

Offence	What it means.....	Maximum Sentence on Conviction
Common assault (battery) **	Charging Purpose Grazes; Scratches; Abrasions; Minor bruising; Swellings; Reddening of the skin; Superficial cuts.	Magistrates: Maximum sentence is 6 months custody and or fine, racially aggravated 2 years.
Common assault **	Common assault is when a person inflicts violence on someone else or makes them think they are going to be attacked. It does not have to involve physical violence. Threatening words or a raised fist is enough for the crime to have been committed provided the victim thinks that they are about to be attacked. Spitting at someone is another example.	Magistrates: Maximum sentence is 6 months custody and or fine, racially aggravated 2 years.
Section 47 assault – ABH Actual Bodily Harm	ABH means the assault has caused some hurt or injury to the victim. Physical injury does not need to be serious or permanent but must be more than “trifling” or “transient”, which means it must at least cause minor injuries or pain or discomfort. Psychological harm can also be covered by this offence, but this must be more than just fear or anxiety.	Magistrates: maximum sentence on conviction is 12 month. Crown Court: The maximum sentence is five years’ custody (racially aggravated 7)
Racially aggravated assault offences.	Hate Crime is any criminal offence which is perceived , by the victim to any other person, to be motivated by a hostility or prejudice based on a person’s disability, race, religion, sexual orientation, gender identity or perceived disability, race, religion, sexual orientation, gender identity. CPOS will make the prosecution decision for all Hate Crimes – not Police. Hate is an aggravating feature which reflects in charging decision and sentence on conviction.	The increase for the element of racial or religious aggravation may result in a sentence above the range
Section 20 assault – GBH Grievous Bodily Harm	means the assault has caused serious physical harm. It does not have to be permanent or dangerous. For example, a broken bone would amount to GBH – in some cases a broken bone might lead to permanent disability but, in others, it might heal without leaving any long-term effects. GBH can also include psychiatric injury or someone passing on an infection, for example through sexual activity.	Magistrates: maximum sentence on conviction is 12 month. Crown Court: The maximum sentence is five years’ custody (racially aggravated 7)
Section 18 assault GBH with intent	The GBH or wounding must be caused either with an intent to cause some injury or with knowledge that injury was likely. If it was committed with intent to cause GBH or wounding then the offence is more serious.	Crown Court: On conviction maximum sentence is life imprisonment
Murder	A person who kills a person 'with malice aforethought' will be guilty of murder.	Crown Court: Minimum sentence on

	Murder carries the distinction of being planned prior to the crime being committed.	conviction 15 years. Maximum – full life term.
Manslaughter	A person who kills another person in circumstances where this mental intention cannot be proved may be convicted of manslaughter.	Crown Court: Sentence can vary from 1 year to 24 years in custody.
Harassment **	Behaviour intended to cause a person alarm or distress. The behaviour must occur on more than one occasion, but it does not have to be the same kind of behaviour on each occasion EG: texts, voicemails, letters or emails, comments or threats, standing outside someone's house or driving past it	Magistrates: On conviction maximum sentence is 6 months' custody - racially aggravated, 2 years
Harassment with fear of violence	Harassment involving putting people in fear of violence is a more serious offence. It involves two or more harassment incidents that leave the victim fearing that violence will be used against them.	Crown Court: On conviction maximum sentence is 10 years
Stalking **	Stalking involves persistently following someone. It does not necessarily mean following them in person and can include watching, spying or forcing contact with the victim through any means, including through social media.	Magistrates: On conviction maximum sentence is 6 months' custody - racially aggravated, 2 years
Stalking Involving fear of violence or serious alarm or distress	Stalking involving fear of violence or serious alarm or distress is a more serious offence. It involves two or more occasions that have caused the victim to fear violence will be used against them or had a substantial adverse effect on their day-to-day activities, even where the fear is not explicitly of violence. Evidence that the stalking has caused this level of fear could include the victim: EG: changing their route to work, work patterns or employment to avoid contact with the stalker, putting additional home security measures in place moving home, suffering physical or mental ill-health	Crown Court: On conviction maximum sentence is 10 years
Non fatal Strangulation	Applying any form of pressure to the neck whether gently or with some force could obstruct or compress the airways or blood flow. Strangulation does not require a particular level of pressure or force within its ordinary meaning, and it does not require any injury.	Magistrates: max sentence on conviction 12 months' custody (racially aggravated remains 12 months custody.) Crown Court: maximum sentence on conviction 5 years. (racially aggravated 7 years' custody)
Threats to kill	Threats can be calculated and premeditated or said in the heat of the moment. The defendant does not have to have the intention to kill but there has to be an intent that the person to whom the threat has been issued	Magistrates: Max sentence on conviction 4 years' custody

