



CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT NO. 2402
"The Contra Costa County Community Warning System: Will Everyone Get a Warning in Time?"

BOARD OF SUPERVISORS' RESPONSE

FINDINGS – California Penal Code Section 933.05(a) requires a response to the designated findings of the Grand Jury.

RESPONSES TO FINDINGS:

F1. The CWS is used in response to emergencies in the County.

Response: Agree with the finding.

F2. About 30% of County residents have created a CWS account and entered their contact data.

Response: Agree with this finding.

F3. The approximately 70% of residents who haven't registered with CWS may not receive any alerts in the event that other alerting tools not reliant on registration in the CWS - WEA, radios, and TVs - are not activated.

Response: Disagree with this finding. Though the County agrees that approximately 30% of County residents have registered with CWS, it does not correlate with an approximate 70% of residents who may not receive any alerts. Each emergency alert is tailored to target individuals in specific areas that may be at risk or in danger; therefore, a fixed percentage of residents that may or may not receive alerts in a specific geographic area would be an oversimplification. Furthermore, alerts and notifications include residents that have self-registered with CWS, as well as those whose contact information was obtained through Reverse 911 ATT data and will continue to be obtained via contracts with other utility providers, as permitted by federal and state laws.

F4. Additional redundancies in the processes and operation of the CWS can increase the potential for more people to receive timely alerts.

Response: Agree with the finding.

F5. To enable the redundancy of other alerting tools - sending recorded voice messages to cell and VoIP phones, text messages, and emails - the contact data for these devices must be registered in the CWS.

Response: Disagree with this finding. Contact data from CWS includes residents that have self-registered with CWS, as well as those whose contact information was obtained through Reverse 911 and contracts with utility providers, as permitted by federal and state laws.

CWS currently has many redundancies enabled, which include three phone numbers, three text message numbers, and three emails within one CWS profile. In addition, Wireless Emergency Alerts (WEA), Emergency Alert System (EAS), and sirens for hazardous materials incidents have redundant procedures in place. CWS alerts and notifications are also posted online (CWSAlerts.com) and via social media postings on "X" (Twitter) and Facebook, all of which do not require CWS registrations. County public information officers and external public information officers are notified immediately of all CWS alerts and notifications, which are distributed through their respective contacts, websites, and/or social media accounts.

F6. Phone numbers and associated physical addresses can be loaded into the CWS for all businesses and residents in the County from the various telecom providers that serve the County.

Response: Partially disagree with the finding. Contact information can be loaded into the CWS for most businesses and residents in the County. In addition to CWS self-registrations and ongoing public education campaigns to encourage registration, the County has loaded and will continue to load business and resident contact information in the CWS via Reverse 911 and contracts with utility providers, as permitted by federal and state laws.

F7. In an opt-out warning system, County residents and businesses that do not want their phone and/or email data in the CWS can request to have their data removed.

Response: Agree with this finding.

F8. The reliance of the CWS on voluntary registration creates a risk that too few residents will register their phones and email in CWS.

Response: *Disagree with this finding. In addition to the County's multi-faceted resident CWS alert and notification efforts as described in F.5 and F.6, approximately 93-98% of new mobile phones have various emergency and public safety alerts activated by default and can be turned off by the user if desired. In July 2022 the Cellular Telecommunications and Internet Association (CTIA) found that over 60% of active smartphones support Enhanced Geo-Targeting, an increase of 34% from the previous year. Given the reported handset lifetime of 35 months estimated by Strategy Analytics in June 2022, and the annual and quarterly trend in the share of WEA 3.0 capable smartphones, the CTIA concludes that such handsets amount to a majority of active smartphones in use in 2022.*¹

F9. An opt-out system would incur annual costs for data subscriptions on the order of \$100,000.

Response: *Disagree with this finding. The County cannot confirm the source of the \$100,000 data subscription referenced in the Grand Jury's report.*

F10. An opt-out system would incur an initial cost to educate residents and businesses of the CWS system change on the order of \$500,000.

Response: *Disagree with this finding. The County cannot confirm the source of the \$500,000 for initial costs referenced in the Grand Jury's report.*

F.11 Outdoor warning systems supplement other warning tools by providing acoustic (voice or siren sounds) to people who are outdoors.

Response: *Agree with this finding.*

F.12 Long Range Acoustic Devices (LRADs) can broadcast audible instructions to people outdoors when cell phones and other alert-receiving devices may not be working or heard.

Response: *Agree with this finding. The County agrees that LRADs can broadcast audible instructions to people outdoors but cannot verify they are audible or heard by people outdoors when cell phones and other alert-receiving devices may not be working or heard. Various factors could impact LRAD broadcasts, including geographic location of LRADs and the potential reliance of LRAD technology on cell phone towers for acoustic alerts and notifications.*

¹ <https://www.fema.gov/emergency-managers/practitioners/integrated-public-alert-warning-system/public/wireless-emergency-alerts/geographic-accuracy-wea>

F.13 A sound study is needed to evaluate where, if at all, LRADs might be effective in Contra Costa County.

Response: Agree with this finding.

F.14 Sites where LRADs could be located would need to be identified for any areas in which LRADs are found to be effective.

Response: Agree with this finding.

F.15 The County would incur a cost for a sound study on the feasibility to deploy LRADs within the County.

Response: Agree with this finding.

