

Constitutional and Privacy Constraints on Law Enforcement Drone Surveillance Under the Fourth Amendment (U.S. and Michigan Focus)

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The Case Against Police Drone Deployment as a General Investigatory Tool

The use of drones by law enforcement agencies as routine surveillance instruments presents substantial constitutional and policy concerns that weigh heavily against their widespread deployment. Under the Fourth Amendment to the United States Constitution, citizens are protected against unreasonable searches and seizures, a protection that has historically been anchored in the concept of reasonable expectations of privacy as articulated in *Katz v. United States* (1967). While early surveillance cases such as *California v. Ciraolo* (1986) and *Florida v. Riley* (1989) permitted limited warrantless observation from public airspace, those decisions were grounded in the assumption that surveillance tools were constrained, infrequently used, and comparable to human observation. Modern drones, however, fundamentally challenge this assumption by enabling persistent, inexpensive, and highly precise surveillance of private spaces, including curtilage areas traditionally afforded heightened constitutional protection under *Oliver v. United States* (1984). Because drones can record continuously, and deploy advanced imaging systems at scale, their use as general policing tools creates a surveillance environment that is materially inconsistent with the limited, incidental observation contemplated in earlier Supreme Court precedent. For this reason, the deployment of drones as routine law enforcement tools risks converting narrowly permitted aerial observation into generalized, suspicionless surveillance inconsistent with Fourth Amendment principles.

Fourth Amendment Violations Arising from Warrantless Drone Surveillance

Warrantless drone surveillance implicates core Fourth Amendment protection because it enables government actors to obtain detailed information about constitutionally protected areas without judicial authorization. The Supreme Court in *Kyllo v. United States* (2001) held that the use of sense-enhancing technology not in general public use to obtain details of the home otherwise unknowable without physical intrusion constitutes a search. Drones equipped with high-resolution cameras, infrared imaging, automated license plate readers, and AI-enhanced systems fall within this doctrinal concern because they significantly expand governmental observational capacity beyond ordinary human perception. Additionally, *Carpenter v. United States* (2018) established that prolonged, aggregated surveillance violates reasonable expectations of privacy even when individual data points are exposed to the public. Drone surveillance programs that track movement patterns, revisit properties, or systematically collect imagery over time therefore raise constitutional issues similar to CSLI tracking in *Carpenter*. Furthermore, under *United States v. Jones* (2012), the Supreme Court recognized that prolonged GPS-style monitoring implicates Fourth Amendment concerns due to the comprehensiveness of behavioral tracking. Together, these cases demonstrate a clear doctrinal trend: the Constitution prohibits not only physical trespass but also technologically enabled sustained surveillance that reconstructs private life without a warrant.

Privacy Rights Violations and Constitutional Harms

Beyond Fourth Amendment concerns, police drone surveillance raises independent privacy harms under both constitutional and common law principles of informational privacy. The concept of privacy in American law has long included protection against government intrusion into intimate spaces such as homes, backyards, and other curtilage areas, as reaffirmed in *Griswold v. Connecticut* (1965) and expanded through modern informational privacy doctrine. Drone surveillance threatens this protection

by enabling continuous observation of individuals in spaces where they reasonably expect freedom from government monitoring. Even when drones operate in public airspace, their capacity for zoom imaging, thermal scanning, and persistent monitoring effectively collapses the distinction between public and private life and creates what courts and scholars describe as a “chilling effect,” discouraging lawful but sensitive personal activity due to fear of surveillance. The risk is amplified when drone data is stored, analyzed, or shared across agencies or third-party vendor concerns under informational privacy principles recognized in cases such as *V. Roe* (1977). Consequently, drone surveillance presents not only a search-and-seizure issue but also a broader erosion of privacy norms protected by constitutional safeguards.

Erosion of Public Trust in Law Enforcement

The deployment of drones for surveillance purposes significantly undermines public trust in law enforcement institutions by altering the perceived relationship between police and community members. Public trust in policing relies on transparency, accountability, and a perception that law enforcement activity is proportionate and justified under law. The introduction of persistent aerial surveillance devices creates a perception of omnipresent monitoring, which can weaken voluntary cooperation with police investigations and reduce community engagement. This concern aligns with empirical studies in constitutional policing literature indicating that perceived surveillance intensity correlates with reduced civic participation and increased distrust in government institutions. Under *Terry v. Ohio* (1968), the legitimacy of police authority is closely tied to reasonableness and articulable suspicion, principles that are strained when surveillance is conducted indiscriminately through automated aerial systems. Moreover, public concern is heightened in jurisdictions where drone deployment lacks transparency regarding retention, usage scope, and data sharing policies. As a result, drone programs risk producing a structural legitimacy deficit that undermines long-term law enforcement effectiveness.

