

# Case Brief: San Bernardino Terrorist Attack

## Introduction

On December 2, 2015, a married couple carried out a mass shooting and an attempted bombing at the Inland Regional Center in San Bernardino, California. The shooters targeted a San Bernardino County Department of Public Health training event, killing 14 County employees and injuring 22.<sup>1</sup> Weapons used during the attack included AR-15 style rifles, 9mm semi-automatic pistols, and pipe bombs. Four hours later, police killed the shooters in a shootout that left two officers injured.

This case brief discusses the City of San Bernardino's preparation for, response to, and recovery from the San Bernardino terrorist attack at the Inland Regional Center, with an emphasis on Mayor R. Carey Davis' role in all three phases.<sup>2</sup> The brief is based on findings from semi-structured interviews with two participants and a review of three comprehensive reports that assessed the response.

The response to the San Bernardino shooting illustrates a case in which the Mayor took a background role to the county response, which was the employer of the victims of the attack. While mayors always have a role to play as the face of their community and voice for unity and healing, there may be less city involvement in a shooting that targets a workplace capable of a strong organizational response. This response is also notable for the challenging coordination between city, county, and federal authorities.

## City and County Profile

The County of San Bernardino is geographically the largest county in the country with more than 22,000 employees. The chief county official is the Chief Executive Officer (CEO). The City of San Bernardino had 214,112 residents in 2015. At the time of the shooting, the City was rebuilding from bankruptcy and had recently transitioned to a Mayor-Council form of local government with the City Manager heading most city functions. The County Sheriff is an elected position that does not report to the CEO or the Mayor, while the city's Police Chief reports to the City Manager. Mayor Davis, a Republican, served as Mayor from 2014 to 2018.

## Preparation

### Trainings and Experience

The city completed its Emergency Operations Plan (EOP) about six months before the shooting occurred. As part of the process, the Mayor participated in tabletop exercises and meetings to delineate emergency management roles and educate city staff about the operations of an Emergency Operations Center. The final plan was approved by the Mayor in October 2016 (10 months after the shooting). Having a certified EOP in place allowed the city to access emergency funds, which it did to recover some of the cost of responding to the mass shooting.

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<sup>1</sup> We report the total victims and fatalities that Mother Jones reports as of May 27, 2021. Note there are many databases tracking mass killings; some report different victim counts. See James Fox & Jack Levin, *Mass confusion concerning mass murder*, 40 THE CRIMINOLOGIST (2015).

<sup>2</sup> San Bernardino is one of six cities researched by the Public Health Advocacy Institute in 2020-21 to inform a Mass Shooting Protocol & Playbook PHAI developed for mayors, city managers, and their staff. PHAI classified the San Bernardino Shooting as a workplace mass shooting.

The County of San Bernardino has its own emergency management functions and personnel and maintains its own EOP. In addition, each department within the county maintains a Departmental EOP and each facility owned/operated by the county has an EOP. The organizational report highlights the lack of (and need for) a mass notification system at the county level as a key lesson learned.

The city had a Community Emergency Response Team (CERT), which consists of trained volunteers that can supplement the emergency response. However, the CERT was not activated during the shooting, perhaps because dozens of probation officers from a nearby county facility were available to assist with evacuation, triage, and transportation of victims.

## **Response**

### **Communication**

Mayor Davis focused on coordinating messaging from City Hall and responding law enforcement agencies to ensure a unified message. He worked with the city's communications staff to field media inquiries and receive information from the police Public Information Officer (PIO). He visited the command post to receive briefings but operated out of City Hall. There, he focused on coordinating messaging with other city departments, explaining, "it was important that we were speaking with one voice."

Notably, the city staff convened an emergency City Council meeting the night of the shooting to allow the Police Chief to brief Council members on appropriate messaging. The goal was to prevent inflammatory statements that could motivate retaliation against the Muslim community. As a result of this briefing, City Council members and staff took care to avoid making statements that could be misinterpreted by the media or that could damage the investigation. For this reason, the Mayor's office was cautious about using social media.

### **Victim and Family Assistance**

Victim and family assistance was provided by both the county and the FBI's Victim Services Division. The city was not involved in establishing family assistance services because of the role the county played as employer of the victims and lead responder.

An initial Family Reunification Center was established by the unified command of various law enforcement agencies at the Hernandez Community Center. However, problems with media access and lack of amenities plagued this Center and an alternate location was established ten miles away at a Hampton Inn, which was underutilized by the families. The FBI established a Family Assistance Center, which the FBI operated for two days. According to a subsequent organizational report, tensions arose between the FBI and the county concerning next-of-kin notifications and Family Assistance Center operations. Because of these problems during the response, the county's Office of Emergency Services later negotiated a memorandum of understanding with the FBI field office and the two agencies are now working more collaboratively.

