

# BAPW POLICE MISCONDUCT RESOURCE GUIDE



## WHAT IS POLICE MISCONDUCT

Police misconduct refers to brutality, corruption or other objectionable actions like false arrest, intimidation, racial profiling, political repression, surveillance abuse and sexual abuse taken by police officers in connection with their official duties. It is a crime for one or more persons acting under color of law willfully to deprive or conspire to deprive another person of any right protected by the Constitution or laws of the United States. (18 U.S.C. §§ 241, 242). "Color of law" simply means that the person doing the act is abusing power given to him or her by a governmental agency (local, State, or Federal).



## HOW TO FIGHT BACK AGAINST POLICE MISCONDUCT

If you feel your rights have been violated, make sure to document the incident. There is never an excuse for the police to abuse you. Police officers can and do make mistakes. In this respect, they are no different than you or I. And it is for this reason that they must also be held accountable when their actions take them beyond their scope of privilege as a sworn officer of the law. The area of law concerning police misconduct involves situations like excessive force, false arrest and malicious prosecution.

These are the most common cases that are filed in the Court System. Police officers are trained to make split-second decisions under the most stressful of situations, yet it is in those situations where countless people have found themselves victims of police misconduct.

You can file a complaint with the internal affairs department, or a tort claim with the city or county where the abuse took place. You can write letters to the editors of community papers; the idea being that this will help bring attention to the issue, and possibly alert members of your community to what is happening.

It's also important to support your community members when needed. When something happens in your community show up at Board of Supervisors meetings, City Council meetings, and at the Police Commission meetings; they listen when people are in numbers.

If you witness someone being abused by the police, write down as much information as you can: badge numbers, car numbers, names, and uniform types.

Become a community activist. Educate yourself and your community about your rights. Find organizations that hold “know your rights” workshops, and sign up for one. You can take what you learned and then help teach others of their rights.

It’s important to network with people who have had similar experiences and have community meetings. You can always volunteer at a local organization that is working on these issues and find a way to start your own. The more community awareness the better.



## HOW/WHERE TO FILE COMPLAINTS

Everyone has the right to access a department’s grievance process without harassment or obstacles. You should be able to pick up a complaint form in person or have it mailed to you. A complaint can be filed at any time after your incident, but just because you can file, doesn’t mean you should. If you are facing pending criminal charges, it is advised that you wait until your charges are resolved before filing a complaint. You want to keep in mind that there could be a risk of retaliation and also you don’t want to do anything to impede your criminal case and have it result in being played out longer than you would want it to. To file a complaint, you must obtain a complaint form from the police department you’ve had an incident with. Some cities have an oversight agency, and in that city, you have the option of filing the complaint with that agency or with the internal affairs department of the police department.



## BASIC INFO ON SMALL CLAIMS COURT

### What is small claims court?

- Small claims court is a special court where disputes are resolved quickly and inexpensively. The rules are simple and informal. The person who sues is called the **plaintiff**. The person who is sued is called the **defendant**.

### How much money can I ask for?

- **You cannot ask for more than \$7,500 in a claim.** You can file as many claims as you want for up to **\$2,500** each. But you can only file 2 claims a year that request more than **\$2,500**.
- You can only sue a guarantor for up to **\$4,000 (\$2,500** if they don’t charge for the guarantee). A **"guarantor"** is a person who promises to be responsible for what another person owes.

## Do I have to pay to file?

- **Yes.** The filing fee is based on the amount of your claim and the number of claims you have filed in the past 12 months. If you have filed in the past 12 months:
- **Amount of your claim: Filing Fee**

\$0 to \$1500	\$30
\$1500.1 to \$5,000	\$50
\$5000.01 to \$7,500	\$75

## Can I bring a lawyer?

- **No,** a lawyer can't represent you in court. But you can talk to a lawyer before or after court.

## How long do I have to wait to go to court?

- If you and the person you are suing live in the same county, you will go to court no more than 40 days after you file your claim. If you do not live in the same county, you may have to wait up to 70 days after you file.

## What kinds of cases go to small claims court?

- There are different kinds of cases. The most common are: car accidents, property damage, landlord/tenant rent deposit disputes, and collection of money owed.

## What will happen at my hearing?

The judge will listen to both sides of the story. To help tell your side, bring evidence like:

- **Witnesses**
- **Photos**
- **Bills**
- **Receipts**
- **Contracts**
- **Any other proof you have**

**The judge may make a decision at your hearing, or mail it to you later.**

Instead of a judge, you may have a commissioner or temporary judge at your hearing. They are both just like judges. **A temporary judge (called a "judge pro tem" or "judge pro tempore")** is a lawyer who hears and decides cases. If you don't want a temporary judge, you can ask the court to have a judge hear your case. You may have to come back another day.

