

No. 34: Sentencing trends for robbery in the higher courts of Victoria, 2002-03 to 2006-07

Introduction

This Sentencing Snapshot describes sentencing outcomes¹ for the offence of robbery and details the age and gender² of people sentenced for this offence in the County Court of Victoria between 2002-03 and 2006-07³.

A person who uses or threatens to use force in order to steal is guilty of robbery⁴. Robbery is an indictable offence that carries a maximum penalty of 15 years' imprisonment and/or a fine of 1800 penalty units⁵. Indictable offences are more serious offences triable before a judge and jury in the County or Supreme Court of Victoria.

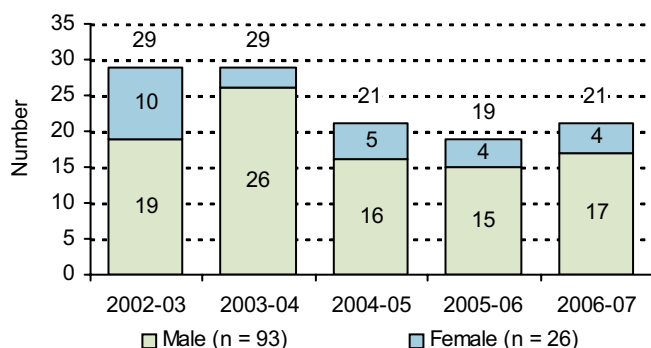
Of all people sentenced for the principal offence of robbery, 9.4% had their cases heard in the higher courts. The remaining cases were heard in the Children's and Magistrates' Court⁶. Robbery was the principal offence in 1.2% of cases sentenced in the higher courts between 2002-03 and 2006-07.

People sentenced

Figure 1 shows the number of people sentenced for robbery for the period 2002-03 to 2006-07. As shown, 119 people were sentenced for robbery over the five year period. There were 21 people sentenced for this offence in 2006-07, up by 2 people from the previous year.

Over the five years depicted, the majority of those sentenced were men (78.2% or 93 of the 119 people), including 17 of the 21 people sentenced in 2006-07.

Figure 1: The number of people sentenced for robbery by gender, 2002-03 to 2006-07



Sentence types and trends

Figure 2 shows the total number of people sentenced for robbery and the number who received a custodial sentence. Custodial refers to sentences that involve at least some aspect of immediate imprisonment or detention⁷. Over the five year period, 55% of people were given a custodial sentence. This peaked at 74% (14 of 19) in 2005-06 before decreasing to 38% (8 of 21) in 2006-07.

Figure 2: The number of people sentenced for robbery and the number who received a custodial sentence, 2002-03 to 2006-07

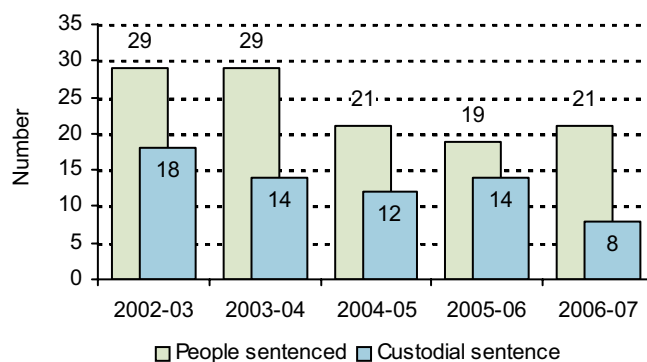


Figure 3 and Table 1 show the number of people sentenced for robbery from 2002-03 to 2006-07 by the types of sentences imposed.

Over the five year period, around half of the people sentenced for robbery received a period of imprisonment (46% or 55 of 119 people), while 29% received a wholly suspended sentence of imprisonment, 12% received a community based order and 8% received a partially suspended sentence of imprisonment.

Over the five year period, the number of people who received a wholly suspended sentence remained relatively stable with the exception of 2005-06, when no people were given this sentence.

Figure 3: The number of people sentenced for robbery by sentence type, 2002-03 to 2006-07

