



CITY OF OCEANSIDE

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William and Julie Hillestad

Re: March 3, 2008 Public Records Request
City Attorney File No. 2008PR110

Dear Mr. and Mrs. Hillestad:

Please accept our sincerest condolences on the loss of your son. I am writing this letter to respond to your March 3, 2008 Public Records Act request seeking certain materials relating to Oceanside Police Department training and standard operating procedures, as well as various other information pertaining to the crisis negotiator and the on-scene commander.

The Public Records Act requires the release of certain documents that are in existence and otherwise maintained by a public entity. Pursuant to your request, I am enclosing herewith all responsive, non-exempt documents. However, Penal Code section 832.7 prevents the City from disclosing peace officer personnel files and the information found therein. These materials may only be released pursuant to a court order as set forth in Evidence Code section 1034.

Kindly contact me should you have any questions, and, again, my deepest sympathies to you and your family.

Very truly yours,

JOHN P. MULLEN
City Attorney

By: ANNIE M. PERRIGO
Deputy City Attorney

AMP/
Enclosure

cc: Angelina Ehrlich, City Clerk's Office
Cathy Osgan, OPD Records

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dl 9-2-08-3339
Jen

Memo

TO: Cathy Osgan, Police Records Manager – Custodian of Records
FROM: Kenneth Gow, Sergeant, Field Operations Division *(Signature)*
SUBJECT: Public Records Request – William and Julie Hillestad
DATE: March 12, 2008

The purpose of this memorandum is to comply with your request for information to pursuant to the public records request by William and Julie Hillestad.

Item 1 – The training requirements for OPD crisis negotiators

Crisis negotiators attend the following POST approved training courses:

- Basic Hostage Negotiations
- Domestic Violence for Crisis Negotiators
- Advanced Hostage Negotiations

Item 2 – The training requirements for OPD scene commanders

Any officer can initially be the commander of a critical incident, however, a supervisor (sergeants) is expected to respond and assume command as soon as practical.

Sergeants attend (but are not limited to) the following POST approved training courses for scene commanders:

- Basic Supervision
- Incident Command System

Item 6 – OPD's SOP for the use of the PERT Team

Use of PERT is covered in Field Procedure (Volume III) Section 724 et al. A copy was forwarded to you by OPD's PERT Officer.

Item 7 – OPD's SOP for suicide verses hostage situations

Hostage situations are covered in Field Procedure (Volume III) Section 1035 et al. A copy of this section is attached. These procedures also cover barricaded subject situations. Crisis negotiators have a set procedure for responding to a suicidal subject, however, they are frequent barricaded subjects as they either refuse to put down their weapons to allow off-site contact them, or refuse to allow in person contact.

FIELD PROCEDURES (VOLUME III)

1035 Barricaded Suspect/Hostage Situations. This procedure ensures that all efforts are made to protect the lives of hostages, citizens, officers and suspects in barricaded suspect/hostage cases.

1035.01 The department's Special Weapons & Tactics (SWAT) Team (refer Volume III, 920) provides the Incident Commander with negotiators who have been trained to defuse critical incidents involving barricaded and/or hostage-taking suspect(s). Negotiators accomplish this task by persuasion and without the use of force. They also continually provide the Incident Commanders with intelligence should a tactical solution be required. (Revised 11/01)

1035.02 Nothing in this procedure shall be construed to preclude the use of reasonable force by officers acting in their official capacity in protecting the lives and/or safety of citizens and/or department members from death or injury. The decision for a tactical response rests solely with the Incident Commander, and is based upon recommendations he/she has received from the Lead Crisis Negotiator and SWAT Lieutenant. (Revised 11/01)

1035.03 Aggressive Actions. No aggressive action will be taken by police officers without approval of the Incident Commander unless there is an immediate danger to the life of the officer or the lives of others, and it is not in conflict with any law, policy, or procedure.

1035.03.1 No one will enter the building or immediate area of the suspect without the approval of the Incident Commander.

1035.04 Command. The Incident Command System model will be followed. The patrol officer at the scene will assume command of the situation until the arrival of the Field Sergeant. The Field Sergeant will then assume the duties of Incident Commander. A higher-ranking officer of the department may later be assigned or assume the duties as Incident Commander. In that event, he/she will formally advise the Field Sergeant that he/she is taking over the command. In no event is the mere presence of higher-ranking officers to be construed as an assumption of command or as an automatic shifting of responsibility to a higher-ranking officer. The Incident Commander will appoint staff as needed to assist him/her.

