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COMMONWEALTH of VIRGINIA

Virginia 9-1-1 Services Board

Legislative Committee Meeting Agenda

August 8, 2022 3:00 pm

Virtual/Informational Meeting

Mary M. Blowe
Chief Financial Officer
City of Winchester

Thomas A. Bradshaw
Captain
Virginia State Police

Gary Critzer
Emergency Mgmt/ EMS Dir
City of Waynesboro

Terry Ellis
Comcast

R. Scott Garber
Fire Chief
City of Staunton

Terry Hall
York-Poquoson-
Williamsburg

Pete Hatcher
AT&T

Michelle Painter Lama
T Mobile

Matthew Ogburn
Verizon Communications

Robert Osmond
CIO - VITA

Tamara Perez
Frederick County

Judson Smith
Bedford County

Kelvin Wright
Chief of Police
City of Chesapeake

Gabe Elias
SWIC
Advisor

1. Call Meeting to Order.....Chair
2. 9-1-1 Harassing Calls.....Arlington County
 - Ilana Creinin and Angie Candelas Reese
3. Swatting Language.....Arlington County
 - Ilana Creinin and Angie Candelas Reese
4. Annual Report Legislative Content.....NGSB
 - Deputy State Coordinator
5. Old Business.....Deputy State Coordinator
6. New Business.....Deputy State Coordinator
7. Public Comment.....Chair
8. Adjourn Meeting.....Chair

Next Meeting: TBD



Virginia Department of
Emergency Management

Legislative Committee Informational Meeting

Date: August 29, 2022

Informational Meeting Agenda

- Welcome and Remarks from Chair
- 9-1-1 Harassing Calls Presentation
- Swatting Language
- Annual Report Legislative Language
- Old Business
- New Business
- Public Comment
- Adjourn Meeting





Virginia Department of
Emergency Management

Welcome and Remarks from the Chair



Virginia Department of
Emergency Management

9-1-1 Harassing Calls Presentation

Legislation and Harassment of PSAPs

- Several PSAPs have raised the question about existing code language regarding "[unlawful use of telephones](#)".
- There is concern that existing language was crafted in a legacy world and may not address instances of IP-communication TDOS, DDOS-related attacks or harassing text or video calls in the future.
- Existing language includes inconsistent references to "causes to ring" or "causes to ring or signal".
- There may be a need to review this language to see if it can be cleaned up regarding harassing "callers" to PSAPs – regardless of their means of the "call" arriving at the PSAP.



Next Steps

- Feedback from committee members as representatives of their respective organizations
- Recommendations and/or strategies for 9-1-1 Services Board regarding 9-1-1 harassing calls





Virginia Department of
Emergency Management

Swatting Language

VML General Swatting Provision

- VML supports legislation that provides law enforcement an additional tool to combat the act of making a hoax communication to 9-1-1 (or to a private citizen, who then calls 9-1-1) reporting an immediate threat to human life with the intent of triggering an immediate and significant law enforcement response, usually involving a SWAT team. Otherwise known as “swatting.”





Virginia Department of
Emergency Management

Annual Report Legislative Content

Code Clean-Up

- During 2022 APA audit engagement, VDEM was advised that clean-up may be recommended to address NGSB functions governed by *Code*
- Agency will not have specific information until it receives completed audit report
- Advised by VDEM CFO that we should expect a draft audit report in a couple of weeks and that APA will assist with *Code* changes
- Maintain a placeholder in the 2022 Annual Report



Suggested Language

- *The impact of, or need for, legislation affecting enhanced wireless emergency telecommunications services in the Commonwealth*

The Board's Legislative Committee maintains a proactive posture to provide 9-1-1 stakeholders with a forum to discuss legislation impacting the 9-1-1 community, make legislative recommendations to the Board to support its vision of the enhanced NG9-1-1 ecosystem and review proposed recommendations proposed by the Board impacting *Virginia Code*





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Old Business





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New Business





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Public Comment



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Adjourn

§ 18.2-461.1. Swatting

- A. Any person who knowingly makes, or causes another person to make, a false emergency call to any emergency personnel that results in an emergency response is guilty of a Class 1 misdemeanor.
- B. Any person who knowingly makes, or causes another person to make, a false emergency call to any emergency personnel that results in an emergency response during which any person is injured or killed is guilty of a Class 6 felony.
- C. A violation of this section shall constitute a separate and distinct offense. The provisions of this section shall not preclude prosecution under any other statute.
- D. A violation of this section may be prosecuted in the jurisdiction where the person violating this section was located at the time of the violation, in the jurisdiction where the emergency call was received, or in the jurisdiction where the emergency response occurred.
- E. For the purposes of this section, "emergency call," "emergency personnel," and "emergency response" shall have the same meaning as those terms are defined in § 18.2-426.

§ 18.2-426. "Emergency call," ~~and~~ "emergency personnel," and "emergency response" defined.

As used in this article:

"Emergency call" means ~~a call~~ any communication to report a fire or summon police, or for emergency medical services, in a situation where human life or property is in jeopardy and the prompt summoning of aid is essential.

"Emergency personnel" means any persons, paid or volunteer, who receive ~~calls~~ communications for dispatch of police, fire, or emergency medical services personnel, and includes law-enforcement officers, firefighters, including special forest wardens designated pursuant to § 10.1-1135, and emergency medical services personnel.

"Emergency response" means a response by law enforcement, fire, and/or emergency medical services personnel to a situation where human life or property is in jeopardy and a prompt provision of aid is essential.

