

## RESISTING POLICE

### Police (NI) Act 1998

66. – (1) Any person who assaults, resists, obstructs or impedes a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence.

#### Maximum Sentence:

*Police (NI) Act 1998, Art.66(2)*

*Summarily: 6 months imprisonment and/or to the statutory maximum fine (£5,000)*

*Indictment: 2 years imprisonment*

#### Assessment of Offence

*(starting points and ranges based on 1<sup>st</sup> time offender convicted following contest)*

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
Attempting to prevent arrest or other police action without physical resistance/intervention	Fine	Conditional Discharge to Fine
Physical resistance/intervention falling short of assault	Fine	Fine to Community Order

#### Examples of Possible Aggravating Factors of Offence

1. Premeditated action
2. Aggressive words / threats
3. Aggressive group action

#### Examples of Possible Mitigating Factor of Offence

1. Genuine mistake or misjudgement

#### Relevant Cases:

*NI Cases:*

In the Matter of Tennyson [2001] NICA 38

R v Beckett [2008] NICC 10

Murtagh v Fitzpatrick [1989] 8 NIJB 78

Attorney General's Reference (No 1 of 1991) (Gallagher) [1991] NI 218

Robinson (1999) [2001] 8 BNIL 85

*English Cases:*

N/A

#### Notes: