



SMC Alert – Emergency Alerts: More People Need To Know

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ISSUE

There is an ever-increasing need for local governments to be able to disseminate public safety announcements (e.g. wildfires, earthquakes, power shutoffs, public health notices, shelter-in-place orders, curfews, etc.) to San Mateo County residents, but as of October 2019, only 10.6% of residents had enrolled in the San Mateo County Office of Emergency Services’ “SMC Alert” System.

How can resident participation in the SMC Alert system be increased?

SUMMARY

The effective, efficient, and timely dissemination of accurate, reliable information by local government is imperative in this era of pandemics, major wildfires and other disasters. Well-informed residents are better able to act in a manner that secures everyone’s safety. The San Mateo County Office of Emergency Services (“OES”) – a joint powers agency consisting of the County of San Mateo and each of its 20 cities – currently disseminates vital emergency information by way of its emergency alert system, known as “SMC Alert.” However, only a small portion of the public subscribes to the SMC Alert program. This low subscription rate leaves the vast majority of the residents of our County uninformed and vulnerable in emergencies.

The 2019-2020 San Mateo County Civil Grand Jury (“Grand Jury”) investigated the issues surrounding the low subscription rate of the SMC Alert program. The goal of this investigation was to determine how the subscription rate of the SMC Alert program compares with the subscription rates in other counties in California and to determine if there might be additional methods for promoting the program and increasing the countywide subscription rate.

The Grand Jury found that in San Mateo County, SMC Alert is an “opt-in” program with subscription rates ranging from 2.2% in East Palo Alto to 58.1% in Portola Valley, with the County average being 10.6%; in comparison, Santa Clara County has an average “opt-in” subscription rate of 8.1%, and the Sonoma County average “opt-in” subscription rate is 12%. While San Mateo County’s subscription rate is comparable to these other Bay Area counties, it is significant to note that all of these rates are below national averages (12 to 16%) for “opt-in” programs.

Enacted by the California Legislature in 2018, SB 821 authorizes each county to create an “opt-out” emergency alert program that accesses public utility and other property-related service providers’ customer records/databases for the purpose of enrolling county residents into the county’s emergency alert systems. As a condition of accessing this information, a county must

provide procedures enabling any resident to “opt out” of its warning systems and terminate the county’s access to the resident’s contact information.

In November 2018, the San Mateo County Board of Supervisors unanimously passed a resolution calling on OES to adopt the State-wide protocol for emergency notifications and develop an opt-out alert system as authorized by SB 821. In 2019, however, OES decided not to take advantage of the legislation because of concerns about the accuracy and relevance of the available customer databases.

San Mateo County – like every county in California – will continue to have a pressing need to disseminate critical, urgent information to the public for the foreseeable future, and by increasing the subscription rate of the SMC Alert program, San Mateo County residents’ lives will be saved. To accomplish this, the Grand Jury recommends that the Office of Emergency Services joint powers agency do the following:

- Investigate the costs and benefits of accessing mobile phone carrier data to augment the SMC Alert database (on an “opt-out” basis) – balancing costs against reach and accuracy - and present such information in a publicly available report to each of its members by December 31, 2020.
- Confirm that the SMC Alert System is in compliance with the Dymally-Alatorre Bilingual Services Act, which requires that public communications – such as OES’s SMC Alert outreach and enrollment materials, as well as the alerts themselves – be delivered in the native language spoken at home for any group of residents comprising more than 5% of the population.

BACKGROUND

Local governments (e.g. towns, cities, counties) – need a way to communicate with their residents about emergencies:

- Before an emergency - to help people prepare, and perhaps evacuate;
- During an emergency – to know what is happening; and
- After an emergency – to know how and where to get help/assistance.

Both the Federal Emergency Management Agency (FEMA)¹ and the State of California² have guidelines recommending that all counties implement a local emergency alert/communications system as part of their emergency preparedness plans.

The State of California’s “Alert and Warning Guidelines,” for example, state:

“A COMPREHENSIVE ALERT AND WARNING PROGRAM IS A CRITICAL COMPONENT TO A COMMUNITY’S ABILITY TO EFFECTIVELY RESPOND TO EMERGENCIES.”

¹ https://www.fema.gov/media-library-data/20130726-1839-25045-9302/eas_best_practices_guide.pdf

² State of California Alert & Warning Guidelines – March 2019 <http://calalerts.org/documents/2019-CA-Alert-Warning-Guidelines.pdf>

San Mateo County’s Office of Emergency Services – a joint powers agency consisting of the County and all 20 cities – has deployed SMC Alert using a platform from Everbridge (www.everbridge.com), a publicly-traded company.³ Everbridge provides the same platform to more than half of the counties in California for their respective emergency alert systems⁴ and was recently selected for use in the statewide California Public Alert and Warning System.⁵

SMC Alert can provide emergency notifications to people who are enrolled in the system through multiple mechanisms – land-line telephones, cell phones, text messages, and email. When enrolling, residents choose which ways they want to get alerts, and what kinds of alerts they would like to receive. (Refer to Appendix A which includes screenshots from the SMC Alert enrollment website.)