1035.04.1 Command Post. The Incident Commander will immediately establish an Operations Command Post. This may be in a police vehicle, but should be moved to a building with telephone access as soon as possible. The Operational Command Post should be established outside of the inner perimeter and within or near the secondary perimeter. The Incident Commander will also designate a staging area where members will be briefed and deployed as necessary.

1035.04.2 Crisis Negotiation Team (CNT) Command Post. The CNT Command Post is separate from the Operations Command Post, but should be relatively close in proximity. It must have telephone access so negotiations can be conducted.

1035.04.3 Tactical Staging Area (TSA). SWAT's TSA is separate from the Operations Command Post and the CNT Command Post, and will be in close proximity to the inner perimeter. The CNT Command Post will supply monitoring equipment to the SWAT Lieutenant to monitor negotiations in real time. (Added 11/01)

1035.05 Notifications. The Incident Commander will immediately notify dispatch of the:

- a. Location of the incident.
- b. Location of the Operations Command Post.
- c. Phone number of the Operations Command Post.
- d. Safe route to the Operations Command Post or staging area.
- e. Radio frequency to be utilized by members assigned to the incident.

1035.05.1 Dispatchers will immediately notify the in-station Field Operations Supervisor of the situation. When the in-station Field Operations Supervisor determines there is, in fact, a valid barricaded suspect/hostage situation, he/she will advise the Field Operations Division Commander. The Division Commander will notify the Chief of Police if he/she determines it is necessary.

1035.06 Call-Outs. The Crisis Negotiators have been divided into two teams for call-out purposes. A sergeant heads each team. If a barricaded suspect or hostage negotiation situation develops, it is the responsibility of the Field Supervisor to determine if there are any on-duty Crisis Negotiators.

1035.06.1 If a Crisis Negotiator is on-duty, he/she will be called to the scene and the Negotiations Team Leader, if not already on the scene, will be notified immediately. The team leader, in turn, will be responsible for notifying the remainder of his/her team and responding to the incident.

1035.06.2 If the Incident Commander determines there are no Crisis Negotiators on duty, he/she will notify Dispatch that a team is needed. The Dispatcher will then check the Crisis Negotiator call-out log, determine the last team called out, and then contact the alternate team leader. The team leader will then notify the SWAT Lieutenant and call-out individual team members. (Revised 11/01)

1035.06.3 It is the responsibility of the Team Leaders to establish a call-out log in Dispatch. The Dispatch Supervisor is responsible for logging by date, time, and name, the Team Leader called. The purpose of the log is to insure a rotating call-out. By following this procedure, Dispatch should only have to call a Team Leader who, in turn, contacts team members.

1035.07 Crisis Negotiators. Upon the request of the Incident Commander, the Crisis Negotiator Supervisor (or ranking hostage negotiator), the team will attempt to enter into negotiations with the suspect(s) to persuade them to surrender and/or release hostages. Employment of the hostage negotiators does not in any manner relieve the Incident Commander of his/her authority in, or responsibility for, the operation.

1035.07.1 The crisis negotiators have no authority to make tactical decisions, and will keep the Incident Commander fully informed of their actions. Crisis negotiators will clear proposed actions, which might affect the tactical situation, through the SWAT Lieutenant. (Revised 11/01)

1035.07.2 If it becomes necessary for the crisis negotiators to cease their negotiations, and the Incident Commander commits the SWAT Team to apprehend the suspect and/or rescue the hostage(s), the SWAT Lieutenant will have full authority and responsibility for the assigned mission. (Revised 11/01)

1035.08 Hostage Negotiations Procedure. In any situation in which the Department is involved with a suspect(s) holding a hostage(s), the procedure of the Department with respect to the use of crisis negotiators shall be as follows:

- a. A minimum of two negotiators will be called, as well as the Negotiator Supervisor. The Negotiator Supervisor will have the flexibility to call in the number of negotiations team members deemed necessary to accomplish the objective given by the Incident Commander. (Revised 11/01)
- b. Negotiations with the suspect(s) will be conducted in accordance with sound negotiations practices consistent with training received by negotiations members. (Revised 11/01)
- c. All communications by the negotiator with the suspect(s) will be passed on to the SWAT Lieutenant and the Operations Command Post. (Revised 11/01)
- d. Relevant actions by the Operations Command Post and SWAT officers will be communicated to the Negotiator Supervisor.
- e. The decision to suspend the negotiations process should be based on the action of the suspect(s). If there is reasonable cause to believe the suspect is about to inflict death or great bodily injury on the hostage(s), appropriate offensive action should be taken in accordance with departmental guidelines. (Revised 11/01)
- f. Face-to-face negotiations between the negotiator and suspect(s) will not be allowed unless approved by the negotiator, Negotiator Supervisor, SWAT Lieutenant, and Incident Commander. If this is allowed, it will only be done with SWAT in position to cover the negotiator. (Revised 11/01)