9-1-1 Harassing Calls

Expanding Types of Electronic Communication Harassment in
Virginia Legislative Code

Angelina Candelas-Reese
9-1-1 Systems Manager

Ilana Creinin
Legislative Liaison

August 8, 2022



The Issue

Texting 9-1-1 is treated with the same due regard as Calling 9-1-1 and its misuse must also be treated the same.



9-1-1 Communication Methods

- 9-1-1 call takers are first line of defense in emergencies, working at call centers in localities across Virginia
 - 49 public safety answering points (PSAP) and Emergency Dispatch Centers in Virginia that are maintained by the Virginia Office of Emergency Medical Services (OEMS)
- Public Safety Telecommunicators use different kinds of technology to receive 9-1-1 communications
 - Phone Calls
 - Text Messages
 - Photos
 - Videos
 - Live Streaming (coming soon to some PSAP)

People are Annoying/Harassing 9-1-1 Workers

- People are using new means of electronic communication to take advantage of Public Safety Telecommunicators.
 - Ties up valuable resources
 - Time spent dealing with “non-emergencies”
 - Cost localities money
 - Staffing Issues

Data



Data on Harassment/Annoyance

- We reached out to all 49 PSAP last week
- By session, we hope to have data from all 49 PSAP regarding harassment/annoyance communications
- Preliminary Results from the following areas
 - Arlington County
 - Eastern Shore (data not tracked, supports a change in code)
 - Fairfax County
 - Loudoun County (data forthcoming, supports change in code)
 - Stafford County

Arlington County Data

- 8/4/22 - Male was on the phone with and texting multiple times simultaneously
- Multiple occurrences of kids playing on the phone.
- 3/30/22 - Racial profanities, just wanted to see if there would be answer to texts
- Multiple dates of the same person calling false reports of someone breaking into their home.
- Too many instances to count of people texting "Hello" "Hey" "Does this work"

Fairfax County Data

- Has had 9-1-1 text capabilities since 2015
- 2021
 - 1,025 Text to 9-1-1 sessions
 - 68 unique phone numbers that texted 9-1-1 at least 3 times (43% of all Text to 9-1-1 sessions for 2021)
 - Average duration is 5.8 minutes and combined duration is 42.2 hours
- 2022 (year-to-date, August)
 - 1,341 Text to 9-1-1 sessions (more text messages than all of 2021 and it is only August)
 - 45 unique phone numbers that texted 9-1-1 at least 3 times (64% of all Text to 9-1-1 sessions for 2022)
 - Average duration is 5.5 minutes and combined duration is 94 hours
 - One emotionally disturbed super user has initiated 12 text sessions in 2021 and 643 sessions in 2022
- One emotionally disturbed super user initiated 12 sessions in 2021 and 643 sessions in 2022 that are not legitimated police or fire department requests
 - Call center workers have wasted 76 hours of time with this individual in 2022, which represents 48% of all sessions this year
- Fewer individuals and increasingly more time wasted year over year

Stafford County Texts

- 1/1/22 text of a YouTube link of a joke of a police officer being shot
- 1/2/22 texts about holograms for 32 minutes tying up a 9-1-1 call taker (continued for two hours with several rants)
- 1/3/222 texts to 9-1-1 to report someone taking pictures, no emergency just didn't want to talk to anyone and would not call the nonemergency line
- No date, texts about kids jumping in the river scaring the fish while he was fishing and he even says, "No emergency, I just want someone to tell them to leave".
- No date, text to ask to tell boyfriend, "You're ugly whoever you are" etc.
- Too many instances to count of people texting "Hello" "Hey" "Hey Hottie" or "Sup"

Solution

Update Virginia code to include new and future types of electronic communications



§18.2-429 Causing telephone or pager to ring with intent to annoy

- Amend § 18.2-429 to expands the types of communication that are punishable by code
- A. Any person who, with or without intent to communicate but with intent to annoy any other person, **causes any telephone or digital pager, not his own, to ring or to otherwise signal**, and any person who permits or condones the use of any telephone under his control for such purpose, is guilty of a Class 3 misdemeanor. A second or subsequent conviction under this subsection is punishable as a Class 2 misdemeanor if such prior conviction occurred before the date of the offense charged.
- B. Any person who, with or without intent to converse, but with intent to annoy, harass, hinder or delay emergency personnel in the performance of their duties as such, **causes a telephone to ring**, which is owned or leased for the purpose of receiving emergency calls by a public or private entity providing fire, police or emergency medical services, and any person who knowingly permits the use of a telephone under his control for such purpose, is guilty of a Class 1 misdemeanor.

New Suggested Language

- A. Any person who, with or without intent to communicate but with intent to annoy any other person, **causes any telephone or digital pager or other alerting device, not his own, to ring or to otherwise signal or alert**, and any person who permits or condones the use of any telephone **or other device** under his control for such purpose, is guilty of a Class 3 misdemeanor. A second or subsequent conviction under this subsection is punishable as a Class 2 misdemeanor if such prior conviction occurred before the date of the offense charged.
- B. Any person who, with or without intent to converse, but with intent to annoy, harass, hinder or delay emergency personnel in the performance of their duties as such, **causes a telephone to ring or other device to alert**, which is owned or leased for the purpose of receiving emergency calls **and/or other emergency communications** by a public or private entity providing fire, police or emergency medical services, and any person who knowingly permits the use of a telephone **or other device** under his control for such purpose, is guilty of a Class 1 misdemeanor.

Questions?

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