

KNOW YOUR FIGHTS!

USING PUBLIC RECORDS LAWS
IN ABOLITIONIST ORGANIZING



BY STOP LAPD SPYING COALITION
WITH LAW FOR BLACK LIVES

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Using Public Records Laws in Abolitionist Organizing

This zine was made by the **Stop
LAPD Spying Coalition** with support
from **Law for Black Lives**.

stoplapdspying.org
@stoplapdspying

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INTRODUCTION

Abolitionists oppose police “transparency” reforms, which can legitimize and expand the police state. Yet abolitionist organizers often exploit public records laws for research and organizing to help **know our fight**.

People often ask: Why do you oppose “transparency” reforms while using public records laws, which are also meant to facilitate government transparency? This zine explores that question, sharing how public records laws can be weaponized to build power and foster collective study.

Because these laws vary a lot from state to state, it's hard to offer standardized advice across those legal contexts. Instead, this zine's focus is on how public records can fit into abolitionist organizing, reflecting on how exploiting public records laws can change our relationships (both individual and collective) to a state whose power, legitimacy, and premises we reject even as we lay demands at its doors.

While this zine is written primarily for lawyers and legal workers who want to contribute public records practice to abolitionist organizing, the lawyer-specific aspects aren't until the end. And you don't have to be a lawyer to do most everything this zine covers.

Over the years, the Stop LAPD Spying Coalition has built out an organizing model that uses public records laws with lawyers only playing a support role from the side, not inside. But lawyers can be inside this work too.

For lawyers interested in all this, public records work can be a part of shifting our relationship to political education from one centering "rights" in the organizing agenda to one building a bolder, more relentless, and more responsive fight.

Another name for the "research" this zine describes is collective study. We all have much to learn from one another. While lawyers shouldn't dominate that work, we also shouldn't feel afraid to participate on the same terms as everyone around us.

Weaponizing public records laws helps embody a new relationship to the state.

These are the people who stalk, dominate, and brutalize us. Yet we can stand in front of them and demand their papers.

These records aren't "meant" for us. None of this is. But it all belongs to us.

We all know Audre Lorde's warning, "the master's tools will not dismantle the master's house."

As Ruth Wilson Gilmore has observed about that quote, the apostrophe in master's raises important questions. Which tools really "belong" to the master? We should ask who owns the tools, whose toil and exploitation created them, and who will most effectively control them. These questions are about agency. And they're questions that it takes political struggle to resolve.

WHAT ARE PUBLIC RECORDS LAWS?

All 50 states plus the federal government have some kind of law entitling you to see the records, documents, papers, and data produced by public agencies. That can mean everything from local police to state university faculty to immigration courts to legislative offices. These laws are usually described as “open records” laws, “public records” laws, or “freedom of information laws.”

Many of these laws are legislation, like the California Public Records Act, the New York Freedom of Information Law, the Illinois Freedom of Information Act, the Missouri Sunshine Law, the Texas Public Information Act, and most famous the federal Freedom of Information Act (FOIA). Many states also offer a supplemental state constitutional right to open government.

For simplicity, this zine refers to all these laws as “public records laws.”

Some states also have related laws that require all government decisionmaking and meetings to occur in the open, accessible to the people. These can also be weaponized against government agencies and politicians who are scheming against us in secret.

It's hard to generalize too universally about what these laws cover and what the technical and procedural requirements plus payoffs are, since those details vary significantly state by state. But generally the starting point for what's covered is everything in a government agency's possession. After that, a whole bunch of exemptions can come into play. For example, most states shield investigative records from disclosure. Many also shield draft and deliberative materials, as opposed to final policies. Then there's various security exemptions. And in most places, all the privileges from the states' evidentiary laws (either in statutory codes, evidentiary rules, or caselaw) are applicable too.

None of that means you shouldn't try asking anyway. We'll get more into that in part 2.



Only government agencies are subject to these laws, generally not private companies or nonprofit organizers. Some entities are both public and private, in which case the public parts are subject to the law. But even if an entity isn't public enough to be required to give you their own records, you can always request all the records or communications the local agency exchanged with that entity.

Public records laws generally don't require for the government to automatically publish all the records they're creating in some kind of automated way. You have to ask for stuff. And they also don't require an agency to create new records for you, just share what they already created or possess.

Both of those limitations are to some extent a good thing. Think about how much the government agencies would cook the records if they knew they were immediately or automatically going online or if they were making them for your benefit (rather than their own benefit). So, part of the power is that public records are a window into how the state operates, not necessarily how the state presents itself. We'll talk more about that in part 3, about transparency.

