

No. 35: Sentencing trends for armed robbery in the higher courts of Victoria, 2002-03 to 2006-07

Introduction

This Sentencing Snapshot describes sentencing outcomes¹ for the offence of 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 uses or threatens 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 armed robbery⁴. Armed robbery is an indictable offence that carries a maximum penalty of 25 years' imprisonment and/or a fine of up to 3000 penalty units⁵.

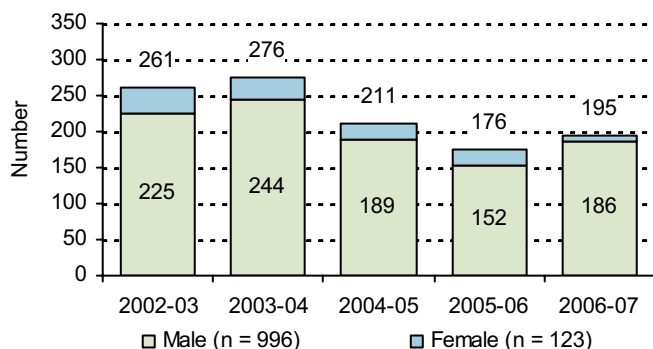
All armed robbery offences were heard in the County and Supreme Courts. Armed robbery was the principal offence in 10.9% of cases sentenced in the higher courts between 2002-03 and 2006-07.

People sentenced

Figure 1 shows the number of people sentenced for armed robbery for the period 2002-03 to 2006-07. As shown, 1,119 people were sentenced for armed robbery over the five year period. There were 195 people sentenced for this offence in 2006-07, up by 19 people from the previous year.

Over the five years depicted, the majority of those sentenced were men (89.0% or 996 of the 1,119 people), including 186 of the 195 people sentenced in 2006-07.

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



Sentence types and trends

Figure 2 shows the total number of people sentenced for 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, 74% of people were given a custodial sentence. This peaked at 78% (137 of 176) in 2005-06 after a low of 71% (150 of 211) in 2004-05. In 2006-07, 76% of people sentenced (148 of 195) were given a custodial sentence.

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

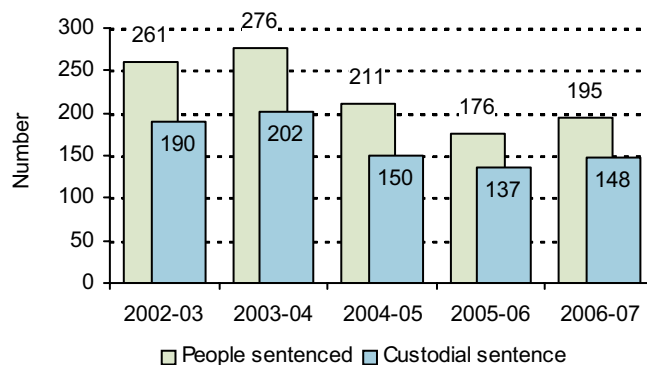
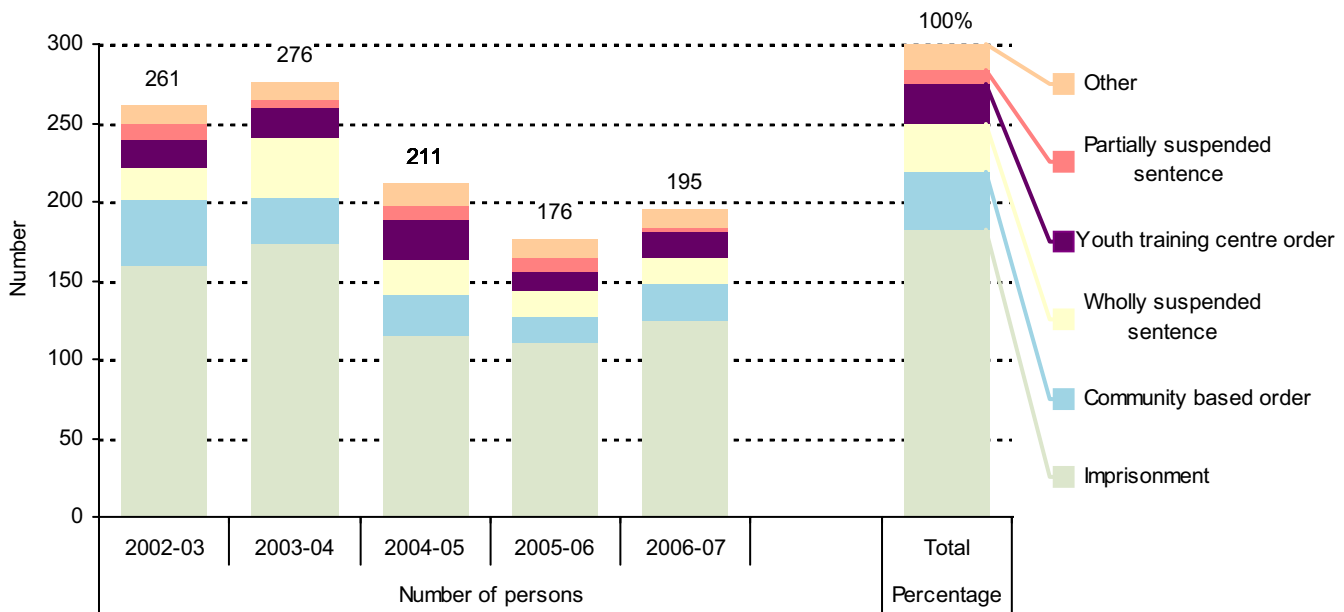


Figure 3 and Table 1 show the number of people sentenced for armed robbery from 2002-03 to 2006-07 by the types of sentences imposed.

