

Office of Independent Review

**REPORT REVIEWING THE INVESTIGATION REGARDING
THE DISCOVERY AND RECOVERY OF THE REMAINS
OF MITRICE RICHARDSON**

**(AND UPDATE ON PRIOR RECOMMENDATIONS FOR
SYSTEMIC REFORM OF RELEASE PROCEDURES)**

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I. INTRODUCTION / EXECUTIVE SUMMARY

On September 16, 2009, a 24 year-old City of Los Angeles resident, Mitrice Richardson, was taken into custody by deputies from the Los Angeles Sheriff's Department after her arrest for alleged misdemeanor offenses occurring at Geoffrey's Restaurant in the City of Malibu. Deputies drove her to the Lost Hills Station in Agoura for booking. She was released shortly after midnight on September 17, 2009. At about 6:30 a.m., a little over six hours after her release, a resident in the Monte Nido neighborhood called the LASD to report a woman was sleeping on the rear steps of his home. When startled, the woman ran from the property and was never seen again. Later it was determined the woman was Ms. Richardson. Monte Nido is just over five and a half miles from the Lost Hills Station.

The disappearance of Ms. Richardson was handled as a missing person incident and, because she was a resident of Los Angeles, the Los Angeles Police Department was the lead agency. Over the next several months, both the LAPD and LASD, along with family, friends and volunteers searched for Ms. Richardson in the Calabasas and Malibu Creek State Park areas. Efforts included three organized searches, the use of an unmanned aircraft equipped with cameras and the Malibu Search and Rescue responding to two reports of discovered skeletal remains which were later found to not be human bones.

On August 9, 2010, local rangers discovered what were initially believed to be partial human remains in Dark Canyon, a remote location east of the Monte Nido neighborhood. Homicide and Search and Rescue personnel from the Sheriff's Department responded to LASD's Lost Hills Station and were airlifted by an LASD helicopter to the remains site where they met up with the rangers and examined the scene. They saw a skull, a pelvic bone and a leg bone lying among leafy debris. The Coroner's Department sent personnel along with a team trained to recover remains in remote areas to Lost Hills Station where a command post was established. The intent was for the Coroner's team to be the lead agency responsible for the recovery of the remains.

While the Coroner's team waited to also be airlifted to the remains site, the assigned helicopter was forced to divert to two emergency calls in the Angeles National Forest. The result was that rapidly dwindling daylight and limited fuel onboard the helicopter made it problematic to pick up the Coroner's team at the Station, fly the Coroner's team into the Dark Canyon location and then be able to extract all the personnel at the site. Through a confluence of unforeseen events and precarious conditions where the remains were found, the Sheriff's Department was left with the choice of either abandoning the remains until the following day when the Coroner could arrive to process the scene, recovering the remains and hiking out of the canyon in darkness or airlifting them back to the command post.

The decision was made to remove the remains without the presence of Coroner personnel. LASD personnel believed they had permission to remove the discovered remains while a Coroner manager maintained no permission was given at all. The decision proved controversial and allegations were made that LASD personnel intentionally broke state law by removing the remains without permission from the Coroner's Department.

The Office of Independent Review examined recorded interviews, transcripts of interviews and numerous reports and documents related to recovery of the remains, later searches for additional remains and the subsequent investigation. OIR is concerned that while a number of unforeseen circumstances made the recovery of the remains more difficult, significant communication gaps between the LASD and the Coroner likewise contributed to making effective decision-making more difficult. These problems were further compounded by an unclear chain of command among Coroner personnel.

Subsequent reports have suggested that personnel from the Sheriff's Department intentionally took the remains from the site without any permission from the Coroner. The weight of the evidence, however, suggests that conditional permission was given to LASD to remove the visible remains.

Once the visible remains were moved by Sheriff's personnel, they discovered far more remains and moved them to a plastic sheet inside a body bag. A detective then conferred by cell phone with his superior; but at this time there is a factual dispute about whether there was any additional direct contact with anyone from the Coroner's Department about what steps to take with the additional discovered remains. The present factual dispute highlights the fact that at the moment when very clear guidance was necessary, communications between the two departments faltered the most.

As it stands, there remains a factual disagreement whether there was a subsequent request made of the Coroner to remove what had been found. OIR believes that if there indeed was a failure to make such a request, such failure was a significant lapse on behalf of LASD officials. If, as was asserted after a draft of this report was completed, an additional

request to remove the newly discovered remains was made, and permission obtained, there is no basis to critique LASD for retrieving the remains.

The fact that there is a factual dispute about this issue only emphasizes the need in future cases to improve communication and documentation between LASD and the Office of the Coroner. It also indicates that the unqualified public proclamation that intimated that there was not even conditional permission provided to LASD to remove the remains was problematic.

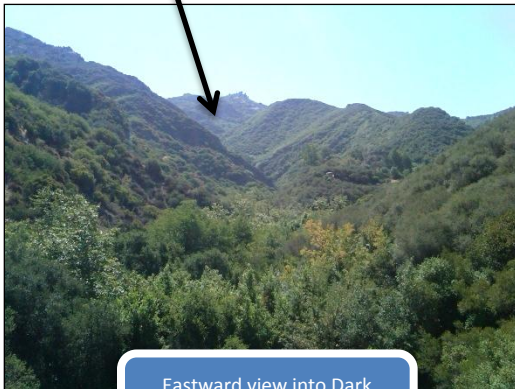
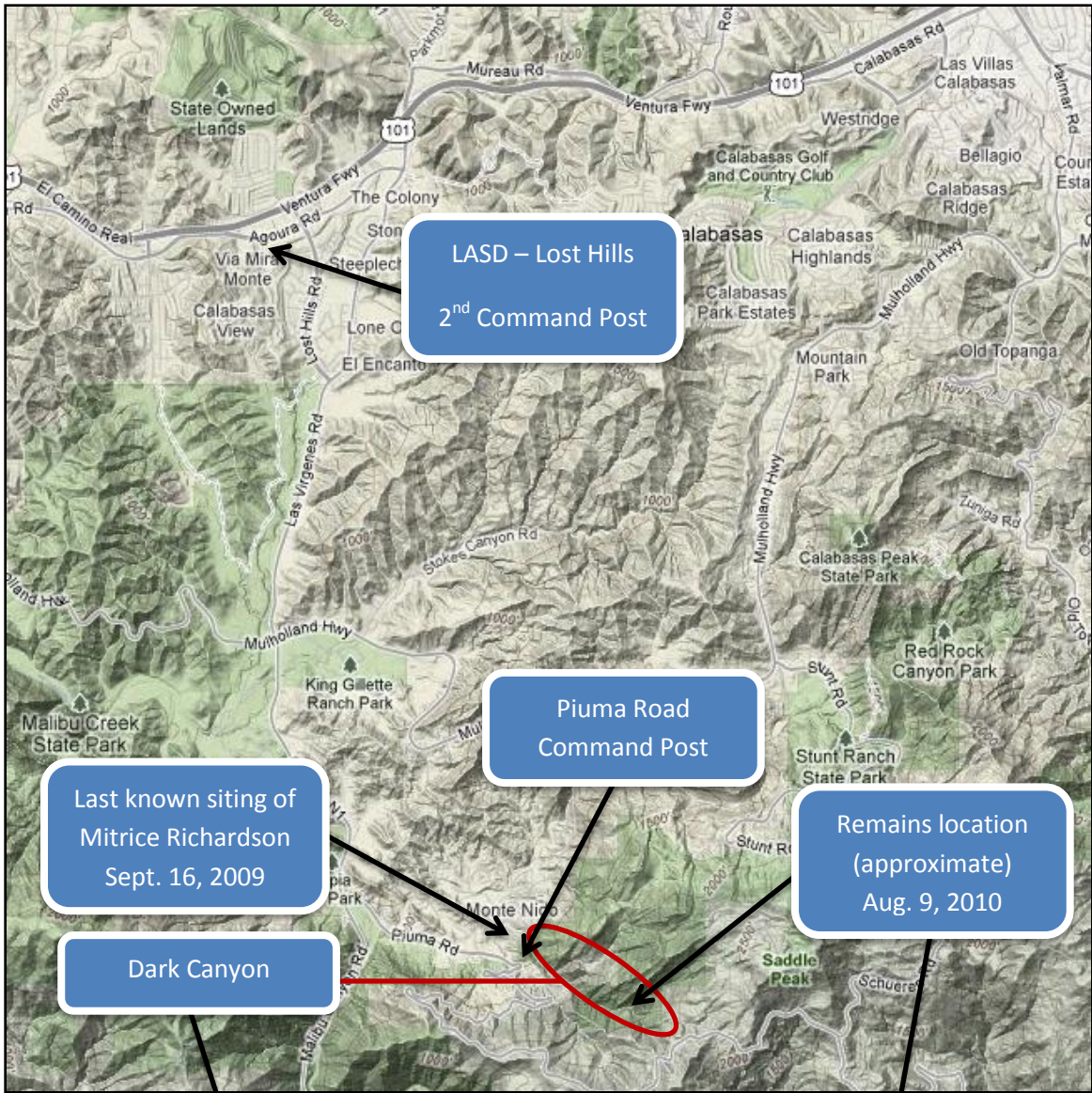
Effective management of the recovery was hampered by unclear communications between the Departments and by personnel from the Coroner who were not aware what other Coroner personnel were communicating to the LASD. These hurdles continued into the next day when a Coroner's team attempted to locate the remains scene. There is a factual dispute whether the Coroner's team elected to go without any Search and Rescue or Homicide personnel from the LASD. Nevertheless, the un-escorted Coroner team was airlifted into Dark Canyon by the LASD on August 10, 2010 but was unable to find the remains location which had been marked the previous day. A subsequent report asserted that the Coroner team was dropped into the wrong canyon, however, the later investigation revealed that the team had left its lone GPS device onboard the Sheriff helicopter and that the evidence indicates that, in fact, they were in Dark Canyon but weren't able to locate the remains site without the GPS device.

Following those complications, more problems arose when Sheriff's investigators learned that the clothing which was recovered by Homicide detectives at the Dark Canyon scene and given to the Coroner with the remains was missing. It was later learned that the Coroner had inadvertently released the clothing to the decedent's family rather than holding it for further examination without the knowledge of or authorization by the Sheriff's Department. The clothing was subsequently recovered and booked for further examination.

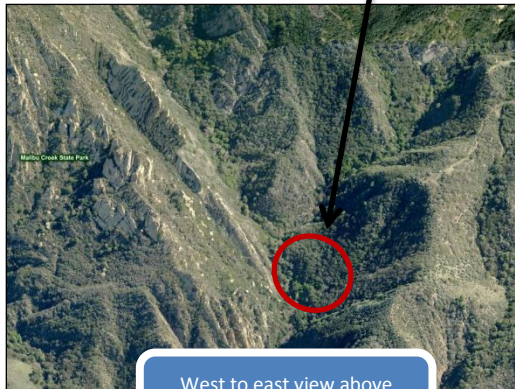
The board certified forensic pathologist who conducted the autopsy could not ascribe a cause of death and found no evidence of trauma prior to Ms. Richardson's death. The pathologist told investigators that the manner in which the remains were recovered, "did not adversely affect the outcome" of the examination.

In an effort to forestall similar scenarios from occurring, this report concludes with a number of recommendations by OIR which will hopefully in the future lead to better communications and operations between the Sheriff and Coroner Departments.

Area of Lost Hills Station / Monte Nido / Dark Canyon:



Eastward view into Dark Canyon.



West to east view above Dark Canyon.

II. SCOPE OF OIR'S REVIEW

This report describes events involving the Mitrice Richardson case which occurred on and after August 9, 2010, the date Ms. Richardson's remains were discovered. In early November, 2010, LASD executives began an investigation into the circumstances of the discovery and recovery of her remains on August 9, 2010. The decision was made to interview members of the Department as well as relevant personnel from other agencies who took part in the recovery efforts of August 9, 2010 as well as later searches for additional evidence. The Chief of the LASD Detective Division assigned two highly experienced lieutenants who were not from the Homicide Bureau to conduct the investigation. Because this inquiry would involve interviews of both LASD and the Coroner's Office, LASD invited the Coroner's Office to assign a representative investigator to participate in all the interviews. To the credit of both agencies, these investigators functioned well together, working toward the common goal of gathering all relevant facts in a professional, unbiased manner. OIR attended briefings of Department personnel and attended meetings between the Sheriff's Department and family, friends and supporters of Mitrice Richardson. OIR also personally met with family, friends, and supporters of Mitrice Richardson. OIR received reports relating to the recovery of the remains and transcripts and recordings of all the interviews conducted by the lieutenants and the Coroner's representative. OIR did not participate in those interviews.

OIR also received supporting materials from Aero Bureau and the Homicide Bureau. In late November, 2010, OIR was escorted by members of Malibu Search and Rescue to the Dark Canyon and hiked to the remains site to make independent observations. In addition, Detective Division, the Homicide Bureau, the Aero Bureau, Malibu/Lost Hills Station and Malibu Search and Rescue were all cooperative in providing follow-up information when OIR had any questions throughout the review and preparation of this report.

The Department of the Coroner was also cooperative. OIR met with its Chief of Operations and received a briefing on the history and procedures of the Coroner's Special Operations and Response Team. The Coroner also provided all requested relevant policies and cooperated with answering follow-up questions.

