



Commission to Advance NG911 Across Maryland Year Two Report

Submitted December 2019

Table of Contents

Letter from the Commission Chair.....	1
Executive Summary.....	3
1 Introduction.....	8
2 Terminology.....	10
3 Commission Background	11
3.1 Year One Review	11
3.2 Maryland 9-1-1 Structure and Actions.....	12
3.2.1 Commission	12
3.2.2 Emergency Number Systems Board (ENSB).....	12
3.2.3 Emergency Communications Committee (ECC).....	12
3.3 Year Two Focus	13
4 Finance & Structure.....	13
4.1 Background	13
4.2 2019 Priorities	14
4.2.1 PSAP Funding	15
4.2.1.1 Proposed Update to Carl Henn’s Law (SB339/HB397)	15
4.2.1.2 Intent to Fund 24 PSAPs.....	15
4.2.1.3 9-1-1 Revenue Reserves.....	16
4.2.2 Updated Fee Remittance	16
4.2.3 Audits.....	16
4.2.3.1 Carrier Remittance Audits.....	16
4.2.3.2 PSAP Audits	17
4.2.3.3 Name of the ENSB	18
4.3 Summary of Recommendations.....	18
5 Joint Finance & Structure with Oversight & Accountability.....	19
5.1 Proposed Representation on the ENSB	19
5.2 Continuation of the NG911 Commission	21
5.3 Summary of Recommendations.....	22
6 Staffing & Training.....	23
6.1 Background	23
6.2 2019 Priorities	23
6.3 NG911 Readiness	24
6.3.1 Training Topics	24
6.3.1.1 Code of Maryland Regulations (COMAR).....	25
6.3.1.2 Minimum Training Requirements	25
6.3.1.3 Timelines for Program Implementation.....	25
6.3.1.4 Statewide Disaster Recovery Team.....	26
6.4 Standard Level of Service	26
6.4.1 Call Answering	26
6.4.2 Protocol Usage.....	26

6.5	Mandating Continuing Education	27
6.6	Occupational Wellness.....	28
6.7	Summary of Recommendations.....	29
7	Technology & Cybersecurity.....	30
7.1	Background	30
7.2	2019 Priorities	30
7.2.1	Data Sharing of Third-Party Applications.....	31
7.2.2	Call Transfer Technology.....	32
7.2.2.1	Clarify Definition of Public Safety Answering Point (PSAP)	32
7.2.2.2	Define a Non-Maryland Public Safety Answering Point	32
7.2.2.3	Revise 9-1-1 Requests for Assistance Processing.....	33
7.2.3	Cybersecurity and Network Monitoring	33
7.2.4	Telephone Misuse.....	34
7.2.5	Text-to-9-1-1 Translation	35
7.2.6	Kari’s Law and RAY BAUM’s Act.....	35
7.3	Summary of Recommendations.....	36
8	Oversight & Accountability.....	37
8.1	2018 Background	37
8.2	2019 Priorities	38
8.2.1	Ideal Role and Placement of the ENSB	38
8.2.1.1	ENSB Role	38
8.2.1.2	Placement of the ENSB	39
8.3	Effective Implementation of NG911	39
8.3.1	Communication and Transparency.....	39
8.3.2	Guidance for PSAP Performance Metrics and Data Management	40
8.3.3	Interoperability and Interconnectivity.....	40
8.3.4	Public Education	40
8.4	Maryland Public Information Act (MPIA).....	41
8.5	Role of the Public Service Commission (PSC).....	41
8.6	Summary of Recommendations.....	42
9	Commission Recommendations	43
10	Conclusion	46
	Appendix A: Glossary of Terms	51
	Appendix B: Oversight & Accountability 2019 Survey Results.....	54
	Appendix C: New 9-1-1 Board – Proposed PSAP Representation.....	56
	Appendix D: Attorney General Opinion No. 86-025 (April 4, 1986) Rouse.....	57
	Appendix E: Maryland NG911 Commission Overview	63

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December 2, 2019

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Re: Commission Report required by Chapter 302, 2018 (MSAR #11656)

Attached is the second annual Next Generation 9-1-1 (NG911) Commission report. As you may recall, a year ago, the Commission released a 65-page report with 23 unanimously approved recommendations that were incorporated into three bipartisan bills that laid an important foundation for advancing NG911 in Maryland. The Commission adjusted the 9-1-1 funding formula; strengthened technology and cybersecurity protection; and identified best practices for recruitment, training, and retention of our 9-1-1 Specialists.

Despite the progress that has been made to improve Maryland's 9-1-1 emergency response systems, there is more to be done. Once again this year, our work has been conducted in four subcommittees: Finance & Structure; Staffing & Training; Cybersecurity & Technology; and Oversight & Accountability.

As you'll see in this 63-page report, there are 25 recommendations, many of which will be included in 2020 legislation. Among the key highlights are:

- Shifting audit responsibility to the Comptroller's office to ensure that 9-1-1 fees are collected and remitted accurately;
- Recognizing the need for continuing education and occupational wellness for 9-1-1 Specialists;
- Enhancing penalties for 9-1-1 misuse;
- Updating and renaming the Emergency Number Systems Board with increased transparency;
- Protecting privacy rights as NG911 enables people to send photos and videos to 9-1-1; and,
- Enforce Kari's Law, ensuring that multi-line telephone systems can reach 9-1-1 directly.

During Maryland's transition to NG911, the Commission recommends extending its mandate for two more years. This additional time will allow the Commission to evaluate whether the updated 9-1-1 fee is

sufficient; recommend changes to protect local PSAPs from cybersecurity threats; and assess county satisfaction with the 9-1-1 service.

I am deeply grateful to the Commissioners and observers; Vice Chair Steve Souder, with his 51 years of 9-1-1 expertise; subcommittee Chairs Richard Brooks, Bill Ferretti, and Charlynn Flaherty; Kevin Kinnally, Maryland Association of Counties; Mission Critical partners and other consultants; my legislative staff; and the devoted public servants who respond to 9-1-1 calls every day.

Please contact me or anyone on the Commission if you have any questions or need more information. We are united in our commitment to saving lives as we shift to NG911 in a thoughtful and effective way.

Respectfully submitted,

Cheryl C. Kagan

Cheryl C. Kagan
Senator, District 17 (Rockville & Gaithersburg)
NG911 Commission Chair

Executive Summary

9-1-1 is an enduring social contract between government and the people they represent, connecting First Responders and the general public they serve in a time of need.

The Problem

When an individual contacts 9-1-1, a quick response is expected. The infrastructure supporting these capabilities is aging and needs to be replaced by Next Generation 9-1-1 (NG911). These systems are Internet Protocol (IP)- based and broadband-enabled. They provide public safety answering points (PSAPs) with the ability to improve emergency response capabilities by receiving images, video, and sensor data. This information is critical to providing Public Safety Communications Specialists (9-1-1 Specialists) with enhanced capabilities and improved situational awareness when helping individuals in need.

Maryland is making great strides in advancing the technological capabilities of the PSAPs, but NG911 requires a comprehensive evaluation of the system as a whole, which includes funding, staffing and training, and oversight.

Maryland Actions

In 2018, the Commission to Advance NG911 Across Maryland (the Commission) was established by law to facilitate the transition to NG911 statewide. This dedicated group worked tirelessly to address issues and develop recommendations integral to furthering NG911 in Maryland. The Commission's nationally recognized efforts resulted in 2019 legislation that laid an important foundation for the Commission's second year of work.



In 2019, the Commission reconvened to further strengthen the 9-1-1 system in Maryland by focusing on key initiatives to ensure a smooth transition to NG911.

The Commission addressed these issues through four subcommittees: Finance & Structure; Staffing & Training; Technology & Cybersecurity; and Oversight & Accountability. The subcommittees focused on key elements to bolster each facet of 9-1-1 in Maryland.

Recommendations

The 2019 Commission has approved 25 recommendations to help advance the life-saving missions of the PSAPs and 9-1-1 Specialists serving Maryland's residents and visitors.

Table 1: 2019 Commission Recommendations

Number	Category	Commission Recommendations
1*	Fee Verbiage	Update the current law to replace instances of "additional charge" with "County 9-1-1 fee" to more accurately represent the intended use of the fee.
2*	PSAP Funding	9-1-1 funds shall be distributed to the 24 legislatively defined Public Safety Answering Points (PSAPs).
3	9-1-1 Reserves	Counties reserving 9-1-1 revenues for future expenditure should have a documented strategic plan describing the intended future use of the funds.
4*	Carrier Audits	The Office of the Maryland State Comptroller shall assume audit responsibilities for 9-1-1 fee collection and remittance.
5*	Fee Misuse	<p>If a County audit determines that 9-1-1 funds have been used for purposes other than 9-1-1, the Emergency Number Systems Board (ENSB) shall require that jurisdiction's leaders:</p> <ul style="list-style-type: none"> • Explain the misuse; • Describe steps being taken to ensure that the infringement does not happen again; and <p>Restore the diverted 9-1-1 funds within the fiscal year.</p>
6*	State Entity	Change the name of the Emergency Number Systems Board (ENSB) to the "Maryland 9-1-1 Board."
7*	Composition of the ENSB	The ENSB's membership shall change to reflect the needs of NG911.
8*	Commission Status	<p>The Commission should continue through June 30, 2022 in order to monitor and report on progress toward the implementation and evolution of NG911 to include:</p> <ul style="list-style-type: none"> • Determining whether the 9-1-1 fee is sufficient to cover eligible expenses for both the State and counties;

Number	Category	Commission Recommendations
		<ul style="list-style-type: none"> Overseeing whether Maryland is appropriately receiving the fees it is entitled to by law; Evaluating operational needs of the 9-1-1 system; Recommending potential measures to protect PSAPs from cybersecurity threats; and Assessing county satisfaction with the functioning of current legislation for continued improvement of 9-1-1 service in Maryland.
9*	Training Topics	The training programs mandated in Code of Maryland Regulations (COMAR) chapter 12.11.3.10 shall be expanded to include NG911 topics.
10	Training Timelines	A schedule shall be established to ensure that PSAPs and county leaders have guidance for implementing training requirements so appropriate funding and resources can be allocated.
11*	Disaster Assistance	Establish a statewide Telecommunicator Emergency Response Team (TERT) that is specially trained to assist other counties with disaster recovery or in times of crisis, to ensure continuity of operations.
12*	Certification	Individuals who independently answers emergency requests for service must be certified in all disciplines for which they are responsible.
13*	Protocols	All PSAPs must use standards-based protocols for the processing of fire, emergency medical, or law enforcement requests for assistance.
14*	Continuing Education	To ensure that all Maryland 9-1-1 Specialists are trained to the highest standards and are providing optimum service to Maryland residents and visitors, the ENSB shall establish minimum requirements for continuing education and verify compliance during the annual PSAP inspection.
15*	Occupational Wellness	Due to the cumulative impact of chronic exposure to repetitive, critical, and traumatic events, PSAP employees need direct access to health and wellness services. Each PSAP shall adopt and implement programs compliant with the most current National Emergency Number Association (NENA) Standard on 9-1-1 Acute/Traumatic and Chronic Stress Management and best practices from other national organizations with public safety expertise dedicated to occupational wellness.

Number	Category	Commission Recommendations
16*	Call Transfers	<p>The State shall work to make call transfers unnecessary. This will require:</p> <ul style="list-style-type: none"> • Communication and collaboration between PSAPs and other public safety agencies; • An updated PSAP definition in Public Safety Article 1-301 (U); • Creation of a definition for "NON-MARYLAND PUBLIC SAFETY ANSWERING POINT" in Public Safety Article §1-301 (U); and • Revised operational processes.
17*	Telephone Misuse	<p>Update Maryland Laws regarding telephone misuse and cyber-attacks to close gaps regarding:</p> <ul style="list-style-type: none"> • Telephone denial of service (TDOS) and distributed denial of service (DDOS) attacks; • Enhancing penalties for sending malicious content; repeated calls with the intent to annoy; abuse, torment, harass, or embarrass another; and for TDOS and DDOS attacks when there is an intent to disrupt the ability of PSAPs and Public Safety Agencies to receive and process emergency and non-emergency 9-1-1 requests for assistance; and • Transmission of misleading or inaccurate information and/or caller identification information to PSAPs and Public Safety Agencies with the intent to trigger, affect, or disrupt emergency response. This would include: <ul style="list-style-type: none"> ○ Swatting ○ Caller ID manipulation (name, location, telephone number, etc.) ○ Sending fake/altered images, video and associated metadata
18*	Kari's Law	<p>Maryland shall take measures towards compliance and enforcement of Kari's Law (dial 9-1-1 without a prefix to access a PSAP):</p> <ul style="list-style-type: none"> • Counties and localities shall check for adherence when granting usage and occupancy permits and as part of other inspection processes; • Certification shall be included in future State grant applications; • The ENSB shall include Kari's Law requirements in public education initiatives; and • Maryland Law shall be amended to include penalties and fines for entities out of compliance with Kari's Law, with those collections being remitted to the inspecting agency.
19	Location Accuracy	<p>The ENSB shall monitor for updates and changes regarding details and enforcement of the RAY BAUM's Act.</p>

Number	Category	Commission Recommendations
20	Placement of the ENSB	The ENSB should remain as part of the Department of Public Safety and Correctional Services as it is not the appropriate time to consider moving the Board.
21*	Communications and Transparency	The ENSB shall post its meeting agenda on its website a minimum of two business days in advance of public Board meetings; provide live access to the public portion of these meetings; and post meeting minutes within two business days of approval.
22	Performance Metrics	The ENSB shall adopt and communicate any additional PSAP operational performance metrics based on accepted industry standards that will be developed in the future.
23*	Interoperability and Interconnectivity	The ENSB shall ensure effective interoperability and interconnectivity of NG911 systems with neighboring jurisdictions in the State of Maryland, across state boundaries, and with federal agencies and other relevant public safety partners.
24	Public Education	The ENSB shall coordinate and fund a statewide public education and communications campaign related to NG911 implementation, including text-to-9-1-1.
25*	Maryland Public Information Act (MPIA)	Update, codify, and enact the Attorney General's 1986 <i>Rouse</i> decision.

***These recommendations require legislative change.**

1 Introduction

Individuals use 9-1-1 on their worst day. It is imperative, therefore, that the 9-1-1 system works and continues to evolve to support Marylanders in need. Changing technology and user expectations require changes to Maryland’s aging 9-1-1 system in order to help advance capabilities of the infrastructure, jurisdictions, and the Public Safety Communications Specialists (9-1-1 Specialists) who answer requests for emergency assistance (e.g., 9-1-1 calls, texts, video).

Through the work of the Commission to Advance Next Generation 9-1-1 Across Maryland (the Commission), the Emergency Number Systems Board (ENSB),¹ the Emergency Communications Committee (ECC), and Maryland Association of Counties (MACo), Maryland is making great strides toward advancing Next Generation 9-1-1 (NG911) across the State. As illustrated in the 2018 (Year One) Commission Report, NG911 creates a robust and redundant infrastructure that will deliver 9-1-1 service today and into the future. It will process all call types—including voice, text-to-9-1-1, and crash notification—as well as photos and videos. The image below demonstrates the progression of 9-1-1 in a constantly evolving, technologically savvy society.

