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REPORT TO COUNCIL
City of Sacramento

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STAFF
September 20, 2005

Honorable Mayor and
Members of the City Council

Subject: Responses to the Presiding Judge of the Sacramento Superior Court

Location/Council District: Sacramento Region

Recommendation:

Approve specific responses to findings and recommendations contained in the 2005 Grand Jury Report on Homeland Security.

Contact: Dave Johnson, Lieutenant, 264-5480

Presenters: Rick Braziel, Deputy Chief, 433-0800

Department: Police

Division: Office of Emergency Services and Homeland Security

Organization No: 2177

Summary:

On June 30, 2005, the Sacramento County Grand Jury issued the 2004-2005 Grand Jury Final Report relating to Homeland Security. As a result of this investigation the Grand Jury issued 11 findings and recommendations, 6 of which are specific to the City of Sacramento. The California Penal Code requires specific responses to these findings and recommendations be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2005.The Police Department is requesting City Council approval of the written responses to the Grand Jury findings and recommendations.

Committee/Commission Action: N/A

Background Information:

On June 30, 2005 the Sacramento County Grand Jury issued the 2004-2005 Grand Jury Final Report. One of the duties of the Grand Jury is to inquire into, and investigate if necessary, the operations of local government agencies and officials to ensure that activities are valid and services are efficiently and legally provided. The 2004-2005 Final Report documents 8 investigations conducted by the Grand Jury on a variety of issues. In the section of this report entitled *"Homeland Security: Ready or Not"* (pages 53-86), the Grand Jury conducted an investigation to "determine the extent to which the County of Sacramento and its political subdivisions are coordinated and prepared to respond to an incident in which a weapon of mass destruction is used." As a result of this

investigation the Grand Jury issued 11 findings and recommendations related to Homeland Security.

California Penal Code Sections 933 and 933.05 require that specific responses to these findings and recommendations be submitted to the Presiding Judge of the Sacramento Superior Court by September 30, 2005. Each of the 11 findings and recommendations will require a response from the County of Sacramento. 5 of the 11 findings and recommendations (numbers 2,3,4,9, and 11) are specific to the City of Sacramento and require a response by the City Council or Mayor. One finding and recommendation (number 6) requires a response by the Sacramento Police Department. The Police Department's Office of Emergency Services and Homeland Security has prepared written responses to each finding and recommendation and is requesting City Council approval of the written responses.

Financial Considerations: N/A

Environmental Considerations: N/A

Policy Considerations: N/A

Emerging Small Business Development (ESBD): N/A

Respectfully Submitted by: _____
Rick Braziel
Deputy Chief of Police

Approved by: _____
Albert Nájera
Chief of Police

Recommendation Approved:

_____
ROBERT P. THOMAS
City Manager

Ref: COP 9-2

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RESOLUTION NO. 2005-

Adopted by the Sacramento City Council

Responses to the Presiding Judge of the Sacramento Superior Court

BACKGROUND

A. The 2004-2005 Sacramento County Grand Jury Final Report contains the results of an investigation into the readiness of the Sacramento Region to respond to a terrorist event.

B. The Grand Jury Final Report lists 11 Homeland Security findings and recommendations, of which 6 apply directly to the City of Sacramento. California Penal Code Sections 933 and 933.05 require specific responses to each of these findings and recommendations be submitted to the Presiding Judge of the Superior Court by the City of Sacramento.

C. The Sacramento Police Department Office of Emergency Services and Homeland Security has prepared specific written responses to each of the findings and recommendations that require a response by the City of Sacramento.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Manager is authorized to submit responses on behalf of the City of Sacramento to the findings and recommendations contained in the Sacramento County 2004-2005 Grand Jury Final Report on Homeland Security.

