

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TECHNOLOGY

----- X

June 17, 2016
Start: 10:08 a.m.
Recess: 11:20 a.m.

HELD AT: Committee Room - City Hall

B E F O R E:
JAMES VACCA
Chairperson

COUNCIL MEMBERS:
ANNABEL PALMA
BARRY S. GRODENCHIK
DAVID G. GREENFIELD
JOSEPH C. BORELLI

A P P E A R A N C E S (CONTINUED)

David Kirks
Assistant Commissioner and Director of Public
Safety
Department of Information Technology and
Telecommunications

Richard Napolitano
Inspector
New York Police Department

Jason Shelly
Assistant Council
Fire Department of New York

Mark Fletcher
ENP/Chief Architect for Public Safety Solutions
Avaya Global Manufacturer Communications Equipment

[gavel]

CHAIRPERSON VACCA: Good morning

everyone. My name is James Vacca and I'm Chair of the Committee on Technology. Today we're here to discuss many bills relating to improving our city's 9-1-1 system. First this committee will be voting on proposed Intro 860... 868A of 2015 sponsored by council Members Cumbo, Levine, and Gibson. This legislation aims to keep the city on the path toward implementing next generation 9-1-1; an updated system which will permit digital information including voice, video, pictures, and text to be transmitted from the public, through an internet protocol base system to emergency responders. In other words, next generation 9-1-1 would allow members of the public to contact emergency services through many means other than direct voice phone calls; most importantly by text messaging. Having the ability to text 9-1-1 in an emergency situation would have an immeasurable impact on New York City's residents, allowing persons with hearing or speech disabilities to communicate directly with emergency personnel. Additionally, incidence of domestic violence, home

1
2 invasions, or other... other similar examples of
3 situations similar to those would also benefit from
4 texting. This past January the Committee on
5 Technology held a substantive hearing on Intro 868
6 that highlighted the many benefits of New York City
7 adopting next generation 9-1-1. While
8 representatives of the administration assured the
9 sponsors and this committee that they were aiming
10 to implement improved technology capabilities,
11 proposed Intro 866A... 868A would ensure that we at
12 the council in addition to the public at large
13 would be kept informed of the city's progress in
14 bringing next generation 9-1-1 to New Yorkers. With
15 that I'd like to call on any of my colleagues who
16 wish to speak on this specific legislation before
17 we call a roll call. I recommend a yes vote on
18 868A. I'm joined by my colleagues Council Member
19 Annabel Palma and Council Member Joseph Borelli.
20 I'll now call for a vote on 868A. Council Member
21 Palma how do you vote.

22 COUNCIL MEMBER PALMA: [off mic] I vote
23 aye.

24 CHAIRPERSON VACCA: Council Member
25 Borelli?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER BORELLI: Aye.

CHAIRPERSON VACCA: Council Member Vacca votes aye. The legislation is so... oh, I took over your job. Well I didn't know you were sitting here. They tell me I'm a takeover type but I didn't know about that. Oh I'm sorry. You want to do it over. You do it. You do it. [cross-talk]

COMMITTEE CLERK DESTEFANO: Committee Clerk Mathew Destefano [sp?], Committee on Technology. Roll call on 868A. Chair Vacca.

CHAIRPERSON VACCA: I vote aye.

COMMITTEE CLERK DESTEFANO: Palma.

COUNCIL MEMBER PALMA: [off mic] Aye.

COMMITTEE CLERK DESTEFANO: Borelli.

COUNCIL MEMBER BORELLI: Mm, Aye.

CHAIRPERSON VACCA: He changed his mind.

COMMITTEE CLERK DESTEFANO: By a vote of three in the affirmative, zero in the negative, and no abstentions the item has been adopted.

CHAIRPERSON VACCA: Thank you so much. And I apologize but you know once you get going, get these hearings you want to get going. What's that? And I'll hold the roll call open for other members who may be a little late. I will hold it

1
2 open for 15 minutes. Now I want to discuss two of
3 the bills that my committee's having hearings on
4 today. It may also relate to 9-1-1. Council Member
5 Liz Crowley has legislation; Intro 951 of 2015
6 which would require direct telephone access to 9-1-
7 1 service in the city's many businesses. Now this
8 has all... there was also a second measure we're
9 having a hearing on sponsored by my colleague to
10 the left Council... though my... he's never to my left
11 but he is to my left today; Council Member Borelli.
12 He is introducing legislation which is 1158 of 2016
13 which would require a report on the routing of
14 cellular... cellular 9-1-1 calls near the geographic
15 boundaries of the city of New York where on
16 occasion calls have been directed to jurisdictions
17 outside the city of New York. Both of these bills..
18 bills seek to address on the surface issues that
19 may not seem like enormous problems affecting New
20 Yorkers but make no mistake about it when it comes
21 to an emergency life and death situations every
22 step of the process in the 9-1-1... in 9-1-1 from the
23 moment of the phone being dialed to the moment the
24 ambulance arrives is critical. Not knowing what
25 numbers to press before 9-1-1 on a business phone

1
2 loses critical seconds. Having a call routed to
3 Long Island, Westchester, or New Jersey just to be
4 transferred back to New York City wastes time.
5 These are important issues that this committee
6 seeks to address in both of the legislative
7 proposals that are before us today. Council Member
8 Crowley's Intro 951 is modeled after Kari's Law,
9 legislation introduced and passed in many
10 jurisdictions across the United States. This law
11 was named after a woman named Kari who was stabbed
12 to death in a hotel room as her 9-year-old daughter
13 attempted many times to call 9-1-1 via the room's
14 landline to no avail. The reason she was unable to
15 contact emergency personnel immediately was because
16 the hotel's room... the hotel room's phone like many
17 business phones that have internal extensions
18 required special dialing. And those dialing
19 instructions were relative to making outside calls
20 and how you do it. So often such instructions
21 entail dialing nine before proceeding with the rest
22 of the number. Now this is often referred to as a
23 trunk access code. The bill being considered today
24 would require city agencies and businesses that
25 open their facilities to the general public that

1
2 operate a multi-line telephone system to allow a
3 person initiating a 9-1-1 call on the system to
4 directly access 9-1-1 by dialing the numbers 9-1-1
5 without an additional code, digit, prefix, postfix,
6 or trunk access code as well as by dialing the
7 system's existing access code. In many cases this
8 is simple, the simple fix that could be programmed
9 in many existing phone systems. The purpose of this
10 bill is to ensure that every phone, especially
11 those with a potential 9-1-1 caller, one that they
12 may not be familiar with can dial 9-1-1 with no
13 impediments. Now even if someone is able to
14 directly access 9-1-1 via landline or cellphone
15 there have been circumstances in which that call is
16 not directed to the appropriate municipality.
17 Council Member Borelli's bill; Intro 1158, seeks to
18 address this issue which may be more common than
19 previously thought. The technology needed to figure
20 out a 9-1-1 caller's location is still not perfect.
21 Right now enhanced 9-1-1 system should be able to
22 locate a call within approximately 330 yards which
23 isn't particularly accurate. There have been
24 reports from across the US of people in distress
25 whose calls were transmitted to a call center in a

1
2 neighboring municipality that could not locate the
3 caller making it difficult for emergency personnel
4 to reach the caller in time. Now our... our sprawling
5 city has many neighborhoods on the boarder of... of
6 other New York state counties and others that
7 boarder New Jersey. Communities in the northern
8 Bronx such as my own district, I touch Westchester
9 County. Eastern Queens and Brooklyn, western Staten
10 Island... these... the cell phone locations need
11 technology that addresses this issue. And Council
12 Member Borelli's bill would ask DoITT to
13 investigate the prevalence of these incidents and
14 report data on the number of misdirected calls, a
15 description of the routing methods, a description
16 of any protocols or agreements in place between New
17 York City and neighboring jurisdictions regarding
18 redirecting misrouted calls and evaluation of the
19 use of geolocation technology and recommendations
20 on how to reduce or prevent misrouted 9-1-1 calls.
21 This is crucial information that is needed to make
22 necessary improvements to existing 9-1-1 protocols.
23 So before I call... call on our sponsors, Council
24 Member Grodenchik has arrived and I'd like to have

1
2 Council Member Grodenchik would you please.. you
3 will now be called to vote on 868A.

