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Drones and “Ghost Guns”: Unregulated Legal Space

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Introduction

Law enforcement agencies are fighting a two-pronged battle when it comes to emerging technologies: keeping up with new ways criminals are using technology and developing effective ways to combat these innovations, while balancing these challenges against preserving the individual liberties of law-abiding citizens. This conflict is especially apparent with regard to criminal use of commercial drones and the developing fringe market surrounding homemade untraceable firearms (“ghost guns”).

While there are myriad areas of technological development that are expanding rapidly and may have very significant implications for law enforcement agencies in the future, drones and homemade guns in particular pose an immediate risk to national and community security. Both of these markets currently feature major gaps in legislation and a lack of regulation, making it easier for these devices to be used in criminal activity.

“Ghost Guns”

Determining the scope and severity of the threat posed by ghost guns is greatly restricted by the lack of available data. Typically, because ghost guns lack ID marks, they are invisible to law enforcement unless they show up at a crime scene. We do not know how many ghost guns there are in the US today; one regional Bureau of Alcohol, Tobacco, Firearms & Explosives office in California obtained 250 ghost guns in 2017 alone, and reports that the problem is only growing. ATF press releases along with local news stories indicate ghost guns are particularly useful to individuals who are banned by police from owning traditionally purchased guns, as they exploit the current lack of regulation on online purchases of unfinished gun components, allowing criminals to sidestep the system completely.

Figure 1 – AR-15 ‘Ghost Gun’



AR-15 ‘Ghost Gun’ made by reporter Andy Greenberg of Wired.com, “finished” AR-15 Lower

Drones

The Federal Aviation Administration reports that US commercial and consumer drone registrations exceeded one million in 2018, and that incidents of drone-related security threats are on the rise as well. Law enforcement agencies around the US (and globally) have reported unprecedented harassment from drones. Instances of harassment include surveillance of security personnel and police investigations, swarming of law enforcement officers dealing with a hostage situation, and suspected surveillance of police buildings (possibly attempting to identify police informants). Inmates in South Carolina and France have successfully escaped prison with the help of small drones delivering materials or observing the facilities in advance of an external breakout effort.

Figure 2 – Drones: Personal Freedom vs. Security Concerns



Photo by Thomas Ricker/ The Verge

Conclusions

Ghost guns and drones are creating significant national security risks within the US. Both demonstrate the legal complications created when rapidly evolving technology significantly outpaces regulatory legal frameworks. This lack of regulation endangers law enforcement officials and members the public, and these challenges are further compounded by a lack of comprehensive data which may be used to determine an effective solution.

Requiring identification tags on consumer drones and ghost guns would help to directly tie these devices to their owners; it would also help clarify the scope of the problem as a whole, aiding in future legislative decisions surrounding the use of these devices.

