



Vermont SAR Statutes & Legal Aspects

Legal Authority for Search & Rescue

Search & Rescue - Definition



*The deployment, coordination, and utilization of available resources and personnel in locating, relieving the distress, and preserving the lives of and removing persons who are **missing or lost in the backcountry, remote areas, or waters of the State.***

Legal Responsibility

Vermont Title 20

VERMONT STATE POLICE

20 V.S.A. § 1842. Commissioner of public safety; jurisdiction over search and rescue operations; coordination

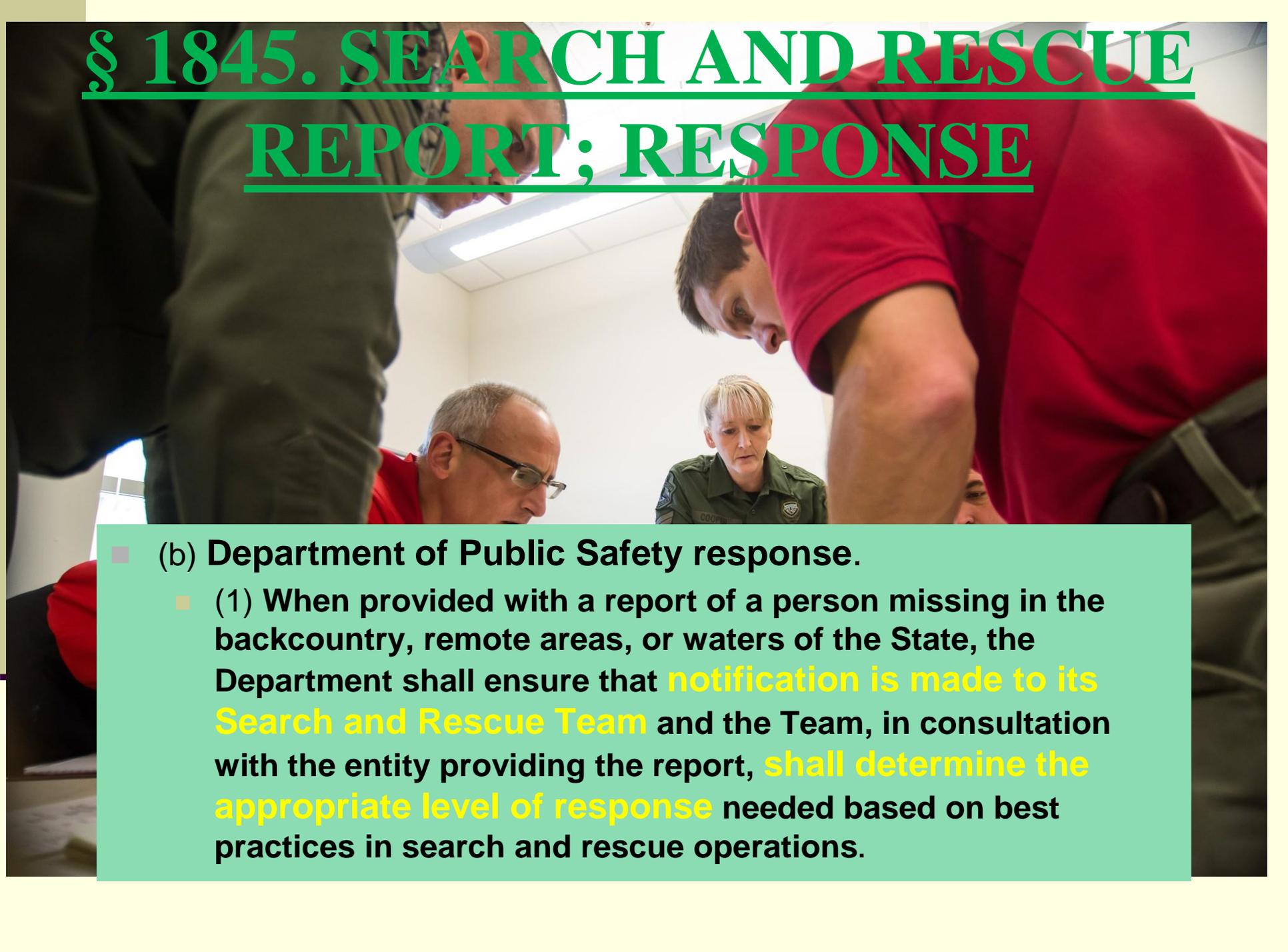
§ 1842. Commissioner of public safety; cooperation

(a) **The Commissioner of Public Safety shall have jurisdiction over all search and rescue operations.**

(b)(1) The Commissioner shall cooperate with and support all public safety agencies and any nonpublic entities that specialize in protecting the safety of the public in this State in matters relating to search and rescue operations. When necessary to protect a person missing in the backcountry, remote areas, or waters of the State from harm, the Commissioner shall coordinate local, county, state, and any nonpublic efforts to search for and rescue that person.

(2) The Commissioner shall specifically coordinate with game wardens in the Department of Fish and Wildlife as needed to search for and rescue a person missing or lost in the backcountry, remote areas, or waters of the State.

§ 1845. SEARCH AND RESCUE REPORT; RESPONSE

A group of people, including a man in a red shirt and a woman in a green uniform, looking down at something on a table.

