

ASSAULT ON POLICE

Police (NI) Act 1998

66. - (1) Any person who assaults ... 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) Order 1998, s.66(2)

Indictment: 2 years imprisonment or Level 3 fine (£1,000) or both

Summary: 6 months or the statutory maximum fine (£5,000) or both

Assessment of Offence

(Starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
Assault where no injury is caused or where injury is minor and non-permanent (e.g. bruising)	Community Order + Compensation Order	Fine to Community Order + Compensation Order
Assault resulting in more serious injury but not amounting to actual bodily harm	2 months Custody + Compensation Order	Community Order to 6 months Custody + Compensation Order
Assault involving gratuitous violence (e.g. kicking or stamping victim when on the ground) OR Assault was motiveless	4 month Custody + Compensation Order	Community Order to 6 month Custody + Compensation Order

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
<ol style="list-style-type: none"> 1. Head-butting, biting, or attempted strangulation 2. Offence was premeditated 3. Offence motivated by, or demonstrating, hostility to victim on account of his membership of a racial group, religious group, sexual orientation group, disability or presumed disability.* 4. Abuse of position of trust 5. Offender was member of a group committing the offence 6. Victim is particularly vulnerable 7. Additional degradation of the victim 8. Offence committed in the presence of a child 9. Use of weapon 	<ol style="list-style-type: none"> 1. Provocation

Relevant Cases:

NI Cases:

1. AG's Ref. (No.1 of 1991)(Gallagher) [1991] NI 218
2. R v Robinson [2001] 8 BNIL 85

English Cases:

1. R v Stosiek (1982) 4 Cr App R(S) 205
2. R v Broyd [2002] 1 Cr App R(S) 197
3. R v Casey [2000] 1 Cr App R(S) 221

Notes:

1. *Where a court finds the offence was aggravated by 'hostility' it shall state in open court that the offence was so aggravated (Criminal Justice (No.2)(NI) Order 2004, Article 2)
2. Can be an offence of 'violence' for the purposes of a 'Regulated Match Banning Order' – Section 44 of the Justice Act (NI) 2011
3. A 'specified offence' for the purposes of a 'Violent Offender Prevention Order' – Section 55 of the Justice Act (NI) 2015