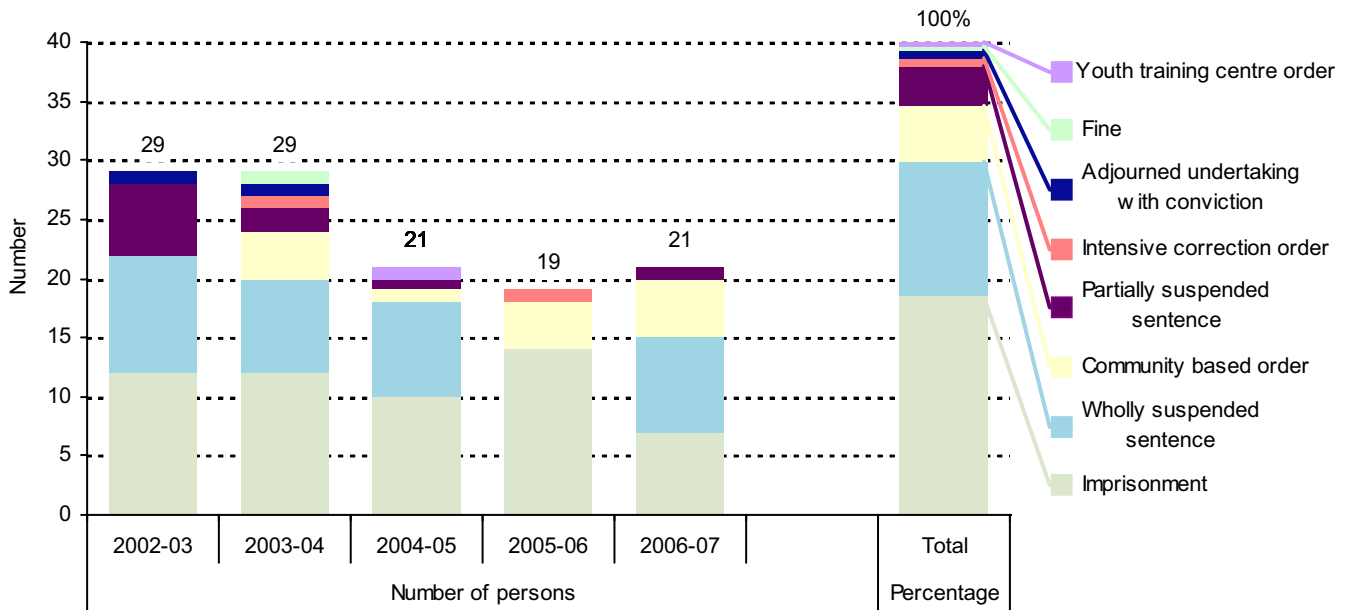


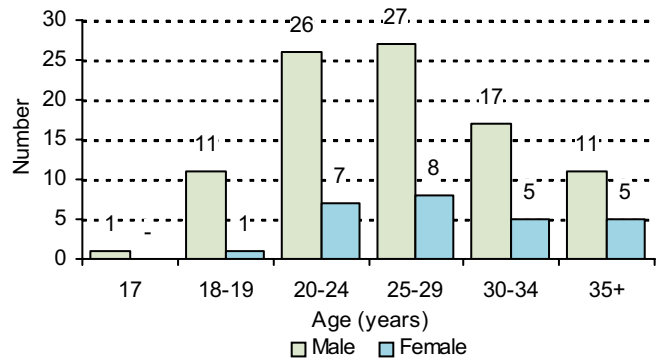
Table 1: The number and percentage of people sentenced for robbery by sentence type, 2002-03 to 2006-07

Sentence type	02-03	03-04	04-05	05-06	06-07
Imprisonment	12	12	10	14	7
Wholly suspended sentence	10	8	8	0	8
Community based order	0	4	1	4	5
Partially suspended sentence	6	2	1	0	1
Intensive correction order	0	1	0	1	0
Adjourned undertaking with conviction	1	1	0	0	0
Fine	0	1	0	0	0
Youth training centre order	0	0	1	0	0
People sentenced	29	29	21	19	21

Age and gender of people sentenced

Figure 4 shows the gender of people sentenced for robbery grouped by their age⁸ between 2002-03 and 2006-07. The average age of people sentenced for robbery was twenty-seven years and four months. Women sentenced over this period were older than men (an average age of twenty-eight years and six months for women compared to twenty-seven years for men). One male juvenile was sentenced over this period.

Figure 4: The number of people sentenced for robbery by gender and age, 2002-03 to 2006-07



Sentence types by gender

Figure 5 and Table 2 show the types of sentence imposed for robbery grouped by gender. As shown, a higher percentage of men received a period of imprisonment (52.7% compared to 23.1% of women) and an intensive correction order (2.2% compared to no women). Conversely, a higher percentage of women received a partially suspended sentence of imprisonment (23.1% compared to 4.3% of men), a wholly suspended sentence of imprisonment (38.5% compared to 25.8%) and an adjourned undertaking with conviction (3.8% compared to 1.1%).

Figure 5: The percentage of people sentenced for robbery by sentence type and gender, 2002-03 to 2006-07

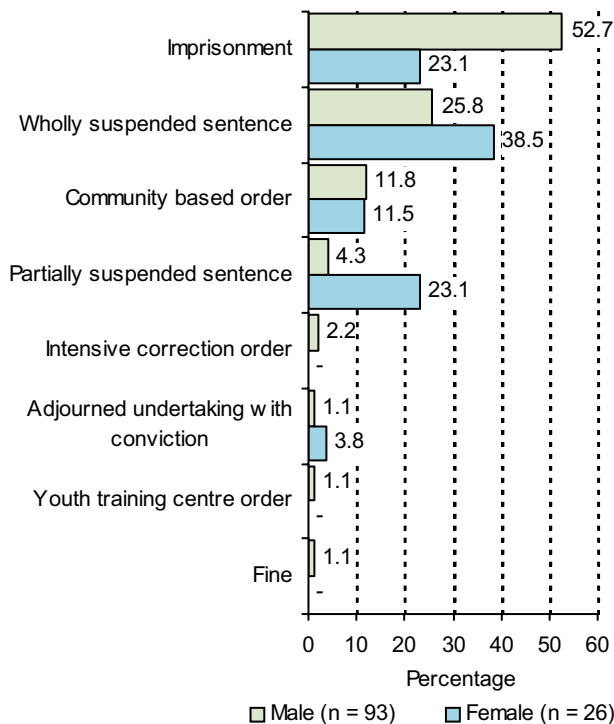


Table 2: The number and percentage breakdown of people sentenced for robbery by gender, 2002-03 to 2006-07