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Exhibit A: Responses to Grand Jury Findings and Recommendations-10 Pages

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RESPONSE TO THE PRESIDING JUDGE OF THE SACRAMENTO SUPERIOR COURT

Homeland Security (pp.53 – 85)

Finding 2: The County's role as the lead authority for planning and response to a multi-jurisdictional terrorist event has been obscured by the dual planning and operational systems of the county operational area and the city's regional or "urban area" which includes most of the County.

Recommendation 2: The County's role as the lead authority for planning and response to a multi-jurisdictional terrorist event should be expressly defined and reclaimed, or expressly delegated to the City of Sacramento.

Response 2: Do not concur

The County and the City of Sacramento have an agreement that provides for the County and the City of Sacramento to jointly act as co-lead agencies for the Sacramento Operational Area. California Code of Regulations Title 19, Division 2 Office of Emergency Services, § 2409 provides for the Operation Area Level for emergency services in California. § 2409 (d) states "the county government shall serve as the lead agency of the operational area unless another member agency of the operational area assumes that responsibility by written agreement." Under the authority of that section, on November 28, 1995, the City of Sacramento passed Resolution No. 95-224, which states in part "...The City and County will function as the Operational Area. The City Emergency Services Officer and the County Emergency Operations Coordinator (or their designee) will act as the Operational Area Coordinators." Sacramento is the only Operational Area in the state that has such a progressive, written agreement proving for this co-lead relationship. County Resolution 95-1390, also signed on November 28, 1995, mirrors the City's resolution. The City and County also jointly operate an Emergency Operations Center that serves the Operational Area. On a day-to-day basis, the City and County emergency services managers coordinate on all facets of emergency management activities that affect the Operational Area. Because of this, while in most counties in California, emergency planning grant funding through the federal Emergency Management Grant Program is used exclusively by the County, in Sacramento County both the City and the County share that funding.

What is being done: These resolutions provide framework so that the City and the County jointly provide planning and response to all multi-jurisdictional incidents or event. The City has recently filled its vacant emergency manager position and that person has

worked with the County emergency manager on the coordination of goals and objectives to assist the Urban Area Security Initiative working group. The City and County jointly continue to plan emergency training and exercises and during an emergency or disaster, activate the already mentioned jointly operated emergency operations center. The City and County jointly completed basic emergency operations training in June. Additional training is scheduled for October and an area-wide exercise is scheduled for November. For the exercise, the City and the County will jointly activate and staff the emergency operations center. The Urban Area Security Initiative working group is comprised of a team of representatives of multiple jurisdictions that include City and County staff. These representatives are also engaged in the aforementioned trainings and exercises.

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Finding 3: The homeland security and UASI approval authorities lack a broad base of representation of critical services other than law enforcement and fire services. This results in the lack of integrated planning and response, and of a more balanced distribution of homeland security funds across the 10 disciplines as envisioned by the Homeland Security grant program.

Recommendation 3: Approval authorities for homeland security and UASI grant applications and fund distributions should now be expanded to include representatives from other critical disciplines in order to assure integrated planning and response as well as more appropriate allocation of state homeland security program funds during the ensuing phases of the homeland security program.

Response 3: Do not concur

The finding is correct in that the approval authorities consist of primarily law enforcement and fire service representatives. However, the finding fails to recognize that eight of the ten emergency response disciplines are represented by law enforcement, the fire service, and public health.

In the Sacramento region the fire service represents:
Fire service
EMS
Hazmat
Emergency Management
Public Safety Communications

In the Sacramento region law enforcement represents:
Law Enforcement
Emergency Management
Public Safety Communications

In the Sacramento region Public Health represents:
Public Health
Health Care

Of the 10 emergency response disciplines, only public works and governmental administration do not have direct representation. Governmental administration is represented during the approval process through elected boards and councils that ultimately approve the acceptance and dispersal of grant funds.

Integrated planning and response is not dependent on membership of the approval authorities, and all 10 disciplines are included in regional response planning, training, and exercises.

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Finding 4: Neither the County nor the City has effectively integrated the participation of private industry in homeland security.