SMC Alert is used by all OES members to provide emergency alerts and information to their residents. The Office of Emergency Services is overseen by the Emergency Services Council, a board comprised of representatives from all 21 of its members.⁶

DISCUSSION

Current Situation – Low Enrollment Rates

As of October 31, 2019, only 10.6% (81,180 out of 765,000) of San Mateo County residents had enrolled in SMC Alert (see Chart 1). According to individuals interviewed by the Grand Jury, this low enrollment likely results from the fact that residents must “opt-in” and voluntarily enroll in the SMC Alert system.⁷ As can be seen from the chart, there is wide variation in enrollment by town/city within the County. In all of the Grand Jury’s interviews on this topic, it was agreed that increasing enrollment/participation in the SMC Alert systems would be of benefit to individual residents as well as the County and cities involved in their protection. This participation data – which was provided upon request to the Grand Jury – is not published on the OES website and may not be widely known.⁸ Indeed, several of the city and/or town employees interviewed by the Grand Jury expressed interest in the SMC Alert enrollment data concerning their respective municipalities.

³ Source: interview with San Mateo County OES

⁴ Source: interview with Everbridge

⁵ <https://www.everbridge.com/newsroom/article/everbridge-selected-to-power-californias-public-alert-warning-system/>

⁶ Source: Interview with San Mateo County OES

⁷ Sources: Interviews with San Mateo County, Sonoma County, and Santa Clara County OES offices, and Everbridge

⁸ <https://hsd.smcsheriff.com/divisions/patrol-services/sheriffs-office-oes>, as of 4/26/2020

DEFINITIONS:

An “**Opt-In**” system is one where each resident of the county must consciously and deliberately enroll themselves into the system. If a resident does not “opt-in,” then that resident will not receive emergency alerts.

An “**Opt-Out**” system is one where residents are automatically enrolled into the emergency alert system based on data received from the records of a public utility or other property-related services provider (e.g., water supply, solid waste collection, etc.). Pursuant to State law, residents must be notified of their option to “opt-out” of receiving emergency alerts and be informed of how they may remove themselves from the system. In an “opt-out” system, residents are automatically enrolled and will participate unless they affirmatively remove themselves.

Chart 1



**San Mateo County
Office of Emergency Services
SMCAAlert.info Subscriptions by City**



Jurisdiction	Subscribers Dec 31, 2018	Subscribers Oct 31, 2019	System Growth	Population**	Percentage
Atherton	1,018	1,093	75	7,147	15.3
Belmont	3,394	3,624	230	27,073	13.4
Brisbane	571	655	84	4,612	14.2
Burlingame	4,092	4,352	260	30,298	14.4
Colma	131	157	26	1,514	10.4
Daly City	2,308	2,736	428	106,484	2.6
East Palo Alto	637	657	20	29,530	2.2
Foster City	3,034	3,253	219	32,754	9.9
Half Moon Bay	4,122	4,711	589	12,371	38.1
Hillsborough	2,495	2,580	85	11,413	22.6
Menlo Park	5,950	6,135	185	33,309	18.4
Millbrae	1,802	1,933	131	22,703	8.5
Pacifica	4,238	5,057	819	39,088	12.9
Portola Valley	2,389	2,654	265	4,570	58.1
Redwood City	8,876	9,410	534	84,965	11.1
San Bruno	2,375	2,799	424	43,009	6.5
San Carlos	6,358	6,814	456	29,803	22.9
San Mateo	9,362	10,138	776	103,959	9.8
South San Francisco	2,889	3,248	359	66,989	4.8
Woodside	2,685	2,937	252	5,531	53.1
Unincorporated or no address given	5,548	6,237	689	94,748	6.6
Total	74,274	81,180	6,906	764,797	10.6
NIXLE*	23,267	28,832	5,565		
Grand Total	97,541	110,012	12,471	764,797	14.4

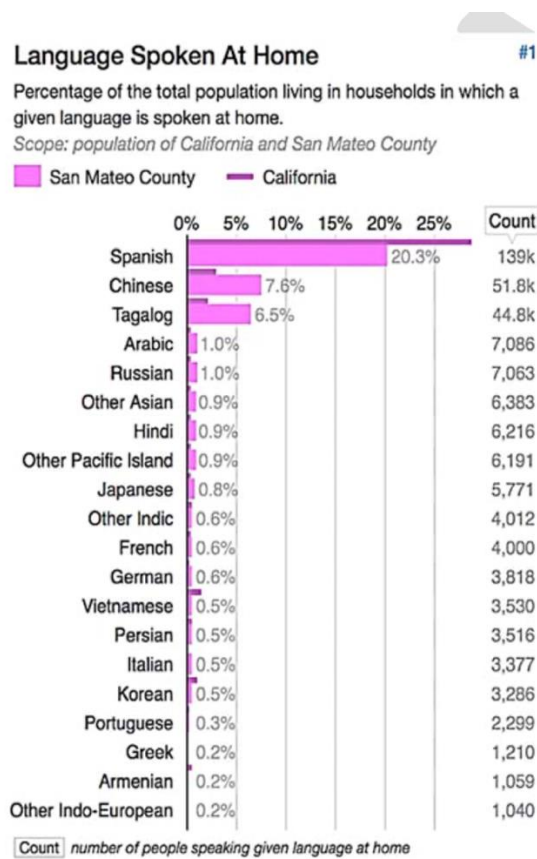
* NIXLE Subscribers sign up by texting to 888-777 There is no address given

