



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Mark A. Vannoy
CHAIRMAN

R. Bruce Williamson
Randall D. Davis
COMMISSIONERS

Harry Lanphear
ADMINISTRATIVE DIRECTOR

January 15, 2019

Honorable Mark W. Lawrence, Senate Chair
Honorable Seth A. Berry, House Chair
Energy, Utilities and Technology Committee
100 State House Station
Augusta, Maine 04333

Re: Report Related to Standardized Dispatch Protocols For Police 911 Calls

Dear Senator Lawrence and Representative Berry:

During the 2015 legislative session, An Act To Improve the Safety and Survival of 911 Callers and First Responders (Act), now codified at 25 M.R.S. § 2927, subsection 3-C, was enacted.¹ The Act provided for the implementation of standardized dispatch protocols for answering fire related 911 calls in Maine. It also directed the Commission to submit a report to the Energy, Utilities and Technology Committee by January 15, 2019 related to police protocols. Attached is the Commission's Report for the Committee's consideration.

If you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Vannoy".

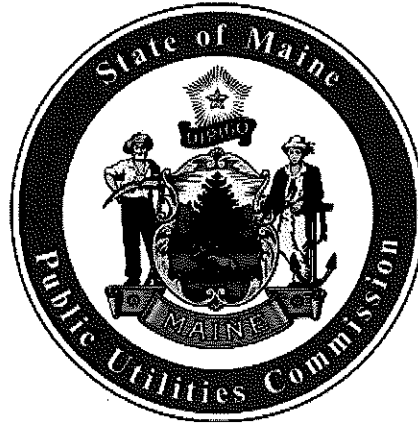
Mark A. Vannoy, Chairman

On behalf of the Chairman
R. Bruce Williamson, Commissioner
Randall D. Davis, Commissioner
Maine Public Utilities Commission

cc: Energy, Utilities and Technology Committee Members
Lucia Nixon, Legislative Analyst

¹P.L. 2015, c. 230.

MAINE PUBLIC UTILITIES COMMISSION



REPORT RELATED TO STANDARDIZED DISPATCH PROTOCOLS FOR POLICE 911 CALLS

**Presented to the
Joint Standing Committee on
Energy, Utilities and Technology
January 15, 2019**

I. INTRODUCTION

During the 2015 legislative session, An Act To Improve the Safety and Survival of 911 Callers and First Responders (Act), now codified at 25 M.R.S. § 2927, subsection 3-C, was enacted.¹ The Act provided for the implementation of standardized dispatch protocols for answering fire related 911 calls in Maine. It also directed the Commission to submit a report to the Energy, Utilities and Technology Committee by January 15, 2019 related to police protocols. More specifically, Section 3 of the Act states:

Sec. 3. Report. By January 15, 2019, the Public Utilities Commission, Emergency Services Communication Bureau shall submit a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters that includes the cost to adopt and implement standardized dispatch protocols for answering police 9-1-1 calls, the time it would take to phase in the adoption and implementation of standardized dispatch protocols for answering police 9-1-1 calls based on available funding from the surcharge in the Maine Revised Statutes, Title 25, section 2927, subsections 1-E and 1-F, whether there should be a certification and licensing requirement for all standardized dispatch protocols and any recommendations to ensure the efficient and effective oversight of the standardized dispatch protocols. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may submit legislation during the First Regular Session of the 129th Legislature relating to the report.

The Commission provides this report to the Legislature pursuant to the Act.

II. BACKGROUND

There are primarily three emergency services, medical, fire and police, that may be dispatched in response to a 911 call. Emergency dispatch protocols provide structured standardized call taking processes to assess a caller's condition, scene information and the appropriate response to dispatch to the emergency. Public Safety Answering Points (PSAPs) are emergency communications centers that receive 911 calls and, as appropriate, directly dispatch emergency response services or transfer the calls to other public or private safety agencies for dispatch. Maine has 24 PSAPs. Dispatch only centers are emergency communications centers that do not receive 911 calls directly (calls are transferred to them from the PSAPs) and these facilities only perform dispatch functions. Maine has 34 dispatch only centers.²

A. Emergency Medical Dispatch (EMD):

Since 2009, Maine has required that all 911 call takers be trained and licensed in Emergency Medical Dispatch (EMD), an advanced training requirement that prepares the 911 call taker to assist callers by providing life-saving instructions to follow while

¹P.L. 2015, c. 230.

²This does not include private or Federal dispatch only centers.

waiting for 911 dispatched first responder assistance. This is accomplished through uniform, medically approved, protocols.

Quality assurance programs in the PSAPs are also required. PSAPs, and other dispatch only centers who voluntarily offer EMD, are required to regularly review individual calls where the EMD protocol is used. This is performed and funded by the PSAPs or dispatch only centers that have elected to use protocols. This regular review of calls helps ensure that the EMD protocol is being followed correctly. The call review requirements are set by the Department of Public Safety (DPS), Emergency Medical Services (EMS) Board and were phased in after 2009.

B. Reports

In February 2010, the Office of Program Evaluation & Government Accountability (OPEGA) issued a report which identified a need for improvement in the areas of standardized protocols and quality assurance with respect to police and fire calls.³ During the 2010 session, the Legislature enacted legislation that directed the Commission's Emergency Services Communication Bureau (ESCB or Bureau) to implement a quality assurance program to audit and monitor compliance with emergency dispatching standards, practices and procedures of PSAPs and make recommendations relating to these practices as part of its Annual Report to the Legislature.⁴ This is separate from the quality assurance call review performed by the PSAPs.

The Bureau hired a consultant, Mission Critical Partners (Mission Critical), to assist in this effort. The Bureau implemented several of Mission Critical's recommendations dealing with a statewide call transfer policy, rerouting 911 calls made by cell phones to the PSAP most likely to dispatch, and annual PSAP audits by the Bureau to measure PSAP compliance with 911 statutes, rules, policies and procedures.

Mission Critical's review also found that although all PSAPs had EMD protocols as well as quality assurance review programs in place, no PSAP was using structured fire or police protocols and only four had developed rudimentary fire and police call processing guidelines. Mission Critical noted in its March 2011 report that 1) the absence of a structured protocol makes it virtually impossible to objectively review these types of calls, 2) a sound quality assurance program is essential to the safe and efficient use of any structured call processing protocol system, and 3) that quality assurance helps standardize service by ensuring compliance to the protocol system. Mission Critical concluded that the adoption of fire and police protocols, along with sound quality

³*Emergency Communications in Kennebec County – Fragmented Network Presents Challenges; Quality and Rate Issues Need to be Addressed to Optimize Public Safety*, Report to the Government Oversight Committee from the Office of Program Evaluation & Government Accountability of the Maine State Legislature (Feb. 2010) (OPEGA Report) available at: <http://legislature.maine.gov/opega/opega-reports/9149>

⁴P.L. 2009, c. 617.

assurance practices, was the next logical and necessary step to ensure the highest level of care for Maine citizens and emergency responders.⁵

The Bureau then requested that Mission Critical further define implementation strategies and costs associated with the expansion to police and fire protocols, including alternatives to providing quality assurance. In its February 2012 report, Mission Critical provided three implementation strategies and three approaches to quality assurance.⁶ Both reports noted that adopting the report recommendations would require extra resources and that funding for extra human resources as well as the capital and operations costs required for program implementation would be a challenge. While Mission Critical noted that the Bureau has the expertise to manage the expansion of the protocol and quality assurance programs, it noted that at least one additional position to oversee their execution would most likely be needed.⁷

C. Emergency Fire Dispatch (EFD):

The issue of fire and police protocols and quality assurance review was discussed during the 2013, 2014 and 2015 legislative sessions and the Act directing the implementation of standardized protocols for answering fire 911 calls was enacted during the 2015 session. The Act provided that the Bureau, in order to assist PSAPs in the adoption and implementation of standardized dispatch protocols for answering fire 911 calls, use up to 5¢ of the 911 surcharge collected pursuant to 25 M.R.S. § 2927, subsections 1-E and 1-F, to provide PSAP dispatcher training consistent with the protocols, necessary software and printed support materials. The Act also provided that the Bureau provide quality assurance training and software to assist PSAPs in ensuring compliance with the protocols. Finally, it directed the Bureau to adopt routine technical rules related to the adoption, implementation and administration of the protocols. The Act directed the Bureau to phase in the adoption and implementation of the standardized protocols over a 3-year period and seek input from the management of all PSAPs in developing the criteria to phase them in.

The Commission adopted rules, Chapter 5⁸, governing the adoption and implementation of the standardized fire protocols in 2016 and the protocols were fully implemented by December 2018. As discussed above, Section 3 of the Act directed the Commission to provide this report to the Legislature regarding certain issues related to police protocols.

⁵Recommendations for Establishing and Maintaining a Quality Assurance Program Related to PSAP Quality Assurance, March 2011 at p. 9 (Mission Critical 2011 Report).

⁶Recommendations for Implementing Fire and Police Protocol Systems for Maine's Public Safety Answering Points, February 2012 (Mission Critical 2012 Report). The two reports prepared by Mission Critical can be found on the Bureau's website at: <https://www.maine.gov/maine911/forms-publications>

⁷Mission Critical 2011 Report at 8-9, Mission Critical 2012 Report at 1.

⁸Chapter 5, Standards for the Implementation and Administration of Emergency Fire Dispatch Protocols available at: <https://www.maine.gov/mpuc/legislative/rules/index.shtml>

III. NOTICE OF INQUIRY AND POLICE PROTOCOL DEMONSTRATION

On August 17, 2018, the Commission opened a Notice of Inquiry (NOI), Docket 2018-00220, to solicit information and viewpoints from interested persons concerning various issues related to the Commission's report to the Legislature on standardized dispatch protocols for police 911 calls. Comments were due September 28, 2018.

The Commission received comments from the Scarborough Emergency Communications Center (Scarborough ECC), Goodwin's Mills Fire-Rescue, the Saco Police Department (Saco PD), the Knox Regional Communications Center (Knox RCC), Wells Police Department (Wells PD), Sanford Police Department (Sanford PD), Hancock County Regional Communication Center (Hancock County RCC), Hancock County Sheriff's Department, Old Orchard Beach Police Department (Old Orchard Beach PD), Stephan Bunker, Maine Chiefs of Police Association, York Police Department (York PD), York Police Department Communications Unit, Local #640, Lewiston Auburn 911 Center, Portland Regional Communications Center (Portland RCC), Maine Region Five Police Chiefs Association, Maine Sheriffs' Association, Maine Municipal Association (MMA), Kittery Police Department (Kittery PD), Augusta Police Department (Augusta PD) and Washington County Regional Communications Center (Washington County RCC).

The Commission also held a meeting to have a police protocol demonstration from the State's protocol vendor on September 11, 2018. Over 70 interested persons attended. Some of the benefits of standardized dispatch protocols outlined during the presentation include consistency in call taking, consistent call prioritization and response and the same level of service for all 911 callers. During the demonstration, participants discussed that the protocols can be customized for individual agencies, call takers do not have to go through all the questions (e.g., questions do not have to be asked if the answer is obvious or offered spontaneously) and questions can be prioritized so that units may be dispatched immediately while the call taker is still asking questions and getting additional information for responders going to the scene.

A. General Comments⁹

Nearly all commenters in the NOI do not support adopting police protocols at this time.¹⁰ Police calls are the bulk of all 911 calls and some commenters stated that while EMD and emergency fire dispatch (EFD) are easy to classify and build standardized questions for, emergency police dispatch (EPD) calls are very different, involve very fluid

⁹The Commission does not address every comment made by stakeholders but has attached all comments to the report. All comments are also available via the Commission's CMS system available at: <https://www.maine.gov/mpuc/online/index.shtml>

¹⁰The Lewiston Auburn 911 Center generally supported the implementation of police protocols, noting it understands the importance of a structured call taking process and sees a great value in being able to instantly provide instructions to callers which will assist them in dealing with their emergency prior to the arrival of the public safety responders. However, the Center also noted a concern regarding staffing to ensure the protocols are properly adhered to and that funding is consistently a challenge (costs and funding issues are discussed in more detail later in the report). Mr. Bunker supports the implementation of police protocols.

situations that may change quickly and the dispatcher is less likely to be able to keep up with a list of protocols in these types of situations.¹¹ Some raised concerns that the use of protocols may, or has, added to the processing time of calls which may delay the emergency response and require additional staffing.¹² Some noted that on the job dispatch experience is invaluable and removing an experienced dispatcher's discretion on how to handle a certain call could potentially put officers' and citizens' safety in jeopardy.¹³ Others suggested that protocols be a guide for calls that are not handled on a regular basis rather than mandated for all calls¹⁴ or that the State require a minimum level of service and that only centers that do not meet this level of service be required to use standardized protocols.¹⁵

Some also commented that there is public frustration with robot like questions that may be redundant and that some 911 callers simply hang up.¹⁶ Some commenters noted that they thought additional public outreach would increase the understanding of the protocol based call taking process¹⁷ and another noted how quickly new dispatchers without any police or fire background can successfully be taught to handle challenging fire rescue calls and apply the protocols effectively.¹⁸ One commenter suggested that the EMD protocol appears to be the only logical protocol to require¹⁹ and others thought there should be a review or study done to determine whether protocols are valuable and have improved the delivery of emergency services before requiring another protocol.²⁰ Another commenter stated they have not seen any evidence that a problem exists with the current management of police related emergency calls and that mandating standardized police protocols is unwarranted in the absence of any demonstrated, widespread issue.²¹ This commenter also stated that there has been a negative reception to date of the standardized fire protocols by emergency responders stating that limited information collected by PSAPs is passed on to local dispatch personnel, and that the information collected and /or passed on not only regularly contains a diminutive amount of detail, but is also often incorrect, particularly regarding location specifics.²² Another commenter also expressed a similar concern regarding the lack of detailed location information²³ and another stated that EMS and fire departments across the State are experiencing issues related to implementing standardized protocols and that the protocols are not functioning as well as expected.²⁴

¹¹Kittery PD, MMA, Sanford PD, Knox RCC, Maine Sheriffs' Association, York PD, Washington County RCC.

¹²Sanford PD, Scarborough ECC, Maine Chiefs of Police Association, York PD, York PD Communications Unit, Local #640, Wells PD, Saco PD, Old Orchard Beach PD, Washington County RCC, Knox RCC, Hancock County Sheriff's Department and Maine Region Five Police Chiefs Association.

¹³Kittery PD, Maine Chief of Police Association.

¹⁴York PD, York PD Communications Unit, Local #640.

¹⁵Scarborough ECC.

¹⁶York PD, York PD Communications Unit, Local #640, Knox RCC, Maine Chiefs of Police Association, Scarborough ECC, Old Orchard Beach PD, Wells PD, Saco PD.

¹⁷Lewiston Auburn 911 Center, Mr. Bunker.

¹⁸Mr. Bunker.

¹⁹Augusta PD.

²⁰Goodwin's Mills Fire-Rescue, Maine Chiefs of Police Association.

²¹MMA.

²²Id. MMA noted that this perspective is admittedly anecdotal and it is difficult to discern whether the perceived negative impact pertains chiefly to the protocols or the PSAP.

²³Augusta PD.

²⁴Maine Chiefs of Police Association.

While some commented that protocols provide structure, valuable questions, consistency in call processing and the same standard of care for citizens calling 911²⁵, there were significant concerns raised by commenters regarding costs associated with implementing the protocols and the potential impact to the emergency response and level of service provided to the public.

B. Unfunded Mandate

Many commenters raised concerns about costs associated with the implementation of standardized police dispatch protocols, stating that these are mandatory costs imposed on municipalities without reimbursement and are, therefore, an unfunded mandate.²⁶

The 911 surcharge, under current law, pays for the protocol software, the printed materials (i.e., card sets), 911 equipment at PSAPs, and the training of call takers. It does not pay for staffing costs related to the dispatcher having to attend the training or the overtime to cover that person while he or she is at the training. It also does not pay for the computer aided dispatch (CAD) interface which matches the responses to protocol questions asked by the 911 dispatcher with the corresponding fields within the CAD. CAD is a system provided by the emergency communications center, not the Bureau, and is utilized by dispatchers to inform public safety responders in the field. Finally, it does not pay for the call review (quality assurance programs) at the PSAPs. Most PSAPs assess towns for these PSAP services and these costs are determined by the PSAPs. Some commenters suggested that some of these costs should be paid for by the 911 surcharge.

With respect to the CAD interface, this issue was discussed at the Legislature prior to enactment of the Act requiring fire protocols. The Commission informed the Committee that the Bureau does not pay for CAD interface with respect to EMD protocols and does not have information to accurately quantify the cost of providing it to all Maine PSAPs. The Commission clarified with the Legislature that the Bureau, with respect to EFD, is authorized to pay the same expenses that it pays for EMD protocols which does not include the CAD interface. Statutory authorization would be necessary for the Bureau to pay for the CAD interface. The Commission does not have information on the costs to provide the CAD interface. CAD interfaces are not provided by the protocol vendor. They are instead purchased from a variety CAD vendors utilized by the PSAPs and each interface has its own specific cost structure. Some commenters in the NOI stated that the cost of the CAD interface was in the range of \$8,000 to \$12,000 per center.²⁷ With respect to staffing costs and costs related to doing the quality assurance call review, these costs have historically been the responsibility of the emergency communications centers.

²⁵Washington County RCC, Knox RCC (noting there are limited training opportunities for handling fire calls and this program has helped provide a level of training and ongoing consistency that was needed), Maine Sheriff's Association, Mr. Bunker.

²⁶Washington County RCC, Maine Region Five Police Chiefs Association, Maine Sheriffs' Association, Scarborough ECC, Saco PD, Wells PD, Sanford PD, Old Orchard Beach PD, Hancock County Sheriff's Department, Maine Chiefs of Police Association, York PD Communications Unit, Local#640, Kittery PD, Augusta PD, Hancock County RCC, Mr. Bunker.

²⁷See, e.g., Portland RCC and Knox RCC. The Commission notes that these costs vary based on the size of the emergency communications center and the CAD interface vendor.

C. Dispatch Only Centers

One commenter disagreed that the Act implementing standardized fire protocols limits the use of the 911 surcharge, in assisting with the protocol implementation, to PSAPs and that the Bureau is not legally able to use part of the 911 surcharge to assist local dispatch only centers in implementing EFD.²⁸ However, the law states:

To assist *public safety answering points* in the adoption and implementation of standardized dispatch protocols for answering fire 911 calls, the bureau shall use up to 5¢ of each surcharge collected under subsections 1-E and 1-F to provide *PSAPs* dispatcher training consistent with the protocols, necessary software and printed support materials. The Bureau shall provide quality assurance training and software to assist *PSAPs* in ensuring compliance with the protocols...

