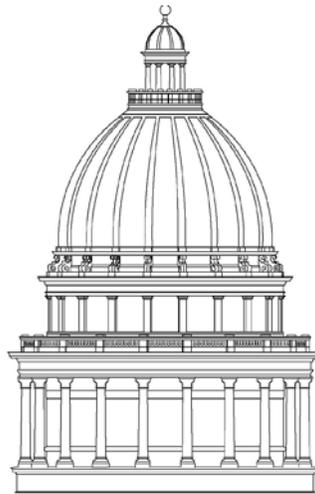


REPORT TO THE  
**UTAH LEGISLATURE**

Number 2020-06



**An In-Depth Follow-Up of 911 Audits and  
Review of 911 Staffing**

August 2020

Office of the  
LEGISLATIVE AUDITOR GENERAL  
State of Utah





STATE OF UTAH

# Office of the Legislative Auditor General

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## Audit Subcommittee of the Legislative Management Committee

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Senator Karen Mayne • Senator Evan J. Vickers • Representative Brian S. King • Representative Francis D. Gibson

KADE R. MINCHEY, CIA, CFE  
AUDITOR GENERAL

August 18, 2020

TO: THE UTAH STATE LEGISLATURE

Transmitted herewith is our report, **An In-Depth Follow-Up of 911 Audits and Review of 911 Staffing** (Report #2020-06). An audit summary is found at the front of the report. The objectives and scope of the audit are explained in the Introduction.

We will be happy to meet with appropriate legislative committees, individual legislators, and other state officials to discuss any item contained in the report in order to facilitate the implementation of the recommendations.

Sincerely,

A handwritten signature in black ink that reads "Kade minchey".

Kade R. Minchey, CIA, CFE  
Auditor General





## IN-DEPTH FOLLOW-UP

### ▶ AUDIT REQUEST

This audit is a continuation of the work our office did in 2019 to examine the Utah Communications Authority (UCA) and elements of statewide 911 emergency operations.

In addition to the questions addressed in that report, we were asked to conduct an in-depth follow-up of two past audits dealing with the management and use of Utah's 911 funding.

### ▶ BACKGROUND

The two 2016 audits we review in this report touched on multiple streams of 911 funding as they are managed and used by UCA, the Department of Public Safety (DPS), the Utah State Tax Commission, and local 911 operations. Our in-depth follow-up of those audits' recommendations can be found in Chapters IV and V.

Our 2019 audit work also generated concerns about compliance with Emergency Medical Dispatcher (EMD) training requirements. We also learned of instances in which a 911 dispatcher, working alone, was overwhelmed and unable to provide adequate coverage of emergency phone lines. Those issues are addressed in Chapters II and III, respectively.

# Follow-Up of 911 Audits; Review of 911 Staffing



## KEY FINDINGS

- ✓ The Department of Health is not adequately monitoring or enforcing medical dispatcher regulations.
- ✓ Emergency Medical Dispatcher (EMD) training is critical but the state EMD license adds little value and could be eliminated.
- ✓ Salt Lake Valley Communications Center (VECC) falls far short of national 911 call answering statistics.
- ✓ Staffing PSAPs with a single 911 dispatcher can lead to inadequate coverage of 911 phone lines.
- ✓ Most recommendations from the two 2016 audits have been implemented. DPS and UCA are still addressing certain items.



## RECOMMENDATIONS

- ✓ The Department of Health should hold PSAPs accountable to EMD regulations and work with the State EMD Committee to consolidate EMD training requirements in *Administrative Rule*.
- ✓ The VECC Board of Trustees should set performance standards and direct its management to improve 911 call answering time.
- ✓ The UCA board, with the PSAP Advisory Committee, should create standards to ensure 911 service does not suffer due to inadequate PSAP staffing.
- ✓ The UCA board should create funding standards in *Administrative Rule*.
- ✓ DPS should memorialize cost sharing arrangements in cooperative agreements for its consolidated PSAPs.

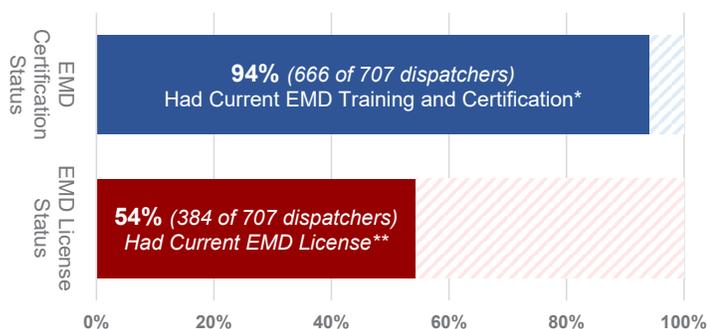


## REPORT SUMMARY

### Many 911 Dispatchers Lack Legally Required Emergency Medical Dispatcher (EMD) Licenses

911 dispatchers receive critical medical dispatching knowledge when they receive training and certification from the private vendors who create EMD protocols. Administrative Rule also requires a state license. As of March 2020, the vast majority of dispatchers in Utah had proper training/certification but only 54% had a license.

**Figure 2.1** As of March 2020, a Large Portion of 911 Dispatchers were Not Properly Licensed with the Department of Health (see p. 6 of the report)



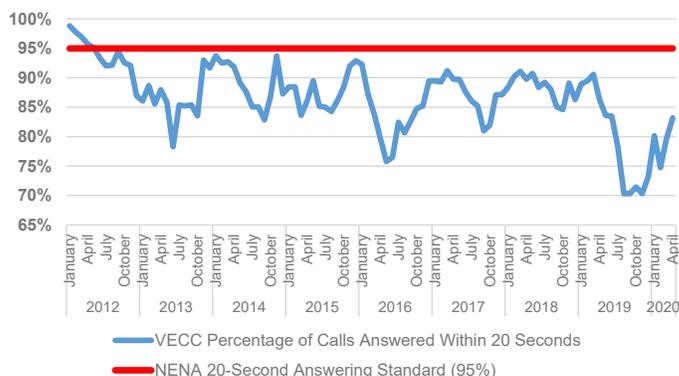
Source: Auditor analysis of staff roster and training information provided to us by all Utah PSAPs  
\*The remaining dispatchers, indicated by the faint blue lines, did not have current certifications.  
\*\*The remaining dispatchers, indicated by the faint red lines, did not have current licenses.

So few 911 dispatchers have a state license because 911 leaders see it as little more than an administrative and financial burden. Also, the Department of Health has failed to monitor and enforce the requirement. We believe EMD training/certification should be required but the redundant EMD licence should be eliminated.

### VECC Falls Significantly Short of National 911 Answering Standards

National standards, adopted in Utah statute in 2020, say that 95% of 911 calls should be answered within 20 seconds. We found that Salt Lake Valley Emergency Communications Center (VECC) has not achieved this level of performance since May of 2012, impacting tens of thousands of callers each year. In contrast, the vast majority of Utah's other PSAPs perform well against this standard.

**Figure 3.2** VECC Has Fallen Short of the 20-second Answering Standard since 2012 (see p. 18 of the report)



### Staffing With a Single 911 Dispatcher Can Lead to Inadequate Coverage

We found multiple examples in which a 911 dispatcher, working alone, was overwhelmed and unable to provide adequate coverage of emergency phone lines. The UCA board should reconsider its minimum standards to reduce the risk of inadequate coverage due to inadequate staffing. Training and technological solutions could be available.

### In-Depth Follow-Up of Two 2016 Audits

A Review of the Administration of 911 Surcharge Funds (Report No. 2016-02)		
Number of Recommendations Made to Agency		Implementation Status
Legislature	6	6 Implemented
Utah Communications Authority	7	5 Implemented; 2 In Process

A Review of the Distribution and Use of Local 911 Surcharge Funds (Report No. 2016-08)		
Number of Recommendations Made to Agency		Implementation Status
Legislature	2	2 Implemented
Utah State Tax Commission	1	1 Implemented
Dept. of Public Safety	4	2 Implemented; 2 Not Implemented
Local Governments	2	2 Implemented

# REPORT TO THE UTAH LEGISLATURE

Report No. 2020-06

## **An In-Depth Follow-Up of 911 Audits and Review of 911 Staffing**

August 2020

Audit Performed By:

Audit Manager      Brian Dean, CIA, CFE

Audit Supervisor      Jake Dinsdale, CIA



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# Chapter I

## Introduction

This audit is a continuation of the work our office did in 2019 to examine the Utah Communications Authority (UCA) and elements of statewide 911 emergency operations. The findings and recommendations from that first phase of work are documented in *A Performance Audit of the Utah Communications Authority and Statewide 911 Operations* (Report No. 2019-15). The Legislature subsequently passed Senate Bill 130 during the 2020 Legislative General Session in response to multiple recommendations from that audit.

In addition to the questions addressed in that report, we were asked to conduct an in-depth follow-up of two past audits:

- *A Review of the Administration of 911 Surcharge Funds* (Report No. 2016-02)
- *A Review of the Distribution and Use of Local 911 Surcharge Funds* (Report No. 2016-08)

The findings of those two reports touched on multiple streams of 911 funding as they are managed and used by UCA, the Department of Public Safety (DPS), the Utah State Tax Commission, and local 911 operations. Chapters IV and V of this report detail the implementation status of the various recommendations from each 2016 report.

Our 2019 audit work also generated concerns about public safety answering point (PSAP)<sup>1</sup> staffing. Specifically, the 2019 report cited concerns about compliance with emergency medical dispatcher (EMD) training requirements and instances where PSAPs are staffed with only one 911 dispatcher.<sup>2</sup> Chapters II and III of this report detail our findings and recommendations in these areas.

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<sup>1</sup> A PSAP (pronounced “pea-sap”) is the location where 911 calls are received and from which first responders are dispatched for assistance. Many people refer to PSAPs simply as 911 dispatch or dispatch.

