



FINAL REPORT

SAN BERNARDINO COUNTY
CIVIL GRAND JURY

2024



December 13, 2024

Honorable Lisa Rogan, Presiding Judge
San Bernardino Superior Court
247 West Third Street, 11th Floor
San Bernardino CA 92415-0302

Dear Honorable Judge Rogan,

It has been my pleasure to serve as the Foreperson for the 2024 Civil Grand Jury. I was fortunate to serve with David Ceballos, as the Foreperson Pro Tem, who has been a trusted advisor and support to me and the entire Grand Jury throughout the year. The Grand Jurors, which come from all areas of San Bernardino County, shared their ideas, knowledge and experience to produce a Final Report to improve our County and better serve our community.

The Grand Jury did face some challenges this year with the Line Fire and Bridge Fire. Several of our jurors were evacuated from their homes in September. These jurors were so dedicated to completing their reports, they showed up for plenary and committee meetings, despite their own displacement. That is true commitment.

I would also like to take this time to thank our Legal Advisor, Mary Ashley. Mary was readily available to the Grand Jury, she answered unending questions and always provided great feedback. She was diligent to help the jury understand the law, meet the many deadlines and bring us back into focus when necessary. Her kindness, patience and expertise in the law guided the Grand Jury through a very successful year.

Another big thank you goes to the Grand Jury Coordinator Dulce Zuniga. Dulce was promoted to Grand Jury Coordinator in July of this year and she has been professional, helpful and kind as she learned to navigate the Grand Jury. I also want to thank the previous Coordinator Valerie Silvas. Valerie served the jury from January through September, until she was promoted to a Training and Development Analyst. Valerie always had a bright smile and a positive attitude even when she was dealing with stressful situations. The Grand Jury wishes Valerie much success in her new position.

The Final Report submitted today is a result of the hard work and dedication of the Grand Jury. I want to thank the grand jurors for their diligent research, detailed interviews, facility tours and countless hours of writing and editing. I am proud to present the Court, the Board of Supervisors and the citizens of San Bernardino County with the finished product. I look forward to the positive impact the reports and the responses will have on our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Liza Lopez". The signature is fluid and cursive, written over a circular stamp that partially overlaps the text below.

Liza Lopez

2024 San Bernardino Civil Grand Jury Foreperson

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SAN BERNARDINO COUNTY 2024 CIVIL GRAND JURY

OFFICERS:

LIZA LOPEZ	*	FOREMAN
DAVID CEBALLOS	*	FOREMAN PRO TEM
REGINALD CLARK	*	SECRETARY
ROSALIND JONES	*	SECRETARY
TIMOTHY STEENSON	*	SECRETARY
JOHN BANNES	*	SERGEANT-AT-ARMS
ALETHA HICKS-MOFFATT	*	SERGEANT-AT-ARMS PRO TEM

MEMBERS:

ULYSSES ALBERT JR.	*	KARON ROBERTS
JEAN BIORDI	*	FELIX SEPULVEDA
MELINDA FERGUSON	*	INGA TALBERT
EDWARD JABO	*	JAMES ZIMMERMAN
MELVIN PICKENS	*	

ADMINISTRATION:

PRESIDING JUDGE	*	LISA M. ROGAN
LEGAL ADVISOR	*	MARY ASHLEY, DDA
GRAND JURY COORDINATOR	*	DULCE ZUNIGA
AUTOMATED SYSTEMS ANALYST	*	BRIAN PARCUTELA
GRAPHIC DESIGNER	*	ELGADDIONIE SNYDER

SAN BERNARDINO COUNTY 2024 CIVIL GRAND JURY



Back Row (left to right): Edward Jabo, David Ceballos, Reginald Clark, John Bannes, Karon Roberts, Timothy Steenson, Melvin Pickens, James Zimmerman, Melinda Ferguson

Front Row (left to right): Aletha Hicks-Moffatt, Inga Talbert, Jean Biordi, Felix Sepulveda, Liza Lopez, Rosalind Jones, Ulysses Albert Jr.



Honorable
Lisa M. Rogan

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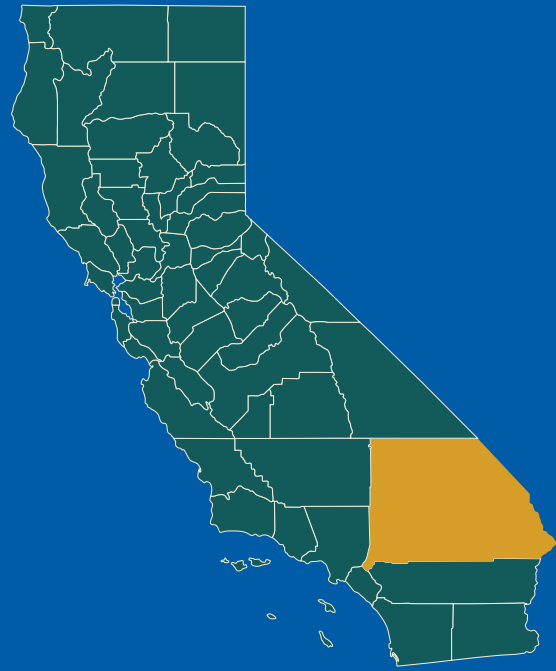
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Established April 26, 1853

Named in 1810 by Francisco Dumetz

20,105 Square Miles

2020 Population was 2,181,654

24 Cities

5 Native American Reservations

7 National Forests And Parks

35 Official Wildness Areas

8684 Acres of County Regional Parks

12 Airports (2 International)

12 Colleges and Universities

33 School Districts

50 Public Libraries

34 Museums

2500 miles of roads and 300 bridges



President Lyndon B Johnson at the age of 17 (1925) worked as an elevator operator in the San Bernardino's Plat Building



Home of the first McDonald's restaurant in 1940 at 1398 North E Street



The Rolling Stones first US concert tour started in San Bernardino on June 5, 1964 at The Swing Auditorium



The City of Colton's first Marshall (1887-1889) was Virgil Earp, the older brother of Wyatt and Morgan Earp



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RESPONSE AND ACCOUNTABILITY REPORT

The 2024 San Bernardino County Civil Grand Jury is an independent group of 19 citizens appointed by the court who study the operations of the county government, cities, special districts, and other local government agencies.

SUMMARY

The 2024 San Bernardino County Civil Grand Jury examined the responses to the Final Report published by the 2023 Civil Grand Jury. This article follows up on the responses to the 2023 Civil Grand Jury's four report recommendations. Those reports were:

- *Who Let The Dogs Out? A Tail In Two Cities*
- *Omnitrans: The Wheels On The Bus Keep Going Round And Round*
- *Trona: Hope For The Future*
- *Restore The Public Trust*

THE LAW

Penal Codes § 933(c) & 933.05(b):

Responses 933(c)

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall

be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

§933.05(b)

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) 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.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

BACKGROUND

The duties of the 2024 San Bernardino County Civil Grand Jury are to follow up on the previous year's Grand Jury's Findings and Recommendations of each report, and to evaluate the responses that are received for each listed

recommendation. The Civil Grand Jury verifies the legal compliance of each response and evaluates the continuity of recommendations that have been or will be implemented.

METHODOLOGY

The 2024 San Bernardino County Civil Grand Jury reviewed the responses to the four reports published in 2023 for compliance.

RESULTS

After reviewing the responses, the 2024 San Bernardino County Civil Grand Jury found the responses were timely and compliant with the law. We would like to commend all the responding agencies for their compliance and comprehensive consideration of the recommendations.

The full record of the responses can be found here:

[Responses-to-2023-Final-Report.pdf \(sbcounty.gov\)](#)

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COMPLAINTS

The San Bernardino County Civil Grand Jury receives numerous citizen complaints throughout the year. The 2024 Grand Jury received a total of 13 complaints. Every complaint is carefully reviewed by the Grand Jury for issues regarding appropriate jurisdiction and importance of the complaint topic.

After completion of the initial review of a citizen complaint, the Grand Jury may approve the complaint and assign it to an appropriate committee. The committee will conduct an investigation with appropriate oversight by the full Grand Jury. A written report of the committee's findings and recommendations regarding a specific complaint may or may not be included in the year-end Grand Jury's Final Report.

The process of submitting a citizen complaint is to obtain a Confidential Citizen Complaint form from either the Grand Jury's website or by calling the Grand Jury's office at (909) 382-3971. The website is <http://wp.sbcounty.gov/grandjury/file-a-complaint/>. Once the complaint form has been completed and signed, it can be returned to the Grand Jury's office for processing. Although the Grand Jury usually does not investigate anonymous complaints, it may conduct an investigation depending on the issue.

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When is a Pothole a Pothole?

Looking at Potholes in the City of Upland

SUMMARY:

The 2024 San Bernardino County Civil Grand Jury (Grand Jury) had concerns regarding the number of pothole complaints in San Bernardino County. The Grand Jury was also interested to find out why potholes being repaired were often back within days or weeks after the pothole was initially repaired.

The Grand Jury decided to initiate an investigation into the City of Upland Public Works Department regarding potholes.

The Grand Jury found the employees of the City of Upland love their community. They are proud of their City and work diligently to maintain its' quality, beauty and safety. The City of Upland has a Public Works Reporting application in place, operated by the NOBEL system. The system allows for the community to easily report needed street repairs by using their smartphones and uploading photos. The system is easy to access and if a report is made in the system, the updates for repair can be viewed by the individual who made the report. While this system is working well, the Grand Jury did find areas which could use improvement.

During the investigation, the Grand Jury found the city does *not* document any follow-up in the system when a report of a pothole is *not* located. Another area of note to the Grand Jury is that, upon the completion of the work, the City does *not* send notification to the person who made the request.

The Grand Jury further discovered that the street repair crew are all newer employees, who have been employed for two years or less, with the exception of the Maintenance Coordinator. In the area of training, the Grand Jury found the City provides on-the-job training to new employees. The City does *not* offer an instructor-led classroom, online training courses or a structured training program to employees for the repair of potholes. In addition, the Grand Jury learned the cold

mix material used for pothole repair is temporary and has a short life span. The Grand Jury further discovered the quality control for the completed pothole repairs is often done by a supervisor who may not be on-site or who may not drive by the site. This type of quality control is not consistent and in need of improvement.

BACKGROUND:

The Grand Jury has seen an uptick in the number of potholes throughout San Bernardino County. Many city streets sport numerous potholes, which are an eyesore and diminish the look of the city. Potholes can cause excessive wear and tear on tires and cause severe vehicle damage. Driving through and around potholes is a safety hazard in the community and can often feel like driving through an obstacle course. The Grand Jury wanted to find the answers to the following questions:

- Why does a pothole reappear within days or weeks after a repair is completed?
- Why are some streets repaired quickly and other streets are not repaired in a timely manner or not repaired at all?
- How much does it cost to repair a pothole?
- What is the process to repair a pothole?

These questions are what led the Grand Jury to look closely at potholes. The Grand Jury decided to take a closer look and investigate the potholes located in the City of Upland.

