



Magistrate's Court of Jersey

Sentencing Guidelines

Part 2: Public Order Offences

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1	Affray	Art 3 Crime (Public Order) (Jersey) Law 2024
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Maximum sentence: Art 3(4): 5 years imprisonment and a fine

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Brief offence involving the use or threat of low-level violence, no substantial fear caused	2 months	£1,000 - 4 months
Threat of violence by use of a weapon (whether or not produced). Threat or use of violence causing substantial fear or harm	7 months	4 months – Royal Court
Use of a weapon to inflict violence. Use of serious or sustained violence, intention to cause fear of serious violence	Send to Royal Court	Royal Court

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> Group action/larger number involved Nature of threats Nature of weapons i.e. those which can cause serious injury Lengthy incident Premeditation Offence motivated by, or demonstrating hostility based on any legally protected characteristic or targeted at specific individuals or groups Offence targeted at police, medical, fire and/or other emergency service workers Offence targeted at people performing a public duty, or providing a service(s) to the public Intoxication 	Factors indicating lower culpability <ol style="list-style-type: none"> Did not start the trouble Evidence of steps taken to defuse the incident Minor role No members of the public present other than those engaged in violence Provocation Spontaneous. Incident short lived

10. Instigator 11. Part of widespread or recurring disorder	
Factors indicating greater degree of harm 1. Number and/or seriousness of injuries caused 2. Vulnerable persons or children present 3. Vulnerable persons or children injured 4. Damage to property/ businesses/ livelihoods/cost to the public purse 5. Disruption/detriment to the community 6. Offence occurred within the boundaries of the victim's home	Factors indicating lesser degree of harm

Form a preliminary view of the appropriate sentence,
then consider offender mitigation

Consider Compensation and/or a Restraining Order and/or an Exclusion Order

2	Arson	Art 30(3) - Fire and Rescue Service (Jersey) Law 2011
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Maximum sentence: Art 30(3): 10 years and a fine

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Minor damage by fire	1 month	£1,000 – 3 months
Moderate damage by fire	6 months	3 months – Royal Court
Significant damage by fire or intention to cause death or serious harm to persons or serious damage to property or the environment, or reckless as to such death, serious harm; or serious damage	Send to Royal Court	Send to Royal Court

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Revenge attack 2. Planning or premeditation 3. Offence motivated by, or demonstrating hostility based on any legally protected characteristic or targeted at specific individuals or groups 4. Offence targeted at police, medical, fire and/or other emergency service workers 5. Offence targeted at people performing a public duty, or providing a service(s) to the public 6. Intoxication 7. Motivated by financial gain 8. Use of an accelerant 	Factors indicating lower culpability <ol style="list-style-type: none"> 1. Little or no planning; offence committed on impulse 2. Involved through coercion, intimidation or exploitation

Factors indicating greater degree of harm	Factors indicating lesser degree of harm
<ol style="list-style-type: none">1. Injury caused2. Damage to emergency equipment3. Damage to public amenity4. Significant public or private fear caused (e.g. in domestic context)	

Form a preliminary view of the appropriate sentence,
then consider offender mitigation

Consider Compensation and/or a Restraining Order

3	Assault	Common Law
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Introduction

This guideline deals with common assaults and grave and criminal assaults. The difference between an assault and a grave and criminal assault is one of degree. The higher end of common assault will often overlap with the lower end of grave and criminal assault. The more serious grave and criminal assaults must be sent to the Royal Court.

Maximum sentence: As a common law offence, sentencing is at large.