Sentence type	Male	Female	Total
Imprisonment	49	6	55
	53%	23%	46%
Wholly suspended sentence	24	10	34
	26%	38%	29%
Community based order	11	3	14
	12%	12%	12%
Partially suspended sentence	4	6	10
	4%	23%	8%
Intensive correction order	2	0	2
	2%	-	2%
Adjourned undertaking with conviction	1	1	2
	1%	4%	2%
Youth training centre order	1	0	1
	1%	-	<1%
Fine	1	0	1
	1%	-	<1%
People sentenced	93	26	119

Sentence types by age

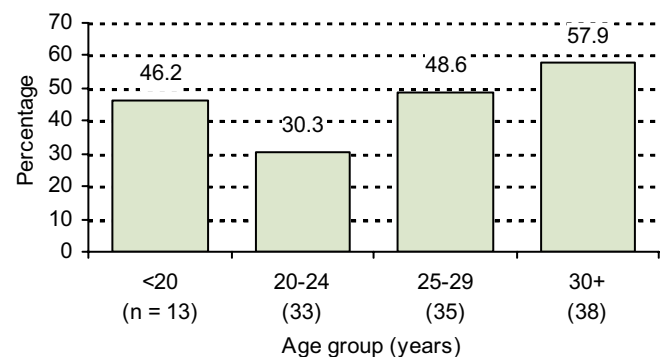
As shown in the table above, the four most common sentence types were imprisonment, wholly suspended sentences of imprisonment, community based orders and partially suspended sentences of imprisonment. The following analysis examines these sentence types by the offender's age group.

Imprisonment

Sentences of imprisonment were most likely to be given to people aged 30 years and older (58% or 22 of the 38 people in this age group).

Conversely, sentences of imprisonment were least common for those aged 20-24 years old (30% or 10 of the 33 people in this age group).

Figure 6: The percentage of people who received a period of imprisonment for robbery by age group, 2002-03 to 2006-07

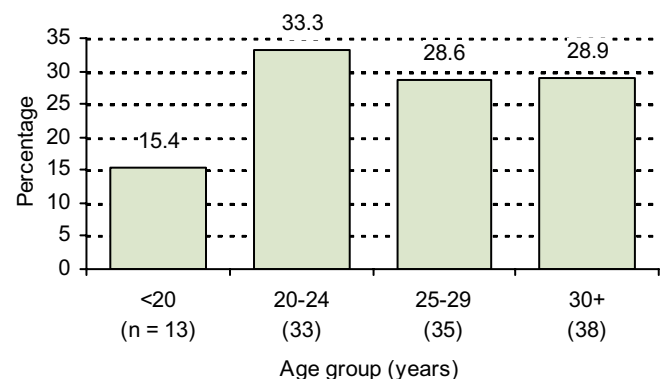


Wholly suspended sentences of imprisonment

Wholly suspended sentences of imprisonment were most likely to be given to people aged 20-24 years old (33% or 11 of the 33 people in this age group).

Conversely, wholly suspended sentences of imprisonment were least common for those aged under 20 years (15% or two of the 13 people in this age group).

Figure 7: The percentage of people who received a wholly suspended sentence of imprisonment for robbery by age group, 2002-03 to 2006-07

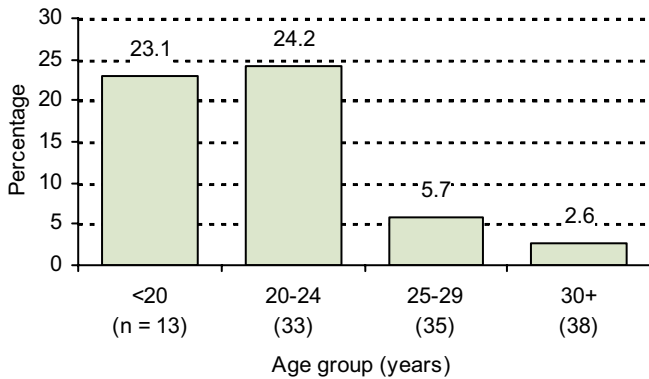


Community based orders

Community based orders were most likely to be given to people aged 20-24 years old (24% or eight of the 33 people in this age group).

Conversely, community based orders were least common for those aged 30 years and older (3% or one of the 38 people in this age group).