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Civil Liability Exposure for Police Agencies

Law enforcement agencies that deploy drones without clear statutory limits expose themselves to significant civil liability under 42 U.S.C. § 1983 for violations of constitutional rights. When drone surveillance is used without warrants in circumstances where courts later determine a search occurred, municipalities face damages claims for unlawful search and seizure under the Fourth Amendment. Additionally, if surveillance is found to target protected curtilage or involve prolonged monitoring without judicial authorization, courts may find violations under *Katz v. United States* and *Carpenter v. United States* frameworks, increasing liability exposure. Agencies may also face state constitutional claims where state courts interpret privacy protections more broadly than federal doctrine. In Michigan, for example, Article 1, Section 11 of the Michigan Constitution provides parallel search and seizure protections that may support independent claims even when federal suppression remedies are unavailable. The lack of uniform legal standards governing drone surveillance increases litigation

uncertainty, making municipalities particularly vulnerable to inconsistent judicial interpretations across jurisdictions. Consequently, drone deployment without constitutional guardrails creates both legal and financial risk for public agencies.

Case Law Trends Suggesting Constitutional Limits on Drone Surveillance

Although the United States Supreme Court has not issued a definitive ruling on drone surveillance, recent doctrinal developments suggest increasing judicial skepticism toward warrantless, technology-enhanced surveillance. In *Kyllo v. United States* (2001), the Court restricted the use of advanced sensing technologies to detect private activities within the home. In *United States v. Jones* (2012), the Court recognized that prolonged tracking implicates Fourth Amendment concerns even when individual observations are publicly visible. In *Carpenter v. United States* (2018), the Court further expanded privacy protections by requiring warrants for aggregated digital surveillance data. Lower courts have begun extending these principles to drone contexts, particularly where surveillance is targeted, persistent, or directed at curtilage. Notably, cases such as *Long Lake Township v. Maxon* in Michigan reflect judicial recognition that drone surveillance raises novel constitutional questions that cannot be fully resolved by traditional aerial surveillance doctrine alone. These developments collectively suggest a trajectory in which courts are increasingly likely to require warrants for technologically enhanced surveillance that approximates continuous monitoring of private life.

Michigan Drone Surveillance Law and Constitutional Tension (Part I)

Michigan law represents one of the most significant state-level arenas for evaluating the constitutional implications of police drone surveillance. In *Long Lake Township v. Maxon*, Michigan courts addressed the use of warrantless drone imagery in civil enforcement proceedings involving private property alleged to contain ordinance violations. The Michigan Court of Appeals engaged directly with Fourth Amendment

principles and recognized that drone surveillance of residential property may implicate constitutional protections when it reveals areas not visible from public vantage points. The case arose from repeated aerial imaging of a rural property by drones capable of capturing detailed photographs of curtilage areas over an extended period. Although the appellate court allowed the evidence in a civil enforcement context, it did not fully resolve whether the surveillance itself constituted an unconstitutional search. This ambiguity leaves Michigan law in a transitional state where drone surveillance may raise constitutional concerns without triggering consistent exclusionary consequences.

Michigan Drone Surveillance Law and Constitutional Tension (Part II)

The Michigan Supreme Court's handling of *Long Lake Township v. Maxon* further complicates the legal landscape by resolving the case on remedial grounds rather than substantive Fourth Amendment analysis. The Court held that the exclusionary rule does not apply in civil zoning enforcement proceedings, thereby permitting the use of drone-derived evidence regardless of the underlying constitutional question. This procedural resolution effectively separates constitutional analysis from enforcement consequences in Michigan civil law. As a result, even if warrantless drone surveillance of private property were later deemed unconstitutional, such evidence may still be admissible in certain civil contexts under current Michigan doctrine. This creates a legal asymmetry in which constitutional rights may be recognized in theory but lack effective enforcement mechanisms in practice. Additionally, Michigan Constitution Article 1, Section 11 provides independent privacy protections that may, in future litigation, be interpreted more broadly than federal precedent. Consequently, Michigan remains a jurisdiction where drone surveillance law is unresolved, fragmented, and highly susceptible to future judicial reinterpretation as courts increasingly confront sophisticated surveillance technologies.

