



PO Box 87131  
San Diego, CA 92138-7131  
T/ 619-232-2121  
F/ 619-232-0036  
[www.aclusandiego.org](http://www.aclusandiego.org)

October 13, 2016

County of San Diego  
1600 Pacific Highway, Room 206  
San Diego, CA 92101  
[Michael.workman@sdcounty.ca.gov](mailto:Michael.workman@sdcounty.ca.gov)  
[Nick.Macchione@sdcounty.ca.gov](mailto:Nick.Macchione@sdcounty.ca.gov)

VIA FIRST CLASS U.S. MAIL AND E-MAIL

RE: Request for Public Records Concerning Death of Alfred Olango and Law Enforcement Response to Mental Health Crises

Dear Mr. Macchione:

I am writing on behalf of the American Civil Liberties Union of San Diego & Imperial Counties ("ACLU-SDIC") concerning documents related to the death of Alfred Olango and the law enforcement responses to mental health crises.

Under the California Public Records Act (CPRA), Govt. Code §§ 6250 – 6277; *see also* Cal. Const. Art. I, § 3(b), I request copies of records containing, describing, or related to the following information concerning the events leading up to Mr. Olango's death, and concerning law enforcement responses to mental health crises:

1. The County's policies and protocol regarding the circumstances under which Psychiatric Emergency Response Teams ("PERT") are dispatched in response to 911 calls or other calls to the ECPD;
2. The County's policies and protocol for responding to "5150" calls or other calls indicating that an individual may be experiencing some kind of mental health crisis;
3. Average response time for PERT teams to "5150" calls or other calls indicating that an individual may be experiencing some kind of mental health crisis;
4. The number of times that the PERT team has responded to a "5150" calls or other calls indicating that an individual may be experiencing some kind of mental health crisis over the past ten years;
5. The County's budget for PERT training, staffing, and deployment;

6. The number of PERT teams that are available to respond to 911 calls or other calls broken down by areas of geographic availability;
7. Plans for future staffing of PERT teams, including any plans to increase PERT budget, staff, or areas of geographic deployment;
8. Policies or protocols for how PERT teams are deployed geographically;
9. History of PERT team deployment, including the year that the County first deployed PERT teams, and any subsequent increases in the staffing and deployment of PERT teams;
10. Any studies or comparisons the County has used or commissioned to determine how its PERT staffing compares to that of other jurisdictions;
11. Any policies, protocols, or agreements indicating how and whether the County is able to use PERT teams from other jurisdictions;
12. Reasons no PERT team was deployed to the scene of the shooting of Alfred Olango;
13. Information about Mr. Olango that was provided to the officers (Richard Gonsalves and Josh McDaniel) who confronted Mr. Olango before they arrived on the scene of the confrontation;
14. Information about Mr. Olango that was provided by the 911 caller or callers to the police dispatcher;
15. Precise timeline for the events leading up to the shooting, from the first 911 call until the determination that Mr. Olango had died;
16. PERT or other de-escalation training, or other training to deal with people experiencing mental health crises, that was received by officers Gonsalves and McDaniel;
17. Number of deaths that have occurred when PERT teams respond
18. Number of instances over the past 20 years (i.e., how often) where PERT has been called to a mental health crisis, or mental health been indicated to dispatcher, and PERT did not show up.
  - a. Provide information about the reasons for the call and the outcomes in these instances.
19. Number of instances over the past 20 years where PERT responds to a call of a mental crisis, or mental health was indicated to a dispatcher, and PERT did show up.
  - a. Provide information about the reasons for the call and outcomes in these instances.

20. Protocols for when PERT is called but non-PERT police show up first.
21. Protocols and policies for training dispatchers received on responding to mental health calls.
22. Capacity of PERT once the current funding allocations are expended.
23. PERT's insurance billing practices (including for Medi-Cal) for mental health services.

When a person requests records by describing their content, rather than asking for specific documents by name, an agency must "search for records based on criteria set forth in the search request." *California First Amendment Coalition v. Superior Court*, 67 Cal.App.4th 159, 165-66 (1998). The CPRA applies to all documents in the City's possession or control, regardless of who authored or prepared them, including emails, video and audiotapes, and other electronic records. Govt. Code § 6252(e). Please provide records maintained in electronic format in that same format. Govt. Code § 6253.9.

This request may reach records in the possession or control of other offices or departments in County government. I leave it to your office to coordinate the response without unnecessary duplication.

I appreciate that this is a broad request, and I would be happy to work with the County, if necessary to ensure that we receive the information we seek in a timely manner, and that government staff do not spend excess time locating and reviewing duplicative or non-responsive records.

The requested documents do not appear to fall within any privilege or exemption from disclosure. I have attempted to exclude privileged communications, attorney work product, and documents subject to seal by court order. However, to the extent the requests inadvertently capture such matters, please produce "[a]ny reasonably segregable portion" of responsive records "after deletion of the portions that are exempted by law." Govt. Code § 6253(a).

Please respond to this request within ten days, either by providing all the requested records or by providing a written response setting forth the legal authority on which you rely in withholding or redacting any document and stating when the documents will be made available. Govt. Code §§ 6253(c), 6255. If necessary, please specify a future date by which you will respond to the request, or state whether there are no responsive records to any portion of this request.

I understand this request may capture a large number of records, and I am willing to work with the County on a reasonable timeline for production of responsive documents, including rolling production as may be appropriate.

Because ACLU-SDIC is a nonprofit civil rights organization, I ask that you waive any applicable fees. However, if you are unable to do so, the ACLU-SDIC will cover fees allowed by law such as direct copy costs.

October 10, 2016

Page 4 of 4

Please contact me at (619) 398-4193 or [jmarkovitz@aclusandiego.org](mailto:jmarkovitz@aclusandiego.org) if you have any questions. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jonathan Markovitz".

Jonathan Markovitz  
Staff Attorney