	would fear it would be carried out. This can be a difficult offence to prove, and it should be reserved for the more serious cases. Where it is doubtful whether the threat carried the necessary intent a charge under s.4 or s.4A Public Order Act 1986 or other offences such as at s.1 Malicious Communications Act 1988, s.127 Communications Act 2003 may be appropriate.	Crown Court: maximum sentence on conviction 10 years.
False Imprisonment	False imprisonment is a common law offence involving the unlawful and intentional or reckless detention of the victim.	Magistrates: max sentence on conviction 12 months' custody (racially aggravated remains 12 months custody.) Crown Court: maximum sentence on conviction 12 years.
Controlling Coercive Behaviour	C&C does not relate to a single incident. It is a purposeful pattern of behaviour which takes place over time which isolates the victim from support, exploits them, deprives them of independence and regulates their everyday behaviour.	Magistrates: On conviction maximum sentence is 5 years' custody
Malicious communications **	The Malicious Communications Act makes it an offence to send any kind of written, verbal or electronic communication that conveys a message that: <ul style="list-style-type: none"> • is indecent or grossly offensive; • makes a threat; or • contains information that is false and known or believed to be false by the sender. In order for the offence to be made out, the defendant must have intended to cause distress or anxiety to the recipient or any other person that he or she intends that the information should be communicated to.	Magistrates: On conviction maximum sentence is 12 months' or fine or both. Crown Court: On conviction maximum sentence is 2 years.
Restraining Order	May be made on conviction of any offence. Restraining orders are also available on acquittal - a court may make a restraining order if it considers it is necessary to protect a person from harassment by the defendant – This is a civil behaviour order and therefore the burden of proof is civil – balance of probabilities rather than criminal which is beyond all reasonable doubt. These orders are intended to be preventative and protective. The guiding principle is that there must be a need for the order to protect a person. Prosecutors must ensure that information is obtained at an early stage from the police to determine if the court should be invited to make a restraining order, this should include the victim's views and that the suitability of the proposed conditions has been discussed with the victim.	Magistrates: On conviction maximum sentence is 6 months' custody. Crown Court: maximum sentence on conviction – not exceeding 5 years custody.

<p>Non-Molestation Order</p>	<p>A non-molestation order is a type of injunction that you can apply for through the family court. These orders are granted in order to prevent a partner, or former partner (or other “associated person”), from causing you or children harm.</p> <p>Harm doesn’t just mean physical harm, it can also include harassment, intimidation, psychological abuse, or even threats to inflict physical harm, as well as coercive and controlling behaviour and financial abuse. Non-molestation orders are injunctions which will typically last anywhere between 6 and 12 months, depending on the circumstances.</p> <p>It’s also possible for an order to last longer than this period, but it will depend on your situation and the decision of the courts.</p> <p>If you get to the end of your fixed court order, it’s also possible to extend the order if your situation hasn’t changed and you still feel in danger.</p> <p>Non-molestation orders have no court fees</p>	<p>Non-molestation orders are very serious and powerful orders and any breaches amount to a criminal offence and will be dealt with by the police, which can sometimes mean a prison sentence in cases of the most severe breaches.</p> <p>Maximum Sentence Imposed 5 years.</p>
<p>Domestic Violence Prevention Noticed / Order.</p>	<p>A DVPN is an emergency non-molestation and eviction notice which can be issued by the police, when attending to a domestic abuse incident, to a perpetrator. Because the DVPN is a police-issued notice, it is effective from the time of issue, thereby giving the victim the immediate support they require in such a situation. Within 48 hours of the DVPN being served on the perpetrator, an application by police to a magistrates’ court for a DVPO must be heard. A DVPO can prevent the perpetrator from returning to a residence and from having contact with the victim for up to 28 days. This allows the victim a degree of breathing space to consider their options with the help of a support agency. Both the DVPN and DVPO contain a condition prohibiting the perpetrator from molesting the victim.</p> <p>The DVPO will be in force for a minimum of 14 days and a maximum of 28 days</p>	<p>Maximum Penalty for breach of this civil order – fine up to £5,000 or 2 months imprisonment.</p>

** Represents subject to statutory time limits:

- at any time within 2 years from the date of the offence to which the proceedings relate, and
- within six months from the first date the victim made a statement or was interviewed about the incident, (section 39A(4) CJA 1988).

This has effect despite the limitations in [section 127 Magistrates’ Court Act 1980](#), which states that summary only proceedings must be commenced within 6 months of the date of the offence was committed, (section 39A(5) CJA 1988).