



## **Her Majesty's Attorney General for Jersey Code on the decision to prosecute**

### **Appendix to the supplementary guidance on domestic abuse Examples of domestic abuse offences**

- 1) **Example of behaviour: Neglecting, abandoning or ill-treating a child**  
**Possible offence:** Child cruelty  
**Charge/Legislation:** Article 35 of the Children (Jersey) Law 2002
  
- 2) **Example of behaviour: Forcing entry into a house**  
**Possible offence:** Using violence to secure entry  
**Charge/Legislation:** Customary law offence: breaking and entering and committing an offence (assault/larceny/malicious damage), breaking and entering with intent to commit a crime (assault/malicious damage), malicious damage
  
- 3) **Example of behaviour: Pressuring a victim/witness to "drop the case" or not to give evidence**  
**Possible offence:** Perverting the course of justice  
**Charge/Legislation:** Customary law offence: perverting or attempting to pervert the course of justice
  
- 4) **Example of behaviour: Physical violence, with or without weapons (eg: punching, slapping, pushing, kicking, headbutting, and hair pulling)**
  - a) **Possible offence:** Common assault  
**Charge/Legislation:** Customary law offence: common assault
  - b) **Possible offence:** Grave and criminal assault  
**Charge/Legislation:** Customary law offence: grave and criminal assault
  
- 5) **Example of behaviour: Neglecting, abusing or ill-treating an individual whereupon the act has caused serious physical harm or death**
  - a) **Possible offence:** Grave and criminal assault  
**Charge/Legislation:** Customary law offence: grave and criminal assault
  - b) **Possible offence:** Murder, attempted murder or manslaughter  
**Charge/Legislation:** Customary law offence: murder, attempted murder or manslaughter

- 6) Example of behaviour: Violence resulting in death**
- a) **Possible offence:** Murder  
**Charge/Legislation:** Customary law offence: murder
  - b) **Possible offence:** Manslaughter  
**Charge/Legislation:** Customary law offence: manslaughter
- 7) Example of behaviour: Offensive/obscene/menacing telephone calls, text messages, letters, emails, social media/online messages, verbal communication**
- a) **Possible offence:** Improper use of public telecommunication systems  
**Charge/Legislation:** Article 51 of the Telecommunications (Jersey) Law 2002
  - b) **Possible offence:** Malicious communications  
**Charge/Legislation:** Article 51 of the Telecommunications (Jersey) Law 2002
  - c) **Possible offence:** Harassment  
**Charge/Legislation:** Article 3 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008
- 8) Example of behaviour: Posting of intimate images, messages, or defamatory/insulting material**
- a) **Possible offence:** Improper use of public telecommunication systems  
**Charge/Legislation:** Article 51 of the Telecommunications (Jersey) Law 2002
  - b) **Possible offence:** Malicious communications  
**Charge/Legislation:** Article 51 of the Telecommunications (Jersey) Law 2002
  - c) **Possible offence:** Harassment  
**Charge/Legislation:** Article 3 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008
- 9) Example of behaviour: Excessive contact (eg: numerous phone calls to check someone's whereabouts, leaving unexpected/unwanted gifts, defamation of character to friends/family's employers etc)**
- a) **Possible offence:** Harassment  
**Charge/Legislation:** Article 3 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008
  - b) **Possible offence:** Improper use of public telecommunication systems  
**Charge/Legislation:** Article 51 of the Telecommunications (Jersey) Law 2002
  - c) **Possible offence:** Malicious communications  
**Charge/Legislation:** Article 51 of the Telecommunications (Jersey) Law 2002
- 10) Example of behaviour: Following an individual physically**
- Possible offence:** Harassment  
**Charge/Legislation:** Article 3 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2000