Michigan Policy and Law Enforcement Expansion Concerns (Part III)

Beyond judicial doctrine, Michigan law enforcement agencies have increasingly adopted drone technology for operational purposes, including crime scene documentation, search operations, and situational awareness during emergency response. While proponents argue that such uses improve efficiency and officer safety, critics emphasize that these justifications risk expanding into generalized surveillance practices absent strict statutory constraints. Under current Michigan law, the lack of limited statewide regulatory uniformity governing drone deployment, resulting in policy variation across municipalities and agencies. This decentralized regulatory structure increases the likelihood of inconsistent application of constitutional protections and raises concerns about selective or uneven surveillance practices across communities. When combined with unresolved judicial standards, this creates an environment in which drone surveillance may expand more rapidly than corresponding constitutional safeguards. As such, Michigan illustrates the broader national tension between technological capability and constitutional limitations in the context of modern policing.

Additional Structural Arguments Against Police Drone Use

A separate but significant concern is the normalization effect of drone deployment in routine policing. Once introduced for limited purposes such as emergency response or crime scene documentation, drone programs tend to expand incrementally into broader surveillance functions, a phenomenon commonly described in regulatory theory as “function creep.” This expansion is particularly concerning in the absence of comprehensive statutory restrictions, as incremental adoption often outpaces oversight. Additionally, the scalability of drones makes them uniquely capable of enabling mass surveillance at a fraction of the cost of traditional aerial platforms such as helicopters, thereby removing practical constraints that historically limited aerial policing. This structural shift creates a surveillance environment that is not matched by corresponding constitutional safeguards.

technologically enhanced but fundamentally more pervasive than prior law enforcement capabilities. Accordingly, the risk is not limited to isolated constitutional violations but extends to systemic transformation of public surveillance norms.

Final Policy Assessment and Conclusion

The constitutional, privacy, and institutional risks associated with police drone surveillance collectively support a strong presumption against their deployment absent explicit statutory authorization and strict warrant requirements. Under established Fourth Amendment doctrine, particularly as developed in *Katz*, *Kyllo*, and *Carpenter*, the trajectory of Supreme Court jurisprudence increasingly emphasizes protection against technologically enhanced surveillance that aggregates or intensifies observation of private life. Michigan case law, particularly *Long Lake Township v. Maxon*, illustrates the unresolved nature of drone surveillance doctrine and the inadequacy of existing remedial frameworks to fully address constitutional harms. A combination of doctrinal uncertainty, privacy intrusion, civil liability exposure, and erosion of public trust demonstrates that police drone programs operate in a highly fragile and constitutionally sensitive space. For these reasons, the deployment of drones as routine law enforcement surveillance tools is inconsistent with the principles underlying the Fourth Amendment and broader constitutional privacy protections.

Bibliography (Cases and Legal Authorities Cited)

- U.S. Constitution, Fourth Amendment
- Michigan Constitution, Article 1, Section 11
- *Katz v. United States*, 389 U.S. 347 (1967)
- *California v. Ciraolo*, 476 U.S. 207 (1986)

- *Florida v. Riley*, 488 U.S. 445 (1989)
- *Dow Chemical Co. v. United States*, 476 U.S. 227 (1986)
- *Kyllo v. United States*, 533 U.S. 27 (2001)
- *United States v. Jones*, 565 U.S. 400 (2012)
- *Carpenter v. United States*, 585 U.S. 296 (2018)
- *Oliver v. United States*, 466 U.S. 170 (1984)
- *Terry v. Ohio*, 392 U.S. 1 (1968)
- *Griswold v. Connecticut*, 381 U.S. 479 (1965)
- *Whalen v. Roe*, 429 U.S. 589 (1977)
- *Long Lake Township v. Maxon*, Michigan Court of Appeals (and Michigan S Court disposition)
- 42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)

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Proposed Statutory Model: Restriction of Law Enforcement Drone Surveillance (With Federal and Michigan Legal Integration)