METHODOLOGY:

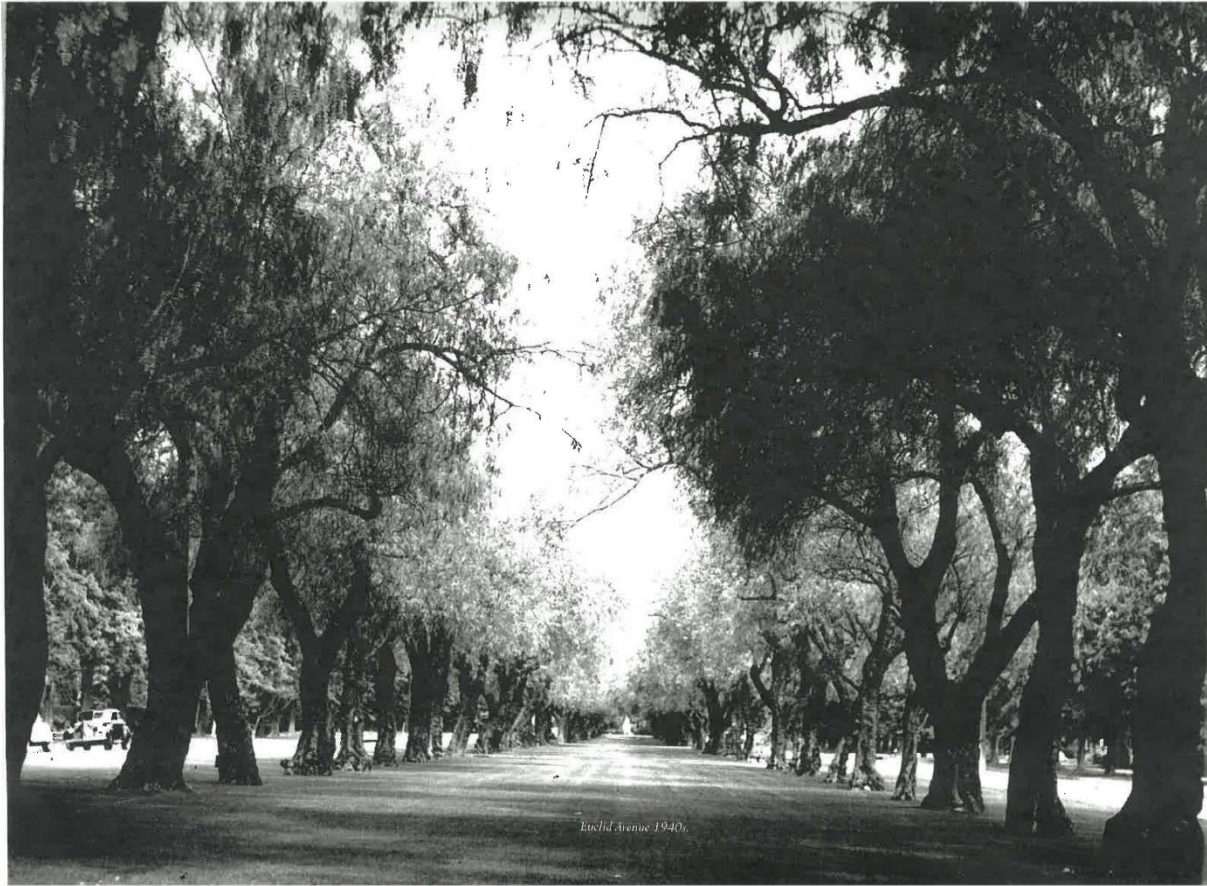
The Grand Jury interviewed management and staff of the Upland Public Works Department. The Grand Jury reviewed various news articles and Upland City

Council agendas and minutes, which discussed the monies being allocated for road repairs in Upland. The Grand Jury reviewed city maps, and tree zone maps. The Grand Jury reviewed multiple work orders and complaints from the Public Works Department regarding potholes. The Grand Jury also reviewed the Green Book (Standard Specification for Public Work Construction). The Green Book addresses asphalt, concrete, slurry, and construction standards. The other documents reviewed include: The US Department of Transportation/Federal Highway Administration website (Federal Highway Administration (dot.gov)), the National Highway Institute website [National Highway Institute | Home \(dot.gov\)](#), the US Census website [Census.gov | U.S. Census Bureau Homepage](#) and the American Association of State Highway and Transportation Officials website [AASHTO resource](#).

DISCUSSION:

The purpose of the Civil Grand Jury in this report is to conduct an investigation, identify findings, and make recommendations to improve the conditions of public streets in the City of Upland.

HISTORY OF UPLAND:

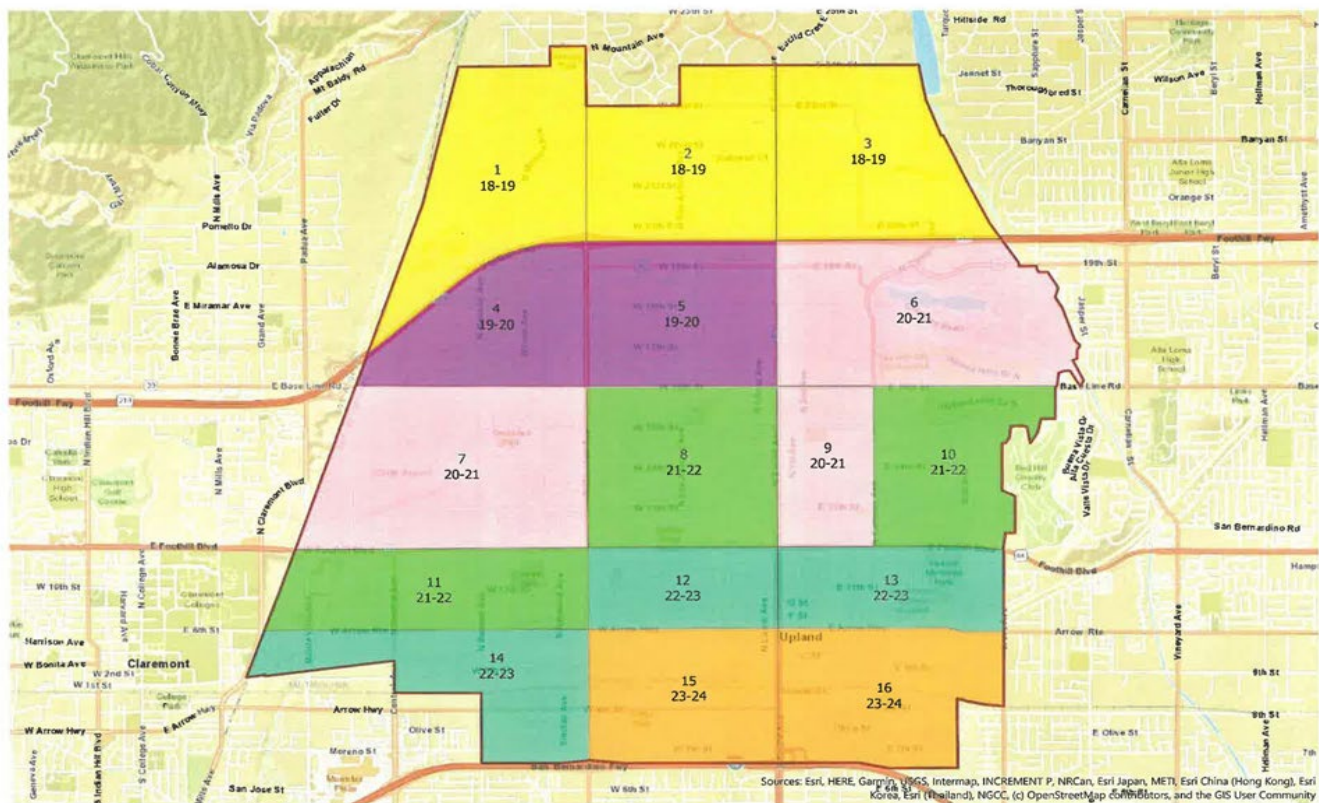


(Photo: City of Community, Upland California, The First One Hundred Years Donald Laine Clucas Foreword by John Jopes Dragonflyer Press Upland California)

The beautiful tree-lined City of Upland is located in San Bernardino County. The City is 15.62 square miles and borders with the County of Los Angeles and nestled at the foothills of Mt. Baldy. The City of Upland was incorporated in 1906. It seceded from the City of Ontario. The Ontario colony (Upland) was initially known for having citrus groves, but as time went by, the city had 40,000 peach trees, 29,000 pear trees, 15,000 seedling apple trees, 1,600 grafted apple trees, 1,000 cherry trees and vineyards planted throughout Upland. The area was known to have 2,000 acres of citrus orchards and the area was the second largest citrus acreage in California. The consequence of having such quaint tree-lined streets is damage to the gutters,

sidewalks and streets caused by maturing roots and seedlings. However, over time, groves and vineyards were removed. Although, many trees within the city continue to grow and mature and cause sidewalk and street damage.

The Grand Jury found the Public Works Department is responsible for maintaining and repairing potholes for the public roads and streets in the City of Upland. The City of Upland is mapped by tree zones (see map below). There are 16 zones for the City.



(Esri,HERE, Garmin,USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong K0ng) Korea, Esri (Thailand), NGCC, (c) OpenStreet Map Contributors, and the GIS User Community)
Provided by Upland Public Works

STAFF:

In today's current job market, hiring and retaining staff is an issue. It is not uncommon to go to a retail store, restaurant or local business and find a need for more employees. The City of Upland is no exception, and it is a pleasure to find the public works street maintenance crew is fully staffed as of July 2024! The Grand Jury found, in the City of Upland, Public Works Department there are four people assigned to a team which repairs potholes. The team consist of three permanent and one temporary employee. The number of people completing the repairs can fluctuate based on the weather conditions and the size of the pothole repair. The Grand Jury learned the current staff is new and all were hired within the last two years, except for the Maintenance Coordinator, who is also referred to as the Team Lead. The Grand Jury further found hiring for the City of Upland can take up to six months, however, this process has recently improved.

The Grand Jury understands the need to motivate and retain employees and providing incentives to employees is one way to keep the team fully staffed. The City of Upland Public Works Department could provide incentives for attendance, creative cost-saving ideas, going above and beyond in their team or division are just a few ideas for the workplace. Providing incentives in the workplace is a great way to thank and encourage staff for different milestones in their employment journey. Incentives help to create a positive work environment and provide employees with a sense of pride and gratitude and can assist in the retention of employees.

TRAINING:

The Grand Jury found the City of Upland provides on-the-job training for the repair of potholes. New employees are sent out in teams of two or three to learn how to

repair a pothole. The training is continuous and can often takes several months or up to a year for an employee to be competent and confident to repair a pothole on their own. Once learned and repeated over time, the process to prepare a pothole repair is basic and described as a simple task within the industry.

The Grand Jury discovered there is also a need for training in the use of hot mix. If all staff are trained to use hot mix and drive the hot mix truck, it would be cost-effective for the City. Potholes repaired with hot mix last longer and do not easily wear away with weather and regular street use. A repair which lasts longer can reduce the number of reoccurring potholes and therefore reduce the number of times a crew is required to repair the streets.

The Grand Jury found there is no instructor-led classes, online course or structured training programs offered by the City of Upland for the street repair crew. There is street repair training available once a month for leadership staff through networking with other cities.

The Grand Jury also discovered there is no training manual for the repair of potholes. The City of Upland Public Works Department could benefit from a structured training program that would document each phase of the employees training and proficiency. A training plan would assist in evaluations and would protect both the employee and the employer. The plan would also provide a tool for supervisors and managers to easily monitor employees and evaluate their progress. This tool would effectively bring to light any areas of concern which require more training or supervision. The Grand Jury believes the use of a training checklist, either in paper or electronic format, would be helpful for training and is a cost-effective way to track proficiency and train staff consistently. The checklist should include reference material on street deterioration, instructor-led training, on- the-job-training, and performance of the pothole repair. Maintaining the checklist in the employees

training and or personnel file will allow for easy reference for both the employee and employer.

QUALITY CONTROL:

The Grand Jury found that quality control for the work crew was lacking after each pothole repair is completed. The Grand Jury learned the supervisors might observe the area of completed repair as they drive around the city. The Grand Jury also learned those responsible to ensure the quality control process have a heavy workload and therefore they are, at times, unable to complete the quality control after each pothole is repaired. The City of Upland has a new crew and inexperienced staff. The City of Upland is working on training all crew members in quality control. Implementing a quality control protocol for pothole repairs should include a checklist with an assigned team member responsible for quality control, photos before and after the repair and the method of repair. The checklist is to become a part of the repair documentation in their reporting system.

REPORTING SYSTEM:

The City of Upland uses the NOBEL system for the public to report potholes and street repairs. The system is a web-based application allowing community members to report a pothole and review the status of the repair. The concern the Grand Jury found is when a report is made in person or over the phone. In this instance, the person is not updated or does not have access to the repair progress. The system allows the person who created the complaint online to check on the repair status. This information is available only if they input their complaint in the NOBEL System.

The Grand Jury found that notification of completed repairs is not provided regardless of the way the report for repair was submitted. It would be helpful and show transparency to provide a notification either in paper or electronic format to the person who filed a complaint for a street repair. The current NOBEL system could be used to automatically generate a notice once a repair is completed provided the proper contact information is in the system. This is a positive way to provide good communication and transparency within the community. In those instances where or if the information is not placed in the system, a form could be created and sent out.

When a pothole complaint is received, a location, address or cross street is provided. The Grand Jury discovered there are instances when a report of a pothole is not found. The city makes every effort to follow-up with a phone call to verify the location, if contact information is available. The Grand Jury found that the City of Upland does not document that contact was made to verify the pothole location. This does not apply if the call was made anonymously.

Once a complaint is made, and a repair request is created for a pothole repair, the time frame to repair is approximately 2-3 months. This time frame allows for the City to focus on emergencies and weather conditions that impact the street conditions. The pothole repair request is often completed within days or weeks of the initial complaint. The timeline for repair varies depending on the weather, the size of the pothole, and the number of complaints received.

PHOTOS FOR REPORTING SYSTEM:

A complaint is assigned to a team for repair and a crew member takes a photo of the completed scene as long as safety or weather is not an issue. A scene is described as a view of the complete street including the pothole.

The photo is then uploaded to the system when the repair is completed with a date and time of completion. The information in the system and photo are verified for accuracy by the crew lead. The Grand Jury found that some of the photos entered in the system were duplicates and some complaints had no photo of the completed repair scene. The use of a checklist, either paper or electronic, could be useful to ensure each repair request is completed in the same manner. This checklist could be a good tool for training and evaluation for crew members. The checklist could be assigned to a specific team member to be responsible for quality control checks. The checklist could also document the type of repair completed and add before and after photos of the repair. If a photo is not taken, the reason should be listed. The checklist could be a part of the repair documentation. The use of a checklist could be helpful to all who view the system and wish to check the progress of the repair.

PRIORITIZATION:

The Public Works Department receives hundreds of requests for street repairs annually. The requests are received daily by phone, online through their reporting system, and internally as the City surveys a street which needs repair. The work orders are then prioritized based on the weather, safety, and date and time the complaint is received. Additional considerations for prioritization are the number of complaints received for a specific street, the volume of traffic in the area, the street conditions and the impact to the community. The City of Upland does its best

to complete all requests within 2-3 months and the repairs are often completed within days of the complaint.

TYPES OF STREET DETERIORATION:

The Grand Jury found there are many types of street deterioration. Below are some examples:

- **Asphalt Cracks:** Most common type of pavement damage is asphalt cracks. They vary in size, but most are thin and may run deep into the surface of the asphalt pavement.

Asphalt Cracks



(LTPP Distress Identification Manual - DOT/FHWA)

- **Potholes:** The most commonly reported asphalt damage by residents and motorists are potholes. Potholes occur when cracks grow large enough to allow water to seep into the asphalt and break apart.

Traditional Pothole



(Photo: LTPP Distress Identification Manual – DOT/FHWA)

- **Alligatoring:** Alligatoring is typically the result of the expansion or contraction of asphalt due to weather and temperature changes.

Alligatoring



(Photo: LTPP Distress Identification Manual – DOT/FHWA)

- **Ruts:** Ruts are best described as deep depressions (dips or mounds) in the middle of the pavement or near the edges.

Ruts



(Photo: DOT/Rutting)

- **Shoving:** A longitudinal displacement of a localized area of the pavement surface. It is generally caused by braking or accelerating vehicles and is usually located on hills, curves or at intersections. It may have associated vertical displacement.



(Photo: LTPP Distress Identification Manual - DOT/FHWA)

- **Raveling:** Raveling occurs when asphalt particles flake off the surface of the asphalt pavement.

Raveling



(Photo: LTPP Distress Identification Manual - DOT/FHWA)

PROCESS:

After research, interviews, and the review of the Green Book, the Grand Jury found the process for repairing a pothole is as follows:

1. Assess the area
2. Determine the material to be used
3. Set up traffic control
4. Clean the pothole
5. Add emulsion or tack
6. Let the bonding material set
7. Apply material chosen
8. Flatten the hole (lute or tacking)
9. Compact and tamp with a tamper or asphalt roller
10. Clean the area

METHODS:

The Grand Jury discovered potholing is always a temporary repair and there are several methods for repairing potholes.

The first method is the cold mix and is the least expensive and least permanent method. The cold mix method can last weeks or several months after a repair depending on the weather and volume of traffic. If there is rain for several days, the cold mix may not last very long and heavy traffic also impacts the longevity of the repair.

The second method is hot mix and is a more permanent method of repair and can last months or years. The hot mix method is a more expensive method for repair. The City's cost for hot mix is more expensive because the hot mix must be purchased the day of repair and requires the use of a hot mix truck. The City of Upland does use hot mix for smaller repairs when it is not raining and if there is an available trained crew member. The larger street repairs are contracted out.

The third method, which is the grind and overlay, is the most effective and permanent repair and could last 10 or more years when done correctly. The grind and overlay method is also contracted out and therefore a more costly repair.

The City of Upland cares about the safety and well-being of their community members and would like to provide permanent street repairs, such as grind and overlay; however, the city operates within their annual budget.

- Cold Mix is asphalt, which is on hand in bulk. Cold mix is not heated and the colder matter settles and creates a bond in the hole. The cost of cold mix materials is between \$60-\$100 depending on the size of the pothole, the cost for materials could increase.

- Hot mix is asphalt which is heated 350° and poured out of a shoot. The hot mix is a more permanent and costly repair. Hot mix is not maintained on site and requires the use of a driver with a Commercial Driver's License (CDL).
- Grind and Overlay is a method that is used to dig out and remove asphalt and replace with new asphalt. The grind and overlay method requires heavy equipment and specific training and is contracted out by the City of Upland. The grind and overlay method are the most permanent and costly method of the three mentioned.

COMMENDATION:

The Grand Jury commends the City of Upland, Public Works Department (Department) for being proactive in its endeavors in identifying street deterioration. This is evidenced by the Department contracting with Transmap a surveying company on June 26, 2023. Transmap conducted a pavement management survey. The survey analyzed and assessed the conditions of the public streets in the city of Upland.

The survey utilized a 3-D imaging camera mounted on a vehicle which drives each public street and alley in the city. The data collected is transferred into a software program where a Pavement Condition Index (PCI) is determined. The PCI number along with associated unit cost factors for repairs, assists in providing a budgeting tool for future street maintenance.

FINDINGS AND RECOMMENDATIONS

Findings	Recommendations	When to Implement	Required Response
<p>Finding 1: The Grand Jury finds the City of Upland training for street repair of potholes has no clear timelines or documentation for training.</p>	<p>Recommendation 1: 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</p> <p>Recommendation 1a. 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.</p>	<p>June 30, 2025</p>	<p>City of Upland/City Council</p>
<p>Finding 2: The Grand Jury finds the City of Upland street repair crew is not all trained in hot mix repair.</p>	<p>Recommendation 2: The Grand Jury recommends the City of Upland provide training in the hot mix process and provide incentives to obtain their CDL.</p>	<p>June 30, 2025</p>	<p>City of Upland/City Council</p>
<p>Finding 3: The Grand Jury finds the City of Upland does not document follow-up contact</p>	<p>Recommendation 3: The Grand Jury recommends the City of Upland enhance their current system with a procedure to document the date, time, photo</p>	<p>July 31, 2025</p>	<p>City of Upland/City Council</p>

when a pothole is not located.	and form of contact made to verify the location.		
Finding 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	Recommendation 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.	July 31, 2025	City of Upland/City Council
Finding 5: The Grand Jury finds the lack of quality control impacts the training and the accuracy of repairs.	Recommendation 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.	April 30, 2025	City of Upland/City Council

GLOSSARY:

AASHTO: American Association of State Highway and Transportation Officials

CDL: Commercial Driver’s License

Cold Mix: Product that is used in dry weather to repair potholes

Greenbook: Standard Specifications for Public Works Construction

Grind and Overlay: Milling off the top layer of existing asphalt (known as the “mill”). Replacing it with a new layer of asphalt (known as the “overlay”). This process helps rehabilitate and extend the life of the pavement.

Hot Mix: Product that is used in wet weather to repair potholes

Lute: Flattening the hole

NOBEL: Operations management software that presents suite of innovative utility management solutions that empower organization to achieve their operational goals.

PCI: Pavement condition index. Numerical rating of the pavement conditions based on the type and severity of distresses observed on the pavement surface.

PQI: Pavement Quality Index

Slurry and Seal: A type of pavement maintenance treatment that uses emulsified asphalt, water, fine aggregate and mineral filler.

Tack: Emulsion applied after cleaning the hole

Tamp: Compact hole after filling with asphalt

Transmap: A national provider of professional technical and management support services to the transportation industry.

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[National Highway Institute | Home \(dot.gov\)](#)

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[Nobel Systems | Operations Management Software \(nobel-systems.com\)](#)

[Transmap - Home Page](#)

Disclaimer:

This report was issued by the San Bernardino County Civil Grand Jury with the exception of one member who self-recused. This juror was excluded from all parts of the investigation including interviews, deliberations, and the making and acceptance of the report.