As part of the fact checking process, OIR shared a draft of this report with both the Coroner and the Detective Division of the Sheriff's Department. After receiving potentially new information, OIR directly re-interviewed a limited number of witnesses in order to follow up on the new information regarding communications that took place on August 9, 2010.

III. FACTUAL SUMMARY OF THE RECOVERY OF MITRICE RICHARDSON'S REMAINS

A. AUGUST 9, 2010

1. Discovery and Initial Response

On Monday, August 9, 2010, rangers from the California Department of Parks and Recreation, along with rangers from the Mountains Recreation and Conservation Authority (MRCA)¹, were on an assignment to inspect remote areas of the Santa Monica Recreation Area for marijuana cultivation. Some of the same officers had been part of an LASD Narcotics Bureau's Marijuana Enforcement Team (M.E.T.) which destroyed marijuana grows in Zuma Canyon, Dark Canyon and Triunfo Canyon in July, 2009.² The M.E.T. operation included deputies and sergeants from the LASD who were assigned to the Narcotics Division. No deputies from Lost Hills Station participated. The cultivation in Dark Canyon had been discovered by aerial reconnaissance earlier in 2009. Along with eradicating the discovered marijuana plants, the team also destroyed irrigation lines which ran from a seasonal creek running through Dark Canyon up to the south-facing slope on the north side of the canyon where the plants were discovered. The rangers were now returning a little over a year later to learn whether traffickers had resumed cultivating marijuana in the area.

The rangers were on foot for the August 9, 2010 inspection. They accessed the canyon through a property located on Piuma Road which adjoins the creek, or drainage, and followed it up to the former marijuana grow area. While hiking up the drainage, the rangers discovered several articles of clothing in the creek area. They first saw a red leather strap, then a black bra partially covered with debris and, finally, a pair of blue jeans also partially covered with debris. They left these items undisturbed.

After inspecting the former grow area on the north side of the canyon and the irrigation lines they had destroyed the previous year, the officers began to hike down along the south side of the drainage. The supervising ranger saw a human skull and a leg bone. The

¹ The MRCA is a multi-agency local partnership between the Santa Monica Mountains Conservancy, which is a state agency established by the Legislature, the Conejo Recreation and Park District and the Rancho Simi Recreation and Park District. MRCA manages and provides ranger services for almost 60,000 acres of public lands and parks that it owns and that are owned by the Santa Monica Mountains Conservancy or other agencies.

² The Narcotics Bureau formed the M.E.T. in 1991. Its primary objective is to eradicate marijuana crop sites in rural areas of Los Angeles County. During the growing season, they work in cooperation with the Drug Enforcement Agency, the United States Forest Service, the National Parks Service, the California State Park Service, and the California Department of Justice's Campaign Against Marijuana Planting (CAMP) task force. The M.E.T. also receives operational support from the Aero Bureau and the National Guard.

skull was lying among leafy debris and he saw what he believed was hair consistent with that of an African-American. The discovery was made at approximately 1:00 p.m. The Parks and Recreation ranger's cell phone did not have a signal, so he notified his dispatcher by radio. He instructed the dispatcher to notify a fellow ranger supervisor as well as the Lost Hills station of the Los Angeles Sheriff's Department (LASD) about his discovery. The ranger provided the dispatcher with the address of the ranch where the team entered the canyon and the Global Positioning Satellite (GPS) co-ordinates of the location of the remains.³ The officer had obtained the co-ordinates with a handheld GPS device.

The dispatcher contacted the other ranger supervisor, who was on routine patrol, between 1:00 and 1:15 p.m. That ranger believed the remains might have been those of Mitrice Richardson, notified the Lost Hills station desk of the discovery and indicated it could be a "high profile" incident.⁴ He then drove to the Piuma Road address where the initial team had entered Dark Canyon to start setting up an incident command post.

The supervisor of the Search and Rescue Team for the Malibu area, a sergeant, was notified. Based on the information he received he also believed the discovered remains could be those of Mitrice Richardson. He notified his lieutenant and alerted the Malibu Search and Rescue (MSAR) team to assemble at Lost Hills Station.⁵

The Search and Rescue Sergeant also called the crew chief of Air-5 by cell phone and informed him the rescue helicopter may be needed to insert personnel and then to assist with an extraction of the personnel.⁶ While Air-5 is generally stationed in Long Beach, the Department uses a staging area in the Barley Flats area of the Angeles National Forest north of the city of Sierra Madre to be near the source of the many emergency calls which take place in the Angeles National Forest area during the summer. Air-5 was on the ground at the staging area when the initial call was made. Within an hour, a second call was made by the Search and Rescue sergeant asking Air-5 for its assistance.

³ The GPS coordinates were N 34' 04.350, W 118' 40.669.

⁴ There is no record of the exact time he called the Lost Hills station.

⁵ The Malibu Search and Rescue team is one of seven search and rescue teams that are part of the LASD Reserve Bureau. While the sergeant is a full-time law enforcement employee, the other team members are unpaid volunteers who graduated from the Department's Reserve Academy, are certified Emergency Medical Technicians and are experienced in rescue operations. They are on call 24 hours a day, seven days a week.

⁶ Air-5 is the designation of the Aero Bureau's air rescue unit which is a modified Sikorsky H-3 Sea King formerly operated by the United States Navy. Its crew consists of a pilot and co-pilot, a crew chief and two certified paramedics/rescue divers who are assigned to the Emergency Services Detail of the Special Enforcement Bureau.

Lost Hills Station notified the Homicide Bureau which, at about 2:45 p.m., dispatched the two detectives who had been investigating Ms. Richardson's disappearance to respond to Lost Hills Station. The detectives arrived at the station at about 3:35 p.m. and met with personnel from the Malibu Search and Rescue team who had also by now arrived at the station.

The "following flight logs" for Air-5 show that the helicopter was en route to Lost Hills Station at 4:18 p.m.⁷ Air-5 landed at the station's helipad and picked up the two detectives and a four-person Search and Rescue team, including the unit's supervising sergeant, for the flight to the remains site. The crew chief of Air-5 later described the terrain as "a very treacherous canyon with a heavy canopy and a narrow area to work with." He recalled that all of the official communications between the passengers and Air-5 crewmembers was between himself as the crew chief and the Search and Rescue sergeant. The tree canopy was so thick that the Air-5 pilots used the prop wash to sweep the trees aside in order to insert the personnel. The detectives and Search and Rescue personnel were lowered by a hoist from approximately one hundred feet off the ground and met up with the rangers who had discovered the remains. The plan was for Air-5 to go back to the helipad at Lost Hills Station and then transport personnel from the Coroner's Office to the site.

2. Events at the Initial Command Post

As stated above, the ranger who was on patrol responded to 25575 Pioma Road to set up a command post. He was later joined by a lieutenant from the Sheriff supervising the Homicide detectives, the Coroner's Assistant Chief of Operations and a captain, also from the Coroner's Office.

As the incident progressed through the afternoon, the ranger at the command post became concerned about limited daylight available to extract the rangers from the canyon. The ranger supervisor told investigators that, in the event the remains were not removed before nightfall, he did not want the responsibility for staying on the site to fall on his team that had been in the field for hours, had almost exhausted its water, did not have food, and was not equipped for an overnight stay. He later told investigators that he recalled there was some conversation at the Pioma Road command post about whether LASD deputies should be deployed to the area overnight.

At about 4:40 p.m., the Coroner's Special Operations & Response Team ("SORT") coordinator arrived at the Pioma Road command post. At this location, plans were formulated to have the Coroner's SORT assemble at Lost Hills Station in order to be flown to

⁷ A "following flight log" is maintained at Aero Bureau headquarters. A Department member will note the time and location of Air-5's communications with Aero Bureau as a safety precaution.

the remains site by Air-5.⁸ At this point, most of the personnel relevant to this report left the Piuma Road command post and drove to a new command post set up in the secured rear parking lot of the Lost Hills station in Agoura Hills 5.8 miles away.

3. The Decision to Remove the Remains

When interviewed by investigators, both the ranger supervisor from the MRCA and the lead Homicide detective had a similar recollection of the actions taken at the remains site. At the scene, the detectives were first briefed by the rangers about their discovery. The rangers showed the remains site to the newly arrived LASD personnel. The ranger supervisor took photos of the skull and other visible bones.

The Homicide detective observed a skull, a skeletal leg and a pelvic bone lying about forty feet to the south of the drainage. The remains were in a depression and partially obscured by twigs and leaves. The area was infested by mature poison oak plants. From his observations, the detective believed the bones were not attached to each other. He also took photographs of his observations with his cell phone.

They then searched the area for any additional evidence that might be related to the finding of the remains. The detective's partner walked down the canyon with park rangers to locate the discovered clothing items and was provided with their respective GPS co-ordinates taken by the rangers. Because the discovery of the remains had transformed the location into an evidence scene, actions at the site were made at the direction of the detectives. The role of the Search and Rescue personnel at the remains location was to assist the Homicide Bureau personnel.

The detectives assumed the Coroner SORT would be arriving shortly to process the scene. However, Air-5 received a radio call to respond to an emergency in Eaton Canyon, which is just north of Altadena and not too far from their staging area. The received call was that two male teenage hikers were stuck half-way up a 300 foot tall cliff. The crew chief told investigators that Lost Hills Station is one of the furthest flights in Los Angeles County from the staging area. A review of the flight log entry shows that at 5:43 p.m. Air-5 was en route to Eaton Canyon. After about a twenty minute flight, they arrived on scene and, according to the crew notes, "located the hikers clinging to the steep rock face of the canyon." A paramedic was lowered by the hoist and he helped lift the two boys to safety. The helicopter then returned them to the trailhead and prepared to fly back to Lost Hills. The following flight log entry states at 5:51 p.m., Air-5 was en route "back to LHS Stn."

As Air-5 neared Lost Hills, about 18 minutes after leaving Eaton Canyon, they received another emergency call. A female hiker had fallen off a cliff near Camp Colby in

⁸ The Coroner's Department does not have their own helicopters to conduct recovery missions.

the Angeles National Forest. Camp Colby is also north of Altadena near the Angeles Crest Highway and not far from where Air-5 had just rescued the boys. Air-5 updated the MSAR sergeant at the remains site and the Lost Hills command post about the emergency and turned around to fly back to Camp Colby. The following flight log entry states Air-5 was en route to this call at 6:00 p.m. The “Air Support Patrol Activity Report” maintained by the flight crew notes the victim was located at the bottom of a steep canyon at approximately 6:15 p.m. A medic was lowered by the hoist and he observed the female teenager had probable fractures to her forearm, ankle and face. She was rescued and flown directly to Huntington Memorial Hospital in Pasadena. The flight logs indicate Air-5 was en route to the hospital at 6:55 p.m. and arrived there approximately eight minutes later at 7:03 p.m. Air-5 then left the hospital and flew directly to Lost Hills Station.

At this point, Sheriff’s personnel faced a number of concerns: fuel, daylight and safety. The Search and Rescue Sergeant learned from the Air-5 crew chief that the helicopter did not have enough fuel to fly to Lost Hills Station, pick up the Coroner’s team, drop them off at the remains site and then later extract all the personnel. The sergeant was told, in the alternative, if Air-5 stopped to refuel, there would not be enough daylight to extract the team already on the ground.

The crew chief for Air-5 has nearly 30 years of experience with the LASD. He served five years as a Special Enforcement Bureau special weapons team leader and six years as a crew chief on Air-5. He told investigators that performing the extraction in Dark Canyon after nightfall was not a viable option. While Air-5 pilots and crew are equipped with night vision goggles, the crew chief explained that some degree of ambient light is required for the devices to function. Dark Canyon has so little light due to its narrowness and heavy vegetation that night vision devices would have been ineffective. The crew chief stated that because of the canyon’s narrow configuration, heavy tree canopy and minimal light, a night time extraction would have been “very hazardous.”

The crew chief told the investigators he was aware the canyon was tight and was a “dangerous extraction” even with good lighting. He was informed by the pilots that going to refuel would cost too much time to get back to the site and make the extraction in good light. On the other hand, the crew chief also learned from the pilots that if they did not refuel, they only had enough fuel to hover for 5 to 10 minutes. The crew chief, who has primary responsibility for communicating with the personnel on the ground, passed the information on to the Search and Rescue sergeant at the remains site.

The Search and Rescue sergeant shared the information he learned from the crew chief with the other Department members on the ground at the remains site. They had already become concerned the remaining daylight would not allow the Coroner’s SORT to come to the scene and still have enough time to collect the remains and have Air-5 extract everyone out of Dark Canyon. A series of cell phone calls took place between one of the

detectives at the remains site and his lieutenant and with the Coroner' Office captain - who were both at the Lost Hills command post. There were no joint phone calls, where the detective was speaking to both the Homicide lieutenant and the Coroner captain at the same time, but the detective expressed his concerns and a range of options were discussed in a series of calls with both officials. Cell phone communication was very difficult. Many of the calls were dropped because of poor reception and several attempts often had to be made to re-establish contact.

The supervising rangers recalled that when they learned Air-5 was diverted to one of the rescues in the Angeles Forest, they made the decision that the marijuana reconnaissance team would hike out of the canyon. The supervising ranger at the site recalled that the rangers left the Search and Rescue personnel and detectives from Homicide with the remains, at about 6 p.m. The time is consistent with when Air-5 was diverted to the rescue of the female teenager at Camp Colby.

