

# Sentencing Snapshot

## Sentencing trends for armed robbery in the higher courts of Victoria



### Introduction

This Sentencing Snapshot describes sentencing outcomes<sup>1</sup> for the offence of armed robbery and details the age and gender<sup>2</sup> of people sentenced for this offence in the County and Supreme Courts of Victoria between 2000-01 and 2004-05<sup>3</sup>.

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 robbery<sup>4</sup>.

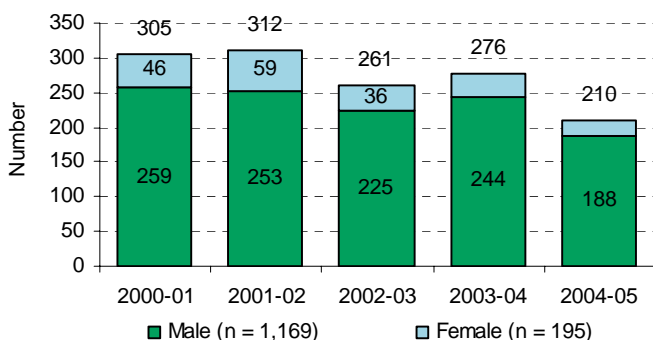
Armed robbery is an indictable offence that carries a maximum penalty of 25 years' imprisonment and/or a fine of up to 3000 penalty units (\$314,430)<sup>5</sup>. Indictable offences are more serious offences triable before a judge and jury in the County or Supreme Court.

### People sentenced

Figure 1 shows the number of people sentenced for armed robbery for the period 2000-01 to 2004-05. As shown, 1,364 people were sentenced for armed robbery over the five years. Over the five year period, there was an overall decline in the number of people sentenced from 305 in 2000-01 to 210 in 2004-05.

Over the five years depicted, the majority of those sentenced were men (86% or 1,169 of 1,364 people), including 188 of the 210 people sentenced in 2004-05.

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



### Sentence types and trends

Figure 2 shows the total number of people sentenced for armed robbery and the number who received a custodial sentence<sup>6</sup>. Over the five year period, nearly 80% of people sentenced were given a custodial sentence. This proportion decreased slightly over the five years, from 82% (255 of 312) in 2001-02 to 73% (154 of 210) in 2004-05.

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

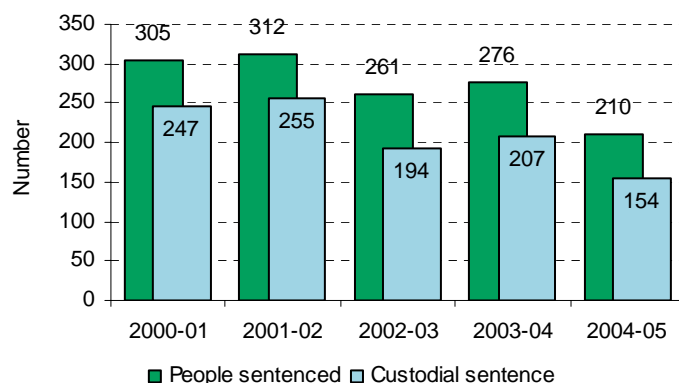


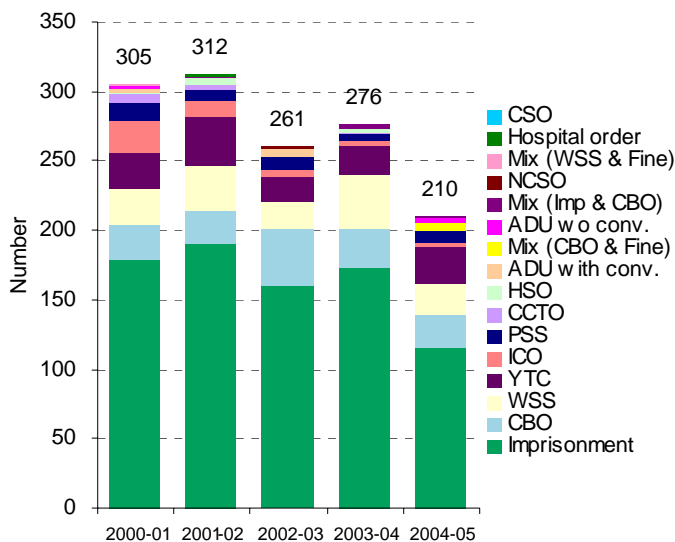
Figure 3 and Table 1 show the number of people sentenced for armed robbery from 2000-01 to 2004-05 by the types of sentences imposed.

Over the five year period, the majority of those sentenced for armed robbery received a period of imprisonment (60% or 820 of 1,364 people)<sup>7</sup>, while 11% or 145 people received a community based order, 10% or 141 people received a wholly suspended sentence of imprisonment and 9% or 124 people received a youth training centre order.

Although the number of people who were imprisoned for armed robbery decreased over the five year period from 178 in 2000-01 to 115 in 2004-05, the percentage of people sentenced to imprisonment has remained relatively stable at around 60%.

The number of people who received a community based order fluctuated, ranging from 24 (11%) in 2004-05 to 41 (16%) in 2002-03, while the number of people who received a wholly suspended sentence ranged from 20 (8%) in 2002-03 to 39 (14%) in 2003-04.

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



Note: CSO refers to custodial supervision order, WSS refers to wholly suspended sentence of imprisonment, NCSO refers to non-custodial supervision order, Imp refers to imprisonment, CBO refers to community based order, ADU with conv. refers to adjourned undertaking with conviction, HSO refers to hospital security order, CCTO refers to combined custody and treatment order, PSS refers to partially suspended sentence of imprisonment, ICO refers to intensive correction order and YTC refers to youth training centre order.

