

LEGAL ISSUES SURROUNDING 9-1-1 CALLS AND DISPATCHING POLICE, FIRE AND EMERGENCY MEDICAL SERVICE INCIDENTS

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The “911 Environment”

There are over 3,200 county and county-like entities in the U.S. (An example of a “county-like entity” would be the City of St. Louis, which was separated from surrounding St. Louis County, MO in the late 1800’s and now stands as an independent city with all the powers and duties of a county). The vast majority of these entities operate some form of an “emergency dispatch” operation. Most often this is a “911 dispatch center” operated by the county and serving county entities like the Sheriff, County Police, County Fire and County EMS services. In many cases, this county “911 entity” also provides these services to several cities within the county, to several fire departments or independent “fire protection districts” and to several quasi-governmental Ambulance Service Districts or their equivalent.

To further complicate matters, thousands of cities within the U.S. (almost all major cities) also operate at least one “911 center” (where police and fire are combined for dispatch) and often two such 911 centers (in many large cities 911 calls for fire or EMS are transferred from the answering police 911 center to a remote fire/EMS 911 center.)

As a result of this “911 service delivery structure”, there are, quite literally, as many as 6,000 different places in the U.S.A. where 911 calls for help are answered. The equipment, capabilities, services offered and their quality and compliance with any form of standard vary about as widely as one can imagine.

911 call processing:

The manner in which 911 calls are processed and handled varies almost as greatly as the variety of agencies who handle them. Some agencies have well developed policies and procedures, as well as holistic quality control monitoring and supervision. Others have absolutely nothing of the sort. Some 911 centers try very hard to provide a high standard of care to all the calls they receive and the attendant information they provide to callers as well as the actions they take to dispatch emergency responders to the scene. It is not necessarily appropriate to assume that the larger the agency, the better their procedures and compliance with them will be. Nor is it correct to assume that the smaller they are, the worse their procedures and compliance would be. It is a highly individualized situation to each agency.

Having said this, the “art of 911 call taking and dispatching” is a developing scenario. *As a technology*, “Enhanced 911” (E911) systems have been around since about 1980, and “Basic” 911 systems since the late 1960’s. The difference between these technologies is significant. With E911 the system has the capability (provided the public agency did the ground work right, and provided the 911 service provider - *usually major phone company like SBC or Verizon* – did their on-going operation and maintenance right) to cause for the 911 call dialed from a wireline phone to go to the proper 911 dispatch center for the address from which the call was dialed, as well as to display the calling party’s phone number, the names of the proper police, fire and ambulance responders, and the name of the subscriber to the phone line used to dial 911. With Basic 911, none of this can be assured. There are very few Basic 911 systems left in the U.S. and none in major metro areas.

As a “process”, answering emergency telephone calls and radio dispatching police, fire and ambulance dates back to just before or just after World War II.

As a discipline, a profession or an “art”, 911 call taking and dispatching has begun to see some early steps towards standardization, “best practices” and required training. In some states, there are minimum training and certification requirements for 911 dispatchers, but in many there are not.

Simply put, with over 6,000 agencies offering such services, one should not be surprised to learn that these agencies range from rural County Sheriff’s with more 911 dispatchers (4 or 5) than they have sworn Deputies and the Sheriff (maybe 2-3). You see, it takes 4-5 persons to staff a 911 center 24/7, which is almost always a requirement, and there are few (if any) requirements that said Sheriff’s Department actually have anybody awake and on-duty, able to instantly respond to calls.

I have been in the “911 business” since 1970, when I answered my first emergency telephone call as a rookie police officer and fire-fighter in a suburban community. From that I went on to being a field responder for several years, and then into public safety management, where I supervised police and fire 911 dispatch centers ranging from 5 employees up to 120 employees. Since my retirement from public service in 1994, I have provided consulting services to several hundred city and county 911 centers and agencies on matters relating to technical, procedural, training and organizational issues.

I have also been involved in several civil proceedings in which the quality of 911 call-taking and dispatching services provided, as well as the appropriateness of equipment deployed, its use and maintenance were being litigated. As a career emergency communications professional, it sometimes pains me to go through the laborious process of deciphering the recordings of the jumbled 911 phone call(s), the cryptic and coded entries into and print-outs from Computer Aided Dispatch (CAD) systems and their related Mobile Data Terminal (MDT) systems, and the jargon-filled and often coded recorded radio transmissions only to determine that one or more opportunities to “do it right” have been missed, all contributing to an unsuccessful outcome.

Do “911 errors and/or omissions kill people?”

In a word, yes. But with a large caveat. As a general system (far broader than just the telephone network) “911” exists to try and make good things (or at least less bad things) result from an already bad situation. “911” has as its central premise that **“IF WE DO IT RIGHT, IF WE DO IT SOON ENOUGH, AND IF WE DO IT ACCURATELY ENOUGH, THEN WE HAVE A CHANCE OF HAVING A POSITIVE IMPACT ON THE OUTCOME OF THIS EVENT”**. This view accepts the reality that 911 can’t prevent the fire, 911 can’t prevent the accident, 911 usually can’t prevent the crime, but once 911 finds out about the incident, how they collect information, advise callers, determine severity and urgency and assign and coordinate responders can have a huge impact of the opportunity that emergency responders have to mitigate the problem.

Finally, while there is an irrevocable connection between the 911 dispatchers and those whom they dispatch (police, fire and EMS personnel), it also needs to be remembered that the opportunity for the 911 dispatcher to specifically impact on the performance of the emergency responder is significantly limited. They are not there with the responder. They can’t feel, see or hear what the responder feels, sees or hears. But they are often the persons who create the “frame of reference” or context in the mind of that responder, into which what the responder feels, sees or hears is placed. In other words, if the 911 dispatcher collects good “suspect information” (Suspect is taller than 6’, suspect has a red shirt, suspect has dark pants, suspect has a pink Yankees hat, etc.) the chances that a police responder will need to “draw down on” and get into a confrontation with any and all random “juvenile males, no further description” are greatly diminished.

There are not too many events in the “911 business” which are handled letter-perfectly. The clarity of 20-20 hindsight usually reveals a few “*coulda, shoulda, wouldas*”, but when laziness, neglect, procedural (or

common sense) ignorance or poor equipment or deployment of same contribute directly to an inappropriate outcome, it is only appropriate that the agency and sometimes the individuals be held accountable.

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