Over the five year period, the majority of the people sentenced for armed robbery received a period of imprisonment (61% or 682 of 1,119 people), while 12% received a community based order, 10% received a wholly suspended sentence of imprisonment and 8% received a youth training centre order.

Over the five year period, the proportion of people who received a period of imprisonment remained relatively stable at just under two in three. In 2004-05, this proportion was slightly lower, while the proportion of people who received a youth training centre order was at its highest.

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



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

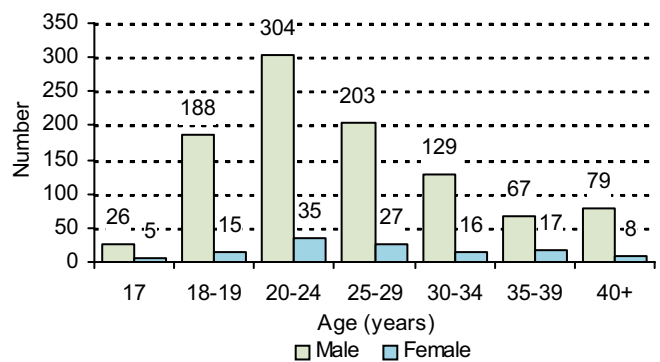
Table 1: The number and percentage of people sentenced for armed robbery by sentence type, 2002-03 to 2006-07

Sentence type	02-03	03-04	04-05	05-06	06-07
Imprisonment	160 61%	173 63%	115 55%	110 63%	124 64%
Community based order	41 16%	29 11%	25 12%	16 9%	24 12%
Wholly suspended sentence	20 8%	39 14%	23 11%	17 10%	16 8%
Youth training centre order	18 7%	19 7%	26 12%	13 7%	17 9%
Partially suspended sentence	10 4%	5 2%	8 4%	8 5%	3 2%
Intensive correction order	4 2%	5 2%	4 2%	6 3%	5 3%
Hospital security order	0	2 <1%	0	2 1%	3 2%
Mix (community based order & fine)	0	0	6 3%	0	0
Adjourned undertaking with conviction	5 2%	0	0	0	1 <1%
Custodial supervision order	1 <1%	0	0	3 2%	0
Adjourned undertaking without conviction	0	1 <1%	3 1%	0	0
Mix (imprisonment & community based order)	0	2 <1%	1 <1%	0	0
Combined custody and treatment order	1 <1%	1 <1%	0	1 <1%	0
Non-custodial supervision order	1 <1%	0	0	0	0
Aggregate intensive correction order	0	0	0	0	1 <1%
Aggregate imprisonment	0	0	0	0	1 <1%
People sentenced	261	276	211	176	195

Age and gender of people sentenced

Figure 4 shows the gender of people sentenced for armed robbery grouped by their age⁷ between 2002-03 and 2006-07. The average age of people sentenced for armed robbery was twenty-six years and three months. Women sentenced over this period were older than men (an average age of twenty-seven years and one month for women compared to twenty-six years and two months for men). There were 26 male and five female juveniles sentenced over this period.

Figure 4: The number of people sentenced for 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 armed robbery grouped by gender. As shown, a higher percentage of men received a period of imprisonment (62.3% compared to 49.6% of women). Conversely, a higher percentage of women received a wholly suspended sentence of imprisonment (20.3% compared to 9.0% of men).

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

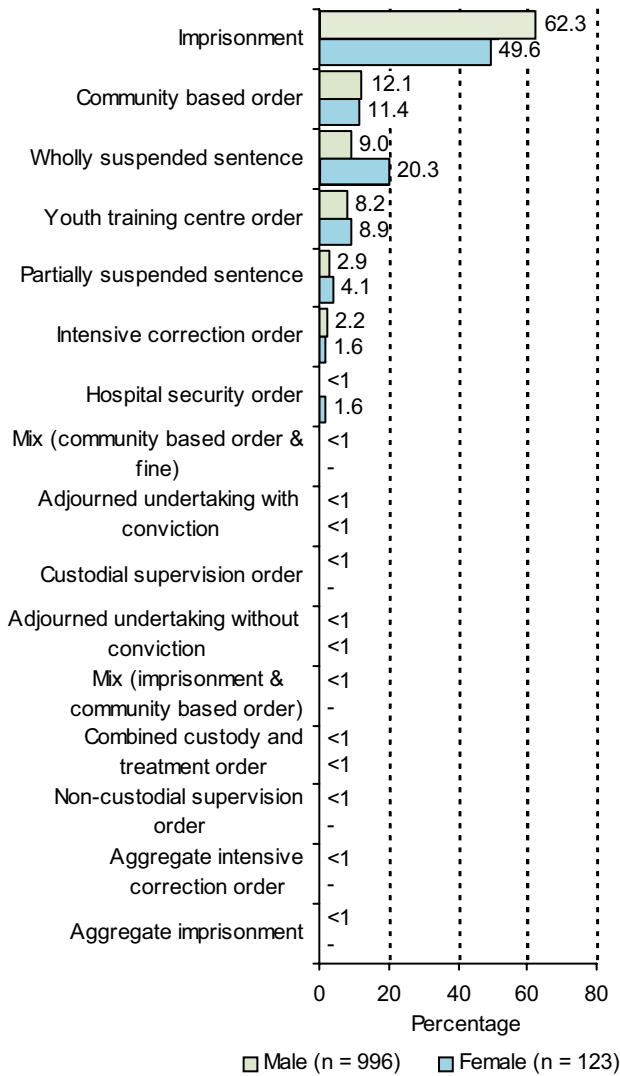


Table 2: The number and percentage breakdown of people sentenced for armed robbery by gender, 2002-03 to 2006-07