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Assault with a low degree of force, involving little or no injury	£2,000	£500 - £4,000
Assault with considerable force resulting in moderate, non-permanent harm (including physical and psychological harm), or assault by spitting	6 months	£4,000 – 12 months
Assault, irrespective of force, or resulting in, serious harm (including physical and psychological harm)	12 months	9 months – Royal Court
Assault involving non-fatal strangulation or suffocation	Royal Court	Royal Court

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Threatened or actual use of a weapon to frighten or harm victim 2. Nature of the weapon i.e. those which can cause serious injury 3. The weapon was carried prior to the offence, or weapon sought or obtained during the course of the offence 4. Offence was planned or sustained 	Factors indicating lower culpability <ol style="list-style-type: none"> 1. Significant provocation 2. Single push, shove or blow 3. The blow was random 4. The assault took place/the weapon was obtained on the spur of the moment 5. History of significant violence/abuse towards the offender by the victim

<ol style="list-style-type: none"> 5. The blow was aimed at or force inflicted to a vulnerable part of the body e.g. kick to the head; force applied to the neck or throat 6. Offence targeted at people performing a public duty, or providing a service(s) to the public 7. Head-butting, kicking, biting 8. Offence motivated by, or demonstrating hostility based on any legally protected characteristic or targeted at specific individuals or groups 9. Abuse of a position of trust 10. Abuse of position of power 11. Offence part of a group action 12. Intoxication 13. Premeditation 14. Victim is particularly vulnerable e.g. child or vulnerable adult 15. Any steps taken to prevent a victim reporting an incident and/or from assisting or supporting the Prosecution 	
<p>Factors indicating greater degree of harm</p> <ol style="list-style-type: none"> 1. Serious, permanent or long term physical or psychological injury or distress 2. Additional degradation of victim 3. Offence committed in the presence of a child or other vulnerable person 4. Offence committed in a domestic context 5. Occurred within the victim's home, especially if there was a forced entry 6. Offender prevented the victim from seeking or obtaining help 7. Previous violence or threats to same victim 8. Offence occurred in an isolated location 9. Gratuitous degradation of the victim 10. Victim pregnant 	<p>Factors indicating lesser degree of harm</p>

Form a preliminary view of the appropriate sentence,
then consider offender mitigation

Consider Compensation and/or a Restraining Order and/or an Exclusion Order

4	Assault on Police, medical professionals, and emergency workers	Common Law
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Introduction

Assaults on police officers, medical professionals (most often paramedics), fire officers and other emergency workers acting in exercise of their functions are aggravated assaults as the person assaulted is working for the safety and wellbeing of the public or specific individuals. The Court should impose significant penalties to deter such assaults and to protect such workers and to protect the public. Offenders should expect an immediate custodial sentence save in exceptional circumstances.

Maximum sentence: As a common law offence, sentencing is at large.

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Assault with a low degree of force, involving little or no injury	2 months	1–4 months
Assault with considerable force resulting in moderate, non-permanent harm (including physical and psychological harm) or assault by spitting	8 months	4 months – 12 months
Assault, irrespective of force, intending to cause fear or resulting in serious harm (including physical and psychological harm)	12 months	9 months – Royal Court
Assault involving non-fatal strangulation or suffocation	Royal Court	Royal Court

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Threatened or actual use of a weapon to frighten or harm the victim 2. Nature of the weapon i.e. those which can cause serious injury 	Factors indicating lower culpability <ol style="list-style-type: none"> 1. Significant provocation 2. Single push, shove or blow 3. The blow was random

<ol style="list-style-type: none"> 3. The weapon was carried prior to the offence, or the weapon sought or obtained during the course of the offence 4. The offence was planned or sustained 5. The blow was aimed or force inflicted to a vulnerable part of the body e.g. kick to the head; force applied to the neck or throat 6. Head-butting, kicking, biting 7. Offence motivated by, or demonstrating hostility based on any legally protected characteristic or targeted at specific individuals or groups 8. Abuse of a position of trust 9. Abuse of a position of power 10. Offence part of a group action 11. Intoxication 12. Premeditation 13. Any steps taken to prevent a victim reporting an incident, and/or from assisting or supporting the Prosecution 	<ol style="list-style-type: none"> 4. The weapon was obtained on the spur of the moment
<p>Factors indicating greater degree of harm</p> <ol style="list-style-type: none"> 1. Serious or permanent or long term physical or psychological injury or distress 2. Additional degradation of victim 3. Offence committed in the presence of a child or other vulnerable person 4. Offender prevented the victim from seeking or obtaining help 5. Previous violence or threats to same victim 6. Offence occurred in an isolated location 7. Offender seeking to escape from custody or lawful restriction 	<p>Factors indicating lesser degree of harm</p>

Form a preliminary view of the appropriate sentence, then consider offender mitigation

Consider Compensation and/or a Restraining Order and/or an Exclusion Order

5	Breach of the peace / conduct likely to cause breach of the peace	Common Law
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Maximum sentence: As a common law offence, sentencing is at large.

