

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE CIVIC ASSOCIATION OF THE DEAF OF
NEW YORK CITY, *et ano.*,

Plaintiffs,

**DECLARATION OF
VINCENT GUERRIERA**

- against -

95 Civ. 8591 (RWS)

MICHAEL R. BLOOMBERG, *et al.*,

Defendants.

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VINCENT GUERRIERA declares, under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am employed by the New York City Police Department (“NYPD”) as a Deputy Inspector, and the Commanding Officer of the NYPD Communications Section. As such, I am responsible for overseeing the handling of all calls coming into the E-911 system, and for all Police dispatch operations for the NYPD. Among other responsibilities I have been assigned during my 26-year career in the NYPD, I served as NYPD Liaison to the New York City Fire Department (“FDNY”) from May, 2002 through January, 2006.

2. I make this declaration in support of the defendants’ motion to modify or vacate the injunction in this litigation.

3. The Communications Section employs over 1,200 personnel, including approximately 1,094 Police Communications Technicians (“PCT”), the personnel responsible for handling all calls that come into the 911 system, as well as those calls that come into the NYPD from the blue-button side of the Emergency

Response System (“ERS”) street alarm boxes¹ which are handled in exactly the same manner as calls coming in to E-911 via telephone.

4. In some documents, PCTs are referred to as “UCTs,” an acronym for Unified Call-Taker. The term UCT is used to reflect a transitional process by which PCTs, over time, will assume responsibility for all of the initial screening of all incoming E-911 calls. Previously, a PCT who received a call requesting a Fire response would take limited information from the caller and would then conference the call with a FDNY Alarm Receipt Dispatcher (“ARD”) for further information-gathering. The ARD would then forward the information received to the FDNY Decision Dispatcher, who would be responsible for assigning the appropriate FDNY units.

5. Under the UCT process, UCTs will take the information from the caller regardless of whether the call seeks NYPD or FDNY response, and, in the latter case, forward that information to the FDNY Decision Dispatcher, reducing the number of “hand-offs” between call-taker and dispatcher and thereby shortening response time.

6. All PCTs/UCTs receive training in the proper NYPD procedures for handling incoming calls to the E-911 Center whether from telephones or from blue-button alarms from ERS alarm boxes. Those procedures, memorialized in NYPD Communications Section Memoranda from as early as March 20, 1996, are annexed, collectively, as Defendants’ Exhibit “E-1” through “E-3.”

7. The earliest Memorandum, C.S. Memo # 3/32.1, dated March 20, 1996, titled “Non-Verbal Emergency Reporting Procedure for E911 Calls,” instructs

¹ ERS boxes have two buttons – a blue button, used to request NYPD emergency response; and a red button, for New York City Fire Department (“FDNY”) and Emergency Medical Services (“EMS”) response.

Communications Section personnel and directs their “strict compliance” in recognizing and responding appropriately to a tapping protocol – specifically, the use by deaf and hard-of-hearing callers of a repeated single tap for Police assistance, and a repeated double tap for Fire assistance, combined with information about the caller’s location and telephone number that is digitally obtained from the call (“Automatic Location Information” and “Automatic Number Information,” or, collectively “ALI/ANI”). *See* Defts’ Ex. “E-1.”

8. The other two memoranda, C.S. Memo # 3/7.8, dated June 30, 1999, and titled “Procedure for Non-Verbal Emergency Calls to 911,” and C.S. Memo 3/32.1 Revised & Reissued, dated August 17, 2000, titled “Non-Verbal Emergency Reporting Procedure,” annexed as Defendants’ Exhibits “E-2” and “E-3,” respectively, reflect the NYPD’s ongoing policy of requiring Communications Section personnel to recognize and properly handle calls from deaf or hard-of-hearing callers utilizing the tapping protocol, whether via E-911 or ERS boxes.

9. In my capacity as Commanding Officer of the Communications Section, I oversee the Commanding Officer of Training for Communications Section personnel. In addition to promulgating the above policies regarding the tapping protocol, the Communications Section trains all personnel on an ongoing basis in the proper handling of calls utilizing the tapping protocol.

10. Each incoming class of PCTs is trained in a curriculum that includes training in the handling of tapping protocol calls. In addition, the entire Communications Section receives annual refresher training that includes training in the tapping protocol.

11. I am informed that, the last time this case was litigated, there was a question about the accuracy of the ALI/ANI information used by E-911 call-takers. I can assure the Court that there is no genuine basis for any lingering concern about database accuracy.

12. When a call comes into the E-911 Center from a telephone source (whether private telephone line or public payphone) the system automatically checks the ANI number associated with the call (similar to "Caller ID" information, except the ANI information cannot be blocked when coming into the E-911 Center as it can be between private callers) and matches the number against a database of addresses (the ALI data) associated with phone numbers, maintained by Verizon (for both its own numbers and those of other providers). PCTs are instructed to prepare a "Discrepancy Report" every time a location retrieved from the address database is different from the address provided by the caller. The Discrepancy Report is forwarded to Verizon for further action, as appropriate. While a discrepancy might indicate a database error, it could also result from the caller reporting a wrong address (for example, an out-of-town visitor unfamiliar with a host's specific address).