Sentence type	Male	Female	Total
Imprisonment	621	61	682
Community based order	121	14	135
Wholly suspended sentence	90	25	115
Youth training centre order	82	11	93
Partially suspended sentence	29	5	34
Intensive correction order	22	2	24
Hospital security order	5	2	7
Mix (community based order & fine)	6	0	6
Adjourned undertaking with conviction	5	1	6
Custodial supervision order	4	0	4
Adjourned undertaking without conviction	3	1	4
Mix (imprisonment & community based order)	3	0	3
Combined custody and treatment order	2	1	3
Non-custodial supervision order	1	0	1
Aggregate intensive correction order	1	0	1
Aggregate imprisonment	1	0	1
People sentenced	996	123	1119

Sentence types by age

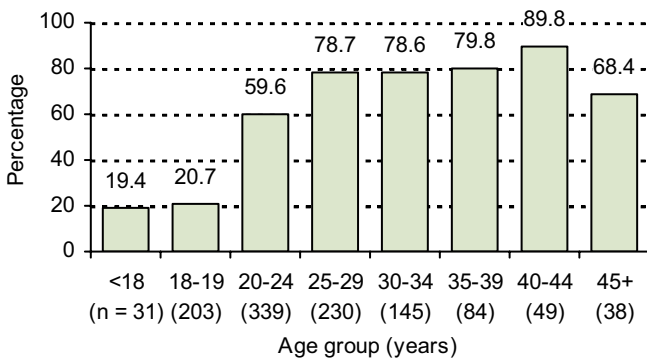
As shown in the table above, the three most common sentence types were imprisonment, community based orders and wholly suspended sentences of imprisonment. The following analysis examines these sentence types by the offender's age group.

Imprisonment

Sentences of imprisonment were most likely to be given to people aged 40-44 years old (90% or 44 of the 49 people in this age group).

Conversely, sentences of imprisonment were least common for those aged under 18 years (19% or six of the 31 people in this age group).

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

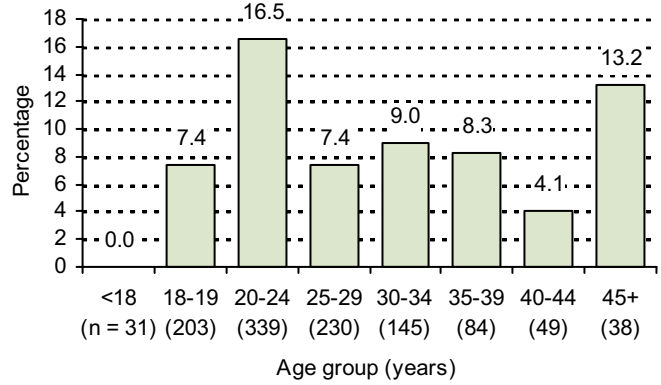


Wholly suspended sentences of imprisonment

Wholly suspended sentences of imprisonment were most likely to be given to people aged 20-24 years old (17% or 56 of the 339 people in this age group).

Conversely, none of the 31 people aged under 18 years received a wholly suspended sentence of imprisonment.

Figure 8: The percentage of people who received a wholly suspended sentence of imprisonment for armed robbery by age group, 2002-03 to 2006-07

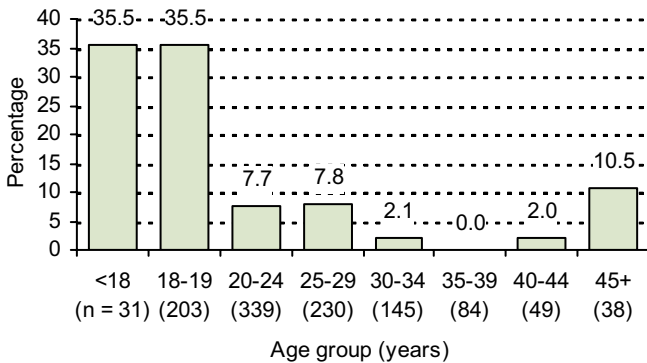


Community based orders

Community based orders were most likely to be given to people aged under 18 years (35% or 11 of the 31 people in this age group) and people aged 18-19 years old (35% or 72 of the 203 people in this age group).

Conversely, none of the 84 people aged 35-39 years old received a community based order.

Figure 7: The percentage of people who received a community based order for 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.

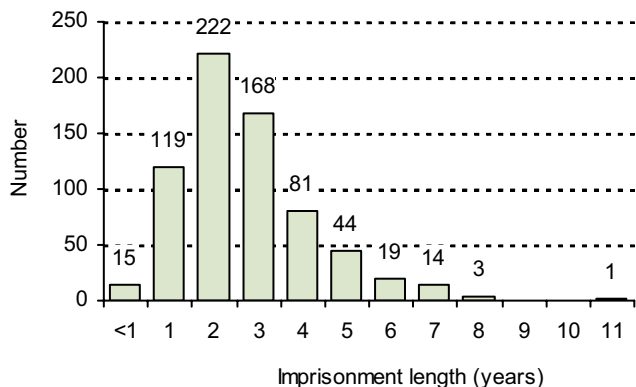
In many cases, the total effective sentence imposed on a person will be longer than individual principal sentences. Principal sentences for armed robbery must be considered in this broader context. The following sections analyse the use of imprisonment for armed robbery over 2002-03 to 2006-07.