1035.09 Crisis Negotiation Guidelines. The suspect(s) can be expected to make demands. The negotiators will be allowed considerable flexibility in dealing with the suspect(s), but the final decision rests with the Incident Commander.

1035.09.1 We will not:

- a. Furnish drugs or alcoholic beverages.
- b. Furnish weapons or ammunition.
- c. Furnish transportation.
- d. Exchange a police officer, or anyone else, for a hostage.
- e. Release persons from custody.
- f. Agree to exempt anyone from prosecution.
- g. Unreasonably jeopardize officer safety. (Revised 11/01)

1035.09.2 The Incident Commander will make the final decision concerning allowing face-to-face contact and allowing family, friends, attorney, or clergy, to communicate with the suspect before he/she has surrendered.

1035.10 Outside Agencies. The Incident Commander, following the guidelines of the Incident Command System, should evaluate the need to alert other members for perimeter control, or for specialized assignments. Help may also be required from outside agencies, or from other sources. Examples: outside civilian agencies, ambulance crews, psychiatrists, Fire Department, relatives of suspect(s), ASTREA, friends of suspect(s), SDDS SWAT, CHP, other agencies, apartment manager, etc. (Revised 11/01)

1035.11 Inner Perimeters. An inner perimeter will be immediately established. This perimeter may be in close proximity to the suspect(s) if he/she is in a building or vehicle, or may be at considerable distance if he/she is in an open area. The primary purpose of the inner perimeter is to contain the suspect in a limited area, prevent his/her escape, and to prevent injuries to citizens in the area.

1035.11.1 All citizens will be evacuated from the inner perimeter, if possible, utilizing safe egress routes. Injured persons will be evacuated, if possible.

1035.11.2 No one will be allowed inside the inner perimeter without the consent of the Incident Commander, or SWAT Lieutenant once SWAT has accepted a mission. (Revised 11/01)

1035.12 Outer Perimeter. An outer perimeter also will be established. This perimeter will be out of sight and out of range of the suspect(s). The purpose of the outer perimeter is to keep citizens away from the danger area and to prevent interference with personnel assigned to the operation.

1035.12.1 No pedestrian or vehicular traffic will be allowed within the outer perimeter without consent of the Incident Commander.

1035.13 Intelligence. The following information should be given to the Incident Commander. He/she will see it is disseminated to field members, command personnel, SWAT, or others, as needed:

- a. How many hostages are there?
- b. How many suspects are there?
- c. Are they armed? (What is the number, type and range of the weapons?)
- d. Who are the suspects? (Age, sex, race, clothing description, mental condition, personal history)
- e. What is the reason for the situation?
- f. Where (specifically) are the victims and suspects?
- g. What do the suspects want?
- h. Type of structure (apartment, house, number of stories, material, location of windows and doors, floor plan, available telephones, etc.) Obtain a floor plan, if possible.
- i. Number of injured, and nature of their injuries.
- j. What type of threats is being made?
- k. What crimes are involved?

- l. Who last saw the suspect(s)?
- m. Where is that person who last saw the suspect(s)?

1035.14 SWAT. The decision to commit SWAT will be made by the person authorized to call them out. Once SWAT is committed, the Incident Commander does not directly, or indirectly, control SWAT tactics, but may veto a plan and request another. (Revised 11/01)

1035.15 Press Considerations. The PIO should be called to the scene when possible. If unavailable, the Incident Commander will appoint another supervisor or officer to handle the press. All news inquiries should then be directed to the press officer. There should be an established press area on or near the secondary perimeter, and separate from the Operations Command Post. The PIO will assist the press in getting information, but will not allow them to interfere with critical police operations. (Revised 11/01)

1035.16 Securing the Operation. Allow those who were evacuated to return without delay once the evidence has been collected.

- a. Return the area to its original condition, if possible.
- b. If private property was damaged, submit a report of the damage, how it was caused, and identify the property owner.
- c. A debriefing of the members involved is to be held as soon as practical after the operation.

