—Drones Watch

campaign to monitor drone use

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From Pakistan, With Love

Yochi J. Dreazen | National Journal

Eyes in the sky: Drones will patrol American cities.

In the skies above Afghanistan, high-tech Air Force drones hunt Taliban targets and relay information to military operators who sit poised with their fingers literally on the trigger. The armed Reapers have killed so many militants that they're dubbed "the world's deadliest drones." Aircraft like these have become the signature U.S. weapon in the global war on terrorism, conducting surveillance missions and attacking targets in Iraq, Afghanistan, Yemen, and Pakistan.

Military officials believe that drones, cheap and easy to fly, may eventually replace expensive, manned warplanes such as the F-16. Defense contractors are testing next-generation drones that can take off from aircraft carriers, stay in the air for several days, and survey swaths of land bigger than Afghanistan. Several of the new models have stealth capabilities, rendering them largely invisible to enemy radar.

But drones aren't just for fighting terrorism overseas any longer. Here at home, a growing fleet of those robotic craft pursue two decidedly less violent missions: tracking people seeking to enter the United States illegally from Mexico or Canada, and helping to interdict ships ferrying drugs to American buyers. Customs and Border Protection officials say that their unarmed versions of the Reapers have led to more than 6,800 arrests and the seizure of about 39,500 pounds of drugs.

Now, police departments—in big cities such as Miami and in smaller ones such as Mesa, Ariz.—are testing other models of unarmed robotic planes with the hope of winning the Federal Aviation Administration's permission to fly them over their communities. Miami, where law-

enforcement officials believe that surveillance drones can help SWAT teams conduct high-risk missions more safely, is in the final phase of its FAA-mandated testing program. The police department hopes to receive federal approval by summer, which means that drones similar to those deployed in America's wars may soon be flying over one of America's largest metro areas.

The growing law-enforcement interest in drones represents a potential boon for defense and aerospace contractors, which are bracing for significant cutbacks to the Pentagon's acquisitions budget in coming years. But the trend is also raising eyebrows among civil libertarians, who fear that drones would create new challenges to privacy by making it easier—and cheaper—for police departments to spy on citizens.

"There's certainly a role for drones in law enforcement, but we don't want to see them become elements of pervasive mass surveillance," said Jay Stanley, a senior policy analyst with the Speech, Privacy, and Technology Project at the American Civil Liberties Union. "The specter of a flying video camera equipped with infrared and night vision buzzing over our cities raises serious privacy concerns."

According to the most recent FAA data available, 273 government agencies, academic institutions, and private companies had permission to fly drones as of December 1. Agency spokesman Les Dorr said that because of security concerns, the FAA would not identify the police departments that had applied for or received approval.

In Afghanistan and Pakistan, the military and the CIA operate Predators and Reapers that look like conventional planes and carry laser-guided Hellfire missiles capable of hitting a moving car from thousands of feet up. Residents of Pakistan's lawless border regions call the drones bangana, the Pashto word for thunderclap, because that's what it sounds like when the missiles hit their targets.

The drones that Miami is testing are much less threatening. The city's eyes in the sky are a pair of Honeywell T-Hawk Micro Air Vehicles that carry no weapons, weigh just 18 pounds, and can be knocked out of the air by a strong gust of wind. Similarly small and unarmed drones are being used or tested by Texas's Public Safety Department, the sheriff's office in Mesa, and the Queen Anne's County sheriff's office on Maryland's Eastern Shore. "Our drone looks like a flying garbage can, and it sounds like a weed whacker," said Sgt. Andrew Cohen of the Miami-Dade Police Department, a licensed pilot who has been overseeing the testing. "This thing is very, very noisy. It wouldn't allow you to sneak up on anybody."