Meanwhile, the Homicide detective emphasized both to the Coroner captain and to his lieutenant that his concerns about the limited daylight, the hazardous conditions and his desire not to abandon the remains at the site. When he was interviewed by investigators, he stated, "I was much more concerned about . . . just abandoning it without actually being able to secure it." The detective emphasized a decision had to be made whether the personnel should hike out or wait for Air-5 to return and whether the remains should be left at the scene or removed. The detective asked that their personal safety be taken into account. The detective, the captain from the Coroner and the Homicide lieutenant had separate conversations about the option of leaving the remains overnight and posting deputy Sheriffs at the top and bottom of the canyon. The detective, though, expressed his concern that posting deputies around the canyon would not secure the actual evidence scene. He did not know whether someone had noticed the activity and could possibly come into the canyon overnight and disturb the scene. The detective was also aware that there were teeth in the upper jaw of the skull making identification possible; and was concerned about losing critical evidence. Finally, he was also concerned that the recent human scent of the personnel at the scene could attract wildlife overnight which could disturb or damage the scene.⁹

⁹ OIR's consultation with persons skilled in forensic pathology have suggested the Detective's concern about recently added human scent increasing the likelihood animals would disturb remains of the age and condition of those discovered in Dark Canyon may have been misplaced. This does not mean the Detective should have known about this arcana possessed by a few specialized scientific experts nor that his concern about scent was entirely unreasonable based on his level of training and expertise. Moreover, the companion concern about the potential human intervention of an abandoned scene, while seemingly highly unlikely in that locale, is reasonable considering the compelling interest in absolutely ensuring recovery of the remains in this case. Certainly, if LASD had abandoned the scene and the remains had gone missing during the night or were somehow significantly compromised, the degree of outrage about that circumstance would have been

The detective told investigators, “We just couldn’t abandon them (the remains).” The detective noted the sun was going down behind one of the larger mountains, “and as soon as it did, I know we, we probably still had about forty-five minutes of daylight, but it started getting darker up there, because we didn’t have direct sunlight and I was actually getting pretty concerned about it.”

The detective asked that a decision about whether to leave or recover the remains be made as soon as possible. The detective recalled the Coroner captain wanted to see photographs of the remains first so he could understand what was being described as a skull, pelvic bone and leg. The detective twice attempted to e-mail the photos he had taken with his cell phone to the command post, but they never successfully arrived.¹⁰

The final time that the detective and the captain from the Coroner spoke, the detective recounted to investigators how he believed he received permission to remove the remains:

[The Coroner captain] said, “Listen, we still haven’t received those photographs, either from you or from the park rangers.” And I’m telling him, I said, “This is what is here, [Captain]. This is what we see.” He actually had said, “*Okay, listen, go ahead and bring those out, bring what’s there out, what you see, out.*” I said, “Okay, that’s fine. We’ll do that.”

Investigators asked the detective about his understanding that the command post was still waiting for the rangers and had not seen their photos, and he answered that “whether or not he (the Coroner captain) actually saw them, I can’t say.”

The detective only spoke with the Homicide lieutenant and the Coroner captain. He never spoke to the Coroner’s Assistant Chief of Operations. He said, “The person I had a conversation with, [the Coroner captain], he never even mentioned [the Assistant Chief].” The Search and Rescue sergeant also never spoke with anyone from the Coroner’s Office. His only communication was by radio mainly with the Search and Rescue command post and Air-5.

In the meantime, after about a half hour hike, the rangers arrived at the Piuma Road location where they had started their hike in the morning. After they arrived, both supervising rangers drove to the command post at Lost Hills Station so the photographs taken of the visible remains could be downloaded from the camera’s flash drive. The ranger who

exponentially greater than the concerns that have been articulated about the way the remains were, in fact, recovered.

¹⁰ The Malibu Search and Rescue command post maintains an e-mail address which was active during the incident.

had supervised the team at the site recalled that Sheriff's personnel downloaded the images to a computer in the command post trailer so the photos could be reviewed. The ranger recalled Sheriff's personnel being present but could not remember whether representatives from the Coroner's Department were present.

The second supervisor from the state park rangers, who had set up the initial command post, recalled he witnessed the photos being downloaded and had the impression the decision to remove the remains was a consensus of the personnel in the command post trailer. The supervisor recalled a representative from the Coroner, but not the Assistant Coroner, saying something to the effect of "*let's go ahead and get the body.*"

The Search and Rescue sergeant at the remains site recalled overhearing the detective speaking with the captain from the Coroner by cell phone. The sergeant believed it was the captain because he thought he heard his name mentioned during the phone calls. The sergeant was familiar with the captain because the Search and Rescue Team had worked with him "quite a bit over the years." The sergeant told investigators the personnel at the remains site were aware a special response team from the Coroner's Office was waiting to be airlifted to the location by Air-5, but that the helicopter had been diverted to an emergency call. He said, "Everybody was waiting for Air-5 to get back in the area."

The Search and Rescue sergeant recalled overhearing the Homicide detective convey all the information about their concerns to the command post. "He was conveying exactly all of those issues. That it was dark. It was too late to insert the Coroner's team because Air-5 was out of time and out of fuel."

Before being assigned as the sergeant for the Malibu Search and Rescue, the sergeant had worked on the Marijuana Enforcement Team for 10 years and had stayed overnight at marijuana grows "plenty of times." He recounted there was a suggestion which originated from the command post about staying at the scene overnight. The sergeant believed the idea of staying overnight at the remains location was problematic. The location was surrounded by poison oak and had a higher concentration of insect infestation. He recounted, "The whole area was infested with biting red ants, spiders and wasps." In addition, because of the nature of the terrain, there was no place to lie down, no one had sleeping bags and they were only a few feet from the edge of a rock formation from which one could fall several yards into the creek bed. A lesser concern was that people associated with marijuana growing in the area could return overnight.

The sergeant could overhear the LASD detective talking to who he believed was the Coroner captain. The detective ended the phone call and said, "*Okay, we're good to move her.*" The sergeant told investigators, "I was clear on that that he'd obtained permission directly from the Coroner to remove the remains."

Investigators also interviewed a reserve captain who was part of the Malibu Search and Rescue team at the remains scene. He recounted the location was hazardous and there were fire ants and poison oak throughout the location. The reserve captain overheard the detective justifying why the remains should be removed at that time and, in the captain's opinion, was getting "push back." The captain heard the detective give "very good reasons" why the remains should be removed, and he ultimately got the "okay." The captain was right next to him during that conversation and he recalled the detective saying, "*We got it. Remove the remains.*" The captain specifically asked the detective who he got permission from so that he would be able to document the operation later. The detective told the reserve captain that it was the captain from the Coroner who the reserve captain knew and thus "trusted."

At the remains site, there appears to have been very clear communication. The Search and Rescue sergeant was the only person in communication with Air-5 while the detective was the sole contact with his supervisor, the Homicide lieutenant, and the captain from the Coroner. In turn, both the sergeant and detective shared information as each learned it with the rest of the personnel at the scene. At the command post at the Lost Hills station, though, communications were not as clear.

The Homicide lieutenant left the Piuma Road command post and arrived at Lost Hills Station between 5:45 and 6:00 p.m. When he arrived at the Lost Hills command post, the lieutenant contacted the Assistant Chief from the Coroner and learned Air-5 had been diverted.

The Homicide lieutenant was unaware the Coroner captain was talking to one of his detectives at the remains site until that detective called the lieutenant by cell phone at around 6:45 p.m. The detective informed the lieutenant about Air-5's second diversion, who realized getting the Coroner SORT into the remains area would be difficult with the little daylight remaining. The Search and Rescue sergeant also spoke with the lieutenant and gave his assessment that staying overnight was not an option and that the personnel at the remains site would need to either be extracted by Air-5 or they would have to hike out on foot in darkness and that the latter would be dangerous. The lieutenant advised the Assistant Chief Coroner about his concerns. When interviewed by investigators, the Assistant Chief stated he said he wanted to see photographs of the remains before making a decision and that the park rangers were hiking out with a camera. The lieutenant had previously told the Assistant Chief about the Homicide detective's attempts to e-mail photos taken with his cell phone. The Homicide lieutenant also recalled that once the rangers arrived, the command post was unable to download the photos from their camera.

The Assistant Chief of the Coroner recalled the call of the remains discovery came in to the Coroner around 3:00 p.m. on August 9, 2010. He was told the site area was treacherous and it was decided that when SORT arrived they would be flown in by Air-5. The captain arrived at the Piuma Road command post at around 4:00 p.m. He recalled the

SORT coordinator arrived about ten minutes later. The Assistant Chief directed them to the Lost Hills Station where Air-5 would pick up the SORT personnel and the captain would “coordinate” from the command post. While at the Piuma Road command post, the Assistant Chief did not have direct communications with any of the personnel at the remains site.

The Assistant Chief was aware Air-5 was diverted to a rescue in the Azusa Canyon area. When interviewed by investigators, however, the Assistant Chief incorrectly believed the Eaton Canyon diversion of Air-5 had been cancelled. The Assistant Chief believed one of the Air-5 emergency calls was at around 4:30 p.m., when, in fact, the first emergency dispatch of Air-5, to Eaton Canyon, was at about 5:25 p.m. and the second one, to Colby Canyon, was at about 6:00 p.m.

After arriving at Lost Hills Station, the Assistant Chief and the LASD media representative met and briefly discussed the media interest in the discovery of the remains as press crews were gathering outside the station. The Assistant Chief recalled he never communicated with the detectives, Malibu Search and Rescue members or the rangers at the remains site.

The Assistant Chief was aware the Coroner captain was on the phone with the Homicide detective. The Assistant Chief stated the captain asked if he wanted to speak to the detective, but that he declined.

The Assistant Chief did have face to face contact with the Homicide lieutenant who told the Assistant Chief a skull, a possible pelvic bone and maybe a femur had been observed. The Assistant Chief stated to investigators he told the captain, “Just tell them to leave it be and we and we’ll get you now, you got to get an investigator on the ground.”

The Assistant Chief was told by a person whose name he could not recall the photos taken by the detective had not arrived by e-mail. It was important for him to see photos so a decision could be made whether to recover the remains at that time. The Assistant Chief believed at around 5:00 or 5:15 p.m. there was a discussion between the captain and the remains site about the need of Coroner personnel to see the photos so a decision could be made about the recovery of the remains.

The Assistant Chief stated he was not aware there were sporadic communications with the remains site. He told investigators, “Nobody said anything about communications problems at that time, that evening. None.” Later during the same interview he stated he didn’t recall if the Coroner captain had told him that he had lost a call or signal. The Assistant Chief also recounted that he was not part of any discussion about Air-5 having a fuel situation. He asserted, “Nobody said anything about fuel.”

The Assistant Chief stated he did not know why the e-mailed photos from the detective had not been received or where they were supposed to have been sent. He believed

around 5:45 p.m. he learned Air-5 was about five minutes from Lost Hills when it was diverted to what he thought was Azusa Canyon. The Assistant Chief recalled at about the same time an LASD employee handed the Coroner captain a phone. He learned the detective from the remains site wanted permission to recover the skull, the pelvic bone and the leg bone. The captain and the Assistant Chief then discussed the request and reached the opinion that they first had to look at the photos.

The Assistant Chief recalled the park rangers arrived with the camera flash card. They went into the command post trailer with the Coroner captain, the SORT coordinator and the Assistant Chief. He recalled the lieutenant from Homicide asked the Assistant Chief to come outside the command post. Once outside, the lieutenant told him the detectives at the site had discovered there were more skeletal remains after they had moved leaves aside. The Assistant Chief recalled that he told the Homicide lieutenant, "Fine. Tell them don't touch it. Leave it alone. Let us look, let me look at the photos." The Assistant Chief went back inside the command post trailer where other personnel were having trouble downloading the photo from the flash card.

During the interviews in November, the Assistant Chief was asked if there was any conversation with the Coroner captain about permission to pick up the remains:

Q: "So, are you saying that at no time, in no manner, shape or form did [the captain] ever give permission to move anything? Is that, I mean do I understand that correctly?"

A: "Well, not to my knowledge. The only instruction was if it is just those bones and if we can look at the photos, then yeah, we would get permission, but we need to have somebody on the ground and we need to look at the photos."

Q: "So, at some point in time [the captain] tells you that there's contingencies, if you look at photos, if it's only these three bones, then you have permission to move them. Do I understand that right or am I paraphrasing that correctly?"

A: "That yeah, yeah. Give us a few minutes, let us check and if that's all it is, then we don't have, we'd let you know, yeah, you can go ahead and remove them."

The Coroner's Special Operations & Response Team coordinator drove from the Piuma Road command post to Lost Hills Station. When investigators asked her about her involvement in the communications with the remains site, she said she was around the area but was not aware "exactly" who "they" were talking to. She did not hear what was said, but was told afterwards. "I wasn't in earshot of what was going on." She was setting up equipment and getting people dressed up in harnesses 20 to 25 yards away from the command post in the station parking lot. She said officials from the Coroner would walk over to give different information about whether or not the SORT team would be flown in or hike

to the scene. In fact, she told the investigators that she did not hear the phone conversations as they occurred:

Investigator: “You didn’t hear it live?”