** 2016 U.S. Census Population Data

Current Situation – Potential Language Barriers

According to multiple individuals interviewed by the Grand Jury, one possible explanation for some of the low enrollment percentages in certain cities may be that many residents of those communities do not speak English as their native language.⁹ According to the DataUSA website, approximately 9% of the County’s residents speak Chinese, and 6.5% of the County’s residents speak Tagalog (the language of the Philippines), at home.¹⁰ The latest data available from the County’s Behavioral Health and Recovery Services’ Office of Diversity and Equity shows similar statistics (Chart 2).¹¹

Chart 2



Although the SMC Alert system is capable of sending alerts in additional languages,¹² alerts are currently only sent in English and Spanish.¹³ This is a significant issue in communities with a large number of individuals for whom English is not their first language. For example, as of June 2020, Daly City is San Mateo County’s largest city, with a population of 106,280 according

⁹ Sources: Interviews with San Mateo County OES and several police/fire departments within San Mateo County

¹⁰ <https://datausa.io/profile/geo/san-mateo-county-ca#demographics>

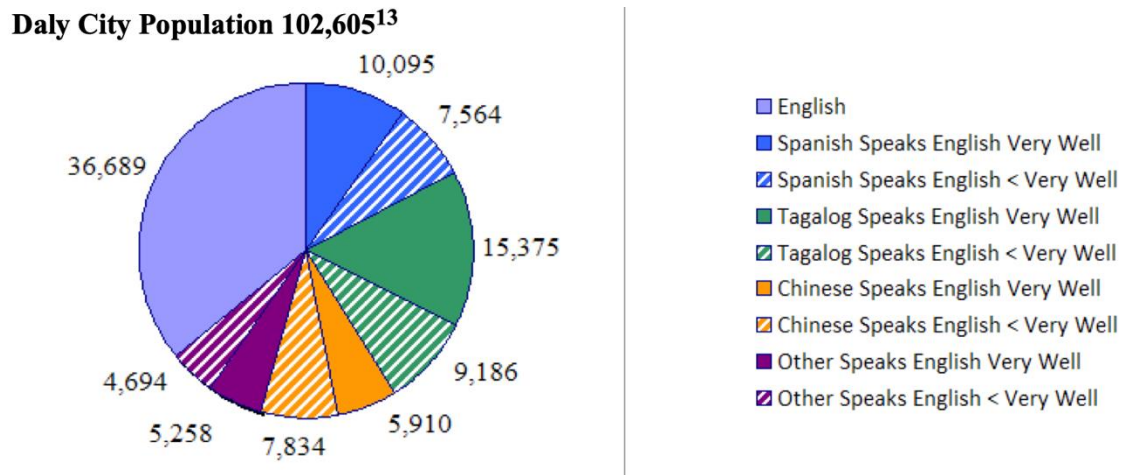
¹¹ https://www.smchealth.org/sites/main/files/file-attachments/san_mateo_county_cultural_competence_plan_2018_draft_v4.pdf

¹² <https://www.everbridge.com/newsroom/article/amid-covid-19-pandemic-boston-selects-everbridge-to-power-citywide-emergency-alerts/>

¹³ Source: Interviews with San Mateo County OES and alerts received from the SMC Alert system

to the U. S. Census Bureau,¹⁴ yet it has the second lowest (2.6%) SMC Alert subscription level. Fifty-two percent of Daly City residents are foreign-born¹⁵ and 66.4% of Daly City residents speak a language other than English at home.¹⁶ The 2016-2017 Grand Jury report on languages spoken in the County showed the following data (Chart3).¹⁷

Chart 3



These language challenges also exist in South San Francisco, where 57.3% of the residents speak a non-English language¹⁸ and only 4.8% of city residents are enrolled in the SMC Alert system (See Chart 1, *supra*).

