



Dora

Department of Regulatory Agencies

Office of Policy, Research and Regulatory Reform

2008 Sunrise Review: Human Trackers

May 20, 2008



STATE OF COLORADO

DEPARTMENT OF REGULATORY AGENCIES
Office of the Executive Director

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Bill Ritter Jr.
Governor

May 20, 2008

Members of the Colorado General Assembly
c/o the Office of Legislative Legal Services
State Capitol Building
Denver, Colorado 80203

Dear Members of the General Assembly:

The mission of the Department of Regulatory Agencies (DORA) is consumer protection. As a part of the Executive Director's Office within DORA, the Office of Policy, Research and Regulatory Reform seeks to fulfill its statutorily mandated responsibility to conduct sunrise reviews with a focus on protecting the health, safety and welfare of all Coloradans.

DORA has completed its evaluation of the sunrise application for regulation of Human Trackers and is pleased to submit this written report. The report is submitted pursuant to section 24-34-104.1, Colorado Revised Statutes, which provides that DORA shall conduct an analysis and evaluation of proposed regulation to determine whether the public needs, and would benefit from, the regulation.

The report discusses the question of whether there is a need for regulation in order to protect the public from potential harm, whether regulation would serve to mitigate the potential harm, and whether the public can be adequately protected by other means in a more cost-effective manner.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Rico Munn".

D. Rico Munn
Executive Director

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The Sunrise Process

Background

Regulation, when appropriate, can serve as a bulwark of consumer protection. Regulatory programs can be designed to impact individual professionals, businesses or both.

As regulatory programs relate to individual professionals, such programs typically entail the establishment of minimum standards for initial entry and continued participation in a given profession or occupation. This serves to protect the public from incompetent practitioners. Similarly, such programs provide a vehicle for limiting or removing from practice those practitioners deemed to have harmed the public.

From a practitioner perspective, regulation can lead to increased prestige and higher income. Accordingly, regulatory programs are often championed by those who will be the subject of regulation.

On the other hand, by erecting barriers to entry into a given profession or occupation, even when justified, regulation can serve to restrict the supply of practitioners. This not only limits consumer choice, but can also lead to an increase in the cost of services.

There are also several levels of regulation. Licensure is the most restrictive form of regulation, yet it provides the greatest level of public protection. Licensing programs typically involve the completion of a prescribed educational program (usually college level or higher) and the passage of an examination that is designed to measure a minimal level of competency. These types of programs usually entail title protection – only those individuals who are properly licensed may use a particular title(s) – and practice exclusivity – only those individuals who are properly licensed may engage in the particular practice. While these requirements can be viewed as barriers to entry, they also afford the highest level of consumer protection in that they ensure that only those who are deemed competent may practice and the public is alerted to those who may practice by the title(s) used.

Certification programs offer a level of consumer protection similar to licensing programs, but the barriers to entry are generally lower. The required educational program may be more vocational in nature, but the required examination should still measure a minimal level of competency. Additionally, certification programs typically involve a non-governmental entity that establishes the training requirements and owns and administers the examination. State certification is made conditional upon the individual practitioner obtaining and maintaining the relevant private credential. These types of programs also usually entail title protection and practice exclusivity.

While the aforementioned requirements can still be viewed as barriers to entry, they afford a level of consumer protection that is lower than a licensing program. They ensure that only those who are deemed competent may practice and the public is alerted to those who may practice by the title(s) used.

Registration programs can serve to protect the public with minimal barriers to entry. A typical registration program involves an individual satisfying certain prescribed requirements – typically non-practice related items, such as insurance or the use of a disclosure form – and the state, in turn, placing that individual on the pertinent registry. These types of programs can entail title protection and practice exclusivity. Since the barriers to entry in registration programs are relatively low, registration programs are generally best suited to those professions and occupations where the risk of public harm is relatively low, but nevertheless present. In short, registration programs serve to notify the state of which individuals are engaging in the relevant practice and to notify the public of those who may practice by the title(s) used.