<sup>2</sup> See pp. 16-17 of *A Performance Audit of the Utah Communications Authority and Statewide 911 Operations* (Report No. 2019-15)

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**This audit is the second phase of an audit our office began in 2019.**

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**This report follows up on two 2016 audit reports and explores two concerns with 911 staffing and training.**

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## **Summary of Findings from A Performance Audit of UCA and Statewide 911 Operations (Report No. 2019-15)**

Our December 2019 audit report of UCA and statewide 911 emergency operations contained the following findings:

- Better coordination between government entities and implementation of new technology could reduce 911 call transfers and improve 911 call taking.
- UCA has not created legally required criteria for awarding restricted funding for PSAPs.
- Constraints on UCA's ability to partner with public and private entities may lead to higher costs and duplication of facilities for radio tower sites.
- Stakeholder complaints about UCA operations in relation to radio tower sites were largely unfounded.
- According to best practices, the UCA board is generally governing UCA effectively.
- There does not appear to be a clear advantage to moving UCA to the executive branch.

In response to these findings, we made several recommendations to the Legislature, UCA, the Department of Public Safety, and the various local 911 emergency service providers.

### **Audit Scope and Objectives**

Our audit is organized around the following questions as we discuss our audit findings and recommendations.

- **Chapter II:** Is the Utah Department of Health holding the state's PSAPs accountable to emergency medical dispatcher training requirements?
- **Chapter III:** Should policymakers create minimum PSAP performance and/or staffing standards?

- **Chapter IV:** What is the implementation status of the recommendations made in *A Review of the Administration of 911 Surcharge Funds* (Report No. 2016-02)?
- **Chapter V:** What is the implementation status of the recommendations made in *A Review of the Distribution and Use of Local 911 Surcharge Funds* (Report No. 2016-08)?



## **Chapter II**

# **To Improve 911 Service, Medical Dispatch Requirements Should Be Refined and Enforced**

As of March 2020, 46 percent of Utah’s 911 dispatchers were not in compliance with emergency medical dispatcher (EMD) licensing requirements. By law, public safety answering points (PSAPs)<sup>3</sup> whose dispatchers are noncompliant cannot dispatch medical first responders. We believe the primary causes of this noncompliance are:

- A redundant and potentially unnecessary EMD licensure process
- A lack of monitoring and enforcement by the Utah Department of Health (the department)

We recommend the department hold Utah’s PSAPs to a higher standard and enforce legal requirements that were put in place to provide the best emergency medical service possible to Utah citizens. We also recommend the State Emergency Medical Services Committee and the department consider whether to combine EMD training requirements with other PSAP regulations, eliminating the EMD license altogether for ease of administration and enforcement.

### **Many Dispatchers Are Out of Compliance with Licensing Requirements**

Nearly all of Utah’s 911 dispatchers have received EMD training and certification as required in administrative rule. However, contrary to rule, many have not obtained the associated state EMD license. This has happened because many see the EMD license as a needless formality and the department has not enforced the requirement.

While the requirement for EMD training and certification is critical and should remain in place, we found that the state EMD license does not add value and could likely be eliminated without

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**As of March 2020, many dispatchers were out of compliance with state licensing requirements.**

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**Noncompliance has happened because of a potentially unnecessary license and a lack of enforcement.**

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<sup>3</sup> Public safety answering points, referred to as “PSAPs” (pronounced pea-sap), are the locations where 911 calls are received, and emergency responders are dispatched. Some people may also refer to a PSAP as simply “dispatch.”

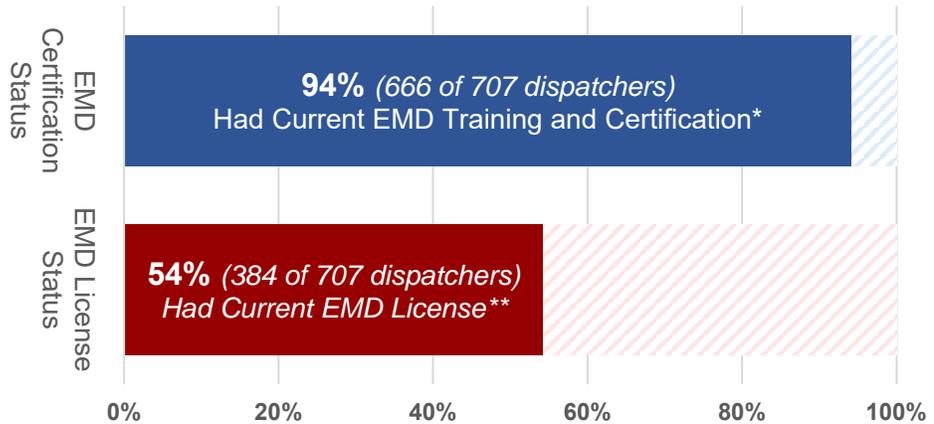
negative impact on the quality of 911 service in the state. This could be done by moving the critical EMD training requirements under the Emergency Medical Service Dispatch Center designation and making other adjustments as discussed later in this chapter.

### Many 911 Dispatchers Lack Legally Required Emergency Medical Dispatcher Licenses

Dispatchers obtain critical knowledge and skills when they receive training and certification from private vendors who create EMD systems. This training includes learning how to assess medical 911 calls, how to dispatch medical responders, and how to give pre-arrival instructions until those responders arrive.

Administrative rules currently require dispatchers to have both an EMD certification and a state EMD license. We obtained rosters and training information from every PSAP in the state and found that, of the 707 dispatchers on the list, 666 dispatchers (94 percent) had EMD certification. However, only 384 (54 percent) had their state EMD license.<sup>4</sup> Figure 2.1 shows these findings.

**Figure 2.1 As of March 2020, a Large Portion of 911 Dispatchers Were Not Properly Licensed with the Department of Health. However, most were trained and certified.**



Source: Auditor analysis of staff roster and training information provided by all Utah PSAPs.  
 \*The remaining dispatchers, indicated by the faint blue lines, did not have current certifications.  
 \*\*The remaining dispatchers, indicated by the faint red lines, did not have current licenses.

<sup>4</sup> The full list of roster information provided to us contains records for 776 individuals. Because trainees would not be expected to have either a certification or license yet, we removed 60 individuals who were still in training from our analysis. We also removed nine individuals who perform non-dispatch duties like human resources, information technology, or maintenance.

Emergency medical dispatch training is essential for 911 emergency dispatchers.

Fortunately, our review found that most dispatchers were EMD trained. However, nearly half lacked the required state EMD license.

The fact that the vast majority of dispatchers have current EMD certifications, illustrated in Figure 2.1, means that these essential EMD skills are largely in place in Utah's 911 system. The discrepancy between the number of dispatchers with certifications and the number with licenses highlights key problems that should be addressed, specifically:

- A redundant and potentially unnecessary EMD licensure process
- A lack of monitoring and enforcement by the Utah Department of Health

The next sections address these issues and make recommendations to correct the problems we identified.

## **EMD Training Is Essential but State License May Not Be**

The EMD license required by the department in administrative rule adds no additional skill or training and many PSAP leaders feel it is little more than an administrative and financial burden. We believe that if certain critical requirements are consolidated with other PSAP regulations, and other legal adjustments are made, the EMD license could be eliminated without negative impact on the quality of 911 service in the state.

### **State EMS Committee Should Consider Consolidating Medical Dispatch Requirements Within the PSAP Designation**

In addition to EMD licenses for individual dispatchers, statute and administrative rule also require PSAPs to be legally designated as Emergency Medical Service (EMS) Dispatch Centers. We believe that critical EMD training and certification requirements that currently fall under licensing requirements could instead be regulated by the department as part of the PSAP designation process. This could allow the department to continue to fulfill its mandate with regards to emergency medical services, reduce the licensure burden on dispatchers and PSAPs, and preserve quality service for 911 callers.

Figure 2.2 illustrates how some specific requirements for the EMD license could be consolidated with the EMS Dispatch Center designation requirements.

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**The State EMS Committee could eliminate the EMD license but keep critical EMD training requirements.**

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**Figure 2.2 Essential Training Requirements Could Be Consolidated with Other PSAP Regulations.** The red text represents an example of expanded requirements that could be put in place to preserve accountability for critical EMD training while eliminating the individual EMD license.

EMD License	Emergency Medical Service Dispatch Center Designation
Per R426-5-310 and R426-5-700, <del>Individual dispatchers must:</del>	Per R426-2-400, <b>A PSAP must:</b>
<del>Be 18 years of age or older</del>	Use an EMD system approved by the offline medical director**
<del>Pass a criminal background check</del>	Have an updated plan of operations including disaster/emergency planning and aid agreements with other designated PSAPs
<del>Become certified in a department approved EMD protocol system</del>	Have a current agreement with a department-certified offline medical director
<del>Complete a department-approved CPR course within the prior two years</del>	Have an ongoing medical call review quality assurance program
<del>*Complete a two-hour course in critical incident stress management (CISM)</del>	Have an EMD roster including staff names, Department license numbers and expiration dates, and certification numbers and expirations dates
	<u>Provide a list, certified by PSAP leadership, showing staff names, EMD certification numbers and expiration dates, last date of CPR certification, and confirmation of completion of critical incident stress management (CISM) training</u>

**Moving important training requirements under the designation could reduce administrative burden while preserving the quality of 911 service.**

Source: Utah Administrative Rule; auditor recommendation

\*For EMD license renewal only

\*\*This requirement conflicts with current EMD license language that requires certification with a "department approved" EMD protocol system (See R426-1-200(15) and (64); R426-5-310(2)(a)). The department should clarify whether it is the department or the offline medical director who should approve EMD protocol systems.

As shown in Figure 2.2, the EMS Dispatch Center designation already requires PSAPs to maintain a roster with staff names, certification numbers, and expiration dates. Slightly expanding that roster requirement could allow the department and its Bureau of EMS and

Preparedness to oversee and enforce EMD training requirements while eliminating the cost and burden of the individual license.

This approach closely resembles 911 regulations in Nevada. Nevada requires that PSAPs submit proof that their staff is properly certified in an approved EMD system but has no additional license or background check requirement. Alternatively, Arizona, Colorado, and Idaho have no EMD training requirements in statute or administrative code. However, 911 program representatives in each of those states expressed a desire to have EMD standards because it is such a critical skillset for 911 dispatchers.

Because statute requires the State Emergency Medical Services (EMS) Committee to adopt rules for licensure and designation (with the concurrence of the department)<sup>5</sup>, we recommend that the State EMS Committee consider eliminating the state EMD license and consolidating the EMD training mandate with the EMS Dispatch Center designation for ease of administration and enforcement.

