



**Liability Issues
in
Search and Rescue**

Criminal Liability

- **Breach of a criminal statute**
 - **Theft, Fraud, Dangerous Driving, Wilful Damage**
 - **aggravating factor = breach of trust**
- **Breach of a provincial statute**
 - **Trespass, Careless Driving, Speeding**

Civil Liability

- **Tort = Civil Wrong**
- **Three types of tort in SAR**
 - **Negligence**
 - **Trespass**
 - **Assault and Battery**

Negligence

- **Duty of Care**

- ***Donohue v. Stevenson*, 1932** – Snail in the ginger beer

- **Neighbour**

- **Good Neighbour**

- **Once you start, you're hooked**

3/27/11

- **Standard of Care**

Negligence (Cont'd)

- **Breach of Duty of Care**

- **Negligence**

- **Action or behaviour that falls short of what a reasonable person would do to protect another from foreseeable risks of harm**
 - **Could be carelessness**

- **Gross Negligence**

- **An action or an omission in reckless disregard of the consequences to the safety or property of another**

Trespass

<http://www.flickr.com/photos/beachhear>

3/27/11



Trespass

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Trespass

- **Private Property**
- **Public Property**

Assault and Battery

- **First Aid Malpractice**

Liability Summary

Remember two things:

Act reasonably

Practice due diligence

Evidence

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(in criminal
investigations)

Evidence

- Known crime scene – follow direction from the police
 - eg. Mode of suicide, tracks/footprints, fingerprints, shell casings, sign of struggle

Evidence

- Unknown crime scene–
be observant, be aware,
be diligent
 - call in all clues (evidence)

Evidence

- Unknown crime scene–
be observant, be aware,
be diligent
 - record all clues in notebook

Evidence

- Unknown crime scene–
 - be observant, be aware, be diligent
 - YOU record what YOU found
 - better - appoint one person
 - eg. tracks, footprints, shell casings, gum wrappers, human waste

Evidence

- If it is not a crime scene,
you can use what you
observe or learn for
future use
–eg. Debrief

Evidence

- It is not your responsibility to gather evidence, but it may be your duty.
 - RCMP or other enforcement officer has the responsibility
- You may be asked to perform your duty with or for the

Evidence

- Your responsibilities in carrying out your duty:
 - ASK questions of police before you leave

Evidence

- Your responsibilities in carrying out your duty:
 - What is the cardinal rule in SAR?

Evidence

- Your responsibilities in carrying out your duty:
 - Your own personal safety

Evidence

- Your responsibilities in carrying out your duty:
 - The safety of your colleagues and the public

Evidence

- Your responsibilities in carrying out your duty:
 - Emergency medical treatment

Evidence

- Your responsibilities in carrying out your duty:
 - Evacuation of injured

Evidence

- Your responsibilities in carrying out your duty:

- Unless you consider yourself incapable:

- Preserve the

Evidence

- Your responsibilities in carrying out your duty:
 - Store evidence

Evidence

- Your responsibilities in carrying out your duty:
 - Maintain continuity

Evidence

- Your responsibilities in carrying out your duty:
 - Present evidence in court

Evidence

Summary

You are not a cop, do not “play the role”

Follow instructions

Ask questions

Record everything