According to the retired CEO of San Bernardino County and the organizational report, the county, as the employer of the victims, exercised strict control over victims' and family members' contact information. It appointed victim liaisons to help victims and their families navigate the complexities of available services administered by the county. These services included counseling, crime victim compensation services, employee benefits, workers' compensation, death benefits, short-term disability, and payouts from the victims' fund of public donations. The Mayor attended some funerals but did not make any hospital visits per the privacy restrictions imposed by the county.

## **Collaboration with Law Enforcement**

Local law enforcement from multiple jurisdictions responded to the incident, as well as agents from the Sheriff's office and the FBI. Existing mutual aid agreements in the region were activated. Unified command was quickly established, but incident command was not transferred from the local Police to the FBI until two days after the attack, when it was confirmed to be an act of terror. The Mayor briefly visited the command unit to receive communications briefings, but was otherwise uninvolved in the law enforcement response.

The law enforcement response to a mass shooting or terror attack is costly. Mayor Davis informed the City Manager and Police Chief about the need to document law enforcement overtime and other costs associated with the response to enable the city to apply for federal funds for reimbursement. The Mayor also briefed the City Council on the overall cost of the response. Under the Mayor's leadership, the city applied for and received a DOJ grant for \$500,000, a fraction of the overall cost of the response.

## **Emergency Declaration**

Both the city and county declared local states of emergency following the shooting, mostly to activate mutual aid agreements and state assistance with the response. The state also declared a state of emergency in the county to authorize assistance from the State Department of Health and to suspend some fees associated with disposition of victim remains and issuance of copies of death certificates. Despite these emergency declarations, federal disaster funds were not accessible because the threshold for state-level expenditures was not exceeded. The county's declaration was continually renewed through August 2017 so that the county could continue to access mutual aid, emergency contracts, and recovery coordination.

## **Vigils and Commemorations**

After the shooting, a member of the City Council organized a nondenominational candlelight vigil at a local baseball stadium. For the one-year remembrance, community groups organized an event at Cal State San Bernardino with victims, religious leaders, and community members. The Mayor spoke at this event, at which a Peace Garden to honor the victims was announced. He also spoke at a candlelight vigil held by a Catholic church. At the fourth year remembrance event, a city staff member rang a bell in the Peace Garden 14 times, once for each victim. The bell remains silent for the rest of the year. At the fifth year remembrance event, plans for a memorial to honor the victims were announced. The memorial should be completed Summer 2021.

## **Recovery**

### **"SB United Relief Fund"**

Multiple funds and crowdfunding pages were established immediately after the shooting. Two days later, the county partnered with Arrowhead United Way to establish an official victims' fund, the "SB United Relief Fund," for victims and families. The city supported this effort by setting up a GoFundMe page where the Mayor solicited donations for the fund. Former San Bernardino Mayor Pat Morris was involved in establishing the distribution protocol, but Mayor Davis abstained from participating as the sitting Mayor. The fund raised \$2.5 million and distributed 100 percent of the money raised to the victims and families, in consultation with national experts and victims of previous tragedies.

## **Mental and Behavioral Health Services**

The trauma from the attack radiated beyond the victims and their families to all county employees, who were coworkers of the victims and deeply affected by the shooting. Nearly half of county employees in the Environmental Health Services department that was targeted chose not to return to work or were no longer employed as of June 2018.

The county used multiple approaches to provide mental health support to the victims, families, and the larger workplace community. Team building became a primary focus of the organization, with support and recommendations from clinical psychologists. The county made sizable investments to upgrade security and renovate facilities. The goal was to help employees feel safe and to prevent triggering memories by providing workspaces that felt completely different from the previous facilities. The county also paid \$1.7 million in employment benefits to the victims and survivors, including \$300,000 for contracted counseling services. According to the retired CEO of the county, it was important to be flexible when managing employees after the attack. He explained that department policies could not be applied in a uniform manner because traumatized employees were experiencing different needs and recovery timelines.

## **San Bernardino: Key Takeaways**

- Communicating with a unified voice is crucial and requires focused effort to coordinate between multiple law enforcement, city, and county agencies.
- Briefing the City Council on appropriate messaging can ensure unified messaging, promote healing, and prevent retaliation.
- Mass shootings that occur in a workplace necessitate a comprehensive response by the employer organization and may raise unique issues relating to workplace morale and workers' compensation.
- The Mayor's role may change when an employer or other responders, such as the county, are available to provide resources and services.
- The FBI Victims Services Division is an important resource for victims' assistance, but tensions can arise during a response. It is important to establish a relationship with the FBI Special Agent in Charge in advance. A best practice is to negotiate a memorandum of understanding with the FBI to ensure seamless cooperation when administering victim services.
- Police overtime and other costs need to be timely documented in order for the city to apply for a DOJ grant or other funding sources for reimbursement.
- Having mutual aid agreements in place contributes to the effectiveness of a regional emergency response.
- It is a best practice to establish an official victims' fund the day of the shooting so that competing funds are not established by others.