

RESOLUTION NO. 02-14  
RESOLUTION TO OUTLAW THE USE OF DRONES

TO THE HONORABLE CHAIRPERSON AND SUPERVISORS OF THE COUNTY BOARD OF  
THE COUNTY OF POLK:

Ladies and Gentlemen:

1 WHEREAS, the premature deployment of unmanned aerial vehicles ("drones") has outpaced public  
2 policy discourse throughout the United States, and poses a serious threat to the privacy and  
3 constitutional rights of the residents of Polk County;

4  
5 WHEREAS the Federal Aviation Administration's guidance on the use of drones as of 2013 provides  
6 that drone flights may not be conducted over urban or populated areas, heavily trafficked roads, or  
7 open-air assemblies of people, absent a convincing showing that such operations can be conducted  
8 safely;

9  
10 WHEREAS, the Federal Aviation Administration Modernization and Reform Act of 2012 directs the  
11 FAA to create regulations that will enable drones to fly throughout U.S. airspace by September,  
12 2015;

13  
14 WHEREAS drone proliferation threatens the risk of unmanned aerial vehicles becoming increasingly  
15 available to journalists, bloggers, news organizations, or anyone else to gather and disseminate public  
16 and nonpublic information on the Internet for profit or personal or for political or other reasons;

17  
18 WHEREAS local police forces around the country have attempted to purchase military drone  
19 hardware for civilian use, reflecting a broader trend towards the militarization of local police  
20 agencies;

21  
22 WHEREAS the blurring line between civilian police and the military, exemplified by the police  
23 deploying drone technology developed to fight the War on Terror, erodes ties and trust between  
24 police and community members and thereby damages public safety;

25  
26 WHEREAS drones, and the persistent or ambient surveillance of the sort enabled by drones enable  
27 serious abuses of police authority or other governmental bodies by conducting surveillance that could  
28 effectively circumvent the Fourth Amendment's longstanding requirements concerning warrants and  
29 due process;

30  
31 WHEREAS drones can be outfitted with super-sensory technologies such as thermal imaging  
32 software and software that can "see through" walls, capable of hovering outside the windows of  
33 private dwellings to peer inside, or can be outfitted with technologies such as license plate readers  
34 and Internet packet sniffing technology that enable them to surveil all of us without particularity,  
35 circumventing the requirements of the Fourth Amendment;

36  
37 WHEREAS drone technology has the potential to extend closed-circuit television surveillance to  
38 every square foot of public and private land;

39  
40 WHEREAS most drones send the data they obtain in open and unencrypted broadcasts that can be,  
41 and have been, intercepted by unintended recipients using common and inexpensive technology;

42 WHEREAS, drone technology has been developing so rapidly that it is difficult to predict what kinds  
43 of new drone technologies will be implemented and how they will impact privacy and Fourth  
44 Amendment rights;

45  
46 WHEREAS local law enforcement agencies may report over-inclusive 'suspicious behavior' to  
47 national intelligence agencies and fusion centers;

48  
49 WHEREAS, expanded law enforcement capabilities often invite mission creep and grow pervasive  
50 and entrenched;

51  
52 WHEREAS local law enforcement agencies have frequently violated constitutional limits by  
53 scrutinizing groups engaging in protected First Amendment activity, including anti-war groups,  
54 Second Amendment rallies, third-party voters and , as potential national security threats;

55  
56 WHEREAS persistent or ambient surveillance, coupled with currently expanding programs to  
57 monitor and criminalize nonviolent activism, threatens to chill First Amendment-protected  
58 association;

59  
60 WHEREAS a potential chilling effect on First Amendment activity from the use of drones is  
61 compounded by the capability of some drone models to be armed with tear gas, rubber bullets, and  
62 other weapons;

63  
64 WHEREAS currently existing technology, including helicopters, has proven adequate to capable  
65 address emergency situations;

66  
67 WHEREAS drones are largely unproven in American civilian airspace, and have only seen  
68 widespread use in combat theaters where they are the least safe class of aircraft currently in  
69 operation.

70  
71 NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors, with this  
72 resolution and by proclamation, declares Polk County to henceforth be free from drones and Polk  
73 County shall be known as a "drone-free zone".

74  
75 BE IT FURTHER RESOVED, that no agency or department of Polk County shall purchase, lease,  
76 borrow, or otherwise acquire a drone or make any use of drones or the data they have collected in the  
77 discharge of their duties.

78  
79 BE IT FURTHER RESOLVED, that no officer or employee of Polk County shall request or accept,  
80 handle, analyze, transmit, authorize, permit, or condone any kind of use of data gathered by third  
81 parties using drones, including private parties, security contractors, or other government agencies.

82 BE IT FURTHER RESOLVED that under no circumstances shall any officer or employee of Polk  
83 County use drones to monitor or observe any person.

84  
85 BE IT FURTHER RESOVED that under no circumstances shall any personally identifying  
86 information captured by drones, whether by agencies of Polk County or otherwise, including images  
87 of identifiable individuals, be retained or shared with any agency.

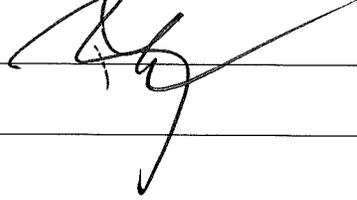
Funding Amount and Source: Not Applicable  
Finance Committee Advised: Not Applicable

Finance Committee Recommendation:  
Date Submitted to County Board:  
County Board Action:  
Effective Date:  
Sponsored and Submitted By:

Not Applicable

Jan. 21, 2014

Upon Passage

  
\_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_\_

Review By County Administrator:

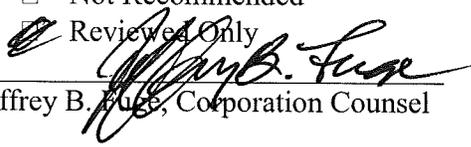
- Recommended
- Not Recommended
- Reviewed Only

  
\_\_\_\_\_  
Dana Frey, County Administrator

*Failed by  
roll call vote  
9 yes / 13 no*

Review By Corporation Counsel:

- Approved as to Form
- Recommended
- Not Recommended
- Reviewed Only

  
\_\_\_\_\_  
Jeffrey B. Fuge, Corporation Counsel

County Board Action

At its regular business meeting on Jan. 21, 2014, the Polk County Board of Supervisors enacted the above-entitled resolution, Resolution No. 122-14: Resolution To Outlaw the Use of Drones, by a majority vote of \_\_\_ in favor and \_\_\_ against.

\_\_\_\_\_  
William Johnson, IV, County Board Chair

Dated: \_\_\_\_\_

Attest: \_\_\_\_\_  
Carole Wondra, Polk County Clerk

Dated: \_\_\_\_\_