

War on terror money funding drones, surveillance in the Bay Area

By: Angela Woodall – April 7, 2013

Plans by Alameda County Sheriff Greg Ahern to buy a drone nearly went unnoticed. But when privacy advocates picked up on the item included in a Board of Supervisors agenda in November, the sheriff put plans to buy the spindly black four-rotor unit on hold.

That did not deter San Mateo County's Office of Emergency Services, which requested \$70,000 for the same model, an AirCover QuadRotor QR425s. San Francisco also wanted a similar unit, but the city's \$100,000 request, submitted in 2012, hasn't gotten off the ground. Neither did an \$8,000 request by San Jose's bomb squad for a small drone.

The drone requests slipped by even the staunchest opponents because they would have been paid for with federal funds channeled to cities the Department of Homeland Security considers at high risk for a terror attack. In this case, the money came from a \$26 million Urban Areas Security Initiative grant meant to help local law enforcement expand arsenals of anti-terrorism combat and surveillance equipment assembled since 9/11: night vision goggles, remote robots, surveillance cameras, license plate readers and armored vehicles that amount to unarmed tanks.

In order to meet Homeland Security funding criteria, the Urban Areas Security Initiative -- or UASI -- proposals have to have an anti-terrorism purpose. And the Bay Area ranks as a high-risk region because of targets like the Golden Gate Bridge, Shell Oil refinery, Lawrence Livermore Lab and BART, which also receives UASI funding. In reality, the agencies are also using the money for staff, training, outreach and military-grade equipment for law enforcement.

"We try to prepare our community for any disaster," said Craig Dzedzic, Bay Area UASI general manager. "The top priority is still to protect the community. That hasn't changed at all. ... But in order to be funded, you need a nexus to terrorism."

The program nevertheless has provoked a chorus of military veterans, police, privacy advocates and politicians who argue that a decade of anti-terror programs have created a wasteful layer of government that bypasses local oversight and changed the nature of policing.

Increasingly, critics say, money for the war on terror is blurring the line between local law enforcement focused on crime fighting and soldiers combating an enemy in a war zone.

As early as 2006, former San Jose police Chief Joseph McNamara voiced concern over the issue.

"Simply put, the police culture in our country has changed," he wrote in *The Wall Street Journal* in 2006. "An emphasis on 'officer safety' and paramilitary training pervades today's policing," he continued, "in contrast to the older culture, which held that cops didn't shoot until they were about to be shot or stabbed."

In March, the American Civil Liberties Union launched an investigation into police use of military technology and tactics.

"We want the police to keep up with the latest technology. That's critical," ACLU Senior Counsel Kara Dansky said. "But policing should be about protection, not combat."

San Mateo's AirCover drone was one of dozens of items approved March 14 by members of the Bay Area's UASI, which since 2003 has channeled \$359 million in Homeland Security funds to agencies from a dozen Northern California counties. Local working groups took months to finalize the list, which was split into high- and low-priority items. San Mateo's drone request, for example, was put "below the line," even though Mark Wyss of the San Mateo County Sheriff's Office called drones efficient and cost-saving.

San Mateo's requests also included a license plate reader to be mounted along U.S. 101 to feed information to a massive database at the Northern California Regional Intelligence Center, commonly known as a fusion center. San Mateo County also requested a system to destroy improvised explosive devices, better known as IEDs, from their use by insurgents in Iraq.

Fremont put in for a BearCat armored vehicle, even though the city already has a similar one and its nearest neighbors, Newark, Union City and Hayward, each operate one. Oakland police wanted a portable surveillance camera to obtain information and intelligence on potential terrorists and their activities during critical incidents and crowd control.

Responding to the criticism, Ahern said, yes, local law enforcement officers are adopting the equipment and tactics of the military. He was referring specifically to Urban Shield training, which puts Northern California police through drills that resemble military operations.

The alarm comes from a lack of familiarity with the nonmilitary elements of UASI, Ahern said. The program allocates the largest share -- 32 percent -- of money to communications, including the East Bay radio system that allows agencies to communicate seamlessly during emergencies. UASI approved \$180,000 left over from the previous year to develop SF72, an app that helps communities organize before and after a disaster.

UASI gives small agencies equipment they would never be able to purchase because of their budget shortfalls, Ahern said. Law enforcement and the communities they serve are safer for having it, too, he said.

That thinking distorts decision-making on the local level about perceived threats, said Tim Lynch, director of the Project on Criminal Justice at the Cato Institute, a libertarian think-tank.

The subsidies bring a military mind-set to policing, he said. And the military deals with an enemy, Lynch added, "not someone with constitutional rights."