



To Chair Bowman, Vice Chairs Pham and Drazan, and members of the House Committee on Rules,

We are members of the Multnomah County Democrats' Criminal Justice Study Group. We promote fairness, justice, and improvements in Oregon's criminal justice system, and we strongly oppose SB238-A and respectfully urge your committee to decline to advance this bill. This legislation does not adequately protect our communities and neighbors from warrantless invasion of privacy, which will have a chilling effect on our freedom of speech and assembly and invite subjective bias to dictate when law enforcement may use surveillance tools against the people.

SB 238-A is a poorly-conceived piece of legislation that ultimately is a solution – the *wrong* solution – in search of a problem. No one denies the efficacy of using unmanned drones to conduct searches, nor the potential cost savings law enforcement may realize in using these surveillance tools, which is why **ORS 837.320 already authorizes their use** upon the issuance of a judicial warrant. The standard for when law enforcement may use drones, as with any other surveillance tool, is based on decades of well-established case law. In accordance with current law, police may even use drones to perform searches without first obtaining a warrant under clearly defined, exigent circumstances.

Likewise, no one denies how unmanned drones can be critical tools to save lives during search and rescue operations, which is why **ORS 837.335 already authorizes drone use for search and rescue purposes**. The sole purpose of SB 238-A is to repeal and remove the reasonable safeguards the law currently requires to protect the Constitutional privacy rights of Oregonians and our communities against improper misuse of this surveillance technology.

Make no mistake – our law enforcement agencies already have the legal authority to use drones for every **legitimate** purpose that the sponsors of SB 238-A argue to justify this bill. What then is the effect of this SB 238-A? This bill does nothing more and nothing less than enable the police to perform drone searches for **illegitimate** purposes by removing the objective, judicial oversight and administrative guardrails that protect our rights against unfair police overreach.

Moreover, history has shown us time and time again that vulnerable minority groups such as protestors, activists, immigrants, and other people of color and marginalized members of our community are the victims of over-policing, biased enforcement, and other forms of the inappropriate use of police power. Judicial oversight, and the requirement that law enforcement agencies must demonstrate probable cause prior to using surveillance tools, are the methods our legal system has adopted to protect our communities from an unfair, unconstitutional violation of our rights to privacy and to freedom from warrantless searches.

Many amendments to SB 238-A have been considered, but ultimately no amendment can cure this bill's fatal flaw – namely the fact that SB 238-A does not provide police with a single tool that the law does not already explicitly authorize; it simply removes all judicial safeguards designed to prevent the police from using that tool for unlawful, Constitutionally-prohibited purposes.

For all of these reasons we urge you to protect our civil liberties and reject SB 238-A.

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