



To: Senate Judiciary Committee

From: Kevin Campbell, Executive Director
Oregon Association Chiefs of Police

Date: March 21, 2013

Re: Testimony regarding SB 71 – 6
State Regulation of Unmanned Aircraft Systems

Chair Prozanski and Members of Committee, for the record my name is Kevin Campbell and I'm the Executive Director of the Oregon Association Chiefs of Police. I'm here today to comment on the dash 6 amendments to SB 71.

I want to begin by thanking the members of the committee and committee counsel for engaging in a thoughtful approach to addressing what is a very complicated issue. Other states around the U.S. are attempting to navigate the appropriate use of this new technology and many are failing to pass legislation (see Washington State, HB 1771 and Virginia's two year moratorium). The rapidly evolving technology combined with an expectation that the FAA will continue to issue new regulations regarding the use of unmanned aircraft systems makes legislation complex.

The over 300 members of the Oregon Association Chiefs of Police approach the use of this new technology with the following in mind:

- The use of new technologies for public safety purposes cannot and should not abridge the privacy protections guaranteed through the Fourth Amendment to the U.S Constitution, our State of Oregon Constitution and a well vetted history of case law. In this regard, we believe we must approach the use of unmanned aircraft systems for law enforcement purposes with these important protections in mind. In addition, we believe the court system is well suited to evaluate the proper use of these technologies and other emerging technologies over time.
- The use of unmanned aircraft systems for public safety has tremendous potential. It is sometimes easier to focus on uses of this technology that are inappropriate in light of privacy right protections. We want to make sure that any legislation allows the use of these systems for a number of positive applications where traditional law enforcement is less safe, efficient, effective and cost effective.

The following are a few examples and others will be identified as the technology evolves:

- Traffic crash reconstruction
- Hazardous material response
- Monitoring traffic conditions and evaluating vehicle crashes
- Barricaded suspects, hostage situations and active shooter incidents
- Tracking vehicles when a driver is attempting to elude (as an alternative to or in addition to active pursuit)
- Search and Rescue applications

The dash 6 amendments to SB 71 does anticipate the use of unmanned aircraft systems for law enforcement purposes and creates a warrant process and identifies a number of acceptable uses of the technology that doesn't require a warrant. We want to insure that SB 711 allows the wide range of positive applications of these technologies and to avoid unintended consequences that may result from this legislation.

A few specific questions and concerns with SB 71 with the dash 6 amendments include:

- In Section 4(2)(a), will the warrant require a specific request of the court to utilize an unmanned aircraft system or is obtaining a warrant for a search sufficient for use of the technologies?
- In Section 4(4), would use of a unmanned aircraft system for accident scene reconstruction be allowed?

Thank you for the opportunity to testify on this important issue. The OACP continues to evaluate SB 71 with the dash 6 amendments and may have additional comments and questions. Thank you again for including our members in this process and for carefully and constructively addressing the complexity of the issue. We would like to participate in any additional work group meetings necessary to finalize the language of this measure.

Thank you!