The explosion of email use and digital recordkeeping has in many ways expanded the power of public records laws to pry deeper into the police state's daily workings. Now there's an even more detailed paper trail for everything police do, and it's very easy to search that sprawling archive with keywords. Digital archiving make it harder for the government to claim it's too budensome to track down what you want. Just think about how casually you search your email inbox or text messages for the last time you mentioned something to a coworker or friend. Now think of how police departments, politicians, or reform professionals might use email. And think creatively about searches there.

"Data" is also a major currency that the government deals in. The government generates vast statistics on everything they do. Of course, we all know those numbers aren't our truth. They're the state's truth. But this makes them useful for analyzing how the state sees us.



WAIT, WHAT DO YOU HAVE AGAINST TRANSPARENCY?

At the same time we exploit public records laws to advance our research and organizing work, abolitionists also actively oppose new measures to respond to police violence, stalking, and domination with increased “transparency” or “auditing” for those harms. These include laws that require police to affirmatively publish more information on their practices, to audit their use of different technologies and tactics, or to create new police resources like body cameras or data systems that are promoted as instruments for transparency.

We're often asked (by lawyers more than anyone else): how are transparency laws different from the public records laws that activists, organizers, researchers, and other community members often use to confront state violence? The answer has to do with the context in which the laws are used, who they empower, and what their political purpose is. It's about the relationship to movement-building.

Police transparency laws don't actually reduce police resources and harm. To the contrary, they codify the harms, and they allow police to claim a stamp of "approval" and "compliance" for their intentional harm. These laws also allow police to narrate the harm on their own terms: rather than the community piecing together and forefronting our truth, police report on how necessary and beneficial they find themselves to be.

The ultimate function of laws like this is to secure more resources and political cover for a system whose intent is to harm. The people pushing these reforms are usually lawyers, almost always professional reformers at nonprofits that help the state maneuver around insurgency and crisis.

Transparency reforms can be understood as a form of "counterinsurgency" - military tactics whose goal is to manufacture consent and "legitimacy" among those who are invested in maintaining oppression. It's no surprise these measures win most traction in moments when the police state faces crisis, like following mass uprisings and rebellion. Insurgent moments are when reformers and police quickly find the most common ground.

For example, in June 2020, New York City enacted the POST (Public Oversight of Surveillance Technology) Act, requiring police to "post" data and audits on their surveillance. The law's proponents claimed this would bring much needed transparency to NYPD surveillance. With mass revolt in the streets, the politicians behind a billion-dollar increase to NYPD's budget needed good press, and this gave them that. Of course, no one had been facing down riot cops and political prosecutions to demand police self-auditing and impact policies. Yet the state will be quick to accept transparency as a hedge against those demands.

What came of the POST Act? Around six months after the law was enacted, NYPD published the required reports. They asserted that their surveillance is, as anyone could guess, very valuable and very harmless. And so, months after celebrating "a major win," the same nonprofits and lawyers began calling the POST Act "weak" and expressing surprise that NYPD "systematically attempted to evade the law" they passed.

Abolitionist organizers had warned this would happen. We've seen this pattern repeat throughout the growth of the police state.

Transparency laws can also serve as a form of gaslighting, pretending that police violence is not “transparent” enough, as though it is not in our faces, on our necks, and piercing our flesh, or as though surveillance can be distinguished from the rest of policing. Policing's toll might feel abstract to a lawyer or academic viewing the harm from the outside. But our communities know what our truths are. We don't need the state to frame those narratives for us. Collective study of these harms, mapping and documenting them ourselves, can help lift this truth in ways that a police self-transparency law or police audit never will.

Transparency laws also give into the constantly losing battle that we just need more "data" about our oppression in order to "prove" it. The white supremacist state has been generating and relying on data to oppress us since the days of scientific racism and eugenics. Generating more data on these questions has done little more than give the state more number with which to refine and calibrate our oppression.

How do public records laws serve a different function or purpose? The next two chapters get into that.

03 HOW DO YOU USE PUBLIC RECORDS LAWS?

It starts with a demand. And that's also the start of how these laws can be used in organizing. What is it that you want to know? That will rarely be a quick question, and there's a lot of power in sitting down collectively to ask it together.

Suppose you want to know about a particular policing program in your city, or you want to know how the city is spending a grant it claims is meant for addressing housing insecurity. Or maybe you want to know how some shady politician or reform professional moves when they think no one is looking.

