RESPONSES

TO THE

SAN BERNARDINO COUNTY 2024 GRAND JURY FINAL REPORT

SAN BERNARDINO COUNTY GRAND JURY
247 WEST THIRD STREET
SAN BERNARDINO, CA 92415-0243
(909) 382-3971

RESPONSES
TO THE SAN BERNARDINO COUNTY
2024 GRAND JURY
FINAL REPORT

SECTION 1:

- City of Upland

SECTION 2:

- San Bernardino County Board of Supervisors and County Office of Emergency Services

SECTION 3:

- San Bernardino County Sheriff's Department

SECTION 1

CITY OF UPLAND

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

MAR 18 2025

BY _____
DULCE ZUNIGA, DEPUTY

City of Upland
Office of the City Manager

March 18, 2025

Presiding Judge/Clerk of San Bernardino County Superior Court, State of California
C/O Grand Jury Coordinator, Dulce Zuniga
658 East Brier Drive, Suite 125
San Bernardino, CA 92415-0243

RE: Response to Grand Jury Report Titled "When is a Pothole a Pothole?"

To whom it may concern:

Enclosed herein is a copy of the City of Upland's response to the Grand Jury's recent report titled "When is a Pothole a Pothole? Looking at Potholes in the City of Upland." The response was approved by the Mayor and City Council at its meeting on March 10, 2025.

I would like to reiterate our appreciation for the Grand Jury's recognition that "the employees of the City of Upland love their community . . . [,] are proud of their City and work diligently to maintain its quality, beauty and safety." I could not agree more.

Sincerely

Mike Blay
City Manager

Enclosure

cc: Lynna Monell, Clerk of the Board of Supervisors

CITY OF UPLAND RESPONSES TO GRAND JURY FINDINGS AND RECOMMENDATIONS IN REPORT TITLED "WHEN IS A POTHOLE A POTHOLE? LOOKING AT POTHOLES IN THE CITY OF UPLAND"

Note: the original Grand Jury findings are repeated below in italics. The City of Upland ("City") responses are in bold, with additional explanation and commentary in regular typeface.

As a preliminary matter, the City wishes to thank the Grand Jury for its time investigating the repair of potholes. In particular, the City appreciates the Grand Jury's finding that the "the employees of the City of Upland love their community . . . [,] are proud of their City and work diligently to maintain its quality, beauty and safety." The City could not agree more. Unfortunately, in recent years, the City has experienced too many potholes and has too few employees to keep up the pace of repairs. For that reason, in 2024, the City expanded the scope of its on-call asphalt pavement repair services, which are presently provided by Hardy & Harper, Inc. ("H&H"). Much of the work previously performed by City public works staff, subject to the limitations highlighted by the Grand Jury's Report, is now performed by H&H, which is far better equipped to perform the work and has the appropriate staffing and equipment. This has also freed up City public works staff for other tasks around the City, though these staff may occasionally be utilized for an urgent cold patch repair in the future.

Responses to Findings

1. *The Grand Jury finds the City of Upland training for street repair of potholes has no clear timelines or documentation for training.*

   The respondent agrees with the finding. As noted above, due to the expanded scope of work performed by H&H, the City intends to rely on this qualified third-party contractor to comply with law and best practices, including in training its staff.

2. *The Grand Jury finds the City of Upland street repair crew is not trained in hot mix repair..*

   The respondent agrees with the finding. The City intends to utilize highly qualified third-party vendors to address potholes suited for hot mix repair. City staff may occasionally perform cold patch repair, when necessary.

3. *The Grand Jury finds the City of Upland does not document follow-up contact when a pothole is not located.*

   The respondent agrees with the finding. The City's NOBEL system allows members of the public to make public works requests. The system automatically notifies reporters when the issue is addressed. Unfortunately, the system may not be sophisticated enough to always explain to the reporting party why the request was closed out (for example, if no pothole was located). The system relies upon the reporting party accurately entering details regarding the location of the needed repair and the contact details for the reporting party.

4. *The Grand Jury finds the City of Upland does not notify the citizen who reported the pothole when a reported pothole repair is completed.*

The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor. See above. The NOBEL system is geared to inform the reporting party of the completion and closing out of the work order. However, the system does require information to be imputed accurately.

5. *The Grand Jury finds the lack of quality control impacts the training and the accuracy of repairs.*

The respondent agrees with the finding. As noted above, due to the expanded scope of work performed by H&H, the City intends to rely on this qualified third-party contractor to comply with law and best practices, including quality control.

Responses to Recommendations

1a. *The Grand Jury recommends the City of Upland establish a documented training program, which includes reference material on street deterioration, instructor-led training, and online training for pothole repair.*

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore. As noted above, the City has now expanded the scope of services performed by highly qualified third-party contractors, such as H&H. These contractors will be responsible for their own training programs for pothole repair.

