

# **NORTH DAKOTA SEARCH AND RESCUE ACT**

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#### Article #

#### Search and Rescue

#### Short title.

This act may be cited as the "Search and Rescue Act".

#### Purpose of act.

It is the purpose of the Search and Rescue Act:

- A. to prepare, organize, and coordinate efforts of federal, state, and local governmental agencies and volunteer organizations for the prompt and efficient search, location, rescue, recovery, care and treatment of persons lost, entrapped, or in physical danger.
- B. to further coordinate national and state Search and Rescue agreements; and
- C. to develop, administer, and enforce a statewide plan for search and rescue.

#### Definitions.

- A. As used in the Search and Rescue Act:
- B. "Search and Rescue" or "SAR" means the employment, coordination, and utilization of available resources and personnel in locating, relieving the distress and preserving the lives of and removing survivors from the site of disaster, emergency or hazard to a place of safety in the care of lost, stranded, entrapped or injured persons, to include waterways;
- C. "Board" means the North Dakota Search and Rescue Alliance Board;
- D. AFRCC means the air force rescue coordination center, which is the federal agency responsible for coordinating federal SAR activities within the inland region pursuant to the national Search and Rescue Plan;

- E. "State SAR Control Agency" means the North Dakota Department of Emergency Services;
- F. "State SAR Mission Initiator" means the emergency manager of each county;
- G. "State SAR Resource Officer" means the official located within the department of emergency services responsible for coordinating SAR resources and administering the state SAR plan;
- H. "Field Coordinator" means a state-certified peace officer certified by the Board with specialized training and expertise responsible for the efficient organization and conduction of a SAR mission;
- I. "Civil Air Patrol" means the Civil Air Patrol division of the department of military affairs and an air force auxiliary responsible for coordinating air searches which are authorized by the AFRCC;
- J. "Mission" means each separate group effort in the employment, direction, and guidance of personnel and facilities in searching for and rendering aid to persons lost or in distress;

NDCC ###. North Dakota Search and Rescue Alliance; association is created; membership; duties; and responsibilities; terms:

- A. Shall be the organization responsible for establishing standards, training requirements and certifications, and record keeping of search and rescue missions in North Dakota.
- B. Compile, maintain and disseminate an inventory of resources available throughout the state;
- C. Compile, maintain, and disseminate rosters of persons, agencies and organizations available for search and rescue purposes throughout the state;
- D. Develop a training program for the certification of search and rescue instructors and, by regulation, adopt a system of certification of search and rescue persons, members, and volunteers;
- E. Act as contact agent for the state in search and rescue matters;
- F. Develop and periodically review requirements for insurance coverage for search and rescue persons, members, and volunteers;
- G. Coordinate the training of Mission Initiators and Field Coordinators; and
- H. Maintain records of missions at the state SAR Control Agency.
- I. There is created a policy advisory committee to be known as the "State Search and Rescue Review Board", whose duty is to evaluate the operation of the North Dakota Search and Rescue Plan; evaluate problems from specific missions; and make findings of fact and recommendations to the appropriate authorities. The Board shall consist of the State Search and Rescue Resource Officer, who shall be a nonvoting member and seven members appointed by the governor as follows:
  - (a) the Director of Emergency Services or designee;
  - (b) the Director of Health and Environment or designee;
  - (c) a representative of the Civil Air Patrol division of the Department of Military Affairs;
  - (d) a member of the North Dakota Sheriff's and Deputies Association;
  - (e) the chief of the North Dakota Highway Patrol or designee
  - (f) a member of the Search and Rescue Alliance who shall act as chairperson of the Board and who shall vote only in case of a tie.
- J. The Board shall have the duty and responsibility to:
  - (a) Meet at least quarterly or more frequently at the call of the chairperson;
  - (b) Evaluate the operation and effectiveness of the State SAR Plan and make recommendations to the director;



# **NORTH DAKOTA SEARCH AND RESCUE PLAN**

## **I. AUTHORITY**

The North Dakota Search and Rescue (SAR) Plan is adopted pursuant to the authority contained in the SAR Act.

