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Re: OIR Confidential Report Regarding Circumstances Surrounding Arrest
and Release of Mitrice Lavon Richardson and LASD Response to Her
Subsequent Disappearance

Dear Supervisors:

The Office of Independent Review ("OIR") submits the enclosed confidential report regarding the circumstances surrounding the arrest and release of Mitrice Lavon Richardson and the response by the County of Los Angeles Sheriff's Department ("LASD" or the "Department") to her disappearance. In the report, OIR offers a factual summary of critical events and its analysis and conclusions regarding the appropriateness of the Department's conduct.

If you have any questions or concerns, please contact either of us for more information.

Very truly yours,


MICHAEL J. GENNACO
Chief Attorney
Office of Independent Review


BENJAMIN JONES
Deputy Chief Attorney
Office of Independent Review

Enclosure

cc: Carl Gallucci, Justice Deputy, Supervisor Don Knabe
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CONFIDENTIAL

**OIR Report Regarding the Circumstances Surrounding the Arrest and
Release of Mitrice Richardson and LASD Response to Her
Subsequent Disappearance**

Benjamin Jones
Deputy Chief Attorney
Office of Independent Review

I. INTRODUCTION/EXECUTIVE SUMMARY

On September 16, 2009, at approximately 7:00 p.m., Mitrice Lavon Richardson, a then 24-year old woman, visited Geoffrey's Restaurant in Malibu, ordered a meal and later intentionally left the restaurant without paying for her meal. When a Geoffrey's Restaurant manager questioned Ms. Richardson outside the restaurant, she informed him that she was unable to pay for her meal. Another Geoffrey's Restaurant employee called Malibu/Lost Hills Station, reported that Ms. Richardson was refusing to pay her bill and that she was "sounding crazy", and requested deputies to pick her up.

In response to the call for service, deputies responded to Geoffrey's Restaurant and confirmed that Ms. Richardson was unable to pay her bill and that her relatives were unable to assist her or travel to Malibu to pick her up. During a consensual search of Ms. Richardson's car, deputies found a small amount of marijuana, empty prescription bottles, a large amount of alcohol, and a California driver's license in Ms. Richardson's name. Inside her car, deputies found no money or credit cards that could be used to pay Ms. Richardson's restaurant bill. Without any means of Ms. Richardson paying her bill, the restaurant manager placed her under a private citizen's arrest and demanded that deputies take custody of her. Deputies transported Ms. Richardson to Malibu/Lost Hills Station and, with her consent, arranged for the towing of her car to a local tow yard.

Approximately 10:05 p.m., Ms. Richardson arrived at Malibu/Lost Hills Station. At the station, Department personnel booked and Livescanned Ms. Richardson. During the booking process, Ms. Richardson had accessed to a telephone in the booking area and appeared on a few occasions to use the telephone. Station personnel interviewed Ms. Richardson and fingerprinted and photographed her. During her interview, Ms. Richardson denied having any mental health disorder or condition. When a criminal history check revealed that Ms. Richardson had no outstanding wants or warrants, she signed a notice promising to appear in court, and at approximately 12:15 a.m. on September 17, 2009, two hours after her arrival at the station, station personnel released Ms. Richardson from custody. Prior to Ms. Richardson's release from custody, the station jailer twice offered Ms. Richardson the option to remain voluntarily at the jail until the arrival of daylight hours or her transportation. Ms. Richardson declined both offers and stated her intent to leave the jail and meet friends.

On September 17, 2009, at approximately 5:30 a.m., Malibu/Lost Hills Station learned from Ms. Richardson's mother, Latice Sutton, that Ms. Richardson's family had not heard from her since her release from custody five hours earlier. Approximately one hour later, station personnel received a call for service from a Calabasas resident, and the resident reported seeing a woman on his back porch and requested that the station send out a deputy as a precautionary measure. When deputies arrived at the residence, they searched the area; however, they did not locate the woman who was later identified as Ms. Richardson. By late morning, when they learned that Ms. Richardson still had not contacted any family or friends and that she may be in a "depressed state", station personnel alerted patrol units to be on the lookout for Ms. Richardson.

From the day of her release through the present, the Department has committed substantial personnel and resources to its search efforts for Ms. Richardson. While the City of Los Angeles Police Department ("LAPD") is the lead investigating agency, the Department has dedicated personnel and resources at the station and Homicide Bureau levels. The Department's search efforts have included interviewing witnesses and possible witnesses, conducting four thorough search operations in the Malibu and Calabasas areas, following up leads, and requesting assistance from state and other local agencies. Presently, Ms. Richardson remains missing.

Between the hours of Ms. Richardson's arrest and release from custody, Malibu/Lost Hills Station personnel made a number of decisions. The decisions related to taking Ms. Richardson into custody, towing her car, and releasing her from custody. The Office of Independent Review ("OIR") reviewed each of these decisions and concluded that based on the information available at the time of the decisions, each decision and subsequent action was reasonable. Moreover, OIR reviewed the Department's inquiry into these decisions and actions and found the inquiry to be thorough and appropriate. Furthermore, OIR monitored the Department's search and investigative efforts to locate Ms. Richardson and determined that the Department's efforts have been substantial and persistent.

Under the circumstances, deputies' decision to take Ms. Richardson into custody was reasonable and prudent. When deputies arrived at Geoffrey's Restaurant, they had limited information provided by dispatch. A woman was at Geoffrey's Restaurant, refusing to pay her bill, and "sounding crazy, and the caller from Geoffrey's Restaurant had requested deputies take her away from the restaurant. At Geoffrey's Restaurant, deputies received additional information from the restaurant manager, Ms. Richardson and her mother, Ms. Sutton, and great grandmother, Mildred Harris. Collectively, this additional information established that Ms. Richardson had committed two separate misdemeanors -- defrauding an innkeeper and possession of less than an ounce of marijuana, that she had a large quantity of alcohol and several empty prescription bottles in her car, that neither Ms. Sutton nor Ms. Harris could complete a credit card payment transaction over the telephone to the restaurant's satisfaction or travel to the restaurant to pick Ms. Richardson up, and that while there was some reported concerns about Ms. Richardson's behavior, she passed a field sobriety test and appeared sober, alert, and stable. The restaurant manager and Ms. Sutton wanted Ms. Richardson taken to jail. If Ms. Richardson suffered from a known mental health disorder, neither Ms. Sutton nor Ms. Harris advised the deputies of such a condition. Based on the totality of this information and the private citizen's arrest and without conducting any interviews of Geoffrey's Restaurant customers or employees, deputies took Ms. Richardson into custody and transported her to Malibu/Lost Hills Station. Given that Geoffrey's Restaurant is on a busy highway and that Ms. Richardson had no safe transportation away from the restaurant, the deputies' decision to take her into custody and transport her to the station was reasonable and prudent.

The deputies' decision to tow Ms. Richardson's car without taking possession of any cell phone that may have been in her car was also reasonable. While Ms. Richardson was being transported to the station, deputies arranged to have her car towed from Geoffrey's Restaurant. The deputies had the discretion either to leave Ms. Richardson's car on private property or tow it away from Geoffrey's Restaurant. With Ms. Richardson's consent and incident to her arrest, the deputies decided to arrange for the towing of her car. Once the deputies towed Ms. Richardson's car, they took possession of it and its contents; however, they did not conduct an immediate and thorough inventory search of the car. Understandably, Geoffrey's Restaurant parking lot during business hours was not the appropriate place to conduct an immediate and thorough search of the car. It is unclear whether deputies saw a cell phone in Ms. Richardson's car during their earlier search of it for cash or credit cards. Ms. Richardson's car was in a cluttered state. The facts indicate that there was no cell phone on Ms. Richardson's person and that there was no cell phone available to her during or after her release from custody. Without additional information regarding whether the deputies saw a cell phone in Ms. Richardson's car, the facts surrounding Ms. Richardson's lack of access to her cell phone cannot be more completely discussed at this point.

Malibu/Lost Hills Station personnel's decision to release Ms. Richardson from custody in the early morning hours was within Department policy, and it was based on the receipt of additional information received during the booking process. Once Ms. Richardson, a misdemeanor arrestee, cleared a check of her criminal history and station personnel determined that she was not a present danger to herself or others or gravely disabled, Malibu/Lost Hills Station personnel could no longer legally detain her involuntarily. Before deciding to release Ms. Richardson from custody, Department personnel obtained additional information about her, and this additional information dictated the Department's legal options. Through the booking process, they learned that Ms. Richardson did not have a criminal history and that she was not intoxicated, danger to herself or others, or gravely disabled. Moreover, Ms. Richardson told station personnel that she did not suffer any mental health issues, and station personnel's observations confirmed her representation. Throughout the booking process, Ms. Richardson was alert, coherent and cooperative. Without any apparent difficulty, she answered the various questions and followed instructions in completing the booking documents and procedures. Nothing in Ms. Richardson's behavior or statements indicated that she suffered from any mental health issues or a grave disability. After Ms. Richardson completed the booking process and it was determined that she had no outstanding wants or warrants and that she was not an immediate danger to herself or others or gravely disabled, Malibu/Lost Hills Station personnel were legally required to release her from custody, or involuntary detention. Because the hour was near midnight, station personnel twice offered Ms. Richardson the opportunity to remain voluntarily at the jail until the arrival of daylight or her transportation. When Ms. Richardson declined the twice-made offer, station personnel legally released her from custody.

The release of Ms. Richardson was proper. The station jailer escorted Ms. Richardson through a rear jail door and to the front of the station. There, the station jailer informed Ms. Richardson that she could wait in the station lobby for her transportation and that there was a public pay telephone from which she could make collect calls. The manner of Ms. Richardson's release was not unusual and conformed with existing Department policy and protocols regarding a misdemeanor arrestee's release from a station jail.

Before and after Ms. Richardson's release, Ms. Sutton called Malibu/Lost Hills Station and spoke with station personnel, and during these calls, station personnel were professional and provided Ms. Sutton with the best available information. The first call was at approximately 9:50 p.m. Ms. Sutton indicated that she was vacillating on whether to let Ms. Richardson spend the night in jail so that she could learn a lesson; however, she made it clear that if Malibu/Lost Hills personnel were going to release Ms. Richardson that night, Ms. Sutton would travel there to pick her up. While the deputy with whom Ms. Sutton spoke had limited information and did not know on what charges that Ms. Richardson was arrested, he explained the standard release procedures for a misdemeanor arrestee and gave Ms. Sutton directions to the station. Ms. Sutton indicated that she would call the station later that night. At approximately 5:30 a.m. on September 17th, Ms. Sutton called a second time and inquired about the timing of Ms. Richardson's release from custody, and during this call, Ms. Sutton learned that Ms. Richardson had already been released from custody. Minutes later, Ms. Sutton called a third time and inquired about the procedures for making a missing person report, the deputy explained the procedure for filing the report, tried to assure Ms. Sutton that the consequences of Ms. Richardson's release were not necessarily dire, and offered to speak with the station jailer and search the station lobby.

In response to a number of complaints from Ms. Richardson's family, OIR monitored the Department's efforts to search for Ms. Richardson, and based on its monitoring, OIR has determined that Department personnel have demonstrated steadfast dedication and perseverance in their efforts to find Ms. Richardson. Within hours of Ms. Richardson's release and prior to any information regarding her disappearance, Malibu/Lost Hills Station personnel had unknowingly begun searching for her. Shortly after receiving the 6:30 a.m. call for service regarding Ms. Richardson on a Calabasas resident's back porch, the station sent a patrol car to the residence, and when Ms. Richardson was not located there, the assigned patrol unit searched the area for her.

A few hours later, when station personnel received information that Ms. Richardson may have disappeared, they alerted all patrol units of her status and circulated color booking photographs of her. Moreover, the station watch commanders requested the immediate communication of any information regarding Ms. Richardson's location so that she could be reunited with her family.

Beginning hours after Ms. Richardson's release from custody and continuing for the next several months, the Department arranged for Malibu/Lost Hills Station personnel

and LAPD missing person detectives and then LAPD homicide investigators to work in a collaborative manner to search for Ms. Richardson. It committed substantial resources in excess of \$350,000 to the search for Ms. Richardson and to collect available information and evidence that could provide leads regarding her location. Station personnel and LAPD investigators conducted two separate and increasingly larger search and rescue operations in the Calabasas/Malibu area. In each of the operations, they deployed search and rescue personnel on the ground and in the air and scent and cadaver dogs. In the second operation, station personnel and LAPD investigators increased the search area and the number of search and rescue personnel on the ground and in the air. Department personnel and LAPD investigators conducted interviews of Calabasas and Malibu residents, Geoffrey's Restaurant personnel and various experts who could provide information about Ms. Richardson, any existing mental health condition, and her possible behavior and location.

From the middle of December 2009 through the present, the Department has added more resources to the search for Ms. Richardson, including the assignment of full-time investigators. On December 11, 2009, the Department elevated its assistance to LAPD in the search for Ms. Richardson. Department executives assigned a team of Department homicide investigators to support LAPD investigators on a full-time basis. Immediately upon assignment, Homicide Bureau investigators diligently followed up leads and reported sightings of Ms. Richardson or persons who resembled her. To develop leads, they interviewed Calabasas and Malibu residents and Geoffrey's Restaurant personnel and sought assistance from state agencies and other law enforcement agencies. The Department's homicide investigators worked with LAPD investigators and Malibu/Lost Hills Station personnel to develop and execute two additional search and rescue operations. These additional operations consisted of a third search and rescue operation and a subsequent drone search of the Calabasas and Malibu areas. The third search and rescue operation was the largest and most exhaustive operation to date. Aside from its organization and execution of the third search and rescue operation and participation in the drone search, Malibu/Lost Hills Station personnel has continued its local efforts to follow up leads and search for Ms. Richardson.

Since the beginning of Ms. Richardson's disappearance, there have been complaints that the Department delayed or refused deliberately to release important information to Ms. Richardson's family; however, OIR has observed the contrary. Acting within the constraints of law enforcement protocols, issues of privacy, and limitations of existing technology, the Department has fulfilled the family's requests for information without inordinate delay. The perceived delays or refusals were because the Department tried to release the requested information in a manner that conformed to the requirements of its protocol with the County District Attorney's office and that preserved the privacy of other arrestees in the station's booking area. In addition to the privacy issues, the delay in releasing video tape recordings was due to the time required to convert a multiple-track video recording to several a single track video recordings. The perceived refusal to release a copy of video recordings of the exterior of the front of Malibu/Lost Hills Station and audio recordings of calls made from the booking telephone

was because there were no such recordings. The antiquated video surveillance equipment at the front of the station provides live feed, but not recorded, images, and the telephone line for the booking telephone was unable to record calls or information regarding attempted calls. From its review of the family's complaints, OIR found nothing untoward in the Department's response time to the requests for information. Based on several of these constraints, OIR has proposed a number of recommendations regarding ways to capture efficiently certain information or arrestees' acknowledgements.

II. SCOPE OF OIR'S REVIEW

OIR has played a multifaceted role in the review of the Department's actions related to the arrest and release of Ms. Richardson and the search and investigative efforts to locate her. OIR has reviewed closely and extensively the Department's actions and activities from the beginning to present, including interviewing several Department executives and station personnel.¹ OIR has received and considered reported concerns and complaints from individuals outside the Department as well as community groups and persons who have offered to assist in the efforts to search and locate Ms. Richardson. In addition to scrutinizing the Department's actions and efforts, OIR has attempted to facilitate communication between Department members and interested external stakeholders.

Throughout OIR's monitoring of this matter, Malibu/Lost Hills Station personnel and Department executives have been cooperative and forthcoming. They have provided OIR complete access to documents, available recordings, meetings and briefings. They have readily kept OIR informed of developments on a number of issues regarding its internal inquiry into station personnel's conduct, the release of reports and recordings, and search and investigatory efforts. Moreover, Malibu/Lost Hills Station personnel and Department executives have willingly received OIR's requests for additional information and further inquiry.

From the outset of Ms. Richardson's disappearance, Malibu/Lost Hills Station unit commanders and Department executives have met and conferred with OIR regarding developments in Ms. Richardson's disappearance and efforts to search for her. Within days of Ms. Richardson's disappearance, station unit commanders briefed OIR of the circumstances of her arrest and subsequent release from custody. OIR met with the then captain of Malibu/Lost Hills Station and discussed the circumstances of Ms. Richardson's arrest and release. OIR reviewed available reports relative to Ms. Richardson's arrest, booking and release from custody, and audio and video recordings.

¹ OIR did not conduct any interviews of the deputies and station jailer who had actual contact with Ms. Richardson on September 16 and 17, 2009 or who were involved in her being taken into custody or released from custody. OIR's primary role was to ensure that the Department conducted a thorough and complete inquiry into its personnel and their conduct, and its secondary role was to ensure that the Department had notice of various concerns and complaints regarding its reported conduct and that it appropriately considered those concerns and complaints.

Moreover, OIR met with Malibu/Lost Hills Station personnel regarding the scope and preliminary results of the station's internal inquiry into its involved personnel's conduct and various Department and station policies and procedures. The station's internal inquiry reviewed the conduct of the responding deputies and the station jailer to determine whether their conduct was in compliance with state law and Department policies and procedures. OIR monitored the station's internal inquiry to ensure that it was thorough, complete and objective.

Soon after Ms. Richardson's release from custody, OIR met with Malibu/Lost Hills Station unit commanders and Department executives and discussed a number of complaints made by the attorney who reportedly represented Ms. Richardson's family.² The attorney contacted OIR with complaints that the station and/or Department was delaying the release of the report regarding Ms. Richardson's arrest to her family, withholding video footage captured by cameras located at the front entrance of Malibu/Lost Hills Station from the family, and providing the family incomplete or redacted audio recordings of Ms. Sutton's telephone calls to the station. To determine the validity of these complaints, OIR discussed them with Department executives and station personnel and the complainants, and to facilitate in the resolution of the complaints, OIR reviewed the related documents and procedures and offered to meet or met with the complainants. In addition to speaking with the family's attorney, OIR met with Mr. Richardson and his counsel and with a private investigator who offered free of charge assistance to Ms. Richardson's family. In response to a request by Ms. Sutton, OIR offered to meet with her and her counsel.

Furthermore, OIR attended several Department meetings related to search and investigative efforts. At these meetings, OIR received briefings on the Department's efforts, and on several occasions, OIR observed search or investigative efforts and activities conducted by the Department and/or station personnel and their interactions with LAPD investigators.

III. FACTUAL SUMMARY

A. The Arrest of Ms. Richardson

On September 16, 2009, at approximately 8:30 p.m., Malibu/Lost Hills Station³ received a call for service from Geoffrey's Restaurant.⁴ In the call for service, a

² Several months after the disappearance of Ms. Richardson and despite various representations in correspondence sent to OIR, OIR learned that Mr. Leo Terrell did not represent both Ms. Richardson's parents and that Mr. Terrell represented only Ms. Richardson's mother, Ms. Sutton. Mr. Benjamin Schonbrun represents Mr. Richardson.

³ Malibu/Lost Hills Station is located at 27050 Agoura Road in Calabasas. The area served by the station is a blend of residential, rural, mountain, beach and recreational areas. Inside a mile radius of the station are residences, executive business parks, a grocery store, a motel, several gas stations, several fast food restaurants and the 101 freeway. Outside the mile radius of the station is low mountainous terrain with intermittent dense forest and bush and larger residential properties. Several miles west of the station are beach communities along Pacific Coast Highway. In 2009, the areas served by Malibu/Lost Hills Station had one of the lowest violent crime rates of all areas served by LASD.

Geoffrey's employee reported that a customer was refusing to pay her bill and that she was "sounding crazy" and possibly on drugs and requested that someone come to the restaurant and pick her up. In response to questions from Malibu/Lost Hills Station personnel, the employee described the customer as a young black woman in her twenties and wearing a black tee shirt and blue jeans and alone at the restaurant. In response to this call for service, the station dispatched three deputies to the restaurant. When three deputies arrived at the restaurant, and the restaurant manager contacted the deputies in the parking lot and informed them that Ms. Richardson had dinner at the restaurant and left Geoffrey's without paying her food and beverage bill, that the bill totaled \$89.51, and that Ms. Richardson told restaurant employees that she did not have her wallet with her to pay and that she could call no one for assistance. For approximately two hours, Ms. Richardson was at the restaurant, and during those hours, Ms. Richardson ate a meal and had one alcoholic beverage, spoke with other customers and then walked out of the restaurant without paying her bill. A copy of Ms. Richardson's bill confirmed that she ate a steak meal, drank one alcoholic beverage and parked her car with the restaurant's valet service.⁵

After speaking with the restaurant manager, two deputies spoke with Ms. Richardson. When the deputies asked Ms. Richardson what was going on, Ms. Richardson responded that she did not have money to pay for the meal. Ms. Richardson further stated that she had met some friends at the restaurant and that because she did not have her wallet, she was expecting them to pay for the meal. The deputies were unable to locate Ms. Richardson's friends at the restaurant.

A deputy asked Ms. Richardson a series of questions. The first question was whether she knew where she was, and Ms. Richardson responded that she was in Malibu. The second question was how did she arrived at Geoffrey's, and Ms. Richardson replied that she drove her car. The third question was why she chose to stop at Geoffrey's for a meal, and Ms. Richardson stated that she liked the lights at the restaurant and that it seemed like a wonderful place. The fourth question was whether Ms. Richardson had any drinks at the restaurant and if so, whether she felt any effects from them, and Ms. Richardson responded that she had one drink, an Ocean Breeze, and that she felt fine. The fifth question was whether she was under the care of a physician or on medication for any existing condition, and Ms. Richardson replied: "No." The sixth question was whether she had ever been placed under a 72-hour psychological hold for evaluation, and to that question, Ms. Richardson also answered: "No." During this conversation, the deputy observed that while she seemed slightly embarrassed, Ms. Richardson was cooperative and polite.

After his conversation with Ms. Richardson and because the call for service indicated that Ms. Richardson had been "sounding crazy", the deputy who questioned Ms. Richardson had her conduct a field sobriety test to determine her level of sobriety.

⁴ Geoffrey's Restaurant is located on private property at 27400 Pacific Coast Highway in Malibu, California. The restaurant is within the Malibu/Lost Hills Station service area.

⁵ At Geoffrey's Restaurant, the cost for valet parking is included in the customer's bill and must be paid before leaving the restaurant.

Under the deputy's direction, Ms. Richardson performed a Horizontal Gaze Nystagmus test, and she passed the test. In addition, the deputy observed that Ms. Richardson's eyes were clear and focused and that her pupils were at normal size for the lighting conditions. Finally, the deputy took Ms. Richardson's pulse twice, and both pulse readings were within the normal range. Based on his observations, the deputy determined that Ms. Richardson was not under the influence of any alcoholic beverages or narcotics and that she appeared to be entirely aware of her surroundings and lucid.

A different deputy then asked Ms. Richardson whether there was anyone whom she could contact to assist her in paying her bill, and she replied: "No." While this deputy spoke with Ms. Richardson, her great grandmother, Mildred Harris, called the restaurant. The manager spoke with Ms. Harris, and Ms. Harris informed him that she was unable to travel to Malibu and that she did not have access to a facsimile machine to complete a credit card transaction by telephone. The deputy also spoke with Ms. Harris and advised her that Ms. Richardson was being arrested and that she would be transported to Malibu/Lost Hills Station.

Minutes later, Ms. Richardson's mother, Latice Sutton, called the restaurant. Ms. Sutton spoke with the manager. Ms. Sutton asked what had occurred at the restaurant, and the manager informed her that Ms. Richardson had a meal and was refusing to pay her bill. Ms. Sutton stated that Ms. Richardson had been spending time with persons of whom she did not approve and that Ms. Richardson needed to learn a lesson and be taken to jail.

When Ms. Richardson informed deputies that she did not have her wallet with her to pay for the meal, a deputy asked her for permission to search car for her wallet. Ms. Richardson gave her consent to search the car. The deputy then asked his partners to search Ms. Richardson's car for her wallet. Ms. Richardson's car is a 1998 white, two-door Honda Civic, and it appeared as though it had been ransacked. The car contained clothes, shoes, compact disks and empty prescription bottles scattered throughout the passenger compartment of the car, and there were several full and partially full gallon bottles of liquor and beer in the trunk of the car. During the search of Ms. Richardson's car, deputies saw a baggie containing a small quantity of marijuana in plain view between the driver's seat and the center console. A deputy asked Ms. Richardson to whom the marijuana belonged, and she told him that it belonged to her: "Oh, it's mine." Another deputy recovered a California driver's license in Ms. Richardson's name; however, deputies found no wallet or money in Ms. Richardson's car.

Without any apparent means of Ms. Richardson paying her restaurant bill, Geoffrey's manager placed Ms. Richardson under private person's arrest⁶ for defrauding an innkeeper, a misdemeanor,⁷ and, via a private citizen's arrest form, demanded that deputies transport her to the station. While she was seated in a patrol car, the Geoffrey's

⁶ Under California Penal Code section 834, an arrest may be made by a peace officer or private person, and California Penal Code section 837 sets forth the conditions under which a private person may make an arrest. These sections are discussed in more detail later in this report in section IV.

⁷ Under California Penal Code section 537(a)(1), defrauding an innkeeper is a misdemeanor.

manager verbally advised Ms. Richardson of the defrauding the innkeeper charge on which she was being arrested. A deputy transported Ms. Richardson to the station. With the approval of a sergeant at the station, the transporting deputy charged Ms. Richardson with the additional offense of possession of less than an ounce of marijuana, a misdemeanor.⁸ At Ms. Richardson's request and incident to the arrest, deputies arranged for her car to be towed from the restaurant and stored at Malibu Tow Company.

At approximately 10:05 p.m., accompanied by the transporting deputy, Ms. Richardson entered Malibu/Lost Hills Station through the rear door. Before placing Ms. Richardson in a booking cell, the deputy removed the handcuffs from her wrists, and the station jailer conducted a pat-down search and removed various items from Ms. Richardson's person. Ms. Richardson then entered the booking cell and removed her shoes and socks.⁹ Ms. Richardson seated herself on a concrete bench inside the cell, and intermittently engaged her cellmate in conversation. Ms. Richardson and her cellmate took turns using a telephone on the booking counter that they accessed through a screen.¹⁰ At times, Ms. Richardson sat and lay down on the concrete bench.

B. Booking Process for Ms. Richardson

At approximately 10:20 p.m., Ms. Richardson began the booking process at Malibu/Lost Hills Station.¹¹ Through the booking cell screen, Ms. Richardson had access to the station telephone in the booking area. While the transporting deputy and station jailer completed various documents, the station jailer observed Ms. Richardson use the telephone in the booking area and speak into the telephone. When Ms. Richardson accessed the station telephone, the station jailer was booking another arrestee.

As part of the booking process, the transporting deputy and station jailer observed and/or questioned Ms. Richardson in order to complete a number of documents and procedures. These documents and procedures included a Station Jail Prisoner Classification Questionnaire ("SJPCQ"),¹² an Arrestee Medical Screening Form

⁸ Under California Health and Safety section 11357(B), possession of less than an ounce of marijuana is a misdemeanor.

⁹ The jail cell that Ms. Richardson occupied had two doors. The front door through which Ms. Richardson initially entered the cell leads to the booking area, and the rear door leads to the Livescan area.

¹⁰ There was a pay telephone inside Ms. Richardson's cell for making collect calls; however, the pay telephone was not turned on during the booking process. The collect calls made from the pay telephone are recorded; however, the free calls made from the station telephone in the booking area are not recorded. Because the pay telephone was not in operation, the station jailer permitted Ms. Richardson and her cellmate to use the station telephone on the booking counter.

¹¹ The booking process consists of the following: (1) searching an arrestee to ensure that no contraband is taken into a cell and to document personal property retrieved from the arrestee; (2) questioning the arrestee to obtain information relative to the arrestee's identity and to determine whether the arrestee has any medical or mental health issues; (3) fingerprinting one of the arrestee's hands; (4) processing the arrestee's information to determine whether there are any outstanding wants or warrants; and (5) advising the arrestee of the jail rules and regulations. During the booking process, the arrestee signs a number of forms including the Booking and Property Record and the jail rules and regulations document, and the arrestee receives a copy of both signed documents.

¹² Department procedures require that the station jailer complete this document. The completion of the SJPCQ is required to determine a jail prisoner's classification for appropriate housing assignment within

("AMSF"), a Booking and Property Record ("BPR"), a Release and Notice to Appear Citation, and a Livescan. The booking process included Department personnel interviewing Ms. Richardson for background information, medical and mental health determinations and jail prisoner's classification assessment, the ink fingerprinting of one of Ms. Richardson's hands, and the advisement of the jail rules and regulations. This information was documented on the BPR, SJPCQ, and AMSF. During the search of Ms. Richardson, the station jailer recovered property consisting of a brown hat, a set of two keys, a pink belt, and a California driver's license, and a description of these items was documented on the BPR. Ms. Richardson signed the BPR acknowledging the property retrieved from her and the jail rules and regulations advisement form. From her observations of Ms. Richardson during the booking process, the station jailer recorded the following information on the BPR: (1) a tattoo in Chinese characters on Ms. Richardson's neck; and (2) physical characteristics, including sex, hair color, and eye color. From a series of questions posed to Ms. Richardson, the station jailer documented on the BPR the following information: (1) full name; (2) date of birth; (3) home address; (4) home telephone number; (5) occupation; (6) employer; (7) special medical problem, i.e., asthma; and (8) an emergency contact name and telephone number, i.e., Mildred Harris. Included as part of Ms. Richardson's BPR are a photograph of Ms. Richardson and a set of an ink printed impressions of Ms. Richardson's right-hand fingers.

As part of the booking process, the station jailer interacted with Ms. Richardson to complete the SJPCQ and the AMSF. On the SJPCQ, the station jailer determined Ms. Richardson's jail prisoner classification and noted that Ms. Richardson was being held on a non-violent misdemeanor and that based on current observable behavior, Ms. Richardson was passive and compliant. For the AMSF, the station jailer asked Ms. Richardson a series of questions about whether she had any medical issues, took any prescribed medication, had any psychological impairment or was under the influence of any drug or alcohol. Ms. Richardson denied the existence of any of these conditions and signed the AMSF also denying the existence of any of these conditions.

After the completion of this phase of booking process, Ms. Richardson remained alone in the booking cell. With her head resting on her hand, she reclined on the concrete bench, and later, in sitting position on the concrete bench, Ms. Richardson briefly hugged herself and then stood up and walked around the booking cell.

At approximately 10:55 p.m., Ms. Richardson exited the rear door to the cell and entered the Livescan processing area.¹³ As part of the Livescan process, the station jailer photographed Ms. Richardson's face and tattoos on the back of her neck and lower back, took a complete computerized set of fingerprints of Ms. Richardson's right and left hands, and submitted Ms. Richardson's fingerprints to local, state, and law enforcement

the County jail. Those jail inmates with a lower total point score are classified as a minimum security risk, and those jail inmates with a higher score are classified as a maximum security risk. The Department seeks to separate the minimum security risk inmates from the maximum security risk inmates.

¹³ During the Livescan process, the jailer uses a computer device to fingerprint and photograph the arrestee. The fingerprint process obtains a full set of fingerprints of the arrestee's right and left hands, and the photographs are of the arrestee's face and identifying body markings, such as tattoos. As part of this process, the fingerprints are submitted to various law enforcement databases.

databases. During the Livescan process, the station jailer asked Ms. Richardson what she was doing in Malibu when she lived in Los Angeles, and Ms. Richardson stated that she was visiting friends. When not standing for the fingerprinting and photographing procedures, Ms. Richardson sat in a swivel desk chair and occasionally swiveled from side to side. On several occasions during the Livescan process, the station jailer turned her back to Ms. Richardson to retrieve the camera or turn off and on the lights for photographing purposes. While the station jailer entered information into the Livescan computer and checked the information and digital images, Ms. Richardson remained in the Livescan area with the station jailer, and they chatted about a number of subjects. During the Livescan process, the station jailer observed Ms. Richardson and found her to be coherent and not intoxicated.¹⁴

At approximately 11:20 p.m., upon the completion of the Livescan process, the station jailer returned Ms. Richardson to her booking cell, and Ms. Richardson appeared to use the station telephone again, and the station jailer offered her a blanket. Ms. Richardson initialed the jail telephone calls log, and the log shows that she called or tried to call her great grandmother, Mildred Harris, four times.

C. Release of Ms. Richardson

At approximately 11:45, the station jailer informed Ms. Richardson that she had cleared the wants and warrants check and asked her whether someone was picking her up from Malibu/Lost Hills Station. Ms. Richardson replied that she was unable to reach anyone. With this reply, the station jailer offered Ms. Richardson the option of remaining at the station until daylight hours or someone could pick her up. Specifically, the station jailer told Ms. Richardson that she could stay voluntarily the night in a private cell and sleep until daylight hours, that she would be free to leave at any time, that it was cold and dark outside, that her car had been towed, and that because she had no transportation, she would at least be warm in the cell and could leave first thing in the morning. Initially, Ms. Richardson agreed to stay at the station jail; however, Ms. Richardson changed her mind and told the station jailer that she did not want to remain in the jail and that she wanted to leave. When the station jailer tried a second time to convince Ms. Richardson to stay at the jail, Ms. Richardson made a comment about trying to catch up with some friends and that she would rather leave the station. Ms. Richardson then signed a misdemeanor citation/promise to appear in court on the two misdemeanor charges, defrauding an innkeeper and possession of under an ounce of marijuana.¹⁵ In addition, Ms. Richardson signed the BPR to acknowledge the return of property during the booking process: (1) black shirt; (2) blue jeans; (3) brown hat; (4) pink belt; (5) set of two keys; and (6) California driver's license.

¹⁴ Deputies and custody assistance receive training in the detection of symptoms relative to persons who suffer from intoxication and mental health conditions. Training in these areas is provided during the Department's ten-week Academy program for new deputies and custody assistants and during the Department's custody operations training program. The deputies and the station jailer involved in the arrest, booking and release of Ms. Richardson received the Department's training in the detection of symptoms of intoxication and mental health conditions.

¹⁵ Ms. Richardson was released on her written promise to appear in Malibu Court on November 16, 2009.

On September 17, 2009, at approximately 12:15 a.m., Ms. Richardson put on her socks and shoes and left her cell. Through the rear door of the station jail that accessed the station parking lot, the station jailer escorted Ms. Richardson out of the station jail and to the front of the station.¹⁶ In the front of the station, the station jailer informed Ms. Richardson that she could use the pay telephone inside the station lobby to make collect calls and that she could wait in the lobby for her transportation. After leaving Ms. Richardson in the front of the station, the station jailer walked back to the rear door of the station jail, entered the station jail, and advised dispatch¹⁷ that because Ms. Richardson had refused to remain in the station jail, she had just released her and that because it was cold outside and she did not have a jacket, Ms. Richardson would probably stay in the station lobby. Ms. Richardson did not stay in the lobby.

Seconds after Ms. Richardson exited the station jail through a rear door, a male deputy exited the station jail through a different rear door from a gun locker area.¹⁸ Earlier in the evening, the male deputy and his partner had transported a DUI suspect to the Malibu/Lost Hills Station for another deputy. Later, he and his partner transported the suspect to a local hospital for a blood-alcohol test and then returned the suspect to the station. Approximately one hour after exiting the station, the male deputy and his partner conducted a traffic stop near the intersection of Calabasas Road and Mulholland Drive in Calabasas.¹⁹

D. Ms. Sutton's Telephone Calls to Malibu/Lost Hills Station and Conversations with Station Personnel²⁰

In the evening of September 16, 2009 and early morning hours of September 17, 2009, Ms. Sutton called the Malibu/Lost Hills Station three times. On September 16, 2009, at approximately 9:50 p.m., as Ms. Richardson was being transported from Geoffrey's Restaurant to the station, Ms. Sutton called the station and spoke with a deputy. In the call, Ms. Sutton indicated that she was vacillating on whether to let Ms. Richardson spend the night in jail so that she could learn a lesson; however, Ms. Sutton made clear that if Malibu/Lost Hills personnel were going to release Ms. Richardson that night, she would travel there to pick Ms. Richardson up. While the deputy with whom Ms. Sutton spoke did not know on what charges that Ms. Richardson had been arrested, he explained the standard release procedures for a misdemeanor arrestee and gave Ms. Sutton directions to the station. Ms. Sutton indicated that she

¹⁶ Most arrestees are released through this rear station door. Otherwise, the arrestees would walk through the office space of the station, and this could cause safety and privacy challenges.

