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| <p>California Department of Justice DIVISION OF LAW ENFORCEMENT Stephen Woolery, Chief</p>  | <h1>INFORMATION BULLETIN</h1> | |
| <p><i>Subject:</i></p> <p>Changes in the Law Regarding California Penal Code Section 148.6 and Complaints Filed by Members of the Public</p> | <p><i>No.</i></p> <p>2026-DLE-08</p> | <p><i>Contact for information:</i></p> <p>Allison Elgart Deputy Attorney General Police Practices Section Allison.Elgart@doj.ca.gov</p> |
| | <p><i>Date:</i></p> <p>02/24/2026</p> | |

TO: EXECUTIVES OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES

This bulletin contains guidance regarding recent changes in the law concerning complaints filed by members of the public against state and local law enforcement agencies. Under Penal Code Section 832.5, subdivision (a)(1), each department or agency in the state that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of law enforcement departments or agencies.

Penal Code Section 148.6, subdivision (a) previously (1) provided that “every person who files any allegation of misconduct against any peace officer . . . knowing the allegation to be false, is guilty of a misdemeanor,” and (2) required “any law enforcement agency accepting an allegation of misconduct against a peace officer to require the complainant to read and sign the following advisory”:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CIVILIANS’ COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CIVILIAN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I have read and understood the above statement.

Complainant

The California Supreme Court recently struck down Penal Code section 148.6, subdivision (a) in its entirety, including both the criminal liability provision in subdivision (a)(1) and the admonition requirement set forth in subsection (a)(2). (*Los Angeles Police Protective League v. City of Los Angeles*, 578 P.3d 460, 462 (Cal. Nov. 10,

2025).) The California Supreme Court found that Penal Code section 148.6, subdivision (a), burdens protected speech and violates the First Amendment. (*Ibid.*) The Court held that the “ill-defined, asymmetrical criminal provision” set forth in subdivision (a)(1) “together” with subdivision (a)(2)’s “unusual admonition requirement” violate the First Amendment by creating “a potent disincentive for citizens to file even well-intentioned complaints of police misconduct” and burdening “substantially more speech than is necessary to further the government’s legitimate interests.” (*Id.* at pp. 465, 493 [internal citations omitted].)

In light of this ruling, law enforcement agencies or departments can no longer require individuals to sign any advisory warning that filing a false statement may result in criminal prosecution. **California law enforcement agencies should amend their complaint policies and forms to remove the advisory language contained in Penal Code section 148.6, subdivision (a)(2), including the admonition that knowingly making a false complaint can be prosecuted as a misdemeanor.**

CONTACT INFORMATION: The California Department of Justice is available to assist local law enforcement agencies in complying with the California Supreme Court’s decision. If your agency has questions, please contact Deputy Attorney General Allison Elgart in the Department’s Police Practices Section at Allison.Elgart@doj.ca.gov.