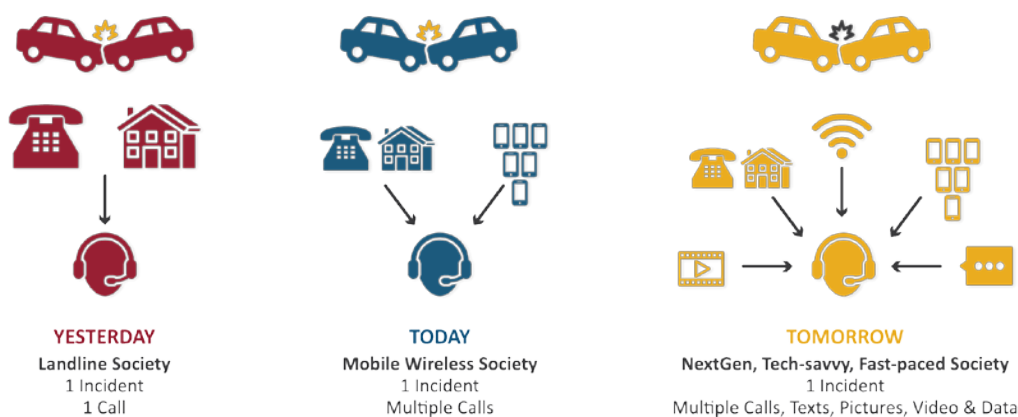


Figure 1: 9-1-1 Technology Progression

The Commission was established in 2018 to identify the steps needed to help advance the implementation of NG911 across the state. Commission members, comprised of 9-1-1 professionals, government representatives, industry and technology experts, and legislators, came together and developed 23 unanimously approved² recommendations³ used to support legislative action included in three 2019 bills: Senate Bill (SB)339/House Bill (HB)397 (“Carl Henn’s Law”), SB284/HB 1090 (9-1-1 Specialist Compensation and Benefits), and SB5/HB215 (Public Information Act – 9-1-1 Communications).

¹ The ENSB is the State 9-1-1 board responsible for distributing State 9-1-1 funding and coordinating the installation and enhancement of county 9-1-1 emergency systems.

² Individuals with a potential conflict of interest on a recommendation recused themselves from voting on some specific recommendations.

³ 2018 Commission Report <https://cherylkagan.org/next-generation-911-commission-report-december-1-2018/>

The Commission's work in 2018 was just the beginning – there is still work to be done!

In 2019, Year Two of the Commission, members reconvened to address additional topics and changes needed to advance NG911 in Maryland.

Maryland made enormous advancements in 2019 with the passing of “Carl Henn’s Law.” Preliminary data suggests that the changes enacted from the Commission’s recommendations have already resulted in a dramatic increase in 9-1-1 funding that will help the State and counties cover the costs of funding NG911. This increase in 9-1-1 funds now requires additional fiscal oversight to ensure proper collection and remittance of fees and a clear delineation in the agencies that can request funding.

Additionally, the passing of this Law requires a need for tracking, enforcing, and communicating about the specific changes required for implementing and maintaining a NG911 infrastructure. These responsibilities point to the need for reorganizing the ENSB to reflect the needs of NG911 and to further protect the sensitive information exchanged via the NG911 infrastructure.

While technology and cybersecurity risks remain, the Commission has identified opportunities for increased enforcement and penalties to protect against these risks. The work of the Commission will also help take advantage of future technological advancements in the NG911 marketplace, in turn improving the level of service provided by Public Safety Answering Points (PSAPs) or 9-1-1 centers statewide.

The 2019 Commission work builds upon the foundational work from 2018, taking a comprehensive approach to advancing Maryland’s 9-1-1 environment.

With all of these changes, it is important that the focus remains on the individuals who receive 9-1-1 emergency requests for assistance each day. These 9-1-1 Specialists are the most integral element in the success of 9-1-1! Continuing education is necessary to ensure consistently high levels of service across the State. In addition, reports show alarmingly high levels of stress and depression with this profession, making occupational wellness support a necessity for supporting these “First, First Responders.”

2 Terminology

Throughout this report, there are terms common in the public safety community. Some are highlighted below, and a full glossary can be found in Appendix A.

Table 2: 2019 Report Terminology

Terminology	Definition
9-1-1 Request for Assistance	The means by which the public communicates a need for help. With the current “legacy system,” such requests have been solely via a telephone call, but with NG911, individuals will also use other technologies.
County	Maryland’s 23 counties and the independent jurisdiction of Baltimore City.
Emergency Number Systems Board (ENSB)	The ENSB distributes State funding and coordinates installation and enhancement of County 9-1-1 emergency systems. It issues guidelines and evaluates County plans for these systems; performs PSAP inspections; oversees auditing of 9-1-1 Trust Fund accounts; and sets criteria for reimbursing counties.
Legacy Technology	For this report, “legacy technology” is the traditional 9-1-1 infrastructure currently used by Public Safety Answering Points and 9-1-1 service providers.
Maryland Association of Counties (MACo)	A nonprofit, nonpartisan organization that serves Maryland’s 24 counties by advocating for the needs of local government.
Next Generation 9-1-1 (NG911)	An Internet Protocol (IP)-based system comprised of managed Emergency Services IP networks (ESInets); functional elements (applications); and databases that replicate traditional Enhanced 9-1-1 (E9-1-1) and enables enhanced capabilities for PSAPs.
Public Safety Answering Point (PSAP)	A center that receives 9-1-1 requests for assistance and processes them according to established protocols and operational policies.
9-1-1 Specialist	Professionals within a PSAP responsible for answering, triaging, and dispatching 9-1-1 requests for service. With NG911, they will be asked to manage emergency requests for service via text, video, and voice. They are often the “First, First Responders” who provide the emergency response, either directly or through communication with the appropriate police, fire, or emergency management services (EMS) agencies.

3 Commission Background

3.1 Year One Review

The Commission made great strides in a short period of time in 2018 by forming four subcommittees that worked tirelessly to identify distinct areas of focus: Finance & Structure; Staffing & Training; Technology & Cybersecurity; and Oversight & Accountability.



The work of the subcommittees resulted in a 65-page report and 23 recommendations that were unanimously approved by the Commission; many of these were included in 2019 legislation that passed the General Assembly and was signed into law by the Governor. The recommendations addressed a variety of topics, including:

- Fee Adjustment
- Cybersecurity
- Emerging Technology
- Liability
- Records Retention
- Funding Distribution
- Interconnectivity
- Public Education
- Data Collection
- Support & Guidance
- Staffing Levels
- Standards
- Certification
- 9-1-1 Specialist Recognition
- Privacy Protection
- Compensation
- Education Programs & Resources
- County Funding

3.2 Maryland 9-1-1 Structure and Actions

With the 2019 enactment of “Carl Henn’s Law,” the Commission, ENSB, and MACo through its ECC have been working on the items included in the Law. Below is a brief synopsis of steps each has taken:

3.2.1 Commission

Beginning again in June 2019, the Commission convened four times for all-day, in-person meetings. Additionally, the subcommittees held bi-weekly conference calls to review the new Law and identify additional topics. This report provides a summary of the priorities and recommendations addressed by the Commission.

3.2.2 Emergency Number Systems Board (ENSB)

The ENSB has worked to address the changes outlined in the “Carl Henn’s Law.” In addition to tracking the impact of the 9-1-1 Fee increase, the ENSB created subcommittees to address the new requirements of the law. The ENSB also met with the public safety personnel on its annual planning day to discuss the changes; understand local priorities; and discuss which expenses would be eligible for reimbursement with the additional 9-1-1 funds. This effort is a work in progress, as the Board continues to gain an understanding of the available funds and implement changes included in “Carl Henn’s Law.”

3.2.3 Emergency Communications Committee (ECC)

The ECC has collaborated with the ENSB to address local requirements that resulted from the Law and helped PSAP leadership understand the changes.

3.3 Year Two Focus

In 2019, the Commission built on the foundational work of 2018 and focused on these priority issues identified by the four subcommittees:

Year Two Commission Work

 Finance & Structure	 Staffing & Training	 Technology & Cybersecurity	 Oversight & Accountability
<ul style="list-style-type: none">• Tracking Revenue Increase• Audit Authorization• PSAP Funding• Use of Carryover Funds• State 9-1-1 Entity Board Name and Composition	<ul style="list-style-type: none">• Recruitment and Retention• Training, Standards, and Certification• Continuing Education• Occupational Health and Wellness	<ul style="list-style-type: none">• Call Transfer Technology• Third-party Data Sharing• Cybersecurity and Network Monitoring• Telephone Misuse• Text-to-9-1-1 Translation• Enforcement of Kari's Law and Monitoring RAY BAUM's Act	<ul style="list-style-type: none">• Roles & Responsibilities - PSC, ENSB, and NG911 Commission• Interoperability and Interconnectivity• Transparency• Privacy and Protection• Extension of Commission

Each priority issue is explored in the corresponding sections of this report, along with recommendations that will help advance NG911 in Maryland.

4 Finance & Structure

4.1 Background

The work of the Commission in 2018 concluded that existing 9-1-1 funding was grossly insufficient to support the current 9-1-1 system, let alone an updated NG911 system. The State urgently needed a revised funding model as only an average of 39 percent of PSAP expenses were covered by the State 9-1-1 Trust Fund. Largely as a result of the work done by the Finance & Structure (F&S) subcommittee in 2018, the “Carl Henn’s Law” was enacted in 2019, creating a reliable, forward-looking, and sustainable funding model capable of supporting both the current 9-1-1 system and NG911.

2018 Focus Area	Legislative Change
Fee Adjustment	Adjusted the funding model to increase the State portion of the 9-1-1 fee from \$.25 to \$.50. For one device, this meant an increase from \$1.00 to \$1.25.
Fee Collection (Closed Loophole)	Amended the statutory language to update the fee-collection methodology for multiple devices on one invoice.
Funding Distribution	Based on funding availability, the ENSB can include eligible expenses such as recurring costs for maintenance of NG911.
Fee Collection (County)	Counties are authorized to increase its county \$.75 fee up to an additional \$.75 if audits reveal an ongoing shortfall.

Figure 2: 2018 Finance & Structure Legislative Change

4.2 2019 Priorities

In 2019, the team added “structure” to the name of the subcommittee to reflect the work for the year. Per the Commission’s legislative mandate, in 2019 the F&S subcommittee reviewed the current statutory and regulatory framework for the management and funding of Maryland’s 9-1-1 system. The subcommittee also focused on the composition of ENSB to determine how it could best serve its broad and evolving missions.

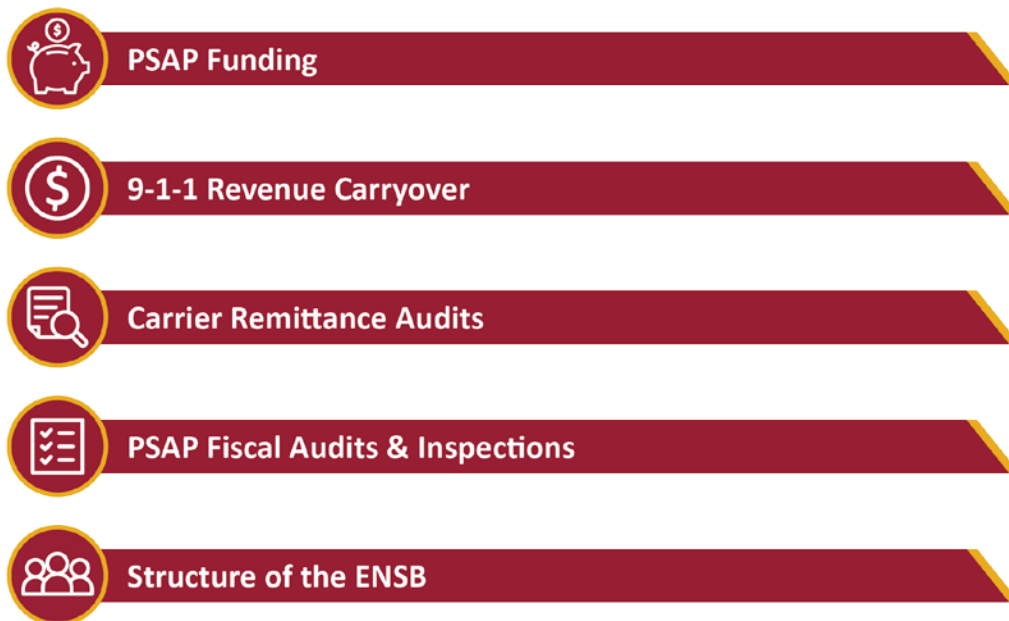


Figure 3: 2019 Finance & Structure Priorities

The F&S subcommittee met in person or by conference call 17 times over the course of five months to continue deliberations on the needs of NG911 and the Maryland PSAPs. As discussions progressed, it became clear that the Oversight & Accountability (O&A) subcommittee was addressing similar topics, and the two subcommittees met jointly on several occasions to focus on strategic issues.

4.2.1 PSAP Funding

In 2019, the F&S subcommittee revisited its 2018 recommendations about funding to ensure that the model created in 2018 would sustain 9-1-1 in Maryland during and beyond the transition to NG911. The following recommendations are a result of the 2019 Commission work:

4.2.1.1 Proposed Update to Carl Henn’s Law (SB339/HB397)



Recommendation: Update the current law to replace instances of “additional charge” with “County 9-1-1 fee” to more accurately represent the intended use of the fee.

The F&S subcommittee believes that the current terminology used to describe the 9-1-1 fee collected at the county level does not make clear the purpose of the county fee. The Commission recommends updating the law to replace instances of “additional charge” with “County 9-1-1 fee” to more accurately represent its purpose.

4.2.1.2 Intent to Fund 24 PSAPs



Recommendation: 9-1-1 funds shall be distributed to the 24 legislatively defined Public Safety Answering Points (PSAPs).

Migrating to NG911 is a critical imperative for Maryland, and “Carl Henn’s Law” was enacted in 2019 to provide a new funding model to enable the transition. The revised funding model was based on:

- The estimated costs to transition the 24 legislatively mandated PSAPs to full NG911;
- The need to cover more of the counties’ expenses by the State 9-1-1 Trust Fund, to increase the percentage from the current 39 percent to between 84 and 100 percent; and
- The projected personnel costs for 9-1-1 Specialists at the 24 legislatively mandated PSAPs.

The 24 county PSAP Directors may present a request to the ENSB to fund other 9-1-1 centers within their county organizational plan; however, the ENSB has the responsibility to ensure that such requests do not inhibit the 24 legislatively mandated PSAPs from transitioning to NG911.

4.2.1.3 9-1-1 Revenue Reserves



Recommendation: Counties reserving 9-1-1 revenues for future expenditure should have a documented strategic plan describing the intended future use of the funds.

The F&S subcommittee studied examples from other states and agreed that 9-1-1 revenue collected from the county 9-1-1 fees may be reserved for future 9-1-1 use. Understanding plans for use of funds is important, and if a County is reserving 9-1-1 fees for another fiscal year, it must report to the ENSB how it intends to use the funds.

4.2.2 Updated Fee Remittance

The ENSB has received the initial 9-1-1 fee revenue payment based upon the revised funding structure. It is important to note that because of billing cycle deadlines, the initial payment does not represent a full month of revised revenue. The Commission would also like to note that, based upon historical data, the 9-1-1 revenue is expected to wax and wane based on providers' billing cycles. A full year of data will help accurately determine the impact of the revised funding structure.

Table 3: Maryland 9-1-1 Fee Revenue

Remittance Period	FY2019	FY2020	Difference
July	\$4,057,800.52	\$6,832,400.65	\$2,774,600.13
August	\$4,067,905.40	\$7,999,417.00	\$3,931,511.60

This preliminary data shows an average 83 percent increase in revenue during the three-month period between July and September of 2018 and 2019 as a result of the new law.

4.2.3 Audits

Creating a system of checks and balances related to both the remittance and expenditure of the State 9-1-1 fee is of benefit to all Marylanders. The Commission investigated options for auditing both the carrier remittance of the 9-1-1 fee and the PSAP use of the revenue in order to ensure that fees are accurately collected and expended as legislatively intended.