Finally, title protection programs represent one of the lowest levels of regulation. Only those who satisfy certain prescribed requirements may use the relevant prescribed title(s). Practitioners need not register or otherwise notify the state that they are engaging in the relevant practice, and practice exclusivity does not attach. In other words, anyone may engage in the particular practice, but only those who satisfy the prescribed requirements may use the enumerated title(s). This serves to indirectly ensure a minimal level of competency – depending upon the prescribed preconditions for use of the protected title(s) – and the public is alerted to the qualifications of those who may use the particular title(s).

Licensing, certification and registration programs also typically involve some kind of mechanism for removing individuals from practice when such individuals engage in enumerated proscribed activities. This is generally not the case with title protection programs.

As regulatory programs relate to businesses, they can enhance public protection, promote stability and preserve profitability. But they can also reduce competition and place administrative burdens on the regulated businesses.

Regulatory programs that address businesses can involve certain capital, bookkeeping and other recordkeeping requirements that are meant to ensure financial solvency and responsibility, as well as accountability. Initially, these requirements may serve as barriers to entry, thereby limiting competition. On an ongoing basis, the cost of complying with these requirements may lead to greater administrative costs for the regulated entity, which costs are ultimately passed on to consumers.

Many programs that regulate businesses involve examinations and audits of finances and other records, which are intended to ensure that the relevant businesses continue to comply with these initial requirements. Although intended to enhance public protection, these measures, too, involve costs of compliance.

Similarly, many regulated businesses may be subject to physical inspections to ensure compliance with health and safety standards.

Regulation, then, has many positive and potentially negative consequences. Colorado law, section 24-34-104.1, Colorado Revised Statutes (C.R.S.), requires that individuals or groups proposing legislation to regulate any occupation or profession first submit information to the Department of Regulatory Agencies (DORA) for the purposes of a sunrise review. The intent of the law is to impose regulation on occupations and professions only when it is necessary to protect the public health, safety or welfare. DORA must prepare a report evaluating the justification for regulation based upon the criteria contained in the sunrise statute:¹

(I) Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety, or welfare of the public, and whether the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;

(II) Whether the public needs, and can reasonably be expected to benefit from, an assurance of initial and continuing professional or occupational competence; and

(III) Whether the public can be adequately protected by other means in a more cost-effective manner.

Any professional or occupational group or organization, any individual, or any other interested party may submit an application for the regulation of an unregulated occupation or profession. Applications must be accompanied by supporting signatures and must include a description of the proposed regulation and justification for such regulation.

Methodology

DORA has completed its evaluation of the proposal for regulation of Human Trackers. During the sunrise review process, DORA interviewed the applicant, conducted interviews of administrators of various Human Tracker schools and interviewed certified and non-certified Human Trackers. DORA also interviewed representatives of, among others, the Colorado Sheriff's Association, the Colorado Search and Rescue Board, Rocky Mountain Tracker Association, and the Colorado Department of Local Affairs, Office of Emergency Management.

¹ § 24-34-104.1(4)(b), C.R.S.

Profile of the Profession

Human Trackers (Trackers) are trained to use techniques that enable them to locate persons who are lost or missing, typically in wilderness areas. Trackers possess skills that allow them to identify key elements (signs) of information in order to locate a person. Signs are discoverable evidence of the presence or passage of a person.

According to the sunrise application, Trackers are skilled in the following areas:

- Recognizing and locating footprints and other characteristics in vegetation and open dirt areas.
- Obtaining pertinent incident information from search and rescue personnel, law enforcement personnel and witnesses.
- Recognizing and resolving sign footfall (footprint) contradictions or contamination.

There are different credentialing opportunities available for Trackers. Specifically, if Trackers wish to obtain certification they may do so by attending courses from one of two tracking schools: Joel Hardin Professional Tracking Services (JHPTS) or Universal Tracking Services (UTS).

