

INTERIM REPORT NO. 21

SAN DIEGO 2007 FIRES

Preliminary Findings

- ▶ **Need for Brush Management**
- ▶ **Timely Notification of Fire Danger**
- ▶ **Evacuation Plan**

REPORT OF THE

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1 November 2007

I. INTRODUCTION ¹

Three major San Diego County wildland fires since 2002 have provoked several task force reports recommending measures to prevent the loss of life and destruction of property that occurs each time a conflagration erupts. As public officials, it is incumbent that we heed the recommendations proffered so that we may better protect citizens and the public safety personnel placed in harm's way. San Diego must prepare for the continued threat of fire facing our region.

City, county, state and federal officials have been repeatedly warned that brush management is the critical factor necessary to avoid wildland fire storms in the San Diego region. In addition, federal law provides that, "It is imperative all States and Urban Area Security Initiative grantees ensure there are sufficient resources devoted to putting in place plans for the complete evacuation of residents, including special needs groups in hospitals and nursing homes, or residents without access to transportation, in advance of and after such an event, as well as plans for sustenance of evacuees."² The City of San Diego received Homeland Security grants of \$7.9 million in fiscal year 2006 and \$15.9 million in fiscal year 2007.³

On 21 October 2007 at 2:15 p.m., the San Diego County Sheriff's Department issued an advisory evacuation for San Diego Country Estates in Ramona in response to the Witch Creek Fire.⁴ At 11:00 p.m., San Diego Mayor Jerry Sanders, in a televised news conference, said there is a high potential that the Witch Creek Fire may enter San Diego City limits in the early morning hours between 1:00 a.m. and 2:00 a.m. on Monday, through the San Pasqual Valley, the far northeastern part of the City of San Diego.⁵

San Diego County officials have issued a map showing that at 1:30 a.m. on Monday morning, 22 October 2007, another fire, the Guajito Fire, had started in the San

¹ This report is being provided to the public and is based on information available to the City Attorney at this time. The report provides preliminary findings and conclusions and is not intended to be and is not an admission of any fact or liability on the part of the City.

² U.S. H.R. 2360, Department of Homeland Security Appropriations Act.

³ 18 July 2007 San Diego Mayor Jerry Sanders news release fact sheet, Exhibit 24.

⁴ 21 October 2007 (2:15 p.m.) San Diego County Incident Update, Exhibit 1.

⁵ Transcript 21 October 2007 Mayor Jerry Sanders News Conference, Exhibit 2.

Pasqual Valley.⁶ At some point the Witch Creek and Guajito Fires merged. The exact time of the merger is under investigation.

At approximately 3:40 a.m., fires in San Pasqual Valley had reached the Rancho Bernardo communities of the “Trails” and “Montelena.” The fires continued under Interstate 15 to the Rancho Bernardo community of Westwood. More than 327 homes were destroyed by the fire in the Rancho Bernardo neighborhoods.⁷

Ms. Amber Jones, reflecting the concern shared by several other Rancho Bernardo residents, expressed her frustration at not receiving a Reverse 911 call. In a 25 October 2007 e-mail sent to the offices of the Mayor, City Attorney and the District 5 Councilmember Jones wrote:

My name is Amber Jones and I live in Rancho Bernardo. I am writing to inform you that my family NEVER received a reverse 9-1-1 call Monday morning October 22 when we needed to evacuate immediately. I am EXTREMELY UPSET that my home never received a phone call.⁸

The City Attorney, as a member of the City’s Emergency Operations Center team, offers this independent report to examine the adequacy of steps taken to prevent the fires that struck the San Diego region beginning on Sunday, 21 October 2007. It also reviews if, and when, Rancho Bernardo and other City residents were informed of the fire danger.

II. BACKGROUND

FIRE NO. 1: THE PINES FIRE IN 2002

The Pines Fire near Julian, California occurred in July and August 2002. At the time, it was the third largest fire in San Diego County history. The Pines fire consumed 61,690 acres, destroyed 45 structures and damaged 121 structures. Fire suppression cost an estimated \$22.6 million.⁹

⁶ 22 October 2007 SANGIS, Fire Perimeters San Diego County 0130 hrs, Exhibit 3.

