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# NCCCL COUNTY COMMENTS

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## **Delaware needs guidelines for coming police drones**

Thomas S. Neuberger

We need a new law here in Delaware to guide the use by our local police of drones to prevent them from either carrying weapons, discouraging citizen protests in our parks and streets or invading our privacy.

We all know that overseas Predator Drones can launch a Hellfire missile to eliminate terrorists. But did you know they can be equipped at home with a variety of lethal and nonlethal weapons for crowd control?

Long Range Acoustis Devices can be used to break up a protest by sending a piercing sound into crowds and can cause serious hearing damage. High-intensity strobe lights on a drone can cause dizziness and disorientation to make it almost impossible to flee.

One journalist writes they can fire tear gas as well as rubber pellets. And a French company has built a drone armed with a double-barreled 44 mm Flash-Ball gun for tear gas and rubber impact rounds. But there certainly is no need locally for this potential military weaponry. And I believe none of the dozens of dedicated police officers or their unions who I have represented in the past would argue this overkill should be added to their Delaware arsenals.

Drones also can spy, view and record all activity within their camera range. When one such drone just crashed into a tree on the South Lawn of the White House on Jan. 26, The New York Times reported that models with HD cameras can be purchased on Amazon.com for as cheaply as \$1,258, well within the budget of any police department. U.S. Rep. Edward Markey has written that drones can carry surveillance equipment, including video cameras, infrared thermal imagers (which can see through the walls of our homes), radar and wireless network “sniffers” to track our daily lives. But any such government spy drone in our Delaware skies, with its all-seeing eye-patrolling over public places and assemblies, obviously will deter and chill citizens from freely making their voices known on political and other important issues.

Nor is there ever a need for government to make an electronic recording of any citizen gathering or to peer through the walls of our homes without a prior search warrant issued by one of our neutral, well-respected Delaware judges.

Again, none of the public-minded police officers I know would advocate for such police state like monitoring of lawful public citizen assembly or intrude on our right to privacy. And so drones should keep hands off in this area also.

Interested Delawareans and their community groups are organizing to urge our legislators to set reasonable balanced guidelines to:

- Ban the use of weaponized drones by any Delaware police department.
- Forbid their use to record any public or private gathering of two or more citizens or in our homes.
- Allow their use after prior judicial approval, as required by the Bill of Rights, for any law enforcement purpose which does not directly impact on our privacy or our freedoms to speak or assemble for political, economic, religious, educational, social, cultural or other public or private purposes, and four-bar courtroom use of drone recordings unless they were authorized beforehand by a judge.

Each generation of a free people has to re-dedicate itself to the freedoms received from heir ancestors, such as our Bill of Rights. So our committed legislators in Dover quickly need to enact needed drone guidelines to affirm the freedoms found in the Bill of Rights, such as the right to be free of unreasonable force which takes our life, to be free of unreasonable searches and seizures in our homes or elsewhere, to peacefully assemble and petition government for redress of grievances, and to speak out on issues on all types of concern to us or to the community. Otherwise, freedom from an over-militarized police or the right to assemble without chilling threats of retaliation, will be lost.

Thomas S. Neuberger is a Wilmington lawyer.

From : Delaware Voice: Thomas S. Neuberger January 27, 2015

## Thomas S. Neuberger Bio

Since his victory over the DuPont Company in 1996 before the entire U.S. Court of Appeals in Philadelphia, Thomas S. Neuberger has been recognized as one of the premier private and public sector employment law attorneys in Delaware. See *Sheridan v. E.I. DuPont de Nemours and Co.*, 100 F.3d 1061 (3d Cir. 1996) (en banc) (reinstating the jury verdict of a longtime DuPont employee who was illegally fired and establishing the “pretext only” paradigm for proof of intentional discrimination). The Neuberger Firm, P.A. also prides itself on fighting for the little guy, and helping the weak and helpless who were victims of childhood sexual abuse stand up to their abusers and the institutions who enabled them.

In the words of The Wilmington News Journal's Editorial Board, “Mr. Neuberger never gave up his fight to receive justice for his abused clients” in the Diocese of Wilmington bankruptcy case. The Firm successfully represented 99 of 146 childhood sexual abuse survivors in the recovery of over \$108,000,000 and numerous non-monetary terms against the Church and later the Oblates of St. Francis de Sales and others. It also fought for nearly four years to defend and uphold the constitutionality of the landmark Delaware Child Victim's Act of 2007, 10 Del.C. § 8145, which allowed childhood sexual abuse survivors to hold accountable those who abused them and their enablers.

Tom also is the author of the book, “When Priests Become Predators: Profiles of Childhood Sexual Abuse Survivors”, which uses sworn testimony given in jury trials and documents taken from the public court docket to tell the stories of a number of brave abuse survivors in Delaware who for many years battled the Diocese of Wilmington, the Oblates of St. Francis de Sales and the Norbertines in an attempt to protect children today by exposing the institutional cover ups of the past and present.

The Firm represents employees in Delaware and abuse survivors in Delaware, Pennsylvania, New Jersey and throughout the country.

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# **CLNCC Meeting**

## **1/19/16 7-9 PM**

Guest

**Thomas S. Neuberger**

Topic

**Delaware needs guidelines for coming police drones**

Time

**7-9 PM Tuesday 19 January 2016**

Location

**Christiana Presbyterian Church  
15 North Old Baltimore Pike  
Christiana, DE 19702**

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