- 11) Example of behaviour: Constantly visiting an individual (or their friends'/family's) home, workplace or regularly known location**  
**Possible offence:** Harassment  
**Charge/Legislation:** Article 3 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008
- 12) Example of behaviour: Threatening with an article used as a weapon (eg: a knife, tool, telephone, chair)**
- a) **Possible offence:** Common assault  
**Charge/Legislation:** Customary law offence: common assault
  - b) **Possible offence:** Grave and criminal assault  
**Charge/Legislation:** Customary law offence: grave and criminal assault
  - c) **Possible offence:** Breach of the peace  
**Charge/Legislation:** Customary law offence: breach of the peace
  - d) **Possible offence:** Possession of an offensive weapon  
**Charge/Legislation:** Articles 32 and 33 Firearms (Jersey) Law 2000
- 13) Example of behaviour: Throwing articles (eg: crockery, even if they miss their target)**
- a) **Possible offence:** Common assault  
**Charge/Legislation:** Customary law offence: common assault
  - b) **Possible offence:** Grave and criminal assault  
**Charge/Legislation:** Customary law offence: grave and criminal assault
  - c) **Possible offence:** Malicious damage  
**Charge/Legislation:** Customary law offence: malicious damage
  - d) **Possible offence:** Threatening behaviour  
**Charge/Legislation:** Customary law offence: breach of the peace or Article 2 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008 (not applicable in private premises)
- 14) Example of behaviour: Tying someone up**
- a) **Possible offence:** Common assault  
**Charge/Legislation:** Customary law offence: common assault
  - b) **Possible offence:** Grave and criminal assault  
**Charge/Legislation:** Customary law offence: grave and criminal assault
  - c) **Possible offence:** False imprisonment  
**Charge/Legislation:** Customary law offence: false imprisonment
- 15) Example of behaviour: Threatening to kill someone**
- a) **Possible offence:** Harassment  
**Charge/Legislation:** Article 2 and 3 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008
  - b) **Possible offence:** Malicious communications  
**Charge/Legislation:** Article 51 of the Telecommunications (Jersey) Law 2000

**16) Example of behaviour: Threats to cause injury**

- a) **Possible offence:** Common assault  
**Charge/Legislation:** Customary law offence: common assault
- b) **Possible offence:** Grave and criminal assault  
**Charge/Legislation:** Customary law offence: grave and criminal assault
- c) **Possible offence:** Breach of the peace  
**Charge/Legislation:** Customary law offence: breach of the peace
- d) **Possible offence:** Harassment  
**Charge/Legislation:** Article 2 and 3 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008

**17) Example of behaviour: Threats seriously to damage or undermine social status**

- a) **Possible offence:** Blackmail  
**Charge/Legislation:** Customary law offence: demanding money with menaces
- b) **Possible offence:** Posting or causing to be posted any mail for transmission by a postal operator if the mail is, or contains, anything indecent, obscene or grossly offensive  
**Charge/Legislation:** Article 60 Postal Services (Jersey) Law 2004

**18) Example of behaviour: Damaging or destroying property or threatening to damage or destroy property**

- a) **Possible offence:** Malicious damage  
**Charge/Legislation:** Customary law offence: malicious damage
- b) **Possible offence:** Threatening to cause malicious damage  
**Charge/Legislation:** Article 2 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008
- c) **Possible offence:** Harassment  
**Charge/Legislation:** Article 3 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008

**19) Example of behaviour: Harming or threatening to harm a pet**

- a) **Possible offence:** Malicious damage  
**Charge/Legislation:** Customary law offence: malicious damage
- b) **Possible offence:** Threatening to cause malicious damage  
**Charge/Legislation:** Article 2 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008
- c) **Possible offence:** Cruelty to animals  
**Charge/Legislation:** various sections – Article 4 Animal Welfare (Jersey) Law 2004

**20) Example of behaviour: Locking someone in a room or house or preventing him or her from leaving**

- Possible offence:** False imprisonment
- Charge/Legislation:** Customary law offence: false imprisonment

**21) Example of behaviour: Preventing someone from visiting relatives or friends**

- Possible offence:** False imprisonment
- Charge/Legislation:** Customary law offence: false imprisonment

