



# SELF-EMPOWERMENT GUIDE:

## YOUR ADVOCACY OPTIONS TO RESPOND TO POLICE MISCONDUCT

### **PLEASE BE AWARE:**

The information in this guide does not replace legal advice. This guide gives you general information and does not give advice about your particular legal issue or circumstances. Please talk to a lawyer if you think you need help. Remember, laws and information about your situation may change as time passes. The ACLU of Louisiana is not responsible for any steps taken on the information in this guide.

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## **IMPORTANT LEGAL NOTICE TO READER**

The ACLU of Louisiana prepared this guide to help people publicly advocate for themselves after an incident with police. This guide gives information and resources to help you understand the non-legal advocacy options to share your story publicly, if you choose. There is also information on how to represent yourself in court (called pro se representation) if you are eligible.

The ACLU of Louisiana supports you in fighting for justice and accountability. If you're reading this guide, it's because you or someone you know experienced police misconduct, and your rights were violated by those entrusted to protect us. This guide is intended to validate and address the misconduct you experienced. We acknowledge your courage and strength in standing up for your rights and the rights of others.

This guide is for information only and does not provide legal advice. If you or a loved one experienced police misconduct or a police officer violated your rights, this guide gives you advocacy options that you can use to hold the police accountable. Suing the police for misconduct or violating your rights is called a "Section 1983" case. This guide will: 1) explain what police misconduct commonly looks like; 2) what it means to have your rights violated; 3) what options you have available to you outside of court; and 4) what to expect if you choose to represent yourself in court.

Section 1983 claims against police officers and other government officials are extremely complicated, frustrating, and difficult to win. It can feel as though the legal system – judges and the courts – is biased against you. It's important you understand these challenges to find an advocacy option that best fits your needs and circumstances. **This packet is not a guarantee you win your case.**

### Challenges of Police Misconduct "Section 1983" Claims:

1. You must prove your claim against the police officer or department, and you have the "burden of proof." This means you are responsible for all the facts that must prove to the court that your rights were violated.
2. You also must prove that you have "damages" or were injured because your rights were violated. This means you may be owed money by the police for the injuries or harm you suffered.
3. Police officers are more protected by the law because of "qualified immunity." This means that unless an officer(s) violates a "clearly established" law or your constitutional rights, they cannot be held personally liable in court for their actions.

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4. Time is also not on your side to file your lawsuit. You must file a lawsuit within **two years** of the day the police misconduct and/or the violation of your rights happened to you. In Louisiana this is called your “Prescription Period.” If two years have passed since the incident happened, your case cannot be heard by the court.

We do not recommend filing your case in court based only on this informational guide. You should speak to an attorney about your rights and specific situation first.

**The ACLU of Louisiana designed this Self-Empowerment Guide to give you advocacy options that you can use if you do not want to go to court or if the two-year statute of limitations has passed.**

The Reality of Legal Battles: You must be ready for the emotional and financial costs that come with bringing a lawsuit against the police. Legal battles can take years and can cause severe emotional trauma. They are incredibly expensive and may create many additional negative impacts on you and your family's lives. Because of these obstacles, bringing a lawsuit does not in any way guarantee success. Your path to justice will have many setbacks and challenges.

The advocacy options described in this guide are designed to be as minimally demanding on you, while holding those who mistreated you accountable. These advocacy options may be more helpful to you and more suited to your needs and circumstances than a lawsuit. It's important to understand the risks and benefits that pursuing each option may have on your life. Only you can make the best decision for yourself and know what options you are most comfortable with, given what you've experienced at the hands of the police and your personal circumstances.

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## **ABOUT THE ACLU OF LOUISIANA**

The ACLU of Louisiana, founded in 1956, is a civil rights and liberties non-profit and nonpartisan legal advocacy organization that addresses local and statewide police misconduct and advocates for broad public safety reform across Louisiana.

The ACLU of Louisiana envisions a Louisiana free from law enforcement misconduct and an end to mass incarceration. As a Louisiana-based advocacy organization founded during the Civil Rights Movement, the ACLU of Louisiana understands how the historical legacies of slavery and systemic racism shape the lived realities of everyday people when interacting with law enforcement and perpetuate the system of mass incarceration across Louisiana.

Through its statewide ***Justice Lab: Putting Racist Policing on Trial***, the ACLU of Louisiana connects directly impacted people and communities across Louisiana with the tools and resources needed to fight for justice and accountability, in and out of the legal system.

The mission of the ACLU of Louisiana's Self-Empowerment Resource Guides and Clinics are to help people directly impacted by police misconduct. We hope to provide information and resources to address the law enforcement official(s) and department(s) that caused you harm and violated your civil rights and liberties. The clinics will provide participants with options and resources to meet your needs. You will learn how to share data on police misconduct, publicly tell your story of police misconduct, write a police department or elected official, and/or file a complaint with the Office for Civil Rights.

The ACLU of Louisiana collects data to use for systemic reform purposes for litigation, legislation, policy advocacy, and public education. We hope to shine a spotlight on the problems within policing practices that everyday Louisianians live with, but too often go ignored or overlooked.