- (b) **Department of Public Safety response.**
 - (1) When provided with a report of a person missing in the backcountry, remote areas, or waters of the State, the Department shall ensure that **notification is made to its Search and Rescue Team** and the Team, in consultation with the entity providing the report, **shall determine the appropriate level of response** needed based on best practices in search and rescue operations.

Title 20, VSA



- . The Department shall also ensure that **notification is made to any municipal police and fire departments of the town in which the person is missing**, any volunteer fire departments of that town, and any emergency medical service providers of that town which are in the search and rescue database.
- (2) The Department shall ensure that **an immediate response to any report of a person missing in the backcountry**, remote areas, or waters of the State is made, including immediate action to locate the person reported missing.

Legal Responsibility

Fire departments, local & county law enforcement, and other emergency responders are required to notify the Department of Public Safety if they are notified of a person missing or lost in the backcountry.



What is the Search Manager's role?

SEARCH MANAGERS

DETERMINE THE WHO, WHAT, HOW, WHERE AND IN WHAT ORDER.

- **Who will interview and conduct investigation.**
- **What resources and tactics will work best for the situation.**
- **Where will those resources be deployed.**
- **What order will the resources be deployed in.**



Volunteer SAR Teams

Civilian SAR units have no statutory responsibility but in practice do much of the actual searching in Vermont.

SAR Units are responsible for maintaining their own training standards, equipment, etc.

They operate under the direction of the AHJ (Authority Having Jurisdiction - Vermont State Police)

Volunteer SAR Teams

Volunteer SAR Team members are expected to meet the following guidelines:

- ✓ Completion of ICS 100
- ✓ Demonstrate competency to ASTM F2209-10 'Level 1 Land Search Team Member' level.
(This course is designed to largely achieve this)
- ✓ Adequate pack and clothing check
- ✓ Basic land navigation skills (map/compass/gps)

Rendering Medical Assistance

- ❖ Good Samaritan Status
- ❖ Care should be rendered up to the limit of the searcher's training and equipment available
- ❖ Care is always yielded to the highest trained person
- ❖ Licensed EMS individuals/units may or may not be available to provide care but the goal is to get the individual into licensed care at the earliest opportunity

Physical Ability

A Unit is responsible for providing the service it advertises – which includes members in adequate physical condition for operating for extended periods in challenging conditions.



Equipment

- If injury or death results from failure to use proper clothing and equipment the searcher and/or unit may be liable
- If injury or death results from equipment failure that could be prevented by proper maintenance the searcher and/or unit may be liable



Expectations

- Again, the unit is responsible to provide the service it advertises
- To provide this service members must cooperate in maintaining discipline
 - Within the unit
 - To Authority Having Jurisdiction
 - In the field

Expectations

- Another expectation is leaving what you see and hear at a search at the search.
- You may be privy to information about the search that are critical to a criminal investigation or the subject's medical situation.
- It is critical that you not share information from the search with others or on any social media.
- Refer any questions about the search to the AHJ.

Supervision

- Proper supervision follows the structure of the Incident Command System (ICS)
- The Vermont Dept. of Public Safety has an obligation to supervise search units
- Each unit has an obligation to supervise its members
- A Supervisor has two primary responsibilities:
 - Keep his/her subordinates safe
 - To see the crew members work efficiently, effectively, and professionally

Standard Operating Procedures

- Can be communicated through standards, guidelines or protocols (EMS as an example)
- If there is a standard or protocol in place a searcher is expected to know it and follow it
- Deviation from standards or guidelines must be for good cause

Private Property



- In general, entering private property without the owner's permission requires probable cause and a search warrant
- If there is an occupied building on the premises the search can and should inquire if the subject has been seen on the premises
- If there is an unoccupied building a searcher should get permission. If none can be obtained he/she may look in windows, knock on doors, and call out but **May Not Enter**
- If you believe the subject is inside an unoccupied building, notify the Command Post (CP) and request further instructions



SEARCH & RESCUE AND CIVIL LIABILITY

YOUR RESPONSIBILITIES !

3 GENERAL STATEMENTS

- 1) If you say you provide a service, you are expected to produce.
- 2) If you operate in a reasonable and prudent manner within your level of training and equipment available, you are reasonably safe.
- 3) If there is a published standard relating to what you are doing, you should comply with it.

HOW IS DUTY INCURRED?

- By law, regulation or advertisement
 - The Vermont State Police (and other law enforcement agencies) are required by statute to search for lost persons.
 - A licensed EMS service is required to respond to any call for medical assistance within their service area.
 - A SAR unit that advertises a certain level of expertise is expected to perform it.

HOW IS DUTY INCURRED?

- By starting to perform
 - Once you start, you incur a duty to continue.
 - An EMT who comes across an accident does NOT have a legal obligation to render assistance.
 - However, if he starts to do so, he must continue until:
 - The job is completed OR
 - He turns the patient over to someone with equal or higher training.

GROSS NEGLIGENCE

- Based on 4 elements:
 - There must be a DUTY.
 - Party with the duty fails to act in a reasonable and prudent manner.
 - There must be an injury (not necessarily physical trauma).
 - The failure to perform must have caused the injury.

ACTING IN A REASONABLE AND PRUDENT MANNER MEANS:

- If there are established rules or protocols you must follow them.
- If there is a published standard (even if it does not have the force of law) you should follow it.
- Otherwise, you must act as a reasonable and prudent person with the same level of training and within your level of training.

Congratulations, you have finished this module

You may close this window to return to the main course and select another module to complete.

Be sure you keep track on your course checklist so you know which modules you have completed