

In discussing negligence, one needs to understand duty of care. In reference to negligence duty of care says that if an individual owes this duty to others that he/she must conduct himself/herself so as to avoid negligent injury to them.

While discussing negligence, due care should also be brought up. Due care is care that is reasonably commensurate with a known danger and the seriousness of the consequences which are liable to follow its omission. This may be ordinary care or a high degree of care, according to the circumstances of the particular situation.

To close off discussions of negligence, a *Good Samaritan* or good faith laws need to be mentioned. This refers to a total absence of any intention to seek an unfair advantage or to defraud another party; an honest and sincere intention to fulfill one's obligations. Thus if you perform at your expected standard of training with honest intentions, in most provinces you are covered. The problem is when you enter into the care without proper training for your rating for the situation. You may then be out of luck.

7.6.2 Criminal Law

In general, criminal law is concerned with acts done with malicious intent, from an evil nature, or with a wrongful disposition to harm or injure other persons or property. Violations of criminal law are considered to be acts against the community. Cases are thus noted as Prosecution vs. Defendant rather than Plaintiff vs. Defendant in civil cases.

Force - most criminal cases involve the use of force. Force in this case is defined as a physical act or the threat of physical acts intentionally used to do an act or to commit a crime. The most that a team can truly do is warn the individual of consequences of his/her actions and notify authorities.

Self-defense or preservation - in discussing force and the use of it, we should discuss what you can do to protect yourself. Every person has this right, within reason. Deadly force may only be used in defense of deadly force. The person using self-defense must be free from fault; provoking action either vocally or through actions undertaken, can cause a failure in the eyes of the law of the use of force. The person must exhaust options for escape either physically or through negotiation following the fight or flee rule. If you have a way out, you must use it. Don't stand in front of the person wanting to provoke an argument or a fist fight. Simply warn them of the consequences of their actions and let the law enforcement or police officer handle the situation.

7.7 Missing or Lost Person(s) Behaviors / Characteristics

OBJECTIVE: To make the searcher aware of the different characteristics and behaviors displayed by distinct groups of people.

7.7.1 Behaviors and Characteristics

By analyzing behaviors and characteristics exhibited by missing or lost person(s), then grouping these common trends into categories, it may be possible to *predict* the actions of a similar missing or lost person(s). Though it only indicates tendencies and probabilities, it is a tool to assist in indicating high probability locations.

This management tool deals in generalities and not absolutes. Through historical statistical studies, categories have been developed.

7.7.1.1 Children 1 to 6 years of age

- They are unaware that they are lost.
- They have no sense of direction, and little navigational skills.
- They wander with no fixed purpose.
- They may not respond to call or whistles.
- They can travel through dense or difficult areas.
- They tend to remain in the general area, finding suitable shelter.
- They are easily distracted by random events, (a frog hops nearby).

Potential places to search - Look under dense underbrush, overhanging rock, inside vehicles or appliances, buildings etc. They are difficult to detect and rarely will they walk out by themselves.

7.7.1.2 Children 3 to 6 years of age

- They are developing an understanding of being *lost*.
- They will try to return home and can end up wandering farther away.
- Their mobility is much more developed.
- They only perceive *going* and don't plan on the return phase.
- They are easily distracted by animals or other events.
- They may choose trails or tracks that are not easily identified by adults.
- They will search out shelter when they get tired.
- They may not respond to either calls or whistles.

Potential places to search - Look along trails, tracks, or shortcuts as animals and the terrain may influence their choices. Also, they may be found in buildings, vehicles, playgrounds and in their *secret* place.

7.7.1.3 Children 7 to 12 years of age

- They are developing their directional and navigational skills.
- They can orient themselves to familiar places but they can become confused in new locations.
- They can become lost when taking a shortcut to a familiar place.
- They may intentionally run away when they are upset or trying to avoid

punishment, or to garner attention.

- They may become upset, angry or confused when they become lost and react irrationally.
- They may resort to running along trails, taking them farther away.
- They may not respond until they get cold/wet/hungry.
- They are often found in their *secret play places or their hideouts*.
- They appear more mature with their friends or siblings,

Potential places to search - Look along trails, tracks and shortcuts, as animals and the terrain, may influence their choices. Also, they may be found in vehicles, playgrounds, and places where animals can be tracked and in their *known* secret play places.