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## **WHO IS THIS GUIDE FOR?**

This guide is for anyone who has experienced police misconduct and felt police and the department that supervises them violated their rights.

Police misconduct occurs in many forms in many different places: on the side of the highway while you're in a vehicle, inside the hallways of a school building, or behind the concrete walls of a prison cell. Because it can take many forms, **police misconduct is generally understood as any wrongdoing committed by a police officer.** This may happen when an officer commits a crime, or when law enforcement violates their own departmental policies and procedures. Misconduct is generally understood as **when an officer takes an inappropriate or unreasonable action while in the performance of their duties that violates a person's rights under the U.S. Constitution or under Federal and State laws.**

Police misconduct takes many forms. A few common examples of police misconduct are:

**Police Brutality:** When police use physical force, canines, or chemicals like mace or tear gas, or when using lethal weapons like a baton, taser, or firearm.

**Excessive Force:** A type of police brutality that refers to the use of force beyond what a reasonable police officer uses to question or apprehend a person. Officers should only use the minimum amount of force necessary to safely contain a situation.

**Wrongful Death:** When police cause the wrongful death of a person. Examples of this include death caused by beatings, shootings, failure to give aid, or detaining someone unlawfully who then dies in custody.

**False Arrest or Imprisonment:** The 4<sup>th</sup> Amendment of the U.S. Constitution protects people from being unlawfully detained (stopped or held) or restrained without probable cause or a valid warrant.

**Racial Profiling:** The discriminatory practice by police when they target people as suspects of a crime based on a person's race, ethnicity, religion, or national origin.

**Unlawful Search and Seizure:** The 4<sup>th</sup> Amendment protects citizens from unreasonable searches and seizures of a person's body, vehicle, or home by law enforcement who do not have probable cause or a valid warrant. This is a specific legal definition about what is "reasonable" or what creates "probable cause."

**Sexual Misconduct:** Sexual abuse and assault that occurs when officers arrest or detain suspects. Women, LGBTQI+ individuals, and people arrested on prostitution charges are more likely to encounter sexual police misconduct. Common cases may include police demanding sexual favors from a suspect, sexual relations between an officer and a suspect, sexual assault in a jail cell, rape, or attempted rape.

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## GUIDE FOR WHAT TO DO IF YOU HAVE EXPERIENCED POLICE MISCONDUCT

**Failure to Intervene:** Officers have a duty to intervene and stop another officer when he is violating your constitutional rights. If an officer is using excessive force or unlawfully detaining you, another officer must intervene to stop this behavior.

**Falsifying Evidence:** Police may mishandle or manipulate evidence to cover up wrongdoing or secure a conviction.

**Witness Tampering:** Police or prosecutors may interfere with a witness's testimony to cover up wrongdoing or to secure a conviction.

**Torture to Force a Confession:** It's unlawful for a police officer to force a suspect to confess to a particular charge through intimidation, whether through physical threats or psychological tricks.

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### **COMMON TERMS DEFINED:**

**Racial Discrimination:** Racial discrimination is when someone is treated unfairly or unjustly based on their race, ethnicity, or national origin. This is a violation of your rights to equal protection under the law, guaranteed by the 4<sup>th</sup> and 14<sup>th</sup> Amendments of the U.S. Constitution and the Civil Rights Act of 1964.

**Police Misconduct:** Police misconduct refers to when law enforcement acts in a way that is illegal, unethical, or that is against the rules and regulations that they are required to follow.

**Police Brutality:** Police brutality refers to the use of excessive force, violence, or abuse by law enforcement officers in the course of their duties. It typically involves when officers go beyond what is necessary or reasonable to handle a situation.

**Louisiana Public Records Law:** You are entitled to access records that local and state government agencies keep and maintain. This includes police departments. This means you have the right to request and have access to incident reports and other evidence of police misconduct that you may have experienced.

**4th Amendment:** The 4th Amendment to the U.S. Constitution protects you from unreasonable searches and seizures by the police and other government officials. It requires police to have a warrant based on probable cause before they can search, seize, or arrest a person or property.

**14th Amendment:** The 14th Amendment to the U.S. Constitution is one of the most important amendments because it guarantees equal protection and due process under the law. The 14<sup>th</sup> Amendment is used in lawsuits to fight racial discrimination when police violate your rights.

**Section 1983:** The law is: 42 U.S. Code § 1983. This is a federal law that allows people to sue state and local government officials, which includes police officers, for violating their constitutional rights – like the rights guaranteed by the 4th or 14th Amendments.

**Civil Rights Act:** The Civil Rights Act of 1964 refers to several federal laws passed to protect individuals from discrimination and ensure equal treatment under the law.

**Litigation:** This refers to the process of resolving legal issues in the civil or criminal court system. It requires filing a lawsuit. When you hear the term “litigation,” it typically is the process from when a petition or complaint is filed with the court until the case is resolved or closed.

**Plaintiff:** This is the person or party that brings the lawsuit. In a civil rights case, this is the person who police mistreated.