Principal sentence of imprisonment

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

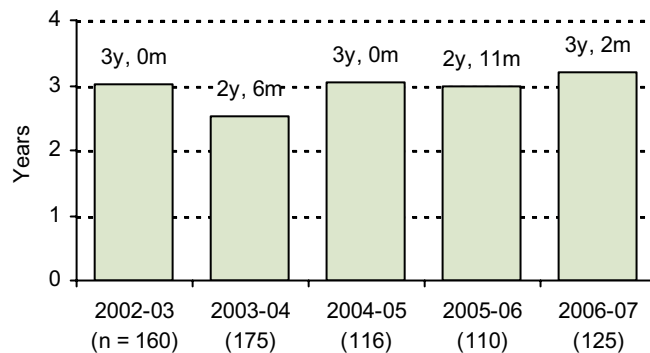
The most common length of imprisonment imposed was 2 years (222 people).

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



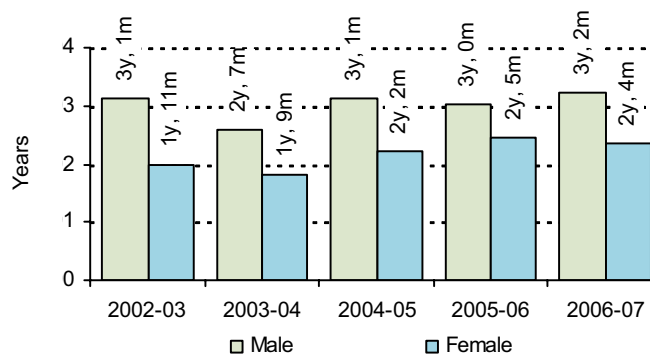
As shown in Figure 10, the average length of imprisonment term imposed on people sentenced for armed robbery ranged from two years and six months in 2003-04 to three years and two months in 2006-07.

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



From 2002-03 to 2006-07, the majority of those people who received a term of imprisonment for armed robbery were men (625 people or 91.1%). Figure 11 shows that over the five year period, men also received a longer average term of imprisonment (three years compared to two years and one month for women).

Figure 11: The average period of imprisonment imposed on people sentenced for armed robbery by gender, 2002-03 to 2006-07

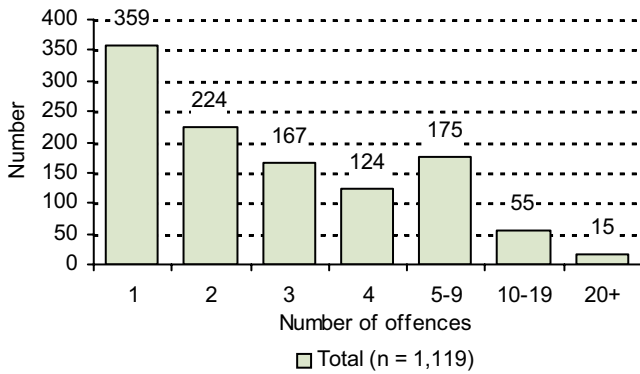


Other offences finalised at the same hearing

Often people prosecuted for 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 armed robbery.

Figure 12 shows the number of people sentenced for the principal offence of armed robbery by the total number of offences for which sentences were set. The number of sentenced offences per person ranged from 1 to 43, while the median was 2 offences. There were 359 people (32.1%) sentenced for the single offence of armed robbery alone. The average number of offences per person sentenced for armed robbery was 3.56.

Figure 12: The number of people sentenced for the principal offence of armed 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 armed 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, 241 of the total 1,119 people (21.5%) also received sentences for theft. On average, they were sentenced for 1.98 counts of theft.

Figure 13: The number and percentage of people sentenced for the principal offence of 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

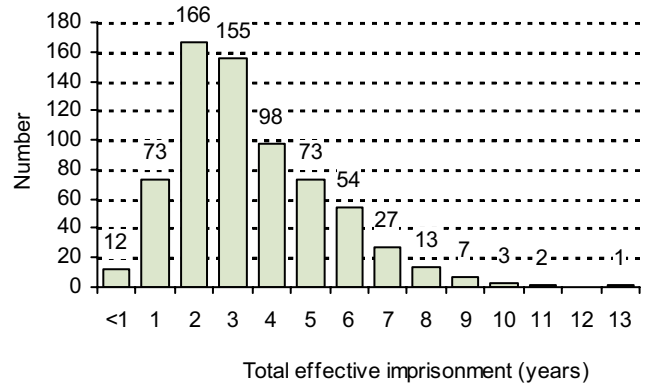
Offence	No.	%	Avg.
1 armed robbery	1,119	100.0	1.72
2 theft	241	21.5	1.98
3 attempted armed robbery	143	12.8	1.39
4 causing injury	113	10.1	1.22
5 false imprisonment	78	7.0	1.47
6 common law assault	63	5.6	1.30
7 robbery	62	5.5	1.68
8 aggravated burglary	62	5.5	1.19
9 burglary	53	4.7	1.98
10 possess a drug of dependence	52	4.6	1.17
People sentenced	1,119	100.0	3.56

Total effective sentence of imprisonment

There were 684 people given a total effective sentence of imprisonment⁸. Figure 14 shows the number of people sentenced to imprisonment for armed robbery between 2002-03 and 2006-07 by the length of their total effective sentence. The length of total effective sentences ranged from seven days to thirteen years⁹, while the median total effective length of imprisonment was three years and five months (meaning that half of the total effective sentence lengths were below three years and five months and half were above).

The most common total effective imprisonment length was 2 years (166 people).