⁷ List of homes destroyed by Witch Creek Fire in Rancho Bernardo, Exhibit 4.

⁸ 25 October 2007 (9:47 a.m.) email from Amber Jones to Mayor Jerry Sanders and Councilmember Brian Maienschein, Exhibit 27.

⁹ 13 August 2003 San Diego County Wildland Fire Task Force Report Mitigation Strategies for Reducing Wildland Fire Risks p. 3, Exhibit 5.

REPORT NO. 1: 2003 WILDLAND FIRE TASK FORCE REPORT

Following the Pines Fire, the San Diego County Wildland Fire Task Force was formed to address the continuing wildland fire problem facing County residents. The Wildland Fire Task Force report issued 13 August 2003 found that almost one-half of the vegetation in San Diego County's wildland was over 50 years old.¹⁰ Another 30 percent was more than 20 years old. The report found that "almost 80% of the wildland areas in San Diego will burn explosively under typical periods of high fire danger." The report found that there were 1,348,630 acres of wildlands in San Diego County.¹¹ The report was submitted to the San Diego County Board of Supervisors on 13 August 2003.

The Wildland Fire Task Force Report recommended methods for reducing vegetation (fuel), creating fire breaks, establishing defensible space zones, and reducing large vegetation into small pieces (chipping). The Report also recommended that the state of fire risks be evaluated for San Diego County at the end of each fire season. The report recommended that the County develop model weed abatement and fuel modification programs.¹²

FIRE NO. 2: THE CEDAR, PARADISE AND OTAY FIRES

In October 2003, two months after the San Diego County Wildland Fire Task Force issued its report, three major fires burned in San Diego County. The three fires were the Cedar, Paradise and Otay fires. Between 25 October 2003 and 27 October 2003, 16 people lost their lives, 3,241 structures were destroyed, and suppression costs exceeded \$43 million¹³ as a result of the three fires.

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¹⁰ 13 August 2003 San Diego County Wildland Fire Task Force Report Mitigation Strategies for Reducing Wildland Fire Risks pp. 8-9, Exhibit 5.

¹¹ 13 August 2003 San Diego County Wildland Fire Task Force Report Mitigation Strategies for Reducing Wildland Fire Risks pp. 8-9, Exhibit 5.

¹² 13 August 2003 San Diego County Wildland Fire Task Force Report Mitigation Strategies for Reducing Wildland Fire Risks p. 15, Exhibit 5.

¹³ 23 November 2003 San Diego County Fire Siege Fire Safety Review p.5, Exhibit 6; 7 October 2004 San Diego Regional Fire Prevention and Emergency Preparedness Task Force Report, p. 4, Exhibit 7.

REPORT NO. 2: 2003 INTERAGENCY REPORT¹⁴

Following the 2003 Cedar, Paradise and Otay fires, an interagency report was issued to identify action needed to avoid future fires. This report was issued by a team of wildland fire experts from the California Department of Forestry and Fire Protection, the Regional Forester, Pacific Southwest Region, United States Forest Service, and the Forest Supervisor, Cleveland National Forest. Among the overall environmental and biological factors that contributed to the three San Diego County fires in 2003, the report concluded, was “the accumulation of dense, drought and insect-killed fuels in open spaces and undeveloped areas adjacent to urban development.”¹⁵

REPORT NO. 3: 2004 GOVERNOR’S BLUE RIBBON REPORT

At a 4 November 2003 meeting,¹⁶ the San Diego County Board of Supervisors voted to petition then Governor-elect Arnold Schwarzenegger to conduct an investigation independent of the Blue Ribbon investigative panel created by Governor Gray Davis into the start of the Cedar, Paradise and Otay fires of 2003.¹⁷ Governor Schwarzenegger carried out his investigation through the same Blue Ribbon Commission.

