



Resistance, Delaying, and Obstruction Arrest GUIDELINES

Resistance, Delaying, and Obstruction Arrests:

- 148(a)(1) PC:
Misdemeanor
Resisting
arrest or
obstructing an
officer in the
discharge of
his/her duties.
- 69 PC:
Felony
Resisting
arrest or
obstructing an
officer in the
discharge of
his/her duties
by threats or
violence.
- 243(b) PC:
Misdemeanor
Battery on a
peace officer
or other public
officer without
the infliction of
injury.

Report Writing:

- The victim deputy's name is always listed in the "Victim" section on 148(a)(1), 69, and 243(b) PC Incident Reports
- Case Assignment goes to Station Detective Bureau
- Reports are to be co-signed by the Watch Commander

Guidelines:

Were the elements of the crime met?

- Did the suspect "willfully" resist, delay, or obstruct the deputy?
- Is the deputy able to articulate the suspect's actions and how they obstructed the deputy?
- Is the particular obstruction charge appropriate given the level of resistance and/or force used by the suspect?
- Is the deputy's rationale for contacting the suspect supported by articulable facts?
- Does the arrest report contain articulable facts about the suspect's behavior and level of resistance rather than unsubstantiated conclusions?

Was the arrest necessary?

- Did the deputy exhaust other less intrusive options to elicit cooperation before going hands-on with the suspect?
- Did the suspect's behavior amount to mere verbal defiance that creates a minimal disturbance?
- Is the suspect merely trying to document an event? If so, does such documentation actually obstruct or delay the officer's performance of his/her duties?
- Could a supervisor on the scene have mitigated the situation?

Training and tactics:

- Were "Tactical Communication" techniques utilized?
- Does the deputy need to use better communication skills in the future?
- Is an immediate training discussion by the Watch Commander appropriate or necessary?
- Is there additional training that could be offered to the deputy?
- Have all other appropriate charges been included in the report?

United States Supreme Court:

"The freedom of individuals to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state." (City of Houston v. Hill (1987) 482 U.S. 451, 462-463).