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University of Illinois Chicago Police Department General Order

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Subject:
SMALL UNMANNED AIRCRAFT SYSTEMS (sUAS)

References:
Federal Aviation Administration regulations, Title 14 of the Code of Federal Regulations (14 CFR) Part 107 requirements, and privacy rights, 725 ILCS 167, CALEA – 41.1.3

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Chief Kevin Booker

Signature:
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PURPOSE:

This order establishes policy and guidelines for the safe operation, maintenance, and reporting of a law enforcement small unmanned aircraft system (sUAS) and storing, retrieving, and disseminating of data acquired by the sUAS. This order ensures that all sUAS operations are conducted in compliance with Federal Aviation Administration (FAA) regulations, state and local laws, and Departmental policies, while safeguarding the privacy, civil rights, and civil liberties of the public we serve.

POLICY:

It is the policy of the University of Illinois Chicago Police Department (UICPD) to ensure authorized personnel are trained in the use of small unmanned aerial 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 with the Illinois Freedom from SUAS Surveillance Act (725 ILCS 167), Federal Aviation Administration regulations, Title 14 of the Code of Federal Regulations (14 CFR) Part 107 requirements, and privacy rights.

DEFINITIONS:

Federal Aviation Administration - a national authority with the power 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 unmanned aircraft.

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

Routed Event - means a parade, walk, or race that (1) is hosted by the State of Illinois or a country, 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.

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.

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.

Special Event - as defined in 725 ILCS 167/5, a special event for purposes of this general order is a concert or food festival that is hosted by the State of Illinois or a county, municipality, township, or park district that is outdoors and open to the public and has an estimated attendance of:

- 150 or more people in a unit of local government with a population that is less than 50,000.
- 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.
- 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.
- 500 or more people in a unit of local government with a population greater than 500,000.

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

ORDER:

1. USE OF SMALL UNMANNED AIRCRAFT SYSTEMS (sUAS) AUTHORIZATION, CONDITIONS, AND LIMITATIONS OF USAGE

- A. Any sworn supervisor may authorize a certified and trained sUAS operator to deploy the aircraft for normal patrol functions or special operations.
- B. The certified and trained operator may deploy the aircraft under conditions that they deem appropriate and necessary to accomplish the lawful objective.

NOTE: PURSUANT TO 725 ILCS 167/15, THE sUAS MAY NOT BE USED TO GATHER INFORMATION, EXCEPT DURING THE FOLLOWING TYPES OF SITUATIONS:

- C. 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 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.
- 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 or his designee must report its use, in writing to the State's Attorney.
- D. To attempt to locate a missing person, engaging in search and rescue operations, or aiding a person who otherwise cannot 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. Use of the sUAS 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.
- F. To obtain information necessary for the determination of whether a disaster or public health emergency should be declared, manage a disaster by monitoring weather or emergency conditions, to survey damage, or to coordinate response and recovery efforts. There is no requirement that an official declaration of disaster or public health emergency prior to use. The use of a sUAS under these circumstances are permissible during the disaster or public health emergency and during subsequent response and recovery efforts.
- G. To conduct an infrastructure inspection of a designated building or structure at the express request of a local government agency. Any law enforcement agency operating a sUAS for this purpose shall make every reasonable attempt to photograph only the building or structure and avoid other areas.
- H. 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.
- I. In response to 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.
- J. At a special or routed event as long as the following requirements are met:
 - 1) Notice is posted at the event location for at least twenty-four (24) hours before the event and clearly communicates that an sUAS may be used at the upcoming event for the purpose of real-time monitoring of participant safety.
 - 2) Notice is posted, if practical, at major entry points to the event, clearly informing the attendees that a sUAS may be used at for the purpose of real-time monitoring of participant safety.
 - 3) The sUAS is flown in accordance with Federal Aviation Administration safety regulations.
 - a) Under this section, a law enforcement agency may use the sUAS:
 - i) 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 recording information is used in any criminal prosecution.

ii) During the event to proactively support public safety personnel by monitoring the event footprint in real time:

1. To detect a breach of peace 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.
5. To assess the traffic and pedestrian flow around the event in real time.

K. sUAS deployments by the UICPD must adhere to the operating procedures established by the FAA, which are specified in Title 14 of the Code of Federal Regulations (14 CFR Part 107), “Small Unmanned Aircraft Systems.” Whenever possible, if the sUAS will be flying within close proximity to a hospital heliport, which could create a hazardous situation for manned aircraft, notification shall be made to the respective hospital’s security office.