Situations like those in Daly City and South San Francisco suggest that OES should investigate whether the translation of outreach and enrollment materials, as well as the alerts themselves into additional languages such as Chinese and Tagalog, could result in higher SMC Alert enrollment. Similarly, OES should determine whether there are large concentrations of non-native English speakers in other communities in San Mateo County and whether these concentrations are related in any way to reduced SMC Alert enrollment.¹⁹

To reinforce this point, the San Mateo County 2016-17 Grand Jury found that law enforcement outreach awareness in San Mateo County may be limited by their lack of multi-lingual accessibility on their websites and extending outreach in multiple languages is essential if English and limited-English speaking residents are to benefit from them.²⁰

¹⁴ Source: <https://www.census.gov/quickfacts/dalycitycitycalifornia> (as of June 2, 2020)

¹⁵ www.areavibes.com/Daly+city-ca/demographics/.

¹⁶ Source: <https://www.census.gov/quickfacts/fact/table/dalycitycitycalifornia/POP815218> (as of June 2, 2020)

¹⁷ Source: http://www.sanmateocourt.org/documents/grand_jury/2016/multilingual_access.pdf

¹⁸ Source: <https://www.ssf.net/our-city/about-south-san-francisco/demographic-information> (as of 5/15/2019)

¹⁹ Benito M. Vergara, Jr., *Pinoy Capital, The Filipino Nation in Daly City* (Philadelphia: Temple University Press, 2009), page 26

²⁰ San Mateo County 2016-17 Grand Jury, “English is Not Our Only Language: Are Local Law Enforcement Agencies Providing Multilingual Access to Outreach Programs?”

Current Situation – NIXLE Alert System

NIXLE is an alternative opt-in alert messaging system to SMC Alerts, and as of October 2019, 28,832 people have enrolled in NIXLE (approximately 35.5% the enrollment of SMC Alerts). Unlike SMC Alerts, which can also send voice alerts to land-line and mobile telephones as well as send messages to e-mail accounts, NIXLE is designed exclusively for use on mobile phones. The people who enroll in NIXLE will receive text messages on their mobile device regarding emergency situations in the county. NIXLE alerts are not specific to the user’s residence or location and people who enroll in NIXLE do not need to be residents of the County (e.g. people who work in the County, but reside elsewhere). Through its investigation, the Grand Jury learned that some people have enrolled in both the SMC Alert System and NIXLE.²¹

In total, and even assuming an unduplicated count, the combined SMC Alert and NIXLE enrollments mean that less than 15% of County residents have chosen to enroll in *any* County emergency alert warning system.²² This percentage is about average for “opt-in” alert enrollments according to Everbridge which provides its system to governments across the U.S. and internationally (the range is 12%-16%), with the best “opt-in” counties only achieving 20% to 22% enrollment.²³

Comparison to Other Bay Area Counties

To provide comparison points:

- In 2019, Santa Clara County had an “opt-in” rate of 8.1%.²⁴
- Sonoma County was at 2.3% “opt-in” before the wildfire episodes of the last few years. As a result of the wildfires, voluntary “opt-in” enrollment increased to 12% of their population in 2019.²⁵
- San Mateo County’s “opt-in” participation ranges from 2.2% in East Palo Alto to 58.1% in Portola Valley, with the County average being 10.6% as of Oct 2019.²⁶

In all of these cases, with enrollment of 20% or lower – emergency alert systems will only reach a fraction of County residents in the case of an emergency – which can result in potential injuries, loss of life and damage to property.

Legislative Support

Recognizing the limitations of “opt-in” enrollment in these emergency alert systems, the California Legislature enacted SB 821 (2018), which allows the counties in California to access the customer records of public utilities for the purpose of enrolling them into these emergency alert systems, with a requirement that residents/customers must have the ability to “opt-out” of the system if they so choose.²⁷

²¹ Source: Interviews with and data provided by the San Mateo County OES

²² Further, the actual number of unduplicated San Mateo County resident enrollees is almost certainly lower given that there is duplication of individuals in the NIXLE and SMC Alert systems, and some members of both systems live outside the County.

²³ Source: Interview with Everbridge

²⁴ Interview with Santa Clara County OES

²⁵ Interview with Sonoma County OES

²⁶ Chart provided by San Mateo County OES (earlier in this report)

²⁷ California Senate Bill 821 (2018)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB821

In November 2018 the San Mateo County Board of Supervisors unanimously passed a resolution directing the County Office of Emergency Services to investigate and act on this legislation.²⁸

Steps That OES Has Taken to Increase Enrollment/Participation Beyond “Opt-in”

As a first step, San Mateo County OES (like other counties) has access to a database referred to as the E-911 data for the County. This data represents phone numbers that have been culled from White Pages and Yellow Pages telephone records. Since this data only includes land-line telephone numbers, it does not include email addresses or cell phone numbers.²⁹

In San Mateo County, E-911 data provides an additional 353,847 entries into the SMC Alert system (representing about 46% of the County population).³⁰ This data has been added to the SMC Alert database but is not reflected in Chart 1 of this Report which only reflects SMC Alerts’ “opt-in” enrollees.

