



DODGE COUNTY SHERIFF'S OFFICE

Dale J Schmidt Sheriff Scott Mittelstadt Chief Deputy

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LAW OF THE MONTH: "Resisting or Obstructing an Officer"

When stopped by a law enforcement officer, it is important to remember to give correct information and to comply with all commands. Some of the simplest things can be considered obstructing an officer. Keep in mind giving false information (name, date of birth, city of residence) can be considered obstructing. As one does more and more lying and hindering, a more severe resist/obstruct can be charged on the person. The more information given falsely (especially if it impedes an officer's investigation) can make a misdemeanor jump up to a felony. Complying with an officer's commands not only makes the officer's job easier, but it also makes sure the contact goes smoothly. Below is the Wisconsin state statute stating what goes along with resisting or obstructing an officer.

946.41 Resisting or obstructing officer

- (1) Except as provided in subs. [\(2m\)](#) and [\(2r\)](#), whoever knowingly resists or obstructs an officer while such officer is doing any act in an official capacity and with lawful authority is guilty of a Class A misdemeanor.
- (2) In this section:
 - (a) "Obstructs" includes without limitation knowingly giving false information to the officer or knowingly placing physical evidence with intent to mislead the officer in the performance of his or her duty including the service of any summons or civil process.
 - (b) "Officer" means a peace officer or other public officer or public employee having the authority by virtue of the officer's or employee's office or employment to take another into custody.
 - (c) "Soft tissue injury" means an injury that requires medical attention to a tissue that connects, supports, or surrounds other structures and organs of the body and includes tendons, ligaments, fascia, skin, fibrous tissues, fat, synovial membranes, muscles, nerves, and blood vessels.
- (2m) Whoever violates sub. [\(1\)](#) under all of the following circumstances is guilty of a Class H felony:
 - (a) The violator gives false information or places physical evidence with intent to mislead an officer.
 - (b) At a criminal trial, the trier of fact considers the false information or physical evidence.
 - (c) The trial results in the conviction of an innocent person.
- (2r) Whoever violates sub. [\(1\)](#) and causes substantial bodily harm or a soft tissue injury to an officer is guilty of a Class H felony.
- (2t) Whoever violates sub. [\(1\)](#) and causes great bodily harm to an officer is guilty of a Class G felony.
- (3) Whoever by violating this section hinders, delays or prevents an officer from properly serving or executing any summons or civil process, is civilly liable to the person injured for any actual loss caused thereby and to the officer or the officer's superior for any damages adjudged against either of them by reason thereof.