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

3/27/1

- Donohue v. Stevenson,
 1932 Snail in the ginger
 beer
 - · Neighbour
- -Good Neighbour
- Once you start, you're hooked

Negligence (Cont'd)

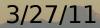
- Breach of Duty of Care
 - Negligence
 - Action or behaviour that falls short of what a reasonable person would do to protect another from foreseeable risks of harm
 - Could be carelessness
 - Gross Negligence
 - An action or an omission in reckless disregard of the consequences to the 3/27/11 safety or property of another



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







Trespass

- Private Property
- · Public Property



Assault and Battery

First Aid Malpractice



Liability Summary

Remember two things:

Act reasonably Practice due diligence



(in Criminal investigations)



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

Evidence Unknown crime scenebe observant, be aware, be diligent -call in all clues (evidence)



Evidence Unknown crime scenebe observant, be aware, be diligent -record all clues in notebook



- Evidence
 Unknown crime scenebe observant, be aware, be diligent
 - -YOU record what YOU found
 - better appoint one person
- -eg. tracks, footprints, shell casings, gum wrappers,
 ^{3/27/11}human waste

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

- It is not your <u>responsibility to</u> <u>gather evidence</u>, but it may <u>be your duty</u>.
 - <u>RCMP or other enforcement</u>
 <u>officer has the</u>
 <u>responsibility</u>
- You may be asked to perform
 3/2/Our duty with or for the

 Your responsibilities in carrying out your duty:

-ASK questions of police before you leave

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

 Your responsibilities in carrying out your duty:

-Your own personal safety

Your responsibilities in carrying out your duty:
 The safety of your

colleagues and the public

 Your responsibilities in carrying out your duty:

 Emergency medical treatment

 Your responsibilities in carrying out your duty:

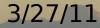
 Evacuation of injured



 Your responsibilities in carrying out your duty: -Unless you consider yourself incapable: 3/27/11 · Preserve the

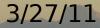
 Your responsibilities in carrying out your duty:

 Store evidence



 Your responsibilities in carrying out your duty:

 Maintain continuity



 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**

