

Sentencing Snapshot

Sentencing trends for robbery in the higher courts of Victoria



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 2000-01 and 2004-05³.

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 \$188,658⁵. Indictable offences are more serious offences triable before a judge and jury in the County or Supreme Court of Victoria.

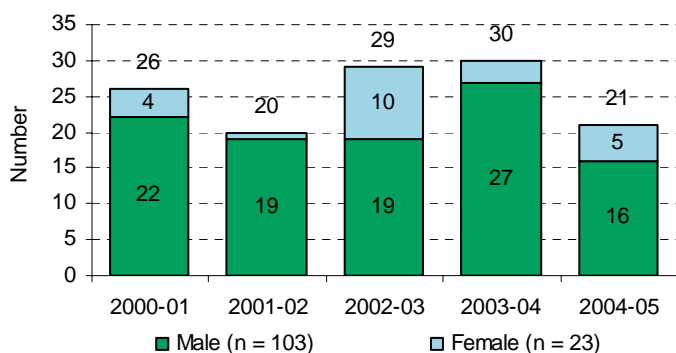
Of all cases that involved robbery as the principal offence in Victorian courts, 10% were heard in the County Court. The remaining cases were heard in the Children's Court and the Magistrates' Court⁶.

People sentenced

Figure 1 shows the number of people sentenced for robbery for the period 2000-01 to 2004-05. As shown, 126 people were sentenced for robbery over the five years, including 21 people sentenced in 2004-05. Over the five year period, the number of people sentenced for this offence fluctuated ranging from 20 in 2001-02 to 30 in 2003-04.

Over the five years depicted, the majority of those sentenced were men (82% or 103 of 126 people), including 16 of the 21 people sentenced in 2004-05.

Figure 1: The number of people sentenced for robbery by gender, 2000-01 to 2004-05



Sentence types and trends

Figure 2 shows the total number of people sentenced for robbery and the number who received a custodial sentence⁷. Over the five year period, around 60% of people sentenced were given a custodial sentence. This peaked at 70% (14 of 20) in 2001-02 before declining to 50% (15 of 30) in 2003-04. In 2004-05, 57% (12 of 21) of people sentenced were given a custodial sentence.

Figure 2: The number of people sentenced for robbery and the number who received a custodial sentence, 2000-01 to 2004-05

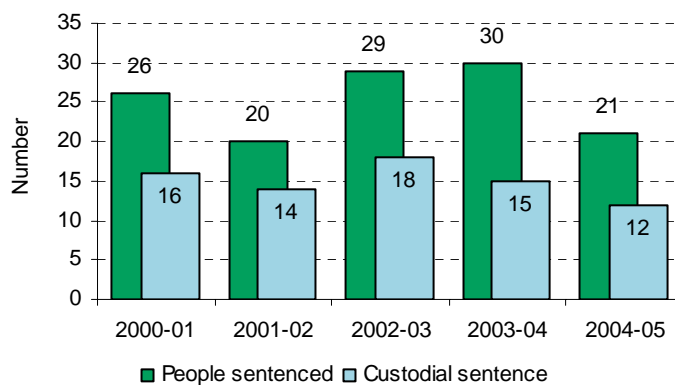


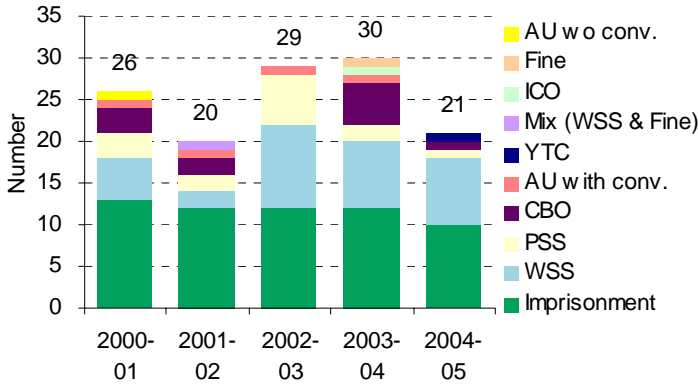
Figure 3 and Table 1 show the number of people sentenced for robbery from 2000-01 to 2004-05 by the types of sentences imposed.