The Governor’s Blue Ribbon Fire Commission report was issued in April 2004. The report found that, “Until the removal of thousands of acres of dead bark beetle infested trees and sound forest stewardship is achieved, Southern California and other forested areas of the state will continue to have hazardous standing fuel just waiting to

¹⁴ At least three reports related to the causes of the three fires were issued. The 2003 San Diego County Fire Siege Fire Safety Report was issued in November 2003, the Governor’s Blue Ribbon Fire Commission Report was issued 4 April 2004, and the San Diego Regional Fire Prevention and Emergency Preparedness Task Force report was issued 7 October 2004. Each of the reports found that brush management was a key tool in avoiding future fires.

¹⁵ 23 November 2003 San Diego County Fire Siege Fire Safety Report p. 47, Exhibit 6.

¹⁶ Also at their 4 November 2003 meeting the Supervisors were urged to address the brush management problem. The *North County Times* reported: “Attorney Michael Aguirre said that the supervisors knew the county’s backcountry was an overgrown, dying tinderbox of vegetation waiting to ‘burn explosively’- a problem outlined by the county’s Wildland Fires Task Force in July.” (Exhibit 8.) A 15 November 2003 article in the *Los Angeles Times* (“San Diego Fire Warnings Were Repeatedly Ignored”) showed San Diego public officials repeatedly ignored the danger due to the failure to conduct adequate brush management. The *Los Angeles Times* reported: “We’ve been given a second chance,” community activist and attorney Michael Aguirre told the San Diego City Council last week as it reviewed the latest fires. “Let’s not blow it.” Exhibit 9.

¹⁷ 5 November 2003 *North County Times* article (Gig Conaughton), Exhibit 8.

become the next conflagration. Fuel reducing and fuel modification programs are essential to reducing the potential threat of major WUI fires” (WUI refers to Wildland Urban Interface).¹⁸

REPORT NO.4: 2004 SAN DIEGO REGIONAL TASK FORCE REPORT

On 7 October 2004 the San Diego Regional Fire Prevention and Emergency Preparedness Task Force issued its report, finding: “Past studies have shown that with proper vegetation clearance and building construction, over 95% of structures threatened by wildland/urban interface fires would survive unharmed.”¹⁹

Despite repeated warnings that brush, vegetation or fuel management was critical to avoiding catastrophic fires, no effective action was taken by City, County, State, or Federal officials to ensure needed abatement.

KPBS REPORTS FIRE DANGER WORST IN A CENTURY

On 24 October 2006, the third anniversary of the Cedar Fire, Mayor Jerry Sanders issued a news release setting the goal to do whatever he could to prevent another Cedar Fire:

“In assessing how the City could best address the problems presented by the Cedar Fire, our goal has been two fold: First, we want to do whatever we can to prevent a fire of that magnitude from happening again; and second, we want to ensure that our fire fighters, rescue teams and citizen volunteers are given the best equipment possible to fight brush fires when they occur. I believe we’ve taken major steps toward achieving this goal.”²⁰

On 8 May 2007 Mayor Sanders issued another press release urging San Diegans to be vigilant in clearing away brush from residences and business. The Mayor acknowledged in his news release that “California is experiencing its driest conditions in 90 years, prompting concern from fire officials across the state about a potential increase in fire danger.” The Mayor’s release continued: “As the City heads into warmer, dryer weather, the chance for canyon and wild fires increases.”²¹

¹⁸ 4 April 2004 Governor’s Blue Ribbon Fire Commission Report p. 13, Exhibit 10.

¹⁹ 7 October 2004 San Diego Regional Fire Prevention and Emergency Preparedness Task Force Report, p. 52, Exhibit 7.

²⁰ 24 October 2006 Mayor Jerry Sanders News Release Fact Sheet, Exhibit 11.

²¹ 8 May 2007 Mayor Jerry Sanders News Release Fact Sheet, Exhibit 12.