Figure 8: The percentage of people who received a community based order for robbery by age group, 2002-03 to 2006-07

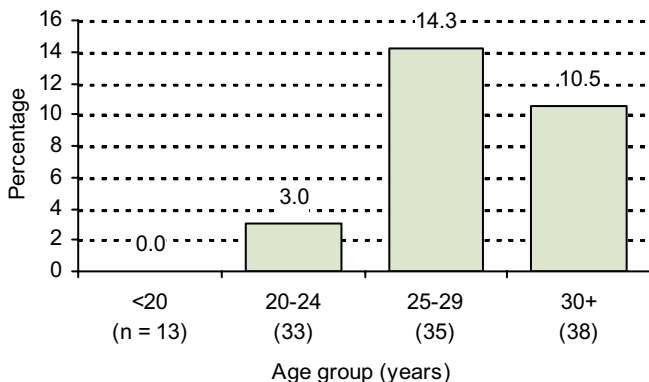


Partially suspended sentences of imprisonment

Partially suspended sentences of imprisonment were most likely to be given to people aged 25-29 years old (14% or five of the 35 people in this age group).

Conversely, none of the 13 people aged under 20 years received a partially suspended sentence of imprisonment.

Figure 9: The percentage of people who received a partially suspended sentence of imprisonment for robbery by age group, 2002-03 to 2006-07



Principal and total effective sentences

There are two methods for describing sentence types and lengths - the principal sentence and the total effective sentence.

The *principal sentence* is the individual sentence imposed for a single charge. When imposing a sentence for multiple charges, the court imposes a 'total effective sentence'. The *total effective sentence* aggregates the principal sentence handed down for each charge, and takes into account whether sentences are ordered by the court to be served concurrently (at the same time) or cumulatively.

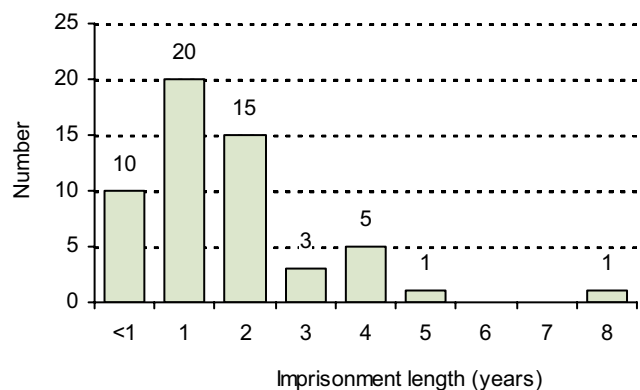
In many cases, the total effective sentence imposed on a person will be longer than individual principal sentences. Principal sentences for robbery must be considered in this broader context. The following sections analyse the use of imprisonment for robbery over 2002-03 to 2006-07.

Principal sentence of imprisonment

Figure 10 shows the number of people sentenced to imprisonment for robbery between 2002-03 and 2006-07 by the length of the imprisonment term. Imprisonment terms ranged from 2 months to eight years, while the median length of imprisonment was one year and six months (meaning that half of the imprisonment terms were shorter than one year and six months and half were longer).

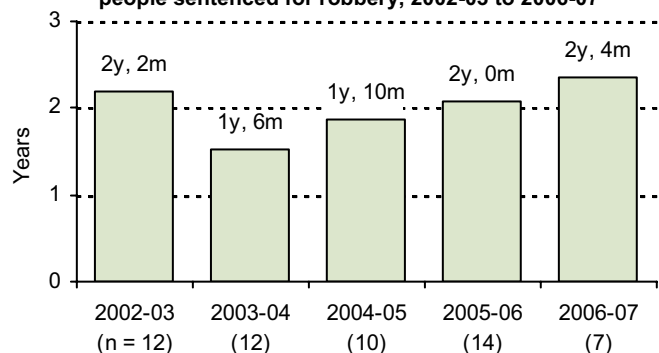
The most common length of imprisonment imposed was 1 year (20 people).

Figure 10: The number of people sentenced to imprisonment for robbery by length of imprisonment term, 2002-03 to 2006-07



As shown in Figure 11, the average length of imprisonment term imposed on people sentenced for robbery ranged from one year and six months in 2003-04 to two years and four months in 2006-07.

Figure 11: The average length of imprisonment term imposed on people sentenced for robbery, 2002-03 to 2006-07

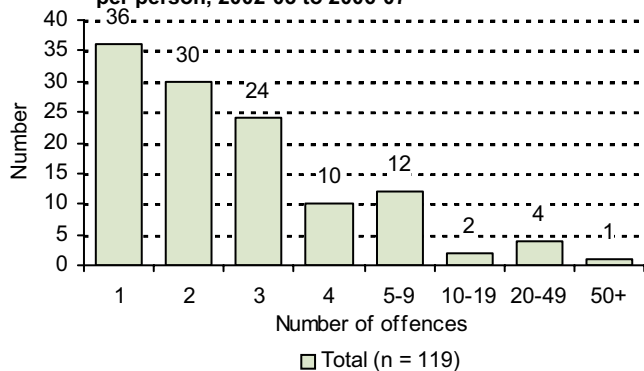


Other offences finalised at the same hearing

Often people prosecuted for robbery face multiple charges, which are finalised at the same hearing. This section looks at the range of offences for which offenders have been sentenced at the same time as being sentenced for the principal offence of robbery.

Figure 12 shows the number of people sentenced for the principal offence of robbery by the total number of offences for which sentences were set. The number of sentenced offences per person ranged from 1 to 59, while the median was 2 offences. There were 36 people (30.3%) sentenced for the single offence of robbery alone. The average number of offences per person sentenced for robbery was 4.11.