1b. *The Grand Jury recommends the City of Upland maintain a checklist of the steps completed in training, proficiency made in training and maintain the checklist in their individual and or personnel file.*

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore. See above answer.

2. *The Grand Jury recommends the City of Upland provide training in the hot mix process and provide incentives to obtain their CDL.*

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore. See above answer. As for incentives to obtain a CDL, the City does provide such incentives. For example, while the Maintenance Worker I position does not require a CDL upon hire, the Maintenance Worker II position does. The difference in pay between these positions is approximately $5,000 per year.

3. *The Grand Jury recommends the City of Upland enhance their current system with a procedure to document the date, time, photo and form of contact made to verify the location.*

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore. The NOBEL system provides the tools for uploading date, time, and photos of work requests. It also allows for a GPS location to be added. Nevertheless, the City will investigate whether the system is appropriately notifying users of the completion of requests and whether the system might be improved to provide better notification options.

4. *The Grand Jury recommends the City of Upland provide notification to the party who submitted the repair request. The notification should be done in either a hard copy or electronic format for efficiency. We recommend the notification be automatically generated.*

The recommendation has been implemented, with a summary regarding the implemented action. The NOBEL systems provides notifications, assuming there is no user error in input. As noted above, the City will investigate whether the system is appropriately notifying users of the completion of requests and whether the system might be improved to provide better notification options.

5. *The Grand Jury recommends the City of Upland establish a quality control protocol for pothole repairs. The protocol should include a checklist which includes an assigned team member responsible for quality control, photos before and after the repair and the method of repair. The checklist should become a part of the repair documentation in their reporting system.*

The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore. As noted above, the City is utilizing highly qualified third-party contractors for this work, who are responsible for their own training, quality control, and checklists. The City will work with any contractors to ensure the NOBEL system is used appropriately to notify reporting parties.

SECTION 2

SAN BERNARDINO COUNTY BOARD OF SUPERVISORS AND COUNTY OFFICE OF EMERGENCY SERVICES

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO AND RECORD OF ACTION

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

FEB 28 2025

BY _____
DULCE ZUNIGA, DEPUTY

February 25, 2025

FROM
LUTHER SNOKE, Chief Executive Officer, County Administrative Office

SUBJECT
2024 Grand Jury Final Report – Proposed Response

RECOMMENDATION
Approve the Proposed Response to the 2024 Grand Jury Final Report and direct publication and filing with the Presiding Judge of the Superior Court, the Clerk of the Board of Supervisors, and the County Clerk.
(Presenter: Luther Snoke, Chief Executive Officer, 387-4811)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES
Improve County Government Operations.
Operate in a Fiscally-Responsible and Business-Like Manner.
Provide for the Safety, Health and Social Service Needs of County Residents.
Pursue County Goals and Objectives by Working with Other Agencies.

FINANCIAL IMPACT
Approval of this recommendation will not result in the use of additional Discretionary General Funding (Net County Cost).

BACKGROUND INFORMATION
California Penal Code section 933(c) requires the Board of Supervisors (Board) to formally adopt and file with the Presiding Judge of the Superior Court a response to the findings and recommendations contained in the Grand Jury's Final Report on matters under the Board's purview no later than 90 days after the Final Report is submitted. The 2024 Grand Jury submitted its Final Report on December 13, 2024, giving the Board through March 13, 2025, to adopt and file its response.

The 2024 Grand Jury Final Report includes one section that contains findings and recommendations on matters under the Board's purview pertaining to the 2023 winter storm. The Proposed Response addresses the pertinent findings and recommendations in compliance with Penal Code section 933(c).

PROCUREMENT
Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Julie Surber, Principal Assistant County Counsel, 387-5455) on January 31, 2025; Finance (Erika Rodarte, Administrative Analyst, 387-4919) on January 31, 2025; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on February 7, 2025.

Record of Action of the Board of Supervisors
San Bernardino County

Public Comment: Carlo, Marilyn Navarro

APPROVED

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.
Absent: Col. Paul Cook (Ret.)

Lynna Monell, CLERK OF THE BOARD

BY Lynna Monell
DATED: February 25, 2025

cc: County Archives - Preston w/ report for filing
File - Grand Jury 2024/25 w/ report

JLL 02/27/2025

SAN BERNARDINO COUNTY RESPONSE TO THE 2024 SAN BERNARDINO COUNTY GRAND JURY FINAL REPORT

(Verbatim Grand Jury Findings and Recommendations are in italics)

FINDING F-1
The County's ability to respond quickly and provide relief to the citizens trapped by the heavy snowfall was hampered by a lack of proper equipment to remove the amount of snow encountered.