## **II. PURPOSE**

In accordance with the SAR Act as set forth in NDCC #####, it is the purpose of this Plan to effectuate Legislative intent and authorization embodied in the SAR Act in the manner set forth in the terms and conditions of this Plan. The Plan puts in to practice the Governor's order stating that the National Interagency Management System (NIMS) Incident Command System (ICS) is the state standard by Executive Order. Accordingly, all SAR incidents in the state of North Dakota must be managed by the Incident Command System, thus providing the most comprehensive life-saving effort possible from those entities involved.

## **III. DEFINITIONS**

In addition to the definitions set forth in the SAR Act, NDCC #####, the following terms are defined:

- A. "Agency Administrator" is the Director of the state department of emergency services. The Director may appoint a designee such as the SAR Resource Officer.
- B. "Area Commander" means a Field Coordinator of a municipal or county law enforcement agency appointed by the SAR Review Board, with the approval of the Director, to oversee the management of single or multiple incidents. The Area Commander will keep the Agency Administrator, or his/her designee, informed on major incident(s) developments during the operational phase of a SAR incident.
- C. "Branch Director" is tasked with management at the organizational level having functional or geographic responsibility for major parts of the incident. The Branch Director reports to his/her respective Section Chief.
- D. "Incident Command System" means a standardized on-scene emergency management concept specifically designed to allow its user(s) to perform under an integrated organizational structure, without being hindered by the demands of single or multiple incidents and/or, by jurisdictional boundaries.
- E. "Incident Commander" is the title within the Incident Command System given to the Field Coordinator who is officially assigned a SAR incident and is a sworn and SAR-certified member of the agency having jurisdiction.
- F. "Incident Number" is the official state SAR number designation assigned to each properly initiated mission.

- (c) Evaluate the operational effectiveness of specific missions, make Findings of Fact and recommendations to the Board and other appropriate authorities for the elimination of problems and improvement of overall conduct of the mission;
- (d) Hold hearings and invite individuals to appear and testify before the Board, and reimburse such witnesses for travel expenses incurred.
- (e) Prepare an annual report for the Attorney General's office in case of victim hospitalization or death; and
- (f) With the approval of the Board, certify Field Coordinators and confirm certification of SAR persons, members, and volunteers.

K. The governor shall appoint the seven appointed members for staggered terms of three years each made in such a manner that the terms of not more than three members expire on January 1. Thereafter, appointments shall be made so that the terms of not more than three members expire on January 1 of each year. Vacancies shall be filled by appointment by the governor for the unexpired term. Any member of the Board who misses more than two consecutive meetings shall be automatically removed as a member of the Board.



- G. "Incident Report" means the document(s) which are specified by the North Dakota Department of Emergency Services and North Dakota Search and Rescue Review Board.
- H. "Section Chief" has the responsibility for a major functional area of the incident, e.g., Operations, Planning, Logistics, Finance/Administration. The Section Chief reports directly to the Incident Commander.
- I. "SAR Volunteer or SAR Person" is a person who volunteers time and equipment to aid in SAR incidents or other emergencies that might fall under the SAR Act. (A SAR volunteer's offer of services or equipment shall be accepted by the Incident Commander (assigned Field Coordinator) in charge of the SAR incident. The SAR volunteer must check in to the incident, take direction from the Incident Commander as to his/her participation during the incident, and check out of the incident when the volunteer services are no longer needed, or the volunteer chooses not to remain a SAR volunteer as defined under this Plan.)
- J. "State SAR Resource Directory" is a publication maintained by the state SAR Resource Officer that includes resources and organizations that may be utilized on SAR incidents. This document is supplied to all Field Coordinators and Public Safety Answering Points (PSAPs) and others that may be involved in notifying or requesting SAR resources during SAR incidents and shall be maintained and up to date as needed.

