

NORMAL POLICE DEPARTMENT TRAINING BULLETIN



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DRONE

PURPOSE: This training bulletin establishes guidelines under which a small unmanned aircraft may be utilized, and the storage, retrieval and dissemination of images and data captured by such systems.

POLICY: It is the policy of the Normal Police Department to ensure authorized Department members are trained on the use of small unmanned aircraft systems, hereinafter referred to as a drone, to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of the drone shall be in strict compliance to relevant statutes, the Illinois Drones as First Responders Act (PA 103-0101), the Illinois Freedom from Drone Surveillance Act (725 ILCS 167/), privacy rights, the Federal Aviation Administration, and 14 CFR 107 requirements.

DEFINITIONS

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 drone.

Parade: A march, procession, or other similar activity consisting of persons, animals, vehicles, or things, or any combination thereof, upon a public street, sidewalk, alley, or other public place, which requires a street closing or otherwise requires stopping or rerouting vehicular traffic because the parade will not or cannot comply with normal and usual traffic regulations or controls. Parade does not include a political protest, march, demonstration, or other assembly protected by the First Amendment. (725 ILCS 167/5)

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

Routed Event: A parade, walk, or race that: (1) is hosted by the State of Illinois or a county, municipality, township, or park district; (2) is outdoors 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. (725 ILCS 167/5)

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. Also known as, and referred to in this order as, a drone.

Special Event: A concert or food festival that: (1) is hosted by the State of Illinois or a county, municipality, township, or park district; (2) is outdoors and open to the public; and (3) has an estimated attendance of: (i) 150 or more people in a unit of local government with a population that is less than 50,000; (ii) 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; (iii) 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; or (iv) 500 or more people in a unit of local government with a population that is 500,000 or more. Special Event does not include any political protest, march, demonstration, or other assembly protected by the First Amendment. (725 ILCS 167/5)

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.

TRAINING

- A. Prior to authorization to operate a drone, assigned Department members must complete mandatory training provided by the Department to obtain an understanding on how to use the drone and the procedures outlined in this policy.
- B. Annually, assigned members shall undergo refresher training on the equipment to ensure continued effective use and operation of the equipment, including changes, updates, or other revisions to the FAA and/or 14 CFR 107 requirements, statutes, or Department policy.
- C. Additional training may be provided at periodic intervals for officers displaying a substandard performance in the use of drone equipment.
- D. Annually, by April 1, the Department shall report to the Illinois Criminal Justice Information Authority the number of drones owned by the Department (735 ILCS 167/35)

USE OF THE DRONE

- A. The Department must obtain applicable authorizations, permits, or certificates as required by FAA prior to deploying or operating the drone, and ensure these documents are current.
 - 1. Authorized remote pilots in command must 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 drone.
 - 2. Authorized remote pilots in command must have a valid Part 107 license from the FAA.
- B. Pursuant to 725 ILCS 167/15, the drone may not be used to gather information, except during the following types of situations: (43.1.4)
 - 1. To counter a high risk of a terrorist attack by a specific individual or organization if the United States Department 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.

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 drone under this paragraph is limited to a period of 48 hours. Within 24 hours of the drone initiation under this paragraph, the Chief of Police or designee must report its use, in writing, to the State's Attorney.
4. To locate a missing person while not also undertaking a criminal investigation.
5. To obtain crime scene and traffic crash scene photography in a geographically confined and time-limited manner. Use of the drone under this paragraph on private property requires either a search warrant or lawful consent to search. As it relates to lands, highways, roadways, or areas belonging to the state, a search warrant or consent to search is not required. Reasonable attempts shall be made to only photograph the crime scene or traffic crash scene and to avoid other areas.
6. To obtain information necessary for the determination of whether a disaster or public health emergency should be declared, to manage a disaster by monitoring weather or emergency conditions, to survey damage, or to coordinate response and recovery efforts. There is no requirement for an official declaration of disaster or public health emergency prior to use.
7. To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. Department members shall make every reasonable attempt to photograph only the building or structure and to avoid other areas.
8. To demonstrate the capabilities and functionality of a police drone for public relations purposes, provided that no information is collected or recorded by the drone during such demonstration.
9. 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, to assist with immediate victim health or safety needs, or to coordinate the response of emergency vehicles and personnel to an emergency. The Department's Public Safety Answering Point (PSAP) is Metcom.
10. If the Department is using a drone at a routed event or special event. The use of a drone under this section requires that:
 - a. Notice is posted at the event location for at least twenty-four (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;
 - b. Notice is 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

