

Telling History in Public: Loyola Project for the Innocent Oral History Project

Deborah Crawford

December 9, 2020 (interview conducted on Zoom)

Interviewed by Nicole Keegan & Comer Wadzeck

SUMMARY:

In this interview with Deborah Crawford, former chief of investigations for the Federal Public Defender's Office and former investigator for the Loyola Project for the Innocent, we discuss her role in overturning Obie Anthony's guilty verdict as she talks about her experience with the case and criminal justice system as a whole. Ms. Crawford provides an overview of how investigators conduct their research in overturning wrongful convictions, investigator's relationships with their clients, police, and attorneys, as well as her own view on how investigators are helping to reshape public perceptions of the criminal justice system with increased accountability and compassion.

TRANSCRIPT

Nicole Keegan (NK): Today we are interviewing Ms. Deborah Crawford, who was chief of investigations for the Federal Public Defender's Office Capital Habeas Unit, and was an investigator for the Loyola Project for the Innocent on Obie Anthony's case. She taught many in the clinic to be investigators and is now retired. This interview is for the Telling History in Public Loyola Project for the Innocent Oral History Project. Today is December 9, 2020, and we are conducting the interview using Zoom. I'm Nicole Keegan, one of the project interviewers.

Comer Wadzeck (CW): And I'm Comer Wadzeck, another project interviewer.

NK: Perfect. So to get things started, Ms. Crawford, could you tell us a little bit about your general background?

Deborah Crawford (DC): Um, work related, I'm assuming. Well, I started working in the criminal justice system a little over 20 years now, and I started as a paralegal for Los Angeles County Public Defender's office, and I did that because I was taking criminal law in school. My professor was a public defender, and I wanted to work for the district attorney's office, because I thought they were the good guys, and I wanted to be on the right side. And so in our class when he assigned us cases, he would make us argue both sides. So this time, you're going to argue for the defense. Next case, you're going to argue for the prosecutor. So in doing that, it enlightened me and made me think, well, there really is no good guy bad guy so I learned the law could be argued both ways, depending on the case law, etc. So I interned for the LA County Public Defender's office when I graduated, and after interning that made me decide that's what I wanted to do. So it took me a year to get in, but I finally got in as a paralegal and loved my job. Absolutely. And realized there was a real need for minorities to be doing the work, because – I don't know the percentage, I'm going to – well over 50% of the clients were African American. And there were no, hardly any African American attorneys, paralegals,

investigators. And so I felt I can help my people, and a lot of the clients that I had were the ages of my son. And so I felt so fortunate to be able to get in, get into the field as a second career, but also to really be able to bring perspective and understanding into these guys' lives. And I felt I could, could really help them. So that's how I got into it, and I think I loved it so much because there was a connection there. So I worked for the Los Angeles County Public Defender's for seven years and then went to the Federal Public Defender's office, as an investigator, which I enjoyed it even more because it's put me out in the field and I had a lot more time to interact with people in all areas. And I did a lot of travel, which I really enjoyed so that's that's kind of my trajectory to getting into the investigation work and did that for 15 years.

NK: Wow, that's fantastic. My next question was going to be how did you become an investigator, but you really touched on being able to do the field work and the connections. And on that, is there anything specific about being out in the field that you really enjoy about being investigator.

DC: Yeah, I think the main thing was the variety that it brings to the position. We pull records from different courthouses, and in working a case up, I would, the records might be in a small town in Louisiana. My client's family members might be in Arkansas and Texas, and it really gave me insight into how people in other parts of the country live. I got to study the history of a lot of families, to hear their oral history. And that was so fascinating to me, it was much better than the history that I learned in books. And of course learning it up close and personal was, was just, to me, a true lesson in sociology, and that's what my degree is in. So I love studying human behavior and so hearing it directly from a person who's lived through sharecropping, or their grandparents were slaves, or other ways that people were raised and grew up in rural areas in the United States, is just amazing. So I think that was probably what I love the most. And I like people, and so to be able to spend time in their homes with them, they cook for you, they really welcome you into their home, because you're trying to help one of their loved one. And so you get the best of these people. I think those are some of the assets that I really enjoy.