In June 2007, KPBS broadcast a program on its Full Focus news show questioning whether the City was doing enough to stop the next major wildland fire.²² The KPBS program, “Safeguarding Your Home From Wildfire,” as with the earlier fire prevention reports, focused on the need for active brush management. The program began with a prophetic statement by KPBS journalist Gloria Penner: “We’re hearing this could be one of the worst fire seasons in a century.”²³ The program’s reporter, Rebecca Tolan, referred to “lots of fire-prone vegetation and surprisingly few city workers to thin it. Some say unless quick action is taken, we’re setting ourselves up for a massive fire storm.”²⁴

The KPBS program reporter noted the City of San Diego has more than 900 lineal miles of canyon rim but only two inspectors to manage brush in those canyons. KPBS reported that the City of San Diego, under its own code, was supposed to clear about 590 acres of brush every year, “But this year there’s only enough funding for about 80 acres, and that leaves a lot of dry, fire-prone brush.”²⁵ According to the KPBS program, City funding for brush management had not increased since the 2003 fire storms. Despite all of these shortcomings, Mayor Jerry Sanders told KPBS’ Tolan, “We think we got (sic) a program that works.”²⁶

Following the Full Focus show, on 1 August 2007, Mayor Jerry Sanders issued another news release announcing an immediate brush thinning of high-risk open space parcels. No brush thinning was provided for in Rancho Bernardo under the Mayor’s plan.²⁷

III. 2007 SAN DIEGO FIRES

Beginning Sunday, 21 October 2007, fire again struck San Diego County. A total of seven fires hit San Diego, resulting in the deaths of seven people and destroying more

²² Full Focus was removed from the air by KPBS executives at the end of June 2007, a few weeks after this show aired. The City Attorney has issued an Interim Report on these events. See San Diego City Attorney Interim Report 20, Exhibit 13.

²³ 6 June 2007 KBPS Transcript, “Safeguarding Your Home From Wildfire,” Exhibit 14.

²⁴ 6 June 2007 KBPS Transcript, “Safeguarding Your Home From Wildfire,” Exhibit 14.

²⁵ 6 June 2007 KBPS Transcript, “Safeguarding Your Home From Wildfire,” Exhibit 14.

²⁶ 6 June 2007 KBPS Transcript, “Safeguarding Your Home From Wildfire,” Exhibit 14.

²⁷ 1 August 2007 Mayor Jerry Sanders News release Fact Sheet, Exhibit 15.

than 1,400 homes. The fires burned at least 350,000 acres²⁸ and resulted in the relocation of at least 500,000 county residents.²⁹

On 21 October 2007 at 2:15 p.m., the San Diego County Sheriff's Department issued an advisory evacuation for San Diego Country Estates in Ramona in response to the Witch Creek Fire.³⁰ By 11:00 p.m. on Sunday night the Witch Creek fire was threatening to enter the boundaries of the City of San Diego.

At an 11:00 p.m. Sunday night news conference, Mayor Jerry Sanders told the late-night San Diego audience that: "There's a high potential that the Witch Fire may enter our City limits in the early morning hours between 1:00 and 2:00 a.m. on Monday through the San Pasqual Valley that's in the far northeastern part of the City of San Diego. This potential will depend on the velocity of the winds, and the efforts of firefighters to fight back this fire. This is a very quickly evolving situation."³¹

The Mayor stated he wanted San Diegans to be aware of the potential for evacuation but he did not identify any specific area for evacuation other than Highway 78 and Bandy Canyon:

In an abundance of caution, we want San Diegans to be aware of this potential now so that they can take appropriate actions and collect important belongings so that when evacuations are necessary they can evacuate immediately. Residents in the area of Highway 78 and Bandy Canyon are now under a mandatory evacuation order. In order to ensure that residents in the area are advised of this emergency, San Pasqual Valley residents will be receiving a reverse 9-1-1 call from the City of San Diego advising them of mandatory evacuations.³²

Council member Maienschein also spoke at the 11:00 p.m. 21 October 2007 news conference. Council member Maienschein told the television audience there was no need for panic:

²⁸ 30 October 2007 CALFIRE 2007 San Diego Current Status of Incident Report Exhibit 16; Signonsandiego report, 26 October 2007 Fire Facts, Exhibit 17.

²⁹ CNN Report: Unrelenting fires Char S. California, At Least Half A Million Flee, Exhibit 18.