13. In CY 2009, when 10.8 million calls were handled by the E-911 system, PCTs prepared 21 Discrepancy Reports – yielding an error rate of 0.0002%, or an accuracy rate for the ALI database of 99.9998%.

Dated: New York, New York
June 21, 2010



VINCENT GUERRIERA

COMMUNICATIONS SECTIONC.S. Memo#3/32.1
March 20, 1996

To: All Communications Section Personnel
Subject: Non-Verbal Emergency Reporting Procedure for E911 Calls

1. With the activation of the E-911 system and the ALI/ANI information for all calls received at Metrotech, the deaf, hearing impaired and speech-impaired have been instructed to signal with the following TAPS for emergency assistance:

POLICE ASSISTANCE

Repeated Single Taps - TAP (Pause) TAP (Pause) etc.

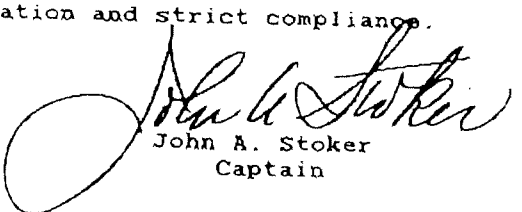
Calltakers detecting the above Single Taping will enter the incidents utilizing the ALI/ANI information under signal code 10Y3 with a qualifier of Deaf Taps.

FIRE ASSISTANCE

Repeated Double Taps - TAP TAP (Pause) TAP TAP (Pause) etc.

Calltakers detecting the above Double Taping will enter the incident utilizing the ALI/ANI information under signal code 10-59Q1 and increase the priority to a level three ("P2"). The qualifier will also be Deaf Taps.

2. For your information and strict compliance.



John A. Stoker
Captain



**COMMUNICATIONS SECTION
MEMO**

Number: 3/7.8

Date:
June 30, 1999

From: Commanding Officer, Communications Section
To: All Communications Section Personnel
Subject: PROCEDURE FOR NON-VERBAL EMERGENCY CALLS TO 911

1. The hearing impaired and speech impaired communities use a specific series of "Taps" to request emergency assistance. The Single Tap- "TAP (pause) TAP (pause)", is the request for POLICE. The Double Tap- "TAP TAP (pause) TAP TAP (pause)", is the request for the Fire Department. These calls may be received over 911 or through an Emergency Reporting System (ERS) box.

Calltakers must pay special attention to all non-verbal calls to detect if these "Taps" are received.

**CALLTAKERS
(E-911/ERS)**

- Upon receipt of a call where you detect a "tapping" message, generate a SPRINT incident utilizing the ANI-ALI location or the location of the ERS box.
- If Single Taps are received the incident will be coded 10Y3. If Double Taps are received the incident will be coded 59Q1, the priority raised to a level 3 and notify the Fire Department. Under both circumstances the qualifier will be "Deaf Taps".

**CALLTAKER
SUPERVISORS/COORDINATOR**

- Will ensure that personnel are aware of and complying with this procedure.
- Any problems encountered, notify the Assistant Platoon Commander/Platoon Commander.

**ASSISTANT PLATOON
COMMANDERS/PLATOON
COMMANDERS**

- Any problems incurred with regards to the procedure, are to be forwarded in writing to Commanding Officer, Communications Section on the next business day.

2. For your **INFORMATION** and **COMPLIANCE**.


 James M. Levin
 Deputy Inspector

CV/sac
non verbal



COMMUNICATIONS SECTION
MEMO

Number:3/32.1

Revised & Reissued

Date:

August 17, 2000

To: All Communications Section Personnel

Subject: **NON-VERBAL EMERGENCY REPORTING PROCEDURE**

1. Communications Section personnel are reminded to adhere to E-911 Calltaker's Guide procedure #310 when processing non-verbal emergency calls reporting police or fire emergencies. The deaf, hard of hearing and speech impaired public may use a series of **TAPS** to report police or fire emergencies.

2. Calltakers detecting a series of repeated **single TAPS**, e.g., **TAP** (pause) **TAP** (pause) **TAP** (pause) etc. **requesting police assistance** will input an incident into the SPRINT System utilizing the ANI-ALI location information, radio code signal **10Y3** with the qualifier "**DEAF TAPS**".

3. Calltakers detecting a series of repeated **double TAPS**, e.g., **TAP TAP** (pause), **TAP TAP** (pause), **TAP TAP** (pause), etc. **requesting fire assistance** will input an incident in the SPRINT system utilizing the ANI-ALI location information, radio code signal **59Q1**, raising the priority to level 3, with the qualifier of "**DEAF TAPS**". The Calltaker will notify the appropriate Fire Department Operator and relay all pertinent details regarding the incident.

Note: *Communications Section personnel are also reminded to be cognizant of the fact that the deaf, hard of hearing and speech impaired public may utilize a series of TAPS when reporting police or fire emergencies via the Emergency Reporting System (E.R.S.).*

4. For your **INFORMATION** and **STRICT COMPLIANCE**

James J. Lavin For
James J. Lavin
Deputy Inspector

NONVERBAL EMERGENCY REPORTING