



SMALL UNMANNED AIRCRAFT SYSTEM (SUAS) PILOT PROGRAM



| | | | |
|------------------------|-------------------|------------------------|-------------|
| ISSUE DATE: | 24 May 2024 | EFFECTIVE DATE: | 24 May 2024 |
| RESCINDS: | | | |
| INDEX CATEGORY: | Department Notice | | |
| CALEA: | | | |

I. PURPOSE

This directive:

- A. introduces the unmanned aircraft system (sUAS) program for the Bureau of Counterterrorism (BCT).
- B. defines how the Bureau of Counterterrorism will operate and deploy an sUAS.
- C. provides direction to Bureau of Counterterrorism personnel assigned to deploy and operate sUASs in a safe, efficient, and lawful manner.
- D. introduces the:
 - 1. sUAS Flight Report ([CPD-41.316](#)).
 - 2. sUAS Flight Notification to Cook County State’s Attorney’s Office ([CPD-41.319](#)).
 - 3. sUAS Notice to Event Participants ([CPD-41.320](#)).
 - 4. sUAS Preflight Checklist ([CPD-41.321](#)).
 - 5. sUAS Incident/Accident Report ([CPD-43.442](#)).
 - 6. revised Digitally Recorded Data Viewing/Hold/Duplication/Shared Request ([CPD-65.224](#)).
- E. satisfies the requirements of the Drones as First Responders Act (725 ILCS 167).

II. SCOPE

- A. The sUAS program will:
 - 1. be operational within the Bureau of Counterterrorism.
 - 2. only utilize authorized Bureau of Counterterrorism personnel.

REMINDER: Department members will not utilize **any** sUAS for Department purposes, or while otherwise on-duty, unless it adheres to the provisions set forth in this directive.

- B. For the purpose of this pilot program, Bureau of Counterterrorism sUASs may respond citywide in accordance with Item VIII-C of this directive.

NOTE: Department members who encounter an unauthorized sUAS being operated by unknown individuals can contact CPIC. CPIC is responsible for notifying the Bureau of Counterterrorism for an appropriate response.

- C. Authorized Department members will **only** deploy an sUAS in accordance with Item VIII-C of this directive.

III. LEGAL REGULATIONS

- A. 20 ILCS 3305, Illinois Emergency Management Agency Act

- B. 50 ILCS 750, Emergency Telephone System Act
- C. 725 ILCS 5/108-3, Grounds for Search Warrant
- D. 725 ILCS 167, Freedom from Drone Surveillance Act (also referred to as Drones as First Responders Act)
- E. FAA Modernization and Reform Act of 2012 (FMRA, Pub. L. No. 112-95, 126 Stat. 11 (Feb. 2012))
- F. 14 CFR Ch. 1, Subch. F. Pr. 107, Small Unmanned Aircraft Systems
- G. Municipal Code of the City of Chicago 10-36-400, Small Unmanned Aircraft.

IV. POLICY

- A. Department personnel who are authorized by the Chief, Bureau of Counterterrorism, and trained in the use of sUASs will use this resource to protect lives and property in a constitutionally and legally sound manner.
- B. As delineated in the Department directive titled "[First Amendment Rights](#)," it is the policy of the Chicago Police Department to conduct all investigations for a proper law enforcement purpose. Each and every investigation must safeguard the constitutional liberties of all persons. Police conduct that may affect the exercise of First Amendment Rights will be conducted in accordance with the Department directive titled "[First Amendment Rights](#)" and its addenda. Department members may not investigate, prosecute, disrupt, interfere with, harass, or discriminate against any person engaged in First Amendment conduct for the purpose of punishing, retaliating, or preventing the person from exercising their First Amendment rights.
- C. **Privacy.** It will be the intent of every sUAS pilot to make reasonable efforts to not invade an individual's reasonable expectation of privacy when conducting sUAS operations. sUAS operators will receive the proper authorization for flight and abide by all Federal Aviation Administration (FAA) regulations.
- D. **Authority.** The deployment and use of an sUAS, and the management of information or data collected by the sUAS, will adhere to this directive and FAA regulations, as well as applicable Illinois Compiled Statutes (ILCS), the Municipal Code of Chicago (MCC), and the sUAS user's manual.
- E. sUAS flight team members will:
 - 1. conform to all laws applicable to the use of video surveillance technology, including viewing and recording images consistent with the First and the Fourth Amendments.
 - 2. only monitor public areas and public activities where no legally protected reasonable expectation of privacy exists (e.g., street, sidewalk, park).
- F. All Department sUAS flight operation training will be conducted by Bureau of Counterterrorism-approved trainers.
- G. All required governmental reporting will be conducted by Bureau of Counterterrorism personnel as delineated in this directive.