7.7.1.4 Youth 13 to 15 years of age

- Directional and navigational skills are much more developed than younger children.
- While engaged in more adventurous activities, exploration or in groups, they frequently become lost.
- They rarely venture far while in groups.
- They will usually respond to whistles or voices.
- They will often try looking for familiar places or landmarks - *directional sampling*.
- With their friends, or siblings they may appear to be more mature.
- When trying to *find* themselves, they may panic and resort to irrational tactics.

Potential places to search - Look along trails, tracks and shortcuts as animals and the terrain may influence their choices. Also, any *known* special places.

7.7.1.5 Despondent

- It is not their intention to travel any distance, but to find a place of solitude, where they can contemplate suicide.
- Often found where two different types of terrain meet.
- Often found at a scenic vantage point, or well-known picturesque spot that may overlook civilization.
- Rarely found in the bush, often located within sight and sound of civilization
- They rarely respond to either calls or whistles and they may even actively evade searchers.
- This group has an extremely high fatality rate. Often alcohol, drugs or both are involved.

Potential places to search - Scenic locations, high points overlooking civilization or points of interest. Favorite walks, trails, or places frequently visited. Places significant in their lives. There are two groups within this category. The first group will travel great distances in order to reach the *chosen* location and the other group that is just looking for an undetectable spot.

7.7.1.6 Psychotics

- This group will run away and hide or just try to be evasive.
- Most will not respond to their name.
- Purposeful travel is rare.
- Medications or the lack of them may be the problem.
- They may be frightened of authority or of being found.
- They may become aggressive so be aware of the safety of the searchers at all times.
- Their behaviors may be hard to predict.
- They are not often *lost* in the traditional sense of the word.

Potential places to search - This group is not likely to travel deep into the woods or thick undergrowth. They are usually located at the edges of the woods, in buildings or along the roadways. Also, they have been found on trails, along streams and by drainages.

7.7.1.7 Mentally challenged

- They lack the concept of being lost.
- They have good *survivability*.
- They rarely respond to either whistles or calling their name.
- They may also have some physical limitations
- They rarely have a set plan and may wander on a variety of paths or trails travelling deeper into the woods.
- They are easily distracted.
- They may do little to help themselves, though they may look for some shelter.
- They may run away from searches and unfamiliar people.

Potential places to search - Forests, trails, dense brush, buildings and vehicles. They may not follow a distinct track but alter course at will. Many have been located in drainages.

7.7.1.8 Alzheimer's

- Often set off with a planned location.
- Often they have poor memory
- They may not recognize either familiar surroundings or any potential hazards.
- They may have hallucinations.
- They are easily distracted.
- They may have a history of wandering.
- They may easily become disoriented when leaving their residence.
- They may also have coexisting medical conditions.
- They can easily over-exert themselves.
- They will not respond to shouts or cry out for help.
- They may be looking for a private place to urinate
- They will not leave many clues.
- If not found, they will succumb to the environment (dehydration/hypothermia).

Potential places to search - Close to their residence, not far from a road. Usually found in a creek/stream or drainage or tangled in bushes, fighting until they are stuck. They may cross roads or follow trails. They may have a destination in their mind and they may attempt to go there.

7.7.1.9 Hikers

- They are *trail* oriented and can become confused when the trail is altered, obscured or if there is a confusing intersection of trails.
- Hikers are more dependent on trail signs and navigational aids.
- They tend to travel much farther than any other group.
- Some hikers are not physically prepared for the terrain and may end up lagging behind.
- Some hikers will move to a high spot or trail run in order to determine where they are.
- They may travel along lines of *least resistance* (following a stream or the edge of a forest).
- They may revert to less effective methods if they start to panic.
- They want to be found and will look for or prepare a shelter if injured or in anticipation of an overnight stay.

Potential places to search - Look along paths of least resistance, tracks, trails and edges of the forest. Also check sheltered areas and high grounds or lookouts.

7.7.1.10 Hunters

- They may become distracted when concentrating on game.
- They may become disoriented after tracking a wounded animal into dense or unfamiliar brush.
- They may overexert themselves, pushing past their physical abilities.
- They will respond to calls and whistles. May fire shots to attract searchers.
- Hunters may try to walk out at daybreak.
- They may make a shelter for the night or from the weather.
- High survivability rate.
- Easy to see if wearing *hunter orange*.