P.L. 2015, c. 230, now codified at 25 MRS § 2917(3-C) (*emphasis added*). Unallocated language in the Act goes on to state:

Sec. 2. Protocol phase-in. [The] Bureau shall phase in over a 3-year period the required adoption and implementation of the standardized dispatch protocols for answering fire 911 calls by all *PSAPs*... In developing criteria... to phase in... the Bureau shall seek input from the management of all *PSAPs*.

P.L. 2015, c. 230 (*emphasis added*).

Another commenter noted that using the 911 surcharge for this purpose would run contrary to the State's prior consolidation efforts.²⁹ Prior reports regarding consolidation have found that PSAP 911 call taking and dispatch functions, to the greatest degree possible, should be consolidated into regional facilities as reducing call transfers between PSAPs and dispatch only facilities improves response times and reduces the potential for human or technology errors.³⁰ Historically, the 911 surcharge has not funded costs of dispatch only centers. More recently, the Legislature, during its 2018 session, passed An Act to Create a Grant Program to Assist with Dispatch Center Consolidation which authorized the Bureau to use up to \$1 million of the 911 surcharge for a program to provide grants to dispatch only centers for non-recurring costs associated with the consolidation of dispatch centers into PSAPs to help facilitate further voluntary consolidation efforts.³¹

²⁸MMA.

²⁹Mr. Bunker.

³⁰Kimball Report for Optimum PSAP Reconfiguration Assessment (Jan. 2010) at 7-8, OPEGA Report at 3, PUC PSAP Reconfiguration Plan (Nov. 2010) at 20.

³¹P.L. 2017, c. 428.

IV. SPECIFIC INFORMATION REQUIRED BY THE ACT

As noted above, the Act directs the Commission to submit a report to the Committee that includes: the cost to adopt and implement standardized dispatch protocols for answering police 911 calls; the time it would take to phase in the adoption and implementation of standardized dispatch protocols for answering police 911 calls based on available funding from the 911 surcharge; whether there should be a certification and licensing requirement for all standardized dispatch protocols; and any recommendations to ensure the efficient and effective oversight of the standardized dispatch protocols.

A. Cost to Adopt and Implement EPD

The Bureau obtained a quote from the current protocols vendor to implement police protocols. The quote is a one-time cost of \$1.8 million. The major cost components included in this figure are the costs related to the protocol and quality assurance software, printed materials (i.e., card sets), training and implementation support. There would also be approximately \$160,000 in annual recurring costs for new dispatcher training, recertification and software licensing costs.

Given the fact that the PSAPs have raised the issue of having the Bureau fund the quality assurance call review at the PSAPs in the NOI and prior discussions at the Legislature, the Commission also asked the vendor for a quote to outsource the quality assurance review of calls to the protocol vendor which would review calls and send the results back to the PSAPs so they can provide feedback to their call takers. The quote is based on the vendor's new call review standard,³² which reduces the number of calls that are required to be reviewed, and assumes a PSAP is doing all three protocols: EMD, EFD and EPD. The quote is \$1.1 million per year.

B. Time To Phase In EPD Based On Available Funding From The 911 Surcharge

Some commenters noted that a similar 3-year phase in would be appropriate if police protocols are mandated in Maine.³³ A number of agencies stated that they needed time to plan and budget for any potential police protocol implementation³⁴ and that any phase-in of police protocols should not begin before the fall of 2019 or 2020 or for several years as agencies need time to acclimate to EFD protocols.³⁵

Given the unencumbered or reserve balance of the 911 fund, the Bureau could fund the implementation of police protocols in one year. However, based on the Bureau's experience implementing fire protocols, its staffing level and workload, and the time needed to adopt rules to implement police protocols and train dispatchers, the Commission

³²<https://www.emergencydispatch.org/index.php?q=AccredCalculator>

³³Knox RCC, Augusta PD, Kittery PD, York PD, MMA.

³⁴Kittery PD, Lewiston Auburn 911 Center, York PD.

³⁵See Kittery PD, Scarborough ECC, Knox RCC, York PD, Lewiston Auburn 911 Center, Mr. Bunker.

recommends having a similar 3-year phase in for police protocols if such protocols are required in Maine. The Bureau's ability to fund implementation of police protocols in one year also assumes that the Bureau would be paying for the same expenses that it currently pays with respect to EMD and EFD protocols (i.e., not the CAD interface, quality assurance call review at the PSAPs or staffing costs related to call takers attending protocol training).

C. Whether There Should Be A Certification and Licensing Requirement For All Standardized Dispatch Protocols

A few years ago, the EMS and the Bureau developed a document regarding EMS certification and licensing.³⁶ The document refers to a report prepared by the National Registry of Emergency Medical Technicians (NREMT) regarding the differences between certification and licensure. Certification is defined as a voluntary process, by a private organization for the purpose of providing the public information on those individuals who have successfully completed the certification process (usually entailing successful completion of educational and testing requirements) and demonstrated their ability to perform their profession competently.

Licensure is defined as the state's grant of legal authority, pursuant to the state's police powers, to practice a profession within a designated scope of practice. Under the licensure system, states define, by statute, the tasks and function or scope of practice of a profession and provide that these tasks may be legally performed only by those who are licensed. As such, licensure prohibits anyone from practicing the profession who is not licensed, regardless of whether or not the individual has been certified by a private organization.

EMD and EFD certification in Maine are required and obtained through the protocol vendor. Dispatchers receive a certificate from the International Academies of Emergency Dispatch (IAED) which serves as evidence that the dispatcher completed an initial course and testing in EMD and that the dispatcher maintains their certification through continuing education as required by IAED.

Maine law, 32 M.R.S. § 85-A, subsection 3, provides that a person may not provide EMD services unless the person is licensed by the State. The statute also provides that an entity may not operate as a PSAP unless licensed as an emergency medical dispatch center. The EMS Board, within the DPS, licenses emergency medical dispatchers and emergency medical dispatch centers. There is not a similar licensing requirement for EFD protocols in Maine.

With respect to the question of whether there should be a certification and/or license requirement for EFD and any EPD, the Commission received a variety of comments. Some commenters stated there should not be a licensing requirement, that certification should continue to be the standard.³⁷ Other commenters suggested that a course specific to Maine, potentially offered by the Maine Criminal Justice Academy, be considered prior to hiring a

³⁶Emergency Medical Dispatcher Certification and License Renewal Information (Revised July 30, 2014).

³⁷Augusta PD, York PD, Knox RCC.

private out-of-state company to develop the certification program.³⁸ Another commenter suggested creating and funding a position within the Bureau, responsible for quality assurance oversight and dispatcher certification, for all three disciplines.³⁹ Another commenter indicated that theoretically a license should be required but that would put an unrealistic burden on individual dispatchers and small centers.⁴⁰ Other commenters stated that before a license is required there should be a showing of a need for improved professionalism with respect to handling fire and police calls,⁴¹ that EMS should remain the licensing entity for EMD but it would be more appropriate for the Bureau to license EFD and EPD,⁴² that the licensing requirement for EMD has boosted the professionalism of the occupation and that licensing and/or certification of all dispatchers should continue regardless of the discipline⁴³ and that a new agency should be created to be the licensing authority for all three disciplines.⁴⁴ The Commission asked stakeholders in the NOI if they were aware of other states that require a license for EFD or EPD. No commenter provided information about a license requirement in other states.

With respect to certification, the Commission's view is that a certification process should be required for EPD if standardized police dispatch protocols are mandated in Maine as it will ensure that all emergency dispatchers are trained to a certain standard. With respect to a license requirement, EMD modeled its license requirement after what was already required for emergency medical technicians (EMTs) and emergency services providers. No similar licensing requirement exists for fire and police personnel. Given the comments the Commission received from stakeholders, and the fact that neither stakeholders nor the Commission are aware of licensing requirements for EFD or EPD in other states, the Commission does not recommend a licensing requirement for EFD or EPD at this time.

In addition, if a license was required, it is not obvious to the Commission what entity should be responsible for overseeing the licensing. EMD is managed by EMS which had experience licensing EMTs and emergency service providers before doing the same for EMD personnel. Other State agencies have licensing expertise. For example, the Department of Professional and Financial Regulation's Office of Professional and Occupational Regulation licenses individuals in a variety of professions to protect the public and has the ability to discipline licensed individuals and entities. The Commission's expertise is in managing and operating the 911 system and training dispatchers to handle emergency calls. It does not have experience related to licensing and disciplining emergency dispatch personnel.

³⁸MMA and the Augusta PD.

³⁹Mr. Bunker.

⁴⁰Kittery PD.

⁴¹MMA.

⁴²Lewiston Auburn 911 Center.

⁴³Goodwin's Mills Fire-Rescue.

⁴⁴Kittery PD.

D. Any Recommendations To Ensure The Efficient And Effective Oversight Of The Standardized Dispatch Protocols

In terms of oversight of standardized dispatch protocols more broadly, one commenter suggested that the Maine Criminal Justice Academy have oversight for all three protocols noting that Academy oversees the policies and procedures of law enforcement in the State.⁴⁵ Another commenter stated that experienced police officers should oversee the police protocols⁴⁶ and another suggested consolidating and strengthening EMS rules with that of the Bureau and place the combined authority with the Bureau in consultation with the 911 Council.⁴⁷

If the Legislature were to move forward with standardized dispatch protocols and quality assurance programs for police 911 calls, or licensing requirements for EFD and EPD, and have the Bureau manage the implementation and oversight of those programs, as noted in the Mission Critical Reports, this would most likely require additional Commission resources. Finally, the Committee may want to discuss this issue with the Department of Public Safety which has jurisdiction over the Maine State Police, Emergency Medical Services, the Fire Marshal's Office and the Maine Criminal Justice Academy and specific expertise related to medical, fire and police programs and enforcement.

V. CONCLUSION

Pursuant to the Act, this report provides certain information sought by the Legislature related to police protocols. The question of whether standardized police protocols for 911 police calls should be required in Maine is a policy call for the Legislature.

⁴⁵Knox RCC.

⁴⁶Kittery PD.

⁴⁷Mr. Bunker. The 911 Council is a 17-member advisory council representing a broad spectrum of public safety and public policy interests that provides advice to the Bureau on 911 matters.



Item #3
Dupe with #7

B. MICHAEL THURLOW
FIRE CHIEF

STEVE THIBODEAU
DISPATCH COORDINATOR

ROBERT A. MOULTON
CHIEF OF POLICE

TOWN OF SCARBOROUGH, MAINE
Emergency Communications Center
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Scarborough, Maine 04074
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MEMORANDUM

September 4th, 2018

Maine Public Utilities Commission
18 State House Station
Augusta, ME 0433-0018

RE: Case # 2018-00220
Notice of Inquiry

COMMISSION INITIATED INQUIRY INTO ISSUES RELATED TO THE COMMISSION'S REPORT ON POLICE PROTOCOLS

Dear Commissioners,

The Scarborough Emergency Communications Center acknowledges the inquiry to assist the Public Utilities Commission with its upcoming report to the Energy, Utilities, and Technology Committee regarding implementation of Police Protocols as required by P.L. 2015, ch 230. In response to the Commission's Notice of Inquiry, the Scarborough Emergency Communications Center is submitting the below response:

UNFUNDED MANDATE

The Scarborough Emergency Communications Center agreed with the Maine Municipal Association when they spoke out against the implementation of Fire Protocol's due to the unfunded mandates placed upon municipalities as the law was written. These mandates include the increased cost for staffing, quality assurance projects, and continued education programs required to maintain certification in the new protocol system.

INCREASED STAFF REQUIREMENTS

The Scarborough Emergency Communications Center believes that they will be faced with the need for additional staffing needs. This position is made with the knowledge gathered during the implementation of both Medical and Fire Protocols into the communications center. In both previous cases, the call processing time has increased significantly, which increases the potential that all dispatchers on duty become committed to calls currently in progress, and lose the ability to prioritise calls as easily as they

are trained and accustomed to doing. This leaves the scenario where the emergency rule of protocol applies, and the result is the call is abruptly ended, and protocol abandoned. Additionally, as seen with both the Medical and Fire Protocol, the center has seen an increased level in overtime paid to employees to cover vacancies on the desk during the quality assurance process. This began with an increase to cover 100 calls, grew to 200, and has the potential to now reach 300. This is an 300% increase in man hours to meet the legal minimum requirement of quality assurance, unfunded, over the past decade.

STATEWIDE LEVEL OF SERVICE

The Scarborough Emergency Communications Center understands the desire to provide a statewide level of service and expectation to the public when utilizing 9-1-1 services; however, we believe this system is flawed. In an attempt to bring all PSAP centers to the same level of service, it not only creates the potential that some will be able to provide an increased level of service, but also creates the potential to cause existing excellent centers to provide a lower level of service than they currently offer. We believe it is more appropriate for the State to provide minimum levels of service, but not restrict centers from achieving a level of service to their communities above and beyond that level. Centers that are able to prove they meet the minimum level of service should be allowed to continue to do so under their current policies and procedures, where Police Protocol could be utilized by centers who can not, or do not meet that minimum level of service mandated by the State.

RESPONSE TIME EFFECT

The Scarborough Emergency Communications Center has seen with Fire and Medical Protocol and increase to response times. Simply the time from call answer to dispatch has INCREASED across the board in both medical and fire scenarios. We believe it is logical to expect the same result with the implementation of Police Protocol, and do not believe this is an acceptable symptom of implementation.

MULTI-DISCIPLINE CONFUSION

The Scarborough Emergency Communications Center has already seen confusion among its calltakers with the combination of both Medical and Fire Protocol. Currently the National Academy of Emergency Dispatch claims to be working towards a software to combine disciplines, but a solution does not currently exist. This creates real work problems for those actually answering emergency calls for service. **For example:** A call taker takes a report of a motor vehicle accident, with injuries, one vehicle on fire, and one suspect fleeing from the scene of the crash. Currently the dispatcher must decide on which protocol should be utilized first. Medical or Fire. Meanwhile the suspect is fleeing, and police have yet to be dispatched to the scene. The potential for errors and mistakes with this setup is already a problem, and we believe it will only become compounded with the implementation of a third protocol.

LEARNING CURVE - ROLL OUT TIMING

The Scarborough Emergency Communications Center also believes the urgency to implement this protocol is problematic. PSAP Centers had, at minimum, 13 years between the implementation of Medical Protocols and the implementation of Fire Protocols. At the time of this memo, not even 6 months have passed since the required implementation of Fire Protocol in our center. We believe there needs to be adequate time for the communications center to adapt to this new system. As of current, most dispatchers possibly statewide, and certainly in our center, have process very few major calls utilizing fire protocol. Over 13 years, dispatchers were exposed to a large learning curve, and not until the last year or two were Fire Administrators confident enough in the process to allow for determinate code dispatching. If dispatchers required over a decade to adapt their procedures, policies, and skills to get to an acceptable level of medical protocol skill, how can dispatchers be expected to achieve that level with fire, while learning police protocol simultaneously, with significantly less calls from service compared to medical protocol, and less than 6 months experience? We believe this is simply a situation that is designed in a way that leaves dispatchers in Maine, and our center, at extreme risk of failure.

SOFTWARE INTERFACING

The Scarborough Emergency Communications Center highlights the undeniable problems that occurred in regards to software interfacing with fire protocol. While we can not speak to the experience of other centers, we can speak to our experience, and those with IMC(Tri-Tech) as a CAD vendor. In the final hour, and in some cases even after "go live" dates of fire protocol, we were struggling with the CAD vendor to integrate the fire protocol software. The solution offered to us was to simply utilize the software as a stand alone until a "patch" could be developed. This caused extreme confusion among dispatchers who were faced with having to utilize the protocol for medical extremely different then needed for fire. We believe the urgency of the implementation of police protocol will only add confusion for the dispatcher, and believe that the implementation of fire protocol proves that the current plan for police will again fall short with software interfacing. Additionally, we highlight that this software interface, which we believe is critical to the use of the protocol in the dispatch environment, is unfunded by the state 9-1-1 surcharge and left to the local communities to fund themselves.

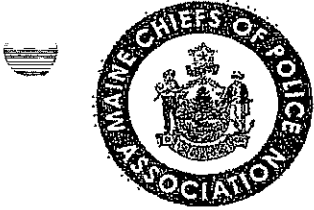
CULTURE OF MAINE AND PUBLIC FEEDBACK

The Scarborough Emergency Communications Center believes that the culture of Maine is in direct conflict with the style of scripted protocols. In our experience, during the PSAP consolidation process, we received feedback from our residents as well as residents from communities we serve, that automated "robot" like call answering is perceived as a much lesser level of service. We have taken steps to eliminate automatic call answering for business lines, and have committed to have live humans answer every call. We additionally have received feedback that translates to a lesser level of trust in local dispatchers. Again, our decision to provide an increased level of service is in jeopardy. Increasingly we are able to sense frustration and anger in callers who feel they are being asked redundant questions, and are not used to this type of interaction with their public safety agencies. The protocol simply does not adequately reflect the dynamics of our community, and implementation will dictate directly a change in culture in the communities we serve.

Respectfully Submitted,

Sgt. Steven Thibodeau

Steven Thibodeau
Dispatch Coordinator - Administrative Sargent
Scarborough Emergency Communications Center
Public Safety Department
Town of Scarborough, Maine



MAINE CHIEFS OF POLICE ASSOCIATION

P.O. Box 2431 • South Portland, Maine 04116-2431

Robert M. Schwartz, Executive Director, Tel: (207) 799-9318 FAX: (207) 767-2214
E-mail: mcopa@maine.rr.com Web site: www.mainechiefs.com

OFFICERS 2017-2018

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Director Brian MacMaster
Office of Attorney General

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Chief Edward Tolan
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Chaplain
Father Gregory Dube
Diocese of Portland

September 11, 2018

Maria Jacques, Director
Emergency Services Communication
Public Utilities Commission
18 State House Station
Augusta, Maine 04333

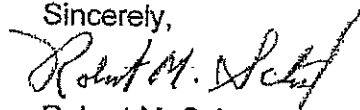
Reference Docket No. 2018-00220

Dear Maria:

On behalf of the members of the Maine Chiefs of Police Association we respectfully request that the public comment section of the above documented inquiry be extended to October 1, 2018 to give our members time to send a written response.

