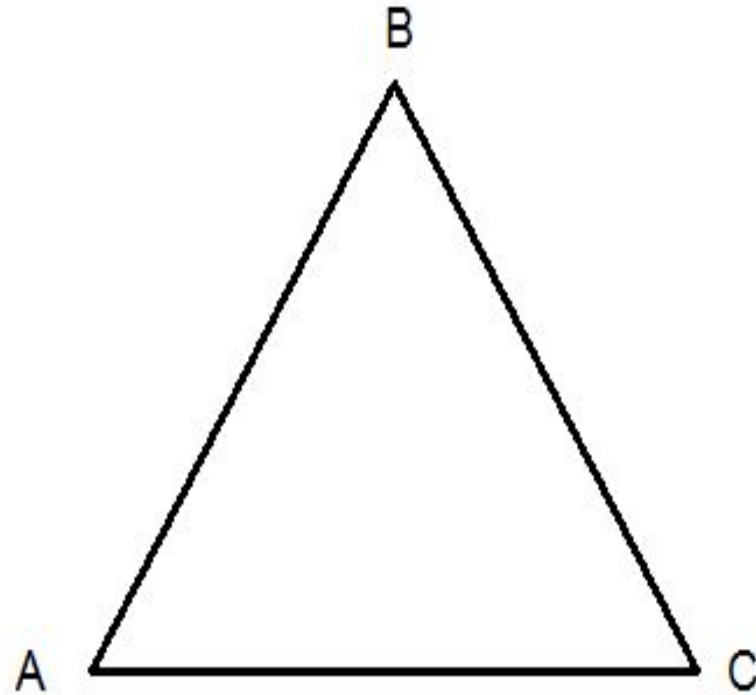


# Thomas Peele, Public Records

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- 510-499-4944
- Office hours for October: Tuesdays, 5-7, courtyard or Fishbowl
- Thursday night Investigative Reporting Program California Corruption Project public records workshop, 6-8 p.m., IRP Office

# Identity & the Art of Triangulation



# Getting Identity Right

- The three key identifiers.
- 1 Full name, including middle name: John Public, John Q Public, **John Quincy Public.**
- Date of birth. 7/04/1776
- Social Security Number. 123-45-6789

# Social Security Numbers

- Not as scary as they seem.
- Double as Tax Identification Numbers (in effect they are a national ID number given to each citizen.
- Used in public documents such as tax liens.
- Often turn up in Divorce and Bankruptcy files.
- First three digits indicate birth location and/or state of issuance.

# Dates of birth

- Knowing the date of birth of a person you are seeking takes that person from every one conceivable with that name to those born on a specific day.
- Dates birth easier to find than ever thanks to social media – at lease day and month.

# Names

Always pursue the full name of the person you are pursuing.

Thomas Boyle is a common name found more than 3,000 times on Nexis-Lexis in the U.S.

Thomas C. Boyle, a reduction of 25 of the 26 possible middle initials, still leaves you with thousands of choices.

# Names

- But the full name Thomas Coraghessan Boyle is completely unique to one person, the writer known as T.C. Boyle.



# T.C. Boyle



# Identifying the wrong person

- Is a grievous journalistic error that can seriously damage a career. Take the case of...
-

# Annie Oakley



# In 1903

- Oakley sued two Hearst Newspapers in Chicago after they reported she had been arrested for theft to support a cocaine habit.
- The problem was the woman arrested for theft, a burlesque performer, used the stage name Any Oakley.
- Eventually, she used 55 newspapers, winning or settling 54 cases and collecting between \$250,000 and \$800,000.

# And more recently there was Jane Kim

- Kim ran for SF Mayor earlier this year when the SF Chronicle emailed her a number of questions that had been fed to a reporter by her opponents.
- The questions included one asking Kim when she hadn't disclosed income from a company where her father worked.
- She had no income because it was the wrong Jane Kim

# Welcome to journalism in 2018

- Kim turned the tables on the Chronicle by publishing her response to the Chronicle and badly embarrassing the reporter who was removed from covering the election.
- “That’s not me; it is a different Jane Kim. Kim is actually a very common Korean name,” Kim wrote. “Even though we received these questions less than 24 hours ago, my team Googled “Jane Kim” and “Ivy Enterprises,” called the company and spoke to this other Jane Kim who confirmed her employment. I would suggest the Chronicle also verify information received from opposition research in the future.”