As a comparison point, using the E-911 data for their county, Santa Clara County added approximately one million phone numbers to their emergency alert system (Alert SCC) – to augment the 153,000 people who chose to voluntarily “opt-in.” (The additional ~1,000,000 phone numbers represent approximately 51% of Santa Clara County’s population).³¹

As a second step, San Mateo County OES investigated whether to access public utility data to augment the SMC Alert database. While useful for single-family dwellings where the resident is the utility bill payer, in the case of apartment, multi-family and landlord-controlled residences, the landlord may be the utility contact and may live outside of the County. According to San Mateo County OES’ assessment, the public utility records do not necessarily have good contact information for the residents of the county. As a result, in 2019 the San Mateo County OES decided NOT to utilize any of these public utility databases to add information to the SMC Alert system.³²

As a third step, the County OES investigated the option of accessing data from mobile phone carriers, but in 2018 the carriers refused to cooperate and make this information available to the County.³³

Steps Taken By Other Counties to Increase Enrollment/Participation Beyond “Opt-in”

In comparison to San Mateo County, other Bay Area counties have been more active in taking steps to expand enrollment in their emergency alert systems:

Sonoma County has already enrolled 103,858 residents into their emergency alert system (SoCo Alert) from the customer records of the Santa Rosa Water District. They have purchased customer records from ATT and Frontier Communications – adding approximately another 300,000 residents to their emergency alert database. In addition, they are currently in negotiation

²⁸ “San Mateo County residents will soon be automatically signed up to receive emergency alerts” – Nov.13, 2018 - <https://abc7news.com/4681459/>

²⁹ Source: Interviews with San Mateo County OES

³⁰ Interview with San Mateo County OES

³¹ Interview with Santa Clara County OES

³² Interview with San Mateo County OES

³³ Interview with San Mateo County OES

with PG&E to get access to PG&E’s customer records – to achieve what they hope will be 90%+ coverage of the residents of their county.³⁴

Santa Clara County is currently working on getting access to cell phone carrier data, with negotiations on fees being the current sticking point.³⁵ In this context, it is important to note that mobile phone carriers are not considered public utilities and are not bound by the requirements of SB 821.

Based on the Grand Jury’s investigation, it is not clear why San Mateo County OES has ceased negotiations to obtain customer data from mobile phone carriers while other counties are continuing to press forward. Additionally, even if some public utility records do not have data that is 100% accurate, it is unclear why San Mateo County’s OES has decided not to seek information from these sources, especially when San Mateo County’s OES is already utilizing E-911 data which may also suffer from similar inaccuracies.

DYMALLY-ALATORRE BILINGUAL SERVICES ACT

The Dymally-Alatorre Bilingual Service Act (Act) enacted in 1973, provides for effective communication between the State’s residents and State, county and municipal governments. The Act requires State and local agencies to ensure they provide information and services in the various languages used by their constituents. Specifically, when a local agency serves a “substantial number of non-English-speaking people” – which the Act defines as more than five percent (5%) of the agency’s population – the agency must:

- translate documents explaining available services into the languages of their constituents; and,
- employ a “sufficient number of qualified bilingual staff in public contact positions.”

Presently, OES’s subscription/enrollment information pamphlet and the SMC Emergency Alerts themselves are only available in two languages: English and Spanish. San Mateo County’s population has tremendous diversity as shown on the DataUSA website and the County BHRS website referenced above. More specifically, according to these sources, both Chinese and Tagalog (in addition to English and Spanish) are primary languages spoken by more than five percent of the County’s population. At present, however, OES currently has no plans to translate its enrollment and subscription materials, as well as the alerts themselves, into these other languages.

Moreover, even if not technically required by the Act, OES could achieve higher enrolled SMC numbers by meeting their residents’ language needs by providing critical information in additional translated languages.

³⁴ Interview with Sonoma County OES

³⁵ Interview with Santa Clara County OES

FINDINGS

- F1. The enrollment data in the SMC Alert and NIXLE systems was not published public information; the Grand Jury had to request this information from the County OES. Officials of several towns/cities who were interviewed expressed interest in this data about their own residents.
- F2. The County and the Cities and Towns within the County, as well as their residents, would benefit from having more residents enrolled in SMC Alert.
- F3. Other counties in the Bay Area are taking steps to increase enrollment in their emergency alert systems beyond “opt-in” enrollment and E-911 data utilized in San Mateo County. These steps include:
- Enrolling residents based on public utility data.
 - Enrolling residents based on mobile phone carrier data.
- F4. These same sources of data may be available to San Mateo County’s OES which might enable the County to achieve 50%+ plus enrollment, although each has its costs and limitations.
- F5. OES has acknowledged that one possible barrier to enrollment in the SMC Alert system is language accessibility. OES is missing an opportunity to fully provide important information to residents who cannot communicate effectively in English and/or Spanish.
- F6. Over 14% of the County’s residents speak Chinese or Tagalog at home, and neither the SMC Alert enrollment documentation, nor the SMC alerts themselves, are available in languages other than English and Spanish.
- F7. The Dymally-Alatorre Bilingual Services Act requires local government entities to translate materials into the languages which are spoken by more than 5% of the residents it serves.

