

No. 36: Sentencing trends for attempted armed robbery in the higher courts of Victoria, 2002-03 to 2006-07

Introduction

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

A person who attempts to use force in order to steal, and at the time has with them a firearm, imitation firearm, offensive weapon, explosive or imitation explosive is guilty of attempted armed robbery⁴. Attempted armed robbery is an indictable offence that carries a maximum penalty of 20 years' imprisonment and/or a fine of up to 2400 penalty units⁵.

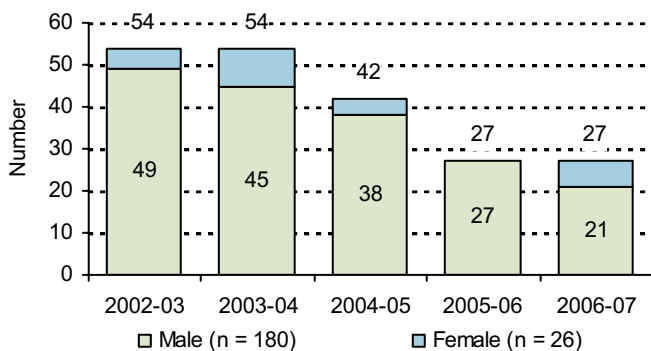
Attempted armed robbery was the principal offence in 2.0% of cases sentenced in the higher courts between 2002-03 and 2006-07.

People sentenced

Figure 1 shows the number of people sentenced for attempted armed robbery for the period 2002-03 to 2006-07. As shown, 204 people were sentenced for attempted armed robbery over the five year period. There were 27 people sentenced for this offence in 2006-07, remaining stable with the previous year.

Over the five years depicted, the majority of those sentenced were men (88.2% or 180 of the 204 people), including 21 of the 27 people sentenced in 2006-07.

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



Sentence types and trends

Figure 2 shows the total number of people sentenced for attempted armed robbery and the number who received a custodial sentence. Custodial refers to sentences that involve at least some aspect of immediate imprisonment or detention⁶. Over the five year period, 59% of people were given a custodial sentence. This peaked at 64% (27 of 42) in 2004-05 after a low of 56% (30 of 54) in 2002-03. In 2006-07, 59% of people sentenced (16 of 27) were given a custodial sentence.

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

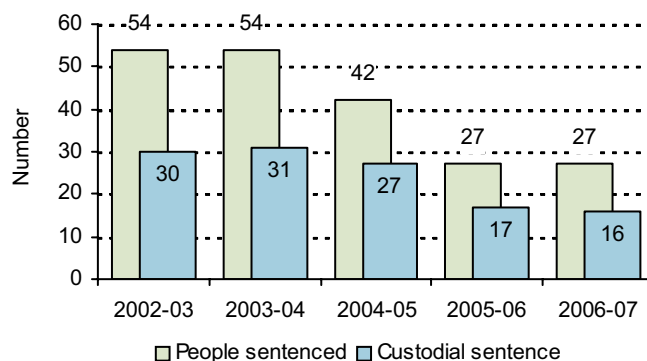
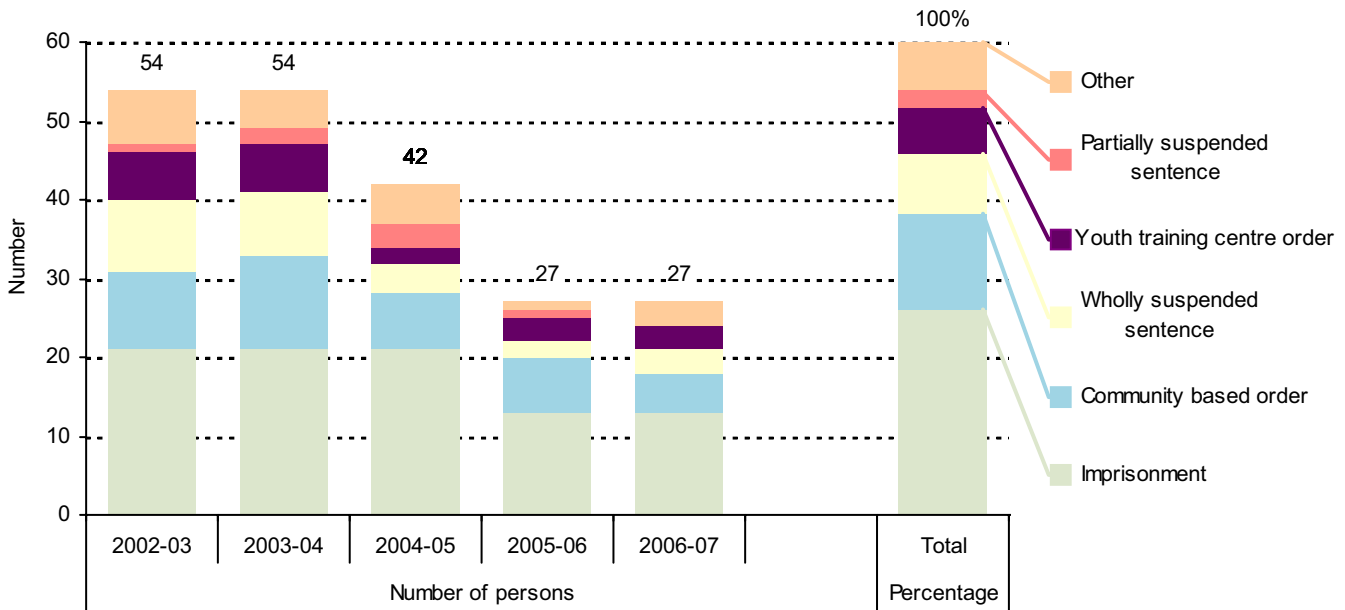