Thank you in advance, I remain.

Sincerely,


Robert M. Schwartz,
Executive Director.

Item #6



Towns of Dayton and Lyman
Goodwin's Mills Fire-Rescue
481 Goodwin's Mills Road
Lyman, Maine 04002-7524
(207) 499-7878

Office of the Fire Chief
Chief Fire Executive
Director, Emergency Medical Services
Forest Fire Warden
Municipal Fire Inspector

RE: INPUT ON EMERGENCY DISPATCH PROTOCOLS TO THE PUC.

PUC Docket # 2018-00220

9/13/2018

1. Standardized fire protocols have had no impact on emergency response for my organization. The fire service historically has operated with similar protocols. Pre-planned responses in the form of alarm levels (2nd, 3rd, 4th alarm, etc.) have been in place long before EFD came along. These pre-planned responses are often referred to as "Run Cards".

2. The logical step would be to move forward with EPD protocols, provided, we can demonstrate that EMD and EFD protocols have value and have improved delivery of emergency services. I do not believe that they have. As I indicated in Item 1, most fire departments had pre-planned responses (run cards) in place before EFD. EMD has attempted to create similar pre-planned response. However, in many cases, EMD software is not compatible with CAD (computer aided dispatch) software to allow for such pre-planning. So, we really have no good data to determine if EMD and EFD are valuable. Until such data is available, I would not recommend moving onto EPD protocols.

3. I would leave this decision to the Maine Police Chiefs. However, as I mentioned in Item 2, we need to study the effectiveness of the EMD and EFD protocols before adding EPD. Are they really helping?

4. Even before EFD, the fire service had established protocols. As I mentioned in Items 1 and 2. We called them run cards. Implementing EPD protocols should be determined by law enforcement agencies.

5. Not applicable to my organization.

6. Not applicable to my organization.

7. Prior to expanding protocols, a study of the effectiveness of EMD and EFD should be conducted.

8. I do believe the licensing requirement for EMD's has boosted the professionalism of this occupation. Licensing and/or certification of all public safety dispatchers should continue regardless of what discipline they work under.

9. None.





Towns of Dayton and Lyman
Goodwin's Mills Fire-Rescue
481 Goodwin's Mills Road
Lyman, Maine 04002-7524
(207) 499-7878

Office of the Fire Chief
Chief Fire Executive
Director, Emergency Medical Services
Forest Fire Warden
Municipal Fire Inspector

10. I worked as a dispatcher for several years. In that occupation, I was a strong proponent of emergency dispatch protocols. I only had opportunity to work with EMD protocols. The protocols did ensure all EMS calls were handled uniformly. They provided standardized training and quality assurance.

For the past six years, I have been a Fire Chief. In this role, my enthusiasm for emergency dispatch protocols has dwindled. I have found that while EMD protocols provide very good information to dispatchers, turning that information into something useful in the field is just not there. Because of incompatible software, the EMD software cannot query the CAD software to automatically assign the required resources to a call. Instead of critical resources being dispatched on the initial alert, we have to make specific requests for these resources, which costs us lost time. Worse than that, EMD may call for a resource that just doesn't exist in rural Maine. For example; an ECHO level medical call, requires a paramedic to respond. In many communities there simply isn't a paramedic to send.

I think the money being spent on these protocols is misplaced. In lieu of spending on PSAPs, we should be directing this money to provide EMS skills in the field. It's nice for the dispatcher to triage an emergency, it's more important to ensure the skills and personnel are available to render aid.

While protocols do standardize processes within a communications center, we have no data to determine if emergency dispatch protocols have improved services provided to the citizens of Maine. My guess is that they haven't. Before moving ahead with EPD, we should first determine if EMD and EFD are beneficial.

Roger S. Hooper
Fire Chief, Goodwins Mills Fire Rescue
Lyman and Dayton, Maine
(207) 499-7878
rhooper@gmfd.org





Knox Regional Communications Center

301 Park Street
Rockland, ME 04841
207-594-0677



September 12, 2018

Maine Public Utilities Commission
18 State House Station
Augusta, Maine 04333-0018

RE: Case #2018-00220
Notice of Inquiry

COMMISSION INITIATED INQUIRY INTO ISSUES RELATED TO THE COMMISSION'S REPORT ON POLICE PROTOCOLS

The Knox County Regional Communications Center acknowledges the Public Utilities Commission Notice of Inquiry regarding the implementation of Police protocols as required by P.L. 2015, ch. 230. The Knox County Regional Communications Center hereby submits the following response to this notice.

In regard to the impact Fire protocols have had on the PSAP, they have generated additional Quality Assurance workload on the staff and have taken key personnel off the console to perform this function.

The protocol adoption also cost the County money in purchasing the necessary interface software and the backfill to train and certify employees in proper use of the program.


The advantage achieved from the program is the consistency in call processing across the board. There are limited training opportunities for handling fire calls and this program has helped provide a level of training and ongoing consistency that was needed.

Is the logical next step to require standardized dispatch protocols for police? I am not totally convinced that is the next step. EMS and Fire calls are rather easy to classify and build standardized questions around generalities.

Police calls are entirely different. They can start off as one thing, such as a suspicious vehicle, quickly turn into a high speed chase, only to find out the vehicle is a stolen vehicle and the operator is a wanted felon for a bank robbery, and the chase ends in a motor vehicle accident. Just from this one quick example, you can see how this call could fit into a number of classifications. Did I mention the vehicle also is now on fire from the crash?

To require a regiment of specific questions hampers the dispatcher from asking interrogating questions based on the changing nature of the call that are not part of the script.

With that being said, I do not support implementing standardized police protocols.



I feel the impact on the public will mirror the same reaction we currently experience using the EMS and Fire protocols. People in an emergency do not want to stay on the line and answer questions. They want reassurance that help is on the way. Many times the caller will hang up on us in frustration. When we are able to ask interrogating questions based on the changing situation, we gain additional information and reassure callers that we otherwise would not be able to do using protocols.

In regard to the cost to do QA review the Knox RCC averages 2 hrs per Q each week on fire calls. This translates to 8 hours a month and 96 hours a year per "Q". That is 4.6% of a Q's time spent every year doing fire reviews. The associated staff cost is \$3,858 annually, assuming there is sufficient staff on duty to allow the Q time to conduct reviews. There are several occasions throughout the year when staff must be paid overtime to conduct reviews.

In predicting the financial impact on the Knox RCC to implement Police protocols, a major cost is the interface software for our CAD system. This cost is approx \$10,000. The previous protocols did not include this necessary software.

I also feel the implementation has the potential to require additional staff to handle the large volume of police incidents that will require EPD. There are many occasions when multiple calls are received simultaneously. A small center does not have adequate staffing levels to fully process these calls before having to move on to the next call without delaying response.

There would need to be additional training of all staff to obtain law certification. Using a minimum of two days of training this cost would be approx. \$4,360 in salaries. Using the same percentage as Fire, we would have to Q 100 Police calls per month. That cost would be approx \$14,208 per year for Police using current salaries.

I feel the Fire protocol phase-in went fairly smooth. A similar time line would work well for us.

If the decision is reached to pursue police protocols, I do not think the implementation should start prior to 2020. Agencies need time to acclimate to the Fire protocols. I also feel that a better understanding of the impacts of the Nationwide Broadband Initiative and how the multiple sources of information delivered in a multi-media environment will impact the call taking process.

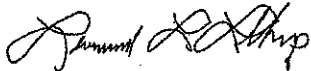
The certification required by the vendor should be the standard for determining the eligibility of an employee to perform the respective call taking function. The vendor will be supporting the actions of the call taking in any liability litigation based on the successful completion and maintaining bi-annual proficiency testing. The State Licensure requirement just adds another layer of needless bureaucracy. Further, the State EMS is now looking to charge PSAP's a licensing fee along with individual user license fees that is now looked at as an un-funded state requirement that does not provide any benefit to the PSAP.

There is no need to require licensure under Maine EMS.

The oversight of the Police protocols, along with Fire and EMS protocols, should fall under the purview of the Maine Criminal Justice Academy. The Academy oversees the policies and procedures of law enforcement in the state and is capable of providing a non-partisan professional oversight of all protocols.

In closing, I would like to thank you for this opportunity to provide written response, and I would be happy to answer any additional questions you may have of me. I can be reached at 207-593-9126 x1. I will also avail myself to any future meetings to further discuss this matter.

Respectfully,



Linwood L. Lothrop, ENP
Director
Knox Regional Communications Center



CITY OF SACO, MAINE

Police Department
City of Saco
20 Storer Street
Saco, Maine 04072
Tel: (207) 282-8214
Fax: (207) 282-8215

Raynald N. Demers, Chief
rdemers@sacomaine.org
Corey E. Huntress, Deputy Chief
chuntress@sacomaine.org
Jack L. Clements, Deputy Chief
jclements@sacomaine.org

September 18, 2018

Members of the Public Utilities Advisory Committee,

Our agency wants to express its opposition to Emergency Police Dispatch (EPD). We feel this unfunded state mandate would put tremendous strain on our agency while decreasing police services. We strongly oppose any mandated dispatch requirement in which the autonomy of our agency is compromised. Below is a list of reasons we oppose this measure.

- The sheer cost to our center for the software, training, maintenance, and quality assurance program far exceeds the current budget, other police services will need to be sacrificed to accommodate these costs.
- Priority Dispatch has many hidden costs with certain add-ons such as interfaces with our records management system, quality assurance programs, annual licensing fees which are not included in their original prices. They are the only dispatching service allowed to operate for Maine public safety centers.
- About 75% of the 9-1-1 call volume is emergency police calls, our dispatchers cannot sacrifice time in coding calls like robots and delaying first responders.
- While standardization of police dispatching sounds the most efficient, we cannot lose the ability of our dispatcher to think on their feet and adapt – EPD teachings do not allow dispatchers to do this.
- There are three separate computer programs for police, fire, and medical dispatching under priority dispatch – these systems do not easily allow the dispatcher to transition from one field to the next. For example, an assault where there is physical injury needs to be dispatched in two different disciplines and dispatch needs to be reactive to both fields – think outside of the standardized box.
- The protocols are proprietary, and we have not been allowed to review the material before we are mandated to buy it.

Simply put, if this dispatching program was a benefit to our agency, we'd buy the program ourselves. We join the Maine Chiefs of Police Association and urge the sub-committee to look past the sales pitch of Priority Dispatch and listen to the voices of the public safety experts.

Sincerely,

Chief of Police



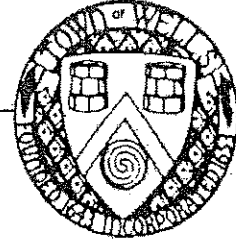
TOWN OF WELLS
POLICE DEPARTMENT

"Protecting a great community"

P.O. BOX 949, WELLS, ME 04090

Jo-Ann Putnam

Chief of Police



September 13, 2018

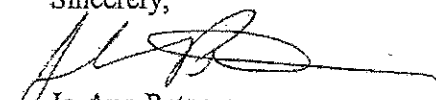
Members of the Public Utilities Advisory Committee,

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- The protocols are proprietary and we have not been allowed to review the material before we are mandated to buy it.

Simply put, if this dispatching program was a benefit to our agency, we'd buy the program ourselves. We join the Maine Chiefs of Police Association and urge the sub-committee to look past the sales pitch of Priority Dispatch and listen to the voices of the public safety experts:

Sincerely,



Jo-Ann Putnam
Chief of Police

Item #11



Sanford Police Department

City of Sanford, Maine
935 Main Street
Sanford, Maine 04073
(207) 324-3644 Fax (207) 324-9199

Thomas P. Connolly, Jr.
Chief of Police
(207) 324-9170 Ext. 200

Timothy E. Strout
Deputy Chief of Police
(207) 324-9170, Ext. 202

Virginia L. Maggio
Office Manager
(207) 324-9170, Ext. 200

September 18, 2018

TO: Members of the Public Utilities Advisory Committee:

This letter documents the Sanford Police Department's opposition to mandated use of Emergency Police Dispatch (EPD). While a separate agency within the City, The Sanford Regional Communications Center (SRCC) is a PSAP that services six separate police agencies, to include the Sanford Police Department. We believe that this unfunded state mandate would put tremendous strain on the Sanford Police Department and SRCC and ultimately hinder the delivery of police services. We strongly oppose any mandated dispatch requirement in which the autonomy of our agency is compromised. The following list comprises some of the reasons that we oppose this measure:

- By necessity, any mandated EPD would need to categorize a set number of possible events. There are literally thousands of possible police-related calls-for-service. No system can prioritize all of the possible combinations of police events that could occur
- The cost to the SRCC for the training and quality assurance requirements far exceeds the current budget. Other police-related services may suffer to accommodate these costs
- For police agencies that are not PSAPs, but perform their own dispatch services, the cost would be staggering. Priority Dispatch is the only EPD dispatching service allowed to operate for Maine public safety centers. This would appear to be a conflict of interest. Additionally, there are many hidden costs with certain add-ons such as interfaces with records management system, quality assurance programs, and annual licensing fees that are not included in initial cost
- Approximately 75% of 9-1-1 calls are emergency police calls. The very nature of police-related calls is "the unknown." You may only hear "Send help quick!" "He's dying" and then the call disconnects or the caller is not able or willing to provide additional information. The police are dispatched to an "unknown trouble" with a possible injured person. This could be:
 - Someone who fell down
 - A car crash
 - A self-inflicted gunshot wound

- A person attacked by a rabid raccoon
- A domestic argument with injury
- An opioid overdose
- An accidental discharge of a gun with injury
- Dad sliced-off a finger with a table saw
- A felonious assault
- A mentally ill, suicidal person lying in wait for the police to respond to a planned ambush
- And on, and on, and on.....

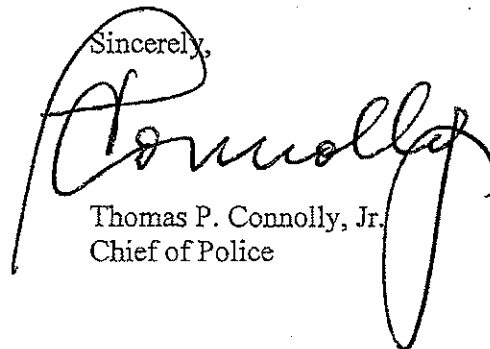
Any delay in an attempt to classify police calls only slows down the response. **The first rule of police response is that you never know what is happening until you get to the scene and assess the situation. Police officers always have to assume the worst and proceed with caution. The most sophisticated EPD system in the world will never eliminate this maxim.**

- While the standardization of police dispatching suggests maximum efficiency, in reality it will remove discretion and intuition from the process. Good dispatchers and call takers have the ability to think on their feet and adapt – EPD prohibits discretion and demands that all calls are screened using a set narrative
- There are three separate computer programs for police, fire, and medical dispatching under Priority Dispatch – these systems do not easily allow the dispatcher to transition from one discipline to another. For example, an assault (police call) where there is physical injury (medical call) needs to be dispatched in two different disciplines. Dispatchers frequently need to be able to “think outside of the box.” Priority Dispatch prohibits such thinking
- The protocols are proprietary and we have not been allowed to review the material before we are mandated to buy it

Simply put, if Priority Dispatch EPD was found to be beneficial – that it made policing more efficient, more effective, less expensive, and increased officer safety - **we would gladly buy the program ourselves.** There is no reliable information that corroborates that this EPD program will result in better outcomes or improve overall police services.

The Sanford Police Department joins the Maine Chiefs of Police Association in urging the sub-committee to look past the sales pitch of Priority Dispatch and listen to the voices of the public safety experts. Please allow us to decide best practices in our profession. Do not allow a for-profit company to determine what *they believe* is the best way for us to do our job.

Sincerely,



Thomas P. Connolly, Jr.
Chief of Police



Hancock County Regional Communication Center

50 State Street Suite 13
Ellsworth, Maine 04605
Phone (207) 667-8866
Fax (207)667-4865



Maine Public Utilities Commission
18 State House Station
Augusta, Maine 04333-0018

RE: Case 2018-00220
Notice of Inquiry

Commission's Inquiry For Input From Agencies Regarding Emergency Police Protocols

The Hancock County Regional Communications Center appreciates the Public Utilities Commission's efforts in hosting of the meeting on September 11th with agencies and representatives from Priority Dispatch regarding the Notice of Inquiry for Emergency Police Protocols. The Hancock County Regional Communications Center submits the following concerns and input for this notice.

The Hancock County RCC is a small center with staff of 8 personnel who directly dispatch for three police agencies, four EMS agencies and twenty-five fire departments. The Hancock County RCC also performs EFD for seven additional fire departments and EMD for sixteen communities who are covered by private EMS services employing their own dispatch centers. There are five full time stand alone municipal dispatch centers that provide local fire, police and EMS dispatching that we currently perform EMD and EFD for prior to call transfer. Based on last year's numbers, the implementation of both Police and Fire protocols will increase the number of calls our staff process by over 5,100. With only two dispatchers on duty, the likelihood of 911 callers being placed on hold or rolled over to another PSAP due to the increased call processing will surely become more common. During the busy tourist season our county's call volume at times already overloads our staff without the added burden of processing each and every 911 call.

The costs incurred in wages and travel for staff to attend the initial training alone will be in excess of \$5,400 as an unfunded mandate. As a small center, we often struggle to achieve the required Quality Assurance requirements already in place. This also results in several hours of overtime work for our QA staff outside of their normal dispatching duties. The added burden of QA for police protocols will add CDE and additional overtime costs for my agency.

We would also be required to buy the interface between our Spillman CAD and ProQA for EPD, with a reoccurring annual maintenance cost, which are also an unfunded mandate. The estimated cost for the interface is \$2450 and \$324 per year based on the Fire Protocol interface we had to purchase to work effectively.

The continuing education requirements of all three protocol disciplines as well as the formality of obtaining a Maine EMS license for EMD are added administrative processes, some of which will incur additional costs which once again are unfunded mandates.

In speaking with most of the police agencies in our county, none of these folks are in favor of the Police Protocols as currently proposed only at the PSAP level. While some agencies may consider EPD as a method of fast track training to put new call takers to work, other agencies such as ours require much more in depth training to be effective call taker/dispatchers for our areas of responsibility.