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SNOWMAGEDDON 2023:

Disaster Preparedness and Response

SUMMARY:

In mid-February 2023, the National Weather Service and local news stations started talking about a large winter storm to hit southern California. Pre-event coordination between the Fire Service and Sheriff's Department started on the 19th. By mid-week local news stations were suggesting a wide and severe storm and experienced mountain residents were preparing to stay 'down the hill' for a week or hunker down in their homes. Elsewhere, people were making preparations to come up to the mountains and experience the epic storm and the expectation of excellent snow conditions.

The Fire Service marks February 22nd as the day the snow started. On Thursday, February 23rd, the National Weather Service issued a first-ever blizzard warning for the county's mountains. The County Office of Emergency Services (OES) and other county services declined to enter into Unified Command, noting that mountain communities are accustomed to snow. Cal Trans prioritized keeping California Interstate 15, (a north /south lifeline through the county) accessible. State highways did not receive the same focus. It should be noted that state highways are the mountain community's lifeline and are necessary for fire and rescue access.

The storm struck Southern California, in earnest, on Friday night, the 24th, and Saturday morning and performed as promised. By late Saturday the mountain roads were impassable, water lines were freezing, and gas leaks were being reported.

By Sunday, the 26th, mountain visitors and residents were getting tired of confinement and concerned about the seriousness of the situation and the county's

apparent lack of response. Many of the confined residents took to social media as a source of information and as a way of communicating about their situations. As is the nature of social media, these posts were the most spectacular of photos and dramatic of reports. Soon, the entire southland was invested in the blizzard and San Bernardino County's response.

On Monday, the 27th, the City of Hesperia (a community in the high desert, north of the mountains, but at a lower elevation) declared a local state of emergency for frozen and broken water lines. County OES and the county Chief Executive Officer (CEO) responded as required. Hesperia had not gotten substantial snow. Mountain conditions were not an initial consideration in the resulting Proclamation of a Local Emergency.

On February 27th the County signed a Proclamation of Local Emergency in response to the Hesperia pipe problem. This provided for the opening of an Emergency Operations Center (EOC). The Incident Management Team (IMT) consisting of the Fire Service and Sheriff, was formally activated. Both the EOC and IMT were initially co-located at the Sheriff's Aviation building in the City of San Bernardino. On the 28th the Sheriff and Fire District opened a localized mountain area command post at Fire Station 91 in Lake Arrowhead. It was staffed by several battalion chiefs, a firefighter serving as a dispatcher, a firefighter serving as a general note taker, and the Twin Peaks command staff.

The next day, on March 1st, 2023, the State of California issued a Declaration of Emergency for the 13 counties affected by the storm. San Bernardino County continued to feel the effects of the storm, not limited to impassable roads, no electricity, spotty cell service, gas leaks, no heat, and partial roof collapses.

On March 2nd Cal Trans opened some state highways up to the mountains. Since the roads were not clear enough to handle the traffic, this resulted in blocked roads, stranded residents, and confusion. At the request of the Fire District and Sheriff, Cal Trans reclosed the highways further contributing to the confusion of county residents and led to residents questioning the ability of the County to respond.

On March 10th the President of the United States issued a major disaster declaration freeing up federal resources and assistance. The involved communities continued to deal with heavy amounts of snow accumulation and were facing flood watches and high wind warnings. The IMT continued to manage incidents as they occurred.

A second wave of storms came in mid-March (March 19th and 20th) bringing the snow depth to 5 to 10 feet at relatively low elevations (4,000 to 6,000 feet).

Residents and county resources gradually caught up with the effects of snow accumulation, the flood risks were mitigated, and the local emergency was officially terminated on June 27, 2023.

BACKGROUND:

In February of 2023, the National Weather Service began issuing weather advisories for excessive snowfall and high winds. On February 23rd, the San Diego office of the National Weather Service issued the first blizzard warning in their history for the communities of the San Bernardino Mountains. The forecast was for strong winds of up to 45 M.P.H., low visibility, and heavy snow that resulted in accumulations of 11 feet or more. The citizens of the mountain communities from Wrightwood to Big Bear faced a lack of access to food, medication, passable roads, and reliable situational information.

The County's perceived slow response to this disaster, lack of pre-positioned resources, and the effects reported due to poor communications led the 2024 San Bernardino County Civil Grand Jury (Grand Jury) to investigate the County's response to this event.

The investigation uncovered the following areas of concern:

- The OES at the time was geared toward responding to the COVID-19 crisis and was understaffed and overworked.
- A lack of emergency training and exercises.
- A lack of county-owned winter weather equipment for snow removal to clear roads and conduct damage assessments.
- Unclear organization and structure of the EOC.
- Lack of coordination between the EOC and IMT.
- Delay of EOC activation.
- Lack of unified command structure.
- Inconsistent coordination with external agencies.
- Failure to include the County Communications Department in the response from the beginning of the disaster.
- Failure to activate a Joint Information Center during the disaster.
- Lack of a crisis communication plan.

METHODOLOGY:

The 2024 San Bernardino County Civil Grand Jury decided to investigate the County's response to the 2023 Winter Storm.

To facilitate the Grand Jury's investigation, several sources of information were reviewed.

The Grand Jury interviewed several County administrators.

The Grand Jury was provided documentation including chronological Time Sheets and incident records related to storm activities.

The Grand Jury visited an Emergency Operations Site.

The Grand Jury searched multiple internet sites, including San Bernardino County websites and newspapers like the San Bernardino Sun.

The Grand Jury also reviewed the 2023 Winter Storm After Action Reports.

After completing the investigation and reviewing all the research information, the Grand Jury wrote the following report.

DISCUSSION:

Emergency agencies acted independently from one another before the EOC was activated which caused redundancies in efforts and created inefficiencies.

During the first few days of the storm of February 2023, the Office of Emergency Services was caught off guard and unable to respond quickly. The Storm had accumulated nearly four feet of snow before a local disaster was proclaimed. A proclamation of a local disaster was necessary for the OES to officially set up a command center, and to authorize the purchasing of necessary equipment and supplies required by the different agencies working to help those most affected by the storm.

Although an emergency had not been declared those first few days, the County Fire District and Sheriff's Department, as is the procedure, worked together to respond to public distress calls on a 24-hour basis. They used snowcats to reach those trapped

by the snow and needing emergency assistance. They worked with County Public Works, the Gas Co., and other agencies to help preserve life and property.

According to the San Bernardino County Emergency Operations Plan (EOP) Section 2, the Director of Emergency Services is empowered to “Request the Board of Supervisors to proclaim the existence of a “Local Emergency” if the Board is in session or to issue the proclamation if the Board is not in session.”

The 2024 San Bernardino Civil Grand Jury contends that it may have been more efficient for the Chief Executive Officer, who is also the “Director of Emergency Services”, to proclaim the “Local Emergency” as soon as his emergency agencies needed it, instead of the Board of Supervisors having to initiate an emergency session. If the emergency does not unfold as expected, the Board of Supervisors can allow the Proclamation to expire as per Section 2 of the San Bernardino County Emergency Operations Plan.

Evidence showed that snow began falling on Wednesday, February 23rd, with high winds and continued until Monday, February 27th, when a “Local Emergency” was proclaimed. By this time, 46.8 inches of snow had accumulated, powerlines were down, a water main had broken, and roads were impassable.

The County Fire District and Sheriff’s Department did what they could to protect life and property. Still, they badly needed the Emergency Proclamation which would give them the authority to acquire necessary resources and coordinate with other agencies through the Office of Emergency Services.

Each agency acted in the community's best interest, but there was not enough coordination between them to forestall duplicate efforts and inefficiencies.

County emergency agencies were not trained to follow the San Bernardino County Emergency Operations Plan.

The San Bernardino County Emergency Operations Plan, (EOP) was created in 2013 and was meant to be disseminated to San Bernardino County officials, employees, and public and private organizations. The EOP was prepared by the San Bernardino County Fire OES. In 2019 the Office of Emergency Services was moved from the San Bernardino County Fire District and placed under the responsibility of the Chief Executive Officer. Presumably, this move would give OES more autonomy, flexibility, and visibility. As a part of the Fire District, the OES budget was part of the district's budget. The Grand Jury found that by being placed directly under the CEO the Office of Emergency Services was able to acquire their own budget and the flexibility to determine how to use it.

The Grand Jury found that because of the COVID-19 epidemic, the OES plans for training county departments in the County's Emergency Operations Plan were put on hold. The Grand Jury believes a rigorous disaster response training and exercise program will better prepare the County for the next local emergency. The training could identify bottlenecks and inefficiencies. The Grand Jury believes this training should be required on at least a yearly basis for all stakeholders with current emergency plans. Also, all new hires should be familiarized with current emergency plans.

The lack of a Disaster Council made up of County Department leaders hinders effective emergency planning, training, and communications.

The Grand Jury believes the County would benefit from the creation and support of a "Disaster Council". The San Bernardino County Emergency Operations Plan calls for one to be established. The Grand Jury believes this will greatly improve communications and cooperation between departments during a local emergency. The Code for establishing a Disaster Council reads as follows:

Per County Code Section 21.0107:

The Chief Executive Officer shall serve as the Disaster Council Chairperson.

In the absence of the CEO, the Fire Chief/Fire Warden of the San Bernardino County Fire Protection District shall serve as the Disaster Council Chairperson. The staff assigned to assist the Disaster Council carry out its powers and duties shall consist of the following:

The Manager of the Office of Emergency Services shall serve as the Executive Director of the Disaster Council to facilitate its operations, or an OES staff member assigned to assist the Disaster Council in their absence;

The County Counsel or a Deputy County Counsel assigned to advise the County's Office of Emergency Services in their absence;

Such other persons as are required by the Disaster Council. Per County Code Section 21.0108, the San Bernardino County Disaster Council is hereby empowered to:

Advise and recommend for adoption by the Board of Supervisors, emergency plans, mutual aid agreements, and such ordinances, resolutions, rules and regulations as are necessary to implement such plans and agreements, and to serve as the San Bernardino County Citizen Corps Council.

The Disaster Council shall meet at least annually or upon call of the Disaster Council Chairperson, or the Manager of the Office of Emergency Services, as often as is deemed necessary by such persons.

The Disaster Council will attain and maintain accreditation.

The Disaster Council is certified by the California Emergency Council as conforming with the rules and regulations established by the California Emergency

Council pursuant to the provisions of Article 10 of Chapter 7 of Division 1 of Title 2 of the California Government Code.

A Disaster Council remains accredited only while the certification of the California Emergency Council is in effect and is not revoked.

Per County Code Section 21.0106, the San Bernardino County Disaster Council shall consist of the following 20 voting members and one nonvoting member:

- 1. Chief Executive Officer*
- 2. Assistant Executive Officer for Finance and Administration*
- 3. Assistant Executive Officer for Human Services*
- 4. Fire Chief/Fire Warden*
- 5. Auditor-Controller/Treasurer/Tax Collector*
- 6. Assessor-Recorder-County Clerk*
- 7. County Sheriff/Coroner/Public Administrator*
- 8. Deputy Executive Officer for Community Services*
- 9. Director of the Human Resources Department*
- 10. Director of the Risk Management Department*
- 11. Public Health Director*
- 12. County Health Officer*
- 13. Director of Behavioral Health*
- 14. Director of Arrowhead Regional Medical Center*
- 15. Director of Information Services Department*

16. Director of Purchasing

17. Director of the Special Districts Department

18. Director of the Department of Public Works

19. Director of Land Use Services

20. County Superintendent of Schools

21. A non-voting at-large Representative of the designated lead agency of the San Bernardino County Operational Area Coordinating Council (OACC)

Note: The twenty (20) voting members may select a pre-designated representative to serve in his or her absence.