**Defendant:** This is the person or party being sued or accused. In a civil rights case, this would be the police, police department, or state agency.

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## **WHAT ARE YOUR ADVOCACY OPTIONS**

- **YOUR FIRST STEPS: *AFTER MISCONDUCT BEFORE ADVOCACY***

It's important that you save all the documents related to the misconduct and injuries you experienced. This includes asking for and saving your medical records, writing a detailed timeline of the misconduct, and documenting your injuries.

- **ADVOCACY OPTION 1: *SHARING DATA WITH THE ACLU OF LOUISIANA***

Share information about police misconduct for data collection purposes and to identify trends in police misconduct taking place across Louisiana.

- **ADVOCACY OPTION 2: *SHARE YOUR STORY WITH ACLU OF LOUISIANA***

You can choose to share your story publicly with the ACLU of Louisiana, where quotes from your story will be published on our website alongside other survivors' stories.

- **ADVOCACY OPTION 3: *WRITE A DEMAND LETTER***

Write a letter demanding immediate information and actions from the police department that supervises the officer who mistreated you to increase transparency, hold them accountable, and improve policing practices. You can also write your your elected representatives who have oversight over agencies and departments and can raise more public awareness.

- **ADVOCACY OPTION 4: *WRITE AN OFFICE OF CIVIL RIGHTS COMPLAINT***

You can also write a complaint with the Office of Civil Rights within the Department of Justice. Pursuing this advocacy option provides evidence to the federal government to open an investigation into the law enforcement officials and departments engaged in misconduct.

- **ADVOCACY OPTION 5: *HOW TO REPRESENT YOURSELF IN COURT***

You have the option to represent yourself in court as a "pro se litigant." This option should be considered last because of the real difficulties in navigating the legal system on your own.

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### **YOUR FIRST STEPS**

#### ***AFTER MISCONDUCT – BEFORE ADVOCACY***

***[Expected Time: 1 hour to 1 -3 weeks]***

##### ***Save All Documents Related to the Misconduct:***

We recommend finding, saving, and safely storing all papers, pictures, and electronic records and documents related to the incident. You may already have some of this in your possession. For example, if you called or texted anyone during the incident, or if the police called or texted you during or after the incident, screenshot the text/call log or conversation, save the file on your phone, and print out physical copies of the files. It can be helpful to keep all documents like this in a folder or binder and organized by date and time. All physical copies should be kept in a waterproof, fireproof, safe place in your home and any digital copies should be held in your password-protected email and backed up on computers, the cloud, or on an external computer drive. If, for example, you recorded the police officer's misconduct with a camera or your cell phone, it's important to save these digital files on your phone, your computer, **AND** on a physical flash drive labeled with the time, date, and location of the misconduct.

If law enforcement issued you a traffic citation or charged you with a criminal offense during or after the police misconduct, you may need to ask for certain records from the police department and/or parish criminal court. If the police ticketed or cited you with a traffic violation, make a copy of the ticket or take a photo of it.

If the police charged you with a misdemeanor (non-traffic) or felony offense, you may need to request a copy of the police or incident report at the police department. If this is the case, first go online to check the police department's website or consider calling the front desk to find out the department's requirements for requesting police reports. Remember, under Louisiana Public Records Law, you are entitled to request police reports.

If your criminal case goes to court, you may need to request copies of your paperwork from the parish or criminal district court. You should go online to the parish or criminal district court's website to find out how to get your paperwork. Courts may charge you fees for printing out copies of your paperwork for you. You will likely need to know your case number, which can be found by calling the parish clerk's office, using the court's website, or checking any court documents you already have. You should ask for your "Bill of Information," which is paperwork that tells you the criminal charges brought against you and the "Disposition" or outcome of your case. Other common documents you can ask for are: case files, arrest warrants or affidavits, bail or bond documents, motions and orders, transcripts of court hearings, plea agreements, victim impact statements, exhibits of evidence, and sentencing documents.

Make sure to ask for the costs of your paperwork and what forms of payment the clerk will accept. The court may request you complete a paper form, which asks for your personal

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information, before giving your court paperwork. Whenever you talk with any court clerk, we encourage you to remain polite, respectful, and patient with all staff as they are there to serve you.

### ***Save All Medical Records Related to Misconduct:***

If you received medical treatment after the misconduct, it's important that you get copies of all the medical records for your care. There are several steps you should take to get your medical records:

First, you should check your healthcare provider's online patient portal if they have one. Once on the portal, you may be able to download and save the files and print out copies to keep in a file or binder. You can also check your healthcare provider's website for information about how to get your health records mailed to you. You can also call or schedule a visit to your medical provider's office to request the records. They might ask you to fill out and complete a health or medical release form before you get your records. This form will ask you for your personal information, including your social security number, dates of treatment, and other personal and identifying information. When you ask for your records, make sure to ask how much it will cost and if they can give you the records for free.