Joel Hardin Professional Tracking Services

JHPTS offers four Tracker certification levels, including:

- Finding Sign - Novice;
- Following Sign - Apprentice;
- Reading Sign - Journeyman; and
- Sign Cutter - Master.

The Finding Sign or Novice Tracking level is an introductory tracking course for novices on footfall evidence including field and classroom training to optimize the learning experience.²

Following Sign or Apprentice Tracker is a course that builds on the Novice tracking principals and techniques with additional emphasis on team roles, search, management and communication.³ In order to be eligible to participate in the Following Sign tracking certification, a student must have obtained the Finding Sign certification.

² Joel Hardin Professional Tracking Services. *Tracking Certification Levels*. Retrieved February 11, 2008, from <http://www.jhardin-inc.com/certification.htm>

³ Joel Hardin Professional Tracking Services. *Tracking Certification Levels*. Retrieved February 11, 2008, from <http://www.jhardin-inc.com/certification.htm>

Reading Sign or Journeyman Tracker is the third level of certification offered through JHPTS. This advanced course emphasizes team techniques for a mission, including critical tracking applications.⁴ In order to be eligible to obtain a Reading Sign Certification, a candidate must have achieved a Following Sign certification.

The final, and highest, level of certification offered by JHPTS is the Sign Cutter or Master Tracker. Master Trackers are primarily used for managing Trackers as a search and rescue resource during a search.⁵

In order to obtain any of the certifications through JHPTS, a student must demonstrate knowledge and skill in tracking, including the use of techniques and tactics to successfully resolve practical simulations and missions.⁶

JHPTS charges between \$185 and \$300 for a 24-hour certification course, depending on the level of services needed (e.g., lodging or meals). According to a representative from JHPTS, a student generally needs three, 24-hour courses in order to obtain the knowledge and skill to achieve each certification. Certification courses are offered throughout the United States, including Colorado.

Universal Tracking Services Inc.

UTS offers five levels of expertise regarding Trackers, including four certifications. The five levels of expertise are:

- Novice;
- Track Aware;
- Tracker I;
- Tracker II; and
- Sign Cutter.

Novice trackers are new to the UTS tracking program and are preparing for the first level (Track Aware) certification. A student must stay at the Novice level until he or she successfully completes the Track Aware training program.⁷

⁴ Joel Hardin Professional Tracking Services. *Tracking Certification Levels*. Retrieved February 11, 2008, from <http://www.jhardin-inc.com/certification.htm>

⁵ Joel Hardin Professional Tracking Services. *Tracking Certification Levels*. Retrieved February 11, 2008, from <http://www.jhardin-inc.com/certification.htm>

⁶ Joel Hardin Professional Tracking Services. *Tracking Certification Levels*. Retrieved February 11, 2008, from <http://www.jhardin-inc.com/certification.htm>

⁷ Universal Tracking Services. *UTS Training Courses*. Retrieved February 11, 2008, from <http://www.utstrackingservices.com/training.htm>

Track Aware is the lowest or first level of certification offered by UTS. UTS teaches a “step-by-step” method of finding a sign.⁸ Students must demonstrate competence in identifying certain signs in order to advance to higher levels of certification.

Salient skills for becoming Track Aware-certified are as follows:⁹

- Be able to draw footprints found, take appropriate measurements and list any unique characteristics that can be determined.
- Demonstrate proper use of the tracking stick (used for measuring the stride interval and length of a footprint).
- Demonstrate proper team formation and each member’s function.
- Develop communication skills and discuss the various parts of the sign seen, and listen to the team member’s discussion to mutually determine the appropriate sign.
- Develop skills to become familiar with age signing.
- Understand the “step-by-step” methodology of tracking.

The next level of certification offered by UTS is the Tracker I. The Tracker I certification offers more advanced skills in tracking and develops basic multi-team sign cutting methods,¹⁰ which are used to identify and follow evidence of human passage. Important criteria for Tracker I certification is as follows:¹¹

- Demonstrate ability to work with two or more teams to efficiently follow the appropriate line of sign.
- Demonstrate communication ability in multi-team exercises.
- Assist in instructing Novice students and work as a team leader.

