

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)