Your healthcare provider is required to give you access to all your medical records under the law. But you may have to pay a fee to get your records mailed on paper or by USB drive. If you get your records from the online patient portal, then your records are more likely to be free. Also, remember that your healthcare provider can take up to 30 days to give your records to you.

Important medical records that you should request include: doctor's notes, diagnostic charts, surgical notes and charts, emergency room records, MRI or CT scans, discharge summaries, lab and imaging test results, insurance requests and responses, and billing information.

If you had physical injuries from the misconduct and did not get medical care, it's important that you take photographs and keep track of your physical injuries. You can write a log of the injury's location on your body and describe how often you feel the pain, how strong the pain is, and the physical appearance of the injury.

If you did not receive any medical attention, but experienced social or psychological/emotional harm and trauma, please keep a detailed log of your symptoms that includes the date, time of day, symptom, description of symptom, and severity of symptom. If you saw a therapist because of the incident, please keep a log of the financial costs and the dates of your appointments. Just like your medical records, you have a right to these records, but your mental health provider may also charge you fees for copying the files for you. Generally, they can take up to 30 days to get your records to you.

It's very important that you think about what health information you may choose to share publicly. This information is confidential, which means that it's both secure and secret from others. If this information is shared publicly, you should think about how this personal history could be used against you or be misinterpreted.

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Remember that you're in control of how you tell your story and what personal information you choose to share. It's important to know that by saving and sharing the health impacts you experienced from the misconduct, you will write more persuasive letters to the police department or your elected officials. Telling the full scope of your injuries, or the information you're comfortable sharing, is an important step in your advocacy because it will make it harder for law enforcement or elected officials to dismiss or downplay the misconduct and your injuries.

### ***Write a Timeline of Misconduct:***

We recommend writing a detailed timeline of the incident(s) when police violated your rights and the full extent of your injuries after the misconduct. If you've gone through physical or psychological trauma from the misconduct, remembering the exact details of the misconduct may be challenging. Writing down the details may help you remember other facts from the incident. This will help you later in telling a more detailed story. Writing down the details of the misconduct may help you remember what officers said, what they did, and other important information like any people who witnessed the misconduct.

You should keep a separate record of how this incident(s) impacted you personally, emotionally, medically, and financially after the misconduct, no matter how much time has passed.

Remember you are always in control of how you tell your story. Having a detailed timeline of the misconduct will help you write more persuasive letters to the police department or your elected officials.

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***ADVOCACY OPTION 1:***  
***SHARING DATA WITH THE ACLU OF LOUISIANA***  
***[Expected Time: 15 minutes]***

**Share your story of police misconduct with the ACLU of Louisiana**

The ACLU of Louisiana’s tool “Louisiana Police Misconduct Data Collection” collects information from people who want to report incidents and tell their stories. This tool is online, and anyone can find this information by using our website. We hope this tool and your stories can be shared to help raise awareness and show how common police misconduct is across Louisiana. We believe that documenting these stories will bring accountability and awareness to law enforcement who violate people’s rights.

When you fill out this form, you can choose to share your information publicly or confidentially. If you choose to share your information confidentially, it means the ACLU of LA will not use your story or personal, identifying information online. We will only report your incident as part of our combined data and numbers. If you choose to share your information publicly, it means your story may be used online to share the narrative of what happened during your incident, but **we will never include your name online.**

Whether you fill out this form publicly or confidentially, you will promote transparency and accountability in law enforcement activities in Louisiana. Many people who’ve experienced misconduct suffer in silence and never have an opportunity to tell a trusted organization what happened to them. We strongly believe that by sharing your stories of police misconduct, you will help others across Louisiana. This data collection project creates a resource for the press, advocacy organizations, and our elected officials to take this misconduct seriously. By sharing your story, you are helping change the narrative of police misconduct and helping us show that these incidents happen everywhere and are more common than “a few bad apples.” We hope this kind of transparency can help change departments and policies so all police can be trusted to serve and protect us.

To submit an incident of police misconduct, please use [this form](#).

URL: <https://action.aclu.org/la-misconduct-data-collection>

You can find a link to the ACLU of LA dashboard [here](#).

URL: <https://www.aclujusticelab.org/dashboard/>

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***ADVOCACY OPTION 2:***  
***SHARE YOUR STORY WITH ACLU OF LOUISIANA***  
***[Expected Time: 30 minutes to 2 hours]***

You can work directly with the ACLU of Louisiana to tell your story and publish it on our website. If you choose this option, a trained volunteer may interview you about your experience with police misconduct. Generally, the interview can take anywhere from thirty minutes to two hours, depending on your comfort in sharing your story of misconduct.

Our volunteers are trained to ask non-judgmental questions that are open-ended and provide you the space and time to share your experiences at your own pace. At the end of the interview, the volunteer will write down and organize the notes from the interview to write your story. You will review the story with the volunteer before it is finished, so you have final say that your story was written accurately.

You also have the option of writing down your own experience to be used on any platform you believe is best. Writing your story down first can help you with creating videos, online posts, or giving spoken testimony at meetings, hearings, or events.