It could even be bigger agenda, like you want to want to gather demands for defunding the police in your city, so you want to uncover exactly know what is in the budget this year versus last year and where all the funding is coming from.

All these questions can be part of setting a shared organizing and research agenda, forging common ground around what you all want. **What do we want to demand? What do we want to expose?**

So you've gotten together and agreed on shared questions. And hopefully that process helped forge a collective agenda.

Next up, **drafting the request** requires identifying the records in words the government understands or at least can't pretend like they don't understand. The more details you give, the less room they have to claim they didn't understand. The language doesn't need to be technical, but precision and clarity will help. You also don't have to identify a specific record. But if you know about a particular record that you want, identify it in detail.

Remember, the person who will be reading your request and figuring out how to respond is some state bureaucrat, possibly a cop bureaucrat. They're probably not a lawyer, though they might consult one of the state's lawyers at some point. When you write the request, you should think about how a cop or cop lawyer sitting in that desk will be looking for ways to evade your request.

It's fine to experiment or repeat yourself in the request. And if you get nothing the first time, you can always try another request.

Your request can be as simple as a letter or email to the agency saying:

- Give us all your emails with that nonprofit
- Give us all your records naming me
- Give us all your communications with that law professor who keeps talking about how critical of police he is, even though we know he consults for them
- Give us the names of everyone you targeted under this secret program
- Give us all the locations of cameras you just installed in this park
- Give us all records showing how much you spent on the helicopter fleet last year
- Give us all your records of trainings you did for school teachers
- Give us all your communications with the Biden administration about that grant
- Give us all those "surveys" police did of public housing residents
- Give us all the backup materials for the police budgets going back a decade

All those are examples of requests Stop LAPD Spying Coalition has filed. Some were fired off after a couple people checked in about a shared question, and others came from deeper collective brainstorming.

Once you have the language down, **figure out which agency within the government your request needs to be sent to**. Sometimes it's straightforward, like the police department or mayor's office. But sometimes the records might live somewhere unexpected. For example, in Stop LAPD Spying's efforts after the 2020 uprising to get details of LAPD's budget growth over the past decade, the police sent us to another agency (the City Controller) who sent us to another agency (the City Administrative Office), who sent us back to LAPD. It wasn't until we sued the city that they were able to stop playing hot potato, and we finally got the records we needed.

If you aren't sure exactly which agency among a few options might hold the records, don't worry about that too much: hit them all!

The final step is: **figure out how to send it**. Some agencies provide instructions on how to submit to a particular address, and others make it even easier to submit through an online request portal. But you might need to make some calls to confirm these details.

Ask them to confirm receipt too. And then **keep hounding them** (more on that in part 5).

04 SO HOW DO YOU USE ALL THIS IN ORGANIZING?

First of all, anything is possible here. We hope you come up with your own approaches. But here's four ways to intergrate public records work into abolitionist organizing.

MAP THE FIGHT!

As we noted above, the exercise of getting together to formulate a request can itself be really valuable for figuring out what a collective is curious about, for weaving individual concerns and perspectives together, for empowering people to feel confident posing demands to the state or posing research questions, for setting a shared agenda. Even just thinking about who wants to be in the room to ask these questions (again, "what are we demanding?" "what do we want to know?") is a good step for coalition-building. This is part of how Stop LAPD Spying launched its fights against LAPD's predictive policing programs, against LAPD's budget growth, against academics developing bogus research for policing youth "radicalization," and against LAPD's collaboration with "Business Improvement Districts."

COPWATCH THE ENTIRE POLICE FORCE!

You probably know about copwatch, the bottom-up tactic of community members operating in teams to document police practices in the street. Find some abolitionist elders around you, and chances are they've been active copwatchers.

If you haven't experienced how copwatching fits into a broader organizing agenda, you might ask what's the point of just "watching." But copwatchers know they're part of a bigger fight. Anybody can be a copwatcher, and participating in this work shifts your relationship to the police state, both individually and collectively. The immediate purpose might be "monitoring" police violence, but the broader agenda is more confrontational. Hitting police with records requests can have a similar function. Think of it as cop watching how police are moving and operating at a systemwide or policy level. What methods and weapons are they using to identify targets? How do they structure their attacks on your block? How do they coordinate with other agencies or private collaborators? And how are police adapting their tactics to suppress or pacify critics like yourself? All of that is inseparable from what happens in the street.

BUILD AUTONOMOUS RESEARCH CAPACITY!