The Tracker II certification builds on the experience and knowledge obtained through the previous certification levels. The certification provides significantly advanced training to enable the student who is committed to tracking a skill level that allows him or her to participate and lead most tracking operations.¹² Important characteristics for a Tracker II certification are as follows:¹³

- Demonstrate ability to locate point last seen or starting point and determine direction of travel.

⁸ Universal Tracking Services. *UTS Training Courses*. Retrieved February 11, 2008, from <http://www.utstrackingservices.com/training.htm>

⁹ Universal Tracking Services. *UTS Training Courses*. Retrieved February 11, 2008, from <http://www.utstrackingservices.com/training.htm>

¹⁰ Universal Tracking Services. *UTS Training Courses*. Retrieved February 11, 2008, from <http://www.utstrackingservices.com/training.htm>

¹¹ Universal Tracking Services. *UTS Training Courses*. Retrieved February 11, 2008, from <http://www.utstrackingservices.com/training.htm>

¹² Universal Tracking Services. *UTS Training Courses*. Retrieved February 11, 2008, from <http://www.utstrackingservices.com/training.htm>

¹³ Universal Tracking Services. *UTS Training Courses*. Retrieved February 11, 2008, from <http://www.utstrackingservices.com/training.htm>

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- Develop interview techniques during scenario training.
 - Identify report writing criteria and the inclusion of information from field notes.

The highest level of certification offered by UTS is the Sign Cutter. In order to obtain the Sign Cutter certification, a student must demonstrate his or her ability to track an individual (or individuals) through and during many different situations.¹⁴ Important characteristics for achieving the Sign Cutter certification are as follows:¹⁵

- Demonstrate the ability to analyze and interpret difficult and confusing signs.
- Debrief and document the scenario(s) accurately and completely.
- Demonstrate appropriate decision making.

The tuition for tracking courses at all training levels is \$150 per student for the first twenty students. Tuition for more than twenty students is \$100. It should be noted that UTS does not currently offer training courses in Colorado. If a Colorado resident wishes to obtain a certification from UTS, he or she must travel to a location offering the training courses.

¹⁴ Universal Tracking Services. *UTS Training Courses*. Retrieved February 11, 2008, from <http://www.utstrackingservices.com/training.htm>

¹⁵ Universal Tracking Services. *UTS Training Courses*. Retrieved February 11, 2008, from <http://www.utstrackingservices.com/training.htm>

Proposal for Regulation

A citizen (Applicant) has submitted a sunrise application to the Department of Regulatory Agencies (DORA) for review in accordance with the provisions of section 24-34-104.1, Colorado Revised Statutes (C.R.S.). The application identifies state certification of Human Trackers (Trackers) as the appropriate level of regulation to protect the public.

The Applicant proposes using the Joel Hardin Professional Tracking Services (JHPTS) certification as the appropriate level of certification in Colorado. Specifically, the Applicant proposes that in order to receive state certification, Trackers should obtain a Master level or Sign Cutter certification. According to a representative of JHPTS, there are currently a total of six Master level Trackers in the United States. The Master Trackers are located in the following states:

- Washington (3);
- California (2); and
- Idaho (1).

Highlighted in the sunrise application, the Applicant believes that regulating (state certification) Trackers would impose strict guidelines and allow more Trackers to participate in any given search and rescue operation. Further, the sunrise application claims that Trackers are turned away because of politics or because the Search and Rescue Coordinator is not familiar with them. A state certification card would, the Applicant claims, ensure that Trackers are properly trained, and would be an asset to the search and rescue team.

Summary of Current Regulation

The Colorado Regulatory Environment

Under Colorado law, section 24-32-2107(10)(a), Colorado Revised Statutes (C.R.S.), each county sheriff is responsible for the coordination of all search and rescue operations within the sheriff's jurisdiction.

If a sheriff needs additional resources for a search and rescue operation, he or she may enlist the services of the Colorado Search and Rescue Board (CSRB).

