



**Testimony of Becky Straus, Legislative Director
In Opposition to HB 3438
Senate Committee on Business and Transportation
May 14, 2013**

Chair Beyer and Members of the Committee:

HB 3438 would expand authority to all cities in Oregon to use photo radar in school zones and removes the requirement in current law that photo radar in school zones be operated by a uniformed police officer and operated out of a marked police vehicle. Thank you for the opportunity to raise concerns about this proposal.

As surveillance tools in policing become increasingly available and advanced, we urge great caution in undertaking expansion of their use. The current statutory scheme as it relates to use of photo radar imposes sidebars on its use. Only a limited number of jurisdictions, based on size, are authorized to employ the technology in school zones and for a limited number of hours per day. Current law requires that photo radar be operated by a uniformed police officer and operated out of a marked police vehicle. HB 3438 would remove these deliberate limitations on the use of photo radar.

The ACLU is weary of erosion of these protections in part because doing so brings us ever closer to a surveillance society, a result that undoubtedly would be harmful for civil liberties. The right to privacy means the right to be free from government intrusion without sufficient justification, and it ensures that our rights to free expression, free association, and many others, are valued and protected.

Surveillance tools can play an effective role in policing, but they cannot be effective when they are expected to replace the work of an officer. An officer on the scene to operate the photo radar system brings with him or her the judgment and context needed to evaluate whether imposing a penalty on someone is appropriate. We are concerned that what HB 3438 proposes is not a one-to-one exchange and instead risks that an element of discretion and, with that, fairness, will be lost when an officer relies solely on the footage from the radar when reviewing in his or her office. Moreover, we believe that boots on the ground policing will always be more effective than outsourcing such work to technology.

Public safety officials should have the tools they need to keep Oregonians safe, but HB 3438 would erode important limitations against the widespread proliferation of surveillance tools. For this reason, we respectfully request that you do not move forward with the bill at this time.

Thank you for your consideration.