Potential places to search - They may follow drainages, or go cross-country. They may have underestimated the time of day or the changes in the weather. Most are communicative.

7.7.1.11 Fisher-person(s)

- Fishing from a boat, shore or in the middle of the river, stream or creek.
- Usually well oriented to the area that they are in.
- They are usually late because of accident (falls) or injury (hypothermia).
- Searchers should consider additional information:
 - Check water and weather conditions at position last seen (PLS).
 - Did the fisher-person(s) have to hike to get to their *spot*?
 - Look for any related fishing paraphernalia along any water access.
 - Is there any evidence of either alcohol or drugs at the *spot*?
 - Check along the shore line and downstream for any sign.
 - Water recovery of a body is commonly associated with this group.
 - In swift waters, the person(s) can be carried downstream quite far or be trapped by debris or obstructions, allowing for the clothing to be torn from the body.

Potential places to search - Search along the shoreline, and downstream from any known points. Locate the boat and check the wind direction and wave conditions as well as the strength of the current. Probe downstream eddies and pools and look for any related clothing. Also check the bird activity along the water way.

7.7.1.12 Boaters

- They are usually well oriented.
- They may take shelter in bays to wait out the weather.
- They are often delayed by mechanical breakdowns.
- If they remain with their boat, they are easy to detect.
- If they capsize, they usually suffer from hypothermia.

Potential places to search - Lees and shelter bays and eddies if capsized.

7.7.1.13 Mountain bikers

- They usually are riding on known trails in a group, either in the back country or in the front country.
- They are usually focused on their activity.
- They can cover a great deal of territory in a short time.
- As a last resort, they will ditch their bike usually due to mechanical problem (flat tire, bent rim, etc.).
- They may try to take a short cut that may lead them into additional problems.
- Some cannot return to the start point on time as they have travelled too far, or the terrain has become too difficult for their physical conditioning.
- Injuries occur during the ride that will make timely arrivals unlikely.

Potential places to search - Check local bike trails, roads and highways leading into and out of the search parameters. Also check drainages and animal trails, as well as any confusing or ill marked trail junctions. Use any local mountain bike guides and trail maps.

7.7.1.14 Climbers

- They are generally well equipped and very self-sufficient.
- They tend to remain on or near their designated routes.
- Weather or hazardous conditions may hamper their abilities.
- Back country climbers may be delayed due to the technical requirements of the terrain, or injury. Falling is a major cause of injuries.
- Injury may occur from falling debris or avalanche.
- Rescuing requires specialized personnel and equipment.

Potential places to search - Check near their scheduled climb location, or along the planned route.

7.7.1.15 Cross country skiers

This includes both novice and experienced, back and front country skiers.

- They are usually well equipped and dressed for the weather.
- Park maps and kiosks are relied upon by those using groomed trails.
- Some travel with only minimal equipment and light clothing.
- Some novice skiers may wear inappropriate or not enough clothing for the weather conditions
- Weather and fatigue are important factors in determining the safe arrival at their destination.
- People now a days do not spend long periods of time out of doors, in all weather conditions.
- Some people are not prepared to spend the night and with diminished light, confusion can set in.
- They want to be found and will call out and respond to whistles

Potential places to search - Look around the trail head for indicators of entry. Check intended destination. Look along trails and check for any hypothermia signs along the trail (discarded clothing, packs etc.). Check water sources for sign that someone may have fallen through. You should probe snowdrifts and mounds following an avalanche.

7.7.1.16 Off road vehicle users (Snowmobile and ATV)

- They can travel very far in a short period.
- Mechanical problems, getting stuck and running out of fuel are the main reasons for being late.
- Usually unprepared for extended stay, with most not carrying spare parts or fuel, maps, or survival gear.
- Speed related accidents and injuries are usually the result of inexperience, size of the machine and the age of the user.
- They will often take unnecessary chances on thin ice.

Potential places to search - Check local maps and recreational trails. Check anticipated destination. Look for any confusing junctions; look for obvious mechanical problems (oil, fluids). Check along waterways for broken ice. Check restricted areas for A TV's.

7.7.1.17 Miscellaneous Adults

This group includes migrant workers, photographers, rock hounds, surveyors, forestry workers and conservation officers etc., who engage in some form of outdoor occupational activity.