Nothing we're fighting today will be our final fight. Policing is an intergenerational war that slavers and colonizers launched against our ancestors centuries ago. For just as long, our people have fought back. No matter what we face next, our power grows in the autonomy and resistance that we build together.

We sometimes joke that the real "research" is the friends we make along the way. The community members convened to write and pursue a records request, to pore over and organize the records together, and then to draw up collective analysis of those records are now a group of experts on this topic who will bring that analysis to whatever work they do. More than the report or document you might publish using these records, the analysis is now part of your political action, driving your people.

A broader notion here is that "research" isn't just something that happens in a library or university. Instead, it can take the form of community learning from one another in a circle, in a church basement, or on a street corner. It's collective study, similar to work we know by prisoners and freedom fighters throughout history.

TELL OUR TRUTH!

Most writing and research about the police state is by people invested in preserving the violence and making it more acceptable. Even when we louden our critiques, the most intensive research of policing's harm is done in nonprofits and universities that extract knowledge from our communities more than they increase our resources and political power.

This is where community-based research and collective study come in, helping reject the notion that researching the operational, historical, and ideological details of policing is too technical for "ordinary" people. Reformers like to claim those details are too complex for non-experts to understand. That's a lie. Our people get it.

Deep community analysis of public records can also help re-capture what "truth" is in these contexts. Our truth doesn't need to be asserted in academic or state-accepted forms of knowledge. It can just be what we know and see every day. That perspective can produce just as detailed and rich a level of analysis as what professional researchers produce. And our analysis will of course be far more damning. Check out the list of additional readings and resources at the end of this zine for examples.

The ultimate aim of community-based research and collective study like this is not simply knowledge for knowledge's sake, as might be the case with academic research. Rather, the goal is to bring people together in collective political struggle. Collaborating on research helps build political power and inform political organizing, ensuring that our political agenda is participatory, shaped collectively, and advanced intersectionally.

Those transformations will outlast whatever particular research or political campaign you are working on in the immediate term. Work like this helps ensure our communities are responsive to and moving ahead of the next threats the police state will fashion. We don't know what that will be, but the goal is to ensure we're prepared to fight back stronger, not dependent on institutions invested in extracting power and understanding from us.

Abolition is all about building, and part of what this research helps build is new capacity for study and struggle deeper within our communities.


05 HOW CAN LAWYERS HELP?

Pretty much all of what has been described so far doesn't require a lawyer. And **increasing the capacity to do this work without a dependence on lawyers can be very beneficial.**

That should always be a goal. But lawyers have both tendencies and abilities that can be very helpful for this work:

DRAFTING A REQUEST

As we've explained, it's nice to open this exercise up as an organizing opportunity, and you definitely don't need to be a lawyer to draft or submit a public records request. At the same time, an effective public records request is kind of similar to discovery demands. And oftentimes the same people within an agency that process discovery requests are also who process public records requests. So if you've done discovery or have a sense of what goes into mapping out discovery needs and then drafting requests, then your instincts and tendencies from there will be helpful for translating a desire for certain information into language specifically articulating what records you are seeking in a way the agency won't be able to squirrel their way out of



DEALING WITH THEIR RESPONSES

The request will need to navigate an array of possible excuses and arguments from the agency, including about statutory exemptions as well as evidentiary privileges from caselaw. This can be especially thorny for requests related to state violence. Not only do agencies do whatever they can to claim the records do not exist, that your request language does not cover them, or that they don't understand what you mean, their responses will aggressively invoke exemptions to avoid disclosure. And you can bet the agency will invoke exemptions that have no valid legal basis in the slightest, just to try it.

That's where lawyers are helpful, both through the exercise of legal skills (again similar to what a litigator applies in discovery practice) and just the threat and pressure of a lawyer's presence. Fighting the agency at this stage can involve several rounds of back-and-forth communications as well as your own diligence in following up. You should be following up aggressively, in a way that creates a paper trail (helpful in potential litigation) of your diligence, persistence, and patience. This effort is probably where most of the action for lawyers is in this process, and it's where community members can struggle or give up without support.

SUING!

The next possibility a lawyer can support is litigation, such as if an agency is either implausibly claiming records do not exist, invoking inapplicable legal exemptions, or simply ignoring you for too long. Before taking that step, lawyers can help assess and research the prospect. Lawyers can also write demand letters escalating the issue up to agency brass or their attorneys.

Note that some states require exhaustion of administrative remedies before suing. And on the other side, you can maybe win attorney fees!