We recognize the spirit of the intent to provide consistent information gathering and may seem a next logical step at face value, however we are not in favor at this time. Our stand alone agencies currently have little desire to be consolidated into our PSAP, which will increase our own staff's workload dramatically with the implementation of Emergency Police Dispatch Protocols. Our agency would be forced to add at least one more dispatcher per shift (4) to provide adequate staff for call processing with the added volume, resulting in a higher tax appropriation to operate adequately.

Thank you for the opportunity to provide commentaries on the issues we feel are important, and for your consideration of our concerns.

Respectfully,

Robert Conary

Robert Conary, Director
Hancock County Regional Communications Center

Scott A. Kane
Sheriff



Patrick W. Kane
Chief Deputy

Hancock County Sheriff's Department
50 State Street, Suite 10
Ellsworth, Maine 04605
(207) 667-7575
Fax (207) 667-7516

September 24, 2018

Maria P. Jacques, ENP Director
Emergency Services Communication Bureau
18 State House Station
Augusta, Maine 04333-0033

Dear Maria,

On September 11, I along with the RCC Director for Hancock County attended the presentation for proposed use of the police protocols for dispatching. After seeing the presentation and listening to answers to questions, I would not support the use of the protocols in our dispatch center.

We are a small center and the added amount of calls that we estimate, in excess of 5,000, would force the county to fund at least two more positions for dispatch and QA requirements. It is my understanding that the cost of implementing the protocols would be covered as we are a PSAP, but the additional cost would fall on the county. This is another example of an unfunded mandate or the state forcing us to either shut down and consolidate or tell us how to do the job differently when it doesn't appear from our stand point, need any changes.


The process we use now works smoothly with no issues with the four other dispatch centers in the county. We currently take the 911 calls and flash the call to the appropriate department who handles it from that point. With the new system, we would take the call and initiate the protocols and then relay the information to the local dispatch. I am aware that we could flash the call to the local dispatch if they at their expense buy the software and use the protocols themselves. This is just another example of an unfunded mandate for local government.

Unfortunately too many times the state seems to think they have a better mousetrap and force the ideas on county or municipal governments with no funding to support the idea. This to me is another example to that. We have a

good system in place here with all the users happy in how it is runs and serves the citizens very well.

In summary, I as Sheriff of Hancock County do not support the proposed implementation of the police protocols. I have relayed my opinions at a recent Maine Sheriff's Association meeting where is was discussed with more discussion about the topic at a future meeting.

Professionally,

A handwritten signature in cursive script that reads "Scott A. Kane".

Scott A. Kane

Sheriff, Hancock County

Town of Old Orchard Beach, Maine



Police Department

16 E Emerson Cummings Blvd.
Old Orchard Beach, Maine 04064
Tel: (207) 934-4911 Fax (207) 937-5899

Dana Kelley - Chief of Police
Elise Chard - Captain
David Hemingway - Captain

September 20, 2018

Members of the Public Utilities Advisory Committee,

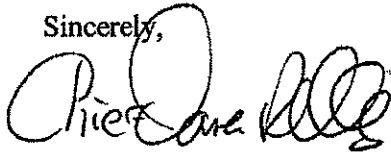
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- Priority Dispatch has many hidden costs with certain add-ons such as interfaces with our records management system, quality assurance programs, annual licensing fees which are not included in their original prices. They are the only dispatching service allowed to operate for Maine public safety centers.
- About 75% of the 9-1-1 call volume is emergency police calls, our dispatchers cannot sacrifice time in coding calls like robots and delaying first responders.
- While standardization of police dispatching sounds the most efficient, we cannot lose the ability of our dispatcher to think on their feet and adapt – EPD teachings do not allow dispatchers to do this.
- There are three separate computer programs for police, fire, and medical dispatching under priority dispatch – these systems do not easily allow the dispatcher to transition from one field to the next. For example, an assault where there is physical injury needs to be dispatched in two different disciplines and dispatch needs to be reactive to both fields – think outside of the standardized box.

- The protocols are proprietary and we have not been allowed to review the material before we are mandated to buy it.

Simply put, if this dispatching program was a benefit to our agency, we would support the program. We join the Maine Chiefs of Police Association and urge the sub-committee to look past the sales pitch of Priority Dispatch and listen to the voices of the public safety experts.

Sincerely,

A handwritten signature in black ink, appearing to read "Chief [Name]". The signature is stylized and cursive.

Chief of Police

Public Utilities Commission

Notice of Inquiry

Commission's Report on Police Protocols

Docket No. 2018-00220

September 25, 2018

Dear Chairman Vannoy, Commissioners Williamson and Davis;

As a member of the E911 Council, representing municipalities, please accept my reply to this Notice of Inquiry (NOI) regarding police protocols as required by P.L. 2015, ch. 230. My comments will also be influenced by my 50 years in public safety as a police officer, EMT, firefighter, dispatcher, dispatch protocol trainer, consultant and expert witnesses and as a local elected official. I have attempted to organize and label my replies to the 10 questions posed by the inquiry.

Q.1. Question 1 asks how standardized fire protocols have impacted PSAPS, emergency responders and the public either positively or negatively.

Answer. As stated, fire protocols are a recent implementation for Maine's PSAPS. As with any major change, there must be a period of time to fully appreciate all benefits of this new tool. Experiences nationwide have shown that a full year is needed to grow centers to accreditation standards levels. However, according to early review of calls as seen by the National Q services, this program points to ever improving compliance by our EFD dispatchers.


From an instructor's perspective, having taught hundreds of Maine's dispatchers, and many hundreds more throughout North America, it is heartening to see how quickly even a new dispatcher without any police or fire background can successfully be taught to handle challenging fire rescue call and apply the protocols effectively.

The curriculum and protocol tools have sped up the time it takes to fully train and approve new hires as being ready for the console. Reduced time in training translate to cost savings in staff time.

For first responders, of which I have been a firefighter for 40 years, they have begun to see more accurate, complete and uniform information coming from dispatchers as to the nature of the call, the degree of urgency, risks to callers and bystanders, and safety threats to responders. From this improved information, they will make better, safer, more effective tactical decisions.

Contrary to early concerns, fire and rescue calls are being processed and dispatched in a timely fashion, and fires continue to be extinguished. Upon this review, fire officials were relieved to see that the protocols helped dispatchers prioritize calls, specifically structure fires for example, as ECHO calls. As such these calls were and are dispatched immediately, right from initial case entry.

As fire administrators more fully appreciate the prioritization that the system provides, they will integrate the determinant codes with their response planning. Early evidence demonstrated by Portland Fire shows that such determinate codes can translate into better assignment of apparatus, and reduced vehicle operating costs. Also, of added value is the benefit of reducing lights and siren runs by fire vehicles, thus reducing costly and dangerous emergency vehicle collisions.



As to the impact on the public, the safety of callers and bystanders began to improve with the first use of the protocols. Callers began to receive pre-arrival instructions and dispatch life support guidance to follow until responders arrived.

As with emergency medical calls and ambulance responses, time to arrival can be lengthy given Maine's rural makeup. The use of the fire protocols allows dispatchers to immediately begin supporting the callers, while fire responders are enroute. In fire emergencies help cannot wait for responders to arrive at the scene. EFD and EPD certified dispatchers can be accurately referred to as the FIRST, first responders, as they can offer lifesaving support beginning with the answering of the 911 call and continue until help arrives on the scene.

As has been the case with EMD, callers with fire and rescue emergencies display the similar level of frustrations in understanding why all the questions are being asked and instructions given. Dispatchers continue to hear refrains such as "just send the damn fire department". Renewed efforts at public education as to the benefits of the new fire protocols need to be a priority of the Bureau.

Additionally, the fire service is becoming more aware of the added benefit to using structured call taking via the fire protocols. With recent changes to the insurance service office (ISO) rating system for fire protection, departments can now gain additional points on the rating system when their respective dispatch center utilizes fire protocols. Fire departments and their communities, through improved ISO ratings may benefit from lower fire insurance premiums for their citizens.

On a related note, the adoption of fire protocols in Maine helps to meet the requirements of NFPA 1221 and 1061 (National Fire protection Association) standards relating to the certification and recertification all fire dispatchers and the use of protocols as a means of quality assurance.

Not fully appreciated as yet by the fire community, PSAPS now have an objective process to measure compliance with a standard of care for fire and rescue emergency dispatching.

All centers can now apply the same level of quality assurance and feedback to dispatchers in the same manner as they have for years with medical protocols. We have seen accreditation level medical quality assurance compliance scores in Maine PSAPS. We will see over time the same level of success by our fire dispatchers.

From the negative, it is human nature to resist change and neither the dispatch community or the fire service is immune from this understandable reaction. The implementation of a new process to handle fire and rescue calls, the addition of new protocol software, the scheduling challenge with all dispatchers attending classes are understandable and resistance to be expected.

Staff training costs were certainly impacted as an area not historically funded by 911 surcharges.

The fire service was understandably concerned that changes to the dispatch process would delay emergency responses, as response times are an important marker of a fire departments capabilities.

Additionally, the adoption of a new protocol raised the issue of an adequate software interface between that and the center's C.A.D. (computer aided dispatch) software. Such interface software as written by CAD vendors allows the quick exchange of initial incident information with that of the protocol software, saving critical time in not having to re-enter basic information such as names, address, telephone number, nature of the call.

The cost of this essential piece of software was determined by the bureau to not be necessary and essential, its cost for acquisition were not supported by 911 surcharge funds. Thus, the centers suffered when the unfunded cost necessitated acquiring it with a local property tax funds or worse, attempt to operate the fire protocol software in a stand-alone mode.

This unilateral decision by the Bureau/PUC to declare the software interface as not "necessary" as stated in the enabling legislation not only has impacted local budgets but has added to critical processing times in life threatening emergencies.

Lastly, the addition of the fire protocols added to staff time spent in quality assurance call reviews and feedback activities to individual dispatchers. Such staff time for quality assurance is not supported by 911 surcharge funds, and again this unfunded burden falls upon local budgets.

On a positive note, as part of the fire protocol implementation, PSAPS were provided with a third-party resource who would for an initial period of time, provide quality assurance call reviews remotely and send the results back to each center for them to review and offer feedback to their respective dispatchers.


This service if accepted by each PSAP, helped greatly to lessen the burden of added call reviews, at least in the first months of implementation. Following this short term support the centers will fall back on locally funded staff time to complete required fire quality assurance reviews. The lack of adequate funding for quality assurance staff time will undoubtedly have an adverse impact on compliance with fire protocol best practices.

Without a well-functioning, statewide quality assurance program, the Bureau/PUC will be unable to meet its statutory obligations for a "QA program to audit and monitor compliance with the emergency dispatch standards, practices and procedures PSAPS". (MRS T25, sec. 2926,1. A)

A side benefit to protocol use, be it medical, fire or police) is the avoidance of liability risks in court cases suggesting negligence on the part of the dispatcher, dispatch center, and the unit of local government. As a private consultant in 911 case reviews, and as an expert witness in case is going to trial I have observed a growing litigation strategy to include the actions of 911 dispatchers, in an attempt to seek errors or omissions of recognized best practices. I can state clearly that in the 40-year history of the International Academy of Emergency Dispatch (IAED), there has never been a claim won against any dispatcher where it was found that they followed the protocols, per se, as trained.

The litigation track record for centers who allow "freelance" dispatching is marked by expensive awards, out of court settlements, ruined careers, and declining public trust in the 911 system. The insurance risk pools of the Maine County Commissioners Association and that of the Maine Municipal Association, along with those cities and the state who are self-insured, must take note of this trend!

A challenge, as seen with EMD implementation, has continued with the recent use of the fire protocols, that being the transfer process between the receiving PSAP and the many secondary, local dispatch centers. Because of the number of secondary centers, who are not EFD certified, but who dispatch fire departments locally, many fire 911 calls are initially received and run thru protocol questioning at the PSAP, and only then passed on to the secondary center. This two-step process does add time between call answering and the ultimate dispatching of some fire calls, and on occasions disallows the secondary center from actually speaking to the caller. Additionally, the secondary centers would be quick to point



the fact of no surcharge funds going to support the purchase of protocol software or staff training as is offered to PSAPS. They would point out that if they were provided with such funding, fire calls could be quickly transferred to them from the originating PSAP, following confirming simply the location and nature of the call. Then actual dispatch could quickly occur, and the local dispatcher could retain dialog with the caller. If police protocols are implemented as envisioned, the same issue of call transfers and timely dispatch will be brought up.

Q.2. Asks is the next logical step to require and advise dispatch protocols for police 911 calls.

Answer. I would point the Bureau/PUC to the very language of this Notice, specifically section II which clearly states the obvious. Specifically, the last sentence which states “standardized protocols are the most efficient way to ensure the highest standard of care for both emergency responders and the public.” If the authors of this notice truly believe its own statement, then the next logical step is to implement the police protocols! To fail to do so would not only defy logic but would create a response system that fails to provide equal protection to victims suffering a police emergency than it does for victims currently of medical or fire emergencies. This is unfair to these victims and indefensible on many grounds.

First, the Bureau has from its creation, ensured that all citizens in Maine, residents and visitors alike, and surcharge rate payers receive the same level of emergency services communications via the 911 network. Certainly, Maine’s rate payers expect and deserve the same response to calls regardless of it being a medical, fire or police emergency. A lesser standard of care for victims of crimes simply cannot be defended or tolerated. One only needs to observe the daily national and local headlines to see the instances of domestic violence, sexual assault, home invasions, child abductions, active shooter events at schools, malls and places of business to see the need for effective police call taking and response.

There is an obvious benefit to dispatcher training where all three disciplines are addressed by similar functioning structured call-taking protocols. Common case entry for any/all three disciplines makes it easier to initially process calls. Using police protocols would provide the Bureau/PUC with a complete, uniform method to oversee their quality assurance obligated. The adoption of all three systems would help facilitate a more comprehensive and complete training experience for new hires in one academy visit.

Q.3. Do I support the implementation of standardized police protocols? Impact on PSAPS, emergency responders and the public, positively or negatively.

Answer. Beyond the examples outlined in answers to questions 1 and 2 I would direct the Bureau/PUC to the two very comprehensive consultants’ reports issued in March 2011 and February 2012 as written by Mission Critical Partners. as funded via 911 surcharge monies. (found on the Bureau website under “forms & publications”). These reports lay out a clear and convincing pathway to police protocol implementation.

As to the **impact on PSAPS**, the police protocols will have similar positive results as had been seen with medical and fire protocols;

- It offers a uniform, consistent process to handling emergency calls that meet recognized national standards of care;

- It will speed up the initial training of new hires, especially those with no prior public safety background. It will quickly give new hires the ability to process emergency calls effectively.
- It provides the bureau with a condensed effective training experience for new hires, giving them the essential industry leading training in a comprehensive curriculum then returning the student to their centers.
- It gives the PSAPs a well-established approach for police calls and an effective feedback process to calltakers. It will generate the necessary quality assurance reporting as required by the bureau.
- Provides for expanded professional certification for dispatchers and center accreditation.

As to the **effect on first responders**, the police protocols will;

- Support responding police by utilizing a call taking process that places the highest importance on the safety of responders along with that of all callers and bystanders.
- Responding police will benefit from consistent, complete and accurate information that describes the scene, witnesses, victims, offenders, the presence of weapons, vehicles, injuries and other information that affects response decisions.
- Critical information gathered through key questions will help police responders to prioritize their responses and reduce potential emergency vehicle collisions.
- Contrary to earlier beliefs, police protocol used in call answering will in fact speed up, not delay the dispatching of officers, especially in early identification of the most threatening calls.

Given the shocking and sad instances of officers being shot and killed in our nation, and more recently here in Maine, our officers need and depend upon calltakers who are trained and guided in information gathering that identifies threats to their safety. As a charter member of the Maine Chiefs of Police Association, Law Enforcement Officers Memorial Committee for over 27 years, I have been the historian and archivist for every name of the fallen officers on the memorial wall. As such I am personally dedicated to efforts to prevent future officer deaths in our state.

Also troubling, both nationally and in our state, are the instances of officer-involved shootings, pointing to the need for responding officers to know any and all scene information that helps identify threats to officers or the lack thereof (e.g. weapons, injuries). Hailing from a community having suffered an officer involved shooting & civilian death, this point is not lost on me.

Next is the impact of police protocols upon the **calling public**;

- Callers will, as in medical & fire emergencies, receive a consistent level of services that meets the highest standard of care.
- The safety of callers, along with bystanders, will be of utmost importance. Callers will receive critical pre-arrival instructions and post-dispatch life support while police responders are enroute.
- Given the rural nature of Maine, response times can be lengthy and support to callers during that time is often critical. Dispatchers have the first best opportunity to affect life and safety beginning with answering the call for services. Help need not await until officers are on-scene.

- **As to negatives**, change can come hard, especially among dispatchers and police departments, both of whom enjoy practices they are familiar and comfortable with. It is human nature to resist change, and the anticipation of a potential state mandate raises early defenses.

It will take courage and patience to educate all in the benefits of such a landmark change. I would hope that the ESCB/PUC can resist old sayings such as "if it ain't broke and don't fix it" or "we've never done it that way before", both old attitudes that can crush progress.

The most challenging negatives to this implementation are those involving the identification of and solutions to "unfunded mandates" upon PSAPS and the cities, towns, and counties who fund their operation. Unless the ESCB/PUC and legislature moves to properly fund so-called interface software and support funding of mandatory quality assurance call review, this critical implementation will be put at risk of failure or ineffective use.

Without the addition of police protocol use by PSAPS, the ESCB/PUC cannot meet its statutory requirements to implement a comprehensive quality assurance program, and this would have a significant negative impact upon the overall E911 program, given the high percentage of 911 calls being police focused.

Question 4. Require standardized fire protocols but not police? Explain.

Answer. In brief I would point to this very Notice of Inquiry document, where it states in paragraph II, Background, were it "recognizes the three major services (medical, fire and police)" and further states that "standardized protocols are the most efficient way to ensure the highest standard of care for both emergency responders and the public."

Further as stated in the February 2012 mission critical report, in section 1.2, Recommendation #2, it reads; "the adoption of fire and police protocols as the next logical and necessary step in the evolution toward the future application of industry best practices and the benefits that will further affect citizens".

It further goes on to say "the adoption of structured protocols for police and fire call processing, along with sound quality assurance practices, ensures the highest level of care and practice for not only the state's citizens but also for all emergency responders".

To NOT require police protocols would be an injustice to police responders and the callers alike, and strikes a blow to the standard of care for those needing police services over that of the victims with medical or fire emergencies. Maine callers and rate payers expect and deserve the same level of care regardless of the nature of their emergency.