Figure 12: The number of people sentenced for the principal offence of robbery by the number of sentenced offences per person, 2002-03 to 2006-07



While Figure 12 presents the number of sentenced offences for those sentenced for robbery, Figure 13 shows what the accompanying offences were. It shows the number and percentage of people sentenced for the ten most common offences. The last column sets out the average number of offences sentenced per person. For example, 30 of the total 119 people (25.2%) also received sentences for theft. On average, they were sentenced for 4.57 counts of theft.

Figure 13: The number and percentage of people sentenced for the principal offence of robbery by the most common offences that were sentenced and the average number of those offences that were sentenced, 2002-03 to 2006-07

Offence	No.	%	Avg.
1 robbery	119	100.0	1.34
2 theft	30	25.2	4.57
3 causing injury	24	20.2	1.17
4 false imprisonment	13	10.9	1.77
5 burglary	8	6.7	2.13
6 common law assault	7	5.9	1.00
7 obtain property by deception	6	5.0	1.67
8 handling stolen goods	5	4.2	1.40
9 attempted robbery	5	4.2	1.20
10 causing serious injury recklessly	4	3.4	1.00
People sentenced	119	100.0	4.11

Total effective sentence of imprisonment

There were 55 people given a total effective sentence of imprisonment⁹. Figure 14 shows the number of people sentenced to imprisonment for robbery between 2002-03 and 2006-07 by the length of their total effective sentence. The length of total effective sentences ranged from two

months and nine days to eight years¹⁰, while the median total effective length of imprisonment was two years (meaning that half of the total effective sentence lengths were below two years and half were above).

Figure 14: The number of people sentenced to imprisonment for robbery by total effective length of imprisonment term, 2002-03 to 2006-07



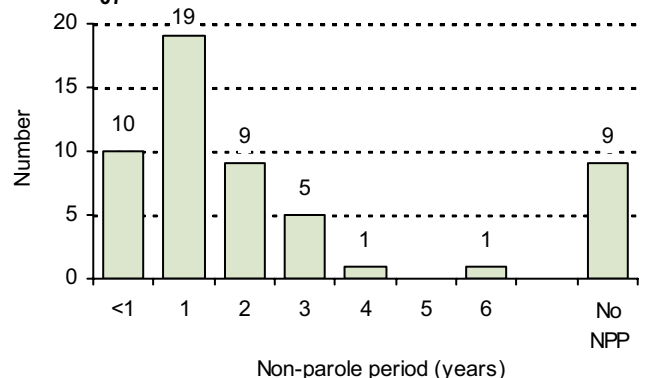
Non-parole period

When a person is sentenced to a term of immediate imprisonment of one year or more, the court has the discretion to fix a non-parole period. Where a non-parole period is fixed, the person must serve that period before becoming eligible for parole. Where no non-parole period is set by the court, the person must serve the entirety of the imprisonment term.

Under s.11(4) of the *Sentencing Act 1991* (Vic), if a court sentences an offender to imprisonment in respect of more than one offence, the non-parole period set by the court must be in respect of the total effective sentence of imprisonment that the offender is liable to serve under all the sentences imposed. In many cases, the non-parole period will be lengthier than the individual principal sentence for robbery. Sentences and non-parole periods must be considered in this broader context.

Of the 55 people who were sentenced to imprisonment for robbery, 48 were eligible to have a non-parole period fixed¹¹. Of these people, 45 were given a non-parole period (94%)¹². Figure 15 shows the number of people sentenced to imprisonment for robbery between 2002-03 and 2006-07 by the length of their non-parole period. Non-parole periods ranged from four months to six years, while the median length of the non-parole period was one year and three months (meaning that half of the non-parole periods were below one year and three months and half were above).

Figure 15: The number of people sentenced to imprisonment for robbery by length of non-parole period, 2002-03 to 2006-07



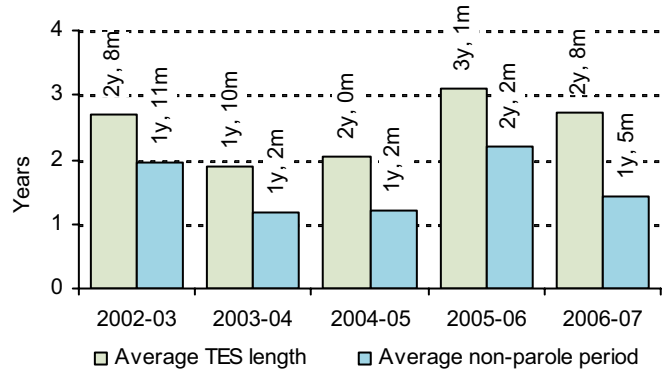
Note: No NPP refers to sentences of imprisonment that had no non-parole period fixed.

Total effective sentences of imprisonment and non-parole periods

Figure 16 presents the average length of total effective sentence of imprisonment compared to the average length of non-parole period for all people from 2002-03 to 2006-07¹³.