4 COMMITTEE CLERK DESTEFANO: Committee on
5 Technology. Continuation of roll call on Intro
6 868A, Council Member Grodenchik.

7 COUNCIL MEMBER GRODENCHIK: [off mic]
8 Aye.

9 COMMITTEE CLERK DESTEFANO: Vote now
10 stands at four in the affirmative, zero in the
11 negative, and no abstentions.

12 CHAIRPERSON VACCA: Thank you. I will
13 now call on the sponsor of one of our bills;
14 Council Member Borelli.

15 COUNCIL MEMBER BORELLI: Thank you very
16 much Chairman Vacca for not only hearing this bill
17 but for being a co-sponsor as well as Councilwoman
18 Palma for also being present and for being a co-
19 sponsor of the bill. My involvement with this issue
20 started a few months ago when we had a constituent
21 call 9-1-1 and she was frantically in a car with
22 her children. There had been some form of accident.
23 And she was routed to a call center in New Jersey.
24 And obviously it took some time before the call
25 center realized she wasn't in Carteret, New Jersey.

1
2 She was actually in Tottenville, Staten Island. And
3 this story got some traction in the newspaper as...
4 as do they sometimes do because they do make
5 headlines when people think they can rely on 9-1-1
6 and the system has some glitch that prevents it.
7 And we shared it on Facebook and lo and behold
8 dozens of people had come forward and say you know
9 this had happened to me, everything ranging from
10 people at the South Shore Little League to people
11 driving to people near the bridge. I'll give you
12 the bridge though. People along the bridge, you
13 don't have to worry about that... that's a gimme
14 [phonetic]. Reliability is paramount when it comes
15 to the city's 9-1-1 system and the public needs to
16 know that when they call 9-1-1 someone is going to
17 be able to assist them right away. It seems as
18 though the call operators whether they be... would be
19 police, fire or EMS, or whoever's doing the
20 operation of the call center is doing as best of a
21 job as they possibly can. It's just sad in some
22 ways that there's not a better technological aspect
23 of sort of guaranteeing this gets... out before it
24 even comes to that. The intent of the bill is to
25 ascertain the protocols and processes that are

1
2 currently in place regarding the rerouting of 9-1-1
3 calls that are made in NYC but are routed
4 incorrectly to New Jersey and as Council Member
5 Vacca pointed out to other municipalities in
6 Westchester County and I imagine other
7 municipalities in Nassau County as well. It's been
8 documented many times. I think the public deserves
9 to... to really understand why these things happen. I
10 appreciate that there's never going to be a 100
11 percent guarantee that... that we'll be able to not
12 misdirect any calls in the future but I'm hoping to
13 find some quantifiable data on whether we're doing
14 a good job now, whether we could be doing a good
15 job in the future, and whether the next gen 9-1-1
16 system is actually the right format to address this
17 problem. I'm confident that we have the best people
18 in the world both at DoITT and in our first
19 responder community here and I'm confident that you
20 guys will be able to figure it out. I think the
21 public deserves it. And thank you very much.

22 CHAIRPERSON VACCA: Thank you Council
23 Member Borelli. We've now been joined by our first
24 panel; David Kirks Assistant Commissioner and
25 Director of Public Safety for DoITT, Inspector

1 Richard Napolitano NYPD, and Jason Shelly of FDNY.

2 I have to swear you in. Do you affirm to tell the
3 truth in your testimony before this committee and
4 to respond honestly to council member questions?

5 [combined affirmations]

6 CHAIRPERSON VACCA: Do, okay, thank you.

7 Please proceed. Who would like to lead off.

8 DAVID KIRKS: I will.

9 CHAIRPERSON VACCA: Okay, please
10 introduce yourself for the record.

11 DAVID KIRKS: Good morning Chairman
12 Vacca and Members of the city council Committee on
13 Technology. My name is David Kirks. And I'm the
14 Associate Commissioner and Director for Public
15 Safety IT programs at the Department of Information
16 Technology and Telecommunications. Thank you for
17 this opportunity to testify today on Intro 1158
18 which would require DoITT to develop a report on
19 the routing of certain cellular 9-1-1 calls as well
20 as other information. While DoITT supports the
21 goals of this legislations we have concerns
22 relative to the bill as written. We look forward to
23 working with the bill's sponsor and the council on
24 addressing the subject matter of Intro 1158 so that
25

1 we can work towards solutions and ideas that fit
2 within NYPD's operations over 9-1-1 and with DoITT
3 supported technologies that support 9-1-1 call
4 taking operations. The administration is keenly
5 aware of the challenges for telecommunication
6 Karirs in routing wireless calls to the correct
7 public safety answering center. We share the
8 council's goal of ensuring the public has immediate
9 access to emergency services in all of New York
10 through our 9-1-1 systems. However, we have found
11 that some of the data requested as part of the bill
12 is not something that is tracked or collected such
13 as the number of 9-1-1 calls originating from
14 cellular phones within the city that were routed to
15 a public safety answering point outside the city.
16 The larger goal of ensuring the immediate access to
17 emergency services for the residents of New York
18 City is one of several drivers behind the city's
19 long term plan to implement a next generation 9-1-1
20 system and DoITT will be leading the implementation
21 of next gen 9-1-1 working of course with our
22 partners at NYPD and FDNY. A next gen 9-1-1 system
23 will help address part of the challenge of routing
24 wireless 9-1-1 calls to the correct PSAP by
25

1
2 enabling the transmission of the caller's exact
3 telephone location information via the latitude and
4 longitude coordinates which can then be used for
5 the initial routing of a wireless call to the
6 appropriate PSAP. That said, our agencies would be
7 happy to have follow-up discussions with the city
8 council to discuss each of your... of... of our roles
9 in more detail to help you draft a bill that takes
10 into account all of our concerns. We thank Council
11 Member Borelli for raising this issue and we look
12 forward to working with you to ensure the safety of
13 the public. I'm joined here today by Inspector
14 Richard Napolitano of the NYPD and we look forward
15 to answering any questions that you may have. Thank
16 you.

17 CHAIRPERSON VACCA: Who would like to go
18 next? Do you want to go next sir?

19 RICHARD NAPOLITANO: I do not have sworn
20 testimony. I'd just like to say thanks for this
21 opportunity to answer your questions and I look
22 forward to working with you on this bill.

23 CHAIRPERSON VACCA: Sir, do you have any
24 position? Does the police department have any
25 position?

1
2 RICHARD NAPOLITANO: Yes, I do. I'm
3 going to answer a Q&A, any type of questions. I
4 just don't have a sworn statement to read off..

5 CHAIRPERSON VACCA: No, but that's okay.
6 But what is your position on the legislation?

7 RICHARD NAPOLITANO: Oh. We... we... we feel
8 very strongly about this. This is a very worthwhile
9 endeavor and we look forward to working with you on
10 any way possible to make the 9-1-1 system more
11 efficient.

12 CHAIRPERSON VACCA: But you have no
13 specific position on the bill? Is... your agency..
14 [cross-talk]

15 RICHARD NAPOLITANO: The bill is...

16 CHAIRPERSON VACCA: ...you?

17 RICHARD NAPOLITANO: There's many parts
18 in that bill and some of the data that's required
19 we do not keep that type of data. But the overall
20 picture of the bill we do look forward to working
21 with some of the items that are listed in there.

22 CHAIRPERSON VACCA: Okay. FDNY do you
23 wish to testify or are you..
24
25

1
2 JASON SHELLY: We... we don't have
3 testimony on this bill. Defer to our colleagues of
4 PD and DoITT on this one.

5 CHAIRPERSON VACCA: Okay. So the main...
6 the main reason I'm hearing is that you don't
7 collect the information that Councilman Borelli's
8 bill would seek to review. That seems to me to... to...
9 we seem to be acknowledging that Councilman Borelli
10 is correct in identifying a problem. Do you all
11 admit that there is a problem here that he's
12 identifying that is correct?

13 RICHARD NAPOLITANO: Yes, that does in
14 fact happen.

15 CHAIRPERSON VACCA: Can you give me
16 instances where this has happened? Has it happened
17 recently? Does it happen frequently? Can you talk
18 about the parameters of... of this happening?