Question 5. Ref. costs to PSAPS incurred in implementing fire protocols.

Answer. I will defer to the PSAPS to identify specific dollar impacts however I will restate the impact of the decision by the Bureau/PUC in past legislation to decide that "necessary software" did not include such interface software between CAD systems and protocol software. Such a narrow decision forced the PSAPS to either operate the fire protocols in a stand-alone mode or appropriate local tax monies in the range of thousands of dollars to procure it independently. Sadly, there are still PSAPS who are operating the medical protocols without such an interface.

As pointed out in previous testimony, the mandatory requirement for quality assurance reporting for fire calls, but without bureau funding support has caused serious impact upon PSAP staff time and expenses. Because the fire protocol legislation passed as a mandate, but lacked an emergency preamble, which many have pointed out as an unfunded mandate and a violation of state statute.

Question 6. Ref. cost information in implementing standardized police protocols.

Answer. Moving forward, new legislation must correct errors in unfunded mandates and direct that 911 surcharge support be provided for third party quality assurance services for those centers who desire it, along with a procedure to fund necessary interface software for all the PSAPS in all three disciplines.

With the adoption of a third protocol, the burden upon the PSAPS for added call review increases dramatically, and demands surcharge support, not just for police protocol but also for medical and fire call review. At a minimum, the PSAPS should have the option to internally provide and locally fund call reviews OR choose surcharge-funded third party call review services.

As to the cost associated with training, it would be a new consideration in the use of surcharge funds to cover staff costs while in training or costs for shift coverage during staff training times (e.g. replacement costs). I am not aware of such replacement cost funding in the areas of police, fire or EMS training activities, although I am not opposed in the specific instance of such funding for the purpose of implementing a mandatory requirement, such as being considered.

Current statutes and administrative rules provide for the Bureau/PUC to define training standards for all dispatchers. The standards also require minimum number of hours in continuing education, as does the International Academy of Emergency Dispatch (IAED), for the purpose of recertification.

Continuing education should be a routine line item consideration in each PSAPs budget. However, the delivery of police protocol courses including software and quality assurance training, should continue to be funded by surcharge dollars. More so, the ESCB/PUC should be encouraged to increase its funding of more continuing education courses beyond current funding levels and invest more thoroughly in courses that develop mid-level supervisors and that of PSAP center managers and directors, helping to form a career path.

Question 7. Ref. phased-in approach and timing.

Answer. (a) As was the case with a proposed phased-in approach for the fire protocols, a 3-year approach is offered for consideration with police protocols. However, following the enabling fire protocol legislation, and after an extended timeframe for rulemaking, it became clear that a more compact implementation schedule was desirable by the PSAPS, and was seen as more efficient when delivered in a regional process and with multiple training sites within reach of the centers. Several PSAPS volunteered to be the first test sites to prove the process.

Moving forward it is a clear advantage that all centers in Maine are currently using both the medical and fire protocols. To add a third protocol should be a relatively easy transition as the software, both in process and flow, is similar and highly intuitive. Now, PSAPS are experienced in the manner and methods of protocol implementation, the steps needing in planning, and the scheduling of such steps.

As to timing, certainly time should be allowed to stabilize the use of the fire protocols. As we look back on that timetable, we recall that the legislative and administrative process itself extended the timeline.

Following the passage of enabling legislation will be hearings to be scheduled, along with work sessions, taking place sometime between January and May timeframe. Assuming the legislation passes, it has an additional 90 days following an adjournment of the session to take effect. This could push the timetable into the fall of 2019.

Then as was the case with fire protocols, time will likely be spent in proposed rulemaking, the submission of comments for consideration and then final enactment. This process could extend to year's end. Finally, once adopted, the bureau, in consultation with the Council and the PSAPS, will need to develop a plan and related timetable to begin implementation, including training schedules, site visits, software installation, information sessions with affected police departments, etc.

(b) Unless the ESCB provides early opportunities for willing volunteer PSAPS to champion the police protocols, as was with Portland, and Oxford & Cumberland counties, I see it unlikely that police protocol use would begin prior to early 2020. This necessary administrative and legislative process should allow center sufficient time to demonstrate their mastery of the fire protocols.

(c) I project that following a favorable legislative approval, that even with a suggested phased-in option, that PSAPS will, as they did with the fire protocol timetable, accept the need to move forward and move to implement in a condensed timetable.

As to timing, the logic behind adding the third discipline is clear and the urgency to increased safety for our police responders and for our callers is imperative. Delays beyond that dictated by the legislative and rulemaking process would only put a greater risk upon police responders and callers.

Question 8. Ref. licensing vs certification, medical and fire protocol.

Answer. (i & ii) As to the ESCB & EMS document on certification and licensing occurred, I would generally agree with the definitions with one exception. Certification, as it applies to Maine is not voluntary. The bureau by statute and rule declares that EMD and EFD are required to be used by PSAPS and attendance at and passage of protocol certification training is mandatory.

The Maine EMS bureau, as an aid in implementing and providing oversight to of the fledging EMD program, added in the MD dispatchers to their existing licensing process as they had for EM T's, paramedics and ambulance services. This filled a role that the ESCB and E911 council were not prepared to handle at that time.

In order to assist the EMS Bureau in managing EMD licensing and oversight, the ESCB provided substantial staff funding from the surcharge monies. Such funding continues through today.

In the February 2012 consultant's report under section 2.4.6, Broadening Existing Rules, the consultant emphasized the need to establish discipline specific rules for police and fire protocol use, as is currently applied to EMD. It goes on to say that "managing the quality assurance processes for EMD, EFD and EPD, as well as the reporting and auditing of QA compliance requirements, may best be managed by one entity (i.e. the Bureau)". In short, language similar to the existing Maine EMS rules should be crafted for EPD and EFD training, Q a reporting, certification and training, licensing requirements funding, sanctions, etc.

I agree with the consultant's recommendation that, yes, language should be crafted to manage the certification/licensing of all three disciplines and their use by PSPAS and their employees. A

licensing/certification requirement for all three disciplines would ensure that each PSAP and individual dispatchers would follow established Maine standards as currently required by Maine EMS rules for medical calls.

(iii) For all the positive and necessary reasons for having licensing/certification requirements, it also applies to the application of fire and police protocols by PSAPS and their dispatchers. The necessity to comply with the protocols, as a standard of care, are equally compelling and important for emergency instances involving fires and police emergencies. Certainly caller/victims would expect the same level focus on compliance with each/every 911 call.

(iv) referencing the aforementioned consulting report, it seems reasonable that there be an effort to consolidate and strengthen the licensing or certification oversight found at Maine EMS with the authority provided to the ESCB as it relates to dispatcher training and certification, QA, and create a single authority that PSAPS can look to for all requirements relating to protocol use. That entity is best represented by the ESCB.

Specifically, the 2012 report also recommends the creation of a QA program manager's position within the ESCB, with guidance and collaboration between of the bureau and the advisory council. The current Maine EMS position and related funding could form the basis for such an expanded position within the ESCB and at no additional surcharge costs or added staff headcount.


On a related note, I would oppose current discussions by the Maine EMS office to impose added licensing fees upon agencies and their employees. Given the surcharge funding by the ESCB for EMD oversight is sufficient to cover administrative costs, and to add licensing fees only incurs greater unfunded mandates upon agencies.

Given that the makeup of the current E911 Council, it represents the primary stakeholders who are affected by police, fire, and medical protocol use. With possible adjustments or expansion of council representation, the E911 council, if allowed, could serve the same important and effective oversight and regulatory role that the Maine Criminal Justice Academy board of directors has carried out over the years for police and correctional officers and departments.

(v) There are numerous states in addition to Maine that have overall statutory authority and/or administrative rule authority to provide management and oversight in the areas of dispatcher training, certification, call processing and protocol use, quality assurance reporting and the authority to discipline, sanction and or terminate dispatching credentials. Examples that I may cite include;

MARYLAND: Requires initial certification, and then recertification of EMD dispatchers every two years. Each agency is required to provide written proof (via a state provided form) that their dispatchers are certified through the International Academies of Emergency Dispatch (IAED) as an Emergency Medical Dispatcher (EMD).

FLORIDA: Florida has set some of the highest standards in the nation for 911 dispatchers. The state's Public Safety Telecommunicators, or PSTs, are state-certified. 911 Public Safety Telecommunications Certification is based on training and standardized examination. The dispatcher must complete a training program that has been approved by the Florida Department of Health. Approved training programs are at least 232 hours. They follow a state curriculum. The curriculum includes content relevant to fire, medical, and police dispatch.



DELAWARE: Delaware's Emergency Medical Dispatchers must meet training and certification requirements set at the state level. Delaware has mandated Emergency Medical Dispatch (EMD) training. Professional association APCO International has identified the International Academies of Emergency Dispatch as the Delaware provider (<http://psc.apcointl.org/2010/09/01/state-training-certification-survey>). EMD certification is awarded to those who complete a 24-hour training program, pass an examination, and attain CPR certification.

Dispatch professionals may pursue various certifications including EMD, EFD, and Emergency Police Dispatch (EPD). There is also a generalist Emergency Telecommunicator Certification (ETC).

NORTH CAROLINA: The North Carolina Board mandates training for all telecommunicators who work at Public Safety Access Points (PSAPs). Training must be certified by the state or an approved national organization. The International Academies of Emergency Dispatch is an approved training provider. The basic program must comprise at least 40 hours, eight hours of hands-on training, and include an overview of the police, fire, and emergency medical service functions. Call processing, call classification, and interpersonal communication are among the topics covered. The student will need to pass a certifying examination at course conclusion. Telecommunicators complete 16 hours of continuing in-service education annually. At least half of the hours will be on Board-mandated tests.

Question 9. Recommendations to ensure the efficient and effective oversight of the EPD protocols?

Answer. As to efficient and effective oversight of police protocols, I refer back to earlier questions and answers. In summary, my recommendations would include:

- Consolidating and strengthening the rules from Maine EMS with that of the bureau and placing such authority under one entity, that being the bureau, in consultation with the E911 Council.
- Creating and funding a position within the bureau, responsible for quality assurance oversight and dispatcher certification for all three disciplines.
- Placing a high priority on the bureau's statutory responsibility to develop and implement an effective quality assurance program, further to audit and monitor compliance with emergency dispatch standards, practices and procedures of PSAPS.
- Taking greater advantage of IAED student records database utilities to monitor dispatcher certification and recertification status by the bureau.
- From the consultant's report, section 3.7, creating and establishing various oversight committees to include steering committees and review committees comprised of key stakeholder representatives, relative to QA.
- Establishing clear guidelines for quality assurance reporting, e.g. Content, amounts, time frames and electronic reporting processes.
- Properly funding and providing an option for PSAPS for third party quality assurance services to lessen the burden upon PSAPS to comply with QA requirements.
- Properly fund and provide for interface software between CAD and all protocols, helping to ensure an accurate and functional record all of dispatcher actions in the receipt of all 911 calls.
- Modify and/or expanding the representation on the E911 council to more broadly represent stakeholders most affected by protocol use and bureau rules and statutes.

- Work to strengthen the QA process, to include local committees, at the PSAP level, support local QA staff persons in their efforts.
- From bureau rules, ensuring that all PSAP have a published written policy on receiving public comments and complaints.
- From bureau rules, ensure that violations of law or misconduct at the PSAP level is properly reported and acted upon, to include revocations or suspensions, a role the E911 Council could play.
- From bureau rules, move to establish and issues added professional certificates for PSAP executives, mid-managers, instructors and communications specialists (see Maine Criminal Justice Academy certificate levels)

Question 10. Input in any other areas to aid the Commission in its police protocols report.

Answer. If the Commission desires assistance in developing its police protocol report for the legislature, as a member of the E911 Council, in our advisory capacity, would offer to review and comment on the report prior to its release. This is an opportunity to make best use of experienced stakeholders and apply their expertise to that of the Bureau and Commission. A final document, if it contained an agreed to approach to the implementation, would carry significant weight going forward to probable legislation.

As to training and cost-savings to the PSAPS, I would suggest approaching the IAED and seek special consideration in the duration of future police protocol courses. Maine is unique in that we require the basic emergency telecommunicator course, ETC for all new hires. Secondly all PSAP dispatchers received training and certification in both EMD and EFD. Current IAED standards require that unless a student has completed a course which includes universal call taker subjects within the last six months, that any future protocol courses must be of three days duration.


I would recommend appealing to the IAED that Maine's future EPD courses be of two days vs. three days, focusing exclusively on the actual police protocols. Doing so would shorten the training time by a third and significantly reduce PSAP training costs.

In order to allow PSAPS to confidently settle into a routine in fire protocol use, move to police protocol adoption no sooner than 2020. Provide an opportunity for front runner PSAPS to adopt police protocols as demonstration sites if they choose.

Not specific to police protocol implementation, however a valuable step to strengthening our system of PSAPS would be the creation of grants in aid to the centers. Given the revelation during past legislative testimony of the multi-million-dollar surplus in surcharge funds, the Bureau/PUC should consider an application process for PSAPS which might fund such areas as training, technology, software & hardware, console equipment and furnishings (not personnel costs) for examples, items that generally support the functions and activities in a PSAP.

Such grants, the amounts determined following a FY review of available funds, would assist our system of PSAPS in carrying out their role in the receipt and dispatching of emergency calls. Such programs are found in other state 911 systems, the details of those grant guidelines can be reviewed and modified for Maine use.

In conclusion, the Commission must anticipate resistance to change by some centers, agencies and associations, mostly out of concern for the unknown. Because no Maine police departments have been



trained in or operate under the benefit of this structured call-taking standards, their concerns are understandable. Police departments must come to realize that the implementation of the police dispatch protocols in PSAPS does not impose any mandates upon their police departments as law enforcement agencies.

I must respect the concerns expressed by those police departments who operate local dispatch centers, but are not PSAPS, and thus do not receive surcharge support for protocol adoption. To convince the legislature and ESCB/PUC to broaden such funding is an uphill battle, and runs contrary to legislative philosophy to pursue further consolidations. While we struggle to find a resolve to this issue, we must not lose focus on the greater issue of expanding the protection of police protocols to callers and police responders.

Just as the police chief's association has worked to improve their profession thru expanded training, policy/standards adoption and agency accreditation, they should recognize the same efforts by the dispatch profession to advance likewise.

Most objections are the result of the impact of unfunded mandates (interface software and 3rd party Quality Assurance support) that have added cost to the centers, which can and must be corrected in future legislation.

Having successfully implemented 2 statewide protocols, and become nationally recognized as a leader, Maine is on the verge of adding the remaining discipline to its system, and show how it values the safety of responders and callers, and its desire to offer the highest level of care in emergencies.

First responders and callers expect, deserve and can fund such a level of service.

I would be pleased to respond to questions by the ESCB/Commission by contacting me at stephan.bunker@gmail.com or 207-592-1247.

Respectfully submitted,

Stephan M. Bunker

Member, E911 Council



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Chief Richard LaHaye, Jr.
Searsport Police Dept.

2nd Vice President
Chief Jack Peck
Farmington Police Dept.

Sergeant-at-Arms
Chief Roland Lacroix
University of ME Police Dept.

Treasurer
Chief Michael Morrill
Yarmouth Police Dept.

Secretary
Chief Douglas Bracy
York Police Dept.

Parliamentarian
Director Brian MacMaster
Office of Attorney General

Immediate Past President
Chief Edward Tolan
Falmouth Police Dept.

Chaplain
Father Gregory Dube
Diocese of Portland

September 25, 2018

Maria Jacques-Director of Communications

Maine Public Utilities Commission

18 State House Station

Augusta, Maine 04333-0018

RE: Docket No. 2018-00220

Dear Ms. Jacques,

The Maine Chiefs of Police Association is opposed to the implementation of Police Protocols within the State of Maine for the following reasons:

A. Costs associated with unfunded mandates

1. Technology

- a. SPILLMAN vs. IMC (no interface with IMC)
- b. Transfer of files from either SPILLMAN or IMC
- c. Any new Software associated with the implementation without reimbursement.
- d. Quality Assurance staffing due to the numbers of Law Enforcement calls compared to EMS/Fire.
- e. Annual maintenance costs.

2. Personnel Costs-acknowledging that at any center, local, regional or State, 90% of the incoming calls are law enforcement related, it would be anticipated that more personnel would be needed due to the increase in the QA related to the calls. Currently small local Dispatch centers are doing QA without increased costs. These centers are reviewing each call.

3. No information has been provided about costs and/or reimbursements.

B. Unknowns-Early implementation with no collaboration with Law Enforcement (LE) puts LE at risk for various reasons.

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C. EMS and Fire Departments across the State are experiencing issues relating to the implementation of their Protocols.

D. Officer safety Issues

E. Time delays in response

F. Difficulties in creating public acceptance of the Protocols.

G. Hard to have callers remain on the line when so many questions are asked.

H. 911 calls vs. direct calls- When some callers utilize 911 and the questions begin, caller hangs up and dials directly into emergency services because the public knows the number.

I. Concern there is an intent to shut down or consolidate local dispatch or regional dispatch centers such as was done in New Hampshire.

J. Increase of Personnel costs relating to:

a. Discipline issues relating to not following the Protocols.

b. Moral issues with employees.

K. Private company mandating or dictating what police are going to do or how to respond.

L. Lack of transparency related to the RFP process.

In closing, the implementation of Police Protocols at this time without further study, especially in light of the issues with the EMS and Fire Protocols, may put the public and Law Enforcement in jeopardy. We are aware that the Fire protocols for Fire Dispatchers has been implemented in the past year and it appears they are not functioning as well as expected. They certainly have many fewer calls than Law Enforcement.

Due to the above concerns, the Maine Chiefs of Police Association respectfully request that the Police Protocols be delayed to allow for time to resolve these concerns.

Thank you for your consideration in this matter.

Sincerely,

Chief Richard LaHaye Jr.

President

TOWN OF YORK, MAINE Police Department

September 20, 2018

Maria Jacques, Director
Emergency Services Communications Bureau
Public Utilities Commission
18 State House Station
Augusta, Maine 04333

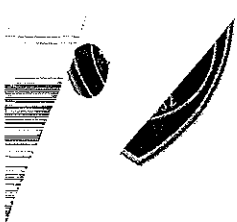
Members of the Public Utilities Advisory Committee,

On Behalf of the members of York Communications Unit, Local #640 we have generated a response to the possibility of EPD protocols being mandated in the State of Maine. As you will read in our response there is far too many issues that arise if these protocols are implemented. Our membership strongly opposes any mandated implementation of these EPD protocols. The effects will be long reaching and ultimately undermine the way Communication Specialists do their jobs. We have already been handcuffed by mandated EFD protocols and we feel this will be even more detrimental to our group and our brother and sister Communication Specialists throughout the state. Our membership looks forward to the opportunity to publicly showcase all the downfalls of EPD protocols.

