



## Legislation Text

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Consider an ordinance amending Chapter 24, Code of Ordinances (2010 Edition), by adding Article V, to require compliance with peace officers and firefighters. (Second Reading)

There are numerous police and fire incidents where emergency personnel need compliance from those involved in order to complete an investigation, evacuate a building or other public safety purposes. When involved parties or by-standers fail to follow directions, the only option available to law enforcement is to charge the person with a violation of state law, Interference with Public Duties. The proposed ordinance would allow officers to cite parties who become involved in a public safety incident and fail to comply with directives from police officers, firefighters, and fire officials. By informing a person that they must comply or they will be in violation of a City ordinance, subjects are aware that there is a direct consequence for failure to do so and establishes probable cause and protects the City from possible litigation by establishing reasonableness of the officer's actions. When a clear violation has occurred, officers will have the discretion between issuing a citation for Violation of City Ordinance or charging the subject with a Class B misdemeanor.

This ordinance creates a tool for officers to use in an attempt to de-escalate a situation that does not necessarily meet the criteria required for Interference with Public Duties but still presents a safety issue and could put officers and other citizens in dangerous positions. Frequently, officers encounter situations, such as the dispersal of a potentially hostile crowd by an outnumbered officer, ordering subjects to move to a different location for officer safety, or evacuating citizens from potentially hazardous fire scenes, where they need to gain compliance to establish and maintain control of a scene. While non-compliance in these situations is not currently a violation, the proposed ordinance would give officers an additional tool to gain compliance using non-physical means and creating a safer situation for both the officer and citizen.