With either option, you can choose to share your information publicly or confidentially. If you choose to share your information confidentially, it means the ACLU of LA will only use your story, and your name and other identifying information will be removed. If you choose to share your information publicly, it means your name and other identifying information will be in records and possibly online.

Whether you choose to share your information publicly or confidentially, you should think about how comfortable you are with the people viewing your personal information online, including police, employers, or family members.

When you write your story down and tell others, you are promoting transparency and accountability in police practices in Louisiana. We strongly believe that by sharing your stories of police misconduct, you will help others across Louisiana by encouraging other survivors and family members of survivors to report their own stories. Sharing your story publicly provides a degree of public accountability and awareness of police violence in your community and across Louisiana.

Our Story Telling Project also creates a resource for the press, advocacy organizations, and our elected officials to take this misconduct seriously. By sharing your story, you are helping shift the narrative away from one that justifies the continued rule-breaking by law enforcement to one of trust and public safety meant to serve and protect you.

You can find stories published on our website so far at [Justice Lab's Listen page](#).

URL: <https://www.aclujusticelab.org/listen/>

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**ADVOCACY OPTION 3:**  
**WRITE A DEMAND LETTER**  
*[Expected Time: 30 minutes to 1 hour]*

**Demand Letter to Police Department:**

You also have the option to write a letter to the police department that employs the officer who violated your rights or to an elected official who represents you or the officers involved. This letter is called a demand letter because it “asks” or “demands” that the police department take immediate action against the officer or officers who violated your rights. **You are asking the department or agency to conduct an immediate investigation, publicly disclose the steps it’s taking to address your issues, and review its policies and practices while committing to reform.**

Demand letters can do several things. First, you are creating a written record with the police department of the misconduct that violated your rights. Second, you are advocating for accountability by demanding an investigation against the officer or officers who violated your rights because the department must review the incident based on their training and policies. Third, you can clearly show the department the seriousness of your injuries.

If you write a demand letter to a police department, you can ask them to take any action related to holding the officer and department involved accountable. This means that you can demand to know how the police department will do things differently, so this type of action does not happen again. You may demand financial compensation for your losses. You can demand that an officer be fired, placed on administrative leave, or have other disciplinary measures placed on them.

You should know that a police department may not respond to your individual demands or even your letter. However, writing a demand letter is critical to formally documenting the violation of your rights and demanding accountability from the department, whose responsibility is to ensure their officers follow the law.

**Demand Letter to Elected Officials:**

You can also choose to write a letter to your elected officials or representatives about an incident of police misconduct. You have the option to write to your local parish representatives, state senator or representative, the governor of Louisiana, or your U.S. congressman or congresswoman or senators. The links below will include your representatives’ mailing address, or email if available, to send your letter.

Advocacy to elected officials is also powerful because it puts elected representatives on notice of police misconduct against the citizens they are elected to represent. Many representatives may also believe that a letter represents not only your experience with misconduct, but the experiences of other constituents who did not or could not write to them.

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It's important to remember that when you write a letter, you may feel that nothing was followed up on. Your elected officials may ignore the letter, be slow to respond, or choose not to act on the police misconduct you bring up in the letter. They may politically not agree with the issues you raise or fail to see it as their problem to fix. However, this should not stop you from writing the letter. The letter will still put the elected official and their staff on notice about this issue. Also, if you share your letter publicly, it might encourage other survivors of police misconduct to speak up and write their own elected officials. You have the power to help build a political movement of survivors of police misconduct to bring about change and reform in the highest levels of government in your state.

When writing your letter, remember to ***keep it brief*** – usually a one-page letter is recommended. You should tell your representative who you are, that you are a ***member of their constituency***, voted or contributed to their campaigns, or that you are a resident of their state. If you are a member of a union, faith-based organization, or other professional association, it's also important to let your representatives know this because it lets them know your voice is not alone and this will hold them more accountable.

Tell your representative ***what you are demanding right away*** and consider choosing ***three of your most important points*** or demands. It's important to know that you can ask for an appointment in person to speak with your representative about the misconduct you experienced. Tell your elected official why this misconduct hurt you personally and its impact on their community and state.

Remember that you are the expert, and do not to be intimidated by their position. If this experience hurt you and your family, share those stories with your representative because they are often influenced by ***personal stories*** that influence their positions. Remember that ***elected officials are there to serve you***. Be polite and to the point, but make sure to be firm in describing your story of misconduct and in what you're demanding from them. Always remember to ***ask for follow-up***, whether you ask them to respond back to you by email, telephone, or by sending you back their own written letter. You can also follow up on your letter after a few weeks to ask if it was received, or to tell the contents to staff by phone.

Writing to a legislator about police misconduct is not just about reporting an incident; it's about advocating for accountability and systemic change and engaging in the democratic process to ensure that law enforcement agencies serve and protect all members of the community equitably and justly.