- Often inadequately equipped for the terrain.
- Many are found away from the trail.
- Often they have entered the woods when the weather was good, but they are not prepared for any weather changes and panic may set in.
- They are often ill equipped with emergency supplies, maps or additional clothing.
- They may become easily disoriented.
- They are a high survival risk.
- They will respond to both calling and whistles.

Potential places to search - Usually located near a natural boundary (forest edge, stream, steep slope, fence lines, shelters etc.).

Missing or lost person(s) do not always behave rationally. Fear often takes over good judgment of a person who otherwise would make good decisions. Panic may result in aimless running or frantic scrambling, often resulting in injury and fatigue.

Most are poorly equipped and those that are equipped forget to use equipment or lose it or discard it along the way. Few light fires or build a shelter. Often if a shelter is built the missing or lost person(s) may make the situation worse by creating a camouflaging effect.

Missing or lost person(s) often shed clothing along the way. They do not realize people are looking for them and don't make their presence known by marking a trail or using signals. Some may even hide. It is difficult to say what a person will or will not do. Ultimately, the goal is to find the missing or lost person(s) before time runs out.

7.7.2 Strategies Missing or Lost Person(s) Use to Re-orient Themselves

It is important to know how the missing or lost person(s) tries to get *un-lost* or find their way back to a familiar location. The following are some strategies that may be used, when a person(s) is trying to re-orient themselves, they may use one method or they may try them all.

7.7.2.1 Random Travelling

Totally confused and usually experiencing high emotional arousal, the missing or lost person(s) moves around randomly, following the path of least resistance, with no apparent purpose other than to find something or some place that looks familiar. Although many lost people move randomly during their initial reaction to being lost, most settle down and apply a more effective method.

Only a few missing or lost person(s), such as some school-aged children by themselves, will continue to move randomly while lost. Most subjects show somewhat more purposeful behavior in their attempt to get out of the situation.

7.7.2.2 Route Travelling

In this case, the missing or lost person(s) decides to travel on some trail, path, drainage or other travel aid. The route is unknown to this person, and he/she is uncertain regarding the direction he/she is headed, but hopes that eventually he/she will come upon something familiar. When this fails, as it often does, they rarely reverse direction on the route to go the other way. If the trail peters out, for example, he/she may revert to *random travelling*. Sometimes referred to as *trail running*, this is usually an ineffective method of reorientation, shown most often by school-aged children up to 12 years of age.

7.7.2.3 Direction Travelling

Certain that safety lies in one particular direction, the missing or lost person(s) moves cross-country, often ignoring trails and paths leading in the *wrong direction*. Sometimes, in fact, this person will cross railroad tracks, power lines, highways and even backyards in the conviction that he/she is headed the right direction. Unfortunately, this strategy (which is rarely effective) often puts him/her into the thickest part of the woods, making him/her especially difficult to find. It takes considerable over confidence about one's sense of direction to employ this tactic which, however, is not uncommon for subjects of land searches. Most typically, it is seen in some hunters who have come to exaggerate their outdoor skills to others and to themselves, believing there is some sort of shame in becoming turned around. This is not a recommended strategy. However, some missing or lost person(s) try it and have been known to walk across roads and trails.

7.7.2.4 Route Sampling

In route sampling, the person uses an intersection of trails as a base, travelling some distance down each trail in search of something familiar. After *sampling* a particular route without success, this person returns to the intersection and tries another path, repeating the process until all routes at the intersection have been sampled. 3 possibilities arise:

- He/she may repeat the sampling procedure, but now travels further distances on each route
- He/she may choose to proceed down the likeliest trail until he comes to another intersection where he can repeat the strategy
- He/she may decide to try another tactic.

Older children and adolescents sometimes report having tried this method of reorientation. It can be an effective method when combined with the *backtracking* mode.

7.7.2.5 Direction Sampling

Direction sampling is similar to route sampling, except that the missing or lost person(s) does not have the advantage provided by an intersection of trails. Rather, this subject selects some identifiable landmark as a base, such as a large tree or outcropping. From there, he/she goes in selected directions, always keeping the base in view, looking for something that will help figure out where he/she is. When the individual(s) is just about to lose sight of the base, they return to it and sample another direction, repeating the process until all possible directions are tried. Often, however, subject(s) does lose their

base before the sampling procedure can be completed. At that point he/she tends to move somewhat randomly until they find a landmark suitable for serving as a new base, and the directional sampling strategy may be started anew. This method is recommended by some.