³⁰ 21 October 2007 (2:15 p.m.) San Diego County Incident Update, Exhibit 1.

³¹ Transcript 21 October 2007 Mayor Jerry Sanders News Conference, Exhibit 2.

³² Transcript 21 October 2007 Mayor Jerry Sanders News Conference, Exhibit 2.

And tonight as we begin the mandatory evacuation of the San Pasqual Valley, we expect that there will be fire entering the valley sometime in the early morning hours. We ask that people leave in an orderly fashion. There isn't a need to panic. We've evacuated large communities before and done it because the people have not had to panic, so I would urge that, Number 1.³³

Council member Maienschein went on to describe what he characterized as the "good news:"

If there's some good news about this portion of the City and this portion of my Council District, is that there's a lot of greenery there and so we're hoping that this will slow down the progression of this fire and give us more time to ensure that we get everybody out and at the same time get all our law enforcement and fire personnel in.³⁴

Fire Chief Tracy Jarman also spoke at the news conference. The Fire Chief told the television audience that strong winds were "causing the fire to move quicker than we had anticipated." She assured the audience that the fire agencies had been "coordinating since early this morning."³⁵ She also stated that the fire was "Cal Fires' fire" meaning that the California Department of Forestry was the incident commander. She also said that Poway, Escondido, City of San Diego and Lakeside, "we're all working together."³⁶

Chief Jarman stated that the Witch Fire had broken into two separate fires and that one head of the fire was moving towards San Pasqual Valley. She said the focus was on evacuating the San Pasqual Valley area "to ensure people get evacuated from the area of Highway 78 and Bandy Canyon Road."³⁷ By not ordering a broader evacuation on Sunday night fire fighters, in the early morning hours of Monday 22, October 2007, were forced to spend valuable time evacuating people rather than fighting the fire.³⁸

³³ Transcript 21 October 2007 Mayor Jerry Sanders News Conference, Exhibit 2.

³⁴ Transcript 21 October 2007 Mayor Jerry Sanders News Conference, Exhibit 2.

³⁵ Transcript 21 October 2007 Mayor Jerry Sanders News Conference, Exhibit 2.

³⁶ Transcript 21 October 2007 Mayor Jerry Sanders News Conference, Exhibit 2.

³⁷ Transcript 21 October 2007 Mayor Jerry Sanders News Conference, Exhibit 2.

³⁸ Transcript 21 October 2007 Mayor Jerry Sanders News Conference, Exhibit 2.

Chief Jarman assured the audience that the team was “watching the progress of the fire.” She said that they had managed to “get Copter One up to take an aerial surveillance and we’re awaiting information back from them as we speak.”³⁹

As Chief Jarman said, the initial focus of the Fire Department in San Pasqual Valley was on evacuation. This “evacuation first, fire fighting second” approach continued into the early morning hours.

By 2:03 a.m., Monday 22 October 2007, fire fighters were reportedly fighting another fire that had started in Guajito, located east of the Wild Animal Park in the San Pasqual Valley.⁴⁰ By 2:34 a.m., mandatory evacuation orders had been issued for Guajito.⁴¹ By 2:55 a.m., 2,000 residents of Southeast Escondido had been told to evacuate.⁴²

Some eyewitnesses confirmed the fire reached Rancho Bernardo at Highland Valley Road south of Lake Hodges by approximately 3:30 a.m. The fire first struck the Rancho Bernardo communities of the Trails and Montelena. By 4:06 a.m., San Diego officials ordered the evacuation of northeast Rancho Bernardo.⁴³

The fire next moved westward into the Rancho Bernardo community of Westwood. Eyewitnesses reported that the fire had reached the west side of Highway 15 at West Bernardo Drive in the Westwood Community by 4:30 a.m. Witnesses said that by 4:45 a.m. on Monday, 22 October 2007, yard fences and roofs were on fire in Westwood at the intersection of Aguamiel and West Bernardo Drive.

