

OBSTRUCTING A LAW ENFORCEMENT OFFICER

ISSUE:

Can a person be legally convicted of obstructing for exercising a constitutional right?

RULE:

A person can not be legally convicted of obstructing for exercising a constitutional right.

ANALYSIS:

Under RCWA 9A.76.020 (1) “[a] person is guilty of obstructing a law enforcement officer if the person willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.”

Whenever an officer detains an individual to inquire his name and purpose, that individual is seized for Fourth Amendment purposes. The reasonableness of such seizures depends on a balance between the public interest and the individual's right to personal security free from arbitrary interference by law officers. *State v. White*, 97 Wn.2d 92, 105, 640 P.2d 1061 (1982). While the police may briefly detain a suspect based upon a reasonable suspicion and ask various questions, including the suspect's identity, “a detainee's refusal to disclose his name, address, and other information cannot be the basis of an arrest.” *White*, 97 Wn.2d at 106.

The Washington State Court of Appeals applied the Washington Supreme Court’s interpretation of RCWA 9A.76.020 (1) in *State v. White* to the cases that follow.

Although a defendant used various profanities and refused to cooperate with the officer when asked to give his name, there was no evidence that he hindered, delayed, or obstructed the officer in the discharge of his official powers or duties. *State v. Hoffman*, 35 Wn.App. 13, 17, 664 P.2d 1259 (1983).

Mere refusal to answer questions cannot be the basis for arrest. However, evidence that the defendant refused to give his name to police officer, threatened the officer, and lunged at officer was sufficient to support a conviction for obstructing a law enforcement officer. *State v. Turner*, 103 Wn.App. 515, 525, 13 P.3d 234 (2000).

A warrantless arrest for obstructing a law enforcement officer was valid even though the defendant correctly claimed that his refusal to speak to police was not obstruction; the defendant also disobeyed the orders to keep his hands up and exit vehicle and gave false name. *State v. Contreras*, 92 Wn.App. 307,316-317, 966 P.2d 915 (1998).

A defendant can not be convicted of obstructing a police officer based on the defendant’s refusal to allow police entry without a warrant. *State v. Bessette*, 105 Wn.App. 793, 799, 21 P.3d 318 (2001). (Police officers desired warrantless entry to apprehend minor whom officer had seen holding a beer bottle).

CONCLUSION:

A person can not legally be convicted of obstructing for exercising a constitutional right. A Court will only uphold a conviction for obstructing for actions not protected by the Constitution such as: disobeying orders, giving false information and threatening and assaulting police officers.

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