Still, Cohen believes that the drones can be an important part of his department's future. In an interview, he said that Miami's elite special-response team—its version of a SWAT unit—would use them to get real-time imagery in hostage situations or in standoffs with armed criminals barricaded inside buildings. The city's bomb squad could also use the drones, he said, to allow technicians to get a detailed look at an explosive device from a safe distance. Miami officials liken them to flying cameras.

The city has had the drones since August 2009. It bought one with a grant from the Justice Department and is leasing the second directly from Honeywell for $1 a year. The devices, which sell for about $50,000 apiece, are controlled by touch-screen laptops.

Some residents fear that the technology will be used to indiscriminately monitor city streets, buzz crowded neighborhoods, or pursue fleeing vehicles. The ACLU and other watchdog groups have questioned whether police could legally fly drones over private homes or use thermal-imaging technology to monitor buildings' interiors without a warrant.

Those fears are overblown, according to Cohen. "For the average citizen, this will not impact them in any way, shape, or form," he said. Because of police policies, "we can't use it to chase people or cars. It's a tool for getting the information we need without putting our people in harm's way."

Nevertheless, Stanley worries that drones, because of their low prices, will prove irresistible to police departments seeking cheap ways to conduct aerial surveillance. In 1986, the Supreme Court ruled in California v. Ciraolo that a local police department had not violated Fourth Amendment prohibitions against "unreasonable searches and seizures" when it flew a small plane—without first obtaining a warrant—over the property of a man suspected of growing marijuana.

Despite that precedent, Stanley said that police departments have long faced practical limits on their ability to conduct aerial surveillance because of the enormous costs of buying helicopters or planes and then hiring crews. Drones are cheap by comparison and require no special personnel. "In a policy vacuum, police departments won't have much trouble affording to use these drones pretty widely," he said. "We could have flying cameras hovering 24/7 over our cities and towns."

The FAA represents an even greater hurdle than civil libertarians. Miami police officers, including Cohen, have been testing the drones for nearly 18 months under strictly controlled conditions. But, so far, the agency has permitted the department to fly them only over the Everglades and no higher than 400 feet.

In Miami and elsewhere, the FAA is limiting the drones' use because of air-safety concerns. The agency's website contends that the growing numbers of drones in the U.S. are "challenging for the FAA and the aviation community" because they have introduced a new and largely unproven element into the nation's already-crowded skies. "The design of many [drones] makes them difficult to see, and adequate 'detect, sense, and avoid' technology is years away," according to the website. The agency also notes that it is still evaluating the safety implications of drones "flying in the same airspace as manned aircraft, and perhaps more importantly, aircraft with passengers."

These challenges have already grounded some law-enforcement drones. In 2006, Gaston County, N.C., just west of Charlotte, bought a small one equipped with low-light and infrared cameras. William Farley, the county police chief, said that his department saw the $30,000 craft as a cost-effective tool for searching for missing people, checking wooded areas for hidden marijuana fields, and conducting real-time surveillance of property as officers conduct raids. As in Miami, Gaston County's drone seems unlikely to frighten would-be criminals. It weighs 15 pounds and looks like a small kite, Farley said. "It's the kind of thing you'd expect to see a kid flying on the beach."

But it was too much for the FAA. After a few weeks of testing (which mainly involved using the tiny aircraft to take photos of a factory under construction), federal officials told the county that it couldn't fly the drone unless it completed a formal application. The department submitted the paperwork and has been in sporadic contact with the FAA ever since. For now, it's not clear when the drone will fly again. "It'll just keep sitting there until we get permission," Farley said. "I get sad just thinking about it."

Farley's mood is likely to improve in the future. Dorr said that the FAA is working to "streamline" its application process to make it easier for police departments to win regulatory approval for their drones. The nation's aerospace contractors, meanwhile, are stepping up efforts to market low-cost drones to police departments across the country: The California-based MLB Co. says that its $52,000 Bat 3 drone is perfect for "urban monitoring."

It may take a few years, but drones will become a common sight in American skies. The steady march of technology can be slowed, but, for better or worse, it probably can't be stopped.

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