¹⁷ There is no station directive requiring the station jailer to so notify dispatch. As a courtesy to her co-workers, the station jailer made this notification.

¹⁸ Because guns are not allowed in the station jail area, deputies are required to secure their guns in the station gun locker, and when deputies leave the station, they retrieve their guns from the gun locker and exit through a different rear station door than the rear station door used by arrestees.

¹⁹ The intersection of Calabasas Road and Mulholland Drive in Calabasas is approximately eight miles from 507 Cold Canyon Road and approximately six miles from Malibu/Lost Hills Station.

²⁰ Ms. Sutton's calls to the station dispatcher were recorded, and the watch commander's return call to Ms. Sutton on September 17, 2009 was recorded.

would call the station later that night. In this call, Ms. Sutton provided no information regarding Ms. Richardson's mental health status.

On September 17, 2009, at approximately 5:20 a.m., Ms. Sutton called the station and inquired about Ms. Richardson. When Ms. Sutton stated that Ms. Richardson had been arrested the night before, she was transferred to the station jailer.²¹

Minutes later, at approximately 5:35 a.m., Ms. Sutton called the station again and spoke with a different deputy. During the call, Ms. Sutton inquired about the timeframe for filing a missing person report. Without knowing anything about Ms. Richardson's arrest and subsequent release, the deputy explained the procedures for filing a missing person report and then asked Ms. Sutton a few questions. In response to the deputy's questions, Ms. Sutton stated that Ms. Richardson is in an unfamiliar area and without a vehicle and that Ms. Richardson was released from Malibu/Lost Hills Station shortly after 12:00 a.m. When the deputy asked Ms. Sutton whether she had spoken with the station jailer, Ms. Sutton replied that she had spoken with the station jailer and that the station jailer tried to persuade Ms. Richardson to stay at the jail; however, because Ms. Richardson is an adult, the station jailer had to let her leave. Ms. Sutton stated her concern about Ms. Richardson's safety was because she had been released in an unfamiliar area at night and is in a "depressed state." The deputy inquired as to whether Ms. Richardson was on medication, and Ms. Sutton denied that her daughter was on medication. The deputy requested that Ms. Sutton call back in a couple of hours and offered to speak with the jailer for additional information and to check the station's lobby for Ms. Richardson.

At approximately 9:30 a.m., the on-duty station watch commander returned Ms. Sutton's last call. In their conversation, Ms. Sutton stated that Ms. Richardson was missing and wandering around in Malibu, an unfamiliar area, that there had been a couple of sightings of Ms. Richardson, and that Ms. Richardson was in a "depressed" state of mind, "not normal," and "delusional." In response to the watch commander's request for additional information regarding the sightings of Ms. Richardson, Ms. Sutton reported that the station had received a call for service regarding a person sleeping on the rear porch of a Malibu residence and another call for service regarding a suspicious woman in the Malibu area. Moreover, Ms. Sutton stated that she needed help in locating Ms. Richardson and that she was not getting help from the watch commander's office. Ms. Sutton stated that Mr. Richardson had made several calls and had the names of station personnel with whom he spoke. The watch commander asked Ms. Sutton whether Ms. Richardson was on any medication or suffering from a crisis. Ms. Sutton informed the watch commander that Ms. Richardson may have been using drugs or drinking yesterday, that Ms. Richardson sent unusual text messages yesterday, and that Ms. Richardson had been sleeping a lot. The watch commander explained to Ms. Sutton that Malibu/Lost Hills Station would begin circulating photographs of Ms. Richardson. Further, the watch commander asked whether there was a reason that Ms. Richardson

²¹ There is no recording of the conversation between Ms. Sutton and the station jailer after the station dispatcher transferred Ms. Sutton's call to the station jailer. The telephone line to the station jail does not record telephone calls.

would not have called Ms. Sutton or the great grandmother for a ride. Ms. Sutton stated that Ms. Richardson's family was presently discovering her mental health issues. Ms. Sutton stated that should Ms. Richardson be found, she should be the primary contact person and that she was on her way to Malibu/Lost Hills Station to file a missing person report. The watch commander explained that while he was unfamiliar with the matter regarding Ms. Richardson, he or his relief would look into it, and he or his relief might have some additional information for Ms. Sutton upon her arrival at the station.

E. Search Efforts for Ms. Richardson

At approximately 6:30 a.m., several hours after Ms. Richardson's release, Malibu/Lost Hills Station received a call from a Calabasas resident reporting that a woman had been sleeping on the rear steps of his residence, 507 Cold Canyon Road in Calabasas, and that she had left on foot roughly five minutes before his call to the station. The caller's description of the woman matched the physical characteristics of Ms. Richardson. The station dispatched deputies to the residence, and they arrived 20 minutes after the call for service. In a search of the area surrounding the residence, deputies were unable to locate the woman listed in the call for service, and Malibu/Lost Hills Station personnel received no other reported sighting of a woman matching Ms. Richardson's description.

At the 1:00 p.m. and 3:00 p.m. station patrol briefings and as a follow-up to the watch commander's conversation with Ms. Sutton earlier in the day, the on-duty watch commander briefed all patrol units on the circumstances of Ms. Richardson's arrest and disappearance, requested that they be on the lookout for her, and provided each patrol unit with photographs of Ms. Richardson.

At approximately 6:15 p.m., Ms. Sutton arrived at Malibu/Lost Hills Station to file a missing person report. Ms. Sutton represented that Ms. Richardson had not contacted any family or friends since her release from Malibu/Lost Hills Station. In addition, Ms. Sutton stated that Ms. Richardson is a graduate student who has never been in trouble. Moreover, Ms. Sutton stated that Ms. Richardson has no history of drug abuse or mental issues. Ms. Sutton stated that Ms. Richardson sent her a text message yesterday, September 16, 2009, and that she had not arrived home. Because Ms. Richardson's home address is in the City of Los Angeles, LASD took the report for LAPD.²²

Upon receipt of Ms. Sutton's missing person report, the on-duty watch commander at Malibu/Lost Hills Station again alerted all patrol shifts at the station to be on the lookout for Ms. Richardson and to report any and all information regarding the location of Ms. Richardson to the station desk to ensure proper notification to Ms. Richardson's parents and LAPD investigators. As part of the alert to its patrol personnel, the station provided all patrol units with color reproduced booking slips of

²² Ms. Richardson is deemed to be missing from her home address, and because her home address is in the City of Los Angeles, LAPD is the proper authority to investigate the missing person report regarding Ms. Richardson.

Ms. Richardson that contained her photograph and relevant personal information. In addition, Malibu/Lost Hills Station contacted the Malibu Tow Company and requested it to contact the station should anyone try to retrieve Ms. Richardson's stored car.

On September 19, 2009, within two days of Ms. Richardson's disappearance, Malibu/Lost Hills Station personnel, including its mountain search and rescue team, conducted a search of the Monte Nido area of Malibu for Ms. Richardson.²³ This area is where Ms. Richardson was seen in the early morning on September 17th on the rear porch of the Cold Canyon Road residence.²⁴ A team of approximately 20 LASD personnel assisted LAPD missing person unit detectives in the search of the Monte Nido area. Search and rescue personnel deployed scent and cadaver search dogs and an LASD helicopter to facilitate the ground search efforts. The search included checks of surrounding drainage areas, Cold Canyon Road from Mulholland Highway south to Pioma Road, and the northward egress from the Cold Canyon Road residence. As part of the search, LASD personnel requested California State Park Rangers and Mountain Recreation Conservancy Rangers to search state parks in the area. Using scent dogs, LASD personnel and an LAPD detective searched Ms. Richardson's towed car. They also interviewed the resident at the Cold Canyon Road residence, and from Ms. Richardson's booking photograph, he positively identified her as the woman whom he saw on his back porch.

In and around the 500 block of Cold Canyon Road, LASD scent dogs picked up and followed Ms. Richardson's scent trail. The scent trail led to the front of 577 Cold Canyon Road. LASD personnel thoroughly searched outside and inside this residence.

In addition, the Malibu Search and Rescue ("MSAR") tracking teams located fresh foot print tracks in the rear of the 507 Cold Canyon Road residence. They confirmed that these foot prints were from the "Van's" shoes that Ms. Richardson was wearing when she was released from the Malibu/Lost Hills Station. These foot print tracks led into the backyard of the Cold Canyon Road residence and similar tracks were located in the front yard of the property and along the side of the residence. The trackers determined that Ms. Richardson had been running when she left these foot prints. Because of heavy traffic by persons and horses, the trackers lost Ms. Richardson's foot print tracks. The search teams were unable to locate any of her foot print tracks away from the residence and along surrounding perimeter streets.

²³ On September 18, 2009, at approximately 10:00 p.m., an LAPD missing person unit detective called Malibu/Lost Hills Station and requested that the Malibu Search and Rescue team conduct a search of the Monte Nido area the next morning.

²⁴ The Monte Nido area is a rural low mountain community, equestrian in nature, with rolling hills, heavily covered in scrub oak, oak trees and intermittent thick and dense vegetation. The area has several homes on larger properties, and these homes are sometimes obscured from each other. There are numerous trails, drainages, ravines and areas of concealment. The focus area of the search is bordered by Pioma Road on the south, Cold Canyon Road on the north, Crater Camp Road on the west/northwest, and Malibu Meadows on the north/northwest.

The search included contacting all local taxicab companies and inquiring whether there were any pick up fares matching Ms. Richardson's description. This request was for information covering the several previous days.

LASD personnel contacted several residences in the Monte Nido area to determine whether there had been any other sights of Ms. Richardson in the area.

The aerial searches covered the entire Monte Nido area.

The eight-hour search failed to uncover any leads to aid investigators in the location of Ms. Richardson.

After the conclusion of the search, LASD personnel assisted an LAPD detective in interviewing the restaurant manager regarding the events surrounding Ms. Richardson's visit to Geoffrey's Restaurant on September 16th.

On September 22, 2009, Mr. Michael Richardson arrived at Malibu/Lost Hills Station and requested to speak with the watch commander. At the front counter of the station, the on-duty watch commander spoke with Mr. Richardson. Mr. Richardson stated that he wanted to know whom his daughter, Ms. Richardson, called via telephone while she was in custody. The watch commander communicated Mr. Richardson's request to a sergeant, and the sergeant consulted Ms. Richardson's booking slip. The booking slip indicated that Ms. Richardson was given the opportunity to make four telephone calls and that she completed only one call to Mildred Harris. The sergeant communicated this information to the watch commander and approved its release to Mr. Richardson. The watch commander provided the information regarding the telephone calls to Mr. Richardson.

Minutes later, the watch commander advised the sergeant that Mr. Richardson wished to speak with him regarding station operations. At the station's front counter, the sergeant introduced himself to Mr. Richardson and inquired about how he could be of assistance to him. Mr. Richardson stated that the station jailer who was on duty during Ms. Richardson's booking and release informed him that Ms. Richardson made a number of telephone calls to persons other than Ms. Harris and that these calls were made on the black station telephone on the booking counter. The sergeant advised Mr. Richardson that the telephone in the booking area of the station did not record any information about calls made on it. Based on a detailed, technical explanation by Mr. Richardson about how the information could possibly be retrieved, the sergeant agreed that the retrieval of the requested information appeared possible and advised Mr. Richardson that he would contact the Department's communications personnel and request that they attempt to retrieve the requested telephone information. The sergeant then told Mr. Richardson that he could only release any retrieved information with concurrence of the LAPD lead investigator and that he would call Mr. Richardson within the hour to report any progress on his request.

Mr. Richardson then informed the sergeant that he believed that Ms. Richardson had traveled to Malibu because of her interest in enrolling in Pepperdine University and that he was on his way to the university. Mr. Richardson requested that the sergeant send several deputies to the Pepperdine University Malibu campus to search for Ms. Richardson and to enlist the assistance of Pepperdine University Public Safety ("PUPS"). In response to Mr. Richardson's requests, the sergeant informed Mr. Richardson that PUPS had several former law enforcement officers who would be better equip to search the campus for Ms. Richardson and that he would personally contact the director of PUPS with the relevant information regarding Ms. Richardson and her disappearance and that he would email the director electronic copies of three posters regarding Ms. Richardson, including one provided by Ms. Richardson's family. This meeting with Mr. Richardson concluded with him shaking hands with the sergeant and expressing his appreciation for the Department's professionalism and assistance.

After meeting with Mr. Richardson, the sergeant began satisfying Mr. Richardson's requests. The sergeant contacted the director of PUPS and communicated Mr. Richardson's concerns and the sensitivity of the investigation and emailed him electronic copies of the missing person flyers for Ms. Richardson. Next, the sergeant called the Department's Communications/Fleet Bureau and explained Mr. Richardson's request for the retrieval of telephonic records information. The bureau representative stated that he would begin the process for retrieving any existing telephonic records information regarding Ms. Richardson's calls.²⁵

At approximately, 2:45 p.m., the sergeant called Mr. Richardson and advised him of his progress. Mr. Richardson acknowledged the receipt of the sergeant's progress update and informed the sergeant that he was at Pepperdine University and found the PUPS' officers both professional and accommodating. The sergeant concluded the telephone call by representing to Mr. Richardson that if the Department was successful in retrieving the requested information regarding Ms. Richardson's telephone calls from the station, he would call Mr. Richardson.

On September 23, 2009, when no one tried to retrieve Ms. Richardson's car and with the concurrence of the LAPD investigators in charge of the missing person case, a Malibu/Lost Hills Station detective released Ms. Richardson's car to Mr. Richardson.

Also on September 23, 2009, LAPD homicide investigators requested a second and expanded search of Malibu for Ms. Richardson.

On September 26, 2009, LAPD investigators, the MSAR team and other LASD search and rescue personnel and state and outside county search and rescue personnel coordinated and conducted a second search of various Malibu areas for Ms. Richardson. There was an increase in the geographical areas to be searched and the number and amount of resources deployed. LASD personnel coordinated and deployed mounted

²⁵ The Department was unsuccessful in retrieving any additional information regarding whom Ms. Richardson called. The booking telephone did not have the capability to record telephone conversations.

search and rescue teams, aero resources, uniformed reserve patrol personnel as well as both cadaver and area-scent dogs. In total more than 175 persons and 35 horses participated in the search. The geographical area of the second search was expanded to include Malibu Canyon Road to Pacific Coast Highway and the additional areas of Cold Canyon and Piuma Roads, local state parks, Las Virgines Road, Cold Canyon Road east to Mulholland Drive, and the Rindge Dam.

While checking the area south of the tunnel on Malibu Canyon Road, LASD personnel observed and subsequently recovered a shirt and pants that matched the color description of the clothing worn by Ms. Richardson when she was released from custody. LASD search and rescue personnel repelled down into the canyon and recovered the black tee shirt. The shirt was a size X-large with white "DG" letters on it. The pants were recovered approximately 50 feet farther south of the shirt, and the pants were Eddie Bauer blue jeans and size 36x36. LAPD homicide detectives took custody of these clothing items at the scene.²⁶

Again, the search failed to turn up any leads to aid investigators in the location of Ms. Richardson.

On September 30, 2009, the then Malibu/Lost Hills Station captain made a written request to the assigned deputy district attorney for authorization to release a copy of the incident report to Ms. Richardson's family. For several days, the station personnel had made several informal requests to the deputy district attorney for authorization. Department executives had finally decided that if they had not heard from the deputy district attorney by a certain hour that day, they would release a copy of the incident report without authorization from the deputy district attorney. After this decision was made and communicated to the deputy district attorney, the written request for authorization was issued, and the deputy district attorney authorized the release of a redacted copy of the incident report to Ms. Richardson's family.

On December 29, 2009, LASD homicide investigators and LAPD detectives met with Malibu/Lost Hills Station search and rescue personnel to discuss plans for another search of the Malibu Canyon area for Ms. Richardson.

On January 9, 2010, Malibu/Lost Hills Station personnel conducted a third search of Malibu and surrounding areas for Ms. Richardson. As with the previous two searches, MSAR and other LASD search and rescue personnel worked in conjunction with LASD homicide investigators and LAPD detectives and used search dogs and helicopters. The geographical areas of the search were again expanded. By the time of this search, LAPD experts had concluded that Ms. Richardson may have been suffering from mental health issues. Based on this information, LASD personnel scouted areas that might attract someone who suffered from a mental health illness. LASD helicopters then dropped teams of search and rescue personnel from high points, and teams tracked down into drainage areas, pools in the dam areas, and areas below cliffs. The other geographical areas covered included east of Mulholland Highway to Cold Canyon Road and east of

²⁶ The recovered clothing was not Ms. Richardson's clothing.

there. The resources deployed for this search included almost 400 persons, search dogs, air support, and more than 80 horses. This third search also failed to turn up any leads to aid investigators in the location of Ms. Richardson.

On April 8, 2010, LASD and LAPD personnel arranged for drone flights in the Malibu Canyon area. Before the drone flights, two private drone operators and LASD personnel conducted briefings on the drone's capabilities and the proximate areas where the launches would occur. The drone had digital photographing capabilities, and it was launched from six different locations within the Malibu Canyon area. Those locations included the Monte Nido area, Cold Water Canyon, Malibu Tunnel, Rindge Dam, south of Rindge Dam toward Pacific Coast Highway, and Malibu State Park area. During each flight, hundreds of digital photographs were taken of the below ground areas.

F. Department's Investigation into Ms. Richardson's Criminal Charges

On September 17, 2009, a Malibu/Lost Hills Station detective began investigating the misdemeanor criminal charges then pending against Ms. Richardson, defrauding an innkeeper and possession of under an ounce of marijuana. The detective read the various reports and developed a preliminary investigatory plan.

On September 23, 2009, the detective authorized the release of Ms. Richardson's car to Mr. Richardson.

On September 24, 2009, the detective conferred with the assigned deputy district attorney and further developed the investigatory plan.