The CSRB functions as a non-profit corporation and provides the following:¹⁶

- Coordinates search and rescue services as requested by county sheriffs and others whose responsibilities include search and rescue.
- Offers a time and place for search and rescue organizations to meet and exchange ideas.
- Offers educational opportunities for the search and rescue community.

The CSRB provides a point of contact for search and rescue matters on a state level.¹⁷ The CSRB maintains a roster of search and rescue resources throughout Colorado (including Human (Trackers)), and provides a Colorado Search and Rescue Coordinator, who is available 24 hours a day to assist local authorities in locating and using additional or specialized services.¹⁸

If a sheriff's office contacts the CSRB requesting Trackers for a search and rescue operation, the CSRB initiates contact with the Rocky Mountain Trackers Association. The Rocky Mountain Trackers Association consists of 42 Trackers, 30 of whom are physically located in Colorado. The purpose of the Rocky Mountain Trackers Association is to provide a central database of certified Trackers who are available to assist during search and rescue operations. It should be noted that not all of the Trackers have achieved certification. Fourteen of the 42 Trackers are currently pursuing certification through the Joel Hardin Professional Tracking Services.

¹⁶ Colorado Search and Rescue Board. *Who is CSRB?* Retrieved April 7, 2008, from <http://www.coloradosarboard.org/csrb-whoarewe.asp>

¹⁷ Colorado Search and Rescue Board. *Who is CSRB?* Retrieved April 7, 2008, from <http://www.coloradosarboard.org/csrb-whoarewe.asp>

¹⁸ Colorado Search and Rescue Board. *Who is CSRB?* Retrieved April 7, 2008, from <http://www.coloradosarboard.org/csrb-whoarewe.asp>

Additionally, in section 33-1-112.5, C.R.S., the State of Colorado created a Search and Rescue Fund (Fund) that is administered through the Department of Local Affairs (DOLA). The Fund was created in 1987 to enable local governments to receive reimbursement for expenses related to search and rescue operations, including, but not limited to:¹⁹

- Fuel;
- Repair and rental of motor vehicles;
- Fixed-wing aircraft;
- Helicopters (when used for search and/or rescue, not medical evacuation);
- Snowmobiles;
- Boats;
- Horses; and
- Generators.

Currently, contributions to the Fund are secured through the following:²⁰

- Imposing a surcharge on hunting and fishing licenses;
- Purchasing a stand-alone Colorado Wildlife Habitat stamp;
- Registering an off-highway vehicle, boat or snowmobile; and
- Purchasing a Colorado Outdoor Recreation Search and Rescue Card.

According to DOLA staff, the Fund currently has more than \$180,000 in it. During fiscal year 07-08, the Fund has provided approximately \$51,000 in direct reimbursements to local governments for search and rescue operations in Colorado.

¹⁹ Department of Local Affairs. *State Search and Rescue Fund FAQs*. Retrieved February 12, 2008, from <http://www.dola.state.co.us/dlg/fa/sar/index.html>

²⁰ Department of Local Affairs. *State Search and Rescue Fund FAQs*. Retrieved February 12, 2008, from <http://www.dola.state.co.us/dlg/fa/sar/index.html>

Regulation in Other States

During the course of this sunrise review, the Department of Regulatory Agencies (DORA) did not identify any formal regulation in other states. The sunrise application claims that one state, New York, has a regulatory model in place; however, this assertion is not accurate. Rather, New York utilizes a not-for-profit organization, the New York State Federation of Search and Rescue Teams, consisting of independent search and rescue teams that make themselves available to any agency to assist in searches for lost or missing persons.²¹ This process is similar to the Colorado model, which utilizes the CSRB to identify additional resources for search and rescue operations.

The sunrise application also asserts that Pennsylvania is investigating a Tracker certification program. However, DORA was unable to identify and access any information that would substantiate this assertion.