- c. The drone is flown in accordance with Federal Aviation Administration safety regulations.
11. Under Section B.10 above, the Department may use the drone:
- a. In advance of an event, before event participants have begun to assemble, for the sole purpose of creating maps and determining appropriate access routes, staging areas, and traffic routes, provided that no personal identifying information is recorded and provided further that no recorded information is used in any criminal prosecution; or
 - b. During the event to proactively support public safety personnel by monitoring the event footprint in real time:
 - 1. 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;
 - 2. To evaluate crowd size and density;
 - 3. To identify activity that could present a public safety issue for the crowd as a whole, including crowd movement;
 - 4. To assist in the response of public safety personnel to a real-time public safety incident at the event; and
 - 5. To assess the traffic and pedestrian flow around the event in real time.

ACCIDENT REPORTING

- A. The FAA requires notification of certain drone accidents. Pursuant to 14 CFR 107 Drone Operation and Certification Regulations, within 10 days after the accident, the remote pilot in command must report accidents to the FAA in the following situations:
 - 1. Serious injury to any person or loss of consciousness.
 - 2. Damage to any property, other than the drone, 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.
- B. The remote pilot in command is required to initiate a police report for any accident involving the drone. The police report shall include the following information:
 - 1. Name and contact information for operators and witnesses.
 - 2. Type of operation.
 - 3. Type of device and registration number/certificate.

4. Event location and incident details.
 5. Evidence collection such as photos, video, and device confiscation, if necessary.
- C. When the accident meets the criteria listed under Section A, the remote pilot in command shall provide notification to the FAA by using the FAA's DroneZone Portal at: <https://faadronezone.faa.gov/#/>.

RESTRICTIONS

- A. The drone shall 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. Any situation outside what is considered an authorized Department use as outlined in this policy.
- B. Use of Facial Recognition:
- Department members are prohibited from using, during a flight, onboard facial recognition software that works in conjunction with the drone. Department members are prohibited from using any information gathered by a drone with any facial recognition software, unless either:
1. The Department is using a drone 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; or
 2. The Department 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. (725 ILCS 167/17)
- C. Use of Weapons:
- Department members are prohibited from equipping or using on a drone any firearm, weaponized laser, kinetic impact projectile, chemical agent or irritant, or any other lethal or non-lethal weapon. (725 ILCS 167/18)
- D. Drone deployments by the 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 drone in condition for safe operation.
 2. Keep the drone in visual line of sight.

3. Fly during day or twilight hours.
 4. Fly at or below 400 feet above ground level.
 5. Fly at or below 100 mph.
 6. Yield right of way to manned aircraft.
 7. Must not fly over people.
 8. Must not fly from a moving vehicle, except in rural areas.
 9. During an emergency situation, deviations from policy are permitted.
- E. The Department may pursue a certificate waiver from the FAA which authorizes deviation from specific regulations. The certificate waiver will be granted when the FAA determines that the drone operation can be safely conducted under the terms of the certificate waiver.

EQUIPEMENT INSPECTION AND CARE

- A. The drone 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 drone equipment. Malfunctions shall be brought to the attention of a Supervisor as soon as possible. Extra caution must be taken to ensure the equipment is not stored in extreme temperatures. **(17.5.2)**

SECURITY AND RETENTION OF RECORDINGS

- A. Department members should be aware that recordings may contain sensitive information and members 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 may jeopardize relationships with citizens, subject victims to an invasion of privacy, jeopardize prosecutions, and endanger the safety of individuals.
- B. All recordings are considered investigative property of the Normal Police Department. The utmost care and caution shall be taken to ensure the recordings are not mishandled or misused.
- C. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner recordings without written authorization.
- D. Any violations related to unauthorized edits, alterations, and dissemination of this data shall be cause for disciplinary action.
- E. 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.
- F. Pursuant to 725 ILCS 167/20(a), the Department shall destroy all information gathered by the drone within the following timeframes:

1. Destruction within thirty (30) days after being gathered pursuant to:
 - a. 725 ILCS 167/15(1) (terrorist attack);
 - b. 725 ILCS 167/15(2) (search warrant);
 - c. 725 ILCS 167/15(3) (prevention of imminent harm to life, forestall imminent escape of a subject, or destruction of evidence);
 - d. 725 ILCS 167/15(4) (location of a missing person, search and rescue operation, or aiding a person who cannot otherwise be safely reached);
 - e. 725 ILCS 167/15(5) (crime scene and traffic crash scene photography);
 - f. 725 ILCS 167/15(6) (disaster or public health emergency);
or
 - g. 725 ILCS 167/15(9) (call for service dispatched by a PSAP where the sole purpose is to locate victims, assist with victim health and safety needs, or to coordinate an emergency response).
 2. Destruction within twenty-four (24) hours after being gathered pursuant to:
 - a. 725 ILCS 167/15(10) (routed event or special event).
 3. All information gathered pursuant to 725 ILCS 167/15(7) (infrastructure inspection) 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.
- F. Notwithstanding 725 ILCS 167/20(a) and the timeframes listed in section E above, a Department supervisor may retain particular information if:
1. There is reasonable suspicion that the information contains evidence of criminal activity; ~~or~~
 2. The information is relevant to an ongoing investigation or pending criminal trial;
 3. The supervisor deems that the information will be used exclusively for training purposes, provided that any such information shall not contain any personally identifiable information; or
 4. The information consists of only flight path data, metadata, or telemetry information of the drone. (725 ILCS 167/20(b))
- G. Information Disclosure:
1. Pursuant to 725 ILCS 167/25, the Department shall not disclose any information gathered by the drone, except a Department supervisor may disclose particular information to another governmental agency if 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.

2. Records of drone usage, including flight path data, metadata, or telemetry information of specific flights, if available, may be disclosed subject to the Freedom of Information Act (5 ILCS 140/) and rules adopted under that Act.
 3. The Department shall neither sell any information gathered by the drone nor disclose any information gathered by the drone to any person to whom disclosure is not authorized under 725 ILCS 167/25.
 4. Nothing in the Illinois Drones as First Responders Act (PA 103-0101) prevents the disclosure of information through a court order or subpoena in connection with a criminal proceeding or if the disclosure is in regard to a completed traffic crash investigation.
- H. When the recording does not fall under the statutory exemptions listed in 725 ILCS 167/15, documentation pertaining to use of the drone, such as location, date, time, and scope of the mission, is not subject to being destroyed within the timeframes listed in 725 ILCS 167/20.
- I. The retention of recordings which are exempt from the statutory destruction requirement is at the discretion of the Team Supervisor or determined by the completion of the criminal investigation or criminal trial.

ASSISTANCE TO OTHER AGENCIES

- A. The drone equipment shall not be loaned to other agencies. Requests by other agencies for drone assistance require that a department assigned operator respond with the equipment and operate it.

POLICY REQUIREMENTS AND VIOLATIONS

- A. The Illinois Drones as First Responders Act (PA 103-0101) requires the Department to have a policy outlining drone use consistent with the Act. The policy shall include that, if the Department learns of violations of the Act, the Department shall immediately take actions to prevent future violations of the Act through any one or more of the following means: training, discipline, including progressive discipline for repeat violations, or other means that will prevent repeated violations of the Act by law enforcement. If the Department learns of willful and wanton violations of the Act, the Department shall immediately remove the pilot from its drone program and take action to prevent future willful and wanton violations of the Act. (725 ILCS 167/45(a))

Notification of Drone Deployment

Attention: _____ County State's Attorney's Office **Date:** _____
(Name of County)

The following is a notification from the Normal Police Department on behalf of Chief Stephen Petrilli Jr., 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 prevent 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 drone 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 (Circle One):

Prevent Imminent Harm of Life Forestall the Imminent Escape of a Suspect Prevent Destruction of Evidence

Video Footage Recorded: Yes No **Is Video Footage Being Kept as Evidence:** Yes No

Was Drone Video Footage Obtained From a Private Third Party: Yes No **By:** _____

NPD Report #: _____ **Title of Report:** _____

Charges Authorized (Indicate if Misdemeanor/Felony): _____

NPD Drone Pilots Who Conducted the Deployment: _____

Supervisor Authorizing the Deployment: _____

Summary of Reasonable Suspicion (Attach Additional Pages if Necessary): _____

Date/Time This Notification Was Faxed/Emailed to the S.A.O.: _____

Person Submitting This Notification to the S.A.O.: _____

Chief of Police or Designee Signature: _____