#### IV. ORGANIZATION

- A. The North Dakota SAR Plan, hereinafter referred to as the State SAR Plan, incorporates operations within a total incident effort that includes search, rescue, and recovery of injured or lost subjects, including waterways. The state SAR organization consists of:
  - 1. The North Dakota Department of Emergency Services and North Dakota Search and Rescue Alliance, which incorporates a network of Mission Initiators and Field Coordinators;
  - 2. The state SAR Resource Officer
  - 3. The state SAR Review Board; and
  - 4. Those persons or entities reasonably necessary to resolve a SAR incident.

#### V. AGREEMENTS

- A. The Plan incorporates agreements which include, but are not limited to, the following:
  - 1. an agreement between the US Air Force Director of Operations, Air Combat Command, and the state of North Dakota, in support of the National Search and Rescue Plan (see Appendix A).

#### VI. SAR AUTHORITIES AND SAR RESPONSIBILITIES

- A. North Dakota Search and Rescue Alliance in conjunction with the North Dakota Department of Emergency Services:
  - 1. Has the authority and responsibility for all SAR incidents in the State of North Dakota, pursuant to the North Dakota SAR Act, NDCC ####, the SAR agreement with the US Air Force Director of Operations Air Combat Command in support of the National SAR Plan, SAR agreements with the federal, state, and local entities, and Indian tribes within the state. All SAR incidents managed by the State of North Dakota shall conform with the state SAR Plan.
  - 2. Will designate a minimum ## of SAR-trained North Dakota peace officers in each SAR District as SAR Mission Initiators. Their duties are as follows:



- a. The Mission Initiator (or if no Mission Initiator is available the investigating Field Coordinator) will be responsible for investigating potential SAR situations (not involving crashed, missing, or overdue aircraft, Emergency Location Transmitter (ELT) or Personal Location Beacon (PLB)). If a SAR mission is deemed advisable, the Plan shall be put into effect by the investigating Mission Initiator by assigning an Incident Number to a Field Coordinator.
- b. At the discretion of the North Dakota Department of Emergency Services duty officer, the Mission Initiator may be requested to act as a liaison between field operations and the agency having jurisdiction.
  - (1) A Mission Initiator or if no Mission Initiator is available an Area Commander, can suspend or terminate the SAR incident, in the following circumstances:
    - (a) Suspension- A SAR incident may be suspended by the District Mission Initiator after consulting with the Incident Commander when:
      - (i) Appropriate resources have been utilized in the search effort, all probable areas have been searched with a reasonable cumulative Probability of Detection (POD) factor, and there are no new clues or leads to be investigated, which in the opinion of the Incident Commander, with concurrence of the North Dakota Department of Emergency Services, warrant no further search activity, or
      - (ii) Physical constraints, including natural phenomenon, no longer reasonably permit opportunity for continuing the effort.
    - (b) Termination – A SAR Incident will be terminated by a Mission Initiator, or if a Mission Initiator is not available an Area Commander when:
      - (i) Communications have been received from the Incident Commander that the subject(s) have been located and/or rescued and all personnel assigned the incident have had reasonable time to return to home or workplace or
      - (ii) It is determined that the incident operations should not be further conducted in the state of North Dakota, or
      - (iii) There is notification that an incident was initiated erroneously.
  - (2) Documentation – All written reports and related correspondence concerning a SAR incident will be forwarded to the North Dakota Search and Rescue Alliance and state SAR Resource Officer within 15 days after the date of suspension or termination of the SAR incident.
  - (3) Shall have Department of Emergency Services adhere to the following:
    - (1) Will maintain a current roster supplied by the state SAR Resource Officer, of Mission Initiators, Field Coordinators, Area Commanders, list of Incident Numbers, and a current copy of the State SAR Plan,
    - (2) Upon notification of a possible SAR situation (one not involving crashed or missing (or overdue) Aircraft, ELTs, or PLBs), the NDDDES Duty Officer will as soon as feasible notify a Mission Initiator, or in the absence of a Mission Initiator, a Field Coordinator. At the request of the Mission Initiator the department will issue an Incident Number, which shall be the last two digits of the year, SAR District Number, and number of SAR incidents in that SAR District during that calendar year plus one,
    - (3) As soon as possible the North Dakota State Radio Communication Specialist (radio dispatcher) will notify the on-call Area Commander



