

**REPORT OF THE
SEARCH AND RESCUE STRATEGIC
PLAN DEVELOPMENT COMMITTEE**

Pursuant to 2012 Acts and Resolves No. 155 (S.106), Sec. 31

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I. Committee Charge

The Search and Rescue Strategic Plan Development Committee was established pursuant to 2012 Acts and Resolves No. 155 (S.106), Sec. 31:

Sec. 31. SEARCH AND RESCUE STRATEGIC PLAN DEVELOPMENT COMMITTEE

(a) Creation of committee; purpose. There is created a search and rescue strategic plan development committee to recommend how search and rescue operations should be conducted in Vermont on a permanent basis. As used in this section, “search and rescue” means the search for and provision of aid to people who are missing, lost, or stranded in the outdoors on Vermont’s land or inland waterways.

(b) Membership. The search and rescue strategic plan development committee shall be composed of 13 members. The members of the committee shall be as follows:

- (1) One member of the house appointed by the speaker.
- (2) One member of the senate appointed by the committee on committees.
- (3) The commissioner of public safety or designee.
- (4) The commissioner of fish and wildlife or designee.
- (5) The president of the Vermont Police Association or designee.
- (6) The president of the Vermont Sheriffs’ Association, Inc. or designee.
- (7) The team leader of Stowe Mountain Rescue or designee.
- (8) The team leader of Colchester Technical Rescue or designee.

(9) One licensed first responder appointed by the commissioner of health.

(10) Two members of the Vermont Coalition of Fire & Rescue Services, Inc. appointed by the chair of the coalition, one of whom shall be a professional firefighter and one of whom shall be a volunteer firefighter.

(11) One public member with experience in search and rescue operations and in the incident command system appointed by the governor.

(12) One member of the National Ski Patrol appointed by the northern regional director of the National Ski Patrol's eastern division.

(c) Structure; decision-making. The committee shall elect two co-chairs from its membership, at least one of whom shall be a legislative member. The provisions of 1 V.S.A. § 172 (joint authority of three or more) shall apply to the meetings and decision-making of the committee.

(d) Powers and duties. The committee shall:

(1) review the existing method, responsibility, and organizational structure for conducting search and rescue operations in Vermont, including any existing statutory, rule, or policy requirements, if any, and identify the advantages and disadvantages of the current system;

(2) consider models used in other states for managing search and rescue operations;

(3) determine whether the department of public safety or a different state agency should be responsible for supervising search and rescue operations for

people who are missing, lost, or stranded in the outdoors on Vermont's land or inland waterways;

(4) consider and evaluate different organizational structures in order to recommend how to most effectively manage Vermont's search and rescue processes and resources;

(5) determine whether minimum qualifications, certification, or other credentialing should be required for persons participating in search and rescue operations and whether search and rescue responders who are not state employees should be provided with insurance coverage;

(6) develop a database of available statewide resources capable of assisting in search and rescue operations, which may be organized pursuant to different geographic regions of the state;

(7) consider the feasibility of establishing an online database of persons who are missing, lost, or stranded in the outdoors on Vermont's land or inland waterways that would provide automatic notice to first responders;

(8) develop and recommend a method of reviewing completed search and rescue operations and how those operations could be improved;

(9) recommend guidelines that would enable communication among search and rescue resources in responding to a call for help;

(10) recommend methods of balancing speed versus safety in responding to calls for help in order to create the greatest level of efficiency;

(11) determine whether a new chapter for search and rescue operations should be added within Title 20 of the Vermont Statutes Annotated; and

(12) determine whether firefighters and law enforcement officers should be required to obtain training in search and rescue operations and on the incident command system as part of certification or recertification requirements.

(e) Consultant. The co-chairs of the committee, in consultation with the commissioner of the department of public safety, may hire a consultant who professionally specializes in search and rescue operations in order to assist the committee in its duties.

(f) Report. The committee shall report its findings and recommendations, together with draft legislation in order to implement those recommendations, to the general assembly on or before December 15, 2012.

(g) Number of meetings; term of committee. The committee may meet no more than five times and shall cease to exist on December 15, 2012.

(h) Reimbursement. Members of the committee who are not employees of the state of Vermont shall be reimbursed at the per diem rate set forth in 32 V.S.A. § 1010. Legislative members shall be entitled to the same per diem compensation and reimbursement for necessary expenses for attendance at a meeting when the general assembly is not in session as provided to members of standing committees under 2 V.S.A. § 406.

(i) Assistance. The legislative council shall provide administrative, legal, and drafting support to the committee.

II. Committee Members

Pursuant to subsection (b) of the Committee's charge, the members of the 13-member committee are as follows:

- (1) One member of the house appointed by the speaker;

Rep. Willem Jewett

- (2) One member of the senate appointed by the committee on committees;

Sen. Dick Mazza

- (3) The commissioner of public safety or designee;

John Wood, Deputy Commissioner of Public Safety

- (4) The commissioner of fish and wildlife or designee;

Major Dennis Reinhardt, Deputy Chief of Fish and Wildlife Law Enforcement

- (5) The president of the Vermont Police Association or designee;

George Fon, President, Vermont Police Association

- (6) The president of the Vermont Sheriffs' Association, Inc. or designee;

Ray Allen, Sheriff of Grand Isle County

- (7) The team leader of Stowe Mountain Rescue or designee;

Neil Van Dyke, Team Leader, Stowe Mountain Rescue

- (8) The team leader of Colchester Technical Rescue or designee;

Michael Cannon, Team Leader, Colchester Technical Rescue

- (9) One licensed first responder appointed by the commissioner of health;

Greg Wolf, Supervisor, Essex Rescue Operations

(10) Two members of the Vermont Coalition of Fire & Rescue Services, Inc. appointed by the chair of the coalition, one of whom shall be a professional firefighter and one of whom shall be a volunteer firefighter;

Scott Cooney, Captain, Hartford Fire Department

David Shaw, Assistant Chief, Middlebury Volunteer Fire Department

(11) One public member with experience in search and rescue operations and in the incident command system appointed by the governor;

Jocelyn Stohl

(12) One member of the National Ski Patrol appointed by the northern regional director of the National Ski Patrol's eastern division.

Peg Doheny, Ski Patrol Director, Jay Peak

Pursuant to subsection (c) of the Committee's charge, the Committee elected as co-chairs Sen. Dick Mazza and John Wood, Deputy Commissioner of Public Safety.

The Committee was staffed by BetsyAnn Wrask, Legislative Counsel, and Gabrielle Malina, Committee Assistant.

III. Overview

A. *Current Method of Conducting Search and Rescue Operations*

As of the date of this report, Vermont has in place an Interim Protocol for search and rescue operations that was enacted into law by the General Assembly on May 16, 2012 pursuant to 2012 Acts and Resolves No. 155 (S.106), Sec. 30. “Search and rescue” is defined in the Interim Protocol as “the search for and provision of aid to people who are missing, lost, or stranded in the outdoors on Vermont’s land or inland waterways.” The Interim Protocol set forth standards for search and rescue operations and required an organizational structure — named the Incident Command System — under which search and rescue operations must be conducted.

The Interim Protocol named the Department of Public Safety’s Search and Rescue Team (the “SAR Team”) — a 21-member group of troopers — as the entity having lead responsibility for search and rescue operations in Vermont municipalities, unless the chief of police of a municipal police department that has at least one officer with high-level search and rescue and incident command system training, or a sheriff under contract with a municipality with that training, had confirmed in writing to the Department that the police department or sheriff wanted to assume lead responsibility.