Recommendation 4: The County or City should take immediate steps to include and coordinate the services of private industry, against which a weapon of mass destruction attack is likely to be directed, in plans for prevention and response to such an event.

Response: Do not concur

The City and County UASI working group has consistently integrated the private stakeholders of the Urban Area into the Law and Fire preparations for a potential attack. A partial listing of the partnerships developed between the UASI working group and private industry in the area includes:

- Sacramento area hospitals:
    - Monthly attendance at their emergency managers' association meetings.
    - Development and instruction of a class presenting a self-assessment tool to assist in their disaster preparation planning. This class was well received and has resulted in a request from the Modesto area hospitals for Sacramento personnel to travel there for the same presentation.
    - Establishment of the medical volunteers under the citizen's core grants.
    - Involvement in training exercises of personnel from hospitals, EMTs and citizens core.
- Sacramento area retail outlets:
    - Conducted threat assessment and security enhancement planning with several area outlets.
    - Provided information on free training from DHS for security personnel.
    - Acted as liaison for a DHS led study on retail vulnerabilities.
- Sacramento area agriculture:
    - Development and instruction of a class presenting a self-assessment tool to assist in their disaster preparation planning.
    - Provided information on free training from DHS for security personnel.
- Sacramento area insurers:
    - Conducted joint mass casualty exercise emphasizing response and recovery. Ambulance and hospital surge capacity and insurer continuity of business were emphasized.

- Quarterly Terrorism Early Warning Group meetings:
    - These meetings are comprised of dozens of governmental agencies (LE, Fire, OES, FEMA, Health) and private industry representatives from health, construction, economic, utilities and transportation sectors. These meetings focus on development of integrated plans for a community response to disaster.
- TALON website:
    - Joint FBI / Sacramento UASI website allowing selected private industry representatives to receive or post updates on Terrorism / Disaster issues.
- Infraguard:
    - Attend Quarterly meetings focusing on Cyber threats to critical infrastructure, governmental and private.

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Finding 6: A standard operational plan for law enforcement, fire suppression, and emergency medical services that prescribes the role and responsibilities of responders to a weapon of mass destruction event is still under development.

Recommendation 6: The County Emergency Operations Office and the Sacramento Regional Office of Homeland Security should in collaboration complete the development of a standard operational plan for law enforcement, fire suppression, and emergency medical services that describes the roles and responsibilities of responders to a weapon of mass destruction event.

Response 6: Do not concur

The City and County of Sacramento recognize that the need for an integrated operational plan extends beyond the capabilities of any one governmental entity. To that end, the Sacramento Regional Office of Homeland Security and regional emergency planners are in the process of finalizing an integrated plan that proscribes roles and responsibilities for regional first responders.

As noted on page 77 of the Grand Jury Report, Sacramento County has been in the process of updating the Sacramento County Multi-Hazard Disaster Plan along with the addition of a Terrorism Annex to this Plan. The completion of this plan is still scheduled for November 2005.

Emergency Managers from the City of Sacramento and County of Sacramento, as a joint City and County emergency operations center, have met to discuss the City of Sacramento All Hazard Plan and the County Multi-Hazard Plan. Each of these plans will be coordinated with the response to a weapon of mass destruction.

The Sacramento Regional Office of Homeland Security has reviewed the terrorism annexes to both the City and County emergency plans, and has made recommendations related to the roles and responsibilities of responders to a weapon of mass destruction event.

Each agency and discipline within the County of Sacramento has an Operational Plan, which will be reviewed by the Sacramento Regional Office of Homeland Security for consistency with the Sacramento County Multi-Hazard Plan and City of Sacramento All

Hazard Plan. In addition, all plans will be reviewed to ensure compliance with the National Response Plan and National Incident Management System (NIMS).

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Finding 9: The City has recently acquired a "reverse 9-1-1" automatic telephone warning system as a means of instant communication with residents of the regional urban area, concerning imminent danger arising from a weapons of mass destruction event, along with appropriate directives and instructions. The county has not yet demonstrated a similar capability for the non urban area of the county.