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Conduct likely to cause a breach (e.g. minor disorder with abusive language but no violence)	£450	£300 - £600
Minor violence with no evidence of injury	£800	£600 - £1,000
More serious disorder, with injury or threat of injury	2 months	£1,000 – 12 months

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Intoxication 2. Offence motivated by, or demonstrating hostility based on any legally protected characteristic or targeted at specific individuals or groups 3. Offence targeted at police, medical, fire and/or other emergency service workers 4. Offence targeted at people performing a public duty, or providing a service(s) to the public 	Factors indicating lower culpability
Factors indicating greater degree of harm <ol style="list-style-type: none"> 1. Members of the public intimidated by the behaviour 2. Group action 	Factors indicating lesser degree of harm

Form a preliminary view of the appropriate sentence,
then consider offender mitigation

Consider an Exclusion Order

6	Drunk or disorderly on licensed premises	Art 82 Licensing (Jersey) Law 1974
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Maximum sentence: 3 months imprisonment and a Level 3 fine

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Minor disturbance	£800	£400 - £1,200
Shouting, causing disturbance for some time	£1,500	£1,000-£2,000
Substantial disturbance; caused/ threatened violence	1 month	£2,000-2 months

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Offensive words or violent behaviour involved 2. Group action 3. Lengthy incident 4. Intoxication (except where part of the offence) 5. Offence motivated by, or demonstrating hostility based on any legally protected characteristic or targeted at specific individuals or group 6. Offence targeted at police, medical, fire and/or other emergency service workers 7. Offence targeted at people performing a public duty, or providing a service(s) to the public 	Factors indicating lower culpability

Factors indicating greater degree of harm <ol style="list-style-type: none">1. Offence committed where vulnerable persons are present2. Offence committed in view of general public	Factors indicating lesser degree of harm
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Form a preliminary view of the appropriate sentence,
then consider offender mitigation

Consider Compensation and/or Restraining Order and/or an Exclusion Order

7	Drunk and disorderly	Common Law
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Maximum sentence: As a common law offence, sentencing is at large.

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Brief offence of shouting or causing disturbance	£ 800	Bind over - £1,200
Substantial disturbance caused	£1,500	£1,000 - £2,000

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Offensive words or behaviour involved 2. Lengthy incident 3. Group action 4. Offence motivated by, or demonstrating hostility based on any legally protected characteristic or targeted at specific individuals or group 5. Offence targeted at police, medical, fire and/or other emergency service workers 6. Offence targeted at people performing a public duty, or providing a service(s) to the public 	Factors indicating lower culpability <ol style="list-style-type: none"> 1. Minor and non-threatening 2. Stopped as soon as police arrived
Factors indicating greater degree of harm <ol style="list-style-type: none"> 1. Offence committed at a school, hospital or other place where vulnerable persons may be present 2. Offence committed on public transport 	Factors indicating lesser degree of harm

Form a preliminary view of the appropriate sentence,
then consider offender mitigation

Consider Compensation and/or Restraining Order and/or an Exclusion Order

8	Drunk and incapable	Common Law
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Maximum sentence: As a common law offence, sentencing is at large.

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Defendant was drunk and was incapable	£200	Bind over - £750

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability 1. Offensive words or behaviour involved 2. Abusive words or behaviour	Factors indicating lower culpability 1. Minor and non-threatening
Factors indicating greater degree of harm 1. Offence committed at school, hospital or other place where vulnerable persons may be present 2. Offence committed on public transport	Factors indicating lesser degree of harm

Form a preliminary view of the appropriate sentence, then consider offender mitigation

Consider Compensation and/or Restraining Order and/or an Exclusion Order
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9	Firearm, carrying in a public place	Art 41 Firearms (Jersey) Law 2000
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Maximum sentence: 5 years imprisonment (or 6 months for an air weapon) or a fine or both.