CW: You talked a lot about traveling and going to, you know, interacting with all these different state justice systems. Did you ever have to change your strategy when you were sort of, you know, going from Los Angeles to Texas to Louisiana? Did various state laws and the structures of those different states, change the way you attacked a case?

DC: I don't think the laws did. People, of course, are different. Because doing cases or pulling information from New York is, you know, much more rigid, kind of like California, the people are rigid. But when you go to smaller cities, I would find records that have been stored up in an attic at a school from the 1920s. I mean in California, you're not going to find records at a school up in an attic. But they were so valuable. I mean, here we were we were quick to destroy records because there was — you know, I think we feel nobody's going to need them. So you approach people differently based on how they view what you're doing. And so I would either have to be very professional, or I could be more relaxed. If I was too professional in

these small towns, they would look at me as someone that they don't really want to get involved, they'd be uncomfortable. Conversely, of course, in a big city, you have to be professional. I worked in Washington DC and, of course, there you have to wear suits and you have to be very professional. So I think it's not so much the laws but just the individuals that you're dealing with.

NK: Alright, well I guess that starts to bring us into the criminal justice system and how you function within that. So our first question for that is, how did you get involved with the Loyola Project for the Innocent, considering that you have been to so many different places and interacted with so many different people and organizations.

DC: Loyola was just starting up their projects for the innocent and they have their first case with Obie Anthony's case, and they needed an investigator to help guide them through the investigation of the case. And so my boss loaned me to Loyola to work with them on occasion to help get that case up and running. So I was on loan.

CW: Can you describe that process a little more, you know, working on these innocence cases. Where do you start? How do you go about reopening that case? And what are the goals involved when you start something of this magnitude?

DC: Yeah, magnitude is a good word because you're dealing with found one that has been wrongfully convicted. And in Obie's case, I think when we started, he had served 13 or 14 years as an innocent man. And that puts a lot of weight on your shoulders. You know, you feel like you've got another shot at life. He was still in his 30s and so and had gone in in his early 20s. So if he's innocent, it's our job to prove that. And so you start with reading all of the documents that were provided to defense attorney at trial and see who is important for you to re-interview, what documents need to reinvestigate, what police records may be false what should have been provided that wasn't. So in reading the documentation, you're looking for loopholes: things that shouldn't have been investigated that weren't, people that should have been talked to that were not, people that were talked to and his story doesn't match his story, so things that don't make sense. So you really do start over at the beginning and work the case up, and as you do that, you do find a lot of things that we're not done. And of course, of course, these guys know their case better than we do. And so Obie was, of course, his own best advocate. And any questions I had he had the answers. There were a lot of challenges because it there, a lot of time has passed. But I think things that were really interesting and good for me is, is that a lot of times these guys as kids don't know people's real names, either by a moniker on the street or they only know their first name, so we a lot of times were challenged with what is his real name. So it was interesting. It was fun, but Obie and other guys in his shoes really are the biggest advocates for themselves and the best help that we could receive.

NK: Awesome. So of course, with picking up a wrongful conviction case you have to go through a process of kind of rediscovering all the evidence yourself. So is there any particular evidence that you look for that is key to getting these cases reopened and re evaluated?

DC: I think one thing that I've found to be key, and still find, is talking to the guys themselves and asking them: "Who else do you think we should talk to that wasn't interviewed?" So, often they would recommend to their trial attorney will talk to DayDay or talk to Boots, because he was there and I told my attorney to talk to him back then, and nobody ever talked to him. Or look in talking to the people that were in our client's life, they often can point us to other people that would have been around at the time. And other documents that should have been around. I've had cases where we should have received video of the robbery at the gas station, and no video was provided, or blood sample should have been done, or this should have been provided, or that person should have been interviewed. So I will say, so what I have found is sometimes a person will be selected as the one, as the one that committed the crime, and the attorney or the prosecutor or the police will only provide evidence that make this guy stand up as the as the perpetrator, And if he swearing that he's not, then you've got to start over and look for other evidence that you have to prove that he's innocent. I've had, I had a prosecutor, tell me, well, if your guy didn't do it, I'll let him go if you tell me who did. If you tell me who did. So the challenge is great, it's great. But as you work through the casem you do find more and more evidence that shows that your guy is innocent.