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



Non-parole period

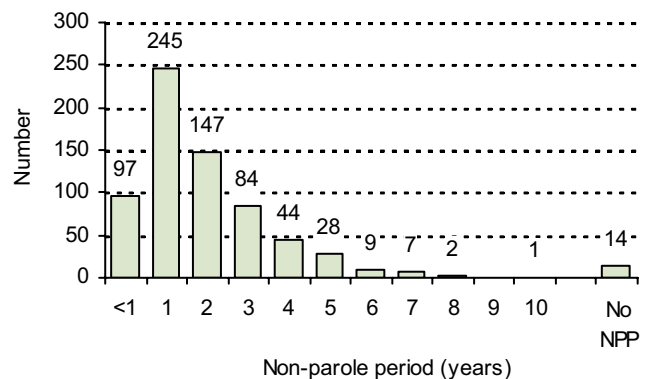
When a person is sentenced to a term of immediate imprisonment of one year or more, the court has the discretion to fix a non-parole period. Where a non-parole period is fixed, the person must serve that period before becoming eligible for parole. Where no non-parole period is set by the court, the person 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 armed robbery. Sentences and non-parole periods must be considered in this broader context.

Of the 684 people who were sentenced to imprisonment for armed robbery, 672 were eligible to have a non-parole period fixed¹⁰. Of these people, 664 were given a non-parole period (99%)¹¹. Figure 15 shows the number of people sentenced to imprisonment for armed robbery between 2002-03 and 2006-07 by the length of their non-parole period. Non-parole periods ranged from three months to ten years, while the median non-parole period was one year and nine months (meaning that half of the non-parole periods were below one year and nine months and half were above).

The most common non-parole period imposed was 1 year (245 people).

Figure 15: The number of people sentenced to imprisonment for 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 16 to Figure 18 present the average length of total effective sentence of imprisonment compared to the average length of non-parole period for all people (Figure 16), for men (Figure 17) and for women (Figure 18) from 2002-03 to 2006-07.

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

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

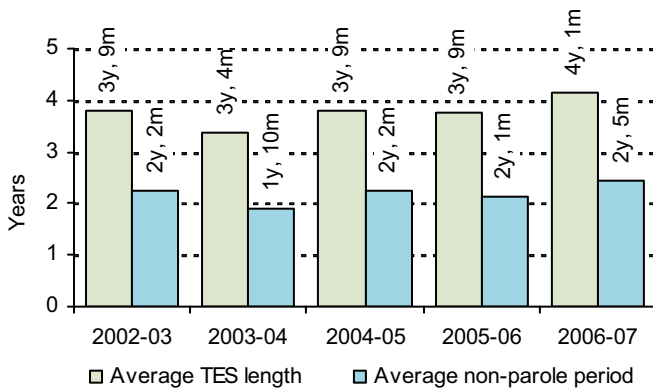
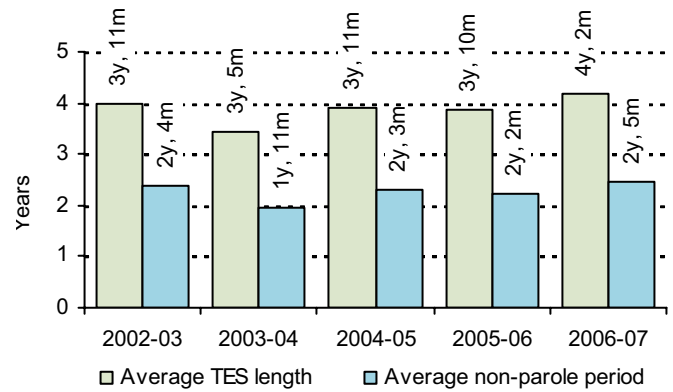


Figure 17 and Figure 18 show the average lengths of total effective sentences of imprisonment compared to the average length of non-parole periods imposed on men and women for armed robbery between 2002-03 and 2006-07.

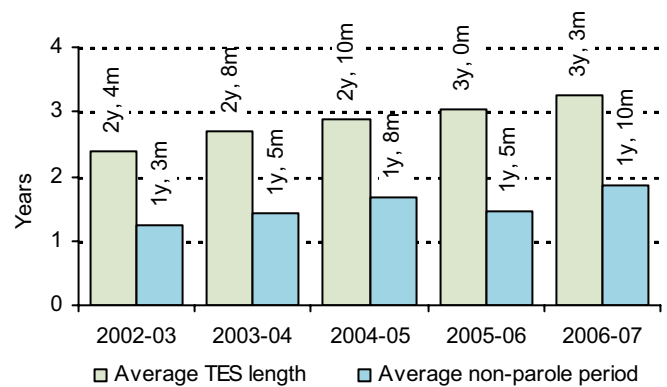
From 2002-03 to 2006-07, the average length of total effective sentence for men ranged from three years and five months in 2003-04 to four years and two months in 2006-07. Over the same period, the average length of non-parole period for men ranged from one year and eleven months in 2003-04 to two years and five months in 2006-07.

Figure 17: The average total effective sentence and the average non-parole period imposed on men sentenced to imprisonment for armed robbery, 2002-03 to 2006-07



The average length of total effective sentence for women ranged from two years and four months in 2002-03 to three years and three months in 2006-07. Over the same period, the average length of non-parole period for women ranged from one year and three months in 2002-03 to one year and ten months in 2006-07.

