



Written by [Bob Adelman](#) on March 31, 2017

Connecticut Bill Would Allow Police to Arm Drones

The Connecticut State Senate [overwhelmingly approved](#) a bill on Wednesday that would allow local police to weaponize drones. The vote by the Judiciary Committee was 34-7 and the bill's threats to privacy were downplayed by the committee's co-chair, Republican John Kissel:



This bill has had a hard time over the last few years getting past the finish line because it is complicated and it's a balancing of individual rights and law enforcement.... Obviously, [armed drones would be used] for very limited circumstances [but] we can certainly envision some incident on some campus or someplace where someone is a rogue shooter or someone was kidnapped and [the police use the drone] to try to blow out a tire.

Three cities in Connecticut — Hartford, Plainfield, and Woodbury — already use unarmed drones. If this bill becomes law, it would make Connecticut the first state in the union to allow police to use armed drones in their work.

According to the National Conference of State Legislatures, three dozen states have enacted laws regulating so-called unmanned aircraft systems, with much of the debate centering on privacy and surveillance issues. Civilian-owned drones are finding use in commercial, scientific, recreational, and agricultural applications, including product deliveries and aerial photography. But privacy discussions often refer to a Supreme Court case decided in 1989 — *Florida v. Riley* — in which the court ruled 5-4 that individuals have precious little privacy from eyes in the sky. The court held that “helicopter surveillance at an altitude of 400 feet did not constitute a search under the Fourth Amendment,” reversing a lower court’s ruling that it did.

Drones have been used for more than a decade in various ways that have benefitted the public. In 2005, for instance, a drone was used by the Irwin County Sheriff’s Office in Georgia to assist in the search for a local teacher who went missing. In 2011, a drone was used to assist in the apprehension of Rodney Brossart, a North Dakota cattle rancher. In that case, USNews.com reported:

Brossart’s trouble began in 2011, when six cows wandered onto his property. After Brossart refused to return the cows to their owner, the Grand Forks, N.D., SWAT team was called in to arrest the man. What followed was a 16-hour, armed standoff that eventually ended when the SWAT team called in a Predator drone on loan from the Department of Homeland Security’s Customs and Border Patrol. The drone was able to locate Brossart and his three armed sons on the property and let police know it was safe to make an arrest.

The Brossart case is instructive as the drone was used without judicial approval or the issuance of a



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warrant. The Border Patrol has loaned out its drones more than 700 times between 2010 and 2012 to various law-enforcement agencies, according to the Electronic Frontier Foundation (EFF). What is unclear is how many of those “loaners” involved the securing of a warrant as required by the Fourth Amendment prior to their use.

The bill passed by the Judiciary Committee is being sent to the floor of the Connecticut State House for a full debate, including rules for drone usage by police. The bill presently would require police to obtain a search warrant before using a drone, unless there are “emergency circumstances.” It would also require police departments to report back to the state government annually on how often drones were used and under what circumstances.

Observers with great concerns over privacy, such as the EFF, will be watching that debate closely. One basic rule of technology is that “if something can be done, it will be.” At issue is just how careful Connecticut legislators will be in crafting rules that keep that technology, and the police, from invading precious rights guaranteed by the Fourth Amendment.

An Ivy League graduate and former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at [LightFromTheRight.com](#), primarily on economics and politics. He can be reached at badelman@thenewamerican.com.



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