

The Department of Justice Office of the Inspector General (OIG) announced the release today of an interim report as part of a review of the Department's domestic use of unmanned aircraft systems (UAS), commonly referred to as "drones," as well as its support and provision of UAS to local law enforcement agencies and non-profit organizations. The interim report released by the OIG today presents an overview of the Department's UAS use and policies as of May 2013.

The OIG report found that from 2004, when the Department began acquiring UAS, until May 2013, four DOJ law enforcement components acquired UAS for testing or use, but only the Federal Bureau of Investigation (FBI) had used UAS to support its mission. Although the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) reported planning to deploy UAS to support future operations, it had not yet used UAS during an operation. The Drug Enforcement Administration (DEA) and the United States Marshals Service (USMS) also acquired UAS for testing, but had no plans to deploy them operationally.

From 2004 through May 2013, the FBI, ATF, DEA, and USMS together reported spending approximately \$3.7 million on acquiring UAS. All of these were classified as "small UAS," which are defined by the Federal Aviation Administration (FAA) as weighing up to 55 pounds, and the FBI accounted for over 80 percent of the purchases. DOJ officials told us that none of their UAS were armed or carried releasable projectiles.

While both the FBI and ATF have developed standard operating procedures guiding how to receive approval to operate UAS, officials with both components told us that they saw no need to develop specialized UAS privacy protocols, and that they did not believe that there was any practical difference between how UAS collect evidence through aerial surveillance as compared to manned aircraft. Consequently, the report found that the FBI has been applying its existing aerial surveillance policies to guide how agents should use UAS. ATF officials told us that, as of May 2013, the ATF was developing a standard operational checklist to guide how its agents should use UAS.

However, the OIG concluded that a consistent Department-wide policy regarding the use of UAS may be merited in light of the current, uncoordinated approach of DOJ components to their use and the unique capabilities of small UAS. Those capabilities include the ability to maneuver covertly in areas where individual expectations of privacy are not well-defined, such as in the immediate vicinity of residences, and the potential for extended flight times far beyond the capabilities of manned aircraft. The report noted that consistent Department guidelines specific to UAS could help ensure both appropriate protections of individual privacy and the admissibility of evidence acquired through the use of UAS.

In addition, the report found the Department's Office of Justice Programs (OJP) and Office of Community Oriented Policing Services (COPS) have awarded a total of approximately \$1.2 million to seven local law enforcement agencies and non-profit organizations to purchase small UAS for testing or use. The award recipients were police departments in Gadsden, Alabama, Miami-Dade County, Florida, and North Little Rock, Arkansas; the Sheriff's Office in San Mateo County, California, which subsequently declined its award; and research programs at Eastern Kentucky

University, the Center for Rural Development in Hazard, Kentucky, and the Sheriffs' Association of Texas.

With respect to the Department's UAS grants, we found that OJP and COPS need to enhance their efforts to monitor UAS awards to ensure that recipients can receive FAA approval to operate UAS and that their use is legal in their jurisdictions. Further, the Department's law enforcement components were largely unaware of UAS acquired through DOJ awards. The OIG believes that the granting authorities should coordinate Department-funded UAS grant projects with the law enforcement components to help avoid potentially overlapping investigations and ensure that the results of UAS testing are shared appropriately.

The interim report provides eight recommendations to the Department regarding the creation of UAS-specific policies, enhancement of the Department's monitoring of UAS awards, and improved coordination between award recipients and DOJ law enforcement components. The Department agreed with all eight recommendations.

The report will be posted today under "What's New" on the OIG's website at www.justice.gov/oig.