
MEMORANDUM

To: Columbia County Combined Communications Center 911 Committee
From: Joel F. Foreman
Re: Rule-based Division of Duties and Responsibilities, Facility Security
Date: February 7, 2019

Commissioner Nash has asked me to review divisions of duties at the Combined Communications Center that are required by law. As the committee knows, the Columbia County Sheriff's Office (the "Sheriff") and the Columbia County Board of County Commissioners (the "County") have entered into an Interlocal Agreement ("Agreement") for the operation of a Combined Communications Center (the "Center"). Because both parties share a facility to meet their joint obligations under the Agreement, the opportunity arises from time to time for one party to intrude into the separate duties assigned by statute or regulation to the other.

To help eliminate confusion that may arise between the parties and the conflicts that can result, this memo breaks down those duties that must be divided for reasons external to the requirements of the Agreement and provides an explanation for why those divisions must be observed in the operation of the Center. Below are the issues raised previously and my findings with respect to each.

**FLORIDA EMERGENCY COMMUNICATIONS NUMBER E911 STATE PLAN
911 COORDINATOR**

The County is subject to FAC Chapter 60FF-6, which implements rules to effectuate Fla. Stat. section 375.171, the Florida Emergency Communications Number E911 State Plan Act (the "Act"). Subsection (4) of the Act required the Department of Management Services to promulgate rules for implementation of a statewide 911 program. Those rules consist of five sections, 60FF-6.001 through 6.005, the purpose of which is to prescribe the "necessary rules for implementing, coordinating, and maintaining a statewide emergency Enhanced 911 communication system".

Rule 60FF-6.004, the Florida Emergency Communications Number E911 State Plan Administration Rule, expressly charges the Board of County Commissioners of each County with specific responsibilities under the E911 State Plan. Importantly, subsection (1) of this Rule provides: "Ultimate responsibility and authority within a county for the E911 System rests with the Board of County Commissioners". Thus, this responsibility is delegated and mandated by a rulemaking agency pursuant to a legislative directive to implement the E911 State Plan under general law. This does not appear to be a delegable duty, so the County cannot contract away this responsibility.

The Board of County Commissioners for each County is also required by this rule to designate "a knowledgeable individual as its county 911 coordinator". The 911 coordinator is

responsible for coordinating the E911 program within their county, and the coordinator serves as a single point of contact with the Department of Management Services for all E911 related issues. Furthermore, the county 911 coordinator must, by rule, make critical infrastructure investment recommendations to the Board of County Commissioners. The 911 coordinator must provide the expertise needed to ensure the county complies with all state and federal laws and rules affecting E911. The county 911 coordinator is responsible for assembling all cost data and determining the amount of necessary funding. The county 911 coordinator shall advise the county commissioners so that appropriate fiscal measures can be adopted by the Board of County Commissioners to fully fund the county's E911 system. The coordinator also assists the County with providing annual E911 financial information updates to the Florida E911 Board and DMS.

The county 911 coordinator is also required to implement "countywide systems and standards that meet or exceed technical and operational standards in Rule 60FF-6.005, F.A.C. (the State Plan Technical and Operations Rule). The 911 coordinator coordinates E911 infrastructure-related activities among all emergency service agencies and equipment/service providers to ensure that the system performs smoothly, reliably, and efficiently in concert with statewide emergency communication objectives. The coordinator ensures maintenance and functionality of the county's E911 system on a 24 hours per day, 7 days per week basis. The county 911 coordinator is responsible for database and Master Street Addressing Guide management, maintenance and error resolution. The county 911 coordinator must determine the best procedures to accommodate changing technological environments and provide the best 911 service that can be provided, on a 24 hours per day, 7 days per week basis.

Finally, the county 911 coordinator shall evaluate the equipment and security at the county Public Safety Answering Points ("PSAP") to determine that all items meet or exceed those standards in Rule 60FF-6.005, and that these systems are operational at each PSAP. The county 911 coordinator, or his designee, accompanies the DMS inspector at all PSAP inspections. There is no distinction between Primary PSAPs (the PSAP where a 911 call is first received) or Secondary PSAPs (the PSAP where a 911 call is routed by a Primary PSAP, such as a law enforcement agency).