The Emergency Operations Center did not pre-position the needed supplies in locations to be hit by the storm.

The County did not have a pre-disaster donations management and warehouse staffing plan, which led to a delayed and ineffective distribution of needed emergency food and medical supplies.

The Grand Jury learned that the County was unable to deal with a sudden influx of donated emergency relief supplies because of staffing, warehousing, and logistics issues.

The lack of a concerted and coordinated effort was exacerbated by a lack of knowledge of the existence of the County emergency plans or an understanding of how to implement these plans by County departmental staff and elected officials.

Because of these deficiencies, distribution of emergency supplies was hampered.

Snow-clearing operations were impeded by a lack of equipment capable of removing snow in the amounts the storm delivered.

The initial storm dumped approximately seven feet of snow on the San Bernardino County mountain communities in the first several days beginning on February 23rd. Subsequent storms added another four feet of fresh snow bringing the total to 11 feet.

Once this accumulation reached five feet, it was reported that the County snowplows were ineffective in handling the volume of snow.

The County had to bring in additional equipment to assist with snow removal, which slowed down the process of reopening the roads.

The public was not well informed during this disaster and was unable to get reliable disaster and relief information during the event.

The County established a remote call center modeled after the call center utilized during the COVID response. This was ineffective in providing information and gathering data from the public in real time. This further exacerbated the public's frustration with the County's response to the storm.

The County lacks a crisis communications plan and that, coupled with the delayed activation of the Public Information team, created an opportunity for misinformation and rumors. This led to the public perception that the County wasn't dealing effectively with the disaster.

Volunteers need to be trained before an emergency to ensure the safety of the residents served, the volunteers' safety, respect for private property and the environment.

People saw the social media accounts of San Bernardino County's storm of 2023 and were concerned and wanted to help. But, because offers to help came from social

media accounts, they did not adequately address the conditions on the ground. Those being the needs of the residents, geography, weather, or existing capabilities.

In the past OES volunteers were trained to assist with community outreach and weren't equipped to help in this situation. This means that functionally, volunteers weren't a resource during the 2023 Blizzard. If volunteers will be considered a resource in future emergencies, much work will need to be done.

Even after the County's Emergency Proclamation, the formation of the EOC, and the state's Emergency Declaration, the OES and some agencies were hesitant to fully function in unified command.

The Fire District and Sheriff's Department worked closely with each other to agree on goals and strategies.

Despite being tasked with clearing the roads in the mountain communities, Public Works did not join the Incident Management Team (IMT) before the Emergency Proclamation.

Cal Trans opened the state highways on March 2nd, without the agreement of the EOC. In this circumstance, the county roads weren't cleared, and Cal Trans' actions created a false impression that the roads were passable.

The Office of Emergency Services did not have trained and experienced people available to operate the EOC. The OES and department heads weren't trained in the County's Emergency Operations Plan since the OES was removed from the Fire District in 2019.

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 experienced in 2023.

The San Bernardino County Emergency Operations Plan was created in 2013 and was meant to be distributed to San Bernardino County officials, employees, public and private organizations. The San Bernardino County Fire OES prepared the EOP. In 2019 the Office of Emergency Services was moved from the San Bernardino County Fire District and placed under the direction of the Chief Executive Officer. This was the last year the Emergency Operations Plan was reviewed and updated. The Grand Jury recommends that the plan be updated as required by OES to plan for a snow event like the one the county experienced in 2023. The Grand Jury also recommends the plan be reviewed on an annual basis by all county departments as part of a training program.

Snow-clearing operations were impeded by a lack of equipment capable of removing snow in the amounts the storm delivered.

It was discovered that the County lacked sufficient winter-weather equipment to adequately manage the amount of snow that accumulated from the back-to-back storms. Other counties, and some companies, have the necessary equipment to clear deep snow. The early emergency proclamation would have allowed the activation of mutual aid agreements and contracts, and would have benefited mountain residents.

The initial storm dumped approximately seven feet of snow on the San Bernardino County Mountain communities in the first several days beginning on February 23rd. Before this accumulation of snow could be cleared, subsequent storms over the next few weeks added another four feet of fresh snow bringing the total to 11 feet.

Evidence showed that the accumulation was more than the County Department of Public Works (DPW) snowplows were able to clear effectively. The roads became impassable, and residents were trapped in their homes. Some residents were without power, heat, adequate food supplies, or access to needed medication. In addition,

Public Works was unfamiliar with the clearance requirements for the various emergency vehicles and could not be certain they were providing adequate access for responders.

The County had to bring in additional contracted equipment, such as front-end loaders capable of removing these abnormal amounts of snow, to assist with snow removal, which slowed down the process of reopening the roads.

It was found that the County did not have existing contracts and agreements that could provide the necessary equipment to handle the impact of the storm. The situation was made worse because the late emergency proclamation meant the County had to compete with other entities seeking this equipment. There was high demand, and the equipment was deployed to the earliest acting jurisdictions. This further delayed the road-clearing operation.

The public was not well informed during this disaster and was unable to get reliable disaster and relief information during this event.

The Public Information team was not brought in from the beginning of the disaster, but only after public perception began to turn negative. They were unable to keep the public informed with accurate, consistent, and timely messages. The delayed activation of the team hurt their ability to respond effectively and had an adverse impact on the public trust, leaving citizens subjected to a steady stream of misinformation on social media.

The County established a remote call center modeled after the call center utilized during the COVID response. It was not always effective in providing information and gathering data from the public in real-time. This further exacerbated the public's frustration with the County's response to the storm.

The call center received 5,500 calls in the first week of this disaster and a total of 7,100 during the event. The call center, which was initially operated from 8 a.m. to 5 p.m., was shifted to a 24/7 workday on March 1st, days after the start of the blizzard. On March 5, the call center switched to resolving citizens' calls within the call center, with the assistance of subject matter experts, instead of forwarding them. This meant that the mountain residents could get quick answers which enhanced the perception that the County was responding to their needs.

The County lacked a crisis communications plan coupled with the delayed activation of the Public Information Center, created an opportunity for misinformation and rumors. This led to the public perception that the County wasn't dealing effectively with the disaster. The County did not have a crisis communication plan to assist with communications guidance during an emergency.

Volunteers need to be trained prior to an emergency to ensure the safety of the residents and volunteers, respect for private property, and the County's unique and diverse environments. First Responders felt social and political pressure to spend time and attention responding to real-time public offers of help, even in cases where those offers did not accurately account for safety and needs.

People saw the social media accounts of San Bernardino County's storm of 2023 and were concerned and wanted to help. Offers to help came from social media accounts, that did not adequately address the conditions in the mountains.

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

The Fire District and Sheriff's Department had worked closely with each other in the past and made efforts to agree on goals and strategies.

Cal Trans, a state agency, opened the state highways into the mountain communities on March 2nd, without the agreement of the EOC. In this circumstance, the county roads weren't cleared, and Cal Trans' actions created the false impression that the roads were passable. Almost immediately vehicles became stuck, and residents were stranded. Later Cal Trans reversed the decision, and it was the County's first responders tasked with rescuing residents and clearing vehicles. While the County did not make the decision, county residents suffered and blamed the County for being out of touch with the situation.

The County responders made good decisions during 'Snowmageddon 2023'. They saved lives and prevented more property loss. However, poor communication with the public, insufficient management training, and the County's first ever blizzard left county residents with the impression that more could have been done.

FINDINGS AND RECOMMENDATIONS:

Findings	Recommendations	Implementation Date	Required Response
<p>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</p>	<p>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.</p>	<p>June 30, 2025</p>	<p>San Bernardino County Board of Supervisors</p>

of snow encountered.			
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.	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.	April 30, 2025	San Bernardino County Board of Supervisors
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.	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.	June 30, 2025	San Bernardino County Board of Supervisors
F-4: The Lack of a Disaster Council made up of county dept. leaders, hinders effective emergency planning, training, and communications.	R-4: Establish a Disaster Council per the San Bernardino County Emergency Operations Plan.	June 30, 2025	San Bernardino County Board of Supervisors
F-5: The San Bernardino County Emergency	R-5a: Update the County Emergency Operations Plan to		San Bernardino

<p>Operations Plan has not been updated since 2019 and the plan does not cover a snow event like the county had in 2023.</p>	<p>include a plan to deal with a unique winter snowstorm and other unusual events.</p> <p>R-5b: Require all County departments perform and record an annual review of the County Emergency Operations Plan.</p>	<p>June 30, 2025</p> <p>September 30, 2025</p>	<p>County Board of Supervisors</p> <p>San Bernardino County Board of Supervisors</p>
<p>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.</p>	<p>R-6a: OES and the County’s CEO negotiate Memorandums of Understanding (MoUs) for resources likely to be included in future emergencies.</p> <p>R-6b: Department Heads of County agencies be formally trained on their responsibilities during an emergency, both before and after a county Emergency Proclamation.</p>	<p>June 30, 2025</p> <p>June 30, 2025</p>	<p>San Bernardino County Board of Supervisors</p> <p>San Bernardino County Board of Supervisors</p>
<p>F-7: The EOC did not have a functioning unified command, resulting in County</p>	<p>R-7: Department heads be trained in EOC responsibilities and held accountable for their agency’s</p>	<p>June 30, 2025</p>	<p>San Bernardino County Board of Supervisors</p>

resources not being used effectively.	participation in the EOC.		
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GLOSSARY:

BOS – Board of Supervisors (San Bernardino County): The Board of Supervisors is like a city council in that its members are elected by residents to represent their interests and make policy decisions on government services, policies and finances.

CEO – Chief Executive Officer: leads the County Administration Office and the Executive Team, who work with the Board of Supervisors and other stakeholders to serve the county residents and investors.

DPW – Department of Public Works: Provides services in the following areas: Transportation, Flood Control, Solid Waste, Surveyor, Special Districts, permits, inspections, planning, maps, roads, paving, traffic, snow removal, water and sanitation, zoo, parks, landfills, organic waste recycling, environmental planning and maintenance, stormwater, contracts, project proposals, and public notices.

EOC – Emergency Operations Center: is a central command and control "coordination structure" responsible for managing emergency response, emergency preparedness, emergency management, and disaster management functions at a strategic level during an emergency.

IMT – Incident Management Team: An incident management team is a group of trained personnel that responds to emergencies and complex incidents. They provide command and control infrastructure to manage various aspects of incidents, including operational, logistical, informational, planning, fiscal, community,

political, and safety issues. These teams are specially trained to handle and mitigate incidents within an organization, ranging from natural disasters to workplace accidents.