You can find your state and federal legislators by visiting the Louisiana Legislature's website: <https://www.legis.la.gov/legis/FindMyLegislators.aspx>

Louisiana's Governor's Office: <https://gov.louisiana.gov/index.cfm/form/home/4>

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## GUIDE FOR WHAT TO DO IF YOU HAVE EXPERIENCED POLICE MISCONDUCT

A sample letter to **law enforcement** could look like this:

Dear Chief [Chief's Last Name],

I am writing to formally report an incident of police misconduct involving officers, [officer(s) name(s)] from your department on [date of incident], which occurred at [address of incident]. I am a [longtime] resident of [name] parish, which this department is sworn to protect and serve. I am writing this letter to bring to your attention the misconduct of the officer(s) that violated my rights and caused my significant [type of injuries] injuries.

The incident involved [brief description of the incident, including location and time, if known]. [Describe the misconduct in detail, providing as much specific information as possible, such as the number of officers involved, how the interaction began, include physical descriptions of officers, if weapons were involved, if officers used physical force or aggressive/inappropriate language, include any other identifying information, if witnesses were present, and the impact of the incident on victims or the community. **Avoid making unfounded accusations; stick to the facts as you understand them.**]

This conduct raises serious concerns regarding the training, supervision, and accountability mechanisms currently in place within your department. It is essential that this incident is not viewed in isolation, but rather as an opportunity to review and reinforce your department's commitment to ethical policing and community trust.

I respectfully demand the following actions [choose what applies and how to your situation]:

Immediate Investigation: A thorough and transparent investigation into the incident, ensuring that all involved officers are held accountable for their actions. I request all reports available under Louisiana Public Records Law, La. Rev. Stat. § 44, related to this incident and any subsequent investigation involving [names of officers], including incident reports, 911 call logs, dispatch call logs, evidence logs, and the disciplinary of the involved officers. Additionally, I request immediate receipt of my civilian complaint (if filed), which accompanies this letter, along with the date of response, the civilian complaint department or officer will take steps to address this issue.

Public Accountability: Public disclosure of the steps your department will take to address and rectify the situation, respecting all individuals' privacy and legal rights.

Policy Review: A comprehensive review of your department's policies and training programs related to using force, de-escalation techniques, and community engagement, with a commitment to implementing necessary reforms. Along with this, I request complete copies of your department's policies and training programs related to using force, de-escalation techniques, and community engagement to be mailed to me free of cost within a reasonable time frame upon receiving this letter.

As a [life/long time] resident of this [parish name/Louisiana], whose rights were violated by the officers employed by this department, I believe that addressing this incident with the seriousness it

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deserves is crucial to rebuilding trust between the [police department name] and the community it serves. I look forward to your prompt response and decisive action to address these concerns and can be reached for follow up at [your preferred contact information or method].

Thank you for your attention to this matter.

Sincerely,

[Your Name]

A sample letter to **elected representatives** could look like this:

Dear [Legislator/Representative's Name],

My name is [first/last name], and I am a concerned constituent from [your district/area], deeply troubled by a recent incident of police misconduct that occurred in our community on [date of incident, if known, or mention “recently”]. I am a longtime resident of your community, vote in elections, pay taxes, and am a member of [community/faith-based orgs, employment, etc.]. This incident, involving [brief description of the incident, e.g., “the unwarranted use of force against a peaceful protester”], has raised serious concerns about the accountability and conduct of law enforcement officers in our area.

The trust between the community and those tasked with ensuring our safety is vital. However, incidents like this erode that trust and call into question the standards to which our law enforcement is held. We must address these issues head-on to prevent further harm and rebuild the community's confidence in our police force. **Therefore, I respectfully request you take these immediate actions:**

Immediate Investigation: Call for an immediate and thorough investigation into the incident to ensure transparency and accountability. The findings should be made public to ensure the community that justice is being pursued earnestly. I request any reports associated with the investigation and an in-person meeting to discuss its progress and findings.

Policy Review and Reform: Advocate for a review of current police policies and training programs, focusing on de-escalation techniques, racial bias training, and the appropriate use of force. It is crucial that our law enforcement operates under policies that protect and respect the rights and dignity of all citizens.

Community Engagement: Encourage and facilitate meaningful dialogue between law enforcement agencies and the community. I request that you organize immediate public forums, town halls, or community meetings and the establishment of oversight committees to foster transparency, understanding, and cooperation in our district.

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Legislative Action: Support or introduce legislation to reform law enforcement practices, enhance oversight, and ensure accountability. This includes laws that mandate the use of body cameras, establish clear guidelines for police conduct, and provide mechanisms for independent misconduct investigations. I request you oppose any bill that would limit civil liability against police or roll back reforms aimed at increasing police accountability and improving policing practices.

As a member of this community and your constituent, it is our collective responsibility to ensure that our law enforcement agencies operate with integrity, fairness, and respect for the rights of all individuals. I trust that you will take my concerns seriously and act promptly to address this pressing issue.

Thank you for your attention to this matter and your service to our community. I request a [letter, email, appointment] that addresses the points raised in this letter specifically. I look forward to your response and the steps you will take to ensure such incidents are addressed and prevented in the future.