Figure 3 and Table 1 show the number of people sentenced for attempted armed robbery from 2002-03 to 2006-07 by the types of sentences imposed.

Over the five year period, around four in ten people sentenced for attempted armed robbery received a period of imprisonment (44% or 89 of 204 people), while 20% received a community based order, 13% received a wholly suspended sentence of imprisonment and 10% received a youth training centre order.

The number of people who were imprisoned for attempted armed robbery remained stable over the first three years at 21 each year, before decreasing to 13 people in each of the last two years. However, as a percentage of people sentenced, the use of imprisonment has increased from 39% in 2002-03 to 48% in 2006-07.

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



Other includes intensive correction order, adjourned undertaking with conviction, mix (imprisonment & community based order), non-custodial supervision order, mix (community based order & fine), hospital security order, combined custody and treatment order, aggregate community based order and adjourned undertaking without conviction.

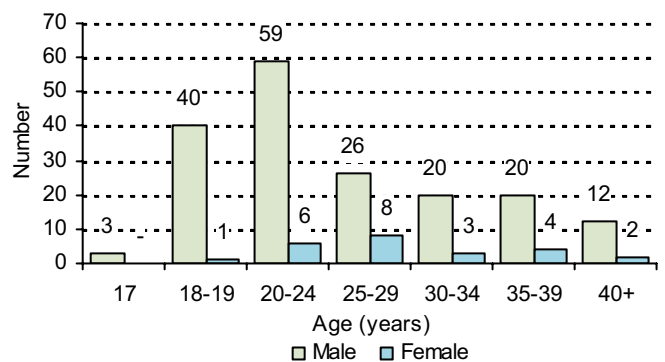
Table 1: The number and percentage of people sentenced for attempted armed robbery by sentence type, 2002-03 to 2006-07

Sentence type	02-03	03-04	04-05	05-06	06-07
Imprisonment	21	21	21	13	13
Community based order	10	12	7	7	5
Wholly suspended sentence	9	8	4	2	3
Youth training centre order	6	6	2	3	3
Partially suspended sentence	1	2	3	1	0
Intensive correction order	2	4	7	4	-
Adjoined undertaking with conviction	2	2	2	0	1
Mix (imprisonment & community based order)	4	4	5	-	4
Non-custodial supervision order	3	1	1	0	0
Mix (community based order & fine)	6	2	2	-	-
Hospital security order	1	1	1	0	0
Combined custody and treatment order	0	0	2	-	-
Aggregate community based order	0	0	1	0	0
Adjoined undertaking without conviction	0	0	0	0	0
	2%	-	-	-	-
	0	1	0	0	0
	-	2%	-	-	-
	0	0	0	0	1
	-	-	-	-	4%
	0	0	0	0	0
	-	-	-	-	4%
	0	0	0	1	0
	-	-	-	4%	-
People sentenced	54	54	42	27	27

Age and gender of people sentenced

Figure 4 shows the gender of people sentenced for attempted armed robbery grouped by their age⁷ between 2002-03 and 2006-07. The average age of people sentenced for attempted armed robbery was twenty-six years and four months. Women sentenced over this period were much older than men (an average age of twenty-eight years and seven months for women compared to twenty-six years and one month for men). Three male juveniles were sentenced over this period.

Figure 4: The number of people sentenced for attempted armed 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 attempted armed robbery grouped by gender. As shown, a higher percentage of men received a period of imprisonment (44.4% compared to 37.5% of women) and an intensive correction order (3.9% compared to no women). Conversely, a higher percentage of women received a wholly suspended sentence of imprisonment (16.7% compared to 12.2% of men), a combined custody and treatment order (4.2% compared to no men), a mixed sentence of imprisonment and community based order (4.2% compared to 1.1%) and an adjourned undertaking with conviction (4.2% compared to 2.2%).

