



June 2021

**Risk Analysis – Phone and Communication Mandates
and Changes Impacting Law Enforcement:**

**“988” National Suicide Prevention Lifeline
 (“Mental Health Crisis Hotline”)**

Kari’s Law

Ray Baum’s Act

VoIP and 911

Law Enforcement Bulletin 2021-3

Numerous communication changes have taken place or are in various stages of implementation that may significantly impact law enforcement. Kari’s Law, the Ray Baum’s Act, a new 988 Suicide Prevention Lifeline, and 911 considerations when utilizing an internet-based phone line (VoIP) are issues that may affect law enforcement. Although some of these changes are not yet fully implemented, it is essential that law enforcement leaders are aware of these changes and consider reviewing this risk analysis, further researching these issues, and discussing their findings with their municipal attorney to determine the best courses of action.

The attached Risk Analysis details specific areas that warrant further review and consideration. For example, a new 988 National Suicide Prevention Lifeline will likely be in full service in the near future. This will require some areas to utilize complete ten-digit phone dialing, and such a change can significantly impact the ability of some automated systems to report emergencies. Additionally, the 988 number is being described in various ways by government leaders and the media. Although the FCC has designated 988 as the “National Suicide Prevention Lifeline,” the New Jersey General Assembly passed a resolution identifying 988 as a “Suicide Prevention and Mental Health Crisis Hotline.” Additionally, the National Alliance on Mental Illness has described 988 as the “*National Mental Health Crisis and Suicide Prevention Number.*” These varying descriptions of 988 may present challenges for law enforcement as members of the public may expect a mental health response when the only available resource may be a police officer. The attached Risk Analysis explores some of the risks that may be looming with the implementation of 988 and the other measures associated with Kari’s Law, Ray Baum’s Act, and VoIP 911 dialing.

The law enforcement leaders will find in this Risk Analysis recommendations to review their phone systems in consideration of Kari’s Law, Ray Baum’s Act, VoIP and 911, and more. It may be that the actual police department’s phone systems are not affected, but it is possible that other government buildings such as the municipal building, public works facility, recreation facilities, schools, etc. may be impacted by some of these issues. Although these areas may not fall under the responsibility of the police department, police leaders are encouraged to have discussions with other government leaders to learn if these issues impact those facilities.

Please do not hesitate to contact a J.A. Montgomery Consulting Law Enforcement Team member if we can of any assistance or provide additional resources.

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6/10/2021

The materials provided in this correspondence are for general informational and educational purposes only and are not intended to be and should not be considered legal advice or opinions. Prior to making any policy or rule changes, seek the advice of your municipal attorney.

A

988 and Suicide Prevention Lifeline

General Overview:

In August 2019, Federal Communications Staff-in consultation with the U.S. Department of Health and Human Services’ Substance Abuse and Mental Health Services Administration, the Department of Veteran’s Affairs, and the North American Numbering Council – released a report recommending the use of 988 as the 3-digit code for the National Suicide Prevention Lifeline. In July 2020, the FCC adopted rules designating this new phone number for Americans in crisis to connect with suicide prevention and mental health crisis counselors. The transition, which will take place over the next two years, will result in phone service providers directing all 988 calls to the existing National Suicide Prevention Lifeline by July 16, 2022.

Item #	Topic/Issue	Potential Risk/Concern		Potential Actions/Risk Mitigation
1	Mandatory 10 Digit Dialing Becomes Effective for 856 and 908 area codes in New Jersey	1A	The change, slated for October 24, 2021, may require significant operational changes for police and government agencies.	Agency leaders should speak with the applicable person who manages or oversees their internal telephone systems in collaboration with their municipal attorney to evaluate existing and fluid deadlines to determine if specific changes are needed.
		1B	Agencies may need to modify any systems and devices that utilize auto-dialers. Such systems and devices include alarms (fire, burglar, hold-up, panic, medical, surveillance systems, etc.), fax machines, internet dial-up numbers, mobile phone contact lists,	Evaluate existing systems to determine if modifications are needed.
		1C	The new 10 digit dialing may impact the provisions of Alyssa’s Law for schools and could delay the arrival of first responders if any needed changes are not addressed.	Agency leaders are encouraged to have conversations with their school officials and inform them of dialing changes that may impact automated emergency systems at schools required by Alyssa’s Law
		1D	Employee Handbooks and agency policies and directives –may have outdated or incorrect information regarding telephone dialing.	Evaluate current policies, procedures, and employee documents to ensure they are accurate.
2		2A	Employees, officers, and those responsible for dealing with community and business members may provide inaccurate information regarding telephone use and contact information during a mental health crisis.	Agency leaders should develop clear and consistent direction for their employees when speaking with community members and businesses regarding phone dialing, especially during a mental health incident. Many police agencies conduct “crime prevention” or “community relations” visits where they may discuss the reporting of

