



National Association for Search and Rescue

FUNDAMENTALS OF

# Search and Rescue

## Chapter 4

Legal and Ethical Aspects of  
Search and Rescue



# Objectives (1 of 2)

🕒 Describe the relevance of the following legal concepts to SAR:

- Scope of Practice
- Standard of Care
- Duty to Act
- Engendered Reliance
- Negligence
- Abandonment
- Consent
- Documentation
- Confidentiality



# Objectives (2 of 2)

- Define “volunteer” according to the Volunteer Protection Act.
- Describe the legal philosophy of a searcher entering private property within his or her community.



# Legal and Ethical Aspects of SAR

- Familiarize yourself with all relevant and applicable local and state laws and regulations.
- Seek competent legal council before developing a response capability.

# “Do No More Harm” Philosophy

- Fundamental tenet of emergency care: Do no more harm.
- Acting in good faith to a set standard of care can help SAR personnel avoid legal problems.





# Legal Fundamentals

- Essential knowledge for all SAR personnel:
  - Scope of Practice
  - Standard of Care
  - Duty to Act
  - Negligence
  - Abandonment
  - Consent



# Documentation

- Thorough documentation is important!!!
- Courts consider an action or procedure not recorded as not being performed.





# Documentation Tips

- Use the correct form and write in pen.
- Include the incident number, date, and time on every entry.
- Be specific and use standard abbreviations.
- Document all actions, observations, changes, and preventive measures.



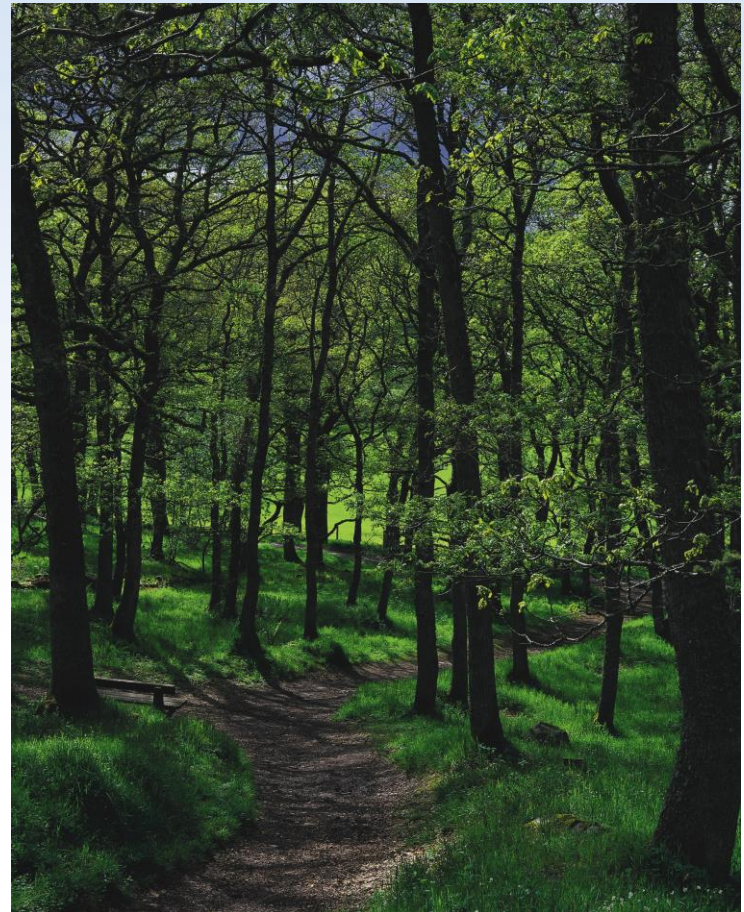


# Laws that Affect You

- Good Samaritan Laws
- Volunteer Protection Act of 1997
- Health Insurance Portability and Accountability Act of 1996 (HIPAA)

# Trespassing (1 of 2)

The act of passing beyond a boundary onto one's property (land) without the owner's permission.





# Trespassing (2 of 2)

- Criminal Trespass
  - Willfully entering property that is posted
- Innocent Trespass
  - When you are unaware that the land is posted
- Trespass to save a life
  - You can see a person in distress on posted property.



# Incident Site Procedures

- Consider all clues to be crime scene evidence.
- Maintain “chain of custody” of scene and all clues.
- SAR personnel have a responsibility to secure the area.
- Document, Document, Document.



# General Considerations (1 of 2)

- Don't work in constant fear of being sued.
- Know and perform your job to the best of your abilities.
- Always act in good faith to an appropriate standard of care.



# General Considerations (2 of 2)

- Seek professional advice when questions arise.
- Keep training and certifications current.
- Never exceed level of training received.
- Document training, searches, and actions.