CITY OF SAN DIEGO REVERSE 911

On 6 September 2007, Mayor Jerry Sanders announced that the City had purchased a Reverse 911 system to notify residents in times of emergencies. The web-based, community-alert notification system is designed to make mass telephone calls to the public in a timely manner during emergencies. The decision to activate the Reverse

³⁹ Transcript 21 October 2007 Mayor Jerry Sanders News Conference, Exhibit 2.

⁴⁰ 31 October 2007 Craigs List summary of school and road closures due to fire p. 8, Exhibit 28.

⁴¹ 31 October 2007 Craigs List summary of school and road closures due to fire p. 8, Exhibit 28.

⁴² 31 October 2007 Craigs List summary of school and road closures due to fire 8, Exhibit 28.

⁴³ 31 October 2007 Craigs List summary of school and road closures due to fire p. 7, Exhibit 28.

911 notification system rests with the Mayor and his Executive Team comprised of Chief Operating Officer Jay Goldstone and Communications Director Fred Sainz.⁴⁴

A *San Diego Union-Tribune* article dated 23 September 2007 and entitled “City’s New Alert Plan is Called Outdated,” quotes County Supervisor Ron Roberts:

[T]he city could have found better use for its money...I think it’s kind of an extravagance. We (the County) will have a system that is operating that’ll be far superior. And I don’t see us continuing with that other (Reverse 911) contract...if the City thinks they have a reason to, God knows they have to explain that. For the life of me, I don’t know why you duplicate the obsolete system that we have.

The City Attorney is currently reviewing information to determine if the County’s reverse 911 system functioned better than the City’s system.

Several Rancho Bernardo homeowners told investigators from the City Attorney’s Office that they were alerted of the need to leave their residence by family members, neighbors, and, in some cases, public safety personnel. Many Rancho Bernardo residents said they did not receive a telephone warning from the City or County through the Reverse 911 system. Other residents told City Attorney investigators they received such calls.

At his 11:00 p.m. Sunday news conference, the Mayor told San Diego viewers that: “There’s a high potential that the Witch Fire may enter our city limits in the early morning hours between 1:00 a.m. and 2:00 a.m. of Monday through the San Pasqual Valley and that’s in the far northeastern part of the City of San Diego.”⁴⁵ The Mayor informed viewers that “out of an abundance of caution we want San Diegans to be aware of this potential now so if they can take appropriate actions and collect important belongings so that when evacuations are necessary they can evacuate immediately.”

However, the scope of the Reverse 911 phone calls was limited, according to the Mayor, who said at the news conference: “San Pasqual Valley residents will be receiving a reverse 911 call from the City of San Diego advising them of mandatory evacuation.” No reverse 911 phone calls were specifically sent to Rancho Bernardo residents Sunday night.

Sometime between 5:00 a.m. and 6:00 a.m. on Monday, 22 October 2007, according to what police personnel told San Diego City Attorney investigators, Reverse 911 evacuation notifications were sent to City residents living in the quadrant west of I-

⁴⁴ 6 September 2007 Office of Mayor News Release, Reverse 911, Exhibit 19.

⁴⁵ 21 October 2007 Mayor Jerry Sanders News Conference, Exhibit 2.

15, south of Del Dios Highway, east of Interstate 5 and north of State Route 56.⁴⁶ However, one resident in the Westwood community of Rancho Bernardo said they received a Reverse 911 call came in at approximately 4:15 a.m. Other residents told City Attorney investigators they received calls well after they had already evacuated and the fire had already reached their homes. These residents' homes either were not destroyed or they later accessed the calls through an answering service.

CITY ATTORNEY EVACUATION MEMORANDUM

In the early morning hours of Monday, 22 October 2007, the City Attorney's office consulted with City officials and learned that the fires in San Pasqual Valley had entered Rancho Bernardo. The City Attorney's office had also been notified that some Rancho Bernardo residents did not receive timely notice that the impending fires had reached their community.⁴⁷

Thereafter, the City Attorney's Office, a member of the Emergency Operations Center team, prepared a memorandum to the Mayor urging the Mayor to implement a voluntary evacuation plan for City residents to allow them more time to plan their evacuation. The voluntary evacuation notice was designed to allow residents the time they needed to pack essential belongings, an option denied too many of the families who lost their homes in Rancho Bernardo.⁴⁸

A primary reference document used to write the City Attorney's 22 October 2007 Evacuation Memorandum was the "Unified San Diego County Emergency Services Organization Operational Area Emergency Plan Annex Q, Evacuation" (County Evacuation Memorandum). Also used for reference by the City Attorney's office was the "Legal Guidelines for Controlling Movement of People and Property During Emergency."⁴⁹

It was discovered during the preparation of the City Attorney's Evacuation Memorandum that the City of San Diego does not have an operative evacuation plan.

