

# Arizona Peace Officer Standards and Training

## Basic Curriculum Model Lesson Plan

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### LESSON TITLE: SUBSTANTIVE CRIMINAL LAW 2.11

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| SUBJECT:                | Substantive Criminal Law   |
| AZ POST DESIGNATION:    | 2.11 Chapter 24 OBSTRUCTION OF PUBLIC ADMINISTRATION   |
| HOURS:                  | .5   |
| COURSE CONTENT:         | An analysis of the most frequently used statutes in this chapter.  |
| PERFORMANCE OBJECTIVES: | Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will: <ul style="list-style-type: none"><li>2.11.24.1 Given a copy of A.R.S. Title 13 and a written, verbal or visual description depicting the possible commission of the following crime(s), identify if a crime occurred and, if so, the appropriate code section and crime classification:<ul style="list-style-type: none"><li>A. Obstructing governmental operations (A.R.S. §13-2402).</li><li>B. Refusing to aid a peace officer (A.R.S. §13-2403).</li><li>C. Eliminated, Available for future use.</li><li>D. Impersonating a public servant (A.R.S. §13-2406).</li><li>E. Tampering with a public record (A.R.S. §13-2407).</li><li>F. Obstructing criminal investigations or prosecutions (A.R.S. §13-2409).</li><li>G. Impersonating a peace officer – A.R.S. §13-2411.</li><li>H. Refusing to provide truthful name when lawfully detained A.R.S. §13-2412.</li></ul></li></ul> |

DATE FIRST PREPARED: November 2000

PREPARED BY: SME Committee

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AZ POST – APPROVAL: Steve Enteman DATE: August 2019  
AZ POST – APPROVAL: Mandy Faust DATE: February 2021  
AZ POST – APPROVAL: Lori Wait DATE: January 2022

INSTRUCTOR REFERENCES: A.R.S. Title 13

CLASS LEVEL: Student

TRAINING AIDS: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 2-11 Ch 24 Obstruction of Public Admin

DATE RELEASED TO THE SHARE FILE: May 27, 2022

**I. INTRODUCTION**

- A. Instructor – (self) introduction.
- B. Preview of performance objectives. **INSTRUCTOR NOTE:** Use if taught as a “Stand alone” lesson plan.

**II. 13-2401 – PERSONAL INFORMATION ON THE WORLD WIDE WEB**

- A. It is unlawful for a person to knowingly make available on the World Wide Web the personal information of a peace officer, justice, judge, commissioner, public defender or prosecutor, employee of the Department of Child Safety, Adult Protective Services; if the dissemination of the personal information poses an imminent and serious threat to the person’s safety or the safety of their immediate family AND the threat is reasonably apparent to the person making the information available on the World Wide Web to be serious and imminent. **INSTRUCTOR NOTE:** 13-2401 has been eliminated as a performance objective. This section has been kept in the outline as an FYI for officers.
- B. It is not a violation of this section if an employee of a county recorder, county treasurer or county assessor publishes personal information, in good faith, on the web site of the recorder, treasurer or assessor in the ordinary course of carrying out its public functions.
- C. This is a felony.

**III. 13-2402 – OBSTRUCTING GOVERNMENTAL OPERATIONS**

**P. O. 2.11.24.1A**

- A. A person commits obstructing governmental operations if, by using or threatening to use violence or physical force, such person knowingly obstructs, impairs or hinders:
  - 1. The performance of a governmental function by a public servant acting under color of his official authority; or
  - 2. The enforcement of the penal law or the preservation of the peace by a peace officer acting under color of his official authority.
- B. Please note that this section does NOT apply to the obstruction, impairment or hindrance of the making of an arrest.
  - 1. If someone hinders you when you are trying to make an arrest, then the crime is resisting arrest.
  - 2. Example: You are on routine patrol at 2:00 in the morning.
    - a. You drive by a bar and notice several cars still parked out front, the lights are on and you hear laughter and bottles being clinked together.

- b. You suspect illegal after-hours drinking so you pound on the door and announce yourself.
- c. A man opens the door, identifies himself as the bartender, but refuses to let you in.
- d. Since your intent was simply to investigate possible illegal activity, you can arrest the bartender for obstructing governmental operations (along with several Title 4 violations).
- e. The owner of the bar then comes out, sees you placing his bartender under arrest and places himself between you and the arrestee telling you that he will not allow you to arrest his employee.
- f. The owner can now be arrested for resisting arrest.