SORT coordinator: “Right. Yeah I got it recounted by my Assistant Chief and through [the Coroner captain].”

The coordinator recounted what she was told, “he (the captain) told them to not touch the body to leave it, the remains, as they were pending us to be able to look at the photographs. Once we saw the photographs we would make a further decision on whether the remains could be picked up or not.”

She reiterated she did not hear that conversation herself but it was recounted to her after she learned the remains had been picked up and were being flown back. She was told the detectives were told to not move the body until the photos came in. She believed at some point the photos would be walked out, but until then the remains were not to be touched.

The captain from the Coroner was also interviewed. He said that he first responded to the command post set up on Piuma Road and that he and the Assistant Chief were the only personnel there from the Coroner. The captain received a briefing from the Assistant Chief about the situation and that the remains were likely those of Mitrice Richardson.

The captain stated he was at the Piuma Road location for a limited time and had no communication with personnel at the remains site. He said he then drove to the Lost Hills station. Both the Assistant Chief and the SORT coordinator arrived after he did. Eventually the members of the SORT arrived as well. He recalled seeing Search and Rescue personnel at the command post as well as detectives from the LAPD.

The captain recalled learning Air-5 had “an ETA verified of about five minutes.” The SORT team was then getting their packs, harnesses and helmets ready when they learned “Air-5 had been diverted to a rescue, and we were in stand-by mode at that time.”

The captain stated that later a lieutenant from Malibu Search and Rescue came out of the command post trailer and handed a cell phone to him. The Homicide detective at the remains site was on the phone to discuss the developing situation. The captain recounted the detective told him Air-5 was on the way back yet it was getting darker and “he wanted permission to move the bones or remove them without us actually going in and being able to help them with it or conduct any kind of scene investigation.”

The captain recalled the detective providing him with extensive concerns about the remains site personnel’s safety and the security of the scene:

He told me that he saw only a skull and pelvic bone and leg bone. He believed that the rest of the remains had been, or the remains had probably washed down into that location and that animals had scattered the rest of the remains and that we would probably not be successful in any subsequent search of the area to find anything additional.

Because of spotty communications, the detective and captain had to reconnect as the captain was explaining his concerns:

What I was trying to communicate to him and again the phone kept falling out, in and out, very sporadic, lots of call backs, was that, you know, we want to go into the area to, with our people to search for the rest of the bones. We need to you know, do everything we can to make a complete recovery and that we're going to have to go back anyway if all he has is a skull and a pelvic bone and a leg bone. So best if he could just leave it there and we'll pick, go back in tomorrow with you know, when, under daylight conditions and do a complete search of the area.

The captain recalled he and the detective going "back and forth," and that the detective was insistent he "wasn't comfortable leaving the bones here overnight." The captain was aware the detective's attempts to e-mail photographs to him were unsuccessful and that the rangers were coming to the command post with photographs they could download so the Coroner personnel could view the scene.

Once the rangers did arrive, the captain believed there was a delay in downloading the photographs because the camera card wasn't compatible with the computer system in the command post, but "they were eventually looked at." The investigators asked the captain where the Assistant Chief and the Homicide lieutenant were when he was having his phone calls with the detective at the site. The Coroner captain recalled they were in the vicinity and it was "possible" they were close enough to hear the discussion. He did recall that he would relay to the Assistant Chief Coroner what the detective was saying or, at the very least, summarize his comments.

By this point, the Homicide detective was telling the Coroner captain that Air-5 was "inbound" but it was getting dark and there was a potential that they could not be extricated by the helicopter. The captain recounted:

...he needed the decision right now as to permission to remove the remains. So what I communicated to him was that if it turns out the helicopter cannot extricate you and the team and the remains tonight, then absolutely leave the bones there. Do not remove them, but I went on to say, "*If you can get them extricated by the helicopter, and all you have there is a skull, and a leg and a pelvic bone and that's it, okay. Bring them up. You're good to go,*" or words to that effect.

The statement made to investigators differs to a degree from a report the Coroner published on October 13, 2010. The report contains a memo from the captain dated August 10, 2010 which contains the following:

[The detective] continued to reiterate his desire to collect the bones for the sake of officer safety and expediency. At that point I instructed him that if the helicopter could not extricate him with the remains that they needed to remain in place no matter what. I advised him that transporting them in a backpack through rugged terrain would subject them to possible damage. I went on to say that that (*sic*) *if he only had the skull, the pelvic bone, and the leg bone, it would be permissible to remove the remains once we looked at the photos.* It was at this point that all communication was broken off. After observing the photos we were advised by a lieutenant from LASD Homicide what when they moved the bones they found an entire skeleton underneath in the leaves and that all the bones were now wrapped in plastic within a body bag.

The final witness to the decision-making who investigators spoke to was the reserve lieutenant at the Search and Rescue command post in Lost Hills who handed the cell phone to the Coroner captain.

The reserve lieutenant stated he was in a support role at the command post coordinating communication and personnel. He stated the Search and Rescue team radioed in when they arrived at the remains scene and advised that the rangers were going to hike out with digital photographs. When the rangers arrived, he downloaded the photos to a command post computer. Several Coroner officials came in to view the photos.

One of the Coroner employees asked the reserve lieutenant to e-mail one of the photographs to her. He e-mailed the photo from the command post to the address given to him. The e-mail included a photo of the skull and hair as well as the latitude and longitude of the location. The co-ordinates were those provided by the rangers. OIR reviewed a copy of the e-mail given to the investigators by the lieutenant during an interview. The e-mail has a date and time-stamp of "Mon, Aug 9, 2010 at 7:32 PM." The "from" portion contains the name of the reserve lieutenant and an address: msarcp@[omitted].com. The address name "msarcp" stands for "Malibu Search and Rescue Command Post." The e-mail is addressed to the County account of the SORT coordinator who asked the lieutenant to send the photo to her.

After sending the e-mail, the reserve lieutenant states he walked out of the command post and saw a few personnel from the Sheriff's Department and officials from the Coroner, including the captain from the Coroner, who was on his cell phone. An unidentified person told the lieutenant the Coroner captain was talking to someone at the remains site. The MSAR lieutenant recounted, "He was doing more listening than talking, and then he said, 'go

ahead and recover the remains.” At some point later, he recalled the Search and Rescue team radioing in to have Air-5 come pick them up.

The reserve MSAR lieutenant had the impression that the Assistant Chief Coroner was opposed to the recovery of the remains. It was the lieutenant’s perception that the Assistant Chief was in the background talking to other people and saying that “we should be getting those remains ourselves.” The Coroner captain was about ten feet from the trailer and about four or five feet from the Assistant Chief. The lieutenant overheard the statement about two to three minutes after the viewing of the rangers’ digital photographs inside the command post. The reserve lieutenant told investigators that he then verbally confirmed with the Coroner SORT coordinator that she received the e-mail he had sent.

4. The Recovery of the Remains

After receiving permission from the Coroner captain to remove the visible remains, the detective directed the MSAR personnel to recover the skeletal remains. A MSAR team member picked up the skull and placed it on a plastic sheet which was laid out in a body bag. No effort was made to brush away debris from the area where the remains rested. When the pelvic bone was lifted out of the debris, they discovered a good portion of the skeleton which was not visible before was still intact. The detective instructed the deputies to place the remains on the plastic sheet. The recovery personnel gathered all the small bones they could see and placed them with the rest of the remains. The remains were then wrapped in the plastic and kept in the body bag. The clothing which was recovered from further down the canyon was placed in the body bag but “outside the plastic” which contained the remains.

The recovery process was documented with a camera which time-stamped the photos. The first photo, of the skull, was taken at 7:00 p.m. The next photo was at 7:04 p.m. and it showed the skull had been moved. The next six photos were taken between 7:06 and 7:18 p.m. and culminate with the entire remains on the plastic sheeting at 7:18 p.m. A final photo, of the mandible, has a time-stamp of 7:21 p.m.

Within about twenty minutes of receiving permission from the Coroner captain to remove what they initially thought were just the skull, pelvic bone and leg, the detective called his lieutenant and informed him of the discovery of the additional remains. He recalled advising the lieutenant that the remains were now in the plastic sheet and that he would not be leaving the remains at the site but bringing them along on Air-5.¹¹ During his interview with investigators on November 30, 2010, the Homicide detective stated this was the last phone call he had with anyone at the command post. The detective recounted the

¹¹ Investigators did not ask the detective why he called the Homicide lieutenant rather than the Coroner captain after he discovered there were more remains than he had originally believed or why he waited to call until after the personnel moved all the discovered remains to the sheet.

phone conversation with his lieutenant after the remains were removed and placed on the plastic sheet:

“I remember calling Lieutenant [omitted] and telling him, ‘Hey, Lieutenant, listen, we moved the pelvic bone about a, when it was lifted up you know, above the leaves and stuff, there were other bones that were attached to it and we laid it on the plastic that was right next to it,’ and he goes, ‘Okay.’ He says, ‘I’ll let everybody down here know,’ and I said, ‘Okay.’ I said, ‘I don’t know if that’s going to make a difference, but it’s already on plastic.’ And I, I know that I hung with him and I didn’t have a conversation with anybody else after that.”

The Search and Rescue sergeant recalled the Homicide detective was on the phone after the remains were removed. He recalled the detective saying, “What do you mean, ‘put it back?’” While the detective was having this conversation, the Air-5 crew chief advised the Search and Rescue sergeant that Air-5 was returning and only had a “short window” to extract the personnel because they were low on fuel. When Air-5 arrived, a paramedic was first lowered to move the body bag onto a litter. The two detectives were then hoisted into the helicopter and, finally, the Search and Rescue team members were pulled up. Air-5 then flew to Lost Hills Station. The Air Support Patrol Activity Report indicates the extraction at Dark Canyon occurred at approximately 7:35 p.m.

During the investigators’ interview, the detective was asked:

“Did you receive a directive from the Coroner’s office to leave the stuff there?”

“No. To leave it there? No. No. We were given permission to remove what was there. And then they, obviously when the pelvic bone was lifted up, there were more bones attached and still, we were, we still had the same situation that was presented to us. We still had the bones and especially abandoning them at that point wouldn’t have been an option either.”

When interviewed on November 30, 2010, the detective did not recall having any discussions with the Coroner captain that the bones should not be brought out on foot. The detective said:

I learned that, subsequently, later on down the road, that they had concerns about us hiking the bones out, but we had two options as to get out of there, by helicopter or by hiking out, and whether those bones came with us, or whether they didn’t, if, I mean I know the Coroner’s position and I, if they, if they would have actually told us, “Absolutely no, one hundred percent, you’re leaving that stuff there,” I mean, that’s just going to be documented and we’re, but ultimately, whether they say leave it there or not, I’m ultimately a Homicide guy out there. I’m ultimately responsible for whether or not that stuff is secure. And there is no way to secure it, but had they said,

“No, you are not touching it. You are not bringing anything out,” we would have had to have lived with that, and I . . . the discussions that we were having, based on our situation up there and the concerns that we had and them trying to make a decision without seeing the bones, the decision was made and it was relayed to us to go ahead and remove what we saw, and we did and it just turned into a little bit more, which we had to bring out also.

The team at the remains site left a laid out silver rescue blanket and taped off the site with orange tape to mark the location. The purpose of the silver blanket was so returning investigators would be better able to spot the site.

The Homicide lieutenant recalled that the detective called him and said that they had received permission from the Coroner captain to remove the three visible bones and that it turned out to be almost “a full set of skeletal remains.” The detective advised the lieutenant that the remains were on a plastic sheet and they agreed that the remains could not be left overnight in that condition.

The Homicide lieutenant told investigators he advised the Assistant Chief Coroner of the situation. The Homicide lieutenant recalls the Assistant Chief asking, “Who authorized them to remove the remains?” The Homicide lieutenant told the Assistant Chief authorization was given by the Coroner captain who had been in phone contact with the detective.

The Assistant Chief’s recollection was that the Homicide lieutenant told him the remains were removed about ten minutes after their last conversation when he had instructed the remains should not be moved. According to the Assistant Chief, when he asked the lieutenant why the remains were removed, the lieutenant apologized and said it was a “personnel issue” and he’d “take care of it.” When asked by the investigators, the lieutenant denied apologizing for the removal of the remains, but stated he responded to the Assistant Chief’s question, “Why did he (the Coroner captain) do that?” According to the lieutenant, he answered, “I’m sorry, I can’t answer that question right now. When [the detective] gets down, I will have a conversation with the detective.” Nevertheless, the lieutenant explained to the Assistant Chief, the remains had to either be secured with personnel posted at the remains scene or removed.

The lieutenant from LASD Homicide told investigators he then spoke with the captain from the Coroner and confirmed the latter had told the detective the remains could be removed. The lieutenant recalled the captain saying, “Yes, I told them they could move those three bones, but there ended up being additional remains attached.” The lieutenant recalled he never saw the Assistant Chief and the captain communicating with each other. He did recall at one point, the SORT coordinator walked up to the Assistant Chief Coroner and the captain from Homicide and she was told the remains were being flown out. The lieutenant recalled the SORT coordinator said, “Well you shouldn’t have listened to [the captain],

because he's just the P.I.O. (Public Information Officer)." About ten minutes later, the lieutenant said he informed the Assistant Chief that the remains were now onboard Air-5 and on the way to Lost Hills Station.