From 2002-03 to 2006-07, the average length of total effective sentence for all people ranged from one year and ten months in 2003-04 to three years and one month in 2005-06. Over the same period, the average length of non-parole period ranged from one year and two months in 2003-04 and 2004-05 to two years and two months in 2005-06.

Figure 16: The average total effective sentence and the average non-parole period imposed on people sentenced to imprisonment for robbery, 2002-03 to 2006-07

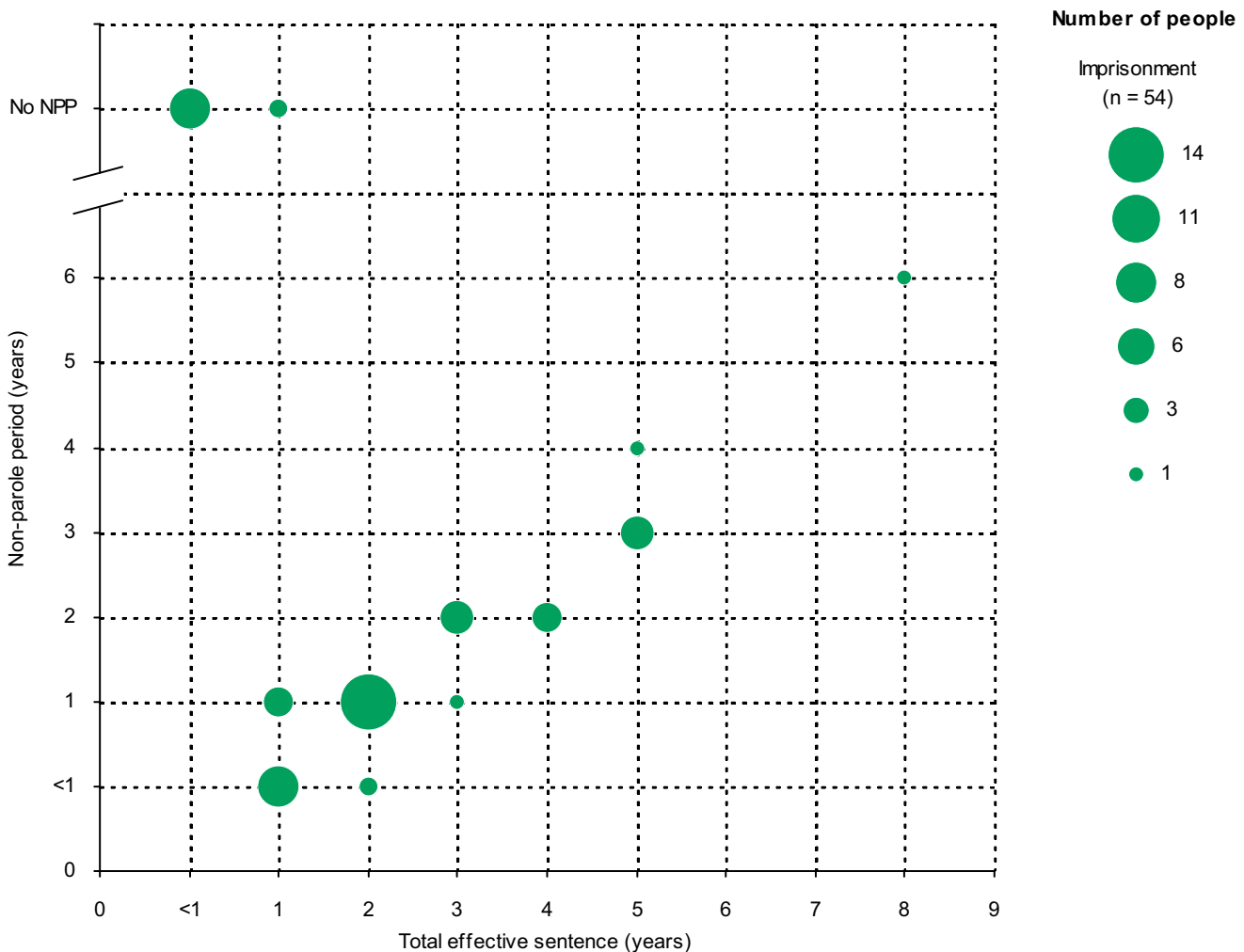


Total effective sentence of imprisonment by non-parole period

While Figure 14 and Figure 15 present the lengths of the total effective sentences and non-parole periods separately, Figure 17 combines the two methods of describing sentence lengths in the one diagram. It shows the total effective sentence and non-parole period for robbery for each individual person.

The centre of each 'bubble' on the chart represents a combination of imprisonment length and non-parole period, while the size of the bubble reflects the number of people who received that particular combination¹⁴. As shown, the most common combination of imprisonment length and non-parole period imposed was two years with a non-parole period of one year (14 people - as represented by the largest 'bubble' on the chart). The length of imprisonment ranged from two months and nine days with no non-parole period to eight years with a non-parole period of six years.

Figure 17: The number of people sentenced to imprisonment for robbery by the total effective sentence and the non-parole period imposed, 2002-03 to 2006-07¹⁵



Note: No NPP refers to no non-parole period.