C. This offense is a misdemeanor.

**IV. 13-2403 – REFUSING TO AID A POLICE OFFICER**

**P. O. 2.11.24.1B**

- A. A person commits refusing to aid a peace officer if, upon a reasonable command by a person reasonably known to be a peace officer, such person knowingly refuses or fails to aid such peace officer in:
  - 1. Effecting or securing an arrest; or
  - 2. Preventing the commission by another of any offense.
- B. A person so commanded who acts reasonably under the circumstances known to him/her at the time shall not be held liable to any person for damages resulting from his/her assistance,
- C. This is a misdemeanor. ***INSTRUCTOR NOTE: ARS 13-2404 makes it a crime to disobey an order by a person known to be a fireman or peace officer as it relates to conduct of persons in the vicinity of a fire.***

**V. 13-2406 – IMPERSONATING A PUBLIC SERVANT**

**P. O. 2.11.24.1D**

- A. A person commits impersonating a public servant if such person pretends to be a public servant and engages in any conduct with the intent to induce another to submit to his/ her pretended official authority or to rely upon his/her pretended official acts.
- B. It is no defense to a prosecution under this section that the office the person pretended to hold did not in fact exist or that the pretended office did not in fact possess the authority claimed for it.
- C. This statute covers the impersonation of ANY public servant, but we will emphasize the police

officer.

1. Note that in order to prosecute a person under this statute, you must show:
2. That the defendant pretended to be a public servant, **and**
3. The defendant engaged in conduct in an attempt to get someone else to do something.

D. Impersonating a public servant (including a notary) is a misdemeanor.

**VI. 13-2407 – TAMPERING WITH A PUBLIC RECORD**

**P. O. 2.11.24.1E**

- A. A person commits tampering with a public record if, with the intent to defraud or deceive, such person knowingly:
1. Makes or completes a written instrument (knowing that it has been falsely made) which purports to be a public record or true copy or alters or makes a false entry in a written instrument which is a public record or a true copy; or
  2. Presents or uses a written instrument (which is, or purports to be, a public record or a copy of such record) knowing that it has been falsely made, completed or altered or that a false entry has been made, with the intent that it be taken as genuine; or
  3. Records, registers, files or offers for recordation, registration or filing in a government office or agency a written statement which has been falsely made, completed or altered or in which a false entry has been made or which contains a false statement or false information; or
  4. Destroys, mutilates, conceals, removes or otherwise impairs the availability of any public record; or
  5. Refuses to deliver a public record in such person's possession upon the proper request of a public servant entitled to receive such record for examination or other purposes.
- B. Tampering with a public record is a felony.

**VII. 13-2409 – OBSTRUCTING CRIMINAL INVESTIGATION OR PROSECUTION**

**P. O. 2.11.24.1F**

- A. A person who knowingly attempts by means of bribery, misrepresentation, intimidation or force (or threats of force) to obstruct, delay or prevent the communication of information or testimony relating to a violation of any criminal statute to a peace officer, magistrate, prosecutor or grand jury or who knowingly injures another in his/her person or property on account of the giving of information or testimony is guilty of a felony.

**IX. 13-2411 – IMPERSONATING A PEACE OFFICER**

**P. O. 2.11.24.1G**

- A. A person commits impersonating a peace officer if the person:
  - 1. Without lawful authority,
  - 2. Pretends to be a peace officer, and
  - 3. Engages in any conduct.
  - 4. With the intent to induce another to submit to his pretended authority or to rely upon the person's pretended acts.
- B. It is not a defense to a prosecution under this section that the law enforcement agency the person pretended to represent did not in fact exist or that the law enforcement agency the person pretended to represent did not in fact possess the authority claimed for it.
- C. This is a felony. (See ARS 13-2411)

**X. 13- 2412 REFUSING TO PROVIDE TRUTHFUL NAME WHEN LAWFULLY DETAINED.**

**P. O. 2.11.24.1H**

- A. It is unlawful for a person.
  - 1. After being advised that the person's refusal to answer is unlawful.
  - 2. To fail or refuse to state the person's true full name.
  - 3. On request of an officer.
  - 4. Who has lawfully detained the person based on reasonable suspicion of criminal activity.  
***INSTRUCTOR NOTE:*** *This only applies to criminal activity and not civil offenses such as traffic violations. Local ordinance may allow for arrest in civil offenses. Check with your agency.*
- B. A violation of this section is a misdemeanor. ***INSTRUCTOR NOTE:*** *Advise students that this is the only statute in Title 13 that **REQUIRES** an officer to advise a person that s/he may be arrested before an arrest can be made.*

**XI. CONCLUSION**

- A. Review of performance objectives.
- B. Final questions and answers.
- C. Instructor closing comment(s).