## Can I appeal the judge's decision?

- **You can't appeal if you were the one who filed the claim.** If someone else files a claim against you and you lose, you can appeal.

## How do I file an appeal?

- If you were at the hearing, you must file a form called "**Notice of Appeal.**" You have 30 days to do this after the judge makes a decision. You'll have to pay a fee.

## What happens if someone else appeals?

- You'll have a new hearing. You'll have to bring your evidence and tell your side of the story again. This time, you can bring a lawyer to represent you.

## When is it too late to file a claim?

It's not easy to figure out if it's too late to file. If you're not sure, file your case and let the judge decide.

## Here are some tips:

- If you are suing because you **got hurt**, you can file a claim for up to two years after you were hurt or found out you were hurt.
- If you are suing because a **spoken agreement** was broken, you have 2 years to file after the agreement was broken.
- If you are suing because a **written agreement** was broken, you have 4 years to file after the agreement was broken.
- If you are suing because your **property was damaged**, you have 3 years to file after your property was damaged.
- If you are suing because of **fraud**, you have 3 years to file after you find out about the fraud. Fraud is when you lose money because someone lied to you or tricked you on purpose.
- If you are suing a **government or public agency**, you have 6 months to file a claim with that agency. If they reject your claim, you have 6 months to file a claim with a small claims court.

## Do I have to go to court?

- **If you're suing someone, you must go to court.** You can't send anyone else (even a lawyer) to represent you in court.

### But there are some exceptions. For example:

- You may not have to go to court if: **(1)** you are serving on active duty in the armed forces, **(2)** you were assigned to your duty station after your claim arose, and **(3)** your assignment is for more than six months.

For more information about exceptions, read Civil Procedure Code section **116.540**. Also, check out: *Authorization to Appear on Behalf of Party (Small Claims) (form SC-109)*

### Who goes to court when a business is sued?

- If you are the only owner of a business, you must go to court.
- If you have a partner, one of you must go.
- If the business is a corporation, an employee, officer, or director must go to court. That person can't be hired just to represent the corporation.

### Where can I find more basic information?

To get more basic information visit the Department of Consumer Affairs' Web site.

Information provided by "California Courts Self-Help Center"  
<http://www.courtinfo.ca.gov/selfhelp/smallclaims/scbasics.htm>



## BASIC RIGHTS/BEING STOPPED AND SEARCHED

**REMAIN CALM**, do not become loud.

**DO NOT** reach into your pockets.

**ASK** why you are being stopped.

**KEEP** some legitimate form of identification on you at all times.

**REMAIN SILENT**. You have the right of silence, use it.

**YOU ALWAYS** have the right to legal representation.

**NEVER SPEAK** without a witness being present.

*Remember: Depending upon the circumstances, the officer may*

*think he/she has probable cause to stop you and may use any excuse to harass you.*

### YOU CAN BE STOPPED IF:

- You are running and a crime has just been reported in the area.
- You are hanging around with some people who are under police investigation for one thing or another.
- You are near an area where a crime has just been reported.
- You are somewhere where an officer thinks people have no reason to be at that time of day or night.
- You are acting in a way that appears to the officer to be very suspicious, and you act even more suspicious when the officer sees you have spotted her/him.
- An officer thinks that you have stolen property in your possession.
- An officer stops you walking and you refuse to answer simple questions, give false or evasive answers or make contradicting statements.
- Someone has pointed you out to an officer.
- You begin to bad-mouth an officer.

### WHEN THE POLICE KNOCK AT YOUR DOOR:

- **IF** the police knock at your door and ask to come in, you do not have to let them in unless they have a warrant signed by a judge.
- **IF** they have a warrant, ask to see it.
- **IF** it is an arrest warrant, **CHECK** the name to make sure they have the right person.
- **IF** it is a search warrant, make sure it is for your specific address. **LOOK** at what is listed on the warrant to be searched for in your home.
- **IF** the warrant is proper, you must allow them in.
- **IF** the police do not have a warrant you may let them in **BUT** you do not have

to let them in unless they insist on coming in. **TRY** to settle the issue at the door. If they do insist over your objections, then let them in.

- **IF** you are not sure that they are really police officers ask for the name of the highest-ranking officer present at your door and a phone number where his identity can be verified.
  - **CALL** his/her command number, and even 911 so that a record can be established.
- **ASK** for a police badge.
- **ASK** them what their purpose is in coming into your house.
- **IF** you object, make sure you tell them you do not consent to a search of your home.
- **WRITE** down the names, badge numbers, physical description of the Officers and the date and time.
- **IF** the police take any of your property, they are **REQUIRED** to give you a written receipt for it.
- **IF** they don't give you a receipt, ask for it. They are not required to give you a receipt for the property they intend to book as evidence such as stolen property, guns, etc.

**REMEMBER:** The police may also search without a warrant whenever they have arrested a person. They may search his person and the area close by where the arrest was made.

