

## California Supreme Court Ruling:

### Agencies Can No Longer Require False-Complaint Warnings

**Los Angeles Police Protective League v.  
City of Los Angeles**  
(78 Cal.App.5th 1081)

The California Supreme Court recently decided a major decision that directly affects how police agencies handle civilian complaints against police officers.

California law, under Penal Code, § 832.5 (a)(1), requires every police agency to have a system for the public to file complaints about officer misconduct. To discourage false allegations, Penal Code § 148.6(a) made it a crime to file a knowingly false allegation of misconduct against a peace officer and required that, before accepting a civilian complaint, law-enforcement agencies must require the complainant to read and sign an advisory informing the complainant that filing a knowingly false complaint of police misconduct is a crime.

In *Los Angeles Police Protective League v. City of Los Angeles*, the League sued the City to require the City to start enforcing the warning/advisory requirement in Penal Code §148.6 again. The City refused on the basis that the advisory requirement violated the First Amendment, and the case made it all the way up to the California Supreme Court.

The California Supreme Court had to decide whether Penal Code 148.6(a)'s provisions of a criminal penalty and mandatory warning requirement violated constitutional free speech rights. Although the California Supreme Court previously ruled that the advisory requirement did **not** violate the First Amendment, the Court decided to reconsider the issue.

In reconsidering the issue, the Court changed its previous ruling, this time finding that section 148.6(a)'s criminal provision and its accompanying warning requirement did, in fact, violate the First Amendment and were therefore unconstitutional. While the Court acknowledged that the government has a legitimate and important interest in deterring knowingly false complaints against police officers, it concluded that the statute was not narrowly tailored and swept too broadly into protected speech. The Court identified several key problems with the statute:

- (1) it criminalizes knowingly false allegations that are filed against law-enforcement, while leaving unregulated false statements that witnesses might make in support of law-enforcement during the course of the ensuing investigation under section 832.5;
- (2) it bars law-enforcement from accepting a formal complaint of police misconduct unless the complainant agrees to read and sign an admonition warning that they can be criminally prosecuted if their claims are disbelieved;

- (3) it provides complainants ill-defined and inconsistent descriptions of what specific types of false statements might trigger criminal liability; and
- (4) it fails to require that the statements actually be material to an actionable type of misconduct or that they cause any harm to the falsely accused. Based on all these concerns, the Court found that the statute's requirements would actually deter citizens from filing truthful complaints of police misconduct.

#### KEY TAKEAWAY

The Court ultimately ruled that the criminal penalty and mandatory warning requirement in Penal Code § 148.6(a) were unconstitutional and could not be enforced. While false accusations against officers can be deeply harmful, the Supreme Court made clear that laws addressing them must be carefully drafted and cannot chill constitutionally protected speech. **Agencies may no longer require complainants to read or sign a warning threatening criminal prosecution before accepting a civilian complaint.**

**Stay Safe!**