

TO: MELISSA MARSH, City Manager

FROM: TIM BURNS, Assistant City Attorney

DATE: July 19, 2023

RE: Interference with Police Department

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The City's Interference with Police Department ordinance (Sec 20-1) addresses as a misdemeanor offense prohibitions on conduct that interferes with the discharge of duties by police officers and those empowered with similar legal authority. Violations under the current ordinance include resisting or hindering, assisting with attempt to escape custody, providing someone in custody an item that will assist in escape from confinement, or personally attempting to escape from custody. This Section 20-1 is divided into sub-sections (a) – (e). Amendments have only been submitted to sub-section (a) of Section 20-1.

In a recent case, a Defendant driving through the intersection of John R and 14 Mile struck a pedestrian traversing through the cross walk. Upon police arriving on the scene, the Defendant repeatedly provided officers with false information which was eventually determined to be not truthful from video camera surveillance footage from a nearby gas station and the Defendant's own admissions. The Defendant was charged with interference with police for providing false statements to officers regarding their investigation of the accident.

This case went to a jury trial where the Defendant was found not guilty. I was able to speak with jurors after the case and they unanimously stated they believed beyond a reasonable doubt the Defendant had lied to police but they didn't believe lying was resisting, interfering or hindering police. I asked if the ordinance had specifically stated "providing false information" would they have convicted the Defendant at the trial and the jury unanimously stated YES they would have.

After consultation with Police Chief Haines about this matter as well as a noticeable ongoing and growing pattern of people, both witnesses and suspects, providing officers with false information during investigations and arrests it was determined that requesting an amendment to Section 20-1(a) to include "providing false information" to the Interfering with Police Department was merited.

Upon introduction to City Council, the requested amendment was referred to the City's Crime Commission and Human Relations & Equity Commission (HREC) for review. Neither commission objected to the inclusion of "providing false information" to the ordinance. It was recommended that pronouns within the ordinance be altered from "him" and "his" to "their"

and “them”. These alterations have been made to the revised ordinance presented for consideration by Council.

Additionally, HREC made recommendations regarding the format of the ordinance structure to subdivide its content and address placement of commas and other grammatical elements. Being that the proposed amendment already is a subsection of a section of the Code of Ordinance, addressing these changes would require further revisions to subsections (b) – (e) of the ordinance. Additionally, it is the opinion of the City’s legal counsel that the suggested grammatical revisions by the HREC would create potential confusion of the plain legal intent of the ordinance with jurors at trial as well as judges reviewing trial motions or handling appeals thereby actually placing the City in a more adverse position when it comes to prosecuting cases than it currently stands without the amendment being approved. Legal review does not identify a need for the suggested grammatical revisions provided by HREC.

Otherwise, the ordinance amendment being presented is reflective of its original submission to Council. The submitted language is recommended to be approved based upon the current language of the ordinance having survived past criminal appeals and being consistent with state law as well as neither the Crime Commission or HREC objecting to the inclusion of “providing false information” as prohibited conduct under the ordinance. The language as submitted in the attached document is recommended for approval by Council.