They may also search after consent is given, so if you object, be sure to make it clear that you do not agree to any kind of search.

They may also search when there is an emergency (**for example, someone screaming for help inside your home**) or when they are chasing you or someone else into your home. This is called the **EMERGENCY EXCEPTION**.

#### **WHEN YOU ARE STOPPED BY THE POLICE IN YOUR CAR:**

A Police Officer can ask you to pull over at any time. You will be asked for your driver's license and registration. If she/he asks for this information, you **MUST** comply.

- **IF** you are stopped - pull over and sit tight.
- **IF** you are stopped at night - turn on your interior dome light.
- **PLACE** your hands on the steering wheel.
- **PRODUCE** your identification when asked.

**REMAIN CALM. NO SUDDEN MOVES !!!!**

**WHEN AN INCIDENT OCCURS:**

Whenever an incident involving the police occurs, **ALWAYS:**

- Look at the badge number and nametag of the officers.
- Remember it and write it down as soon as possible.
- If badge and name are not in full view, make note of the physical description of the officers.
- Look for the Precinct Number or the Division (Transit, Housing, etc.) This can be found on the brass insignia on the officer's shirt collar.
- Make note of the number of officers present.
- Make note of any witnesses.
- Take note of where you are.
- Take note of when (date, time of day) the incident occurred.

**ALWAYS WRITE EVERYTHING DOWN AS SOON AS POSSIBLE!!**

**TIPS ON RECORDING AN INCIDENT:**

- Whenever an incident occurs, as immediately as possible, solicit all the facts.
- Speak with all involved and all who witnessed it.

- **WHEN DID THE INCIDENT OCCUR?**

-- The date and time.

- **WHERE DID THE INCIDENT OCCUR?**

-- In the home, on the street, in the school?

**Be as specific as possible.** (IE. the southeast corner of 163rd Street and Main Road)

**WHO WAS INVOLVED IN THE INCIDENT?**

- The victims
- The witnesses

(Their names, addresses, phone numbers, and a description of them, what they were wearing, any weapons involved.)

**WHAT KIND OF AN INCIDENT?**

- What started the incident?
- What weapon was used?

**HOW DID THE INCIDENT GET STARTED?**

- How was it dealt with?

**WHY DID THE INCIDENT OCCUR?**

- Write everything down. Be clear. Do not be suggestive, just ask basic questions.
  - Ask questions individually away from others to avoid the confusion of stories.
- If possible, try to visit the scene of the incident with the victim or witness and go over the incident.
- Take keen note of the surroundings for comparison with stories being told.

**WHICH DOCUMENTS ARE SAFE TO SIGN?**

- If you are arrested there is only one document that you should sign: A promise to appear. **ANYTHING ELSE IS A TRAP**
- Promise to appear is a document you sign when you're being released from custody, guaranteeing at you will come back to court. **In California it is called a CITATION.**

**DOCUMENTS THAT ARE TRAPS:**

- **WAIVER OF RIGHTS:** says that you give up your rights. Sometimes the officer will say this is just to confirm you understand your rights. **DON'T SIGN IT**
- **STATEMENT:** first they will try to trick you into talking, but then when you say I'm going to remain silent they will ask for a written statement or ask you to sign an already typed one. **DON'T SIGN IT**
- **PROPERTY RECEIPTS:** if you are arrested or searched you will be given this. It shouldn't be signed because it is an admission that whatever is on the list is yours. There might be things that can be used against you. If there were drugs or weapons in your property (**even if you didn't know about them**) it could be used against you in court. They don't need your signature to keep track of it; your lawyer can work to get it back if they decide not to give it back to you. **DON'T SIGN IT**
- **MERCHANT CONFESSION FORM:** Stores security officers will try to get shoplifting suspects to sign these. These are the same things as a confession. **DON'T SIGN IT**

**\*\*\*REMEMBER DO NOT SIGN ANY DOCUMENTS WITHOUT YOUR PARENT, LEGAL GUARDIAN, OR LAWYER PRESENT\*\*\***



## WHAT IS A CIVIL LAW SUIT

A statute known as Section 1983 is the primary civil rights law victims of police misconduct rely upon. This law was originally passed as part of the Civil Rights Act of 1871, which was intended to curb oppressive conduct by government and private individuals participating in vigilante groups, such as the Ku Klux Klan. It is now called Section 1983 because that is where the law has been published, within Title 42, of the United States Code. Section 1983 makes it unlawful for anyone acting under the authority of state law to deprive another person of his or her rights under the Constitution or federal law.

In California, before you may sue a public entity (a state, county or local governmental entity) or a government employee for money damages, you must first file a claim meeting the requirements of the California Tort Claims Act. California Government (Gov't) Code sections 810-996.6. With very limited exceptions, no lawsuit for money damages may be brought against a governmental entity unless a written claim has been properly filed within the six-month time limit. So, even if you are injured by the police and do not currently intend to sue, you should still consider filing a claim in order to protect your rights and to keep your options open.