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

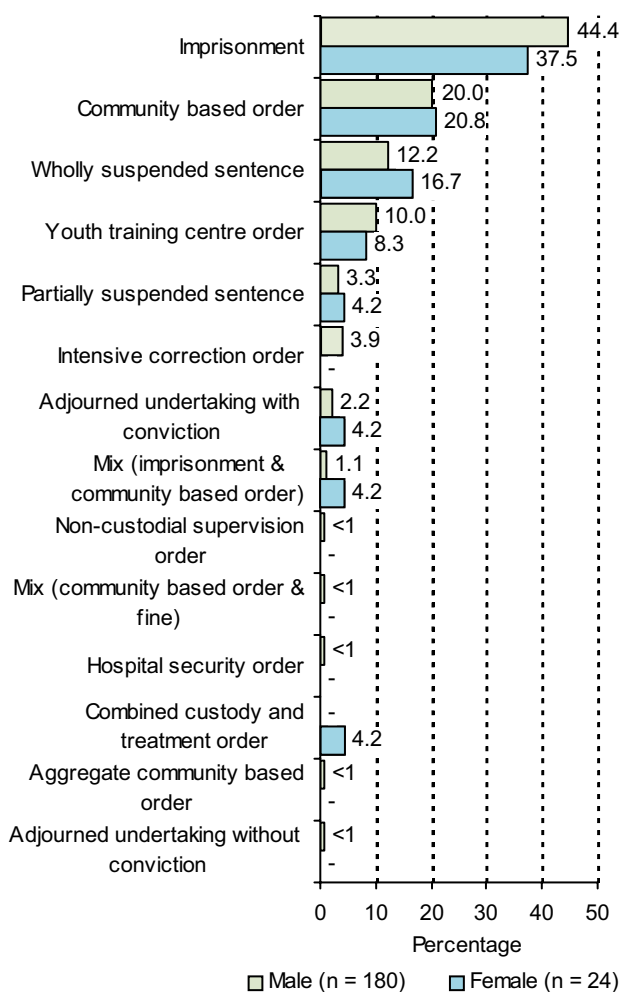


Table 2: The number and percentage breakdown of people sentenced for attempted armed robbery by gender, 2002-03 to 2006-07

Sentence type	Male	Female	Total
Imprisonment	80	9	89
Community based order	36	5	41
Wholly suspended sentence	22	4	26
Youth training centre order	18	2	20
Partially suspended sentence	6	1	7
Intensive correction order	7	0	7
Adjourned undertaking with conviction	4	1	5
Mix (imprisonment & community based order)	2	1	3
Non-custodial supervision order	1	0	1
Mix (community based order & fine)	1	0	1
Hospital security order	1	0	1
Combined custody and treatment order	0	1	1
Aggregate community based order	1	0	1
Adjourned undertaking without conviction	1	0	1
People sentenced	180	24	204

Sentence types by age

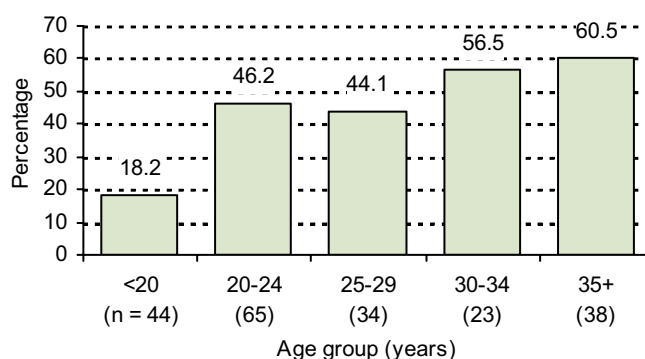
As shown in the table above, the three most common sentence types were imprisonment, community based orders and wholly suspended sentences of imprisonment. The following analysis examines these sentence types by the offender's age group.

Imprisonment

Sentences of imprisonment were most likely to be given to people aged 35 years and older (61% or 23 of the 38 people in this age group).

Conversely, sentences of imprisonment were least common for those aged under 20 years (18% or eight of the 44 people in this age group).

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

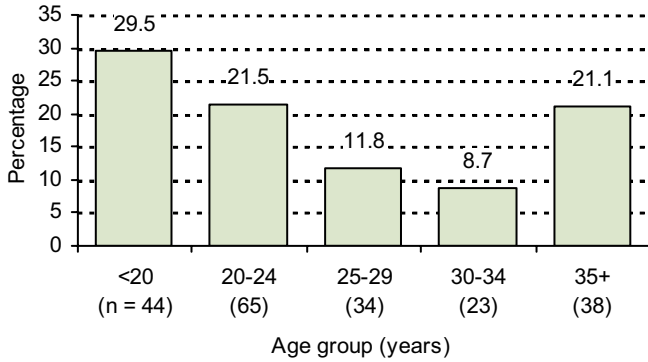


Community based orders

Community based orders were most likely to be given to people aged under 20 years (30% or 13 of the 44 people in this age group).