7.7.2.6 View Enhancing

Unable to find anything familiar after travelling around the woods, the missing or lost person attempts to gain a position of height to view landmarks in the distance. This person attempts to enhance his/her view by climbing a hill, ridge, or tree. A knowledgeable adult with a topographic map or at least some survey knowledge of the area, surrounded by dense vegetation, might attempt reorientation by climbing a hill (sometimes a tree if this can be done safely) and matching visible terrain features with those on the map. In fact, many subjects with outdoor experience report *view enhancement* as a favorite method of reorientation. With cell phones, more missing or lost person(s) use *view enhancement*. However, instead of moving uphill to obtain a view, they gain elevation in an attempt to obtain cell power signal. Missing or lost person(s) will leave trails and other travel aids and often head directly uphill. When the strategy works, the SAR planner will know (they will get a call); when it does not, it may complicate the search process.

7.7.2.7 Backtracking

After getting turned around, the missing or lost person(s) reverses the track and attempts to follow the exact route back out of the woods. This can be a very effective method. It does require some skill and patience to use. Unfortunately, missing or lost person(s) seem reluctant to reverse their direction of travel without good reason, believing it to be a waste of time and that safety might be over the next hill or around the next bend in the trail.

They also know that something bad already occurred in the return direction (*they got lost*). If a person becomes confused on a route that has numerous branches, he/ she can backtrack to each intersection, and employ a *route sampling* tactic to determine the correct fork. If this person(s) is in the woods, and competent at reading tracks, they should be able to follow their own sign back. However, this can sometimes be a very difficult task.

7.7.2.8 Folk Wisdom

This miscellaneous category refers to the attempt to re-orient oneself by using any of the numerous adages on how to find your way safely out of the woods. These adages are usually passed on by the campfire or disguised as *facts* in survival books. The most common of these is *all streams lead to civilization* a principle that, if followed in Nova Scotia, will more than likely lead the missing or lost person(s) to a remote and bug infested swamp. In the dry domain, mountain streams often simply end as a wash in the middle of the desert.

7.7.2.9 Staying Put

Every woods safety program stresses the importance of *staying where you are* when lost, which can be considered excellent, *if somewhat passive*, strategy for reorientation, as long as the missing or lost person(s) can reasonably expect a search to be organized on his/her behalf in the very near future. Sadly, very few people apply this method of getting out of the woods safely. While it is true that most person(s) are found in a stationary position (especially after the first 24 hours of the search), this is usually because they are fatigued, asleep or unconscious. One survey of person(s) with excellent outdoor experience revealed that they are aware that staying put is the recommended course of action. However, they may be disinclined to stay in one place for any length of time, especially during the day.

7.7.2.10 Doing Nothing

While not a strategy at all for getting found, it is listed that doing nothing is an option. In one sense it could be viewed as *staying put*. However, some subjects made an active decision to stay put but attempted to signal and/or build a shelter, and others did *nothing at all*. The *doing nothing* approach was often applied to dementia cases in which the subject simply sat down.

7.7.3 The Role of Emotion

Fear of the woods - several studies report that children and teens are frequently afraid of the woods, even though these same children and teens also indicated interest in visiting these woods.

Most children and many adults have apprehensions about entering the forest, especially alone. It is rarely the woods they fear, but the objects or experiences that may be found there. People don't fear clumps of trees so much as the bears and other dangerous animals, as well as darkness, the ghosts and the strangers lurking there, no matter how unrealistic these fears may be.

Fear of getting lost - studies of fears revealed that the *dread of getting lost is common* in children and adults alike. More recent studies confirm that many people fear getting lost, especially in wooded environments. For children beyond the age of about 4, such fear will be exacerbated by numerous other fears, described above, with the result that the child may become terrified and nearly non-functional. It is common for lost children to hide from searcher, to ignore their calls and to stand petrified at the approach of a helicopter; not simply because they've been taught to avoid strangers, as is often believed, but because every strange stimulus under such conditions is a source of terror.

Wood shock - there are various reports of high arousal having detrimental effects on the mental processes of missing or lost person(s), going back more than a century. A popular theme in search and rescue lore is seen in stories of missing or lost person(s) who, in a state of shock, have walked trance like past search parties, or had to be chased down and tackled by their rescuers. Such observations confirm that it is not only the child or the inexperienced outdoorsman who is vulnerable to the adverse effects of