

The following language may be incorporated into search warrant affidavits and search warrants to obtain authorization to employ small Unmanned Aerial Vehicles (sUAVs) or “drones” in executing certain types of search warrants.

1. **The affidavit:** The affiant should include a summary of his or her training and experience as it relates to making nonconsensual entries into homes and other structures for the purpose of executing arrest warrants and warrants to search for drugs, weapons, and other contraband. This background information is necessary because of the need to employ the sUAV will be based mainly on the affiant’s training and experience as it relates to these types of entries.

2. **Affidavit:** *[The following or something similar should be included in the affidavit]* Based on my training and experience, I am aware that there exists an increased threat of violence—often involving firearms and other deadly weapons—whenever officers enter a structure for the purpose of executing *[delete any that are not applicable]* [a warrant to search for drugs and/or weapons] [a warrant to search for the fruits and instrumentalities of a violent crime] [a warrant to arrest a person who is wanted for a violent felony] [other, *specify*].

I believe this heightened threat exists for two reasons. First, in executing warrants for these purposes, officers frequently discover firearms and other deadly weapons, and these weapons are often located in places and in a manner that enable the occupants to quickly use them against anyone who is perceived as a threat. Second, officers will give notice of their authority and purpose either before they enter the structure or (in the case of no-knock warrants or exigent circumstances) shortly thereafter. In any event, when the occupants become aware of the officers’ authority and objective, it is not unusual for them to panic because of the possibility that they are about to be taken into custody and subsequently prosecuted and imprisoned. In this fight-or-flight mental state, the occupants may become desperate and attempt to thwart the officers’ mission by any means necessary, including attempted escape and the use of deadly force.

Officers may, however, be able to avoid or significantly reduce these threats by utilizing a small Unmanned Aerial Vehicle (sUAV) to fly over and around the structure before and after the entry is made, and thereby provide them with vital information such as the following: a realtime view of the premises’ exterior which will enable supervisors to determine where officers can be safely posted to prevent escape into the surrounding neighborhood; any movement from an open door or window that may indicate the occupants are attempting to escape or use deadly force against officers inside; the location of occupants who fled the premises before or during the officers’ arrival; and realtime information as to the presence of people outside the premises who may pose a threat to the officers inside. I am aware that, these types of aircraft are now commonly used for these purposes by law enforcement agencies throughout the country, and that their use has proven to be both safe and effective. Furthermore, law enforcement agencies and fire departments now commonly employ these aircraft to help conduct search and rescue missions and provide officers with realtime aerial observations at the scenes of crimes and emergencies.

Based on my training and experience, I am also aware that the employment of an sUAV will be minimally intrusive to people who live or work nearby. The reasons are as follows: (1) the sUAV’s cameras will ordinarily be focused almost exclusively on the target structure and its

curtilage; (2) the sUAV makes little, if any, noise that can be heard from the ground; (3) the sUAV will be registered with the FAA; (4) the sUAV will be piloted by a qualified individual who has the necessary FAA certifications; (5) the sUAV will be flown in accordance with FAA regulations and at altitudes authorized by the FAA; and (6) the sUAV will be used only for the amount of time that is reasonably necessary to complete the mission.

3. Search warrant: *[The following or something similar should be included in the warrant as part of the court's order]* For the reasons set forth in the accompanying affidavit, the officers who execute this warrant are authorized to employ a small Unmanned Aerial Vehicle (sUAV) as necessary to complete their mission and protect the safety of the officers, the occupants of the premises, and others in the vicinity. Such use shall be limited to providing officers with a realtime view of the premises and the area nearby for the purpose of detecting attempts to escape or utilize violence against the officers, enabling officers to obtain a full realtime view of the outside of the structure they are about to enter and the surrounding area and, if necessary, tracking the flight of escapees. Furthermore, the officers are ordered to record and retain the information collected by the sUAV so that it may be available to both the prosecution and defense in subsequent court proceedings.

It is also ordered that the sUAV be registered with the FAA, that it be piloted by a qualified individual who has the necessary FAA certifications, that it be flown in accordance with FAA regulations and at altitudes authorized by the FAA, and that it be used only for the amount of time that is reasonably necessary to complete the mission.