and brief him or her on the incident. A teletype with information about the incident will be sent to the agency having jurisdiction over the incident and the North Dakota Bureau of Criminal Investigation. There will also be periodic reports made to the North Dakota Department of Emergency Services as to the SAR Incident progress, and

- (4) Upon notification of ANY SAR incident involving a crashed, missing (or overdue) aircraft, ELT, or PLB, the Department will as soon as feasible notify and relay all information about the incident to the North Dakota Highway Patrol Headquarters.
- (c) Headquarters of the North Dakota Highway Patrol:
  - (1) Will maintain a current list supplied by the state SAR Resource Officer, of Area Commanders and a list of Incident Numbers for any incident that involve an aircraft, ELT, or PLB.
  - (2) Upon notification of a situation involving any crashed, missing (or overdue) aircraft, ELT, or PLB's, the Highway Patrol Headquarters will as soon as feasible notify an Area Commander and issue him or her an Incident Number. The Incident Number, which shall be:
    - (a) the last two digits of the year,
    - (b) Highway Patrol identification number, and,
    - (c) the number of air incident(s) issued in the state that calendar year plus one, and
  - (3) Headquarters will alert other Highway Patrol Districts through North Dakota State Radio, at the request of the Area Commander, where there may be a possibility that the missing (or overdue) aircraft, ELT, or PLB may be located.
3. Shall train a cadre of volunteer Field Coordinators. Their duties are as follows:
  - a. When a Field Coordinator accepts the assignment of a SAR incident he/she will become the "Incident Commander" for that SAR incident and is responsible for initiating, alerting, assigning, and directing all SAR resources participating in the incident. This position must be held by a state-certified peace officer employed with the agency having jurisdiction.
  - b. A Field Coordinator when contacted by the agency having jurisdiction may perform Mission Initiator duties if the agency having jurisdiction where the incident is located, can not locate a Mission Initiator within a reasonable amount of time.
  - c. An Incident Commander will establish an "Incident Base" which will be the principal base of field operations. The Incident Base will be established at an accessible area within reasonable proximity to the primary search or rescue area where resources can be staged, assigned, dispatched, and where there is adequate communication to a Public Safety Answering Point.
  - d. Missing Aircraft, ELT, and PLB incidents,
    - (1) The assigned Incident Commander on all aircraft, ELT, or PLB incidents must have met "air" SAR training standards developed by the SAR Resource Officer.
    - (2) If the use of any air resources are contemplated the Incident Commander must appoint a certified Air Operations Branch Director who shall have operational control of all air resources assigned to the incident pursuant to ICS management guidelines. (If the Incident Commander is certified as an Air Operations Section Chief, he or she can still fill both the role of the Incident Commander and the Air Operations Branch Director until such time as a Operation Section has been assigned to the incident.)