### **EMD License Background Check Is Redundant and Unnecessary**

It is important to note that the elimination of the EMD license would nullify the requirement that the department perform criminal background checks on dispatchers.<sup>6</sup> However, PSAP leaders and staff at the department believe there is little risk in doing so. 911 dispatchers already undergo multiple criminal background checks associated with other requirements of their employment.

First, administrative rule and FBI Criminal Justice Information System (CJIS) policy require the Bureau of Criminal Identification (BCI) to perform background checks on all users and non-users within agencies accessing Utah Criminal Justice Information System (UCJIS) information. Therefore, every 911 dispatcher in the state must pass this background check to access criminal information necessary to their duties. Furthermore, BCI enrolls these individuals in the federal Rap Back program that performs ongoing reviews of the criminal history status of each individual.

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<sup>5</sup> See *Utah Code* 26-8a-104(1) and (2); 26-8a-302(1); 26-8a-303(1)

<sup>6</sup> See *Utah Code* 26-8a-310

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**We recommend the State EMS Committee work to keep EMD training while eliminating the state EMD license.**

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**The department feels there is little risk in eliminating the EMD background check.**

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**All 911 dispatchers must undergo one or more criminal background checks.**

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Second, Peace Officers Standards and Training (POST) performs a background check for those certified as dispatchers through their training program. Our survey of PSAP staff rosters found that 92 percent of dispatchers were POST certified as of March 2020.<sup>7</sup> While this would not be a perfect substitute for the EMD background check, it does illustrate the fact that it is redundant for most 911 dispatchers in the state.

Finally, PSAP managers reported that in-house background checks are performed by PSAPs during the hiring process. One PSAP director told us that the EMD background check has never turned up anything they were not already aware of through their own background review. We did not review the breadth and quality of all PSAPs' background check practices.

### **Attempts Have Been Made to Eliminate EMD Background Check**

In the 2017 General Legislative Session, House Bill 227 attempted to remove the EMD background check requirement. The idea was to exempt dispatchers from the requirement if they had already passed a background check with the Department of Public Safety (i.e., through BCI or POST). As described in the previous section, this approach would have effectively exempted every dispatcher in the state. However, BCI explained that federal regulations do not permit using the results of one background check for another unrelated purpose so the language was amended out of the bill.

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**There have already been multiple attempts to eliminate the EMD background check.**

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In 2016, the department also tried to rely on Department of Public Safety background checks to exempt EMD applicants from the requirements but appears to have run into the same problem. By removing the EMD license and the associated background check requirement altogether, the hurdles that kept those changes from happening in the past would be irrelevant.

If the State EMS Committee chooses to eliminate the EMD license but finds that the EMD background check is necessary, a requirement to that effect could be included in the designation as illustrated in Figure 2.2. BCI explained to us that a broad requirement for PSAPs

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<sup>7</sup> Similar to our approach in Figure 2.1, we removed from the calculation dispatchers in training who would not yet be expected to have completed their POST certification.

to certify that their 911 dispatchers have undergone a criminal background check would be acceptable. Without the license, this approach would also avoid conflict with *Utah Code* 26-8a-310.

### **Other Adjustments Would Be Necessary If the EMD License is Eliminated**

The Utah EMS Systems Act provides certain exemptions from civil liability both for individuals licensed under the act (including EMDs) and certain individuals who interact with those licensees.<sup>8</sup> If the EMD license is eliminated, the Legislature would need to consider whether to adjust these liability protections. Other sections of statute provide additional limits on liability for 911 dispatchers.<sup>9</sup>

Also, PSAPs annually receive grants from the department's Bureau of Emergency Medical Services and Preparedness. Though multiple PSAP leaders were generally supportive of the idea to eliminate the EMD license, they stated a concern that removing the EMD license would jeopardize grant funding that they use for training and other needs. These grants have historically been awarded based on the number of licensed individuals within each agency requesting funding. Removing the EMD license would necessitate an adjustment to the formula used to award those funds.

### **Department of Health is Not Adequately Monitoring or Enforcing Medical Dispatcher Regulations**

In addition to setting the requirements for licensure and designation, detailed earlier in this chapter (see Figure 2.2), it is also the department's responsibility to monitor and enforce compliance with these requirements.<sup>10</sup> The overall purpose of the department's monitoring and enforcement efforts is to ensure that citizens have access to quality emergency medical services.<sup>11</sup>

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<sup>8</sup> See *Utah Code* 26-8a-601 and 26-8a-302

<sup>9</sup> See *Utah Code* 63G-7-201(4)(s) and 69-2-501

<sup>10</sup> Statute has provisions for the Department to both monitor (*Utah Code* 26-8a-506; 26-23-8) and enforce (*Utah Code* 26-8a-504; 26-23-6) compliance with the requirements found within the Utah Emergency Medical Services System Act.

<sup>11</sup> *Utah Code* 26-8a-302(1); 26-8a-303(1) and *Administrative Rule* R426-5-100

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**Without the EMD  
license, the  
department would  
need to adjust the per  
capita grant formula.**

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**The Department of  
Health has been lax in  
monitoring and  
enforcing of EMD  
requirements.**

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Because the department has been lax in its monitoring and enforcement of emergency medical dispatch requirements, some PSAPs may not be providing the best emergency medical dispatching service possible to its residents. The department should work to better fulfill its statutory role and ensure Utahns have access to quality 911 medical services.

### **Lack of Oversight Has Led to PSAP Non-Compliance**

In addition to the lack of perceived value in the EMD license, the high degree of noncompliance with EMD licensing requirements is the direct result of a lack of oversight on the part of the department's Bureau of Emergency Medical Services and Preparedness (the bureau).

Many of Utah's PSAP leaders have reported to us that the bureau's inspection efforts have been lacking for several years. We requested all inspection records from bureau staff, but they were only able to provide reports through 2015. These reports show multiple examples of PSAP noncompliance with training and quality assurance requirements.

Following pressure from 911 stakeholders around 2015, the bureau placed six PSAPs on probation for noncompliance. Evidence shows that the bureau has not followed through with corrective action and some of those PSAPs failed to improve operations and comply with legal requirements. Even when deficiencies are known to the bureau, staff expressed a lack of political will to enforce performance requirements as directed in statute.

**The Bureau Has Known of Deficiencies for Years but Has Failed to Take Meaningful Action.** The bureau has a legal responsibility to correct these deficiencies. However, despite well-known and publicly discussed issues with EMD training and compliance in the Rich County PSAP since at least 2012, the bureau has failed to ensure that the PSAP provides an acceptable level of emergency medical service to residents and visitors. Though the bureau placed the PSAP on probation in 2015, we visited in 2019 and found that EMD protocols were not used by their dispatchers. In addition, two other PSAPs in the state reported to us that they do not use medical dispatch protocols on all calls as statute requires.

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**Documents show multiple years of PSAP noncompliance with training and quality assurance requirements.**

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**Despite knowledge of performance deficiencies, the department failed to take meaningful action.**

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**The Bureau Awarded One PSAP a Designation Even Though It Did Not Meet Requirements.** In another example of lax oversight, when a large PSAP applied for its EMS Dispatch Center designation in 2017, the PSAP told the bureau that its staff had EMD certifications but no EMD licenses. Despite the PSAP's failure to comply with the licensure requirement, the department still awarded the designation. At the same time, other PSAPs were spending time and money to license staff and obey legal requirements.

**Multiple PSAPs' Designations Were Expired for Several Years.** Finally, as of February 2020, we found that the EMS Dispatch Center designations for four actively operating PSAPs had been expired for multiple years. These designations must be current for PSAPs to legally dispatch emergency medical responders. In 2015, the bureau had required the renewal of PSAP designations by all six PSAPs that were on probation. Two of those six PSAPs never renewed their designations and were among those expired in 2020.

### **Department's Monitoring and Enforcement Of PSAPs Must Improve**

The department should use its inspection and enforcement authority to ensure that quality emergency medical services are provided across the entire state.<sup>12</sup> This authority includes not only verifying proper compliance with all legal requirements, but also performing quality assurance reviews<sup>13</sup> to verify proper usage of EMD protocols on all emergency medical calls. According to statute, the department has the authority to fine agencies up to \$10,000 per day when legal requirements are not met.<sup>14</sup>

The bureau reports that recent organizational and personnel changes have created an opportunity to renew efforts on PSAP monitoring and enforcement efforts.

## **Recommendations**

1. We recommend the State Emergency Medical Services Committee and the Department of Health work to eliminate the state EMD license and consolidate the EMD training

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<sup>12</sup> See *Utah Code* 26-8a-303(1)

<sup>13</sup> See *Administrative Rule* R426-2-1400

<sup>14</sup> *Utah Code* 26-23-6

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**One large PSAP received its required designation despite failing to meet all requirements.**

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**Certain PSAPs that had been placed on probation never corrected deficiencies.**

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**The department must use its inspection and enforcement authority to ensure quality 911 service is provided.**

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mandate with other PSAP regulations for ease of administration and enforcement.

2. We recommend the Department of Health clarify whether the department or PSAP offline medical directors should approve EMD protocol systems.
3. We recommend that, if the EMD license is eliminated, the Legislature consider whether to adjust liability exemption provisions in statute.
4. We recommend the Department of Health hold public safety answering points (PSAPs) accountable for emergency medical dispatcher training and usage requirements to ensure high-quality emergency medical services are available to Utah citizens.
5. We recommend the Department of Health perform quality assurance reviews to ensure PSAPs are adequately using EMD protocols on 911 emergency calls.

## **Chapter III**

# **PSAP Performance and Staffing Issues Need to Be Addressed**

This chapter details some concerning elements of performance and staffing at a handful of Utah’s public safety answering points (PSAPs).<sup>15</sup> First, Utah’s largest PSAP, the Salt Lake Valley Emergency Communications Center (VECC), falls far short of generally accepted call answering benchmarks. In addition, several of Utah’s smallest PSAPs routinely staff shifts with one individual to both answer and dispatch emergency calls. There have been instances where 911 dispatchers working alone have been overwhelmed, leaving the PSAP with what we believe is inadequate staff coverage.

In response to these performance and staffing issues, we make recommendations to the VECC Board of Trustees to bring performance in line with national standards and to the Utah Communications Authority (UCA) Board to work to reconsider and refine its PSAP staffing standards.