V. PROGRAM RESPONSIBILITIES

- A. The Deputy Chief, Bureau of Counterterrorism, or designee will be the sUAS program manager.
- B. The program manager will:
 - 1. be responsible for oversight of the program;
 - 2. designate a program coordinator(s) to coordinate the day-to-day operational and administrative functions of the program
 - 3. maintain liaison with the Federal Aviation Administration and other City agencies related to the sUAS program, as necessary;

4. instruct the program coordinator(s) to ensure pilot training is received, sUAS proficiency is maintained, and operational procedures are developed and updated, when needed;
 5. ensure reporting to the Illinois Criminal Justice Information Authority by 01 April of each year the number of sUASs owned by the Department, the number of times an sUAS was used in accordance with Item VIII-C of this directive, 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, and that any other sUAS information is properly reported;
 6. release information to the public on the Chicago Police Department's website, including a quarterly sUAS flight report that will delineate the location of each flight, type of flight mission, and duration.
- C. Designated Special Functions Division personnel will maintain all training and practice records, including any training course lesson plans, syllabuses, and certifications. Designated Special Functions Division personnel will forward all required training records, including lesson plans, syllabuses, and certifications to the Training and Support Group, as required.

VI. FLIGHT TEAM COMPOSITION AND RESPONSIBILITIES

- A. A flight team will, at minimum, consist of:
1. a remote pilot in command (RPIC) and
 2. an auxiliary pilot who will act as a visual observer / communications officer.
- B. Pilot in Command (RPIC)
1. An RPIC will possess and maintain an FAA Part 107A Remote Pilot Certificate with a small UAS rating.
 2. The designated RPIC of the sUAS mission is directly responsible for and is the final authority over the operation of the sUAS.
 3. RPICs have the absolute authority to refuse a flight based upon weather conditions, aircraft limitations, physical conditions, site conditions, FAA regulations, applicable law, or any other reason that the RPIC believes will affect the safety of the flight.

NOTE: Department supervisors and command staff members will be aware that RPICs are personally responsible for the operation of an sUAS and must abide by all applicable laws and FAA and safety regulations. Bureau supervisors and command staff members will adhere to any flight refusal or operational stipulations as determined by the RPIC.

4. RPICs are responsible for compliance with this directive, FAA regulations, ILCS, and MCC relative to sUAS operations.
5. The RPIC will complete all pre-flight checks, notifications, and paperwork, including the sUAS Preflight Checklist form ([CPD-41.321](#)), prior to the start of each flight.
6. The RPIC will complete all post-flight documentation and reporting as required by this directive.

VII. TRAINING AND QUALIFICATIONS

- A. All sUAS remote pilots will be properly trained by either manufacturer representatives or instructors designated by the program manager. Remote sUAS pilots will meet all conditions of the Part 107A Remote Pilot Certificate issued by the FAA and the Certificate of Authorization (COA).
- B. All members within the sUAS flight team will know and adhere to the provisions of this directive and maintain proficiency in their pilot/flight team abilities in accordance with their training.
- C. RPIC Proficiency

1. At minimum, the RPIC must have conducted three takeoffs (launch) and three landings (recovery) with the specific sUAS aircraft type within the previous 90 days prior to flying an operational mission. Members who do not have documented practice or flight time for the preceding 90 days will demonstrate proficiency to the program coordinator(s) before performing RPIC duties during a mission.
2. Failure to maintain/prove proficiency can result in removal from sUAS operations.
3. RPICs will comply with Department and FAA reporting procedures for accidents and lost, stolen, or damaged sUAS as outlined in Items XI and XII of this directive.

