



*Office of Chief Public Defender
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**Public Safety and Security Committee
Public Hearing March 1, 2016**

Raised Bill No. 5274

AN ACT CONCERNING THE USE OF DRONES

The Office of Chief Public Defender generally supports ***Raised Bill No. 5274, The Use of Drones***. The Office of Chief Public Defender believes that **Section 9** of this Raised Bill addresses the Constitutional Fourth Amendment concerns that this Office had with various proposals concerning the use of drones by law enforcement agencies during the last legislative session. However, the Office of Chief Public Defender does have concerns about two provisions contained in this Raised Bill.

First, this Office is concerned that the proposed addition in Section 3 of the bill, *"For purposes of this subsection, 'not in plain view' includes a view not otherwise obtainable that is made possible through the use of technology that is electronic"*, is confusing and does not clearly indicate the intent behind that language. The Office of Chief Public Defender suggests that this language be clarified or made clearer and is willing to work with this Committee to suggest alternative language.

Second, this Office is concerned that the rules for retention of information stated in **Section 9(f)(3)** are unclear as to their purpose. **Section 9(f)(3)** provides:

(3) If such information allows the identity of an individual or privately owned property to be ascertained and there is probable cause to believe that an offense was committed by the individual or on the property, such law enforcement agency may retain such information for a period of not more than five years from the date of collection and, after such retention, shall destroy such information, except that, if a warrant is issued in

accordance with section 54-33a of the general statutes based in part on such information, such information may be retained pursuant to the warrant.

It is that first clause that this office suggests be made clearer. That would permit a law enforcement agency to conduct surveillance using a drone, gather information that develops probable cause to believe that a crime has been committed, yet do nothing with that information and retain it unmodified for a period of five years.

The Office of Chief Public Defender suggests that if law enforcement were in possession of information that is sufficient to find probable cause, then law enforcement be directed to either obtain a warrant within a reasonable period of time or modify the identifying information if they have no intention to obtain a warrant. Again, this Office is willing to work with this Committee on language that makes the intent of that subsection clearer.

Otherwise, in all other respects the Office of Chief Public Defender supports ***Raised Bill No. 5274***. Thank you.