### **VECC Falls Significantly Short of National 911 Answering Standards**

VECC is Utah’s largest PSAP, managing roughly one quarter of all 911 calls in the state. It is therefore concerning that VECC falls far short of national 911 call answering standards. VECC’s delay in answering 911 calls has negatively affected thousands of emergency callers each year. In comparison, all other PSAPs in Utah met the standards in 2019. The VECC Board of Trustees has recognized these performance issues and recently hired a new director, placing increased focus on improving operations. The board should continue to work diligently to improve the agency’s 911 call handling practices.

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**We are concerned with certain elements of performance and staffing in a handful of Utah PSAPs.**

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**VECC has been slow to answer 911 emergency calls, negatively affecting many callers each year.**

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<sup>15</sup> Public safety answering points, referred to as “PSAPs” (pronounced pea-sap), are the locations where 911 calls are received and emergency responders are dispatched. Some people may also refer to a PSAP as simply “dispatch.”

## VECC's Poor Call Answering Is Unique in Utah

The National Emergency Number Association (NENA) establishes two key targets for how quickly emergency calls should be answered.

- 90 percent of emergency calls shall be answered within 15 seconds.
- 95 percent of emergency calls should be answered within 20 seconds.<sup>16</sup>

These call answering standards were adopted in statute in 2020 as one of the conditions for receiving certain 911 funding from UCA.<sup>17</sup>

The vast majority of Utah PSAPs perform well against these standards. For example, data from the Emergency Call Tracking System (ECaTS, pronounced “e cats”) shows that only 6 of Utah’s 31 PSAPs periodically fell short of NENA’s 20-second standard from 2015 through 2019. Figure 3.1 illustrates this, showing the number of months during this five-year period that each of those six PSAPs was out of compliance.

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**National standards for 911 call answering were adopted in statute in 2020.**

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**Most Utah PSAPs perform well against national call answering standards.**

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<sup>16</sup> These represent new NENA standards, approved in April 2020. The standards now match those from the National Fire Protection Association. Our focus in this chapter will be on the 20-second standard, which did not change from the old version.

<sup>17</sup> See Senate Bill 130, 2020 General Legislative Session. Specifically, lines 571-575 enacting *Utah Code* 63H-7a-304.5(2)(a)(i).

**Figure 3.1 VECC Was Out of Compliance with NENA’s 20-Second Call Answering Standard Every Month from 2015-2019.** Despite many months out of compliance early on, Salt Lake City’s PSAP has improved, consistently meeting the NENA standard each month from December 2017 through December 2019.

2015-2019		
PSAP	Months Out of Compliance with 20-second Call Answering Standard	Percent of Months Out of Compliance
VECC	60	100%
Salt Lake City 911	32	53%
Beaver County Sheriff	4	7%
San Juan County Sheriff	2	3%
Weber Area 911	2	3%
Rich County Sheriff	1	2%
<b>*All 25 other Utah PSAPs met NENA’s 20-second call answering standard during this entire 5-year period</b>		

Source: Auditor analysis of ECaTS 911 call answer data

Figure 3.1 illustrates that most Utah PSAPs answered 911 calls in a timely manner and shows how far out of compliance VECC was compared to its peers. As noted in the title of Figure 3.1, Salt Lake City 911 has made improvements, consistently meeting NENA’s 20-second standard from Dec. 2017 through the end of the analysis in Dec. 2019.

Because of VECC’s large 911 call volume, many people were impacted by this poor performance. In 2019, VECC answered just 79.7 percent of its emergency calls within 20 seconds. That means there were 35,552 emergency calls that were not answered as quickly as the NENA standard says they should have been. For callers facing critical problems like a medical emergency, a fire, or domestic abuse, a delay in emergency response could result in dire consequences.<sup>18</sup>

Monthly data shows that the last time VECC answered more than 95 percent of its emergency calls within 20 seconds was in May of

<sup>18</sup> See our 2019 report *A Performance Audit of the Utah Communications Authority and Statewide 911 Operations* (Report No. 2019-15 – pp. 5-8) where we detail examples of tragic outcomes that resulted from delayed emergency response.

Most PSAPs answered 911 calls in a timely manner from 2015-2019. VECC was a clear outlier.

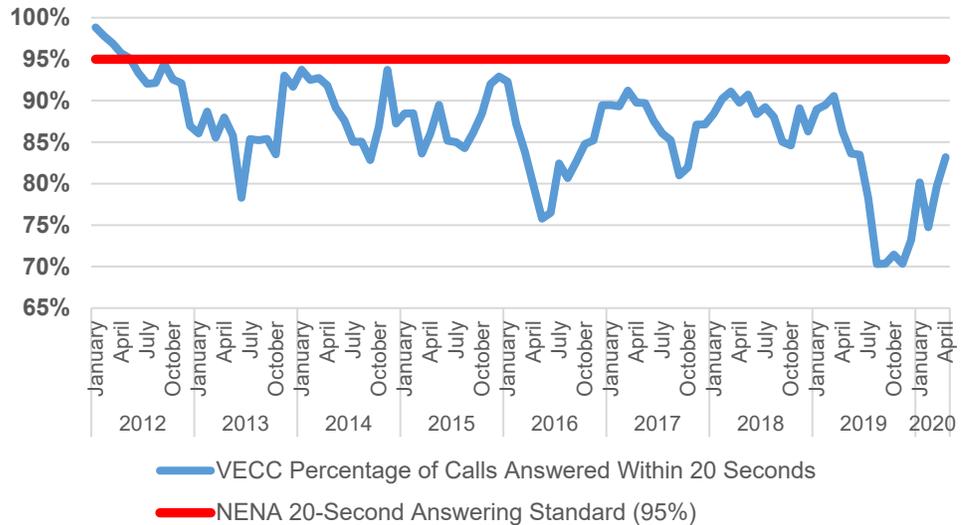
In 2019, 35,552 emergency calls to VECC were not answered as quickly as they should have been.

2012. Figure 3.2 illustrates VECC's 20-second call answering percentage from January 2012 to April 2020.

**Figure 3.2 VECC Has Not Answered More Than 95 Percent of Its Emergency Calls Within 20 Seconds Since May of 2012.**

Because of VECC's high call volume, tens of thousands of calls annually were answered more slowly than they should have been.

**VECC has not answered more than 95 percent of its emergency calls within 20 seconds since May of 2012.**



Source: Auditor analysis of ECaTS 911 call answering data

Figure 3.2 clearly shows that answering emergency calls in an untimely manner has been a problem at VECC for years.

**VECC's Automated Call Queue Places Emergency Callers on Hold**

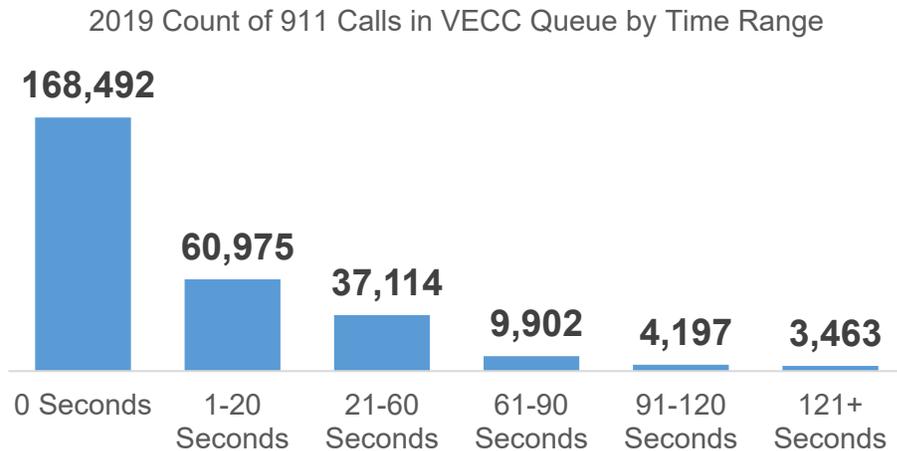
To better manage its large call volume, VECC uses an automated call queue. This system automatically places emergency callers on hold where they hear a pre-recorded message telling them to wait for assistance. As the audit team sat with VECC employees in September of 2019, we observed multiple emergency calls in which callers were forced to wait a minute or more for assistance while listening to the automated message. In situations where people are seeking emergency assistance with police, fire, or medical needs, delayed response is both frustrating and potentially dangerous for callers.<sup>19</sup>

**We observed emergency callers waiting for a minute or more in VECC's automated call queue.**

<sup>19</sup> See our 2019 report A Performance Audit of the Utah Communications Authority and Statewide 911 Operations (Report No. 2019-15 – pp. 5-8) where we detail examples of tragic outcomes that resulted from delayed emergency response.

Figure 3.3 details the number of emergency calls placed in VECC’s call queue in 2019. The figure also shows the range of time callers waited on hold.

**Figure 3.3 In 2019, 17,562 Emergency Callers Waited for More Than One Minute in the VECC Call Queue.** This type of delay in emergency service response is simply unacceptable.



Source: Auditor analysis of 2019 ECaTS call data from VECC. Abandoned 911 calls have been included in this analysis because the data appears to show callers who choose to hang up while they are waiting in the call queue.

Conversations with VECC leadership led us to believe that a culture change is needed at VECC to place a higher priority on timely 911 service. We recommend the VECC Board of Trustees direct management to bring the center’s call answering performance in line with the NENA standard as required to receive certain funding from the Unified Statewide 911 Emergency Account.<sup>20</sup>

### Staffing PSAPs with a Single 911 Dispatcher Can Lead to Inadequate Coverage

PSAP directors and first responders have described incidents to us in which a 911 dispatcher, working alone in a PSAP, was overwhelmed and unable to provide adequate coverage of emergency phone lines. We believe the risk of inadequate coverage in these situations should inform a renewed discussion about whether minimum staffing requirements should be created in statute or in UCA standards. For some PSAPs, training and technological solutions

<sup>20</sup> See *Utah Code* 63H-7a-304.5(2)

**In 2019, 17,562 emergency callers waited for more than one minute in the VECC call queue.**

**The VECC board should work to improve emergency call answering.**

**The risk of inadequate 911 coverage is increased when only one dispatcher is on duty.**

could be an alternative to hiring additional dispatchers. Those solutions are discussed later in this section.