If you get to a lawsuit, embedding the case in organizing can be used to advance your political agenda. Even if the only legal relief you're pursuing is securing release of records, a lawsuit can push political narratives on the issue and build pressure or even crisis around them. And if anything, the fact that the legal relief is so specific and simple (gettin' some records) helps ensure that some of the other pitfalls of political litigation (such as turning a political agenda into a legal one for judges and lawyers to control) aren't a problem. That can make it a really handy form of political litigation.

CLOSING NOTE ABOUT "COMMUNITY LAWYERING"

Lawyers are trained to keep a professional distance from our work, and in most contexts that setup is best: a client has a particular role, a lawyer has a different one, and the terms of engagement shift when the client is "present" versus not. But before we are lawyers, we hold many other identities and perspectives. We're neighbors, friends, family, displaced people, colonized people, and surveilled people. We each have our own relationship to the carceral state and to resistance against that violence, separate from whatever role we assume as lawyers.

Embedding your work deep in the political agenda of the community you're working in means the "client" is always "present" and you're always participating in their work, not just being a lawyer to it. Lending your expertise and access to organizing and collective study can help flatten those dynamics, so you are more than a lawyer and the community is more than a client.

If your sole contribution to political work is as a lawyer, maybe that's a problem. If that's all your community trusts or asks you to do, it's worth asking why your function is so narrow. Of course, maybe it's just because there's a really sore technical need. But even then, why do your people only need you to participate as a professional? If nothing else, you should look into distributing your expertise to reduce dependency on you.

While part 5's examples of legal support ended with litigation, a lawyer's participation can obviously continue into using the records for research, analysis, popular education, and collective study. Lawyers tend to be skilled at reading and writing, especially at taking dry technical records and using them for storytelling.

That skill is handy here. And you don't need to participate "as a lawyer" (with all the professional remove and particularity that carries) as much as community members joining on terms akin to whoever else showed up. This can help for transforming the role of lawyers to community and political clients to be less hierarchical, less transactional, and less parasitic. Just as most people contributing to organizing and political work in their communities aren't there professionally (while still contributing skills may of course be shaped by their day job), lawyers can show up that way too.

Likewise, lawyers can have valuable substantive offerings too. That includes sharing perspectives on how the system operates. Our perspective of course isn't the whole story (just as, for example, a nurse can offer essential expertise on the healing they've practiced, even if their understanding is informed by the cruelty and limitations of our current system), it's valuable for this expertise to share collective analysis and strategy in community settings, beyond the nonprofits, government offices, and academic settings where lawyers typically contribute to political strategy.

Even in litigation, there's opportunities to think transformatively about the work and to flatten the relationship between lawyer and client, no matter how technical the tasks. Stop LAPD Spying's organizing model has always involved doing everything in the open, in public, even when it comes to highly technical forms of research, drafting, or strategizing work. That's how we produce our reports, craft our litigation, and plan our organizing strategies. We've even drafted court papers in open meetings. We talk about this as decolonizing these legal tools.

It's not your typical lawyer-client relationship. There's a lot of opportunity in that, including aspiration to try to reverse roles and flatten the relationship more. Through that flattening, you might find that an organizer or political organization has brilliant insight on legal strategy, even legal arguments, born of years of engaging in political and legal struggle. On the other side, lawyers acting within a political or community organization can come to embody more of a traditional client's role of participating on equal terms rather than the role of a savior or of a removed procedural expert, as lawyers often see themselves.

In the end, lawyers are always still more lawyer than client, and whoever we're representing is more client than lawyer. But the vision is to eliminate the gap. The vision is to make it so clients aren't as dependent on lawyers and so lawyers aren't as removed from the community and clients whose struggles otherwise empower and enrich us.

FURTHER READING

These reports, zines, and other writings by Stop LAPD Spying were researched using public records. Check them out for ideas for your own organizing!

A People's Audit of the Los Angeles Police Department's Special Order 1 (2013)

Securing Impunity (2015, about policing of protests following Darren Wilson verdict)

LAPD's Architecture of Surveillance (2015)

Before the Bullet Hits the Body: Dismantling Predictive Policing in Los Angeles (2018)

Fuck the Police, Trust the People: Surveillance Bureaucracy Expands the Stalker State (2020)

LAPD's Budget Creep (2021)

Blueprint for Displacement: Breaking Down LAPD's Echo Park Rehabilitation After-Action Report (2021)

Automating Banishment: The Policing and Surveillance of Looted Land (2021)

A Chief-by-Chief History of LAPD "Community Policing" and Counter-Insurgency (2022)

Burning Bridges: Abolishing Our Relationship with the State (2022)