- (3) The Incident Base location for a missing aircraft, ELT, or PLB should be chosen close to the center of the aircraft line of travel within or across the state where search air resources can be located, directed, and assigned. In the case of an ELT or PLB the location should be in close proximity to the suspected location of the ELT or PLB location.
- e. Water Incidents.
- (1) If a SAR Field Coordinator is asked to be the Incident Commander on an incident that may involve a possible drowning, he/she will, notify State Radio and request the nearest public safety dive team commander or designee to contact the SAR Incident Commander as soon as possible. When contacted, the SAR Incident Commander will request that one of the dive team members, if one is not already on scene, to respond to the Incident Base as soon as feasible. Until the public safety dive team representative arrives at the Incident Base, the SAR Incident Commander will manage the SAR incident.
  - (2) When the public safety dive team representative arrives at the Incident Base, or if on scene when the SAR Incident Commander arrives, the dive team leader will be in charge of all activity on or under water and the SAR Field Coordinator will be in charge of all other search areas. The Field Coordinator and the public safety dive team leader will operate the incident together as an ICS Unified Command pursuant to ICS management guidelines.
  - (3) If it is determined that the public safety dive team leader needs volunteer SAR resources for utilization on or under water they will be requested through the SAR Field Coordinator and assigned to the public safety dive team leader after they have been checked in at the Incident Base.
- f. For radio communications purposes, the call sign to be used on all SAR incidents will be the incident name, or other designator, added to the term "Base". There can be only one base per SAR incident,
- g. Unless relieved by another Field Coordinator, the Field Coordinator acting as the Incident Commander or a member of the Unified Command will remain at the Incident Base until the incident has been suspended or terminated.
- h. The Field Coordinator shall manage the SAR incident in accordance with the SAR training provided by the North Dakota Search and Rescue Alliance under this Plan.
- i. Prior to deactivating an Incident Base, shall ensure all SAR resources under his or her command have checked out at the Incident Base in person, by telephone, or radio.
- j. If acting as the Incident Commander when an incident was suspended or terminated, the Field Coordinator will be considered the Field Coordinator of record and will submit an Incident Report to the SAR Resource Officer within fifteen (15) days of the suspension or termination date of the Incident.
- k. If acting as an Incident Commander other than when the Incident was suspended or terminated, he/she will turn over any and all information concerning the incident, written or recorded, to the Incident Commander of record as soon as possible after their activation as an Incident Commander was terminated.
- l. If a Field Coordinator has been appointed by the SAR Review Board and an "Area Commander" he/she has the additional responsibility to:



- (1) Assign a Field Coordinator, who has met air SAR training standards to be the Incident Commander when notified of an air incident by North Dakota Highway Patrol.
  - (2) Locate and assign Field Coordinators to a SAR incident if the local agency cannot locate a local Field Coordinator, and/or
  - (3) Replace a Field Coordinator as the Incident Commander if the SAR incident is considered by the Area Commander to be of a magnitude that requires a more experienced or trained Field Coordinator.
  - (4) Suspend and terminate SAR incidents when a Mission Initiator is not available.
- m. Shall be responsible for all other duties that may be necessary to carry out the purposes of this Plan.
4. The North Dakota Search and Rescue Alliance and Review Board will be the final authorities and will resolve all disputes during the operational phase of the SAR incident.
  5. All personnel matters involving any person operating under this plan will be resolved by, and at the discretion of the Director of the North Dakota Department of Emergency Services.
- B. State of North Dakota.
1. SAR Persons, SAR Volunteers, and Field Coordinators who qualify under the definition section of the Plan or the SAR Act will become a temporary "public employee" as defined in the NDCC, without compensation.
  2. Temporary status ceases upon suspension or termination of the incident, or if a SAR Person, SAR Volunteer, or Field Coordinator is no longer assigned to the Incident by the Incident Commander or the Incident Commander's staff, or chooses to no longer volunteer their services to the SAR incident. SAR Persons, SAR Volunteers and Field Coordinators are NOT considered state employees other than for the purpose of the Tort Claims Act.

## VII. SYSTEM OF CERTIFICATION

### A. Mission Initiator

1. Mission Initiator must be;
  - a. A state-licensed North Dakota Peace Officer
  - b. Properly SAR trained, and
  - c. Appointed to the position by the Director by recommendation of their agency Chief or Sheriff.

### B. Certified Field Coordinator

1. To be a Certified Field Coordinator an applicant must;
  - a. File an application with the North Dakota Search and Rescue Alliance,
  - b. Receive a positive recommendation from the candidate's home agency,
  - c. Successfully complete a SAR management course required by the North Dakota Search and Rescue Alliance, and
  - d. Receive final approval for certification from the SAR Review Board and the Director.

