



UNITED STATES MISSION TO INTERNATIONAL ORGANIZATIONS
GENEVA, SWITZERLAND

October 3, 2014

OHCHR REGISTRY

United Nations Office of the High Commissioner
for Human Rights (UNOHCHR)
Palais Wilson
1211 Geneva

- 7 OCT 2014

Recipients : S.P.D.
.....
.....

To the Attention of :

Ms. Raquel Rolnik
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Mr. David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mr. Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mr. Michel Forst
Special Rapporteur on the situation of human rights defenders
Geneva, Switzerland

Mr. Juan Mendez
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
Geneva, Switzerland

Dear Ms. Rolnik, Mr. Kaye, Mr. Kiai, Mr. Forst, and Mr. Mendez:

I am writing to follow up on a previous response, transmitted last November, to the inquiry regarding Steve Richardson of Los Angeles, dated February 2012. As our previous response noted, we transmitted your inquiry to the appropriate local authorities. We subsequently received a response from Jackie Lacey, District Attorney, Los Angeles County.

District Attorney Lacey's letter states, in substantive part:

"Your letter was referred to me regarding the inquiry from several United Nations Special Rapporteurs. In preparation for this response, I reviewed documents our office had on Mr. Richardson from 2008 to the present including, a charge evaluation worksheet and his entire criminal history. I spoke with a deputy

district attorney who had responsibility for prosecuting his felony arrest in case BA340254 since the file is not available. I also googled "General Dogon" which is how he refers to his work for the Los Angeles Community Action Network and watched an interview from June 12, 2013 which can be accessed on WWW.Frank151.com.

The allegations made are very serious and the letter does not identify the source of the information. I am precluded from disclosing Mr. Richardson's criminal record but he does speak freely in his interview about the fact that he has previously been convicted of robberies. It has been the Los Angeles County District Attorney policy to distinguish between serious and violent felony charges and other felonies in determining whether to seek a third strike sentence since 2001. The words "serious and violent" are legal terms of art referring to specific classes of crimes in California such as murder, rape, assault with a deadly weapon and robbery. Most felonies in California are not designated as serious or violent although robbery is both a serious and violent felony.

Contrary to the allegations contained in the United Nations correspondence, Mr. Richardson was never charged with a serious or violent felony in the felony case filed in 2008. There was also an evidentiary hearing in which the sworn testimony given was different than the representations made in the letter. I would refer you to the preliminary hearing transcript of August 11, 2008 which is in the Los Angeles Superior Court file for case number BA340254. Mr. Richardson was not in custody while the case was pending.

We cannot speak to the representations made regarding the City Council or the City Attorney. Those reports were not submitted to us and we were not a party to the litigation. We have no record of ever reviewing any reports regarding an incident which occurred in May 2010. It is interesting to note that Mr. Richardson admits the City of Los Angeles had given him a commendation for the work he was doing on behalf of residents of Skid Row, an act which seems in direct contradiction to his allegations that he is being discouraged from freedom of speech and harassed.

The matter which occurred in October 2011 involved an independent police agency which works for the University of Southern California, a private college. It was initiated because of a call made to the police. He was arrested for a charge which is again not a serious or violent felony. Mr. Richardson was released after the arrest and out of custody during the review process. Our office reviewed the case and referred it to the City Attorney's for filing review as a misdemeanor.

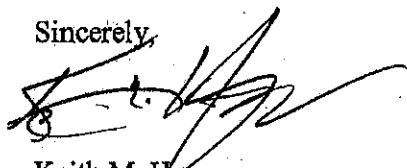
Mr. Richardson also availed himself of the judicial process and sued the Los Angeles Police Department in Federal Court. It is my understanding that matter went to jury trial in the spring of 2013.

The District Attorney's office takes its ethical obligations very seriously. We use a filing review standard of proof beyond a reasonable doubt. We consider the "race, color, religion, ancestry, national origin, sex, sexual orientation, occupation, economic class or political association or position of the victim, witness or the accused" to be an improper basis for charging a crime. My review of the allegations and the resolution of the crimes presented to our office lead me to believe that we have complied with our ethical obligations and that the concerns of the United Nations Rapporteurs were unfounded.

Thank you for giving us this opportunity to respond to these allegations.

(End response)

Sincerely,

A handwritten signature in black ink, appearing to read "Keith M. Harper", written over a horizontal line.

Keith M. Harper
Ambassador
U.S. Representative to the United Nations
Human Rights Council