CW: So you talked about some of the challenges being the time that passes and sort of the nature of the investigation, the ways that the police kind of failed to explore all the avenues. Do you see a lot of resistance to what you're trying to do from within the system, like in getting appeals and judges and other attorneys? Yeah, like do you see the system sort of working against you and these innocent people often?

DC: I did, and I still do. It was a kind of them and us mentality. You know, the prosecution, to me, is the police, the prosecutor's office, and judges because so many judges have grown up through the district attorney's office or the AG's office, and so they are prosecution oriented and that's their mentality. I even had a case when I was still working for LA County, and the judge was actually prosecuting from the bench, because the prosecutor was not doing as much as the judge felt he should and the judge was jumping in, helping him try the case. And so, yes, it is, the cards are stacked against us. We don't, we're not able to get things as easily. Yes, we can't get things as easily; we don't have access to information like the prosecution, it's a big challenge.

CW: And then I guess I also wanted to ask, what changes do you think that we could implement in the criminal justice system that would make it easier for these types of cases and also make it more difficult for wrongfully accused individuals to be prosecuted and brought into incarceration? Or are there any?

DC: There has to be. One thing is equal opportunity, equal access to discovery. We have to take what the prosecutors give us. And so it's funneled through them, and they can decide, they don't need that, oh, they don't get that. And so we don't get it. And we can say, well, there should be this or there should be that. And we have to accept it when they say, well, we don't have it, it was never given to us...and that's it. But after we are re-investigating the case, we often find that that discovery was there, it was part of their archives, that document was in a box that was on a shelf in the back of their storage area. And that, that is, is criminal, to me, it's criminal for you to withhold information like that on a guy and for him to be put away based on what you decide we can have and what we should not have. So I would say, transparency and equal opportunity to discovery and for it not to be such a challenge to get what we need. It's time-consuming, it's expensive. It shouldn't be that way. You shouldn't be hiding the ball from us.

NK: You say that the equal access and opportunity is a real challenge to these kinds of cases. Does that change with the particular nature of the case and the issues that are being brought up? Because you focused on Obie Anthony, who I believe was convicted of attempted robbery and that kind of discovery, of course, is different than some other crimes. The question, I suppose, is, does the challenge change as the nature of the case changes?

DC: I don't know, because probably 90 something percent of my career were homicides and that that's what Obie was convicted of also, was a homicide. So with those, it's quite the challenge, quite a challenge. And we find police reports that are not accurate. I'm being nice – they're not accurate. We even have to go back and re-interview police officers and ask why, you know, and then rely on their memory and what they say. And if it's an exact contradiction of what our client is saying happened and what his friends are saying happened, how do you prove that? So you can see, and when a jury is impaneled, they automatically are focused, just like I was: the prosecutor and the police officers are correct and whatever they say is what I'm going to believe. So, as a defense team, you have that barrier to knock down. Just walking into the courtroom that panel believes that what the prosecutor and the police say is correct, and what you say is probably a lie, because you're trying to help this guy, who did it, you know, I know you're doing your job. And so even overcoming that mentality is a challenge.

CW: So it seems like, it seems like a lot of these cases are about perception, more than they are about the facts. And I was curious to ask you, sort of, how has your experience as a woman in law and as a person of color, how does that shape sort of your interactions with the law and also your interactions with the people that you're defending? And how do you think that's sort of unique in the wider criminal justice discussion?

