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Police investigate complaints of drone following Eagle River children



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ANCHORAGE - Parents in Eagle River have complained to police about a small drone aircraft that they say has been spotted this week following school children and hovering near homes. The reports highlight growing concern over laws that govern how and where drones can be used in Alaska.

Concerned grandparent Patricia Bailey said her experience with the aerial intruder began Tuesday, when she saw the drone hovering above her and 2-year-old granddaughter as they stood in their driveway.

After speaking with other parents, Bailey learned that the craft, which she described as "a very elaborate drone" -- a quadcopter model equipped with a camera in a ball turret -- had also been spotted outside windows of homes in the area.

Bailey said the final straw came when she spoke with children returning home from Eagle River Elementary School.

"One of them asked, 'Did you see the drone?'" Bailey said. "I asked, 'What drone?'"

"The one that followed us home."

"That's what got me fired up," Bailey said.

When Bailey and other parents called Anchorage police, she said they were told that the letter of the law bars firing guns at drones, but that they were within their rights to throw rocks and fire slingshots at the device if they felt threatened.

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Anchorage police spokeswoman Anita Shell says police took one call each Monday and Tuesday about the drone from residents near Eagle River Elementary. She said several people had apparently decided to have one person call police on behalf of the group.

"There were two separate calls that neighbors (made), about a drone following children home or near windows," Shell said.

Police told the parents involved that they spoke with the drone's operator and gave him a "very stern talking-to" about their concerns, Bailey said.

When the man complained about the potential risk of damage to his expensive drone, she said, officers told him that the best way to keep his drone safe was by not flying it over other people's property.

Bailey said the intervention by officers on parents' behalf had an apparent effect when people next saw the drone Wednesday.

"It wasn't following kids," Bailey said. "It was over the school, but it was high up."

Shell said police did speak to the drone operator but did not talk about specifics of the exchange.

"We did make contact with the drone owner," Shell said. "He was using the drone to practice for some upcoming business venture."

Police would not identify the drone operator Thursday, because Shell said he wasn't arrested or charged after officers contacted him.

"He wasn't committing a crime," Shell said. "There wasn't anything we could do but advise him of the neighbors' concerns about following children home or flying near windows."

Since then, Shell said, "We haven't received any other complaints on him."

Channel 2 on Thursday visited the operator's residence, as identified by Bailey, but an occupant said the man was not at home.

With the Federal Aviation Administration taking the lead in the emerging field of legislation governing drone use, Shell said the Eagle River incident highlighted the lack of local rules doing so.

"It's not a city law, it's not a state law," Shell said.

FAA spokesman Allen Kenitzer said in a Thursday email that the agency is investigating this week's Eagle River incident. The FAA is also looking into another Anchorage drone incident, involving a craft which entered airspace at Merrill Field.

One section of FAA regulations concerning drone use quoted by Kenitzer offers stern consequences for encroaching on manned aircraft, warning that the agency "may take enforcement action against anyone who operates a (drone) in a way that endangers the safety of the national airspace system." The excerpt doesn't directly address privacy concerns, however, citing a list of do's and don'ts released by the agency in June.

"In the notice, the FAA restates the law's definition of 'model aircraft,' including requirements that they not interfere with manned aircraft, be flown within sight of the operator and be operated only for hobby or recreational purposes," FAA officials wrote. "The agency also explains that model aircraft operators flying within five miles of an airport must notify the airport operator and air traffic control tower."

Privacy is being addressed on the state level, however, with lawmakers taking increasing interest in how to protect people from encroachments by drones. Ginger Blaisdell, the chief of staff for Rep. Shelley Hughes (R-Palmer), said Thursday that Hughes' office was aware of the Eagle River incident and had spoken with Bailey.

According to Blaisdell, flying a drone up to someone else's window doesn't currently violate state law -- unless it's equipped with a camera.

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"That's not a criminal issue at all," Blaisdell said. "What is a criminal issue is peeking into people's windows and photographing them -- that could lean into harassment."

Hughes is entering her third year as a member of the Unmanned Aircraft Systems Legislative Task Force, a group which includes lawmakers as well as representatives from the FAA and the state Department of Public Safety. The task force hasn't specifically discussed the Eagle River incident, but Blaisdell said it has considered some very similar scenarios.

"(For instance), what if a person flies up and takes pictures of you changing your clothes?" Blaisdell said. "Should you close your curtains?"

The discussions accompany a rising wave of drone activity on the Last Frontier, with the FAA naming Alaska one of six states where it plans to develop test sites for drones in 2013 and the University of Alaska conducting drone research at an in-state flight range.

Despite that uptick in unmanned flights, Blaisdell said state activity on drone bills has been limited since last year, when then-Gov. Sean Parnell signed into law a bill governing the use of drones by law enforcement. She cited the FAA's lead on drone rules as a factor in that slowness.

"We haven't put together another actual bill this year," Blaisdell said. "They're really the ones establishing the regulations for drone use."

Back in Eagle River, Bailey said keeping drones like the one spotted this week from following her children is a victory in itself.

