12-001 Procedures for Processing "Resistance, Delaying, and Obstruction Arrests" (148(a)(1) P.C. and 243(b) P.C.)

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

PROCEDURES FOR PROCESSING "RESISTANCE, DELAYING, AND OBSTRUCTION ARRESTS"

(148(a) (1) P.C., 69 P.C. and 243 (b) P.C.)

BACKGROUND

Arrests for Penal Code sections 148(a)(1), 69, and 243(b) are lawful in instances where an individual resists arrest, delays, obstructs, or interferes with the police in the lawful exercise of police powers or batters or fights or injures a police officer. A suspect's verbal response, without a physical act, no matter how degrading or provocative, does not constitute resistance or obstruction unless the words used are so inflammatory as to constitute a threat or incite immediate breach of the peace. These arrests typically receive more scrutiny from the criminal justice system and, therefore, merit discretion and good judgment by deputies and enhanced scrutiny by supervisors and managers.

POLICY

All "Resistance, Delaying, and Obstruction Arrests" (148(a)(1) PC, 69 PC, and 243(b) PC) shall be reviewed carefully by supervisors to determine whether they have a strong factual basis and can withstand legal scrutiny, with special attention to the potential controversy and civil liability.

Deputies are to use discretion and good judgment when deciding to arrest for violations of these sections. Generally, verbal resistance or disrespectful behavior alone are not sufficient to justify resistance or obstruction arrests

When force is used in instances involving obstruction arrests, Department members shall document in their reports the efforts made to de-escalate potential force incidents, or the reasons that precluded Department personnel from employing de-escalation efforts

ARREST AND REPORT REVIEW PROCEDURES

Pursuant to the Arrest Review Procedures set forth in MPP section 5-03/010.00, Watch Commanders must review and approve 148(a)(1) arrests. Additionally, misdemeanor 243(b) PC arrests shall also require Watch Commander review and approval, just as felony 243(c)(2) PC and 69 PC already do. This review shall be required whether the obstruction charge(s) are the sole/primary charge or are the secondary charge(s). The arrest review shall be made via Probable Cause Declaration (PCD), even if the arrestee is

eventually released through a cite-out.

When obstruction arrests are made by outside units, all bookings for obstruction arrests shall require Watch Commanders from the local station to approve the arrests and sign the completed arrest report in order to maintain consistency.

The arresting deputy shall document in his arrest report the name of the Watch Commander who approved the arrest.

Furthermore, the Watch Commander that reviewed/approved an arrest that includes a charge for 148(a)(1), 69, or 243(b) shall make every reasonable effort to **also read and co-sign** the arrest report and any supplemental reports after the Watch Sergeant has signed them.

When reviewing the arrest reports, special scrutiny shall be undertaken with respect to the deputy's documentation of the duties that were interfered with and the suspect's actions causing the resistance, obstruction, battery, delay or interference. The Watch Commander is accountable for ensuring that the elements and details of the arrest that were described verbally by the arresting deputy are included in the report.

Watch Commanders and Watch Sergeants shall refer to the attached "Resistance, Delaying, and Obstruction Arrest Guidelines" and consider its contents when reviewing these arrests and when reading the reports.

If the report(s) are not completed by the end of the Watch Commander's shift, the report(s) will be processed without his/her signature. He/she will, nevertheless, be required to read a copy of the report within five calendar days of the arrest. The Watch Commander shall also document all "Resistance, Delaying, and Obstruction Arrests" in the Watch Commander's shift log.

In any case in which the approving Watch Commander feels the report is so deficient that prosecution is jeopardized, he/she shall confer with the Detective Bureau Lieutenant or prosecutor. The Watch Commander shall also advise the arresting deputy of his/her concerns and take appropriate action as to the deficiency.

The Watch Commander shall be responsible for forwarding to the Captain a signed copy of the 148(a)(1) PC, 69 PC, or 243(b) PC reports for which he/she approved the arrest. The Captain shall maintain a file of 148(a)(1) PC, 69PC, and 243(b) PC reports and shall review each report for both quality control and civil liability.

DETECTIVE BUREAU PROCEDURES

Pursuant to MPP section 4-21/035.00 governing Resisting Public Officer charges, all "Resistance, Delaying, and Obstruction Arrest" reports shall be assigned to a station detective to handle as an active investigation, the principal deputies shall be listed as victims, and the report shall include a 145 statistical code. The assigned detective will make every reasonable effort to conduct a recorded interview of the suspect prior to presenting the case for filing.

The Detective Bureau Lieutenant shall ensure data is properly entered by station personnel into the Department's Obstruction Arrest web application, which was developed to provide a centralized tool for the

review of all obstruction arrests.

AUDITING PROCEDURES

Each instance where the prosecutor rejects a “Resistance, Delaying, or Obstruction Arrest” case will be assessed by the Detective Bureau Lieutenant. The Detective Bureau Lieutenant shall discuss any rejected cases with the prosecutor, if he/she disagrees with the filing decision, or with the Watch Commander who approved the arrest and the victim deputy, if appropriate. The reasons for the rejection and whether the case could or should have been handled differently should be addressed in these discussions. The Detective Bureau Lieutenant will provide a quarterly report to the Captain, based on information from the Department’s Obstruction Arrest web application, in which he will address the reasons for the rejections.

The Detective Bureau Lieutenant’s tracking system and quarterly reports will be reviewed quarterly by each Division Headquarters.

Questions regarding the content of this Field Operations Directive can be directed to Field Operations Support Services at [REDACTED TEXT]

Attachments

Resistance, Delaying, and Obstruction Arrest Guidelines

Obstruction Arrest Database Manual