In summary: The Board of County Commissioners must appoint a 911 coordinator. Once appointed, the duties and responsibilities of the 911 coordinator are prescribed by Rule, not County policy or agreement. The 911 coordinator's duties apply to all PSAPs within the County, including those secondary PSAPs operated by other agencies within the County. The 911 coordinator has special authorization and responsibility to make recommendations to the Board of County Commissioners that will ensure continuous operation of a high-performance E911 system.

FLORIDA EMERGENCY COMMUNICATIONS NUMBER E911 STATE PLAN TECHNICAL AND OPERATIONS RULE.

The 911 coordinator is charged with ensuring Rule 60FF-6.005 is implemented throughout the County E911 systems. The rule is highly specific and technical. A copy is attached hereto in full. Importantly, the 911 coordinator, as appointed by the Board of County Commissioners pursuant to Rule 60FF-6.004, is explicitly charged with deployment and implementation of the Technical and Operations Rules at all Primary and Secondary PSAPs within the County. Just as

the appointment of the coordinator does not appear to be delegable, compliance with the Technical and Operations Rules is a County charge under the rules as promulgated under general law and is not a delegable duty.

SECURITY OF AND ACCESS TO NATIONAL CRIME INFORMATION CENTER, FLORIDA CRIME INFORMATION CENTER, AND CRIMINAL JUSTICE INFORMATION TERMINALS

Guidelines promulgated by the Florida Department of Law Enforcement (“FDLE”) and Federal Bureau of Investigation (“FBI”) mandate that the local criminal justice agency, the Sheriff, be responsible for security of the NCIC, FCIC, and Criminal Justice Information System (“CJIS”) terminals, communications network, and copies of any records generated. Further, the agency shall control who has access to the data transmitted and stored via those systems.

According to the FBI, the NCIC must be safeguarded because data stored in the NCIC is documented criminal justice agency information and access to that data is always restricted to duly authorized criminal justice agencies. As such, the following security measures are the minimum to be adopted by all criminal justice agencies having access to the NCIC.

Computer Center

a. The criminal justice agency computer site must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data.

b. Since personnel at these computer centers can have access to data stored in the system, they must be screened thoroughly under the authority and supervision of an NCIC control terminal agency. (This authority and supervision may be delegated to responsible criminal justice agency personnel in the case of a satellite computer center being serviced through a state control terminal agency.) This screening will also apply to non-criminal justice maintenance or technical personnel.

c. All visitors to these computer centers must be accompanied by staff personnel at all times.

d. Computers having access to the NCIC must have the proper computer instructions written and other built-in controls to prevent criminal history data from being accessible to any terminals other than authorized terminals.

e. Computers having access to the NCIC must maintain a record of all transactions against the criminal history file in the same manner the NCIC computer logs all transactions. The NCIC identifies each specific agency entering or receiving information and maintains a record of those transactions. This transaction record must be monitored and reviewed on a regular basis to detect any possible misuse of criminal history data.

f. Each State Control terminal shall build its data system around a central computer, through which each inquiry must pass for screening and verification. The configuration and operation of the center shall provide for the integrity of the data base.

Communications

a. Lines/channels being used to transmit criminal history information must be dedicated solely to criminal justice, i.e., there must be no terminals belonging to agencies outside the criminal justice system sharing these lines/channels.

b. Physical security of the lines/channels must be protected to guard against clandestine devices being utilized to intercept or inject system traffic.

Terminal Devices Having Access to NCIC

a. All agencies having terminals on this system must be required to physically place these terminals in secure locations within the authorized agency.

b. The agencies having terminals with access to criminal history must screen terminal operators and restrict access to the terminal to a minimum number of authorized employees.

c. Copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of the data.

d. All remote terminals on NCIC III will maintain a manual or automated log of computerized criminal history inquiries with notations of individuals making requests for records for a minimum of one year.