Over the five year period, around half of those sentenced for robbery received a period of imprisonment (47% or 59 of 126 people), while 26% or 33 people received a wholly suspended sentence of imprisonment and 11% or 14 people received a partially suspended sentence of imprisonment.

Although the number of people who were imprisoned for robbery has remained relatively stable over the five year period (ranging from 10 to 13), the percentage of people sentenced to imprisonment ranged from 40% in 2003-04 to 60% in 2001-02.

The number of people who received a wholly suspended sentence has fluctuated, ranging from two (10%) in 2001-02 to ten (34%) in 2002-03, while the number of people who received a partially suspended sentence ranged from one (5%) in 2004-05 to six (21%) in 2002-03.

Figure 3: The number of people sentenced for robbery by sentence type, 2000-01 to 2004-05



Note: AU wo conv. refers to adjourned undertaking without conviction, ICO refers to intensive correction order, WSS refers to wholly suspended sentence of imprisonment, YTC refers to youth training centre order, AU with conv. refers to adjourned undertaking with conviction, CBO refers to community based order and PSS refers to partially suspended sentence of imprisonment.

Table 1: The number and percentage of people sentenced for robbery by sentence type, 2000-01 to 2004-05

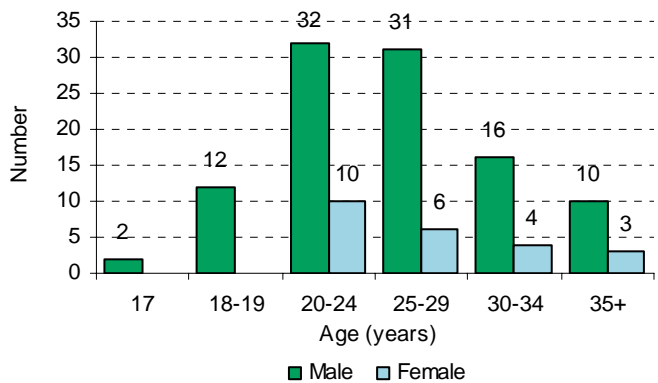
Sentence type	00-01	01-02	02-03	03-04	04-05
Imprisonment	13	12	12	12	10
Wholly suspended sentence	5	2	10	8	8
Partially suspended sentence	3	2	6	2	1
Community based order	3	2	0	5	1
Adjourned undertaking with conviction	1	1	1	1	0
Youth training centre order	0	0	0	0	1
Mix (wholly suspended sentence & fine)	0	1	0	0	0
Intensive correction order	0	0	0	1	0
Fine	0	0	0	1	0
Adjourned undertaking without conviction	1	0	0	0	0
People sentenced	26	20	29	30	21

Age and gender of people sentenced

Figure 4 shows the gender of people sentenced for robbery grouped by their age⁸ between 2000-01 and 2004-05. The average age of people sentenced for robbery was twenty-six years and six months. The majority of people sentenced for robbery over this time were aged between 20-29 years (63%).

Women sentenced over this time period were, on average, older than men (an average age of twenty-seven years and two months for women compared to twenty-six years and five months for men). There were two male juveniles sentenced in the County Court over this period.

Figure 4: The number of people sentenced for robbery by gender and age group, 2000-01 to 2004-05



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% compared to 22% of women). Conversely, a higher percentage of women received a wholly suspended sentence of imprisonment (39% compared to 23% of men) and a partially suspended sentence of imprisonment (26% compared to 8% of men).

Figure 5: The percentage of people sentenced for robbery by sentence type and gender, 2000-01 to 2004-05