4.2.3.1 Carrier Remittance Audits



Recommendation: The Office of the Maryland State Comptroller shall assume audit responsibilities for 9-1-1 fee collection and remittance.

To verify that the 9-1-1 fee is collected and remitted by the 202 carriers according to statute, the Commission recommends transferring audit responsibility from the ENSB to the Comptroller. The

Comptroller's office already audits the sales tax remittance of telephone companies. It is fiscally sensible to benefit from this expertise and take advantage of efficiencies by conducting the audits concurrently.

The Commission proposes edits to Public Safety Article §1-310 language to transition carrier audit responsibility to the Comptroller. The proposed amendment will require the Comptroller to:

- Work with the ENSB to develop the scope of audits and adopt appropriate procedures;
- Administer the 9-1-1 fee and additional charge in the same manner as the Sales & Use Tax;
- Audit larger carriers more frequently than the smaller carriers;
- Coordinate with the ENSB to develop and issue educational training and materials for all providers collecting and remitting 9-1-1 fees on the new fee and auditing procedures; and
- Produce an annual report of audit findings to the ENSB each December.

The authorization will also:

- Allow the Comptroller to retain a portion of the fees, not to exceed 0.5 percent of the State fees collected, to cover its administrative costs for this additional work⁴;
- Authorize the Comptroller to adopt regulations and issue administrative subpoenas for carrier business records, as needed, to carry out these functions; and
- Require telephone companies and other 9-1-1 service providers to keep records of 9-1-1 fees collected and remitted for a period of four years.

4.2.3.1.1 Emergency Legislation

As Maryland moves forward with improvements to the 9-1-1 system, it is necessary to verify that all telephone companies and other 9-1-1 service providers are remitting fees according to the new law. After identifying past issues with accurate revenue collection, the Commission wishes to avoid further issues and recommends pre-filing emergency legislation moving audit responsibility to the Comptroller in order to ensure timely oversight of collection and remittance under the new fee structure.

4.2.3.2 PSAP Audits



Recommendation: If a County audit determines that 9-1-1 funds have been used for purposes other than 9-1-1, the ENSB shall require that Jurisdiction's leaders:

- Explain the misuse;
- Describe the steps being taken to ensure that the infringement does not happen again; and
- Restore the diverted funds to the County 9-1-1 budget within the fiscal year

Prior to the revised funding legislation, the County 9-1-1 fee covered an average of just 39 percent of the PSAP operational costs; therefore, misuse of the 9-1-1 fee was not an issue. With the increased funding, checks and balances are needed. Each year, the ENSB includes use of the County 9-1-1 fee as a part of county audits. Counties report the name and contact information of the auditor, and the ENSB

⁴ The Comptroller retains .5 percent of the 9-1-1 fee from the carrier to cover billing, collecting, and remitting 9-1-1 fees and any additional charges.

provides the auditor with the “Actual Receipts and Expenditures Report” form to complete. The form captures the following information for each PSAP:

- Revenue received from the County 9-1-1 fee and the County portion of the prepaid fee
- PSAP expenditures
- County 9-1-1 fee revenue used to offset the total operational expenditures
- County General Fund contribution to PSAP operations, if any

Following the review of the audit, the ENSB may vote to withhold funding from the Trust Fund to a non-compliant County.

4.2.3.3 Name of the ENSB



Recommendation: Change the name of the Emergency Number Systems Board (ENSB) to the “Maryland 9-1-1 Board.”

While evaluating the member composition of the ENSB, the name of the Board was brought into question. It was noted that ‘Emergency Number Systems Board’ does not clearly reflect the Board’s focus on 9-1-1 and might be confusing to Marylanders. Including the numbers ‘9-1-1’ in the name will add clarity. Changing the name to ‘Maryland 9-1-1 Board’ leaves little question as to its purpose.

4.3 Summary of Recommendations

Table 4: Finance & Structure Recommendations

Number	Category	Finance & Structure Recommendations
1*	Fee Verbiage	Update the current law to replace instances of “additional charge” with “County 9-1-1 fee” to more accurately represent the intended use of the fee.
2*	PSAP Funding	9-1-1 funds shall be distributed to the 24 legislatively defined Public Safety Answering Points (PSAPs).
3	9-1-1 Reserves	Counties reserving 9-1-1 revenues for future expenditure should have a documented strategic plan describing the intended future use of the funds.
4*	Carrier Audits	The Office of the Maryland State Comptroller shall assume audit responsibilities for 9-1-1 fee collection and remittance.
5*	Fee Misuse	If a County audit determines that 9-1-1 funds have been used for purposes other than 9-1-1, the Emergency Number Systems Board (ENSB) shall require that jurisdiction’s leaders: <ul style="list-style-type: none"> • Explain the misuse;

Number	Category	Finance & Structure Recommendations
		<ul style="list-style-type: none"> Describe steps being taken to ensure that the infringement does not happen again; and Restore the diverted 9-1-1 funds within the fiscal year.
6*	State Entity	Change the name of the Emergency Number Systems Board (ENSB) to the "Maryland 9-1-1 Board."

***These recommendations require legislative change.**

5 **9-1-1** Joint Finance & Structure with Oversight & Accountability

This year, the F&S and O&A subcommittees held several joint meetings to discuss issues and make recommendations.

5.1 Proposed Representation on the ENSB



Recommendation: The ENSB's membership shall change to reflect the needs of NG911.

Since the ENSB was established in 1979, few changes have been made to its composition. The F&S and O&A subcommittees discussed the structure needed to support NG911 and conducted a survey for the Commission.

Using the results⁵ of the survey, representatives with a rating at or above 50 percent were considered credible future ENSB members. The two subcommittees recommend the following changes:

- Carrier or service provider positions should transition to ENSB non-voting positions;
- The cybersecurity position should be a voting member of the ENSB, because cybersecurity represents a major reliability concern in both the current 9-1-1 and future NG911 environments;
- PSAP practitioners and local 9-1-1 decision makers should have a stronger voice on the Board by including representation for each region;
- Geographic Information Systems (GIS) personnel should change to allow the position to come from either a county or State GIS Specialist;
- Universal Access position should be added to represent individuals with disabilities, assistive technology needs, seniors, and others with language and accessibility needs; and
- Public Safety Response departments such as police and fire should continue to have representation on the Board, but the number should be reduced.

The Commission's rationale for change is summarized below:

⁵ Survey results can be viewed in Appendix B: Oversight & Accountability 2019 Survey Results

- Maryland is moving to NG911, and its funding and oversight board needs to reflect expertise associated with new technology and operational policies;
- Adds the financial expertise needed with increased fiduciary responsibility;
- Moves vendor representatives to a more appropriate advisory role;
- Adds a representative with cybersecurity expertise, which is important due to the increased focus on cybersecurity with NG911;
- Demonstrates Maryland's goal of equal access for all individuals with disabilities and others not previously represented;
- Retains essential representation of Public Safety Response agencies (law enforcement, fire, and EMS);
- Keeps oversight and accountability representation through the PSC's participation;
- Retains public representation;
- Ensures that each region of Maryland is represented; and
- Expands 9-1-1 practitioner representation by adding a 9-1-1 Specialist.

Table 5: Current ENSB Composition

Current Board Composition	Number
Mid-Eastern Chapter of APCO ⁶	1
Maryland Chapter of NENA ⁷	1
General Public At-Large	2
County with a population of 200,000 or more	1
County with a population of less than 200,000	1
County Emergency Management Services	2
Maryland Institute for Emergency Medical Services (EMS) Systems	1
Public Service Commission	1
GIS Position	1
Law Enforcement Services	1
Maryland State Police	1
Fire Services (Career)	1
Fire Services (Volunteer)	1
Wireless Telephone Service Provider	1
Wireline Telephone Service Provider	1
Total Members	17

⁶ Association of Public-Safety Communications Officials

⁷ National Emergency Number Association

Table 6: Recommended ENSB Composition

Proposed Board Composition	Number
Mid-Eastern Chapter of APCO	1
Maryland Chapter of NENA	1
General Public At-Large	2
PSAP Directors (1 from each region – Western, National Capital, Central, and Eastern*)	4
Emergency Communications Committee of MACo ⁸	1
County Emergency Management Services	1
County Emergency Medical Services	1
Public Service Commission	1
GIS (County or State representative)	1
Law Enforcement Services	1
Fire Services	1
Universal Access Representative	1
Finance Representative	1
9-1-1 Specialist	1
Total Members	19

*Regions are defined in Appendix C.

5.2 Continuation of the NG911 Commission



Recommendation: The Commission should continue through June 30, 2022 in order to evaluate and report on progress toward the implementation and evolution of NG911 to include:

- **Determining whether the 9-1-1 fee is sufficient to cover eligible expenses for both the State and counties;**
- **Overseeing whether Maryland is appropriately receiving the fees as entitled by law;**
- **Evaluating operational needs of the 9-1-1 system;**
- **Recommending potential measures to protect against cybersecurity threats; and**
- **Assessing county satisfaction with the functioning of current legislation for continued improvement of 9-1-1 service.**

Each subcommittee addressed the status of the work the Commission has in progress. Overall, the consensus of Commission members is that there is more work to be done for the next two years. The

⁸ Maryland Association of Counties

agenda should not require as much effort as in 2018 and 2019. It is recommended that the Commission continue forward through June 30, 2022, and provide two more annual reports featuring:

- A determination as to whether the 9-1-1 fee and additional charge mechanism under § 1–310 of the Public Safety article generate sufficient revenue to cover eligible expenses for both the state and counties;
- An understanding as to whether the State and counties are receiving the fees imposed under title 1, subtitle 3 of the Public Safety article;
- An evaluation of operational needs of the 9-1-1 system, including optimal PSAP staffing levels, training, and continuing education of the staff;
- Recommendations for potential statutory or administrative changes to protect against cybersecurity threats to the 9-1-1 system; and
- An assessment of the satisfaction of the counties with the functioning of current legislation for continued improvement of 9-1-1 service in Maryland.

The Commission recognizes that some members may not be able to participate through the extension timeframe. If a Commissioner declines to continue service, s/he shall be replaced by another representative appointed by the same entity.

5.3 Summary of Recommendations

Table 7: Finance & Structure and Oversight & Accountability Recommendations

Number	Category	Joint Finance & Structure and Oversight & Accountability Recommendations
1*	Participation on ENSB	The ENSB's membership shall change to reflect the needs of NG911.
2*	Commission Status	<p>The Commission should continue through June 30, 2022 in order to evaluate and report on progress toward the implementation and evolution of NG911 to include:</p> <ul style="list-style-type: none"> • Determining whether the 9-1-1 fee is sufficient to cover eligible expenses for both the State and counties; • Overseeing whether Maryland is appropriately receiving the fees as entitled by law; • Evaluating operational needs of the 9-1-1 system; • Recommending potential measures to protect against cybersecurity threats; and • Assessing county satisfaction with the functioning of current legislation for continued improvement of 9-1-1 service in Maryland.

***These recommendations require legislative change.**

6



Staffing & Training

6.1 Background

There are approximately 1,300 9-1-1 Specialists across the state of Maryland. Each day, they answer emergency requests for service from over six million people⁹ who call Maryland home or are visitors. As a result of SB284/HB1090, enacted on July 1, 2019, those who process those requests are considered part of the public safety infrastructure in this state. While the recognition is laudable, there is still work to be done to give these professionals with the resources they need to deliver the best service to those who rely on them in an emergency.

In 2018, the Staffing and Training (S&T) subcommittee focused on four areas:

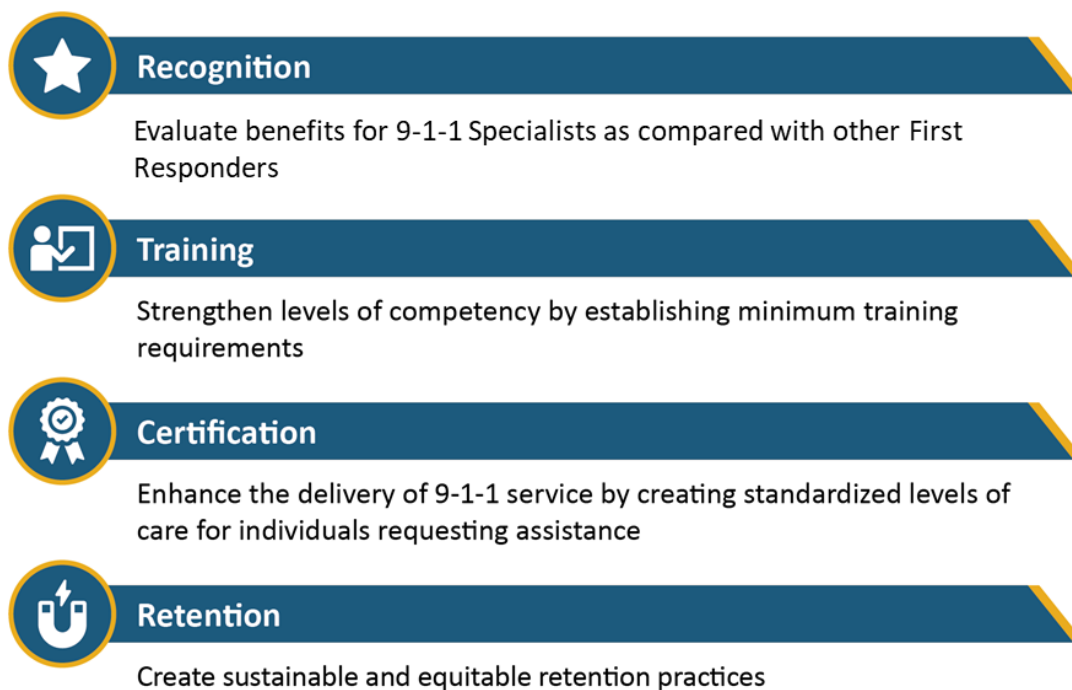


Figure 4: 2018 Staffing & Training Priorities

6.2 2019 Priorities

In 2019, the team added “training” to the name of the subcommittee to more accurately reflect its focus and work. The 2019 goal of the S&T subcommittee was to create a PSAP environment that enables 9-1-1 Specialists to serve their communities, and flourish personally and professionally within the public safety community.

⁹ Maryland Population. Census Bureau. <https://www.census.gov/quickfacts/MD>. Accessed October 21, 2019.