On September 25, 2009, the detective interviewed the valet attendant, bartender, hostess, and the restaurant manager who had spoken with or saw Ms. Richardson at Geoffrey's Restaurant.²⁷ From the interviews of these employees, the detective learned the following additional information regarding the events of September 16, 2009 at Geoffrey's Restaurant:

On September 16, 2009, at approximately 7:00 p.m., Ms. Richardson drove her car into the parking lot of Geoffrey's Restaurant in Malibu and left it with the restaurant's valet service. The valet attendant parked several cars and then approached Ms. Richardson who remained seated in her car. The attendant spoke to Ms. Richardson, and when she appeared surprised that he was speaking to her, the attendant informed her that there was only valet parking at the restaurant. Ms. Richardson got out of her car, and the attendant went to assist another customer. When the attendant returned to Ms. Richardson's car, he noticed that someone was in his car. The attendant's car was parked in a corner of the restaurant's parking lot, and he had left his car door open and radio on. When the attendant arrived at his car, he saw that Ms. Richardson was seated in

²⁷ The deputies who responded to Geoffrey's Restaurant on September 16, 2009 did not interview these employees or any others on the evening of her arrest. The restaurant manager was the only Geoffrey's Restaurant employee who spoke with the responding deputies regarding the circumstances that led to the private citizen's arrest of Ms. Richardson.

his car and had one of his compact discs in her hand. The attendant said hello and asked Ms. Richardson how she was doing and why she was in his car. Ms. Richardson answered: "It's subliminal." Initially, thinking that one of his co-workers was playing a practical joke, the valet attendant looked around the parking lot and saw no fellow employees. The attendant became more concerned when Ms. Richardson stated that she was there to avenge Michael Jackson's death and laughed. Next, Ms. Richardson asked the attendant whether he was a music lover, and the valet attendant responded by telling Ms. Richardson that he needed her help in starting her car. Ms. Richardson said: "Okay." She removed her keys from the inside door pocket of the attendant's car and got out of the attendant's car. Ms. Richardson and the attendant walked to her car, and when the attendant got into her car, he noticed that there were wires dangling from the steering wheel and no ignition column. The attendant asked Ms. Richardson which key started the car, and she responded that it did not matter. Ms. Richardson further explained that the car had previously been stolen. Ms. Richardson started her car and gave the attendant a card with her photograph and the name "Hazel" on it. The attendant asked Ms. Richardson whether it was a photograph of her, and she replied: "Me, on a good day." The attendant asked Ms. Richardson whether she was meeting anyone there, and Ms. Richardson asked, "Hannah here?" Ms. Richardson described "Hannah" as "tatted up." While the attendant backed Ms. Richardson's car into a parking space, Ms. Richardson walked into the restaurant.

At approximately 7:30 p.m., Ms. Richardson entered Geoffrey's Restaurant. Inside the restaurant, Ms. Richardson walked past the hostess station and toward the bar area and then stood near the sliding door that led to the bar. There, she stood looking at the lights. The restaurant hostess approached Ms. Richardson and asked whether she needed a table. The hostess received no answer from Ms. Richardson; however, when the hostess seated Ms. Richardson at a table and gave her a menu, Ms. Richardson smiled and thanked her. When the hostess left Ms. Richardson and returned to her station, the valet attendant approached the hostess and asked her whether she thought Ms. Richardson was okay. The hostess stated that she had no impression of Ms. Richardson.²⁸ The attendant told the hostess about his interaction with Ms. Richardson in the parking lot, opined that he did not think that Ms. Richardson was a danger, and requested that the hostess pass this information on to the restaurant manager. The hostess spoke briefly with the waiter who was serving Ms. Richardson and advised the manager of the information that she had received from the valet attendant. Minutes after seating Ms. Richardson, the hostess noticed that Ms. Richardson had seated herself with a large party of seven at an adjacent table and that Ms. Richardson was speaking loudly about astrological signs. Noticing that some of the guests of the large party appeared uncomfortable, a restaurant employee spoke with one of the guests, and the guest stated that Ms. Richardson's conversation "seemed out of the norm but everything was alright now."²⁹

²⁸ In her interview during the criminal investigation of the misdemeanor charges against Ms. Richardson, the hostess stated that "sometimes Malibu people are not too responsive."

²⁹ In her interview during the criminal investigation of Ms. Richardson's misdemeanor charges, the hostess stated that there are "tons of Malibu people a little off."

When Ms. Richardson's food arrived at her table, her waiter asked her to return to her table. Alone, Ms. Richardson ate about half her meal and drank most of her alcoholic beverage. When she had completed her meal, Ms. Richardson returned to the table with the large party. The restaurant manager signaled one of the guests in the large party, and the guest indicated that everything was fine and that they would be leaving in five minutes.

After Ms. Richardson rejoined the large party, her waiter advised the hostess that he thought that Ms. Richardson might try to leave without paying her bill, and he requested that if Ms. Richardson started to leave without paying, the hostess ask Ms. Richardson whether she had paid her restaurant bill.

When the guests of the large party paid and began leaving the restaurant, Ms. Richardson walked into the restaurant bar, mingled a few minutes, said goodbye to a few people at the bar and then walked toward the exit of the restaurant. While Ms. Richardson was in the bar, her waiter informed the manager and the hostess that Ms. Richardson had not paid her bill. On her way out of the restaurant, Ms. Richardson passed the hostess station, walked toward the parking lot, and failed to stop and pay her bill. Outside the restaurant, the restaurant manager stopped Ms. Richardson and asked her whether she wanted to settle her bill. The manager escorted Ms. Richardson back into the bar area of the restaurant and offered her the choice of paying by credit card or cash. Ms. Richardson advised him that it was going to be a problem because she did not have any money or other means to pay the bill. Inside the bar, as the manager and Ms. Richardson stood near a computer, Ms. Richardson became fixated by the numbers on the computer screen and advised the manager that the number eight was a world of numbers. The manager told Ms. Richardson that he did not understand her and redirected her attention to the issue of paying her restaurant bill. Ms. Richardson stated that she had no money or credit cards and that the guests at the large party were going to pay her bill. The manager informed her that those guests had already left the restaurant, and Ms. Richardson replied, "I am busted. What are we going to do?" The manager asked whether she had any family whom she could call. Ms. Richardson replied that she was from Mars and that she was going to have sex with him. While the manager noticed that Ms. Richardson's speech and motor skills were fine, he became concerned about what she was saying. To see whether she had money or any identification, the manager asked Ms. Richardson to empty her pants pockets. When Ms. Richardson emptied her pants pockets, she pulled out a rolled-up marijuana cigarette. The manager told Ms. Richardson that he would have to call the deputies, took the marijuana cigarette from her, crumbled it up, and threw it in a trash can.

At approximately 8:30 p.m., the manager asked the bartender to call Malibu/Lost Hills Station. The bartender called Malibu/Lost Hills Station, reported that a customer was refusing to pay her bill and that she was "sounding crazy" and possibly on drugs, and requested that someone come to the restaurant and pick her up. In response to questions from Malibu/Lost Hills Station personnel, the employee described Ms. Richardson as a young black woman in her twenties and wearing a black tee shirt and blue jeans and alone at the restaurant.

Twenty minutes later, three deputies arrived at the restaurant. While waiting for the sheriff deputies to arrive, the manager continued to speak with Ms. Richardson. During their conversation, Ms. Richards told the manager that she could not pay her bill because of the language of the numbers, and the manager explained to Ms. Richardson that when she enters a restaurant, orders food and consumes it, she had an obligation to pay her bill. Ms. Richardson had a lighthearted spirit, and she was laughing. When the deputies arrived the manager walked Ms. Richardson from the bar to the hostess station.

At the hostess station, Ms. Richardson and the hostess engaged in a conversation. The hostess and Ms. Richardson spoke about their ages, birthdays, and astrological signs. At some point, the hostess asked Ms. Richardson whether she had ingested drugs before arriving at the restaurant, and Ms. Richardson replied: "No." Ms. Richardson stated that she had had a normal day at work, that she watched a soap opera in the break room, and that when a certain actress came on the soap opera, Ms. Richardson received a message from God and had to leave work. When Ms. Richardson left work, she drove to Malibu. During her conversation with the hostess, Ms. Richardson acknowledged that she knew that she had to pay for the meal that she had ordered; however, she stated that she thought that her faith would take care of her. Ms. Richardson stated that she was a Christian, and the hostess, who described herself as a Christian, asked Ms. Richardson whether Jesus Christ would walk into a restaurant, eat a meal, and leave without paying. Ms. Richardson later admitted to the hostess that she was wrong to think that she would not have to pay for her meal. When the hostess asked Ms. Richardson whether she had any family whom she could contact, Ms. Richardson stated: "I do not have any parents. The only family that I have is my great grandmother." Ms. Richardson then gave the hostess, her great grandmother's telephone number, and the hostess called and ultimately spoke with Ms. Richardson's great grandmother, Mildred Harris. The hostess explained the situation to Ms. Harris, and Ms. Harris informed the hostess that she was ninety-one years old and unable to drive to Malibu. Ms. Harris asked what she could do to help the situation. When the hostess explained the restaurant's telephonic credit card policy, Ms. Harris explained that she did not have a facsimile machine.

While the hostess was speaking with Ms. Harris, deputies and the manager arrived at the hostess station. The manager and a deputy each spoke with Ms. Harris. The manager explained the security reasons for the necessity of a signature sent by facsimile to complete a credit card transaction over the telephone. The deputy spoke with Ms. Harris for approximately five to ten minutes and informed her that Ms. Richardson would be taken to Malibu/Lost Hills Station.

While the deputy spoke with Ms. Harris, the other two deputies searched Ms. Richardson's car. Deputies saw a plastic baggie containing a small amount of marijuana between the driver's seat and the center console in the front seat area. They saw clothes, shoes, compact discs and four empty prescription bottles. These items were scattered throughout the passenger area of Ms. Richardson's car. In the trunk of Ms. Richardson's car, deputies observed full gallons of vodka, a half-bottle of tequila, and a half-case of beer. Ms. Richardson's car appeared as though it had been ransacked.

Deputies found a California driver's license in Ms. Richardson's name; however, they found no money or credit cards. After the search of Ms. Richardson's car, a deputy asked Ms. Richardson to whom the marijuana belonged, and she stated that it belong to her.

Because Ms. Richardson had no means to pay for the restaurant bill, the manager decided to place Ms. Richardson under a private person's arrest for defrauding an innkeeper. While deputies were completing paperwork for the manager's private citizen's arrest of Ms. Richardson, the restaurant manager received a call from Ms. Richardson's mother, Ms. Sutton. The manager explained to Ms. Sutton what had occurred at the restaurant and the restaurant's security requirements for accepting a credit card payment over the telephone. Ms. Sutton responded that she did not have access to a facsimile machine and would not drive out to Malibu that night. Ms. Sutton further stated that she was very disappointed to hear what her daughter had done and volunteered that in the last couple of months, Ms. Richardson had been spending time with persons of whom Ms. Sutton was not too fond of, that she was worried about this behavior and that at this point, Ms. Sutton would rather have Ms. Richardson arrested so that she could learn her lesson. The manager offered to settle the bill the next day, when Ms. Sutton had access to a facsimile machine, and that he could then withdraw the criminal charge after Ms. Sutton settled the restaurant bill. Ms. Sutton agreed to this arrangement. Ms. Sutton then spoke with the deputy who had spoke with Ms. Harris, and the deputy informed Ms. Sutton that deputies would transport Ms. Richardson to Malibu/Lost Hills Station.

During the deputy's conversation with Ms. Sutton, the manager walked with the other deputies to a patrol car that contained Ms. Richardson and, pursuant to a private citizen's arrest, verbally advised Ms. Richardson that he had placed her under arrest for defrauding an innkeeper. The manager then stated to the deputies that because of alcohol and empty prescription bottles in the car, it was better that this incident occurred the way it had and that if they had let Ms. Richardson drive off and something happened to her or another person, there would be huge liability to the restaurant. Earlier in the evening several of the Geoffrey's employees discussed the option of pooling their money to assist Ms. Richardson; however, in their opinion, it was not safe for her to drive away from the restaurant alone.

The restaurant manager informed the station detective that because Ms. Richardson was a missing person, Geoffrey's Restaurant was no longer interested in pursuing criminal charges against her.

On September 25, 2009, because of the pending misdemeanor marijuana charge, the station detective presented the criminal case to the assigned deputy district attorney. The deputy district attorney suggested that they not file the criminal case until Ms. Richardson was found.

On September 28, 2009, the station detective received a supplemental report regarding the field sobriety test given to Ms. Richardson at Geoffrey's Restaurant. The detective then presented the case to the deputy district attorney for filing.

On November 16, 2009, the assigned deputy district attorney reviewed the facts of the case, and because Geoffrey's Restaurant refused to prosecute, the District Attorney's office declined to prosecute the case.

On December 2, 2009, Malibu/Lost Hills Station closed its criminal case.

G. Internal Reviews of Malibu/Lost Hills Station Involved Personnel and Procedures

Within a month of Ms. Richardson's release from custody, the Department conducted two internal reviews of its personnel's actions and determined those actions to be in compliance with legal and policy mandates. The first internal review was self initiated, and the second review was in response to a request by the Board. The second review also examined whether no modification of Department policies and procedures regarding the release of arrestees was necessary.

On September 17, 2009, the then captain of Malibu/Lost Hills Station began an internal review of Ms. Richardson's arrest, booking and release. The internal review included the captain's review of arrest reports, audio recordings of telephone calls to the station, and the video recording of the station jail. As a follow-up on the issue of whether Ms. Richardson was intoxicated, the captain requested additional inquiry and information regarding the field sobriety test given to Ms. Richardson at Geoffrey's Restaurant and the existence of any video recordings by restaurant surveillance cameras.³⁰ The captain spoke with the deputy who conducted the field sobriety test and requested that the deputy draft a supplemental report regarding the test and the deputy's observations during the test. Moreover, the captain requested that a station patrol supervisor obtain additional information regarding the circumstances of Ms. Richardson's arrest from the arresting deputy. The captain determined that the conduct of each of the involved Malibu/Lost Hills personnel conformed to requirements of the state law and Department policies and procedures.

On October 6, 2009, pursuant to a motion, the Board requested that the Department review a number of issues, including its release of Ms. Richardson from custody and release from custody policy, and propose any recommendations to improve Departmental release procedures. On November 6, 2009, the Department provided its response to the Board's request. In its response, the Department described the facts surrounding Ms. Richardson's arrest and release from custody and its policies and procedures regarding the release of arrestees, including Ms. Richardson, as consistent with state law and identified no areas of policy or procedures in need of modification.

³⁰ Geoffrey's Restaurant has video surveillance cameras inside the restaurant; however, those cameras are directed to employees' break room and cash registers, employee-only areas. No video footage exists of Ms. Richardson or any other customer inside or outside the restaurant.

H. Various Meetings Regarding Department's Response

From September 18, 2009 through the present, OIR has received at least once a week briefings from the Malibu/Lost Hills Station unit commanders, Department executives and/or Homicide Bureau investigators regarding the status of the search and investigative efforts related to Ms. Richardson's disappearance. During several weeks, these briefings occurred two or three times. The meetings described below involved more than a status report or discussion of a particular investigative technique or interested external stakeholders.

On September 18, 2009, OIR received from Malibu/Lost Hills Station unit commanders a briefing on the circumstances surrounding Ms. Richardson's arrest and subsequent release, the internal inquiry into station personnel's conduct relative to Ms. Richardson's arrest and release, and preliminary search efforts to locate Ms. Richardson.

On September 23, 2009, OIR met with Department executives and the then captain of Malibu/Lost Hills Station and received a briefing on the status of the station personnel and Department's search efforts to locate Ms. Richardson and various complaints made by Ms. Richardson's family regarding the station's response to the family's requests for information.

On September 30, 2009, OIR met with the then captain of Malibu/Lost Hills Station to review the reports regarding Ms. Richardson's arrest and available audio and video recordings and to discuss further the findings of the station's internal inquiry into its personnel's conduct relative to Ms. Richardson's arrest and release and discussions with Ms. Sutton on the night of Ms. Richardson's arrest and the morning after her release. This meeting followed a telephone conference with a Department executive regarding the anticipated release of the incident report to Ms. Richardson's family. The Department executive had consulted with its counsel about releasing the report without the district attorney's authorization which, according to the Department, had been delayed for several days. At the meeting, the captain explained that a protocol existed between the Department and the District Attorney's office regarding the release of information about a pending criminal investigation, that because there had yet to be a judicial hearing on Ms. Richardson's criminal charges, the protocol prohibited the Department from releasing a copy of the incident or arrest without obtaining the appropriate authorization, that the station personnel had several times informally requested the required authorization to release the arrest report to Ms. Richardson's family, and that he had sent a written request earlier in the day.

On October 28, 2009, OIR met with Department executives and received a briefing on the search and investigative efforts related to Ms. Richardson's disappearance and various complaints made by Ms. Richardson's family regarding Department efforts to locate Ms. Richardson.

On December 11, 2009, Sheriff Leroy Baca and several Department executives met with Mr. Richardson. At this meeting, a number of issues were discussed including whether the Department could do more to search for Ms. Richardson. Mr. Richardson received a briefing on the Department's search efforts to date to locate Ms. Richardson, and Sheriff Baca assigned a team of Homicide Bureau investigators to assist LAPD's efforts in searching for Ms. Richardson. Moreover, the Sheriff offered Mr. Richardson the opportunity to meet immediately with the Homicide Bureau investigators.³¹

On January 6, 2010, Sheriff Baca and several Department executives met with Ms. Sutton and her counsel and supporters. Ms. Sutton received a briefing on the Department's search efforts to date to locate Ms. Richardson. OIR met with Department executives regarding the Sheriff's meeting with Ms. Sutton.

On January 7, 2010, an OIR attorney met with a private investigator who had offered free of charge to assist Ms. Richardson's family and LASD and LAPD in their search for Ms. Richardson. The private investigator had requested the meeting, and after the meeting, the OIR attorney forwarded the investigator's offer, name and telephone number to Mr. Terrell in written correspondence and to LASD homicide investigators, who were assisting LAPD.

On March 10, 2010, pursuant to Mr. Richardson's request, an OIR attorney met with Mr. Richardson and his counsel, Mr. Benjamin Schonbrun.³² Mr. Richardson had requested the meeting because he had complaints about LASD's conduct in the arrest and release of Ms. Richardson, candor in dealing with Ms. Richardson's family, and investigative efforts to locate Ms. Richardson. At the meeting, Mr. Richardson identified and discussed at length a number of areas where he believed that the Department had erred or provided inadequate service.

On March 17, 2010, a local community group held a public meeting regarding the release of persons in custody at night.³³ The panelists discussed a number of issues including the difficulty in the detection of the symptoms of mental health disorders, the quality of the Department's training of its personnel in the detection of mental health disorder symptoms, the challenges of involuntarily commitment of persons suspected of suffering from a mental health illness and their rights to privacy, and the balancing of an arrestees' rights to freedom and forced over-detention and involuntary commitment. A psychologist and supporter of Ms. Sutton acknowledged that section 5150³⁴ and the

³¹ Mr. Richardson's schedule did not permit the meeting with the assigned homicide investigators to occur that day.

³² While an OIR attorney has spoken with Ms. Sutton on March 17, 2010, and April 8, 2010, about arranging a possible meeting, OIR has not formally met with Ms. Sutton. Ms. Sutton is represented by counsel, Mr. Leo Terrell, and while her counsel and OIR have communicated about the possibility of such a meeting occurring, it has not occurred.

³³ The moderator was Dr. Gerda Govine-Ituarte, and the panel participants were Dr. Ronda Hampton, a clinical psychologist, Chief Neal B. Tyler, LASD Field Operations Region I, Mary Ann Shemdin, Family Group Share-and-Care Coordinator, National Alliance for Mentally Ill, and Ben Jones, OIR Deputy Chief Attorney.

³⁴ California Welfare and Institutions Code section 5150 provides in pertinent part:

Department's policies and procedures are reasonable and adequate safeguards and that because a person may act well when he or she has been arrested or is in the presence of law enforcement, the detection of symptoms in an arrestee who possibly suffers from a mental health disorder can be difficult. An independent mental health training advocate who assisted the Department in the development of its mental health training program opined that the Department's training program was sound. A Department executive discussed the emotional and practical challenges that a law enforcement officer often faces in deciding whether to place an arrestee on a section 5150 hold and in involuntary confinement. An OIR attorney discussed the requirement for objective factors and a trained assessment of an immediate danger to oneself or others or a present grave disability before someone can be legally deprived of their freedom and involuntarily committed under section 5150.

On April 8, 2010, there was the deployment of a drone over various areas in Malibu. OIR attended briefings at Malibu/Lost Hills Station and several of the drone launches. At the briefings regarding the deployment of the drone, the launchers informed LASD personnel and LAPD investigators that the drone had the ability to take digital photographs and that the launchers would analyze the photographs and identify any areas that showed something suspicious and that deserved further search by foot. Also, in attendance was Ms. Sutton and several of her supporters. Pursuant Ms. Sutton's request, the drone was flown around the tunnel on Malibu Canyon Road and west of Pioma Road and east of Pacific Coast Highway, and photographs of the area were taken and analyzed.

When any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer ... may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer ... and stating that the officer ... has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or himself or herself, or gravely disabled.

I. Investigative Assistance Provided by LASD Homicide Bureau Investigators³⁵

To determine the validity of several complaints, OIR began monitoring the Department's search and investigative efforts to locate Ms. Richardson, and through its monitoring process, OIR determined that the Department has steadfastly and persistently searched for Ms. Richardson. After receiving a number of complaints from Ms. Richardson's family and within days after Sheriff Baca's assignment of a team of Homicide Bureau investigators to assist LAPD investigators, OIR conferred with the assigned Homicide Bureau lieutenant and received a detailed briefing of the Department's homicide investigators' plan to support LAPD's investigatory efforts. Over time, the plan was refined and flexible to meet new developments, and it included interviewing or re-interviewing certain witnesses, reviewing relevant documents and audio and video recordings, following up existing leads and seeking ways of developing new leads, and obtaining assistance from state and local law enforcement and non-law enforcement agencies. In its monitoring process, OIR met with homicide investigators on several occasions and reviewed a number of documents relative to their investigative efforts. The activities described in this section reflect a small sampling of the homicide investigators' search efforts to locate Ms. Richardson; however, OIR offers the described activities to provide some insight into the scope of the Department's homicide investigators' efforts.

On December 13, 2009, the Department's homicide investigators met with the then captain of Malibu/Lost Hills Station, and the investigators received a full briefing regarding what occurred on September 16 and 17, 2009 relative to Ms. Richardson's arrest, release and the station's early search efforts to locate her. The homicide investigators traveled to and around the Monte Nido and Malibu Canyon areas and re-interviewed the resident of 507 Cold Canyon Road.

On December 16, 2009, LASD homicide investigators met with LAPD's lead robbery/homicide investigators, and received a briefing of LAPD's investigation to date.

On December 21, 2009, LASD homicide investigators followed up a lead by a Monte Nido resident. The resident reported a neighbor finding blood stains on a wood pile in the rear of his home. LASD investigators examined the stains and determined it to be tree sap, not blood. LASD homicide investigators also interviewed the owner of 577

³⁵ This section contains a sampling of the Department's Homicide Bureau investigative efforts in the search for Ms. Richardson. Any reference to LAPD investigative efforts is in reference to LASD only. LAPD denied OIR's request to provide information regarding its investigative efforts in the search for Ms. Richardson. Because LAPD is the lead investigative agency in Ms. Richardson's case and the investigation remains open and active, OIR understands LAPD's denial of its request. On several occasions, OIR has observed the working relationship between the two law enforcement agencies in this investigation, and the working relationship has been professional, collaborative, and effective. In addition, there are many LASD investigative efforts that were employed in the search for Ms. Richardson that the Department investigators requested remain confidential. OIR has agreed not to report on those investigative efforts.

Cold Canyon Road and confirmed that Ms. Richardson had not entered the residence and another Monte Nido resident on Cold Canyon Road regarding her observations.

On December 23, 2009, LASD homicide investigators interviewed a psychologist who counseled Ms. Richardson years ago.

On December 29, 2009, LASD homicide investigators and LAPD detectives met with Malibu/Lost Hills Station search and rescue personnel to discuss plans for the third search of the Malibu Canyon area for Ms. Richardson.

On December 30, 2009, LASD homicide investigators followed up on information that in August 2009, Ms. Richardson attended a high-profile charity event in the Beverly Hills area. According to the event promoters, however, there were no records of Ms. Richardson attending the event as guest or employee.

On January 4, 2010, LASD homicide investigators interviewed Ms. Richardson's stepfather, Larry Sutton. While he had limited contact with Ms. Richardson during the past year, Mr. Sutton offered that Ms. Richardson was not diagnosed with any mental health illness until she disappeared and that her family may have missed some signs about her behavior that could have led to a mental health diagnosis.

On January 5, 2010, LASD homicide investigators interviewed Ms. Harris. Ms. Harris confirmed that Ms. Richardson was living with her in September 2009 and that Ms. Richardson was taking medication for a mental health condition. With Ms. Harris' consent, the investigators searched Ms. Richardson's room.

On January 9, 2010, LASD homicide investigators participated in the third search and rescue operation in the Calabasas/Malibu Canyon area.

On January 11, 2010, LASD homicide investigators received information regarding two Monte Nido residents who reported seeing Ms. Richardson on September 17, 2009, and they interviewed both residents.³⁶ One resident positively identified Ms. Richardson from a photograph and reported seeing Ms. Richardson walking on Piuma Road from Malibu Canyon Road at 1:30 p.m. The second resident reported seeing Ms. Richardson standing on the shoulder of Malibu Canyon Road between 7:30 and 7:45 in the morning.

On January 12 through 14, 2010, LASD homicide investigators followed up on information that Ms. Richardson was in a local rehabilitation/treatment center. Homicide Bureau investigators interviewed two persons who had information related to this lead. During these interviews, the homicide investigators learned that if Ms. Richardson had admitted herself into a rehabilitation center, state and federal laws prohibited such facilities from providing information regarding her presence or admission.

³⁶ Both residents stated that they did not report their sightings of Ms. Richardson earlier because another neighbor had already reported seeing her and that they did not believe that their information would assist the investigation.

On January 14, 2010, LASD homicide investigators contacted the California Department of Mental Health and requested assistance in the search for Ms. Richardson. The investigators learned that no one enters one of the state mental health hospitals without first being committed to a correctional facility or county jail.

On January 15, 2010, LASD homicide investigators contacted the California Department of Alcohol and Drug Programs³⁷ and requested assistance in the search for Ms. Richardson.

On February 3, 2010, LASD homicide investigators interviewed the Geoffrey's Restaurant manager who worked on the night Ms. Richardson visited the restaurant and owner regarding the restaurant's video system. According to the owner, the restaurant has a digital DVR system for internal security purposes and the video cameras do not cover any public areas inside or outside the restaurant. For the privacy of its customers, there is no video recording of public areas. The video cameras are positioned for viewing of the office doors, the employee break room, and the bar cash register. Before Ms. Richardson's arrest, the restaurant manager recalled speaking with Ms. Sutton on the telephone. He was attempting to obtain payment for Ms. Richardson's bill, and Ms. Sutton informed him that Ms. Richardson had been mischievous lately and that Ms. Richardson should go to jail. According to the restaurant manager, Ms. Sutton never said anything about mental health disorders or Ms. Richardson having any such disorders.

On February 9, 2010, an LASD homicide investigator investigated a possible sighting of Ms. Richardson in the Chino Hills area, interviewed a possible witness, and requested assistance of the local police agency.

On March 29, 2010, an LASD homicide investigator met with Ms. Sutton and several of her supporters, and during this meeting, the investigator received information regarding Ms. Sutton's concerns and showed them the Malibu/Lost Hills Station jail security video recording.

On April 8, 2010, and following several exchanges of messages, LASD homicide investigators met with two private operators regarding the use of a drone aircraft in the Calabasas and Malibu Canyon areas. After the meeting, the drone was launched from six different locations within the Malibu Canyon area, including the Monte Nido area, Cold Water Canyon, Malibu Tunnel, Rindge Dam, south of Rindge Dam towards Pacific Coast Highway and the Malibu State Park areas.

On April 20, 2010, LASD homicide investigators interviewed one of Ms. Richardson's friends. The weekend before her arrest, Ms. Richardson visited the friend. The friend was unaware of Ms. Richardson having any mental health issues, and while Ms. Richardson discussed mental health disorders, she never stated that she had a mental health disorder.

³⁷ This state agency certifies and licenses alcohol and drug rehabilitation and treatment facilities within the state.

On April 21, 2010, LASD homicide investigators received downloaded data from the drone flight and evaluated the data.

On May 3, 2010, LASD homicide investigators followed up a possible sighting of Ms. Richardson in the West Hills area, interviewed the possible witness, and coordinated further investigation of this lead with LAPD.

Throughout its investigative efforts, the Department's homicide investigators diligently pursued leads and possible sightings whether substantial or minor or firm or tentative. When necessary, they retraced prior investigatory efforts to confirm information or for completeness of information. While the investigators obtained some new information regarding Ms. Richardson's whereabouts on September 17, 2009, they were able to close several leads with a high degree of certainty.

IV. LEGAL AND POLICY REQUIREMENTS REGARDING ARRESTEES

A number of state laws and Department policies and procedures governed Ms. Richardson's arrest and release from custody. The state laws dictate when and how a private citizen's arrest can be effectuated, a misdemeanor arrestee can be released from custody, and a person can be involuntarily confined at a mental health facility. Several Department policies and procedures interpret the applicable state laws and provide practical guidance in the implementation of the legal mandates relative to an arrestee. This section discusses the relevant legal and policy requirements regarding the arrest and station jail release from custody those persons who have committed a misdemeanor offense.

A. State Law

California Penal Code section 834 governs the arrest of persons who commit crimes. The section provides: "An arrest is taking a person into custody in a manner authorized by law. An arrest may be made by a peace officer or by a private person."

California Penal Code section 837 governs the conditions under which a private person may make an arrest. The section provides: "A private person may arrest another:

1. For a public offense committed or attempted in his presence.
2. When the person arrested has committed a felony, although not in his presence.
3. When a felony has been committed, and he has reasonable cause for believing the person arrested to have committed it."

California Penal Code section 853.6(a) governs the release from custody of persons arrested for a misdemeanor offense.³⁸ It essentially requires that when a person

³⁸ Penal Code section 853.6(a)(1) provides: "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

is arrested for a misdemeanor offense and does not demand to be taken before a magistrate, the arrestee shall be released by issuance of a citation and from custody. In addition to the citation, the section requires the arresting agency to provide the arrestee with written notice to appear in an identified court on a specific date and time. Section 853.6(a) contemplates that a misdemeanor arrestee who does not request an appearance before a judicial officer will be released from custody without delay. The section does not set forth specific conditions relative to the time and location of the arrestee's release from custody.

California Welfare and Institutions Code section 5150 governs the involuntary confinement at a designated mental health facility for 72-hour treatment and evaluation of a person, including an arrestee, who is deemed to suffer a mental disorder or grave disability. Section 5150 permits a qualified officer or clinician to confine involuntarily a person deemed to be gravely disabled or to have a mental disorder that makes the person a danger to himself or herself and/or others. Section 5150 is not intended to be used to hold a person reported to the peace officer by a non-professional. It is intended for a peace officer to submit a subject for a hold when the officer has observed the qualifying symptoms in the routine process of a response. Section 5150 allows the peace officer to process a subject into the psychiatric facility without requiring a criminal proceeding. The criteria for writing a section 5150 hold require probable cause. This includes danger to self³⁹, danger to others⁴⁰ together with some indication, prior to the administering of the hold, of symptoms of a mental disorder, and/or grave disability.⁴¹

B. Departmental Policy and Orders

Consistent with state law, once there is no further legal justification to deprive an arrestee of his or her freedom, the Department's policies and procedures emphasize prompt and safe release. To this end, the Department has established extensive procedures to minimize erroneous releases and over-detention of inmates⁴², and the Department's station jail release policy and procedures follow state laws.⁴³ Relevant Department policies regarding the release of persons in custody from a station jail

to be taken before a magistrate, that person shall, instead of being taken before a magistrate, be released according to the procedures set forth in this chapter." The remainder of the section discusses the procedures for issuing a citation to the arrestee and then releasing the arrestee from custody.

³⁹ The "danger to self" factor means that the person must be an immediate threat to himself or herself, such as being suicidal. See LPS Training Manual, Los Angeles County Department of Mental Health, at p. 13.

⁴⁰ The "danger to others" factor means that the person must be an immediate threat to someone else's safety. See LPS Training Manual, Los Angeles County Department of Mental Health, at p. 13.

⁴¹ The "gravely disabled" factor means that the adult person's mental condition prevents him or her from being able to provide for food, clothing, and/or shelter, and there is no indication that anyone is willing or able to assist him or her in fulfilling these needs. The mere lack of resources to provide food, clothing, or shelter is not dispositive, and the inability must be caused by the psychiatric condition. LPS Training Manual, Los Angeles County Department of Mental Health, at p. 13.

⁴² The Department processes approximately 180,000 prisoners each year for release.

⁴³ The policies for releases of persons in custody from stations are documented in the Department's Manual of Policy and Procedures ("MPP").

require: "The release shall be executed at the earliest possible time consistent with procedural requirements, prudence, and safety."⁴⁴ Moreover, several other Manual Policies and Procedure ("MPP") sections state that a person in custody is to be "reasonably and safely released."⁴⁵ The jail manual for Malibu/Lost Hills Station 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."

All adults arrested and booked for any crime, with or without a warrant, shall be fingerprinted on a Livescan using a criminal print. Moreover, all persons arrested and booked for any offense should not be released until a positive identification message has been received from the California Department of Justice or other law enforcement agency. See MPP section 5-03/050.00, Fingerprinting of Prisoners.

All arrestees who are released from Malibu/Lost Hills Station will be released via the jail door on the west side of the station. Jailers will escort the arrestees out of the station and walk them to the small gate that accesses the front of the station. The arrestees will be released from the jailer's supervision at this time. If the arrestees require access to a telephone, he or she will be instructed to walk through the front parking lot and into the station lobby. See Malibu/Lost Hills Station Order No. 2-03/080.00, Release of Prisoners.

V. FILING OF CIVIL CLAIMS

Ms. Richardson's parents have filed two separate civil claims with the County, and according to a Department executive, it has recommended denial of those civil claims. OIR has reviewed the Department's response to the civil claims and determined the responses to be thorough and complete.

On January 6, 2010, Lattice Sutton filed with the Board a civil claim for damages to person or property. In her civil claim, Ms. Sutton identifies a number of Malibu/Lost Hills Station personnel and alleges that these Department employees and others are liable for negligence in arresting Ms. Richardson and then releasing her without a car, identification or telephone and for intentionally causing the infliction of emotional distress to Ms. Sutton. In addition, Ms. Sutton alleges that both the County of Los Angeles and the identified Department employees are liable for the wrongful death of Ms. Richardson.⁴⁶

On March 16, 2010, Michael Richardson filed with the Board a separate civil claim for damages to person or property. In his civil claim, Mr. Richardson identifies a

⁴⁴ MPP section 5-03/15.25, Station Cite-Out Release -- Procedure.

⁴⁵ See MPP sections 5-03/115.00, Misdemeanor Prisoners – Release Policy; 5-03/115.05, Field Release of Misdemeanor Prisoners; 5-03/117.00, Misdemeanor Release Pursuant to California Penal Code Section 849(b)(3); 5-03/115.20, Misdemeanor Release – Exceptions (exceptions include severe intoxication and an arrestee who requires medical care or is otherwise unable to care for his or her own safety).

⁴⁶ On June 29, 2010, Ms. Sutton subsequently filed a civil lawsuit against the County of Los Angeles and several LASD officials in this matter. OIR has yet to review the civil lawsuit.

number of Malibu/Lost Hills Station personnel and alleges that these Department employees and others are liable for negligence in releasing Ms. Richardson after midnight into an unfamiliar area, without any identification, wallet, cell phone or vehicle, without conducting a mental evaluation, and without attempting to contact Ms. Richardson's family or friends. Moreover, Mr. Richardson alleges that the County of Los Angeles and LASD are liable for negligence, negligent supervision, retention and/or training, intentional and negligent infliction of emotional distress, and other related causes of action, and possible wrongful death.

