



MICHIGAN DEPARTMENT OF STATE POLICE

Report on Unmanned Aircraft Systems (UAS)

April 2019

In accordance with 2018 PA 207, Article XVI, Sec. 702, the Michigan State Police (MSP) submits this report to the Senate and House Appropriations subcommittees and fiscal agencies regarding law enforcement issues related to the use of Unmanned Aircraft Systems.

Current Law Enforcement Issues

Unmanned Aircraft Systems (UAS) continue to gain popularity across the country. The Federal Aviation Administration (FAA) is now predicting hobby UAS will grow to over 2.4 million by 2022. Commercial UAS are expected to grow to nearly 500,000 by 2022. With this growth, law enforcement continues to face operators who are careless, reckless, or defiant of the rules and regulations that are set forth by the FAA. Additionally, law enforcement is seeing an uptick of illegal UAS operations near airports and over active crime/crash scenes. Another concern law enforcement sees is the nefarious use of a UAS to cause panic or terror over an assembly of citizens. This is a real concern, and the current regulation climate prevents state, county, and local law enforcement from acquiring technology available to effectively address this nefarious use of a UAS. The FAA Reauthorization of 2018 (P.L. 115-254)¹ signed by President Trump begins to open the door to allow this technology to be used, however there are years of work to be completed before this technology becomes a reality in effectively addressing these nefarious UAS. The MSP Aviation Unit has been active in researching counter UAS capabilities and has attended Department of Defense testing and evaluation activities. The unit will also be hosting several vendors to evaluate counter UAS systems in April 2019. Additionally, the Aviation Unit has created a Michigan Chapter of the National Council on Public Safety UAS with 23 agencies currently participating.² This organization is committed to the safe and effective use of UAS by public safety agencies.

Throughout last year, there have been many examples of citizens flying personal UAS's that have interfered with first responders, trespassed with a UAS, and interrupted commercial air travel. In Michigan 2016 PA 436 gives local law enforcement an avenue to pursue charges against those that have interfered with first responders. However, more oversight of UAS operations are needed ensure investigators can determine who is flying a particular device in any potentially nefarious situation.

Current State and Federal Laws

The Unmanned Aircraft Systems Act (2016 PA 436, MCL 259.301 et seq.)³ provides several criminal laws for law enforcement to utilize to deter malicious use of UAS. Specifically, the act gives state and local law enforcement the ability to enforce:

1. Harassment with a UAS.
2. Using a UAS in violation of a court order.
3. Using a UAS to invade a reasonable expectation of privacy.
4. Using a UAS in violation of the sex offender registry.
5. Using a UAS to interfere with law enforcement, firefighters, paramedics, and search and rescue personnel.

Additionally, the act created the Unmanned Aircraft Systems Task Force (UASTF).⁴ The UASTF was created to bring a collective group together to focus on the future of UAS and to discuss issues related to future development of technology within this sector of the aviation industry. The MSP was represented

¹ <https://www.congress.gov/bill/115th-congress/house-bill/302>

² <http://www.publicsafetyuas.org/>

³ <http://legislature.mi.gov/doc.aspx?mcl-Act-436-of-2016>

⁴ https://www.michigan.gov/aero/0,4533,7-352-79155_79157_84492---,00.html

and provided first-hand knowledge and experience on the issues law enforcement face with the more widespread acceptance and use of this revolutionary technology. Several of the recommendations to the legislature addressed UAS issues previously encountered by law enforcement, along with creating outreach programs to educate both local units of government and UAS users within the general public.

On the federal level, the FAA Reauthorization Act of 2018 opens the door for federal agencies to test and evaluate counter UAS systems. This act continues to prohibit state and local agencies from acquiring and utilizing this technology.

Recommendations

The MSP has been a leader in UAS technology since 2014. Over 200 law enforcement agencies across the country have reached out to the MSP on numerous issues from how to create a robust UAS program to enforcing laws on UAS. Our program is defensible and holds privacy rights first and foremost. As leaders in the law enforcement community we look towards the legislature to be leaders in common sense laws that put the citizens' safety first and foremost. Some recommendations the MSP feels important to address are:

1. Create a Michigan UAS registration for all UAS flown, much like manned aircraft.
2. Create a law that makes it a penalty to operate a UAS without it being registered.
3. Continue working to clarify the trespass law to include UAS.
4. Adopt the FAA rules and regulations as state law.
5. Continue to work with the FCC and FAA to bridge the gap and allow state, county, and local law enforcement the ability to access technology that could prevent a tragedy with a UAS from occurring.