

Submitter:

Jennifer Callison

On Behalf Of:

Committee:

House Committee On Rules

Measure, Appointment or Topic:

SB238

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

I am a voter from Portland, Oregon, and I oppose SB 238-A because it removes judicial safeguards related to warrant-less surveillance by drones. I 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 warrant-less invasion of privacy, which will have a chilling effect on our freedoms 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. ORS 837.320 already authorizes the use of drone surveillance use upon the issuance of a judicial warrant. The standard for when law enforcement may use drones 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. 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. This bill would enable the police to perform drone searches for illegitimate purposes by removing the objective, judicial oversight and administrative guardrails that protect our rights against police overreach. Judicial oversight, and the requirement that law enforcement agencies demonstrate probable cause prior to using surveillance tools, are the methods our legal system has adopted to protect our communities from unconstitutional violation of our privacy rights.

SB 238-A does not provide police with any tools that the law does not already explicitly authorize. The bill would remove judicial safeguards designed to prevent the police from using that tool for Constitutionally-prohibited purposes. I urge you to protect our civil liberties and reject SB 238-A.

Respectfully, Jennifer Callison