### **911 Dispatchers Working Alone Can Be Overwhelmed in Multiple Ways**

Working as a 911 dispatcher in a PSAP involves overlapping and time-sensitive duties. The individual must answer the 911 call and interview the caller to determine the nature of the emergency. Dispatchers working alone will simultaneously determine the correct response and contact appropriate first responders via radio or some type of paging system.<sup>21</sup> On certain medical calls, they may also need to provide lifesaving instructions to the caller. Throughout all of this, the dispatcher types a stream of information into the computer system, giving first responders real-time updates.

The process requires the dispatcher to listen to multiple voices, gather information, and prioritize multiple needs and requests. Relying on one person to do all of this alone has led to situations where that person became overwhelmed and unable to adequately cover the emergency phone lines.

During the audit, we learned of incidents policymakers should discuss as part of a renewed discussion about minimum PSAP staffing standards.

**Multiple Emergency Calls Can Overwhelm a Single Person.** If a dispatcher is forced to deal with multiple emergency situations at once, the quality of the response can suffer. The need to switch one's attention back and forth between multiple callers and first responders increases the complexity of coordinating emergency response. PSAPs reported to us that this type of situation is relatively common and can have a negative impact on service quality, even with multiple people on duty. For one dispatcher working alone, such a situation can be extremely difficult to manage.

**Jail Duties Can Take Focus Away from 911 Calls.** There are seven PSAPs in Utah that operate in a county jail control room or

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<sup>21</sup> 911 dispatchers usually wear a headset wired to both phone lines and radio channels. While speaking on the phone with the caller, they can use a foot pedal or computer mouse to speak over the radio to responders (pressing the pedal or clicking the mouse momentarily mutes the phone) to share information and coordinate the response.

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**Working as a 911 dispatcher involves overlapping and time-sensitive duties.**

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**Dealing with multiple emergency situations at once can have a negative impact on service quality.**

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immediately adjacent to the jail.<sup>22</sup> 911 dispatchers in these settings take calls, dispatch first responders, and assist with jail-related duties.

In one of these combined jail/PSAPs, the number of inmates and 911 calls are so low that there is often one person on duty. This person acts simultaneously as both the dispatcher and the jail's corrections officer. During one night shift in 2019, with only one such staff person in the building, an inmate in the jail attempted to commit suicide by hanging. The dispatch/corrections officer could not have reasonably been expected to simultaneously call the sheriff, call for medical assistance, and work to save the inmate's life while still answering 911 calls. Because the corrections officer could not enter the jail alone for safety reasons, two other inmates were released from their cells and asked to help resuscitate the suicidal individual. During these resuscitation efforts, the corrections officer provided scissors to the assisting inmates so they could cut the material used in the suicide attempt from the suicidal inmate's neck.

This example clearly illustrates the risk of putting a single person in a position where too much could be expected of them. If a 911 call had come in while the situation played out, the dispatcher's ability to handle it would have been diminished. Leaders of some Utah PSAPs that do not operate in jails expressed concerns about diverting attention away from 911 dispatchers by giving them additional jail duties, even in jails where dispatchers do not work alone as in the example above.

**The Risk of Personal Medical Emergencies Should Also Be Considered.** We were told about three instances around the state when a single 911 dispatcher was incapacitated for medical reasons which would mean the emergency phone lines were left unattended while the dispatcher sought emergency medical care.

**Relying on Other PSAPs for Backup Is Possible but Poses Risks.** Early in 2020, a large fire occurred in an area with a single 911 dispatcher on duty. To handle the fire response more effectively, the telecommunicator called upon a neighboring PSAP to cover the phone lines. The second PSAP was able to do so, providing seamless services to emergency callers. However, there is risk in this approach because,

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<sup>22</sup> The following 7 sheriff's offices have PSAPs within or partially within their county jails: Emery County, Garfield County, Grand County, Kane County, Millard County, Rich County, and San Juan County.

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**When dispatchers work in jails, jail duties can distract from 911 duties.**

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**In one instance, responding to an inmate suicide attempt took the dispatcher away from 911 phone lines.**

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**Medical emergencies have incapacitated dispatchers, leaving emergency phone lines unattended.**

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without a formal arrangement, the second PSAP is not staffing according to this sudden, unexpected demand. Authorities involved with this event reported to us concerns were expressed about the quality of PSAP service during the event. Leaders in charge of the PSAP have since decided to staff two telecommunicators, 24 hours per day.

### **Innovative Solutions Could Exist To Mitigate PSAP Staffing Risk**

The incidents described here highlight the risks of staffing a PSAP with a single telecommunicator. The traditional solution would be to hire more staff. However, the cost of hiring and training five or six 911 dispatchers (enough to cover one shift 24 hours per day, 7 days per week) has understandably been considered excessive. This is especially true for PSAPs with very low call volume who fear paying extra staff to sit around with nothing to do. We believe other options may exist to mitigate the risk of low PSAP staffing.

**Jail Staff Could Be Trained as Telecommunicators.** For PSAPs operating in or near jails, corrections staff could be cross-trained so that, if a dispatcher becomes overwhelmed, jail staff could step in to assist. Because both the PSAP and jail must be staffed 24/7, this adjustment could be made with existing staff, minimizing the cost and effort involved. The Emery County Sheriff's Office reports that they are working to cross-train their corrections staff for this very purpose.

**Small PSAPs Could Contract with Larger PSAPs to Manage 911 and Radio Traffic During Slow Shifts.** Where technology allows, smaller PSAPs could enter into agreements with larger PSAPs or with each other to cover their calls during low-volume shifts. For PSAPs that only receive a handful of 911 calls during the night, contracting coverage could be more cost effective than fully staffing a center to answer a few calls. The NENA 911 and PSAP operations director explained to us that this approach is used across the country and can also create flexibility in disaster scenarios.

With these staffing risks and potential solutions in mind, we recommend the UCA board, along with the PSAP Advisory Board, work to reconsider and refine minimum standards to ensure the quality of 911 service does not suffer because of inadequate PSAP staffing.

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**Cross-training jail staff could provide backup capability with no additional staff.**

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**Formal agreements between PSAPs could allow for consolidated coverage during periods of low call volume.**

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## Clearer PSAP Staffing Standards Could Provide a Baseline for Acceptable Performance

Statute, rule, and national standards do not provide clear guidelines for PSAP staffing. The UCA board and the Department of Health should work to clarify standards and administrative rule regarding appropriate PSAP staffing.

### Statute, Rule, and National Standards Provide Little Guidance for PSAP Staffing

Statute defines a public safety answering point (PSAP) as having “...a facility with the equipment and *staff necessary* to receive [direct 911 communications]”.<sup>23</sup> However, what would constitute a satisfactory level of staff is not clearly defined.

The Department of Health’s administrative rule states that a PSAP’s legally required emergency medical designation can be denied for, among other things, failure to meet staffing requirements.<sup>24</sup> When the department placed six PSAPs on probation in 2015, it cited a lack of proper staffing for two of them. We asked for clarification on these requirements and the department said that proper staffing would be “coverage 24/7 with a person who can take calls.” However, if a public safety telecommunicator also performs jail duties or works alone and is currently on the phone with a caller, it is questionable whether that person is actually available to take additional emergency calls. We recommend that the department clarify the staffing requirements a PSAP should meet as part of its Emergency Medical Service Dispatch Center designation.

It is worth noting that two of the primary national 911 associations, the National Emergency Number Association (NENA) and the Association of Public-Safety Communication Officials (APCO) do not have specific guidelines regarding PSAP staffing. In contrast, the National Fire Protection Association (NFPA) has issued a standard for PSAP staffing that requires “...a minimum of two

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**Neither statute nor rule provide a clear definition or baseline for PSAP staffing.**

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**The Department of Health should clarify its PSAP staffing requirements.**

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<sup>23</sup> *Utah Code* 63H-7a-103(14)(b) (emphasis added)

<sup>24</sup> All PSAPs must be designated by the Department as Emergency Medical Dispatch Centers. Elements of this designation are discussed in Chapter II. See *Administrative Rule* R426-2-1000(1)(b).

telecommunicators on duty and present in the communications center at all times.”<sup>25</sup>

### **UCA Set Staffing Standards and Met Strong Resistance; The Alternative Is Ambiguous**

In 2018, UCA tried to set a PSAP staffing standard based on the NFPA language. In the first draft of its 911 Minimum Standards and Best Practices, UCA included the following staffing standard: “At least two certified telecommunicators shall be on duty in the PSAP at all times, thereby reducing the possibility of any gaps in coverage.”

This minimum standard met resistance from sheriffs and PSAP directors. Small PSAPs contended that staffing two telecommunicators overnight would be costly and wasteful because their emergency call volume is so low during those late hours.

Following the debate over PSAP staffing, UCA modified its staffing standard and now relies on a staffing forecast module to calculate staffing needs for each PSAP. The staffing forecast shows that only one call taker is needed for large portions of the day and night for many small Utah PSAPs. However, this new approach results in ambiguity because it only forecasts staff needs for call-taking, not dispatching. The forecast also neglects to account for other PSAP tasks and staffing needs, as well as adequate coverage for breaks.

Applying the UCA staffing module to VECC indicates six to eight call takers should be staffed during peak hours. However, VECC has historically staffed call takers at that level and has found it is insufficient to manage the call volume. VECC leadership reports that, considering their poor call answering, they have recently increased call taker staffing above the levels suggested by the UCA staffing forecast module.

In light of the PSAP staffing criteria discussed in this section, it seems clear that those seeking clarity on PSAP staffing are faced with either an outright lack of standards or potentially confusing information in the form of UCA’s staffing forecast module. We therefore recommend the UCA board clarify its minimum standard #1 regarding the use of a staffing forecast module.

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**UCA’s current PSAP staffing standard is ambiguous.**

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**UCA should clarify its PSAP staffing standard and associated forecast module.**

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<sup>25</sup> See NFPA 1221 – 7.3.1 – Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems

## Recommendations

1. We recommend the Board of Trustees for the Salt Lake Valley Emergency Communications Center (VECC) direct management to bring the center's call answering performance in line with the National Emergency Number Association (NENA) standard as referenced in *Utah Code* 63H-7a-304.5.
2. We recommend the Utah Communications Authority Board, along with the Public Safety Answering Point (PSAP) Advisory Committee, work to reconsider and refine minimum standards to ensure the quality of 911 service does not suffer because of inadequate PSAP staffing.
3. We recommend the Department of Health clarify the staffing requirements a PSAP should meet as part of its Emergency Medical Dispatch Center designation.
4. We recommend the Utah Communications Authority Board clarify its 911 minimum standard #1 regarding the use of a staffing forecast module.