MoU – Memorandum of Understanding: a type of agreement between two or more parties. It expresses a convergence of will between the parties, indicating an intended common line of action. It is often used either in cases where parties do not imply a legal commitment or in situations where the parties cannot create a legally enforceable agreement. It is a more formal alternative to a gentlemen's agreement.

OES – Office of Emergency Services: Under the direction of the County’s Director of Emergency Services, the Office of Emergency Services (OES) strives to prevent, protect from, mitigate against, prepare for, respond to and recover from the threats and hazards that pose the greatest risk to San Bernardino County. The OES has led these efforts during natural disasters such as earthquakes, fires, floods, public health emergencies as well as man-made incidents involving large-scale/extended power outages, civil unrest and terrorism.

REFERENCES:

San Bernardino County 2023 Winter Storm After-Action Report

<https://www.sbcounty.gov/uploads/cao/uploads/content/SanBernardinoCounty-2023-Winter-Storm-After-Action-Report.pdf>

San Bernardino County Fire Protection District, February 2023 Storm Event After-Action Report

<https://sbcfire.org/2023winterstormaar/>

San Bernardino County Sheriff's Department 2023 Mountain Storm Response
Summary & After-Action Review

<https://wp.sbcounty.gov/sheriff/wp-content/uploads/sites/17/2023-Mountain-Storm-After-Action.pdf>

San Bernardino County Emergency Operations Plan (EOP)

<https://oes.sbcounty.gov/wp-content/uploads/sites/110/2024/06/Final-2019-EOP.pdf?x93072>

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Mistaken Identity
Arrested and Booked for Another's Crime

SUMMARY:

San Bernardino County's Sheriff's Department's (SBCSD) law enforcement accomplishments deserve our appreciation, respect and praise for their professionalism and overall public safety record. While we commend our County Sheriff's Department deputies and booking staff for their collective dedication and effectiveness in keeping us safe, this investigation examines 51 “mistaken identity warrant arrests” and confinements of 50 county residents from 2019 to 2023. Every mistaken identity warrant arrest, booking and detention can potentially bring harm to the arrestee, and may contribute to the erosion of public trust in law enforcement. Some mistaken identity warrant arrests, bookings and detentions lead to noteworthy personal hardship for the arrestee and to reputational and financial harm to San Bernardino County and the taxpayers. These arrests, bookings and detentions may be avoidable, but they continue to happen because of the use of specific procedures that give rise to missed opportunities to confirm the identity of some citizens before arresting and detaining them for hours or days.

The San Bernardino County Civil Grand Jury (Grand Jury) investigated: (a) patrol deputy and agency procedures used during and after these mistaken identity warrant arrests, and (b) harms experienced by arrestees and by San Bernardino County agencies because of mistaken identity warrant arrests. This report examines procedures used in 51 detentions between 2019 and 2023 that the San Bernardino County Sheriff's Department determined to be “booking errors” during which individuals were arrested and detained for warrants that did not belong to them. In this report, the Grand Jury makes recommendations for procedural changes used by officers and administrators: (a) before the individuals are booked and confined to jail at a Detention Center, and (b) after the individuals are released from custody. The implementation of procedures we recommend in this report can lead to a

potential reduction in the already relatively small number of annual mistaken identity warrant arrests and detentions.

BACKGROUND:

Mistaken identity warrant arrests are a potential threat to the safety and liberty of individuals in San Bernardino County who are misidentified or not identified conclusively during a warrant arrest. The San Bernardino County Civil Grand Jury acknowledges that Federal and State laws give legal and civil protections to every individual in the County. Every individual has the right to not have their liberty and freedom taken from them by government agencies unless there is reasonable evidence to conclude they have committed a crime or are about to commit a crime.

The procedures used by a law enforcement agency may affect harms experienced by victims of mistaken identity warrant arrests. These Departmental procedures potentially may lead to financial costs from lawsuits and settlements, public investigations, and potential negative publicity leading to reputational damage and erosion of public trust in law enforcement and the justice system. That is why the Grand Jury is focusing this report on the 51 warrant arrests that were deemed “booking errors” by the SBCSD between 2019 and 2023.

By investigating the procedures used by patrol deputies and administrators that led to the arrests and detainment of 51 arrestees, the Grand Jury can play a role in assisting County law enforcement agencies in further evaluating how they can ensure their own safety, and more effectively safeguard individual’s freedom at the same time. The goal of this Grand Jury report is to provide findings and recommendations that encourage the Sheriff’s department to use pre-booking

procedures and post-booking procedures that are more likely to reduce future mistaken identity warrant arrests. Pursuing this path will reflect the law enforcement agency's high regard for the principle of "liberty and justice for all." Such a disposition will earn them even more trust by showing their willingness to improve their procedures in the field. A commitment to transparent and accountable procedures may reap benefits to all individuals.

METHODOLOGY:

The San Bernardino County Civil Grand Jury investigated the prevalence and impact of "mistaken identity" or "wrong-person" warrant arrests – events where individuals were mistakenly detained and booked based on active warrants intended for someone else. This investigation aimed to understand: (a) the scope of the problem in the County's largest law enforcement agency, (b) procedures that may pave the way to these arrests, (c) the impacts on individuals, and (d) potential solutions to reduce their occurrence.

The Grand Jury used a multi-pronged approach to investigate these aspects of the arrest and booking process.

- (a) Reviewed local and state-wide news articles, official websites, research reports on mistaken identity warrant arrests and articles about individuals' rights to liberty and freedom.
- (b) Reviewed multiple documents provided by the Sheriff's Department related to error warrant arrests between 2019-2023.

- (c) Reviewed state-sponsored “Learning Domains” available to deputies that address aspects of arrest procedures.
- (d) Conducted interviews with members from San Bernardino County Sheriff’s Department (SBCSD).
- (e) Interviewed Sheriff’s Department staff regarding training procedures and expected procedures in the field, procedures for fingerprinting suspects, policies for patrol deputies to use in the field when determining the identity of suspects and procedures for warrant arrest records management.

The Grand Jury reviewed records from 51 booking arrest jackets for people who were initially thought to be associated with 81 warrants but who were later found to have been “Booked in Error.” The Grand Jury later reviewed additional information about the cases.

The Grand Jury also reviewed documents provided by the County’s Department of Risk Management related to claims submitted to them alleging error warrant arrests between 2019-2023. The Grand Jury interviewed an employee from County Risk Management.

The Grand Jury processed the information received on each of the 51 booking error warrant arrests onto an Excel spreadsheet for easier identification of themes and patterns among the set of arrestees regarding who they were and what they had experienced before, during, and after their arrests. In our analysis of the evidence on mistaken identity warrant arrests, the Grand Jury sought to identify facts about procedures that were used prior to, and after the arrest of 49 people booked in error.

Two arrestees were booked on two separate occasions, which accounts for the 51 booking error numbers. The facts the Grand Jury identified served as the basis for the findings presented in this report. The examination of facts focused on: (a) officer's procedures toward misidentified arrestees during the stage of initial contact with the arrestees and (b) procedures used when the arrestees are transported to a detention facility where they are detained, and eventually released.

DISCUSSION:

This report provides the results of the investigation of the prevalence and impacts of mistaken identity warrant arrests by patrol deputies associated with the San Bernardino County Sheriff's Department deputies and officers from other County municipal agencies from 2019 to 2023. This section discusses details about: (a) the number of mistaken identity warrant arrests and bookings, (b) four procedures that lead to these arrests and bookings and two post-booking procedures that make it difficult to improve the pre-booking procedures, (c) costs and harms of the arrests to the arrestees, and (d) costs and harms to the county and community.

It is important to note that having a warrant arrest labeled as a "booking error" in an "error file" doesn't necessarily mean the person arrested was innocent of any wrongdoing. It simply means the arrest itself was flawed in some way that led to the booking of the wrong person.

The collective evidence shows the mistaken identity warrant arrests and bookings stem from problems in at least two categories of procedures: (a) Procedures used by patrol deputies prior to the arrestee being booked in error, and (b) Procedures used after the person is arrested and released from custody.

Number of Sheriff's Department Warrant Arrest Booking Errors: 2019-2023

Every year the San Bernardino County Sheriff's Department deputies carry out between 50,000 and 60,000 total arrests. We estimate that each year between 14,000 and 15,000 of these total arrests involve individuals who have one or more active warrants for crimes they allegedly committed. The Grand Jury reviewed a total of 51 "booking error" warrant arrests that occurred between 2019 and 2023, where officers arrested the wrong person on a warrant violation. At least 19 of these 51 booking error warrant arrests were made by SBCSD deputies. At least 24 of these arrests were made by officers from County Municipal agencies or, in one case, by officers from a state agency and those arrestees were turned over to the SBCSD for booking. Regardless of what agency the arresting officer worked for, all 51 of the arrestees were processed and booked at SBCSD Detention Centers.

For 8 of the 51 arrests, there were no jackets available that provided details about those arrests. Therefore, the Grand Jury could not determine which police agency was responsible for the arrests.

TABLE 1: Number of Warrant Arrests Classified as Booking Errors versus Total Warrant Arrests

YEAR	Sheriff’s Department Deputy Arrests for Warrants that became SBCSD “Booking Errors”	Municipal Agency Arrests for Warrants that became SBCSD “Booking Errors”	Missing Jackets	Total Mistaken Identity Arrests and Bookings in SBC	Sheriff’s Department Total Arrests for Warrants (SAW)
2019	5	6	1	12	23,379
2020	4	3	2	9	15,663
2021	1	4	2	7	19,347
2022	5	4	2	11	25,644
2023	4	7	1	12	24,582
Total	19	24	8	51	108,615

Table 1 created by the San Bernardino County Civil Grand Jury

The evidence revealed several characteristics about the group of 51 Booking Error Arrests for warrants from 2019-2023.

The SBCSD has an impressive record of deputies arresting the “correct person” for warrants. The evidence shows deputies and officers did a remarkable job in serving the County by having only 51 of their warrant arrests between 2019 and 2023 result in “booking errors” (See Table 1).

Of the 43 jackets reviewed, the Grand Jury determined that Sheriff’s deputies from various Sheriff’s Department County patrol stations had only 19 of the booking error warrant arrests between 2019 and 2023 became Sheriff’s department “booking

errors” (See Table 1). Officers from other Municipal agencies and outside agencies made 24 arrests that turned into Sheriff’s department “booking errors” during the same 5-year period (See Table 1)

There were 108,615 warrants booked that resulted from an unspecified number of arrests they made between 2019 and 2023. The 108,615 number is the total number of warrants booked, not individuals arrested. It is important to note that a single person can have more than one outstanding warrant for their arrest. For example, we found there were 81 warrants associated with the arrests of 51 persons. There were 108,615 warrants processed from people arrested between 2019 and 2023. The 51 booking error warrant arrests out of approximately 73,388 arrests were anomalies that did not reflect the normal pattern and practice of patrol deputies who made warrant arrests in San Bernardino County during the 5-year period.

The 51 mistaken identity warrant booking errors out of approximately 73,388 warrant arrests over five years represents a small number of the total warrant arrests made.

In San Bernardino County, over the past five years there have been about 10-12 of these booking error arrests each year. As seen in Table 1 above, the number of problematic warrant arrests has not been reduced. During this time period there was an increase in overall arrests. This is concerning because these numbers suggest each year 10 or more people will continue to be arrested and booked for other people’s crimes.