Conversely, community based orders were least common for those aged 30-34 years old (9% or two of the 23 people in this age group).

Figure 7: The percentage of people who received a community based order for attempted armed robbery by age group, 2002-03 to 2006-07

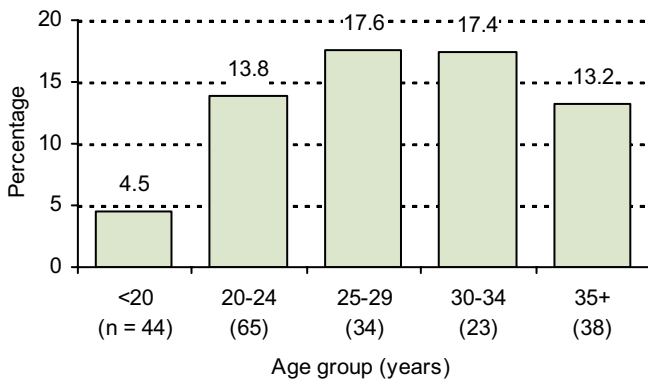


Wholly suspended sentences of imprisonment

Wholly suspended sentences of imprisonment were most likely to be given to people aged 25-29 years old (18% or six of the 34 people in this age group).

Conversely, wholly suspended sentences of imprisonment were least common for those aged under 20 years (5% or two of the 44 people in this age group).

Figure 8: The percentage of people who received a wholly suspended sentence of imprisonment for attempted armed 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.

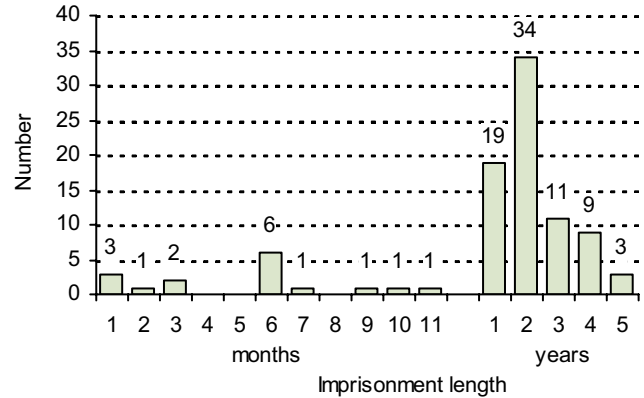
In many cases, the total effective sentence imposed on a person will be longer than individual principal sentences.

Principal sentences for attempted armed robbery must be considered in this broader context. The following sections analyse the use of imprisonment for attempted armed robbery over 2002-03 to 2006-07.

Principal sentence of imprisonment

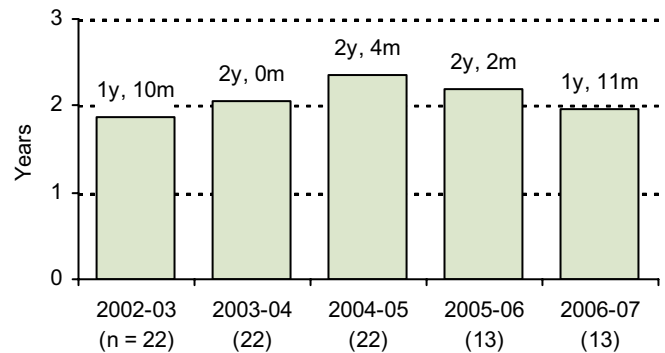
Figure 9 shows the number of people sentenced to imprisonment for attempted armed robbery between 2002-03 and 2006-07 by the length of the imprisonment term. Imprisonment terms ranged from 1 month to five years, while the median length of imprisonment was two years (meaning that half of the imprisonment terms were shorter than two years and half were longer).

Figure 9: The number of people sentenced to imprisonment for attempted armed robbery by length of imprisonment term, 2002-03 to 2006-07



As shown in Figure 10, the average length of imprisonment term imposed on people sentenced for attempted armed robbery ranged from one year and ten months in 2002-03 to two years and four months in 2004-05.

