4. Sentencing

If you either plead or are found guilty, the judge will pass a sentence.

Sentences usually consist of a fine, a suspended sentence or a community order (which could require you to perform community service, not enter a certain area etc). On the very very rare occasions that a custodial sentence (prison) is given, there are other groups – such as your local branch of the Anarchist Black Cross- that can help support you both before and during your time inside.

Detailed sentencing guidelines for offences tried in magistrates courts (i.e. those offences which are 'summary only' such as willful obstruction of the highway, or 'either way' offences which can be tried in the magistrates such as theft) are available here. But for ease of reference, the following table sets out the sentences you could expect to receive if you were convicted of the most common protest related offences:

Offence	Likely Penalty for a 1st Time Offender	Maximum Penalty
Willful Obstruction of the Highway	Conditional discharge or ~£200 fine	£1000 fine
Criminal Damage	Highly dependent on the cost of the damage you supposedly committed. If it was low the penalty could be anything from a conditional discharge, to community service or a fine of around several hundred pounds.	Where value of damage is less than £5000 – 3 months imprisonment and/or £2500 fine. Where the damage is more than £5000 – ten years imprisonment.
Obstructing/Assaulting a Police Constable	Highly variable but we have seen conditional discharges given for obstruction.	For obstruction: £1000 fine and/or 1 month imprisonment For Assault: 6 months imprisonment and/or £5000 fine
Section 241 of the Trade Unions and Labour Relations Act	Conditional discharge or – if you are unlucky – a fine of somehwere between £200-400	£5000 and/or 6 months in prison.
Section 12/14 of the Public Order Act	~£200 fine	£1000 fine for participants. For organisers: 3 months imprisonment and/or a £2500 fine.
Aggravated Trespass	A fine of under £500	3 months imprisonment, or a fine of £2500, or both
Violent Disorrder/Affray	Violent Disorder: 75% chance of immediate custody 6-24 months. Affray: 25% chance of immediate custody 3-12 months	5 years imprisonment and/or a fine for Violent Disorder 3 years imprisonment and/or a fine for Affray

Prosecution Costs:

In the event that you are found guilty, the CPS will ask the court for a contribution – from you – towards the costs they have incurred in bringing this case (i.e. fees for the CPS solicitors etc). The amount you will be required to pay is ultimately decided by the judge/magistrate(s) but is dependent on a number of factors including, for example, if and when in the proceedings you plead guilty, whether you are in a magistrates or a crown court and what kind of hearing it was (e.g. an appeal of sentence as opposed to a trial).

More information on the costs scale used by the CPS and the courts is available here.

Victim Surcharge:

4. Sentencing

In addition to any fine handed to you by the court and an amount for prosecution costs, individuals convicted of criminal offences are obliged to pay what is called a ‘victim surcharge’. How much you are obliged to pay depends on the sentence you are given but it ranges from £20 to £170.

Making a Claim Against the Police:

If your case is thrown out or dropped along the way, you could consider taking a civil action against the police. Get in touch with us and we can advise you on how best to do this. There is also a guide to making civil claims against the police on our website.