No matter what entity assumes lead responsibility in any municipality, the Interim Protocol requires the Department of Public Safety to perform certain actions to form a reliable Incident Command System. Pursuant to the

legislative act that created it, the Interim Protocol is to be implemented until further legislative action by the General Assembly.

B. The Committee's Role

As set forth in subsection (a) of the Committee's charge, the purpose of the Search and Rescue Strategic Plan Development Committee is to recommend how search and rescue operations should be conducted in Vermont ***on a permanent basis***. "Search and rescue" has the same definition in the Committee's charge as in the Interim Protocol: "the search for and provision of aid to people who are missing, lost, or stranded in the outdoors on Vermont's land or inland waterways."

The Committee's charge in subsection (d) set forth 12 specific duties that the Committee needed to perform. These duties generally tasked the Committee with considering the best manner in which search and rescue operations should be conducted in Vermont. Subsection (f) of the Committee's charge requires the Committee to report its findings and recommendations, along with draft legislation to implement the recommendations, to the General Assembly by December 15, 2012.

The findings and recommendations resulting from the 12 specific duties are discussed in detail in Section IV of this report. Where recommendations are suggested to be codified in statute, readers will be directed to specific portions of the proposed draft legislation, which can be found in Appendix A of this report.

C. Meetings and Witnesses

The full Committee met a total of four times. Committee meetings were held on July 11, 2012; August 22, 2012; September 12, 2012; and October 24, 2012. However, in order to accomplish all of the duties assigned to it within the maximum of five full meetings allowed pursuant to subsection (g) of the Committee's charge, the Committee elected to form subcommittees that focused on specific duties. These subcommittees then reported their findings to the full Committee for consideration and discussion.

All Committee members share the goal of improving search and rescue operations in Vermont. Included in the membership of the Committee are people with extensive experience in search and rescue operations in Vermont. Aside from the common goal of the Committee and the expertise of Committee members in forming the findings and recommendations contained in this report, the Committee also heard testimony from Captain Robert Evans of the Vermont State Police; Robert Schell, Chief of Field Operations for Vermont Emergency Management; and Patrick Berry, Commissioner of Fish and Wildlife.

Moreover, Lieutenant Kim Klein, a District Chief Warden for the Department of Fish and Wildlife; Lieutenant Robert Cushing of the Vermont State Police; and Captain Evans participated as subcommittee members.

IV. Findings and Recommendations

The Committee was tasked with 12 specific duties. These 12 duties — found in the 12 subdivisions of subsection (d) of the Committee’s charge — and the Committee’s findings and recommendations relating thereto are discussed in detail within the 12 subdivisions below.

(1) Review the existing method, responsibility, and organizational structure for conducting search and rescue operations in Vermont, including any existing statutory, rule, or policy requirements, if any, and identify the advantages and disadvantages of the current system.

The current method, responsibility, and organizational structure for conducting search and rescue operations in Vermont is found in the Interim Protocol, which was enacted by the Legislature in 2012 Acts and Resolves No. 155, Sec. 30. A copy of the Interim Protocol is set forth in Appendix B of this report. Moreover, Vermont State Police has in place an interim policy regarding search and rescue operations and it is attached as Appendix C.

The Committee found that there are advantages to the current system, including the provision that there be a specific agency having jurisdiction (“AHJ”) over search and rescue operations; an immediate response to search and rescue calls for help; the earliest possible rescue or recovery of every person needing search and rescue assistance; and the use of a database of reliable resources that may be called upon to assist in search and rescue operations.

However, in regard to what agency has jurisdiction over search and rescue operations, the Committee did find that one disadvantage of the Interim Protocol was that it allowed an either/or approach, whereby the SAR Team was designated as the AHJ in these operations, unless, as described in Section III(A) of this report, a police department or sheriff with certain training wanted to assume lead responsibility. The Committee found it best to designate one AHJ over search and rescue operations statewide so that this agency could develop an overall unified command structure that would be used for all search and rescue operations in the state. It is the Committee's belief that a unified command structure managed by one agency will result in the smoothest, most efficient, and most successful search and rescue operations.

Moreover, for every search and rescue call for help, the Interim Protocol in subdivision (a)(1)(B) requires an immediate call to the SAR Team, without regard to whether the call for help may be classified as a missing person complaint, as that term is described in 20 V.S.A. chapter 112.

Under 20 V.S.A. § 1820(1), "missing person" is defined as "an individual whose whereabouts is unknown and who is either physically disabled, mentally disabled or an unemancipated minor." "Unemancipated minor" is defined in 20 V.S.A. § 1820(2) as "an individual under the age of majority who has not married and who resides with a parent or legal guardian."

Pursuant to 20 V.S.A. § 1824(a), "[a] law enforcement agency" shall commence a search for a "missing person" as soon as a report that the person is missing is received. Generally, in practice, local law enforcement agencies

handle searches for these “missing persons.” Vermont State Police may become involved under 20 V.S.A. § 1827, which requires the Commissioner of Public Safety to cooperate with and support all law enforcement agencies within Vermont regarding missing persons, including, when necessary to protect a missing person from harm, coordinating local and state efforts “to search for and rescue the missing person.”

The Committee distinguishes “search and rescue” — as it is defined in the Interim Protocol and in the Committee’s charge — from “missing persons.” The age and the physical or mental ability of a person missing, lost, or stranded in the outdoors on Vermont’s land or inland waterways is not necessarily the primary focus in search and rescue operations. Generally, the primary focus is on the elements and the geography in which the person is missing. Both situations require great skill and experience to resolve. However, unlike a “missing person” in an urban area, a person who is missing or lost in remote parts of Vermont or in its waterways triggers the need for certain technical skills of responders to locate and safely remove the person.

The Committee debated over continuing the Interim Protocol’s requirement that an AHJ be called for all search and rescue calls for help, regardless of whether the person is missing in a remote area.

Some members felt that this mandatory notification should apply to all situations in which a person goes missing, regardless of the area. These members generally felt that the question of whether a person is missing in a remote or in a nonremote area, and therefore the question of whether to contact

the AHJ, could lead to delays in locating the person missing. These members thought that, at a minimum, the AHJ should be called in all instances of a person gone missing and the AHJ could decide the appropriate response.

On the other hand, other members felt that calling the AHJ every time a person goes missing in a nonremote area would lead to an overabundance of calls to the AHJ for situations that are currently well-handled by local law enforcement agencies and which do not necessitate wilderness search and rescue resources. Examples were given of the teenager who continues to run away in his or her hometown and the young child who wanders to a neighbor's home.

Ultimately, the Committee decided that a line needed to be drawn between a search for a "missing person" in a nonremote area and a search for a person missing in a remote area or waterway. The Committee concluded that the AHJ should only be immediately called for persons missing in remote areas and waterways. Further details regarding this finding are elaborated upon in subdivision (11) of this section of the report.