## **Chapter IV**

### **In-Depth Follow-Up of *A Review of the Administration of 911 Surcharge Funds (Report #2016-02)***

This chapter describes our in-depth follow-up of *A Review of the Administration of 911 Surcharge Funds* (Report 2016-02) and considers each of the report's 13 recommendations.

Every audit report issued by our office undergoes a process approximately a year after release by which agencies report each recommendation's implementation status. The regular follow-up reviews are largely self-reported with audit staff reserving the right to do validation work when needed. In addition, the Legislature can request an in-depth follow-up of a report's recommendations. Because this report is an in-depth follow-up, we gathered evidence and reviewed each recommendation, to corroborate agencies' reported status. The following tables provide the original recommendation text and current implementation status.

#### **Recommendations from Chapter II: Legislative Considerations for 911 Funding and Operations**

The recommendations in this chapter stemmed from our discussion of the method used to distribute 911 funding throughout the state. We also examined potential technical, operational, and staffing efficiencies that could potentially be gained by consolidating 911 services in larger public safety answering points (PSAPs).

**Figure 4.1 Chapter II Recommendations and Implementation Status.** The Legislature implemented all recommendations from this chapter.

Recommendations	Implementation Status
<p>1. We recommend that the Legislature consider restructuring the distribution of 911 revenue to promote the efficiency and effectiveness of the state 911 system.</p>	<p><b>Implemented</b> Senate Bill 198, passed in the 2017 Legislative General Session, enacted <b>Utah Code</b> 69-2-302, restructuring the way 911 funds are distributed throughout the state.</p>
<p>2. We recommend that the Legislative Audit Subcommittee consider prioritizing an additional audit to review the 911 local fee revenue in greater detail.</p>	<p><b>Implemented</b> The Legislative Audit Subcommittee prioritized this audit in February 2016. Report 2016-08 was released in October 2016.</p>
<p>3. We recommend that the Legislature consider creating minimum operational, financial, or geographical criteria in statute that could be required as a prerequisite for PSAP operation.</p>	<p><b>Implemented</b> Senate Bill 198, passed in the 2017 Legislative General Session, modified <b>Utah Code</b> 63H-7a-302, requiring UCA to create minimum standards and best practices for public safety answering points. Our 2019 audit of UCA* went on to review UCA's standards-making responsibility in depth.</p>
<p>4. We recommend the Legislature consider whether the consolidation of some PSAPs is warranted to reduce duplication of resources</p>	<p><b>Implemented</b> Senate Bill 198, passed in the 2017 Legislative General Session, enacted <b>Utah Code</b> 69-2-203, requiring audits in multiple counties to study this question. It also enacted <b>Utah Code</b> 69-2-201 limiting the future creation of PSAPs based on certain criteria. Senate Bill 154, passed in the 2019 Legislative General Session, authorized funding for the county audits.</p>

\* See *A Performance Audit of the Utah Communications Authority and Statewide 911 Operations* (Report 2019-15; released December 2019) pp. 22-25

### Recommendations from Chapter III: UCA Strategic Plan and Grant Award Standards

Chapter III examined the need for a statewide strategic plan for Utah's 911 system. Our 2019 audit of UCA found that the agency still had not enacted funding standards in Administrative Rule. We

recognize that UCA’s history since 2016 has been turbulent but UCA should get funding standards in place as quickly as possible.

**Figure 4.3 Chapter III Recommendations and Implementation Status.** A lot of work has been done in response to these 2016 recommendations. UCA is still working on its funding standards.

Recommendations	Implementation Status
<p>1. We recommend that the UCA, with assistance from its 911 Division, create and maintain a statewide 911 strategic plan that embodies the statutory vision for the 911 system.</p>	<p><b>Implemented</b></p> <p>UCA Board adopted a strategic plan for 911.</p>
<p>2. We recommend that the Legislature consider requiring in statute that the statewide 911 strategic plan be maintained and used as the primary criteria for 911-related duties and actions of [UCA].</p>	<p><b>Implemented</b></p> <p>Senate Bill 198, passed in the 2017 Legislative General Session, enacted <b>Utah Code</b> 63H-7a-206 requiring UCA to create a detailed strategic plan and consider it before spending funds from its restricted accounts.</p>
<p>3. We recommend that the Legislature consider amending the statute to provide clarification on the intended uses of the two 911 restricted accounts.</p>	<p><b>Implemented</b></p> <p>Senate Bill 198, passed in the 2017 Legislative General Session, repealed <b>Utah Code</b> 69-2-5, modified <b>Utah Code</b> 63H-7a-304(2), and eliminated relevant language in <b>Utah Code</b> 63H-7a-302(1)(a).</p> <p>In addition, our 2019 audit of UCA* recommended a clarification of UCA’s mandate to improve 911 service. This point was considered as part of the debate of Senate Bill 130 during the 2020 Legislative General Session.</p>
<p>4. We recommend that the Utah Communications Authority amend Administrative Rule to include clear grant standards and reflect the authority’s power to approve grant funding.</p>	<p><b>In Process</b></p> <p>No rule has been created but UCA reports that a draft rule is currently under review by its advisory committees. We restated this finding and recommendation in our 2019 audit of UCA.**</p>

\*See *A Performance Audit of the Utah Communications Authority and Statewide 911 Operations* (Report No. 2019-15; released December 2019), recommendation #4 in Chapter III, p. 26

\*\*See *A Performance Audit of the Utah Communications Authority and Statewide 911 Operations* (Report No. 2019-15; released December 2019), recommendation #2 in Chapter III, pp. 22-26

## Recommendations from Chapter IV: Refining UCA’s Standards And Methods for Awarding Funding to PSAPs

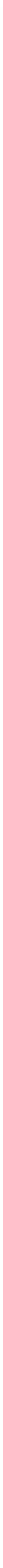
Finally, Chapter IV examined what was then a grant process used to award funds to PSAPs throughout Utah. We pointed out inconsistencies in grant awards and made recommendations to improve the grant award process. As noted, our 2019 audit of UCA found that the agency still had not created funding standards in Administrative Rule.<sup>26</sup>

**Figure 4.3 Chapter IV Recommendations and Implementation Status.** A lot of work has been done in response to these 2016 recommendations. UCA is still working on its funding standards.

Recommendations	Implementation Status
<p>1. Considering the limited funds available for 911 grants, we recommend that the Utah Communications Authority be stringent in its administration of grants from both the state 911 account and Computer Aided Dispatch restricted account relative to the strategic plan discussed in Chapter III.</p>	<p><b>Implemented</b></p> <p>UCA’s funding awards have greatly slowed since 2016 due to sweeping changes in UCA Board structure and UCA management, the creation of a comprehensive UCA strategic plan, and multiple statutory changes. The few funding awards appear to follow appropriate guidelines.</p>
<p>2. We recommend that the Utah Communications Authority refine and consistently enforce grant standards for both restricted accounts.</p>	<p><b>In Process</b></p> <p>UCA no longer awards <i>grants</i> as it did in 2016. The requirement for funding standards for the state 911 account were removed in 2020 and a draft Administrative Rule is currently in process to establish funding guidelines for the Computer Aided Dispatch restricted account.</p>
<p>3. We recommend that the Utah Communications Authority determine whether awarding grants to dispatch centers meets state goals of efficiency and effectiveness and whether these grants satisfy the legislative intent of the two 911 restricted accounts.</p>	<p><b>Implemented</b></p> <p>Following the passage of Senate Bill 198 in the 2017 Legislative General Session, UCA determined that dispatch centers are not eligible for UCA funding. As support, UCA cites changes to <b>Utah Code</b> 63H-7a-103(9) and (14), drawing a clear line between PSAPs and dispatch centers. Also, <b>Utah Code</b> 63H-7a-102(2), and 302(5) both place UCA’s focus on PSAPs.</p>

<sup>26</sup> See our 2019 report *A Performance Audit of the Utah Communications Authority and Statewide 911 Operations* (Report No. 2019-15 – pp. 22-25)

<p>4. We recommend that the Utah Communications Authority discuss the purpose and amount of grant match rates to ensure they align with overall state strategy.</p>	<p><b>Implemented</b> UCA no longer awards grants and this is no longer part of their process.</p>
<p>5. We recommend that the Utah Communications Authority create minimum standards of performance and operations that PSAPs must meet as a condition of grant funding.</p>	<p><b>Implemented</b> As noted in our 2019 report, UCA created 911 minimum standards and best practices but had not yet created funding standards in <i>Administrative Rule</i>. Senate Bill 130, passed during the 2020 Legislative General Session removed the requirement for UCA to create funding standards for the state 911 account, instead detailing funding standards in the newly enacted <b>Utah Code</b> 63H-7a-304.5.</p>



# Chapter V

## In-Depth Follow-Up of *A Review of the Distribution and Use of Local 911 Surcharge Funds* (Report #2016-08)

This chapter summarizes our in-depth follow-up of *A Review of the Distribution and Use of Local 911 Surcharge Funds* (Report 2016-08) and considers each of the nine recommendations according to the chapter in which they are located.

The following tables show the original recommendation text and the current implementation status. The status for our recommendations can be implemented, in process, partially implemented, or not implemented.

### Recommendations from Chapter II: Elements of the Tax Systems Used to Collect 911 Fee Revenue

The recommendations here came from our review of processes at the Utah State Tax Commission where we found opportunities to improve the management of 911 fee collection and auditing.

**Figure 5.1 Chapter II Recommendations and Implementation Status.** Both recommendations were implemented through Senate Bill 198 in 2017.

Recommendations	Implementation Status
1. We recommend that the Tax Commission use more of its allowed administrative fee to identify irregularities and correct errors.	<p><b>Implemented (Both #1 and #2)</b></p> <p>Senate Bill 198, passed in the 2017 Legislative General Session, repealed <b>Utah Code</b> 69-2-5 and enacted 69-2-402 and 69-2-302 which greatly reduced the complexity of 911 fee collection and distribution.</p> <p>Tax Commission representatives reported that the simplification of telecommunications companies' tax returns greatly reduced the opportunity for the types of errors we found. This change reduced the need to collect a higher administrative fee to pay for more staff and scrutiny.</p>
2. We recommend that the Legislature consider changing statute to allow telecommunication companies to file one statewide return for each filing period.	

