

People's Investigations Handbook



People's Investigations

People's Investigations are community based defense and justice projects to conduct independent inquiries into incidents of police violence and misconduct. These are collaborative, grassroots initiatives and are a way for you to become involved in sharing and producing information together. The information you produce through the investigations can supplement the work of lawyers and support court cases; provide narratives to counter mainstream media portrayals that criminalize and dehumanize people targeted by police; and inform direct action tactics and other political strategies. These investigations also provide an open space for you to come together and share in the process of research and to take control of our own safety as a community.

Copley Press vs. The City of San Diego (2006) and the Police Officers' Bill of Rights (1977 (a response to a California Supreme Court case and Pitchess versus Superior Court --1974)) are recent court decisions and legislation that have clamped down on our ability to get information about officer involved shootings and other forms of police abuse and misconduct. In Berkeley, the Police Review Commission (PRC) has become increasingly unwilling to follow through on its mandate to investigate police shootings, in-custody deaths, and other forms of misconduct and brutality against civilians. City sponsored, civilian oversight does not function in this climate of intense militarization of police. That is why the true independence of neighborhood-based inquiries is becoming the most potent weapon against police abuse.

People's Investigations

Regular people can conduct credible investigations of police crimes.

People's Investigations respond to increasing police violence, lack of transparency around police conduct, ineffective and impotent review boards, and the desire to organize ourselves outside of the institutions of the state.

People's Investigations place the survivor's or the victim's family and friends at the center of the care and concerns of the investigation. These investigations are committed to supporting the family's version of justice; to assist families in securing responsible legal counsel; and in working collaboratively to review information and organize actions and responses.



Berkeley Copwatch recently created a People's Investigation into the in-custody death of Kayla Moore. It can be accessed here:

berkeleycopwatch.org/resources/

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Conducting Investigations

People's Investigations should cover the following areas as soon as possible:

I. Gathering Evidence

Photographing and recording the scene.

As soon as possible, take as many photos of the scene as you can. Be sure to return to the scene when lighting and traffic are the same as they were at the time of the incident and take photos from additional angles. If possible, take video footage as well. Look for physical evidence the police may have overlooked.

Finding and interviewing witnesses.

Canvas the neighborhood for witnesses. This may involve standing at the site of the incident with a clipboard or notebook and asking people what they know about the incident, or if they saw it. We recommend going in pairs. One person can ask questions and the other can take down witness statements, and catch other people as they walk by. Remember to write down all names and contact, and ask if it is okay to follow up.

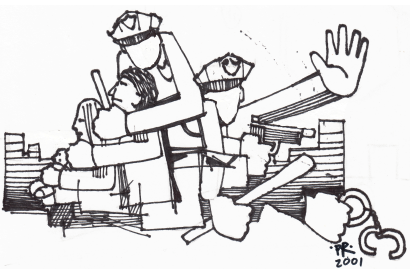
spokeo.com can be a valuable reference for finding individual's contact information.

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Whenever you can, rephrase the witness's statements to check for understanding and to give them your contact information so can get back to you if they remember additional information later.

It is critical important to start investigating and interviewing witnesses immediately, when memory of the scene and of the incident is fresh. This will allow you to access information without risking witness tampering. Once a case is in progress and pending and you proceed to interview a witness, this can be considered witness tampering. If you track down witnesses immediately following the incident, you do not face this risk. When police officers are interviewing people, it is fine for you to also interview people. But you must interview people soon before names are included in an indictment or prosecutorial documents. You may be able to get statements from people that the police have not yet spoken with, and you may be able to compile statements that later contradict the police version.

While recording statements is a good practice, tape recordings can be intimidating for people. You may want to proceed with questions while your partner writes down the narrative. If the witness seems comfortable, you may decide to start recording. Always ask for permission.



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Lots of important information is created and stored by police officers and investigators. We have a right to that information. Writing a Public Records Act Request is not difficult. Try to include:

- Name of the agency and person in the department who should respond. (Include lots of cc's to additional people of importance, such as Chief of Police, City Attorney, City Clerk, Custodian of Records or any other people who you think might have access to the documents you are trying to get.
- Specific names of reports, documents, etc and dates when they might have been created.
- That you know your rights under the CPRA and that you expect a response within 10 days. Also, indicate if you want digital or paper copies and where those should be sent.
- Check out: <http://www.thefirstamendment.org> for more info on how to write a good PRA!

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From the Police Department

Ask for:

- Dispatch tapes: Request the audio and the transcript.
- CAD: This is the read out of messages sent between police officers via computer. Ask for this information from the based on time and location of the incident.
- All lab reports from the Criminal Lab.
- 911 tapes and all county communication tapes that reference the incident.
- Ask specific officers or Records Division for policies about how long they keep records.
- Ask for department roster of officers according to badge number and name, rank and serial numbers. You can also ask for assignments and beats.
- Ask for roster of helmet numbers issued to officers. While badge numbers are consistent, sometimes officers' helmet numbers can be different from protest to protest.