Furthermore, the Committee wanted to refine the definition of "search and rescue" used in the Interim Protocol so that the definition incorporates all aspects of a search and rescue operation. Therefore, the Committee recommends the definition be amended to read: "'Search and rescue' means the employment, coordination, and utilization of available resources and personnel in locating, relieving the distress, and preserving the lives of and removing persons who are missing or lost in backcountry, remote areas, or

navigable waters.” “Navigable waters” would be defined to mean “Lake Champlain, Lake Memphremagog, the Connecticut River, all natural inland lakes within Vermont, and all streams, ponds, flowages, and other waters within the territorial limits of Vermont, including the Vermont portion of boundary waters, which are boatable under the laws of this state.” *See* Appendix A, recommended addition of 20 V.S.A. § 1841.

(2) Consider models used in other states for managing search and rescue operations.

The Committee specifically reviewed the protocol for conducting search and rescue operations in states with similar geography — and therefore similar search and rescue concerns — to Vermont: Alaska; Colorado; New Hampshire; New Mexico; New York; and Maine. For each of these states, the Committee researched the overall agency that handles search and rescue operations; whether the agency has statewide jurisdiction over search and rescue operations; what entity does the initial assessment of a search and rescue call for help; whether the state uses volunteers for search management; whether the state provides for a search and rescue council, and if so, its function; whether the state provides insurance coverage to its volunteers; and whether the volunteers were required to meet minimum qualifications. Practices varied among these states, with the exception that each of these states has a form of search and rescue council.

See Appendix D for a summary of the Committee’s findings regarding this subdivision.

(3) Determine whether the department of public safety or a different state agency should be responsible for supervising search and rescue operations for people who are missing, lost, or stranded in the outdoors on Vermont's land or inland waterways.

The Committee was in agreement that there needed to be an AHJ over search and rescue operations in Vermont. It appeared evident to the Committee that there are really only two state agencies that have the experience, training, and resources to be capable of potentially taking on this responsibility: the Department of Public Safety and the Department of Fish and Wildlife.

The Committee took testimony from members of both departments. Ultimately, the Commissioner of Fish and Wildlife testified that although his department had prepared to assume statewide jurisdiction as a precautionary measure, it made more sense for the Department of Public Safety to have statewide jurisdiction over search and rescue operations.

Based on the testimony provided by both departments, the Committee recommends codifying in statute that the Commissioner of Public Safety shall have jurisdiction over search and rescue operations. *See Appendix A*, recommended addition of 20 V.S.A. § 1842.

However, members of both departments agreed that Game Wardens in the Department of Fish and Wildlife have expertise in backcountry and waterway navigation, and that this expertise should be used in search and

rescue operations. The Committee supports the recommendations of the departments that they combine efforts regarding personnel resources, training, and command structure in conducting search and rescue operations.

(4) Consider and evaluate different organizational structures in order to recommend how to most effectively manage Vermont's search and rescue processes and resources.

A. District Resource Teams

The Committee supports the proposal made by the Vermont State Police whereby its SAR Team could develop up to four district resource teams made up of search and rescue resources that wish to participate in a team. These resources may include private search and rescue organizations and trained first responders (law enforcement, firefighters, and EMS personnel). The overall objective of these district resource teams would be to have a core group of established, reliable, trained, and equipped individuals that could be quickly called upon within each quadrant of the state to assist the SAR Team in search and rescue operations within that district.

Specifically, the SAR Team's plan is to divide the state into up to four resource team districts that correspond with Vermont State Police Troop districts: northeast, northwest, southeast, and southwest. The total number of resource team districts would depend on whether there is a need to develop additional search and rescue resources in each area. For example, one quadrant of the state may already have enough existing, established, skilled, and trained resources available that have proven to be capable of assisting in

past search and rescue calls for help that the SAR Team determines additional development of resources in that area is unnecessary. For such an area, a district resource team would not need to be developed.

For any of the four quadrants of the state found to be in need of further development, the SAR Coordinator (described in more detail in subdivision (B), below), coordinating with the SAR Team, would develop a district resource team and assign a SAR Team member to be a liaison officer to that team. The SAR Coordinator and that liaison officer would work with the leadership of each of the resources within the team so that the SAR Coordinator and liaison officer become familiar with that resource's internal command structure, and conversely, for the resource to become familiar with the structure of the SAR Team. Moreover, the SAR Coordinator and the liaison officer would work with these resources to develop an overall district resource team command structure, including operational guidelines, that would be used when resources within the district resource team are called upon to assist the SAR Team in search and rescue operations.

The Vermont Search and Rescue Resource Working Group, described below in subdivision (8), would make recommendations to the Vermont State Police regarding minimum standards for each of the district resource teams, including training and core competencies, such as ground search methodology, as well as potential certification. Vermont State Police, as the AHJ in search and rescue operations, would consider and approve any such recommendations it felt necessary for the efficient operation of the district resource teams.

Vermont State Police would expect that any resource within these district resource teams, as well as any existing search and rescue resources in a quadrant of the state that did not necessitate development of a district resource team — but due to their established skills and reliability are commonly called upon to assist the SAR Team — would maintain any of the training, core competencies, and certification requirements approved by Vermont State Police so that their agency's or organization's skills can continue to be regularly relied upon to assist the SAR Team in search and rescue operations.

Moreover, dependent upon available financial appropriations, equipment and training may be provided to these teams. And, once established, each resource team would be entered into the statewide database, which is discussed in detail in subdivision (6), below.

The Committee recommends that the Vermont State Police estimate the cost of developing and maintaining these district resource teams and further recommends that State Police incorporate this estimate in its budget request.

B. SAR Coordinator

The overall coordination of the training and development of these district resource teams is proposed to be overseen by a new civilian position within the Department of Public Safety known as the Search and Rescue Resource Coordinator (the "SAR Coordinator"). Based on the training that is recommended by the Vermont Search and Rescue Resource Working Group and approved by Vermont State Police, the SAR Coordinator would develop

and provide the training program for the resources within each district resource team.

The SAR Coordinator would also attend regional search and rescue training sessions of volunteer organizations — both those that are included, and not included, in a district resource team — to act as a liaison for the Department of Public Safety to strengthen relationships with these organizations.

Moreover, the SAR Coordinator would assist in the development of a “core cadre” of volunteer search managers who can deploy statewide to assist in Vermont State Police’s management of large-scale search and rescue operations.

The SAR Coordinator would also be tasked with conducting and maintaining a statewide inventory of search and rescue resources that are available in Vermont. Information gathered in this inventory — such as the location, training, and expertise of any resource — would be used to populate the database described in subdivision (6), below.

This position would also be tasked with maintaining records of all search and rescue operations conducted in Vermont. The SAR Coordinator would also assist the Public Information Officer, which is a current position within the Department of Public Safety, to develop and distribute safe hiking and outdoor recreation public safety messaging. Finally, the SAR Coordinator would generally act as a professional resource to assist in search and rescue operations, as needed.

Vermont State Police estimates that this position would need an annual appropriation of \$100,000.00, which would include pay and benefits; vehicle costs associated with travel for the position; and office supplies and materials. The Committee recommends that Vermont State Police incorporate this estimate in its budget request.

(5) Determine whether minimum qualifications, certification, or other credentialing should be required for persons participating in search and rescue operations and whether search and rescue responders who are not state employees should be provided with insurance coverage.

A. Whether minimum qualifications, certification, or other credentialing should be required for persons participating in search and rescue operations

The Committee grappled with whether there should be minimum qualifications, certification, or other credentialing for *any* person participating in search and rescue operations. The pros discussed would be having a known level of competency among resources and a potential reduction in risk management issues and more effective searches. The perceived cons were a decrease in available resources and therefore a potentially slower local response to calls for help, as well as increased costs to those who would be required to get training.