The S&T subcommittee expanded its focus to capture the needs of our dedicated Maryland 9-1-1 Specialists. As the “First, First Responders,” it is important to address the breadth of issues that come with the responsibilities of this challenging job. These new focus areas include:

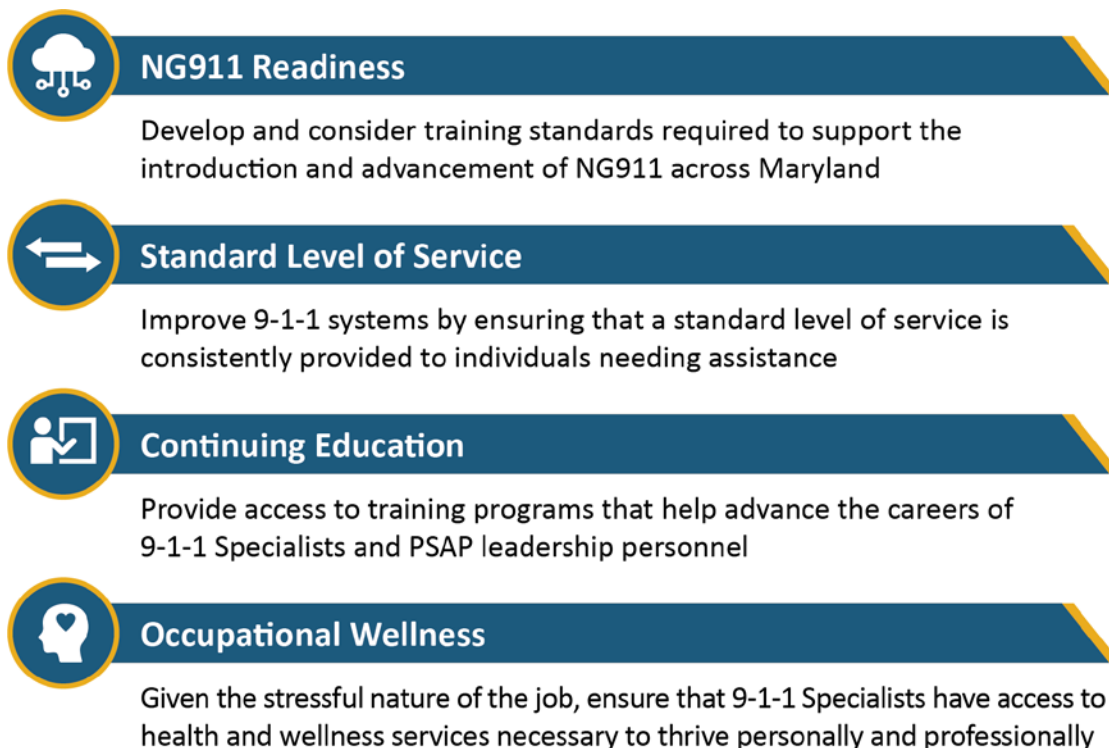


Figure 5: 2019 Staffing & Training Priorities

6.3 NG911 Readiness

As the 24 Maryland PSAPs transition to NG911, it is important to focus on the effects this new technology will have on personnel. As such, the S&T subcommittee focused on the training needs of PSAPs and personnel to ensure a smooth transition.

6.3.1 Training Topics



Recommendation: The training programs mandated in COMAR chapter 12.11.3.10 shall be expanded to include NG911 topics.

6.3.1.1 Code of Maryland Regulations (COMAR)

COMAR includes a requirement for PSAPs to properly train newly hired 9-1-1 Specialists within six months. Currently, COMAR includes the following training topics:

- PSAP Orientation;
- Communications Skills;
- Electronics Systems;
- Policies and Procedures;
- Processing Requests for Assistance;
- Documentation;
- Dispatch Procedures;
- Stress Management;
- Public Relations;
- Administrative Duties; and
- Disaster and Major Incident Training

NG911 requires additional training. Therefore, the S&T subcommittee recommends that the ENSB determine additional NG911 topics to be added to this section of COMAR. This should be done by following the State process for updates.

6.3.1.2 Minimum Training Requirements

The team identified the importance of leveraging industry-based standards regarding minimum training requirements. These should be based on American National Standards Institute (ANSI)-accredited standards provided by the Association of Public Safety Communications Officials (APCO), National Emergency Number Association (NENA), the National Fire Protection Association (NFPA), and the Commission on Accreditation for Law Enforcement Agencies (CALEA). It is imperative that the ENSB work to implement national best practices and standards into the statewide training initiative to support Maryland 9-1-1 Specialists.

6.3.1.3 Timelines for Program Implementation



Recommendation: A schedule shall be established to ensure that PSAPs and elected county leaders have guidance for implementing training requirements so that appropriate funding and resources can be allocated.

Enhancing NG911 training requires planning for the time, funding, and resources to support this new training. As such, the ENSB should set a target date to ensure that PSAPs and county leadership, responsible for budgets, have a timeline for implementing the updated training requirements.

6.3.1.4 Statewide Disaster Recovery Team



Recommendation: Establish a statewide Telecommunicator Emergency Response Taskforce Team (TERT) that is specially trained to assist other counties with disaster recovery or in times of crisis, to ensure continuity of operations.

Maryland has numerous agencies that have created Telecommunicator Emergency Response Task Force (TERT) teams to help support 9-1-1 Specialists and PSAP personnel when extreme events occur. These teams help agencies by augmenting staff; implementing alternate call centers; and helping manage increased call volumes. This level of support is invaluable to agencies in their time of need; therefore, a statewide effort is needed to engage specially trained individuals who can assist during times of disaster or unplanned issues that impact a PSAP. Consideration of reimbursement was not discussed in the 2019 Commission agenda; it will be added to the 2020 agenda (assuming legislation to extend the Commission is enacted).

6.4 Standard Level of Service

6.4.1 Call Answering



Recommendation: Individuals who independently answers emergency requests for service must be certified in all disciplines for which they are responsible.

To further establish a standard level of care across Maryland, it is imperative that all individuals answering emergency requests for service independently be certified to use emergency dispatch protocols for call processing. This will help:

- Minimize liability on the 9-1-1 Specialist, PSAP leadership, and the county; and
- Provide the highest and most consistent level of service to those needing the 9-1-1 assistance.

6.4.2 Protocol Usage



Recommendation: All PSAPs must use standards-based protocols for the processing of fire, emergency medical, or law enforcement requests for assistance.

Use of protocol-based systems is not consistent across all 24 PSAPs in Maryland. The need to provide a standard level of care to all Maryland residents and visitors starts with the ability to provide pre-arrival, case entry questions, and post-dispatch instructions in emergency situations. To achieve consistently excellent service across Maryland, standards-based protocols must be implemented in all 24 PSAPs.

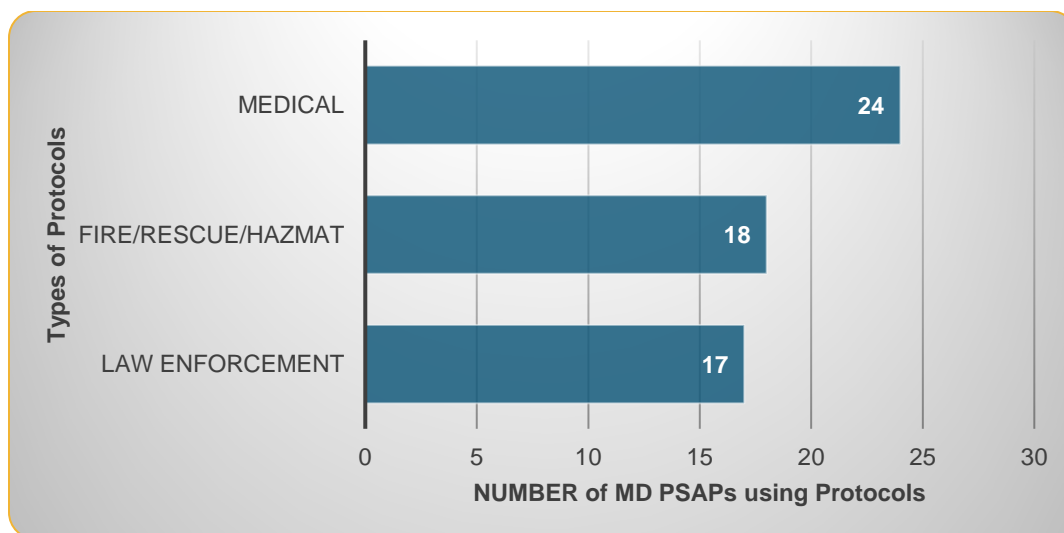


Figure 6: Protocol Usage Across Maryland (2019)

The use of call-processing protocols has been proven to have a positive impact. It reduces liability on 9-1-1 Specialists, the PSAP, and the county. It increases the standardized level of care. It also helps First Responders (law enforcement, firefighters, paramedics, and EMTs) understand and prepare for the situation prior to arrival on the scene.

6.5 Mandating Continuing Education



Recommendation: To ensure that all Maryland 9-1-1 Specialists are trained to the highest standards and are providing optimum service to Maryland residents and visitors, the ENSB shall establish minimum requirements for continuing education and verify compliance during the annual PSAP inspection.

The *Recommended Minimum Training Guidelines for the Telecommunicator*¹⁰ states: “Training regarding policies, procedures, and discipline-specific protocols, as well as on-the-job training and continuing education, are vital...” The 2018 Commission report included a focus on initial training. This year, the S&T subcommittee expanded the training focus to address the importance of continuing education. Research on the other 49 states found that 27 had legislated or mandated continuing-education requirements. In addition, COMAR 12.11.03.10 C mandates that each county provide a PSAP call-taker with yearly in-service using a curriculum approved or adopted by the Board.

¹⁰ Recommended Minimum Training Guidelines for the Telecommunicator Section I –, <https://www.apcointl.org/download/recommended-minimum-training-guidelines-for-the-9-1-1-telecommunicator-pdf/>

To ensure that all Maryland 9-1-1 Specialists are trained to the highest standards and are able to provide effective service to those seeking emergency assistance, there must continuing education and 24 hours per year was discussed as a possible appropriate number.

6.6 Occupational Wellness



Recommendation: Due to the cumulative impact of chronic exposure to repetitive, critical, and traumatic events, PSAP employees need direct access to health and wellness services. Each PSAP shall adopt and implement programs compliant with the most current National Emergency Number Association (NENA) Standard on 9-1-1 Acute/Traumatic and Chronic Stress Management¹¹ and best practices from other national organizations with public safety expertise dedicated to occupational wellness.

9-1-1 Specialists often manage numerous tragedies consecutively. Because they are not usually privy to call outcomes, they rarely get closure on the events they handle. This leads to significant levels of stress.

Post-Traumatic Stress Disorder (PTSD) among 9-1-1 Specialists is gaining public safety industry attention and has been researched. A study published by *Time Magazine* in 2012 found that “Post-traumatic stress disorder symptoms that may be present in telecommunicators can impair decision-making abilities and functioning, which could pose significant risk to the general population that relies on them to quickly and effectively coordinate an emergency response.”¹²

Industry expert, Dr. Michelle Lilly, cites a study of 9-1-1 telecommunicators as it relates to health and well-being. The findings were harrowing:

“Recurrent exposure to stress symptoms can have long-term adverse effects, both psychological and physical. Indeed, research out of my lab at Northern Illinois University (NIU) has shown that nearly one-quarter of 9-1-1 telecommunicators in a large nationwide sample met criteria for depression (Lilly & Allen, 2015), and 53% of telecommunicators in that same study self-reported a body mass index (BMI) in the obese range (Lilly, London, & Mercer, 2016). Further, telecommunicators in that study reported an average of 17 different physical health complaints just in the past month alone (Lilly et al., 2016).¹³

While there are crisis management resources available in Maryland, it is commonly understood that 9-1-1 communications is an underserved profession in urgent need of support. There have been several attempts by local jurisdictions to form Critical Incident Stress Management (CISM) teams to assist with large-scale incidents around the State. These teams are primarily funded by the local PSAP.

¹¹ https://cdn.ymaws.com/www.nena.org/resource/resmgr/Standards/NENA-STA-002.1-2013_9-1-1_Ac.pdf

¹² Sifferlin, Alexandra. Study: 911 Dispatchers Experience PTSD Symptoms Too. *Time Magazine*. March 29, 2012. <http://healthland.time.com/2012/03/29/study-911-dispatchers-experience-ptsd-symptoms-too/> Last accessed September 24, 2019.

¹³ Lilly, Michelle, PhD. *Destress 9-1-1: An Online Mindfulness-Based Training for Stress that Works!* The Call Magazine. October 2019.

The S&T subcommittee recommends enhancing and sustaining access to services that will help better educate all 9-1-1 Specialists about the stressors and risks of 9-1-1 communications careers. Services are needed to cope with stressors when they occur and provide 9-1-1 Specialists with a means to obtain support from peers and professionals.

6.7 Summary of Recommendations

Table 8: Staffing & Training Recommendations

Number	Category	Staffing & Training Recommendations
1*	Training Topics	The training programs mandated in COMAR chapter 12.11.3.10 shall be expanded to include NG911 topics.
2	Training Timelines	A Schedule shall be established to ensure that PSAPs and county leaders have guidance for implementing training requirements so appropriate funding and resources can be allocated.
3*	Disaster Assistance	Establish a statewide Telecommunicator Emergency Response Team (TERT) team that is specially trained to assist other counties with disaster recovery or in times of crisis, to ensure continuity of operations.
4*	Certification	Individuals who independently answers emergency requests for service must be certified in all disciplines for which they are responsible.
5*	Protocols	All PSAPs must use standards-based protocols for the processing of fire, emergency medical, or law enforcement requests for assistance.
6*	Continuing Education	To ensure that all Maryland 9-1-1 Specialists are trained to the highest standards and are providing optimum service to Maryland residents and visitors, the ENSB shall establish minimum requirements for continuing education and verify compliance during the annual PSAP inspection.
7*	Occupational Wellness	Due to the cumulative impact of chronic exposure to repetitive, critical, and traumatic events, PSAP employees need direct access to health and wellness services. Each PSAP shall adopt and implement programs compliant with the most current National Emergency Number Association (NENA) Standard on 9-1-1 Acute/Traumatic and Chronic Stress Management and best practices from other national organizations with public safety expertise dedicated to occupational wellness.

***These recommendations require legislative change.**

7



Technology & Cybersecurity

7.1 Background

In 2018, the Technology and Cybersecurity (T&C) subcommittee identified three priorities to ensure the ENSB had guidance when making decisions regarding NG911 activities and statewide support.



NG911
Implementation



Cybersecurity
Readiness



Geographic
Information System
(GIS) Preparedness

Figure 7: 2018 Technology & Cybersecurity Priorities

7.2 2019 Priorities

Building on the 2018 work by the T&C subcommittee, the 2019 priorities shifted from State-level initiatives for NG911, cybersecurity, and GIS to local PSAP-level needs. This change will improve the efficiency and security at the local PSAP level by addressing evolving technology and 9-1-1 laws,¹⁴ specifically:

¹⁴ Kari's Law: ¹⁴ <http://mgaleg.maryland.gov/2015RS/bills/hb/hb1080t.pdf> and Ray Baum's Act: <https://www.congress.gov/bill/115th-congress/house-bill/4986>



Figure 8: 2019 Technology & Cybersecurity Priorities

7.2.1 Data Sharing of Third-Party Applications

As Next Generation Core Services (NGCS) and Emergency Services Internet Protocol Network (ESInet) solutions are implemented across Maryland, PSAPs will have greater access to supplemental data during requests for emergency assistance. This data may reduce response times by providing more accurate location information and, provide vital details to First Responders (e.g., health records, environmental details) so they are better prepared when they arrive on scene. This data also may have value for disability integration planners and emergency managers as they prepare to respond to natural disasters and/or large-scale emergencies.

7.2.2 Call Transfer Technology



Recommendation: The State shall work to make call transfers unnecessary.

This will require:

- **Communication and collaboration between PSAPs and other public safety agencies;**
- **An updated PSAP definition in Public Safety Article 1-301 (U);**
- **Creation of a definition for "NON-MARYLAND PUBLIC SAFETY ANSWERING POINT" in Public Safety Article §1-301 (U); and**
- **Revised operational processes.**

NG911 call-routing technologies will greatly reduce the need for transfers and reduce delay in getting help to an individual in need. However, due to the limitations of location accuracy in current legacy call-routing, there is often a need to transfer requests to neighboring agencies to ensure that First Responders are dispatched to the caller's location. This is not optimal, in part because transferring data along with the call is complicated by the variety of computer-aided dispatch (CAD) systems across the State. Transfers require increased processing time and can require callers to repeat information about the emergency.

