information for operators and witnesses, type of operation, pilot's information, event location and incident details, and evidence collection such as photos, video, and device confiscation, if necessary.

When the accident meets the criteria listed under Section(s) A or B, the remote pilot in command shall provide notification to the FAA by using the FAA's DroneZone Portal at <https://faadronezone.faa.gov/#/>

RESTRICTIONS

The sUAS will not be used to:

1. Conduct random surveillance activities or requests 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. Gather information during a political protest, march, demonstration, or other assembly protected by the First Amendment.
6. Operate facial recognition software. A law enforcement agency operating a sUAS under the Freedom from Drone Surveillance Act is prohibited

from using during a flight, onboard facial recognition software that works in conjunction with the sUAS. A law enforcement agency operating a sUAS under the Freedom from Drone Surveillance Act is prohibited from using any information gathered by a sUAS with any facial recognition software, unless either:

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.

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.

7. Transport weapons. A law enforcement agency operating a sUAS under the Freedom from Drone Surveillance Act is prohibited from equipping or using a sUAS on any firearm, weaponized laser, kinetic impact projectile, chemical agent or irritant, or any other lethal or non-lethal weapon.

All 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:

1. Conduct a pre-flight check to ensure the sUAS in condition for safe operation. This should be accomplished using a department approved application with a pre-determined pre-flight checklist.
2. Absent an FAA waiver, keep the sUAS in visual line of sight.
3. Fly during daylight hours or at night per requirements defined in 14 CFR 107.29.
4. Fly at or below 400 feet above ground level. (Location of flight will dictate maximum allowed altitude).
5. Fly at or below 100 mph.
6. Yield right of way to manned aircraft.
7. Must not fly over people, unless the operation meets the requirements defined in 14 CFR 107.39 & 107.105.
8. Must not fly over moving vehicles, unless the operation meets the requirements defined in 14 CFR 107.145.

During an emergency situation, deviations from policy are permitted.

INSPECTION AND CARE OF EQUIPMENT

1. The sUAS and related equipment shall be maintained in the state of operational readiness. Assigned officers shall use reasonable care to ensure the proper functioning of the sUAS equipment. Malfunctions shall be brought to the attention of the drone program coordinator as soon as possible. Extra caution must be taken to ensure the equipment is not stored in extreme temperatures.
2. Prior to use, assigned officers shall inspect the sUAS using the approved department equipment checklist. The checklist shall be completed before and after every flight mission.

SECURITY OF RECORDINGS/INFORMATION DISCLOSURE

Personnel should be aware that recordings may contain sensitive information and are responsible for ensuring compliance to the information in this policy. A breach in security, careless handling of the recording and/or intentional release of recordings to non-authorized individuals shall not be conducted.

1. All recordings are considered investigative property of the Bloomington Police Department. The utmost care and caution shall be taken to ensure the recordings are not mishandled or misused.
2. Employees shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner recordings without written authorization by the drone program coordinator.
3. Any violations related to unauthorized edits, alterations, and dissemination of this data shall be cause for disciplinary action.

INFORMATION RETENTION

Under Illinois law and pursuant to this policy, all information gathered by the sUAS shall be destroyed within the following timeframes:

1. All information gathered pursuant to a terrorist attack, obtaining a search warrant, preventing harm to life and destruction of evidence, missing persons, search and rescue operation, aiding a person who cannot be safely reached, traffic crash and crime scene, disaster or public health emergency or dispatched calls for service shall be destroyed within 30 days after being gathered.
2. All information gathered pursuant to a routed event or special event shall be destroyed within 24 hours after being gathered.
3. All information gathered pursuant to an infrastructure inspection of a designated building or structure shall be turned over to the requesting local government agency as soon as practicable, and all gathered information shall be destroyed immediately after the information has been turned over.
4. Notwithstanding the above, a supervisor at a law enforcement agency 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 at the BPD deems that 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 of only flight path data, metadata, or telemetry information of the drone.

REPORTING

A. Pursuant to 725 ILCS 167/35, the drone program coordinator shall ensure compliance in reporting in writing annually, by April 1, to the Illinois Criminal Justice Information Authority:

1. Number of sUAS the department owns.
2. Number of times a sUAS was used pursuant to the categories of use specified in the "Department Use of sUAS" section of this policy, including: The date of use, time of use, reason for use, location, whether video was recorded, and whether the video is designated for retention for training purposes.
3. The report shall contain a copy of the agency's latest policy concerning sUAS as of the most recent April 1.

B. Each law enforcement agency that uses a sUAS shall implement and make publicly available to its website the law enforcement agency's policy governing the operation, use, administration, and oversight of its sUAS Program.

C. The drone program coordinator is responsible for ensuring the department's transparency site includes the following information pertaining to the use of sUAS to include the date of use, time of use, reason for use and location of use.

INFORMATION FROM PRIVATE DRONES

A. The department may utilize information from private drones only for the purpose of undertaking the tasks outlined in the "Department Use of sUAS" section of this policy.

B. Private parties may voluntarily submit information acquired by the privately-owned drone to the police department.

C. The department shall not disclose any information gathered by the private drone. However, a supervisor may disclose information to another government agency when there is reasonable suspicion that the information contains evidence of criminal activity, or the information is relevant to an on-going investigation or pending criminal trial.

COMPLIANCE WITH THE FREEDOM FROM DRONES SURVEILLANCE ACT

If a determination is made that a member has violated this Act, the BPD shall take prompt and appropriate action (e.g. training, discipline). If a determination is made that a sUAS pilot has willfully violated the Act, the BPD shall promptly remove the pilot from the sUAS program and take other appropriate action.