



Written by [Bob Adelman](#) on January 27, 2012

Drones: Another Tool of the Surveillance State

Evidence that New York City is considering using drones to keep an eye on its citizens is growing, according to Don Dahler of New York's CBS Channel 2. Dahler quoted an email it obtained indicating that a detective in the New York Police Department's counterterrorism division asked the Federal Aviation Administration "about the use of unmanned aerial vehicles [UAVs] as a law enforcement tool."

Dahler noted that NYPD commissioner Joe Kelly suggested that drones would be useful: "In an extreme situation, you would [then] have some means to take down a plane." A spokesman for the NYPD admitted that "We're always looking at technology. Drones aren't that exotic anymore. Brookstone sells them. We've looked at them but haven't tested or deployed any [yet]."

A retired officer from the department said that the use of drones would help protect the police from physical danger: "Not only would it be a form of surveillance gathering to protect the public, it also in many respects removes the officers ... from harm's way."

UAVs, or drones, have benefitted enormously from advances in technology. Increasingly used in the wars in Iraq and Afghanistan to target terrorists, drones can take photographs of license plates and citizens' faces from elevations of 10,000 feet. They are essentially silent and can be maneuvered by the operator located miles away in a small government cubicle. They can fly at night and take pictures using infrared and ultra-violet technology. They can stay in the air up to 20 hours at a stretch, with improvements using solar panels likely to extend such operations around the clock. The drones' technology can see through dust storms and roofs and walls of buildings, and even below the earth's surface. In other words, drones' capabilities mean there is no place to hide.

This capability extends the reach of the surveillance state even beyond the technology discussed [here](#) which would allow officers to scan citizens for weapons from a distance.

The first "[drone-assisted](#)" arrest took place just last summer outside Grand Forks, North Dakota. On June 23rd when Nelson County Sheriff Kelly Janke attempted to serve a search warrant on the Brossart family for six missing cows, he was met with armed resistance. Janke called for reinforcements that included the state highway patrol, a regional SWAT team, a bomb squad, ambulances, and deputies from three other counties.

He also asked for a Predator 8 drone. One was available, having just completed its surveillance mission along the Canadian border but still having plenty of fuel to inspect the Brossarts' 3000-acre farm. WDAY Channel 6 news reported:





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For four hours, the Predator circled 10,000 feet above the farm. Parked on a nearby road, Janke and the other officers watched live drone video and thermal images of Alex, Thomas and Jacob Brossart — and their mother, Susan — on a hand-held device with a 4-inch screen.

The next day the drone found three members of the family on the edge of their property and, using its thermal capabilities, discovered they were unarmed. Janke called in his forces and made the arrests.

When Bill Macki, head of the SWAT team, was asked if drones were used often, he replied: “We don’t use them on every call out. If we have something in town like an apartment complex, we don’t call them...but any[where] we need an advantage, we try to give them a call. We are very fortunate to have them in our area willing to assist us.”

Drones are increasingly being used for citizen surveillance. Retired General Michael Kostelnik heads up the office that supervises the use of drones and said drones are routinely being used across the country. Predators are flown “in many areas around the country, not only for federal operators, but also for state and local law enforcement and emergency responders in times of crisis.”

This was new news to Jane Harman who, as a representative in Congress from California chaired the House Homeland Security Intelligence subcommittee from 2007 until early this year. When requests to fund drones were reviewed by her committee, nothing was ever said about using them to watch American citizens. Approving those requests now appears to be a mistake according to Harman who now works for a Washington think tank: “There is no question that this could become something that people will regret.”

[In his review](#) of civil liberties for the Rutherford Institute, John Whitehead agreed with Harman: “The legislation allowing drones...to fly in general American airspace cleared Congress, thanks to support from military contractors and a lack of opposition from those who should know better, including the American populace...”

The risk is that if government has the capability of doing something, it will succumb to the temptation to do it, regardless of constitutional limitations or consequences. Ryan Calo, director of privacy and robotics at Stanford Law School, said: “Any time you have a tool like that in the hands of law enforcement that makes it easier to do surveillance, they will do more of it.” He added: “This could be a time when people are [getting] uncomfortable and they want to place limits on that technology.”

In its report “[Protecting Privacy from Aerial Surveillance](#),” published in December, the ACLU said that use of surveillance drones has been steadily increasing, with surveillance along the nation’s borders by seven UAVs operated remotely out of offices in Arizona, Florida, and North Dakota, and plans to increase that number to 24 by 2016. The *Los Angeles Times* reported that the FBI and the DEA (Drug Enforcement Agency) are using them while requests by local police departments continue to mount.

For example, the police department in Mesa County, Colorado, received FAA permission to fly drones anywhere over its county. Miami police are currently testing drones for their use and Houston considered using drones to issue traffic tickets until public resistance halted that effort. Last year’s Super Bowl was covered by drones in Arlington, Texas, to “help with security.”

Among the ACLU’s recommendations to protect American citizens’ privacy were to prohibit drones from conducting indiscriminate mass surveillance, images obtained during surveillance “should not be retained or shared unless there is reasonable suspicion...of evidence of criminal activity,” and decisions to use predator drones “should be democratically decided based on open information [and] not made by policy departments...or departmental fiat.”



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Concluded the ACLU, “These rules must be put in place to ensure that we can enjoy the benefits of this new technology without bringing us closer to a ‘surveillance society’ in which our every move is monitored, tracked, recorded and scrutinized by the authorities.”

Photo: Above and left: Predator drone (top) and drone command center (bottom).



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