

CCDLA
"Ready in the Defense of Liberty"
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**Connecticut Criminal Defense
Lawyers Association**

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February 24, 2014

The Honorable Eric D. Coleman
The Honorable Gerald M. Fox.
Chairmen
Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

**Re: Raised Bill No. 5217, An Act Concerning Use of Unmanned
Aircraft - Testimony of The Connecticut Criminal Defense Lawyers
Association by John Walkley, President**

February 24, 2014

Senator Coleman, Representative Fox, and distinguished members of the Judiciary
Committee:

I am John Walkley, the current President of the Connecticut Criminal Defense Lawyers Association (CCDLA). The CCDLA is a statewide bar organization comprised of more than 300 lawyers who are dedicated to defending persons accused with the commission, among other things, of criminal and motor vehicle offenses. CCDLA's membership consists of attorneys from both the private and public sectors. As a non-profit organization, it is solely funded by its membership. Founded in 1988, CCDLA seeks to improve the criminal justice system by ensuring that the individual rights of defendants as guaranteed by the Connecticut and United States constitutions are protected and fairly and equally applied. Toward this end, CCDLA also strives to improve the criminal justice system through legislative and procedural reform work.

In that regard, and to that end, CCDLA supports House Bill 5217, An Act
Concerning Use of Unmanned Aircraft

While drones can be beneficial in aiding police investigations, drones pose a serious threat to the privacy of all Connecticut citizens. The capabilities and technologies of drones are rapidly improving. In addition to the quickly evolving technology, in 2015, a federal law will open our nation's airspace to drones, generating a sizeable presence of drones. Thus, the necessity for this bill safeguarding our privacy rights.

A drone can be equipped with a multitude of highly sophisticated surveillance equipment creating the potential for extraordinary invasions of personal privacy. Drones can be outfitted with high-resolution video cameras, night vision cameras and infrared or heat-sensing devices. Furthermore, drones may be equipped with facial recognition technology, radar and license plate readers. This surveillance equipment coupled with a drone's ability to fly and hover at low altitudes enables drones to see through walls, peer into windows and document activities in a private home. The advancement of drone technology has happened so quickly that public policy has not been able to account for personal privacy interests.

This bill contains several measures – measures which are currently either inadequate or nonexistent – to safeguard the individual privacy rights of Connecticut citizens. Most importantly, the bill requires law enforcement to obtain a warrant to use a drone, except in cases of emergency. This bill offers an appropriate balance between the interests of law enforcement and drone use and the privacy rights afforded to Connecticut citizens through the United States and Connecticut Constitutions. Law enforcement officials will be permitted to use drones in emergencies or with a probable cause warrant issued by a judge. Requiring law enforcement to obtain a warrant before using a drone ensures that the powerful and invasive drone technology will be used appropriately. The privacy of innocent individuals is further protected by this bill's mandate that any video and data unrelated to a specific target be promptly deleted. An additional safeguard to Connecticut citizens is the prohibition on using drones armed with weapons. Such a prohibition prevents possible destruction and deadly consequences. Furthermore, law enforcement agencies and prosecutors will be compelled to annually report on drone usage. The annual reports will provide transparency and allow the community to assess drone regulations and their effectiveness.

CCDLA supports this carefully considered legislation because it offers a fair and appropriate balance between the necessity to protect the privacy interests of individuals in Connecticut and the necessity to conduct law enforcement investigations.