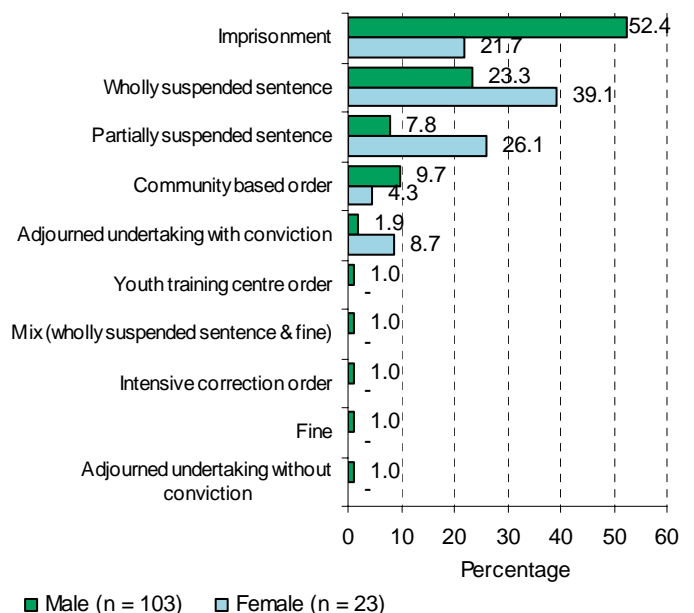


Table 2: The number and percentage of people sentenced for robbery by sentence type and gender, 2000-01 to 2004-05

Sentence type	Male	Female	Total
Imprisonment	54	5	59
Wholly suspended sentence	24	9	33
Partially suspended sentence	8	6	14
Community based order	10	1	11
Adjourned undertaking with conviction	2	2	4
Youth training centre order	1	0	1
Mix (wholly suspended sentence & fine)	1	0	1
Intensive correction order	1	0	1
Fine	1	0	1
Adjourned undertaking without conviction	1	0	1
People sentenced	103	23	126

Sentence types by age

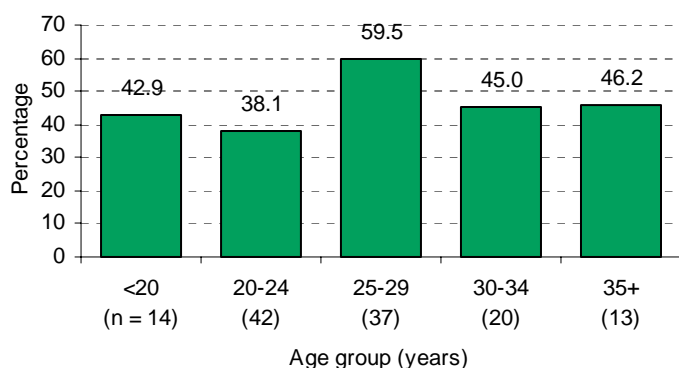
The table above shows that the four most common sentence types were imprisonment, wholly and partially suspended sentences of imprisonment and community based orders. The following analysis examines these sentence types by the offender's age group.

Imprisonment

A sentence of imprisonment was most likely to be imposed on those people aged 25-29 years (60% or 22 of the 37 people in this age group).

Conversely, imprisonment was least common for those people aged 20-24 years (38% or 16 of the 42 people in this age group).

Figure 6: The percentage of people who were sentenced to imprisonment for robbery by age group, 2000-01 to 2004-05

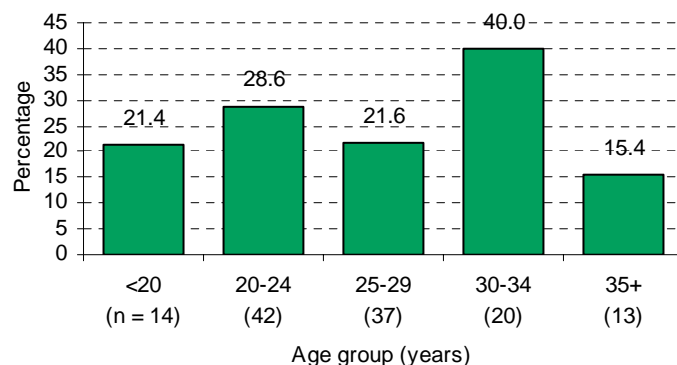


Wholly suspended sentence of imprisonment

Wholly suspended sentences of imprisonment were most likely to be given to those in the 30-34 year-old age group (40% or eight of the 20 people in this age group).

Conversely, wholly suspended sentences of imprisonment were least common for those aged 35 years and older (15% or two of the 13 people in this age group).