The SORT coordinator told investigators that she saw the lieutenant take the Assistant Chief aside and heard him tell the Assistant Chief the remains had been moved.

When Air-5 landed at Lost Hills Station the body bag containing the remains and the recovered clothing was turned over to the Coroner. The Coroner's report from October, 2010 recounts that his personnel saw that the bones "were in a pile with the skull sitting on top of the rib cage. OIR has not reviewed any photographs which depict the condition of the remains inside the body bag and does not know whether the remains were placed inside in the manner described or were moved about during the transit by Air-5.

The Homicide lieutenant was aware that the SORT would be coming out the next day to go out to the remains site to conduct a "good search of the location because we did not do that." The Air-5 pilot told him they would be able to return to the location the next day because the crew already had the coordinates they would be using.

ADDENDUM:

OIR shared a copy a final draft of this report with the Coroner and the Detective Division of the Sheriff's Department. OIR then received additional information from the Homicide detective who recovered the remains. OIR interviewed the detective and he recounted that he recalled that he did have a phone call with the Coroner captain after the discovery of the additional remains. According to the detective, this conversation took place after the detective spoke with his lieutenant about the discovery. The detective recounted that he explained to the Coroner captain that there were more remains found and that they were now on the plastic sheet. The detective told OIR that the Coroner captain told him, "Whatever you've got on plastic, just bring it out."

The detective also told OIR that he was not aware whether or not the Coroner captain had spoken with the Assistant Chief Coroner about the situation and that he and the captain did not talk about hiking the remains out since it was his understanding that Air-5 was coming to take the team from the site.

The detective told OIR that he may have spoken to his lieutenant one more time after speaking to the Coroner captain to confirm that the team was coming out. He said that Air-5 arrived about 15 to 20 minutes later. When asked about the order of events, the detective told OIR that the extraction took place about thirty-five minutes after the photos of the remains were taken. OIR asked the detective why he had told investigators that the only conversation he had after the additional remains were discovered was with his lieutenant. The detective responded that he didn't know, but said, "That one's on me."

To follow-up on the detective's assertions, OIR then interviewed the Coroner captain whether he recalled having any conversations on the phone with the detective about the additional remains. The Coroner captain denied having any such phone call other than the call specifically relating to the skull, leg bone and pelvis. He stated he only learned about the additional remains either from the Assistant Chief Coroner or the Homicide lieutenant at the command post and that he and the detective did not discuss that topic whatsoever.

B. AUGUST 10, 2010

The next morning, Air-5 was asked to assist the Coroner, as its SORT wanted to search the site for any other remains and other evidence. The Coroner's personnel had wanted to meet Air-5 at 7 a.m., but were told that foggy conditions in Long Beach would prevent its departure until about 10:00 a.m. According to the Flight Following Log, Air-5 arrived at Lost Hills at 10:54 a.m.

The crew chief from Air-5 recalled rather than land, quickly pick the passengers up and take off again, the pilot shut the helicopter's engines down so they could get information from the SORT about what they wanted to do. The crew chief recalled the Assistant Chief Coroner was present. He also recalled that coordinates were set in Air-5 from the night before. He conducted a safety briefing for the SORT. One of his concerns was that he would have no communication capability with the SORT as the Coroner and LASD radio systems are not interoperable. He suggested that he could call Malibu Search and Rescue to come and assist since they had been to the location and would be in radio communication with him, "but, for whatever reason, the Coroner team rejected that proposal." He suggest a "Plan B" which was to have Air-5 return in 2 hours and lower a crew member down into the canyon to conduct a "safety check" on the SORT. Everyone agreed to go with the two hour safety check plan.

When asked about Search and Rescue not going with the SORT, the SORT coordinator told investigators they didn't take Search and Rescue, because, "no one was available." She added, "I wasn't asking or begging for SAR to go out, they just didn't." She initially could not recall why the detectives didn't go out with them and later said that Search and Rescue "didn't feel the need to go back out." Even though she was the person who would be in charge of the SORT in Dark Canyon, she said she "didn't speak directly to Air-5, [the Assistant Chief Coroner] did."

Air-5 returned to the canyon with the SORT. It is not known if Air-5 hovered over the exact same location from the previous evening, nevertheless, a paramedic was sent down first. He reported that the area was rugged. Each Coroner team member was then lowered one at a time. The paramedic re-boarded Air-5 which then flew to Lost Hills and landed to stand by. The crew chief recalled that when they later picked up the SORT that he was told that the team had never found the remains site.

Indeed, the SORT did not find the site marked by the silver blanket and orange tape. The Coroner SORT coordinator first told investigators that she received one set of GPS coordinates from the detectives and one set from Search and Rescue. They used the coordinates that they got from the detectives. Apparently, unlike Malibu Search and Rescue, each SORT member was not equipped with a personal GPS device. Instead, the team relied on their digital camera which was equipped with a GPS location system to locate the

insertion site while still aboard Air-5. “My own personnel were using it and the EMS people in the back, they were also looking at the camera. They were able to land us fairly close to what they got on the camera.” It is not known if the Air-5 pilots were using the same coordinates as the SORT had in their camera.

Once the team from the Coroner was alone on the ground and Air-5 returned to Lost Hills Station, they realized they had left the camera on the helicopter leaving them without any GPS device. The coordinator recalled the SORT team looked around for the remains site and eventually came to a rocky boulder area which they thought they could not get over without ropes. “We weren’t told that once we were dropped in there would be a need for rappelling.”¹² They didn’t go any further up the canyon.

Publicly, the Coroner asserted in their October 13, 2010 report:

After an extensive search of the area in which they were told was where the remains were found they did not find anything. Air-5 picked up the SORT Team members and advised they had the wrong GPS location and had actually dropped them off in the *wrong canyon* (emphasis added).

In their report, the Coroner never mentioned that its own SORT members forgot the camera onboard Air-5 and were now on the ground without a GPS device. None of the interviews of Air-5’s pilot, crew chief or SORT coordinator – who were all there that day – support the claim that the SORT was dropped off in the “wrong canyon.” In fact, it was during the interview of the SORT coordinator that it was first revealed the camera with GPS had been forgotten and left onboard Air-5. The SORT coordinator told the investigators that she believed they would have located the remains site had they not forgotten the camera on Air-5.¹³

¹² There are four different GPS coordinates: one for the location of the remains and the other three for where the belt, bra and jeans were found further down the canyon towards the west. It is not known which of these coordinates was the destination used by SORT when using its camera. When this writer from OIR visited the site in November of 2010 with personnel from Malibu Search and Rescue, there was a portion of the canyon with boulders that had to be climbed over where MSAR provided assistance with ropes and harnesses. The boulders were further up the canyon towards the remains site and above a location in the canyon with knocked down branches, small trees and vegetation. When interviewed by investigators, the reserve MSAR captain said that when he returned with personnel from the Coroner on August 25, 2010, the Coroner team showed him where they had been on August 10th and he could identify it as the drop-off zone from the vegetation that had been blown over by the propeller wash of Air-5.

¹³ The Department of Coroner “Investigator’s Narrative” report for this is dated August 11, 2010 and is written by the SORT Coordinator/Investigator. The report lists the GPS coordinates of the remains and clothing

The October 2010 report from the Coroner also asserted the Homicide detective refused to attend the August 10, 2010 search effort:

[The SORT coordinator] left several messages on the Detective's phones that we would be returning back to the scene to search for additional bones. [The detective and the MSAR sergeant] claimed however that they recovered all of the bones and clothing when they made the removal (*sic*).

When interviewed, the Homicide detective recalled a phone message was left at about 7:30 a.m. on August 10, 2010 from either the SORT coordinator or the Coroner captain who had been at the command post the prior day. The message was that Coroner personnel were going to return to the remains scene that day. The detective told investigators he phoned the Coroner captain and was told that the SORT was going to assemble at the Lost Hills station and Air-5 was supposed to fly them to the site. The detective asked if anyone from Search and Rescue was going to join the team and the captain told him he was not sure. The detective asked if he and his partner should meet them and show the team where the remains were located. The detective recalls that the captain told him, "No, we've got the GPS coordinates fine. We've got a lot of people going up inside there. You guys marked off the area." The detective recalled that the Coroner captain said that the personnel from his department would be able to find it "very easily." It was not until the detective attended the autopsy on August 11th that he learned from the SORT coordinator that they hadn't found the site. Investigators did not ask the Coroner captain about this purported phone call.

C. AUGUST 11, 2010

On August 11, 2010, a forensic pathologist from the Coroner conducted an autopsy of the remains. In the autopsy report, the pathologist noted the remains were a "nearly complete human skeletal remains" with "no evidence of ante mortem trauma." The cause of death was ascribed as "undetermined." The pathologist consulted with a forensic anthropologist and they determined that a small number of bones were not accounted for:

- Vertebrae C4 through T2
- One twelfth rib
- Hyoid bone
- Xiphoid process
- Coccyx

locations provided to Coroner personnel by the LASD Homicide detectives. The coordinates precisely match the coordinates that appear in the investigation report prepared by LASD Homicide.

- Five carpal bones of right hand
- Multiple phalangeal bones (both hands and left foot)

Investigators later interviewed the forensic pathologist, who is board certified in anatomical, clinical and forensic pathology, and asked about any potential impact from the manner in which the remains were recovered:

Investigator: “Did the Sheriff’s Department recovery of those remains and the manner in which they recovered them appreciably effect the outcome of your examination?”

Pathologist: “I would say it did not adversely affect the outcome since there was no trauma. The only thing that could have happened in mishandling the remains was introducing artifactual trauma.”

Investigator: “And by artifactual trauma, can you describe what you mean by that?”

Pathologist: “Well, as a very crude example, picking up a stone and dropping it and causing it to fracture.”

Investigator: “Okay, and did you find any of that kind of trauma on the remains that you examined?”

Pathologist: “No.”

The Homicide detective had attended the autopsy. There he learned the SORT was unsuccessful in its search for the remains site the prior day. He later told investigators about his observations of the clothing recovered from the canyon and that he “actually saw the clothing at the Coroner’s office on the table where the bones were.”

D. FURTHER RECOVERY EFFORTS

An examination of dental records established the decedent was Mitrice Richardson. In addition, the Coroner sent a femur to the California Department of Justice for DNA testing. Those results confirmed the remains were of Ms. Richardson. According to the Assistant Chief Coroner, “it was sent with the understanding that upon its return, that it would be disposed of, probably cremated and the ashes given back to the family.” Investigators asked the Assistant Chief Coroner if the disposition plan was communicated to the family and he said that it was and would be true for any other bones that might be recovered.

After the autopsy, where it was discovered that several small bones were missing, the Coroner and Sheriff’s Department planned to re-visit the remains site. The Coroner’s report of October, 2010, states that the SORT coordinator made “numerous attempts” to contact the

Homicide detective between August 11 and August 17 to plan a visit to the remains site and that calls weren't returned. When questioned by investigators, the Assistant Chief from the Coroner stated that the SORT investigator was in contact with Search and Rescue and was "also trying to coordinate between Search and Rescue and the handling detectives to return." The Homicide detective recounted that it took an effort to coordinate the schedules of all the personnel involved, including the Search and Rescue members who were volunteers with civilian jobs during the work week.

On August 25, 2010, sixteen days after the discovery of the remains, the Coroner SORT, a Coroner K-9 unit, Malibu Search and Rescue and the Homicide detectives hiked into Dark Canyon to conduct another search for remains and other potential evidence. Five additional vertebrae, one carpal bone and three phalangeal bones were recovered at the site.

On November 6, 2010, Ms. Richardson's family and a private forensic anthropologist who was providing assistance to the family, returned to the site with the Sheriff and other Department members. The anthropologist, who has extensive experience investigating forensic evidence of suspected war crimes where recovery and identification of remains can face difficult challenges, found an additional phalange bone and turned it over to Sheriff's personnel who in turn delivered it to the Coroner.

On February 13, 2011, a team from the Coroner and personnel from the LASD returned to the site and conducted another extensive search. Eight additional bone fragments were found and recovered.

E. THE RETENTION OF THE RECOVERED CLOTHING

Following the autopsy, the clothing was still with the Coroner, as far as the detectives knew. The Coroner did not release the clothing to the detectives; however, at some point later, one of the detectives received a call from someone at the Coroner asking whether the LASD had retrieved the clothing for the LASD crime lab to examine. The Homicide detective told investigators, "a request was never made by us at that point to actually retrieve the clothing from them and they were concerned enough to call us, because the clothing was not around." The detective recalled that about two weeks after that initial inquiry about the clothing, he received a call from the Coroner's office regarding their whereabouts:

I got another phone call from the Coroner's office that said, "We've located the clothing," and I said, "Okay." I said, "Can we get it then, because we'd like to have our crime lab people take a look at it if nobody from the Coroner's office is," and it was explained to me that it got released to the mortuary.

The detective told investigators that no one at the Homicide Bureau had authorized the release of the clothing.

The Assistant Chief Coroner admitted to investigators that once the Coroner positively identified the remains they were released to a mortuary with the clothing by the Coroner. The Assistant Chief explained that in a case classified as a “homicide,” the clothing is placed in an evidence bag and then given to the detectives, or is held by the Coroner. While the cause of death here was not deemed a “homicide,” but was “undetermined,” the Assistant Chief acknowledged to investigators that the clothing “should have been retained.”