<p>The 988 “Suicide Prevention Lifeline” is also being advertised and described by the media and organizations as a suicide prevention hotline and for use during a “Mental Health Emergency” and Mental Health Crisis”²⁻³</p> <p>Additionally, The General Assembly of the State of New Jersey passed a resolution describing the 988 number to be used as both a Suicide Prevention and Mental Health Crisis Hotline</p>			<p>emergencies and other emergency measures. It is important that individual private organizations create their own policies and procedures regarding the reporting of a mental health crisis. There may be confusion about when to call 911 and when to call 988 for some mental health emergencies. Agency representatives should not provide legal advice to an organization’s employees on how to write their policy, procedures, or employee handbooks regarding the specific use of 988 for mental health crises.</p>
	2B	<p>First Responders, and especially law enforcement officers, may be challenged upon arrival that they did not call for police, fire, or EMS as they called for a “Crisis Response” via 988.</p>	<p>Agency leaders should educate their officers and employees of this new 988 contact line and develop clear messaging and policy.</p>
	2C	<p>Transfer of a 988 call for service to a 911 PSAP for service creates a risk.</p>	<p>Agency leaders may want to consider establishing a procedure that first responders are informed when a call that originated at “988” is transferred to a 911 PSAP for service. Specific training scenarios may need to be developed to ensure officers respond to these situations safely and based upon agency policy and resources; the most appropriate personnel are assigned, which may include Crisis Intervention Team Personnel or other resources.</p>
	2D	<p>The 988 platform may result in an increase of crisis or mental health calls for service as the general public utilize 988 for a variety of calls such as emotionally disturbed persons, persons</p>	<p>Agencies should prepare in advance for this potential outcome and begin to build collaborations, develop policy, and prepare resources for this possible increased</p>

		<p>not taking their medication, juveniles “out of control”, and more.</p>	<p>demand and the potential unrealistic expectation of services by civilians that police officers may be unable to provide.</p> <p>Police leaders should review agency policy and procedures and ensure their officers are trained with respect to their role in handling persons that are intoxicated, incapacitated, or a danger to themselves. It is possible that as 988 becomes more widely known, persons in such conditions will seek assistance via 988 and police may be called upon to such scenes. Leaders should familiarize themselves with and review with their municipal attorney: NJ Title 26, Section 26:2B-16, Person Intoxicated in Public Places; Assistance to Facility; Determination of Intoxication</p> <p>Morey v. Palmer, 232 N.J. Super. 144 (1989)</p> <p>Kniepp v. Tedder, United States Court of Appeals, Third Circuit</p> <p>Additionally, leaders should stay informed of the progress and outcomes of their specific county Mental Health and Special Needs Populations Working Group as these groups are mandated by N.J. Attorney General Directive 2020-14</p>
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General Considerations:	Consider a public information campaign directed at constituents to alert them that systems and devices that utilize automated dialers may need to be re-programmed. Such systems and devices include alarms (fire, burglar, hold-up, panic, medical, surveillance systems, etc.), fax machines, internet dial-up numbers, and mobile phone contact lists.
Additional Resources:	<p style="text-align: center;">FCC Designating 988 for the National Suicide Prevention Lifeline</p> <p style="text-align: center;">FCC Fact Sheet: 988 and Suicide Prevention Hotline</p> <p style="text-align: center;">FCC Numbering Resources</p> <p style="text-align: center;">NANPA - Transition to 10-Digit Dialing for 988</p>

B Karis’ Law and Ray Baum’s Act

General Overview:	<p>Kari’s Law is named in honor of Kari Hunt, who her estranged husband killed in a motel room, in Marshall, Texas, in 2012. Ms. Hunt’s 9-year-old daughter tried to call for help four times from the motel room phone, but the call never went through because she did not know that the motel’s phone system required dialing “9” for an outbound line before dialing 911. Congress Responded by enacting Kari’s Law in 2018. Kari’s Law requires direct 911 dialing and notification capabilities of multi-line telephone systems (MLTS) which are typically found in enterprises such as office buildings, campuses, and hotels. The Statute provides that these requirements take effect on February 16, 2020, two years after the enactment date of Kari’s Law. In addition, Kari’s Law and the federal rules are forward-looking and apply only concerning multi-line telephone systems that were, manufactured, imported, offered for sale or lease, first sold or leased, or installed on or before February 16, 2020. Other MLTS (systems manufactured, imported, offered for first sale or lease, first sold or leased, or installed after February 16, 2020, must meet specific compliance dates as described in the FCC Requirements.</p> <p>Named in honor of Ray Baum, the Ray Baum’s Act is also an acronym that stands for Repack Airwaves Yielding Better Access for Users of Modern Services. While the Act in its entirety includes many different communications-related initiatives, Section 506 of the Act is particularly focused on 911 emergency services. Signed into law in 2018, Ray Baum’s Act emphasizes the importance of sharing precise location information when calling 911. The FCC Commission’s dispatchable location rules apply for MLTS that are manufactured, first imported, offered for first sale or lease, first sold or lease, or installed after February 16, 2020. It is imperative that government leaders consistently review the applicable regulations and resources regarding Kari’s Law and Ray Baum’s Act and seek the advice of their municipal attorney as the</p>
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FCC Commission has advised that “The commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from the approach in this timeline. Any decision regarding a particular entity will be based on the statutes and any relevant rule”¹