Sincerely,

[Your Name]

Address

Parish, District, State, Zip Code

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**ADVOCACY OPTION 4:**  
***FILE A COMPLAINT WITH THE OFFICE FOR CIVIL RIGHTS***  
***[Expected Time: 15 minutes]***

You have the option to file a complaint to the Office for Civil Rights (OCR), which is a division within the United States Department of Justice that is dedicated to protecting your civil rights. The OCR is responsible for enforcing your federal civil rights and stopping discrimination in your community and across our nation. The OCR can investigate complaints of police discrimination, act to pull federal funding from police departments, and force the department to reform itself when it violates your rights.

This may be an appropriate option for you for several reasons. First, if you feel that the local police department will not hold the officer who violated your rights accountable, this may be a way to go above the local department for a review of the officer or entire department. Second, you should file an OCR complaint if you filed a civilian complaint or wrote a demand letter to the police department, and the department never took any action against the officer or if you never heard back at all. This may also be the right advocacy option if you are afraid that the officer(s) or police department involved will retaliate against you for filing a complaint or advocating publicly for your rights. This type of complaint might also be best when you have experienced misconduct from officers or the police department throughout different times in your life or if you have witnessed a loved one's experience of misconduct and their own reports against an officer or department were ignored. Writing a complaint to the OCR can also be done alongside any of the other advocacy options detailed in this guide.

It's incredibly important to file complaints with the Office for Civil Rights for discrimination as soon as possible. Civil rights complaints must be filed **within 180 days to a year** (depending on the situation) of the police misconduct. This means that the sooner you file your complaint after the incident has happened, the more likely you are to have your complaint investigated.

Filing a complaint with the OCR is important because it is one way we can hold law enforcement accountable, especially if they have a history of discrimination, excessive force, or other types of systemic misconduct. Systemic misconduct is when law enforcement officials or the departments carry out patterns and practices of discrimination and misconduct across the department. Each complaint is one more piece of evidence that the federal government is provided with when deciding whether to pull the funding from police departments for their misconduct behavior.

Complaints to the OCR can be filed either anonymously or not. Anonymously means your personal contact information, such as your name and address, is not disclosed to any investigating agency that may choose to investigate your complaint. If you are concerned about retaliation, this may be something you choose to do. However, the OCR makes it clear that complaints filed anonymously are more likely to be closed because they are more difficult to investigate. This means that if you choose to include your name and other contact information in the complaint, it is much more likely that your complaint will remain open.

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### Steps to File an OCR Complaint Online

Filing a complaint online will take about fifteen minutes. The steps to file a complaint online are below:

- 1) Navigate to the US Department of Justice's "[Contact the Department of Justice to report a civil rights violation](#)" form.
- 2) Fill in your contact information. The form can be filled out anonymously, but it is more likely your complaint will be investigated if you include contact information.
- 3) Select your primary concern for reporting. If you report something police-related, you should select "Mistreated by police, correctional staff, or inmates."
- 4) Fill in the location details of where the incident occurred.
- 5) Select the characteristic reason, such as "Race/color," that you believe influenced the misconduct. You can select one or multiple characteristics from the list.
- 6) Fill in the date on which your rights were violated.
- 7) Write a description, in 500 words or less, of what happened. Try to include as much detail as possible in your description, such as the names of any possible witnesses and the time of the incident.
- 8) Finally, review your complaint and submit it. You can edit any previous responses by clicking "edit this page" before you click "submit report" to send your complaint to the OCR for review.

After you have filed your complaint, there is a small chance that a person from the Department of Justice will contact you for additional information related to their investigation. If someone contacts you from the Office for Civil Rights, you can choose to work with them to provide more information about the misconduct you experienced. Usually, you should not expect to hear anything back. Federal investigations into systemic discrimination and misconduct by local or state law enforcement and police departments can take many years and not produce the accountability you want.

Even though you may or may not hear back, this is still an important advocacy tool. OCR is more likely to investigate based on the number of complaints they receive. Because most people are not aware that the OCR investigates police misconduct, spreading the word and completing the form is one way we can work towards more accountability for racist policing practices in Louisiana.

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**ADVOCACY OPTION 5:**  
**REPRESENT YOURSELF IN COURT**  
***[Expected Time: 3 to 5 years]***

You may also wish to file a lawsuit on your own. Before filing a lawsuit, be aware that filing a lawsuit can require multiple years and out-of-pocket expenses. When you choose to represent yourself in a civil lawsuit, you are referred to as a “self-represented litigant” or “pro-se litigant.” This also means that you do **not** have a right to an attorney in a civil case, and generally, judges will not appoint an attorney to represent you. If you choose to represent yourself and cannot afford to hire a lawyer, judges and court employees are not allowed to provide you with legal advice and may not be able to speak to you about the specifics of your case outside the courtroom. Judges and their staff will also not help you fill out any of the required forms needed for you to represent yourself or fight your case.