You can file a claim against a county or local governmental entity or employee directly with the entity's governing board or city clerk. You may deliver the claim in person or by mail. Gov't Code section 915(a). The California Tort Claims Act sets out strict timelines that you must follow when filing a claim against a governmental entity. You must file a claim for personal injury (that is, one based on death, physical injury, or damage to personal property) within six months of the date of the injury. Gov't Code section 911.2.

**Other time lines and procedures may also apply to your type of case, so we recommend that you talk to an attorney to get more specific information relevant to your situation.**

**The following are the most common claims asserted:**

- **False Arrest**

The claim that is most often asserted against police is false arrest. Persons bringing this claim assert that police violated their Fourth Amendment right against unreasonable seizure. If the officer had probable cause to believe the individual had committed a crime, the arrest is reasonable and the Fourth Amendment has not been violated. Police can arrest without a warrant for a felony or misdemeanor committed in their presence. (Some states also allow warrantless arrests for misdemeanor domestic assaults not committed in the officer's presence.) Even if the information the officer relied upon later turns out to be false, the officer is not liable if he believed it was accurate at the time of the arrest. To prevail on a false arrest claim, the victim must show that the arresting officer lacked probable cause, that is, facts sufficient to cause a reasonable person to believe that a crime had been committed.

- **Malicious Prosecution**

A malicious prosecution claim asserts that the officer wrongly deprived the victim of the Fourteenth Amendment right to liberty. To win this type of claim, the victim must show four things: 1) the defendant police officer commenced a criminal proceeding; 2) the proceeding ended in the victim's favor (that is, no conviction); 3) there was no probable cause; and 4) the proceeding was brought with malice toward the victim. As with false arrest, this claim will fail if the officer had probable cause to initiate criminal proceedings.

- **Excessive Force**

Excessive force claims receive the most publicity, perhaps because the results of excessive force seem the most outrageous, involving serious physical injury or death. Whether the officer's use of force was reasonable depends on the surrounding facts and circumstances. The officer's intentions or motivations are not controlling. If the amount of force was reasonable, it doesn't matter that the officer's intentions were bad. But the reverse is also true: if the officer had good intentions, but used unreasonable force, the excessive force claim will not be dismissed.



## OVERVIEW OF CIVILIAN OVERSIGHT BOARDS/COMMISSIONS

Civilian oversight boards and commissions are the community's way of keeping an independent eye on law enforcement. A citizen police review board is made up of ordinary citizens, independent of the police department, empowered to receive and investigate citizen complaints against police officers and to perform other oversight functions. The first oversight board to have "full independent authority to investigate complaints" was probably the Berkeley, California Civilian Police Review Board in 1973.

A Board/Commission/Auditor reviews Internal Affairs investigations of complaints. The Board finds them adequate or not and states whether it agrees or disagrees with the IA findings. It may recommend further investigation and/or may make policy recommendations.

Although they vary in structure, the key component to each is the standard of establishing principles for police accountability. Civilian oversight boards perform the following functions:

- Evaluate citizen complaints about police conduct
- Examine policies and procedures of the police department to ensure that they genuinely serve the interests of justice for all in the community.
- Issue periodic reports to the community about complaint resolution and about police activities and procedures.

### The three basic types of civilian review systems are —

\* **Type I.** Persons who are not sworn officers conduct the initial fact-finding. They submit an investigative report to a non-officer or board of non-officers, who then make a recommendation for action to the police chief. This process is the most independent and most "civilian."

\* **Type II.** Sworn officers conduct the initial fact-finding. They submit an investigative report to a non-officer or board of non-officers for a recommendation.

\* **Type III.** Sworn officers conduct the initial fact-finding and make a recommendation to the police chief. If the aggrieved citizen is not satisfied with the chief's action on the complaint, he or she may appeal to a board that includes non-officers. Obviously, this process is the least independent.



## CITIES THAT HAVE CIVILIAN OVERSIGHT BOARDS/COMMISSIONS

- **Berkeley, CA- Police Review Commission (PRC)**  
1947 Center Street, 3rd Floor  
Berkeley, CA 94704  
510) 981-4950  
[prc@ci.berkeley.ca.us](mailto:prc@ci.berkeley.ca.us)  
[www.ci.berkeley.ca.us/prc/](http://www.ci.berkeley.ca.us/prc/)
  
- **Long Beach, CA- The Citizen Police Complaint Commission (CPCC)**  
  
#562-570-6891  
CPCC  
211 E. Ocean Blvd.  
Suite 410  
Long Beach, CA 90802  
[Anitra\\_Dempsey@longbeach.gov](mailto:Anitra_Dempsey@longbeach.gov)  
[www.ci.long-beach.ca.us/cpcc](http://www.ci.long-beach.ca.us/cpcc)
  
