

DRONE HEARING VERBAL ARGUMENT in opposition to SB 238A

*** I was registered to testify in person on May 7th at 3PM. Please accept this testimony in lieu of this opportunity, and read instances of “today” to mean “during the public hearing session for SB 238A on May 7th, 2025” ***

Chair Kropf, Vice-Chair Chotzen and members of the committee, thank you for the opportunity to be here today. My name is Sean Patrick, and I am with you from Portland. I am here in opposition to SB 238A.

To begin, I want to recognize the intentions of this legislation and honor the difficulties that many people in our police systems face. I know that many of these people, especially those here today, care deeply for the communities they work with, and want to have the tools they feel will help them perform their jobs more effectively and with safety and greater ease. There is no doubt that the drone uses highlighted by Senator Prozansky and the officers here today are critical, and that drones can help enhance public safety in certain, limited situations.

What was lacking, however, was a thorough explanation as to why such sudden, sweeping, additional powers are required, if the examples given are already so effective. These tools are **already** being used as the examples spoken about dictate, and sometimes in ways that are safe and effective, to be sure.

However, SB 238A is considered by the ACLU to lack sufficient guardrails against abuse and mission-creep, primarily because it circumvents judicial oversight, and has proceeded without input from the communities most likely to be affected by the increase in drone use that it allows. In addition, according to the ACLU, it circumvents the constitutional protections necessary to ensure hugely powerful technologies like this are being used in concert with our deepest, American values.

(As an aside, the law enforcement representatives testifying here today claim that there are strong civil liberties protections contained within this legislation, but have not provide any specifics. The ACLU, on the other hand, disagrees saying that protections are not sufficient, and then took the time to highlight a **great many specific, clear examples** within their testimony. Therefore, despite the assurances provided by Senator Prozansky and the other law enforcement representatives here today, I think it is clear that the ACLU is making the better argument.)

The reality is, as we have heard repeatedly today, that current Oregon law already allows the use of drones in many important instances. In Portland, in fact, a drone pilot program has already been underway since 2023. However, testimony submitted by Chief Bob Day of the Portland Police Bureau highlights the discrepancy in perspective between police public relations and actual community investigations.

The voluntary reporting requirements that Chief Day highlights in his testimony, and the state reporting requirements spoken about by Mr. Kratz during today's session, for example, were recently shown to be **woefully under-effective** thanks to investigative reporting by Kate Kaye, who found that information regarding drone use was often confusing and in many cases completely opaque. Evidence of mission-creep was also highlighted in her work. Importantly, **this is already happening** under existing Oregon law that **contains judicial oversight**. (Links to Kate Kaye's reporting can be found here: <https://redtailmedia.org/>). This clearly indicates that we need **far stronger safeguards** moving forward, not laws that potentially loosen them.

As reporting of this kind becomes more widely known, how will passing SB 238A play to your constituents when, according to testimony by the ACLU, it "create(s) such loose restrictions, that there is very little difference between these proposed changes and just repealing the existing regulations altogether?"

Now, according to my understanding of Senator Prozansky's earlier comments this afternoon, the repealed sections of law have been rolled into the new version of SB238A. However, this does not mean that they are effectively implemented if other aspects of the legislation countermand them. If the ACLU feels that the restrictions they contain are loosened by the rest of the bill, then **it is likely that your constituents will feel the same**.

To return to the reporting I referenced earlier by Kate Kaye, it is also important to note that she has demonstrated that communities of color and poor communities appeared to be most likely to be impacted by drone use. Despite this reality, however, these communities have remained absent from the conversation around implementing this expansion in the police power to use them.

Frankly, drone use in Portland is already seen as controversial, and the passage of SB 238A, in a short session without what Senator Pham from District 23

calls, in her explanation of vote, dated April 17th, 2025 “...a more robust public dialogue... around the risks of unintended consequences and how we preserve privacy and constitutional rights in a new technological landscape...” then we have a recipe for distrust, unrest and massive levels of protest in a city that is just now beginning to recover from its last upheavals.

It is also very likely in this hyper-partisan, politically-charged atmosphere that your constituents may **misinterpret** your actions with this legislation as an attempt to empower the easy, consequence-free surveillance of protest during what many of them feel is an oppressive federal regime, using easy-to-generate excuses and without judicial oversight. Again, according to Senator Prozansky this is not accurate, but even if he is correct, the **perception** in your constituency will likely remain.

In fact, as I have spoken to regular people about this bill, the very first reaction I get is powerfully negative and deeply mistrustful of the idea that the judicial branch is cut out of this process, and that we are to simply trust law enforcement to self-regulate. To quote one strong opinion, “Those sneaky *b-words*.”

Is that how this committee wants to be perceived by its constituency? At the very least, you have a massive public relations issue laid out before you if SB 238A moves forward. The proposed safeguards have simply been found to be lacking, and this is what your constituents will care about the most.

In closing, the question here is **not** “should we get our police forces more tools to be effective,” the answer to that question could possibly be yes; but instead, the question I believe the committee should be asking itself is:

Do you want to be responsible for being perceived as rushing a sudden and radical change in Oregon law that did not involve all of the stakeholders and that seems to remove constitutional guardrails against unreasonable search and surveillance in a hyper-sensitive, highly-reactive political environment, one that is just beginning to recover from massive protests against police overreach, and the alienation of the very constituencies that have been ignored in the genesis of this legislation?

I would hope that the answer to that question is no.

I understand that it may feel frustrating to have to move back into a drafting stage with legislation when so much work has gone into it, but sometimes

good legislation requires this. If the ACLU has found additional issues then it is essential that we err on the side of caution with regard to civil liberties and civil rights. The stakes are just too high.

And maybe Oregon's drone laws are too restrictive. That's possible. If so, let's sit down with the most-affected communities, their advocates and allies, and let's draft careful, constitution-respecting legislation that involves all of the stakeholders and enshrines legally-binding, commonsense ideas of transparency, accountability and oversight into their core. Let's **increase** the level of transparency and oversight required, not decrease it, while helping our police forces to serve the public good.

Most importantly, let's be **crystal clear** as to exactly what is needed that can't be obtained under current law, and craft careful, targeted approaches that maintain our American system of checks and balances.

This bill, SB 238A, despite its authors' best intentions, does not do this effectively and was not crafted in this careful way. Please, do not pass this bill.

Thank you.

Sean Patrick
Senate District 23: Senator Khanh Pham
House District 45: Representative Thuy Tran