Liability Issues for Community Volunteers

Currently, members of the PAN Block Preparedness Coordinator (BPC) program (viz., BPCs & NPCs) are community (grass roots) volunteers, whereas those who are registered with certain government-sponsored programs are considered Disaster Service Workers (DSWs).

BPCs are covered under the Good Samaritan Act: Section 1799.102 of the Health & Safety Code reads as follows:

> *"No person who in good faith, and not for compensation, renders emergency medical or nonmedical care at the scene of an emergency shall be liable for any civil damages resulting from any act or omission."*

N.B. The provision requires only a "scene of an emergency," not an official declared emergency.

The basic components of the Disaster Service Worker Program are found in the California Government Code. All public employees (with the exception of legally employed aliens) and all properly registered volunteers are deemed to be Disaster Service Workers, per Civil Code 1714.5 (b) which states:

> *"Notwithstanding any other provision of law, no disaster service worker who is performing disaster services during a state of war emergency, a state of emergency, or a local emergency, as such emergencies are defined in Section 8558 of the Government Code, shall be liable for civil damages on account of personal injury to or death of any person or damage to property resulting from any act or omission while performing disaster services anywhere within any jurisdiction covered by such emergency, except one that is willful."*

Further, the DSW program also provides compensation for volunteers who are injured or killed while serving as a volunteer during a declared emergency. In fact, this program provides the only route to compensation against the public entities who utilize DSW volunteers.

This protection from liability is specifically extended to anyone "impressed into service" by Gov. Code 8657 (posse).

In short: If a police officer instructs a BPC or NPC to do something, that person automatically becomes a DSW for the duration of the event.