7.2.2.1 Clarify Definition of Public Safety Answering Point¹⁵ (PSAP)

"Public Safety Answering Point" as defined in Public Safety Article §1-301 (U) should be revised as follows:

"Public Safety Answering Point" means a communications facility that:

- (1) is operated on a 24-hour basis;
- (2) first receives 9-1-1 requests for emergency services in a 9-1-1 service area; and
- (3) as appropriate, dispatches public safety services directly, [or transfers 9-1-1 requests for emergency services to appropriate public safety agencies.]

OR

(a) TRANSMITS INCIDENT DATA TO APPROPRIATE PUBLIC SAFETY AGENCIES WITHIN THE STATE FOR THE DISPATCH OF PUBLIC SAFETY SERVICES OR TO APPROPRIATE NON-MARYLAND PUBLIC SAFETY ANSWERING POINTS; OR

(b) TRANSFERS 9-1-1 REQUESTS FOR EMERGENCY SERVICE TO APPROPRIATE NON-MARYLAND PUBLIC SAFETY ANSWERING POINTS

7.2.2.2 Define a Non-Maryland Public Safety Answering Point

A definition for "NON-MARYLAND PUBLIC SAFETY ANSWERING POINTS" should be added to PS Article §1-301 (U), as follows:

"NON-MARYLAND PUBLIC SAFETY ANSWERING POINTS" MEANS:

¹⁵ 2010 Maryland Code PUBLIC SAFETY TITLE 1 – DEFINITIONS; GENERAL PROVISIONS Subtitle 3 – 9-1-1 Emergency Telephone Systems Section 1-301 – Definitions <https://law.justia.com/codes/maryland/2010/public-safety/title-1/subtitle-3/1-301/>

- (1) A FEDERAL EMERGENCY COMMUNICATION CENTER RESPONSIBLE FOR THE DELIVERY OF PUBLIC SAFETY SERVICES ON A FEDERAL RESERVATION;
OR
(2) A PUBLIC SAFETY ANSWERING POINT LOCATED OUTSIDE THE STATE OF MARYLAND

7.2.2.3 Revise 9-1-1 Requests for Assistance Processing

9-1-1 requests for assistance requiring the dispatch of Public Safety Services will be processed by the initial appropriate PSAP (one of the 24 COMAR recognized PSAP) and will not be transferred within the jurisdiction of the State except as needed to other COMAR recognized PSAPs.

To facilitate this recommendation, the T&C subcommittee has identified the following technologies and practices as possible options. They are listed in order of decreasing efficacy:

- **CAD Push Through a Common CAD System** – PSAP A and Agency B (which may be either a second PSAP or a Public Safety Agency), operate using a shared CAD system. Because of this, PSAP A is able to seamlessly process a 9-1-1 request for assistance from an individual in Agency B’s service area, and Agency B can monitor the request.
- **CAD to CAD** – Using its native CAD system, PSAP A processes a 9-1-1 request for assistance from an individual in Agency B’s service area. PSAP A then transfers that request to Agency B’s CAD system—which may or may not be the same technology as PSAP A’s CAD system—via standardized industry interfaces. A dispatch incident then is generated in Agency B’s CAD system.
- **CAD Manual Transfer** –In this scenario, PSAP A processes a 9-1-1 request for assistance in its native CAD system from an individual in Agency B’s service area. It then transfers that request to Agency B, where it appears on a 9-1-1 Specialist’s screen. Because Agency B’s CAD system uses different technology, that 9-1-1 Specialist manually generates a dispatch incident in Agency B’s CAD system through workstation-based copy and paste.
- **Voice Transfer** – After processing a 9-1-1 request for assistance, PSAP A provides information to Agency B to facilitate a public safety response from Agency B via phone or radio system.

7.2.3 Cybersecurity and Network Monitoring

Continuous cybersecurity and network monitoring are important for protection of the PSAP and its ability to continually respond to requests for assistance. To facilitate this, each PSAP should have the ability to monitor for network outages, including the ability to capture raw data on a 24x7 basis. This will allow for forensic analysis and identification of cyber breaches or critical vulnerabilities that can be addressed.

NG911 will enable individuals making 9-1-1 requests for assistance to include text, photos, and/or videos. This will provide valuable information for First Responders, but it also creates a potential for security breaches. This subcommittee recommends that prior to transitioning to NG911, PSAPs should consider:

1. Safe Use: Files should be quarantined for access by 9-1-1 Specialists or First Responders
2. Speed: Files should be immediately accessible to the 9-1-1 Specialists or First Responders to ensure timely use of the supporting information
3. Access: Platform access should be configurable at each PSAP
4. Policies & Procedures: Policies and procedures should be developed before multimedia files are shared.

7.2.4 Telephone Misuse

Existing legislation designed to reduce harassing phone calls fails to adequately address problematic uses of today's phone systems. Technologies have advanced and the rise of incidents of swatting¹⁶ and other cybercrimes—which affect IP-based telephone systems leveraged by NG911—require new protections against “bad actors.”



Recommendation: Update Maryland Laws regarding telephone misuse and cyber-attacks to close gaps regarding:

- Telephone denial of service (TDOS) and distributed denial of service (DDOS) attacks;
 - Enhancing penalties for sending malicious content; repeated calls with the intent to annoy; abuse, torment, harass, or embarrass another; and for TDOS and DDOS attacks when there is an intent to disrupt the ability of PSAPs and Public Safety Agencies to receive and process emergency and non-emergency 9-1-1 requests for assistance; and
 - Transmission of misleading or inaccurate information and/or caller identification information to PSAPs and Public Safety Agencies with the intent to trigger, affect, or disrupt an emergency response. This would include:
 - Swatting
 - Caller ID manipulation (name, location, telephone number, etc.)
 - Sending fake/altered images, video and associated metadata
-

2010 Maryland Code CRIMINAL LAW, TITLE 3 – OTHER CRIMES AGAINST THE PERSON, Subtitle 8 – Stalking and Harassment¹⁷, addresses telephone misuse by including stalking and harassment and misuse of facilities and equipment. Strengthening this law will protect and enforce against misuse that is now prevalent with advancing technology.

¹⁶ According to Cambridge Dictionary, swatting is the action of making a false report of a serious emergency so that a SWAT team (= a group of officers trained to deal with dangerous situations) will go to a person's home, by someone who wants to frighten, upset, or cause problems for that person

¹⁷ 2010 Maryland Code, Criminal Law, Title 3 – Other Crimes Against the Person;
<https://law.justia.com/codes/maryland/2010/criminal-law/title-3/subtitle-8/>

2010 Maryland Code CRIMINAL LAW, TITLE 7 – THEFT AND RELATED CRIMES, Subtitle 3 – Crimes Involving Telecommunications and Electronics¹⁸, addresses unauthorized access to computers and related material. Strengthening this law will also protect and enforce against cyber-attacks that are occurring at an accelerated rate.

7.2.5 Text-to-9-1-1 Translation

Translation of text-to-9-1-1 is an important feature that will allow 9-1-1 Specialists to communicate with persons with limited English proficiency. There is not yet a public safety approved text-to-9-1-1 translation solution available for use. This subcommittee has learned that several companies are developing this technology, but it is unclear when solutions will be ready for market. This is an important area to continue monitoring. When the technology is available, the ENSB should consider adding this as an allowable Trust Fund expense. ENSB payment for such services was not discussed in the 2019 Commission agenda; it will be added to the 2020 agenda (assuming legislation to extend the Commission is enacted).

7.2.6 Kari’s Law and RAY BAUM’s Act

Maryland leads the nation as the first state to adopt Kari’s Law, SB576/HB1080 in 2015. Kari’s Law applies to multi-line telephone systems (MLTS) in office buildings, campuses, and hotels, and requires that users of MLTS can dial 9-1-1 without a prefix to reach a PSAP.

In 2019, Kari’s Law and the RAY BAUM’s Act were enacted at the federal level with the intent to improve access to 9-1-1 and location information for MLTS. RAY BAUM’s Act, Section 506, requires a “dispatchable location”—street address of the caller, room number, floor number, or similar information—to be conveyed with 9-1-1 requests for assistance, regardless of the technological platform used.

The Commission recognizes that both laws need greater enforcement and education.

¹⁸ 2010 Maryland Code, Criminal Law, Title 7 – Crimes involving Telecommunications and Electronics
<https://law.justia.com/codes/maryland/2010/criminal-law/title-7/subtitle-3/>

Regarding Kari's Law, the Commission recommends:



Recommendation: Maryland shall take measures towards education and enforcement of Kari's Law (dial 9-1-1 without a prefix to access a PSAP):

- Counties and localities shall check for adherence when granting usage and occupancy permits and as part of other inspection processes;
- Certification shall be included in future State grant applications;
- The ENSB shall include Kari's Law requirements in public education initiatives; and
- Maryland Law shall be amended to include penalties and fines for entities out of compliance with Kari's Law, with those collections being remitted to the inspecting agency.

Regarding RAY BAUM's Act, the Commission recommends:



Recommendation: The ENSB shall monitor for updates and changes regarding details and enforcement of the RAY BAUM's Act.

7.3 Summary of Recommendations

Table 9: Technology & Cybersecurity Recommendations

Number	Category	Technology and Cybersecurity Recommendations
1*	Call Transfers	<p>Recommendation: The State shall work to make call transfers unnecessary.</p> <p>This will require:</p> <ul style="list-style-type: none"> • Communication and collaboration between PSAPs and other public safety agencies; • An updated PSAP definition in Public Safety Article 1-301 (U); • Creation of a definition for "NON-MARYLAND PUBLIC SAFETY ANSWERING POINT" in Public Safety Article §1-301 (U); and • Revised operational processes.
2*	Telephone Misuse	<p>Update Maryland Laws regarding telephone misuse and cyber-attacks to close gaps regarding:</p> <ul style="list-style-type: none"> • Telephone denial of service (TDOS) and distributed denial of service (DDOS) attacks; • Enhancing penalties for sending malicious content; repeated calls with the intent to annoy; abuse, torment, harass, or embarrass another; and for TDOS and DDOS attacks when there is an intent to disrupt the ability of PSAPs and Public Safety Agencies to receive and process emergency and non-emergency 9-1-1 requests for assistance; and

Number	Category	Technology and Cybersecurity Recommendations
		<ul style="list-style-type: none"> • Transmission of misleading or inaccurate information and/or caller identification information to PSAPs and Public Safety Agencies with the intent to trigger, affect, or disrupt an emergency response. This would include: <ul style="list-style-type: none"> ○ Swatting ○ Caller ID manipulation (name, location, telephone number, etc.) ○ Sending fake/altered images, video and associated metadata
3*	Kari's Law	<p>Maryland shall take measures towards compliance and enforcement of Kari's Law (dial 9-1-1 without a prefix to access a PSAP):</p> <ul style="list-style-type: none"> • Counties and localities shall check for adherence when granting usage and occupancy permits and as part of other inspection processes; • Certification shall be included in future State grant applications; • The ENSB shall include Kari's Law requirements in public education initiatives; and • Maryland Law shall be amended to include penalties and fines for entities out of compliance with Kari's Law, with those collections being remitted to the inspecting agency.
4	Location Accuracy	The ENSB shall monitor for updates and changes regarding details and enforcement of the RAY BAUM's Act.

***These recommendations require legislative change.**

8



Oversight & Accountability

8.1 2018 Background

The work of the Commission in 2018 culminated in sweeping legislative changes to ensure that Maryland has a high quality NG911 system. Key oversight measures in the new laws included: changes to records retention laws; liability protection for Next Generation Core Services (NGCS) providers; increased coordination, collaboration, and oversight necessary to support NG911.

8.2 2019 Priorities

The focus for the Oversight and Accountability (O&A) subcommittee for 2019 centered on elements related to: governance of 9-1-1 in Maryland; placement of the ENSB within Maryland’s government structure; the roles and responsibilities of the ENSB in funding and overseeing 9-1-1 in Maryland; and communications and transparency.

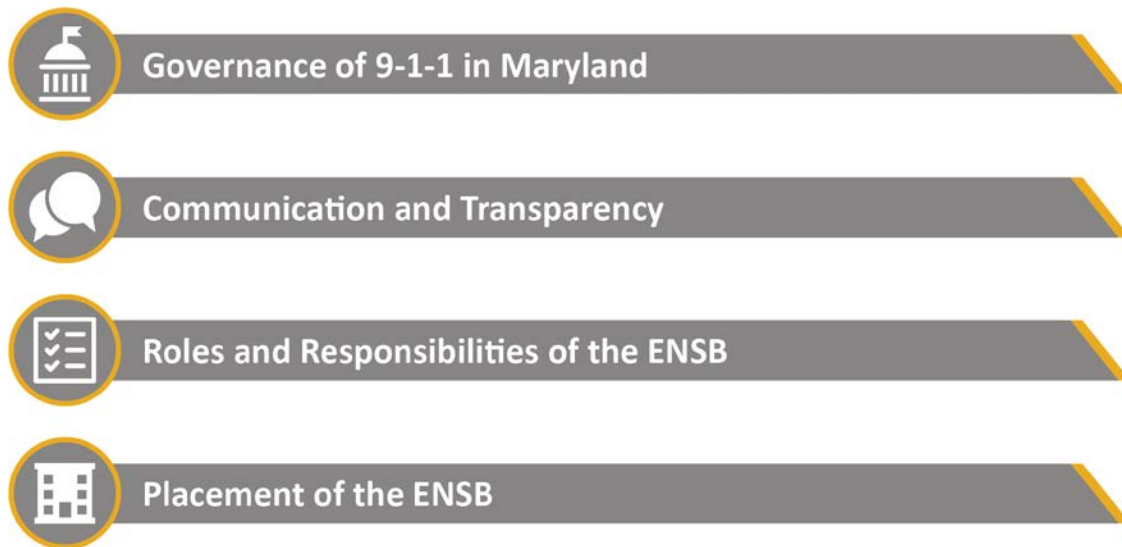


Figure 9: 2019 Oversight & Accountability Priorities

The O&A subcommittee met in person or by conference call 14 times over the course of five months to continue deliberations on the needs of NG911 and the Maryland PSAPs. As part of discussions, the O&A subcommittee: held visioning sessions; conducted a survey of the Commission to gain broad input on strategic issues; analyzed results; and distilled feedback to arrive at recommendations reflective of the future needs of NG911 service in Maryland.

8.2.1 Ideal Role and Placement of the ENSB

8.2.1.1 ENSB Role

The O&A subcommittee was assigned the task of addressing requirements in the Commission legislation regarding “the ideal role and placement for the Emergency Number Systems Board within State government to best service its broad and evolving missions.” The subcommittee began its assessment by holding a brainstorming session to define what Maryland 9-1-1 practitioners and decision-makers wanted or needed in a

The Commission shall study and make recommendations on the ideal role and placement for the Emergency Number Systems Board within State government to best service its broad and evolving missions.

statewide board to support or manage in a NG911 environment. Following the development of that list, the group reviewed the ENSB's role as defined in statute. Through this comparison, the subcommittee determined that the ENSB, as updated by Carl Henn's Law, provided sufficient latitude and structure for the future needs with a few exceptions.

To ensure broad input, the O&A subcommittee developed a survey and asked for input from other Commission members. The results of that survey, found in Appendix B, led to many of the O&A recommendations.

8.2.1.2 Placement of the ENSB

Today, the ENSB is housed under the Department of Public Safety and Correctional Services (DPSCS). The O&A subcommittee (and the full Commission) discussed the placement of other state 9-1-1 boards and advisory committees and used the Commission survey to understand viewpoints on this topic. Upon review, the Commission determined that its first preference would be to create a stand-alone agency to solidify the agency's autonomy and visibility. However, members also recognized the need to remain a nimble and efficient State agency. Establishing a separate State agency would be impractical at this time due to cost and resource needs during the transition period to NG911. The survey clarified that the Commission's second preference would be for the ENSB to remain a division of DPSCS. At this time, it was determined that the current placement is appropriate due to the other 9-1-1 activities in progress.

