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October 13, 2016

City of El Cajon  
Office of the City Clerk  
Belinda Hawley, City Clerk  
200 Civic Center Way  
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VIA FIRST CLASS U.S. MAIL AND E-MAIL

RE: Request for Public Records Concerning Death of Alfred Olango, Related Protests,  
and Law Enforcement Response

Dear Ms. Hawley:

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 regarding law enforcement responses to subsequent related protests.

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 related protests and vigils from September 27<sup>th</sup>, 2016 to October 2<sup>nd</sup>, 2016:

1. The El Cajon Police Department's ("ECPD") policies and protocol regarding the training officers receive for dealing with people who are mentally ill or experiencing a mental health crisis;
2. The ECPD policies and protocol regarding de-escalation training officers receive, including the number of hours of such training provided to officers, and whether the training is required or optional;
3. The ECPD'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;

4. The ECPD'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;
5. Average response time to "5150" calls or other calls indicating that an individual may be experiencing some kind of mental health crisis;
6. The number of times that an ECPD officer 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;
7. The number of times that an ECPD officer has discharged a firearm while responding to such calls over the past ten years (please provide a list of each incident);
8. The City of El Cajon's ("The City") budget for PERT training, staffing, and deployment;
9. The number of PERT teams that are available to respond to 911 calls or other calls to the ECPD;
10. Plans for future staffing of PERT teams, including any plans to increase PERT budget, staff, or areas of geographic deployment;
11. Policies or protocols for how PERT teams are deployed geographically;
12. History of PERT team deployment, including the year that the City first deployed PERT teams, and any subsequent increases in the staffing and deployment of PERT teams;
13. Any studies or comparisons the City has used or commissioned to determine how its PERT staffing compares to that of other jurisdictions;
14. Any policies, protocols, or agreements indicating how and whether the City is able to use PERT teams from other jurisdictions;
15. Reasons no PERT team was deployed to the scene of the shooting;
16. Reasons that it took approximately fifty minutes from the time that Mr. Olango's sister called 911 to request assistance for Mr. Olango, until ECPD officers arrived at the scene;
17. 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;
18. Information indicating whether and how officers Gonsalves and McDaniel took Mr. Olango's apparent mental health crisis into consideration in determining how to approach and deal with Mr. Olango;

19. Information about Mr. Olango that was provided by the 911 caller or callers to the police dispatcher;
20. Precise timeline for the events leading up to the shooting, from the first 911 call until the determination that Mr. Olango had died;
21. 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;
22. Policies and protocols addressing the ways that ECPD officers prepare for public protests;
23. Plans to have an independent investigator investigate the circumstances leading up to Mr. Olango's death;
24. The number of people who were arrested at the site of the vigil/memorial to Mr. Olango on 777 Broadway or 800 Broadway in El Cajon during the evening of October 1<sup>st</sup> or early morning of October 2<sup>nd</sup>, 2016, the specific offenses they were charged with, if any, and the basis for those charges;
25. The number of these arrestees who are minors, if any, and the offenses they were charged with, if any;
26. Complaints filed regarding the conduct of any law enforcement officers at any vigil or protest related to the killing of Mr. Olango;
27. The criteria that were used to determine and declare that there was an "unlawful assembly" at the site of the vigil/memorial to Mr. Olango on 777 Broadway or 800 Broadway in El Cajon during the evening of October 1<sup>st</sup> or early morning of October 2<sup>nd</sup>, 2016, and the process or protocol used to approve that determination;
28. Video taken from law enforcement officers' body cameras or vehicle dash cameras of the vigil/memorial to Mr. Olango on 777 Broadway or 800 Broadway in El Cajon during the evening of October 1<sup>st</sup> or early morning of October 2<sup>nd</sup>, 2016;
29. The number of law enforcement officers who were dispatched to the vigil/memorial to Mr. Olango on 777 Broadway or 800 Broadway in El Cajon during the evening of October 1<sup>st</sup> or early morning of October 2<sup>nd</sup>, 2016;
30. The reasons for the decision to deploy a large contingent of law enforcement officers to the vigil/memorial to Mr. Olango on 777 Broadway or 800 Broadway in El Cajon during the evening of October 1<sup>st</sup> or early morning of October 2<sup>nd</sup>, 2016;
31. The protocol used to determine when ECPD deploys using riot gear.

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 the ECPD, the El Cajon Mayor’s office, or other offices or departments in City 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 City, 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 City 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.

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