The County agrees with this finding. However, the extraordinary and unprecedented snowfall far exceeded historical patterns and reasonable expectations for storm response preparedness. Prior to this event, there had been no indication that taxpayer investment in the type and quantity of equipment necessary to rapidly remove such an extreme accumulation of snow was warranted.

RECOMMENDATION R-1
The Grand Jury recommends that the County create and maintain a plan for securing the use of the type of equipment required to clear accumulations of snow greater than 8 feet from vital mountain roads.

The County fulfilled this recommendation prior to the publishing of the Grand Jury's Final Report. Immediately after the February-March 2023 snow event, the County took swift action to enhance its snow removal capabilities by securing additional specialized equipment to manage extreme conditions to clear accumulations of snow great than 8 feet and equip operators with specialized training to optimize performance. The County has invested in more than 30 new pieces of heavy machinery, including loaders and blowers, bringing the County's machinery pool to more than 100 machines. The expanded fleet is strategically staged across the county to allow for immediate mobilization to affected areas. This approach enables the County to promptly clear roads, ensuring emergency vehicles can access impacted communities and residents can evacuate safely when necessary.

FINDING F-2
The Mountain residents were not well informed of the situation that they faced, and the efforts being taken to provide the necessary assistance.

The County partially disagrees with this finding. Once the County activated its public communications resources, the County carried out a robust public communications campaign consisting of daily e-mail newsletters and dozens of videos and social media posts focused on the efforts to meet the needs of mountain residents.

RECOMMENDATION R-2
That the County develop a plan to take a leading role in disseminating accurate and timely information to residents facing disasters over a broad spectrum of platforms including social media.

The County fulfilled this recommendation prior to the publishing of the Grand Jury's Final Report. During and immediately after the February-March 2023 snow event, the County established an emergency response public information system involving the activation of public communications staff from all County departments to work under the direction of the Chief Communications Officer

and the Director of the Office of Emergency Services (OES). The staff includes County photographers, videographers, graphic artists, and social media managers and is activated at the direction of OES. Activation includes the establishment of a virtual Joint Information System (JIS) headquartered at OES as a means of keeping the County's public information staff connected and on-task throughout the duration of an emergency.

The County also developed and launched the Preparedness Starts Here public information campaign and website as an intensely publicized one-stop resource for residents to obtain preparedness information on various types of disasters as well as specific information on current, ongoing emergencies.

San Bernardino County is committed to ensuring residents receive accurate and timely information during disasters. OES's goals include leveraging multiple communication channels such as the County's website, social media platforms, local radio and TV broadcasts, and emergency alert systems such as the immediate use of a Wireless Emergency Alert (WEA), which overrides all functions of a person's cell phone to deliver warnings of danger to life or property, as well as the subscription-based Telephone Emergency Notification System (TENS). Furthermore, County agencies are in discussions to implement next steps for providing residents with real-time information through an application platform and the use of the Emergency Alert System (EAS) using AM radio stations. Residents are encouraged to sign up for emergency alerts and follow official County sources to stay informed and prepared.

To further strengthen public communication and ensure timely and accurate information during emergencies, the County has taken the following steps:

1. Increased TENS Subscriptions:
    - OES has significantly increased the number of residents subscribing to TENS. This system remains a critical tool for reaching residents quickly during emergencies.
2. Developing a Public-Facing Alert and Warning System:
    - OES is working closely with the San Bernardino County Fire Protection District and the Sheriff's Department to identify and implement a real-time public alert system that provides immediate, accessible information to all residents, regardless of subscription status. This system aims to ensure broader access to life-saving updates.
3. Enhancing additional resources for alerting:
    - Steps are being taken to implement upgrades to the SB Ready App, a key public-facing resource for emergency information. Planned enhancements include easy-to-use preparedness tools, links to mitigation pages for hardening homes against extreme weather, improved user interface, and expanded functionality to meet the diverse needs of residents during crises. OES is also working to enhance the AM EAS, by working closely with the stations, upgrading the remote alerting capability, and providing NOAA radios to residents who have limited access to WEA's due to their location from cell towers i.e. mountain/canyon residents.

These initiatives demonstrate the County's ongoing commitment to enhancing emergency communications and ensuring residents are well-informed and prepared during disasters. By leveraging multiple platforms and integrating new technologies, the County is proactively working to address gaps and provide accessible, real-time information to all residents.

FINDING F-3

Since the agencies were not trained to understand the County Emergency Operations plan, they were poorly coordinated causing the community to suffer delays in needed services.

The County agrees with the finding and has implemented measures to address this concern.