F.16 There is no estimate of the cost for an independent, third party to conduct a feasibility study for the use of LRADs within the County.

Response: Agree with this finding.

F.17 LRADs would be part of the County's emergency response warning tools.

Response: Partially disagree with this finding. LRADs are not currently a part of the County's emergency response warning tools. Until further studied, the County cannot confirm whether LRADs would be a meaningful addition to the County's emergency response warning tools.

F.18 Costs related to emergency response can be funded from Measure X revenue.

Response: Agree with this finding.

F.29 The CWS staff evaluates its systems and processes for risks.

Response: Agree with this finding.

F.30 The County has not engaged a firm with expertise in risk analysis of community warning systems to conduct a comprehensive risk analysis of the CWS since the County took control of the system in 2001.

Response: Agree with this finding.

F.31 The current process for improving the design and operation of the CWS for alerts not related to releases of hazardous chemicals resides within the Sheriff's Office.

Response: Agree with this finding.

F.32 There is no formal body or process that brings together emergency response experts from emergency response agencies in the County to focus and advise solely on the design and operation of the CWS.

Response: Disagree with this finding. Though not the sole focus or topic of discussion, the Board of Supervisors' Industrial Safety Ordinance / Community Warning System Ad Hoc Committee and the County's Emergency Services Policy Board (ESPB), in which the County Administrator serves as the Chair and the Sheriff-Coroner serves as the Vice Chair, provide forums for emergency response experts from all emergency response agencies in the County to advise on the design and operation of the CWS.

F.33 The functioning and effectiveness of the CWS can be improved, and operational risks reduced, with the implementation of a CWS advisory body.

Response: Disagree with this finding. There is no need to establish a CWS advisory body. Existing County forums as mentioned in the response to F.32 above, are the most appropriate for addressing concerns on the functionality and effectiveness of the CWS and any improvements and operational risk prevention measures.

RECOMMENDATIONS - California Penal Code Section 933.05(b) requires a response to the designated recommendations of the Grand Jury.

RESPONSES TO RECOMMENDATIONS:

R.1. By March 31, 2025, the Board of Supervisors should develop a plan to modify the CWS so that it automatically registers all available contact data for all County residents and businesses into its system and provides a mechanism for residents and businesses to opt out of the automatic registration process.

Response: The recommendation has been implemented. In addition to direct CWS registrations and ongoing public education campaigns to encourage registration, the County CWS automatically registers contact data into its system via Reverse 911 and contracts with utility providers. Automatic registrations are done as permitted by federal and state laws and have a mechanism in place for businesses and residents to opt out. Since the CWS includes both opt in and opt out approaches, there is no need to develop a separate plan to modify the CWS system as recommended. The County is currently working on expanding automatic registration contact data sources, which may include power, water, and other utility companies, in accordance with State law.

R.2. By December 31, 2025, the Board of Supervisors should complete the implementation of the plan to modify the CWS so that it automatically registers all available contact data for all County residents and businesses into its system and provides a mechanism for residents and businesses to opt out of the automatic registration process.

Response: The recommendation has been implemented. Please see response to R.1.

R.3. By December 31, 2024, the Board of Supervisors should commission a sound study by an independent, third party to determine the feasibility of deploying LRADs in any areas of the County.

Response: The recommendation requires further analysis. In addition to the statewide impacts of wildfires², Contra Costa County has been negatively impacted by the California home insurance crisis, heat events and flooding resulting in damage to public and private infrastructure. Contra Costa County has also seen an increase in its FEMA National Risk Index score. Specifically, Contra Costa County has a current composite FEMA National Risk Index score of 99.6% and a FEMA Annual Loss score of 99.6%.³ This means that Contra Costa County falls into the highest disaster risk category compared to other counties throughout the nation.

For these reasons, a comprehensive study of the County's emergency management/disaster response function, including planning, communications, such as LRADs, public outreach, training would be a more prudent path to understand the County's disaster risk exposure; however, further analysis is required to determine an appropriate and manageable scope for such a review. Over the past five years, the counties of Alameda, Marin, Sonoma and Monterey have conducted assessments of their respective emergency management/disaster response functions. The Emergency Services Policy Board, which also serves as the County's Disaster Council, is the best situated to determine and provide recommendations on the scope of such a study to the Board of Supervisors for final approval and direction.

R.6. By June 30, 2025, the Board of Supervisors should execute a contract with a third-party consulting firm to conduct a comprehensive risk analysis of the CWS, including its processes, procedures, contracts, hardware, and software.

Response: The recommendation requires further analysis. Please see response to R.3.

R.7. By March 31, 2025, the Board of Supervisors should direct the County's Chief

² <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008>

³ <https://hazards.fema.gov/nri/report/viewer?dataLOD=Counties&dataIDs=C06013>

Administrative Officer to establish a CWS advisory subcommittee of the Emergency Services Policy Board.

Response: *The recommendation will not be implemented. The County's Emergency Services Policy Board (ESPB) as a whole can address CWS topics. The ESPB includes the County Administrator as the Chair and the Sheriff-Coroner as the Vice Chair, as well as a multi-disciplinary group of department heads (or designees) from the various County departments involved in emergency and community warning services. A briefing on CWS activities was recently received by the ESPB at its March 12, 2024 meeting. Additionally, the Board of Supervisors has an Industrial Safety Ordinance / Community Warning System Ad Hoc Committee, which frequently discusses areas related to the CWS.*