DC: Well, I think it's helpful because the population is predominantly minority. And I think with all cultures, we're comfortable with our own people. And so I have a case now where my client is Vietnamese, and I don't know the culture. I'm always trying to ask the right questions and, you know, read a book that explains how they feel about mental health issues and things like that. Where if my client is African American, cultural issues, that's not a challenge. And there's a

natural connection that you have, and a lot of questions you don't have to ask. There's not that barrier that one culture has against another and that, that lack of trust. And so those are the kinds of things that that I think are helpful. If I'm working the case, and my client is Black, that helps both of us. And I think with other races, if it's a Hispanic client and Hispanic team, I think it helps them, because there's so much that you don't have to say. And I think if it could be paired up that way, which it cannot, it's very helpful. But you know, and then of course there are other traits that, that rise above that and make you able to work with people of all backgrounds. So that's key. And of course, when you go in the field, you're not going to have that. You can't get the records from...I can't look for an African American and say, girl, give me the record. So you have to be able to deal with people from all different backgrounds. But of course, if your background is the same, it makes it easier.

CW: So, you were an investigator, but you were also an educator as part of the Project for the Innocent. You helped to educate and train more investigators. Can you tell us a little bit about that and sort of what that looks like?

DC: Sure. Probably the main thing that I did was take them with me in the field. And it can be a very scary job. I grew up, I was born in South Central and grew up in Compton. So the streets are familiar to me. So bringing someone that may have grew up in Beverly Hills to South Central is very intimidating. And so I would take the students with me, and I could see the, I don't want to day fear, but discomfort with being in Watts. And watching people go by, and the type of houses that our clients live in, and where they're talking to their parents or are talking to the witness. So taking them with me in the field, I think, was the best education. And then, of course, learning how to take a record and dissect it and extract the information that's going to be most helpful for us when we do go in the field, or how to read the records and look for other clues that we may need to investigate. Look for things that are not here. When you read it, what logically pops in your head, and as you go through, is that question answered? Because if it's not, then that's something else that we need to explore. So just learning how to look for other clues, how to think outside of the box, and what should have been there. So having those types of discussions, but I think also going in the field was probably the most fun for them and ultimately very educational. We also would go to the prison. If you haven't been to a prison, you, I had fear; I thought, there's no way I'm going into jail and have somebody jump over the thing and then kill me. I just had, you have these perceptions, based on what you see on TV and what you see on the news, on L.A. Law, Law and Order, all these shows there are now. But to actually have a one-on-one relationship with someone, it takes, teaches you that people are people, and the need is there to help this person who is in a different situation than you but that's the only thing that makes them different. He still is the human being that deserves a chance at life.

NK: So with that sort of compassionate angle, are there any particular traits or skills that are required of an investigator to serve their clients the best possible? because as you touched on, being personable is definitely a skill that can be honed and worked on. But is there anything else that makes a strong investigator?

DC: I think one thing that makes the investigator good is being able to listen. People, if you can keep them comfortable, make them comfortable and keep them in that zone, and it might take patience on your part also as an investigator. You've got to break down barriers and get them to see that you really are there for the sake of this, this man who is innocent and get them to want to help you. So being able to talk to them in a way that makes sense to them. And of course, this, this is going to be different based on who you're talking to. If I'm talking to a police officer, it's gonna be very different than me getting my client who's a gangbanger and now I'm talking to one of his homies. It's going to be very different, keeping him relaxed and open is very different than talking to a police officer. So just kind of being all things to all people, but really being able to listen and know what you need from that person. And keep tacking at it from a different way until you exhaust all efforts to get that nugget that you're looking for from that person. One thing I've found is that people don't like silence. And so when you're interviewing someone, they will want to keep talking, especially if you're quiet. You're just sitting there absorbing, they will keep talking and keep saying things, and nuggets fall out of their mouth. And so I have found that when I would take a lawyer with me on an investigation they would talk and talk and talk; she was just about to say, so and so, I find that attorneys are taught to talk. And so naturally they want to keep the conversation going, keep it going. And listening is where you get the information that you need. So I think probably patience and being a good listener are two of the good traits and being able to read people, understand where they're coming from, why they're being reticent. Culturally, this culture doesn't give information, so knowing why people are responding to you the way that they are and being able to give them what they need, I think, is important too. So understanding people socially and psychologically. And that's why the federal PD's office likes people that have a sociology or psychology background, because you understand people and people's behavior and can respond accordingly.

