



CALIFORNIA DEPARTMENT OF JUSTICE POLICY GOVERNING CITIZEN COMPLAINTS AGAINST LAW ENFORCEMENT

PURPOSE

This general policy establishes guidelines governing the manner in which the Department of Justice will respond to complaints by members of the public against a law enforcement agency or its employees.

GENERAL POLICY

It is the Department of Justice general policy that local government will be primarily responsible for citizen complaints against law enforcement agencies or employees of law enforcement agencies, and that appropriate local resources (e.g. sheriff or police department and district attorney) be utilized for resolution of such complaints prior to a request for intervention by the Attorney General.

The Attorney General will review citizen complaints against a law enforcement agency or its employees for possible investigation when substantive allegations of unlawful conduct are made and all appropriate local resources for redress have been exhausted, or when the local district attorney is the subject of the complaint. Allegations of police misconduct that are not criminal are handled exclusively by the law enforcement agency.

ADMINISTRATION OF GENERAL POLICY

All complaints against law enforcement agencies or employees of those agencies will be initially processed and reviewed by the Attorney General's Public Inquiry Unit (PIU). To expedite processing and ensure accuracy, all complaints must be submitted to the PIU in writing. Those which do not meet the policy criteria above will be responded to by the Public Inquiry Unit. This response will inform complainants of the appropriate local resources to be contacted for resolution of complaints and/or request clarifying information as needed.

Complaints appearing to meet the aforementioned policy criteria will be immediately forwarded by the Public Inquiry Unit for acknowledgment and handling to both the Senior Assistant Attorney General, Criminal Law Division (CLD), in the area having geographical jurisdiction and also to the Senior Assistant Attorney General of the Civil Rights Enforcement Section (CRES) of the Division of Public Rights. Both recipients of the complaint shall confer, as often as is necessary or prior to any action, to both keep each other informed about developments in their respective evaluations and also to coordinate investigative or litigation activities. All proposed legal actions (i.e. the filing of criminal charges or civil litigation) must be reviewed and approved by the Chief Deputy Attorney General for Legal Affairs.

Where appropriate and requested by the CRES and/or the CLD, the Division of Law Enforcement shall provide investigative assistance.

Questions regarding the guidelines that govern responses to citizen complaints against law enforcement agencies and/or personnel of those agencies should be directed to the Public Inquiry Unit at (916) 210-6276 or toll-free (800) 952-5225.



COMPLAINT ABOUT PEACE OFFICERS/ LAW ENFORCEMENT AGENCY

Please read the Information Collection,
Use and Access notice on page 3.

Mail Form to:

Public Inquiry Unit
Office of the Attorney General
P.O. Box 944255
Sacramento, CA 94244-2550

Xavier Becerra
ATTORNEY GENERAL

PUBLIC INQUIRY UNIT

(916) 210-6276/ (800) 952-5225 Toll Free - CA only

TTY/TDD (800) 735-2929 (California Relay Service)

For TTY/TDD outside California contact your state's relay service

number at <http://www.fcc.gov/cgb/dro/trsphonebk.html>

AG Web Site: <http://www.ag.ca.gov/>

NOTE: We do not provide an on-line filing process for this type of complaint because document attachments are needed.

SECTION 1 - POLICY FOR REVIEWING CITIZEN COMPLAINTS AGAINST LAW ENFORCEMENT

Under the general policy of the Department of Justice, your complaint about a law enforcement agency or its employee(s) must be addressed first to appropriate local authorities. The Attorney General will review complaints for possible investigation when substantive allegations of unlawful conduct are made and all appropriate local remedies have been exhausted.

HAVE YOU EXHAUSTED
APPROPRIATE LOCAL
REMEDIES?

NO Please contact appropriate local authorities (e.g. sheriff or police department and district attorney).
YES PROCEED WITH COMPLAINT FORM.

SECTION 2 - TYPE OF COMMUNICATION

This is a complaint about a law enforcement officer. This is a complaint about a law enforcement agency.

SECTION 3 - YOUR CONTACT INFORMATION (To receive a response in writing, you must provide your mailing address)

First Name: _____ MI: _____ Last Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ E-mail Address: _____

SECTION 4 - LAW ENFORCEMENT AGENCY OR EMPLOYEE INFORMATION

Employee's Name: _____
Agency Name: _____
Agency Address: _____
City: _____ State: _____ Zip Code: _____
Agency/Official's Phone: _____

SECTION 5 - LOCAL REMEDIES SOUGHT

Have you contacted the local law enforcement agency about your complaint? YES NO
If so, what agency/agencies? _____
Have you filed a complaint with the county district attorney? YES NO
Have you contacted an attorney for assistance? YES NO
If so, provide the attorney's name and phone number: _____

SECTION 6 - YOUR COMPLAINT

Provide specific information about the alleged unlawful conduct and detail your efforts to obtain local remedies. If more space is needed, attach additional pages. ALSO ATTACH A COPY OF YOUR COMPLAINT(S) TO THE LOCAL AUTHORITIES AND THEIR RESPONSE(S). Do Not Send Original Documents.

Total # Pages
Attached:

[If you need more space and are using this fillable form, create a document (e.g. MS Word) to print and attach.]

Signature:

Date:



Xavier Becerra
Attorney General

COMPLAINT ABOUT PEACE OFFICERS/LAW ENFORCEMENT AGENCY

Information Collection, Use and Access

Collection and Use of Personal Information. The Public Inquiry Unit of the Department of Justice collects the information requested on this form as authorized by Government Code Section 11180 and Civil Code Section 52.3. The Unit uses this information to review your complaint. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at

<http://oag.ca.gov/privacy-policy>.

Providing Personal Information. You do not have to provide the personal information requested. If you do not wish to provide personal information, such as your name, home address, or home telephone number, you may remain anonymous. In that case, however, we may not be able to contact you or help resolve your complaint.

Access to Your Information. You may review the records maintained by the Public Inquiry Unit in the Department of Justice that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to follow up on your complaint, we may need to share the information you give us with the party you complained about or with other government agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information: For questions about a written complaint that you submitted to the Public Inquiry Unit, please fill-out and submit our online form, available at:

<http://oag.ca.gov/contact/general-comment-question-or-complaint-form>

Please specify in the "Your Comments" section the specific Public Inquiry Unit record that you are seeking. Or you may mail your request to Analyst, Public Inquiry Unit, Office of the Attorney General, P.O. Box 944255, Sacramento, CA 94244-2550. In addition, if you are seeking records maintained by another Department of Justice program, you should contact that program directly.