Consideration was given to the types of groups that might be involved in a search and rescue operation. Ski patrol members, for example, are normally trained and equipped by their own organization and generally have successful track records in search and rescue operations. And while career (paid

full-time) firefighters are required to obtain Firefighter Level I training, which includes training on the incident command system (“ICS”), volunteer (paid part-time) firefighters are not currently required to get such training. Concern was expressed about the burden additional training requirements would place on groups such as these.

As described above in subdivision (4), the Committee does support the idea of continual training and certification that may be expected of those search and rescue resources that would likely be frequently relied upon by the SAR Team to provide assistance in search and rescue operations. The Committee distinguishes these resources — who will likely be the core sources of assistance for the SAR Team — from other resources, who might provide additional, ancillary, and less frequent assistance.

B. Whether search and rescue responders who are not state employees should be provided with insurance coverage

The Committee reviewed the current state practice of the provision of insurance coverage to nonstate employees. 29 V.S.A. § 1408 sets forth the state employees’ workers’ compensation fund, which was created to provide a program for self-insurance coverage for state entities, including state employees. The fund is administered by the Commissioner of Buildings and General Services (“BGS”) who authorizes payments from the fund and makes final decisions regarding voluntary acceptance of claim and case management. Payments from this fund may be made to cover injuries to state employees that happen in the course of their employment.

Moreover, 29 V.S.A. § 1406 sets forth the state liability self insurance fund, which was created to provide a program of self-insuring liability coverage for state entities, including state employees. This fund is also administered by the Commissioner of BGS. Payments from this fund may be made when a state employee causes damages, injury, loss, or deprivation of rights in the performance of the employee's duties.

As set forth in 29 V.S.A. §§ 1406 and 1408, the definition of "state employee" is as provided in 3 V.S.A. § 1101. A search and rescue resource who is not employed by the state may nonetheless qualify as a "state employee" for workers' compensation and liability purposes pursuant to 3 V.S.A. § 1101(b)(4). That subdivision defines a "state employee" to include "any person who volunteers for a state agency by providing services at the request of that agency and under the direction and control of that agency, but who does not receive hourly or salary compensation."

The state must make a very fact-specific analysis regarding whether a person qualifies as a "state employee" under 3 V.S.A. § 1101(b)(4) in order to determine whether the person is eligible for either state workers' compensation or liability coverage.

The relationship between the person and the state is key. The person must be volunteering for the state; at the request of the state; under the direction and control of the state; and may not be paid for the services he or she is providing. Regarding the requirement that there not be a payment for services, the person would likely be considered to be unpaid even if he or she

belongs to an organization that gets a small annual appropriation from a municipality for things such as equipment. However, the person would likely be considered to be paid if he or she receives a type of retainer from a municipality for the provision of his or her services.

Due to the fact-specific nature of determining whether a person meets the definition of “state employee,” if a volunteer aiding the state in a search and rescue operation belongs to an organization that already provides to its members workers’ compensation insurance, the state’s preference is to have that organization’s workers’ compensation insurance coverage apply. There may be fact situations where it is not entirely clear that a person qualifies as a “state employee” under 3 V.S.A. § 1101(b)(4); therefore, to avoid uncertainty and the potentially large financial risk to all parties in such indeterminate fact situations, the state’s general practice is to have an organization’s direct workers’ compensation insurance cover its own members in case of injury to a member. The state perceives an organization’s direct provision of insurance coverage to its members to be the best and cleanest way of guaranteeing that such a member will be covered by workers’ compensation insurance should the need arise.

Due to the fact-specific nature of whether to provide workers’ compensation insurance coverage, the state generally distinguishes between these two scenarios:

In the first scenario, some or all members of a private unpaid volunteer group with workers’ compensation insurance coverage are called out by the

Vermont State Police to assist the State Police in a search and rescue mission, under the direction and control of the State Police, due to that group's general skills.

In the second scenario, one specific member of that group is called to assist the State Police, under the direction and control of the State Police, due to a unique skill that person possesses, such as ice climbing.

Under the first scenario, in the case of injury to one of the members of the organization, the state would likely expect that the organization's workers' compensation insurance would apply. Under the second scenario, in the case of injury to that specific person, the state would likely expect that the state workers' compensation insurance would cover the injury because the person is a single volunteer sought by the state for his or her unique personal skill, not because the person belongs to a certain organization.

Regarding the provision of liability insurance for a person aiding the state in search and rescue operations, in addition to all of the issues identified above regarding workers' compensation, in indeterminate fact situations where it is not entirely clear whether the person qualifies as a "state employee" under 3 V.S.A. § 1101(b)(4), there may be occasions where the state shares liability with the insurer that provides direct liability insurance coverage to the organization of which the person is a member.

Moreover, because of the financial risk involved in insurance coverage, the state prefers best-practice scenarios where a person qualifying as a "state employee" in a search and rescue operation keeps himself or herself safe and

has the skills and qualifications necessary to accomplish the search and rescue mission to which he or she is assigned.

The Committee has considered the state's general practice in the provision of insurance coverage and agrees that this practice should apply to search and rescue operations. The state would be assuming a much greater financial risk than it already does if it were expected to cover all persons assisting in a search and rescue operation, regardless of whether the person belongs to an organization that is already self-insured. If an organization does not want to assume the insurance risk in assisting the state in search and rescue operations, it may decline to provide its assistance. Because there would be no change to the state's current practice in providing workers' compensation or liability coverage, there would be no need to amend state statute.

(6) Develop a database of available statewide resources capable of assisting in search and rescue operations, which may be organized pursuant to different geographic regions of the state.

The Committee supports the database of search and rescue resources that is currently being developed and populated by the Department of Public Safety. Various resources within this database are also currently used by the Department's Vermont Emergency Management Division.

The Committee heard testimony from the Chief of Field Operations for Vermont Emergency Management, who demonstrated the capabilities of Disaster LAN, which is the operating program of the database. All Vermont State Police personnel, PSAP (public safety answering point) personnel, local

Emergency Management directors, and, with requisite training, all local, county, and state first responders can establish a Disaster LAN account that would give them access to search and rescue resource information 24 hours a day.

Disaster LAN includes information such as the type of expertise and training of resources, as well as their location within the state. The Department of Public Safety plans to continue to populate this database with resources and their capabilities, including the resources that are included within each of the proposed district resource teams. And as described above in subdivision (4)(B), if the position of SAR Coordinator is created, that person would have the specific responsibility of inventorying resources and populating this database.

(7) Consider the feasibility of establishing an online database of persons who are missing, lost, or stranded in the outdoors on Vermont's land or inland waterways that would provide automatic notice to first responders.

The Committee evaluated this idea and, considering the urgency with which search and rescue operations must be conducted, found that the current method of direct calls to first responders would be a more effective and efficient manner of obtaining resources to respond to calls for help than an online database. The Committee also supports the current process whereby reports of missing persons under 20 V.S.A. chapter 112 are broadcast to law enforcement agencies statewide.

(8) Develop and recommend a method of reviewing completed search and rescue operations and how those operations could be improved.

The Committee recommends that for each search and rescue operation, there be a local post-incident debriefing conducted by all agencies and organizations that participated in the operation. This is a common practice that currently occurs after search and rescue operations, and the Committee encourages this practice to continue. Benefits of this type of debriefing are that the operation is fresh in the minds of the participating resources and that the participants can give feedback to each other on what worked and what did not during the operation.