Recommendation 9: The City must complete the installation of an automatic telephone warning system and extend its capabilities to cell phones and voice-over-Internet-Protocol as the technology becomes available. The County must assure that the system is operable throughout the operational area.

Response: Do not concur

The City of Sacramento, acting as the purchasing agent for the Urban Area Security Initiative, began the process to purchase and install the "Reverse 911" alerting system for the Sacramento Region. All areas of the Sacramento Urban and Operational Areas will have access to the system through their respective public safety dispatch centers. The operational area includes the rural areas in the County such as Galt. Isleton is not included, however, as this jurisdiction has chosen to contract with the City of Rio Vista for its "911" services.

While the technology does not currently exist to extend the alerting system to cell phones and VOIP devices, the vendor that is providing the system is in the research and development process for solutions in these two areas.

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Finding 11: No substantial effort has been undertaken to assess the capability of mobilizing the region's public employees as disaster services workers.

Recommendation 11: The County's operational plan should identify how public employees could serve as disaster service workers in accordance with the existing legal framework. A process should be established to rapidly mobilize these workers during an emergency.

Response: Concur

The finding is correct that no substantial effort has been undertaken to build a capability of mobilizing the region's public employees as disaster service workers. The City of Sacramento has a process to rapidly mobilize trained responders and resources during an emergency using the California Master Mutual Aid Agreement, a mutual aid system that has proved effective for many jurisdictions in California and serves as a model for the United States. These resources include the personnel and equipment that may be needed to perform any function necessary during an emergency or disaster. The California Master Mutual Aid Agreement provides a better option based on limitations of the Disaster Service Worker Program. The City of Sacramento does use parts of the Disaster Service Worker Program for some of the functions needed during an emergency or disaster.

While the Disaster Service Worker Program is a vehicle for mobilizing public employees, the California Code of Regulations definition of disaster service workers includes "public employees performing disaster work that is outside the course and scope of their regular employment without pay..." City employees have special knowledge and training for their specific job functions and the first course of action would be to utilize these employees in their job functions. These employees will be paid for their services. Cross training employees to perform a job for which they would not be paid, and would perform only during a disaster would not be feasible and would not be cost effective. The Disaster Service Worker Program does not account for the large numbers of employees who would not be available to do disaster service work, because their normal job duties would be required for continuity of government (COG) and continuity of operations (COOP). Finally, a majority of the job functions that would be required in a disaster require a specialized or technical background, i.e. police, fire, EMS, water and wastewater personnel, and require state certification. Employees who are regularly trained and certified would best perform these types of job functions.

What is being done: The City of Sacramento does recognize the need to provide additional personnel and other resources during emergencies and disasters. To that end, the City and County have trained over 1,000 Community Emergency Response Team (CERT) volunteers. In a disaster, regional Medical Reserve Corp volunteers will be available as well as members of the Sacramento Fire Department's Fire Reserve program. All of these are volunteers who received specialized training so that they can assist during an emergency or disaster. They do meet the definition of a Disaster Service Worker Volunteer as they will not be doing normal daily work and are not being paid for their work.

The best way the City of Sacramento can mobilize additional trained personnel and equipment is through the cornerstone of Sacramento's emergency management system; the concept of mutual aid. The City is a signatory to California's Master Mutual Aid System. It also participates in the Fire and Rescue, Law Enforcement, Coroner, Public Works and Emergency Manager mutual aid systems. These systems provide the City with the ability to rapidly obtain personnel and equipment assets from neighboring jurisdictions that have not been impacted and/or from the state and federal governments.

The City does recognize the need to expand its emergency training program for City and regional public employees and has scheduled ongoing emergency operations center and emergency planning training. Additionally, a large number of City staff has been trained in the Incident Command System, California's Standardized Emergency Management System and the emerging federal National Incident Management System.