Figure 7: The percentage of people who were sentenced to a wholly suspended sentence of imprisonment for robbery by age group, 2000-01 to 2004-05

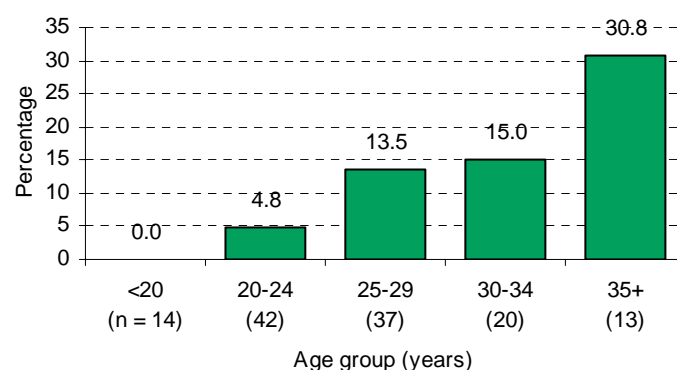


Partially suspended sentence of imprisonment

Partially suspended sentences of imprisonment were most likely to be given to those aged 35 years or older (31% or four of the 13 people in this age group).

Conversely, none of the 14 people aged under 20 years received a partially suspended sentence of imprisonment.

Figure 8: The percentage of people who were sentenced to a partially suspended sentence of imprisonment for robbery by age group, 2000-01 to 2004-05

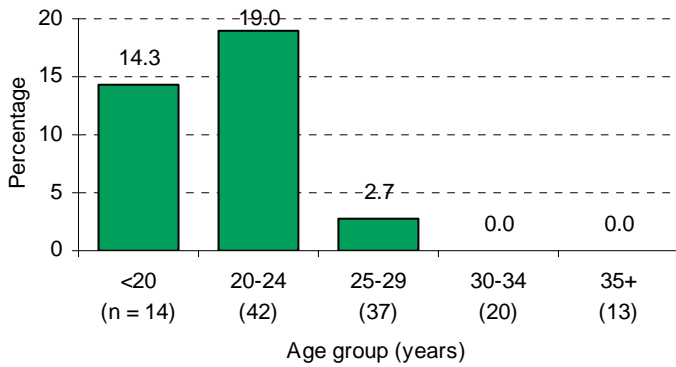


Community based order

Community based orders were most likely to be given to those persons aged 20-24 years (19% or eight of the 42 people in this age group).

Conversely, none of the 20 people in the 30-34 year-old age group and none of the 13 people in the 35 years and older age group received a community based order

Figure 9: The percentage of people who were sentenced to a community based order for robbery by age group, 2000-01 to 2004-05



Principal and total effective sentences

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

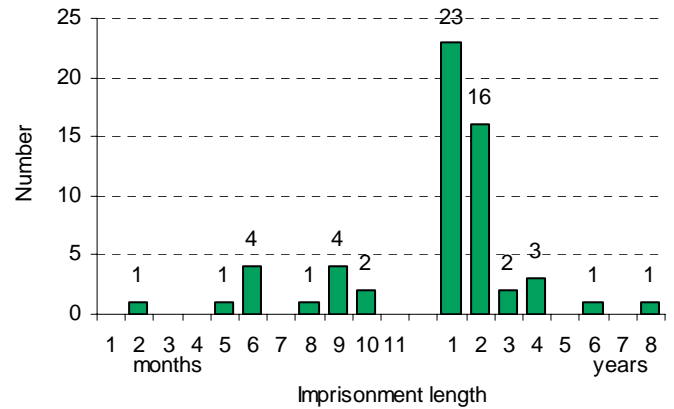
The *principal sentence* is the individual sentence imposed for a single charge. When imposing a sentence for multiple charges, the court imposes a 'total effective sentence'. The *total effective sentence* aggregates the principal sentence handed down for each charge, and takes into account whether 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 2000-01 to 2004-05.

Principal sentence of imprisonment

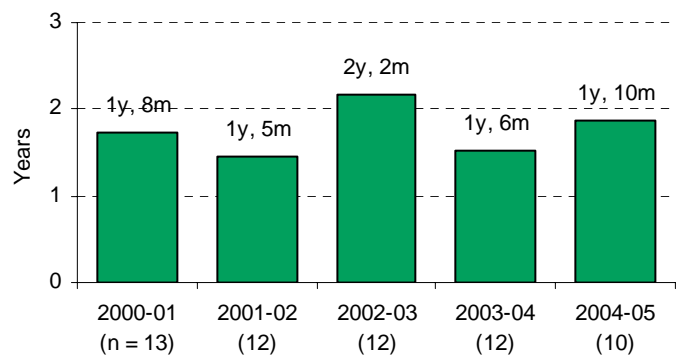
Figure 10 shows the number of people sentenced to imprisonment for robbery between 2000-01 and 2004-05 by the length of the imprisonment term. Imprisonment terms imposed ranged from two months to eight years, while the median length of imprisonment was one year (meaning that half of the imprisonment terms fell below one year and half were above one year).