The Committee also strongly encourages a third-party review of larger and more complex search and rescue operations. These type of operations might be those that cover multiple operational periods (i.e., those that necessitate different shifts of resources or that cover multiple days); that involve serious injury or death; or that require an above-average number of response agencies. The purpose of these third-party reviews would be to have a group of search and rescue experts provide an outside perspective of the handling of a search and rescue operation in order to monitor how these operations are conducted and to provide feedback on how to improve the quality of responses to search and rescue calls for help.

The Committee supports the idea that such reviews be conducted by a group similar to the informal ad hoc group that currently exists, the Vermont

Search and Rescue Working Group, which is made up of team leaders from different search and rescue resources and which has already tasked itself with reviewing completed search and rescue operations. Vermont State Police also encourages the continued operation of this group and recommends its formalization as the Vermont Search and Rescue Resource Working Group, with the further recommendation that the SAR Coordinator be included in its membership.

As previously described in subdivision (4), based on its expertise, not only would this Vermont Search and Rescue Resource Working Group be asked to recommend minimum standards for resources commonly relied upon by the SAR Team, but it would also be asked to analyze past search and rescue operations. This analysis would likely entail a review of any issues that occurred in these operations due to things such as problems in command structure, preparedness, and equipment.

The Vermont Search and Rescue Resource Working Group would also generally discuss the day-to-day operation of responses to search and rescue calls for help and make recommendations on how the quality of these responses may be improved. The Resource Working Group would meet quarterly or as needed to conduct its business.

Another aspect of the Vermont Search and Rescue Resource Working Group would be that, based on its deliberations, it would make recommendations to the Vermont Search and Rescue Advisory Council, which is a group whose creation is proposed by the Vermont State Police.

The Vermont Search and Rescue Advisory Council would be charged with evaluating any recommendations made by the Vermont Search and Rescue Resource Working Group. The Advisory Council would specifically make any policy recommendations it felt necessary to improve search and rescue operations within the state. This proposed Advisory Council would submit an annual report to the General Assembly summarizing its findings and recommendations.

Vermont State Police recommends that the membership of the Advisory Council might include the following persons:

1. A career firefighter designee from the Vermont Coalition of Fire & Rescue Services, Inc.;
2. A volunteer firefighter designee from the Vermont Coalition of Fire & Rescue Services, Inc.;
3. A designee from the Chiefs of Police Association of Vermont;
4. A designee from the Vermont Sheriffs' Association, Inc.;
5. A designee from the Vermont Department of Fish and Wildlife;
6. A member of the General Assembly;
7. The Vermont State Police Search and Rescue Team Leader;
8. The Vermont State Police Assistant Field Force Commander;
9. A designee from a professional or volunteer search and rescue organization;
10. A designee from National Ski Patrol;
11. A designee from the Department of Health's EMS Division; and

12. The SAR Coordinator.

(9) Recommend guidelines that would enable communication among search and rescue resources in responding to a call for help.

The Committee feels that one agency having jurisdiction over search and rescue responses to calls for help that manages a unified command system; an easily-accessible database of known, reliable, trained resources within different regions in the state that may assist this agency as needed; and a review process that promotes the continual improvement of search and rescue operations are the principal guidelines to enable communication among search and rescue resources in responding to a call for help.

Furthermore, the Committee recognizes that there are technical issues in communication among resources — such as interoperability of communication frequencies — and recommends that the current VComm committee continue to analyze how to improve this communication.

(10) Recommend methods of balancing speed versus safety in responding to calls for help in order to create the greatest level of efficiency.

As described above in subdivisions (1) and (3), the Committee concluded that the Vermont State Police should be immediately called when there is a report of a person missing in the backcountry, a remote area, or in navigable waters.

In practice, this means that when any local or county law enforcement agency takes this report, or when such a report is made to a PSAP (public

safety answering point) via 9-1-1 or to a first response organization, that agency, PSAP, or first response organization shall immediately notify the Vermont State Police and advise of the situation.

The Committee recommends that the requirement that the local or county law enforcement agency immediately notify the Vermont State Police be codified in statute. *See* Appendix A, recommended addition of 20 V.S.A. § 1843(a)(2).

However, while the Committee believes in the necessity of an AHJ over search and rescue operations and an immediate notification to that AHJ, it does not believe that having an AHJ means that a local or county law enforcement agency taking such a report should not respond to the scene. Quite the contrary, the Committee agrees that the law enforcement agency taking the call should also immediately respond to the scene and take immediate action to locate the person reported missing. *See* Appendix A, recommended addition of 20 V.S.A. § 1843(a)(1).

The immediate call to the Vermont State Police sets the incident command system in motion. The Committee recommends that as soon as Vermont State Police is made aware of the search and rescue call for help, it will notify its SAR Team, which will assess the situation in consultation with the entity providing the report. Depending on the area in which the person is missing and its knowledge of the capabilities of the local or county law enforcement agency in the area, the SAR Team shall either immediately deploy, along with whatever other resources it deems necessary to respond to

the scene, or it shall remotely monitor the handling of the response by the law enforcement agency that took the call and deploy resources as the need is made known. In any case, Vermont State Police, as the AHJ, maintains responsibility for the search and rescue operation and ensuring that an immediate response is made to each search and rescue call for help, including immediate action to locate the person reported missing. *See Appendix A*, recommended addition of 20 V.S.A. § 1843(b).

(11) Determine whether a new chapter for search and rescue operations should be added within Title 20 of the Vermont Statutes Annotated.

The Committee compared its plan for search and rescue operations to that for “missing persons,” which, as previously described above in subdivision (1), is codified in 20 V.S.A. chapter 112. As previously noted, the Committee ultimately concluded that because of the distinction between “missing persons” and wilderness or waterway “search and rescue,” the Vermont State Police should only be immediately notified of calls that meet the definition of “search and rescue,” that is, when people are lost or missing in the backcountry, remote areas, or in navigable waters.

Nevertheless, the Committee acknowledges the similarity between the two concepts: the goal of both is to locate a person. Therefore, as shown in Appendix A, the Committee recommends that these two concepts be located in the same chapter of the Vermont Statutes Annotated, designated by different subchapters, so that subchapter 1 would be in regard to “missing persons” and

that subchapter 2 would be in regard to “search and rescue.” *See generally* Appendix A, recommended amendments to Title 20, chapter 112.

However, there may be times when a person who qualifies as a “missing person” (i.e., the person is either physically or mentally disabled or is an unemancipated minor) goes missing in the backcountry, a remote area, or in the navigable waters of Vermont. In these situations, because a degree of certain technical skill is necessary to locate and remove the person from these areas, the Committee agrees the law should require the search and rescue operating procedure that is set forth above in subdivision (10). Therefore, in order to statutorily address this situation, the Committee recommends that the new “missing person” subchapter amend the current 20 V.S.A. § 1824 (searches for missing persons) to specify the requirement that, notwithstanding any provision of law to the contrary, the search for a missing person whose whereabouts is unknown within the backcountry, remote areas, or navigable waters shall be conducted as provided in the search and rescue subchapter. *See* Appendix A, recommended amendment of 20 V.S.A. § 1824; new subsection (c).