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Carrying a loaded air weapon	1 month	£2,000 – 3 months
Carrying loaded shot gun	6 months	£2,500 - Royal Court
Carrying any firearm (other than an air weapon or shot gun) either loaded or together with ammunition	Royal Court	Royal Court

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Brandishing the firearm 2. Carrying firearm in a populated place 3. Planned illegal use 4. Intoxication 	Factors indicating lower culpability <ol style="list-style-type: none"> 1. Firearm not in sight 2. No intention to use firearm unlawfully
Factors indicating greater degree of harm <ol style="list-style-type: none"> 1. Person/s put in fear or serious alarm 2. Offender participating in violent incident 3. Risk of serious disorder 	Factors indicating lesser degree of harm

Form a preliminary view of the appropriate sentence, then consider offender mitigation

Consider Forfeiture/Cancellation (Art 48) and/or Restraining Order
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10	Harassment	Art 6 Crime (Public Order) (Jersey) Law 2024
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Maximum sentence: 5 years imprisonment and a fine.

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Short lived, non-threatening contact	£2,000	£1,000 – 2 months
Deliberate threats, persistent action over a longer period; or intends or is reckless as to whether fear of violence or substantial distress is caused	9 months	3 – 12 months
Conduct intended to maximise fear or distress; threat of serious violence; sexual threats; high degree of planning; sophisticated means used	Royal Court	Royal Court

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Stalking 2. Offender ignores obvious distress 3. Visits in person to victim's home or workplace 4. Offender involves others 5. Using contact arrangements with a child to instigate offence 6. Offence motivated by, or demonstrating hostility based on any legally protected characteristic or targeted at specific individuals or group 7. Abuse of position of trust to facilitate offence 8. Domestic context 9. Offence targeted at police, medical, fire and/or other emergency service workers 10. Offence targeted at people performing a public duty, or providing a service(s) to the public 	Factors indicating lower culpability <ol style="list-style-type: none"> 1. Limited understanding of effect on victim

11. Physical violence used (where not charged separately) 12. Violent or offensive material sent 13. Warnings to desist ignored 14. Vulnerable person targeted	
Factors indicating greater degree of harm 1. High degree of fear or distress or other harm caused 2. Victim aware that offender has history of using violence 3. Effect on others including children 4. Evidence that victim changed lifestyle to avoid contact 5. Victim is a child or other particularly vulnerable person	Factors indicating lesser degree of harm

Form a preliminary view of the appropriate sentence, then consider offender mitigation

Consider Compensation and/or Restraining Order and/or Exclusion Order

11	Malicious damage (other than by fire)	Common Law
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Maximum sentence: As a common law offence, sentencing is at large.

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Minor damage e.g. breaking small window; small amount of graffiti	£600	£300 – £ 1,000
Moderate damage e.g. breaking large plate-glass or shop window; widespread graffiti	2 months	£ 1,000 – 3 months
Significant damage e.g. damage caused as part of a spree	6 months	4 months – Royal Court

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Revenge attack 2. Targeting vulnerable victim 3. Offence motivated by, or demonstrating hostility based on any legally protected characteristic or targeted at specific individuals or group 4. High degree of planning 	Factors indicating lower culpability <ol style="list-style-type: none"> 1. Damage caused recklessly
Factors indicating greater degree of harm <ol style="list-style-type: none"> 1. Damage to emergency equipment/ emergency vehicle 2. Damage to public amenity 3. Danger or distress caused to members of the public 4. Significant public or private fear caused e.g. in domestic context 	Factors indicating lesser degree of harm

Form a preliminary view of the appropriate sentence,
then consider offender mitigation

Consider Compensation and/or Restraining Order

12	Obstruct / refuse to obey a police officer in the execution of duty	Common Law
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Maximum sentence: As a common law offence, sentencing is at large.