Characteristics of Mistaken Identity Warrant Arrests and the Arrestees

Evidence showed the following facts:

- All the mistaken identity warrant arrest individuals were detained while deputies were on routine patrol assignments and occurred during investigations of possible criminal activity.
- Each mistaken identity warrant arrest was made by a different deputy or patrol officer who, after the person did not provide identification or appeared to have used multiple names and/or birthdates, placed the person under arrest before verifying the identity of the detained person by: (a) fingerprinting him/her and/or (b) contacting the agency that issued the warrant.
- Most of the subjects were arrested for other people's warrants for misdemeanor offenses such as traffic or vehicle code violations and possession of drug paraphernalia.
- Forty-nine of the 51 people arrested had no previous criminal background.

Evidence showed most arrestees experienced the following things before they got to a Detention Center:

- being detained, arrested and handcuffed.
- being transported to a Detention Center.
- Held for booking, interviewed for risk assessment, and then released from custody after it had been determined their fingerprints did not match the fingerprints associated with the warrant.

A few arrestees who experienced these situations filed a complaint with the County. One of the claims was approved and was paid \$2000. Two other claims were approved for smaller dollar amounts.

Four Pre-Booking Procedures that Pave the Way to Mistaken Identity Warrant Arrests and Bookings

The Grand Jury found four pre-booking procedures that led to the 51 mistaken identity arrests and bookings.

Before a person is arrested on a warrant charge, a deputy may use a biometric single fingerprint device— sometimes called a Columbo device - to confirm the person's identity. If the biometric device is not used, the detainee may be subject to arrest for the warrant. The arresting officer usually takes the following steps:

- Places the person in handcuffs.
- Searches the person for drugs and weapons.
- Changes location in route to jail if the arrestee is a female and documents the mileage starting from the location she was arrested, to the Detention Center or jail.
- A deputy at the jail searches the arrestee again inside the jail uncuff area.
- The arrestee sees a nurse for potential injuries and/or medication requirements.
- The arrestee is sent to a holding cell and a deputy completes a Booking Application. The application documents basic information about the arrestee,

including, name, date of birth, address, warrant charges, arrest charge, tattoo locations, and all ID information.

- The paperwork is signed by the subject.
- A query is conducted to obtain Criminal Intelligence Information (CII) which involves obtaining criminal history information from the California Law Enforcement Telecommunications System (CLETS).
- Updates the subject's jacket.
- Runs a fingerprint check and takes a mugshot.

PRE-BOOKING PROCEDURE 1

The SBCSD contracts with the California Law Enforcement Telecommunications System (CLETS) to obtain criminal history information. When a query is made regarding whether an individual is linked to an active warrant, the CLETS system can often confirm there is a linkage between a particular warrant and a suspect with a particular name, birthdate, driver's license and/or social security number.

Section 1.6.1.A of the December 2019 version (and the revised 2023 version) of the CLETS policies and procedures manual states:

"Users must confirm the validity of the positive response on the record by contacting the entering agency prior to taking enforcement actions based solely on that record."

The first part of a warrant arrest involves officer's initial contact with a suspect and investigating the identity of a suspect. The deputy is supposed to attempt to confirm the identity of the person suspected of being the person sought by a warrant. Deputies are trained to initiate a query to CLETS, the statewide database system that will search for potential matches based on the information provided. The CLETS

provides officers with warrant information that matches the identifiers of the suspect. However, it can also return “potential” matches, or "partial hits" based on partial information provided or similar identifiers. These are not definitive warrant matches but *possibilities* that officers may want to investigate further. CLETS may provide officers with warrants linked to suspects with similar names, especially when middle names are absent, and similar birthdates. This information can lead to good-faith arrests of the wrong “John Smith,” especially if the officer is unable to confirm the identity of the suspect using biometric technology and contact with the issuing agency.

Information from the CLETS database, and other databases, may not fully match the identity of the actual person being sought. In some of the situations where a mistaken identity arrest occurred, the subject was arrested when his or her name and/or birthdate partially matched the name, and/or birthdate of a person who had been engaged in criminal conduct. However, the identification information was not an exact match to the identification the person in the presence of an arresting officer.

CLETS suggests the agency conduct additional investigation actions such as contacting the agency that originated the warrant and conducting fingerprint checks. The SBCSD procedure allows deputies to take enforcement actions such as arresting and booking suspects before confirming the suspect’s identity.

Another issue is that some people, especially immigrants and people of Hispanic heritage, may legitimately use multiple names and/or may answer to multiple birthdates, because of cultural practices.

It should be noted that the most common mistaken identity warrant arrest in San Bernardino County was with individuals with Hispanic surnames. The high proportion of mistaken identity warrant arrests of individuals with Hispanic

surnames may reflect the fact that many Hispanic people who are immigrants have been assigned different names and birthdates by their families. Also, many names sound almost identical and may seem like a match at first glance.

These factors do not automatically imply criminal activity or a desire to deceive. CLETS suggest that law enforcement agencies who obtain queries from the CLETS system use additional investigative tools to confirm a person's identity before making an arrest. This may include fingerprint checks. If the person consents, a fingerprint scan at the Detention Center can verify their identity against criminal databases. There may be circumstances where the arrestee's fingerprints are not in the database so that using the Fast-ID devices for fingerprint check in the field may not confirm identity. An identification information gap is created, and a booking arrest error may result at the Detention Center when these additional steps are not taken in the field to confirm a subject's identity before arresting and booking him or her.

The Grand Jury found that reliable handheld biometric fingerprint units built for identity verification prior to booking could reduce mistaken identity warrant booking errors. The SBCSD has approximately 420 Fast ID handheld devices for verification of fingerprints. An updated portable biometric identification check device would be better able to reduce mistaken identity warrant arrests. There are more versatile, robust and flexible tools for fingerprinting suspects that include single-print readers, ten-print readers, and combination fingerprint/facial recognition/iris scan devices. The Grand Jury could not determine from the documents in the booking jackets why the biometric technology (Fast-ID Columbo devices) was not used in the field on a regular basis with these suspects. The Columbo is described by its manufacturer as

“the world’s smallest, lightest, and fastest FBI PIV FAP 30 certified single-fingerprint scanners, producing the highest quality fingerprint images in a small and lightweight form factor. The Columbo is incredibly accurate and much more difficult to spoof than run-of-the-mill competitors, providing a new alternative for unattended verification applications.” It is manufactured by Integrated Biometrics. Unit dimension is 1.5” x 1.6” x 0.3” and weight is (0.06 lbs.). The sensing area measures 0.8” x 1.0”. The device is designed to connect via a USB interface cable for mobile and desktop applications.

PRE-BOOKING PROCEDURE 2

The Grand Jury could not confirm that the arrestees were fingerprinted in the field with the Fast-ID devices assigned to deputies. While this procedure may have contributed to the mistaken identity arrests, the Grand Jury is aware that there may have been many extenuating circumstances that led to the deputies deciding to arrest and transport the suspect directly to the Booking facility. For example, the devices used in the field are tethered to a patrol car computer, which can subject officers to unsafe contacts with the subjects. Also, time of day can pose unique challenges. Of the 44 cases the Grand Jury found 21 of the arrests occurred during daylight hours and 23 took place during nighttime hours. Nighttime arrests pose special challenges for officer safety. Even in the daytime there can be conditions that make it unwise to try to carry out a fingerprint check in the field.

The Grand Jury realizes there could be some reasons why a deputy may not be able to contact the issuing agency at the time of arrest in the field. The Grand Jury is aware there are certain challenges of conducting fingerprint checks in the field that

do not exist at the Detention Centers. The biometric fingerprint scanning devices used in the field are designed to capture a single print, whereas the Detention Center has a “Live Scan-linked TenPrint” fingerprint scanner that is better suited to confirm identities based on fingerprints. At the Detention Center the climate is much safer and lends itself to an officer conducting a pre-booking fingerprint scan with a TenPrint scanner.

Since police reports are not written when there are mistaken identity booking errors, this investigation could not determine how many of the 51 individuals mistakenly arrested did not produce an ID at the time of their arrests.

Some of the downsides of the Columbo devices used by the Sheriff’s department is that they must be tethered to the patrol car’s computer to return data. This can potentially pose a safety risk to an officer who must always be attentive to the detainee. Also, the devices only take a single print, not all 10 prints. This may limit the chance of finding a match in the LiveScan or CAL ID databases. In addition, there may be problems with transmitting or receiving information in a timely manner when in certain parts of the County due to terrain or weather conditions.

These challenges may explain why fingerprint checks were not done in the field. However, when dropping off a detainee at the Detention facility, before the detainee was booked, the deputies and officers were in a safe setting. Impediments in the field did not exist once they arrived at the Detention Centers. During the pre-booking time frame, there could be an opportunity to use an available Live Scan TenPrint unit to conduct a pre-booking fingerprint check to confirm whether the detainee’s fingerprints matched those of the person whose name was on the warrant. This could be an opportunity to release the detainees before booking them. Live Scan Tenprint devices are available at the Detention Centers.

Usually, subjects are arrested when officers cannot confirm their identity because the subjects have no identification on them at the time they are detained. The arrestee is then detained while their identity is being confirmed.

PRE-BOOKING PROCEDURE 3

The 51 people who were arrested and booked were not provided a pre-booking fingerprint check to determine whether their fingerprints matched the fingerprints of the people being sought for the warrants. A fingerprint check potentially could have been done at two points in time: (1) during the time the subject was initially detained in the field, and (2) when the subject is transported to the Detention Center and is in the uncuffing area and waiting to go to a processing area. Conducting a fingerprint check at either, or both, of these points in time could have led to their identification and expedited their release from custody. This could have reduced the amount of time the 51 arrestees were required to spend in custody by hours.

The evidence showed the Sheriff's department currently is looking at purchasing and utilizing some of the more updated suspect identification technology. There are more versatile, robust and flexible tools for fingerprinting suspects in the field that are available on the market. An internet search returned information on a variety of mobile fingerprint devices used by law enforcement. These devices include single-print readers, ten-print readers, and combination fingerprint/facial recognition/iris scan devices. Integrated Biometrics makes other mobile fingerprint devices and software. Their Slapshot Contactless Identification software uses the camera on the android smartphone for fingerprint identification and facial recognition. The Kojak

TenPrint roll scanner scans four flat prints and single finger manufacturers have similar devices on the market.

PRE-BOOKING PROCEDURE 4

Nine of the 51 Booking Error arrests involved administrative errors in the paperwork provided to patrol officers. These were situations where the warrant information provided to deputies in the field was accidentally taken from the wrong “screen” at the office or was no longer active but had not been removed from the active warrant databases. In these instances, deputies and officers in the field were given inaccurate warrant information about the name or birthdate of the person being sought. Also the original warrant was still showing as an active warrant which led to the citizen being arrested. This is evidence that some booking error arrests were outside the control of deputies and patrol officers in the field.

Summary: The ID Information Confirmation Gap

Figure 1 illustrates how the identification information confirmation gap works before the booking error warrant arrests are made in the field, and during the pre-booking process at the Detention Center.