Figure 18: The average total effective sentence and the average non-parole period imposed on women sentenced to imprisonment for armed robbery, 2002-03 to 2006-07

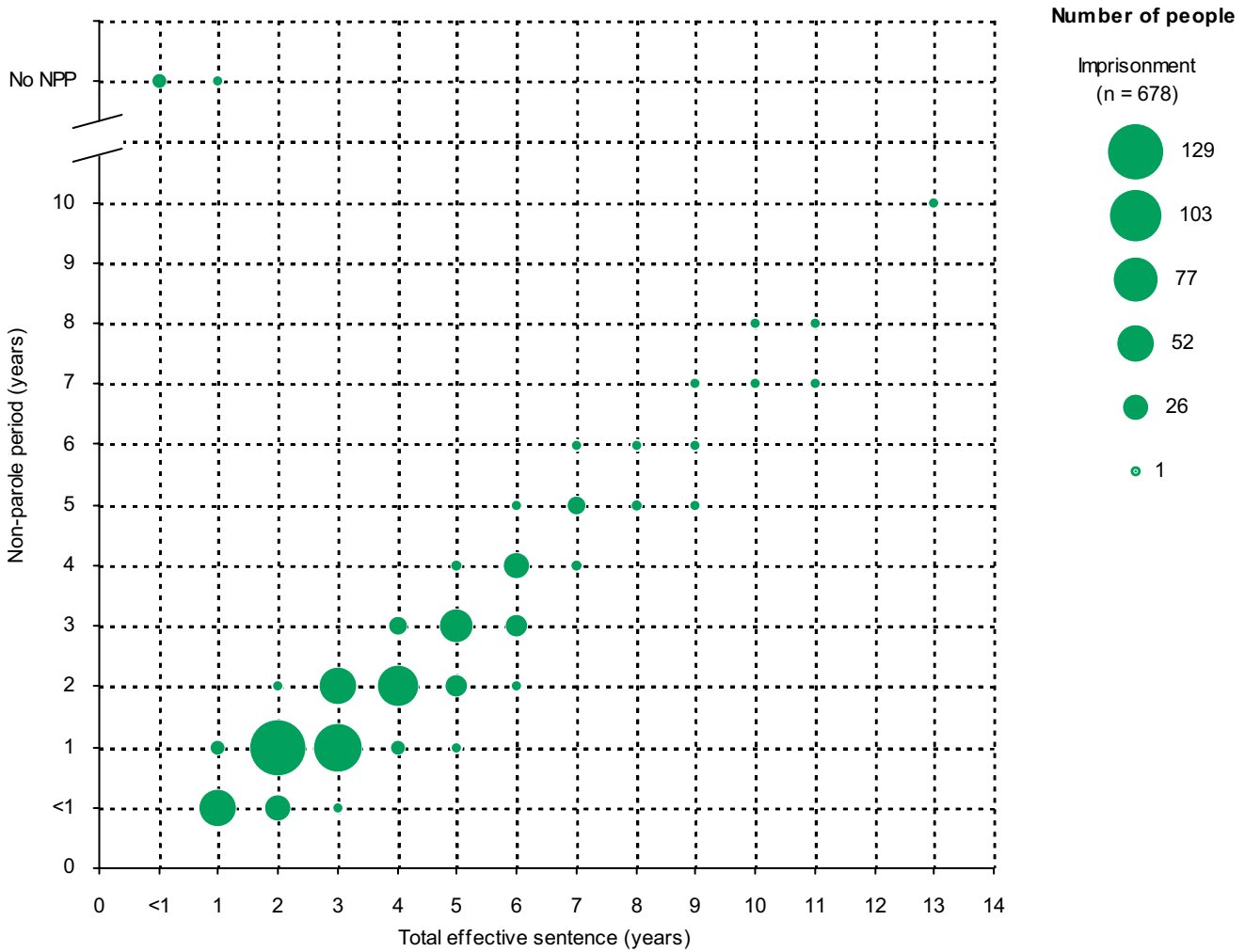


Total effective sentence of imprisonment by non-parole period

While Figure 14 and Figure 15 present the lengths of the total effective sentences and non-parole periods separately, Figure 19 combines the two methods of describing sentence lengths in the one diagram. It shows the total effective sentence and non-parole period for 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 two years with a non-parole period of one year (129 people - as represented by the largest 'bubble' on the chart). The length of imprisonment ranged from seven days with no non-parole period to thirteen years and three months with a non-parole period of ten years.

Figure 19: The number of people sentenced to imprisonment for 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.