19 RICHARD NAPOLITANO: Sure. Last year New
20 York City handled approximately 10 million phone
21 calls coming into the 9-1-1 center. A very small
22 percentage, very small, a fraction of a percent,
23 involved calls where they hit another cell tower in
24 another jurisdiction and... and answered by that call
25 center. There's... We... we put in basically our

1
2 training, we have a very rigorous training, and we
3 have computer system where it makes it possible to
4 get the phone call to the appropriate police agency
5 as quickly as possible. And I'll just give you an
6 example. We have approximately 20 police agencies
7 that surround New York City. And on our computer
8 screen, our 9-1-1 operator's computer screen we
9 have a quick... we would call it a hot key, it says
10 PD agencies. So when this type of thing does happen
11 we train our call takers to quickly get that call
12 to the appropriate agencies. Now just a few of them
13 would be Nassau, Bayonne, Mt. Vernon, Yonkers,
14 just... just to name a few. So we understand that in
15 9-1-1 calls seconds matter. So we do the best we
16 can with our training to address this type of
17 issue.

18 CHAIRPERSON VACCA: How frequent... how
19 frequent is it that people who live in the Bronx
20 for example in my district who boarder Pelham, New
21 York which is part of Westchester County.

22 RICHARD NAPOLITANO: Yes.

23 CHAIRPERSON VACCA: How is it... is it
24 frequent or is it...

25

1
2 RICHARD NAPOLITANO: It's... it's not...
3 it's not very frequent but even one call... [cross-
4 talk]

5 CHAIRPERSON VACCA: Has... even one call
6 is... [cross-talk]

7 RICHARD NAPOLITANO: Oh it has happened,
8 yes it has. And it happens through 9-1-1 call
9 centers throughout the country. It is something
10 that if we could prevent it and then bring it down
11 to the number zero we would be very happy but it
12 does happen. And... and just a brief explanation of...
13 of why that happens is if somebody uses their
14 cellphone and they're right on the boarder of just
15 say Queens and Nassau county, the radio waves from
16 that cell phone are going to go to the... the closest
17 cell tower. Now there's also times where it... it may
18 not even be geographically closer but perhaps
19 there's a building in... in the way of where that...
20 that person is standing it's going to find the
21 nearest cell tower. And sometimes it does actually
22 hit a cell tower in a surrounding jurisdiction. And
23 the surrounding jurisdictions have a policy in
24 place similar to us where they have their
25 surrounding police agencies and they're also

1
2 trained to as quickly as possible route that call
3 to us.

4 CHAIRPERSON VACCA: But what's a little
5 surprising to me... let... now let's take Queens for
6 example, so if you live in Queens I think it would
7 be Council Member Grodenchick's district, then you
8 boarder Nassau County and you call up 9-1-1 you
9 mean Nassau County would have no record of how many
10 times somebody in queens was serviced by the 9-1-1
11 system where they surrounded to an out-of-county
12 call?

13 RICHARD NAPOLITANO: Well...

14 CHAIRPERSON VACCA: Where they had to
15 call New York City police? They would have to..
16 [cross-tlak]

17 RICHARD NAPOLITANO: They...

18 CHAIRPERSON VACCA: ...have to...

19 RICHARD NAPOLITANO: No, I'll explain
20 why. They would not have any record of how many
21 calls we transferred to them because on the
22 computer screen... I'll... I'll just try to paint the
23 picture. When a call comes from New York, say
24 they're in Long Island and they happen to hit a
25 Queens cell tower it comes in New York City, our 9-

1
2 1-1 center. We answer it. We find out that it's in
3 Nassau County. We transfer that. On a normal call
4 the information would show where they're calling
5 from and the phone number. They actually get a... a
6 blank screen. And a lot of the other police
7 agencies get a blank screen. So a normal 9-1-1
8 call, if you're in Brooklyn you call 9-1-1 it hits
9 the appropriate cell tower. It goes to New York
10 City's 9-1-1 center. They're going to get the
11 person's information, the person's cell tower that
12 it hit and the phone number. When you transfer to
13 other call centers it goes into a back door number
14 that our police agencies use so they could get to
15 the right call center and there's no record of
16 that. The same thing with the calls coming into us.
17 We just see... basically the name of it is... it would
18 say Alarm... and it would just have the phone number.
19 That's the only information we get. That's why
20 we're not able to calculate the number of calls
21 coming in.

22 CHAIRPERSON VACCA: Do you have
23 agreements with these neighboring counties?

24 RICHARD NAPOLITANO: We... we all take...
25 basically have the same type of training and I do

1
2 speak to surrounding agencies. I visited other call
3 centers. And it's... it's all... basically standard
4 operating procedure for 9-1-1 centers that this
5 does happen. They deal with it, we deal with it,
6 and dealing with other 9-1-1 call center commanding
7 officers the training is get it to the appropriate
8 agency as quickly as possible.

9 CHAIRPERSON VACCA: Now is there... is
10 there any software or app that you would recommend
11 people use if they want to ensure that the location
12 they're at is accurately sent to 9-1-1?

13 RICHARD NAPOLITANO: I... I would not...
14 it's not a... I'm not in that position to recommend
15 apps.

16 CHAIRPERSON VACCA: Besides location is
17 there another cause that could direct... that could...
18 that could end up having a cell phone call to 9-1-1
19 be misdirected? Is location the main...

20 RICHARD NAPOLITANO: Location.

21 CHAIRPERSON VACCA: Okay.

22 RICHARD NAPOLITANO: Location is.

23 CHAIRPERSON VACCA: Okay.

24 RICHARD NAPOLITANO: But there... just to
25 give you some idea there are many times when an

1
2 individual will call 9-1-1 for... I'll give an
3 example because I... I actually listen to 9-1-1 calls
4 and I deal with this quite frequently in my
5 experience. An elderly father may call his son who
6 lives in Queens but he's out in Long Island. He's
7 not feeling well. He believes he may be having a
8 heart attack. Now his son will call 9-1-1. It'll
9 hit our call center in Queens and we will transfer
10 it to Nassau County as well. And that happens quite
11 frequently. We would rather people call 9-1-1
12 directly but quite often they call family members
13 instead. So that's just another example how there's
14 cross basically cooperation between the 9-1-1
15 centers.

16 CHAIRPERSON VACCA: Does this... does this
17 most frequently happen in Queens, Nassau, Bronx,
18 Westchester, Staten Island, Jersey? Which is more
19 frequent of these locations?

20 RICHARD NAPOLITANO: You... you named... you
21 basically named them. It happens in... in Staten
22 Island going over to Jersey, Queens obviously into
23 Nassau County, and Bronx into Yonkers... the upper
24 west side into New Jersey sometimes across the
25

1
2 water. Basically any... any jurisdiction that
3 surrounds us.

4 RICHARD NAPOLITANO: Okay. We've been
5 joined by Council Member Cumbo and I wish to
6 congratulate her on passage of her legislation
7 early this morning. Well the clerk is gone. He's
8 going to come back. Council Member Greenfield is
9 here... is here. And when the clerk returns you'll be
10 called to vote on Council Member Cumbo's
11 legislation because I left the role open. I would
12 now like to call upon the sponsor Council Member
13 Borelli.

14 COUNCIL MEMBER BORELLI: Thank you
15 Chairman. And thank you members of the panel. Just
16 a couple of questions. Of the 10 million calls a
17 year do we have a way to quantify how many of those
18 calls are originated by cell phone and how many are
19 originated by landline?

20 RICHARD NAPOLITANO: Approximately, yes
21 we do, and the answer is approximately 70 percent
22 of all calls are by cell phones.

23 COUNCIL MEMBER BORELLI: Seven?

24 RICHARD NAPOLITANO: 7-0.
25

1

2

COUNCIL MEMBER BORELLI: Oh 70, 70...

3

[cross-talk]

4

RICHARD NAPOLITANO: Yes, 7-0. 70

5

percent are from cell phones.

6

COUNCIL MEMBER BORELLI: Okay. And has

7

that number gone up over the years and landlines

8

have dropped? I assume that the answer is yes to

9

that.

10

RICHARD NAPOLITANO: The last couple of

11

years it's been staying relatively steady. If... if

12

you go back 10 years ago obviously it's... it's been

13

increasing. But the last couple of years it's 65 to

14

70 percent.

15

COUNCIL MEMBER BORELLI: Okay. You said

16

that... you... you did give somewhat of a statistic

17

when you said a fraction of the 10 million are

18

rerouted. So that means that there is some type of

19

count. Is there a... is there an actual hard number?

