



To: **Members of the Senate Judiciary Committee**

From: **Kevin Campbell**
Oregon Association Chiefs of Police
Oregon State Sheriffs Association

Date: March 30, 2017

Re: **Testimony Regarding SB 515 – Interim Work Group**

Chair Prozanski and members of the Senate Judiciary Committee, for the record, I am Kevin Campbell and I am here today on behalf of the Oregon Association Chiefs of Police and the Oregon State Sheriffs' Association to support the idea of an interim work group process to develop a proposal for the 2018 Legislative Session to modernize our Oregon privacy statutes.

As new technologies are developed and made available to law enforcement as tools to prevent crime, investigate criminal activity and keep communities safe and as criminal enterprises increasingly utilize new technologies to facilitate their crimes, policing agencies are under increasing pressure to strategically respond. During the past several legislative sessions, the introduction of numerous measures designed to address the deployment of these policing tools caused law enforcement leaders to form the Oregon Law Enforcement Responsible Technology Workgroup (LERT). The "LERT" includes law enforcement leaders and public safety partners from throughout the state along with experts in law enforcement technology, criminal investigation, agency accreditation and best practice policy. The objectives and values of the LERT include the following:

- To develop legislation to modernize our privacy statutes to insure that law enforcement implements the use of new technologies in a manner that carefully balances the privacy of our citizens and the safety of our communities. Policing agencies and prosecutors are sworn to uphold our state and federal constitutions and protecting the privacy of our citizens is an unwavering priority. For your law enforcement leaders and for the work of the Law Enforcement Responsible Technology Workgroup, the balance between privacy protection and keeping communities safe is not an "either/or"; Rather, it is a "both/and" proposition.
- To develop and align agency policies to insure that the utilization of new technologies is in keeping with best practice standards and practices. The goal of the LERT is to identify and use current research and policy development resources to create a best practice policy framework for use by local police agencies when they deploy new technologies. These policy frameworks are designed to recognize the need for

agencies to establish policies on new technology use and deployment that take into consideration agency size, geographic location and other factors.

- To provide police agencies with tools to assist with planning, implementation, training, deployment, use, and proper management of new technologies. Before deploying new technologies, agencies should have an adopted best practice policy and the necessary training in place to insure that the new technology is implemented responsibly.

The Oregon Association Chiefs of Police and the Oregon State Sheriffs Association are committed to deploying new policing technologies in a manner that protects the privacy, civil rights, and civil liberties of our citizens while enhancing the safety of our communities. In keeping with this commitment, our associations cooperated with the Law Enforcement Responsible Technology Work Group to introduce SB 515. The “Privacy Protection and Safe Communities Act” was carefully drafted to modernize our privacy statutes in order to insure that the privacy of our citizens is protected and enhanced as new technologies are deployed. While the courts are providing regular guidance to law enforcement through case law regarding the appropriate use of technologies to obtain information in the course of criminal investigations, our Oregon privacy statutes are antiquated and in desperate need of modernization.

While we believe SB 515 is carefully crafted to balance a wide range of stakeholder perspectives, we understand that there are differing approaches to these issues and we are committed to working with members of the legislature and stakeholders in a work group to seek a consensus approach with the hopes of bringing a solution in 2018.

Thank you for your consideration and for your efforts to carefully balance privacy rights and the safety of our communities.

