

DATE: May 6, 2008

TO: Joe Norwick, Director
911 Center

FROM: Kathleen Falk
Dane County Executive

Re: Investigation Results and Next Steps

Thank you for providing me the results of your investigation of the cell phone call placed on April 2 by Brittany Zimmerman. I asked you on April 3 to investigate a number of issues. Your investigation appropriately reviewed and responds to three matters: personnel performance, adequacy of existing technology, and dispatch protocol and policy.

This memorandum summarizes your conclusions about what happened and how. I then lay out steps that you should take now.

I acknowledge and appreciate that you and your staff have been completely cooperative and responsive to the need and requests of the Madison Police Department (MPD) since April 2. The MPD has requested confidentiality of many issues due to the need to protect the police department's ongoing murder investigation and subsequent prosecution ability of the District Attorney. As a former Chief Deputy Sheriff yourself, appreciation of the need to not jeopardize investigations is paramount. You and your staff have worked hard to honor the MPD's requests. The public's understandable desire and right to know as much as possible has created a need for you, your staff, and other county officials, including me, to speak very carefully and cautiously. Today, with the approval of the District Attorney and MPD, the county is able to provide those additional facts for the public but which will not jeopardize the ongoing murder investigation and prosecution.

I turn now to the conclusions in your investigation and the facts the county are allowed to speak about. A wireless 9-1-1 call came in from Brittany Zimmermann's cell phone. The communicator answered the call and made three inquiries, pausing to listen between the inquiries. The call ended. Persons other than the communicator have reviewed the recording of this call and have heard sounds that would have significance to a communicator, but were not heard by the communicator during this call.

A second 9-1-1 call came in on a land line to the same communicator as the first call ended. The second call was a hang up. The hang up occurred before the communicator answered that call. We now know this second call had no connection to the first call. The communicator made a callback but this callback went out in response to the second call, not the first call. On the line during that callback, two male voices told the communicator their call was a mistake. The 9-1-1 communicator did not alert law enforcement. 9-1-1 Center policy is to alert law enforcement to any land line call, which requests emergency services or is terminated.

A callback was not made to the call from Ms. Zimmermann's phone. The 9-1-1 Center policy is that a callback should have been made. The audio recording made it appear that the callback went to Ms. Zimmermann's cell phone. Accordingly, in the initial stage of the investigation, 9-1-1 officials told Madison investigators inaccurately that the callback to the two males had gone to Ms. Zimmermann phone. The police were extremely interested in finding the two male respondents, and focused some investigative efforts on that callback and the two males.

The 9-1-1 Center utilizes three systems to document the Center's incoming and outgoing calls: (1) automatic sound recordings of the calls; (2) automatic telephone call detail records; and (3) computer-aided dispatch (CAD) records manually created by communicators as necessary to handle and document any incident. As part of 9-1-1 management's review of all 9-1-1 calls received at the Center on April 2nd, the day of the homicide, a subsequent check of the second system (automatic call detail records) showed that the callback to the two males, up until then believed to have gone to Ms. Zimmermann's phone, had in fact gone to a residence in Middleton, not Madison. As soon as that was discovered, on April 15th, this information was immediately forwarded to the police. Police then promptly located and interviewed the two men recorded in the call back to the second 9-1-1 terminated call, who convincingly confirmed that their call to 9-1-1 had absolutely nothing to do with the homicide.

Had the communicator believed an emergency existed, police would have been dispatched to the call from Ms. Zimmermann's phone. The most precise location provided in the dispatch would have been to 511 West Doty Street, a 24-unit apartment building next to Ms. Zimmermann's residence. The communicator would have initiated a subscriber search with the appropriate cell phone company. A search typically takes between 5-30 minutes and could link the name of the subscriber to the billing address of the subscriber.

Your investigation concludes the operator did not call back the number of the first "hang up" call; nor did the communicator alert law enforcement to the second "hang up" call. Your investigation concludes the operator is a seasoned veteran with a good work record. The investigation showed that there was full staffing at the time (13) and that there were no other outside distractions at the operator's desk at that time.