20

Is it something you do quantify?

21

RICHARD NAPOLITANO: There is not a hard

22

number. What... what we are able to look at and this

23

is where these general numbers... we're able to see

24

which calls we transfer to other police agencies.

25

We're able to see that number. And we're able to

1
2 track that. However, there's many other reasons and
3 I just explained one where that's not the only
4 reason and that's the example of an elderly male
5 calls his son who lives in Queens but he called
6 from Nassau County and now we transfer that call to
7 Nassau. The only way to actually give you an
8 accurate account is if we listened to all those
9 calls and it's just... it's not possible.

10 COUNCIL MEMBER BORELLI: The... the calls
11 that get rerouted between Nassau and Queens County
12 is there a more robust working relationship between
13 the police departments there? Because I imagine
14 they interact with each other on a daily basis, you
15 know perhaps a... a boarding precinct has a good
16 relationship with a bordering Nassau County police...
17 is that accurate to say?

18 RICHARD NAPOLITANO: I think we have
19 good relationships with all the surrounding 9-1-1
20 centers. I've dealt with New Jersey. If... if there's
21 an issue that comes to our attention and we're able
22 to help each other you know we work with all of
23 them.

24 COUNCIL MEMBER BORELLI: No I'm saying
25 is it... is it not uncommon that Nassau County Police

1
2 Officers and NYPD officers interact at crime
3 scenes...

4 RICHARD NAPOLITANO: Sure.

5 COUNCIL MEMBER BORELLI: ...near boarder
6 areas?

7 RICHARD NAPOLITANO: Sure. Sure... [cross-
8 talk]

9 COUNCIL MEMBER BORELLI: But that
10 doesn't happen though in Jersey for the obvious
11 reason of the water and stuff like that?

12 RICHARD NAPOLITANO: Yes. For the... for
13 the most part I believe that would happen less but
14 that's you know me just guessing from geography.

15 COUNCIL MEMBER BORELLI: What I'm
16 getting at is other than the interaction between
17 the call centers there really is no cooperation on
18 a regular basis between the police departments in
19 New Jersey and those here.

20 RICHARD NAPOLITANO: I'm sure there is.
21 They would work together on... on cases. But that's a
22 little bit out of my purview.

23 COUNCIL MEMBER BORELLI: Right.

24 RICHARD NAPOLITANO: But I believe we...
25 we work with everyone and quite often detectives

1
2 but I'm going off on a tangent to explain that. But
3 surrounding the police agencies we all do work
4 together. It's necessary.

5 COUNCIL MEMBER BORELLI: Okay, are there
6 any agreements with service providers because
7 obviously the city's not operating any cell towers
8 to my knowledge. They're all private companies
9 operating towers. Are there agreements vis-a-vis 9-
10 1-1 calls with the Verizon towers, Sprint, and...
11 etcetera?

12 RICHARD NAPOLITANO: What type of
13 agreements if...

14 COUNCIL MEMBER BORELLI: In other words,
15 do you have agreements with them to optimize
16 performance... do they have requirements they must
17 meet from the city standpoint or the state
18 regulation? I don't know if there are... in other
19 words they put up a cell tower, they put up a bunch
20 of them. And they obviously have to take 9-1-1
21 calls. Are there requirements that they must follow
22 and comply with?

23 RICHARD NAPOLITANO: They're absolutely
24 is requirements if you want...

1
2 DAVID KIRKS: Each of the carriers will
3 have service level agreements in terms of
4 reliability, up time, and.. and so forth. The
5 ability to... to receive 9-1-1 calls and then make
6 sure that the cell tower then transfers it to the
7 closest PSAP. So those are... those are mandated.

8 COUNCIL MEMBER BORELLI: Have there ever
9 been any meetings whether it be through the
10 implementation of next gen or the planning of next
11 gen with the cell phone operators to try to get a...
12 to try to build a better mousetrap?

13 DAVID KIRKS: Right. So we've... we have
14 been holding meetings with these originating
15 service providers or OSPs making sure that they are
16 aware of the next gen requirements coming forward.
17 And so they.. they actually are important partner to
18 make sure that they are implementing, moving over
19 to the.. to the IP based phone systems. So yes.

20 COUNCIL MEMBER BORELLI: With regard to
21 the fire department. Your calls get routed to the
22 firehouse by call box location right, still?

23 JASON SHELLY: Call box is one way. We
24 also receive calls through the 9-1-1 system of
25 course. Those originate with the..

1
2 COUNCIL MEMBER BORELLI: But what... but
3 when a... an engine gets a run they're directed by
4 call box number? They're responding to a box
5 essentially?

6 JASON SHELLY: So I... one of the things I
7 was going to bring up when we're testifying for the
8 next bill is I do legislative affairs. We have a
9 9/11 related funeral today on Long Island so our...
10 our Chiefs and a lot of the leadership are there.
11 So some of the more technical questions I think I'd
12 have to get you an answer on that. But perhaps my
13 colleagues here can speak better to how to... I know
14 we receive them after they come in through the...
15 the... [cross-talk]

16 COUNCIL MEMBER BORELLI: I guess the
17 question that I would want answered at some point
18 would be is there a more delay... or a longer delay
19 for a 9-1-1 call that gets routed to the fire
20 department because it would have to get routed from
21 the errant [phonetic] call center to New York's
22 call center and then since we don't have access to
23 the geographic data that we would have if the call
24 was correctly routed does that take a longer amount
25 of time to be translated to the fire department's

1
2 call box system and is there a longer delay as a
3 result?

4 JASON SHELLY: Well we take them through
5 the system that... that PD administers. So if there's
6 a delay at some point in the line it would... you
7 know it would carry on through. But it wouldn't be
8 particular to the fire department. It would be the
9 same delay that takes place anyway.

10 COUNCIL MEMBER BORELLI: Okay. And I
11 guess final question. You had mentioned that next
12 gen will be able to come up with the longitude and
13 latitude pinpoint for someone, will that be based
14 on the triangulation from call boxes or from a
15 satellite or from some other source?

16 DAVID KIRKS: It could either be from
17 the... the GPS chip that's on the phone, would... would
18 be a... a... a way of getting that locational
19 information.

20 COUNCIL MEMBER BORELLI: So...

21 DAVID KIRKS: And so even though you
22 might have your settings on your phone to let's say
23 disable location the phone manufacturers are
24 required to actually override that setting...

25 COUNCIL MEMBER BORELLI: Right.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DAVID KIRKS: ...if you make a 9-1-1 call.

COUNCIL MEMBER BORELLI: That was my next question. That sounds like it's a... a good... a good that they're taking.

DAVID KIRKS: Exactly.

COUNCIL MEMBER BORELLI: So if they're using a GPS chip that would... that would essentially make the likelihood that less of these cases would happen.

DAVID KIRKS: Exactly. Because the location would be based upon the... the data that's transmitted with that... with that phone call from the cell. So it... it's not based upon cellular tower location but actually the GPS data that's transmitted from the phone during the 9-1-1 call.

COUNCIL MEMBER BORELLI: So it sounds like with the implementation of next gen and some of the technological advancements that the providers have been making with regard to what you just mentioned it sounds like this will get better. But it still doesn't address some of the problems with this bill is that we don't have any way to quantify whether it is actually working with data. And this is a city that everything from school

1
2 lunches to policing is... is driven by data. How can
3 we... yeah you mentioned some of the stuff is not
4 calculated that... that I would like it to be... that I
5 would like to be calculated is actually calculated.
6 I mean is there a way have... have we reached out to
7 other municipalities to see if... if... if they can
8 provide us with data, even though it may come over
9 to us as a blank screen do the 20 or so other
10 jurisdictions, do they potentially calculate this...
11 or... or quantify this in a different way that we can
12 use?

13 RICHARD NAPOLITANO: I wouldn't really
14 want to speak for the other agencies because I'm
15 not privy to all the information they have. Most
16 likely they're probably very similar to us because
17 they have that same limitation we have when we
18 transfer calls to them. They get the blank screen.
19 We get a generic information with no any ally... with
20 no location, no phone number. So it seems like
21 we're very similar with this... with that limitation
22 as of now.

