

## Kenny Miller

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**From:** Kenny Miller  
**Sent:** Tuesday, January 21, 2020 8:21 AM  
**To:** Ronald Mills; Maggi Duncan  
**Subject:** RE: Massey Drone Bill Draft 1 - 011523.pdf

Maggi,

Do I need to forward Ron's changes to Becky's office or have you done that?

Deputy Chief Kenny Miller  
Knoxville Police Department  
Patrol Commander  
(865)215-7548

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**From:** Ronald Mills  
**Sent:** Wednesday, January 15, 2020 11:55 AM  
**To:** Kenny Miller; Maggi Duncan  
**Subject:** RE: Massey Drone Bill Draft 1 - 011523.pdf

Maggi, FYI, my comments were directed to the Staples bill, but many of them still apply to the Massey bill. Per my conversation with Kenny, here's a proposed rewrite:

(g) Notwithstanding subsection (e), video collected or obtained by use of a drone pursuant to subdivision (d)(2)(H) must:

- (1) Be made publicly available for viewing via the internet within one (1) day of collection of the video; and
- (2) Be deleted within three (3) days of collection of the video

unless the video is directly relevant to an ongoing investigation or criminal prosecution. If the evidence, information, or other data collected or obtained is directly relevant to an ongoing investigation or criminal prosecution, the video must be retained and deleted by the collecting law enforcement agency in accordance with the same criteria, policies, and procedures used by the agency for evidence collected by methods other than a drone.

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**From:** Kenny Miller  
**Sent:** Wednesday, January 15, 2020 5:38 AM  
**To:** Ronald Mills <[rmills@knoxvilletn.gov](mailto:rmills@knoxvilletn.gov)>; Maggi Duncan <[maggi@tacz.org](mailto:maggi@tacz.org)>  
**Subject:** Fwd: Massey Drone Bill Draft 1 - 011523.pdf

Ron and Maggi, did either of you have any concerns over this Drone legislation. I'm ok with it as long as:

1. We are not required to film whenever it is in use and
2. We are not required to post video for public view that is evidence in an ongoing case.
3. We have broad discretion to deploy it at the listed events to include protests.

Unless I am misreading it, I believe we are good on all three points,

Sent from my iPhone

Begin forwarded message:

**From:** "Maggi M. Duncan" <[maggi@tacp.org](mailto:maggi@tacp.org)>  
**Date:** January 14, 2020 at 9:43:14 PM EST  
**To:** "<[jryall@memphistn.gov](mailto:jryall@memphistn.gov)>" <[jryall@memphistn.gov](mailto:jryall@memphistn.gov)>, Mike Hagar  
<[mike.hagar@nashville.gov](mailto:mike.hagar@nashville.gov)>, Zayid Saleem <[Zayid.Saleem@memphistn.gov](mailto:Zayid.Saleem@memphistn.gov)>, Kenny Miller  
<[kmiller@knoxvilletn.gov](mailto:kmiller@knoxvilletn.gov)>  
**Subject:** Massey Drone Bill Draft 1 - 011523.pdf

This is a draft of the drone bill. Please look it over and let me know your thoughts so I can try to make some changes if possible before it is filed.

Thank you

## Kenny Miller

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**From:** Kenny Miller  
**Sent:** Wednesday, January 15, 2020 11:44 AM  
**To:** Ronald Mills  
**Subject:** FW: Massey Drone Bill Draft 1 - 011523.pdf  
**Attachments:** Massey Drone Bill Draft 1 - 011523.pdf; ATT00001.txt

Deputy Chief Kenny Miller  
Knoxville Police Department  
Patrol Commander  
(865)215-7548

-----Original Message-----

**From:** Maggi M. Duncan [mailto:[maggi@tacp.org](mailto:maggi@tacp.org)]  
**Sent:** Tuesday, January 14, 2020 9:43 PM  
**To:** jryall@memphistn.gov; Mike Hagar; Zayid Saleem; Kenny Miller  
**Subject:** Massey Drone Bill Draft 1 - 011523.pdf

This is a draft of the drone bill. Please look it over and let me know your thoughts so I can try to make some changes if possible before it is filed.

