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| <p>California Department of Justice<br/>CALIFORNIA JUSTICE<br/>INFORMATION SERVICES DIVISION<br/>Joe Dominic, Director<br/>DIVISION OF LAW ENFORCEMENT<br/>Larry J. Wallace, Director</p>  | <h1>INFORMATION BULLETIN</h1>      |   |
| <p><i>Subject:</i><br/>Citizens' Complaints Against Peace Officers</p>  | <p><i>No.</i><br/>DLE-2015-06</p>  | <p><i>Contact for information:</i><br/><a href="mailto:doj.cjsc@doj.ca.gov">doj.cjsc@doj.ca.gov</a></p> |
|   | <p><i>Date:</i><br/>12/31/2015</p> |   |

**TO: ALL CHIEFS OF POLICE, SHERIFFS, AND RECORD SUPERVISORS**

Effective January 1, 2016, Chapter 466, Statutes of 2015 (Assembly Bill 953) amends Penal Code section 13012 pertaining to the collection and reporting of Citizens' Complaints Against Peace Officers (CCAPO).

On January 1, 2016, all law enforcement agencies (LEAs) reporting CCAPO to the California Department of Justice (DOJ) will be required to collect CCAPO, including those alleging criminal conduct of a felony or misdemeanor, non-criminal complaints, and complaints alleging racial or identity profiling.<sup>1</sup> For complaints involving racial or identity profiling, LEAs will further have to collect and report the specific type(s) of profiling alleged: based on race or ethnicity (including color), nationality, age, religion, gender, gender expression, sexual orientation, mental disability, or physical disability. In addition to providing the total number of complaints reported, LEAs must also report the following disposition categories: sustained, exonerated, not sustained, unfounded, or pending. In order to realize the intent of the law, Police and Sheriff's departments will be required to parse out from the total number of complaints, the number of complaints made from inmates admitted to a local detention facility.<sup>2</sup> Annually, during DOJ's statistical close out period for the previous year, LEAs must submit data to the DOJ, which will publish the data within Crime in California. Starting in 2017, these data will now be disaggregated by agency, as required by statute.

In order to accurately report this data to the DOJ, LEAs should explicitly inquire on their citizen complaint forms whether the complainant alleges racial or identity profiling and if so, the specific type(s) of racial or identity profiling alleged. LEAs should also not restrict Complainants from being able to select more than one option to account for instances where a complainant alleges more than one type of racial or identity profiling.

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<sup>1</sup> Penal Code Section 13519.4 (e) "Racial or identity profiling," for purposes of this section, is the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. The activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.

<sup>2</sup> Local detention facility means any city or county facility used for the confinement for more than 24 hours of adults, or of both adults and minors, but does not include that portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors. ((Pen. Code, § 6031.4, subd. (a).)

LEAs should also be sure that they are effectively implementing existing responsibilities enumerated in Penal Code Section 832.5(a). This section requires that "Each department or agency in this state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and *shall make a written description of the procedure available to the public.*" All LEAs should have a clearly delineated procedure to investigate complaints and that procedure should be publicly available on their website.

After January 1, 2016, all LEAs can obtain an updated CCAPO (BCIA 724) form, which will include these designations, by accessing the DOJ's California Law Enforcement Website.

Sincerely,



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California Justice Information Services Division



LARRY J. WALLACE, Director  
Division of Law Enforcement

For KAMALA D. HARRIS  
Attorney General