

# MEMORANDUM

CITY OF GRAND RAPIDS

DATE: March 21, 2003

TO: [REDACTED]

FROM: [REDACTED]

SUBJECT: War Demonstration Charges

On 3-20-2003, I spoke with City Attorney Robert Atkinson reference his opinion on potential violations that the police department may encounter during demonstrations of the war in Iraq. We discussed the three charges that we expected to most likely see; Disorderly Obstructing Traffic, Disorderly Creating a Disturbance, Disorderly Inciting a Riot.

- Disorderly Obstructing Traffic: Mr. Atkinson said that anyone who was walking in or blocking the street and refused to obey police orders to move should be arrested. We discussed that outside of a specific problem, we probably would not be concerned about blocking the sidewalk.
- Disorderly Creating a Disturbance: Mr. Atkinson said that the issue here is not the content of the language. The volume used must be excessive and must be excessive to more than themselves. He said we must be able to document who's peace they are disturbing. His opinion was that since this is a business district, the standard would be different than what we normally face in a residential area but still a viable charge if documented appropriately.
- Disorderly Inciting a Riot: Mr. Atkinson said that if members of the group are "actively promoting resistance" to the lawful orders of the police they would be subject to this charge. Outside of extenuating circumstances this would be the Misdemeanor City charge not the felony charge.

Obviously other violations may occur and should be enforced but our discussion concentrated on the charges we felt we would most likely encounter.