"As long as he stays high in the sky, I'm OK with him," Bailey said.

Editor's note: The sequence of events in Patricia Bailey's account of encounters involving the drone Tuesday has been corrected.

Channel 2's Dan Carpenter contributed information to this story.

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Alaska Dispatch News

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[Home](#) > Neighbors worry over privacy after report of drone following kids in Eagle River

[Sean Dooan](#) ^[1]

March 26, 2015

Main Image:

[Drone150325-002.JPG-1427402666](#) ^[2]

Main Image Caption:

An Eagle River resident launches his DJI Inspire quadcopter drone off a landing pad on the front deck of his home on Wednesday, March 25, 2015.

A man operating his high-tech, remote-controlled quadcopter -- more commonly known as a drone -- caused a stir among residents of one Eagle River neighborhood earlier this week. Anchorage police were called to the area Tuesday after residents complained that a drone was following children home from a nearby school, but officers found no laws had been broken.

The incident has highlighted both the growing popularity of private drone use and the possible privacy and safety concerns the devices can raise for neighbors of drone enthusiasts.

Patricia Bailey-Ruiz, who lives near Eagle River Elementary School, said she was outside her home playing with her grandchildren at about 3:30 p.m. Tuesday when she heard a buzzing noise overhead.

"It came right down to us at the height of the light poles and just hovered there," Bailey-Ruiz said. "And it was making a clicking noise and it was shifting around in the sky."

Bailey-Ruiz said that's when a neighborhood child walked by her house on his way home from school.

"I said, 'Did you see the drone?' and he said, 'Oh, yeah, he has been out for a few days and he comes home with us from school, and follows kids to their houses,'" Bailey-Ruiz said. "And that's when I called Anchorage police."

A group of angry residents a few blocks away told officers where the drone operator lives.

Police said the man in the house told them that he was practicing flying his drone for an upcoming business venture. Officers told the man to stop flying his drone near the school or children and to respect people's privacy. But there was little else they could do.

"There is no state or local law for the misuse of drones," said APD spokeswoman Anita Shell. "Can we prove anything illegal has been done? No."

For three years, the [Unmanned Aircraft Systems Legislative Task Force](#) ^[3], a group made up of lawmakers and Federal Aviation Administration and state officials, has been considering how to craft laws that would regulate the private use of drones in Alaska. So far, no bill has been drafted because the group is waiting for federal regulators to weigh in on the issue. The only current state regulations addressing drones are bans against using them for hunting or to spot animals in preparation for a hunt.

The FAA regulates all aerial vehicles, including drones. Drone operation is currently banned for commercial purposes with some exceptions for closed movie sets and experimental programs -- like the one at the [University of Alaska Fairbanks](#) [4].

But there are few regulations for private drone use. [Current guidelines](#) [5], written in 1981 to cover the use of model and remote-controlled aircraft, suggest that operators fly at a safe height and away from crowds or airports.

Generally, remote-controlled aerial devices, including drones, are not allowed within 5 miles of airports and must not fly above 400 feet.

The FAA said it was working on clear rules for civilian drone use that could be finished by the end of this year.

FAA spokesperson Allen Kenitzer said the agency is investigating the Eagle River drone incident.

The man flying the drone was not identified by Anchorage police because he had broken no laws. After being contacted by Alaska Dispatch News on Wednesday, the man agreed to show reporters how the drone worked and flew it for about five minutes before accidentally crashing the \$3,400 device, breaking a propeller and damaging its landing gear.

The drone operator asked not to be identified for this story because he said he was worried about escalating neighborhood tensions. He claims other drones operate in the area and denies that he has ever followed children or flown low enough to look into people's homes with his drone's camera. The man said he is considering painting his drone a bright, noticeable color so that it is easily identifiable and distinguishable from other drones. He also told Alaska Dispatch News that he would no longer fly his drone while children were walking home from school.

The man said he bought the drone -- a [DJI Inspire](#) [6] quadcopter -- online because he used to fly drones for the military and wanted to see what civilian models could do.

The FAA estimates there could be as many as 7,500 civilian drone users within the next four years. Highly publicized drone crashes -- including [at the White House](#) [7] -- and near misses with aircraft have heightened the need for a clear set of rules for drones. But for now, local police are on their own when it comes to deciding if any privacy laws have been broken by drone use in neighborhoods and around people.

"The technology is moving faster than the laws, basically," Shell said.

In the absence of legal restrictions about drone use, it remains up to the operator to make sure his device is being flown safely and ethically.

"You can't regulate stupid," said Alaska Zoo photographer and drone enthusiast John Gomes.

Gomes said he only flies his device away from people, usually in parks. Gomes said ethical operators always keep their drones in sight, never relying on the onboard cameras as the only means to see where they are.

Gomes said most drones don't have cameras with great resolution and that it would be difficult to use them to spy on people. He added that it's always a good idea to get a property owner's permission before flying over their land. Gomes said drones get a bad reputation because of people's fears and incidents like the one in Eagle River.

Still, Gomes claimed the aircraft are fun to fly and can be useful for photography and entertainment, if operated ethically.

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