Choosing to represent yourself in court is a huge undertaking, but it is your right. You will need to reach out to attorneys and legal advocates to help you access and understand the law and the legal system. It will require you to study the law and prepare arguments for your court hearing. You will have to read and understand the rules of your court, which are usually available to read online on the court’s website. If your case is very complicated and requires a high degree of legal knowledge, like Section 1983 cases, self-representation may not be the right answer for you.

Following the court deadlines is one of the most important things you can do. If you miss any deadlines for filing court documents, a judge can dismiss your case. Having a support structure and finding a team of advocates that may advise you is necessary to properly fight your case and understand what the court and legal system are asking of you. It can be an empowering process to represent yourself in court. Being organized, well-prepared, and understanding the rules of the courtroom and the law specific to your case will help you present and fight your case as effectively as possible.

If you wish to file a lawsuit on your own, see our “How to File a Federal Lawsuit” packet for more information.

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***APPENDIX:***  
***HOW TO FIND LEGAL RESOURCES IN YOUR AREA:***

Finding a lawyer to fight for you is difficult for many reasons. Hiring a lawyer to represent you may cost you significant money and months to years of your time. On the other hand, having a good lawyer represent you can make a world of difference. If you are thinking about bringing a civil rights lawsuit for police misconduct, it's important to find a local civil rights lawyer in your area with experience with police misconduct cases and who has worked on Section 1983 claims before. It's important to ask any lawyer you speak with about representing you if they have taken cases to trial, how many, what the outcomes of the trials have been, and how many civil rights, specifically Section 1983 cases, they have tried.

In Louisiana, the cost of hiring a lawyer will depend on a few factors. First, lawyers will charge you for the complexity of your case, their legal experience, and the amount of time they will work to prepare and represent you. Some may charge you an hourly rate, while others may charge you a flat fee. You should also ask if there are additional costs and fees that might be part of your case, like expert witnesses, travel, filing fees, or other case-related expenses. Before hiring any lawyer, it is important to ask about these costs. A good lawyer will be upfront with his costs and fees and help you navigate this legal issue. You should call several attorneys to ask for estimates to understand what hiring an attorney may cost. In rare cases, a non-profit legal organization or law firm may agree to represent you "pro bono," which means you don't have to pay anything. However, because of a lack of funding or staffing, this is not usually something you can rely on.

Please consider the length of any lawsuit and the emotional and financial tolls placed on you and your family. This is not meant to prevent you from seeking legal representation or to invalidate what happened to you. However, it's important to keep in mind that many lawyers may not have the experience and expertise to help you. Finding the lawyer, legal resource, or advocacy option that fits your needs is critical to demanding accountability without sacrificing your safety, health, and well-being.

We recommend the following resources as starting points, which can also be found on the [ACLU of Louisiana's legal resources page](https://www.aclujusticelab.org/legal-resources/) (URL: <https://www.aclujusticelab.org/legal-resources/>).

Louisiana State Bar's Lawyer Referral and Information  
URL: <https://www.lsba.org/Public/LawyerReferral.aspx>

Louisiana State Bar's Modest Means Directory  
URL: <https://www.lsba.org/Public/FindLegalHelp/ModestMeans.aspx>

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## **FREQUENTLY ASKED QUESTIONS**

### **If I can't afford to hire an attorney, what are my options?**

This guide offers you many resources and advocacy options to challenge the misconduct you experienced by police. These options range from writing a letter demanding action from the police department and your elected officials to working alongside the ACLU of Louisiana to share police misconduct data and publishing your story on our website to bring accountability and awareness.

### **If I was mistreated by the police over a year ago, what are my options?**

Louisiana has a two year "prescription" period which prevents you from suing the police for violating your rights if more than two years have passed. There may not be enough time left to get your case filed with the court. However, the advocacy options, resources, and tools presented to you in this Self-Empowerment Guide are designed to cost you little to no money and, in most cases, may be done at any time.

### **What does it mean to bring a civil rights case?**

When you file a civil rights lawsuit, it means that you are suing a person for violating your rights that are protected by law under the U.S. Constitution or other federal and state civil rights laws. If your rights are violated by law enforcement, such as an unlawful arrest, excessive force, or racial profiling, you can file a lawsuit against the officers, police department, and state agencies that oversee the officers. When you bring a civil rights case, you can ask for damages for the injuries you suffered while also asking the court to stop the practice of the police violating your rights.

### **What does it mean to be pro se?**

When you choose to represent yourself in a civil lawsuit, you are referred to as a "self-represented litigant" or "pro-se litigant." You do not have a right to an attorney in a civil case, and generally, judges will not appoint an attorney to represent you.

### **What does qualified immunity mean?**

Qualified immunity is a legal doctrine that protects government officials, particularly law enforcement officers, from being sued for actions they take in the course of their duties, unless they violate "clearly established" law. This means that even if a police officer violates your rights, they might not be held personally liable in a civil lawsuit unless it was obvious at the time of the incident that their actions were unlawful.

### **What is police misconduct?**

Police misconduct refers to when law enforcement acts in a way that is illegal, unethical, or that is against the rules and regulations that they are obligated to follow. Police misconduct can range from relatively minor infractions to severe violations of your civil rights.

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