Figure 10: The number of people sentenced to imprisonment for robbery by length of imprisonment term, 2000-01 to 2004-05



As shown in Figure 11, the average length of imprisonment term imposed on people sentenced for robbery ranged from one year and five months in 2001-02 to two years and two months in 2002-03.

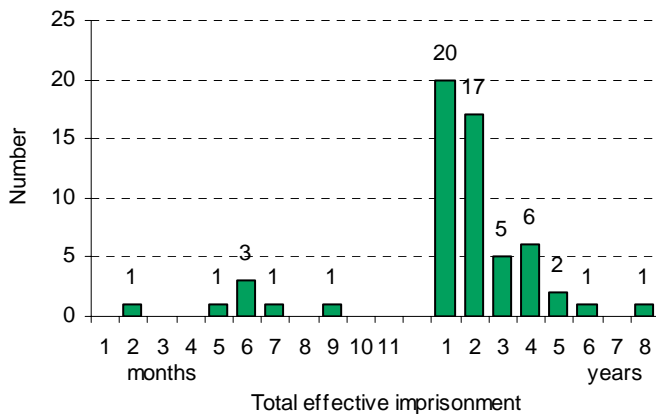
Figure 11: The average length of imprisonment term imposed on people sentenced for robbery, 2000-01 to 2004-05



Total effective sentence of imprisonment

Figure 12 shows the number of people sentenced to imprisonment for robbery between 2000-01 and 2004-05 by the length of their total effective sentence. The length of total effective sentences ranged from two months to eight years, while the median total effective sentence of imprisonment was two years (meaning that half of the total effective sentences were below two years and half were above).

Figure 12: The number of people sentenced to imprisonment for robbery by length of total effective imprisonment term, 2000-01 to 2004-05



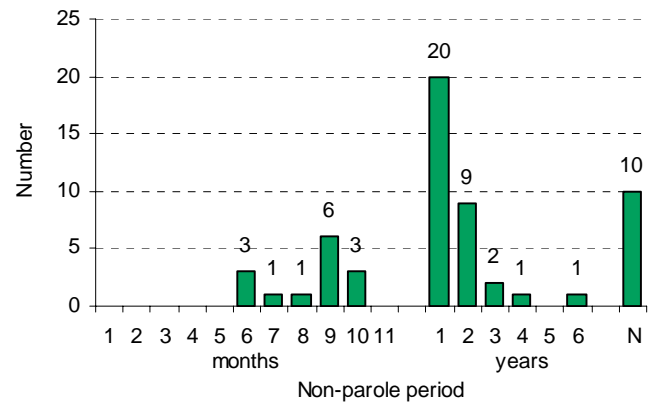
Non-parole period

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 in prison 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 59 people sentenced to imprisonment for robbery between 2000-01 to 2004-05, 47 were given a non-parole period (80%)⁹. Figure 13 shows the number of people sentenced to imprisonment for robbery between 2000-01 and 2004-05 by the length of their non-parole period. Non-parole periods ranged from six months to six years, while the median length of the non-parole period of imprisonment was one year (meaning that half of the non-parole periods were below one year and half were above).

Figure 13: The number of people sentenced to imprisonment for robbery by length of non-parole period, 2000-01 to 2004-05



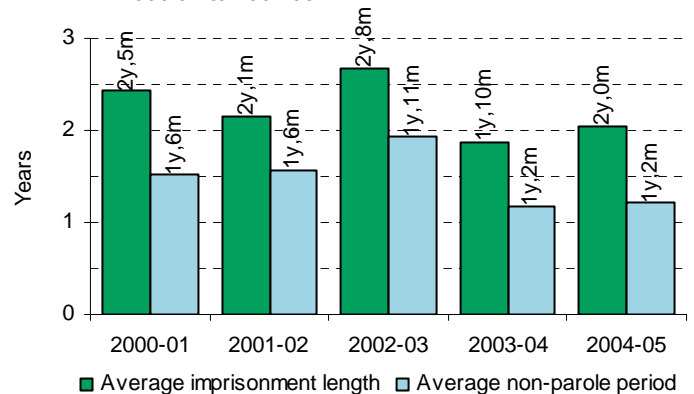
Note: N refers to sentences of imprisonment that had no non-parole period fixed.