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Failure to move when required to do so	£ 500	£200 – £800
Attempt to prevent arrest of self or others or prevent other lawful police action; where failure to move away incites or enables others to offend	£ 1,500	£800 - 3 months
Impeding a Police investigation	1 month	£1,500 – 12 months

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Premeditated action 2. Use of force, aggression or intimidation by way of words/threats/actions 3. Group action 4. Intoxication 5. Gave false details 	Factors indicating lower culpability <ol style="list-style-type: none"> 1. Genuine mistake or misjudgement 2. Brief incident
Factors indicating greater degree of harm <ol style="list-style-type: none"> 1. Seriousness of matter being investigated 2. Injury caused (where no assault charged) 	Factors indicating lesser degree of harm

Form a preliminary view of the appropriate sentence, then consider offender mitigation

Consider Compensation and/or Restraining Order and/or Exclusion Order

13	Having an offensive weapon in public / on school premises	Art 7 Crime (Public Order) (Jersey) Law 2024
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Maximum sentence: 5 years or a fine or both and power of the court to make forfeiture or disposal order of the weapon concerned.

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Weapon carried in public or on school premises	6 months	1 month - Royal Court

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Nature of the weapon i.e. those which can cause serious injury 2. Use of weapon, or intention to use weapon, to commit violence, threaten violence or intimidate (where no other offence relating to weapon charged) 3. Offence motivated by, or demonstrating hostility based on any legally protected characteristic or targeted at specific individuals or group 4. Offence targeted at police, medical, fire and/or other emergency service workers 5. Offence targeted at people performing a public duty, or providing a service(s) to the public 6. Intoxication 7. Offender operating in group or gang 	Factors indicating lower culpability
Factors indicating greater degree of harm <ol style="list-style-type: none"> 1. Offence committed where vulnerable persons may be present/ when the school is open 	Factors indicating lesser degree of harm

<ul style="list-style-type: none">2. Offence committed on or outside licensed premises3. Offence committed on public transport4. Offence committed at a large public gathering, especially where there may be risk of disorder	
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Form a preliminary view of the appropriate sentence,
then consider offender mitigation

Consider Compensation and/or Restraining Order and/or Exclusion Order
and/or forfeiture (Art 7(4))

14	Resisting arrest / violently resisting arrest	Common Law
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Maximum sentence: As a common law offence, sentencing is at large.

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Failure to comply with arresting officer (passive)	£500	£200 – £800
Active resistance to arresting officer	£1,500	£800 – 3 months
Use of violence (Violently Resisting Arrest)	3 months	1 month – 6 months

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Premeditated action 2. Aggressive words/threats 3. Leading role in group action 4. Intoxication 5. Intention to cause fear of serious harm, including disease transmission 6. Prolonged/persistent violence 7. Use of substantial force 	Factors indicating lower culpability <ol style="list-style-type: none"> 1. Genuine mistake or misjudgement 2. Brief incident
Factors indicating greater degree of harm <ol style="list-style-type: none"> 1. Physical and/or psychological injury caused (where separate assault not charged) 	Factors indicating lesser degree of harm

Form a preliminary view of the appropriate sentence, then consider offender mitigation
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Consider Compensation and/or Exclusion Order
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15	Restraining Order - Breach	Art 9 Criminal (Public Order) (Jersey) Law 2024
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Maximum sentence: 5 years imprisonment and a fine.

This is a breach of a court order which is imposed to prevent not only harm to the protected person but also fear of harm. Breach of a Restraining Order should result in custody. Only in the most minor circumstances should a fine be imposed. A binding over order is rarely, if ever appropriate.