Figure 10: The average length of imprisonment term imposed on people sentenced for attempted armed robbery, 2002-03 to 2006-07



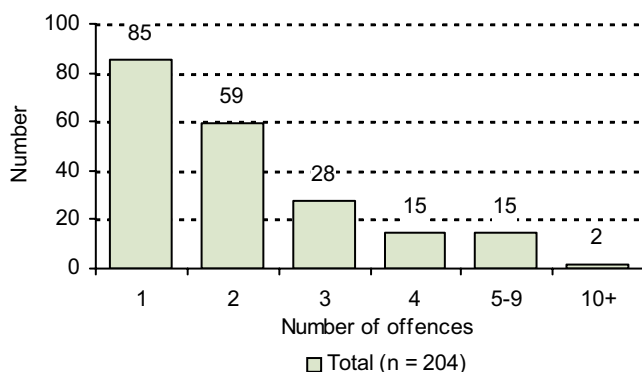
Other offences finalised at the same hearing

Often people prosecuted for attempted armed 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 attempted armed robbery.

Figure 11 shows the number of people sentenced for the principal offence of attempted armed robbery by the total number of offences for which sentences were set. The number of sentenced offences per person ranged from 1 to 16, while the median was 2 offences. There were 85 people (41.7%) sentenced for the single offence of attempted

armed robbery alone. The average number of offences per person sentenced for attempted armed robbery was 2.32.

Figure 11: The number of people sentenced for the principal offence of attempted armed robbery by the number of sentenced offences per person, 2002-03 to 2006-07



While Figure 11 presents the number of sentenced offences for those sentenced for attempted armed robbery, Figure 12 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, 36 of the total 204 people (17.6%) also received sentences for theft. On average, they were sentenced for 1.42 counts of theft.

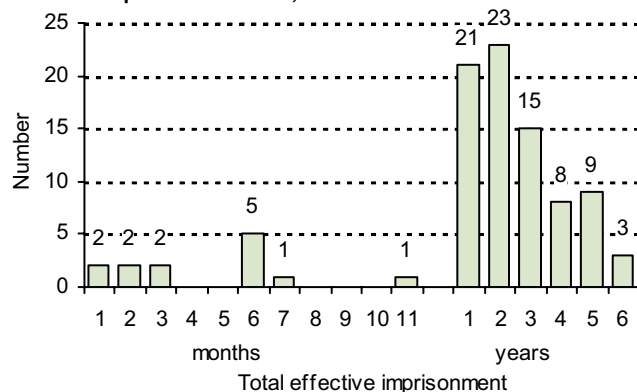
Figure 12: The number and percentage of people sentenced for the principal offence of attempted armed robbery by the most common offences that were sentenced and the average number of those offences that were sentenced, 2002-03 to 2006-07

Offence	No.	%	Avg.
1 attempted armed robbery	204	100.0	1.10
2 theft	36	17.6	1.42
3 causing injury	24	11.8	1.08
4 armed robbery	15	7.4	1.67
5 intentionally destroy/damage property (criminal damage)	12	5.9	1.00
6 common law assault	9	4.4	1.56
7 robbery	8	3.9	1.50
8 burglary	6	2.9	2.00
9 possess a drug of dependence	6	2.9	1.17
10 causing serious injury intentionally	6	2.9	1.17
People sentenced	204	100.0	2.32

Total effective sentence of imprisonment

There were 92 people given a total effective sentence of imprisonment⁸. Figure 13 shows the number of people sentenced to imprisonment for attempted armed robbery between 2002-03 and 2006-07 by the length of their total effective sentence. The length of total effective sentences ranged from one month to six years and eleven months, 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 13: The number of people sentenced to imprisonment for attempted armed robbery by total effective length of imprisonment term, 2002-03 to 2006-07



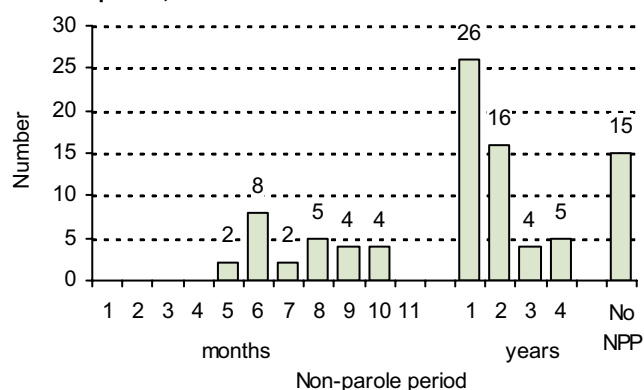
Non-parole period

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 attempted armed robbery. Sentences and non-parole periods must be considered in this broader context.

Of the 92 people who were sentenced to imprisonment for attempted armed robbery, 79 were eligible to have a non-parole period fixed⁹. Of these people, 76 were given a non-parole period (96%)¹⁰. Figure 14 shows the number of people sentenced to imprisonment for attempted armed robbery between 2002-03 and 2006-07 by the length of their non-parole period. Non-parole periods ranged from five months to four years and nine months, while the median length of the non-parole period was one year (meaning that half of the non-parole periods were below one year and half were above).