IV. LEGAL AND POLICY REQUIREMENTS REGARDING RECOVERY OF REMAINS

A number of state laws govern the recovery, removal and release of human remains. Additional guidance is also found in the policies and procedures of the Coroner and the Manual of Policies and Procedures of the LASD.

A. STATE LAW

California Health and Safety Code section 102850 mandates that the coroner be immediately notified when a person “has knowledge of a death that occurred or has charge of a body in which death occurred under any of the following circumstances:

- (a) Without medical attendance.
- (b) During the continued absence of the attending physician and surgeon.
- (c) Where the attending physician and surgeon or the physician assistant is unable to state the cause of death.
- (d) Where suicide is suspected.
- (e) Following an injury or an accident.
- (f) Under circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another.

Any person who does not notify the coroner as required by this section is guilty of a misdemeanor.”

California Health and Safety Code section 7102 requires “that in any case where a coroner is required by law to investigate the cause of death, the coroner is entitled to the custody of the remains of the person whose death is the subject of the investigation until the conclusion of the autopsy or medical investigation by the coroner. Any person in whose possession such remains are found, shall upon demand by the coroner, surrender such remains to him.”

California Government Code section 27491 mandates that the coroner “shall inquire into and determine the circumstances, manner, and cause of all violent, sudden, or unusual deaths.” Those circumstances include deaths of “known or suspected homicide” or “deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent.” “Inquiry pursuant to this section does not include those investigative functions usually performed by other law enforcement agencies.”

California Government Code section 27491.2 governs the control of a decedent’s body. The section provides:

(a) The coroner or the coroner's appointed deputy, on being informed of a death and finding it to fall into the classification of deaths requiring his or her inquiry, may immediately proceed to where the body lies, examine the body, make identification, make inquiry into the circumstances, manner, and means of death, and, as circumstances warrant, either order its removal for further investigation or disposition or release the body to the next of kin.

(b) For purposes of inquiry, the body of one who is known to be dead from any of the causes or under any of the circumstances described in Section 27491 shall not be disturbed or moved from the position or place of death without permission of the coroner or the coroner's appointed deputy. Any violation of this subdivision is a misdemeanor.

California Government Code section 27491.3 governs the control of a decedent's personal effects and other property. It states in relevant part:

- (a) In any death into which the coroner is to inquire, the coroner may take charge of any and all personal effects, valuables, and property of the deceased at the scene of death or related to the inquiry and hold or safeguard them until lawful disposition thereof . . .
- (b) Any property or evidence related to the investigation or prosecution of any known or suspected criminal death may, with knowledge of the coroner, be delivered to a law enforcement agency or district attorney, receipt for which shall be acknowledged.

B. GOVERNING POLICIES AND PROCEDURES

The Coroner's Special Operations & Response Team (SORT) was established by the Coroner as a team that will consist of specifically selected and trained Coroner Investigators. A May 2, 2005 directive states, "SORT will be under the direct supervision of a Supervising Coroner Investigator I. In addition, SORT will be under the operational supervision of the Chief, Operations Bureau or the Assistant Chief, Operations Bureau."

The directive states the SORT is intended to serve as "field assistance" in several categories of activities, including MTA/Metrolink incidents and multiple fatality incidents, including small aircraft accidents and bus crashes. Most applicable to the scope of this report, the SORT is also tasked with two types of recoveries:

“Special Decedent Recovery – as needed and at the request of the Watch Commander and the SORT Supervising Coroner Investigator I the team can be activated to assist with specialized decedent removals and recovery including, but not limited to, severely obese decedents (500+ lbs.), decedents found in inaccessible or remote areas and charred bodies needing archeological search and recovery techniques by a Forensic Anthropologist and provide expert assistance with the excavation of the decedent(s).

Buried Body Recovery – SORT is specially trained and equipped to provide expert assistance with the proper recovery of buried bodies. SORT will respond to the site with the assigned Coroner Investigator, Criminalist, Forensic Archaeologist, and/or Forensic Anthropologist and provide expert assistance with the excavation of the decedent(s).”

It is the policy of the Los Angeles Sheriff’s Department that the Homicide Bureau has the responsibility to investigate certain cases, including accidental deaths, homicides and instances of “found human remains.”¹⁴

Department policy also describes the responsibilities of deputies when handling an incident involving a death. Among other duties, the handling deputy has the responsibility to “protect the scene . . . notify the station watch commander, immediately notify Homicide Bureau, via telephone or radio (telephone preferably), furnishing all available information and take such action as Homicide may request.”¹⁵

Policy 2-05/090.00 also states that the handling deputy has the responsibility to “identify the deceased, provided this can be done without disturbing the body (original emphasis).”

Policy 2-05/090.15 states that Department personnel are generally prohibited from moving a person who is deceased:

There will be limited instances involving Coroner's cases where it is also advisable to move the deceased pending the Coroner's arrival.

In these cases where the victim is known or believed to be dead due to apparent natural causes or by accident, and the victim is unattended by a physician or has not been seen by a doctor within 20 days prior to his death, the deputy shall contact Homicide Bureau for permission to move the deceased to a more suitable nearby location pending arrival of the Coroner. In such cases, movement of the deceased

¹⁴ Manual of Policy and Procedures, 2-05/080.00, Homicide Bureau.

¹⁵ Manual of Policy and Procedures, 2-05/090.00, Dead Bodies - Homicides, Suicides, Accidental and Natural.

should only be considered if it is not appropriate to cover the body or to move family members or spectators away from the deceased.

Upon calling Homicide Bureau, the deputy requesting permission to move the deceased should be prepared to provide information as to why the deceased should be moved and the intended place of relocation. The Homicide Bureau must then obtain permission from the Coroner's Office.

If circumstances make it impossible to contact Homicide Bureau for permission to move a deceased person and it is imperative that the deceased be moved, the deputy may move the body, notifying Homicide Bureau as soon as possible thereafter. It should be noted that the request for movement of a deceased person is a common sense judgment wherein sympathetic perception and concern for the deceased's family, fellow workers, the general public or officer's safety must be the consideration.

Department policy 5-09/090.20 governs the "Disposition of Personal Property." It states in part, "The Government Code prohibits the search for, or removal of, personal property of the deceased except by the Coroner or his representative. Homicide personnel have permission from the Coroner to search and remove personal property when such search and removal is essential to their investigation."

V. OIR'S ANALYSIS

OIR has reviewed the relevant reports and documentation provided by the LASD and the Coroner. It has reviewed all interviews and available transcripts of interviews of involved personnel from both departments and State Parks and Recreation. Those interviews were conducted by two lieutenants from the LASD with investigative experience and an investigator from the Coroner's Office who was present at all interviews and was offered the opportunity to ask questions to all the interviewees.

OIR provided its input by providing the LASD with a list of issues and questions that were raised by what was known about the recovery of the remains and subsequent events. The interviews were for the most part thorough and covered all the relevant issues that OIR raised. As will be further discussed below, the one area that may have benefited from further exploration during the interviews is the crucial period of time from between the Homicide detective apparently receiving authority to remove what were thought to be the only remains and the detective's call to the Homicide lieutenant informing him that more remains were discovered.

A. THERE MAY HAVE BEEN UNNECESSARY DELAY BEFORE SHERIFF'S HOMICIDE WAS NOTIFIED.

The LASD's policies mandate that the handling deputy on the scene has the responsibility to notify his or her watch commander and to immediately notify the Homicide Bureau when handling an incident involving death. Here there was no initial handling deputy, as the discovery of the remains was called into Lost Hills Station by the supervising State Parks ranger at some point after he was notified by his dispatcher that the reconnaissance team had located human remains. According to the supervisor ranger's recollection, he received the notification from his dispatcher between 1:00 and 1:15 p.m. If the supervisor's recollection is correct, it is not clear why personnel from the Lost Hills Station apparently did not notify the Homicide Bureau until more than an hour after the State Park ranger reported the discovery. Alternatively, the supervisor ranger may have misremembered the precise time he received the notification from his dispatcher and there are no apparent logs to indicate when the dispatcher notified him. Although it perhaps was not immediately apparent to Lost Hills personnel, as it turned out, every hour that went by until the loss of daylight mattered. The question of whether there was a considerable delay between the time when the Lost Hills Station was notified and the call was made to Homicide, and if so, any reason for the delay was not addressed during the investigators' interviews.

B. LASD HOMICIDE BUREAU PERSONNEL PROPERLY NOTIFIED THE CORONER.

According to reports reviewed by OIR, Lost Hills Station notified the Homicide Bureau of the remains discovery at approximately 2:45 p.m. on August 9, 2010. It is the practice of LASD that the Homicide Bureau notifies the Coroner of a case involving a deceased person. Based on the Coroner's own records, LASD Homicide notified the Coroner of the discovery at 2:58 p.m. The notification included the contact information both for the supervising Homicide Bureau lieutenant and the sergeant from Malibu Search and Rescue. The records also indicate the accurate address of the initial command post on Piuma Road. The notification to the Coroner occurred at approximately the same time the two assigned detectives were dispatched to Lost Hills station.

The notification was consistent with Health and Safety Code section 102850 that the coroner be "immediately notified" when a person has knowledge that a death has occurred following an injury or accident or under circumstances where there is "a reasonable ground to suspect that the death was caused by the criminal act of another."

C. THE CONDUCT OF PERSONNEL BEFORE THE REMAINS WERE RECOVERED WAS APPROPRIATE.

The events that took place from the time that the LASD and Coroner began their response shortly before 3:00 p.m. to when the remains of Ms. Richardson were airlifted out at approximately 7:45 p.m. were marked by decisions driven by limited daylight, a remote and treacherous location, an unclear chain of command, and difficult communications.

OIR retrieved astronomical data from the U.S. Naval Observatory's Astronomical Applications Department.¹⁶ Based on the latitude and longitude for the remains site, the USNO website provided the following data for the astronomical observations for August 9, 2010:

¹⁶ U.S. Naval Observatory, *Sun and Moon Data for One Day*. [Table for August 9, 2010 at W118.7, N34.1.] Retrieved from http://aa.usno.navy.mil/cgi-bin/aa_pap.pl

**U.S. Naval Observatory
Astronomical Applications Department**

Sun and Moon Data for One Day

The following information is provided for Malibu Canyon State Park (longitude W118.7, latitude N34.1):

Monday		
9 August 2010		Universal Time - 7h
	SUN	
Begin civil twilight		05:45
Sunrise		06:12
Sun transit		13:00
Sunset		19:48
End civil twilight		20:15
	MOON	
Moonset		18:48 on preceding day
Moonrise		05:40
Moon transit		12:39
Moonset		19:30
Moonrise		06:53 on following day

New Moon on 9 August 2010 at 20:08 (Universal Time - 7h).

Sunset was at 7:48 p.m. in the Malibu Canyon area. However, sunset refers to when the Sun is on the horizon which is “unobstructed relative to the location of interest,” in other words there are no buildings, mountains or other obstructions blocking an observer’s view of the horizon.¹⁷ Dark Canyon is remarkable for its very heavy vegetation and tree cover through the drainage and southern face of the canyon. Directly to the south and west of the remains site are steeply rising canyon walls which climb to a ridge at approximately 400 feet above the canyon. From the vantage point of the canyon floor, there is, of course, no view to the horizon along the Pacific Ocean just a few miles away. This writer visited the location in late November, 2010, and was struck by how significantly darker the lighting was within the canyon compared to where the state park was entered on Piuma Road on a clear late morning. Thus, it is reasonable to conclude that, while sunset on a visible horizon was at 7:48 p.m., personnel in a relatively deep canyon, beneath a thick tree canopy and surrounded

¹⁷ The Naval Observatory provides this technical definition, “That is, the center of the Sun is geometrically 50 arcminutes below a horizontal plane. For an observer at sea level with a level, unobstructed horizon, under average atmospheric conditions, the upper limb of the Sun will then appear to be tangent to the horizon.” United States Naval Observatory. (2011). *Rise, Set, and Twilight Definitions*. Retrieved from <http://www.usno.navy.mil/USNO/astronomical-applications/astronomical-information-center/rise-set-twi-defs>

by steep canyon walls, would experience significantly dimmer conditions relative to the conditions at the command post at Lost Hills Station. Their sunset, as it were, would have occurred far earlier than 7:48 p.m. In addition, astronomical data for August 9, 2010 shows that at 7 p.m., when the discussions about the options were taking place, the sun would have only been about 8 degrees above the horizon and at an angle of about 242 degrees from North. That is in the direct heading of the extensive canyon ridge to the west of the remains site.

The description of the remains site provided by the Air 5 crew chief, the interviewed members of the Search and Rescue team, the park ranger at the site and the detectives are all consistent that the terrain was difficult and posed dangerous conditions. Not only was the precise site where the remains were located near a ledge that falls to the creek bed below, but it was infested with fire ants and other insects. Moreover, the poison oak growth in the canyon was very extensive and potent. There, the poisonous plants had vine-like branches that were 1 to 2 inches thick.