- **Richmond, CA- Police Commission**  
Police Commission  
330 25th Street  
Richmond, CA 94804  
510-307-8007  
[www.ci.richmond.ca.us](http://www.ci.richmond.ca.us)
  
- **Riverside, CA- Community Police Review Commission**  
3900 Main Street  
Riverside, CA 92522  
951-826-5509  
[www.riversideca.gov/cprc](http://www.riversideca.gov/cprc)
  
- **San Diego County- Citizen's Law Enforcement Review Board**  
1168 Union Street, Suite 400  
San Diego, CA 92101-3819  
619-515-6029  
[www.sdcounty.ca.gov/clerb](http://www.sdcounty.ca.gov/clerb)

- **San Francisco, CA- The Office of Citizen's Complaints**  
 480 Second St, Suite 100  
 San Francisco, CA 94107  
 415-597-7711  
[www.sfgov.org/occ](http://www.sfgov.org/occ)
  
- **San Jose, CA- Office of the Independent Police Auditor**  
 75 E. Santa Clara St. Suite 93  
 San Jose, CA 95113  
 408-794-6226  
[ind\\_pol\\_aud@sanjoseca.gov](mailto:ind_pol_aud@sanjoseca.gov)  
[www.sanjoseca.gov/ipa](http://www.sanjoseca.gov/ipa)
  
- **Sacramento, CA- Office of Public Safety Accountability**  
 915 I Street, Fifth Floor  
 Sacramento, CA 95814.  
 916- 808-5704  
[www.cityofsacramento.org/cityman/opsa](http://www.cityofsacramento.org/cityman/opsa)
  
- **Oakland, CA- Citizen's Police Review Board**  
 Citizens' Police Review Board  
 City Hall  
 One Frank Ogawa Plaza, 11th Floor  
 Oakland, CA 94612  
 510- 238-3159  
[www.oaklandnet.com/government/citizens/filing\\_complaints.html](http://www.oaklandnet.com/government/citizens/filing_complaints.html)



## BART POLICE/HOW THEY OPERATE

- **Do BART police officers have the same police authority as city police officers and deputy sheriffs?**
  - ✓ Yes. BART police officers are fully sworn peace officers that have the same powers of arrest as city police officers and county sheriff's deputies. In addition, BART officers attend the same police academies and receive continuous police training.
  
- **In addition to taking enforcement action on BART property, can BART police officers take enforcement action off of BART property (i.e., within city limits, county jurisdictions, or on state highways)?**

- ✓ Yes. BART officers may take enforcement action off of BART jurisdiction, anywhere within the state of California. If there is immediate danger to persons or property, BART officers may arrest, cite and release, or warn the perpetrators.
- **What types of crimes do BART police officers investigate?**
    - ✓ BART officers and detectives investigate all reported crimes that occur on BART property. These crimes include transit-related crimes and auto burglaries, auto thefts, robberies, purse snatches, assaults, homicides, and any other felonies, misdemeanors or infractions that occur within the BART District.
- **Where is the BART Police Department?**
    - ✓ The BART Police Department's main headquarters and Zone 1 facility are located at 800 Madison Street, Oakland, CA 94607. This is also where the Lake Merritt BART station is located.
    - ✓ Zone 2 (Richmond to Ashby, and Pittsburg/Bay Point to Orinda) police facility is located at the El Cerrito del Norte BART station. There are also a field offices located at the Walnut Creek BART station, Concord and Bay Point stations.
    - ✓ Zone 3 (San Leandro to Fremont, and Bay Fair to Dublin/Pleasanton) police facilities are also located at the Castro Valley BART station and Hayward and Dublin.
    - ✓ Zone 4 (Embarcadero to Millbrae) police facility is located on the concourse level of the Powell Street BART station.



## BASIC INFORMATION ON A 51/50 CHARGE

**5150.** When any person, as a result of mental disorder, is deemed a danger to others, to him/herself, or gravely disabled, by a peace officer, member of the attending staff (as defined by regulation) of an evaluation facility designated by the county, designated members of a mobile crisis team provided by Section 5651.7 (California State Code), or other professional person designated by the county may, with probable cause, take, or cause to be taken, the person into custody and to be placed in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, member of the attending staff, or professional person, and stating that the officer, member of the attending staff, or professional person has probable cause to believe that the person is, as a result of mental disorder, a danger to others, to himself or herself, or gravely disabled. If the probable cause is based on the statement of a person other than the officer, member of the attending staff, or professional person, such person shall be liable in a civil action for intentionally giving a statement, which he or she knows to be false.