²¹ New York State Federation of Search and Rescue Teams. Retrieved March 17, 2008, from <http://www.nysfedsar.org>

Analysis and Recommendations

Public Harm

The first sunrise criterion asks:

Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety or welfare of the public, and whether the potential for harm is easily recognizable and not remote or dependent on tenuous argument.

Before moving forward in the analysis of harm caused by unregulated Human Trackers (Trackers), it is important to identify what has been identified as the possible harm to the public. Potential harm to the public includes:

- Qualified Trackers are excluded from search and rescue operations;
- Sheriffs are unaware of the process for securing additional Trackers; and
- Unqualified Trackers are utilized in search and rescue operations.

First, excluding qualified Trackers from search and rescue operations could compromise the quality and integrity of the search process. This could potentially lead to a search team's inability to locate a lost or missing person.

The sole example of harm provided in the sunrise application alleged that a qualified Tracker was not permitted to participate in the search for the Applicant's son, who was missing in Larimer County. The applicant believes that the Tracker may have been more successful at finding the missing person than the on-scene search team.

The Department of Regulatory Agencies (DORA) interviewed the Larimer County Sheriff who was in charge of the search and rescue scene for the Applicant's son. The Sheriff indicated that the aforementioned Tracker was, in fact, a participant in the search. DORA contacted the individual Tracker and he confirmed that he was permitted to participate in the search. The Sheriff stated that the search was quite extensive in terms of the number and variety of searchers allowed to enter the search scene and conducted a search.

Therefore, the specific case offered in the sunrise application as support for the proposition to regulate Trackers is not persuasive.

In order to determine if other instances similar to the sunrise application example have occurred in Colorado, DORA interviewed the Colorado Sheriff's Association and the Rocky Mountain Tracker Association. These contacts revealed that the current system for utilizing Trackers is effective and works well in Colorado. DORA did not identify any instances in which sheriffs lack knowledge of how to obtain additional Trackers for search and rescue operations.

Second, harm to the public could occur if sheriffs are not aware of the current process of securing Trackers for search and rescue operations. If sheriffs lack knowledge of the process, efforts to find missing persons could be compromised.

DORA did not identify any instances in which sheriffs lack knowledge of the process of obtaining additional Trackers for search and rescue operations.

Third, allowing unqualified Trackers to participate in search and rescue operations could potentially compromise search and rescue efforts. Unqualified Trackers could become lost during a search and rescue operation, which could shift the focus and resources dedicated to finding lost or missing persons to include a search for the lost and unqualified Tracker. Also, unqualified Trackers could inadvertently destroy valuable evidence that would otherwise assist in finding a missing person.

A sheriff may allow any person to operate as a Tracker in a search and rescue operation. This is evidenced by the fact that the Tracker who the Applicant alleges was not permitted to participate in the search for his son, was not certified by any formal Tracking school. However, information obtained for this review indicates that if sheriffs need additional Trackers for search and rescue operations, they typically secure those Trackers through the Rocky Mountain Trackers Association, which utilizes Trackers who are certified by the Joel Hardin School of Professional Tracking Services (JHPTS). Ultimately, however, whether a Tracker is certified or not, the sheriff is responsible for deciding who may or may not participate in the search.

Finally, the Applicant did not provide any additional examples of harm in the sunrise application; DORA was not able to identify any additional examples where public harm was attributable to unregulated Trackers in Colorado. The absence of harm to the public calls into question the need for state regulation of Trackers in Colorado.

Need for Regulation

The second sunrise criterion asks:

Whether the public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional or occupational competence.

This criterion addresses the proposition of whether the state should require a certain level of education and/or impose a requirement that Trackers pass an examination before being certified to practice in Colorado.

From the information provided to DORA by the Applicant as well as interested parties, no evidence has been presented that Trackers do not possess adequate skills, education or the competence necessary to practice safely. In fact, this review uncovered no evidence of harm to the public resulting from lack of education of practitioners. As such, competency is clearly not an issue for Trackers in Colorado.

As a result, the public cannot expect to benefit from a mandated assurance of competency.

