



# Minneapolis Police Department Policy and Procedure Manual

Number:  
9-100

## Volume Nine – Enforcement Policies

### Adult Stops, Searches, and Seizures

#### 9-108      **Disorderly Conduct and Obstruction of Legal Process**

(xx/xx/xx)

##### **I.      Disorderly Conduct**

Pursuant to the First Amendment of the United States' Constitution, speech is presumed to be protected. There are only limited categories of speech that can be considered criminal behavior. The narrow situations in which speech is considered disorderly conduct are defined in [I-A] and clarified in [I-B] and [I-C] below:

**A.** Pursuant to MN Statute section 609.72, disorderly conduct is when a person does the following in a public or private space, or when the person has reasonable grounds to know that it will, or will tend to, alarm, anger, or disturb others or provoke an assault or breach of the peace, is considered disorderly conduct.

1. Engaging in brawls or fights.
2. Engaging in offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse, alarm, anger, or resentment in others.

Note: See [I-B] and [I-C] below for limitations that apply to the statutory language.

**B.** Speech that could be considered disorderly conduct: :

1. Fighting words:
  - Words which by their very utterance inflict injury and tend to incite an immediate breach of the peace.
  - Personally abusive epithets which, by common knowledge, are inherently likely to provoke a violent reaction.
2. True threats of violence, which are words intended to communicate a serious expression of intent to commit an act of unlawful violence against a particular person or group.
3. Incitement to imminent lawless action, which are words advocating for others to break the law, and where the words are likely to immediately produce that result.

**C.** Profanity and other foul or offensive language in and of itself is not disorderly conduct.

**II. Obstruction of Legal Process**

**A.** Pursuant to MN Statute section 609.50, intentionally doing any of the following is considered obstructing legal process:

1. Obstructing, hindering, or preventing the lawful execution of any legal process, civil or criminal, or apprehension of another on a charge of conviction of a criminal offense.
2. Obstructing, resisting, or interfering with a peace officer while the member is engaging in performance of official duties.
3. Interfering with or obstructing a firefighter while they are engaging in performance of official duties.
4. Interfering with or obstructing members of an ambulance service personnel crew (i.e. EMTs, paramedics, etc.) who are providing, or attempting to provide emergency care.
5. Using force or threat of force endeavors to obstruct any employee of the Department of Revenue, Department of Public Safety Driver and Vehicle Services Division, a driver's license agent appointed under MN Statute section 171.061, or a deputy registrar appointed under MN Statute section 168.33, while the employee is lawfully engaged in the performance of official duties for the purpose of deterring or interfering with the performance of those duties.

**B.** In order to be considered obstruction of legal process, the act must physically obstruct an entity listed above in [II-A] above from fulfilling their duties.

For example, running alongside and shouting and cursing at a member who is in pursuit of a fleeing person would be obstruction of legal process if it physically obstructs the member's pursuit and if the person intends by their conduct to obstruct or interfere with the member. However, this does not apply to ordinary verbal criticism directed at a member even while the member is performing their official duties and does not apply to the mere act of interrupting a member, even intentionally.

**III. Disorderly Conduct and Obstruction of Legal Process Procedures**

**A.** If members encounter people that are engaged in disorderly conduct or obstruction of legal process (or both), members shall do the following, subject to the exception below ([III-A-2]):

1. Requirements:
  - a. Activate their body-worn camera (BWC).
  - b. Air over the radio their location that they are issuing a warning for disorderly conduct or obstruction of legal process, unless not possible to do so.
  - c. Request that the person stop engaging in the conduct.

- d. Permit a reasonable amount of time based on the totality of the circumstances for the person to comply with the request.
- 2. These requirements do not apply when a person is actively involved in an assault, engaged in a physical altercation, or using physical force to obstruct a member, firefighter, or emergency medical service (EMS) personnel.
- B. When issuing a warning ([III-A-1-b]), members shall state that the person is not being detained and they are free to leave.
- C. The warning shall be documented on BWC, in the Computer Aided Dispatch (CAD), and by police radio. If the person stops the conduct, then members do not have to document the warning in a Police Report.
- D. If the person does not stop the conduct after a reasonable amount of time given the totality of the circumstances, members have discretion to either detain and issue the appropriate citations or arrest the person engaging in the conduct.
- E. All enforcement activities that take place shall be documented in a Police Report.

## Glossary

**Arrest:** Taking a person into custody, which may be imposed by force or may result from a person submitting to a member. An arrest is a restraint of greater scope or duration than an investigative stop or detention. An arrest requires probable cause that a crime was committed or is being committed. This includes booking, citing in lieu of booking, and releasing pending charges.