# No where are

Full name,

Date of birth,

And Social Security Number

Available in one easy and convenient place.

So we have to be pack rats, hoarders, when it comes to them.

And the best place to start is....

# The Courts





# Court records are

- Among the most depended on records journalists use
- Accessible under common law and the First Amendment
- Carry the weight of legal authority and reporters' privilege

# Court and records structure

- United State and most state have similar court structures:
- Trial
- Appellate
- Supreme

# Why police/criminal court records are important



# Criminal courts are the intersection of

- Police records that are not otherwise releasable public records
- Charging documents and criminal histories filed by prosecutors. In other words, this is the intersection of the executive and judicial branches of government.
- Revelatory prosecution and defense motions concerning evidence and defendants criminal past.

# What you don't get from the cops includes

- Arrest reports
- Interrogation transcripts
- Investigator's notes
- Intelligence reports
- Complaints against individual police officers
- Internal affairs reports
- Disciplinary outcomes

# What you can get

- Name of cops involved in Officer Involved shootings
- Salaries – from employing government agency.
- The department operations, or field manual
- Dispatch records showing call for service to and from a particular location

# Public Records Act 6254 F (1)

- Notwithstanding any other provision of this subdivision, state and local law enforcement agencies shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation: (1) The full name and occupation of every individual arrested by the agency, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

# Two uses of criminal records

- 1. Covering what is going on. Police do not charge people with crimes. They make arrests and present potential charges to prosecutors. Prosecutors make charging decisions. The key document in this scenario is commonly called a “PC dec,” short for probable cause declaration. A PC dec will lay out the basis of an arrest and charges filed by a prosecutor.



# The deeper use

- Is to fully understand a criminal case and the background of a given individual.
- Motions to exclude evidence against and the criminal history of a person charged with a felony can contain a treasure trove of facts.
- Search warrant affidavits and search warrant returns can contain endless info about criminal enterprises.

# Affidavit

**affidavit** (,æfɪ'deɪvɪt)*n***1**. (Law) *law* a declaration in writing made upon oath before a person authorized to administer oaths, esp for use as evidence in court

# How to get records

- SHOW CA MAP OF COUNTIES

# Access to CA criminal court records

- Few California criminal records are available online.
- Go to the courthouse where records are kept. If a county has multiple court houses, make sure you have the right one.
- If travelling even a short distance, call ahead.
- Know the hours and days of the criminal court clerk's office. Ask if there is a public access terminal. Ask if there books.
- Be exceedingly polite. File clerks have a great deal of power over you whether you like it or not. "Nope, not here."
- Going to a courthouse? Don't dress like a criminal. Dress up.
- Metal detectors. Every court has them. No pocket knives. No nail files. No scissors. Check you bag for this stuff. **(Seriously)**

The good news

Amazingly, the  
Federal  
Government does  
it better

**PACER**

**PUBLIC ACCESS TO  
COURT ELECTRONIC  
RECORDS**

# CRIMINAL AND CIVIL

- All in one place
- For the entire country
- Plus bankruptcy
- Plus appellate courts and the Supreme Court
- All online

# Civil litigation

## Lawsuit

A claim or dispute brought to a court of law for adjudication.

“His lawyer **filed a lawsuit against** the city of Los Angeles.”



# Terms and Process

- **Plaintiff:** The person who instigates a lawsuit. The person suing.
- **Defendant:** The person who is being sued.
- **Complaint:** The document filed in court that contains the plaintiff's allegations against the defendant. (The police officer beat me over the head with a Billy club.)
- **Answer:** The defendant's response to the allegations.

# Newsworthiness

- While some lawsuits are immediately newsworthy, most are not.
- We live in a litigious society; hundreds of lawsuits are filed in state and federal courts daily.
- In either system, a lawsuit must allege a violation of law, i.e., a violation of civil rights laws in federal court or state contracts law in state court.

# Why do journalists care so much about lawsuits? Facts

- Facts: The deeper and longer a lawsuit drags out, the more facts end up in evidence.
- The totality of facts: One excessive force suit against a cop might not tell us much. Six excessive force lawsuits against the same cop tells us a lot.
- Previously unknown facts often emerge in lawsuits.

# Depos

- Depositions don't take place in courtrooms. Instead, they usually takes place in attorneys' offices. The attorneys will ask the witness, or deponent, a series of questions about facts and events related to the lawsuit with the entire deposition recorded word-for-word by a court reporter.