L. Pursuant to 14 CFR section 99.7, special security instructions, commencing one hour before the scheduled time of the event until one hour after the end of the event. All aircraft operations: including parachute jumping, unmanned aircraft and remote-controlled aircraft, are prohibited within a 3NMR up to and including 3000ft AGL of any stadium having a seating capacity of 30,000 or more people where either a regular or post season Major League Baseball, National Football League, or NCAA division one football game is occurring. This NOTAM also applies to NASCAR Sprint Cup, IndyCar, and Champ Series races, excluding qualifying and pre-race events. Flights conducted for operational purposes of any event, stadium or venue and broadcast coverage for the broadcast rights holder are authorized with an approved airspace waiver. An FAA airspace waiver does not relieve operators from obtaining all other necessary authorizations and complying with all applicable Federal Aviation Regulations. The restrictions described above do not apply to those aircraft authorized by and in contact with ATC for operational or safety of flight purposes, department of defense, law enforcement, and air ambulance flight operation.

M. A certificate waiver from the FAA may be applied for which authorizes deviation from specific regulations as may be required. 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.

N. When appropriate, notification of the sUAS deployment shall be made to the public.

2. PROHIBITED USE OF SMALL UNMANNED AIRCRAFT SYSTEMS

The sUAS shall not be utilized to:

- A. Conduct random surveillance activities or requests for information.
- B. Target a person based solely on individual characteristics such as, but not limited to race, ethnicity, national origin, religion, disability, gender, or sexual orientation.
- C. Harass, intimidate, or discriminate against any individual or group.
- D. Conduct personal business of any type.

- E. Transport weapons including any firearm, weaponized laser, kinetic impact projectile, chemical agent or irritant, or any other lethal or non-lethal weapon.
- F. Any situation outside what is specified in policy as a permitted use.

3. PRIVACY CONCERNS AND USE OF FACIAL RECOGNITION

- A. Use of the sUAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and visual 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. Operators and visual observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.
- B. A law enforcement agency operating a sUAS under 725 ILCS 167 is prohibited from using, during a flight, onboard facial recognition software that works in conjunction with the sUAS.
- C. A law enforcement agency operating a sUAS under 725 ILCS 167 is prohibited from using any information gathered by a sUAS with any facial recognition software, unless either:
 - 1) 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 or;
 - 2) 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.

4. QUALIFICATIONS AND TRAINING FOR PERSONNEL ASSIGNED TO OPERATE THE VEHICLE

- A. Only sworn Police personnel will be qualified to operate the sUAS.
- B. Only officers that have completed the required training will be allowed to operate a sUAS. All officers operating department sUAS shall be certified under the Federal Aviation Authority's sUAS rule, Part 107.
- C. Prior to authorization to operate a sUAS, assigned personnel must complete mandatory training provided by the department to obtain an understanding on how to use the sUAS.

5. PROGRAM COORDINATOR DUTIES

- A. The Chief of Police or designee will appoint a program coordinator who will be responsible for the management of the department's sUAS program. The program coordinator will ensure that the sUAS program conforms to current laws, regulations, and best practices. The program coordinator will have the following responsibilities:
 - 1) Coordinate the Federal Aviation Authority (FAA) 14 CFR 107 application process and ensure all certifications are current.
 - 2) Ensure all authorized operators and visual observers have completed all required FAA and department-approved training in the operation, applicable laws, and department guidelines regarding the use of the sUAS.
 - 3) Obtain any and all necessary FAA waivers and ensure waivers are current.

- 4) Develop sUAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of the sUAS(s), up to and including their overhaul or life limits.
- 5) Ensure that established protocols are followed by monitoring and providing periodic program reports to the Deputy Chief of Internal Operations.
- 6) Establish and/or maintain a team of department personnel trained and certified to operate sUAS in compliances with current laws and regulations (i.e. "sUAS team").
- 7) Designate a supervisor of the rank of sergeant or above for direct supervision of the sUAS team. Duties of this supervisor shall include, but not be limited to, the coordination of training and review of deployment reports.

6. REMOTE PILOT IN COMMAND

- A. When appropriate, notification of the sUAS deployment shall be made to the public. It is the responsibility of the on-duty supervisor to notify the UICPD Telecommunications Center.
- B. The on-duty supervisor shall also notify the deputy chief of external operations and the program coordinator if a sUAS is deployed pursuant to 725 ILCS 167/15. The program coordinator shall ensure that notification is made to the Cook County State's Attorney if the deployment requires notification under 725 ILCS 167/15.

