

Bill No. 36-0031

An Act amending title 23 Virgin Islands Code, chapter 10,
subchapter IV, section 1073 to exempt a public safety
1 agency or private safety entity from liability for acts of
2 negligence in the operation, administration or maintenance
of a 911 service unless the acts are committed in a grossly
negligent manner or are committed with willful intent.



PRESENTED BY

Ovid J. Williams

ASSISTANT DIRECTOR

VIRGIN ISLANDS TERRITORIAL

EMERGENCY MANAGEMENT AGENCY

Submitted to

SENATOR CLIFFORD A. JOSEPH, SR., CHAIRMAN

Committee on Homeland Security, Justice and Public Safety

Earle B. Ottley Legislative Hall in St. Thomas, Virgin Islands

June 5, 2025

3 Good afternoon, Senator Clifford A. Joseph, Sr., Chairman, Committee on
4 Homeland Security, Justice, and Public Safety, other committee members, 36th
5 Legislature Staff, and those in the viewing and listening audience.

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7 I am Ovid J. Williams, Assistant Director of the Virgin Islands Territorial
8 Emergency Management Agency (VITEMA) which has responsibility for the
9 Territory's 9-1-1 Emergency Communications Centers – also known as Public
10 Safety Answering Points. With me today are VITEMA Deputy Director of
11 Operations, Bruce Kelly, and Deputy Director of Logistics, Asim Frett. We are
12 providing testimony to Bill No. 36-0031, sponsored by Senator Alma Francis
13 Heyliger, an act amending title 23 Virgin Islands Code, chapter 10, subchapter IV,
14 section 1073 “to exempt a public safety agency or private safety entity from
15 liability for acts of negligence in the operation, administration or maintenance of a
16 911 service unless the acts are committed in a grossly negligent manner or are
17 committed with willful intent.”

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19 Let me start my testimony with a review of existing key definitions which impact
20 this bill. The first definition comes from VI Code section 1071 “911” Definitions
21 for “911 Service” which means the telecommunication system which provides the
22 user of the public telephone system the ability to reach a public safety answering
23 point by dialing the digits, “9-1-1”. The second is “Public safety agency” which
24 means a functional division of a public agency which provides ambulance,
25 firefighting, law enforcement, medical or other emergency services, and the third
26 “Private safety entity” means a private entity which provides ambulance,
27 firefighting, law enforcement, medical or other emergency services.

VITEMA operates two Public Safety Answering Points or PSAPS for 9-1-1 calls or text messages. One PSAP is located on St Croix, serving the approximately 40,000 residents, businesses and visitors to St Croix and one on St Thomas, serving the approximately 48,000 residents, businesses and visitors to St. Thomas, St. John, and Water Island. During times of high-volume, requests for 9-1-1 service, each PSAP can answer requests for the other, but can only dispatch first responders via the Government radio trunking system to fire, police, emergency medical services, or rescue, from the originating call PSAP district. By design, in the US Virgin Islands, a 9-1-1 service call or text does not go directly to fire, police, emergency medical services, or rescue, but rather, it is routed through one or multiple telecommunications carriers, ultimately to a VITEMA PSAP. In the instances of mobile phones, a call is routed first to a cell tower with the strongest signal regardless of an individual's paid service provider. Mobile phone calls to 9-1-1 over the internet or Wi-Fi are not guaranteed to reach VITEMA PSAPs, as the request is routed using the phone's registered address, which may or may not be in the US Virgin Islands. Text messaging to VITEMA PSAPs is successful only through mobile cell providers and not over the internet.

Private telecommunications providers operate, maintain, and administer, all aspects of connecting a 9-1-1 service call from a phone, land line or mobile, to the VITEMA PSAPs. In rare instances where the call path fails due to hardware or software recognized at the PSAP, call can be answered at the alternate center. If the outage is expected to last more than 60 minutes. VITEMA initiates a switch to secondary lines install at both 9-1-1 call centers until the issue is resolved. An important note is that VITEMA is not notified by telecom providers when service

is impacted outside that of equipment connected to VITEMA PASPs, such as cell tower outage or other service interruption.

Pursuant to FCC Order No. 24-73 relative to 911 outage notifications to Public Safety Answering Points (PSAP's) such as the Virgin Islands Territorial Emergency Management Agency (VITEMA), effective April 15, 2025, Originating Service Providers (OSP's) such as Liberty Mobile USVI, Inc.(Liberty) must notify VITEMA as soon as possible but no later than thirty (30) minutes of an outage. In addition, the OSP's must follow up in two (2) hour intervals of the original notification to provide additional material information through the time of resolution. The FCC Order requires OSPs to create and maintain an accurate, up to date contact list for the purposes of notifying PSAPs of service outages.

In a few instances, when there have been longer 9-1-1 service outages, VITEMA generates a mass message notice for the impacted district using its Alert VI to subscribers, powered by Everbridge which provides event critical management services, informing of the service outage and providing local police, fire, and emergency medical services numbers to call directly for assistance. During this down time, any calls or texts using 9-1-1 would not be received or answered by the PSAPs. Once 911 service has been restored, another Alert VI message is sent by VITEMA, informing that 9-1-1 has been restored. An important impact of calling the local numbers during the time of outage, is that, unlike calling the 9-1-1 PSAP, none of the calls are recorded. When contacting the VITEMA 9-1-1 PSAP, all calls and texts are recorded on the Computer Aided Dispatch / Record Management System.

79 The obvious impact of losing any 911 service is that public safety agencies and
80 private safety entities are not aware of the emergency and once they become aware,
81 are delayed in their response time.

82 As Bill No. 36-0031 proposes, during these 911 service outages, all emergency
83 services are unaware or at their best delayed in their life saving efforts, and as a
84 result, any public safety agencies or private safety entities should be exempt from
85 liability for acts of negligence in the operation, administration or maintenance of a
86 911 service unless the acts are committed in a grossly negligent manner or are
87 committed with willful intent.

88 VITEMA fully supports Bill No. 36-0031. Thank you, Senator Clifford A. Josphe,
89 Committee Chairman, for the opportunity to provide testimony to this bill. We are
90 prepared to answer any questions members of this committee may have at this
91 time.