

Thank you, Chair Bowman, Vice Chairs Drazan and Pham, and members of the committee. I am Chris Stuckart, writing today in my personal capacity.

I am writing today in strong opposition to SB 238, which would weaken warrant requirements for police use of drones. This bill is unnecessary, does not address a pressing public safety need, and poses a direct and unacceptable threat to the privacy rights of Oregonians.

The Fourth Amendment guarantees “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.”

The requirement for the government to obtain a warrant exists for a reason. It is a crucial check against government overreach which allows private citizens to feel safe and secure with respect to their person and privacy.

This bill clears the way for police departments to circumvent this requirement with broad allowances, including police calls for service, or when a law enforcement agency speculates that property damage MIGHT occur.

It is absolutely crucial that lawmakers uphold our system of checks and balances, and guard against any and all forms of government overreach.

These concerns are only amplified in the context of a federal administration which has seized and deported legal visa holders for exercising their First Amendment rights of speech and assembly, and mobilized the National Guard to crack down on protests. I am especially concerned about the chilling effect this could have on the First Amendment rights of Oregonians.

Some protections have been added to prohibit recording of a lawful assembly. However, considering that the Portland Police Bureau only this year settled lawsuits regarding excessive force against journalists and legal observers during the largely peaceful racial justice protesters in 2020, there remain significant concerns about how these protections would hold up in practice.

Finally, it is eminently clear that the discussions around this bill did not take into consideration the disparate impacts of policing on communities of color. While we have yet to substantially address disproportionate incarceration rates and police use of force, there is little reason to believe that drones would not simply become another tool to reinforce structural and systemic racism.

I urge this committee to carefully consider the impact this bill would have on the privacy and speech rights of Oregonians, as well as our most marginalized communities. More work needs to be done to reach out to civil liberties advocates and BIPOC communities before writing a blank check for the expansion of law enforcement powers.

Thank you for your time and consideration,

Chris Stuckart