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Minor and inadvertent breach involving no/minimal direct or indirect contact. No harm to the victim, no fear induced	1 month	£500 - 2 months
Deliberate single breach involving physical and /or psychological harm to the victim	5 months	3 months – 7 months
Serious and or persistent breaches involving significant physical and/or psychological harm to the victim	9 months	8 months – Royal Court

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Proven history of violence or threats by the offender 2. Violence used/damage caused but not charged separately 3. Breach on multiple occasions represented in a single charge 4. Using contact arrangements with a child to instigate offence 5. Offence is a further breach, following earlier breach proceedings 6. Offender has history of disobedience to court orders 	Factors indicating lower culpability <ol style="list-style-type: none"> 1. Breach committed after lengthy period of compliance

<p>7. Breach committed immediately or shortly after Order made</p> <p>8. Intoxication</p>	
<p>Factors indicating greater degree of harm</p> <p>1. Victim is particularly vulnerable</p> <p>2. Vulnerable persons present, including children</p> <p>3. Effect on others</p> <p>4. Victim is forced to leave place of residence</p>	<p>Factors indicating lesser degree of harm</p>

Form a preliminary view of the appropriate sentence, then consider offender mitigation

Consider Compensation and/or Restraining Order and/or Exclusion Order

16	Riot	Art 2 Criminal (Public Order) (Jersey) Law 2024
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Maximum sentence: 10 years imprisonment and a fine.

This offence is too serious for the Magistrate's Court and should be sent to the Royal Court.

17	Threatening, abusive or disorderly conduct	Art 5 Criminal (Public Order) (Jersey) Law 2024
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Maximum sentence: 12 months imprisonment and a Level 3 fine

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Disorderly behaviour	£500	£300-£800
Abusive behaviour and/or abusive words	£1,000	£500 - £2,000
Threatening behaviour and/or threatening words	2 months	£3,000 - 8 months

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Group action 2. Behaviour accompanied by sexual words, conduct or motivation where not otherwise charged as separate offence 3. Lengthy incident 4. Children or other vulnerable persons present 5. In busy location with many members of the public present, e.g. shopping precinct 6. Intoxication 7. Offence motivated by, or demonstrating hostility based on any legally protected characteristic or targeted at specific individuals or group 8. Offence targeted at police, medical, fire and/or other emergency service workers 9. Offence targeted at people performing a public duty, or providing a service(s) to the public 	Factors indicating lower culpability <ol style="list-style-type: none"> 1. Brief/minor incident

10. Offence committed on enclosed premises, such as public transport 11. Intention to cause fear of serious violence	
Factors indicating greater degree of harm <ol style="list-style-type: none"> 1. Vulnerable person(s) present 2. Offence committed at school, hospital or other place where vulnerable persons may be present 3. Victim performing public duty 4. Victim feared serious violence 	Factors indicating lesser degree of harm

Form a preliminary view of the appropriate sentence, then consider offender mitigation

Consider Compensation and/or Restraining Order and/or Exclusion Order

18	Threat to kill, rape or cause serious injury	Art 4 Criminal (Public Order) (Jersey) Law 2024
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Maximum sentence: Article 4(2): 10 years imprisonment and a fine

A. Identify the appropriate starting point Starting points based on first time offender pleading guilty		
Examples of nature of activity	Starting point	Range
Offence was limited in scope and duration	12 months	Royal Court
Cases where any of the factors included in higher culpability or degree of harm exist	Royal Court	

B. Consider the effect of aggravating and mitigating factors (other than those within examples above) The following may be particularly relevant but these lists are not exhaustive	
Factors indicating higher culpability <ol style="list-style-type: none"> 1. Offence motivated by, or demonstrating hostility based on any legally protected characteristic or targeted at specific individuals or group 2. Offence targeted at police, medical, fire and/or other emergency service workers 3. Offence targeted at people performing a public duty, or providing a service(s) to the public 4. Evidence of significant planning and/or sophisticated offence 5. The use or intended use of a visible weapon 6. Threat(s) made in the presence of children or vulnerable persons 7. History of and/or campaign of violence towards the victim 8. Threat(s) with significant violence 	Factors indicating lower culpability

Factors indicating greater degree of harm <ol style="list-style-type: none">1. Impact of offence on others, particularly children2. Offence committed in a domestic abuse context3. Victim is particularly vulnerable	Factors indicating lesser degree of harm
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Form a preliminary view of the appropriate sentence,
then consider offender mitigation

Consider Compensation and/or Restraining Order and/or Exclusion Order