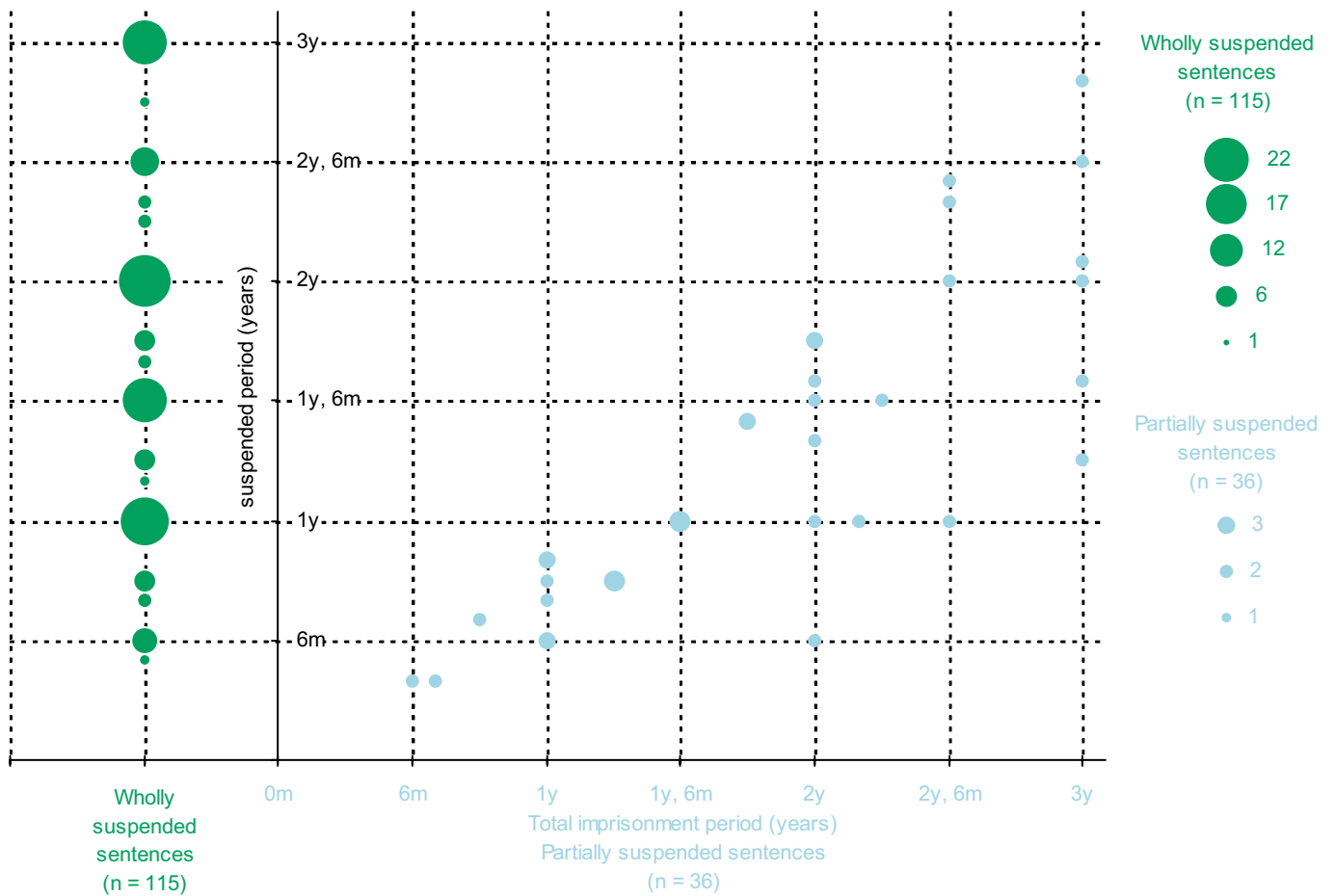
Suspended sentences of imprisonment

There were 151 people given a suspended sentence of imprisonment as their total effective sentence. Of these, 115 people had their prison sentence wholly suspended and 36 received a partially suspended sentence of imprisonment¹⁴. Figure 20 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 five months to three years. The most common wholly suspended sentence length was two years (22 people - as represented by the largest green 'bubble' on the chart).

The most common partially suspended sentence combinations were one year and three months with nine months suspended and one year and six months with one year suspended (3 people each - as represented by the two largest blue 'bubbles' on the chart).

Figure 20: The number of people given a wholly or partially suspended sentence of imprisonment for armed robbery by sentence type and length, 2002-03 to 2006-07

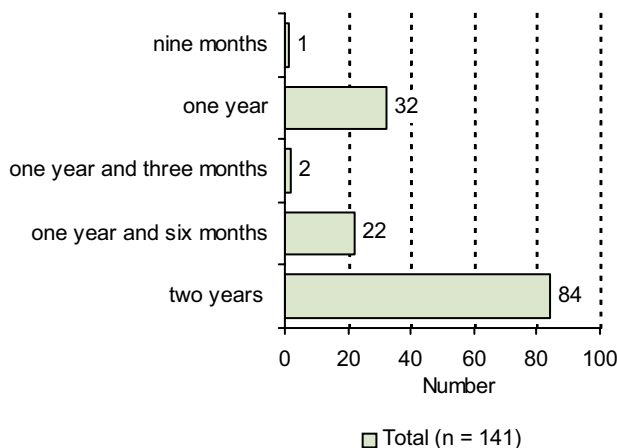


Community based orders

There were 141 people given a community based order as their total effective sentence.

The length of community based orders for armed robbery ranged from nine 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). The most common length of community based order was two years (84 people).

Figure 21: The number of people sentenced to a community based order for armed robbery by length of order imposed, 2002-03 to 2006-07

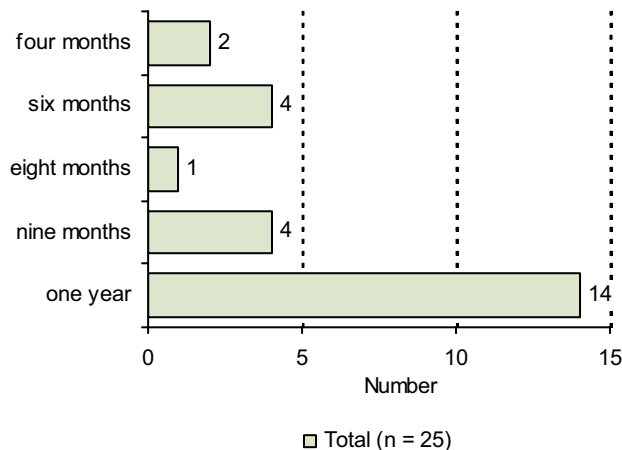


Intensive correction orders

There were 25 people given an intensive correction order as their total effective sentence.

The length of intensive correction orders for armed robbery ranged from four months to one year, while the median length was one year (meaning that half of the lengths were shorter than or equal to one year and half were longer than or equal to one year). The most common length of intensive correction order was one year (14 people).