VI. OIR'S ANALYSIS

OIR has closely scrutinized the Department's review of its personnel's decisions and actions from the beginning through the present. Based on the review of these decisions and actions in the context of the facts known by Department personnel at the time of the decision, OIR has concluded that Department personnel acted prudently and appropriately. Given the information known to deputies at Geoffrey's Restaurant, their decision to take Ms. Richardson into custody and transport her to the station was the only prudent option to ensure Ms. Richardson and the public's safety. Ms. Richardson had no other transportation away from the restaurant and had a substantial amount of alcohol in her car. The subsequent decision to release Ms. Richardson from custody comported with legal and policy mandates. Based on the station personnel's observations, Ms. Richardson cleared the booking process and showed no signs or behavior of any existing mental health condition, and when station personnel communicated that she was free to leave and when Ms. Richardson communicated her interest to leave the station jail, station personnel could no longer detain her involuntarily. After Ms. Richardson's release from custody, when the station learned that she might have a mental health condition and that she might have disappeared, its personnel immediately reviewed its conduct, consistently acted professionally in assisting Ms. Richardson's family, and diligently searched for her.

A. On the Basis of a Legal Private Citizen's Arrest, Deputies Properly Took Ms. Richardson into Custody.

Based on the facts presented at Geoffrey's Restaurant, deputies properly took Ms. Richardson into custody and transported her to Malibu/Lost Hills Station. Their actions were direct responses to a valid private citizen's arrest by Geoffrey's manager and, under the circumstances, were appropriate actions. The responding deputies were presented with the valid private citizen's arrest and the discovery of marijuana, empty prescription pill bottles, and a substantial amount of alcohol from Ms. Richardson's car. Pursuant to Penal Code section 837, a private person may legally arrest another person for a misdemeanor crime committed in his or her presence. In the instant case, Geoffrey's Restaurant employees witnessed Ms. Richardson commit the misdemeanor crime, defrauding an innkeeper. Collectively, the restaurant employees observed Ms. Richardson enter the restaurant, order a meal and an alcoholic beverage, and leave the restaurant without paying for her restaurant bill. After Ms. Richardson left the restaurant, the Geoffrey's manager approached her and inquired whether she intended to

pay her bill, and Ms. Richardson admitted that she did not have money to pay her bill. Moreover, Ms. Richardson informed the restaurant hostess that she did not have the money when she entered the restaurant and thought that her faith would take care of the payment of the bill. When neither Ms. Harris nor Ms. Sutton was able to complete a telephone credit card transaction that met the restaurant's security policies, there was probable cause to have Ms. Richardson arrested for defrauding an innkeeper.

In addition to the defrauding of Geoffrey's Restaurant, there was probable cause that Ms. Richardson illegally possessed marijuana. In an effort to locate cash or some means to pay her restaurant bill, Ms. Richardson gave deputies consent to search her car. Inside Ms. Richardson's car, deputies recovered marijuana, and when deputies asked Ms. Richardson to whom the marijuana belonged, she admitted that the marijuana belonged to her. While deputies received approval to charge Ms. Richardson with illegal possession of a less than an ounce of marijuana, a misdemeanor, later at the station, they had sufficient evidence of a second crime at the time they decided to take her into custody.

Under the circumstances, deputies prudently exercised their discretion, took Ms. Richardson into custody and transported her to the station. With sufficient evidence of two misdemeanor crimes, deputies had the discretion to either field cite and release Ms. Richardson or take her into custody and transport her to the station. When the Geoffrey's Restaurant employee called Malibu/Lost Hills for service, she requested that the station send someone to pick up Ms. Richardson. When the restaurant manager decided to place Ms. Richardson under a private citizen's arrest, he demanded that the deputies take Ms. Richardson into custody. This demand was partially based on a number of facts. Geoffrey's Restaurant employees did not want Ms. Richardson to return to the restaurant that evening. Because her car was in the restaurant valet and she could not pay the valet fee, Ms. Richardson had no access to her car. After deputies discovered the empty prescription pill bottles, marijuana, and alcohol in Ms. Richardson's car, the restaurant employees felt uncomfortable from public safety and restaurant liability perspectives with Ms. Richardson driving herself away from the restaurant. Before deputies took Ms. Richardson into custody, the employees concluded that the incident had become less about payment of the bill and more about whether Ms. Richardson would subsequently endanger herself or another if she drove away in a car containing a substantial amount of alcohol. Ms. Sutton's statement to the restaurant manager that Ms. Richardson should be taken to jail to learn her lesson also was apparently a factor in Geoffrey's request that deputies transport Ms. Richardson to the station.

The totality of the circumstances dictated that deputies take Ms. Richardson into custody and transport her to the station. Ms. Richardson had no transportation from Geoffrey's Restaurant. She had no access to her car. Neither Ms. Harris nor Ms. Sutton was able to travel to Malibu and pick up Ms. Richardson. Although Ms. Richardson passed the field sobriety test, her conduct appeared unusual. Given the amount of alcohol in her car, there was no guarantee that Ms. Richardson would not subsequently begin drinking after driving away from the restaurant and create a public safety issue for herself or others. Because the initial call for service suggested that Ms. Richardson "sounded

crazy”, taking Ms. Richardson into custody and transporting her to the station afforded the Department employees additional time to observe Ms. Richardson and her behavior. The deputies’ decisions to take her into custody and transport to the station were prudent and appropriate.

B. Station Personnel Properly and Legally Released Ms. Richardson.

Under the circumstances as the Malibu/Lost Hill Station personnel knew them, they acted in accordance with state law and Department policies and orders in the booking and release of Ms. Richardson. It is common for Department members to book arrestees who are brought into a station and to release misdemeanor arrestees after booking, and in this case, the booking and release of Ms. Richardson comported with the legal and policy requirements. Moreover, the booking process afforded Malibu/Lost Hills Station personnel with additional time to observe Ms. Richardson and determine whether it was appropriate to release her. Station personnel’s interactions with Ms. Richardson during these processes confirmed their initial conclusion that Ms. Richardson was not intoxicated; nor did she meet the statutory requirements for a 5150 hold or commitment.

Ms. Richardson’s booking process permitted station personnel an additional two hours to interact with her and determine whether she was an immediate danger to herself or others or gravely disabled. The additional time also gave Ms. Richardson the opportunity to call family members or friends before her release from custody and arrange for transportation from the station.

From Geoffrey’s Restaurant, one of the responding patrol units transported Ms. Richardson to the Malibu/Lost Hills Station, and at approximately 10:05 p.m., Ms. Richardson arrived at the station and entered the station jail. The booking process began almost immediately with the station jailer searching Ms. Richardson’s person and removing a number of items that were recorded on the BPR. Ms. Richardson then entered the booking cell and removed her shoes and socks.

The booking process also involved the arresting deputy and the station jailer asking Ms. Richardson a series of questions and fingerprinting and photographing procedures, and Ms. Richardson’s ability to interact with the arresting deputy and the station jailer and her demeanor throughout the booking process demonstrated that she was not eligible for a 5150 hold or commitment. The booking process occurred over a two-hour period and confirmed Ms. Richardson’s identity and lack of a criminal history and any outstanding wants and warrants. Ms. Richardson provided additional information regarding her identity and adult status, mental and medical health, and physical characteristics. Moreover, Ms. Richardson used the time to place four separate calls to Ms. Harris. The station personnel interacted with Ms. Richardson and made further observations regarding her mental well-being.

Under the Section 5150 litmus test, a trained law enforcement officer or a mental health professional needed to observe symptoms demonstrating that Ms. Richardson was

an immediate danger to herself or others or that, as an adult, she was unable to provide food, clothing, or shelter for herself to warrant a 5150 hold or confinement. At no time prior to Ms. Richardson's arrest or release from custody did any family member inform station personnel that Ms. Richardson had a mental health condition.⁴⁷ The untrained observations of the restaurant personnel and guests of Ms. Richardson's alleged conduct at Geoffrey's Restaurant -- while, if known by deputies, was potentially valuable information -- failed to satisfy the legal requirements for a 5150 hold or confinement. Without any observations by a properly trained person that revealed the existence of a mental health condition or grave disability, the trained station personnel had no legal right to seek an involuntary mental health confinement or commitment of Ms. Richardson. According to their reports, involved station personnel did not observe any signs or conduct that Ms. Richardson suffered from any mental health disorder or grave disability or that she was eligible for 5150 hold or commitment. Malibu/Lost Hills Station personnel's observations and conclusions are corroborated by the station jail video recordings. In the video recordings, Ms. Richardson's behavior at the station did not demonstrate any signs that she was an immediate danger to herself or others or that she was gravely disabled. Station personnel's observations of and interactions with Ms. Richardson during the booking process indicated that she was alert, not intoxicated, coherent, and cooperative. In fact, as depicted in the video recordings, the station jailer felt Ms. Richardson was not a danger. The video recordings show that during the Livescan process, the station jailer turned her back to Ms. Richardson on a number of occasions to complete the fingerprinting and photographing procedures. Based on their observations of Ms. Richardson's behavior, involved Malibu/Lost Hills Station personnel properly concluded that she did not appear to meet the statutory requirements for a 5150 hold or commitment.

Once the booking process demonstrated that Ms. Richardson had no outstanding wants or warrants, that she was not eligible for a 5150 hold, and that she had not requested an appearance before a judicial officer, Malibu/Lost Hills Station personnel legally released Ms. Richardson. The fact that Ms. Richardson was an adult and rational outweighed any paternalistic interests in detaining her against her stated interest to leave the station jail. Under the circumstances, state law and Department policies and procedures mandated Ms. Richardson's release from custody, and the station's release of her conformed to the legal and policy requirements.

C. The Time of Ms. Richardson's Release Conformed to Existing Department Policy.

Malibu/Lost Hills Station personnel released Ms. Richardson from the station jail shortly after midnight, and the time of her release was consistent with Department policy. At the time of the release, there was no Department policy that prohibited or restricted her release from a station jail at this hour. While there has been some discussion

⁴⁷ On September 17, 2009, after Ms. Richardson's release from custody, Ms. Sutton told a station watch commander that Ms. Richardson was in a "depressed state" and that the family was presently discovering her mental health issues.

regarding Department policy prohibiting the release of women during certain night-time hours, the discussion has been incomplete and possibly misleading. At the time of Ms. Richardson's release from custody, Department policies uniformly required Department personnel to release women in custody as soon as they become eligible.

As a general matter, Department policies do not treat differently the time of release of persons in custody on the basis of race, gender or age; the policies seek the earliest release from custody of persons who are eligible. While Department policies recognize different categories of persons in custody and different procedures for station jail releases and County jail releases, two primary goals of the policies are safe and expeditious releases from custody of those persons who are eligible. Under policies relating to the station jail release of eligible misdemeanor arrestees, the release is to occur "at the earliest possible time consistent with procedural requirements, prudence, and safety"⁴⁸ and in a manner prescribed by law.⁴⁹ Once misdemeanor arrestees have been identified and cleared of any outstanding wants or warrants, they are typically eligible for immediate release. Because of legal mandates, the Department has less discretion regarding the timing of station jail releases, and it cannot legally increase an arrestee's involuntary detention.

County jail inmates represent a different category of persons in custody, and unlike with the station jail releases, the Department has more discretion regarding the timing of County jail releases. For any number of reasons, County jail inmates have been determined ineligible for immediate station jail release from custody. For example, such inmates may have outstanding wants or warrants, may be unable to make bail, or may be serving a sentence in County jail. None of these possible bases applies to the station jail release of arrestees who are eligible for cite out and release. Because most inmates are released from County jail before their legally mandated release date, County jail releases afford the Department greater discretion to time the release of inmates.

In the discussion regarding the timing of Ms. Richardson's release from the station jail, policies related to County jail releases have been referenced as procedures that should have dictated Ms. Richardson's release from Malibu/Lost Hills Station. The discussion does not draw the necessary distinction between station jail releases and County jail releases and has misleadingly suggested that the Department had more time and greater discretion in Ms. Richardson's station jail release than it actually had. Additionally, the referencing of a draft and an unapproved policy as the applicable policy for Ms. Richardson's release from custody has created increased confusion.

The draft version of Custody Division Century Regional Detention Facility ("CRDF") Unit Order 5-25-030, Inmate Safe Release Hours, has been erroneously referenced as a policy applicable to Ms. Richardson's release from Malibu/Lost Hills Station jail.⁵⁰ The proposed purpose of the draft unit order is to prohibit or restrict the timing of the County jail releases for female inmates from CRDF. Unless one of the

⁴⁸ See MPP section 5-03/15.25, Station Cite-Out Release Procedure.

⁴⁹ Malibu/Lost Hills Station Jail Manual.

⁵⁰ CRDF is the County jail that houses only female inmates.

enumerated exceptions existed, the draft unit order would prohibit CRDF personnel from releasing female inmates between the hours of 10:00 p.m. and 6:00 a.m. The draft unit order was not applicable to Ms. Richardson's release from custody. The unit order was never approved by the Department, and therefore, its proposed proscriptions were not in effect at the time of Ms. Richardson's arrest.⁵¹

Contrary to the proposed proscriptions in the draft CRDF unit order, the practice at CRDF is, has been since its opening, to release female inmates from its facility as soon as they become eligible. These County jail releases occur regardless of the time of day. When female inmates become eligible for release between the hours of 10:00 p.m. and 6:00 a.m., CRDF personnel release the inmates from custody directly to the CRDF lobby and instruct them that in the lobby, they may arrange for their transportation from the facility or wait for the arrival of their transportation. However, once released into the lobby, the inmates are free to leave the facility.

Moreover, had CRDF Unit Order 5-25-030 been in effect at the time of Ms. Richardson's release from the station jail, it would have not have applied to her release. Ms. Richardson's release from custody was a station jail release from Malibu/Lost Hills Station, and not a County jail release from CRDF. The unit order would have established protocols for a County jail release from CRDF, and it would have applied to the type of a jail release where there was no legal requirement of immediate release of inmates and where the Department had the necessary discretion and flexibility of time to dictate when and how the release of eligible inmates would occur without exceeding a legally mandated release date. Generally, inmates in a County jail were ineligible for release in the field or at a station. While the Department seeks to prevent over-detention of County jail inmates by releasing them expeditiously, there are usually numerous procedures that Department personnel must follow to process County jail inmates for release. In addition, there is not the same legal urgency to release County jail inmates as there is for station jail arrestees. In County jail releases of inmates, the Department typically releases those inmates earlier than legally mandated, and therefore, it does not deprive the inmates of freedom by extending involuntarily their time in custody. In contrast, as evidenced by Ms. Richardson's release from the station jail, once a misdemeanor arrestee becomes eligible for release from the station jail, the arrestee is legally entitled to immediate release from custody, and the Department has limited discretion or time to effect the release, and avoid over-detention or excessive involuntarily confinement in jail.

Unlike CRDF Unit Order 5-25-030, Custody Division Inmate Reception Center ("IRC") 5-23-003.00, Releasing Female Inmates, Unit Order 82⁵² is an approved Department policy, and although Unit Order 82 pertains to County jail releases from IRC and would not have been applicable to Ms. Richardson's station jail release from Malibu/Lost Hills Station, it further evidences the Department's commitment to release

⁵¹ Originally drafted in August 2009, the unit order has never been approved by the Department.

⁵² IRC is a County jail facility where inmates are processed into the County jail system and then assigned housing within the County jail system; however, since the opening of CRDF, the Department processes most female inmates into the County jail system at CRDF.

female inmates expeditiously and safely from custody. In 2006, the Department approved Unit Order 82 as a policy for County jail releases of women. The unit order seeks to facilitate the County jail releases of female inmates as soon as they are eligible and without regard to day or time. With respect to County jail releases occurring between the hours of 10:00 p.m. and 6:00 a.m., Unit Order 82 requires IRC personnel to release County jail female inmates directly into the IRC lobby and to advise them that in the lobby, they may arrange for transportation and wait for the arrival of transportation.⁵³ Although these two requirements are not mandatory for station jail releases, Malibu/Lost Hills Station personnel essentially satisfied the equivalent of the Unit Order 82 requirements. When station personnel released Ms. Richardson from custody shortly after midnight, they escorted her to the station lobby and advised her that in the station lobby, she could arrange for transportation and wait for the arrival of her transportation. This station jail release conformed to Department policy and commitment to release persons in custody in a safe and expeditious manner.

D. Malibu/Lost Hills Station Conducted a Thorough Inquiry of the Involved Personnel.

OIR has reviewed Malibu/Lost Hills Station's internal inquiry into the circumstances surrounding its personnel's involvement in the arrest, booking and release of Ms. Richardson and determined the station's review was prompt and thorough. Within hours of Ms. Richardson's release from custody, the station commanders began an internal review of its personnel's actions. The internal inquiry continued for several days.

As part of the internal inquiry, station's unit commanders reviewed all the appropriate documents and questioned involved station personnel. They reviewed the arrest reports, audio recordings of telephone calls to the station, and the video recordings of the station jail. There was proper and significant follow-up on a number of issues relating to Ms. Richardson's level of intoxication, the manner in which the field sobriety test was conducted and documented, the decision not to field cite and release Ms. Richardson at the restaurant, and the decision to release Ms. Richardson in the early morning hour. The station's unit commanders analyzed the relevant Department policies and procedures in light of its personnel's actions. There was further investigation into whether the restaurant had video cameras and whether any video footage captured the conduct of Ms. Richardson and/or the responding deputies. Also the then station captain ordered the preparation of a supplemental report documenting the field sobriety test conducted on Ms. Richardson at Geoffrey's Restaurant and the testing deputy's observations at the time. Moreover, pursuant to the then captain's request, a station patrol supervisor obtained additional information regarding the circumstances of Ms. Richardson's arrest from the transporting deputy. OIR was consulted by the station's unit commanders and received a briefing of the station's tentative findings. Based on the foregoing, the then captain concluded that the conduct of each of the involved

⁵³ The CRDF practice of County jail releases of female inmates between the hours of 10:00 p.m. and 6:00 a.m. is consistent with the requirements of IRC Unit Order 82.

Malibu/Lost Hills personnel was legal and in compliance with the relevant state law and Department policies and procedures.

While the station completed its internal inquiry, OIR conducted an extensive review of all the available documents and audio and video recordings. In addition, OIR met with the then captain and discussed various actions and decisions of the involved personnel and the manner in which those actions were taken and decisions were made. After its review of the station's internal inquiry, OIR determined that the station's inquiry was thorough and complete.