8.3 Effective Implementation of NG911

Based on the Commission Charter, the O&A subcommittee also focused on five topics that could affect effective implementation of NG911: communication and transparency; performance metrics; public education; outage reporting; and effective interoperability and interconnectivity with intrastate and interstate systems for seamless 9-1-1 call processing.

8.3.1 Communication and Transparency



Recommendation: The ENSB shall post its meeting agenda on its website a minimum of two business days in advance of public Board meetings; provide live access to the public portion of these meetings; and post meeting minutes within two business days of approval.

The Commission is keenly aware that communication is the key to public trust in any organization and believes that the increased revenue warrants increased transparency and public awareness. The Commission is not suggesting that sensitive and confidential information be disclosed, yet, strongly believes that increased communication and transparency would benefit the ENSB and PSAP community and urges the Policy and Standards Subcommittee of the ENSB to enact processes that will carry out this recommendation.

8.3.2 Guidance for PSAP Performance Metrics and Data Management



Recommendation: The ENSB shall adopt and communicate additional PSAP operational performance metrics based on accepted industry standards that will be developed in the future.

Measuring performance is an important element of continuous improvement. The objective criteria of evaluating legacy systems including system busy conditions, call quality, etc., will change with NG911. Additional data will be available for PSAPs to determine the effectiveness and proficiency of their systems and operations. As such, the O&A subcommittee worked to identify metrics to guide PSAPs during transition to NG911. These metrics address:

- Call Timing
- Event Volume
- Bandwidth

8.3.3 Interoperability and Interconnectivity



Recommendation: The ENSB shall ensure effective interoperability and interconnectivity of NG911 systems with neighboring jurisdictions in the State of Maryland, across state boundaries, and with federal agencies and other relevant public safety partners.

The Code of Maryland Regulations (COMAR) states that one of the ENSB's responsibilities is to "coordinate the enhancement of County 9-1-1 systems." In that role, the ENSB receives and approves 9-1-1 system funding requests from the 24 local jurisdictions. It is incumbent on the ENSB to ensure interoperability of all systems within Maryland by denying support or funding for systems that do not offer interconnection between and among state systems. As NG911 call-routing rules are established and as systems are approved for implementation, interoperability between states and federal agencies is an essential component.

8.3.4 Public Education



Recommendation: The ENSB shall coordinate and fund a statewide public education and communications campaign related to NG911 implementation, including text-to-9-1-1.

In addition to increasing internal communication efforts, the Commission strongly favors a coordinated statewide public education effort. NG911 will bring new services to Maryland through its local public safety communications agencies, however, each jurisdiction will progress with implementation at a different pace. A statewide messaging campaign that manages public expectations while informing the public about NG911 will be necessary.

8.4 Maryland Public Information Act (MPIA)



Recommendation: Update, codify, and enact the Attorney General's 1986 *Rouse* decision.

Balancing privacy and transparency for both the victim of the incident and/or the 9-1-1 caller are of paramount importance. Striking that balance is critically necessary in the NG911 environment.

The Commission endorses codifying Attorney General Opinion No. 86-025 (April 4, 1986) *Rouse*, included in Appendix D. When advanced capabilities such as text, photos, and video are added, this action will protect 9-1-1 callers from having potentially gory and gruesome or embarrassing information shared with the public. This opinion noted:

- Recordings of calls to 9-1-1 Emergency Telephone System centers are 'public records' under the PIA.
- The portion of any recording that contains medical or psychological information about an individual may not be disclosed.
- Recordings of calls for police assistance may be withheld from disclosure, but only if disclosure would be contrary to the public interest.
- All other recordings must be disclosed upon request, except in the extraordinary situation in which a court is asked to withhold otherwise available information.

The 33-year-old opinion, while offering helpful guidance, must be strengthened and codified for evolving technologies that will become part of the emergency communications information and data stream.

8.5 Role of the Public Service Commission (PSC)

Modern and efficient telecommunications capabilities are essential to the preservation of the public safety network. State regulatory bodies have significant responsibilities to ensure that all residents continue to have access to modern, affordable, and reliable telecommunications services.

The mission of the Maryland Public Service Commission (PSC) is to ensure safe, reliable, and economical public utility service to the State's residents. To achieve this, a portion of the PSC's mission statement¹⁹ indicates that it is committed to:

- Adopting and enforcing regulations that are in the public interest and ensuring compliance with established regulations
- Creating standards and policies that protect the safety of the public
- Developing and promoting activities that encourage public trust and confidence

¹⁹ <https://www.psc.state.md.us/vision-and-mission/>

While telecommunications technology is changing the infrastructure for 9-1-1, the role of the PSC remains important for the oversight of providers delivering 9-1-1 service and monitoring progress of the NG911 transition.

8.6 Summary of Recommendations

Table 10: Oversight & Accountability Recommendations

Number	Category	Oversight & Accountability Recommendations
1	Placement of the ENSB	The ENSB should remain as part of the Department of Public Safety and Correctional Services as it is not the appropriate time to consider moving the Board.
2*	Communications and Transparency	The ENSB shall post its meeting agenda to its website a minimum of two business days in advance of public Board meetings; provide live access to the public portion of these meetings; and post meeting minutes within two business days of approval.
3	Performance Metrics	The ENSB shall adopt and communicate any additional PSAP operational performance metrics based on accepted industry standards that will be developed in the future.
5	Interoperability and Interconnectivity	The ENSB shall ensure effective interoperability and interconnectivity of NG911 systems with neighboring jurisdictions in the State of Maryland, across state boundaries, and with federal agencies and other relevant public safety partners.
6	Public Education	The ENSB shall coordinate and fund a statewide public education and communications campaign related to NG911 implementation, including text-to-9-1-1.
7*	MPIA	Update, codify and enact the Attorney General's 1986 <i>Rouse</i> decision.

***These recommendations require legislative change.**

9 Commission Recommendations

The 2019 subcommittee work resulted in 25 Commission approved²⁰ recommendations. Each item went through a review and voting process that began in the subcommittees and then the Commission, where individuals could question and revise the wording of the recommendations.

Table 11: 2019 Commission Recommendations

Number	Category	Commission Recommendations
1*	Fee Verbiage	Update the current law to replace instances of “additional charge” with “County 9-1-1 fee” to more accurately represent the intended use of the fee.
2*	PSAP Funding	9-1-1 funds shall be distributed to the 24 legislatively defined Public Safety Answering Points (PSAPs).
3	9-1-1 Reserves	Counties reserving 9-1-1 revenues for future expenditure should have a documented strategic plan describing the intended future use of the funds.
4*	Carrier Audits	The Office of the Maryland State Comptroller shall assume audit responsibilities for 9-1-1 fee collection and remittance.
5*	Fee Misuse	<p>If a County audit determines that 9-1-1 funds have been used for purposes other than 9-1-1, the Emergency Number Systems Board (ENSB) shall require that jurisdiction’s leaders:</p> <ul style="list-style-type: none"> • Explain the misuse; • Describe steps being taken to ensure that the infringement does not happen again; and <p>Restore the diverted 9-1-1 funds within the fiscal year.</p>
6*	State Entity	Change the name of the Emergency Number Systems Board (ENSB) to the “Maryland 9-1-1 Board.”
7*	Composition of the ENSB	The ENSB’s membership shall change to reflect the needs of NG911.
8*	Commission Status	<p>The Commission should continue through June 30, 2022 in order to monitor and report on progress toward the implementation and evolution of NG911 to include:</p> <ul style="list-style-type: none"> • Determining whether the 9-1-1 fee is sufficient to cover eligible expenses for both the State and counties; • Overseeing whether Maryland is appropriately receiving the fees it is entitled to by law; • Evaluating operational needs of the 9-1-1 system;

²⁰ Individuals with a potential conflict of interest on a recommendation recused themselves from voting on some of these recommendations.

Number	Category	Commission Recommendations
		<ul style="list-style-type: none"> • Recommending potential measures to protect PSAPs from cybersecurity threats; and • Assessing county satisfaction with the functioning of current legislation for continued improvement of 9-1-1 service in Maryland.
9*	Training Topics	The training programs mandated in Code of Maryland Regulations (COMAR) chapter 12.11.3.10 shall be expanded to include NG911 topics.
10	Training Timelines	A schedule shall be established to ensure that PSAPs and county leaders have guidance for implementing training requirements so appropriate funding and resources can be allocated.
11*	Disaster Assistance	Establish a statewide Telecommunicator Emergency Response Team (TERT) that is specially trained to assist other counties with disaster recovery or in times of crisis, to ensure continuity of operations.
12*	Certification	Individuals who independently answers emergency requests for service must be certified in all disciplines for which they are responsible.
13*	Protocols	All PSAPs must use standards-based protocols for the processing of fire, emergency medical, or law enforcement requests for assistance.
14*	Continuing Education	To ensure that all Maryland 9-1-1 Specialists are trained to the highest standards and are providing optimum service to Maryland residents and visitors, the ENSB shall establish minimum requirements for continuing education and verify compliance during the annual PSAP inspection.
15*	Occupational Wellness	Due to the cumulative impact of chronic exposure to repetitive, critical, and traumatic events, PSAP employees need direct access to health and wellness services. Each PSAP shall adopt and implement programs compliant with the most current National Emergency Number Association (NENA) Standard on 9-1-1 Acute/Traumatic and Chronic Stress Management and best practices from other national organizations with public safety expertise dedicated to occupational wellness.
16*	Call Transfers	<p>The State shall work to make call transfers unnecessary. This will require:</p> <ul style="list-style-type: none"> • Communication and collaboration between PSAPs and other public safety agencies; • An updated PSAP definition in Public Safety Article 1-301 (U); • Creation of a definition for "NON-MARYLAND PUBLIC SAFETY ANSWERING POINT" in Public Safety Article §1-301 (U); and • Revised operational processes.

Number	Category	Commission Recommendations
17*	Telephone Misuse	<p>Update Maryland Laws regarding telephone misuse and cyber-attacks to close gaps regarding:</p> <ul style="list-style-type: none"> • Telephone denial of service (TDOS) and distributed denial of service (DDOS) attacks; • Enhancing penalties for sending malicious content; repeated calls with the intent to annoy; abuse, torment, harass, or embarrass another; and for TDOS and DDOS attacks when there is an intent to disrupt the ability of PSAPs and Public Safety Agencies to receive and process emergency and non-emergency 9-1-1 requests for assistance; and • Transmission of misleading or inaccurate information and/or caller identification information to PSAPs and Public Safety Agencies with the intent to trigger, affect, or disrupt emergency response. This would include: <ul style="list-style-type: none"> ○ Swatting ○ Caller ID manipulation (name, location, telephone number, etc.) ○ Sending fake/altered images, video and associated metadata
18*	Kari's Law	<p>Maryland shall take measures towards compliance and enforcement of Kari's Law (dial 9-1-1 without a prefix to access a PSAP):</p> <ul style="list-style-type: none"> • Counties and localities shall check for adherence when granting usage and occupancy permits and as part of other inspection processes; • Certification shall be included in future State grant applications; • The ENSB shall include Kari's Law requirements in public education initiatives; and • Maryland Law shall be amended to include penalties and fines for entities out of compliance with Kari's Law, with those collections being remitted to the inspecting agency.
19	Location Accuracy	The ENSB shall monitor for updates and changes regarding details and enforcement of the RAY BAUM's Act.
20	Placement of the ENSB	The ENSB should remain as part of the Department of Public Safety and Correctional Services as it is not the appropriate time to consider moving the Board.
21*	Communications and Transparency	The ENSB shall post its meeting agenda on its website a minimum of two business days in advance of public Board meetings; provide live access to the public portion of these meetings; and post meeting minutes within two business days of approval.

Number	Category	Commission Recommendations
22	Performance Metrics	The ENSB shall adopt and communicate any additional PSAP operational performance metrics based on accepted industry standards that will be developed in the future.
23*	Interoperability and Interconnectivity	The ENSB shall ensure effective interoperability and interconnectivity of NG911 systems with neighboring jurisdictions in the State of Maryland, across state boundaries, and with federal agencies and other relevant public safety partners.
24	Public Education	The ENSB shall coordinate and fund a statewide public education and communications campaign related to NG911 implementation, including text-to-9-1-1.
25*	Maryland Public Information Act (MPIA)	Update, codify, and enact the Attorney General’s 1986 <i>Rouse</i> decision.

***These recommendations require legislative change.**

10 Conclusion

Through the efforts of the Commission, the ENSB, ECC, MACo, and the 24 PSAPs, Maryland is making great strides towards advancing NG911 and improving 9-1-1 service for the residents and visitors of Maryland. Legislation enacted in 2019 helped advance the 9-1-1 system in Maryland. This work paved the way for the Commission to develop new recommendations necessary to further advance the Maryland 9-1-1 system through: demonstrating fiscal responsibility; evaluating the ENSB structure; advancing technical capabilities of the PSAPs; enforcing and enhancing penalties for technology and cybersecurity misuse; and improving training and occupational wellness for the 9-1-1 Specialists of Maryland.

This comprehensive look at the 9-1-1 system was led by the **Honorable Senator Cheryl Kagan**, Commission Chair, and **Mr. Steve Souder**, Commission Vice Chair and nationally respected 9-1-1 expert. Through their vision and leadership, the Commission has developed a thoughtful and focused approach to improving 9-1-1 across Maryland.

Each subcommittee was led by a designated Chair. They were integral in identifying the important topics and elements addressed over the six months of dedicated Year Two Commission work.

Table 12: Commission Subcommittee Chairs

Subcommittee Chair	Representing
The Honorable Senator Cheryl C. Kagan	<ul style="list-style-type: none"> Commission Chair Finance & Structure Subcommittee Chair
Chief Richard K. Brooks, III, Director	<ul style="list-style-type: none"> Oversight & Accountability Subcommittee Chair Cecil County Department of Emergency Services
Bill Ferretti, Director	<ul style="list-style-type: none"> Technology & Cybersecurity Subcommittee Montgomery County Department of Police
Charlynn Flaherty, Deputy Director	<ul style="list-style-type: none"> Staffing & Training Subcommittee Chair Prince George's County Office of Homeland Security

Contributing Commission members played an integral role in the discussions and recommendations to help further solidify the 9-1-1 system in Maryland.

