County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169

LEROY D. BACA, SHERIFF

November 6, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Dear Supervisors:

CIRCUMSTANCES RELATED TO
MS. MITRICE RICHARDSON'S RELEASE FROM CUSTODY

This correspondence is in response to your October 6, 2009, request regarding: 1) the release of Ms. Mitrice Richardson from Los Angeles County Sheriff's Department (Department) custody; 2) the Department's release from custody policy, including persons released after normal hours, persons who are alone, persons who are without visible means of travel or who may have disabilities or impairments which pose a risk to themselves; 3) an examination of this policy along with recommendations to improve such procedures.

On September 16, 2009, at 8:49 p.m., deputies from the Malibu/Lost Hills Sheriff's Station were dispatched to Geoffrey's, a restaurant located at 27400 Pacific Coast Highway in Malibu. The restaurant manager told the deputies that Ms. Richardson had attempted to leave the restaurant without paying her bill, which totaled $89.51. Ms. Richardson indicated she did not have any means to pay her bill. The deputies, in conjunction with the restaurant manager, attempted to assist Ms. Richardson to contact either friends or family to assist her in making payment.

After attempting several calls, Ms. Richardson reached her great grandmother, Mildred Harris, who was unable to complete a telephonic credit card transaction that met the policy requirements of Geoffrey's restaurant. Ms. Harris was unable to drive to the restaurant. Ms. Richardson's mother, Latice Sutton, then called the restaurant and spoke with the restaurant manager. Following that conversation, Ms. Sutton opted not to assist her daughter with the payment to Geoffrey's.

With all payment options exhausted, the restaurant manager chose to perform a private person's arrest of Ms. Richardson for Defrauding an Innkeeper (537(a)(1) P.C.), a misdemeanor. In conjunction with the private person's arrest, deputies also discovered marijuana in Ms. Richardson's car. She was additionally charged with Possession of Marijuana, Less than an Ounce (11357(B) H.S.), also a misdemeanor. Incident to arrest, Ms. Richardson's car was towed and stored at Malibu Tow, and it was determined Ms. Richardson possessed no cash or credit cards, only a California Driver's License.

The initial call for service from Geoffreys indicated that Ms. Richardson's behavior was "crazy" and that she might be under the influence of drugs. As part of their investigation, deputies conducted a sobriety check of Ms. Richardson. She had ingested one alcoholic beverage while at Geoffrey's, but was determined not to be under the influence of alcohol or of any narcotic at the time of her arrest. Her interaction with the deputies was coherent and rational. Deputies described Ms. Richardson as cooperative and polite.

Ms. Richardson was arrested at 9:00 p.m. and taken to the Malibu/Lost Hills Sheriff's Station in Calabasas for booking. During the booking process, Ms. Richardson used the telephone provided in the station booking area. The custody assistant on duty at the time of Ms. Richardson's booking recalled that Ms. Richardson made several calls. Ms. Richardson's booking slip indicated phone calls were made to Mildred Harris.

A component of the Department's booking process includes the completion of the Arrestee Medical Screening Form. Ms. Richardson was asked if she had any medical issues, took any prescribed medications, had any psychological impairments, or was under the influence of any drug or alcohol. She signed the form indicating that she did not have any of these medical issues.

Ms. Richardson's booking process revealed no warrants or prior criminal history. By 12:30 a.m. on September 17, 2009, there was no legal basis to hold Ms. Richardson and she was released from the Malibu/Lost Hills Sheriff's Station jail on her written promise to appear in Malibu Court on November 16, 2009. Prior to her release, the on-duty custody assistant gave Ms. Richardson the option to voluntarily stay in a private jail cell and sleep until daylight hours, explaining that she would be free to leave at any time. Ms. Richardson declined the offer and left the station jail shortly after 12:30 a.m. Ms. Richardson had access to the Malibu/Lost Hills Sheriff's Station lobby where she was free to use the telephone, restroom, and remain until transportation could be arranged. Following her release from the station's jail area, her movements were no longer monitored.

On September 17, 2009, at approximately 6:13 p.m., Ms. Sutton arrived at the Malibu/Lost Hills Sheriff's Station desk to file a missing person report. To date, several comprehensive search operations were conducted utilizing resources from both the Department and the LAPD, but Ms. Richardson has not been located.

POLICY AND LAW REGARDING RELEASE FROM CUSTODY

The Department's release policy and procedures are governed by State law. In misdemeanor arrests, the requirement to release an arrestee from custody is stated in the California State Penal Code:

> Penal Code Section 853.6 (A) states, "In any case in which a person is arrested for an offense declared to be a misdemeanor, including a violation of any city or county ordinance, and does not demand to be taken before a magistrate, that person shall, instead of being taken before a magistrate, be released according to the procedures set forth by this chapter." (The remainder of the section discusses the procedures for issuing a citation to the arrestee and then releasing the arrestee from custody).

The Department processes approximately 180,000 prisoners each year for release. There are extensive procedures in place to minimize the chances of erroneous releases and over-detention situations, both of which carry tremendous liability, as well as risk to the public's safety and a deprivation of civil rights.

The policy for releases from stations are documented in our Manual of Policy and Procedures (MPP):

> MPP Section 5-03/115.25, Station Cite-Out Release Procedure states, "The release shall be executed at the earliest possible time consistent with procedural requirements, prudence, and safety." Numerous other MPP sections exist regarding release of prisoners that state a prisoner is to be "reasonably and safely released" (5-03/115.00, Misdemeanor Prisoners - Release Policy; 5-03/115.15, Field Release of Misdemeanor Prisoners; 5-03/117.00, Misdemeanor Release Pursuant to 849(b)(2) PC; 5-03/119.00, Misdemeanor Release Pursuant to 849(b)(3) PC).

The Malibu/Lost Hills Sheriff's Station Jail Manual states:

> "It is the policy of the Department to release misdemeanor prisoners in a manner prescribed by law as soon as such persons may be reasonably and safely released."

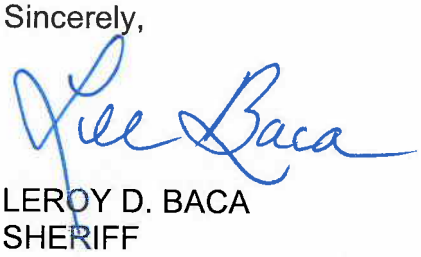
Prisoners with disabilities are handled on a case-by-case basis. Prisoners deemed to have medical or mental disabilities that would prevent them from adequately caring for themselves are released to the care of a friend, family member, or caretaker. If a responsible caretaker is not available to care for the prisoner, the prisoner is released to a qualified medical or mental health facility.

The policy for releasing persons after normal business hours is no different than any other time of day. The procedures emphasize prompt and safe release once there is no further legal justification to deprive the arrestee of their freedom. The majority of prisoners released from station jails or custody facilities are released singly, and may or may not have someone immediately available awaiting their release. It is not practical or legal for the Department to hold people in custody until someone is available to pick them up, and altering this procedure would subject the Department to potential litigation.

RECOMMENDATIONS

The Mitrice Richardson case is an unusual and unfortunate one. However, the Department's release policy and procedures are consistent with State law, and our investigation revealed all applicable laws, policies, and procedures were followed. In reviewing the release policies and procedures, the Department did not identify any areas requiring modification.

Sincerely,



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