

INTERFERING WITH A POLICE OFFICER

(Common Law)

The defendant is charged with interfering with a police officer engaged in the lawful performance of a duty. To prove this offense, the Commonwealth must prove four elements beyond a reasonable doubt.

First: That a police officer was engaged in the lawful performance of a duty.

Second: That the defendant physically performed an act that obstructed or hindered the police officer in the lawful performance of that duty.

Third: That the defendant was aware that the police officer was engaged in the performance of that duty; and

Fourth: That the defendant intended to obstruct or hinder the officer in the performance of that duty.

To prove the first element, the Commonwealth must prove both that the affected person was a police officer and that they were lawfully performing their duty as a police officer.

To prove the second element, the Commonwealth must prove the defendant either took physical action or made a threat of violence

against the officer that would reasonably obstruct or hinder the officer in the performance of that duty.

To prove the third element, the Commonwealth must prove the defendant was aware that the police officer was engaged in the performance of their duty. This requires you to make a decision about the defendant’s state of mind at that time. You should consider all the evidence, and any reasonable inferences you draw from the evidence, in determining whether the defendant knew the police officer was engaged in the performance of that duty.

To prove the fourth element, the Commonwealth must prove the defendant intended to obstruct or hinder the officer in the performance of that duty. This requires you to make a decision about the defendant’s state of mind at that time. You should consider all the evidence, and any reasonable inferences you draw from the evidence, in determining whether the defendant acted with the intent to obstruct or hinder the officer in the performance of their duty.

Commonwealth v. Adams, 482 Mass. 514 (2019).

Note:

1. **Sentencing.** The sentencing range is governed by G.L. c. 279, § 5, which prescribes a sentence that “conforms to the common usage and practice in the commonwealth.” Reference might be had to the punishments set by statute for similar offenses such as Resisting Arrest (G.L. c. 268, § 32B) and Assault and Battery on a Police Officer (G.L. c. 265, § 13D, para. 1).