RECOMMENDATION R-3

The Office of Emergency Services should develop a plan and accompanying training for all county departments, including the Board of Supervisors, to function according to the San Bernardino County Emergency Operations Plan.

The County fulfilled this recommendation prior to the publication of the Grand Jury's Final Report. OES is committed to ensuring that all County departments, the Board of Supervisors, and local elected officials are well-prepared to function effectively during emergencies, in alignment with the County Emergency Operations Plan (EOP).

1. Departmental Emergency Operations Plan (DEOP) Initiative:
    - Each County department is required to maintain a DEOP, which serves as a foundational guide for department-specific emergency responsibilities.
    - Departments are mandated to:
        - Review and update their DEOP annually.
        - Conduct training based on the DEOP to ensure all staff are familiar with their roles during emergencies.
        - Obtain director sign-off on the DEOP, confirming leadership accountability and readiness.
    - This process also establishes a roster of Department Emergency Contacts (DECs) who are responsible for coordinating their department's involvement in the broader County EOP review and update.
2. Enhanced Training for Elected Officials and Leadership:
    - OES has scheduled Elected Officials Training for the Board of Supervisors, local elected officials, and executive leadership through the California State Training Institute (CSTI). This training ensures that decision-makers understand their critical roles during emergencies and are equipped to provide effective leadership and coordination.
3. Regular Training and Exercises:
    - OES conducts regular training sessions, workshops, and simulation exercises tailored to the roles and responsibilities outlined in the EOP. These trainings cover key areas such as:
        - Emergency coordination and unified command.
        - Resource management and operational decision-making.
        - Communication strategies to ensure timely and accurate information sharing.
4. Continuous EOP Review and Updates:

- As noted above, County OES performs periodic reviews and updates of the EOP using various stakeholders including DECs, non-governmental organizations, and supporting responders to incorporate lessons learned from past incidents, align with state and federal guidelines, and adopt best practices. This process will ensure that the EOP remains a dynamic and effective tool for guiding emergency response efforts.

By integrating the DEOP initiative, enhancing leadership training, and maintaining a robust EOP review process, the County has significantly strengthened its emergency preparedness framework. These efforts ensure that all stakeholders, from departmental staff to elected officials, are aligned and ready to respond effectively to any emergency scenario.

FINDING F-4
The Lack of a Disaster Council made up of county dept. leaders, hinders effective emergency planning, training, and communications.

The County agrees with this finding.

RECOMMENDATION R-4
Establish a Disaster Council per the San Bernardino County Emergency Operations Plan.

OES is actively working towards reestablishing the San Bernardino County Disaster Council to enhance coordination and ensure a unified, efficient approach to disaster and emergency management. This initiative aims to strengthen coordination among agencies, improve preparedness, and streamline response efforts to better serve the community during emergencies.

FINDING F-5
The San Bernardino County Emergency Operations Plan has not been updated since 2019 and the plan does not cover a snow event like the county had in 2023.

The County agrees with this finding.

RECOMMENDATION R-5
Update the County Emergency Operations Plan to include a plan to deal with a unique winter snowstorm and other unusual events. ***And*** *Require all County departments perform and record an annual review of the County Emergency Operations Plan.*

The County has taken significant steps to implement this recommendation.

1. Evaluation and Gap Analysis:
    - OES has engaged a contractor to thoroughly evaluate the current EOP and perform a gap analysis to identify annexes that require updates or need to be newly drafted. This ensures that the EOP remains comprehensive, actionable, and aligned with best practices.
2. Enhanced Staffing and Expertise:

- OES has strengthened its capacity by onboarding two new specialized staff members:
    - A Training Emergency Services Officer (ESO) to design and deliver targeted training programs.
    - A Planning ESO, tasked with leading updates to the EOP and annexes and coordinating with departments to ensure alignment.

3. EOP Review and Training Process:
    - OES is establishing a process that will require all departments to join in multi-departmental review of the EOP and its Annexes in accordance to the State of California's Integrated Preparedness Plan (IPP). This process serves as the mechanism to review each Annex (i.e. earthquake, flooding, mass care and sheltering, etc.) and update in real time as needed. It will also serve to record on-going reviews of the EOP to ensure it remains current, relevant, and effective. This review will be tracked and documented to ensure compliance with the County's emergency preparedness standards.
    - In parallel a comprehensive training plan will be developed in accordance the IPP process to exercise to each EOP Annex as it is reviewed. This plan will:
        - Include regular workshops, scenario-based exercises, and simulations to reinforce understanding and operational readiness.
4. Simultaneous Training Initiatives:
    - To complement the EOP review, OES is creating customized training programs for the Board of Supervisors and Operational Area cities and towns to provide County stakeholders with practical tools and actionable knowledge for effective emergency response and coordination as noted in a prior response.

