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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JONATHAN BIRD

Plaintiff,

vs.

SAN BERNARDINO SHERIFFS  
DEPARTMENT,

Defendants.

**CASE NO. 5:13-cv-00673-VAP-JEM**

NOTIFICATION TO COURT OF  
DEFENDANTS RESPONSE TO  
PLAINTIFFS INQUIRY

1. At approximately 9:17 a.m. this morning a Detective Logan called me to advise there had been no decision on my application because the Department had not received the background check results from the Department of Justice.

2. Detective Logan further advised that it takes the department approximately 90 days from the interview, or 180 days from submission of the application to provide a response.

3. I advised Detective Logan that the Department of Justice had already provided the background check results and she told me that was not true and that it takes 90 days to get the background check results.

1 4. I contacted defense Counsel who refused to become involved in the situation  
2 given the false statements being made by the department.

3 5. Out of an abundance of caution, and after receiving the response from Mr.  
4 Ford, I again called the Department of Justice phone number:

5 BACKGROUND CHECK STATUS: An applicant may only request the status  
6 of their background check with the agency that requested their background  
7 check since the background check response may only be one part of the  
8 employment or licensing process. The DOJ's Integrated Voice Response (IVR)  
9 System can provide a simplistic status of the background check processing  
10 status, but this status should not be construed as an indication of the  
11 employment or licensing status. The review of an applicant's criminal history is  
12 only one piece of an agency's process in making a suitability determination.  
13 The phone number to engage with the IVR is (916) 227-2300. The ATI  
14 identifies the transaction. Answers to background check process questions will  
15 only be responded to if asked by the agency's designated point-of-contact  
(referred to as their Custodian of Records.) <http://oag.ca.gov/fingerprints>.

16 6. After confirming my date of birth and records locator number the system  
17 provided the same information as before "The California response was completed on  
18 December 3, 2014 and electronically transmitted to the agency" and "The FBI  
19 response was completed on December 3, 2014 and electronically transmitted to the  
20 agency".

21 7. While it is unclear if Detective Logan intentionally lied or is simply unaware,  
22 she advised that the department would not be providing any response for at least  
23 another 45 days and Defense Counsel declines to get involved, absent order of this  
24 Court.

25 I declare under Penalty of Perjury that the Foregoing is true and Correct under the  
26 Laws of the State of California.

27 January 13, 2015

\_\_\_\_\_/s/\_\_\_\_\_  
28

Jonathan W. Birdt