While we are all humans and make mistakes, the gravity is compounded when an emergency exists. It is not useful to armchair quarterback after a tragedy, but knowing what we know now about that call, the dispatcher made a mistake. The county owes an apology to the Zimmerman family, Ms. Zimmerman's fiancé, and to the public. I have already done so on behalf of the county.

With respect to the personnel issue, you early on appropriately began an investigation to determine if disciplinary action is warranted. That investigation will not be completed until the MPD approves release of confidential information that could be pertinent. However, earlier the employee asked to be transferred to a different county department and has been transferred to another department.

Based on what happened here, I first request you review current training and personnel qualifications. We are on schedule in the 2004 Strategic Plan for adding new operators six were added since the 2004 Plan, including a new training position. We have spent over 1 million dollars installing new equipment over the past years. We have budgeted an additional \$6 million and have committed to another \$23 million. Most of those funds will purchase a new, interoperable radio system specifically designed to work in Dane County, with its mix of urban and rural areas. Your department does regular auditing of 911 calls and how they are handled. However, in addition please review the current training and personal qualifications for issues.

Second, when an issue occurs about the sequence of several in-coming phone calls in a short amount of time, you should review as soon as possible all three sets of available records: automatic sound recordings of calls; automated telephone call detail records; and computer-aided dispatch records created by dispatchers.

Third, with respect to the adequacy of existing technology, there is no foolproof ability to pinpoint where a cell phone call is originated. For landline phones, technology allows for accurate determination of the caller. For cell phone callers, the technology allows a location to be identified that may often be fairly precise but can on occasion range anywhere within a few miles of the actual caller.

Until the technology exists to pinpoint cell phone call location, the issue of when police dispatch occurs will be an important policy issue. I turn to that issue now.

The protocol and policies of the 911 Center are guided by an advisory board called their PSC Center Board. The Board consists of law enforcement and lay officials of whom I appoint two (currently County Board Supervisor Bob Salov and Sun Prairie Alder John Freund). Members of the Madison Police and Fire Departments serve on the Board. In addition, there is a Public Safety Communications Operating Practices Advisory Committee. It is an advisory body to recommend practices to the Public Safety Communications Center Board. Members of this Committee are primarily police and fire officials, including the Madison Police Department. The policies on issues of local dispatch are set at the request of local police jurisdiction. 60% of all incoming calls to 911 coming from cell phones. Your staff receives many calls a day that are made in error

by the caller. 115 of so-called “hang-up” calls were received by the 911 Center on April 2nd from landlines and cell phones; 83 of these calls were placed from cell phones. These calls can range from children playing with phones, buttons inadvertently bumped on phones left in coat pockets or purses, or crime victims looking for help.

Public Safety Communications operating practices are based on the requests of local law enforcement agencies. Under current policy, if dispatchers answer a 911 call and either don’t hear a voice on the other end of the call or are unable to determine if there’s an emergency, that number is called back by the dispatcher. However, at the request of the MPD, the protocol is that law enforcement officers in Madison are only automatically alerted if the call was received from a landline phone. You have told me that as recently as Wednesday, April 30th, the MPD reaffirmed with the 911 Center that police do not want the protocol changed.

Given the tragedy of April 2, the question is: should there be automatic alert of police for any cell phone call where it cannot be confirmed there is no emergency?

You should take this question to the PSC Center Board and the Operating Practices Advisory Committee for their consideration. You should also review the policies and protocol in other jurisdictions. The 911 dispatchers can promptly change current practice; the police expense resulting would, of course, be significant.

Finally, many people want a third party, objective review of this situation and the overall performance of the 911 system. I think your report has identified the key concerns a review should consider. Please, as soon as possible, contact the Association of Public Safety Communication Officials, the national organization which sets the standards for 911 operations and ask it to review this situation and the general performance of the Center.

cc: Sup. Scott McDonell, County Board Chair