⁴⁶ 30 October 2007 San Diego City Attorney Investigative Report, Exhibit 20.

⁴⁷ A resident of the Trails community of Rancho Bernardo informed the City Attorney she had received no evacuation notice and fled 10 minutes before her house was engulfed in flames. She received her reverse 911 phone call at 9:00 a.m., which she retrieved from an answering service.

⁴⁸ 22 October 2007 City Attorney Memorandum to Mayor Jerry Sanders relating to voluntary evacuation plan, Exhibit 21.

⁴⁹ Unified San Diego County Emergency Services Organization Operational Area Emergency Plan Annex Q, Evacuation, Exhibit 22; Legal Guidelines for Controlling Movement of People and Property During an Emergency, Exhibit 23.

Federal law urges cities, like San Diego, who receive Homeland Security grants, to have an evacuation plan.

Evacuation, according to the County Evacuation Memorandum, “is a process by which people are moved from a place where there is immediate or anticipated danger to a place of safety, offered appropriate temporary shelter facilities, and when the threat to safety is gone, enabled to return to their normal activities, or to make suitable alternative arrangements.”⁵⁰

According to the County Evacuation Memorandum, “Sheltering-in-place is the practice of going or remaining indoors during or following an emergency event.”⁵¹ During the 2007 fire crisis, San Diego City officials relied heavily on “Sheltering-in-Place” rather than evacuation. City officials repeatedly advised San Diego residents to remain indoors during the fire. Many residents moved from the immediate fire danger and relocated to homes and shelters west of the fire, therefore, remaining in harm’s way. Thus, many residents were not evacuated in the sense that they were removed from the area of potential danger.

As is made clear by the map issued by San Diego County officials at 9:00 a.m. on 22 October 2007, San Diego residents were facing a major fire catastrophe that was engulfing the City from the Witch Creek Fire on the north and the Harris Fire on the south.⁵²