E. Station Personnel Acted Appropriately in Their Interactions with Ms. Richardson's Parents.

Based on its review of station reports and audio recordings of interactions between station personnel and Ms. Richardson's parents, OIR concludes that station personnel acted in a professional manner. As expected in the hours and days that immediately followed Ms. Richardson's arrest, release and disappearance, Ms. Sutton and Mr. Richardson sought to determine what had occurred and what was being done to locate their daughter. To this end, they called and visited the station to obtain information and enlist the assistance of Malibu/Lost Hills Station personnel.

OIR reviewed the available recorded telephone conversations made by Ms. Sutton to Malibu/Lost Hills Station on September 16 and 17, 2009 and the return call to her from a watch commander on September 17, 2009. The reviews of these recordings occurred as part of OIR's review of the station's internal inquiry and again in response to complaints by Ms. Richardson's family and Mr. Terrell.⁵⁴ In each of the recorded telephone conversations, station personnel provided information about Department protocols and when necessary, emotional empathy for Ms. Sutton. At all times station personnel acted appropriately and professionally.

Each time Ms. Sutton spoke with someone from the station, it was a different Department member who was uninformed about the circumstances of Ms. Richardson's arrest or release from custody. Despite this lack of familiarity, each Department member clearly communicated his unfamiliarity and then actively sought to gain additional information from Ms. Sutton to assist her. The offered assistance ranged from connecting her to the station jailer who was more knowledgeable about Ms. Richardson's custody status to explaining standard procedures relative to the release of misdemeanor arrestees or the filing of a missing person report to circulating photographs of Ms. Richardson and beginning the official search for her.

⁵⁴ On September 30, 2009, in a telephone conversation, Mr. Terrell complained to OIR that Malibu/Lost Hills Station had not provided him with a complete copy of the audio recorded calls regarding Ms. Richardson's arrest and release. OIR offered to review the audio recordings again and meet with Mr. Terrell to determine whether he had a complete unredacted copy of the audio recordings. Mr. Terrell never availed himself of OIR's offer.

In addition to offering assistance to Ms. Sutton, each Department member demonstrated professionalism and patience in speaking with Ms. Sutton. In telephone conversations after Ms. Richardson's release, Ms. Sutton informed Department members of her concern that Ms. Richardson may be in a "depressed state." When confronted with this information, Department members asked the appropriate follow-up questions to determine what mental health condition, if any, that Ms. Richardson may have, whether Ms. Richardson was on any medication, whether the condition limited Ms. Richardson's capacity to function, and whether there was a reason that Ms. Richardson would not call her parents for transportation. When seeking additional information, Department members demonstrated patience and empathy to Ms. Sutton's apparent distress. Often these Department members tried to offer alternative possibilities or outcomes in an effort to comfort and reassure Ms. Sutton that Ms. Richardson would be found safe.

In the evening of September 16, 2009 and early morning hours of September 17, 2009, Ms. Sutton called the Malibu/Lost Hills Station three times. On September 16, 2009, at approximately 9:50 p.m., when Ms. Sutton was vacillating about whether to drive to the station in Agoura Hills, the deputy who spoke with Ms. Sutton explained the standard release procedures for a misdemeanor arrestee and gave Ms. Sutton directions to the station. The deputy emphasized that Ms. Richardson would be safe in the station jail and that when Ms. Richardson arrived at the station, she would probably call Ms. Sutton.⁵⁵

On September 17, 2009, at approximately 5:20 a.m., Ms. Sutton called the station and inquired about Ms. Richardson. When Ms. Sutton stated that Ms. Richardson had been arrested the night before, the deputy quickly transferred her to the station jailer. Because the call was transferred to a non-recording line, the conversation between Ms. Sutton was not recorded.

At approximately 5:35 a.m., Ms. Sutton called the station again and spoke with a different deputy. In response to Ms. Sutton's inquiry, the deputy explained the procedures and possible timeframes for a filing a missing person report. It is during this telephone call that a member of Ms. Richardson's family first mentioned any possible mental health issue, i.e., "depressed state", in relation to Ms. Richardson. The deputy requested that Ms. Sutton call back in a couple of hours and offered to speak with the jailer regarding the circumstances of Ms. Richardson's release and to check the station's lobby for Ms. Richardson. The deputy expressed his understanding of Ms. Sutton's concerns and fears.

At approximately 9:30 a.m., the on-duty station watch commander returned Ms. Sutton's call. In their conversation, Ms. Sutton stated that Ms. Richardson was missing and wandering around in Malibu, an unfamiliar area, and that Ms. Richardson was in a "depressed state" of mind, "not normal," and "delusional." Ms. Sutton requested assistance from the station in searching for Ms. Richardson. The watch commander explained to Ms. Sutton that Malibu/Lost Hills Station would begin circulating

⁵⁵ While Ms. Richardson had access to the booking telephone, there is no record that she attempted to call Ms. Sutton. Ms. Richardson's telephone log shows that she called or tried to call Ms. Harris four times.

photographs of Ms. Richardson and searching for her. The watch commander explained that while he was unfamiliar with the matter regarding Ms. Richardson, he or his relief would look into it, and he or his relief might have some additional information for Ms. Sutton upon her arrival at the station.

On September 22, 2009, at approximately 1:45 p.m., Mr. Richardson visited Malibu/Lost Hills Station, seeking information regarding Ms. Richardson and assistance in his search for her. Mr. Richardson requested information regarding the identity of persons whom Ms. Richardson called while she was in custody, and station personnel provided him with the information from the booking slip that Ms. Richardson called Ms. Harris. Mr. Richardson also sought recordings of Ms. Richardson telephone calls from custody, and while station personnel advised Mr. Richardson that calls from the booking telephone were not recorded, they agreed to investigate further the possibility of tracking down information regarding any calls that Ms. Richardson made from the booking telephone and to contact Mr. Richardson within the hour to report any progress on his request.

In addition, Mr. Richardson requested that Malibu/Lost Hills Station send deputies to search Pepperdine University Malibu campus for Ms. Richardson, and in response to this request, a station sergeant advised Mr. Richardson that PUPS' officers would be better equipped to search the campus for Ms. Richardson and that he would personally contact the director of PUPS with the relevant information regarding Ms. Richardson and her disappearance. This meeting with Mr. Richardson concluded with him shaking hands with the sergeant and expressing his appreciation for the Department's professionalism and assistance.

After meeting with Mr. Richardson, the sergeant contacted the director of PUPS and communicated Mr. Richardson's concerns and the sensitivity of the investigation and emailed him electronic copies of the missing person flyers for Ms. Richardson. The sergeant called the Department's Communications/Fleet Bureau and explained Mr. Richardson's request for the retrieval of telephonic records information.⁵⁶ Within the hour, the sergeant called Mr. Richardson as promised and advised him of his progress. Mr. Richardson acknowledged the receipt of the sergeant's progress update and informed the sergeant that he was at Pepperdine University and found the PUPS' officers both professional and accommodating.

Under the circumstances, the Department members acted professionally and appropriately assisted Ms. Sutton and Mr. Richardson in their attempts to obtain information, search for Ms. Richardson and manage their distress with Ms. Richardson's arrest and subsequent release and disappearance. The station personnel provided accurate information to Mr. Richardson and Ms. Sutton and conducted the promised follow-up on requests for assistance and information. Whenever possible, the

⁵⁶ The Department was unsuccessful in retrieving any additional information regarding whom Ms. Richardson called. The booking telephone did not have the capability to record telephone conversations.

station personnel contacted the person who had the best information or who could best assist Ms. Richardson's parents in the search for Ms. Richardson.

F. The Department's Efforts to Search for Ms. Richardson Have Consistently Been Timely and Reasonable.

From hours after Ms. Richardson's release from custody through the present, the Department has consistently made substantial efforts to search for Ms. Richardson. OIR's review of these efforts reveals that the Department's efforts have been timely and more than reasonable. The Department has devoted substantial resources in its independent efforts to locate Ms. Richardson and its assistance to LAPD's investigative efforts. These resources have been deployed at Malibu/Lost Hills Station level and Homicide Bureau level. When necessary, the Department increased its commitment of resources to assist in the search for Ms. Richardson. At every level of resource deployment, the Department personnel have worked well with each other and LAPD investigators.

Within several hours of Ms. Richardson's release and without knowing that she had not reunited with friends or family, Malibu/Lost Hills Station personnel searched for her in the area of 507 Cold Canyon Road. This search was in response to a call for service, reporting that the resident had seen and spoken with Ms. Richardson in his backyard. Arriving within 20 minutes of the call for service, deputies searched the residence and surrounding area, and they were unable to locate her.

On September 17, 2009, throughout the early afternoon and evening, station personnel briefed its patrol units regarding Ms. Richardson's disappearance. All patrol units were provided color photographs and booking information of Ms. Richardson and placed on alert for Ms. Richardson with clear instructions to call the station with any sightings of her. In addition, Malibu/Lost Hills Station contacted the Malibu Tow Company and requested it to contact the station should anyone try to retrieve Ms. Richardson's stored car.

On September 19, 2009, within two days of Ms. Richardson's disappearance, Malibu/Lost Hills Station personnel conducted its first of several search and rescue operations. The search operation lasted more than eight hours and utilized personnel on the ground, including scent dogs, and aerial support. The search focused on the Monte Nido area of Calabasas/Malibu, the area where Ms. Richardson was last seen. With teams of more than 20 persons, LASD and LAPD personnel searched drainage areas, Cold Canyon Road from Mulholland Highway south to Piuma Road, and the northward egress from the Cold Canyon Road residence. LASD, LAPD and other agency personnel searched the area state parks. In addition to the ground searches, the search and rescue operation included a search of Ms. Richardson's car and the interview of 507 Cold Canyon Road resident who positively identified Ms. Richardson and the Geoffrey's Restaurant manager who placed Ms. Richardson under a private citizen's arrest.

The search yielded some developments. Around the 500 block of Cold Canyon Road, LASD scent dogs picked up and followed Ms. Richardson's scent trail. The scent trail led to the front of 577 Cold Canyon Road; however, when LASD and LAPD personnel thoroughly searched outside and inside this residence, they did not locate Ms. Richardson. Moreover, at the rear of 507 Cold Canyon Road, search and rescue personnel located confirmed imprints from Ms. Richardson's shoes. Because of heavy human and animal traffic, search and rescue personnel were unable to follow her foot print tracks far. LASD personnel questioned local taxicab companies and Monte Nido residents.

On September 22, 2009, Malibu/Lost Hills Station personnel assisted Mr. Richardson and requested assistance from Department personnel and PUPS in attempts to find clues to Ms. Richardson's disappearance or in locating her. Station personnel provided Mr. Richardson with information regarding calls Ms. Richardson made or attempt to make from the booking cell. Station personnel called the Department's Communications Bureau and requested that it try to retrieve any additional information relative to the calls Ms. Richardson made from the booking cell. Station personnel enlisted the assistance of PUPS officers in searching the Malibu campus for Ms. Richardson. To assist this effort, station personnel communicated information regarding Ms. Richardson's release and provided PUPS officers with photographs and identity information of Ms. Richardson. The bureau representative tried unsuccessfully to retrieve the telephonic records information for Ms. Richardson's calls from the booking cell.

On September 26, 2009, LAPD investigators, Malibu/Lost Hills Station and other LASD search and rescue personnel and state and outside county search and rescue personnel coordinated and conducted a second search of various Calabasas and Malibu areas for Ms. Richardson. This second full-day search was an expansion on the first search in terms of the geographical area covered and the resources deployed by LASD and LAPD. MSAR personnel coordinated and deployed mounted search and rescue teams, aero resources, uniformed reserve patrol personnel as well as both cadaver and area-scent dogs. In total more than 175 persons and 35 horses participated in the search. The geographical area of the second search was expanded to include Malibu Canyon Road to Pacific Coast Highway, the additional areas of Cold Canyon and Piuma Roads, local state parks, Las Virgines Road, Cold Canyon Road east to Mulholland Highway, and the Rindge Dam. Near the Malibu Canyon Tunnel, LASD personnel recovered a shirt and pants that matched Ms. Richardson's clothing in color; however, upon closer inspection the recovered clothing was not Ms. Richardson's clothing.

On December 11, 2009, LASD elevated its involvement in the search for Ms. Richardson and increased its deployment of resources. Sheriff Baca assigned a team of Homicide Bureau investigators to assist LAPD's investigative efforts on a full-time basis. The homicide investigators immediately began proactively assisting LAPD. Once they received briefings from Malibu/Lost Hills Station personnel and LAPD's lead investigators, the Department's homicide investigators re-interviewed certain witnesses or possible witnesses and began following up leads in areas throughout the County of

possible sightings of Ms. Richardson. In addition, the homicide investigators interviewed persons who could provide them with possible clues and additional information about Ms. Richardson. These efforts continued almost daily for the several weeks leading up to the third search of the Malibu Canyon area.

On January 9, 2010, Malibu/Lost Hills Station personnel conducted a third search of Malibu and surrounding areas for Ms. Richardson. As with the previous two searches, LASD search and rescue personnel worked in conjunction with LAPD detectives and used search dogs and helicopters. LASD homicide investigators also assisted in this search operation. As with the second search operation, the Department expanded the search operation both in terms of geographical area and resources committed to the operation.⁵⁷ Based on LAPD experts' conclusions that Ms. Richardson may have been suffering from mental health issues, LASD personnel scouted areas that might attract persons who suffered from mental health illness. With the assistance of LASD helicopters, search and rescue personnel dropped teams from high points into drainage areas, pools in the dam areas, and areas below cliffs. The expanded geographical areas covered included east of Mulholland Highway to Cold Canyon Road and east of there. The increase in deployed resources included almost 400 persons, search dogs, air support, and more than 80 horses.

Beginning two days after the third search and continuing for several weeks, LASD homicide investigators continued their interview of witnesses and possible witnesses, followed up on leads and requested assistance from other local law enforcement agencies for assistance in the search for Ms. Richardson. The interviews included two Monte Nido residents who saw Ms. Richardson on Piuma Road and Malibu Canyon Road in the early morning and afternoon, respectively, of September 17, 2009. The investigators followed up on information that Ms. Richardson was admitted to a local rehabilitation/treatment center and contacted a number of state agencies for assistance in searching for Ms. Richardson. They interviewed Geoffrey's personnel and persons who reported seeing a woman similar in appearance to Ms. Richardson in others part of the County. The Department homicide investigators expanded their search for Ms. Richardson to other parts of the County.

On April 8, 2010, Malibu/Lost Hills Station personnel, LASD homicide investigators, LAPD and an OIR attorney received a briefing on the deployment of the drone in the Malibu Canyon area by two private operators. The drone was launched from six different locations within the Malibu Canyon area, and on each launch, the operators took digital photographs of the ground and mountainous areas. Weeks later, LASD homicide investigators received downloaded data from the drone launches and analyzed the data.

From January 8, 2010, through June 19, 2010, MSAR personnel conducted multiple search operations in response to a claim that Ms. Richardson was being held by

⁵⁷ By several accounts the January 9th search and rescue operation was the largest in the history of Los Angeles County.

white supremacists in Malibu. Deputies searched a number of areas and found nothing to substantiate the claim.

On June 10 and 12, 2010, MSAR personnel conducted two search operations in response to sightings of bones in the Malibu/Calabasas area. As part of these search operations, LASD divers and air support assisted MSAR personnel. The bones recovered were not human bones.

Substantial resources have been committed to the search for Ms. Richardson. Much of this commitment has been borne by the Department. Since September 16, 2009 to present, the Department has spent more than \$350,000 in its search and rescue operations and investigative efforts. This amount does not reflect more than \$76,000 in costs to LAPD; nor does it include significant contributions of resources and personnel by Ventura County and the National Park Service and hundreds of volunteers. Volunteers donated thousands of hours to the several search and rescue operations.

G. The Department's Efforts to Provide Information and Resources to Ms. Richardson's Family Have Been Reasonable.

Within days of Ms. Richardson's release from custody, OIR began monitoring the Department's release of information to her family. As result of its monitoring process, OIR found that while certain information may not have reached Ms. Richardson's family as quickly as it or the Department would have liked, there is no credible evidence of the Department refusing or unreasonably delaying the release of certain information and reports. In several incidents, the Department had to balance and resolve a number of factors before it could release the requested information or reports. In this section, OIR provides a context for several perceived delays in releasing information or refusals to release information.

During the several days and weeks following Ms. Richardson's release from custody, there were requests from her family or its counsel for a copy of the arrest report and video recording of the exterior of the Malibu/Lost Hills Station. The requests were reasonable and presumably made to assist in efforts to uncover clues or leads that would help Ms. Richardson's family search for her. Mr. Terrell contacted OIR regarding his concern about possible delay or refusal in releasing this information.

With respect to the release of the arrest report, the Department did not release the report as early as it would have liked; however, much of the perceived delay was attributed to the Department following established protocol between its agency and the County's District Attorney's office. According to Department executives, the protocol requires the Department to obtain authorization from the assigned district attorney before releasing any information in a pending criminal investigation. The stated rationale supporting the protocol is that until charges are filed and there is a court hearing in the case, the case remains an active criminal investigation. For several days prior to September 30, 2009, Malibu/Lost Hills Station had attempted through informal procedures to obtain a filing decision from the assigned deputy district attorney.

On September 30, 2009, a Department executive decided to give the assigned deputy district attorney until 5:00 p.m. to respond to a written request for authorization to release a copy of the arrest report to Ms. Richardson's family. In response to a conversation with the Department executive regarding the delayed response from the deputy district attorney, OIR reviewed the report regarding Ms. Richardson's arrest and conferred with the then captain of Malibu/Lost Hills Station. In a written reply, the assigned deputy district attorney granted conditional authorization to the Department to release the arrest report to Ms. Richardson's family. The condition to the authorization was that the Department redact personal information in the report. By the mid-afternoon on September 30, 2009, the Department notified Mr. Terrell that the arrest report was available for pick up. Any delay in the release of the arrest report to Ms. Richardson's family was because the Department was attempting to comply with the terms of the protocol between its agency and the County District Attorney's office regarding the release of information about a pending criminal investigation.

