

Statement of Chief Richard Beary President of the International Association of Chiefs of Police

Subcommittee on Oversight and Management Efficiency
Committee on Homeland Security
United States House of Representatives

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Good Morning Chairman Perry and Members of the Subcommittee:

Thank you for inviting me to testify today on the potential threat posed by unmanned aerial systems. As President of the International Association of Chiefs of Police (IACP), and on behalf of our over 23,000 members in 98 different countries, I would like to thank this Committee and Subcommittee for the support it has demonstrated over the years for the law enforcement field and our communities.

The IACP is the world's largest association of law enforcement leaders. For over 120 years, the IACP has been launching internationally acclaimed programs, speaking out on behalf of law enforcement, conducting ground-breaking research, and providing exemplary programs and services to the law enforcement profession around the globe.

I began my law enforcement career in 1977, and I am now Chief of Police for the University of Central Florida, the largest university in the state and the second in the country. During my career, I have watched the threats to our communities evolve. We still dealing with the problem of violent crime, drugs, prostitution, smuggling/trafficking, and gangs. We are now dealing with cyber threats, violent extremism, terrorism, and highly organized criminals with access to specialized equipment to aid them in their mission to harm others and devastate our communities.

Included in that specialized equipment are Unmanned Aerial Systems (UAS). While UAS can be a great tool they also pose a serious threat to the public and law enforcement when used by the wrong people. When used responsibly, and with good policies in place, UAS have enhanced law enforcement's ability to protect the communities they serve. UAS have helped law enforcement agencies save time, save money, and most importantly, save lives. They are ideal for dangerous or difficult situations like executing high-risk warrants; responding to barricaded subjects; gaining situational awareness in difficult terrain; enhancing officer safety by exposing unseen dangers; locating a missing child; or responding to the damage caused by emergencies such as natural disasters, downed power lines, or hazardous material incidents.

Despite the undeniable benefits UAS can have, they can also pose a grave threat to public safety. Almost anyone can get ahold of an unmanned aerial system these days. You can buy an off-the-shelf product from Amazon, have it delivered in two days, charge the battery, and immediately begin flying the device. The fact that these devices are so readily available to the public is concerning. The average citizen that is purchasing these devices generally has no aviation experience, and therefore does not think twice about operating them in controlled airspaces, over the public or on a crowded beach. Nor do they think twice about launching a UAS to ascertain what the police or fire department is working on up the street. This is the real danger to the public, public safety and others regarding these aircraft. The average citizen simply does not know what they are doing wrong and the potential damaging effects these devices can have if not operated properly.

Recently we have witnessed several high profile incidents with UAS – crash landing on the White House lawn, flying over sensitive Federal buildings or locations, or having near miss incidents with an aircraft. At the University of Central Florida, we have experienced these aircrafts flying over mass gatherings, including football games, in violation of airspace restrictions. The newest version of these devices are flown in virtual reality mode, meaning the operator does not need to be in the line of sight while flying the craft.

Thankfully, at this point, most of the incidents involving UAS have not lead to horrific events, but I don't think we are far away from seeing more incidents involving unmanned aerial systems that lead to tragedy. The concerns out there are real. There is nothing to stop the criminal element from purchasing a UAS and using it to cause localized or catastrophic damage. I mentioned earlier that a local theme park has witnessed UAS flying over the park. They have the real fear that someone who wants to harm a large amount of people could use a UAS to do this. If a UAS were to drop something as simple as a smoke bomb down on a theme park or during a football game, think of the panic that could ensue. These devices can also be used to fly over sensitive areas and gather information for a planned attack; to disperse a chemical/radiological agent; and to conduct an explosive attack.

Because the use and availability of UAS in its infancy, the guidance around how law enforcement agencies should respond to and mitigate potential UAS threats is relatively nonexistent. The Federal Aviation Administration (FAA) has issued guidance to the law enforcement community explaining the legal framework for the agency's oversight of aviation safety in the U.S., including UAS operations, how UAS can be operated legally, and the options for legal enforcement actions against unauthorized or unsafe UAS operators. The Department of Homeland Security did provide my agency with a two page document on recommended UAS response procedures at our stadium. The DHS guide includes recommended response to a UAS in a stadium and outside a stadium, potential illicit uses of a UAS, recommended pre-event measures, and a brief overview of the FAA guidelines. Other than those two documents, law enforcement has had little guidance on response procedures. This is not a criticism to our federal agency partners, it is a call for help.

The lack of clear guidance and best practices has led to confusion among the law enforcement community regarding about what law enforcement is allowed to do when they encounter a UAS. Tactical guidance needs to be provided on the proper measures to take.

Since these devices do not have a transponder device, registration number or other mechanism to track them, it makes them next to impossible to identify when they are flown or who is flying them. What steps can we take to identify UAS and the operators of these devices? If we see a device being flown somewhere it should not be, can we bring it down? These questions only scratch the surface, and many of my fellow law enforcement officers are asking themselves these tough questions.

Without law enforcement knowing the proper procedures that need to occur, it leaves us vulnerable and makes our primary job of keeping the public safe from harm more challenging.

It would benefit the law enforcement profession immensely if our federal agency partners (Department of Homeland Security, Federal Aviation Administration, Department of Justice, and Department of Defense) provided clear and concise guidance.

I am fully aware that funding is tight, and I do not believe that the key to solving the lack of guidance and confusion around UAS involves a significant amount of money. A simple roll call training video, developed by DHS for example, that provides direction on how to mitigate these threats would be extremely beneficial. This video could be played by every law enforcement agency, making all law enforcement aware of proper response tactics.

In addition, quick reference guides to cover different scenarios would be very helpful. For example, a “how-to” checklist should be developed for state and local law enforcement when encountering a crashed UAS, to insure the public safety of first responders and that there is no loss of material with potential evidentiary value.

This, and other quick reference guides, could be easily distributed with a point of contact at each respective agency with oversight over this issue that we could turn to with questions regarding particular incidents.

I also ask that Congress consider federal legislation to tighten the use of UAS's for private recreational use. This is currently only very loosely regulated by the FAA. Legislation could also be introduced to more tightly regulate the commercial use of UAS. Perhaps this potential legislation could define the categories of UAS's by size/capability and apply regulations in this manner.

Again, I cannot stress enough that I believe UAS will likely be used by the criminal element to gather intelligence in order to plan an attack or be used as the vehicle for an attack against our nation's communities. Protecting our citizens is not only the job of law enforcement, it is also the job of the federal government. What we have learned in recent years, particularly post-911, is that we work best as a team. Law enforcement needs the assistance of its federal partners, and this assistance needs to first come in the form of guidance so we are better equipped to handle prevention and response to UAS threats.

Thank you again for the opportunity to appear before you today. I would be happy to answer any questions you may have.