

Submitter: Tyler Kelly
On Behalf Of:
Committee: House Committee On Rules
Measure, Appointment or Topic: SB238
To the House Committee on Rules

I am writing to oppose SB238. Requiring warrants to conduct what amounts to a search conducted by aerial drones is an important safeguard to protect the privacy of Oregonians and prevent intrusive law enforcement actions from negatively impacting the lives of law-abiding Oregonians. Requiring a warrant to conduct aerial surveillance is an important check on the power of law enforcement. In situations where aerial surveillance is immediately necessary, there already exist exceptions to warrant requirements based on law enforcement being able to articulate appropriate exigent circumstances.

SB238 is overly broad. It allows law enforcement, entirely at their own discretion and with no oversight nor checks on their authority, to conduct aerial surveillance for "any call for law enforcement services" and erects absolutely no barriers to how information from this aerial surveillance may be used. For example, this bill as written would allow for the following scenario: Eugene police receive a call for a noise complaint. EPD chooses to deploy an aerial surveillance drone, and in the process record video of the backyards of every neighbor proximal to the source of the complaint. This video captures a person, in the privacy of their own yard, in some state of undress. This video then becomes a permanent record that EPD shares with anyone they see fit.

In that scenario, a perfectly law-abiding individual not only has an image of their body - in some state of undress - captured by strangers, but that image becomes shared with law enforcement agencies across the state for no law enforcement purpose, instead only to ogle the individual's undressed body. This scenario may seem extreme or unlikely, but there is absolutely *nothing* in SB238 that would prevent this, that would hold any members of law enforcement accountable for sharing those images, or to prevent their wide distribution.

Instead of robust safeguards - such as those created by requiring a warrant to conduct aerial surveillance - SB238 relies on a "Trust me, I'm from the government" system to prevent abuses. That, simply put, is insufficient. As such, SB238 must not be allowed to become law.