

Grits for Breakfast

Welcome to Texas justice: You might beat the rap, but you won't beat the ride.

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Droning on in Montgomery County: Unmanned aircraft could be mounted with weapons
Must we? Really?

From Montgomery County, the headline of the Click2 Houston story was "New police drone near Houston could carry weapons." "To be in on the ground floor of this is pretty exciting for us here in Montgomery County," Sheriff Tommy Gage said, reassuringly, adding "We're not going to use it to be invading somebody's privacy. It'll be used for situations we have with criminals." Got that? Move along. Nothing to see here. No, don't look up ...

How much you want to bet this new technology spawns a new felony of some sort next session for shooting a paintball or throwing a rock at a police drone flying over your backyard? Do you remember the brilliant shot from the intro to The Wire where the kid hurls a rock at the surveillance camera, cracking the lens? Run this drone flying low in urban areas and you're going to get a little of that. Also, the headlines won't be so cheerful the first time the remote pilot crashes the thing or flies into a building or through the electrical wires.

Of course, DPS is already operating drones in border counties (and elsewhere in the state), as is the federal government. Several Texas jurisdictions have bandied the idea about, including larger Harris County to the south, but Montgomery County is the first to decide that the technology is worth the bang for the buck (\$300K plus fuel and ground staffing). The Sheriff has said he won't use the drone for traffic enforcement, but that doesn't mean that he won't change his mind about that, or that the next guy won't.

The legal theory allowing them to fly over your house with a camera zooming in to snap your picture is that police aren't invading your privacy if they see something while in a "public space" - in this case public airspace flying over your house with a zoom lens - from a spot off your property where they don't need your permission to be. That makes it formally constitutional, I suppose, since existing Supreme Court precedents have failed in any meaningful way to apply 18th century privacy principles to 21st century technology. But just because Justices Alito, Thomas, Roberts, Scalia and Kennedy (at least) would probably consider it constitutional doesn't make it any less creepy. The Legislature could and should regulate police drone use or even ban it except for certain, limited circumstances.

Whatever they do, I'd prefer the Lege decide on the front end, i.e., in 2013: Don't wait around for years like they did with red-light cameras, where dozens of jurisdictions adopted the technology before the Lege got around to creating rules to govern them. This technology isn't going away, so lawmakers should get out in front of the privacy issues surrounding its use by police agencies.

This appears to be a promo video for the model UAV purchased by the Montgomery County Sheriff:

Noisier than I'd expected, and rather unnerving for use in an urban setting, particularly if it were armed. I wonder what the rules would be regarding private use, e.g., by paparazzi or something?

Posted by Gritsforbreakfast at 11:43 AM