(12) Determine whether firefighters and law enforcement officers should be required to obtain training in search and rescue operations and on the incident command system as part of certification or recertification requirements.

A. Firefighters

As described above in subdivision (5)(A), the career (paid full-time) firefighters are required to complete Firefighter Level I training as part of their certification process, which includes training on the incident command system (“ICS”). Volunteer (paid part-time) firefighters are not currently required to get the training, although some volunteer firefighters have taken the course. Neither group of firefighters is required to obtain training in search and rescue operations.

After considering the burden to require volunteer firefighters to obtain ICS training and to require both groups to obtain search and rescue training, the Committee does not feel it would be reasonable to require this additional training of these two groups.

B. Law Enforcement Officers, Generally

Both full- and part-time law enforcement officers are required as part of their certification through the Vermont Criminal Justice Training Council (the “VCJTC”) to obtain ICS 100 training.

The VCJTC does not currently offer training in search and rescue operations. However, after being contacted by Vermont State Police, the VCJTC advised that it is willing to discuss the provision of search and rescue

training as part of its curriculum for Vermont Police Academy students. The Committee strongly recommends that the Vermont Police Academy provide search and rescue training to its students.

C. Fish and Wildlife Game Wardens

Pursuant to 10 V.S.A. § 4198, once certified by the VCJTC, Fish and Wildlife State Game Wardens and Deputy Game Wardens have the same law enforcement authority as other law enforcement officers within the state.

As of the date of this report, there are 38 Fish and Wildlife Wardens, made up of 27 Field Wardens; six Command Staff; and five Trainees. Every Warden — except for one Trainee currently enrolled in the Vermont Police Academy — is certified in ICS 100 and ICS 200, as well as NIMS (National Incident Management System) 700. At least four Command Staff members have certification in NASAR MLPI (National Association of Search and Rescue, Managing the Lost Person Incident). The remaining Command Staff will be attending the NASAR MLPI class this winter.

Two Warden supervisors have attended the National Inland Search and Rescue School administered by the U.S. Air Force. Four Wardens regularly instruct land navigation classes for other agencies and schools. The Department advises that all Wardens are proficient in land navigation.

Except for the five newest employees, all Wardens meet the standards of ASTM (American Society for Testing and Materials) International's Level I Land Search Team Member requirements, and most Wardens are at or above

Level II requirements. Several Wardens have Wilderness First Aid Responder training.

Moreover, all Wardens are current with CPR and have been certified in PHTLS (Pre-Hospital Trauma Life Support). The Department advises that sign cutting, human tracking, and associated skills are used frequently in any Warden's daily activities and are applied in search scenarios when appropriate.

Three Wardens are currently ATV safety instructors. Furthermore, the Department advises that all Wardens are proficient in ATV and snowmobile operation and are also exposed to the operation of all types of boats — from kayaks to 24-foot Boston Whalers — and most of the Wardens issued larger boats use them frequently in the summer and operate them at a high level of proficiency.

Regarding the current proposal for Wardens to assist Vermont State Police in search and rescue operations, the Department of Fish and Wildlife has evaluated the past three years' expenses relating to search and rescue operations. The Department anticipates it would need additional appropriations to cover personnel costs, including benefits, related to search and rescue missions, training, and administration; nonmotorized equipment; and vehicles.

The Committee recommends that the General Assembly provide these appropriations so that the Department can assist Vermont State Police in search and rescue operations. The Committee further recommends that the

Department estimate these expenses and that the Department incorporate this estimate in its budget request.

D. Vermont State Police Officers, Generally

The Committee supports the proposal by Vermont State Police that every member of its force be provided with training in the basics of search and rescue. That way, each member of the State Police would be capable of assisting with ground search procedures and would be more informed about the dynamics of a search and rescue call for help.

Vermont State Police plans to conduct this training via its existing e-Learning programs, as well as during training that would be conducted by the SAR Team at each of Vermont State Police's 12 barracks around the state.

E. The SAR Team

Presently, the SAR Team would be designated as a FEMA Type III/FEMA Type II Wilderness Search and Rescue Team. Each SAR Team member currently participates in 64 hours of mandated team training each year. Subjects covered during these trainings include map and compass skills; winter/cold weather survival; mountaineering; human tracking; GPS use; working with helicopter support; Gator and ATV training; first aid and CPR training; and ground search operations.

Moreover, there are a number of SAR Team members who have attained training in search management, which is a specialized training regarding management of search and rescue operations, regardless of size. This training includes care trak training; SAR master computer training;

directional finding search management; a Coast Guard National Search and Rescue course; Inland Search and Rescue training; advanced swift water training; hypothermia and avalanche training; and wilderness first aid.

Vermont State Police requests that in order to continue to provide its SAR Team personnel with the most up-to-date training and to keep them outfitted appropriately to handle the responsibility of lead authority in all state search and rescue operations, the SAR Team be appropriated additional funds for this purpose. The Committee recommends that Vermont State Police estimate the cost of this training and outfitting and further recommends that the State Police incorporate this estimate in its budget request.

V. Conclusion

The Committee appreciates this opportunity to provide to the General Assembly recommendations regarding how it perceives search and rescue operations should be conducted in our state. It is the Committee's belief that one agency having jurisdiction over and responsibility for search and rescue operations; with the assistance of readily-available, trained, and reliable resources; and a method of reviewing completed searches with the goal of continual improvement will help enable these operations to be conducted in a safe, efficient, and successful manner. The Committee hopes that the information provided in this report will aid the General Assembly as it considers a permanent method for conducting search and rescue operations in the State of Vermont.

Appendix A: Draft Legislation

20 V.S.A. chapter 112 is amended to read:

CHAPTER 112. MISSING PERSONS AND SEARCH AND RESCUE

Subchapter 1. Missing Persons

§ 1820. DEFINITIONS

As used in this chapter:

(1) “Missing person” means an individual whose whereabouts is unknown and who is either physically disabled, mentally disabled, or an unemancipated minor.

(2) “Unemancipated minor” means an individual under the age of majority who has not married and who resides with a parent or legal guardian.

§ 1821. MISSING PERSON COMPLAINT

(a) A person filing a missing person complaint with a law enforcement agency shall provide at a minimum the following information:

(1) the name, age, address, and identifying characteristics of the missing person;

(2) the length of time the person has been missing;

(3) the name of the complainant and the relationship of the complainant to the missing person; and

(4) any other relevant information provided by the complainant or requested by the law enforcement agency.

(b) All law enforcement personnel on active duty shall be notified forthwith that the person is missing.

§ 1822. MISSING PERSON REPORT

Upon receiving a complaint, the law enforcement agency shall forthwith prepare a missing person report. The report shall include all information contained in the missing person complaint and any information or evidence gathered by a preliminary investigation, if one was made.

§ 1823. DISSEMINATION OF MISSING PERSON REPORT

(a) Upon completion of the report, a copy shall forthwith be forwarded to the commissioner of public safety, all law enforcement agencies within the jurisdiction where the missing person lives or was last seen, and other law enforcement agencies that can reasonably be expected to be involved in any investigation.

(b) A copy of the report shall also be forwarded to:

- (1) all law enforcement agencies to which the complainant reasonably requests the report be sent;
- (2) any law enforcement agency requesting a copy of the missing person report; and
- (3) all media in the region in which the missing person lives, or was last seen, unless such disclosure would impede an ongoing investigation or unless otherwise requested by the complainant.