## Recommendations from Chapter III: DPS Cost Formulas for Contract and Internal 911 Service

This chapter’s recommendations followed from our findings that public safety dispatch cost sharing between the Department of Public Safety (DPS) and local entities is inconsistent across the state. Though DPS created contracts with local PSAPs, it has not yet implemented two of our recommendations to create documented cost allocation methods for its consolidated PSAPs.

**Figure 5.2 Chapter III Recommendations and Implementation Status.** DPS has made progress on these recommendations but should document cost allocation for its consolidated PSAPs.

Recommendations	Implementation Status
<p>1. We recommend the Department of Public Safety work with consolidated PSAP members to create a cost allocation process for equitable PSAP cost sharing to be included in its inter-local agreements.</p> <p>2. We recommend the Department of Public Safety document the consolidated PSAP cost allocation process in its policies.</p>	<p><b>Not Implemented (Both #1 and #2)</b></p> <p>We could not find cost allocation methodologies for the DPS portion of its consolidated PSAPs’ costs. DPS generally pays a set percentage of PSAP costs and the other members of the consolidation (primarily counties, cities, and towns) allocate the remainder among themselves.</p> <p>In accordance with <b>Utah Code</b> 69-2-202(2)(a)(ii), we recommend DPS memorialize current cost sharing practices in its cooperative agreements and work toward more equitable cost sharing methods where possible.</p>
<p>3. We recommend that the Department of Public Safety consult with locally contracted PSAPs to determine fair and equitable expense sharing for the dispatching of state personnel.</p>	<p><b>Implemented</b></p> <p>Since the audit, DPS developed a dispatch contract formula that all but one of the five contracted PSAPs have adopted. Using the formula as a baseline, DPS has negotiated an adjusted cost sharing arrangement with the remaining PSAP.</p>
<p>4. We recommend that the Department of Public Safety create and maintain contracts with local PSAPs that provide them with dispatching services.</p>	<p><b>Implemented</b></p> <p>Senate Bill 198, passed in the 2017 Legislative General Session, enacted <b>Utah Code</b> 69-2-202 requiring contracts between DPS and public agencies or PSAPs. Contracts are now in place between DPS and the entities that provide contracted PSAP services.</p>

**Recommendations from Chapter IV:  
Local Management of 911 Funds**

Our audit found examples of local governments failing to pass along 911 funds to their PSAPs and to properly account for the funding in separate fund accounts. Also, unclear legal definitions for different levels of 911 service led to questionable use of 911 funds. The Legislature passed a bill in 2017 that addressed these issues.

**Figure 5.3 Chapter IV Recommendations and Implementation Status.** Changes to 911 revenue distribution and legal definition of different emergency 911 services satisfied these recommendations.

Recommendations	Implementation Status
<p>1. We recommend that counties, cities, and towns with local 911 funds keep these funds in a separate account as directed by statute.</p>	<p><b>Implemented</b></p> <p>Senate Bill 198, passed in the 2017 Legislative General Session, enacted <b>Utah Code</b> 69-2-302, directing the Utah State Tax Commission to disburse 911 funds directly to PSAPs instead of to the locations where funds were collected. This specifically addressed the main examples of non-compliance identified in the audit.</p> <p>Statute still requires that 911 funds be held in a separate account. We reviewed financial information in four local government entities and found that 911 funds were held in separate accounts and distribution amounts matched the amounts given to us by the Tax Commission.</p>
<p>2. We recommend that counties, cities, and towns request the Tax Commission to redirect their local 911 funds to the PSAP in their area or the entity who oversees the PSAP.</p>	<p><b>Implemented</b></p> <p>As noted for recommendation #1 above, law now requires the State Tax Commission to distribute 911 funds directly to PSAPs.</p>
<p>3. We recommend that the Legislature consider providing a definition of a secondary PSAP in statute.</p>	<p><b>Implemented</b></p> <p>Senate Bill 198, passed in the 2017 Legislative General Session, created a definition for “dispatch center” in <b>Utah Code</b> 63H-7a-103(4).</p>

## Recommendations

1. We recommend the Department of Public Safety, in accordance with *Utah Code* 69-2-202(2)(a), memorialize current cost sharing practices in its consolidated public safety answering point cooperative agreements and work toward more equitable cost sharing methods where possible.

## **Agency Responses**



## **Utah Department of Health Audit Response**





State of Utah

GARY R. HERBERT  
Governor

Spencer J. Cox  
Lieutenant Governor

## Utah Department of Health

Joseph K. Miner, M.D., M.S.P.H., FACPM  
Executive Director

### Division of Family Health and Preparedness

Paul R. Patrick  
Division Director

July 17, 2020

Kade R. Minchey, CIA, CFE  
Auditor General  
Office of the Legislative Auditor General  
315 House Building  
Salt Lake City, Utah 84114-5315

Dear Mr. Minchey,

Thank you for the opportunity to review and respond to the audit titled "An In-Depth Follow-Up of 911 Audits and Review of 911 Staffing (2020-06)". We appreciate the effort and professionalism of you and your staff during this review.

We agree in principal with Recommendation #1, Chapter 2 and Recommendation #3, Chapter 2; and agree with the other four recommendations in this report, which pertain to the Bureau of Emergency Medical Service and Preparedness within the Utah Department of Health. We have concerns that Recommendations #1 and #3 in Chapter 2 may put public safety dispatchers in jeopardy with liability protections. Our response describes the concerns and actions the Department plans to take to implement the recommendations. The Department of Health is committed to the efficient and effective use of taxpayer funds and values the insight this report provides on areas needing improvement.

### Recommendation #1, Chapter 2

*We recommend the State Emergency Medical Services Committee and the Department of Health work to eliminate the state EMD license and consolidate the EMD training mandate with other PSAP regulations for ease of administration and enforcement.*

### Department Response:

We agree in principal with this recommendation, although we do not want to jeopardize the liability protections offered to an individual who is licensed, see *Utah Code 26-8a-601(2)*. We believe that removing the license requirement creates an additional burden on dispatch agencies to provide that liability protection. If its liability protections are not compromised or legislative actions can preserve them, we will work to eliminate EMD license requirements in statute and rule.

Action items in statute and rule that need to be removed:

1. Need to remove "licensed" dispatcher from statute and replace with "certified" (*Utah Code 26-8a-103*).
2. Work with the EMS Rules Task Force and the State EMS Committee to remove "license" from dispatch sections; to include *Administrative Rules* R426-1-200(14), R426-2-300 (1)(f)(ii), R426-2-400 (1)(e), R426-2-400 (1)(e), R426-2-400 (1)(i).

**Contact:** Guy Dansie, EMS Director, 801-560-1544, [gdansie@utah.gov](mailto:gdansie@utah.gov)

**Implementation Date:** July 1, 2021



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**State of Utah**  
**GARY R. HERBERT**  
Governor

**Spencer J. Cox**  
Lieutenant Governor

## Utah Department of Health

Joseph K. Miner, M.D., M.S.P.H., FACPM  
Executive Director

### Division of Family Health and Preparedness

Paul R. Patrick  
Division Director

#### Recommendation #2, Chapter 2

*We recommend the Department of Health clarify whether the department or PSAP offline medical directors should approve EMD protocol systems.*

#### Department Response:

We agree with this recommendation. The Bureau will clarify and reinforce the current rule with stakeholders. The current *Administrative Rule R426-2-400* reads: Emergency Medical Service Dispatch Center Minimum Designation Requirements. (1) Have in effect a selective medical dispatch system approved by the off-line medical director which includes...

**Contact:** Guy Dansie, EMS Director, 801-560-1544, [gdansie@utah.gov](mailto:gdansie@utah.gov)

**Implementation Date:** September 1, 2020

#### Recommendation #3, Chapter 2

*We recommend that, if the EMD license is eliminated, the Legislature consider whether to adjust liability exemption provisions in statute.*

#### Department Response:

We agree in principal with this recommendation with our concerns listed in the Department Response above to Recommendation #1. The Bureau will work with the Legislature when adjustments are proposed to *Utah Code 26-8a* to ensure liability protections are in place for dispatch.

**Contact:** Sheila Walsh-McDonald, UDOH Legislative Liaison, 801-538-6923, [swalsh@utah.gov](mailto:swalsh@utah.gov)

**Implementation Date:** July 1, 2021

#### Recommendation #4, Chapter 2

*We recommend the Department of Health hold public safety answering points (PSAPs) accountable for emergency medical dispatcher training and usage requirements to ensure high quality emergency medical services are available to Utah citizens.*

#### Department Response:

We agree with this recommendation.

The Bureau will work with all dispatch agency management to confirm training and utilization requirements are being met and ensure this as part of our inspection process.

**Contact:** Guy Dansie, EMS Director, 801-560-1544, [gdansie@utah.gov](mailto:gdansie@utah.gov)

**Implementation Date:** March 30, 2021



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State of Utah

GARY R. HERBERT  
Governor

Spencer J. Cox  
Lieutenant Governor

**Utah Department of Health**

Joseph K. Miner, M.D., M.S.P.H., FACPM  
Executive Director

**Division of Family Health and Preparedness**

Paul R. Patrick  
Division Director

**Recommendation #5, Chapter 2**

*We recommend the Department of Health perform quality assurance reviews to ensure PSAPs are adequately using EMD protocols on 911 emergency calls.*

**Department Response:**

We agree with this recommendation.

Recent staff change by the Bureau clarified whose responsibility it is to inspect dispatch centers. Part of the inspection process will be to ensure PSAPs are using Department approved selective EMS systems with local medical director approved protocols. The Department will prepare a report that is updated quarterly listing all the agencies and when they are inspected and designated.

**Contact:** Tami Goodin, EMS Agency/Licensing Officer, 801-349-9206, tgoodin@utah.gov

**Implementation Date:** November 1, 2020.

**Recommendation #3, Chapter 3**

*We recommend the Department of Health clarify the staffing requirements a PSAP should meet as part of its Emergency Medical Dispatch Center designation.*

**Department Response:**

We agree with this recommendation.