Figure 23: The number of people sentenced to an intensive correction order for armed robbery by length of order imposed, 2002-03 to 2006-07

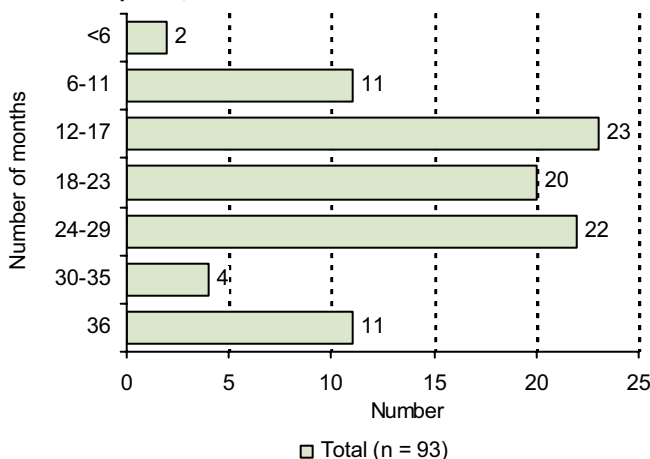


Youth training centre orders

There were 93 people given a youth training centre order as their total effective sentence.

The length of youth training centre orders for armed robbery ranged from three months to three 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).

Figure 22: The number of people sentenced to a youth training centre order for armed robbery by length of order imposed, 2002-03 to 2006-07

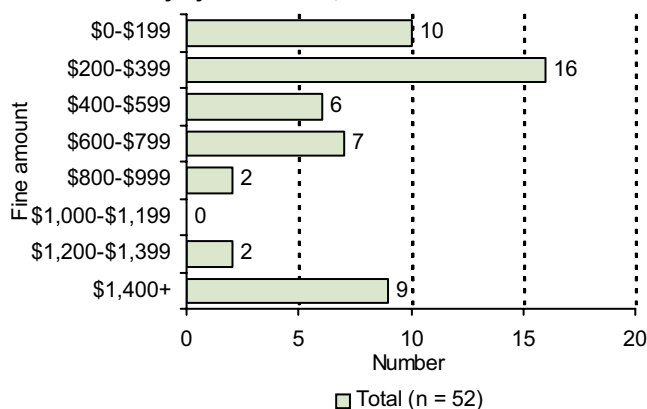


Fines

This analysis includes all fines that were imposed for cases where armed robbery was the principal offence. Fines were imposed on 52 people.

The fine amount imposed ranged from \$50 to \$3,500, with a median of \$375 (meaning that half of the values fell below \$375 and half of the values were above \$375). The average fine amount was \$761.

Figure 24: The number of people who received a fine for armed robbery by fine amount, 2002-03 to 2006-07



Summary

Between 2002-03 and 2006-07, 1,119 people were sentenced for armed robbery in the higher courts. Over this period, the majority of those sentenced were men (89%), while 72% were between the age of 17 and 30 years.

The majority of the people sentenced for armed robbery received a period of imprisonment (61%), while 12% received a community based order, 10% received a wholly suspended sentence of imprisonment and 8% 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 between 40 and 45 years of age and community based orders were more common for those younger than 20 years of age.

Each of the 1,119 people was sentenced for an average of 3.56 offences, including 1.72 offences of armed robbery. The most common offence finalised in conjunction with armed robbery was theft (21.5% of all cases). The number and range of offences for which people with a principal offence of armed 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 three years and five months, while the median principal imprisonment length was two years and nine months.

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

The most common wholly suspended sentence length was two years. 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 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 armed robbery who received a more serious sentence for another offence forming part of the same presentment. There were 1,200 people sentenced from 2002-03 to 2006-07 for 2,103 offences of armed robbery. Armed robbery was the principal proven offence for 1,119 of these people.
- 2 The information source for sentencing outcomes for 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.*
- 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, hospital security order, custodial supervision order, mix (imprisonment & community based order), combined custody and treatment order and aggregate imprisonment.
- 7 Age is as at the time of sentencing.
- 8 Of the 686 people who were given a principal sentence of imprisonment, 684 were also given a total effective sentence of imprisonment. There were two people who were given imprisonment as the principal sentence for armed robbery and a partially suspended sentence as a total effective sentence.
- 9 In 2005-06, a man aged 34 years was sentenced to a total effective sentence of thirteen years and three months with a non-parole period of ten years. This case included sentencing of a total of 25 offences including three counts of armed robbery, eight counts of theft, three counts of conduct endangering life and three counts of criminal damage.
- 10 12 people were not eligible for parole because they were given a total effective sentence length of less than one year.
- 11 Six people were 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 these cases. The non-parole periods for these people are excluded from the analysis. A non-parole period was not set for two people who were eligible for a non-parole period.
- 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 678 people who were given a total effective sentence and a non-parole period that related to this case only.
- 14 Refer fn. 8.

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- No. 1 What are suspended sentences?
- No. 2 Use of suspended sentences in Victoria
- No. 3 Breach of suspended sentences in Victoria

Sentencing trends in the higher courts, 1998-99 to 2003-04

- No. 4 Murder
- No. 5 Manslaughter
- No. 6 Culpable driving causing death

Sentencing trends in the higher courts, 1999-00 to 2003-04

- No. 7 Rape

Sentencing trends in the higher courts, 2000-01 to 2004-05

- No. 8 Robbery
- No. 9 Armed robbery
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Sentencing trends in the higher courts, 2001-02 to 2005-06

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- No. 18 Obtaining financial advantage by deception
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- No. 20 Arson
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- No. 23 Indecent assault
- No. 24 Indecent act with a child under aged 16
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- No. 26 Rape
- No. 27 Murder
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- No. 30 Make threat to kill
- No. 31 Sexual penetration of a child aged between 10 and 16
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- No. 34 Robbery
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- No. 37 Burglary
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Other topics:

- No. 22 The Victorian criminal justice system

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