

**ANCHORAGE, ALASKA
AO No. 2018-5**

1 **An ORDINANCE TO PROTECT THE PRIVACY OF THE PEOPLE OF**
2 **ANCHORAGE AND ESTABLISH PARAMETERS FOR THE USE OF UAS**
3 **(DRONES) BY THE MUNICIPALITY OF ANCHORAGE.**
4

5
6 **WHEREAS**, UAS (Unmanned Aircraft Systems), commonly referred to as drones,
7 have become widely used, and have proven to have specific useful law enforcement
8 and other applications in the fields of criminal investigation and search and rescue;
9 and

10
11 **WHEREAS**, an Anchorage Police Department (APD) officer recently received
12 training as a certified UAS operator, with the ability to train and certify other APD
13 operators; and

14
15 **WHEREAS**, APD has recently acquired a UAS for training and operational purposes
16 and expects to acquire more; and

17
18 **WHEREAS**, APD has applied to the Federal Aviation Administration (FAA) for a
19 Certificate of Authorization (COA) to allow them to operate the UAS within the
20 Municipality of Anchorage; and

21
22 **WHEREAS**, the Alaska State Legislature in A.S. 18.65.900 - .909 Law Enforcement
23 Use of Unmanned Aircraft Systems, provided authority for local law enforcement
24 use of UAS vehicles, including limitations on their use, and requiring law
25 enforcement agencies to have a policy and procedures with certain minimum
26 provisions regarding the operation of a UAS; and

27
28 **WHEREAS**, APD has drafted a policy and procedures on UAS use which comports
29 with the provisions of A.S. 18.65.900 - .909 Law Enforcement Use of Unmanned
30 Aircraft Systems; and

31
32 **WHEREAS**, the Anchorage Assembly has concerns about the potential for a UAS
33 program to violate the privacy rights of Anchorage citizens guaranteed under the
34 Alaska Constitution and the U.S. Constitution, concerns which have also been
35 expressed by members of the Anchorage community; and

36
37 **WHEREAS**, the Anchorage Assembly wishes to further ensure the protection of the
38 privacy rights of Anchorage citizens by codifying certain restrictions on the use of
39 UAS by APD and the MOA; now, therefore

40
41 **THE ANCHORAGE ASSEMBLY ORDAINS:**

42
43 **Section 1.** Anchorage Municipal Code Title 3, is hereby amended by adding a
44 new chapter 3.102 to read as follows:
45

1 **3.102 – Restrictions on the Use of Unmanned Aircraft Systems by the**
2 **Municipality of Anchorage.**
3

4 A. In order to protect the constitutional right to privacy, as set forth in the
5 Alaska State and U.S. Constitutions, of persons in the Municipality of
6 Anchorage, and to ensure their safety, the following uses of
7 Unmanned Aircraft Systems (UAS) by departments, agencies and
8 contractors of the Municipality of Anchorage (MOA) are restricted as
9 follows:

- 10
- 11 1. a UAS shall not be used in violation of Alaska Statutes 18.65.900
12 - .909 Law Enforcement Use of Unmanned Aircraft Systems;
 - 13
 - 14 2. a UAS shall not be used for routine patrol activities;
 - 15
 - 16 3. a UAS shall not be used for warrantless searches that are
17 specifically seeking evidence as part of a criminal investigation;
 - 18
 - 19 4. a UAS shall not be used in a manner that violates a person's
20 reasonable expectation of privacy unless supported by a warrant,
21 or in accordance with a judicially recognized exception to the
22 warrant requirement;
 - 23
 - 24 5. a UAS shall not be weaponized, nor shall it be used as a weapon;
 - 25
 - 26 6. a UAS shall not be used for any surveillance of persons or groups
27 involved in constitutionally protected activities;
 - 28
 - 29 7. a UAS shall not be used for traffic enforcement activities, except
30 to the extent that such use relates to an accident investigation;
31 and
 - 32
 - 33 8. an MOA owned UAS shall not be permitted to be used by any
34 non-Municipality of Anchorage agency including, but not limited
35 to, agencies of the State of Alaska or agencies of the United
36 States of America.

37

38 B. Anytime the Anchorage Police Department, or other Municipality of
39 Anchorage agency, considers a change to its UAS operational policy
40 and procedures, such change shall be brought before the Assembly
41 for its review.

42

43 C. Definitions.

- 44
- 45 1. *UAS/Unmanned Aircraft Systems* means a system that
46 includes the necessary equipment, network, and personnel to
47 control an unmanned aircraft.
 - 48
 - 49 2. *UA/Unmanned Aircraft* means an aircraft that is intended to
50 navigate in the air without an on-board pilot. Also alternatively

1 called a Remotely Piloted Aircraft (RPA), Remotely Operated
2 Vehicle (ROV), or Drone.
3

4 **Section 2.** This ordinance shall be effective immediately upon passage and
5 approval by the Assembly.
6

7 PASSED AND APPROVED by the Anchorage Assembly this _____ day
8 of _____, 2018.
9

10
11
12 _____
13 Chair

14 ATTEST:

15
16
17
18 _____
19 Municipal Clerk



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 51-2018

Meeting Date: January 23, 2018

1 **From: Assembly Vice-Chair Dunbar**

2
3 **Subject: AO 2018-5 – TO PROTECT THE PRIVACY OF THE PEOPLE OF**
4 **ANCHORAGE AND ESTABLISH PARAMETERS FOR THE USE OF**
5 **UAS (DRONES) BY THE MUNICIPALITY OF ANCHORAGE.**
6

7 The Anchorage Police Department recently expressed interest in using Unmanned
8 Aerial Systems (UAS), commonly referred to as “drones,” in their operations. The
9 Department has drafted a UAS policy and is particularly interested in using these
10 devices for search and rescue operations, tactical and emergency situations, and for
11 aerial photography following traffic accidents.
12

13 Their proposed administrative policy furthermore restricts the APD’s ability to engage
14 in warrantless searches and “routine patrols” using these tools. While the proposed
15 policy and the stated reasons for using drones appear thoughtful and within
16 acceptable bounds, many residents of Anchorage still have concerns that the use of
17 drones will lead to privacy violations. Alaskans have historically placed a high value
18 on privacy—our state is one of only five in the nation with an explicit right to privacy in
19 our state constitution. In addition, the Fourth Amendment to the Constitution of the
20 United States protects “the right of the people” to be secure against “unreasonable
21 searches and seizures.”
22

23 This ordinance was developed with input from the APD, and is not meant as a
24 critique of the proposed policy or current leadership. It seeks instead to provide
25 additional long-term privacy protections for the people of Anchorage, which will
26 survive possible future changes in APD leadership. It places specific restrictions on
27 the use of drones, and requires that the Assembly be informed and have a chance to
28 review any future changes to the drone policy.
29

30 Where activities are not forbidden—for example, the use of drones to conduct remote
31 line inspection by Municipal Light & Power—the author’s intention is that those uses
32 are not prohibited, so long as they are consistent with state and federal law, or other
33 municipal ordinances.
34

35 Prepared by: Assembly Vice-Chair Dunbar
36 Respectfully submitted:

37
38 Forrest Dunbar
39 Assembly Vice-Chair, District 5 (East Anchorage)