



# Allegheny County Council

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## Legislation Text

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An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances through the creation of a new Chapter 290, entitled “9-1-1 Call Center,” and a new §290.01, entitled “Duty to Report,” in order to establish a uniform policy for addressing non-emergency calls.

**WHEREAS**, Commonwealth law, specifically 35 Pa.C.S.A. §3510(a), expressly provides that “[a] person who intentionally calls the 911 emergency number for other than emergency purposes commits a misdemeanor of the third degree”; and

**WHEREAS**, according to published reports, the number of instances in which individuals are placing 9-1-1 calls for non-emergency purposes and based purely upon an individual’s race, national origin, or other characteristics appears to be increasing (*see, e.g., Nichols, Race Has Everything to Do with It: A Remedy for Frivolous Race-Based Police Calls*, 47 Fordham Urban Law Journal 153, 2019); and

**WHEREAS**, in the vast majority of cases involving these frivolous 9-1-1 calls, however, the individual who is the subject of the call will never know who placed the call, which makes seeking the appropriate remedy under the terms of §3510(a) all but impossible for the person most immediately impacted by it; and

**WHEREAS**, it is the judgment of Council that no individual can create an emergency or present a clear and immediate danger to public health, safety, or well-being solely by virtue of their race, ethnicity, national origin, or other culturally distinctive traits; and

**WHEREAS**, it is the desire of Council to establish a means of facilitating identification of individuals who place frivolous 9-1-1 calls based solely on these features or traits in the absence of a *bona fide* emergency;

***The Council of the County of Allegheny hereby enacts as follows:***

***SECTION 1.        Incorporation of the Preamble.***

The provisions set forth in the preamble to this Ordinance are incorporated by reference as set forth in their entirety herein.

***SECTION 2.        Amendment of the Code.***

The Allegheny County Code of Ordinances is hereby amended and supplemented by the creation of a new Chapter 290, comprised as follows:

**Chapter 290**

## 9-1-1 Call Center

### §290.01. Duty to report.

- A. Any Allegheny County Telecommunications Officer, County employee, County contractor or subcontractor, or other individual performing work at the Allegheny County 9-1-1 Center that involves answering or otherwise responding to any 9-1-1 call, text, or other communication shall notify supervisory staff of any such 9-1-1 call, text, or other communication that they believe is premised solely upon an individual's race, national origin, ethnicity, or any other culturally distinctive trait, rather than upon the existence of a *bona fide* emergency. Such report may be verbal or written, and shall be made as soon as is practicable after receiving the communication in question, but in no case shall it be made later than the conclusion of the shift during which the employee or other individual received the communication. Such report shall include any information available that would aid in identifying the individual(s) involved.
- B. Supervisory staff at the County 9-1-1 Center shall aggregate and forward written summaries of these reports not less than once each calendar month to the Allegheny County Chief of Emergency Services or their designated Assistant Chief for review and, where warranted in the judgment of the Chief or Assistant Chief, forwarding to the Allegheny County District Attorney for additional review and/or action pursuant to the terms of 35 Pa.C.S.A. §3510(a).
- C. The Chief of Emergency Services or their designated Assistant Chief shall provide for training designed to effectuate the purpose of this Section for all current and future Telecommunications Officers (or equivalent positions), as well as all other County employee(s), contractor(s) or subcontractor(s), or other individuals to whom it applies.

### **SECTION 3. Effective Date.**

The provisions of this Ordinance shall become effective immediately upon final approval.

**SECTION 4. Severability. *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance, which shall be in full force and effect.***

**SECTION 5. Repealer. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.***