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## Procedure for R&O and Interfering Cases

### 208.1 PURPOSE

To ensure uniformity when preparing cases related to Interfering, Resisting and Obstructing, Assaults on Police Officers, and Obstruction by Disguise.

### 208.2 PROCEDURE WHEN DETERMINING APPROPRIATE CHARGE

The following elements should be considered when determining which offense a suspect shall be charged with:

#### 208.2.1 INTERFERING - CITY ORDINANCE 22-20

This includes any attempt by a subject to interfere with the lawful duties of a public safety officer or any other ordinance-specified persons (90-day misd.). \*This is the desired charge for minor cases where the subject will not be lodged at KCSD.

#### 208.2.2 ATTEMPT RESISTING, OBSTRUCTING, ASSAULTING A POLICE OFFICER

1. If an officer is physically obstructed/opposed (may include a slight pulling away or fleeing on foot in an effort to avoid arrest) but not assaulted, battered, or wounded, the appropriate charge is "Attempt R&O".
2. The Prosecutor may reduce an R&O charge to Attempt R&O, (1-year misd.).

#### 208.2.3 RESISTING, OBSTRUCTING, ASSAULTING A POLICE OFFICER OR FIREFIGHTER

1. If an officer is assaulted, battered, or wounded the appropriate charge is "R&O" (2-year felony). \*In order to get a full R&O warrant, the factors of the case must be aggravated.
2. Injury to an officer is not a requirement of "R&O".
3. It is important that officers clearly articulate how the elements of "R&O" were met.

#### 208.2.4 RESISTING, OBSTRUCTING, ASSAULTING A POLICE OFFICER CAUSING INJURY (4-YEAR FELONY)

Chargeable when the above elements of MCL 750.81D1 are met, along with an injury to an officer requiring medical attention or care. Medical care may consist of treatment or examination by an ambulance company, but does not include treatment from other Public Safety employees.

#### 208.2.5 ADDITIONAL CHARGES

In addition to or in place of the above possible charges, the following charges may apply:

1. Resist, Obstruct, or Assault a Police Officer causing Serious Impairment - 10-year Felony
2. Resist, Obstruct, or Assault a Police Officer causing Death - 20-year Felony
3. Obstruction by Disguise - City Ordinance 22-52: Applies when a person provides a false or fictitious name to an officer with the intent of obstructing the officer.

# Kalamazoo Department of Public Safety

## Public Safety Procedures Manual

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#### **208.3 EVIDENCE**

Any injury, uniform or property damage as a result of one of the above mentioned incidents shall be photographed. In serious cases the damaged property shall also be tagged as evidence. Any medical treatment shall be documented in the narrative report.

#### **208.4 CASE ROUTING**

1. City Ordinance cases listed above along with all Attempt R&O cases shall be routed to the Operations Division unless connected to another CID case.
2. All R&O cases shall be routed to CID