800 MHz Trunked Regional Public Safety Radio System
Standards, Protocols, Procedures

Document Section:	**7 - Compliance & Conflict Resolution**	TOC Recommendation
Sub-Section:	**7.2**	Date:
Procedure Title:	**Response to Non-Compliance**	
Date Established:	**9/22/2006**	CMRB Approval - Signature:
Replaces Document Dated:		
Date Revised:		Date:

1. Purpose or Objective

The objective of this procedure is to describe the consequences of non-compliance. These consequences will be spelled out for varying degrees and duration of non-compliance.

2. Technical Background:

- **Capabilities** **N/A**
- **Constraints** **N/A**

3. Operational Context:

Central Minnesota Radio Board (CMRB) is charged with setting standards and determining protocols and procedures for the smoothest possible operations between and among the users of the shared region-wide 800 MHz digital trunked public safety radio system.

The ability to communicate between full participants and non-participants in the regional system is possible due to the interoperational hardware and software being developed. The improper use of this hardware can have minor to grave consequences. These standards, policies and procedures have been set forth to describe how and under what conditions the regional public safety radio system will be used. This is essential in order to maximize service to the citizens of the Central Minnesota region and minimize potential negative consequences. Responsible management of this resource, therefore, requires that standards, protocols and procedures be enforced and that consequences to non-compliance be developed and implemented.

REVIEW BODY	**ROLE**
Systems Owners Group (CMROG)	Peer review, fact finding, recommend action
Central Minnesota Regional Advisory Committee (CMRAC)	Endorse/ sign-off on action
Central Minnesota Radio Board (CMRB)	Approval or disapproval of recommended action

CMROG → CMRAC → CMRB

4. Recommended Protocol/ Standard:

Consequences of failure to comply with these standards, protocols and procedures fall into two categories of non-compliance**:**

a. Moderate to high potential for serious adverse affect on participants and/or non-participants of the Backbone System.

▪ **First violation**	Written order to immediately stop the non-compliant practice. Either the CMRB Executive Director, owner agency of affected Systems/Sub-System may send this letter, with a copy to the CMROG in both cases. The governing body of the violating agency shall be notified of the violation.
▪ **Failure to correct problem and respond within 30 days or 2nd offence within 180 days**	Suspension of user privileges on the Backbone System to the extent of time determined by the CMROG with prior notification to the CMRB and the CMRAC.
▪ **Failure to respond within 60 days or 3rd offence within 180 days**	Revocation of user privileges on the Backbone System. This action must be recommended by the CMRAC and requires the approval of the CMRB.

b. Low potential for adverse affect on participants and/or non-participants of the Backbone System:

▪ **First violation**	Written warning calling attention to the non-compliant practice. The violator is asked to stop the non-compliant practice(s) or apply for a formal waiver or variance within 30 days. (See *Section 1.5 Changing Policy & Standards.*) The CMRB Executive Director or owner agency may send the warning with a copy to the CMRAC in both cases. The governing body of the violating agency shall be notified of the violation.
▪ **Failure to respond within 30 days or 2nd offense within 180 days**	Written order to immediately stop the non-compliant practice or be subject to suspension or revocation of user privileges. The CMRB Executive Director or the owner agency may send this letter with a copy to the CMROG.

▪ **Failure to respond within 60 days or 3rd offense within 180 days**	Suspension or revocation of user privileges on the Backbone system. The specific penalty must be recommended by the CMROG and requires the approval of the CMRB and the CMRAC.

c. The CMROG will be the first review body for discovery or report of non-compliance.

5. Recommended Procedure:

Non-compliance may come to the attention of various personnel as a result of routine monitoring, an audit, a report or complaint from radio users to name a few of the possible alternatives. Regardless of how the issue arises, as soon as there is awareness of non-compliance:

- The individual discovering non-compliance is obliged to immediately report it to their respective system manager or administrator. If local management fails to resolve the situation within a reasonable time the manager will notify the CMRAC and the CMRB Executive Director.

- Concurrently, the System manager will notify the CMROG Chair of the non-compliance.

- If the matter is determined to be urgent by either system management or by the Executive Director it will be placed on the next CMROG agenda.

- Should immediate action be required the non-compliant agency will be notified of:
  - ✓ The required action. This will include a request to explain the reason for non-compliance.
  - ✓ The date the matter will come before the CMROG
  - ✓ Their rights to request a variance or waiver and, ultimately, to appeal (See *Section 7.3 The Appeals Process*.)

- The CMROG will hear the issue and recommend corrective action or consequences.

- These will be communicated to the violator within 10 days.

- System Owners will follow up to ensure that all next step and/or corrective actions have been completed within the time frame established.

- CMRB staff will review results, follow up with System Owners on next steps and study trends/ impact and take action if appropriate.

6. Management

The Executive Director and staff of the Central Minnesota Radio Board, acting on behalf of the Board, will manage this process. Any action taken by staff shall be reported to the CMRB and shall be subject to review and/or appeal.