NK: Do you think that kind of sociology and psychology background, kind of, like you said, attorneys tend to talk a lot, butt heads with the different types of education that bring people into the legal system? Because this, it's approaching the problem from such different angles, from either a human angle or a legal angle. So is that something you often see kind of clashing in the courtroom?

DC: I'm not sure I understand your question.

NK: I suppose I'm thinking that lawyers and attorneys approach things from a very clinical angle, are working to the letter of the law as you are as well. But you are trying to make a more, not emotional, but connected, like human connection with, I would say, like the jury and your, your client. Would you say that the other side is not as focused on that?

DC: The other side?

NK: I suppose, the prosecution.

DC: Oh yeah, they don't focus on that at all, that's not their issue. They, they focus on winning. And I didn't follow the most recent election, but I know prosecutors used to focus on numbers, and they would run on numbers. We've put 853 people away, you know, we've gotten this many people off the streets and this many gangbangers off the street. And so it's a numbers game for them. But they don't, they don't think about making a connection with the people. They want to make a connection with the jury. That's it, that's, that's their audience.

NK: Yeah, I suppose that was the core of the question I had asked previously, but I didn't want to outright say the prosecution only. But that was a wonderful answer. Thank you.

DC: You're welcome.

CW: So, um, what do you see for the future of the Loyola Project for the Innocent? Where do you see the project and going in the next few years?

DC: Oh, boy. Gosh, I don't know that I could answer that because I haven't worked with them for a few years. I would imagine that they are doing quite well. I can't answer that question because I don't know where they are now. I don't, I don't know what they're doing.

CW: Yeah, that's, that's, that makes sense. I guess, starting to try to wrap up, you said you've been in this field for over 20 years. What have you seen change over the time that you've been working, when you started as a paralegal versus now in your cases? How has the legal system changed? How has public perception towards these cases changed?

DC: I think public perception has changed some because of videos on these phones now. And so what used to be believed as the truth because the police officer said it, now someone can show the video and show that what you did was wrong. You choked this man, and you killed him. You planted those drugs because somebody saw that. So more people are held responsible, and their word no longer flies as truth. They, more people are seeing that wrongs have been committed, wrongs have been done for years, and I hope people are saying, my God, we took these 20 years ago and what happened, you know, 200 years. So hopefully, it's opening people's minds and getting them to think outside of where they have been conditioned to think, and to now at least open their minds to the possibility that the defendant is innocent. And to listen a little more acutely to what the defense is saying, rather than shutting them out and just having their mind made up when they come into the courtroom. He's guilty, hurry up, hurry up, we can convict him, and we can all go home. We've interviewed X past jurors, and the things that they talked about in that jury room, and the lack of patience, and, you know if it's five o'clock, why are we still talking about this, I want to go home. So they don't take it seriously, they really just want to be done. And if you're trying to say, but wait a minute, they said...shut up, we don't want to hear that, we want to be done and get out of here, and you're holding up the show. So the pressures in that jury room, I mean, you really can see where there's breakdowns at lots of different levels or the defendant. The police officers may lie on the report; his attorney if he's not concerned and diligent about representing him

properly; the prosecutor if they don't care if you really did it or not, we need another land. Just there's lots of areas where our client can fall through the cracks and end up as an innocent person serving life. And it happens, it's happened more often than we believe. But I mean, I'm sure you guys have looked at the numbers and seen how many people have been exonerated over the years, and there's thousands more, I'm sure, that are innocent.

CW: Yeah, it seems like every few years, there's a famous case of exoneration. It seems like not only does it happen all the time, but it's publicized all the time. And it just keeps happening.

DC: Si I think that does help change the perspective or at least open people's eyes to the possibility that people are being wrongfully convicted. The laws have changed over the years, like the disparity that there was between the years or the sentence that you would get for being caught with crack cocaine versus, crack versus cocaine, powder cocaine. So that has changed, but that was a battle that took years. So there's, slowly things have changed. People do realize now, teams realize that if you can have a diverse legal team for your client, then you're bringing in a lot of different perspectives for your client and maybe this person can get, make a connection with the client where you can't. So by having a diverse backgrounds, a diverse culture, a team that's made up of different races as possible, I think that's very helpful also.