Figure 14: The number of people sentenced to imprisonment for attempted armed robbery by length of non-parole period, 2002-03 to 2006-07



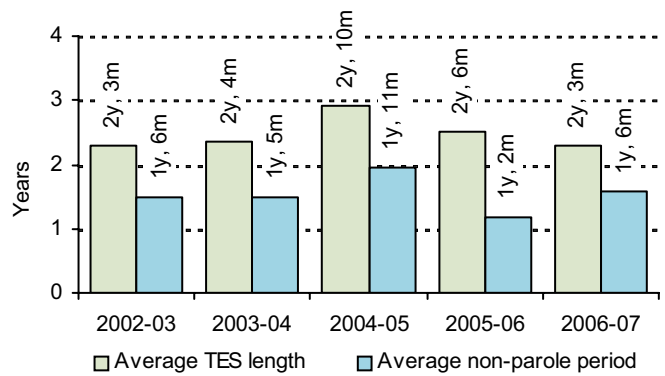
Note: No NPP refers to sentences of imprisonment that had no non-parole period fixed.

Total effective sentences of imprisonment and non-parole periods

Figure 15 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 2006-07¹¹.

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

Figure 15: The average total effective sentence and the average non-parole period imposed on people sentenced to imprisonment for attempted armed robbery, 2002-03 to 2006-07

