

# PHILIPS CONSULTING GROUP

May 9, 2025

Hon. Rep. Kropf, Chair  
Hon. Rep. Chotzen, Vice-Chair  
Members, **House Judiciary Committee**

RE: *SB 238A – do not remove judicial oversight of drone use by law enforcement*

I want to thank the committee for the opportunity to provide testimony on the proposed changes to Oregon law that will occur if SB 238A is passed.

Having sat and listened to many members of law enforcement provide testimony regarding situations where they successfully utilized drones during emergency situations, I was struck by how well our existing laws in Oregon regarding drone use by law enforcement work. There is no need for the changes that are being pushed by law enforcement, and removing the warrant requirement for drone use will make all Oregonians less safe.

SB 238A grants sweeping surveillance powers to the government and removes an important check to government overreach – the requirement of a warrant approved by a judge for law enforcement use of drones. Without that judicial oversight, the use of drones by law enforcement is rife for abuse. ORS 837.320 creates an exigent circumstances exception that allows for drone use in emergency situations. This exception works and there is no need for SB 238A in Oregon.

Furthermore, law-enforcement witnesses testified that there will be no way to tell if a drone is a police drone or a random drone, which makes everyone less safe.

What happens if your kids are playing soccer in a local park and there is a drone overhead? It could be law-enforcement or it could be a creep planning to kidnap your kids. There will be no way to tell.

Drone hovering over a restaurant you are leaving with your friend who just left an abusive relationship? Could be a police drone or your friends abusive ex. No way to tell.

Crime is trending down and this bill is an attempt by law-enforcement to fearmonger that SB 238A is needed to keep people safe - when it will actually do the opposite and make all Oregonians less safe.

In April of 2025 a coalition of civil rights and labor organizations demanded that Portland city leaders investigate suspicious and retaliatory police presence at events hosted by two Portland city councilors – two city councilors who have pushed for stronger police oversight. (See Attachment A) Without judicial oversight of police use of drones, law enforcement could use drones to target elected officials at the city, state, and national level whose policies they disagree with.

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The majority of criminal cases that make up the criminal court dockets in Oregon are misdemeanors – roughly 80% of all cases. This is reflected in the numbers of unrepresented Oregonians as well:

The most recent number of unrepresented is from May 7, 2025 and the total number of unrepresented individuals in Oregon is 5,624, and 1,714 of those are in warrant status. The breakdown by case type is:

Misdemeanor:	2,415
C Felony:	1,120
B Felony:	205
A Felony:	41
Murder:	2

The number of types of serious cases involving physical harm to another person makes up the lowest percentage of criminal cases, which means the need for emergency response drones by law enforcement is not the majority of cases in the criminal court system. Furthermore, with the continuing unrepresented crisis, sending in drones for low-level cases opens up Oregon to more complex litigation in criminal court at a time when there aren't enough defense attorneys for already existing cases. All of this will cost more money at a time when budgets are undergoing shortfalls.

The Fourth Amendment to the United States Constitution states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Allowing law enforcement unlimited surveillance is unconstitutional. By removing the need for judicial review of a probable cause affidavit before a warrant can be issued for drone use, SB 238A would allow law enforcement to violate the Fourth Amendment rights of all Oregonians to be free from unreasonable searches and seizures.

I urge you to vote no on SB 238A.

Sincerely,

Rachel Philips  
/s/Rachel Philips  
Attorney  
Philips Consulting Group

**ATTACHMENT**

**A**

## ACLU Wants City Investigation of Police Presence at Councilors' Town Halls

The ACLU of Oregon and 16 other organizations want the city to investigate what they call “retaliatory” visits by police officers to events hosted by two city councilors.

Expand



**Councilor Angelita Morillo speaks at the Hands Off rally in Portland on April 5, 2025. (JP Bogan)**

By [Tyler Brown](#)

April 14, 2025 at 4:16 pm PDT

A coalition of civil rights and labor organizations is demanding Portland city leaders investigate what it describes as suspicious and potentially retaliatory police presence at recent events hosted by two city councilors who have pushed for stronger police oversight.

The letter, signed by the ACLU of Oregon, Imagine Black, Don't Shoot PDX, Communication Workers of America Local 7901, and 13 others, was sent April 9 to Mayor Keith Wilson, Police Chief Bob Day, city administrator Michael Jordan, and the full City Council. It alleges Portland police may have used community engagement as a cover for intimidation—specifically targeting Councilors Sameer Kanal and Angelita Morillo.

*The Oregonian* [first reported last month](#) that uniformed officers showed up uninvited to public events hosted by the two councilors. The cops' appearance came shortly after a March meeting of the council's Community and Public Safety Committee, where the president of the Portland Police Association sharply criticized Kanal for his push to strengthen civilian oversight of the Police Bureau.

In the days that followed, officers appeared at a community event hosted by Kanal and, days later, at one organized by Morillo. Chief Day has since said the visits were part of routine community engagement.

The organizations behind the letter aren't buying it. "Retaliation and intimidation by the police against anyone—including elected leaders—bolsters fascism, not democracy, and weakens the rule of law," said Sandy Chung, executive director of the ACLU of Oregon, in the letter. "We ask Portland city leadership to do everything in their power to investigate, address, and prevent any form of intimidation and retaliation by police."

The demand escalates standing tensions between the two councilors, who have taken up the mantle of police reform on the newly elected City Council, and the Police Bureau. Such friction is hardly new: As *WW* reported in 2021, the former president of the police union, Brian Hunzeker, resigned after leaking a police report to *The Oregonian* that [mistakenly implicated then-Commissioner Jo Ann Hardesty in a hit-and-run crash](#).

Morillo tells *WW* that she was invited to speak at the Montavilla Church in the Hawthorne neighborhood to about 15 people when two police officers showed up in uniform. She says the officers did not engage with the congregation and the church had not invited them. When asked why they were present, the officers told Morillo they were "directed by their lieutenant" to be there, but when asked which lieutenant, they declined to answer and left shortly thereafter, she says.

Morillo says she felt "gaslit" about the incident and adds that while she was assured that intimidation was not the intent, she knows what she saw. "Impact matters more than intent," Morillo said.

So far, the mayor's office has not publicly responded to the letter, nor has Chief Day or the Portland Police Bureau. Wilson and Day could not immediately be reached for comment, and the Police Bureau cited comments by Day at the Community and Public Safety Committee meeting March 25, in which he said police attendance at previous town halls "did not go as [he] had planned."

Chung said the best protection for the elected leaders of Portland is to remain "vigilant and observant" and report any inappropriate or potentially dangerous tactics.

“I think there may be other elected leaders who may feel that they have experienced some type of intimidation and retaliation,” Chung tells WW. “I would encourage people to step forward if they have experienced something like this.”

### **Tyler Brown**

Tyler Brown is a Pacific Northwest-based multimedia journalist covering crime, politics and whatever else gets tossed on his desk.

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