RECOMMENDATIONS

- R1. By December 31, 2020, the Office of Emergency Services should publish the SMC Alert enrollment data (by city/town) on its website, with at least yearly, preferably quarterly, updates.
- R2. The Office of Emergency Services staff should further investigate the option of accessing mobile phone carrier data to augment the SMC Alert database (on an “opt-out basis”) and publicly present a recommendation to the Emergency Services Council by December 31, 2020.
- R3. OES should translate the enrollment materials and then provide alerts and messages in all languages spoken by more than 5% of the County’s population, including without limitation both Chinese and Tagalog, in addition to the current languages of Spanish and English, by March 31, 2021.

R4. The Office of Emergency Services staff should work with its member cities and the County to determine the viability of translating SMC Alert enrollment materials, alerts, and messages into other languages even if the prevalence of such languages does not meet the 5% threshold of the Dymally-Alatorre Bilingual Services Act and publicly present a recommendation to the Emergency Services Council by December 31, 2020.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- The San Mateo County Operational Area Emergency Services Organization, Emergency Services Council

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

METHODOLOGY

Interviews

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

The Grand Jury conducted over a dozen interviews over a period of three months. These interviews included:

- officials from the Sonoma County and Santa Clara County Offices of Emergency Services
- managers from the Woodside Fire Protection District and the Half Moon Bay Office of Emergency Coordination
- an official from the California State Office of Emergency Services
- a legislative aide in the California State Senate who helped author legislation regarding emergency alert systems
- employees from Everbridge, the company that supplies the platform San Mateo County uses to deploy SMC Alert
- officials from the San Mateo County of Emergency Services