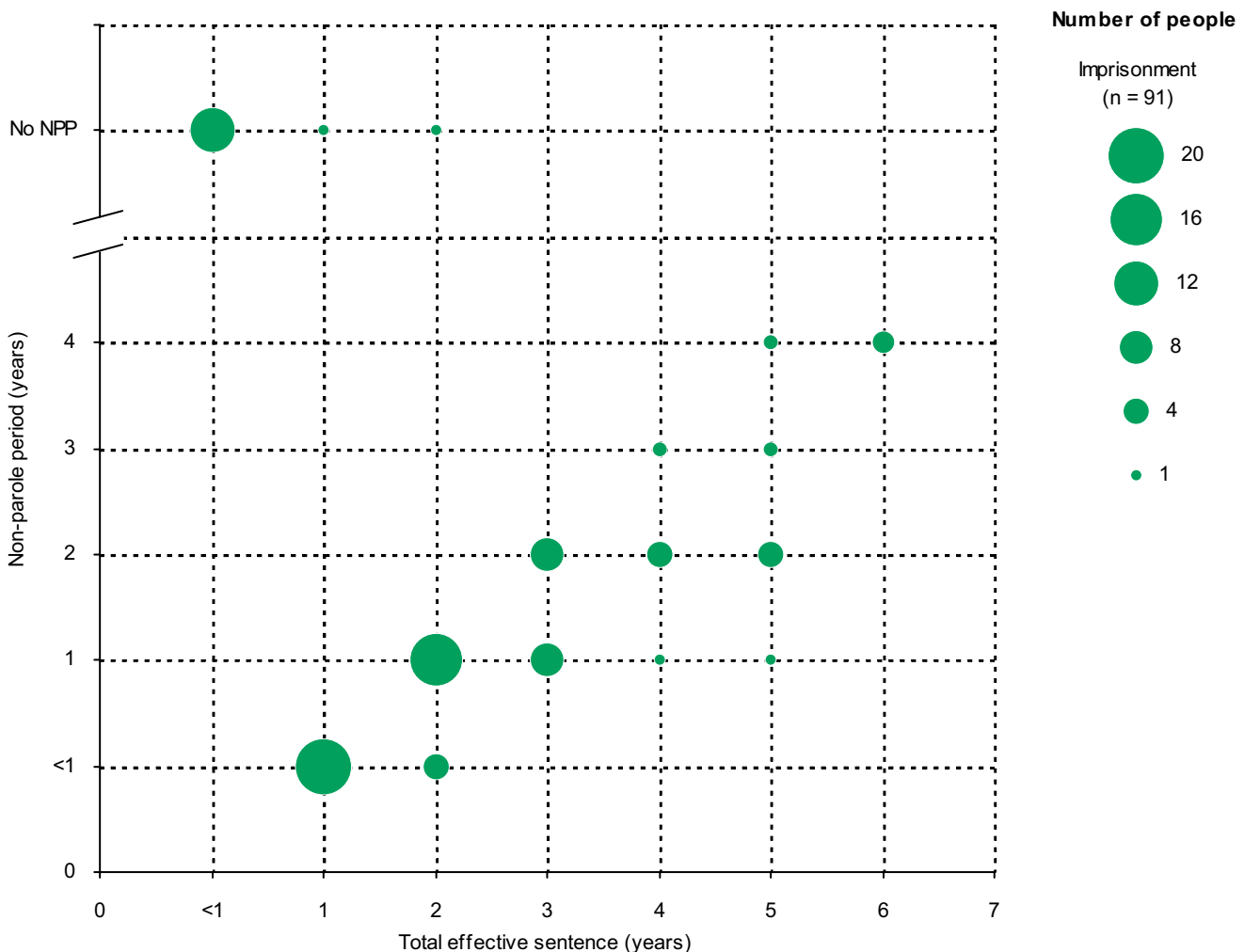


Total effective sentence of imprisonment by non-parole period

While Figure 13 and Figure 14 present the lengths of the total effective sentences and non-parole periods separately, Figure 16 combines the two methods of describing sentence lengths in the one diagram. It shows the total effective sentence and non-parole period for attempted armed 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 combination¹². As shown, the most common combination of imprisonment length and non-parole period imposed was one year with a non-parole period of less than one year (20 people - as represented by the largest 'bubble' on the chart). The length of imprisonment ranged from one month with no non-parole period to six years and eleven months with a non-parole period of four years and nine months.

Figure 16: The number of people sentenced to imprisonment for attempted armed robbery by the total effective sentence and the non-parole period imposed, 2002-03 to 2006-07¹³