VIII. OPERATIONS

- A. **Deployment Authorization.** sUAS deployments are **only authorized** by the sUAS program manager or their designee in accordance with Item IV-D of this directive.
- B. It is the responsibility of the RPIC to have current knowledge and be aware of restrictions of the Certificate of Authorization (COA) to determine if flight is granted.
- C. In accordance with 725 ILCS 167, Drones as First Responders Act, the use of a small unmanned aircraft system to gather information is prohibited unless it meets one or more of the following criteria:
 1. To counter the 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 that there is that risk.
 2. The Department has first obtained a search warrant based on probable cause issued under 108-3 of the Code of Criminal Procedure of 1963.

NOTE: The warrant must be limited to a period of 45 days, renewable by the judge upon a showing of good cause for subsequent periods of 45 days.
 3. The Department possesses reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life, to forestall the imminent escape of a suspect, or the destruction of evidence. The use of an sUAS is limited to a period of 48 hours. Within 24 hours of the initiation of the use of an sUAS, the Chief, Bureau of Counterterrorism, must report in writing the use of an sUAS to the Cook County State's Attorney.
 4. The Department is not undertaking a criminal investigation but is attempting to locate a missing person, engaging in search and rescue operations, or aiding a person who cannot otherwise be safely reached.
 5. The Department is using an 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. Furthermore:
 - a. the use of an sUAS under Item VIII-C-5 of this directive on private property requires either a search warrant based on probable cause under Section 108-3 of the Code of Criminal Procedure of 1963 or lawful consent to search.
 - b. the use of an sUAS on lands, highways, roadways, or areas belonging to the State or political subdivisions of this State does not require a search warrant or consent to search.
 - c. the Department will make every reasonable attempt to only photograph the crime scene or traffic-crash scene and avoid other areas.
 6. The Department is using an sUAS during a disaster or public health emergency, as defined by Section 4 of the Illinois Emergency Management Agency Act. Furthermore:
 - a. the use of an sUAS does not require an official declaration of a disaster or public health emergency prior to use.

- b. the Department may use an sUAS 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.
 - c. the use of an sUAS is permissible during the disaster or public health emergency and during subsequent response and recovery efforts.
7. The Department is using an sUAS to conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency.
 8. The Department is using an sUAS to demonstrate the capabilities and functionality of a police sUAS for public relations purposes, provided that no information is collected or recorded by the sUAS during such demonstration.
 9. The Department is using an sUAS in response to dispatched calls for service, when the sole purpose for using an 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. The Department is using an sUAS at a parade, routed event, or special event.

NOTE: If a law enforcement agency is using a drone at a routed event or special event, the use of a drone requires that a notice is posted at the event location for at least 24 hours before the event and clearly communicates that a drone may be used at the upcoming event for the purpose of real-time monitoring of participant safety; the notice must 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 real-time monitoring of participant safety; and the drone is flown in accordance with Federal Aviation Administration safety regulations. Parade, routed event, and special event do not include any political protest, march, demonstration, or other assembly protected by the First Amendment. If the Department anticipates utilizing an sUAS at a parade, routed event, or special event, the Program Coordinator will ensure an sUAS Notice to Event Participants ([CPD-41.320](#)) is posted at the event location at least 24 hours before the event.

D. Restrictions

1. The sUAS will be deployed and used only to support missions delineated in Item VIII-C of this directive.
2. The sUAS will **not be** used:
 - a. for any political protest, march, demonstration, or other assembly protected by the First Amendment;
 - b. to conduct random surveillance activities;
 - c. where a reasonable expectation of privacy exists;
 - d. based on bias or any other protected characteristic as outlined in the Department directive titled "[Prohibitions Regarding Racial Profiling And Other Bias-Based Policing](#)," including bias against a person's race, ethnicity, age, color, national origin, ancestry, religion, disability, gender, gender identity, sexual orientation, immigration status, homeless status, marital status, parental status, military discharge status, financial status, or lawful source of income;
 - e. to harass, intimidate, or discriminate against any individual or group;

- f. with any additional attachments or equipment without the prior authorization of the appropriate program coordinator;
- g. to conduct personal business;
- h. in conjunction with live facial recognition technology;
- i. equipped or using on an sUAS any firearm, weaponized laser, kinetic impact projectile, chemical agent or irritant, or any other lethal or non-lethal weapon; and
- j. for any other unauthorized use as delineated by law, training, Department policy, or this directive.