The EMD and EFD protocols are handcuffing numerous agencies with budgetary concerns. There are training costs, software costs, cost of maintenance, QA, and continuing education costs which are very expensive. These costs are thrown under the umbrella that a 911 surcharge will take care of the expenses. That certainly is not true. There have been issues in Maine to vendors of the EFD and EPD software that have been adjusting the pricing of the software on what agencies can afford, at times in range of tens of thousands of dollars. The Auditing of the calls itself consumes countless hours of staff time every month. Who is going to cover that expense? The State?

This is nothing more than a service being sold to the state of Maine with personal gain at stake.

These costs alone have helped close departments and caused some towns to outsource these services. EPD will force smaller agencies to close, leaving the larger agencies to handle their towns. As



Douglas P. Bracy
Chief of Police

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York, Maine 03909

Dispatch
Non Emergency
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Administration
(207) 363-1031

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(207) 361-6818

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individual town governments will not be able to justify the added costs to the tax payers. Leading to a disconnect between the caller and the dispatcher. These dispatchers know the layout of the town and are familiar with the elderly and children in need in their community. There will be no customer service.

For the EFD protocols it is not uncommon to receive two contradicting answers from our vendor Priority Dispatch on how to handle a certain call or situation while still being compliant with the protocols. With our own co-workers scoring our calls what may be acceptable with one person, may not be acceptable with the other, putting the dispatchers in a very bad situation.

At no time does the state take into account what is needed on the local levels to make the protocols fit each center. Each PSAP/dispatch center is designed differently as some have different layers of call answering and dispatching. Some centers have 1-2 dispatchers on a shift who have to take the call while answering the radio, enter the call into the Cad System, Provide EMD, EFD and or EPD instructions, dispatch the call while still answering radio traffic and other phone lines ringing. This doesn't even take into consideration all the other day to day business coming into dispatch at that time.

With the amount of calls that come into dispatch centers it will be almost impossible to implement the EPD calls at many centers. With the new EFD protocols, the staffing levels alone are already taxing on dispatchers. For many agencies, adding on the EPD Protocols and keeping the staffing levels the same will be creating undue stress for the dispatchers.

It is hard enough to recruit and retain dispatchers in today's work force. With the addition of the EFD and now the EPD protocols, that process had become more difficult. Dispatching in today's world has become more difficult with the everchanging rules.

EFD and EPD are basically dumbing down dispatch. Emergencies cannot be scripted. In most occasions calls don't go the way they teach them in class or in the order of the Protocols. We cannot ask questions out of order or it will be an error. The "calming techniques" that are suggested by the protocol are insufficient at best. We have to constantly remind callers that help is on the way. As they get more agitated, callers tell us to stop asking questions and just send help. Since these protocols EMD and EFD have gone into place we have been called ignorant, rude and a robot because we have to continue to ask the questions until they are answered. Discretion and common sense is one of the most valuable tools in Emergency Communications and Law enforcement. Both EFD and EPD takes the discretion away from the people that need that tool.

These protocols do not speed the response that the public is receiving. Contrary to beliefs, in many cases it actually is slowing down the process while putting undue stress on the caller and dispatcher.

EFD and EPD need to be more of a guide than a mandate. These programs are thrown on ground level dispatch centers and their dispatchers. It is hurting the service many agencies already provide, it certainly is not helping them. A tool like this would be more effective if it was used as a voluntary asset to the agency, not a mandate. Mandates in EFD and EPD do not work in situations when there are so many different denominators. With these EPD protocols in place, police will still have to respond with the appropriate level of caution, regardless of the protocol. Every situation is different; you never know what will happen.

These are just some of the issues that PSAPS, Dispatch Centers and Dispatchers are dealing with. It is very hard for dispatchers to voice an honest opinion of these protocols in fear of retribution. Dispatchers and the public are simply being made into pawns, as another mandate is hidden in the bill that will be passed unknowingly by lawmakers who do not feel the burden of its effect.

Respectfully,

York Communications Unit, Local #640

1. Standardized fire protocols (or Emergency Fire Dispatch (EFD) protocols) were recently implemented in Maine. Please comment, to the extent you can, on how standardized fire protocols have impacted PSAPs, emergency responders and the public either positively or negatively.

The implementation of Emergency Fire Dispatch provided the Lewiston/Auburn 9-1-1 Center to work closely with the 3 Fire Departments we provide services to in order to evaluate and update response assignments to various incidents. By looking at each potential determinant code and how those codes are achieved through the structured solicitation of information from callers it has allowed us to build more accurate and through response assignments which results in our dispatchers having to make decisions without guidance. As an agency we find the training process to be easier when we can send new dispatchers to class to learn the protocol system which will assist them in handling any possible type of fire incident they will receive.

Emergency responders will occasionally provide feedback that from the time of call receipt to time of call dispatch seems to take longer than what occurred prior to protocol implementation. Although this can't be disputed for the low priority calls it is generally not true for high priority incidents. An example of this would be for minor motor vehicle collisions involving leaking fluids; prior to protocol implementation callers would be asked about injury, air bag deployment, and leaking fluids and an affirmative response to any of these questions would automatically result in the dispatch of Fire units on this call. With the implementation of the protocol system there are a total of 9 questions that must be asked prior to the dispatch of Fire units to an incident (except in cases of high priority collisions such as severe injury, ejection, etc. which results in fewer questions prior to dispatch) The difficulty is ensuring the understanding that obtaining the correct information in order to send the correct response to any given incident is just as important as the time it takes to send out the call.

At least daily we are on the receiving end of frustrated callers that are not educated in the purpose of the protocol questions and mistakenly assume that by answering questions response is being delayed. It is our belief that with additional public outreach we can increase the understanding of the protocol based call-taking process. The public is generally aware that when they present at the Emergency Department they will be seen by a triage Nurse who will ask protocol-based questions in order to determine a priority level, the same applies for calling 9-1-1, and it is simply that the public has not become accustomed to it.

2. As the State of Maine has already required standardized EMD and EFD protocols, is the logical next step to require standardized dispatch protocols for police 911 calls (or Emergency Police Dispatch (EPD) protocols) to ensure that Maine citizens and emergency responders receive the same standard of care for all 911 calls?

It does seem that the next logical step would be the implementation of the EPD protocols. One area of concern for our Agency is with staffing to ensure the protocols are properly adhered to. Both the Medical and Fire protocols require our agency to solicit specific information from our callers and then provide appropriate instructions for them to follow based upon the incident type. Dispatchers are well known for their ability to multi-task and divide their attention between all of the varying tasks assigned to them, but the protocols work best when dispatchers can actively listen to their caller and focus on the task at hand, by dividing their attention with other tasks the adherence to protocol may suffer. This has been a concern for us in the past but Fire/EMS incidents account for the minority of our call volume, this is likely an area of concern that would be exacerbated by adding Police protocols which account for the vast majority of call volume.

3. Do you support implementing standardized police protocols in Maine? Please explain why or why not. Please include, to the extent you can, how you think standardized police protocols would impact PSAPs, emergency responders and the public either positively or negatively.

In general, the Lewiston/Auburn 9-1-1 Center supports the implementation of the Emergency Police Protocols. We understand the importance of a structure call-taking process. We also see a great value in being able to instantly provide instructions to our callers which will assist them in dealing with their emergency prior to the arrival of Public Safety responders. Having said that, the Lewiston/Auburn 9-1-1 Center is not unique from any other agency in that funding is consistently a challenge. Implementation and ongoing management of the protocols comes at a cost to our agency, we must pay our employees to attend the training course as well as overtime to cover their position while they are away. We must allocate staff time to implementing protocol specific SOP's, running assignments, and action plans. In addition to the initial costs we also experience the ongoing cost of conducting Quality Assurance reviews and submitting our findings to the State, a workload that would increase with the addition of Police protocols.

4. Are there specific reasons to require standardized fire protocols but not police protocols? Please explain.

I can't think of any reason outside of the funding concerns shared in question 3.

5. To the extent PSAPs or other commenters incurred costs in adopting standardized fire protocols that were not paid by the ESCB please provide cost information (e.g., costs for quality assurance review on 911 fire calls at the PSAPs, costs associated with moving personnel off the dispatch desk during training sessions associated with adopting fire protocols).

The Lewiston/Auburn 9-1-1 Center experienced approximately \$21,000.00 in wage expenses for the implementation of fire protocols. This estimate includes paying each dispatcher to attend the training class, overtime backfill for their position while they were in class, and travel reimbursement.

Additionally, our Operations Manager dedicated a great deal of his work hours to meeting with Fire Department representatives to create response plans as well as reconfigure the agencies CAD system to properly recommend the correct response based upon the determinant determined through the protocol system. Our best estimate, based upon the hours dedicated to this task and the hourly wage of the position, is that this was an additional \$10,000.00 expense to the agency.

At the time of Fire protocol implementation our agency certified 3 employees to conduct Quality Assurance reviews of calls. 2 of these employees are paid a stipend to review these calls and are expected to do so while they are actually working a position, which is not ideal. The 3rd employee serves as a back-up and conducts reviews, as needed, in order to meet the minimum requirements of the State, this employee conducts these call reviews during his normal schedule, but is not assigned to an active call taking or dispatch station. The ongoing cost to conduct reviews (based upon the number required for both EMD and EFD and the salary paid to the employees while performing these duties) is approximately \$9,000.00 per year.

The ESCB has the opportunity to fund the cost of Quality Assurance through a contract for service with the International Academies of Emergency Dispatch, the same institution from which the ESCB purchases and maintains the cost of the protocols. The workload and cost associated with Quality Assurance should be borne and funded by the ESCB. This is very much a case of valuing only one aspect of the protocol potential by not funding both the protocols and QA process. Yes the protocols can be effective and the funding for their implementation and maintenance are the responsibility of the ESCB. Similarly the ESCB should implement a funding mechanism for a Quality Assurance program and assume the true cost associated with the protocol mandate. The fair solution is a protocol and quality assurance program funded by the ESCB.

6. The Commission is obtaining cost information to implement standardized police protocols from its protocol vendor. To the extent PSAPs or other commenters would incur costs in implementing standardized police protocols and have cost information, please provide that cost information (e.g., costs to do quality assurance review on 911 police calls at the PSAPs, costs associated with moving personnel off the dispatch desk for training associated with adopting police protocols).

See response in question 5.

7. P.L. 2015, ch. 230 directed the Commission to phase in the adoption and implementation of standardized fire protocols over a 3-year period. a. Do you believe a similar phase-in approach should be used if standardized police protocols are required in Maine?

The phase-in approach is not as important to our specific agency provided we are given enough time to adequately budget and plan for the implementation. In fact, the phase-in approach caused some confusion as to which PSAPs could and could not provide EFD services which is important since the vendor recommends not transferring a 9-1-1 caller to another agency that does not provide protocol-based call-taking if your agency does as it result in a lesser service to the public.

b. When should a potential phase-in of standardized police protocols begin? The Commission asks this question thinking that PSAPs may need some time to adjust to the implementation of standardized fire protocols before moving ahead with standardized police protocols if they are required in Maine.

We would not support implementation until Fall of 2019 at earliest.

c. If you have other thoughts on the timing of potential implementation of standardized police protocols, please explain.

8. A few years ago, EMS and ESCB developed a document about EMS certification and licensing.² The document quotes from a document prepared by the National Registry of Emergency Medical Technicians (NREMT) regarding the differences between certification and licensure.

Certification is defined as a voluntary process, by a private organization for the purpose of providing the public information on those individuals who have successfully completed the certification process (usually entailing successful completion of educational and testing requirements) and demonstrated their ability to perform their profession competently.

Licensure is defined as the state's grant of legal authority, pursuant to the state's police powers, to practice a profession within a designated scope of practice. Under the licensure system, states define, by statute, the tasks and function or scope of practice of a profession and provide that these tasks may be legally performed only by those who are licensed. As such, licensure prohibits anyone from practicing the profession who is not licensed, regardless of whether or not the individual has been certified by a private organization.

a. Emergency Medical Dispatch (EMD) and EFD certification in Maine are obtained through the protocol vendor. Dispatchers receive a certificate from the International Academies of Emergency Dispatch (IAED) which serves as evidence that the dispatcher completed an initial course and testing in EMD and that the dispatcher maintains their certification through continuing education as required by IAED. The Commission anticipates having any potential EPD certification done the same way. Please comment if you have a different view.

b. Maine law, 32 M.R.S. § 85-A(3), provides that a person may not provide EMD services unless the person is licensed by the State. The statute also provides that an entity may not operate as a PSAP unless licensed as an emergency medical dispatch center. The EMS Board, within the DPS, licenses emergency medical dispatchers and emergency medical dispatch centers. There is not a similar licensing requirement for EFD protocols in Maine.

Portland, Maine



Yes. Life's good here.

Portland Police Department

September 26th, 2018

Dear Chairman Vanoy, Commissioner Williamson and Commissioner Davis;

The Portland Regional Communications Center, located at the Portland Police Department, currently provides dispatch services to the communities of Portland, South Portland and Cape Elizabeth. It is the busiest Public Safety Answering Point (PSAP) in the State of Maine. In 2017, the PRCC received approximately 81,792 calls for service. This represents approximately 6,816 calls per month. This work is accomplished by a staff of 44 full and part time dedicated Telecommunicators.

A minimum of seven Telecommunicators (2 call takers, 3 police dispatchers, 2 fire dispatchers and a supervisor) are on duty at all times. They answer 911 and non emergency calls and dispatch police, fire and medical units. Telecommunicators juggle multiple tasks including maintaining telephone and radio communications and accurately documenting information and activity in complex software programs while maintaining situational awareness of multiple simultaneous emergencies.

They provide medical instructions, obtain and convey officer safety information, and coordinate multi-jurisdictional responses to major incidents. PRCC staff monitor alarms and security cameras at city buildings, maintain required certifications and respond to requests for information from the public and emergency personnel.

The PRCC employs the standardized EMD and EFD dispatch protocols for medical and fire calls and conducts Quality Assurance checks on 100 medical calls and 100 fire calls per month. The training, implementation and cost of the EMD and EFD protocols generated a heavy burden, both personally on dispatch personnel and financially on the three communities which make up the PRCC. At a time when the center struggles to fill open positions, requires our employees to work a tremendous amount of overtime and are facilitating equipment upgrades; the additional costs to implement EPD protocols is, frankly, an undue burden on the PRCC and an unfair burden on our staff, who are working with limited resources.

The cost of training, the imperative to fill the open positions of the dispatchers in training, and the anticipation of an additional 100 Quality Assurance checks per month creates an untenable financial burden on the center. The cost to meet the current burden of QA review is estimated to be \$1,500 per month. This will likely grow to approximately \$2,250 per month with the implementation of EPD.

Two years ago, the PRCC spent \$25,000 dollars to get our dispatch team trained in the Emergency Fire Dispatch Protocols. The cost of training for Emergency Police Dispatch

Protocols would range from \$30,000 to \$35,000. In addition, the cost of the interface to implement the QA process will range from \$8,000 to \$12,000. The PRCC feels that implementation of EPD creates an unacceptable financial burden on our center, both in terms of initial implementation and ongoing QA checks. We urge the commission to consider these costs and the burden placed on our communities when determining a future for EPD. We also strongly suggest a review of the burden the existing QA program places on centers.

Thank you for the opportunity to provide the Commission with the PRCC's concerns regarding the adoption of Emergency Police Dispatch Protocols at the present time.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Dziegielewski". The signature is fluid and cursive, with a large initial "A" and "D".

Andrew Dziegielewski
Director of Emergency Communications

cc: Chief Neil R. Williams, Cape Elizabeth
Chief Edward J. Googins, South Portland
Interim Chief Vernon Malloch, Portland



TOWN OF YORK, MAINE

Police Department

Douglas P. Bracy
Chief of Police

September 28, 2018

Maine Public Utilities Commission
18 State House Station
Augusta, ME 04333-0018

Mailing Address:
9 Hannaford Drive
York, Maine 03909

RE: Case # 2018-00220
Notice of Inquiry

Dispatch
Non Emergency
(207) 363-4444

York Communication Center's response to the notice of inquiry (2018-00220) by The Maine Public Utilities Commission regarding emergency police protocols.

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(207)363-1031

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1. The financial impact of the fire protocols on the York Communications Center has been noticeable. Although the training and software came at no cost, there was still significant cost for overtime and shifts having to be filled to get our eleven communication specialists trained. The center also saw an increase in overtime to get the extra QA's completed. Our center only staffs two communication specialist a shift, therefore our QA's are often being done before or after the assigned shift. When fire protocols were first released the York Communication Center had the burden of doing EFD calls for our surrounding towns because their dispatchers had not been through the training and did not have the card set or the software. It was our center's responsibility to provide this to other communities at no cost until they were up in running. The fire protocols often cause a delay in response, while the dispatcher is trying to get through a set of mandated questions. Many citizens have complained about all the questions and have said that our dispatchers sound like robots or are being rude. When dispatchers have reached out with questions to the vendor they have received contradicting answers which adds to their confusion and frustration. There is no governing body overseeing the fire protocols in Maine.