Alternatives to Regulation

The third sunrise criterion asks:

Whether the public can be adequately protected by other means in a more cost-effective manner.

As outlined earlier in this report, there are several certifications available through both JHPTS and Universal Tracking Services.

In fact, the Applicant proposes using the JHPTS as the appropriate level of regulation. Specifically, the Applicant identified the Master or Sign Cutter certification as the appropriate level of certification. In other words, the Applicant believes that in order to qualify for a state certification, a person must have obtained a Master level certification from the JHPTS.

Conclusion

Regardless of whether Trackers are regulated by the State of Colorado, the sheriff would continue to be the ultimate authority over search and rescue operations within his or her jurisdiction. This includes critical decisions of whether to allow additional personnel (including Trackers) into a search and rescue operation.

Additionally, this sunrise review found no evidence supporting the need to require Trackers to obtain state certification prior to participating in search and rescue operations in Colorado. In fact, the sunrise review identified the following:

- Sheriffs in Colorado already have access to Trackers;
- Private credentials already exist for Trackers;
- No harm was identified in the sunrise review; and
- Sheriffs are ultimately responsible for search and rescue operations.

If a sheriff needs additional resources (including Trackers) for a search and rescue operation, he or she may enlist the services of the Colorado Search and Rescue Board (CSRB). The CSRB maintains a roster of resources throughout Colorado. The CSRB also provides a Colorado Search and Rescue Coordinator to assist local authorities in locating and using additional or specialized services.

When a sheriff contacts the CSRB requesting Trackers for a search and rescue operation, the CSRB initiates contact with the Rocky Mountain Trackers Association. The purpose of the Rocky Mountain Trackers Association is to provide a central database of certified Trackers who are available to assist during search and rescue operations.

DORA, through its research, was unable to identify any issues related to accessing the services of trained and certified Trackers. In fact, sheriffs who need additional resources are familiar with the current system of contacting the CSRB for assistance. DORA was unable to uncover instances in which the current system is ambiguous or not being utilized by sheriffs in Colorado. Since the current system is effective and being utilized by sheriffs, there is not a need to create a government sponsored regulatory program to address systemic issues related to obtaining Trackers for search and rescue operations.

Additionally, all of the Trackers who are members of the Rocky Mountain Trackers Association either possess certification through JHPTS or are in the process of obtaining certification through JHPTS. It is important to note that the members who are in the process of obtaining certification through JHPTS participate in searches with other members who have obtained certification. DORA did not identify any instances in which unqualified Trackers were members of a search and rescue operation; therefore, requiring state certification of Trackers is not necessary. Private certification provides comprehensive training for Trackers, and the certification is utilized by members of the Rocky Mountain Trackers Association. Therefore, it is reasonable to conclude that requiring state certification would not equate to more qualified Trackers in Colorado.

The primary rationale for regulation by the Applicant is that qualified Trackers are being excluded from search and rescue operations. During the course of this sunrise review, DORA was unable to identify any instances in which qualified Trackers were prevented from entering search and rescue areas. As a result, no harm was identified, which calls into question the need for regulation of Trackers.

According to information provided by a certified Tracker, there have been issues related to whether certified Trackers were admitted to search and rescue operations. In these instances, it appears that certified Trackers were not requested to participate in a search and rescue operation by the sheriff. Instead, certified Trackers showed up at search and rescue operation and wanted to participate in the search. The sheriff was reluctant to allow the Tracker to participate in the search. Importantly, however, the Tracker was ultimately allowed to participate in the search. The sheriff has the ultimate authority over search and rescue operations in his or her county. State regulation (certification of Trackers) will not modify or relinquish local control of search and rescue operations.

Finally, since there is currently an effective and efficient system already in place for identifying additional resources for search and rescue operations, creating state certification is not necessary. There was no evidence presented during this review that indicated that sheriffs lacked knowledge of the current system, which calls into question the need for a state certification program.

Recommendation – Impose no state regulation on Human Trackers in Colorado.