Total effective sentences of imprisonment and non-parole periods

Figure 14 presents the average length of total effective sentences imposed compared to the average length of non-parole periods for all people from 2000-01 to 2004-05.

From 2000-01 to 2004-05, the average imprisonment term ranged from one year and ten months in 2003-04 to two years and eight months in 2002-03. Over the same period, the average non-parole period ranged from one year and two months in 2003-04 and 2004-05 to one year and eleven months in 2002-03.

Figure 14: People sentenced to imprisonment for robbery by average total effective imprisonment and average non-parole period, 2000-01 to 2004-05

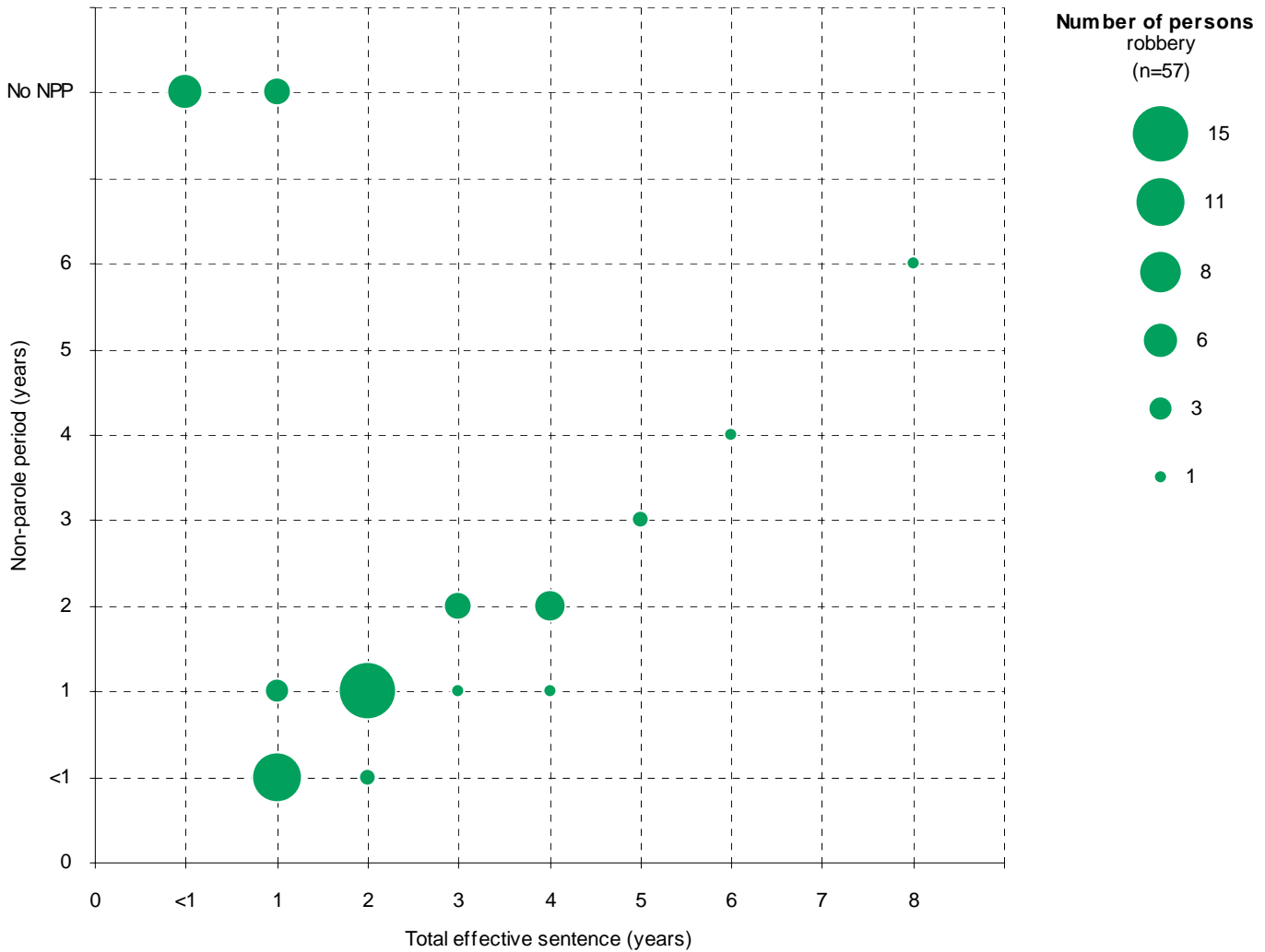


Total effective sentence of imprisonment by non-parole period

While Figure 12 and Figure 13 present the lengths of total effective sentences and non-parole periods separately, Figure 15 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 combination¹⁰. 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 (15 people - as represented by the largest bubble on the chart). The length of imprisonment ranged from two months with no non-parole period to eight years with a non-parole period of six years¹¹.

Figure 15: The number of people sentenced for robbery by the total effective sentence and the non-parole period imposed, 2000-01 to 2004-05



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

Conclusion

Between 2000-01 and 2004-05, 126 people were sentenced for robbery in the County Court. This represents 10% of the cases where robbery was the principal offence across all courts. Over this period, the majority of those sentenced were men (82%), while 63% were between the age of 20 and 29 years.

Around half of the people sentenced for robbery received a period of imprisonment (47%), while 26% received a wholly suspended sentence of imprisonment, 11% received a partially suspended sentence and 9% received a community based order. Sentences of imprisonment were more common for those aged 25 to 29 years, while suspended sentences were more common for those aged 30 years and older.

The imprisonment lengths ranged from two months with no non-parole period to eight years with a non-parole period of six years. The most common length of imprisonment imposed was two years with a non-parole period of one year

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- 1 This report presents sentencing outcomes for people sentenced for the principal offence of robbery in the County Court of Victoria (there were no cases heard in the Supreme Court of Victoria over the reference period). 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. For example, in 2004-05, 59 people were sentenced for robbery. Robbery was the principal offence for 21 of the 59 people.