These initiatives reflect the County's commitment to improving EOP understanding, enhancing interdepartmental coordination, and ensuring timely and effective services during emergencies. By investing in evaluation, planning, and training, the County is building a more resilient and capable response framework for the future.

FINDING F-6
After the County's Emergency Proclamation, the formation of the EOC, and the state's Emergency Declaration, OES and some agencies were hesitant to fully function in unified command.

The County agrees with this finding.

RECOMMENDATION R-6a
OES and the County's CEO negotiate Memorandums of Understanding (MoUs) for resources likely to be included in future emergencies.

The San Bernardino County Department of Public Works annually hires seasonal employees to supplement its regular staff as equipment operators. In addition, the department has developed an on-call list of local contractors with equipment who are under contract and can be activated as needs arise. A seasonal maintenance yard in Running Springs is also activated and staffed when inclement weather is expected.

OES has begun a review of the current MoU's to establish a gap analysis and next steps. This includes Non-Governmental Organizations, military, and any other strategic need that is identified.

RECOMMENDATION R-6b

Department Heads of County agencies be formally trained on their responsibilities during an emergency, both before and after a county Emergency Proclamation.

The County fulfilled this recommendation prior to the publication of the Grand Jury's Final Report. OES is committed to ensuring that all County departments are well-prepared to function effectively during emergencies in alignment with the County EOP.

1. Training Programs for Department Heads:
    - OES provides regular training sessions, workshops, and simulation exercises tailored to the specific roles and responsibilities of Department Heads as outlined in the EOP.
    - These trainings focus on emergency coordination, resource management, decision-making processes, and communication strategies to ensure Department Heads are equipped to lead their agencies effectively during emergencies.
2. Using Real-World Incidents for Training:
    - OES utilized the various significant incidents of 2024 to work closely with each Department Head to review their roles and responsibilities. Lessons learned from these events have been incorporated into day-to-day practices to enhance readiness for future incidents.
3. OES Coordination Calls:
    - During the 2024 incidents/emergencies, OES conducted Coordination Calls to bring leadership together in real-time to:
        - Share available resources.
        - Identify emerging needs.
        - Establish unified preparedness postures.
    - This process fosters a "one team, one response" approach, ensuring that County leadership operates cohesively to manage incidents effectively.
4. After-Action Meetings and Reports:
    - After every Emergency Operations Center (EOC) activation, OES holds After-Action Meetings with all participants to evaluate performance and identify areas for improvement.
    - These discussions result in After-Action Reports (AARs), which capture lessons learned, best practices, and recommendations for refining procedures. These reports inform periodic updates to the EOP, ensuring continuous improvement and preparedness.
5. Ongoing EOP Review and Improvement:

- OES conducts regular reviews and updates of the EOP to integrate evolving best practices, incorporate feedback from training sessions, and address insights gained from past incidents.

By implementing these measures, OES ensures that Department Heads are not only trained but also actively engaged in a continuous cycle of preparation, response, and improvement. This comprehensive approach equips County leadership with the knowledge and tools needed to respond to emergencies with confidence, efficiency, and unity.

FINDING F-7

The EOC did not have a functioning unified command, resulting in County resources not being used effectively.

The County agrees with this finding.

RECOMMENDATION R-7

Department heads be trained in EOC responsibilities and held accountable for their agency's participation in the EOC.

The County fulfilled this recommendation prior to the publishing of the Grand Jury's Final Report. OES is committed to establishing a Unified Command with Fire and Sheriff primarily, and any other County departments as dictated by the incident. We have implemented the steps below to train towards effective command and control during emergencies in alignment with the EOP.

1. Collaborative Training for Unified Command:
    - OES, the Fire Department, and the Sheriff's Department conduct regular joint training sessions at various levels to ensure a unified command structure is established and ready whenever the EOC is activated. These joint exercises focus on:
        - Strengthening cross-agency communication.
        - Clarifying roles and responsibilities in unified command.
        - Enhancing coordination during real-world incidents.
2. Integrated Operations Section in the EOC:
    - Steps have been taken to work closely with both the Fire Branch and the Law Branch within the Operations Section of the EOC. This ensures that, even during lower-level activations, there is a clear understanding of unified command and seamless coordination across agencies to support field operations.
3. Embedded Fire Chief at OES:
    - To further enhance collaboration and information flow, a Fire Division Chief has been embedded within OES. This role ensures:
        - Real-time communication between OES and fire command.
        - Streamlined decision-making during emergencies.
        - Unified strategy development for operational readiness and response.
4. Ongoing Training and Best Practices:
    - OES continues to provide regular training sessions, workshops, and simulation exercises tailored to the roles outlined in the EOP. These efforts focus on:
        - Emergency coordination and resource management.
        - Decision-making processes for leadership and staff.

        - Integration of lessons learned from past incidents to improve unified command structures.
    - OES participates in drills, exercises, and trainings offered by its command and control partners to strengthen communication.
    - OES has initiated the practice of embedding an Emergency Services Officer at Incident Command Posts, even when the EOC is not activated, to further strengthen coordinated support.
5. Continuous EOP Updates:
    - OES conducts periodic reviews and updates of the EOP to reflect best practices, incorporate feedback from joint exercises, and ensure alignment with state and federal guidelines.

These initiatives ensure that the County's emergency management framework fosters seamless collaboration, strengthens the unified command structure, and enhances the efficiency of emergency response efforts. By embedding cross-agency coordination at all levels, the County is better prepared to address and manage complex emergencies effectively.

SECTION 3

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT

SHANNON D. DICUS, SHERIFF-CORONER

SAN BERNARDINO COUNTY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

FEB 11 2025

BY _____ DULCE ZUNIGA, DEPUTY

February 11, 2025

Honorable Lisa Rogan, Presiding Judge
San Bernardino County Superior Court
247 West Third Street, 11th Floor
San Bernardino, CA 92415

Dear Honorable Judge Rogan:

Pursuant to California Penal Code Section 933.05, please accept the following response to the findings and recommendations for the 2024 San Bernardino County Grand Jury's Final Report that was presented to your office on or about December 13, 2024.

As you know, the Grand Jury listed findings and made recommendations for change. My staff has reviewed their Final Report and offer our response to the recommendations made for the following operational area:

Mistaken Identity: Arrested and Booked for Another's Crime

Please let me know if there is any additional information you may need for clarification on our position. An informational copy of our response is being provided to the County's Board of Supervisors, as is required by law.

Best Regards,

Shannon D. Dicus, Sheriff-Coroner/Public Administrator

cc: County Board of Supervisors
County Administrative Office

SHANNON D. DICUS, SHERIFF-CORONER

The San Bernardino County Sheriff's Department's 2024 Grand Jury Report Response

Finding F-1

The San Bernardino County Sheriff's Department (SBCSD) patrol deputies do not always use biometric fingerprint technology prior to arresting a suspect on a warrant in the field.

The Department agrees with Finding F-1.

Recommendation R-1

The San Bernardino County Civil Grand Jury recommends that the Sheriff's Department obtain the most current available biometric technology for use as a tool to verify a suspect's identity before arresting and booking him or her.

Recommended Implementation Date

June 1, 2025

SBCSD Response to R-1

The recommendation has been implemented.

Since approximately August 2020, the SBCSD has been using the Columbo device, one of the most current technologies for verifying a suspect's identity.

Although SBCSD agrees that deputies do not always use biometric fingerprint technology before arresting a suspect on a warrant in the field, it is worth noting there are limited circumstances where a mobile biometric device will be able to confirm the identity of an individual matching the description of a person that has an active warrant for their arrest. For instance, mobile biometric identification devices currently search local and federal databases that contain fingerprints taken during a previous booking or arrest event. Fingerprints taken for employment application purposes, or by the DMV, are not searchable with a mobile biometric device. The use of the device, for confirming identity prior to making an otherwise lawful warrant arrest, will only be successful if the individual's fingerprints have been previously enrolled in a criminal fingerprint database.

In cases where an individual already has fingerprints stored in a criminal database, there may still be instances where the technology does not deliver a match between the fingerprint images captured by the device, and the fingerprints stored in a database. The quality of the fingerprints

captured during previous bookings, and/or the quality of the fingerprint images captured by the mobile device, may not always allow for a computer-automated match. Moisture, movement, dirt, injuries, and lighting considerations can impact on one or both sets of fingerprint images to be compared.

There may yet be other instances where an individual's fingerprints can be matched in the field to a previous booking, but the active warrant may still be such a close match to the individual, that it requires greater scrutiny than can reasonably be accomplished in the field. In these instances, transportation to a facility may be necessary for full fingerprinting on a livescan computer system that will enable an analysis by a human fingerprint examiner.

Moving forward, the SBCSD will implement a policy related to using the department's current biometric technology before transporting a suspect to a detention facility if the suspect's identity is in question **and** if the arresting officer intends to arrest the suspect for an arrest warrant only. Furthermore, the SBCSD will provide additional training to ensure all users know how and when to use the Columbo devices.

The San Bernardino County Sheriff's Department's 2024 Grand Jury Report Response

Finding F-2

The Sheriff's Department needs more current biometric technology in the field that includes assessments for fingerprints, facial recognition and iris scan.

The Department disagrees with Finding F-2.

The SBCSD uses Columbo devices for mobile biometric fingerprint comparison. On March 12, 2013, the Federal Bureau of Investigations (FBI) certified that the Columbo device complies with the following FBI CJIS Division's Integrated Automated Fingerprint Identification System Image Quality Specifications (IQS): Personal Identity Verification (PIV) Single Finger Capture Device Specifications.

The SBCSD does not rely on mobile facial recognition technology to make a positive identification or probable cause for an arrest based on recommendations from the U.S. Department of Justice's Bureau of Justice Assistance "Face Recognition Policy Development Template". This policy development template, developed by state, local and federal law enforcement, privacy and criminal justice partners, states the following:

Face recognition search results are not considered positive identification and do not establish probable cause, without further investigation; rather, they are advisory in nature as an investigative lead only. Any possible connection or involvement of an individual to a criminal investigation must be determined through further analysis and investigation.

The SBCSD does not utilize mobile iris recognition technology at this time as suspects are more likely to be identified by their fingerprints. Iris recognition technology is newer than fingerprint recognition technology and not all law enforcement agencies capture a suspect's iris during the booking process. The number of retained iris records is minimal in comparison to fingerprint records. The FBI's iris repository contains approximately 3.8 million iris records, whereas the SBCSD's fingerprint repository contains 1.8 million records, the California Department of Justice's repository contains 26 million records, and the FBI's repository contains 70 million records.

Recommendation R-2

The Civil Grand Jury recommends the Sheriff's Department work with CAL-ID to purchase biometric technology that allows for expedited confirmation of identity.

Recommended Implementation Date

June 1, 2025

The San Bernardino County Sheriff's Department's 2024 Grand Jury Report Response

SBCSD Response to R-2

The recommendation has been implemented.

With consideration to the number of fingerprint records available to be searched in comparison to iris records, no other technology produces a more expedited confirmation of identity than the Columbo devices, which have been used by the Sheriff's Department since 2020. The SBCSD is always monitoring new technology and evaluating the feasibility of such technology, while remaining conscious of resource restraints, and will continue to do so as we move into the future.

The San Bernardino County Sheriff's Department's 2024 Grand Jury Report Response

Finding F-3

After an arrest is made, there is an opportunity to use Livescan at the Detention Center to confirm an identity *prior* to being booked.

The Department disagrees with Finding F-3.

There are several factors preventing SBCSD from reasonably and practically using Livescan at the Detention Center to confirm an identity *prior* to being booked, including logistical and safety concerns.

The Livescan machines are similar in size to a commercial photocopy machine and require an indoor location, data cabling, a source of power and sufficient room to safely obtain the capture of fingerprints. Due to these logistical requirements, the Livescan machines have been installed in specific secured locations within the detention facilities. These locations are in areas that require security screening of arrestees prior to allowing access to prevent the entrance of weapons, dangerous drugs and other contraband into the secured portion of the detention facility.

SBCSD policy prohibits the introduction of arrestees into the secure portion of the detention facilities unless they have been through the security screening process which includes procedures such as pat-down searches, clothing searches, authorized strip searches and electronic body scans. This security screening is conducted as part of the initial steps of the booking process and is a critical component for ensuring the safety of both staff and inmates within the detention facilities.

Recommendation R-3

The Civil Grand Jury recommends the suspect be identified using Livescan to confirm suspect's identity *before* being booked.

Recommended Implementation Date

April 1, 2025

SBCSD Response to R-3

The recommendation will not be implemented because it is not warranted or is not reasonable.

While SBCSD is not able to Livescan arrestees at the Detention Center prior to initiating the booking process, the Department does use a biometric identification system prior to booking in an effort to identify arrestees in a timely manner.

In August 2024, the SBCSD Detention and Corrections Bureau Policy and Procedures Manual was revised to mandate an arrestee's thumbprint to be scanned and a report provided to the booking

officer prior to booking. In the policy below, IBIS (Integrated Biometric Identification System) is a generic term that describes all electronic fingerprint scanning technology used by the SBCSD.

8.120.02. INTEGRATED BIOMETRIC IDENTIFICATION SYSTEM PROCEDURES:

Properly trained staff shall operate the IBIS equipment, and such operations shall follow procedures outlined in the IBIS user guide.

Staff shall obtain a thumbprint from each arrestee and submit it to CAL-ID via the IBIS prior to booking. If a thumbprint cannot be obtained staff shall obtain a fingerprint from another finger. This shall not apply if the system is inoperable for an extended period of time or arrestee's print cannot be safely obtained. A supervisor shall be notified if an arrestee is uncooperative with the IBIS process.