As with the County's duties to select a 911 coordinator and comply with the Technical and Operational Rule, it does not appear the mandates placed upon the Sheriff are delegable or subject to discharge by reason of locating the terminals within the Combined Communications Center.

According to FDLE, agencies with access to NCIS, FCIS, or CJIS are subject to a triennial compliance audit pursuant to Florida Statutes Ch. 943. The audit may be in-person or via correspondence, and the objective of the audit is to ensure compliance with CJIS Policies and Procedures and the FBI CJIS Security Policy. This audit is of the agency, not the County or PSAP in question, so the duty of compliance with these requirements rests with the Agency.

COUNTY AS FISCAL AGENT FOR STATE E911 FUNDS

Pursuant to Rule 66F-6.004, the funds collected, and interest earned for 911 are appropriated for E911 purposes by the county commissioners. The Board of County Commissioners in each county as the responsible fiscal agent. Although some E911 operations may be handled via other officials or agencies through Primary and Secondary PSAPs, the ultimate responsibility and authority within a county for appropriation of state funds rests with the Board of County Commissioners.

DISPATCHING

Once a call is received by a PSAP designed and staffed in compliance with the E911 State Plan, the function of dispatching appears to be left to local governments and agencies to decide. So long as the PSAPs are compliant then the parties can determine for themselves the dispatch protocols that will be employed going forward.

RECOMMENDATION FOR COMMITTEE ACTION

Based on the foregoing, it is my recommendation that the Combined Communications Center 911 Committee convene to review and accept this memorandum. I recommend these findings be incorporated into a set of policies and procedures for the operation of the Center that contemplates the mandates placed on each agency by state and federal rules. I recommend that each party to the Interlocal Agreement for the operation of the Center expressly recognize the limits of their respective authority over areas that are legislatively or administratively assigned to the other, and that policies be developed that allow for a continued combined center that is compliant with the diverse requirements of the parties.

911 Backup Site Comparison

Location	Pros:	Cons:
CCSO Detention Center	Hardened and secure facility Existing 911 trunk lines Existing Comcast fiber optics Existing space for dispatching Existing BoCC VoIP phones Existing access to CAD	restricted access for staff limited equipment space Cannot support backup EOC remote/isolated location 911 calls are rerouted to Alachua County No internet access Lengthy turn up time if location is needed
CCFD Station 40 Fair Grounds	Existing Comcast fiber optics Suitable area for dispatch terminals Existing BoCC VoIP phones Unrestricted staff access Existing internet access	Unsecured building 911 trunk lines not at the location No access to CAD No access to NCIC\FCIC\FDLE 911 calls are rerouted to Alachua County No space to support backup EOC Lengthy turn up time if location is needed
BoCC Server Room	Existing Comcast fiber optics Existing BoCC VoIP phones Unrestricted staff access Hardened and secure facility Access to CAD Close proximity to AT&T central switch Existing internet access	911 trunk lines not at the location No access to NCIC\FCIC\FDLE limited dispatch space Cannot support backup EOC 911 calls are rerouted to Alachua County Lengthy turn up time if location is needed
AT&T Building	Existing 911 trunk lines Hardened and secured facility Unrestricted staff access Close proximity to AT&T central switch Dispatch terminal space available	Would require the BoCC to lease space No Comcast fiber optics No BoCC VoIP phone access No access to NCIC/FCIC/FDLE No internet access No access to CAD 911 calls are rerouted to Alachua County Lengthy turn up time if location is needed Space for backup EOC is unknown
Lake City Public Safety	Existing 911 trunk lines Hardened and secured facility Unrestricted staff access Close proximity to AT&T central switch Dispatch terminal space available Backup EOC space available Existing 911 trunk lines Existing Comcast fiber optics Access to NCIC/FCIC/FDLE available Access to BoCC VoIP phones available Access to CAD Internet Access available No need to reroute 911 to Alachua Able to provide LCPD with ANI/ALI access Short turn up time if location is needed	None