## **LOCAL LEGAL RESOURCES**

### **GENERAL SERVICES & REFERRALS:**

Dealing with a varied clientele and/or a broad range of legal issues

#### **Alameda County Bar Association Lawyer Referral Service**

610 16<sup>th</sup> St. Suite #426  
Oakland, CA 94612  
(510) 893-7160 (press 2)  
(510) 893-3119 (fax)  
M-F 8:30-4

[www.acbanet.org](http://www.acbanet.org)

Referrals to private attorneys in most areas of the law. Fee: \$30 (**non-refundable**)  
Ask about Modest Means Panel

#### **Alameda County Bar Association Small Claims Legal Advice Program**

(510) 893-7160 (Call for details)

#### **Alameda County Bar Association Volunteer Legal Services Corporation (VLSC)**

(510) 893-1031 - Eligibility/ Appts. M-Th 8:30-12pm  
(510) 893-7177 - Domestic Violence Restraining Orders Clinic  
(510) 893-7734 - Guardianship Clinic  
(510) 893-0714 - Non-English Information

[www.acbanet.org](http://www.acbanet.org)

Representation in family law, probate, debt collection defense, immigration, etc. to low-income clients. Clinics on family law, domestic violence restraining orders, guardianship, child custody, and immigration. Call to establish eligibility, to make appointments, and for more details.

#### **Bar Association of San Francisco Lawyer Referral & Information Service**

465 California St. Suite #1100  
San Francisco, CA 94104  
(415) 982-1600 M-F 8:30-5:30  
[www.sfbar.org](http://www.sfbar.org)

Appointments arranged with San Francisco attorneys experienced in over 100 areas of law. Fee: \$25 for referral and first thirty minutes. If you have been injured, the referral and the first thirty minutes are free.

### **Bay Area Legal Aid**

405 14<sup>th</sup> St. 11<sup>th</sup> Floor  
Oakland, CA 94612  
(510) 663-4744 (tel)  
(510) 250-5270 - Legal Assistance Line  
M-F 9-5  
[www.baylegal.org](http://www.baylegal.org)

[info@baylegal.org](mailto:info@baylegal.org) (email)

Free legal services in eviction, public benefits, SSI matters, and family law to qualifying low-income clients. Call to establish eligibility and make appointment.

### **East Bay Community Law Center**

3130 Shattuck Ave.  
Berkeley, CA 94705  
(510) 548-4040  
M-F 9-5  
[www.ebclc.org](http://www.ebclc.org)

Free legal services (by Boalt Hall students and supervising attorneys) to low-income Alameda County residents. Landlord/tenant, AIDS law, Cal WORKS, unemployment, etc. call to establish eligibility.

### **Law Center for Families**

510 16<sup>th</sup> St. 3<sup>rd</sup> Floor  
Oakland, CA 94612  
(510) 451-9261 (tel)  
(510) 763-2169 (fax)  
M-F 9-5  
[www.lcff.org](http://www.lcff.org)

[info@lcff.org](mailto:info@lcff.org) (email)

Free and sliding scale legal services in family, housing (**no eviction defense**), and consumer law. Call for appointment.

### **Lawyers in the Library - Oakland Public Library**

#### **Main Branch:**

125 14<sup>th</sup> St.  
Oakland, CA 94612  
(510) 238-3138 (**Lawyers available 1<sup>st</sup> Wednesday-Bankruptcy issues only 6-8pm**)

\*2<sup>nd</sup> Thursday

\*3<sup>rd</sup> Thursday

\*4<sup>th</sup> Thursday

**Dimond Branch:**

3565 Fruitvale

Oakland, CA 94602

(510) 482-7844 (Lawyers available 1<sup>st</sup> Tuesday 6-8pm)

**Rockridge Branch:**

5366 College Ave

Oakland, CA 94618

(510) 597-5017

**Temescal Branch:**

5205 Telegraph

Oakland, CA 94609

(510) 597-5149

(Free legal advice and referrals in areas such as employment, consumer, landlord/tenant rights, and domestic relations.)

**Lawyers in the Library - Berkeley Public Library**

(Call first to verify lawyers' availability)

**North Branch:**

1170 Alameda

Berkeley, CA 94707

(510) 981-6250 (Lawyers available 1<sup>st</sup> Thursday 6-8pm)

**South Branch:**

1901 Russell

Berkeley, CA 94703

(510) 981-6260 (Lawyers available 2<sup>nd</sup> Thursday 6-8pm)

**Claremont Branch:**

2940 Benvenue

Berkeley, CA 94705

(510) 981-6280 (Lawyers available 3<sup>rd</sup> Thursday 6-8pm)

**West Branch:**

1125 University Ave

Berkeley, CA 94702 (Lawyers available 4<sup>th</sup> Tuesday 6-8pm)

(Free legal advice and referrals in areas such as employment, consumer, landlord/tenant rights, and domestic relations. In-person sign-ups only, beginning at 5pm. Names pulled by lottery at 6pm.)