Legislative Findings and Constitutional Basis

The Legislature finds that the deployment of unmanned aerial systems (UAS), commonly referred to as drones, by law enforcement agencies constitutes a significant expansion of governmental surveillance capacity that directly implicates constitutional protections under the Fourth Amendment to the United States Constitution and Article I, Section 11 of the Michigan Constitution of 1963. The Legislature further finds that existing United States Supreme Court precedent governing aerial observation, including *California v. Ciraolo*, 476 U.S. 207 (1986), and *Florida v. Riley*, 478 U.S. 445 (1989), was decided in the context of limited manned aerial observation and does not account for modern drone technologies capable of persistent, low-resolution surveillance of private property. The Legislature additionally recognizes that subsequent decisions, including *Kyllo v. United States*, 533 U.S. 27 (2001), *United States v. Jones*, 565 U.S. 400 (2012), and *Carpenter v. United States*, 585 U.S. 296 (2018), establish that technological enhancement of surveillance that meaningfully expands government access to private life may constitute a “search” requiring a warrant. Michigan statutory law further reflects privacy concerns through MCL 259.32(1) and the Michigan Unmanned Aircraft Systems Act (Act 436 of 2016), which prohibits drone use that invades reasonable expectations of privacy. Accordingly, it is the intent of the Legislature to establish stricter warrant requirements and categorical limitations on law enforcement drone surveillance consistent with constitutional protections and Michigan statutory privacy law.

General Prohibition on Warrantless Law Enforcement Drone Surveillance

Except as provided in Section 12.3, no law enforcement agency, officer, or person

acting under color of law in this state shall operate, deploy, or authorize the use of an unmanned aircraft system to conduct surveillance, observation, mapping, tracking, or recording of any individual, dwelling, curtilage, or private property without a warrant issued upon probable cause. This prohibition applies regardless of altitude, Federal Aviation Administration classification of airspace, or whether the drone is operated within Federal Aviation Administration regulations. For purposes of this Section, “surveillance” includes the collection of visual, infrared, thermal, radio-frequency, biometric, or automated analytical data capable of identifying persons or patterns of behavior. This provision is intended to codify constitutional protections recognized in *Katz v. United States*, 389 U.S. 347 (1967), and *Kyllo v. United States*, 533 U.S. 27 (2001), and to ensure that technological enhancement does not circumvent Fourth Amendment safeguards.

Narrow Exigent Circumstance Exception

Warrantless drone deployment shall be permitted only in narrowly defined exigent circumstances where law enforcement possesses specific and articulable facts demonstrating imminent threat of death, serious bodily injury, active flight from a violent felony, or immediate destruction of evidence. Any such deployment must be strictly limited in scope and duration to the exigency justifying its use. Within seventy-two (72) hours, the agency shall submit a written report to a judicial authority documenting the factual basis for the exigency, the duration of surveillance, and data collected. Any evidence obtained outside the scope of the exigent circumstances shall be inadmissible in criminal, civil, or administrative proceedings under a per se exclusionary rule modeled on Fourth Amendment suppression doctrine.

Prohibition on Mass, Persistent, or Suspicionless Surveillance

No law enforcement agency shall use drones for routine patrol, generalized area monitoring, predictive policing, crowd monitoring, or any form of suspicionless surveillance. This includes repeated or automated flights over neighborhoods, spaces, or private property absent individualized suspicion or a valid warrant. This Section is intended to implement constitutional principles articulated in *United States v. Jones*, 565 U.S. 400 (2012), and *Carpenter v. United States*, 585 U.S. 296 (2018), which recognize that prolonged, aggregated surveillance of individuals constitutes a Fourth Amendment harm even when individual observations are publicly accessible.

Michigan-Specific Compliance Integration

All law enforcement drone operations in the State of Michigan shall comply with the Michigan Unmanned Aircraft Systems Act, MCL 259.301 through MCL 259.322 (enacted 2016). In particular, MCL 259.322 prohibits the operation of unmanned aircraft systems in a manner that invades an individual's reasonable expectation of privacy, including the capture of images or video in circumstances constituting harassment or intrusion into private life. Additionally, MCL 750.45a of the Michigan Penal Code prohibits drone interference with key facilities and correctional operations. This Act is intended to supplement, not weaken, these statutory protections by imposing warrant requirements on governmental surveillance activities. Where this Act conflicts with less protective interpretations of MCL 259.322, the stricter standard shall govern.