**22) Example of behaviour: Preventing someone from seeking aid (eg - medical attention)**

- Possible offence:** False imprisonment
- Charge/Legislation:** Customary law offence: false imprisonment

**23) Example of behaviour: Intentional or reckless transmission of sexually transmitted infection**

**Possible offence:** Grave and criminal assault

**Charge/Legislation:** Customary law offence: grave and criminal assault

**24) Example of behaviour: Using violence or threatening violence to prevent someone from dressing as they choose or forcing them to wear particular clothing, make-up, jewellery and hairstyles**

a) **Possible offence:** Common assault

**Charge/Legislation:** Customary law offence: common assault

b) **Possible offence:** Grave and criminal assault

**Charge/Legislation:** Customary law offence: grave and criminal assault

c) **Possible offence:** Harassment

**Charge/Legislation:** Article 2 and 3 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008

**25) Example of behaviour: Racial abuse**

a) **Possible offence:** Harassment

**Charge/Legislation:** Article 3 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008

b) **Possible offence:** Threatening, abusive or disorderly conduct

**Charge/Legislation:** Article 2 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008

**26) Example of behaviour: "Outing" (eg: sexual orientation or HIV status)**

a) **Possible offence:** Harassment

**Charge/Legislation:** Article 2 and 3 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008

b) **Possible offence:** Malicious communications

**Charge/Legislation:** Article 51 of the Telecommunications (Jersey) Law 2002

**27) Example of behaviour: Enforced financial dependence or unreasonably depriving someone of money**

**Possible offence:** Harassment

**Charge/Legislation:** Article 3 Crime (Disorderly Conduct and Harassment)(Jersey) Law 2008

**28) Example of behaviour: Enforced sexual activity**

a) **Possible offence:** Rape

**Charge/Legislation:** Article 5 Sexual Offences (Jersey) Law 2018

b) **Possible offence:** Sexual penetration without consent

**Charge/legislation:** Article 6 Sexual Offences (Jersey) Law 2018

c) **Possible offence:** Sexual touching without consent

**Charge/legislation:** Article 7 Sexual Offences (Jersey) Law 2018

d) **Possible offence:** Causing a sexual act without consent

**Charge/legislation:** Article 8 Sexual Offences (Jersey) Law 2018

e) **Possible offence:** Causing, inciting or controlling prostitution for gain

**Charge/legislation:** Article 25 Sexual Offences (Jersey) Law 2018

f) **Possible offence:** Indecent assault

**Charge/Legislation:** Customary law offence: indecent assault.

For offences committed prior to **23 November 2018**, the following Customary law offences may be charged:

a) **Possible offence:** Rape

**Charge/legislation:** Customary Law offence: Rape

b) **Possible offence:** Procuring an act of gross indecency

- Charge/legislation:** Customary law offence: procuring an act of gross indecency  
c) **Possible offence:** Sodomy  
**Charge/legislation:** Customary law offence: sodomy

**29) Example of behaviour: Removal or mutilation of whole or any part of a girl's external genitalia for non-medical reasons**

**Possible offence:** Female Genital Mutilation

**Charge/Legislation:** Article 28 / 29 Sexual Offences (Jersey) Law 2018

**30) Example of behaviour: Persistent verbal abuse (eg: constant unreasonable criticism)**

**Possible offence:** Harassment

**Charge/Legislation:** Article 2 and 3 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008

**31) Example of behaviour: Breaching the conditions of a restraining order**

**Possible offence:** Breach of restraining order

**Charge/Legislation:** Article 6 Crime (Disorderly Conduct and Harassment) (Jersey) Law 2008

**32) Example of behaviour: Secret or enforced administration of drugs**

- a) **Possible offence:** Administering a substance to stupefy or overpower a person for sexual purposes

**Charge/legislation:** Article 38 Sexual Offences (Jersey) Law 2018

- b) **Possible offence:** Common assault

**Charge/Legislation:** Customary law offence: common assault

- c) **Possible offence:** Grave and criminal assault

**Charge/Legislation:** Customary law offence: grave and criminal assault

10 December 2019