2. No.

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3. The York Communication Center does not support the implementation of police protocols. Most of our 911 calls are for police services. If implemented our center would have to grow significantly. Area dispatch centers would most likely close due to the staffing and financial burden. Our dispatch and response times would be impacted because most every call would be having to utilize one of the protocols. No one police call is like the other. There is no cookie cutter way to handle a call, and the protocols would handcuff our dispatchers into a script and in turn frustrate the caller, the responders and the dispatcher.
4. The York Communications Center feels that mandating both fire and police protocols takes away common sense and discretion, two of the most valuable tools in emergency communications. The protocols would be better serving as a guide with calls that we don't handle on a regular basis. They would serve us well as a guide in those situations.
5. The York Communications Center incurred costs associated with overtime paid for the EFD training and the training involved for the Quality Assurance. The Center has 8 full-time 3 part-time dispatchers that were trained in the EFD protocols. Each member was required to attend 24 hours of training. The overall cost for overtime for our members to attend training was **\$10,994.50**. This includes our two QA specialists who had to attend another 24 hours of training. We were fortunate enough to hold the training at our department, so we did not have to pay travel, meals, and lodging. The York Communications Center has also incurred the cost for overtime for two members to conduct quality assurance reviews on 100% of our EFD calls. Our specialist are averaging 6 hours of overtime to do the EFD calls at a cost of \$261.54 a month.
6. The York Communications Center would incur the same amount of overtime payouts as with EFD training. The EFD training was provided in house but may not be in house with EPD. If members must travel to the Maine Criminal Justice Academy the department would then incur the travel expenses associated with the training. Travel to Maine Criminal Justice Academy is 240 miles round trip. Members would be reimbursed for their mileage at \$0.54 a mile. Therefore, it would cost the town \$129.60 for each vehicle that was taken up to training. At a minimum, three cars would travel to the academy which would total **\$388.80**. The town would also have to pay for 9 meals a week at the academy which would be \$229.50 for each member times 11 members for a grand total of **\$2,524.50**. The town would also have to pay for 4 nights a week overnight at the academy per member at \$15 per night. The total cost of overnight for 11 members would be \$1,980.00. The total expenses for travel, meals and lodging would be **\$4,893.30**.

Add on the total amount of overtime for the protocol training and the QA training we are looking at **\$15,887.80** for our overall cost. This is a huge impact in our budget for a small PSAP. We also must take in consideration the impact of two of our specialist doing QAs. Since EPD is about 75 % of our calls we would likely have to add a supervisory position just do to do our QAs for all three protocols. The QAs alone would likely take someone over 40 hours to complete and our overtime budget could not support this cost.

7. P.L. 2015, Ch. 230
 - a. Yes, if they are required in Maine.
 - b. Several years. This will give towns time to plan on what their next step would be.
 - c. The implementation of police protocols will have a tremendous impact on PSAPS and local dispatch centers. Both will need significant time to plan, discuss options with governing bodies and develop new contracts.

8. Certification and Licensure
 - a. No comment
 - b. EFD
 - i. The York Communication Center does not support a licensing requirement for EFD. There have been numerous problems with EMD licensing re-certifications. Once someone is certified their paperwork gets submitted to the State EMS board and on several occasions the paperwork is either lost or not reviewed until after the specialist has expired.
 - ii. The York Communications Center does not believe there should be a licensing requirement.
 - iii. There should be no licensing requirements for any of the protocols. The protocols should not be a mandate, they should be a best practice guideline.
 - iv. N/A
 - v. NO

9. EPD protocols should not be mandated, if anything they could be used as a guide for the less frequent major calls.

- 
10. The York Communications Center does not support the implementation of police protocols. These protocols will have a negative impact on our level of service we provide to the surrounding communities. Our communication specialists are the best in the business and provide professional service to all the first responders and communities we support. These mandated protocols adversely affect the quality our service and have a significant financial burden. Our center functions at a high level and there is no reason to change that. EPD protocols would just financially tie us to a mandate and we feel we would be better suited utilizing our own best practices guidelines.



Maine Sheriffs' Association

"One Team, One Mission"

Sheriff Kevin Joyce, President

Sheriff Troy Morton, 1st Vice-President, Sheriff William King, 2nd Vice-President – Sheriff Barry Curtis, Secretary –
Sheriff Todd Brackett, Treasurer – Sheriff Joel Merry, Immediate Past President –
Sheriff Donna Dennison, Executive Board Member-at-Large - Mary-Anne LaMarre, Executive Director

September 28, 2018

To the Maine Public Utilities Commission

RE: Docket No. 2018-00220 – Report on Police Protocol

To the distinguished members of the MPUC,

The following concerns are being provided to you in response to your recently released Report on Police Protocols. The Maine Sheriffs have met and discussed at great length. Our concerns are many and we appreciate the opportunity to present them.

Since 2009, Maine has required that all 911 call takers be trained and licensed in Emergency Medical Dispatch (EMD). Similarly, standardized fire protocols (EFD) were recently implemented in Maine. Now, there is a movement to introduce a Police Protocol system as well. Although Priority Dispatch System (PDS) has been somewhat well received in the Fire and EMS arenas, placing a police protocol into the same methodology would prove disastrous.

Although the question has been asked numerous times over the past month, the glaring question of *"How much is this going to cost and where is the money coming from to implement and maintain?"* has not been answered. Suggestions have been made to tap into the 911 surcharge, however given the unknown price tag, the plausibility of that as an option has not been provided.

Additionally, one of the biggest pieces of this system is Quality Assurance (QA) personnel that will undoubtedly require more personnel than current staffing levels allow. It is estimated that QA will more than triple given the fact that nearly 75% of all 911 calls are police related. One could extrapolate at least two more QA personnel at each call taking facility.

In essence, it appears that we would be agreeing to a "system" before we know perhaps the most crucial piece which undoubtedly is: cost. The term that immediately comes to mind is "unfunded mandate".

Some Maine agencies are using Spillman operating systems, while others are using IMC. As proposed, the call taker is constantly updating the "call screen" as more information is provided and thereby sent to the responding Law Enforcement Officer (LEO). The question becomes *"Will there have to be one agreed upon Computer Aided Dispatch (CAD) system?"* If so *"which one"* and more importantly *"how much"* to be within compliance?

Most fire or EMS calls for service remain constant from phone call to apparatus arrival. Conversely, a vast majority of police calls for service are constantly evolving and changing. There is no argument that PDS has done due diligence to have the police protocols vetted by qualified personnel. However, it is nearly impossible to develop a police response protocol that fits each and every law enforcement scenario. Placing a "one size fits all" philosophy to all Maine police agencies seems impulsive. Current responses are predicated on policy, best practice, and resource availability which varies greatly from one part of Maine to another. These policies and best practices have been developed utilizing years of institutional and geographical knowledge by each of the respective counties and municipalities which can't be replaced by a "canned" approach.

There is a concern that dispatchers following a "drop down" list of questions may not be able to divert from a script of protocols that clearly could not possibly cover each and every scenario. Moreover, responding LEOs may require "other" info they are responding to, however dispatchers are encouraged to stick to the protocols and ask questions in order presented to them via the software. This not only potentially delays information, but could prohibit adequate responding law enforcement responders.

A police protocol system cannot access RMS for "content" of police reports. There is no way to incorporate the "substance" of police narratives into a "drop down" question.

A police protocol system will dictate how many LEOs should respond. Although these can be overridden by supervisors, the fact remains that a software system does not have the personal knowledge nor ability to mine records management systems for prior contacts. Given the geography of county patrols, software systems dictating who and how many people respond could prove detrimental to available resources or be impossible to comply.

A police protocol will inadvertently suggest "HOW" to respond (routine, blue lights and siren, etc.). Although at first blush this seems like a common sense approach, there are other factors to take into consideration. Not all calls for service can be merely placed into a "canned" response level.

We encourage our LEOs to employ all of the information available to them when responding to calls. This would include prior interactions, personal knowledge or information provided to them by reports or others.

Hence, the question of liability associated with deviating from a dispatched response level is of great concern. For instance, if an LEO is sent to a call with an Alpha response level (no lights and siren), however that LEO has more global knowledge (prior contacts, other info) that they believe that it is in the best interest of public safety to arrive quickly and may utilize emergency equipment. In the event that the LEO was responding with blue lights and was involved in a crash, yet deviated from the Alpha is problematic.

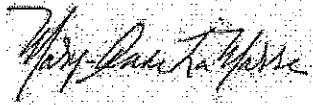
In closing, nobody is opposed to improving consistency, properly utilizing resources, and more importantly, reducing liability. There are clearly some benefits to the Priority Dispatch System.

However, instead of "forcing" a one-size fits all statewide solution, we would encourage call centers that have identified "issues" to aggressively correct them through proper training or simply purchase PDS software on their own if they believe prudent.

Considering all of the information provided (or not provided) to us, coupled with cost concerns, associated logistics and county geography, we are not in support of Section 3 of P.L. 2015, ch. 230.

Again, thank you for the opportunity to express our collective concerns. If you have any questions or if you need additional information, please do not hesitate to contact me at 207-314-5215 or via email: mlamarre@mainesheriffs.org.

Sincerely,



Mary-Anne LaMarre
Executive Director



Maine Municipal
Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

September 28, 2018

Harry Lanphear
Administrative Director
Maine Public Utilities Commission
State House Station 18
Augusta, ME 04333-0018

RE: Notice of Inquiry Into Issues Related to the
Commission's Report on Police Protocols

Director Lanphear,

Please accept this comment to the Maine Public Utilities Commission on behalf of the Maine Municipal Association in the Docket No. 2018- 00220 *Notice of Inquiry Into Issues Related to the Commission's Report on Police Protocols*. The responses below to the questions posed by the Commission are informed by feedback the Association received from the Police Department in one, and long-serving dispatchers in another, of Maine's largest municipalities. The responses are also informed by the Association's perspective toward unfunded mandates, which has been punctuated in recent years by costs experienced at local dispatches as a result of the emergency fire dispatch protocol mandate enacted as Public Law 2015, Chapter 230.

Generally speaking, the feedback MMA has received indicates a concern from local first responders that the state's push toward regionalizing dispatches into public safety answering points, or PSAPs, has resulted in a lowered quality of data collection. Although the protocols are understandably aimed at improving the quality of emergency call interchanges, from a local perspective it appears the regional nature of PSAPs may be a key driver of any shortcomings.

The following are the Association's answers to the specific questions posed by the Commission.

Question 1. *Standardized fire protocols (or Emergency Fire Dispatch (EFD) protocols) were recently implemented in Maine. Please comment, to the extent you can, on how standardized fire protocols have impacted PSAPs, emergency responders and the public either positively or negatively.*

Information provided to the Association indicates a negative reception to date of the standardized fire protocols on the part of emergency responders, and to some extent the public. This perspective is admittedly anecdotal and it is difficult to discern whether the perceived negative impact pertains chiefly to the protocols or the PSAP. Either way, it seems only a sliver of the information collected by PSAPs is passed on to local dispatch personnel, and that the information collected and/or passed on not only regularly contains a diminutive amount of detail, but it is also often incorrect, particularly regarding location specifics. Moreover, municipal employees have heard feedback from the public that the questions being asked on 911 calls are excessive or misdirected, or a combination thereof. The public often does not appear to approve of a perceived shift in direction of the type of questions being asked.

Question 2. *As the State of Maine has already required standardized EMD and EFD protocols, is the logical next step to require standardized dispatch protocols for police 911 calls (or Emergency Police Dispatch (EPD) protocols) to ensure that Maine citizens and emergency responders receive the same standard of care for all 911 calls?*

There seems to be widespread acceptance of the use of protocols for medical-related emergency calls. The perspective of at least one major municipal police department is that a new requirement for standardized emergency police dispatch protocols will be problematic due in large part to the issues with insufficient data collection at the PSAP level noted above.

The strong perspective of the Association is that the issuance of any additional mandatory protocols by the state is not justified at this time for the following four reasons.

First, the Association has not seen any evidence of a problem existing with the current management of police-related emergency calls. This mandate is unwarranted in the absence of any demonstrated, widespread issue.

Second, before considering enacting a new quality-improvement mandate on local units of government, the state must make good on its existing funding commitments. When the emergency fire dispatch protocols were enacted in 2015, there was widespread confusion with respect to who would pay for the costs incurred by this new mandate. In fact, the legislation was not designated as a mandate at the time. Ordinarily, local governmental entities are not required to comply with a law when the state does not meet its obligation to fund at least 90% of the local costs or knowingly override the requisite funding by a 2/3 majority vote of the entire membership of the Legislature. For this reason, municipal entities are not legally bound to comply with this law because it was improperly enacted as an undesignated mandate, and has not been funded. Yet the local dispatches have discovered they are not practically able to avoid the costs of the unfunded mandate effectuated by the fire-related protocols enacted in 2015 given the necessity for dispatchers to interface with the PSAPs for calls directed initially to the PSAP.

The first section of Public Law 2015, Chapter 230 states "To assist public safety answering points in the adoption and implementation of standardized dispatch protocols for answering fire 9-1-1 calls, the bureau shall use up to 5 cents of each surcharge collected ... to provide [PSAP] dispatcher training consistent with the protocols, necessary software and printed support materials." The Emergency Services Communications Bureau appears to be under the

impression that this funding in the law is therefore limited to PSAPs, and that the Bureau is not legally able under the terms of the law to fund local dispatches. If that is the case, the Bureau might first consider proposing legislation which removes the limitation on the use of surcharge funds. Before a new mandate is considered, the state must provide adequate and sustainable financial support for the existing protocol mandates to all local units of government.

Third, at least at local dispatches, the quantity of police calls received is an order of magnitude greater than the medical and fire calls combined. Dispatchers have reported to the Association a regular need to re-contact the person who called 911 as a result of the PSAP data collection's inadequacy or inaccuracy. If the protocols are not ensuring adequate management of emergency medical- and fire-related calls, those systems must be improved before opening the door to similar mismanagement of a far greater number of calls related to police matters. To do otherwise could yield results that negatively impact public safety in a significant and unacceptable way.

Fourth, it is worth noting that not only are there a greater number of police-related calls, there are also a greater variety of situations at issue in police-related calls when compared to fire-related calls. It is unclear at this time how standardized protocols will be able to address and adapt to the highly varied types of police calls.

Question 3. *Do you support implementing standardized police protocols in Maine? Please explain why or why not. Please include, to the extent you can, how you think standardized police protocols would impact PSAPs, emergency responders and the public either positively or negatively.*

The Association has addressed this issue in the previous question, but wishes to illustrate the general point made at the onset regarding the regionalized centralization of dispatches into PSAPs. As a result of the state not funding the training, implementation, software, quality assurance and other costs associated with these protocols outside of PSAPs, the state is forcing local agencies to choose between either (1) paying the direct protocol implementation costs and indirect costs incurred through the need for added staffing and overtime (to allow existing staff to participate in the quality assurance training programs), or (2) shuttering and shifting these costs to a PSAP. Without state support, the Association is concerned the result of a new police protocol mandate will lead either to an increased burden on local property tax resources, or the closure of local dispatches as a result of the inability to increase local property taxes to make up the difference. Neither of these results are acceptable to the Association given concerns that have been raised regarding inadequacies in E-911 call management at the PSAP level.

Question 4. *Are there specific reasons to require standardized fire protocols but not police protocols? Please explain.*

As noted above, the Association has yet to see specific reasons justifying standardized police protocols at the local level. A major justification for improvements at the regional PSAP level appears to be a lack of understanding of geographical, social, personnel, and other important local logistical matters. There is a growing concern that the answer to this issue is not

standardization of protocols, but rather either a return to the on-the-ground knowledge associated with local dispatches, or improvement of such knowledge on the part of PSAP staff.

Question 5. *To the extent PSAPs or other commenters incurred costs in adopting standardized fire protocols that were not paid by the ESCB please provide cost information (e.g., costs for quality assurance review on 911 fire calls at the PSAPs, costs associated with moving personnel off the dispatch desk during training sessions associated with adopting fire protocols).*

None of the municipal-level costs of the emergency fire dispatch protocols have been covered by the state, resulting in an unfunded state mandate which has stretched budgets thinner in each of the local entities impacted.

Question 6. *The Commission is obtaining cost information to implement standardized police protocols from its protocol vendor. To the extent PSAPs or other commenters would incur costs in implementing standardized police protocols and have cost information, please provide that cost information (e.g., costs to do quality assurance review on 911 police calls at the PSAPs, costs associated with moving personnel off the dispatch desk for training associated with adopting police protocols).*

Based on the experience with emergency medical protocols in a large municipality's dispatch, a local stipend of \$0.25/hour was offered to two full shifts per week, adding a cost of \$234 per year. On top of that, \$2,535.00 was paid to Medical Priority annually for the medical protocol cards and program, and an additional \$245.00 for annual updates. There may have also been an originating fee.

Question 7. *P.L. 2015, ch. 230 directed the Commission to phase in the adoption and implementation of standardized fire protocols over a 3-year period.*

a. *Do you believe a similar phase-in approach should be used if standardized police protocols are required in Maine?*

The Association is firm in its position that the costs incurred to the local dispatches as a result of the emergency fire protocol mandate must be covered prior to mandating any new protocol requirements. At a minimum, the need for police protocols must be demonstrated by substantial Maine-based evidence. If police protocols are to be implemented, a phase-in should absolutely not take less than three years, and should likely take as long as is necessary to ensure zero negative impact on public safety.

b. *When should a potential phase-in of standardized police protocols begin? The Commission asks this question thinking that PSAPs may need some time to adjust to the implementation of standardized fire protocols before moving ahead with standardized police protocols if they are required in Maine.*

See above.

c. *If you have other thoughts on the timing of potential implementation of standardized police protocols, please explain.*

No further comment.

Question 8.

a. *Emergency Medical Dispatch (EMD) and EFD certification in Maine are obtained through the protocol vendor. Dispatchers receive a certificate from the International Academies of Emergency Dispatch (IAED) which serves as evidence that the dispatcher completed an initial course and testing in EMD and that the dispatcher maintains their certification through continuing education as required by IAED. The Commission anticipates having any potential EPD certification done the same way. Please comment if you have a different view.*

A course specific to Maine, potentially offered by the Maine Criminal Justice Academy, should be considered prior to hiring a private out-of-state company to develop a program.

b. *Maine law, 32 M.R.S. § 85-A(3), provides that a person may not provide EMD services unless the person is licensed by the State. The statute also provides that an entity may not operate as a PSAP unless licensed as an emergency medical dispatch center. The EMS Board, within the DPS, licenses emergency medical dispatchers and emergency medical dispatch centers. There is not a similar licensing requirement for EFD protocols in Maine.*

i. *A licensing requirement may provide a level of oversight and disciplinary options that do not exist with certification that can potentially benefit PSAPs and dispatchers and the public calling 911. To the extent you have a view on this, please comment.*

Before any more burdens are placed on local emergency personnel through the consideration of a new licensing mandate, the need for improved professionalism must be demonstrated. The Association is not aware of any widespread lack of professionalism on the part of municipal employees which would be alleviated by new licensing requirements.

ii. *Please comment on whether you think there should be a licensing requirement for all three protocols. Please explain why or why not.*

See above.

iii. *Are there reasons to require a license in the case of EMD but not for EFD or EPD? If so, please explain.*

No comment.

iv. *If you believe there should be a licensing requirement for all three protocols what entity or agency should be the licensing authority?*

No comment.

v. Are you aware of other states that have a licensing requirement for EFD or EPD? If so, please provide that information and any citations to governing statutes or regulations to the extent you have that information.