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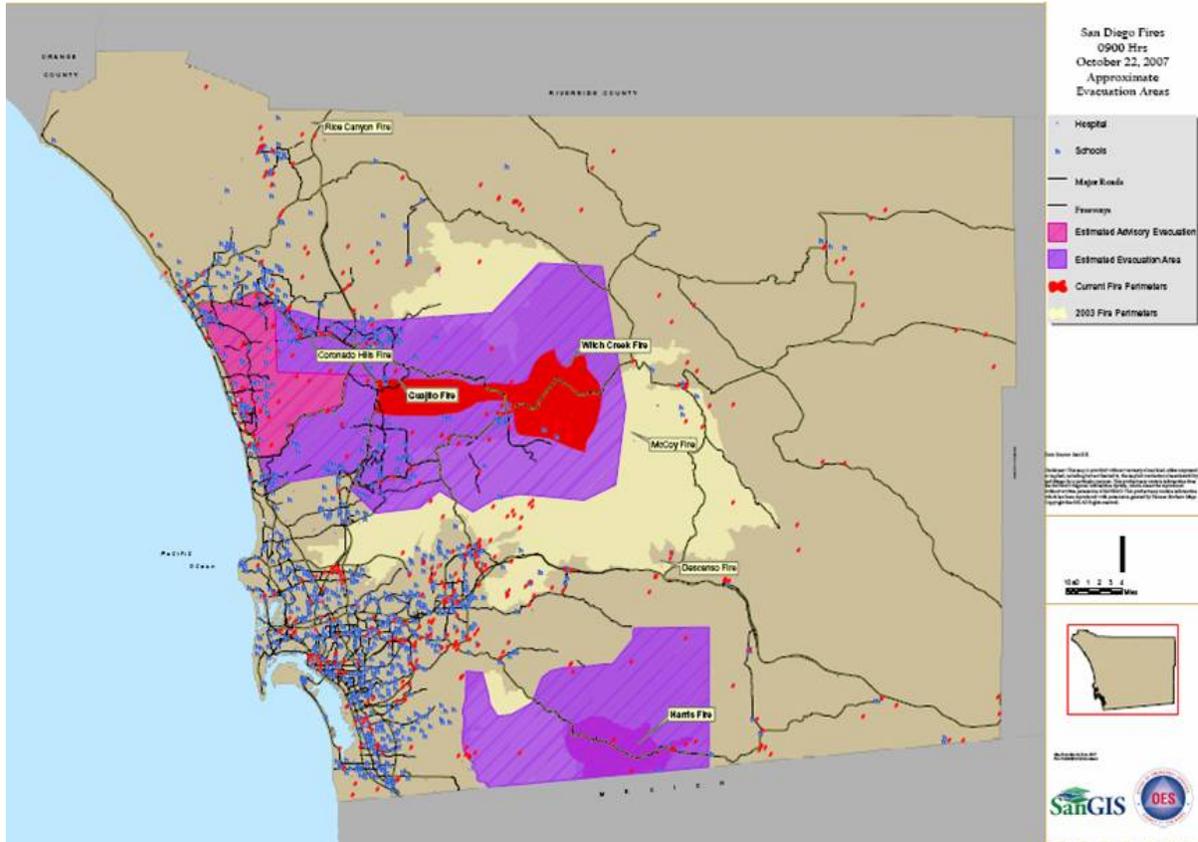
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⁵⁰ San Diego County Evacuation Memorandum Q-5, Exhibit 22.

⁵¹ San Diego County Evacuation Memorandum Q-18, Exhibit 22.

⁵² 22 October 2007 (0900 hours) San Diego Fires Approximate Evacuation Areas, Exhibit 25.



Moreover, the area forecast on Monday morning was that “a strong Santa Ana will continue to bring very windy, dry and hot weather with a critical fire hazard through Tuesday.”⁵³ The City Attorney’s voluntary evacuation memorandum emphasized that the voluntary evacuation should be coordinated to the “probable route of the fire” as predicted by weather forecasts:

The probable route of the fire is of foremost concern in determining which areas to evacuate first. The probable route of the fire can best be predicted by referring to weather forecasts.

The City Attorney Evacuation Memorandum was tied to the progression of the fire. It would have given residents in harm’s way the opportunity to get to a safe place east of the fire. Although the Mayor during his news conferences advised citizens to leave if they felt unsafe, there was no coordinated voluntary evacuation plan.⁵⁴

⁵³ 22 October 2007 San Diego Area Forecast Discussion, Exhibit 26.

⁵⁴ The *San Diego Union-Tribune* wrote an inaccurate story that said the City Attorney had recommended a wholesale evacuation of the City.

**IV.
BRUSH MANAGEMENT BUDGET**

Although City officials have long been aware of the need for an aggressive brush management plan if future fire storms are to be avoided, funding has languished. The City's budgeted amount for brush management in FY 2007 was \$350,000 and in FY 2008 is \$1,037,000.

**V.
CONCLUSION**

San Diego County residents have experienced three major wild land fires in the last five years. Several post-fire reports have urged measures to reduce the frequency of such events. These measures must be carried out.

It is also recommended that the Mayor and City Council immediately appoint an independent commission to review all relevant issues including those raised by this report:

- ▶ Develop and execute an aggressive brush management program;
- ▶ Evaluate the effectiveness of the Reverse 911 system to provide residents with timely notification of emergencies;
- ▶ Develop an appropriate evacuation plan to protect the safety and security of city residents.

In a future report, the City Attorney's Office will examine whether state and federal agencies effectively coordinated the utilization of available aerial fire fighting assets.

By _____
Michael Aguirre
San Diego City Attorney