Officer involved shootings will trigger three different investigations at the following levels: Homicide; District Attorney and; Internal affairs. Each of these offices keeps a log of police officers who were involved in shootings; you can request a log of Officer Involved Shootings for long span of time to reveal patterns.

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Some departments are required to complete investigations within a certain period; for example, the Oakland Police Department is required to complete all investigations within 180 days according to the consent decree. After the investigation is complete, you can request the police report.

From the District Attorney's Office

Ask for:

- The Officer Involved Shooting Report. This is required in all fatal officer involved shootings. (Note: In Alameda County, non-fatal shootings by police are not investigated nor are officer related deaths not involving a firearm.)
- In cases of arrests, ask for the docket number and the Personal File Number (PFN) of the victim
- Affidavit for a search warrant- this would give the reason that cops gave to the judge to convince him/her to sign the warrant.
- For Alameda County, the main phone number is (510) 272-6222; the email is info@acgov.org; and they are located at 1225 Fallon Street, Suite 900, Oakland, CA 94612.

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From the Coroner's Office and County Recorder

Ask for:

- Coroner's Investigator Report
- Autopsy Report
- Coroner's Notes
- Blood and tissue samples for independent testing
- All Lab reports
- You may want to consider an independent autopsy (but this costs a lot of money)
- Death certificate (this is usually available two months after the death)

In many counties, the coroner's office is run by the office of the sheriff (Alameda, San Joaquin), while in other counties, the Coroner's office is independent (San Francisco). This office can tell you if/when someone died. Give them the person's name and information. Autopsies tend to take 6-8 weeks and will only be released if the case is "closed". If they are unable to release information, ask if there is a police department hold. If yes, have them confirm this in writing. For Alameda County, call (510) 268-7300. They are located at 480 4TH St, Oakland, CA 94607.

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From the Hospital and Fire Department

Ask for:

- Ambulance Reports
- Hospital Records (these are generally confidential if you are not family)
- Blood and tissue samples for independent testing
- All Lab Reports
- Fire Department Report
- Consider requesting an independent pathologist (this can be expensive)

In all phases of gathering information, keep a record of all visits, phone calls, and emails. Take notes, and make sure you include who you spoke with, when you spoke with them, and what was discussed. Email is a good way to keep a record of your requests, and certified mail and/or registered mail will allow you to demonstrate that it was received.

For all Public Records Act Requests, it is important to note that there are many exemptions to these laws, but the main law is that agencies are required to respond to you within 10 business days. They can give themselves an extension of 14 days if they have a good reason. If the agency or office violates this, ask a lawyer to write a letter of warning. If needed, sue them.

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Records of misconduct of particular police officers can be difficult for People's Investigations to access. Defense Attorney's have access to individual officer's personnel files through filing a Pitchess Motion. These motions can reveal important trends and other information that can support the People's Investigations. It is important to work with attorney's on the case to see if they have filed this motion.

If you need to connect with the victim's lawyer, ask the Public Defender. He/she can give you the number of the lawyer. The Public Defender can be reached at (510) 272-6600.

Active Criminal Cases

To get information on active criminal cases, go to the Rene Davidson Superior Courthouse, First floor. The first step is to access the Active Criminal Case index- currently being heard. Get the docket number, and then give this number to the clerk who will bring you the file. There is charge per page for copying. You can also access the affidavit for a search warrant, police reports, past criminal cases, probation reports, police officers involved, witness statements, and a list of evidence. There is a website where you can look up whether a case has been filed; while it is a subscription site, you can access it through the courts in Oakland. It is www.pacer.gov

Federal cases are listed in the Federal Building in a computer terminal.

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Cases that are already finished will remain there for seven years and then will be sent to an archive. Clerks will still get information on these cases for you, but it will take longer.

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Next Steps in the People's Investigations

After you have documented the scene and any evidence, interviewed witnesses, and gathered as much information as possible from various agencies and offices, your community can decide how to further develop the investigation. You may decide to hold a press conference or write a press release, to insure that the incident is not forgotten and to challenge the criminalization and dehumanization that occurs in most media reports around police violence. You may decide to call a rally or protest to demand the release of certain documents or to raise visibility and organize others. You may want to begin connecting with other groups to build support and strategy, discussing this where possible, with the family and friends of the survivor or victim. You may want to come up with a strategy together for reading through the documents that you will receive. There are many creative possibilities for caring for each other as part of this process. People's Investigations can be a tool and a process to defend your community, to seek new forms of justice, and to organize ourselves collectively to build safer communities.