Table 13: Appointed Commission Members

Appointed Commission Member	Representing
The Honorable Senator Cheryl Kagan, Chair	Maryland State Senate
Mr. Steve Souder, 9-1-1 Expert and Maryland Resident, Vice Chair	Mid-Eastern Chapter of the Association of Public Safety Communications Officials, International (APCO)
The Honorable Senator Edward "Ed" Reilly	Maryland State Senate
The Honorable Delegate Michael A. Jackson	Maryland House of Delegates
The Honorable Delegate Susan W. Krebs	Maryland House of Delegates
Cecilia Warren, Director of Emergency Preparedness Policy	Maryland Department of Disabilities
Scott Roper, Executive Director	Emergency Number Systems Board (ENSB)
Jack Markey, Director, Division of Emergency Management, Frederick County	County Public Safety Answering Point (PSAP)*
Julia Fischer, Acting Chief of Applications and Maryland Geographic Information Officer (GIO)	Maryland Department of Information Technology
Anthony Myers, Executive Director	Maryland Public Service Commission (PSC)
Chief Richard K. Brooks, III, Director of Department of Emergency Services, Cecil County	County Public Safety Answering Point (PSAP)*
Bill Ferretti, Communications Director, Department of Police, Montgomery County	County Public Safety Answering Point (PSAP)*

Appointed Commission Member	Representing
Charlynn Flaherty, Deputy Director, Office of Homeland Security Public Safety Communications, Prince George's County	County Public Safety Answering Point (PSAP)*
Bardona Woods, Assistant Director of Communications, Division of Emergency Services, Washington County	Maryland Chapter of the National Emergency Number Association (MENA)
Tracy German, Emergency Communications Manager, Frederick County Emergency Communications	9-1-1 Public Safety Telecommunicators*
Jonathan Seeman, Director of Budget, Finance, and Information Technology, Queen Anne's County	County Purchasing and Finance*
Erin Sher Smyth, Chief Procurement Officer, City of Baltimore	County Purchasing and Finance*
Anna Sierra, Deputy Director, Caroline County Emergency Services	Eastern Shore Communications Alliance
Tony Rose, Chief, Fire and EMS Communications, Charles County	Metropolitan Washington Council of Governments
J. Kevin Aftung, Director, County Office of Emergency Management, Anne Arundel County	Baltimore Metropolitan Council of Governments
Wayne Darrell, Director, Emergency Services, Kent County	Emergency Number Systems Board
Sean Looney, Vice President, State Government Affairs, Comcast NBC Universal	Broadband Industry^
Colton O'Donoghue, Director of Network Engineering, Verizon	Wireless Communications Industry^

*Denotes Commissioners appointed by MACo

^Denotes non-voting member

The Commission was open to all who had an interest in improving the 9-1-1 system in Maryland. The Commission would like to thank the following individuals and other key supporters who were integral to our conversations and provided valuable input throughout its work.

Table 14: Contributing Commission Members

Contributor	Representing
Kevin Kinnally, Associate Director	Maryland Association of Counties (MACo)
Ross Coates, Communication Manager, Harford County	MACo Emergency Communications Committee
Scott Brillman, 9-1-1 Director	City of Baltimore
Bryan Ebling, Director of Emergency Services, Caroline County	Maryland Emergency Number Systems Board (ENSB)
Sean Scott, Chief Technical Officer	SecuLore Solutions
Ron Zucker, Cybersecurity Liaison	SecuLore Solutions
William (Ernie) Jenkins, Police Communications Support Division	Maryland State Police
Rebecca Wimmer, Applications Training Coordinator	Maryland State Police
Sue Greentree, Fire Communications Operator, Anne Arundel County Fire Department	APCO representative to the Maryland Emergency Number Systems Board (ENSB)
Ken Miller, Public Safety Technical Specialist	Michael Baker International
Legislative Staff Support	Representing
Ryan Kirby, Chief of Staff	Senator Kagan's Office

The following individuals presented at Commission meetings and/or provided guidance by answering questions of Commission members.

Table 15: Commission Experts

Commission Experts	Representing
Reinhard Ekl, Chief Operating Officer	Rapid Deploy
Dan Henry, Director of Government Affairs	National Emergency Number Association (NENA)
Toni Holness, Public Policy Director	American Civil Liberties Union (ACLU) of Maryland
Anne Klase, Director, Legislative Affairs	Maryland Comptroller's Office
Dr. Jeffrey Mitchell, PhD	International Critical Incident Stress Foundation
Laura Potts, Public Safety Dispatcher	Harford County Department of Emergency Services
Andrew Schaufele, Director, Bureau of Revenue Estimates	Maryland Comptroller's Office
Michelle Warshauer, Education and Training Curriculum Specialist	International Critical Incident Stress Foundation

Mission Critical Partners (MCP) provided consulting services and subject-matter expertise in support of the Commission's work. The following staff members were a part of the Commission's proceedings and were assigned to specific subcommittees.

Table 16: MCP Personnel

Staff Member	Subcommittee Assignment
Chad Brothers, PMP, ENP	Technology & Cybersecurity
Molly Falls, ENP	Project Manager
Sherri Griffith Powell, ENP	Finance & Structure
Walt Kaplan	Finance & Structure*
Heather McGaffin, ENP	Staffing & Training
Nancy Pollock, ENP	Oversight & Accountability
Nicole Unger	Oversight & Accountability
Jeff Wobbleton	Technology & Cybersecurity

*Representing MCP throughout the 2019 Commission work

Appendix A: Glossary of Terms

Term	Definition
9-1-1 Request for Assistance	The means by which the public communicates a need for help. With the current “legacy system,” such requests have been solely via a telephone call, but with NG911, individuals will also use other means.
9-1-1 Specialists	Professionals responsible for answering, triaging, dispatching 9-1-1 calls, and MPIA redactions. With NG911, they will be asked to manage emergency requests for service via text, video, and voice. They are often the “First, First Responders” who provide the emergency response, either directly or through communication with the appropriate police, fire, or emergency management services (EMS) agencies.
Association of Public-Safety Communications Officials (APCO)	APCO is the world’s oldest and largest nonprofit professional organization dedicated to the enhancement of public safety communications.
Critical Incident Stress Management (CISM)	Crisis intervention to provide support to those who have experienced traumatic events.
Computer-Aided Dispatch (CAD)	A computer-based system that aids PSAP telecommunicators by automating selected dispatching and record-keeping activities.
Core Service	A specific and essential functions within the 9-1-1 community. Examples include call-routing, processing, dispatching and logging.
County	Maryland’s 23 counties and the independent jurisdiction of Baltimore City.
Customer Premises Equipment (CPE)	Communications or terminal equipment located in PSAP facilities (e.g. the 9-1-1 telephone equipment at the PSAP.)
Emergency Medical Dispatch (EMD)	Refers to a system that enhances services provided by the PSAP telecommunicators by allowing the 9-1-1 Specialist to quickly narrow the caller's type of medical or trauma situation, to better dispatch emergency services, and to provide quality instruction to the caller before help arrives.
Emergency Services Internet Protocol Network (ESInet)	An IP-based network dedicated to public safety operations. An ESInet can route 9-1-1 calls to a PSAP and support other methods of data-sharing between public safety agencies. An ESInet cannot be proprietary to a specific core service product or group of products.

Term	Definition
Emergency Number Systems Board (ENSB)	The ENSB distributes State funding and coordinates installation and enhancement of County 9-1-1 emergency systems. It issues guidelines and reviews procedures to approve or disapprove of County plans for these systems; performs PSAP inspections; provides for auditing of 9-1-1 Trust Fund accounts; provides public education; and sets criteria for reimbursing counties.
Geographic Information System (GIS)	A system for capturing, storing, displaying, analyzing, and managing data and associated attributes that are spatially referenced.
Legacy Technology	For this report, "legacy technology" is the traditional 9-1-1 infrastructure currently used by Public Safety Answering Points and 9-1-1 service providers.
Local Exchange Carrier (LEC)	A company that provides the traditional telephone services (e.g. Verizon, AT&T, and Centurylink).
Maryland Association of Counties (MACo)	A nonprofit, nonpartisan organization that serves Maryland's 24 counties by advocating for the needs of local government.
National Emergency Number Association (NENA)	The National Emergency Number Association is a nonprofit corporation established in 1982 to further the goal of "One Nation-One Number." NENA is a networking source and promotes research, planning and training. NENA strives to educate, develop standards, and provide certification programs, legislative representation, and technical assistance for implementing and managing 9-1-1 systems.
Next Generation 9-1-1 (NG911)	An Internet Protocol (IP)-based system comprised of managed Emergency Services IP networks (ESInets); functional elements (applications); and databases that replicate traditional Enhanced 9-1-1 (E9-1-1) features and functions and enable enhanced capabilities for PSAPs.
Public Safety Answering Point (PSAP)	A center that receives 9-1-1 requests for assistance and processes them according to established protocols and operational policies.
Public Service Commission (PSC)	The Commission regulates public utilities and certain passenger transportation companies doing business in Maryland.
Swatting	The action of making a false report of a serious emergency so that a Special Weapons and Tactics (SWAT) team—a group of officers trained to deal with dangerous situations—will go to a person's home. Persons who engage in swatting want to frighten, upset, or cause problems for the person being swatted.

Term	Definition
Telecommunicator Emergency Response Taskforce (TERT)	A team of public safety Telecommunicators who respond, relieve, assist, and/or augment PSAPs affected by natural or human-caused disasters.
Transmission Control Protocol/Internet Protocol (TCP/IP)	A set of rules for communication between computers; it is also used as a standard for transmitting data over networks.

Appendix B: Oversight & Accountability 2019 Survey Results

The Oversight & Accountability Subcommittee worked to address numerous topics that required input from the full Commission. This information helped drive discussions, decisions, and the subcommittee's recommendations. The survey results are included in the tables below:

Q1: Future 9-1-1 Entity's Roles, Duties, & Responsibilities

Long-range planning for State 9-1-1	100%
Policy-making related to NG911 transition	100%
Fiduciary responsibility for Trust Fund management	100%
Monitoring compliance with statute requirements	100%
Establishing standards, guidelines, and rules for NG911, ESInet/Core Services requirements, cybersecurity, records retention, 9-1-1 processes and functions, etc.	100%
Ensuring high-quality 9-1-1 service in Maryland	100%
Distributing Funding	83.33%
Inspecting PSAPs	83.33%
Determining PSAP performance criteria	83.33%
Developing education and training standards	83.33%
Monitoring training	83.33%
Writing State plan for transition to NG911	50%
Coordinating system integration	50%
Liaison to local public safety agencies	50%

Q2: Representation on the State's Future 9-1-1 Entity

County law enforcement in the State	100%
Fire Services (Career) in the State	100%
Fire Services (Volunteer) in the State	100%
Maryland chapter of Association of Public-Safety Communications Officials International, Inc.	100%
Maryland chapter of the National Emergency Number Association	100%
General public	83.33%
Maryland Institute for Emergency Medical Services Systems	83.33%
Maryland State Police	83.33%
PSAP representation	83.33%
Wireless telephone industry operating in the State	83.33%
County emergency management services in the State	66.67%
County with a population of 200,000 or more	66.67%
County with a population of less than 200,000	66.67%

Q2: Representation on the State's Future 9-1-1 Entity (cont'd)

Cybersecurity (industry, government, association, Maryland Cybersecurity Council, etc.)	66.67%
Department of Information Technology (GIS)	66.67%
Department of Disabilities	66.67%
NG911 Core Services or ESInet provider	66.67%
Wireline telephone company operating in the State	66.67%
Public Service Commission	50%
Maryland Association of Counties	33.33%
NG911 technologist	33.33%
Department of Public Safety and Correctional Services	16.67%
Department of Budget and Management	0%
Governor's Office of Homeland Security	0%
Comptroller	0%

Q3: Best location to house the State's future 9-1-1 Entity? (1 = the least preferred location, 9 = the best location)

Most Preferred	Independent/stand-alone agency	8.8
	Department of Public Safety and Correctional Services	8
	Maryland Emergency Management Agency (MEMA)	6.8
	Administration/Governor's Office	6.5
	Governor's Office of Homeland Security	6.33
Least Preferred	MIEMSS (Maryland Institute for Emergency Medical Services Systems)	5
	Comptroller of Maryland	4
	Department of Budget and Management	4
	Department of Information Technology	4

Appendix C: New 9-1-1 Board – Proposed PSAP Representation

The following table represents the composition of the County 9-1-1 PSAP regions that has been recommended for the Board.

Table C-1: County 9-1-1 Regions

Western Region	National Capital Region (NCR)	Central Region	Eastern Region (ESCA)
Allegany County	Calvert County	Anne Arundel County	Caroline County
Garrett County	Charles County	Baltimore City	Cecil County
Washington County	Frederick County	Baltimore County	Dorchester County
	Montgomery County	Carroll County	Kent County
	Prince George's County	Harford County	Queen Anne's County
	St. Mary's County	Howard County	Somerset County
			Talbot County
			Wicomico County
			Worcester County

Appendix D: Attorney General Opinion No. 86-025 (April 4, 1986) Rouse

In 1986, Attorney General, John Rouse issued an opinion regarding exceptions to the ‘public nature’ of 9-1-1 Calls. With the advanced capabilities of NG911, the Commission is recommending a need to update, codify, and enact this decision due to the potential for gory and gruesome or embarrassing information being shared with the public. This Appendix includes the details of the Attorney General *Rouse* Opinion.

71 Md. Op. Atty. Gen. 288 (Md.A.G.), 1986 WL 287625

Office of the Attorney General

State of Maryland
Opinion No. 86-025
April 4, 1986

PUBLIC INFORMATION—911 SYSTEM—RECORDINGS OF 911 CALLS ARE ‘PUBLIC RECORDS’ GENERALLY SUBJECT TO DISCLOSURE, BUT PORTIONS OF THE RECORDINGS ARE WITHIN CERTAIN EXCEPTIONS TO DISCLOSURE.

Cite as: 71 Opinions of the Attorney General — (1986) [Opinion No. 86-025 (April 4, 1986)]

*1 Mr. John G. Rouse, III
Chairman
Emergency Number Systems Board
6776 Reisterstown Road
Baltimore, Maryland 21215

Dear Mr. Rouse:

You have requested our opinion on whether tape recordings of calls to 911 Emergency Telephone System centers are subject to the disclosure requirements of the Maryland Public Information Act (the ‘PIA’) and, if so, whether there are any circumstances under which disclosure may or must be denied.

For the reasons stated below, we conclude that:

1. Recordings of calls to 911 Emergency Telephone System centers are ‘public records’ under the PIA.
2. The portion of any recording that contains medical or psychological information about an individual may not be disclosed.¹
3. Recordings of calls for police assistance may be withheld from disclosure, but only if disclosure would be contrary to the public interest.
4. All other recordings must be disclosed upon request, except in the extraordinary situation in which a court is asked to withhold otherwise available information.²

I

911 Emergency Telephone System

The 911 Emergency Telephone System was established in Maryland by Chapter 730 of the Laws of Maryland of 1979. That statute, now codified at Article 41, §§ 204H-1 through 204H-8 of the Maryland Code, was enacted in response

to the General Assembly's finding of a need 'to eliminate delays [in citizens' summoning appropriate emergency aid] caused by lack of familiarity with emergency numbers and by understandable confusion in circumstances of crisis.' Article 41, § 204H-1(d).³ To that end, the General Assembly established the number 911 as 'the primary emergency telephone number for the State of Maryland.' Article 41, § 204H-1(e).

As of July 1, 1985, a 911 system was in operation in Baltimore City and in each of Maryland's counties. Maryland thus became the second state to have a 911 system in effect statewide.⁴

The 911 system in each jurisdiction provides citizens with easy emergency access to police, fire fighting, and emergency ambulance services. When the 911 number is dialed, the caller automatically reaches a public safety answering point operated around the clock in the county where the call is made. Personnel at that answering point determine the nature of the emergency and route the call to the appropriate agency for response or directly dispatch the needed assistance.

The county systems are overseen by the Emergency Number Systems Board, which must approve all local plans for the installation or expansion of 911 systems and review and coordinate their operation. The minimum requirements for 911 systems established by the Board include electronic recording, with playback capability, of all incoming calls. COMAR 12.11.03.05E and F.⁵ The tapes themselves are physically maintained in the local 911 emergency communication centers.

