

<p>California Department of Justice DIVISION OF LAW ENFORCEMENT Stephen Woolery, Chief</p> 	<h1>LAW ENFORCEMENT GUIDANCE STATEMENT</h1>	
<p><i>Subject:</i> Investigations of Potential State Law Violations By Federal Agents or Officers</p>	<p>No. 2026-DLE-07</p> <p><i>Date:</i> 01/27/2026</p>	<p><i>Contact for information:</i> DOJ Command Center (916) 227-3244</p>

TO: ALL CALIFORNIA DISTRICT ATTORNEYS, CHIEFS OF POLICE, SHERIFFS, AND STATE LAW ENFORCEMENT AGENCIES

This month, federal agents committed two fatal shootings in Minneapolis, Minnesota. The shootings occurred during operations conducted by Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Patrol (CBP). Based on publicly available information and court filings, federal agencies have declined to cooperate with local and state law enforcement agencies in Minnesota to investigate these shootings. As a result, local and state Law Enforcement Agencies in Minnesota have had to seek relief in court to ensure preservation of, and gain access to, evidence for purposes of investigating the shootings under Minnesota criminal law.

Be advised that violations of California state law may be investigated by any state or local law enforcement agency, even if the potential violations involve federal agents or officers. See e.g. *Idaho v. Horiuchi* (9th Cir. 2000) 215 F.3d 986, vacated as moot by *Idaho v. Horiuchi* (9th Cir. 2001) 266 F.3d 979. And where the facts warrant it, state or local prosecutors may file charges against federal agents or officers for violations of state criminal laws. See *In re Neagle* (1890) 135 U.S. 1; *Wyoming v. Livingston* (10th Cir. 2006) 443 F.3d 1211, 1222. As stated by the United States Supreme Court, “the States possess primary authority for defining and enforcing the criminal law.” *Engle v. Isaac* (1982) 456 U.S. 107, 128; see also *U.S. v. Lopez* (1995) 514 U.S. 549, 561 fn. 3. The Court has observed that “the Constitution requires a distinction between what is truly national and what is truly local,” and “[in] recognizing this fact we preserve one of the few principles that has been consistent since the [Commerce] Clause was adopted. The regulation and punishment of intrastate violence that is not directed at the instrumentalities, channels, or goods involved in interstate commerce has always been the province of the States.” *U.S. v. Morrison* (2000) 529 U.S. 598, 599, 617-618; see also *Cohens v. Virginia* (1821) 6 Wheat. 264, 426, 428, 5 L.Ed. 257 (Marshall, C.J.) (stating that Congress “has no general right to punish murder committed within any of the States,” and that it is “clear ... that congress cannot punish felonies generally”).

Where potential criminal conduct occurs while a federal agent or officer is carrying out federal duties, joint-investigations and information sharing agreements continue to be best practices if feasible for investigating such instances. However, in light of the federal government’s recent actions, it is important to recognize that the interests of the state are not subordinate to federal interests when it comes to regulating local crime. **State and local law enforcement agencies maintain independent authority to investigate all potential violations of California state law even in instances where federal authorities may decline to cooperate.**

California law enforcement agencies should continue to follow standard practices when it comes to the investigation of crime scenes, including the securing of evidence and obtaining witness statements, to the extent reasonably feasible under the circumstances. California law enforcement agencies are not obligated to defer to federal law enforcement in any incident involving conduct by federal agents that may implicate state criminal law. However, conflict should be minimized, and communication and de-escalation should be of paramount importance in any interaction.

The California Department of Justice is available to assist local law enforcement agencies with investigations into potential violations of state law by federal officers or agents. When such circumstances arise, please immediately contact the Department of Justice Command Center at (916) 227-3244. The California Department of Justice is available to provide technical assistance and/or guidance to facilitate access to potential crime scenes and evidence relevant to an active investigation, including recourse to the state and federal courts as needed to request immediate emergency injunctive relief, as occurred in Minnesota.

Contact Information

If your agency has questions about this Guidance or would like to request assistance, please contact The California Department of Justice Command Center at (916) 227-3244.