Thank you

AN ACT to amend Tennessee Code Annotated, Title 38  
and Title 39, Chapter 13, relative to drones.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-609(d)(2), is amended by adding the following as new subdivisions:

(H) To provide aerial coverage when deployed for the purpose of providing or enhancing security for an event open to the public and where attendance is expected to exceed one hundred (100) persons, including, but not limited to, music concerts, athletic events, festivals, fairs, and other outdoor events; or

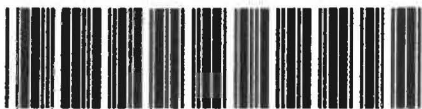
(I) To investigate the scene of a crime that is occurring or has occurred;

SECTION 2. Tennessee Code Annotated, Section 39-13-609, is amended by adding the following as a new subsection:

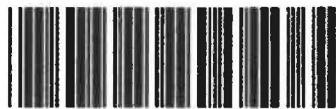
(g) Notwithstanding subsection (e), video collected or obtained by use of a drone pursuant to subdivision (d)(2)(H) must:

(1) Be made publicly available for viewing via the internet within one (1) day of collection of the video; and

(2) Be deleted within three (3) days of collection of the video unless the video is directly relevant to both the lawful reason the drone was being used and to an ongoing investigation or criminal prosecution. If the evidence, information, or other data collected or obtained is directly relevant to both, the video must be retained and deleted by the collecting law enforcement agency in accordance with the same criteria, policies, and procedures used by the agency for evidence collected by methods other than a drone.



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\*011523\*

**SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring**  
**it.**

## Kenny Miller

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**From:** Ronald Mills  
**Sent:** Wednesday, January 15, 2020 10:59 AM  
**To:** Kenny Miller; Maggi Duncan  
**Subject:** RE: Massey Drone Bill Draft 1 - 011523.pdf

As to number 2, that's not what the bill says. There's nothing in (g)(2) that relieves you of the obligation of online posting if you determine the video is relevant to an ongoing investigation or prosecution.

As to number 1, why would you not want to record video? If you find out later a criminal act occurred, you couldn't use the footage to look for evidence. And if you became aware of a criminal event while filming (pipe bomb explodes, for example) and started recording, all you would have is the aftermath of the event, which wouldn't be anywhere near as useful as the lead-up.

I'd also like to point out a potential hole in existing law that seems quite large to me- where TCA 39-13-609(c) says that a drone may be used to search for and collect evidence or "obtain information or other data":

- (1) If used in compliance and consistent with applicable federal aviation administration rules, exemptions, or other authorizations; and
- (2) (A) If the agency first obtains a search warrant signed by a judge authorizing the use of a drone;  
or  
(B) If a judicially recognized exception to the warrant requirement exists at the time of use.

Now, I haven't yet looked for one, but I'm betting that I can find a published opinion that says there's no reasonable expectation of privacy barring filming in areas open to the public. In fact, some of the red light camera decisions say something to that effect. I haven't really pushed this argument because I didn't want someone to come along and close the hole (which may have been placed there quietly and intentionally). If my argument is correct, then this amendment puts you in a worse position because of the online posting requirement.

Allow me just one more minute to vent about this particular statute. I think it's ridiculous to prohibit law enforcement from doing something (using a drone to see what's open to the public to see) that I, as a private citizen, could do without any restrictions whatsoever, so long as the FAA is okay with my operations. We might as well just wait for Google Earth (or SkyNet or whoever else wants to do it) to do a live video feed of the entire globe and pay whatever they're going to charge for the feed.

Okay, I'm finished now. If you fix the language in (g)(2) to exclude video that has value to an ongoing investigation or prosecution from the online posting requirements, I suppose it's okay, but the more you add to it, the further you get from being able to use the "exception to the search warrant requirement" argument.

