

Syllabus

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SUPREME COURT OF THE UNITED STATES

Syllabus

RYPHEN *v.* DISTRICT OF COLUMBIACERTIFICATE FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

No. 05–56. Argued August —, 2018—Decided August 26, 2018

After a Metropolitan Police officer arrested petitioner for vandalism due to him spray-painting a public sidewalk with the message “#FREERY-PHEN,” petitioner brought this action in Federal District Court, arguing, as relevant, that the District of Columbia lacks the power to enforce its laws by making arrests through its law enforcement personnel. The District Court certified the question of law to this Court under our Rule 19.

Held: A Municipality may enforce its criminal laws by making arrests through its law enforcement personnel. Pp. 1–3.

(a) The Court’s decision in *United States v. District of Columbia*, 5 U. S. ___, confirms that Municipalities may prosecute criminal violators of its laws. It would be two-sided to allow them to do that but prevent them from making arrests. P. 2.

(b) The Tenth Amendment assures Municipalities a police power which includes the power to make criminal laws and enforce them, including by arrest. Pp. 2–3.

KAGAN, J., delivered the opinion of the Court, in which HOLMES, C. J., MARSHALL, GORSUCH, BORK, O’CONNOR, WHITE, and STEWART, JJ., joined in full, and in which ROBERTS, J., joined except as to the first paragraph of Part II.

Opinion of the Court

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SUPREME COURT OF THE UNITED STATES

No. 05–56

RYPHEN, PETITIONER *v.* DISTRICT OF COLUMBIAON CERTIFIED QUESTION FROM THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

[August 26, 2018]

JUSTICE KAGAN delivered the opinion of the Court.

Petitioner Ryphen filed suit against the District of Columbia following an alleged “false arrest” from a member of the Metropolitan Police Department. The petitioner believes that the Metropolitan Police Department holds no jurisdiction to enforce its own Municipality’s laws and in doing so impedes the Federal Government’s duties to enforce its laws. The United States and District of Columbia argue against the petitioner by claiming that through the powers given through the congressionally-approved charter, the Metropolitan Police Department holds full authority to enforce its own municipal code. We agree with the United States and District of Columbia and answer the certified question in the affirmative.

I

To thoroughly assess and formulate our decision we must first take a look at the evidence brought to us. In the evidence provided in the petitioner’s original district-level case, Ryphen can be seen standing on a sidewalk in D.C., surrounded by fellow American citizens. Ryphen then proceeded to spray paint an image on the sidewalk he was standing on that depicted the phrase “#FREERYPHEN.”

Opinion of the Court

Following this action, Metropolitan Police Department officer Benda⁵⁸⁷ arrested Ryphen.

II

“In our constitutional structure, there are Federal institutions and Municipal institutions.” *United States v. District of Columbia*, 5 U. S. ___, ___ (2018) (slip op., at 1). We have previously held that Municipalities may prosecute individuals on behalf of its citizens for violating their criminal codes. The same approach can be taken here. For the Court to grant a Municipality the power to prosecute for its own laws and backtrack and deny their police their enforcement powers is two-sided to say the least.

Furthermore, we must examine the powers our Municipalities are given through the Tenth Amendment “which reserves to the Municipalities many powers. Among those, we have long understood, is a ‘police power.’” *Energy Reserves Group, Inc. v. Kansas Power & Light Co.*, 459 U. S. 400, 410 (1983) (quoting *Home Bldg. & Loan Assn. v. Blaisdell*, 290 U. S. 398, 434 (1934)). Furthermore, this police power “includes the power to make criminal laws and enforce them, including by prosecution.” *District of Columbia, supra*, at ___ (slip op., at 4). We have not only specifically articulated that Municipalities hold the power to prosecute their own cases, but to enforce their laws. This enforcement of their own laws must encompass the Metropolitan Police Department if it is to hold true to the notion that Municipalities reserve this power.

Arrests are essential to the enforcement of laws and the prevention of crime throughout the United States. To withhold this power from a Municipality is to withhold its ability to protect and defend its citizens from any danger. Allowing only the Federal Government to enforce laws prevents the appropriate and fair application of law and denies Municipalities their powers under the Tenth Amendment.

* * *

Opinion of the Court

We answer the certified question in the affirmative.

It is so ordered.