



Office of the Attorney General
Washington, D. C. 20530

June 12, 2026

MEMORANDUM FOR ALL FEDERAL PROSECUTORS

FROM: THE ACTING ATTORNEY GENERAL *John Blawie*

SUBJECT: CHARGING POLICY CONCERNING DEFENSIVE ACTIONS AGAINST
UNMANNED AIRCRAFT SYSTEMS

The unlawful use of unmanned aircraft systems, commonly called "drones," poses a growing threat to public safety. The Department supports law-enforcement efforts to defend against this threat.

As federal law recognizes, defense against the threat of drones might require detecting, identifying, monitoring, or tracking drones by radio signals broadcast by those drones or by devices on the ground or elsewhere used to control them. *See* 6 U.S.C. § 124n. However, chapters 119 and 206 of Title 18, U.S. Code, also place restrictions on the interception and recording of electronic signals related to transmitting communications. Questions have thus emerged about whether state, local, tribal and territorial law enforcement officers and correctional officers who engage in those defensive techniques might be exposed to criminal liability under those chapters. Those questions are further complicated by widely recognized complexities in the underlying statutes, which may have often deterred actions that were fully lawful under chapters 119 and 206.

Last December, Congress partially addressed these issues by amending § 124n to exempt from some criminal liability certain defensive actions taken by state, local, tribal, and territorial officers and correctional officers. The new statute conditions that safe harbor on, among other things, the officer completing a training program certified by the Attorney General.

Due, at least in part, to delays in starting that training program, the number of officers who have completed the program does not meet current public safety needs. This creates a unique timing problem given the number of large, heavily attended events that will occur over the coming weeks and months; counter-drone law enforcement operations are frequently warranted at such events.

To encourage law enforcement officers to engage in appropriate actions to protect the members of the public attending these events, and considering the complexity in the scope of the underlying criminal prohibitions, I have determined, as a matter of sound prosecutorial discretion, that Department of Justice prosecutors should not prosecute or seek penalties under chapters 119 or 206 of Title 18, U.S. Code, or 6 U.S.C. § 124n-1(f) against persons working for or with a state, local, tribal, or territorial law enforcement or correctional agency with assigned duties that include the security or protection of people, facilities, or assets, for conduct described in 6 U.S.C. § 124n(b)(1)(A) and undertaken before

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December 1, 2026, when that conduct would have been authorized by 6 U.S.C. § 124n(a)(2) had the person completed the training detailed in subsection (d)(2). Prosecutors should consider this policy, alongside the usual principles of Federal Prosecution in section 9-27.000 of the Justice Manual, when contemplating charges under the aforementioned statutes.