§ 1824. SEARCHES FOR MISSING PERSONS

(a) A law enforcement agency shall commence a search for a missing person as soon as a report is received.

(b) Any rule specifying an automatic time limitation before commencing a missing person investigation shall be invalid.

(c) Notwithstanding any provision of law to the contrary, the search for a missing person whose whereabouts is unknown within the backcountry, remote areas, or navigable waters shall be conducted as provided in subchapter 2 of this chapter.

§ 1825. MISSING PERSON COMPLAINTS REGARDING

UNEMANCIPATED MINORS

If a missing person complaint involves an unemancipated minor, including a runaway child as defined in 13 V.S.A. § 1311, the law enforcement agency shall transmit the report, as soon as it is complete, to the department of public safety for inclusion in the National Crime Information Center computer.

§ 1826. FALSE INFORMATION ON MISSING PERSON

A person who knowingly makes a false report of a missing person, or knowingly makes a false statement in the report shall be fined not more than \$1,000.00.

§ 1827. COMMISSIONER OF PUBLIC SAFETY; COOPERATION

The commissioner of public safety shall cooperate with and support all law enforcement agencies in this state in matters relating to missing persons. When necessary to protect a missing person from harm, the commissioner shall coordinate local and state efforts to search for and rescue the missing person.

§ 1828. VERMONT AMBER ALERT PROGRAM

The department of public safety shall establish the Vermont Amber alert program to aid in the identification and location of abducted children. The department shall administer the program pursuant to the following:

- (1) A law enforcement agency which verifies the abduction of a child shall notify the department of public safety.
- (2) The department shall establish a procedure for verifying the need to issue an Amber alert.
- (3) The department of public safety shall issue an alert over the Vermont emergency alert system if:
 - (A) a law enforcement agency notifies the department of the abduction of a child;
 - (B) there is sufficient information about the child or the person suspected of abducting the child that an immediate broadcast might help locate the child; and
 - (C) the child is in danger of imminent death or serious bodily harm.
- (4) An alert issued under this section shall be sent to the Federal Communications Commission's designated state emergency alert system broadcaster in Vermont. Participating radio and television stations shall broadcast the alert at intervals established by the department. The alert shall include all information which the department determines may assist in the safe recovery of the abducted child and instructions explaining how a person with information related to the abduction may contact a law enforcement agency.

(5) A law enforcement agency which locates a child who is the subject of an alert issued under this section shall immediately notify the law enforcement agency which requested the Amber alert.

(6) An alert issued under this section shall be canceled:

(A) if the department notifies the Federal Communications Commission's designated state emergency alert system broadcaster in Vermont that the child has been located; or

(B) at the expiration of a notification period specified by the department.

(7) A radio or television station that accurately broadcasts information pursuant to this section shall not be liable for civil damages as a result of the broadcast of such information.

Subchapter 2. Search and Rescue

§ 1841. DEFINITIONS

As used in this chapter:

(1) “Search and rescue” means the employment, coordination, and utilization of available resources and personnel in locating, relieving the distress, and preserving the lives of and removing persons who are missing or lost in backcountry, remote areas, or navigable waters.

(2) “Navigable waters” means Lake Champlain, Lake Memphremagog, the Connecticut River, all natural inland lakes within Vermont, and all streams, ponds, flowages, and other waters within the territorial limits of Vermont,

including the Vermont portion of boundary waters, which are boatable under the laws of this state.

§ 1842. JURISDICTION OVER SEARCH AND RESCUE OPERATIONS

The commissioner of public safety shall have jurisdiction over all search and rescue operations.

§ 1843. SEARCH AND RESCUE REPORT; RESPONSE

(a) Report taken by a local or county law enforcement agency; response. A local or county public safety agency taking a report of any person missing in the backcountry, remote areas, or navigable waters shall immediately:

(1) respond to the scene and take immediate action to locate the person reported missing; and

(2) notify the department of public safety to advise of the situation.

(b) Department of public safety response.

(1) When provided with a report of a person missing in the backcountry, remote areas, or navigable waters, the department shall ensure that notification is made to its search and rescue team and the team, in consultation with the entity providing the report, shall determine the appropriate level of response needed.

(2) The department shall ensure that an immediate response to any report of a person missing in the backcountry, remote areas, or navigable waters is made, including immediate action to locate the person reported missing.

§ 1844. COMMISSIONER OF PUBLIC SAFETY; COOPERATION

The commissioner of public safety shall cooperate with and support all public safety agencies in this state in matters relating to search and rescue operations. When necessary to protect a person missing in the backcountry, remote areas, or navigable waters from harm, the commissioner shall coordinate local and state efforts to search for and rescue that person.

§ 1845. FALSE REPORT OR STATEMENT

A person who knowingly makes a false report of a person missing in the backcountry, remote areas, or navigable waters, or knowingly makes a false statement in the report shall be fined not more than \$1,000.00.

Appendix B: Interim Protocol

The Interim Protocol was established pursuant to 2012 Acts and Resolves No. 155 (S.106), Sec. 30:

Sec. 30. SEARCH AND RESCUE OPERATIONS; INTERIM PROTOCOL;

DEPARTMENT OF PUBLIC SAFETY

(a) By the effective date of this act, the department of public safety (the “department”) shall develop and implement an interim protocol establishing responsibility and authority for search and rescue operations. The interim protocol shall be based upon the following standards and organizational structure:

(1) Standards. The interim protocol shall require:

(A) all search and rescue operations be made pursuant to the incident command system set forth in subdivision (2) of this subsection;

(B) an immediate response to every search and rescue call for help, which shall include an immediate call to the department’s search and rescue team without regard to whether the call for help may be classified as a missing person complaint as that term is described in 20 V.S.A. chapter 112; and

(C) the earliest possible rescue or recovery of every person needing search and rescue assistance.

(2) Incident command system. Notwithstanding any provision of law to the contrary, the search and rescue team within the department of public safety shall have lead responsibility for search and rescue operations in any municipality in Vermont without an established police department or which is

not under contract with a sheriff to provide law enforcement services pursuant to 24 V.S.A. § 291a. In any municipality with an established police department that has at least one officer who has obtained high-level search and rescue training and training on the incident command system or in any municipality under contract with a sheriff who has obtained that training, the chief of police or the sheriff shall determine whether that police department or sheriff will assume lead responsibility for search and rescue operations in that municipality. Only such a municipal police department or sheriff confirming in writing to the department its assumption of lead responsibility shall have that responsibility and, if so responsible, shall be required to collaborate with the department in the implementation of this interim protocol. In all other instances, the search and rescue team shall have lead responsibility. No matter what entity has lead responsibility in any municipality, the department shall be required to perform the following actions in order to form a reliable incident command system conforming to the standards set forth in this subsection.

(A) Assessment of resources.

(i) The department, on a barracks-by-barracks basis, shall assess all available resources existing within the state that are capable of assisting the department in search and rescue operations. These resources shall include all of those within the department and the departments of fish and wildlife and of health; sheriffs; local police departments; municipal and volunteer fire departments; local search and rescue organizations; and any other state, local, or nongovernmental agency with relevant expertise and experience.

(ii) The assessment shall include an evaluation of the strengths of each resource in terms of its capability to contribute to different aspects and types of search and rescue operations. The department shall confirm with a resource that resource's strengths and capabilities.

(B) Organization; database.