Staff shall print a summary report from IBIS for each arrestee. The IBIS summary report must have one 'hit' or three 'not hits' before given to a booking officer.

Booking staff shall compare information provided by the IBIS summary report to information provided on the arrestee's booking application and Central Name Index screen before beginning the booking process.

Staff shall file IBIS summary reports in the inmate's booking jacket at the completion of the booking process.

Rev. 08/2024

In addition to the policy update, the SBCSD produced and distributed a training video explaining the policy and demonstrating how to use IBIS and interpret results from the technology. The SBCSD will continue to provide this training on an on-going basis to both current and new employees working at the correctional facilities.

The San Bernardino County Sheriff's Department's 2024 Grand Jury Report Response

Finding F-4

Many SBCSD incident report jackets omitted the time the arrestee was released from custody, making it difficult to know how long a person had been in custody.

The Department disagrees with Finding F-4

Department staff **may** use the cover of the booking jacket to make notes about the time of the release, however this is not the official release time. The official release time is documented on the Jail Information Management System (JIMS) "Out of Custody Release" screen.

Recommendation R-4

The Civil Grand Jury recommends enhancing the procedure for the deputy in charge that verifies the completeness of the paperwork in every jacket including:

- Booking application with all required information, and the Release Receipt that lists the time of his or her release from custody.

Recommended Implementation Date

April 1, 2025

SBCSD Response R-4

The recommendation has been implemented.

The SBCSD currently has training material for booking officers advising them of their responsibility for ensuring booking applications are complete before they begin the booking process. This directive is also codified in the digital SCA Guidebook for Booking Officers which provides step-by-step instructions for properly documenting inmate booking.

The "Release Receipt" is an internal document used solely to document the return of an inmate's money upon release from custody and is not intended to document the official release time of the inmate. This document is maintained by fiscal staff and is not included in the inmate's booking jacket. The official release time is documented on the JIMS "Out of Custody Release" screen.

It is important to note that the SBCSD experienced a network disruption in April 2023 and as a result, many of our digital documents were unable to be recovered. As such, much of the JIMS information (including the JIMS "Out of Custody Release" information) was not available for us to provide to the Grand Jury during their investigation.

The San Bernardino County Sheriff's Department's 2024 Grand Jury Report Response

Finding F-5

The SBCSD's Booking database does identify error arrests. However, the database does not identify specific types of error arrests.

The Department agrees with Finding F-5.

Recommendation R-5

The Civil Grand Jury recommends that the Sheriff's Department include a data field that identifies specific types of error warrant arrests based upon mistaken identity.

Recommended Implementation Date

April 1, 2025

SBCSD Response R-5

The recommendation has been implemented.

The SBCSD's JIMS system has a Booked in Error (BE) booking code which is utilized when arrestees are booked on warrant arrests based upon mistaken identity, in addition to other booking entry errors.

While the JIMS system does not have a data field to identify specific types of booking errors, the Department has a comment section on the Disposition Update screen in which the specific reason for the booking error is documented. This allows department personnel to review all bookings with a BE booking code and identify those related to warrant arrests based upon mistaken identity. As of January 2025, all bridge personnel have been provided training on this procedure.

The San Bernardino County Sheriff's Department's 2024 Grand Jury Report Response

Finding F-6

The lack of internal review makes it difficult to track and identify best practices for reducing the error warrant arrests based on mistaken identification.

The Department agrees with Finding F-6.

Recommendation R-6

The Civil Grand Jury recommends that the SBCSD audit their booking errors annually to review erroneous warrant arrests.

Recommended Implementation Date

June 1, 2025

SBCSD Response R-6

The recommendation has been implemented.

The SBCSD's Administrative Support Unit (ASU) is the division responsible for audit functions involving the Detention and Corrections Bureau operations. In January 2025, the ASU implemented the following policy:

8.291.00 BOOKING ERROR AUDIT: The JIMSNet Team shall produce a monthly report documenting all bookings where BOOKING ERROR (BE) was utilized. The monthly report will be forwarded to the Administrative Support Unit (ASU), which will conduct an audit of any cases where the wrong person was booked. The audit information will be used by ASU staff to determine if policy changes, additional training, or other corrective action is needed in response to the booking errors.

The SBCSD Administrative Support Unit's (ASU) stated mission is to provide training and essential services supporting the needs of the Detention and Corrections Bureau in its pursuit of excellence in teaching, oversight and public service. In furtherance of this mission, ASU personnel regularly evaluate department procedures and processes to ensure compliance with law and department policy. ASU and the SBCSD is committed to continuing this practice as we strive to provide excellent law enforcement services to the community members of San Bernardino County.