

# Legal Issues



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## OSSA Certification Criteria

### Chapter I

#### LEGAL ISSUES

Through written evaluation the applicant will demonstrate knowledge of the legal issues involved in to Search and Rescue, to include:

1. Who is responsible for and in charge of Search and Rescue operations in Oregon.
2. When a search area may be restricted and who may restrict the search area.
3. The elements of direct and vicarious liability.
4. The elements of ORS chapter 401 that relate to Search & Rescue.
5. When mechanized equipment can be used in a wilderness area.
6. The limitations of the Good Samaritan law.

In this presentation, the legal language will be presented first, followed by the same topic in everyday language.

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#### Chapter I LEGAL ISSUES

### **Topic 1. Who is responsible for and in charge of Search and Rescue operations in Oregon.**



- 401.560 Search and rescue activities; responsibilities of sheriff; delegation of sheriff's duties.

(1) The sheriff of each county has the responsibility for search and rescue activities within the county. The duty of a sheriff under this subsection may be delegated to a qualified deputy or emergency service worker.

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**So did you get that?**

**Topic 1 Q1 -- Who is responsible for and in charge of Search and Rescue operations in Oregon?**

The Sheriff of your county. Duties are usually delegated to a SAR coordinator or an Emergency Manager.

As an example:

In Yamhill County, the SAR Coordinator is Deputy Ron Wellborn. In Polk County, the SAR Coordinator's are Deputy's Kevin Alexander and Jeff Williams.

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**Chapter 1  
LEGAL ISSUES**

Through written evaluation the applicant will demonstrate knowledge of the legal issues involved in to Search and Rescue, to include:

**Topic 2 . When a search area may be restricted and who may restrict the search area.**

401.570 Restriction of access to search and rescue area.

The sheriff of each county, the county emergency program manager performing the sheriff's duties under ORS 401.560 or duly assigned military or state police personnel may restrict access to a specific search and rescue area.

No unauthorized person shall then enter into a restricted area or interfere with a search and rescue.

Provision shall be made for reasonable access by members of the media in the performance of newsgathering and reporting.

Access shall be restricted for a reasonable period of time necessary to accomplish the search and rescue.  
[1983 c.586 §24; 1993 c.187 §19]

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**Topic 2**

**When a search area may be restricted and who may restrict the search area.**

- Again the Sheriff or his delegated agent and/or assigned military/state police.
- No unauthorized people allowed in search area.
- Media must be accommodated.

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## Topic 5

### When mechanized equipment can be used in a wilderness area.

- Immediate threat to life
- Retrieval of remains
- To minimize exposure to rescue personnel

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Topic 6

#### Chapter I

#### LEGAL ISSUES

Through written evaluation the applicant will demonstrate knowledge of the legal issues involved in to Search and Rescue, to include:

#### Topic 6. The limitations of the Good Samaritan law.



The Good Samaritan Laws protect SAR personal in almost all cases.

The Exceptions:

Intentional Misconduct

Gross Negligence

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#### Topic 6 -- The limitations of the Good Samaritan Laws

The Good Samaritan Laws protect SAR personal in almost all cases.

The Exceptions:

**Intentional Misconduct**

**Gross Negligence**

Intentional misconduct or gross negligence negate the protections of these laws and are covered more thoroughly in "A Legal Opinion" at: [http://cooscountysheriff.com/OSSA/legal\\_opinion.htm](http://cooscountysheriff.com/OSSA/legal_opinion.htm)

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