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**From:** Kenny Miller  
**Sent:** Wednesday, January 15, 2020 5:38 AM  
**To:** Ronald Mills <rmills@knoxvilletn.gov>; Maggi Duncan <maggi@tacp.org>  
**Subject:** Fwd: Massey Drone Bill Draft 1 - 011523.pdf

Ron and Maggi, did either of you have any concerns over this Drone legislation. I'm ok with it as long as:

1. We are not required to film whenever it is in use and
2. We are not required to post video for public view that is evidence in an ongoing case.
3. We have broad discretion to deploy it at the listed events to include protests.



Unless I am misreading it, I believe we are good on all three points,

Sent from my iPhone

Begin forwarded message:

**From:** "Maggi M. Duncan" <[maggi@tacz.org](mailto:maggi@tacz.org)>  
**Date:** January 14, 2020 at 9:43:14 PM EST  
**To:** "<[jryall@memphistn.gov](mailto:jryall@memphistn.gov)>" <[jryall@memphistn.gov](mailto:jryall@memphistn.gov)>, Mike Hagar  
<[mike.hagar@nashville.gov](mailto:mike.hagar@nashville.gov)>, Zayid Saleem <[Zayid.Saleem@memphistn.gov](mailto:Zayid.Saleem@memphistn.gov)>, Kenny Miller  
<[kmiller@knoxvilletn.gov](mailto:kmiller@knoxvilletn.gov)>  
**Subject:** Massey Drone Bill Draft 1 - 011523.pdf

This is a draft of the drone bill. Please look it over and let me know your thoughts so I can try to make some changes if possible before it is filed.

Thank you

## Kenny Miller

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**From:** Kenny Miller  
**Sent:** Friday, January 10, 2020 3:11 PM  
**To:** Lane, Troy; Ronald Mills; Maggi Duncan; Eve Thomas  
**Cc:** Samuel P Shaffer  
**Subject:** FW: Drone Legislation  
**Attachments:** image001.jpg; ATT00001.htm; HB1580.pdf; ATT00002.htm

Upon review I am ok with the wording in this amendment to 39-13-609. While it does require us to make video footage available for public viewing within 1 day of collection, it does not require us to record.

First, by using the verbiage "not limited to" it expands our ability to view protests and public disturbances.

With this legislation, we can observe the event in real time and start recording if and when a crime is observed. If we record a crime it is protected and that footage will not need to be posted online.

I am also ok with the 100 person minimum, because it is based on "expected" attendance.

If this is all we can get this year. I will take it.

Please correct me if I am wrong, Thanks

Deputy Chief Kenny Miller  
Knoxville Police Department  
Patrol Commander  
(865)215-7548

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**From:** Lane, Troy [mailto:[tlane15@utk.edu](mailto:tlane15@utk.edu)]  
**Sent:** Friday, January 10, 2020 8:48 AM  
**To:** Kenny Miller  
**Subject:** Fwd: Drone Legislation

Here you go.

Sent from my iPhone. Please forgive any minor grammatical or "autocorrect" errors.

Begin forwarded message:

**From:** "Warren, Josh" <[josh.warren@tennessee.edu](mailto:josh.warren@tennessee.edu)>  
**Date:** January 9, 2020 at 11:37:14 EST  
**To:** "Lane, Troy" <[tlane15@utk.edu](mailto:tlane15@utk.edu)>  
**Cc:** "Freeland, Annie" <[annie.freeland@tennessee.edu](mailto:annie.freeland@tennessee.edu)>  
**Subject:** Drone Legislation

Chief Lane,



I hope this finds you well. I am attaching recently filed legislation that creates an exemption to the search warrant requirement for drones used to provide security at events open to the public with attendance expected to exceed 100 people and creates an accompanying data retention standard.

We thought it would be helpful to check with you to if this legislation would impact your work or your collaboration with local law enforcement. Any information that you could provide would be helpful.

Thank you,  
Josh