

Private, Public Use Of Drones Gets General Assembly Scrutiny

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With cutting-edge technology, the small, unmanned aircraft known as drones can become lifesavers when using sophisticated infrared cameras to find missing children or stranded hikers deep in the woods on a freezing night.

But legislators, police, civil libertarians and others are getting ready for a brave new world as the [Federal Aviation Administration](#) is expected to loosen regulations next year and open up a portion of the sky that is now largely unregulated by Connecticut.

With small drones costing as little as \$300, these officials are preparing for the day when thousands of drones could be clogging the air above Connecticut.

Drones could be used by a wide variety of professions, from public safety to real estate, where agents might use aerial videos to show off a home for sale. Last year, Amazon released a video dramatizing how a drone the size of a small table and resembling a helicopter might one day make home delivery of packages.

Nationally, drones could be used for border patrols, search-and-rescue operations, crowd control at outdoor rock concerts, watching deep-water ports at night and creating

maps. In January, firefighters in Branford used a drone to gauge the intensity of a dangerous blaze at the Stony Creek Quarry.

Last week, a television photographer for WFSB filed a federal lawsuit against the Hartford Police Department charging that his civil rights were violated after officers blocked him from using a drone to videotape a fatal accident.

The issue hits the General Assembly Monday, when state legislators will hold a public hearing on a bill regulating drones that would make it a felony to use the small aircraft for criminal purposes such as carrying bombs or guns. The FAA regulates all activity, including drone flights, above 400 feet. The bill would regulate drone flights below 400 feet.

"Our position is this is a powerful and useful technology, but it has to be used in a way to benefit public safety without degrading privacy," said David J. McGuire, a staff attorney for the [American Civil Liberties Union](#) in Connecticut. "People kind of get this issue. People are uneasy with the idea of drones in the sky. By 2030, the estimate is there will be as many as 30,000 drones operating in the U.S. — from basically none. It will change dramatically in the next couple of years."

New And Unknown Technology

The bill before the General Assembly's Judiciary Committee would require police to obtain a court-signed warrant to use drones for investigative purposes when collecting data on an individual. That has caused the police chiefs association to say the bill is flawed and needs to be studied further by a task force before the legislature moves too fast on an untested technology.

The legislation says that police can use a drone "only for a legitimate law enforcement purpose and only pursuant to a warrant" or an emergency. The bill also states that police can "collect data only on the individual who is the subject of a warrant" and cannot collect any data on individuals or homes that are not covered by the warrant.

Cromwell Police Chief Anthony Salvatore said that officers need wider leeway that would allow the drone to operate in much the same way as a police helicopter. Officers riding in a helicopter, for example, might see a fight or a car break-in while they are flying on routine patrol. Those officers do not need a warrant in advance, and they can radio ahead to officers on the ground to break up a fight or catch the perpetrators of a car break-in, he said.

"To the best of my knowledge, there are no restrictions" for officers in a helicopter, Salvatore said. "I just urge caution that we don't pass legislation that restricts law enforcement's ability to do their jobs."

As a result, Salvatore, who serves as chairman of the legislative committee for the police chiefs, is calling for scrapping the bill and instead forming a task force to study the issue.

Rep. [Stephen Dargan](#), the longtime co-chairman of the legislature's public safety committee, concedes that the issue is so new that lawmakers still do not have all the answers.

"It's another new technology out there that we don't know how to deal with," Dargan said. "Any time there's new technology that's out there, there's always that delicate balance between the law enforcement types and the ACLU."

But McGuire of the ACLU said that "basic Fourth Amendment law" on unreasonable searches and seizures should require police to obtain a warrant if they are conducting surveillance. The reason, he said, is that the drones can already be outfitted with high-powered cameras and they have capabilities that the general public might not be aware of.

"Some of them can stay in the air for over 24 hours," McGuire said. "Some can peer into windows. This isn't run-of-the-mill, standard technology. Now is the time to regulate it."

He added, "People in Connecticut and across the country expect a certain amount of personal privacy, and these drones threaten that. There needs to be checks and balances. The most traditional check is the court system. A warrant is not an overly burdensome requirement. Police apply for warrants every day. ... I would expect criminal defense attorneys to challenge the evidence from drones if a warrant was not in place."

"Time is truly of the essence," McGuire said. "We need to have regulations in place before this technology proliferates. Now is the time."

Task Force A Possibility

Two Democratic legislators backing the bill, Rep. [Matthew Ritter](#) of Hartford and Rep. James Albis of [East Haven](#), have been researching the issue extensively. Ritter said that one of the points of the bill is send "a message that the misuse of drones has very serious criminal penalties" for violators.

"Where there are no limits is for personal use under 400 feet," Ritter said in an interview. "I don't think the FAA is going to worry about that. ... Currently, above 400 feet is all FAA-regulated. What the states can regulate is criminal penalties for the misuse of them. Should they be registered? Do we want to know about these?"

In the recent Hartford case, Pedro Rivera, a photographer for WFSB, was not charged with any crimes, but his lawsuit says the police violated his civil rights because he did not need approval to fly his drone. Under FAA rules, drones cannot fly above 400 feet, but citizens are permitted to fly a kite, a model airplane or a drone for their own personal use without anyone stopping them.

Since the technology is improving rapidly, Ritter said that legislators might need to revisit the legislation as new issues develop — whether it is insurance or liability or any number of issues if a defective drone falls from the sky and hits a car or building.

"These things are going to be able to do things that no one ever thought of," Ritter said. "Ten from now, five years from now, you'll see changes to it."

Saying that he and Albis are flexible, Ritter said that if they become convinced that the issues are too complicated to resolve during the short legislative session that ends on May 7, they would not be opposed to creating a task force to study the issue further.

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<http://www.govtech.com/public-safety/Private-Public-Use-Of-Drones-Gets-General-Assembly-Scrutiny.html>