23 COUNCIL MEMBER BORELLI: I guess then my
24 final question for the panel is if you were tasked
25 with finding a method of evaluating the success of

1
2 Next Gen versus our current situation using the
3 data we could possibly ascertain what would be the
4 best method of doing so?

5 RICHARD NAPOLITANO: We can... again I'll
6 just repeat it. We can actually see how many calls
7 we transfer to other police agencies. That number...
8 of course a good percentage of those are calls that
9 actually hit a cell tower in another jurisdiction.
10 We would notice that those calls would go down.
11 That would be an indication. It would not be an
12 exact answer. But if the number of calls we're
13 transferring to other police agencies goes down I
14 think it would be pretty obvious that that would be
15 an indication that this is working.

16 COUNCIL MEMBER BORELLI: Okay thank you.

17 RICHARD NAPOLITANO: Sure.

18 CHAIRPERSON VACCA: Let me ask... I wanted
19 to ask about the implementation of next generation
20 9-1-1 and wouldn't that alleviate the issue of
21 calls being rerouted at... rerouted at geographic
22 boundaries?

23 DAVID KIRKS: Yes, it absolutely would.
24 The locational information that gets transmitted
25 from the cell phone is used as... rather than cell

1
2 phone tower location the location of that phone is
3 actually transmitted to... to the 9-1-1 center which
4 is not what... so we don't get that today. We get the
5 cell tower location information, not the actual
6 location of the cell phone caller.

7 CHAIRPERSON VACCA: Okay. Any further
8 questions on Councilman Borelli's bill?

9 DAVID KIRKS: One... one... let me...

10 CHAIRPERSON VACCA: Yes.

11 DAVID KIRKS: ...just add one thing in
12 terms of we're talking about capabilities and
13 improvement of capabilities. One... one thing that
14 we're investigating with NYPD is a capability that
15 will allow for a transfer of the calling data from
16 the PSAP that actually takes the call. As the
17 inspector said we don't... we don't get any
18 information in terms of the... the cell phone number
19 or the location. We're looking at some technology
20 where that'll... that will allow neighboring
21 jurisdictions to actually transfer the cell phone
22 number and locational information. So that will be
23 an improvement that we're... that... that technology
24 that we're investigating now. So we... we... we do
25 really see you know the... the issue that you've

1
2 raised and we are investigating possible technology
3 improvements.

4 CHAIRPERSON VACCA: Well let me indicate
5 this. Councilman... Councilman Borelli's bill is
6 something that I'd like to see become law. It's a
7 reporting bill which would empower council people
8 to report to their constituents instances where
9 this has happened to what degree it's happened. And
10 I think from a public safety perspective that
11 information is valuable. So I'd like you to work
12 with him on the bill. And there... The only issue I
13 seem to identify here is that we are not able to
14 right now get the numbers that the bill calls for
15 and so much as frequency of these instances...
16 instances is concerned. So I'd like you to try to
17 overcome that and see how we can get those numbers.
18 I think it's important. I think this is a problem
19 we have to identify even if this means it happens
20 once I think it's something people should know
21 because that one minute or two minutes is life and
22 death sometimes. So are you willing to do that in
23 the days ahead? Are you willing to work on this
24 bill with the sponsor so that my committee can
25 review this further?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DAVID KIRKS: Yes we will.

CHAIRPERSON VACCA: Okay and I... I would ask you to reach out to Councilman Borelli's office and if I can be of any assistance as Chair I want to be of assistance. Okay? Okay thank you. There being no further questions on Councilman Borelli's bill I do want to take a second before we go onto Council Member Crowley's bill to introduce Laurie Cumbo and our committee passed Councilman Cumbo's bill and as sponsor I'd like her to say several words.

COUNCIL MEMBER CUMBO: Thank you. I want to first start off by thanking Council Member Vacca for continuing to prioritize our city's most urgent needs and recognizing that our great city that we call home will continue to be the safest and most technologically advanced and connected urban environment that serves its citizens effectively in a manner that utilizes smart technology for safer and a more connected city. I really want to thank you because when you are behind something it is going to happen. And so I certainly appreciate your advocacy and I appreciate all of your testimony here today. Just in closing, just wanted to add

1
2 that some examples are that more than 14,000 texts
3 were received in Indiana between March 2014 and
4 June 2015. In Alpharetta County, Georgia a deaf
5 woman was able to text 9-1-1 to report two children
6 being left in a car alone for over an hour. We also
7 have in Florida a 61-year-old man fell off a ladder
8 and broke his back. He couldn't make a voice call
9 so he text 9-1-1 and it was air lifted to a
10 hospital. And in Idaho a 16-year-old rape victim
11 texted 9-1-1 so that she would not wake her
12 assaulter. Sheriff shortly arrived to her home and
13 arrested the assaulter. So this piece of
14 legislation is really going to save so many lives.
15 It's going to produce an extra level of protection
16 when we see so many tragic incidents that have
17 happened all across the country in terms of mass
18 shootings. I'm confident that 9-1-1 could also be a
19 tool to help alleviate such serious situations. And
20 I want to thank all of my colleagues for voting on
21 it. I look forward to working with you on its
22 implementation. And again I want to thank Council
23 Member Vacca. I also want to thank Monica Abend
24 [sp?], all my staff. And I want to thank Dominick
25 Bryant [sp?] my Constituent Affairs Director who

1
2 actually conceived of this legislation as well as
3 Council Member Mark Levine who has co-primed this
4 legislation with me. Again thank you all. And thank
5 you so much Council Member Vacca.

6 CHAIRPERSON VACCA: Thank you Council
7 Member Cumbo. I will now have the clerk call the
8 roll which we left open. Council Member Greenfield
9 is here and if you would call the roll.

10 COMMITTEE CLERK DESTEFANO: Committee on
11 Technology. Continuation of roll call on Intro
12 868A. Council Member Greenfield.

13 COUNCIL MEMBER GREENFIELD:
14 Congratulations Council Member Cumbo. I vote aye.

15 COMMITTEE CLERK DESTEFANO: The final
16 vote stands at five in the affirmative, zero in the
17 negative, and no abstentions.

18 CHAIRPERSON VACCA: The vote on that
19 item is completed and it has passed unanimously.
20 Okay... okay congratulations Council Member Cumbo.

21 COUNCIL MEMBER CUMBO: Thank you.

22 CHAIRPERSON VACCA: We'll now go on to
23 Intro 951 which is modeled after Kari's Law. And
24 again this is legislation I think that makes sense.
25 I have to admit myself that I've notices that we

1
2 have some phones that you can call 9-1-1 on
3 directly and we have other phones that you have to
4 dial nine before you call 9-1-1. And I don't know
5 if there's a rhyme or reason to it but I do know
6 that we lose precious moments of people attempting
7 to get 9-1-1. That should not happen. There should
8 be consistency. There should be access to 9-1-1
9 that is easy and without question. And we don't
10 have that now based on telephone systems that
11 exist. It seems to me to be a no-brainer here
12 because lives could be lost. And public safety's
13 got to be our priority. So I'm very supportive of
14 this legislation so I'd like to hear testimony
15 from... would it be the fire department at this
16 point? Would you introduce...