The Department timely released an un-redacted copy of recorded telephone calls to the station regarding Ms. Richardson's arrest and release from custody. Within days of the requests from Ms. Richardson's family for audio recordings of Ms. Sutton's calls to Malibu/Lost Hills Station on the night of Ms. Richardson's arrest and the following morning after her release, the Department provided full un-redacted recordings of calls to the station regarding Ms. Richardson, including the call for service from 507 Cold Canyon Road. What the family perceived as an edit to the station calls was the switching of one of Ms. Sutton's calls to the station jailer, whose line does not record. As further evidence that station personnel were not redacting the recordings of telephone calls, they provided unintentionally the family with the private telephone number of the resident at 507 Cold Canyon Road, a number that should have been redacted from the released copy of the calls. OIR reviewed the released audio recordings and found that Ms. Richardson's family had received an un-redacted copy of the audio recordings.

The Department promptly notified Ms. Richardson's family that it was unable to provide video footage from the video surveillance equipment positioned at the front entrance of Malibu/Lost Hills Station. The video surveillance equipment monitors the area in front of the station; however, it is antiquated and does not record video footage. When the family's attorney complained to OIR that the Department was withholding this video footage and thereby preventing Ms. Richardson's family critical information about who may have picked her up or in what direction she may have walked, OIR met with station personnel and confirmed that the video surveillance equipment at the front entrance of the station does not record video footage, and provides only for live feed monitoring. There is no credible evidence that the Department refused to provide video footage from this equipment. The Department could not produce footage that did not exist.

Constrained by issues of privacy and limitations of technology, the Department was unable to show Ms. Richardson's family the video footage from security cameras inside the station jail immediately upon their request. Before such a presentation could

occur, the Department had to accomplish several tasks. First, it had to contact the other arrestees who were inside either the booking area or booking cell with Ms. Richardson for their consent. Because these arrestees had certain privacy rights, the Department could not present the video footage that identified them without their consent. Second, the Department had to redact the video footage to preserve the identities and privacies of these arrestees, especially the arrestee who shared the booking cell with Ms. Richardson. Third, the dated security cameras inside the station jail record in a multiple-track format with video recording from several differently positioned cameras within the station jail. The multiple-track format shows the video footage in a time-delayed manner because it switches from one camera to another camera and from multiple camera angles sequentially. The video from different security cameras had to be isolated and the video footage from each had to be faded to obscure the other arrestees' faces. This process took a substantial amount of time and effort. Viewed in this context, the perceived delay in presenting the video recordings from the security cameras inside the station jail to Ms. Richardson's family was not egregious or unreasonable.

VII. MISCELLANEOUS ISSUES

In this section, OIR provides its insights on a number of miscellaneous issues that have been raised regarding the Department's actions or alleged actions.

A. Before Ms. Richardson's Release, Were Station Personnel Negligent in Not Detecting Any Symptoms of Mental Health Illness?

Malibu/Lost Hills Station personnel were not negligent in determining that Ms. Richardson did not demonstrate any symptoms of an existing mental health illness. For more than two and one-half hours, Ms. Richardson was in the presence and interacted with station personnel. At no time did she display any behavior or signs that indicated the existence of any mental health condition. Other than her disappearance, Ms. Richardson's conduct as observed by station personnel provided no indication of the existence of any mental health disorder or grave disability. Station personnel observed a young woman who was lucid, smart, cooperative and engaging.

The station personnel involved in her arrest and booking process and release from custody observed no conduct or behavior by Ms. Richardson that would support the conclusion that she suffered from any mental health illness on the evening of September 16th and early morning of September 17th. In the presence of the station personnel, Ms. Richardson was alert, coherent and cooperative. Before Ms. Richardson's arrest, deputies observed some questionable behavior; however, this behavior did not necessarily indicate the existence of any mental health illness. The questionable behavior included going to a restaurant, ordering a meal, parking valet, and leaving without a means to pay. Under the circumstances, Ms. Richardson could not retrieve her car and leave without paying her restaurant bill, including the parking valet fee. The circumstances beg the question of why would she select such a restaurant to attempt to evade payment; however, her explanation that she was meeting with friends who would pay for her meal appeared plausible on its face.

When deputies searched Ms. Richardson's car, there are no clear signs of any mental health illness. Her car was in a cluttered condition. It contained several empty prescription bottles, clothing and shoes scattered throughout the passenger area. There was a substantial amount of alcohol in the trunk of the car, and marijuana in the driver seat area. While the discovery of these items may have reasonably raised some concerns about Ms. Richardson, the condition of her car and the possession of a small amount of marijuana and large amount of alcohol were not so unusual as to demonstrate the existence of a mental health illness.

Prior to Ms. Richardson's release from custody, station personnel received no information from her or her family regarding the existence of any mental health disorder. At Geoffrey's Restaurant, Ms. Richardson passed a field sobriety test and denied the existence of any mental health disorder. In addition, Ms. Harris and Ms. Sutton did not advise station personnel of any mental health issues relative to Ms. Richardson. At the station, Ms. Richardson completed the booking process, including answering a number of questions, and demonstrated no symptoms of an existing mental health condition, and when specifically asked, she denied the existence of any mental health condition. Moreover, during extended conversations with the station jailer, Ms. Richardson again displayed a demeanor of cooperation and lucidness that supported the conclusion that she suffered from no mental health condition.

It was not until after Ms. Richardson's release from custody that her family members stated that she was in a "depressed state" of mind. Before then Ms. Richardson's family and friends, including a professional psychologist, were uncertain whether she suffered from any mental health disorder. If Ms. Richardson suffered from a mental health condition, and her family and friends, including a professional psychologist, who knew her well could not detect the symptoms, then any failure by station personnel in detecting those symptoms is not unreasonable.

In support of this potential challenge, a professional psychologist and supporter of Ms. Richardson's family has represented that it is not unusual for persons who suffer from a mental health condition to act "normal" when they are in the presence of law enforcement. If this proposition is valid and if Ms. Richardson acted "normal" in the presence of station personnel, then station personnel were not negligent if they failed to detect any existing mental health condition in Ms. Richardson under such circumstances.

According to independent and professional mental health experts, the Department's training relative to detecting mental health symptoms and policies relative to handling persons who suffer from mental health illness are reasonable and sound. The station personnel who were involved in dealing directly with Ms. Richardson received Department training and followed Department policies and procedures. Under these circumstances, Department personnel do not appear negligent in their release of Ms. Richardson from custody and any alleged failure to detect her symptoms of mental health disorder.

B. Why Was Ms. Richardson Released Without Her Wallet, Cell Phone and Identification?

Upon her release from custody, Ms. Richardson had with her all the items that station personnel recovered from her person or car. Except for her driver's license, any property that Ms. Richardson possessed in her towed car remained inside the car. Because station personnel did not have access to Ms. Richardson's car at the time of her release, they were unable to provide her with any property that may have been inside her car.

As documented on her BPR, when Ms. Richardson was booked, station personnel retrieved from her person a brown hat, a set of two keys, a pink belt, and driver's license and returned this property to her upon her release from custody. Specifically, station personnel returned to Ms. Richardson her driver's license, and she signed the BPR indicating that she received it. If Ms. Richardson had a wallet and cell phone, those items were not on her person when she was taken into custody; however, they may have been inside her car when it was towed from Geoffrey's Restaurant.⁵⁸ Neither Ms. Richardson nor station personnel had access to her car when she was released from custody. Incident to Ms. Richardson's arrest and pursuant to her consent, deputies arranged for the towing of her car. Before Ms. Richardson's release from custody, neither deputies who responded to Geoffrey's Restaurant nor station personnel had conducted a thorough inventory search of her car. Given the cluttered condition of Ms. Richardson's car, deputies who searched her car could have missed seeing a wallet or cell phone during their cursory search of it.

Pursuant to relevant state law and Department policies, Ms. Richardson's release from custody was not contingent upon her having her wallet or cell phone. Neither California Penal Code section 853.6(a) nor Department policies permits the involuntary detention of misdemeanor arrestees if they do not have possession of their wallets or cell phones. When station personnel released Ms. Richardson from custody, all the legal requisites were satisfied. Her identity was established, her criminal history check showed no outstanding wants or warrants, and she did not request to be taken before a judicial officer. The lack of a wallet or cell phone did not alter the fact that Ms. Richardson was legally required to be released from custody.

C. Before Ms. Richardson's Release, Why Did Station Personnel Not Call Ms. Richardson's Family or Friends?

There was no requirement that station personnel call Ms. Richardson's family or friends before they released her from custody, and issues of privacy and a lack of resources make it impractical to require such calls before the release of adult arrestees. In

⁵⁸ It is unclear whether Ms. Richardson actually had a cell phone. According to Ms. Richardson's family, she had cell phone with her. Department personnel, however, never recovered a cell phone from Ms. Richardson's person or car. No cell phone was booked into evidence at the station.

addition, not every arrestee may want family members and friends to know that he or she was arrested or when he or she will be released from custody. Mandating the Department or station personnel to call the arrestee's family or friends could potentially insert personnel unnecessarily into personal disputes or issues. Because each station is different – e.g., some have a larger number of arrests in a given day or night – a station may have to hire additional personnel to make calls to the arrestee's family or friends or detain the arrestee involuntarily in the station jail for a longer period of time.

State law and Department policies do not mandate that before an adult arrestee is released from custody, he or she notify anyone of his or her status; nor do they require the Department to notify anyone on behalf of the adult arrestee. In this incident, station personnel provided Ms. Richardson with access to a telephone in the booking area to contact anyone whom she chose and to inform them of her arrest and/or release status. Before her release from custody, Ms. Richardson had access to the telephone in the booking area, and after her release from custody, Ms. Richardson had access to the public telephone in the station lobby. With each opportunity, Ms. Richardson made her decision about whom to call and inform of her arrest and release from custody.

It may never be known why Ms. Richardson chose not to call her parents or friends; however, the fact remains that she consciously made that private decision. When asked at the Geoffrey's Restaurant whether she had any parents, Ms. Richardson told the restaurant hostess that she had none. When given the opportunity to use the telephone in the station jail's booking area, Ms. Richardson chose to call Ms. Harris, her great grandmother. As an adult, Ms. Richardson had the right to choose privately whom to call and inform of her custody and release status. With each of these opportunities, Ms. Richardson exercised her choice and decided whom to call.

As a public service, station personnel on several occasions provided Ms. Richardson's family with information relative to her arrest and release from custody status. Before taking Ms. Richardson into custody at Geoffrey's Restaurant, deputies informed Ms. Richardson's great grandmother and then her mother that they would transport her to Malibu/Lost Hills Station. In addition, when Ms. Richardson's mother called and inquired about Ms. Richardson, station personnel provided information relative to her custody and release from custody status; however, station personnel was under no affirmative duty to call Ms. Richardson's family members or friends.

Moreover, it would be impractical to require the Department or station personnel to call an adult arrestee's family and friends every time the arrestee was scheduled for release from custody. On average, the Department annually releases approximately 180,000 persons from custody. While not all of these custody releases are from stations, the Department or station personnel would face a number of challenges in assuming the responsibility to call the family and friends of persons in custody. It is not always known in advance when a person will be released from custody. In most instances, the volume of persons released from custody combined with the unpredictability of when the release from custody will occur would require additional resources to the determination regarding the time of the release, the location of release and whom to call. Such a

requirement would increase substantially a station jailer's responsibilities or would require the hire of additional personnel to ensure informed and timely calls.

Without compromising the arrestee's privacy rights and without overburdening Department and station personnel, OIR's proposed recommendations below seek to provide an arrestee with accurate information regarding those persons who called the station and inquired about the arrestee's status. The adoption of the relevant proposed recommendations would provide the arrestee with an opportunity to learn who has called regarding his or her arrest and/or release status and to decide whether to call those persons for transportation from the station.

D. Did Station Personnel Abduct Ms. Richardson Upon Her Release From the Station Jail?

There is no evidence that station personnel were involved in Ms. Richardson's disappearance upon her release from custody. Specifically, it has been reported that a Malibu/Lost Hills Station deputy who left the station shortly after Ms. Richardson's release may have abducted her and is involved in her disappearance. The known facts demonstrate the contrary.

The facts demonstrate that when she left the station, Ms. Richardson was not abducted by a deputy who exited the station shortly after her. The deputy who exited the station through a different rear door and his partner were on duty, and they were engaged in law enforcement actions at the station and shortly after the deputy exited the station. The deputy was at the station returning a driving under the influence arrestee from the hospital. At approximately 1:15 a.m., an hour after the deputy exited the station, the deputy and his partner conducted a traffic stop near the intersection of Calabasas Road and Mulholland Drive in Calabasas. This intersection is approximately eight miles from the 507 Cold Canyon Road residence and approximately six miles from Malibu/Lost Hills Station.

Moreover, at least three Calabasas residents saw Ms. Richardson during daylight hours on September 17th, several hours after her release from custody. The resident at 507 Cold Canyon Road saw Ms. Richardson at approximately 6:30 a.m., and he briefly spoke with her. A second resident saw Ms. Richardson standing on the shoulder of Malibu Canyon Road at approximately 7:30 a.m. A third resident saw Ms. Richardson walking on Piuma Road from Malibu Canyon Road at approximately 1:30 p.m. The undisputed evidence is that Ms. Richardson made it through the night hours, traveled to the residential Monte Nido area approximately five miles from Malibu/Lost Hills Station, and walked around the area between 6:30 a.m. and 1:30 p.m.

These facts do not support the theory that the deputy who exited the station shortly after Ms. Richardson abducted her upon her release from the station jail.

VIII. OIR PROPOSED RECOMMENDATIONS

In this section, OIR proposes a number of recommendations that the Department may want to consider for adoption. One of the challenges in proposing recommendations from a single incident such as Ms. Richardson's arrest, release from custody and subsequent disappearance is what appears as a reasonable recommendation for a station such as Malibu/Lost Hills Station may not work well as at a different station in a different part of the County. Recommendations for systemic reform must necessarily take into consideration the likelihood that they will be feasible for all Department stations:

A. Arrestees' Calls From Station Jails

Recommendation No. 1:

All calls from station jails by arrestees must be made on a recorded line.

B. Booking of Arrestees' Cell Phones

Recommendation No. 2:

If deputies recover a cell phone during an arrest of a person, they should take the cell phone into possession and maintain it with other items removed from the arrestee.

Recommendation No. 3:

If the arrestee needs to retrieve telephone numbers stored in the cell phone, Department personnel shall permit the arrestee to retrieve the stored telephone numbers.

Recommendation No. 4:

If deputies can confirm the arrestee's ownership of the cell phone and determine that the cell phone is not an instrumentality of a crime, deputies should return the cell phone to the arrestee upon his or her release.

C. Calls Received by Station Jails Regarding Arrestees

Recommendation No. 5:

All calls to a Department station regarding an arrestee's anticipated release should be directed to the station jailer.

Recommendation No. 6:

The station jailer shall document on the booking form the name and telephone number of the caller regarding the arrestee's anticipated release, and upon the release of the arrestee, the station jailer shall provide the arrestee with the documented name and

telephone number for each call received and require the arrestee to sign the booking form indicating receipt or declination of the documented information.

D. Station Jail Releases of Arrestees After Sunset and Before Sunrise

Recommendation No. 7:

If an arrestee's release from a station jail occurs between sunset and sunrise and if space is available, Department personnel shall offer in writing to the arrestee the opportunity to remain in jail voluntarily until the arrival of daylight or transportation for the arrestee.

Recommendation No. 8:

Department personnel shall have the arrestee sign a document that the written offer to remain in jail voluntarily was made and that the arrestee accepted or declined the offer.

E. Exterior Station Video Surveillance Equipment

Recommendation No. 9:

County sheriff stations should be equipped with video surveillance equipment outside the station that record activities that occurred on the station property and, where possible, surrounding streets.

Recommendation No. 10:

Footage from exterior station video surveillance equipment shall be recorded and stored in digital format.

IX. CONCLUSION

This unfortunate incident began on September 16, 2009 with Ms. Richardson eating dinner at Geoffrey's Restaurant and leaving the restaurant without paying for the dinner and incidental charges. After Ms. Richardson was placed under a private citizen's arrest by the restaurant manager for defrauding an innkeeper and without any available safe means of transportation away from the restaurant, Malibu/Lost Hills Station deputies took her into custody and transported her to the station. At the station, she was charged with a second misdemeanor, possession of less than an ounce of marijuana. During a consensual search of Ms. Richardson's car, deputies recovered the marijuana.

At the station, station personnel conducted a criminal history check on Ms. Richardson, and when she cleared the criminal history check and demonstrated no mental health condition or grave disability, Ms. Richardson was legally released from custody. Her release occurred shortly after midnight on September 17, 2009. Although

station personnel offered Ms. Richardson the choice to remain voluntarily at the station jail until the arrival of daylight hours or her transportation, she chose to leave the station jail.

When alerted that Ms. Richardson may be missing, Malibu/Lost Hills Station personnel immediately began searching for her. Several hours after her release, Ms. Richardson's mother advised station personnel that the family had not heard from Ms. Richardson, that Ms. Richardson may be in a "depressed state" of mind, and that the family believed Ms. Richardson to be missing. Station personnel immediately began searching for Ms. Richardson. From an early morning call for service, station personnel learned that Ms. Richardson made it safely through the night and that she had been seen in the Monte Nido area of Calabasas.

Since the beginning of Ms. Richardson's disappearance, the Department has devoted a substantial amount of resources and efforts to search for her. These efforts have consisted of four separate exhaustive air and ground search and rescue operations in the Calabasas and Malibu areas and the assignment of a team of full-time homicide investigators and part-time station personnel to support LAPD investigators in the search for Ms. Richardson. From the day of her release through the present, the Department personnel have proactively pursued major and minor leads and interviewed witnesses and potential witnesses for leads.

OIR has closely monitored the Department's actions regarding Ms. Richardson's arrest and subsequent release from custody and each phase of the Department's efforts to learn what occurred at Geoffrey's Restaurant and at the station and to search for her. As a result of the monitoring process, OIR has concluded that the station personnel acted legally and reasonably in taking Ms. Richardson into custody and then releasing her from custody. Moreover, OIR has determined that the station's internal inquiry into its personnel's conduct and initial search efforts was thorough and complete. Department personnel have worked in a professional and cooperative manner with LAPD investigators, they have been courteous and professional in their interactions with Ms. Richardson's family members, and have committed substantial resources to the search and rescue operations. There is no credible information that station personnel released Ms. Richardson without her identification, that they delayed or refused unreasonably to provide available reports and recordings to Ms. Richardson's family, and that a station deputy abducted Ms. Richardson upon her release from the station.