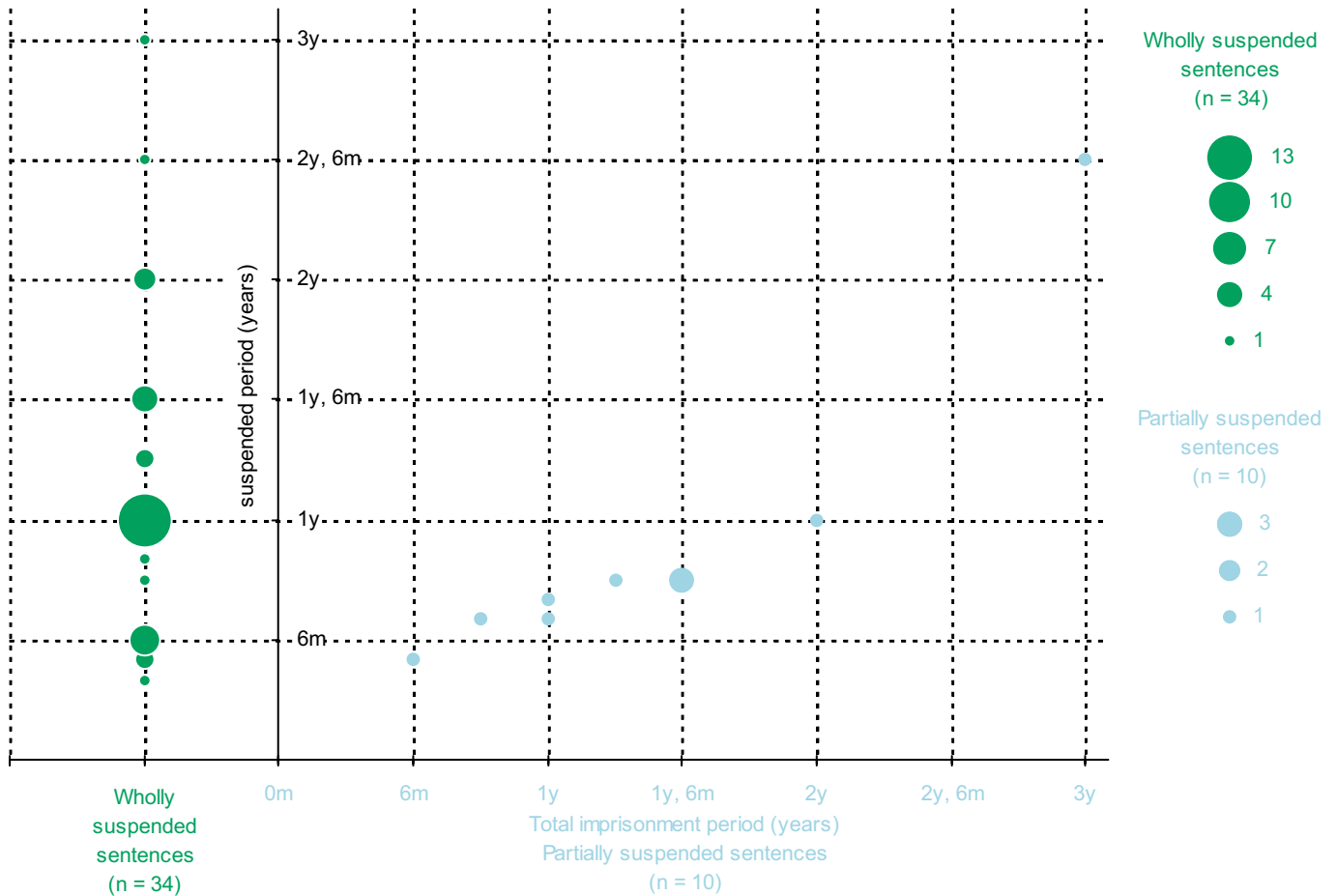
Suspended sentences of imprisonment

There were 44 people given a suspended sentence of imprisonment as their total effective sentence. Of these, 34 people had their prison sentence wholly suspended and 10 received a partially suspended sentence of imprisonment. Figure 18 shows the number of people with a suspended sentence of imprisonment as their total effective sentence by the suspended sentence type and length of sentence. The green 'bubbles' to the left of the vertical axis show the lengths of the wholly suspended sentences, while the blue 'bubbles' to the right of the vertical axis show the combination of total imprisonment length and the suspended period for those sentenced to a partially suspended sentence. The size of the bubble reflects the number of people who received either the wholly or partially suspended prison term.

Wholly suspended sentence lengths ranged from four months to three years. The most common wholly suspended sentence length was one year (13 people - as represented by the largest green 'bubble' on the chart).

The most common partially suspended sentence combination was one year and six months with nine months suspended (3 people - as represented by the largest blue 'bubble' on the chart).