**LAW LIBRARIES**

**Bernard E. Watkin - Alameda County Law Library**

125 12<sup>th</sup> St.

Oakland, CA 94607

(510) 208-4800 or (510) 208-4832 (Reference Desk)

[www.co.alameda.ca.us/law/index.html](http://www.co.alameda.ca.us/law/index.html)

M-Th 8:30-9pm; F 8:30-6pm; Sat-Sun noon-5pm

(County legal library, open to all. All resources available for in-library use. Alameda County residents, 18 and over, may borrow circulating materials with cash or credit card deposit.)

### **Boalt Hall Law Library (G.W. McEnerney Law Library)**

UCB Campus

Berkeley, CA 94720

(510) 642-4044

[www.law.berkeley.edu/library/library.html](http://www.law.berkeley.edu/library/library.html)

Th 8-Midnight; F 8-10pm; Sat 10-6pm; Sun 10-Midnight

(Reduced hours during summer and intersessions. Academic law library, open to the public for in-house legal research except during peak pre-exam times.)

## **MEDIATION**

### **Alameda County Bar Association**

#### **Alternative Dispute Resolution Placement Service**

(510) 893-7160

[www.acbanet.org](http://www.acbanet.org) M-F 8:30-5pm

Mediation, arbitration, or neutral evaluation services.

### **Berkeley Dispute Resolution Service (BDRS)**

1968 San Pablo Ave.

Berkeley, CA 94702

(510) 548-2377

[www.bdrs.org](http://www.bdrs.org) M-Th 9-5pm F 9-2pm

Mediation, conflict resolution, and conciliation services

### **California Community Dispute Services**

3150 Hilltop Mall Rd.

Richmond, CA 94806

(510) 231-4190

[www.cacds.org](http://www.cacds.org) M-F 9-5pm

Mediation and arbitration for business and personal disputes

**SPECIFIC FOCUS: Serving a specific clientele, focusing on a specific Legal area.**

### **AIDS Legal Referral Panel**

(415) 701-1200

[www.alrp.org](http://www.alrp.org) M-F 9:30-5pm

Referrals to free and low-cost legal services for people with AIDS or HIV. Civil law (wills, power of attorney, etc.) only

**Alameda County Bar Association  
Divorce and Paternity/Custody Clinics**

(510) 893-1031 M-Th 8:30-12pm

Clinics assisting low-income Alameda County residents filing for divorce, legal separation, annulment. Also deals with paternity, custody, and visitation issues.

**Asian Pacific Islander (API) Legal Outreach**

1212 Broadway Suite#400

Oakland, CA 94612

(510) 251-2846 M-F 9-5pm

[www.geocities.com/apilegaloutreach](http://www.geocities.com/apilegaloutreach)

Legal services to low-income APIs in family law, domestic violence, naturalization, immigration, human trafficking, elder abuse, wills, and estates. Sliding scale. Multilingual staff.

**California Indian Legal Services**

405 14<sup>th</sup> St. Suite #300

Oakland, CA 94612

(510) 835-0284

[www.calindian.org](http://www.calindian.org) M-F 9-5pm

Legal representation to low-income Native Americans. Generally does not handle criminal cases.

**California Lawyers for the Arts**

Fort Mason Bldg. C Rm. 255

San Francisco, CA 94123

(415) 775-7200 M-F 10-5pm

1212 Broadway Suite #834

Oakland, CA 94612

(510) 444-6351 M-W 9-5pm

[www.calawyersforthearts.org](http://www.calawyersforthearts.org)

Referrals to member attorneys specializing in legal issues relevant to artists. Referral fee \$30 (**\$20 for members**) includes first half-hour consultation; can be waived in some circumstances. Copyright clinic, arts arbitration and mediation services, and legal self-help workshops.

**Disability Rights Education and Defense Fund, Inc.**

2212 6<sup>th</sup> St.

Berkeley, CA 94710

(510) 644-2555 (Phone/TTY)

[www.dredf.org](http://www.dredf.org) M-F 9-5pm

Technical assistance to persons with disabilities and parents of children with disabilities concerning disability civil rights law, job and housing discrimination, etc. Cost: free.

**East Bay Workers Rights Clinic**

(510) 643-7954 (Informational recording)

[www.las-elc.org](http://www.las-elc.org)

Volunteer lawyers and law students provide counsel on job-related problems for low-income or unemployed workers.

### **Family Violence Law Center**

P.O. Box 2529  
Berkeley, CA 94702  
(510) 540-5354 M-F 9-5pm  
[www.fvlc.org](http://www.fvlc.org)

Helps survivors of domestic violence find realistic alternatives to their abusive environments; restraining orders, divorce referrals, dissolution workshops for uncontested divorces. Cost: sliding scale

### **Homeless Action Center**

2500 MLK Jr. Way Suite #1  
Berkeley, CA 94704  
(510) 540-0878  
M, W, Th 9-12pm, 1-5pm T 1-5pm

Free legal and social service advice (**focus is on SSI applications**) to mentally disabled homeless and near-homeless residents of Alameda County. Call for appointment. Monthly legal clinics.