 - 2 The information source for sentencing outcomes for robbery only contains information on age and gender characteristics.
 - 3 The statistical information presented here was provided by Court Services, Department of Justice (Vic). This report describes sentencing trends for robbery since 2000-01. Court Services advises that sentencing data from the higher courts prior to this period may be unreliable due to changed data collection processes and counting rules.
 - 4 *Crimes Act 1958* s.75
 - 5 Robbery carries a maximum fine of 1800 penalty units and each penalty unit is worth \$104.81, Victorian Government Gazette 14 April 2005.
 - 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 *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.

Robbery offences can be heard summarily if the value of the property stolen does not exceed \$25,000 in value. Refer to *Magistrates' Court Act 1989* (Vic), s.53 (1) and Sched. 4. Where a person is convicted of an indictable offence in a summary hearing in the Magistrates' Court, the maximum term of imprisonment to which the magistrate may sentence the offender is two years. If more than one offence is heard in the Magistrates' Court, the maximum term of imprisonment to which a person may be sentenced is five years. Refer to *Sentencing Act 1991*, s.113A
 - 7 Custodial sentence includes imprisonment, partially suspended sentence, youth training centre order and intensive correction order.
 - 8 Age is as at the time of sentencing.
 - 9 Two people sentenced for robbery were not given a non-parole period relating to that case alone, but a non-parole period that also related to other cases. The non-parole periods for these people are excluded from this analysis. A further seven people were ineligible for parole, due to their total effective sentence length of less than one year. A non-parole period was not set for three people who were eligible for a non-parole period.
 - 10 Sentence lengths that are greater 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.
 - 11 In 2000-01, a man aged 26 years was sentenced to two months' imprisonment with no non-parole period, while in 2003-04, a man aged 25 years was sentenced to eight years' imprisonment with a six year non-parole period.

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- No. 2 Use of suspended sentences in Victoria
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- No. 7 Sentencing trends for rape in Victoria
- No. 8 Sentencing trends for robbery in the higher courts of Victoria
- No. 9 Sentencing trends for armed robbery in the higher courts of Victoria

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