

**To the Oregon State Senate Judiciary Committee
in regards to Oregon House Bill 2710
Delivered May 8, 2013**

Thank you for this opportunity to express our thoughts and ideas regarding this proposal. While we are hobbyists, we have a keen interest in how this technology can be utilized to aid the brave men and women who serve Oregon in the public safety community. **We have had several opportunities to fly demonstration missions for interested representatives of law enforcement and the fire service**, so we have insight into these issues.

To begin with, **we wholeheartedly support the bill's overall goal of protecting the privacy of Oregonians from intrusive aerial surveillance**. We feel that it is appropriate for members of law enforcement to seek a warrant before using a drone to observe and record suspected criminal activity, and we likewise agree with the bill's provision allowing for the immediate use of a drone in emergent, live-threatening circumstances.

In this, the bill seems to strike an appropriate balance between the promise of this new technology to while protecting the privacy of individual citizens. That said, **we would like to suggest several minor amendments based on our experience**.

First, we would like to see the language of the bill **make it clear that law enforcement can deploy a drone without a warrant in circumstances where no criminal activity is suspected — such as search and rescue operations**.

According to the Oregon Constitution, law enforcement — in the person of the elected sheriff — is responsible for all search and rescue operations within each county's borders. Drones could provide an enormous benefit in search and rescue, although it is not always clear at the outset whether or not a particular search mission rises to the level of a life-threatening emergency — and **no warrant is required, nor is there any expectation of privacy, when ground search teams or manned aircraft are sent out to look for an overdue hiker or an Alzheimer's patient**.

Second, drones could be of enormous utility in certain types of investigations, which may or may not be criminal in nature. For example, law enforcement personnel often expend considerable effort to document the scene of a traffic collision. **A drone could capture a high-resolution, overhead view of a crash scene in just a few seconds that would be more accurate and detailed than a hand-drawn diagram that would take several hours to produce**. We are aware of private accident investigators who are already using this technology.

As we are neither lawyers nor legislators, we will not attempt to suggest how a rule permitting this type of use should be written, but there does appear to be a compelling public interest — in terms of saving tax dollars by utilizing this new technology — without any appreciable impact on the general public's expectation of privacy.

Third, we would like to suggest an additional exemption to the bill's requirement that imagery captured by a drone must be destroyed within 30 days. As it is currently written, such imagery can only be retained for longer than 30 days if it is evidence of a crime. **We would like to suggest that the bill be amended so that imagery can also be retained for more than 30 days for demonstration and training purposes, provided other requirements are met.**

A reasonable requirement might be that **every individual who appears in such imagery is either a member of a participating law enforcement organization, or has signed a release form permitting the use of their image.** To date, the only law enforcement organization in the state to seek a Certificate of Authorization to operate a drone in Oregon is the Clackamas County Sheriff's Office.

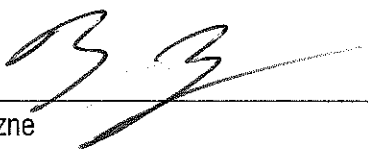
High among its list of stated uses for this aircraft is to record its own training activities. As an example, members of the SWAT team might find it useful study their own movements from an aerial perspective after participating in a scenario that involves approaching a house where a barricaded gunman is holding hostages. This video could also be used to demonstrate proper techniques to new members of the team.

Requiring this imagery to be deleted after 30 days would deprive law enforcement of a potentially valuable training tool while providing no additional benefit in terms of protecting the public at large from intrusive surveillance. Similarly, video and photographs of previous training activities or of uninhabited landscape, for example, could be useful to demonstrate the capability of drone aircraft to interested parties — such as members of other law enforcement organizations, citizen groups, new drone pilots in training, and so forth.

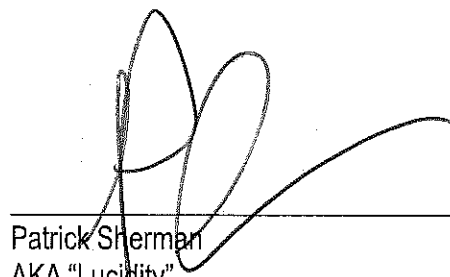
Finally, if only for the sake of clarity and uniformity within state statutes, **we would like to suggest that the bill state explicitly how the 30-day deletion requirement will modify Oregon's existing public records laws.** For example, Chapter 166, Division 150, Part 0135, Paragraph 12 of the Oregon Administrative Rules requires that all police records related to SWAT team deployments must be retained for a minimum of three years. Imagery of a SWAT call out captured by a drone would presumably part of the public record.

And, of course, **we are anxious to see that House Bill 2710 remains focused exclusively on the use of drones by law enforcement** and not become over-broad in its scope — as occurred with Senate Bill 71.

Respectfully submitted,



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