No comment.

Question 9. Do you have any recommendations to ensure the efficient and effective oversight of EPD protocols?

No comment other than views stated above.

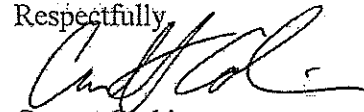
Question 10. Commenters may also provide input in any other area they believe might be instructive to this Inquiry and aide the Commission in developing its police protocols report.

In the view of one major municipal dispatch, the technology should exist at a reasonable price to provide any newly-required E-911 equipment to the local dispatch centers in order to allow calls to be routed directly to those centers, removing the need for another level of personnel to provide that call transferring service. For now, the state's two public policy goals of saving costs by decreasing the number of local dispatches while also seeking improved management of calls seem, to the Association, to be at odds.

The regional nature of the PSAPs and their lack of familiarity with local logistics is reportedly lowering the quality of service to the public and the interests of public safety. In attempting to save costs through regional consolidation, the state has imposed new costs in an effort to remediate the resulting lack of call response quality realized through regionalization.

Focusing solely on improving call-taking at the regional level without passing all necessary information down to the personnel who are responsible for responding to the call at the local level does not at this juncture seem viable. The state must be willing to fund the technological and other needs of all emergency dispatch stakeholders if it wishes to improve service in a meaningful manner.

Respectfully,



Garrett Corbin
Legislative Advocate
State and Federal Relations
Maine Municipal Association

Maine Region Five Police Chiefs Association

September 26, 2018

Maine Public Utilities Commission
101 2nd Street
Hallowell, Maine 04347

Subject: Letter of Non-support for Priority Dispatch, Police Protocol Dispatch

Dear Commissioner,

I am writing today on behalf of the Region 5 Police Chief's regarding the implementation of the Priority Dispatch, Police Protocol System. We are strongly opposed to the implementation of this system for many reasons. Currently Penobscot Regional Communication Center (PRCC) is the Public Safety Answering Point (PSAP)/Dispatch for all of Penobscot County to include the City of Bangor and additionally, Aroostook County. PRCC is responsible for dispatching for all Fire, EMS and law enforcement agencies in Penobscot County (excluding the City of Bangor and the University of Maine).

Currently PRCC receives the calls, obtains the pertinent information regarding the complaint and dispatches or transfers the complaint to the appropriate law enforcement agency. This process currently takes approximately 45 seconds. By implementing the PPD, these call will take approximately 3-4 minutes per call and will force the dispatchers to be more focused on reading from the card set than on radio traffic which in turn will have an adverse effect on officer safety.

If the PPD is implemented, the calls PRCC currently transfers to small agencies will have to be PPD by PRCC which in turn increases the amount of traffic and work load of PRCC dispatchers. In 2017 PRCC processed 81,702 law calls. If PPD had been implemented during that time, the calls handled would have been 129, 492, or an increase of 47,790 calls.

These protocols will severely impact the work load of PRCC dispatchers. PRCC will need to hire an additional eight dispatchers (two per shift) as well as one additional Quality Assurance Technician. Factoring in the hiring package (wages, benefits, retirement etc.), the approximate cost for these additional positions is \$582,795.54. Funding for these positions will come from an increase in the County Tax that is charged to each municipality in Penobscot County. This will have a negative impact on available funds from local budgets.

Along with the added cost, we feel the PPD protocols do not fit every single need in the diverse coverage area PRCC covers. There is a significant difference between the Greater Bangor Area and Northern Aroostook County. The special definitions cannot encompass all agency needs which currently the dispatchers of PRCC already know and do.

Maine Region Five Police Chiefs Association

In closing, I have spoken to representatives of Piscataquis County, which Region 5 also represents, and they too are not in favor of implementing these protocols. After speaking with other Chief's from around the State, I know this is a resounding message.

I strongly urge you take all of our concerns into consideration and not force another unfunded mandate and/or additional protocol and procedures that are not needed and will do more harm than good.

If you would like to discuss this further I can be reached via mail at 1084 Main Street, Veazie Maine 04401, via email at mleonard@veazie.net or by calling 207-947-2358. Thank you in advance for your consideration in this very important matter.

Respectfully Submitted,

Mark E. Leonard

Mark E. Leonard

District 5 Chairman / Town of Veazie Director of Public Safety

KITTERY POLICE DEPARTMENT

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 439-1638 Fax: (207) 439-6140



Donald O'Halloran
Interim Chief of Police



John Desjardins
Lieutenant

To: Maria P. Jacques, ENP, Director
From: Lt. John Desjardins, Kittery Police Department
Date: September 19, 2018
Re: Comments re: Proposed Implementation of Emergency Police Protocols

1. Standardized fire protocols (or Emergency Fire Dispatch (EFD) protocols) were recently implemented in Maine. Please comment, to the extent you can, on how standardized fire protocols have impacted PSAPs, emergency responders and the public either positively or negatively.

These protocols have negatively impacted the small, non-PSAP, dispatch center by requiring yet another unfunded mandate that we purchase software at our own expense, implement training, and place more requirements on our staff, who mostly work alone. Although these were designed to be a PSAP requirement, the requirement has been passed down to us by the PSAP and the State has left us to negotiate our own deal with the PSAP or to "shop around" to try and find a better deal. We were also left to negotiate our own deal with the protocol vendor. This is a less than ideal situation to say the least.

2. As the State of Maine has already required standardized EMD and EFD protocols, is the logical next step to require standardized dispatch protocols for police 911 calls (or Emergency Police Dispatch (EPD) protocols) to ensure that Maine citizens and emergency responders receive the same standard of care for all 911 calls?

No. Police 911 calls are different and departments have already developed internal SOP's that dictate how certain calls should be handled. Furthermore, on the job dispatch experience is invaluable, and by removing an experienced dispatcher's discretion on how to handle a certain call could potentially put officers' and citizens' safety in jeopardy.

3. Do you support implementing standardized police protocols in Maine? Please explain why or why not. Please include, to the extent you can, how you think standardized police protocols would impact PSAPs, emergency responders and the public either positively or negatively:

No. We must continue to allow dispatchers to draw on their experience and their good judgement when dispatching emergency police calls for service and not try to replace that with a list of protocols. Standardized police protocols would impact us, the small center, negatively by handing down yet another unfunded mandate and

KITTERY POLICE DEPARTMENT

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expecting our dispatchers to do more with less, as the PSAP is not going to do it for us for free.

4. Are there specific reasons to require standardized fire protocols but not police protocols? Please explain.

Yes, they're completely different calls for service. Fire protocols are much more black and white in nature. That is, fuel leaks, hazmat incidents, the color of smoke, whether people are trapped in a building, are all things that are easily handled by a protocol. Whereas, police calls for service tend to much more fluid in nature and they always involve people, who by their nature, are unpredictable. The nature of the call can change as quickly as a suspect changes their mind or their course, and the dispatcher is less likely to be able to keep up with a list of protocalls during an active, fluid, situation.

5. To the extent PSAPs or other commenters incurred costs in adopting standardized fire protocols that were not paid by the ESCB please provide cost information (e.g., costs for quality assurance review on 911 fire calls at the PSAPs, costs associated with moving personnel off the dispatch desk during training sessions associated with adopting fire protocols).

Unlike the PSAP's, we were forced into using our own funds to purchase software from a single vendor (the only show in town). We were also solely responsible for the costs associated with training and backfilling dispatch shifts while those staff members attended the training. Adding the requirement of QA review for fire protocols adds to our costs of paying staff to get it done during times that they're not already covering a dispatch shift. This adds to our overall overtime costs.

6. The Commission is obtaining cost information to implement standardized police protocols from its protocol vendor. To the extent PSAPs or other commenters would incur costs in implementing standardized police protocols and have cost information, please provide that cost information (e.g., costs to do quality assurance review on 911 police calls at the PSAPs, costs associated with moving personnel off the dispatch desk for training associated with adopting police protocols).

By requiring us to implement police protocols in our center, we would be solely responsible for the cost of the added software, all of the training, and the overtime cost to backfill shifts for training purposes, none of which has been budgeted for.

7. P.L. 2015, ch. 230 directed the Commission to phase in the adoption and implementation of standardized fire protocols over a 3-year period.

a. Do you believe a similar phase-in approach should be used if standardized police protocols are required in Maine?

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Yes. The State cannot expect us to find funds in our existing budgets to finance these costs. We would need time to plan ahead.

b. When should a potential phase-in of standardized police protocols begin? The Commission asks this question thinking that PSAPs may need some time to adjust to the implementation of standardized fire protocols before moving ahead with standardized police protocols if they are required in Maine.

At least a year. We are still getting used to the new EFD protocols and the new software.

c. If you have other thoughts on the timing of potential implementation of standardized police protocols, please explain.

8. A few years ago, EMS and ESCB developed a document about EMS certification and licensing.² The document quotes from a document prepared by the National Registry of Emergency Medical Technicians (NREMT) regarding the differences between certification and licensure.

Certification is defined as a voluntary process, by a private organization for the purpose of providing the public information on those individuals who have successfully completed the certification process (usually entailing successful completion of educational and testing requirements) and demonstrated their ability to perform their profession competently.

Licensure is defined as the state's grant of legal authority, pursuant to the state's police powers, to practice a profession within a designated scope of practice. Under the licensure system, states define, by statute, the tasks and function or scope of practice of a profession and provide that these tasks may be legally performed only by those who are licensed. As such, licensure prohibits anyone from practicing the profession who is not licensed, regardless of whether or not the individual has been certified by a private organization.

a. Emergency Medical Dispatch (EMD) and EFD certification in Maine are obtained through the protocol vendor. Dispatchers receive a certificate from the International Academies of Emergency Dispatch (IAED) which serves as evidence that the dispatcher completed an initial course and testing in EMD and that the dispatcher maintains their certification through continuing education as required by IAED. The Commission anticipates having any potential EPD certification done the same way. Please comment if you have a different view.

No Comment.

KITTERY POLICE DEPARTMENT

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b. Maine law, 32 M.R.S. § 85-A(3), provides that a person may not provide EMD services unless the person is licensed by the State. The statute also provides that an entity may not operate as a PSAP unless licensed as an emergency medical dispatch center. The EMS Board, within the DPS, licenses emergency medical dispatchers and emergency medical dispatch centers. There is not a similar licensing requirement for EFD protocols in Maine.

Who is going to oversee EPD protocols? It makes absolutely no sense to have anyone other than experienced police officers oversee this.

i. A licensing requirement may provide a level of oversight and disciplinary options that do not exist with certification that can potentially benefit PSAPs and dispatchers and the public calling 911. To the extent you have a view on this, please comment.

It should be noted that each time we require our dispatch staff to follow a new protocol and to have their licenses depend on their strict adherence to it, we are asking our staff to do the nearly impossible. The State MUST keep in mind that the majority of the small dispatch centers are staffed by only one dispatcher at a time. How can we in good conscience ask all of this from one person?

ii. Please comment on whether you think there should be a licensing requirement for all three protocols. Please explain why or why not.

Theoretically there should be. However, doing so creates an unrealistic burden on the individual dispatcher and the small centers.

iii. Are there reasons to require a license in the case of EMD but not for EFD or EPD? If so, please explain.

No.

iv. If you believe there should be a licensing requirement for all three protocols what entity or agency should be the licensing authority?

Good question! There are three very different disciplines, so it makes sense that a new agency representing all three would be created to act as the licensing authority.

v. Are you aware of other states that have a licensing requirement for EFD or EPD? If so, please provide that information and any citations to governing statutes or regulations to the extent you have that information.

No.

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9. Do you have any recommendations to ensure the efficient and effective oversight of EPD protocols?

Yes. See answer above.

10. Commenters may also provide input in any other area they believe might be instructive to this Inquiry and aide the Commission in developing its police protocols report.

IV. NOTICE

We will provide this Notice of Inquiry to Department of Public Safety Emergency Medical Services, PSAPs, dispatch only centers, Maine Municipal Association, Maine Chiefs of Police, Maine Sheriffs' Association, Maine National Emergency Number Association, the 911 Advisory Council, the Office of the Public Advocate, and those who testified on LD 1256 during the 2015 legislative session.

1. How recently-implemented standardized fire dispatch protocols have positively or negatively impacted PSAPs, emergency responders, and the public.

At a non PSAP level, we have seen a negative impact on responders and dispatchers due to lack of information provided from the PSAP doing the EFD. The PSAP asks all the protocol questions but the only info given to us is "structure fire at (whatever address)." Maybe they help the callers with their pre arrival instructions. The PSAPs do not get detailed call location information, house descriptions, landmarks, etc. They appear to be mainly concerned with processing the call and moving onto the next. Outside of the box thinking and clarifying questions do not appear to be important because they know they are not sending their responders so they do not have to field any of these questions from responders.

2. Whether it is in your view logical that the State of Maine add to the now-required standardized emergency medical and emergency fire dispatch protocols a new requirement for standardized emergency police dispatch protocols.

No. EMD appears to be the only logical protocol to require. Also The State of Maine should consider other protocol providers besides IAED.

3. Whether or not you support implementing standardized police dispatch protocols in Maine, and your reasons why, including your thoughts on how standardized police dispatch protocols would positively or negatively impact PSAPs, emergency responders, and the public.

The fact that the State of Maine does not fund the training, implementing, software, Q/A and other costs associated for these protocols at the Non-PSAP level severely handicaps Non-PSAPs. Agencies are forced to choose between paying for all these costs to provide the service, on top of the additional staffing, man hours and OT to do the Q/A, etc. or paying a PSAP to provide the service.

4. Any specific reasons that justify the current requirement for standardized fire dispatch protocols but do not justify adding a new requirement for standardized police dispatch protocols.

The State of Maine, by only funding at the PSAP level, just like with the E911 equipment and consolidation push in the mid 2000's, appears to eliminate local and municipal call centers and have strictly state run dispatch centers.

5. Any information regarding costs already incurred by adopting standardized fire dispatch protocols that were not paid for or reimbursed by the state Emergency Services Communication Bureau (e.g., costs for quality assurance review on 911 fire calls at the PSAPs, costs associated with moving personnel off the dispatch desk during training sessions associated with adopting fire protocols, etc.).

As described above, Non-PSAPS have to incur all costs related to these protocols and the fact the State of Maine does not help fund these other centers for the Protocol use is problematic for local dispatcher centers to absorb. We should not have to deal with another unfunded mandate.

6. Any information regarding costs expected to be incurred by implementing new standardized police dispatch protocols.

From having EMD in the past, was an hourly stipend of .25 per hour for QA. The stipend was paid for one full shift per week to a maximum of 2 people so we paid approximately \$4.50 per week or \$234.00 yearly. We paid \$2,535.00 Medical Priority yearly for the medical protocol cards and program and \$245.00 yearly for updates. There may have also been an original fee to start this at the beginning.

7. Whether or not you believe a 3-year phase-in, similar to the approach used to implement standardized fire dispatch protocols, should be used if standardized police dispatch protocols are to become required in Maine; when a potential phase-in should begin; and other thoughts you may have regarding the timing of implementation.

We do not think that police protocols should be implemented at the local level, but if they were, then the 3-year phase in would be appropriate.

8. Certification and Licensure:

- A. With respect to training certifications, whether you believe it would or would not make sense for any standardized police dispatch protocol training certifications to be completed in the same manner as is currently the case with the standardized emergency medical and fire dispatch protocols (i.e., via the International Academies of Emergency Dispatch), and why.

If required, The MCJA should create a training certification and course specific to Maine, not the private company developing the program.

B. With respect to licensing, Maine law requires persons providing emergency medical dispatch services to be licensed by the state, but does not require persons providing emergency fire dispatch services to be licensed.

i. What is your view, if any, regarding the idea that licensing requirements provide a higher level of oversight and disciplinary options than with certification requirements?

ii. Do you think licenses should be required of dispatch personnel handling all three types (medical, fire, and police) of E-911 calls? Why?

iii. Do you see reasons why a license should be required for emergency medical calls but not for emergency fire or police calls? Why?

The majority of police calls are of a non-emergency nature and come in via administrative lines. Local police and sheriff's should be able to design their own Q/A and method of handling these calls and it does not seem necessary to require a State license to answer a call about a stray cat or pushy telemarketer. This seems like an unnecessary amount of time and effort for something that is already being handled professionally.

iv. If you believe there should be a licensing requirement for all three protocols, what entity or agency do you think should be the licensing authority?

v. Are you aware of other states that have a licensing requirement for emergency fire or police dispatch personnel? If so, which?

9. Any additional recommendations to ensure "efficient and effective" oversight of emergency police dispatch protocols. n/a



10. Any additional input that may be helpful for the Commission to know as it develops a report required to be submitted to the Legislature next year regarding emergency police dispatch protocols.

We believe the technology should exist at a reasonable price to give E911 equipment back to all dispatch centers so calls can be routed directly to those centers without the need of a human at a PSAP to provide that call transferring service. With that in place, the State of Maine can then fund everything associated with EMD, EFD and EPD protocols to all these centers since the State feels it is in the best interest of public safety to have this consistent level of care/service. It appears that the State wants it both ways; the supposed cost savings of less PSAPs, which lowers service to the public, but increased protocol use, which possibly might raise service to the public. Maine needs to go all in on public safety and be willing to fund the E911 technology and protocols to ALL dispatch centers and not just focus on PSAPS and State control.

WASHINGTON COUNTY REGIONAL COMMUNICATIONS CENTER

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Forced implementation of police protocols in the state of Maine could be the final "straw" in the growing pile of unfunded mandates forced upon communications centers. While the protocols do provide structure and valuable questions, the certification carries significant burdens to centers in its maintenance.

Police calls are the bulk of many centers calls for service. Mandating that each call follow a detailed course of questioning, as well as a mandated quality assurance program will place significant additional work on our already strained PSAPs. The length of calls may increase, which could require additional staffing.

Concern has been raised about the "push" for protocols over the last few years. There should be some honest research into who is initiating these talks and their affiliation with the agency that currently has the monopoly on protocols in the state of Maine. Some are employed as instructors, and would receive direct benefit from police protocols implementation.

Ultimately protocols are a valuable tool for 9-1-1/PSAP centers. Forcing PSAP's to maintain another certification that requires additional continuing education, quality assurance and potentially longer call times is an issue that creates trepidation among many.

Washington County Regional Communications Center does not support mandated police protocols.

Joshua Rolfe
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