17 JASON SHELLY: Yes, sir.

18 CHAIRPERSON VACCA: ...yourself again
19 please?

20 JASON SHELLY: So I'm Jason Shelly from
21 FDNY. Good morning Chairman Vacca and... and other
22 council members. Just to reiterate again there's a
23 9/11 related funeral taking place on Long Island
24 today that quite a few of our leadership are at. So
25 while I'm here to offer testimony and answer

1
2 questions as best I can for technical or
3 operational questions I may have to seek out
4 answers and... and get back to you. So I appreciate
5 your understanding on that. Thanks very much
6 Chairman Vacca for the opportunity to speak today
7 about Intro 951, legislation introduced by
8 Chairwoman... Council Member Crowley to increase
9 access to 9-1-1 service for multi-line phone
10 systems. Intro 951 mandates certain businesses in
11 New York City agencies with multi-line phone
12 systems to allow callers to directly dial 9-1-1
13 instead of having to first dial nine or some other
14 prefix. It also requires these entities to
15 configure their phone systems to provide
16 notification of any 9-1-1 call made within the
17 system to a centralized location within that same
18 system providing that the system's hardware would
19 not need to be changed solely to comply with that
20 requirement. The fire department considers this
21 concept a very interesting idea and extremely
22 worthwhile goal. The legislation was inspired as
23 you mentioned Chairman Vacca by a tragic event in
24 Texas during which a child seeing her mother
25 attacked dialed 9-1-1 from a motel room to no avail

1 not realizing that she needed to dial nine before
2 reaching an outside line. We recognize that
3 preventing further occurrences of what happened in
4 Texas would positively influence public safety.
5 However, we do not believe the fire department's
6 the appropriate agency to administer this law or to
7 provide ongoing oversight of the policy as is
8 called for in the bill. The primary goal of the
9 fire department is to protect public safety and
10 save lives. We do receive and respond to calls via
11 the 9-1-1 system however we don't administer the 9-
12 1-1 system and in fact we receive only a small
13 portion of the calls that go to the 9-1-1 system.
14 Our focus is on responding to fires and rescues of
15 medical emergencies and we're concerned that the
16 requirements of this bill which would include
17 devoting staff time to and resources to issuing
18 violations, evaluating requests and issuing
19 exemptions and creating annual reports on these
20 activities would not put us in the best position to
21 carry out our mission. One reason the fire
22 department would not be the appropriate agency to
23 administer this requirement is that our inspection
24 schedule doesn't conform with the kind of oversight
25

1
2 that would be necessary under the proposed
3 legislation. So we... fire department performs
4 different types of inspections at different
5 frequencies. Some of our inspections are associated
6 with permits as required under the fire code. In
7 those cases, the focus of the inspection is the
8 permit that has been issued. And a more general
9 inspection does not occur. So for example if a
10 business obtains a particular permit for a
11 sprinkler system the fire prevention team
12 periodically visits that location and inspects the
13 sprinkler system. These permit associated
14 inspections take place only at locations where
15 permits have been issued. The fire department also
16 inspects buildings that have... we have a statutory
17 authority to inspect for fire safety purposes. The
18 frequency of these inspections are determined using
19 a risk based factor of over 60... risk based matrix
20 of over 60 factors. It includes the age of the
21 building, the height of the building, the history
22 of fire and incidents at that location and... and
23 many other factors. As a result, some buildings
24 receive frequent inspections, usually older
25 buildings with a greater risk of fire and some

1
2 buildings with a lower risk factor go longer
3 periods of time without inspections. So in addition
4 the cost of the fire prevention bureau is offset by
5 the fees that we charge for these inspections.
6 Under our current system there would be no way to
7 inspect all of the entities covered by this
8 legislation under any regular or equitable
9 schedule. To do so would require either instituting
10 a completely new inspection regime or drastically
11 changing the way that we currently perform our
12 inspections. And neither of these cases is
13 preferable. Our inspection schedule is not the only
14 challenge to administering the requirements of this
15 bill. Inspecting and testing phone systems would be
16 significant departure from the current training and
17 expertise of the fire department inspectors,
18 firefighters, and fire officers who focus primarily
19 on fire safety and prevention rather than the 9-1-1
20 system generally. They don't have the technical
21 expertise to determine whether a given system
22 complies with the requirements of the bill
23 including the requirement that a central location
24 within the business is also alert when a 9-1-1 call
25 is made. For similar reasons the fire department is

1
2 also not an appropriate agency to assess requests
3 for exemptions from the proposed law. As written
4 the bill would authorize the fire department to
5 grant exemptions in cases where applicants show
6 that replacing or reprogramming a phone system as
7 required under the bill would prevent an undue and
8 unreasonably costly burden to the building.

9 Assessing the validity of such requests for
10 exemption is simply beyond the scope of the fire
11 department's functions or our expertise of its
12 members. We look forward to continuing fruitful
13 discussion with the council and.. and with the
14 Committee on Technology and with our fellow city
15 agencies in how to achieve the goals underlying
16 this bill. In addition to the concerns I've
17 discussed with specific regard to the fire
18 department an additional issue that would need to
19 be explored is how testing for compliance would
20 occur. We don't want to put in place a testing
21 system that would result in increasing the number
22 of non-emergency calls made to the 9-1-1 system
23 particularly during the day when the volume of
24 calls to the 9-1-1 system's higher. Simply for the
25 purpose of assessing compliance with these

1
2 requirements. A small number of other jurisdictions
3 have enacted laws similar to this bill and we think
4 there may be lessons to be learned from those
5 jurisdictions. In addition, we're aware that a bill
6 on this topic passed in the assembly in the most
7 recent session. And there's similar legislation
8 pending at the federal level. Both of which would
9 be good to take into account as our discussion
10 proceeds. So in short we're open to having further
11 conversations with our partners and with the
12 committee in exploring how best to underachieve...
13 achieve the goals underlying this bill. Thank you.

14 CHAIRPERSON VACCA: Thank you. So let's
15 get to the bottom line. The bottom line is that
16 you... you do not feel your agency is equipped to
17 fulfil the mission of this bill?

18 JASON SHELLY: Well we do0n't think
19 we're the appropriate agency for this... [cross-talk]

20 CHAIRPERSON VACCA: You don't think
21 you're the appropriate agency?

22 JASON SHELLY: Given our... our expertise,
23 our mission, and... and our standing within the 9-1-1
24 system itself.

25

1
2 CHAIRPERSON VACCA: Alright. Now as I
3 said before I think this bill is very worthy of
4 action. What agency do you recommend be the agency
5 of jurisdiction. It seems to me we have a two prong
6 issue here. We have city agencies and who will
7 assure compliance with city agency... with city
8 agencies implementing this. And then we have
9 noncity agencies, the private sector. So in your
10 testimony and your conversation with the fire
11 department have you had conversations that relate
12 to what agency could be overseeing the city aspect
13 of compliance and the private aspect of compliance.

14 JASON SHELLY: We don't have a specific
15 recommendation for an agency that... that should
16 oversee it. I think that's probably something that
17 further conversations on... with... with our agency
18 partners and perhaps partners in the business
19 community that we could understand how best to
20 implement this. We... the bill calls for... for
21 penalties in a... in a manner that implies
22 inspections. As the conversation proceeds there may
23 be other ways to ensure compliance with this bill
24 in ways that we haven't thought about yet or
25 enforcement that we haven't thought about yet.

1
2 CHAIRPERSON VACCA: So we... we... we have
3 to work with the sponsor which I'm willing to do as
4 Chair of the Committee as well but we have to work
5 with the sponsor and I include the city in this in
6 identifying agencies. Now if we're talking about
7 New York City doing this to assure that city phones
8 comply with this law it would appear to me that
9 DoITT would be the agency to do it... no... no pun
10 intended but... DoITT would have to do it. And they
11 are in charge of the city's telephone system.

12 JASON SHELLY: Well I...

13 CHAIRPERSON VACCA: Now you're talking..
14 you're talking about the private sector compliance.
15 That becomes another issue. And we have to identify
16 an appropriate agency. And I'm going to work with
17 the sponsor to do that. And I know this is a
18 problem. And I know something has to be done. I've
19 experienced it myself.

20 JASON SHELLY: As I've said and I... I
21 completely agree. And as you pointed out literally
22 this is a matter of life and death even if it's
23 just a delay, even if somebody figures it out and
24 gets through losing time during the course of that
25 can be a matter of life and death. So we certainly

1
2 agree with... with the chairman and the sponsor's
3 points here and the goals underlying the bill.
4 That's why we would like to be part of the
5 conversation going forward to... to see if... if this
6 goal is accomplished.

7 CHAIRPERSON VACCA: Well has DoITT
8 assessed this bill at all?

9 DAVID KIRKS: There are over 300,000
10 city employees so assuming that each person had a
11 phone DoITT actually has some varying degrees of
12 authority over roughly 50,000 phones. And those
13 50,000 phones about 38,000 do currently have direct
14 9-1-1 dialing access. There are various
15 manufacturers with technology built in those
16 phones. And so to move those other phones to direct
17 dial it would have to be a... quite an effort to do
18 that. As far as the other agencies who have phones
19 that are not under the purview of... of DoITT I would
20 have to do some sort of analysis and... as to what
21 kind of technology they have in their phone systems
22 and whether or not they have direct dial access to
23 9-1-1. In terms of things like compliance and
24 things like that DoITT is not in the business of
25 ensuring... you know issuing fines and... and so forth.