CW: There's, there's a lot of talk with sort of Black Lives Matter and the advocacy movement of demilitarizing the police and body cams. Do you see that making a big change in the way that a lot of criminal justice is handled and in a few years are those reforms going to make your job a lot easier and trying to, you know, defend these people?

DC: I think it has helped, because it has brought these issues to the forefront. And it's not just minorities that are fighting for it now; it's all races and all ages better fighting for Black lives, that are trying to push reform through. So it's opening more eyes and ears because the movement is diverse and widespread. I think that that is helping. I think it does make our jobs easier, and it should. I've had neighbors stop me after the George, George Floyd murder and that movement. I live in a very white neighborhood out here in Claremont. And a couple of neighbors stopped me and said I would really, really like to sit down and talk with you now that, once the pandemic is over, and just ask you some questions. We've been neighbors for 13 years, no one has asked me to have a conversation. In fact, it's two years before they would even wave when I passed them on the street. But so just on a personal level, I would say people now are thinking, hmm, I didn't know all this was going on, and now I have questions. So I think ultimately it is helping, and it will continue to open people's minds and hearts.

CW: Well, Nicole. Do you have any more questions for Ms Crawford?

NK: I'm trying to think. That was a very eloquent answer to kind of having these conversations better later than never.

DC: Right, exactly. And it gives people the opportunity to ask it and to have access. Sometimes people don't have access to another race. I may have had questions, and I have through the years, that I would love to ask someone. You know, I'm fascinated by Native Americans, and I remember taking my son to a powwow and a reservation and just to see up close and personal how they live and being able to talk to two or three of the Indians on that reservation and see how they eat. It just opened my curiosity to that culture. And so I never had access to them before. So now I find that a lot of people haven't had access to people from different races to be able to have a relationship and understand, have never been in their home, you don't know how that looks and how that functions. But now, people, you know, the world is getting smaller. You do have a neighbor or two from a different race now, and so we do have more access to being up close and personal with people, and, you know those that want to now reach out and, and want to broaden their perspective on how the world function. But I think that's good. So the movements have open that door and giving people permission to walk through.

NK: So it's really nice to be having this conversation with you right now, being able to have different perspectives. I'm not sure if we mentioned this, but Obie Anthony will actually be one of our interviewees for this project as well, so his interview will be available. If you ever want to check how he's doing today.

DC: Yeah, I would love to. Will I be able to see his interview?

NK: Yeah, we'll be uploading all of our content onto a website for the end of our semester, so I'm sure we'll push out a link to you once it's available.

DC: That would be great. I would love to see his interview. He and I are friends, so we stay in close contact. And that's, that's another beauty of this job is, you, you make these connections that become lifelong. So, haven't talked to him in a while, but I would love to see his interview. I'll look forward to that. Thank you.

CW: So I guess to sort of wrap up, and this is, I guess, a tough question. What is a main takeaway for people who are going to read or watch this interview, from your experiences and you're sort of grappling with the criminal justice system.

DC: I think it's important for us to see people in the criminal justice system as a person, rather than what that label is that's been put on them. One thing that we do doing defense work and investigating homicide, and people who are looking at the death penalty, it's important for us to ask the question, how and why did they end up here. Because I look at neighbors pushing their babies, cute little innocent babies, and then they grow up and end up committing a murder or a string of murders. What happens between that three month old, and the 22 year old what transpired that allowed him to become who he is today? So I think we need to open our mind and ask how and why. And ultimately, what can I do to make a difference in the

system? So people going into this work, into the legal field in particular, have a responsibility, into the criminal legal system, have a responsibility to be fair and open and earnest and zealous. And no matter which side you're on, to be honest and open and to, to give, give your best. Not just looking at winning, but really looking at doing what's right and what's right and what's just, I think that's it.

CW: Yeah, thank you. It's really insightful. So, thank you so much for being patient with us and your time and sharing your experiences with us. I think I learned a lot about sort of the realities and what a lot of these processes look like, in a way that I don't think you get from just reading about the cases or reading about the processes. I think this was really valuable for me, thank you.