# Fire Service UAS Use as an Agent of Law Enforcement

## Oregon Decision Tree: Do You Need a Warrant, Additional Paperwork, or Is Nothing Needed?

ORS 837.300–837.390 (2025 ed.) • OAR 738-080 • Stop at the first YES.

**START: Is law enforcement requesting, directing, or receiving this flight or its data?**
If YES, fire is acting as an agent of law enforcement. Treat the flight as a **law enforcement agency** flight under ORS 837.310 and continue to Step 1.

**NO → Fire/EMS mission only** (fire attack, hazmat, damage size-up, EMS). ORS 837.310–837.345 do not apply, but the "Always" rules below do. If law enforcement later asks for the footage, come back to START.

Nothing needed – fly and document | Paperwork required (consent or sworn statement) | Warrant required

**1** **Training only?** Flying to train pilots or practice collecting information.
ORS 837.345
YES → **NOTHING NEEDED**
Training data cannot be used as evidence or to build reasonable suspicion or probable cause.

NO ▼

**2** **Search and rescue?** A SAR mission as defined in ORS 404.200 (sheriff-led in Oregon).
ORS 837.335(1)
YES → **NOTHING NEEDED**
Keep a mission log: requesting agency, SAR number, times, area.

NO ▼

**3** **Emergency: imminent threat to someone's life or safety?** Not a formal SAR mission (e.g., suicidal person, person in water, missing person at risk).
ORS 837.335(2)
YES → **SWORN STATEMENT: 48 HRS**
Document the facts behind the belief now. Within **48 hours** of launch, an LE agency official files a sworn statement with the **circuit court** describing the emergency and why UAS was needed.

NO ▼

**4** **Governor-declared emergency?** Inside the proclaimed area, only for public safety, protecting property, or assessing damage.
ORS 837.335(3); ORS 401.165
YES → **NOTHING NEEDED**
Stay inside the proclaimed area and the listed purposes. Anything else → keep going down the tree.

NO ▼

**5** **Crime / Arson scene or crash documentation?** Reconstruction or physical assessment tied to a specific investigation.
ORS 837.340
YES → **NOTHING NEEDED: 5-DAY LIMIT**
Scene documentation only (no tracking people). Get the LE case number. Flights may not exceed **5 days**.

NO ▼

**6** **Written consent?** The person being looked at (or the owner of the property) agrees in writing.
ORS 837.330
YES → **SIGNED CONSENT**
Get it in writing before launch. Stay within what was consented to.

NO ▼

**7** **Probable cause + exigent circumstances?** LE has PC that a crime was, is, or is about to be committed, and there is no time to get a warrant.
ORS 837.320(1)(b)
YES → **NO WARRANT: LE DOCUMENTS PC + EXIGENCY**
The LE officer makes and documents the call, not fire. Note the officer's name and badge number in the log.

NO ▼

**8** **Everything else** (surveillance, suspect search with no exigency, watching a property, gathering evidence)
ORS 837.320(1)(a), (2); ORS 133.525–133.703
ELSE → **WARRANT REQUIRED**
LE gets the warrant. It must authorize UAS use and state the time period (**30 days max**; renewal by the court). Fire flies only once LE has the warrant in hand.

**NO WARRANT AND NO STEPS ABOVE FIT? DO NOT FLY.** Data collected in violation of ORS 837.310 – 837.345 cannot be used in any court or administrative proceeding or to build reasonable suspicion or probable cause (ORS 837.310(2)).

**Common mix-up:** a true SAR mission (Step 2) needs no court filing. The 48-hour sworn statement applies only to Step 3, an emergency involving an imminent threat to a person. If you aren't sure whether it's SAR or an emergency, treat it as Step 3 and file the statement.

### ALWAYS REQUIRED: EVERY PUBLIC BODY FLIGHT

- **ODAV registration** of each aircraft before flight; FAA registration first (ORS 837.360; OAR 738-080-0045). Penalty up to $10,000, and evidence from unregistered aircraft cannot be used.
- **Annual ODAV use report** due Jan 31 (ORS 837.360(7); OAR 738-080-0050).
- **Data policy** covering use, storage, access, sharing, and retention, posted publicly along with ORS 192.345 (ORS 837.362).
- **No weapons on the aircraft** (ORS 837.365). FAA Part 107 or COA, airspace authorization, and Remote ID still apply.

Source: ORS Chapter 837, 2025 ed. • OAR 738-080 (ODAV aircraft registration)
Field reference only, not legal advice. ORS 837 does not directly define when fire becomes an "agent" of law enforcement; this sheet takes the cautious view. Confirm with agency counsel and the District Attorney, and follow local IGAs and agency policy.
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