Data Minimization, Retention, and AI Restrictions

Any data collected pursuant to a valid warrant or exigent circumstance except for real-time monitoring shall be limited strictly to the scope of the authorized surveillance. Law enforcement agencies shall not retain or disseminate collected data beyond what is necessary for the investigation.

agencies shall retain such data for no longer than thirty (30) days unless it is directly relevant to an active criminal investigation or ongoing judicial proceeding. Drone collected data shall not be processed through facial recognition, biometric identification systems, predictive analytics, or artificial intelligence classification without a separate warrant explicitly authorizing such processing. Agencies shall be prohibited from sharing drone surveillance data with third-party vendors except as expressly authorized by court order and limited to specific investigatory purposes. These provisions are intended to prevent the conversion of targeted surveillance into generalized data extraction systems inconsistent with Fourth Amendment protections.

Transparency and Public Accountability Requirements

All law enforcement agencies operating drones shall publish quarterly public reports detailing the number of deployments, legal justification for each deployment, geographic area of operation, and duration of surveillance. Agencies shall maintain publicly accessible logs of drone flights, excluding only information that would compromise active investigations. Any deviation from warrant requirements shall be reported to an independent civilian oversight board within forty-eight (48) hours. These transparency requirements are intended to operationalize accountability consistent with constitutional governance principles and to prevent undue expansion of surveillance authority.

Civil Remedies and Enforcement Mechanisms

Any individual subjected to unlawful drone surveillance in violation of this Act shall have a private right of action against the responsible agency under state civil law.

law and 42 U.S.C. § 1983. Available remedies shall include injunctive relief, compensatory damages, statutory damages, and reasonable attorney's fees. Qualified immunity shall not apply where drone surveillance is conducted in clear violation of this Act or where no warrant or exigent circumstance exists. Evidence obtained in violation of this Act shall be subject to suppression in criminal proceedings and exclusion in civil enforcement actions.

Local Authority and Non-Preemption Clause

This Act establishes minimum constitutional protections and shall not preempt municipalities or counties from adopting stricter prohibitions on law enforcement drone use, including complete bans. This provision is consistent with the federal principle that states and local governments may provide greater protections for individual rights than those required under federal constitutional minimums.

Legislative and Case Law Bibliography (Referenced Authorities)

U.S. Constitution

- U.S. Const. amend. IV (Fourth Amendment – Search and Seizure)

Michigan Constitution

- Mich. Const. art. I, § 11 (Search and Seizure)

Federal Case Law

- *Katz v. United States*, 389 U.S. 347 (1967)

- *California v. Ciraolo*, 476 U.S. 207 (1986)
- *Florida v. Riley*, 488 U.S. 445 (1989)
- *Dow Chemical Co. v. United States*, 476 U.S. 227 (1986)
- *Kyllo v. United States*, 533 U.S. 27 (2001)
- *United States v. Jones*, 565 U.S. 400 (2012)
- *Carpenter v. United States*, 585 U.S. 296 (2018)
- *Oliver v. United States*, 466 U.S. 170 (1984)

Michigan Statutes

- Michigan Unmanned Aircraft Systems Act, Act 436 of 2016
 - MCL 259.301–259.322
- MCL 259.322 — Privacy and harassment restrictions on drone operation
- MCL 750.45a — Interference with key facilities and law enforcement operations

Federal Statutes

- 42 U.S.C. § 1983 — Civil action for deprivation of constitutional rights

APPENDIX A — TABLE OF AUTHORITIES

Drone Surveillance by Law Enforcement: State and Federal Legal Framework

I. CONSTITUTIONAL PROVISIONS

U.S. Constitution

- U.S. Const. amend. IV.

Michigan Constitution

- Mich. Const. art. I, § 11.

II. UNITED STATES SUPREME COURT CASES

- *Katz v. United States*, 389 U.S. 347 (1967).
- *California v. Ciraolo*, 476 U.S. 207 (1986).
- *Dow Chem. Co. v. United States*, 476 U.S. 227 (1986).
- *Florida v. Riley*, 488 U.S. 445 (1989).
- *Oliver v. United States*, 466 U.S. 170 (1984).
- *Kyllo v. United States*, 533 U.S. 27 (2001).
- *United States v. Jones*, 565 U.S. 400 (2012).
- *Carpenter v. United States*, 585 U.S. 296 (2018).

III. FEDERAL STATUTES / REGULATORY FRAMEWORK

- 49 U.S.C. § 40103 (Federal Aviation Administration authority over navigable airspace).
- Federal Aviation Administration Modernization and Reform Act framework (Pub. L. 112–95) (as amended).
- 42 U.S.C. § 1983 (Civil action for deprivation of constitutional rights).