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

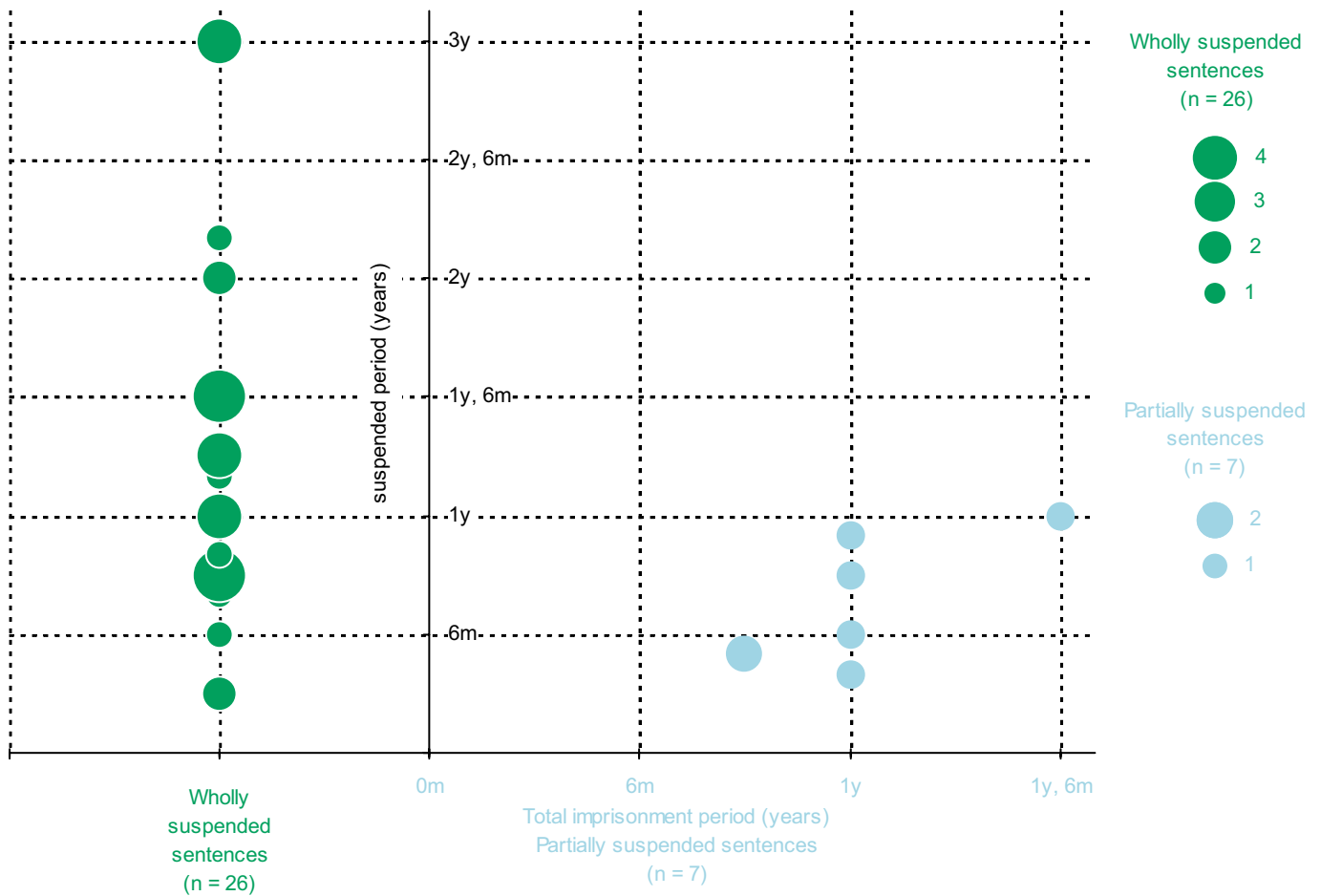
Suspended sentences of imprisonment

There were 33 people given a suspended sentence of imprisonment as their total effective sentence. Of these, 26 people had their prison sentence wholly suspended and 7 received a partially suspended sentence of imprisonment. Figure 17 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 three months to three years. The most common wholly suspended sentence lengths were nine months and one year and six months (4 people each - as represented by the two largest green 'bubbles' on the chart).

The most common partially suspended sentence combination was nine months with five months suspended (2 people - as represented by the largest blue 'bubble' on the chart).

Figure 17: The number of people given a wholly or partially suspended sentence of imprisonment for attempted armed robbery by sentence type and length, 2002-03 to 2006-07

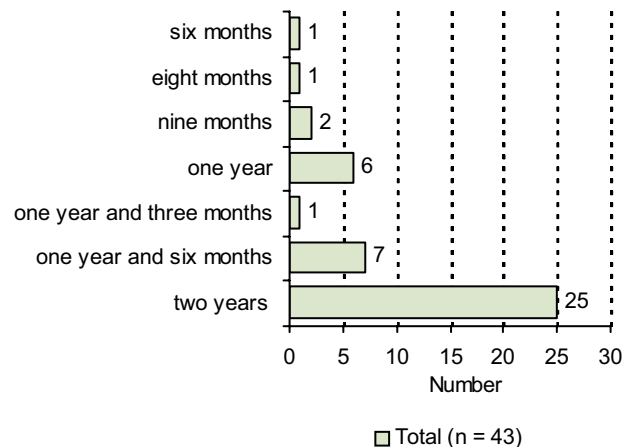


Community based orders

There were 43 people given a community based order as their total effective sentence.

The length of community based orders for attempted armed robbery ranged from six months to two years, while the median length was two years (meaning that half of the lengths were shorter than or equal to two years and half were longer than or equal to two years).

Figure 18: The number of people sentenced to a community based order for attempted armed robbery by length of order imposed, 2002-03 to 2006-07



Summary

Between 2002-03 and 2006-07, 204 people were sentenced for attempted armed robbery in the higher courts. Over this period, the majority of those sentenced were men (88%), while 80% were between the age of 18 and 35 years and 52% were aged between 18 and 25 years.

Around four in ten people sentenced for attempted armed robbery received a period of imprisonment (44%), while 20% received a community based order, 13% received a wholly suspended sentence of imprisonment and 10% received a youth training centre order.

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

Imprisonment was more common for those aged older than 30 years of age, community based orders were more common for those younger than 20 years of age and wholly suspended sentences of imprisonment were more common for those aged between 25 and 35 years of age.

Each of the 204 people was sentenced for an average of 2.32 offences, including 1.10 offences of attempted armed robbery. The most common offence finalised in conjunction with attempted armed robbery was theft (17.6% of all cases).

Total effective imprisonment lengths ranged from one month with no non-parole period to six years and eleven months with a non-parole period of four years and nine months. The most common sentence of imprisonment was one year with a non-parole period of less than one year.

The most common wholly suspended sentence lengths were nine months and one year and six months. The most common length of community based order was two years.

- 1 This report presents sentencing outcomes for people sentenced for the principal offence of attempted armed 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 attempted armed robbery who received a more serious sentence for another offence forming part of the same presentment. There were 383 people sentenced from 2002-03 to 2006-07 for 463 offences of attempted armed robbery. Attempted armed robbery was the principal proven offence for 204 of these people.
- 2 The information source for sentencing outcomes for attempted armed 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.
- 4 *Crimes Act 1958 s.75A* and *Crimes Act 1958 s.321M*.
- 5 The value of a penalty unit changes each year and can be found in the Victorian Government Gazette.
- 6 Custodial sentence includes imprisonment, youth training centre order, partially suspended sentence, mix (imprisonment & community based order), hospital security order and combined custody and treatment order.
- 7 Age is as at the time of sentencing.
- 8 All of the 92 people who were sentenced to imprisonment as the principal sentence were also given imprisonment as the total effective sentence.
- 9 13 people were not eligible for parole because they were given a total effective sentence length of less than one year.
- 10 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.
- 11 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.
- 12 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.
- 13 This graph includes the 91 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.

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