Figure 18: The number of people given a wholly or partially suspended sentence of imprisonment for robbery by sentence type and length, 2002-03 to 2006-07

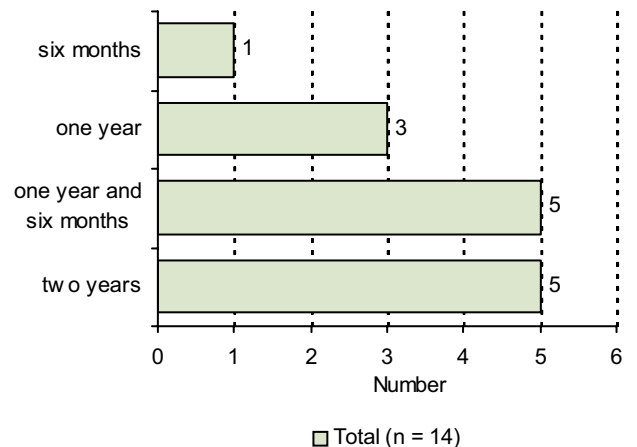


Community based orders

There were 14 people given a community based order as their total effective sentence.

The length of community based orders for robbery ranged from six months to two years, while the median length was one year and six months (meaning that half of the lengths were shorter than or equal to one year and six months and half were longer than or equal to one year and six months). The most common length of community based order was one year and six months (5 people) and two years (5 people).

Figure 19: The number of people sentenced to a community based order for robbery by length of order imposed, 2002-03 to 2006-07



Summary

Between 2002-03 and 2006-07, 119 people were sentenced for robbery in the higher courts. Over this period, the majority of those sentenced were men (78%), while 67% were between the age of 18 and 30 years.

Around half of the people sentenced for robbery received a period of imprisonment (46%), while 29% received a wholly suspended sentence of imprisonment, 12% received a community based order and 8% received a partially suspended sentence of imprisonment.

Men were more likely than women to be sentenced to a period of imprisonment. Conversely, women were more likely to be sentenced to a partially suspended sentence of imprisonment or a wholly suspended sentence of imprisonment.

Imprisonment was more common for those aged older than 30 years of age, wholly suspended sentences of imprisonment were more common for those aged between 20 and 25 years of age and community based orders were more common for those younger than 25 years of age.

Each of the 119 people was sentenced for an average of 4.11 offences, including 1.34 offences of robbery. The most common offence finalised in conjunction with robbery was theft (25.2% of all cases). The number and range of offences for which people with a principal offence of robbery were sentenced helps explain why imprisonment sentence lengths were longer for the total effective sentence than for the principal sentence. The median total effective imprisonment length was two years, while the median principal imprisonment length was one year and six months.

Total effective imprisonment lengths ranged from two months and nine days with no non-parole period to eight years with a non-parole period of six years. The most common sentence of imprisonment was two years with a one year non-parole period.

The most common partially suspended sentence length was one year and six months with nine months suspended, while the most common wholly suspended sentence length was one year.

4 *Crimes Act 1958* s.75.

5 The value of a penalty unit changes each year and can be found in the Victorian Government Gazette.

6 *Magistrates' Court Act 1989* s.25 provides the Magistrates' Court with the jurisdiction to determine indictable matters triable summarily. The principal indictable offences triable summarily are listed in this Act under schedule 4. Under the *Magistrates' Court Act 1989* (Vic) s.53 (1), an offence can only be heard summarily if the court is of the opinion that the charge is appropriate to be determined summarily and if the defendant consents.

7 Custodial sentence includes imprisonment, partially suspended sentence and youth training centre order.

8 Age is as at the time of sentencing.

9 All of the 55 people who were sentenced to imprisonment as the principal sentence were also given imprisonment as the total effective sentence.

10 In 2002-03, a man aged 25 years was sentenced for two counts of theft and one count of robbery. He was sentenced to a total effective sentence of eight years' imprisonment with a non-parole period of six years.

11 Seven people were not eligible for parole because they were given a total effective sentence length of less than one year.

12 One person was not given a non-parole period relating to that case alone, but a non-parole period that also related to other cases. It is not possible to determine the length of the non-parole period that relates to this case. The non-parole period for this person is excluded from the analysis. A non-parole period was not set for two people who were eligible for a non-parole period.

13 Due to the low number of women who were imprisoned with a non-parole period, average lengths of imprisonment and non-parole periods by gender are not shown.

14 Sentence lengths that are longer than one year are rounded to the nearest year of imprisonment, while sentence lengths of less than one year are grouped into the '<1 year' category.

15 This graph includes the 54 people who were given a total effective sentence and a non-parole period that related to this case only.

This "Sentencing Snapshot" is part of a series presenting summary information on sentencing trends in Victoria.

Copies of all the Sentencing Snapshots can be downloaded from our website at

www.sentencingcouncil.vic.gov.au

1 This report presents sentencing outcomes for people sentenced for the principal offence of robbery in the County and Supreme Courts of Victoria. The principal offence describes the offence proven that attracted the most serious sentence according to the sentencing hierarchy. The analysis will therefore exclude people sentenced for robbery who received a more serious sentence for another offence forming part of the same presentment. There were 298 people sentenced from 2002-03 to 2006-07 for 446 offences of robbery. Robbery was the principal proven offence for 119 of these people.

2 The information source for sentencing outcomes for robbery only contains information on age and gender characteristics. No other demographic analysis is possible.

3 The statistical information presented here was provided by Court Services, Department of Justice (Vic). While every effort is made to ensure that the data analysed in this report are accurate, the data are subject to revision.

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