FIGURE 1: How Most Mistaken Identity Warrant Arrests Happened

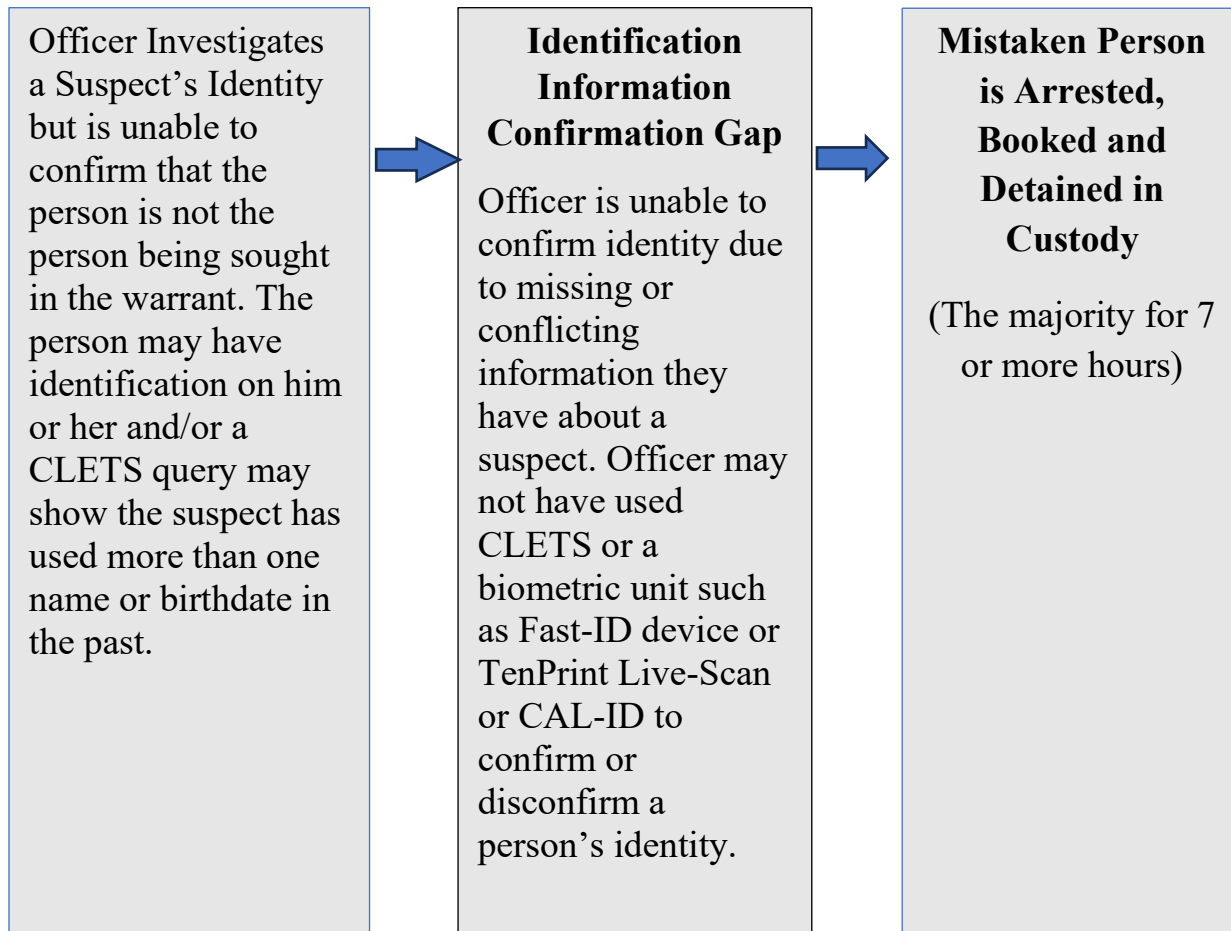


Figure 1 created by the San Bernardino County Civil Grand Jury

Two Post-Booking Procedures that Affect Mistaken Identity Warrant Arrest Cases

The reasons many of these mistaken identity warrant arrests continue to occur cannot be laid exclusively at the foot of the arresting officers who were not able to confirm the identity of the arrestees. Two agency administrative procedures that occur after the booking error warrant arrests have occurred can help evaluate what occurred to the arrestee while in the facility, particularly how long was he or she in custody, why

the booking error arrest happened and what might be done to prevent it from occurring in the future.

POST-BOOKING PROCEDURE 1

Evidence revealed the Department's Error Arrests database is not organized to immediately generate the "jackets" of booking error warrant arrests. The mistaken identity warrant arrest administrative file is not available in a timely and efficient manner.

Moreover, when mistaken identity warrant booking error jackets were reviewed, they often had incomplete sets of forms. For example, there were no booking error jackets available for eight of the 51 mistaken identity warrant arrests. In those cases where a booking error jacket was available, a copy of receipts showing Date and Time of Release was missing from all but eight of the booking jackets. The paperwork in the arrested people's booking jackets often did not include a "San Bernardino County Sheriff's Department Release Receipt." It is a computer-generated document when the subject is released from custody. The Grand Jury found the form in only eight of the 51 jackets. Usually, when there was a document showing the date an arrestee was released, it did not explicitly state the time of release. The document titled San Bernardino County Sheriff's Department Booking Record has an area at the bottom left of the page for Release Information. Many times, this document has the release date written in but not the release time. Often other databases had to be consulted to obtain information about when an arrestee was released from custody. Sometimes the Release Time information was not

located in any administrative records. Yet almost all the jackets had paperwork that clearly stated the time of the arrest.

More than half those who were arrested and jailed were released with no documentation in their booking jackets about how long they were detained. The evidence showed time in custody for only 41 of the 51 mistaken identity arrestees. Twenty-one of the 41 people who the Grand Jury has Time of Release information spent seven or more hours in custody before they were released. Twenty people spent six or fewer hours in custody. The breakdown is shown in Table 2.

TABLE 2: Number of Hours in Custody During Booking Error Warrant Arrests

Hours in Custody	Number of People Released in Each Time Frame Category
1-4 hours	9
5-6 hours	11
7-10 hours	8
11-19 hours	9
20 or more hours	4
Total Number of People Assessed	41

Table 2 created by the San Bernardino County Civil Grand Jury

Four spent more than 20 hours in custody. Some of these four arrestees Time in Custody were due to medical issues. Nine spent 11 -19 hours in custody. Eight spent 7-10 hours in custody. Eleven spent 5-6 hours in custody. Nine spent 1-4 hours in custody. The exact amount of time in custody for 11 of the arrestees is unknown

because their booking jackets did not include information on the times they were released from custody.

The step of completing a Receipt Form and placing it in the booking jacket is a procedure that could be done in a more consistent manner so that important paperwork, such as when a suspect was released, can be found among the paperwork in the error arrest jackets. The omission of Release Time information in many booking jackets limited the transparency about what was the total time in custody. The omission in the booking jackets of the time of release should be addressed by better tracking of the forms that are expected to be in the warrant booking arrest paperwork.

POST-BOOKING PROCEDURE 2

The Sheriff's Department does not routinely review records of mistaken identity warrant arrests or conduct annual audits of mistaken identity warrant arrests. Reviews of mistaken identity warrant arrests focus on compliance with Departmental procedures for record-keeping, not on discovery of root causes of the mistaken identity warrant arrests. Conducting internal audits and reviews of procedures used in the field and at the Detention Centers is essential to shed light on the pre-booking procedures that may have led to future mistaken identity warrant arrests. Only with periodic comprehensive analysis of data in the booking jackets can the SBCSD track the prevalence of such events and work toward identifying effective solutions to the root causes of the problem.

FINDINGS AND RECOMMENDATIONS:

The Grand Jury understands that SBCSD mistaken identity warrant arrests may never be completely eliminated because of various factors. The SBCSD could reduce the occurrence of mistaken identity warrant arrests by taking positive action on each of six recommendations below, which may address some of the root causes of the errors.

FINDINGS	RECOMMENDATIONS	IMPLEMENTATION DATE	REQUIRED RESPONSES
<p>F-1: The San Bernardino County Sheriff’s Department patrol deputies do not always use biometric fingerprint technology prior to arresting a suspect on a warrant in the field.</p>	<p>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.</p>	<p>June 1, 2025</p>	<p>San Bernardino County Sheriff’s Department</p>
<p>F-2: The Sheriff’s Department needs more current biometric technology in</p>	<p>R-2: The Civil Grand Jury recommends the Sheriff’s Department work with Cal-ID to purchase biometric technology that allows for expedited</p>	<p>June 1, 2025</p>	<p>San Bernardino County Sheriff’s Department</p>

the field that includes assessment for fingerprints, facial recognition and iris scan.	confirmation of identity.		
F-3: After an arrest is made, there is an opportunity to use Livescan at the Detention Center to confirm an identity <i>prior</i> to being booked.	R-3: The Civil Grand Jury recommends the suspect be identified using Livescan to confirm suspect's identity <i>before</i> being booked.	April 1, 2025	San Bernardino County Sheriff's Department
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.	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.	April 1, 2025	San Bernardino County Sheriff's Department
F-5: The SBCSD's Booking	R-5: The Civil Grand Jury recommends that the Sheriff's	April 1, 2025	San Bernardino County

database does identify error arrests. However, the database does not identify specific types of error arrests.	Department include a data field that identifies specific types of error warrant arrests based on mistaken identity.		Sheriff's Department
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.	R-6: The Civil Grand Jury recommends that the SBCSD audit their booking errors annually to review erroneous warrant arrests.	June 1, 2025	San Bernardino County Sheriff's Department

These recommendations represent a multi-pronged approach that addresses the issue from various sides:

- **Confirmation of Identity before booking** is a crucial action but this step alone can be prone to errors.
- **Biometric Fingerprint Technology** offers a more reliable identification method but is not foolproof and may not be available in all situations.
- **Better Record Keeping** allows for access to complete paperwork in a timely manner. This level of organization promotes better tracking and analyzing of the frequency and circumstances of mistaken identity warrant arrests and helps more easily reveal patterns and areas for improvement.
- **Periodic Review and Evaluation** ensures that the implemented changes are effective and will identify areas for further refinement.

COMMENDATION:

The Civil Grand Jury recognizes that tens of thousands of arrests are made by San Bernardino County Sheriff's deputies every year. These arrests are evidence that Sheriff's Department deputies do indeed play a vital role in ensuring public safety by protecting citizens from criminal activity and other dangers to their safety. As crucial first responders, police officers' efforts in apprehending criminals and upholding the law are vital for maintaining order and safeguarding our community. Their commitment to this essential service deserves recognition and gratitude.

The SBCSD is very committed to respecting citizens' rights under the law. Cadets who graduate from the County's Sheriff's Academy memorize and recite a "Code of Ethics" that includes swearing an oath to the U.S. Constitution. Their recitation states, in part, they swear "to respect the Constitutional Rights of all men to liberty, equality and justice."

GLOSSARY:

Jacket: refers to the arrestee's file that contains the documents generated during the booking process.

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PHOTOS:

Crayon

<https://www.crayon.com>

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