7. SECURITY OF RECORDINGS

- A. Personnel should be aware that recordings may contain sensitive information and are responsible for ensuring compliance to this Order. A breach in security, careless handling of the recordings, and/or intentional release of recordings to non-authorized individuals may jeopardize relationships with citizens, subject victims to an invasion of privacy, and jeopardize prosecutions.
- B. All recordings are considered investigative property of the UICPD. The utmost care and caution shall be taken to ensure the recordings are not mishandled or misused.
- C. Employees shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner recordings without authorization under existing law, this order, or the program coordinator.
- D. Any violations related to unauthorized edits, alterations, and dissemination of this data shall be cause for disciplinary action.
- E. Information retained pursuant to 725 ILCS 167/15 shall be uploaded to the Evidence.com platform. This platform allows for a complete audit history of the video including but not limited to views and access.
- F. The Watch Commander will assist the Incident Commander as directed.

8. RETENTION AND DISCLOSURE OF SUAS INFORMATION

- A. Pursuant to 725 ILCS 167/20, information gathered from sUASs utilized by law enforcement agencies shall be destroyed within the following timeframes:
 - 1) All information gathered pursuant to a counter-terrorism deployment, obtaining a search warrant, preventing imminent harm to life, forestalling the imminent escape of a suspect or destruction of evidence, missing persons, search and rescue, aiding a person who cannot be safely reached, crash and crime scene, disaster, or public health emergency shall be destroyed within 30 days after being gathered.

- 2) All information gathered related to a routed or special event shall be destroyed within 24 hours after being collected.
 - 3) All information gathered pursuant to a qualified 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) When the recording does not fall under the 725 ILCS 167 exemptions, documentation pertaining to the use of the UAS, such as date, time, location, and scope of the mission, is not subject to being destroyed within 30 days of a recording.
- B. The retention of recordings exempt from the 30-day requirements as outlined in section 8 (A) is at the discretion of the Program Coordinator or determined by the completion of the criminal investigation or trial. A sworn supervisor may retain particular information if:
- 1) There is reasonable suspicion that the information contains evidence of criminal activity;
 - 2) The information is relevant to an ongoing investigation or pending criminal trial;
 - 3) A supervisor deems the information will be used exclusively for training purposes provided that any such information shall not contain any personally identifiable information;
 - 4) The information consists only of flight path data, metadata, or telemetry information of the sUAS.

9. REPORTING

- A. The program coordinator shall report the following by informing the Illinois Criminal Justice Information Authority (ICJIA) by April 1st annually (725 ILCS 167/35):
- 1) The number of drones owned by the UICPD.
 - 2) The number of times a sUAS was used pursuant to each paragraph of 725 ILCS 167/15, 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) A copy of the latest version of this general order concerning sUAS as of the most recent April 1.
- B. The UICPD shall make this general order publicly available on the UICPD's website.
- C. The remote pilot in charge shall report the following:
- 1) Within 10 days, the remote pilot in charge will notify the FAA of an accident in the following situations:
 - a) Serious injury to any person or loss of consciousness; or
 - b) Damage to any property, other than the sUAS, unless the cost of repair including materials and labor does not exceed
 - c) \$500.00 or the fair market value of the property does not exceed \$500 in the event of a total loss.
- D. In case of an accident involving a sUAS, the remote pilot in charge shall notify their on-duty supervisor and generate a police report.
- E. After all deployments of a sUAS, the remote pilot in charge will generate a supplemental incident report

as well as complete all required UICPD sUAS forms. The report must include the reason for the flight, the date, time, location, and the outcome of the deployment.

10. VIOLATIONS

- A. When it is learned or discovered that the conduct of a member of the UICPD violates 725 ILCS 167, the Department shall take immediate actions to prevent future violations of the Act through one or more of the following means:
 - 1) Training
 - 2) Discipline (including progressive discipline for repeat violations)
 - 3) Other means that will prevent repeated violations of the Act by members of the UICPD.
- B. If the Department learns of willful and wanton violations of this Act, the Department shall immediately remove the pilot from its sUAS program and take action to prevent future willful and wanton violations of 725 ILCS 167.

11. EQUIPMENT

- A. Operators utilizing the sUAS for patrol or special operations will carry in their vehicles the entire sUAS kit which includes:
 - 1) sUAS;
 - 2) sUAS controller; and
 - 3) Spare batteries