II

Public Information Act Disclosure Requirements

*2 The PIA, codified at §§ 10-611 through 10-628 of the [State Government Article](#) ('SG' Article), is designed to afford the public a general right of 'access to information about the affairs of government and the official acts of public officials and employees.' [SG § 10-612\(a\)](#). To that end, the PIA requires that, '[e]xcept as otherwise provided by law, a custodian shall permit a person or governmental unit to inspect any public record at any reasonable time.' [SG § 10-613\(a\)](#).⁶

A 'public record' is any documentary material—expressly including a tape recording—that 'is made by a unit or instrumentality of the State government or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business.' [SG § 10-611\(f\)](#). Thus, the PIA applies to all the records of every agency that carries out governmental functions, whether on the State or local level. See [A.S. Abell Publishing Co. v. Mezzanote](#), 297 Md. 26 (1983).

In light of the PIA's broad scope, there is no question that the 911 emergency centers operated by the counties are governmental agencies subject to the PIA and that the tape recordings of telephone calls to those centers are public records within the meaning of the PIA. Thus, unless the recordings are specifically exempted from the PIA's disclosure requirements, they must be made available to anyone who requests them. [Superintendent, Maryland State Police v. Henschen](#), 279 Md. 468 (1977). See also 61 [Opinions of the Attorney General](#) 702, 705 (1976) (clerk of court may not deny access to marriage records, regardless of their intended use by person seeking inspection).

III

Exceptions to Disclosure

A. Introduction

Despite the PIA's general purpose to permit broad public access to public records, the Act contains a number of provisions that require or permit a custodian to deny requests for inspection of records. Those exceptions should, as a general matter, be construed narrowly, to promote public access to information about governmental activities.

At the same time, the PIA recognizes that the public's right to information is counterbalanced by the right to privacy of individuals who are subjects of governmental records. [SG § 10-612\(b\)](#) accordingly provides that, 'unless an unwarranted invasion of the privacy of a person in interest would result, [the PIA] shall be construed in favor of

permitting inspection of a public record.’⁷ Particular calls for emergency assistance might well reveal intimate personal information about the caller or others. In those circumstances, we think that releasing the record to anyone other than the person in interest would be ‘an unwarranted invasion of [that person’s] privacy.’ Consequently, when the applicant seeking disclosure of such a call is not the person in interest, the PIA’s exceptions can and should be construed somewhat more liberally than would otherwise be the case.

B. Privileged or Confidential Records

***3** Public records must be withheld from disclosure to the extent that (i) the information they contain is made ‘privileged or confidential’ by law or (ii) inspection of a particular record would be contrary to State or federal law, the rules adopted by the Court of Appeals, or a court order. [SG § 10-615](#). However, none of those exceptions applies to the recordings of calls made to 911 centers. While callers might prefer that their calls be kept confidential, the requirement that ‘privileged or confidential’ records be withheld from public inspection, by its terms, applies only to records protected by common-law or statutory privileges, such as the attorney-client or psychiatrist-patient privilege, or by other confidentiality requirements. *See, e.g.*, 66 [Opinions of the Attorney General](#) 98, 103 (1981); 64 [Opinions of the Attorney General](#) 236, 239 (1979). Nor does any federal or State law or court rule generally prevent inspection of calls to 911 centers. *Cf.* [7 U.S.C. § 2020\(e\)](#) (limiting disclosure of information concerning food stamp recipients).⁸

C. Other Personal Records

The PIA itself requires that certain enumerated records not otherwise made confidential be withheld from public inspection. [SG § 10-616](#). However, records of calls for emergency assistance are not included in that list of protected records. Records of calls to 911 centers are therefore not automatically and wholly exempt from disclosure under that section.

D. Personal Information

1. Medical and psychological information

The PIA requires that certain specific types of information be withheld from public disclosure. [SG § 10-617\(b\)](#) requires a custodian to ‘deny inspection of the part of a public record that contains medical or psychological information about an individual.’ In our view, statements concerning an injured or ill person’s symptoms or condition, provided to a 911 center operator for the purpose of obtaining appropriate emergency medical care, are ‘medical or psychological information’ that must be withheld.

The inclusion of such information in a public record does not preclude public access to the entire record, however—it is only the part that contains the protected information that must be withheld. Therefore, if access to a tape is requested, the tape must be reviewed to determine whether portions of it contain information that must be deleted before the tape’s release.⁹

2. Sociological information

[SG § 10-617\(c\)](#) requires that ‘sociological information’ be withheld, if—but only if—‘the official custodian has adopted rules or regulations that define sociological information for purposes of this subsection.’ Although the PIA does not provide further guidance, the apparent intent is to permit the protection of the kind of personal information that a person would disclose only under the conditions of confidentiality that customarily attend sociological studies. Thus, for example, the Department of Public Safety and Correctional Services has defined ‘sociological data,’ with respect to parole and probation authorities, as including ‘[p]ersonal relationships, beliefs, values, etc.,’ and ‘[r]eligious preference and attendance.’ COMAR 12.11.02.02M(2)(a) and (g). The Emergency Number Systems Board might wish to consider the preparation of a model regulation along these lines.

E. Discretionary Nondisclosure

***4** In addition to requiring that certain records or information be withheld from public inspection, the PIA also grants custodians discretion to deny inspection of particular parts of specified records if inspection by the applicant ‘would be contrary to the public interest.’ [SG § 10-618\(a\)](#). That section, like [SG § 10-616](#), applies only to the records

specifically there designated. Those include ‘records of investigations conducted by . . . a State’s attorney, . . . a police department, or a sheriff’ and ‘an investigatory file compiled for any other law enforcement . . . purpose.’ [SG § 10-618\(f\)\(1\)\(i\) and \(ii\)](#). In our view, recordings of calls to 911 centers for police assistance generally are not ‘records of an investigation conducted by’ a law enforcement agency, but they are part of ‘an investigatory file compiled for any other law enforcement . . . purpose.’

1. Records of investigations

In 63 Opinions of the Attorney General 543, 547 (1978), this office concluded that arrest logs are not ‘records of investigations’ because they ‘merely reflect the end result of a police investigation. They contain no information whatever concerning the actual investigation.’ At the same time, the Attorney General noted that ‘should such records contain such investigatory material, they may very well be subject to the [[SG § 10-618\(f\)\(1\)\(i\)](#)] exception.’ *Id.* The same is true, in our opinion, of records of calls to 911 centers for police assistance.

A call to a 911 center does not directly convey any information to law enforcement officials. The centers are not themselves part of any of the agencies enumerated in [SG § 10-618\(f\)\(1\)\(i\)](#), and the 911 operator who takes a call simply dispatches needed police assistance to the location indicated. Only on rare occasions do law enforcement officials review the recording of such a call as part of an investigation. Thus, like arrest logs, records of calls to 911 centers ordinarily ‘contain no information whatever concerning the actual investigation’ conducted by a law enforcement agency. Should the record of a call actually be used in an investigation, however, it would be a record of the investigation.

2. Investigatory files

However, we think that records of calls for police assistance are part of ‘an investigatory file compiled for any other law enforcement . . . purpose,’ within the meaning of [SG § 10-618\(f\)\(1\)\(ii\)](#). Those calls trigger an investigation, at least to the extent of a police response to ascertain whether further law enforcement action is needed. In our view, the recorded complaint that triggers such an investigation is part of an ‘investigatory file.’ And the records of calls to 911 centers are compiled for the law enforcement purpose of ensuring that police assistance is promptly dispatched in an emergency.

Federal courts construing the analogous exception in the Freedom of Information Act (the ‘FOIA’) have held that letters triggering agency investigations are covered by that exception.¹⁰ E.g., [Evans v. Department of Transportation](#), 446 F.2d 821, 824 (5th Cir. 1971) (letter inquiring how to bring pilot’s abnormal behavior to attention of proper authorities was part of investigatory file); [Luzaich v. United States](#), 435 F. Supp. 31, 34, *aff’d per curiam*, 564 F.2d 101 (8th Cir. 1977) (unsolicited anonymous tip advising Internal Revenue Service to audit taxpayer was investigatory record).

*5 The Court of Appeals has held that FOIA decisions are persuasive as to the interpretation of the PIA. [Faulk v. State’s Attorney](#), 299 Md. 493, 506 (1984). Hence, Maryland courts would, we think, likewise conclude that the records of complaints that trigger investigations constitute ‘an investigatory file,’ whether they are embodied in tape recordings or written communications.

However, the conclusion that 911 calls for police assistance are an ‘investigatory file compiled for [a] law enforcement purpose’ does not by itself mean that the recordings may be withheld. First, if the applicant is a person in interest, nondisclosure is authorized only to the extent that disclosure would cause one of the harms specified in [SG § 10-618\(f\)\(2\)](#). See generally 64 Opinions of the Attorney General 236, 241-43 (1979) (discussing grounds for nondisclosure of investigatory records). Moreover, any other person is entitled to access unless the custodian has reason to conclude that inspection of the record ‘would be contrary to the public interest.’ [SG § 10-618\(a\)](#). In considering ‘the public interest,’ the custodian should also take account of the harms specified in [SG § 10-618\(f\)\(2\)](#). See Attorney General’s Office, Public Information Act Manual 28 (4th ed. 1985). In particular, the custodian should consider whether the information on the recording is such that disclosure would ‘constitute an unwarranted invasion of personal privacy.’

F. Court-Ordered Nondisclosure

Finally, the PIA provides for temporary denial of inspection of any public record when ‘the official custodian believes that inspection would cause substantial injury to the public interest.’ [SG § 10-619\(a\)](#). The official custodian must petition the circuit court for an order permitting continued nondisclosure within 10 days of the original denial under this section. The person who sought access to the record must be notified of that action and has the right to appear and be heard in the court’s proceeding on the petition.

The governmental entity in such a proceeding bears the burden of proving that disclosure would do substantial injury to the public interest. [Cranford v. Montgomery County](#), 300 Md. 759, 780 (1984). Moreover, meeting that burden of proof may be difficult, for the PIA generally ‘shall be construed in favor of permitting inspection of a public record.’ [SG § 10-612\(b\)](#). This ‘extraordinary’ procedure is very rarely invoked. [See Public Information Manual](#) at 35.

IV

Conclusion

In summary, it is our opinion that:

1. Recordings of calls to 911 Emergency Telephone System centers are ‘public records’ under the PIA.
2. The portion of any recording that contains medical or psychological information about an individual may not be disclosed.
3. Recordings of calls for police assistance may be withheld from disclosure, but only if disclosure would be contrary to the public interest.
4. All other recordings must be disclosed upon request, except in the extraordinary situation in which a court is asked to withhold otherwise available information.

Very truly yours,

*6 Stephen H. Sachs
Attorney General
Emory A. Plitt, Jr.
Assistant Attorney General
C. J. Messerschmidt
Assistant Attorney General
Jack Schwartz
Chief Counsel Opinions and Advice

Footnotes

- ¹ [See also](#) Part III D 2 below, which discusses the possible nondisclosure of ‘sociological information.’
- ² This opinion confirms the substance of a prior advice letter on this issue. Letter from Dennis M. Sweeney, Deputy Attorney General, to Russell E. Wroten, Chief of Police of Cambridge, Maryland (June 26, 1984).
- ³ The General Assembly ‘recognize[d] that [emergency] assistance is almost always summoned by telephone and that a multiplicity of emergency telephone numbers exist[ed] throughout the State and within any one county’ and expressed its ‘concer[n] that avoidable delays in reaching appropriate emergency aid [were] occurring to the jeopardy of life and property.’ Article 41, § 204H-1(b) and (c).
- ⁴ As it happens, Maryland was preceded by our good neighbor Delaware—which has, of course, historically prided itself on being the ‘first state.’
- ⁵ The taping of such emergency telephone calls is lawful, notwithstanding the general prohibition against wiretapping, under [§ 10-402\(c\)\(4\) of the Courts Article](#).
- ⁶ The ‘custodian’ of a public record is the governmental officer or employee who is responsible for keeping the public record or who

actually has physical custody and control of the record. [SG § 10-611\(c\)](#). Because the Emergency Number Systems Board does not itself operate any 911 system nor receive physical custody of any of the local systems' tapes, it is not the custodian of those tapes. Therefore, any request for access to those tapes must be directed to the local government officials or employees who operate the 911 systems in the various political subdivisions.

- ⁷ The 'person in interest' with regard to a public record is any person who is the subject of the records, or that person's designee or legal representative. [SG § 10-611\(e\)](#).
- ⁸ Article 27, § 739 prohibits disclosure or review of expunged police records pertaining to a criminal proceeding. However, those records by definition do not include 'investigatory files [or] police work-product records used solely for police investigation purposes.' Article 27, § 735(e). That exclusion clearly encompasses records of calls for police assistance.
- ⁹ We direct your attention also to [SG § 10-614\(b\)\(3\)](#), under which an applicant must be given prompt written notice of the reasons and authority for any denial of a disclosure request and of the procedures for review of the denial that are available to the applicant.
- ¹⁰ As originally enacted, the FOIA exception authorized nondisclosure of 'investigatory files compiled for law enforcement purposes except to the extent available by law to a private party.' See [NLRB v. Robbins Tire & Rubber Co.](#), 437 U.S. 214, 221-22 (1978). It now authorizes nondisclosure of 'investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would' harm specified governmental interests. 5 U.S.C. § 552(b)(7). Under the FOIA, the term 'investigatory records' is narrower than 'investigatory files.' See 437 U.S. at 229-30.

71 Md. Op. Atty. Gen. 288 (Md.A.G.), 1986 WL 287625

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Appendix E: Maryland NG911 Commission Overview

COMMISSION TO ADVANCE NEXT GENERATION 9-1-1 ACROSS MARYLAND



In 2018, a Commission of industry experts was created to facilitate the transition to Next Generation 9-1-1 (NG911) statewide. Our four subcommittees focused on evaluating and addressing 9-1-1 funding shortfalls; assessing and standardizing cybersecurity and technology needs; the urgent need for recruiting, training, and retention of our 9-1-1 specialists; and establishing oversight, policies, and procedures to save lives.

YEAR ONE COMMISSION RECOMMENDATIONS

The 2018 Commission recommendations, and the resulting legislation enacted in 2019 laid an important foundation for advancing NG911 in Maryland.

Finance & Structure

- Adjusted 9-1-1 Fees
- Closed fee loophole
- Increased state funding
- Safeguarded 9-1-1 revenues
- Expanded eligible expenses
- Authorized county funding



Staffing & Training

- Recognized 9-1-1 Specialists
- Protected caller privacy
- Required professional certification
- Established training guidelines
- Incentivized staff retention



Technology & Cybersecurity

- Set cyber & NG911 standards
- Identified new tech needs
- Stressed cyber awareness obligations
- Emphasized Geographic Information System standards & readiness



Oversight & Accountability

- Required State outreach
- Mandated interconnectivity
- Standardized records retention timelines
- Expanded liability protection
- Guided PSAP transition to NG911



2019 LEGISLATION ENACTED



"Carl Henn's Law"
(SB339/HB397)

9-1-1 Specialist Benefits
(SB284/HB1090)

Public Information Act
(SB5/HB215)

YEAR TWO COMMISSION RECOMMENDATIONS

Despite Maryland's nationally recognized accomplishments in 2019, there is still work to be done in 2020 and beyond.

Finance & Structure

- Clarify that only the 24 PSAPs get State funds
- Authorize Comptroller to audit revenues
- Set rules for 9-1-1 reserves
- Modify State 9-1-1 Board



Staffing & Training

- Provide NG911 training
- Require continuing education
- Certify 9-1-1 Specialists
- Adopt occupational wellness



Technology & Cybersecurity

- Reduce call transfers
- Outlaw telephone misuse
- Enforce direct access to 9-1-1
- Improve location accuracy



Oversight & Accountability

- Revise State 9-1-1 Board responsibilities
- Emphasize need for interoperability & interconnectivity
- Enhance transparency
- Extend NG911 Commission

