

Submitter:

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On Behalf Of:

Committee:

House Committee On Judiciary

Measure, Appointment or Topic:

SB238

I'm a police sergeant for a municipality in Oregon and a supervisor for the department's small unmanned aircraft systems (sUAS) team. I'm writing today in support of updating the Oregon Revised Statutes with Senate Bill 238. I have two examples of how the current ORS has hindered law enforcement usage of a sUAS which would have aided in improving public safety and capture evidence of criminal acts.

On Thursday, January 30, 2025, a large fire broke out at the Blue Heron Paper Mill located in Oregon City. After many hours, firefighters managed to get the fire under control. I was working dayshift and dispatchers contacted me; the fire incident commander was requesting a sUAS and we were one of the closest agencies to be able to help. The fire incident commander needed the drone's thermal camera to identify hot spots in the fire, as visibility was incredibly difficult due to terrain and the steam created by firefighting operations, making visibility near zero. I asked if firefighters had concerns someone may be caught in the firefighting operation area so we could deploy a sUAS under ORS 837.335 for search and rescue emergencies. The incident commander confirmed that searches had already been completed. I asked if there was a property owner on scene that could provide written consent (ORS 837.330) for us to fly over their property, however no property owner was on scene to provide that authorization. Given these circumstances, we could not accommodate the request for the sUAS because we were restricted as a law enforcement agency due to the current Oregon law as written.

In March 2025, I was contacted by a district attorney investigator who was asking for help conducting surveillance on a suspect who had previously been arrested for domestic violence crimes. Upon that suspect's release from jail, they signed a No Contact Release Agreement, which prohibited them from contacting the victim. The suspect left the jail and went back to that very residence where they had hurt the victim live there. Investigators and victim advocates had difficulty trying to reach the victim to check on their welfare. My team was asked to conduct surveillance to document the suspect entering/leaving the residence, to assist in developing probable cause for the suspect to be held in custody and prevent them from further abusing the victim. Given the neighborhood location, it was difficult to put unmarked police vehicles without them being seen immediately by the suspect. During the original arrest, responding officers confirmed the suspect owned and had access to many firearms in that residence. Given that information, putting detectives in close proximity to the residence was a significant safety concern. We considered deploying a sUAS to monitor the times when the suspect was believed to be coming/going from

the residence and then have police units conduct a traffic stop away from the residence and take the suspect into custody. However, since violating a No Contact Release Agreement is not classified as a crime (it's a Contempt of Court), we were unable to apply for a search warrant or deploy under 837.320. The law currently requires either a search warrant or exigent circumstances related to crimes in progress to use a sUAS. Interestingly, if a crewed aircraft with the same camera capabilities of a sUAS were in the air and available, we could have used that as there are no laws which prohibit crewed aircraft like sUAS pilots are. Unfortunately, crewed aircraft are not as readily available to law enforcement, especially smaller municipal law enforcement agencies.

With the proposed language changes in Senate Bill 238, our department would have been authorized to assist in the incidents listed above using a sUAS—providing valuable support to public safety, which is at the core of our mission to protect and serve. Thank you to everyone on the committee for your time and consideration with these matters around law enforcement sUAS usage in Oregon.