

NYPD using drones to check out noisy backyard parties over Labor Day weekend

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The New York City Police Department said it will use drones to check out backyard parties when neighbors call to complain about large crowds this weekend.

“The drones are going to be responding to non-priority calls and priority calls,” NYPD Assistant Commissioner Kaz Daughtry said at a press conference yesterday. “For example, if we have any 311 calls on our non-emergency line where if a caller states there’s a large crowd, a large party in the backyard, we’re going to be utilizing our assets to go up, to go check on the party, to make sure if the call is founded or not, and we’ll be able to determine how many resources we need to send to that location for this weekend. So we will have our drone teams out there starting tonight, all the way into Monday morning.”

Daughtry spoke near the end of a press conference (see video) about safety and security measures for J’Ouvert, a “traditional street festival honoring the vast heritage and culture of the Caribbean diaspora,” and the West Indian Day Parade.

The drone plan “drew immediate backlash from privacy and civil

liberties advocates, raising questions about whether such drone use violated existing laws for police surveillance,” an Associated Press report said. A privacy advocate said using drones to examine backyard parties appears to violate a New York City law called the Public Oversight of Surveillance Technology (POST) Act.

“It’s a troubling announcement and it flies in the face of the POST Act... deploying drones in this way is a sci-fi inspired scenario,” New York Civil Liberties Union privacy and technology strategist Daniel Schwarz said, according to the AP.

NYPD policy doesn’t mention parties

The POST Act requires the NYPD to publish impact and use policies for the surveillance technologies it uses. As The Verge pointed out, the NYPD’s impact and use policy for drones doesn’t mention using the devices to examine backyard parties. The NYPD document says that “a UAS [Unmanned Aircraft System] will not be used in areas where there is a reasonable expectation of privacy without NYPD personnel first obtaining a search warrant that explicitly authorizes the use of a UAS,” except in “exigent circumstances.”

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The policy says the NYPD may use drones for “search and rescue operations, documentation of collisions and crimes scenes, evidence searches at large inaccessible scenes, hazardous material incidents, monitoring vehicular traffic and pedestrian congestion at large scale events, visual assistance at hostage/barricaded suspect situations, rooftop security observations at shooting or large scale events, public safety, emergency, and other situations with the approval of the Chief of Department.”

“In situations where deployment of NYPD UAS has not been foreseen or prescribed in policy, the highest uniformed member

of the NYPD, the Chief of Department, will decide if deployment is appropriate and lawful," the document says. "In accordance with the Public Oversight of Surveillance Technology Act, an addendum to this impact and use policy will be prepared as necessary to describe any additional uses of UAS."

We asked the NYPD today how using drones to check out backyard parties would fit into the required impact and use policy. An NYPD spokesperson responded to our email but didn't answer the question.

The AP reported that when it contacted Mayor Eric Adams' office, a spokesperson "shared a link to new guidelines that make it easier for private drone operators to fly in the city, but which do not address whether the NYPD has any policies for drone surveillance."

Albert Fox Cahn, founder and executive director of the Surveillance Technology Oversight Project, told the AP that "one of the biggest concerns with the rush to roll out new forms of aerial surveillance is how few protections we have against seeing these cameras aimed at our backyards or even our bedrooms." Cahn called for more transparency and guard rails on drone use and said that "flying a drone over a backyard barbecue is a step too far for many New Yorkers."

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