1
2 So I wouldn't think that DoITT is the agency to... to
3 enforce compliance with a... a rule such as this.

4 CHAIRPERSON VACCA: We're talking
5 Consumer Affairs.

6 DAVID KIRKS: You know I did the little
7 bit of research and I did read that in...

8 CHAIRPERSON VACCA: ...can't be the... it
9 can't be the Buildings Department because they
10 don't get any compliance anyway.

11 DAVID KIRKS: Yeah, yeah. So I... I... I
12 think I read somewhere that there was a... a location
13 where the department of labor actually had this and
14 they had... because they would go into work locations
15 and they would look for compliance of... of certain
16 laws. I'm not sure what... how that would translate
17 to New York City.

18 CHAIRPERSON VACCA: Now is that a state
19 agency?

20 DAVID KIRKS: State agency.

21 CHAIRPERSON VACCA: State agency.

22 DAVID KIRKS: That I read about.

23 CHAIRPERSON VACCA: So we'd have to see...
24 to my recollection we don't have a Department of
25 Labor in New York City. There would have to be an

1
2 equivalent agency. But this is something I'm going
3 to pursue. And...

4 DAVID KIRKS: Yeah we're happy to
5 certainly work with you to come up with some ideas.

6 CHAIRPERSON VACCA: Yes. Okay I'll need
7 your help on that. Okay. Now may ask one or two
8 questions here. What determines... who determines
9 what phone system an agency uses? And how often are
10 our phone systems updated?

11 DAVID KIRKS: I don't have the answer to
12 that but I can take that back to our
13 telecommunications group and certainly get that
14 answer to you. But I know DoITT has... has varying
15 degrees of authority over roughly 50,000 phones
16 across multiple agencies to include city council
17 and the mayor... you know the mayor's office, so
18 forth.

19 CHAIRPERSON VACCA: There are more than
20 50,000 phones that city agencies use?

21 DAVID KIRKS: Well as I said there's
22 300,000 employees and DoITT has some purview over
23 50,000 of those.

24 CHAIRPERSON VACCA: Who has the rest?

25 DAVID KIRKS: Each of the agencies.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON VACCA: Each of the agencies?

DAVID KIRKS: Other... other agencies.

CHAIRPERSON VACCA: But aren't those phone bills paid by... aren't those... don't those phone bills go to DoITT in some shape or form?

DAVID KIRKS: I would have to get that answer for you.

CHAIRPERSON VACCA: I always thought they did to be honest with you. I was a district manager of a community board before this and I know that DoITT paid my telephone bill out of my budget.

DAVID KIRKS: Yes. City council, that's correct. That's one I just named.

CHAIRPERSON VACCA: Yeah.

DAVID KIRKS: As one of the 50,000 phones.

CHAIRPERSON VACCA: That's one of the 50,000 phones.

DAVID KIRKS: Yes.

CHAIRPERSON VACCA: Okay. It's called an intracity payment? Is that what it's called, an intracity payment? Do you have a vendor or... Tell me how that works. How do you... how do you pay?

1
2 DAVID KIRKS: Telecommunications is not
3 my...

4 CHAIRPERSON VACCA: Okay.

5 DAVID KIRKS: ...my main...

6 CHAIRPERSON VACCA: Okay.

7 DAVID KIRKS: I can get that...

8 CHAIRPERSON VACCA: It's not mine
9 either... [cross-talk] Don't worry.

10 DAVID KIRKS: I can get that information
11 for you as we continue the discussion.

12 CHAIRPERSON VACCA: Okay. How often are
13 agency phones updated? You don't know?

14 DAVID KIRKS: I don't know. I'm sorry.

15 CHAIRPERSON VACCA: I will tell you that
16 my telephone was just changed at 250 Broadway in my
17 office and I had a phone where you could not call
18 9-1-1 directly and now I have a phone that I can.

19 DAVID KIRKS: You probably have a VOIP
20 phone now.

21 CHAIRPERSON VACCA: Yes.

22 DAVID KIRKS: ...new technology allows it
23 to be programmed much easier than the other phones.

24 CHAIRPERSON VACCA: Yes. Okay Councilman
25 Borelli any questions? There being no further

1
2 questions, no... are there further speakers? Oh I
3 have our next panel. I thank you so much for
4 coming. [cross-talk] Mark Fletcher. That's all
5 right? Hi, how are you? Nice seeing you. Thank you.
6 Okay if I can have your attention please we have
7 one last witness. Mr. Fletcher would you identify
8 yourself please.

9 MARK FLETCHER: Good morning Mr.
10 Chairman, honorable committee members. I'm Mark
11 Fletcher, ENP. I'm a chief architect with... for
12 Public Safety Solutions at Avaya Global
13 Manufacturer Communications Equipment. I'm here to
14 provide testimony and answer any technical
15 questions that the committee has on 0951215 also
16 known as Kari's Law. Over 240 million times each
17 year which works out to be over 34,000 times each
18 hour nearly 61 hundred emergency communication
19 centers across North America staffed by tens of
20 thousands of 9-1-1 call takers answer desperate
21 calls from citizens who are likely having the worst
22 day possible in their lives. Families are torn
23 apart in car accidents, loved ones fall sick or
24 become injured, and even innocent lives are taken
25 in incidents in our homes, our schools, and our

1
2 places of work. The common thread behind each of
3 these incidents are the three simple digits; 9-1-1.
4 In every city across America, on every police car,
5 and every fire truck, and on every ambulance are
6 the words 'In case of emergency dial 9-1-1'. Our
7 children are taught this in many cases before they
8 can even speak. In fact, it's been said many times
9 that it's by far the most recognized brand around
10 the world. Even countries that utilize different
11 numbers such as 9-9-9 in the UK and 1-1-2 across
12 the European union. The digits 9-1-1 are also
13 recognized in the network as a universal emergency
14 number. 9-1-1's a number that can change people's
15 lives and you've heard that on December 1st of 2013
16 9-1-1 didn't do its job. And because of that a
17 mother of three from East Texas is no longer with
18 us today. On that fateful day Kari Rene Hunt, 31-
19 year-old mother with three children went to the
20 Baymont Suites Hotel in Marshall, Texas. It was
21 there that she was going to meet her estranged
22 husband for a visitation session with her children.
23 Once in the hotel room Brad brought Kari into the
24 bathroom and locked the door. An argument ensued
25 and Brad proceeded to stab Kari over and over with

1
2 a knife nearly 30 times. Kari cried out to her
3 children just feet away to call 9-1-1 and you could
4 imagine the horror and hearing the screams and the
5 struggle. The oldest child who we don't publically
6 name who was 9-years-old at the time did exactly
7 what she was taught to do by her mother, her
8 grandparents, and even her dare officer at school.
9 She went to the telephone in the hotel room and
10 dialed the digits 9-1-1. But instead of hearing
11 that life saving voice on the other end; '9-1-1,
12 what's your emergency?' she only heard what she
13 described as static. Assuming that she must have
14 done something wrong she hung up the phone and
15 tried dialing again; 9-1-1, all the while hearing
16 her mother being brutally murdered in the bathroom.
17 Again she reached static and assumed again she must
18 be doing something wrong in all the excitement. For
19 the third time she dialed 9-1-1 and even a fourth
20 she dialed 9-1-1 determined to do what she was
21 taught and save her mother's life. Completely
22 confused to what the problem might have been she
23 had enough composure to realize it was time for
24 plan B. She grabbed her younger brother and sister;
25 ages four and five and courageously shepherded them

1
2 out of the room seeking help. Later that evening in
3 the Marshall Texas police station Kari's father
4 Hank Hunt sat with police detectives trying to sort
5 through the day's tragic events. And as he sat
6 there with his granddaughter on his lap she looked
7 up at him and said over and over; 'I tried Papa,
8 but it didn't work.'. 'What did you try,
9 Sweetheart?' Hank asked her. She replied; 'I pushed
10 9-1-1, but all I got was static.'. This not only
11 confused but it frustrated and irritated Hank. How
12 could 9-1-1 not work. And this is when he painfully
13 learned about dialing nine for an outside line on a
14 multi-line telephone system and that single digit
15 having an impact on his daughter's life. Personally
16 I've been involved in telecommunications for the
17 past 30 years. Before that straight out of high
18 school I was a police dispatcher in a small town in
19 New Jersey. And because of this background I've
20 always been sensitive to be able to call 9-1-1
21 despite the type of telephone system being used or
22 access codes being required for normal dialing. In
23 my current role at Avaya I'm the Chief Architect
24 for Public Safety Solutions. And my responsibility
25 includes making sure that our communications gear