1035.17 Logs. The Incident Commander will appoint a scribe to chronologically log all actions, including actions of the suspect(s), arrival and departure of members and equipment, times of notifications, member deployment, and any other pertinent data for follow-up reports and critiques. Crisis negotiators will maintain a separate log on all of their activities and dealings with the suspect(s). (Revised 11/01)

1035.18 Reports. The officer originally dispatched to the scene will prepare a complete preliminary report. Other members at the scene who have significant information will prepare appropriate follow-up and evidence reports.

1035.19 Post Operations Considerations. The following are post operation considerations:

- a. Account for all members assigned to posts.
- b. Account for all department equipment.
- c. Return borrowed equipment.
- d. Secure the scene or preserve evidence.
- e. Release premises to responsible party.
- f. Supervise clean up of areas used by members.
- g. Assist residents with claims for damaged property.
- h. Consider using mental health professionals to conduct a post-critical incident psychological debriefing of involved OPD members as a means of mitigating adverse impact of stress.

724.07.2 Shall make the initial contact with the subject, and allow the clinician to approach the person for the evaluation only when it is reasonably safe to do so. (Added 02/01)

724.07.3 Control those persons detained by the team pursuant to W&I 5150. If restraint is necessary, officers shall use Department approved holds and/or equipment. (Added 02/01)

724.07.4 Maintain knowledge of the current legal and ethical issues related to mental illness and law enforcement. (Added 02/01)

724.07.5 Ensure that the team follows the Department's guidelines for the detention and transportation of those persons detained by the team pursuant to W&I 5150. (Added 02/01)

724.07.6 Assure completion of required reports: the "Application for 72-Hour Detention for Evaluation and Treatment" and the "Oceanside Police Department Mental Health Supplemental Report" for people meeting the W&I 5150 criteria, or crime and arrest reports for people the team arrests. (Added 02/01)

724.07.7 Act as the Department's liaison with area hospitals, agencies, and organizations regarding mental health issues. (Added 02/01)

724.07.8 Participate in various PERT training sessions and meetings when possible. (Added 02/01)

724.07.9 Complete a monthly report reviewing PERT activity. (Added 02/01)

724.07.10 Provide training as needed regarding mental health/law enforcement issues. (Added 02/01)

724.07.11 Review all reports related to W&I 5150 detentions. The PERT Officer should provide feedback to those officers with errors or deficiencies in their reports. The PERT Officer should also look for persons who are repeatedly detained pursuant to W&I 5150. (Added 02/01)

724.07.12 Perform the typical duties of a patrol officer when not performing PERT related duties and complete any required reports. (Added 02/01)

724.07.13 Provide the Shift Supervisor's office with a list of facilities designated by the County for mental health evaluations, and to ensure that it is updated when needed. (Added 02/01)

724.08 PERT Clinician Responsibilities. The PERT Clinician is not an employee of the City (employed by the County of San Diego and assigned to PERT, Inc.), the Department does have certain expectations of people acting as its agents. (Added 02/01)

724.08.1 Maintain requirements related to the licensing of PERT clinicians. (Added 02/01)

724.08.2 Maintain knowledge of the criteria for psychiatric disorders according to the Diagnostic Statistic Manual IV and current legal and ethical issues as they relate to mental illness. (Added 02/01)

724.08.3 Remain a safe distance from the scene until the PERT Officer advises that it is safe to approach. The PERT Clinician should avoid physical confrontations. If the clinician feels the evaluation can not be done safely, the clinician shall inform the PERT Officer, who is responsible for the team's safety. (Added 02/01)

724.08.4 Conduct mental health evaluations and assessments of the people contacted by the team. (Added 02/01)

724.08.5 Formulate an appropriate disposition supporting the subject's needs and safety. (Added 02/01)

724.08.6 Consult with the PERT Officer regarding disposition of the subject. (Added 02/01)

724.08.7 Ensure that the Department's guidelines for the detention and transportation of those persons detained by the team pursuant to W&I 5150 are followed. (Added 02/01)

724.08.8 Provide documentation to the PERT Officer supporting the decision to detain and transport the person pursuant to W&I 5150. (Added 02/01)

724.08.9 Observe the person during transportation. (Added 02/01)

724.09 Confidentiality. PERT Clinicians are responsible for maintaining clinical files. These files are kept in locked cabinets in the PERT office and are confidential. (Added 02/01)

724.09.1 Independent observations of the person made by the PERT Officer are not included in the clinical files, and are not confidential. (Added 02/01)