

Bill Number: HB 954
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION TO HOUSE BILL 954
PUBLIC SAFETY – STATE AND LOCAL GOVERNMENTS – USE OF UNMANNED
AIRCRAFT

I write in opposition of House Bill 954 Use of Unmanned Aircraft. Such Aircraft and their use by law enforcement can be an effective crime fighting technique.

The Fourth Amendment guarantees the right of people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. The Supreme Court and countless State Courts have held for decades that a person has no right to privacy in what you display in a public place. Ever since Katz v. United States (1967), the Supreme Court has ruled that the Fourth Amendment protects a person in places where there is a reasonable expectation of privacy.

Thus, the Supreme Court has held that observing and photographing people's homes and surrounding areas from an airplane, flying at 1,000 feet, doesn't violate the Fourth Amendment (see California v. Ciraolo (1986)). It also held the same as to a helicopter overflight at 400 feet (Florida v. Riley (1989)).

Why would we pass a law which goes further than the Fourth Amendment, the Supreme Court, and Maryland Courts would allow. What about the next time we hold a marathon, will law enforcement not be able to protect the runners and the public by launching a drone.

What is next, the cameras on our streets that capture crime and helps convict offenders every day? What is next, the cameras in stores, the cameras on our door bells? Certainly those videos are much more intrusive then aerial surveillance at hundreds of feet up and we all embrace those.

All of us in society in this day and age know and accept that everything we do in public is being seen and recorded.

A police officer has a right to follow you on a public street. They have the right to stand on top of a building and watch you outside using binoculars. It is not a violation of the Fourth Amendment to video a person on a public street while they are walking or driving.

The use of drones with video is not a violation of the Fourth Amendment. Why would the State of Maryland want to severely hamper a technique that may assist in combating crime by going beyond what the Constitution protects?

Police using drones is currently in use in the State, and should not be outlawed.

The Fourth Amendment and the Supreme Court cases that interpret it are more than sufficient to protect the citizens of the State of Maryland.

I urge an unfavorable report.