APPENDIX A

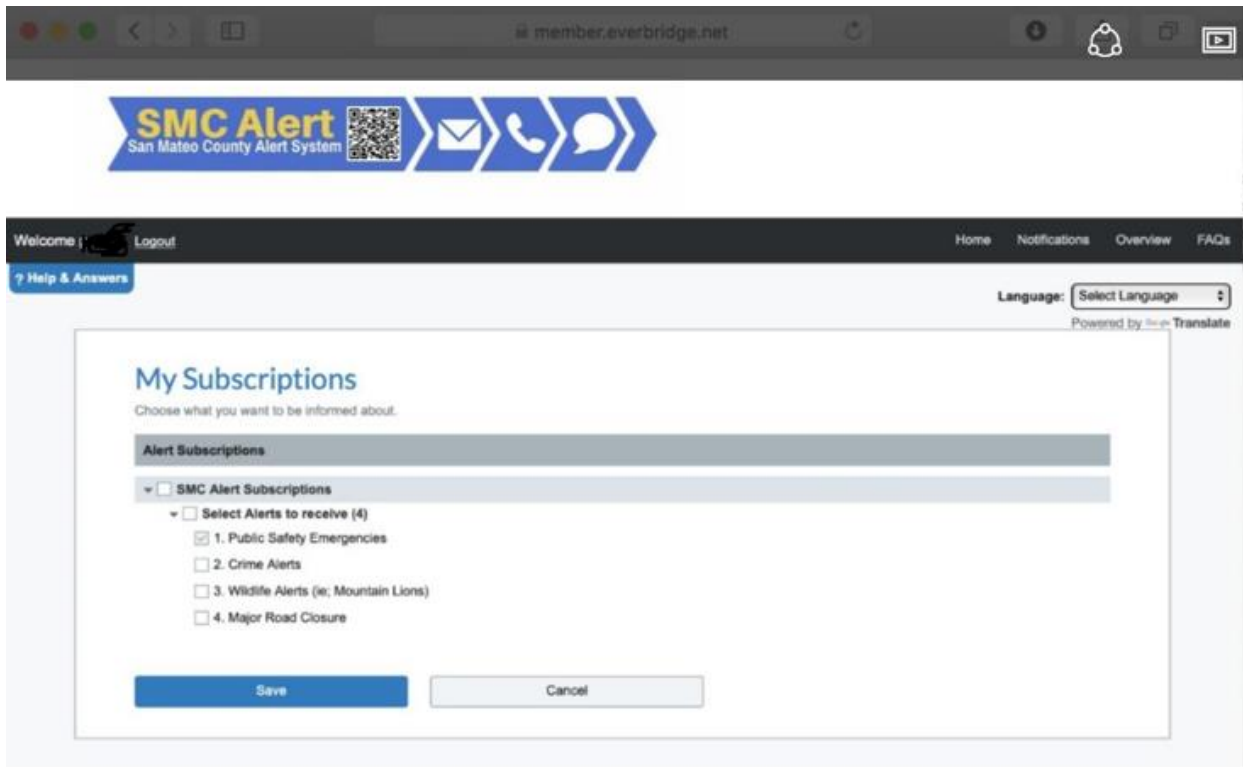
Screenshot 1

The screenshot shows a web browser window with the URL `member.everbridge.net`. The page title is "San Mateo County - Public/Blue - My Profile". At the top left is the "SMC Alert" logo with the tagline "San Mateo County Alert System" and icons for email, phone, and speech. Below the logo is a navigation bar with "Welcome / Logout" and a "Help & Answers" link. A language selector is set to "Select Language". The main content area is titled "Please complete all registration pages to receive accurate notifications." and has tabs for "Profile", "Locations", "Subscription", "Information", and "Review". The "Profile" tab is active, showing the "My Profile" section. It contains several form fields: "First Name", "Last Name", "Suffix", "Registration Email", and "Time Zone" (a dropdown menu). Below these is a section titled "Here's how to contact me. (Complete at least 1)" with a list of contact methods: "1) Primary Email", "2) SMS Text Number", "3) Cell Number", "4) Secondary Email", "5) Secondary SMS Text", "6) Second Cell Number", "7) Home Phone", "8) Business Phone", and "9) TTY/TDD". Each method has a text input field and a dropdown menu for "Country/Region" (all set to "United States") and a "Phone Number" field with an "Example" (e.g., "(201) 555-0123"). A "Save & Continue" button is at the bottom.

Screenshot 2

The screenshot shows the same web browser window, but the "Locations" tab is active. The page title is "San Mateo County - Public/Blue - Locations". The main content area is titled "Please complete all registration pages to receive accurate notifications." and has tabs for "Profile", "Locations", "Subscription", "Information", and "Review". The "Locations" tab is active, showing the "My Locations" section. It contains a section titled "Add a Location" with a sub-header "We will use the location information you provide to inform you about events taking place in your area." Below this are form fields: "Location Name", "Country/Region" (a dropdown menu set to "United States"), "Address", "Apartment/Unit", "City", "State/Province" (a dropdown menu), and "Postal Code". A "Save This Address" button is at the bottom.

Screenshot 3



Issued: August 24, 2020



COUNTY OF SAN MATEO
OFFICE OF THE SHERIFF

CARLOS G. BOLANOS
SHERIFF

MARK C. ROBBINS
UNDERSHERIFF

400 COUNTY CENTER ◻ REDWOOD CITY ◻ CALIFORNIA 94063-1662 ◻ TELEPHONE (650) 599-1664 ◻ www.smcsheriff.com

ADDRESS ALL COMMUNICATIONS TO THE SHERIFF

October 15, 2020

Honorable Danny Y. Chou
Judge of the Superior Court
c/o Jenarda Dubois
Hall of Justice and Records
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

RE: Civil Grand Jury Report: "SMC Alert – Emergency Alerts: More People Need to Know"

Dear Judge Chou:

The San Mateo County Office of Emergency Services would like to thank the Civil Grand Jury for its report titled "SMC Alert – Emergency Alerts: More People Need to Know." Furthermore, the Office of Emergency Services would like to acknowledge the obvious time and effort reflected by the report. As a follow-up to the Grand Jury's findings and recommendations, the Office of Emergency Services is providing you with its response as follows.

FINDINGS

Finding #1 – The enrollment data in the SMC Alert and NIXLE systems was not published public information; the Grand Jury had to request this information from the County OES. Officials of several towns/cities who were interviewed expressed interest in this data about their own residents.

The respondent disagrees partially with the finding. SMC Alert subscribership data is not published publicly but has been provided to the city-representative members of the Emergency Services Council, the Emergency Managers Association and various City Emergency Managers. The data has also been regularly made available to City/Town officials on request.

Finding #2 – The County and the Cities and Towns within the County, as well as their residents, would benefit from having more residents enrolled in SMC Alert.

The respondent agrees with the finding.

Finding #3 – Other counties in the Bay Area are taking steps to increase enrollment in their emergency alert systems beyond "opt-in" enrollment and E-911 data utilized in San Mateo County. These steps include: 1. Enrolling residents based on public utility data. 2. Enrolling residents based on mobile phone carrier data.

The respondent agrees with the finding.

Finding #4 – These same sources of data may be available to San Mateo County’s OES which might enable the County to achieve 50%+ plus enrollment, although each has its costs and limitations.

The respondent agrees with the finding.

Finding #5 – OES has acknowledged that one possible barrier to enrollment in the SMC Alert system is language accessibility. OES is missing an opportunity to fully provide important information to residents who cannot communicate effectively in English and/or Spanish.

The respondent disagrees partially with the finding. SMC Alert notifications need to be timely in order to provide notification to the vast majority of the population. Expanding language capability is important but can come at the cost of being able to provide notifications as accurately and quickly.

Finding #6 – Over 14% of the County’s residents speak Chinese or Tagalog at home, and neither the SMC Alert enrollment documentation, nor the SMC alerts themselves, are available in languages other than English and Spanish.

