

Drones in Law Enforcement

Jason Ohlde

Introduction to Small Unmanned Aircraft Systems (GEOG-270)

Ric Stephens

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Over the past several years the use of small unmanned aircraft systems (drones or SUAS) has become more popular with both government agencies and civilians alike. As drone use becomes more prevalent in today's world it is only a matter of time before criminals begin using drones to commit their crimes. Unfortunately, until recent years law enforcement was severely hindered by existing federal laws when it came to stopping these criminals. As the years progressed federal laws loosened to accommodate law enforcement agencies across the nation and their crime-fighting abilities regarding drone use.

As drone use becomes more prevalent so does the abuse of these aircraft systems. With the increase of drone usage, some people are concerned with the increase of illegal activity specifically when it comes to privacy and trespassing laws. With this concern states and even some cities have begun to develop laws regarding the usage of drones within their borders. According to [powerdms.com](http://powerdms.com) thirty-three states have created laws addressing the usage of drones. While these laws vary greatly municipalities need to have quality laws so their law enforcement agencies can properly handle disturbances. South Dakota has multiple laws on its books that may relieve some privacy concerns. According to South Dakota Codified law 50-15-5 "No person may, except as authorized by law, intentionally use a drone to photograph, record, or otherwise observe another person in a private place where the person has a reasonable expectation of privacy." South Dakota Codified law 50-15-6 covers the concerns for trespassing while operating a drone. According to SDCL 50-15-6 "No person may, except as authorized by law, land a drone on the real property or the waters of a landowner who owns the real property beneath the water body, without the landowner's consent." Both offenses are a class 1 misdemeanor if found guilty. On a more local scale, many cities across the country have created local laws regarding the use of drones within their city. For example, the city of Aberdeen has

created laws that limit the use of drones. The airport manager for the City of Aberdeen has the authority to limit drone usage in city airspace. A few of these limitations include no drone operations within one mile of the Aberdeen Regional Airport or 10,000 feet of the non-precision approach areas to its runways. The city code also limits drone usages over vehicular traffic and property that is not owned by the drone operator. (Aberdeen Code of Ordinances) Laws like I have mentioned above help law enforcement have a solid foundation that they can work from to enforce laws in their jurisdiction.

As drones have become more popular with recreational operators they have become more popular with law enforcement agencies as well. Some state and local law enforcement agencies have begun to use drones to help their efforts in the field. By having drone programs local law enforcement has another tool in their ever-growing belt to help their communities. According to Captain Curt Fleming of the Clovis Police Department, California the first law enforcement agency to test the use of drones for policing took place in 2018 between the Chula Vista Police Department and the FAA in Chula Vista, California. Over sixty days the CVPD and the FAA conducted a pilot program that utilized drones to respond to calls within one mile of the CVPD headquarters. Throughout their test program drones were deployed 29 times for in-progress calls. About thirty percent of those calls were for disturbance-related calls and about seventeen percent of the time the drone pilot was able to check and clear the scene without patrol officers being deployed. ([policechiefmagazine.org](http://policechiefmagazine.org)) During their testing, the Chula Vista Police Department was also able to use their drone to locate a wanted subject and direct officers to two other disturbances that moved locations from the original location. Like the Chula Vista Police Department the Aberdeen Police Department of Aberdeen, South Dakota also utilizes drones to assist their officers with in-progress calls. According to Captain Tanner Jondahl of the Aberdeen

Police Department, his team has two drones a DJI Mavic Enterprise 2 and a Mavic Mini. Captain Jondahl said they mainly use their larger drone the DJI Mavic Enterprise 2 for things like searching for people. Captain Jondahl mentioned his team has used their larger drone multiple times in the search for suspects who have fled from traffic stops. He also mentioned the APD has used their drone for precautionary searches of buildings before sending in SWAT teams. Another use for drones the APD has found is to document crime and fire scenes from above. By utilizing drones police agencies can expand their services to their communities. According to the Sioux Falls Police Department in Sioux Falls, South Dakota, they utilize drone technology in crime scenes and fatal crash investigations, search and rescue, SWAT, and several other applications as well. According to the Sioux Falls Police Departments' 2020 annual report, the SFPD conducted twelve training flights, seven patrol searches, one SWAT assist, and one K9 search. SFPD also deployed their drone nine times in search of missing persons and several other times for different mapping missions. By having drone programs police departments can better assist their communities by having a cheaper option to areal footage.

As these law enforcement agencies begin implementing the drone programs they need to keep safety at the forefront of their minds. Some safety concerns that might come to mind are accident avoidance with other aircraft, flight safety over occupied areas, night ops, and even the safety of responding officers. The Aberdeen Police Department has multiple safety checks in place many of them are in accordance with 14 CFR Part 107. According to Captain Jondahl drone pilots employed by the APD are required to have a spotter when their aircraft is airborne. Because of some flight restrictions in the area, the APD has also obtained a Certificate of authorization from the FAA to allow them to operate in most of Brown County and at night. As a safety concern, the government has deployed aircraft in the past to watch the developments of

protests. According to a 2020 Air force inspector general report, the National Guard has deployed aircraft including drones to watch demonstrations in Washington, D.C., Minnesota, Arizona, and California after George Floyd's death. (Richmond) One of the more notable uses for drones was during the civil unrest in Kenosha, Wisconsin after the shooting of Jacob Blake. The FBI flew drones in Kenosha to monitor the development of the riots. According to an article from Newsweek, the prosecution in the Kyle Rittenhouse case showed the jury drone footage that allegedly showed Mr. Rittenhouse pointing a weapon at an individual he eventually killed in said footage. Having this drone footage not only helped prove Mr. Rittenhouse was innocent but also provided a safety net for police keeping them out of the way of a dangerous situation.

As drone technology develops we will likely see the continued rise of drones in the civilian and government markets. Law enforcement must continue to develop drone programs to stay ahead of criminals and increase safety. Drones can be a valuable asset to law enforcement keeping their officers and communities safe.

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