IX. PROCEDURES TO OBTAIN sUAS SUPPORT

- A. Bureau of Detectives personnel responding to an incident or traffic-crash investigation that requires crime-scene processing will make a request for an sUAS to OEMC via City-Wide 1.
- B. In accordance with Item VIII-C-3 of this directive, a sworn supervisor within the district of occurrence may request the support of an sUAS when there is reasonable suspicion that, under particular circumstances, swift action is needed to prevent imminent harm to life, to forestall the imminent escape of a suspect, or the destruction of evidence. The sworn supervisor will make the request for an sUAS to OEMC via City-Wide 1.

NOTE: For major incidents, the field commander responsible for the Department's on-scene response to the incident will determine whether the support of an sUAS will be requested.

- C. In accordance with Item VIII-C-4 of this directive, sworn supervisors within the district of occurrence may request the support of an sUAS when attempting to locate a missing person when not undertaking a criminal investigation. The sworn supervisor will make the request for an sUAS to OEMC via City-Wide 1.
- D. A sworn Department supervisor who determines sUAS support may be warranted for any other reason outlined in Item VIII-C of this directive will contact BCT to confer with the program coordinator to determine the appropriateness of an sUAS response.
- E. When the on-duty RPIC receives notification of the request for a dispatch of an sUAS, he or she will:
 - 1. determine if the request has been made in accordance with the provisions of this directive; and
 - 2. confer with the program coordinator or designee to ensure the sUAS will be utilized in accordance with Item VIII-C of this directive.
 - 3. determine if the sUAS can operate safely under current or forecasted weather conditions.

REMINDER: Department supervisors and command staff members are reminded that RPICs are personally responsible for the operation of an sUAS and must abide by all applicable laws and FAA safety regulations. Bureau supervisors and command staff members will adhere to any flight refusal or operational stipulations as determined by the RPIC.

- F. Upon making a determination of the sUAS deployment, the on-duty RPIC will notify the appropriate radio zone and City-Wide 1 of the response determination and of their estimated response time when determined to deploy, if responding.
- G. When assisting in crime-scene and traffic-crash processing, RPICs will work in conjunction with district and Bureau of Detectives personnel while photographing and surveying scenes.

X. DIGITAL MEDIA DATA RETENTION AND MANAGEMENT AND OTHER INFORMATION MANAGEMENT

- A. All digital media data will be handled in accordance with the Department directive titled "[Access to Computerized Data, Dissemination and Retention of Computer Data](#)" and applicable laws related to law enforcement use of an sUAS.
- B. **Collection and Use.** The Department will only collect information using an sUAS to the extent that such collection or use is consistent with and relevant to an authorized purpose of the Department and is compliant with local, state, and federal laws and regulations. Information will not be retained for training, practice, or certification/recertification purposes.
- C. All digital media data will be securely downloaded at the completion of each mission and saved in [evidence.com](#). If unable to save to the designated system, the associated memory card will be retained in the unit deploying the sUAS.
- D. RPICs will document and report each mission by completing the sUAS Flight Report ([CPD-41.316](#)) within 24 hours of mission completion.

NOTE: All flight information will be readily accessible for dissemination for approved and mandated requests.

- E. RPICs will complete the sUAS Flight Notification to Cook County State's Attorney's Office ([CPD-41.319](#)) form and report to the Cook County State's Attorney's Office within 24 hours of instances where an sUAS was utilized under Item VIII-C-3 of this directive.
- F. In accordance with 725 ILCS 167, members will not disclose any information gathered by an sUAS except that an authorized supervisor may disclose particular information to another government agency if:
 - 1. reasonable articulable suspicion is established that the information contains evidence of criminal activity; or
 - 2. the information is relevant to an ongoing investigation or pending criminal trial.
- G. All digitally recorded data gathered by the sUAS will be retained in accordance with the Illinois Drones as First Responder's Act (725 ILCS 167).
 - 1. Under normal circumstances, stored files will be destroyed within 30 days of recording except where there is reasonable suspicion that the information contains evidence of criminal activity or if the information is relevant to an on-going investigation of a pending criminal matter.
 - 2. If the sUAS is used in accordance with Item VIII-C-10 of this directive (i.e., a parade, routed event, or special event), the stored files will be destroyed within 24 hours after being gathered unless there is reasonable suspicion that the information contains evidence of criminal activity or if the information is relevant to an ongoing investigation of a pending criminal matter.
- H. When an sUAS video recording contains evidence of criminal activity, or if the information is relevant to an ongoing investigation of a pending criminal matter, a recording must be flagged in Evidence.com by completing the Digitally Recorded Data Viewing/Hold/Duplication/Shared Request form ([CPD-65.224](#)) and forwarding it to the Records Services Section. The Records Services Section will ensure the:
 - 1. record is flagged and video is retained as prescribed by law and established Department policy;
 - 2. document causing the record to change is scanned into Evidence.com;
 - 3. video is shared as necessary through Evidence.com; and
 - 4. the directive titled [Freedom of Information Act](#) is followed.