The respondent agrees with the finding.

Finding #7 – The Dymally-Alatorre Bilingual Services Act requires local government entities to translate materials into the languages which are spoken by more than 5% of the residents it serves.

This finding is not a factual finding and is an incomplete description of the law. Section 7293 of the Government Code provides: Every local public agency, as defined in Section 54951, serving a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to assist those in such positions, to ensure provision of information and services in the language of the non-English-speaking person. The determination of what constitutes a substantial number of non-English-speaking people and a sufficient number of qualified bilingual persons shall be made by the local agency. Section 7295 of the Government Code provides: Any materials explaining services available to the public shall be translated into any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. The determination of when these materials are necessary when dealing with local agencies shall be left to the discretion of the local agency. It is also of note that despite the fact it does not apply to the aforementioned, Section 7296.2 of the Government Code provides: As used in Sections 7292, 7295.2, 7295.4, 7299.3, and 7299.4, a “substantial number of non-English-speaking people” are members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise 5 percent or more of the people served by the statewide or any local office or facility of a state agency.

RECOMMENDATIONS

Recommendation #1 – By December 31, 2020, the Office of Emergency Services should publish the SMC Alert enrollment data (by city/town) on its website, with at least yearly, preferably quarterly, updates.

The recommendation will not be implemented because it is not warranted. However, the SMC Alert enrollment data will be generated quarterly and made available to the Cities and Towns through their Emergency Services Council representative and their Emergency Manager. Additionally, as before, the enrollment data will be available upon request.

Recommendation #2 – The Office of Emergency Services staff should further investigate the option of accessing mobile phone carrier data to augment the SMC Alert database (on an “opt-out basis”) and publicly present a recommendation to the Emergency Services Council by December 31, 2020.

The recommendation has not yet been implemented but will be implemented in the future. SB 821, now section 8593.4 of the Government Code provided for obtaining additional data from utility providers with certain significant restrictions. AB2213, recently passed and signed into law by the Governor on September 18, 2020, expands the list of utilities that may be sources of data to include mobile telephone providers. The new law also clarifies some of the existing language making implementing such a data import more feasible once the provisions of the new law take effect in 2021.

Recommendation #3 – OES should translate the enrollment materials and then provide alerts and messages in all languages spoken by more than 5% of the County’s population, including without limitation both Chinese and Tagalog, in addition to the current languages of Spanish and English, by March 31, 2021.

The recommendation requires further analysis. The four top languages spoken in San Mateo County above 5% of the county’s population are English, Spanish, Chinese and Tagalog. The County has made advances in Spanish translation to accompany English messaging. The difficulty, though, is that the County is not the only sender of SMC Alert messages – the 20 cities and a handful of special districts also send alert notifications using the SMC Alert. The capability to translate messages in a timely manner may not be available and delays caused by translation may pose a greater risk to the community by preventing the timely distribution of life safety information. That said, the County will continue to work with Everbridge to explore the possibility of easier translation services for messaging and will research template-based messages being used by other agencies around the country, which impose limitations on the details and clarity of the message but will allow a higher level of automation of translation.

Recommendation #4 – The Office of Emergency Services staff should work with its member cities and the County to determine the viability of translating SMC Alert enrollment materials, alerts, and messages into other languages even if the prevalence of such languages does not meet the 5% threshold of the Dymally-Alatorre Bilingual Services Act and publicly present a recommendation to the Emergency Services Council by December 31, 2020.

The recommendation will not be implemented because it is not warranted. The most important mission of an alerting system is to get accurate alert and warnings distributed to the public quickly. With all 20 cities, the County and some special districts as alert senders, it would be nearly impossible to achieve this. With more than 30 acknowledged languages spoken in San Mateo County, the ability to provide alerts and warnings in a timely manner would be impossible. Urgency of getting notifications out is vital when the public’s safety is at risk.

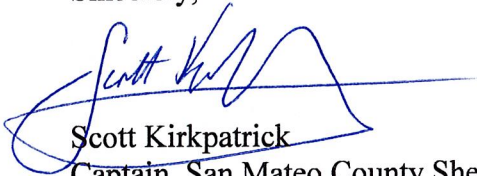
The Emergency Services Council was presented with the Grand Jury report and a draft response authored by staff of the Office of Emergency Services at the October 1, 2020 meeting. The report and responses

were discussed, and no specific changes were requested. The Emergency Services Council will be presented with this finalized response report at its next regularly scheduled meeting on January 21, 2021 for ratification.

As of September 2020, the San Mateo County Office of Emergency Services moved from the Sheriff Office and is now a department within the County Manager's Office. Any future communication regarding the Office of Emergency Services should be directed through the Office of the County Manager.

The San Mateo County Office of Emergency Services appreciates the efforts of the Civil Grand Jury and has cooperated fully with their requests.

Sincerely,



Scott Kirkpatrick
Captain, San Mateo County Sheriff's Office
Office of Emergency Services