While the facts were extensively described above, it is helpful to see the events unfold as OIR has come to understand when decisions were made. Please note that all the times are approximations unless otherwise noted:

- 1:00 p.m. Rangers discover remains.
- 1:15-1:30 Parks dispatch notifies supervisor.
- 1:30 Supervisor notifies Lost Hills and drives to Piuma Rd.
- 2:45 Homicide notes they are informed by Lost Hills.
- 2:58 Coroner notes they are informed by Homicide.
- 3:35 Detectives arrive at Lost Hills.
- 4:18 Aero Bureau notes Air-5 en route to Lost Hills.
- 4:36 Aero Bureau notes Air-5 is at Lost Hills Station.
- 4:40 SORT Coordinator arrives at Piuma Rd. command post.
- 4:45 Detectives and MSAR arrive at remains site via Air 5.
- 5:20 SORT Coordinator arrives at Lost Hills station.
- 5:40-5:43 Timestamp on photos taken by Detective.
- 5:43 Aero notes Air-5 on way to Eaton Canyon.
- 5:45 – 6:00 Homicide Lt. arrives at Lost Hills from Piuma.
- 5:51 Aero notes Air-5 is returning to Lost Hills.
- 6:00 Aero notes Air-5 is on the way to Colby Bridge.
- 6:55 Aero notes Air-5 en route to hospital.
- 7:00 Homicide Lt. recalled discussing plans with Asst. Chief.
- 7:00 Rangers arrive at Lost Hills Station with photos.
- 7:03 Aero notes Air-5 has arrived at hospital.

- 7:04 – 7:18 Time-stamps of photos showing remains moved to sheet.
- 7:32 Time-stamp of email from Command Post to SORT.
- 7:35 Pilots' notes indicate return to canyon for extraction.
- 7:45 Approximate time of extraction.

The critical moments occurred between 7:00 and the time of the extraction by Air-5. During this period multiple communications occurred between numerous individuals. The Air-5 crew chief was giving updates to the Search and Rescue sergeant. That sergeant was communicating what he was learning from Air-5 to the Homicide detective. The detective, in turn, was carrying on two conversations – one with his lieutenant and the other with the Coroner captain. Meanwhile, the lieutenant from Homicide was discussing his concerns about needing to remove the remains with the Assistant Chief. It does not appear that the Assistant Chief was directing orders to his captain who was in direct phone contact with the on-scene detective.

From OIR's review of the statements made during the interviews, it appears the Coroner captain was initially reluctant to give permission to the detective to move what was then believed to be a skull, pelvic bone and a leg without first having an opportunity to view the photos that were being delivered by the rangers. Through no fault of anyone, the photos taken by the detective could not be e-mailed to the command post probably due to the remoteness of the remains location. At the time the rangers arrived at Lost Hills, the personnel at the site and on Air-5 were aware they were facing a dilemma – the helicopter was low on fuel and would either be able to make only one entry into the canyon to pick up the personnel already there or would have to refuel and then not have enough light to extract them safely. What was apparently no longer considered an option by 7:00 p.m. was airlifting the SORT into the canyon and then everyone leaving Dark Canyon either by Air-5 or on foot.

The experts in wilderness survival were the Search and Rescue team and the rangers. All consistently related that the conditions at the remains site were potentially treacherous and that no one was equipped to stay overnight.

Once it became clear Air-5 would only have enough light to fly into Dark Canyon and extract the personnel and remains without first refueling, the only decision facing the detectives and the Coroner's officials was whether to leave the remains where they were found or to retrieve and fly the remains out. The Coroner captain said he had been clear during the prior telephone calls with the recovery site that hiking the remains out was not an option because of potential damage to the remains.

From the Homicide Bureau's point of view, they were in a difficult position. This was a high profile case where public accusations had already been made that the LASD had engaged in a range of misconduct pertaining to the arrest, release and disappearance of Ms.

Richardson. Should the detectives have left the scene as it was and the remains were disturbed or went missing overnight, legitimate concerns would have emerged that the identification process would be more difficult or impossible, the Department would then have certainly been subject to more accusations of wrongdoing. While the possibility that the remains would have been disturbed or gone missing may have, in actuality, been extremely unlikely, if such an occurrence had transpired, there may have been a lost opportunity to recover the remains and/or such analysis would have been even more significantly compromised.

The alternative was removing the remains without the presence of the Coroner's personnel. The detective was aware he could not do so without permission from someone at the Coroner in a decision-making capacity. Based on the statements made by the detective and the captain to investigators, it appears that the detective believed he had permission to remove the remains.

The detective, as acknowledged by the Coroner captain, outlined his concerns about darkness, staying overnight and leaving the remains behind. The detective also explained those concerns to his lieutenant who, in turn, told the Assistant Chief of Operations. While the Assistant Chief states he told the Homicide lieutenant that no remains should be moved until the ranger's photos were examined, the Coroner captain gave the detective at the scene somewhat different guidance.

The Coroner captain's told investigators he said, "If you can get extricated by the helicopter, and all you have there is a skull, and a leg and a pelvic bone and that's it, okay. Bring them up. You're good to go,' or words to that effect."

The detective's recollection was the captain told him, "Okay, listen, go ahead and bring those out, bring what's there out, what you see, out."

The Search and Rescue sergeant recounted overhearing the detective's phone call with who he thought was the captain from the Coroner. He recalled the detective ending the phone call and saying, "Okay, we're good to move her." The reserve captain from MSAR, who was next to the detective during the phone call, corroborated the sergeant's recollection.

The reserve lieutenant from Malibu Search and Rescue told investigators he saw the Coroner captain at the command post speaking to someone on a cell phone. An unidentified person told the reserve lieutenant the conversation was with someone at the remains site. The reserve lieutenant said he heard the Coroner captain say, "Go ahead and recover the remains."

While the recollection of the exact words differs, everyone who was either a direct participant or was in a position to overhear either end of the conversation confirmed that the captain gave permission to the detective to remove the visible remains. Moreover, they were

all familiar with the Coroner captain from prior cases. It is important to note the organizational structure of the Coroner's operations was not shown to be apparent to non-Coroner personnel. Field investigators from the Coroner normally report to that captain. The Homicide detective, the full-time Search and Rescue sergeant, and the reserve captain and lieutenant from Search and Rescue knew the Coroner captain from prior investigations and it does not appear they had reason to believe the captain was *not* authorized to act as a decision-maker for the Coroner.

What was not apparent to non-Coroner personnel was that the Special Operations and Response Team did not report to the captain, but reported directly to the Assistant Chief of Operations. The spontaneous statement of the SORT coordinator at the command post when told the captain had given permission to remove the remains is telling. She exclaimed, "He is just the P.I.O. (Public Information Officer)." If that was indeed the case, representatives from the Coroner apparently did not advise personnel from LASD someone other than the captain was the decision-maker in the field for this particular incident.

It also appears the lines of authority were further blurred by the Assistant Chief deferring to the Coroner captain to communicate with the personnel at the remains site after the MSAR reserve lieutenant came out of the command post trailer and handed a phone to the captain. When interviewed, the Assistant Chief revealed the Coroner captain had asked him if he wanted to talk to the Homicide detective:

It was [the Homicide lieutenant], myself, and Captain [] and [the Homicide lieutenant] had the phone and he said, "It's the detective at the scene, [name omitted], and [the captain] said, "Do you want to talk -," and I said, "No, you've been you know, go ahead and talk to him you know, find out what's going on."

According to the Assistant Chief, the critical discussion about moving the visible remains and waiting for the park rangers to arrive with photos, took place at about 6:00 p.m. From OIR's review of the additional evidence, the conversation likely took place about an hour later, at about 7:00 p.m. The Assistant Chief recalled the captain relayed to him the detective wanted to recover the skull, pelvic bone and the leg bone. The Assistant Chief was specifically asked by investigators what the captain's response was:

Question: And so was [the captain] relaying this information to you or were you just listening to [the captain]?

Asst. Chief: I listened to him and then we hung up, he said you know, "The detective wants to, wants to gather the bones," and I said –

Question: What was [the captain's] response to the investigator when that conversation was going on?

Asst. Chief: He told the investigator also, "Let us look at the photos. Just let us look at the photos and then we can make a determination."

Investigators asked the Assistant Chief to review another report, which asserted the captain had given permission to move the skull, pelvic bone and the leg bone:

Question: So are you saying that at no time, in no manner, shape or form did [the captain] ever give permission to move anything? Is that, I mean do I understand that correctly?

Asst. Chief: Well not to my knowledge. The only instruction was if it is just those bones and if we can look at the photos, then yeah, we would get permission, but we need to have somebody on the ground and we need to look at the photos."

The Assistant Chief went on to explain any permission to move the three visible bones was contingent on first seeing the photos.

While the Coroner captain recalled "relaying" what the detective was saying to the Assistant Chief, it appears the Assistant Chief was not aware the captain had given permission to remove the visible bones without first seeing the photographs. The effort to remove the remains that had been observed, which were believed to be the skull, pelvic bone and leg bone, was done with apparent permission from the Coroner and within the meaning of the Health and Safety Code § 27491.2 and Department policy.

There is an unresolved factual issue with regard to events at the command post. The Homicide lieutenant, Coroner Assistant Chief of Operations and the captain stated the park rangers' photos were not seen before a decision was made to remove the remains. On the other hand, both the reserve lieutenant from MSAR, who ran the command post trailer, and the second ranger supervisor (the one who was never at the remains site) recalled the photos were viewed by officials. The ranger supervisor stated that an unidentified Coroner's employee said, upon seeing the photos, "Let's go ahead and move the body." The lieutenant recalled he heard the captain give permission to move the remains after the photos were seen. His recollection is the conversation took place just after he emailed the photo to the SORT coordinator. The email was sent at 7:32 p.m., which is after the remains had been moved between 7:04 p.m. and 7:18 p.m. While this factual conflict cannot be resolved conclusively, it appears most likely the photographs were not reviewed by the captain before he provided authority to remove the leg, skull, and pelvic bones. Another interpretation is the remains were removed at the site minutes before permission was given by the Coroner captain. Such a scenario, however, is in OIR's view unlikely based on the statements by the MSAR sergeant and the volunteer reserve deputy who served on MSAR that the Homicide detective finished his telephone conversation with the Coroner captain and said he had just received permission to remove the visible remains. That statement is consistent with what the Coroner captain told investigators about the end of that particular conversation.

In reviewing the events that took place, OIR had the opportunity to meet with the Coroner's Chief of Operations. He explained the discovery of remains in remote areas is not rare. Typically, a hiker will come across remains and alert a ranger or possibly the Sheriff's Department directly. Normally, however, a significant period of time goes by until the Coroner is made aware of the discovery and is able to assemble personnel to respond. The Chief of Operations explained that in such instances it is not unusual for the Coroner to only have enough daylight to have the SORT personnel go to the scene to make an initial assessment of the scene to determine what tools, equipment and staffing are necessary to properly process the scene and then return the next day to conduct a thorough excavation and recovery of the remains – often with the assistance of a forensic archaeologist or anthropologist.

OIR also discussed the potential of guarding the scene overnight with the Chief of Operations. He indicated that in his experience the law enforcement agency in charge will decide whether to guard a scene overnight if security is a concern. For the most part, though, remote areas “are generally not threatened by hikers [or] looky-loos.” He also explained if the Coroner SORT leader felt guarding a site was important and the law enforcement agency declined to do so, the appropriate decision would be made at the time. During the interviews, both the Coroner captain and the Homicide detective mentioned that the prospect of posting guards was brought up but the detective felt posting guards at the upper and lower ends of the canyon would not sufficiently guard the remains site. The Coroner and Sheriff should have better coordination when making decisions about scene security in remote areas because it appears this option was not fully considered by personnel at the command post or at the remains site even though the Homicide detective told investigators that *had* the Coroner told him not to touch the remains and leave them at the site he would have done so.

The decisions and actions by LASD personnel before the recovery were reasonable and appropriate. The detective relayed accurate information both to his lieutenant and the captain from the Coroner. At the same time, the crew chief aboard Air-5 was timely passing information he obtained from the pilots to the Search and Rescue team on the ground. The team at the remains site reasonably assessed the remaining daylight, their equipment, safety conditions and the dilemma faced by Air-5. Under the circumstances it was reasonable for the detective to have advocated for the removal of the remains. It was also reasonable for the detective to assume that the captain had the authority to give permission to remove the remains. More, however, could have been done to consider the prospect of leaving the site as discovered and posting deputies around the canyon area until a more extensive search could be conducted the next day.

D. ONCE ADDITIONAL REMAINS WERE DISCOVERED, IT IS UNCLEAR WHETHER LASD SOUGHT ADDITIONAL GUIDANCE FROM THE CORONER ABOUT HOW TO PROCEED.

There is significant factual disagreement about the decision made to remove the remains once investigators discovered more were present than expected. While the Homicide detective initially only recalled advising his lieutenant more remains were discovered than anticipated, the Search and Rescue sergeant recalled the detective responding to inquiries about putting the remains back to where they were found.

