


<p>California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Joe Dominic, Director DIVISION OF LAW ENFORCEMENT Larry J. Wallace, Director</p>		<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> Citizens' Complaints Against Peace Officers</p>	<p><i>No.</i> DLE-2015-06</p>	<p><i>Contact for information:</i> doj.cjsc@doj.ca.gov</p>	
	<p><i>Date:</i> 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.¹ 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.² 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.

¹ 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.

² 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,

JOE DOMINIC, Director
California Justice Information Services Division

LARRY J. WALLACE, Director
Division of Law Enforcement

For KAMALA D. HARRIS
Attorney General



ANNUAL REPORT OF CITIZENS' COMPLAINTS AGAINST PEACE OFFICERS

Year of Report: 2016

NCIC Number: _____

TYPE OF COMPLAINT	NUMBER REPORTED	NUMBER SUSTAINED	NUMBER EXONERATED	NUMBER NOT SUSTAINED	NUMBER UNFOUNDED	PENDING
Total Complaints						
Non criminal						
Misdemeanor						
Felony						
Total Complaints made in Local Detention Facilities						
Non Criminal						
Misdemeanor						
Felony						
Total Racial Profiling Complaints						
Racial Profiling Complaints by type <i>(may add up to more than total)</i>						
Race or Ethnicity						
Nationality						
Gender						
Age						
Religion						
Gender Identity or Expression						
Sexual Orientation						
Mental Disability						
Physical Disability						

Agency Name: _____ Prepared By: _____ Phone Number: _____

Mail or FAX completed form to: Criminal Justice Statistics Center • P.O. Box 903427 • Sacramento, CA 94203-4270 • ATTN: Mathew Schorn, B-223
Email: Mathew.Schorn@doj.ca.gov • FAX: (916) 227-0427



ANNUAL REPORT OF CITIZENS' COMPLAINTS AGAINST PEACE OFFICERS

INSTRUCTIONS

1. All reporting agencies shall report the total number of complaints, broken out by non-criminal, misdemeanor and felony complaints. In addition to total complaints, Police and Sheriff's Departments shall also include the number of complaints made from inmates that have been admitted to their local detention facility (city or county jail).
2. Enter the total number of complaints alleging racial or identity profiling, as well as the specific type(s) of racial or identity profiling alleged. "Racial or identity profiling," 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.
3. Definitions of citizens' complaints and the method of their calculation should be determined by each police agency under Penal Code 832.5, which requires police agencies to establish procedures to investigate such complaints and make written description of the procedures used.
4. While reporting agencies have the discretion to determine the scope and format of citizen complaints and reporting procedures, at a minimum, agencies must report the data elements listed above.
5. The primary unit of count should be the actual event. An event is defined as an occurrence of alleged misbehavior which has unity of time, place, and behavior. In some circumstances where there are multiple alleged victims, consideration should be given to modifying the counting procedure to account for the number of victims.
6. Enter the number of complaints "reported" during the reporting year in the reported column opposite the "type" of complaint which properly identifies it.
7. Enter the number of complaints "sustained" during the year in the "sustained" column opposite the appropriate type of complaint which properly identifies it. Sustained is defined as the investigation disclosed sufficient evidence to prove the truth of allegation in the complaint by the preponderance of evidence.
8. Enter the number of complaints "exonerated" during the year in the "exonerated" column opposite the type of complaint which properly identifies it. Exonerated is defined as the investigation clearly established that the actions of the personnel that formed the basis of the complaint are not a violation of law or agency policy.
9. Enter the number of complaints "not sustained" during the year in the "not sustained" column opposite the type of complaint which properly identifies it. Not sustained is defined as the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint.
10. Enter the number of complaints "unfounded" during the year in the "unfounded" column opposite the type of complaint which properly identifies it. Unfounded is defined as the investigation clearly established that the allegation is not true.
11. Enter the number of complaints reported in this reporting year that are still "pending."
12. Complaint type definitions:
 - a. Race or ethnicity bias is defined as a preformed negative opinion or attitude toward a group of persons, such as Asians, blacks, or whites, based on physical characteristics or toward a group of persons of the same race who share common or similar traits in language, custom, and tradition.
 - b. Nationality bias is defined as a preformed negative opinion or attitude toward a group of persons based on their national origin.
 - c. Gender bias is defined as a preformed negative opinion or attitude toward a group of persons based on their gender.
 - d. Age bias is defined as a preformed negative opinion or attitude toward a group of persons based on their age.
 - e. Religion bias is defined as a preformed negative opinion or attitude toward a group of persons based on religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being. Examples are Catholics, Jews, Protestants, or Atheists.
 - f. Gender identity or expression bias is defined as a preformed negative opinion or attitude toward a group of persons based on how that group chooses to identify or express their gender preference.
 - g. Sexual orientation bias is defined as a preformed negative opinion or attitude toward a group of persons based on sexual preferences and/or attractions toward and responsiveness to members of their own or opposite sexes.
 - h. Mental disability bias is defined as a preformed negative opinion or attitude toward a group of persons based on mental impediments/ challenges, whether such disabilities are congenital or acquired by heredity, accident, injury, advanced age, or illness.
 - i. Physical disability bias is defined as a preformed negative opinion or attitude toward a group of persons based on physical impediments/ challenges, whether such disabilities are congenital or acquired by heredity, accident, injury, advanced age, or illness.
13. If you have no reported, sustained, exonerated, not sustained, unfounded, or pending complaints to report for the year, write the word "none" across the face of the report form and return to the Criminal Justice Statistics Center.