1
2 has the ability to initiate emergency calls as well
3 as receive them where we're installed in 9-1-1
4 centers around the world including New York City.
5 In addition to that role I also act as a member of
6 NENA, a National Emergency Number Association,
7 where I sit on the NENA institute board, I've
8 served as a vice chair of the European Emergency
9 Number Association with their next generation 1-1-2
10 committee as well as a member of the Association of
11 Public Safety Communications officials where I
12 serve on the standards development committee. At
13 the federal level I've been appointed to several
14 advisory committees and workgroups and taskforce,
15 including the FCC's Emergency Access Advisory
16 Committee, the FCC Disability Advisory Committee,
17 and the Taskforce for Optimized PSAP Architecture.
18 To say the least, I consider myself a subject
19 matter expert. When I read this tragic story
20 approximately a week after Kari was murdered I
21 reached out to Hank offering my condolences and my
22 help in raising awareness about dialing 9-1-1 from
23 multi-line telephone systems that required an
24 access code. I knew this was a simple fix. And I
25 told Hank that using my connections in Washington

1
2 D.C. along with a letter to newly appointed FCC
3 Chairman Tom Wheeler as well as all four
4 commissioners as well as a few targeted tweaks the
5 FCC Commissioner Ajit Pai who is very active in
6 social media got myself an appointment with the
7 commissioner on January 10th of 2014. I planned my
8 five minute elevator pitch but I sat down for over
9 an hour with Commissioner Pai and his entire staff.
10 I told him the tragic story of December 1st and as
11 they sat back in awe in disbelief. They were
12 determined to take action and validate my wild
13 claims of massive non-compliance with the brand
14 name hotels. And they sent letters the following
15 Monday to the top 10 hotel chains asking five very
16 relevant questions; How many hotel/motel properties
17 in the US does your company own, how many of those
18 properties would a guest dialing 9-1-1 reach a
19 public safety answering point or 9-1-1 center and
20 in such cases where do the phone systems alert
21 hotel employees about the call had been placed, how
22 many of those properties would the guest dialing 9-
23 1-1 would reach a hotel employee and in those cases
24 have the employees answering been trained to
25 respond to emergency calls, how many of those

1
2 properties with guests dialing 9-1-1 from the phone
3 would not complete to anyone, and finally in your
4 company has any property where 9-1-1 guest dialing
5 from 9-1-1 does not reach an emergency person
6 what's your company's plan for remedying the
7 situation, and if you don't have a plan, why. A few
8 short months later the 9-1-1 goes to Washington
9 Conference in Washington Commissioner Pai reported
10 that none of the major hotel chains actually
11 required their franchisees to permit direct 9-1-1
12 dialing. And the results of the hotel survey were
13 sobering at best. Actually his direct quote was
14 'This is unacceptable.' Also present that day for
15 the commissioner speech was newly appointed Suffolk
16 County legislation Rob Trotta only on the job a few
17 weeks having just finished a long career in Law
18 Enforcement Legislator Trotta took on the issue at...
19 as he understood 9-1-1 and the importance in his
20 community in a large summer population with the
21 hotels and businesses. Upon returning to his office
22 in Long Island he also was shocked to find that on
23 his simple telephone system he was unable to dial
24 9-1-1 directly. And that inspired him to bring
25 about the very first instance of Kari's Law which

1
2 was put into place and passed unanimously. Now
3 while many in the industry laughed at an
4 unimportant county law I was optimistic that it
5 would raise awareness and inspire other
6 initiatives. Almost immediately Illinois updated
7 their legislation as sponsored by Senator Jennifer
8 Bertino-Tarrant which sparked interest in brand new
9 legislation in Maryland or state delegate Jose...
10 Joseline Pena-Melnyk sponsored the bill again with
11 near unanimous bipartisan support. In the Hunt's
12 home state of Texas, they passed legislation after
13 a full year of careful discussing the issue. And
14 Pennsylvania had a specific language to house bill
15 9-1-1 shortly thereafter. Just last week Hank Hunt
16 and his granddaughter traveled to Nashville,
17 Tennessee where they met with Tennessee Governor
18 Haslam as Senate Bill 2137 was signed into law
19 after just three months. After signing that bill
20 Governor Haslam told Hank's granddaughter how proud
21 of her that he was and offered her the pen that he
22 used to sign the bill. Being a proud Texan she
23 graciously accepted it and promptly informed the
24 governor that quote she already had six of these.
25 Whenever I'm approached about Kari's Law I'm

1
2 typically asked the same questions. By far the
3 first and foremost how much is this going to cost.
4 Well I can safely tell you that in addition to the
5 Avaya telephone systems that I have direct
6 responsibility for every major manufacturer... let me
7 say that again every major manufacturer that I'm
8 aware of can be made compliant with Kari's law
9 without major hardware upgrade or software. In
10 fact, in most cases it's a simple configuration
11 task in the software. The task is so simple that
12 when I approached four of our major distribution
13 channels in the New York area and surrounding areas
14 these four companies; DGIJ Technologies, CSDNET in
15 New York, CSG in Philadelphia, and Telserv in
16 Connecticut all having customers in the metro New
17 York area committed to performing... performing a 9-
18 1-1 checkup for their customers at no charge.
19 Chairman you said yourself this legislation is a
20 no-brainer. And that term has been said by every
21 single committee that I've presented this to. This
22 is a no-brainer. The technology is there. The
23 capability is there. And the vendors will turn this
24 on at no charge. I'll add one comment on complexity
25 and some of our systems will dial 9-1-1 and some of

1
2 our systems will not. If you're paying maintenance
3 to a company to maintain your telephone system and
4 that system cannot dial 9-1-1 that telephone system
5 is broken and your maintenance provider should come
6 out and fix your broken telephone system. So as you
7 can see the task at hand really is a simple one.
8 For decades, hotels, schools, businesses, and even
9 government agencies have all ignored this problem.
10 The FCC Commission headquarters in Washington had
11 this same problem. And it was fixed almost
12 immediately once it was brought to their attention.
13 It's only when legislation is put in place and the
14 appropriate penalties for non-compliance are
15 applied. And I understand there's a challenge with
16 managing that. But someone has to do it. Lives are
17 at stake.

18 CHAIRPERSON VACCA: Can you wrap up
19 please? Can you wrap up?

20 MARK FLETCHER: Yeah, I'm wrapping up.
21 Thank you Sir. And while Hank's granddaughter has
22 now seven commemorative pens memorializing her
23 brave actions two and a half years ago I sincerely
24 hope that Mayor de Blasio can present her with the
25 eighth. And on behalf of the Hunt family I thank

1
2 you for your time this morning. I know that was an
3 extended period but I believe it was important
4 information for you to have. And I'm ready to
5 answer any technical questions.

6 CHAIRPERSON VACCA: I thank you. And
7 it's... it's unbelievable what's happened to I think
8 many people. But I thank you for bringing forth
9 this case and I thank the Hunt family for allowing
10 you to come here today. I think that your testimony
11 points out the need for the legislation in a very
12 dramatic way. So we're going to push ahead and I
13 think we had good testimony today but I think we
14 have some work today. And the issue as to
15 implementation and oversight I think these are
16 issues that we hopefully can resolve.

17 MARK FLETCHER: I agree Mr. Chairman.
18 And thank you for your time and attention.

19 CHAIRPERSON VACCA: Thanks. I don't have
20 questions. I... I'm... I'm supportive of the
21 legislation and I think it should be moved on. And
22 I'm going to speak to the sponsor next week and
23 make sure she knows what happened here today.

24 MARK FLETCHER: Thank you Sir.
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON VACCA: Thank you.

Councilman.

COUNCIL MEMBER BORELLI: [off mic
comments]

CHAIRPERSON VACCA: Great.

MARK FLETCHER: Thank you, Sir.

CHAIRPERSON VACCA: Thank you Councilman
Borelli. And I thank you, Sir. And with there being
no further speakers or questions it's now 11:20 and
this hearing is adjourned.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date July 04, 2016