The Assistant Chief told investigators he was advised by the Homicide lieutenant that leaves were brushed aside at which time it was learned more remains were present and he, at that point, said the remains should not be touched. He told investigators that about ten minutes later, the Homicide lieutenant told him the remains were on Air-5 and on the way to Lost Hills Station. The Homicide lieutenant recalled he told the Assistant Chief the detective told him he had received permission to remove the three visible bones and, when he did so, more skeletal remains were recovered. He told investigators he told the Assistant Chief that LASD would not be leaving the now exposed remains at the site and would be bringing them out. The Homicide lieutenant did not say to investigators the Assistant Chief told him the discovered remains should not be touched, moved or put back to where they were discovered.¹⁸

Once the Coroner captain gave permission to the Homicide detective to, in the language of the Health and Safety Code section 27491.2(b), “disturb or move” the remains, there is a dispute between the Assistant Chief and the Homicide detective about whether he rescinded the apparent permission that was given to the detective. The discrepancies in the recollection of the conversation which went on between the Homicide lieutenant and the Assistant Chief also cannot be resolved. Even if the Assistant Chief did tell the Homicide lieutenant the discovered remains should not be moved at that point, such instruction was not communicated to the personnel at the remains site or to Air-5. It appears the time when the Homicide lieutenant informed the Assistant Chief of the additional remains and the extraction by Air-5 were separated by moments if not even overlapped.

Despite the apparent initial authority to remove the remains, however, the Sheriff’s Department personnel should have made a greater effort to confer with the Coroner once the additional remains were found. It is not clear why the detective first contacted his lieutenant rather than the Coroner captain from whom he received the initial permission to move remains. The Coroner captain did appear to give permission to remove what the detective

¹⁸ In follow-up consultation in preparing this report, the Coroner maintains that once the remains were determined to be more than the three reported single bones, recovery efforts should have ceased and left for the following day.

thought were the only remains at the scene. The situation changed, though, once the additional remains were discovered. At that point, the conditional authority by the Coroner's captain to remove what were believed to be three bones had now morphed into retrieving a largely intact skeleton. At that point, it was incumbent upon the Homicide detective to inform the Coroner's captain of the changed circumstances and receive direction from him about whether his authority to remove the remains still held.

As detailed above, our initial review of this matter found that such a conversation did not take place, however, towards the end of OIR's process, the Homicide detective recalled that he had, in fact, had a conversation with the Coroner's captain and he had received permission to fly out all of the remains. Because of this conflict in the evidence, we will never know for certain whether such a request was made. If in fact, the detective had only contacted his supervisor rather than a Coroner's representative about the additional finds it was a significant lapse of judgment on behalf of the detective. If the contact had not been made it would not have allowed the Coroner's representative, who under state law is the ultimate authority on remains removal, to reassess his conditional permission based on the new findings. If, as the Homicide detective now avers, such re-contact was made and additional permission had been given, LASD would not be subject to this criticism.

Unfortunately, because of the now existent factual dispute, we are unable to determine which scenario occurred. This dispute does highlight the main thrust of this report; namely, the need to better coordinate and document the efforts of the two Departments in future body recovery efforts. If, in fact, there had been no re-contact by the Homicide detective once the additional bones were discovered, the failure to re-contact would have been mitigated by the fact that by the time the detective was aware that they had more than three bones, the remains had been disturbed. It was impossible at that point to turn back the clock and reinter the remains back to the exact same manner in which they were discovered.

E. LASD PERSONNEL DID NOT MISDIRECT THE AUGUST 10, 2010 CORONER TEAM.

There is a factual dispute regarding the communication between the Assistant Chief and Coroner with LASD personnel the morning of August 10, 2010. The Coroner's Office has asserted the Homicide detectives refused to participate in the additional search and that Search and Rescue was not available. This allegation is contradicted by the Air-5 crew chief who told investigators it was the Coroner's personnel who rejected his suggestion that Malibu Search and Rescue be called out and asserted that they knew where the location was.

The Homicide detective recounted he spoke with the Coroner captain on the morning of August 10 and offered that he and his partner meet them at Lost Hills Station. The

detective told investigators he was told the detectives were not needed because the Coroner had the GPS coordinates. At this point, it is not possible to reconcile the factual dispute between the Coroner that the detective refused to accompany the SORT team and his claim that the Coroner captain said that he wasn't needed.

The Department of the Coroner's written report asserting that Air-5 dropped the SORT off in the "wrong canyon" was not accurate. In fact, the team was not dropped off in the wrong canyon; rather the primary reason the SORT could not locate the remains was that SORT personnel forgot their lone GPS device on Air-5. The SORT coordinator admitted to investigators that if the team had the camera they would have likely found the remains site.

It is not known what coordinates the SORT used when they were trying to find their way while aboard Air-5 with the camera; but the most likely source is either the e-mail sent by the Search and Rescue lieutenant to the SORT coordinator the evening of August 9 or the coordinates that the Air-5 pilots were using from the previous evening.

The Search and Rescue reserve lieutenant explained the coordinates provided are only accurate insofar that the proper datum is used to locate the particular location on a map. A datum is "a set of constants specifying the coordinate system used for geodetic control, i.e. for calculating the coordinates of points on the Earth."¹⁹ The Search and Rescue lieutenant explained to investigators that one set is the North American datum of 1927 (NAD27) which was once the reference in North America. The Department of Defense then developed the World Geodetic Survey (WGS) 1983 and 1984 which places the datum in a different location for referencing maps. Thus, the lieutenant explained there is about a 400 foot difference in locations using WGS-84 and NAD27. When he sent the e-mail to the SORT coordinator he didn't reference which datum "because generally when referencing minutes and decimal degrees it is the WGS." All aircraft and GPS devices, he explained, use WGS 84.

This discussion is offered as a reference to help illustrate that the LASD made efforts to try to understand why the SORT was purportedly in the wrong location on August 10. It was not until the SORT coordinator was interviewed that it became known that the Coroner's investigators did not have a GPS system with them on the ground to guide them to the location. This does not explain, however, why the team was not lowered by Air-5 into the exact location from where the remains were recovered the night before. OIR does not know what the format of coordinates the Coroner's camera displayed or whether they were accurate.

¹⁹ National Oceanic and Atmospheric Administration, *National Geodetic Survey: Frequently Asked Questions* (2011). <http://www.ngs.noaa.gov/faq.shtml>. Accessed July 30, 2011.

Without a dedicated GPS device, instead relying on a camera, and without the personnel from Search and Rescue who were on the ground the prior day, it is plausible that a computation or format error was made so that the SORT team began their search several hundred feet further down the canyon from where the remains were located.

F. THE LASD DID NOT MISHANDLE THE RECOVERED CLOTHING.

As discussed in detail above, the detectives and Search and Rescue personnel recovered the clothing found in the canyon and placed it in the body bag where the skeletal remains were wrapped in plastic sheeting. The detective saw the clothing again at the Coroner's Office when he attended the autopsy.

The recovery of the personal property from the canyon scene was within Department policy. Considering the remote area and time of day, it was reasonable for the detectives to conclude that the removal of the clothing from the scene was "essential to the investigation" as described in MPP 5-09/090.20.

It appears that all visible property, namely the clothing, was collected and delivered to the coroner as quickly as possible by the detectives. There has been no concern registered by the Coroner's Office regarding the timeliness and manner of delivery of the clothing by LASD personnel. Once the clothing was in the care of the Coroner's Office, it was that department's responsibility to safeguard it. The Assistant Chief acknowledged that once the clothing was delivered to the Coroner's Office by LASD, the handling of Ms. Richardson's clothing was the responsibility of the Coroner. Because the case had not been classified as a homicide, the clothing was not turned over to the detectives as evidence for examination by LASD's Scientific Services Bureau. The Assistant Chief explained, "It came in as a Doe case and it should have been retained. It didn't, it wound up going out when the body was released." The release of the clothing occurred without the knowledge of or authorization by the Sheriff's Department.

VI. OIR PROPOSED RECOMMENDATIONS

OIR proposes a number of recommendations for the Los Angeles Sheriff's Department to consider for adoption. As previously stated, the scope of this report is confined to the LASD. Policies, internal reviews and recommendations are not being presented regarding the Coroner as that is not within the purview of OIR.

A. NOTIFICATION OF THE HOMICIDE BUREAU

Recommendation No. 1:

The Department should provide training and advisement to its field units of the importance of immediate notification to the Homicide Bureau.

B. JOINT OPERATIONS BETWEEN LASD AND THE CORONER

Recommendation No. 2:

The Department, particularly the Homicide Bureau, needs to become aware of Coroner policies, their chain of command structure and the role and capabilities of the Special Operations Response Team.

Recommendation No. 3:

At incident scenes, the Department member in charge of the scene or Command Post must identify the Coroner member who has decision-making authority. Only Coroner members to whom authority has been clearly delegated should be relied on for making decisions.

Recommendation No. 4:

Department units should conduct exercises with the Coroner's Special Operations and Response Team to better manage complex inter-agency situations, such as multiple casualty events and remote remains locations.

Recommendation No. 5:

Sheriff's Homicide personnel should always be present when Coroner personnel return to a scene for additional investigation.

C. AERO BUREAU OPERATIONS

Recommendation No. 6:

Aero Bureau should not insert members of other agencies into remote locations without interoperable radios when unaccompanied by either Search and Rescue or Emergency Services Bureau members or other appropriately trained Department members.

VII. CONCLUSION

The disappearance and death of Mitrice Richardson was and continues to be a tragedy. It is hoped that this recitation of the various statements of the involved witnesses to the recovery of her remains, as well as the documentary and photographic evidence, will present additional insight into what happened during that process. We also trust that LASD will look to the above recommendations as a way to ensure smoother coordination in future joint recovery efforts.²⁰

²⁰ We expect that LASD has already used the lack of coordination surrounding the recovery of Ms. Richardson's remains as a learning experience. We were alerted to a remains recovery in the Lost Hills Station area in the fall of 2011. In that case, hikers found skeletal remains and flagged down a uniformed deputy. Homicide and the Coroner were called and responded to the location but because of the terrain and lack of light, the remains recovery could not be completed. As a result, the remains were left intact and deputy personnel were stationed at the trailhead to restrict access until the Coroner, Homicide, and Search and Rescue could complete the removal the next morning.

ADDENDUM: The Richardson Tragedy Produces Systemic Reform

A. Systemic Reform at Malibu/Lost Hills Station

In July of 2010, OIR made a number of recommendations for the LASD and specifically the Malibu/Lost Hills Station to adopt which would modify release procedures and enhance the ability of arrestees to contact family or friends after release. OIR was encouraged that the leadership at Malibu/Lost Hills Station implemented the recommendations and that the Department took an important step towards safety through a policy adoption which mandates the retention of cell phones and other personal property at the time of arrest.

Recommendations made by OIR:

1. “All calls from station jails by arrestees must be made on a recorded line.” Adopted by Malibu/Lost Hills Station on August 12, 2010 with the additional mandate that all recorded call shall be digitally stored for two years.
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.” Adopted by Malibu/Lost Hills Station on August 12, 2010 with additional language that, if applicable, the cell phone should be booked into evidence.
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.” Adopted by Malibu/Lost Hills Station on August 12, 2010 with the additional language that personnel can restrict access if the phone is seized as evidence and access would compromise and investigation.
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.” Adopted by Malibu/Lost Hills Station on August 12, 2010.
5. “All calls to a Department station regarding an arrestee’s anticipated release should be directed to the station jailer.” Adopted by Malibu/Lost Hills Station on August 12, 2010.
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 of each call received and require the arrestee to sign the booking form indicating receipt or declination of the documented information.” Adopted by Malibu/Lost Hills Station on August 12, 2010, however, the station chose to include the information on the Arrestee’s Release Information Form, which is signed by the arrestee following receipt or declination of the form.

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.” Adopted by Malibu/Lost Hills Station on August 12, 2010, however the station removed any reference to the availability of space in the jail as a condition for the offer to stay overnight. The advisement is documented on the Arrestee’s Release Information Form.
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.” Malibu/Lost Hills Station created the Arrestee’s Release Information Form as a result of the recommendation.
9. “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.” The request for the installation of video surveillance cameras at Malibu/Lost Hills is part of the 2011/2012 Capital Projects request made by Region I. To this date the request has not been approved.
10. “Footage from exterior station video surveillance cameras shall be recorded and stored in a digital format.” While the funding for outside cameras is pending, the station did proceed and installed digital recording capability for the jail video monitors in place of an old VHS tape system.

B. Department-wide Systemic Reform

As a result of his case, and other incidents brought to the attention of the Office of Independent Review, an issue was identified regarding the retention of property at the time of the arrest. There were occasions in which a person would be arrested and cell phones, credit cards and other personal items would be placed in the trunk of the vehicle. This technique became potentially problematic when the arrestee was released from custody and property that could have facilitated arrangement of transportation was no longer readily available to the arrestee. If the cell phone and credit cards remained with the arrestee and were

transported to the station, the arrestee would have a far easier time in contacting friends and family and/or arranging transportation.

Once this issue was identified, OIR raised it with the Sheriff and he agreed to develop department-wide policy that would make it likely that cell phones and credit cards went with the arrestee to the station. The LASD adopted this new department-wide policy on May 22, 2011:

The arresting Deputy shall, when practicable, book with the arrestee certain personal items or items of personal identification in possession of the arrestee at the time of arrest (e.g., driver license, passport, credit cards, cellular telephone, etc.) when the items would provide proof of identification and/or facilitate the identification/booking or release procedure.

The “when practicable” provision recognizes there will be times when it is not practicable to follow this procedure, such as when an arrestee needs immediate medical attention. OIR is pleased that coming out of this tragic episode, the Department agreed to implement systemic reform with regard to some of the issues identified. OIR will continue to monitor the implementation of the new Department policy and station orders to determine their efficacy and level of compliance.