Item #	Topic/Issue	Potential Risk/Concern		Potential Actions/Risk Mitigation
1	Direct 911 dialing that may be required by Kari’s Law	1A	Agency internal telephone systems may not be in compliance with the law.	Agency leaders should speak with the applicable person who manages or oversees their internal telephone systems in collaboration with the municipal attorney to ascertain if their telephone equipment is in compliance with the law.
		1B	Failing to train employees that they may need to dial “9” before dialing 911 with some systems, and that dialing “9” may not be required for other systems.	Ensure all employees are trained on the proper procedure for calling 911.
		1C	Employees, officers, and those responsible for dealing with community and business members may provide inaccurate information regarding Kari’s Law and the use of 911.	Agency leaders should develop clear and consistent direction for their employees when speaking with community members and business leaders regarding their emergency procedures. Many police agencies conduct “crime prevention” or “community relations” visits where they may discuss the reporting of emergencies, “active shooter” procedures, and other emergency measures. It is important that these agency representatives have an understanding of this law, know their limitations, and do not provide legal advice regarding Kari’s Law and Ray Baum’s Act.
2	In an effort to facilitate building entry by first responders, the FCC Commission’s rules in support of the legislation required that	2A	Agency internal telephone systems may not be in compliance with the law.	Agency leaders should speak with the applicable person who manages or oversees their internal telephone systems in collaboration with the municipal

	<p>when a call is placed on an MLTS system, the system must be configured to notify a central location on-site or off-site where someone is likely to see or hear the notification. Notification shall include, at a minimum, the following information:</p> <ol style="list-style-type: none"> 1. The fact that a 911 call has been made; 2. A valid callback number; and 3. The information about the caller's location that the MLTS conveys to the public safety answering point (PSAP) with the call to 911; provided, however, that the notification does not have to include a callback number or location information if it is technically infeasible to provide this information. (47 CFR § 9.3.) 			<p>attorney to ascertain if their telephone equipment is in compliance with the law.</p>
		2B	<p>Training emergency call takers and first responders regarding this new law and the provision that the system must notify a person at a central location that is likely to see or hear the notification.</p>	<p>Agency leaders should ensure that those responsible for accepting incoming emergency notifications are aware that some MLTS systems may have a person being notified at a location within the facility or at another off-site location. Failure to have an understanding of this may create confusion and delay emergency services.</p>
		2C	<p>Failing to Train the person responsible for receiving the notification at the designated central location.</p>	<p>Leaders should ensure that any person who is placed in the position to receive a notification be trained on the proper actions to initiate (Example: Training could include the circumstances under which the notice recipient should dial the callback number included with the notification).</p>
3	<p>General Kari's Law and Ray Baum Act Risks</p>	3A	<p>The agency website may have outdated or incorrect information regarding 911 and reporting emergencies.</p>	<p>Evaluate current public messaging to ensure it is accurate.</p>

		3B	Employee Handbooks and agency policies and directives, especially those detailing emergency procedures, may have outdated or incorrect information regarding 911 and reporting emergencies.	Evaluate current policies, procedures, and employee documents to ensure they are accurate.
		3C	Failure to test equipment and document the testing date and results.	Test systems now, whenever changes are made, develop a testing schedule that is well documented.
		3D	Failing to adequately map an address, building, floor, and/or room. A “Dispatchable Location” under Ray Baum’s Act is essentially the door that first responders need to find to assist callers.	If required, ensure the address is formatted correctly and validated for errors and that the address validates in their geographic information system (GIS) and is locatable for responders.
4	General Kari’s Law and Ray Baum Act Considerations	4A	Consider the need for outreach to owners and operators of systems, such as university systems, schools, large hospitals or medical facilities, nursing homes, businesses, etc.	
		4B	Consider establishing a working relationship with other disciplines and entities such as building inspectors, fire officials, and others to develop a consistent, accurate, and collaborative message regarding Kari’s Law and Ray Baum’s Act.	
		4C	Consider an educational public information campaign directed at consumers and system owners/operators to acquaint each population with the new requirements specific to their interests.	
		4D	Consider informing the purchasing department of the requirements of Kari’s Law and the Ray Baum’s Act, and encourage them to consult with the municipal attorney.	