NOTE: All applicable laws, including the Freedom of Information Act (FOIA) (5 ILCS 140/1), will be followed when a FOIA request is made.

XI. REPORTING PROCEDURE FOR A DAMAGED, LOST, OR STOLEN sUAS

- A. The sUAS program coordinator will ensure Department members use the sUAS as prescribed and take immediate corrective action or disciplinary action if the member is observed or reported to be improperly handling, operating, or in any way damaging a Department sUAS.

NOTE: Supervisors may document adverse behavior related to job performance in the Performance Recognition System in accordance with the Department directive titled "[Performance Recognition System](#)."

- B. The sUAS program coordinator will conduct an investigation when an sUAS is criminally damaged, lost, or stolen and:
 - 1. ensure the appropriate reports are completed, if applicable.
 - 2. ensure all notifications are made in accordance with the Part 107A Remote Pilot Certificate issued by the FAA and the COA.
 - 3. initiate a complaint register (CR) investigation if any damage or loss was caused by a member's neglect or improper conduct in accordance with the Department directive titled "[Complaint and Disciplinary System](#)."

XII. ADDITIONAL REPORTING REQUIREMENTS TO THE FAA AND NTSB FOR INCIDENTS OR ACCIDENTS

- A. **FAA Reporting.** The sUAS program coordinator will ensure:
 - 1. all incidents or accidents involving sUAS operations will be reported to the FAA for the following types of incidents:
 - a. fatal injury, where the operations of an sUAS results in a death;
 - b. serious injury, where the operations of an sUAS results in a hospitalization of more than 48 hours, the fracture of any bone (except for simple fractures of fingers, toes, or nose), severe hemorrhage or tissue damage, internal injuries, or second- or third-degree burns;
 - c. total unmanned aircraft loss;
 - d. substantial damage to the sUAS where there is damage to the airframe, power plant, or onboard systems that must be repaired prior to further flight;
 - e. damage to property, other than the unmanned aircraft, greater than \$500; or
 - f. a lost control link resulting in a fly-away or execution of a preplanned/unplanned lost link procedure.
 - 2. reporting to the FAA occurs within ten days of the incident or accident in accordance with the Part 107A Remote Pilot Certificate issued by the FAA and the COA.
- B. **NTSB Reporting.** The sUAS program coordinator will ensure:
 - 1. all incidents or accidents involving sUAS operations are reported to the NTSB for the following types of incidents:
 - a. any person suffers death or serious injury;
 - b. flight control system malfunction or failure such as a fly-away;
 - c. in-flight fire;
 - d. aircraft collision in flight;
 - e. more than \$25,000 damage to property other than the aircraft;

- f. release of all or a portion of a propeller blade from an aircraft, excluding release caused solely by ground contact.
 2. reporting to the NTSB occurs as soon as reasonably possible, but before any additional flights occur, in accordance with 49 CFR § 830.2 and 830.5.
- C. The sUAS program coordinator will ensure completion of the sUAS Incident/Accident Report form ([CPD-43.442](#)) for all sUAS incidents or accidents listed in Items XII-A and B of this directive.

XIII. PROGRAM ACCOUNTABILITY

- A. If a Department supervisor learns of any violations of the requirements of this directive, including the requirements outlined in Item VIII-C, he or she will take immediate action to prevent future violations through any one or more of the following actions:
 1. training, and
 2. initiation of progressive discipline.
- B. If the program manager or program coordinator determine that a pilot violated any provision of this policy as a result of willful or wanton misconduct, the program manager or program coordinator will immediately remove the pilot from the program and take immediate action to prevent future such violations.

Authenticated by MWK

Larry Snelling
Superintendent of Police

21-011 RCE/LB