Currently staffing requirements are that all 911 medical calls are answered by a licensed and selective-dispatch-protocol-system-trained EMDs. Administrative rules will be revised to include language that all PSAPs must provide staffing minimums to ensure calls will be answered 24/7 by EMDs.

**Contact:** Tami Goodin, EMS Agency/Licensing Officer, 801-349-9206, tgoodin@utah.gov

**Implementation Date:** July 1, 2021

Sincerely,

Paul R. Patrick, Division Director  
Family Health and Preparedness  
Utah Department of Health



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**Salt Lake Valley Emergency Communications  
Center (VECC) Audit Response**





July 6, 2020

Kade Minchey, CIA, CFE  
Auditor General  
Office of the Legislative Auditor General  
315 House Building  
Salt Lake City, UT 84114-5315

Kade,

Salt Lake Valley Emergency Communications Center (VECC) appreciates the focus that the legislative audit has on service to our communities. We recognize the weaknesses that are present and have taken significant action to remedy our shortcomings well before this audit called out these problems.

In January, the Board of Trustees hired a new Executive Director who brings significant professional 911 communications experience. The Board has directed him to provide leadership for the center by shaping the organization into a high reliability operation with a focus on quality internal and external customer service. In addition, he has been directed to evaluate the effectiveness of the center through performance analysis related to meeting national standards, and from that evaluation, propose strategic initiatives to the Board of Trustees that improve the effectiveness of the center. We have improved our overall leadership and governance practices to ensure they are effective and sustainable.

VECC has made good progress over the last six months under the direction of Scott Ruf. We have fully integrated the Unified Police Department into the center, engaged in the implementation of a single CAD platform for all agencies dispatched by both VECC and Salt Lake City, and established a relationship with UHP to improve the connectivity between our 911/CAD and UHP's CAD system to reduce the number of transfers.

Additionally, VECC has migrated to a new operations schedule allowing for consistent staffing, begun to leverage the technology available to PSAPs, is implementing a new NG911 phone system (to be completed September 2020), and refocusing call-taker and dispatcher training to more efficiently and effectively answer emergency calls, triage and dispatch resources.

The VECC Board of Trustees and the Executive Director embrace the recommendations outlined in this legislative audit and will continue moving the organization toward delivery of high-quality service to the citizens and agencies served by the organization.

Respectfully,

Dan Petersen  
Chairman, VECC Board of Trustees  
Fire Chief / CEO, Unified Fire Authority

Scott W. Ruf  
Executive Director  
Salt Lake Valley Emergency Communications Center



## **Department of Public Safety Audit Response**



The Utah Department of Public Safety (DPS) appreciates the opportunity to provide the following response to the audit recommendations of the 2020-06 and 2016-08 Audit of 911 Funds.

DPS operates five consolidated Public Safety Answering Points which receive and expend 911 funding; and one consolidated dispatch center which does not receive or expend 911 funding. The 2016-08 audit report made four recommendations pertaining to DPS involvement in 911 consolidations. The current audit report, 2020-06, found DPS to be in compliance with two recommendations, and two still outstanding. DPS provides the following response to the two 2020-06 outstanding findings of the 2016-08 Audit of 911 Funds and Staffing.

**Recommendation (1) *“We recommend the Department of Public Safety work with consolidated PSAP members to create a cost allocation process for equitable PSAP cost sharing to be included in its interlocal agreements...”***

DPS Concurs with recommendation (1). The Utah Department of Public Safety Operates five consolidated PSAPs throughout rural areas of the state, and one consolidated Dispatch Center in Salt Lake county. The five PSAPs receive 911 funding. The balance of the budget for these centers are made up of contributions from each participating agency. In all but two of these centers DPS is the largest contributor of non-911 funding to the budget. Each center’s budget is reviewed annually and finalized with an approving vote by all contributing agencies. The contribution of each agency is provided and collected by DPS, and each agency has a signed contract with DPS to provide dispatching services. However, a cost share formula specifying the contribution of each agency is not currently published or included.

To correct and comply with this recommendation DPS will immediately establish supplemental agreements to current agency contracts to describe the specific / approved contribution for each agency as well as a description of the cost sharing methodology. The supplementals will then be memorialized into the 2021 renewals of the consolidated contracts.

**Recommendation (2) *“We recommend the Department of Public Safety document the consolidated PSAP cost allocation process in its policies.”***

DPS concurs with recommendation (2). Consistent with the implementation of the corrections described in the response to recommendation (1) DPS will work to establish a more consistent cost share formula to memorialize the contribution of each agency DPS provides service for through each of the six consolidated centers. With the acknowledgement that each consolidation is unique in geographical location and distribution of federal, state and local agencies, these cost share agreements will at a minimum detail 911 funding, state funding, and local agency funding contributions.

Thank you for the opportunity to provide perspective on these findings and recommendations.



**Utah Communications Authority Audit Response**





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Phone 801-840-4200 Fax 801-840-4242  
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July 10, 2020

Kade R. Minchey, CIA, CFE  
Auditor General  
Office of Legislature Auditor General  
Rebecca Lockhart House Building, Suite W315  
Salt Lake City, Utah 84114-5315

Re: Response to the In-Depth Follow-Up of 911 Audits and Review of 911 Staffing (2020-06)

Dear Mr. Minchey:

Thank you for the opportunity to provide the Utah Communications Authority's ("UCA") response to Chapters III and IV of your report number 2020-06, "An In-Depth Follow-up of 911 Audits and Review of 911 Staffing" (the "Report"). I want to commend you and your employees for, once again, putting in copious amounts of work and effort to create this Report. UCA is appreciative of the review and suggestions that have been made for UCA and its stakeholders and partners.

As has previously been noted, the Utah Communications Authority maintains and expands the best public safety, radio communications network in America, assists state/county/local agencies in the provision of 911 services, and improves interoperability across Utah. In short, UCA is, in large part, responsible for the infrastructure that supports public safety communications. As you have come to appreciate, these are large and complex tasks. UCA is proud of the services it provides and is pleased to support Utah's first responders.

The focus of the Report is a follow-up of one portion of public safety communications, 911, and the recommendations made in two of your 2016 audits relating to 911 funding and its uses by UCA, the Department of Public Safety ("DPS"), the Utah State Tax Commission, and local 911 operations. In addition, the Report addresses certain concerns about public safety answering point ("PSAP") operations you discovered during some of your prior work. One of these issues is minimum staffing at a PSAP. This is an issue that has caused concern for UCA over the past several years as well. Your report highlights one instance where having too few telecommunicators on staff could have had dire consequences. We have heard numerous others. To squarely address these concerns, in 2018, UCA, adopted the minimum standard from the National Fire Protection Association ("NFPA") that a PSAP must always have at least two telecommunicators on

duty.<sup>1</sup> Many sheriffs, PSAP directors, and government leaders disagreed sharply with UCA's minimum standard for PSAP staffing. Accordingly, UCA met further with these interested parties and, as a compromise, amended the minimum staffing standard. The current standard uses commercial software which, applying something called the Erlang C Formula, attempts to factor in a PSAP's average call length, desired call answer time, and total 911 call count. As you point out in your Report, this model does not factor in that some PSAPs impose additional duties on their call-takers which necessitates more staffing. UCA is also aware that as burgeoning technologies begin to enter into PSAPs, things such as more pervasive text-to-911 calls, video calls, pictures, etc., that these items are, likewise, not factored into the model. As such the point is well taken that collectively, UCA and its PSAP Advisory Committee need to consider a standard which will lead the nation in establishing minimum staffing standards.

We appreciate the suggestions regarding interlocal agreements for PSAPs to support one another, an idea that we too have proposed to PSAPs. The new statewide NG911 system that UCA is currently installing with the help of its vendor, Vesta Solutions, a subsidiary of Motorola, should greatly enhance PSAPs' ability to provide this support and backup technologically. We also can understand the desire to have jail employees cross-trained to assist dispatchers in times of high demand. This is also something we have previously noted as a possibility. However, such a solution may pose a danger as inmates may take advantage of a distracted jail employee.

Accordingly, UCA accepts the invitation you recommend to work with its PSAP Advisory Committee to reconsider and refine the minimum standard regarding PSAP minimum staffing to ensure that the quality of 911 services offered by PSAPs does not suffer because they are inadequately staffed.

In Chapter IV of the Report, you performed an in-depth analysis of your report 2016-02. As you note, this was also the subject of a portion of your audit of UCA recently completed in December of 2019. There are two recommendations which are still in process, however they are substantially similar. In essence, it was recommended that UCA adopt administrative rules to provide clear grant standards. These recommendations applied to two restricted accounts, the 911 restricted account and the CAD restricted account.

With respect to the 911 restricted account, as reflected in the Report, the Utah Legislature recently amended the Utah Communications Authority Act to remove the requirement for funding standards by administrative rule and set forth the utilization and distribution of those funds. Accordingly, this portion has been implemented, as you reflect. When it comes to the CAD account, it is important to note that no new funds have been generated in that account since a legislative change in 2017. Accordingly, all of the funds in that CAD account are currently committed through a grant that was issued in September of 2016 to the Salt Lake Valley Emergency Communications Center. Nevertheless, UCA has drafted rules which it is in the process of finalizing with its Board for submission through the

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<sup>1</sup> It is worth noting that two of the public safety industry's primary standard setting organizations, the National Emergency Number Association ("NENA") and the Association of Public-Safety Communications Officials ("APCO") did not and do not have a minimum staffing standard (possibly because of pressure from PSAPs as a result of the costs of minimum staffing standards).

process outlined in the Utah Administrative Rulemaking Act. These rules, among other things, provide clear grant standards for the restricted CAD account, in the event that account ever has distributable funds, and likewise adopts the procedures recently codified by the Utah Legislature for the restricted 911 account. See Utah Code Ann. §63H-7a-304.5. Accordingly, we anticipate that shortly, this one remaining recommendation will be completed.

In closing, UCA again wishes to express its gratitude for the dedication, commitment, time, effort, and thought that has been poured into this audit. UCA believes that the suggestions made, if implemented, will greatly improve emergency services in Utah, which is UCA's primary goal. We look forward to the continual upward progression of emergency communications in Utah.

Sincerely,

<i>David A. Edmunds</i>	dotloop verified 07/10/20 10:43 AM MDT GK0D-V57R-XVM3-KREH
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David A. Edmunds  
Executive Director  
Utah Communications Authority