IV. MICHIGAN STATUTES

- Michigan Unmanned Aircraft Systems Act, Act 436 of 2016, MCL 259.301–259.322.
- MCL 259.322 (Privacy protections; prohibits drone use in a manner that violates a reasonable expectation of privacy).
- MCL 750.45a (Interference with key facilities and law enforcement operations using unmanned aircraft systems).

V. STATE DRONE SURVEILLANCE STATUTES (WARRANT REQUIREMENT CATEGORY)

A. States Requiring Warrants or Strong Statutory Restrictions

- Illinois Freedom from Drone Surveillance Act, 725 ILCS 167/1 et seq.
- Va. Code Ann. § 19.2-60.1 (Virginia law enforcement use of unmanned aircraft systems).
- Vt. Stat. Ann. tit. 20, § 4622 (Vermont drone surveillance restrictions).
- Fla. Stat. § 934.50 (Florida Freedom from Unwarranted Surveillance Act; drone restrictions).
- Tex. Gov't Code ch. 423 (Texas Privacy Protection for Images Captured by Unmanned Aircraft).
- Mont. Code Ann. § 46-5-109 (Montana drone surveillance restrictions).
- Tenn. Code Ann. § 39-13-609 (Tennessee aerial surveillance limitations).
- Utah Code Ann. § 72-14-301 et seq. (Utah drone surveillance regulation)

framework).

B. States with Partial or Conditional Warrant Requirements

- Cal. Penal Code § 170.15 et seq. (California drone surveillance and privacy limitations).
- N.Y. Gen. Bus. Law § 399-ddd (New York drone regulation provisions).
- Wash. Rev. Code § 9.73.030 (Washington privacy protections impacting aerial surveillance).
- Md. Const. art. 26; Md. common law privacy framework (aerial surveillance restrictions influenced by Baltimore aerial surveillance litigation).
- Colo. Rev. Stat. § 24-33.5-1228 (Colorado law enforcement drone regulation).
- Ariz. Rev. Stat. § 13-3729 (Arizona unmanned aircraft system use limitations).
- N.J. Stat. Ann. § 2C:14-9 (New Jersey surveillance and privacy protections applicable to drone use).

C. States Without Explicit Drone-Specific Warrant Statutes (Constitutional Governance)

The following states generally regulate drone surveillance under **general constitutional doctrine and agency policy**, without explicit statutory warrant requirements:

- Alabama
- Alaska

- Arkansas
- Connecticut
- Delaware
- Hawaii
- Idaho
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maine
- Massachusetts
- Michigan (no warrant-specific drone statute; governed by MCL 259.301–3 Fourth Amendment)
- Minnesota (limited reporting statutes; no warrant mandate)
- Mississippi
- Missouri
- Nebraska
- Nevada
- New Hampshire
- New Mexico
- North Carolina (partial policy-based restrictions)
- North Dakota

- Ohio
- Oklahoma
- Oregon (mixed statutory + constitutional regulation)
- Pennsylvania
- Rhode Island
- South Carolina
- South Dakota
- West Virginia
- Wisconsin
- Wyoming

VI. SECONDARY SOURCES (STATE SURVEY COMPILATIONS)

- National Conference of State Legislatures, *Unmanned Aircraft Systems (UAS) Laws* (updated 2025–2026).
- Electronic Frontier Foundation, *Atlas of Surveillance: Drone Law Enforcement Database* (2026).
- LegalClarity.org, *Drone Surveillance Laws by State: Regulatory Overview* (2025).
- Silent Security Institute, *State-by-State Drone Regulatory Framework Analysis* (2025).
- Federal Aviation Administration, *UAS Regulatory Overview and Airspace Guidance* (2024–2026 updates).

VII. DOCTRINAL NOTE FOR INTERPRETATION (FOR WHITE PAPER I)

This Table of Authorities reflects a bifurcated legal regime in which:

1. **Federal constitutional doctrine** (primarily *Ciraolo*, *Riley*, and *Carpenter*) governs the baseline reasonableness of aerial surveillance; however,
2. **State statutory law increasingly governs operational legality**, especially in jurisdictions adopting warrant requirements or privacy-based surveillance restrictions; and
3. **Michigan and similarly situated states remain primarily constitutional-law jurisdictions**, where drone surveillance legality is derived from general Fourth Amendment doctrine supplemented by unmanned aircraft statutes addressing privacy and property intrusion rather than explicit warrant mandates.

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