### **Prison Activist Resource Center**

P.O.Box 339  
Berkeley, CA 94701  
(510) 893-4648  
[www.prisonactivist.org](http://www.prisonactivist.org)

Provides support for educators, activists, and prisoners' families. This work includes building networks for action and producing materials that expose human rights violations while fundamentally challenging the rapid expansion of the prison industrial complex.

### **Prison Law Office**

General Delivery  
San Quentin, CA 94964  
[www.prisonlaw.com](http://www.prisonlaw.com)

The prison law office represents individual prisoners, engages in class action and other impact-litigation, educates the public about prison conditions, and provides technical assistance to attorneys throughout the country. (Due to the large number of inquiries, the law office cannot accept telephone calls from prisoners and their families.)

### **California Prison Focus**

2940 16<sup>th</sup> St. #B-5  
San Francisco, CA 94103  
(415) 252-9211  
(415) 252-9311 (fax)  
[contact@prisons.org](mailto:contact@prisons.org)  
[www.prisons.org](http://www.prisons.org)

California Prison Focus is organized to end human rights abuses and torture in California prisons including abolishing the Security Housing Units, to end medical neglect and to insure civil and human rights for all prisoners, CPF achieves its purposes by visiting prisoners, monitoring conditions, educating the public and policymakers, providing a voice for and working with prisoners, and encouraging legal advocacy.



## **CITIZEN'S POLICE REVIEW BOARD/CPRB**

If you feel that you have been treated inappropriately by an officer of the Oakland Police Department or an Oakland Park Ranger, you may file a police misconduct complaint with either: 1) the Citizens' Police Review Board (CPRB), a civilian police oversight agency for the City of Oakland; or 2) the Oakland Police Department, Internal Affairs Division (OPD/IAD).

The CPRB has civilian investigators and uses a public process to review complaints. The OPD/IAD has sworn police investigators and uses a confidential process to review complaints.

### **To file a complaint with the CPRB:**

- Telephone the CPRB at (510) 238-3159 and request that a complaint form be mailed or faxed to you. Complete, sign, and return the complaint form to the CPRB.
- Telephone the CPRB at (510) 238-3159 and ask to speak with an investigator, who will help you with the filing. (TTY 510-238-2007)
- Download a copy of the complaint form from this web site, fill it out and return it to the CPRB.
- Come to the CPRB office on the 11th floor of City Hall and ask to speak with an investigator, who will help you with the filing.
- Fax the completed complaint to CPRB at (510) 238-7084.
- Mail your completed complaint form to:  
Citizens' Police Review Board  
City Hall  
One Frank Ogawa Plaza, 11th Floor  
Oakland, CA 94612

### **After a complaint has been filed with the CPRB:**

- Complaints are investigated by a civilian complaint investigator who prepares an investigative report for the Citizens' Police Review Board. The Board is a nine member advisory body. Members are appointed by the Mayor and confirmed by the City Council.

- The Board conducts public hearings on some cases and may make written recommendations to the City Manager for discipline of officers or rangers.
- The City Manager decides whether to implement the recommendations of the Board, to implement them with modifications, or not to implement them.

### **To file a complaint with the OPD/IAD:**

- Telephone OPD/IAD at (510) 238-3161 and request that a complaint form be mailed or faxed to you.
- Come to the OPD/IAD office at the address below and request a complaint form.
- Mail completed complaint forms to:

Oakland Police Department, Internal Affairs Division  
 250 Frank Ogawa Plaza, Ste. C  
 Oakland, CA 94612

Note: All complaints filed with the CPRB are also forwarded to the Oakland Police Department, Internal Affairs Division. Also, all complaints filed with the Oakland Police Department, Internal Affairs Division, are forwarded to the CPRB. One or both agencies may investigate your complaint.

## **Next Steps For Police Accountability**

### **Take action when you are abused by the police**

- **If your rights are violated ensure that it is documented**, even if you weren't engaged in legal activities. There is never an excuse for police to abuse you.
- **Write letters to the editors of community papers**; This will help bring attention to the issue

### **Support community members**

- **When something happens in your community show up** at Board of Supervisors meetings, City Council meetings, and at the Police Commission Meetings; they listen when people are in numbers.

**When someone is abused by the Police, always be a witness**

- Write down as much information as you can:
  - **Badge numbers**
  - **Car Numbers**
  - **Name**
  - **Uniform type**

**Educate yourself and your community about your rights**

- Learn what your rights are and then help to teach others

**ORGANIZE**

- **Network with people about their incidents**
- **Don't stay silent**
- **Have community meetings**
- **Volunteer at local organizations working with these issues**