(i) Based on its assessment of resources, the department shall organize the resources into different categories based on geographic areas of the state; availability; and the capability to perform incident-specific search and rescue operations.

(ii) The department shall enter the resources into a database organized based on those categories. The database shall be maintained and continually updated by the department.

(C) Utilization. For every search and rescue call for help, the department shall utilize the database in order to deploy appropriate search and rescue resources when responding to a call for help.

(D) Training. By July 1, 2014, the department's search and rescue team and all Vermont game wardens shall obtain high level search and rescue operations training and training on the incident command system.

(b) The interim protocol shall be implemented pursuant to this section until further legislative action by the general assembly.

(c) As used in this section, "search and rescue" means the search for and provision of aid to people who are missing, lost, or stranded in the outdoors on Vermont's land or inland waterways.

Appendix C: Vermont State Police Interim Policy

Section V
Chapter 8 – Special Departmental Services
ARTICLE V – Search and Rescue Team

1.0 PURPOSE

1.1 The Search and Rescue Team shall be activated with the approval of the Assistant Field Force Commander or State Duty Officer whenever the Troop or Station Commander feels the search is of such magnitude that it cannot be conducted at the local level. The local Station Commander or on-scene supervisor will ensure that the local fire chief and VT Fish & Wildlife District Commander has been notified of the incident. Unified command of the incident shall be initiated. The team or selected members should be activated whenever technical rescue skills are required.

1.2 The Search and Rescue Team shall consists of volunteers chosen from Departmental members and serve at the discretion of the Assistant Field Force Commander.

1.3 The Search and Rescue Team Leader shall be chosen by the Assistant Field Force Commander.

1.4 All members of the Search and Rescue Team shall be, and will maintain themselves, in "good" condition as established by the Policies and Procedures under Section V, Chapter 11. Team members hired before July 1, 1986 are exempt from this standard but must be physically capable of performing the duties required.

1.5 Team members will attend the regularly scheduled in-service training sessions. Members unable to attend must contact either the Team Leader or representative. Failure to attend training without just cause is reason for dismissal from the team.

1.6 Any Team member who cannot participate in an actual search/rescue mission when so requested must contact the Team Leader or representative. Failure to attend an actual mission when so requested without just cause is reason for dismissal from the Team.

1.7 Any team member may be placed into a probationary status for failure to attend either an in-service training, actual mission, or fails to meet fitness standards at the discretion of the Assistant Field Force Commander. Such probationary status shall be for six months and would normally precede dismissal from the team.

2.0 POLICY

2.1 Activating the Search and Rescue Team.

(A) All requests shall be made through the Assistant Field Force Commander or in his/her absence, the State Duty Officer. (B) Once approval has been obtained, the Team shall be activated by the Search and Rescue Team Leader or assistant.

2.2 Helicopter Support

(A) The Vermont National Guard, during normal working hours shall be requested through the State Duty Officer.

(B) The U.S. Coast Guard will be immediately notified of missing persons on Lake Champlain. In addition to the Coast Guard, the Vermont State Police ~~Recreational Education & Enforcement Coordinator (R.E.E.C.)~~ Marine Division Commander, and any other agency which might have the ability to assist in the operation shall be notified.

2.22.3 Search & Rescue Operation

(A) At all Search and Rescue operations the Station Commander, or Zone Duty Officer, shall act as Incident Commander.

(1) The Incident Commander shall be responsible for coordinating any needed criminal investigation, handling of the media (PIO), as well as any overtime issues related to the operation.

(2) The Incident Commander will be responsible for updating the Assistant Field Force Commander or State Duty Officer with operational progress.

(B) The Search and Rescue Team Leader, VT Fish & Wildlife Commander and local fire chief or designee shall be responsible for the implementation of all Search and Rescue resources and their respective activation, including equipment needs. Close coordination with local fire, EMS and volunteer organizations is a priority. In the event that a special resource is needed to augment the rescue operation, local assets will be considered first.

Appendix D: Subdivision (2); Models Used in Other States for Managing Search and Rescue Operations

State	Agency Name	Statewide Jurisdiction (Y/N)	Who does initial assessment?	Use of volunteers for search mgmt (Y/N)	SAR Council (Y/N)	Function/roles of SAR Council	Other Comments/Observations (e.g. description of how search "flows" from initial assessment)	Insurance?	Minimum Qualifications for volunteers?
AK	AK State Police	Yes	State Trooper. They all receive some level of SAR training. 5 District Lts. trained as SAR managers	Yes. Volunteers will typically manage search with SP as IC. Must take AK mgmt. class	ASARA	Non profit. Mission is to "support SAR". Meet quarterly. Liason between DPS and volunteer SAR. Secure and allocate grant funding. Offer training. State SAR coordinator non-voting member	Every SAR call is assigned a case #. 750 SAR volunteers. Reimbursement for expenses available through SP. Typically SP is IC and volunteers manage search.	Yes - full coverage from door to door	No. Some teams have requirements
CO	County Sheriff	No - county by county	Varies by county. Some will have Sheriff do initial investigation, but often both Sheriff and volunteer SAR team are notified at same time	Yes primarily, but some Sheriffs also are trained	Yes	Provide 24/7 State SAR Coordinator (8). Colorado Search and Rescue Board	Policies and procedures vary county to county. Some Sheriffs have specialized SAR training and are very involved - others primarily delegate to volunteer (mostly MRA) teams.	County by county. Nothing from the State. Some counties provide WC, others don't.	Most no. A few counties require MRA certification from teams.
NH	New Hampshire Fish & Game	Yes (MOU with USFS for Federal land)	Fish & Game District Lt. (supervisor)	No	Yes New Hampshire Outdoor Council	Meets monthly Reviews cases, joint training, writes grants, input on legislation.	Responsible for both Search AND Rescue.	Workers Comp if signed in	Not formalized. Use primarily established teams.
NM	NM State Police	Yes	NMSP Trooper with 3 hours "mission initiation" training	Yes, exclusively. Subject to testing & approval by AHJ	Yes (2) 1) SAR Review Board & 2) NM SAR Council	1) Govt. - Evaluates past calls and determines/reviews effectiveness of the statewide SAR plan. 2) Non profit organization of SAR teams - networking, training, etc.	Responding trooper determines if SAR response is warranted. If so, a mission is initiated and a civilian "on call search manager" is called to take over the SAR mission using primarily volunteer resources.	Yes - supplemental health coverage. No W/C	Certification program available through AHJ but not required.
NY	NY Dept. of Environmental Conservation Forest Rangers	No - but most of non-urban areas of NY State	Can be either Forest Rangers (trained) or local law enforcement (varies by jurisdiction)	No	Yes NY State Federation of SAR.	Non-profit organization of SAR teams that provide field support for SAR operations	Forest Ranger initiates investigation and if SAR response is warranted, is trained to be IC for the response (both search and rescue). In other areas local or state law enforcement does investigation and further protocols vary by local jurisdiction.	Yes. Full NYS WC while signed in to mission	DEC offers basic (not required) and "crew boss" (required for team leaders) courses
ME	Maine Fish & Game	Yes	Search Manager from Fish & Game	No	Yes MESAR	Non profit organization of volunteer teams. Certify members of teams. Meet quarterly. Review cases. Get grants.	Responsible for both Search AND Rescue (backcountry)	Yes	Yes. Basic SAR class taught and administered by MESAR.