### C. Certified SAR Volunteer

1. To become a Certified SAR Volunteer an applicant must;
  - a. Be a current member of a SAR Recognized resource,
  - b. Complete a questionnaire supplied by the SAR Resource Officer, and
  - c. Meet criteria established by the North Dakota Search and Rescue Alliance and Department of Emergency Services.

### D. Certified SAR ICS General Staff personnel (including Branch Directors).



1. An applicant wishing to become Certified as a member of the ICS General Staff or an ICS Branch Director must,
  - a. Complete a questionnaire supplied by the SAR Resource Officer, and
  - b. Meet criteria established by the North Dakota Search and Rescue Alliance and Department of Emergency Services.

#### VII. SYSTEM OF RESOURCE RECOGNITION

- A. The SAR Review Board may recognize those SAR resources that have;
  1. Requested recognition by the SAR Review Board.
  2. Annually complete an information questionnaire provided by the SAR Resource Officer for the SAR Review Board's examination, and
  3. Meets the minimum requirements for a Recognized SAR Resource as established by the SAR Board and the North Dakota Search and Rescue Alliance.
- B. After being recognized, a letter of recognition and licensing will be provided to the SAR Resource signed by the SAR Review Board Chairperson and the North Dakota Search and Rescue Alliance Chairperson. Information on the Resource's capabilities and how to activate the resource will be included in the next printing of the state SAR Resource Directory.

#### IX. SEARCH AND RESCUE VOLUNTEERS

- A. All SAR persons and SAR volunteers as specified in this Plan, are participating on a strictly voluntary basis and that the state of North Dakota, the North Dakota Department of Emergency Services, the North Dakota Search and Rescue Alliance, and the SAR Review Board and/or their employees, agents, and insurers are not responsible for injuries to said participants except to the extent for which insurance is provided. It is further recognized, that those persons are subject to certain limited coverage pursuant to North Dakota Century Code, #####.
- B. It is hereby recognized that those persons, including all SAR persons and SAR volunteers, participating at the direction of the Incident Commander in a properly initiated SAR incident are considered temporary "public employees", as defined in NDCC #####, without compensation. This temporary status ceases upon suspension or termination of the SAR incident. The "scope of duties" as defined in the NDCC are those duties set forth in the SAR ACT, Plan, or Standard Operating Procedures and Directives issued by the North Dakota Search and Rescue Alliance.

#### CURRENT NDCC

37-17.1-28. Wide area search and rescue activities - Powers and duties of local officials - Costs.

1. The chief law enforcement officer of each political subdivision is responsible for local wide area search and rescue activities. The operation of a wide area search and rescue activity must be in accordance with state and local operations plans adopted by the governing body of each subdivision. A state or local operations plan must specify the use of the incident command system for a multiagency or multijurisdictional search and rescue operation. The local emergency management director shall notify



the department of emergency services of each wide area search and rescue mission. The local emergency management director shall work in a coordinating capacity directly supporting all wide area search and rescue activities in that political subdivision and in registering each emergency search and rescue worker for employee status. The chief law enforcement official of each political subdivision may restrict access to a specific search and rescue area to personnel authorized by the chief law enforcement official. Access may be restricted only for the time necessary to accomplish the search and rescue mission. An unauthorized person may not interfere with a search and rescue mission. 2. If a search and rescue activity results in the discovery of a deceased individual or if any search and rescue worker assists in the recovery of human remains, the chief law enforcement official of the political subdivision shall ensure compliance with chapter 11-19.1. 3. Upon authorization by the governor and approval of costs by the director of the division of homeland security, expenses incurred in meeting a contingency or emergency arising from a wide area search and rescue operation may be reimbursed under section 37-17.1-22 or 37-17.1-27.