Additional Resources:	FCC Multi-line Telephone Systems - Kari's Law and Ray Baum's Act 911 Direct Dialing, Notification, and Dispatchable Location Requirements Kari's Law and Ray Baum's Act
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C VoIP and 911

General Overview:	Portable interconnected Voice over Internet Protocol (VOIP) services can be used from virtually any internet connection anywhere, which raises challenges for the emergency community in determining the location from which a 911 call has originated when calling 911 over VoIP.
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Item #	Topic/Issue	Potential Risk/Concern		Potential Actions/Risk Mitigation
1	VoIP calls may not connect to the 911 call center servicing your current location	1A	Government entities and anyone who utilizes VoIP may need to provide their location or other information to their VoIP Providers. The outcomes could be tragic if employees in a municipal facility or any location inadvertently connect to a Public Safety Answering Point that does not commonly serve the location where the emergency is taking place.	Agency leaders may wish to consult with the administrator responsible for their phone system to ensure their VoIP is configured properly.
2	VoIP Service may not work during a power outage or when the internet connection fails or becomes overloaded	2A	Inability to call 911.	Agency leaders may wish to discuss this issue with their government leaders and those that manage their phone systems to ensure all employees have the ability to report an emergency.
3	General Considerations	3A	Agency leaders should educate all of their employees of this issue so that they are aware that they may inform residents during a call for service when an individual experienced an issue with a VoIP while utilizing 911.	
		3B	Agency leaders may wish to develop public messaging to help educate residents about this issue.	

Resources:

[FCC Consumer Guide VoIP and 911 Service](#)

[FCC 911 and E911 Services](#)

D

Distributed Antenna Systems

General Overview:

Some large facilities may be equipped with a Distributed Antenna System (DAS) to improve overall mobile phone signal strength through the building, including common areas and stairwells. In some instances, employees in such buildings may have been advised by their management to utilize the Wi-Fi calling feature of their mobile phones, enabling them to have a stronger signal. It is possible that when utilizing a mobile phone with the Wi-Fi calling feature enabled, a person calling 911 may be directed to a Public Safety Answering Point that commonly does not serve the building location or an inaccurate location may be displayed.

Item #	Topic/Issue	Potential Risk/Concern		Potential Actions/Risk Mitigation
1	Utilizing a Wi-Fi enabled phone may direct an emergency 911 call to a remote PSAP	1A	There may be difficulty in determining a person's location.	Agency leaders may wish to determine if it's necessary to suggest to employees to turn off the Wi-Fi calling feature while at work or review their phone settings to determine if the most appropriate address is listed in the Wi-Fi calling settings. This may facilitate a faster and more accurate response during an emergency. Employers should direct employees to their phone carrier or phone manufacture's owner's manual or resource pages for clarification.
2	General Considerations	1B	Agency leaders should educate all of their employees of this issue so that they are aware that they may inform residents during a call for service when an individual experienced an issue with Wi-Fi calling. Employers should prohibit employees from providing specific technical advice to civilians and direct questions to the phone carrier or phone manufacture's owner's manual or resource pages for clarification.	

		1C	Agency leaders may wish to develop public messaging to help educate residents about this issue.
Resources:			<p style="text-align: center;"> FCC Consumer Guide - VoIP and 911 Service FCC 911 and E911 Services Spectrum Mobile - Calling 911 in an Emergency Verizon Wi-Fi Calling FAQs AT&T Wi-Fi Calling Sprint - Wi-Fi Calling Terms and Conditions </p>
Citations:			<p>¹Federal Communications Commission. (2021, June 9). <i>Multi-line Telephone Systems - Kari's Law and Ray BAUM's Act 911 Direct Dialing, Notification, and Dispatchable Location Requirements</i>. Retrieved from Federal Communications Commission: https://www.fcc.gov/mlts-911-requirements</p> <p>²National Alliance on Mental Illness. (2021, June 9). <i>FCC Designates 988 as a National Mental Health Crisis and Suicide Prevention Number</i>. Retrieved from NAMI - National Alliance on Mental Illness: https://www.nami.org/About-NAMI/NAMI-News/2020/FCC-Designates-988-as-a-Nationwide-Mental-Health-Crisis-and-Suicide-Prevention-Number</p> <p>³Romeo, T. (2019, December 13). <i>National Suicide Prevention Hotline, Getting 3 Digit Number 988</i>. Retrieved from Philly Voice: https://www.phillyvoice.com/new-suicide-hotline-number-988-fcc-prevention/</p>