

**City of Mesa**  
**City Code Addition**  
**Title 6, Chapter 1, Section 22**  
**Police Interference**  
**October 27, 2022**

**Assistant Police Chief Ed Wessing**  
**Geoff Balon, Police Legal Advisor**



## Background

- **Peace officers in Mesa have seen an increase in police interference in recent years, including incidents that involved filming officers from close proximity.**
- **Most cities/towns in the Phoenix area have a local code prohibiting a person from interfering with law enforcement activities.**
- **Mesa does not currently have a city code prohibiting police interference.**
  - **MCC 8-6-27 prohibits obstructing those enforcing livestock and large animal regulations**
  - **MCC 6-4-10 prohibits interfering with those enforcing animal control regulations**
- **July 2022: Mesa Police Department, similar to other jurisdictions, began encrypting its radio traffic and delaying release by one hour.**
  - **Helped decrease the number of police interference incidents.**
  - **There is still a need to reduce these incidents.**

## Goal of New Ordinance

- **Protect the integrity of investigations and safety of officers, while still allowing for expression of constitutionally protected rights, including filming of officers.**
- **Voluntary compliance is ideal and always the best outcome, but enforcement of a local law is sometimes needed.**

## Proposed Code Language

**It is unlawful for any person to willfully hinder, resist, delay, obstruct or prevent a peace officer in the discharge of their official duties, or refuse to obey any lawful order issued by a peace officer engaged in the discharge of their official duties. A person shall not be in violation of this section based on using words alone.**

- **Language similar to Gilbert, Chandler, Tempe, and Glendale whose ordinances have been in effect for many years and have not been enjoined or ruled unconstitutional.**

## Recent Legislation

- **HB2319 (2022)**
  - **Illegal to film police officers within 8 feet with some exceptions.**
  - **September 9, 2022: U.S. District Court (Arizona) enjoined HB2319 from going into effect on the grounds that it was unconstitutional.**
  - **Proposed ordinance does not suffer from the problems HB2319 has.**
- **A.R.S. 13-2413 (Effective September 24, 2022)**
  - **Class 2 misdemeanor for a person to knowingly disobey a reasonable verbal order to remain off the premises of a possible crime scene or otherwise interferes with a peace officer's crime scene investigation.**
  - **Effective at "crime scenes" but fails to address civil violations such as traffic stops, civil city code violations, and non-criminal matters.**



**Questions ?**