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Court: False accusations against police are protected speech

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By David Kravets
ASSOCIATED PRESS

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SAN FRANCISCO – The U.S. Supreme Court refused on Monday to consider reinstating a California law adopted after the Rodney King beating that made it a crime to knowingly lodge false accusations against police officers.

The justices, without comment, let stand a November decision by the San Francisco-based 9th U.S. Circuit Court of Appeals, which said the law was an unconstitutional infringement of speech because false statements in support of officers, or sometimes even by the police officers, was not criminalized.

That decision was hailed by civil liberties groups and opposed by the California District Attorneys Association and law enforcement groups.

Monday's action nullifies a 2002 decision by the California Supreme Court, which had ruled that free speech concerns took a back seat when it came to speech targeting police officers.

California lawmakers enacted the measure following a flood of hostile complaints against police officers statewide following King's 1991 taped beating. Adopted in 1995, the law was punishable by up to six months in jail.

The challenge was brought by Darren Chaker, now 34 of Beverly Hills, who was convicted in San Diego County in 1999 of making a false complaint against an El Cajon police officer.

Chaker was originally arrested for theft of service for retrieving his car from a mechanic without paying – charges that were later dropped. He complained that the arresting officer, without provocation, hit him in the ribs and twisted his wrist.

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He was convicted of making up the story and sentenced to two days in custody, 15 days of community service and three years' probation.

After appealing unsuccessfully to state courts and a federal judge, Chaker won a ruling in November from the San Francisco federal appeals court.

Attorney General Bill Lockyer's office, backed by law enforcement groups, appealed to the U.S. Supreme Court, which decided not to hear the case Monday.

Lockyer's office declined comment.

Chaker was relieved.

"This sends a message about what society's willing to accept or not accept to protect their police officers," he said. "It's not my victory. It's a victory for everybody."

In 2002, the California Supreme Court upheld the law and the 30-day sentences of two Oxnard residents who complained that an Oxnard police officer exposed himself to about 50 teenagers at an awards banquet. Monday's action undercuts that precedent.

The Oxnard Police Department said it investigated the couple's allegations and could not corroborate them, so Ventura County prosecutors tried and convicted the two.

California's justices, in ruling against the pair's First Amendment challenge, said the potential harm from false reports could damage an officer's credibility and even waste police resources investigating the complaints.

The case is *Croghan v. Chaker*, 05-1118.

■ ■ ■

Editors: David Kravets has been covering state and federal courts for more than a decade.

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