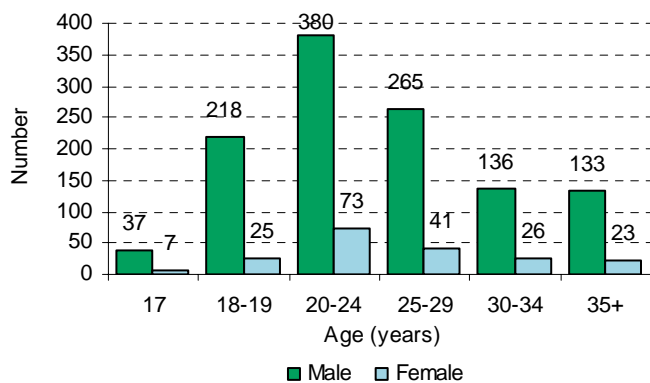
**Table 1: The number and percentage of people sentenced for armed robbery by sentence type, 2000-01 to 2004-05**

Sentence type	00-01	01-02	02-03	03-04	04-05
Imprisonment	178	190	160	173	115
Community based order	26	25	41	29	24
Wholly suspended sentence	27	32	20	39	23
Youth training centre order	26	35	18	19	26
Intensive correction order	23	12	4	5	4
Partially suspended sentence	12	7	10	5	8
Combined custody and treatment order	6	5	1	1	0
Hospital security order	2	4	0	2	0
Adjourned undertaking with conviction	1%	1%	-	1%	-
Mix (community based order & fine)	2	0	5	0	0
Adjourned undertaking without conviction	1%	-	2%	-	-
Mix (Imprisonment & community based order)	0	0	0	0	6
Non custodial supervision order	-	-	-	-	3%
Mix (wholly suspended sentence & fine)	2	0	0	1	3
Hospital order	1%	-	-	<1%	1%
Custodial supervision order	0	1	0	2	1
	-	<1%	-	1%	<1%
	0	0	1	0	0
	-	-	<1%	-	-
	0	1	0	0	0
	-	<1%	-	-	-
	0	0	1	0	0
	-	-	<1%	-	-
<b>People sentenced</b>	<b>305</b>	<b>312</b>	<b>261</b>	<b>276</b>	<b>210</b>

## Age and gender of people sentenced

Figure 4 shows the gender of people sentenced for armed robbery by their age<sup>8</sup> between 2000-01 and 2004-05. The average age of people sentenced for armed robbery was twenty-five years and six months. The average age for both men and women was the same. There were 37 male and 7 female juveniles sentenced.

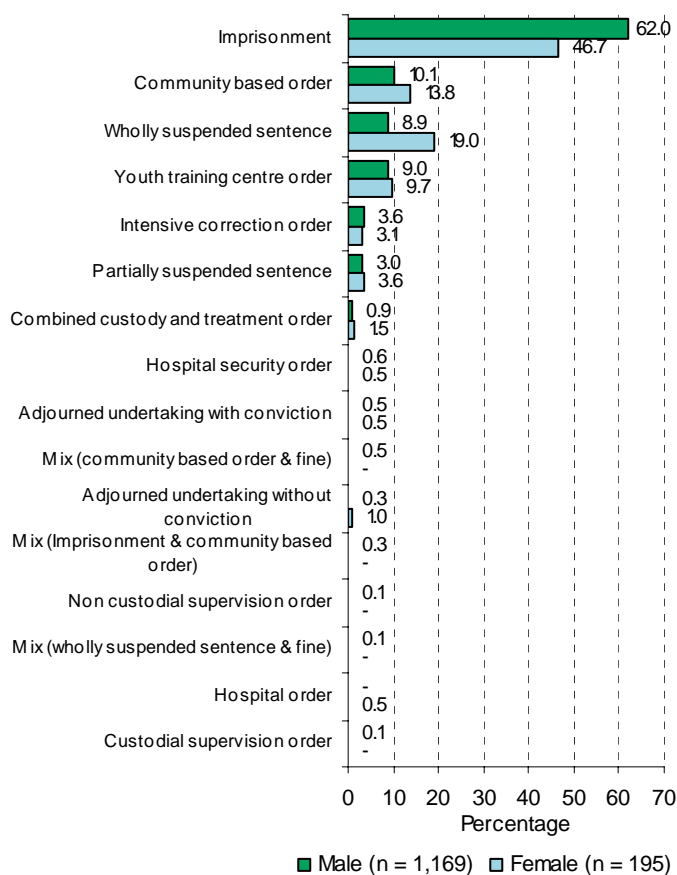
**Figure 4: The number of people sentenced for armed robbery by gender and age, 2000-01 to 2004-05**



## Sentence types by gender

Figure 5 and Table 2 show the type of sentences imposed for armed robbery by gender. As shown, a higher percentage of men received a period of imprisonment (62% compared to 47% of women). Conversely, a higher percentage of women received a wholly suspended sentence of imprisonment (19% compared to 9% of men) and a community based order (14% compared to 10%).

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



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

Sentence type	Male	Female	Total
Imprisonment	725	91	816
Community based order	118	27	145
Wholly suspended sentence	104	37	141
Youth training centre order	105	19	124
Intensive correction order	42	6	48
Partially suspended sentence	35	7	42
Combined custody and treatment order	10	3	13
Hospital security order	7	1	8
Adjourned undertaking with conviction	6	1	7
Mix (community based order & fine)	6	0	6
Adjourned undertaking without conviction	4	2	6
Mix (Imprisonment & community based order)	4	0	4
Non custodial supervision order	1	0	1
Mix (wholly suspended sentence & fine)	1	0	1
Hospital order	0	1	1
Custodial supervision order	1	0	1
<b>People sentenced</b>	<b>1,169</b>	<b>195</b>	<b>1,364</b>

## Sentence types by age

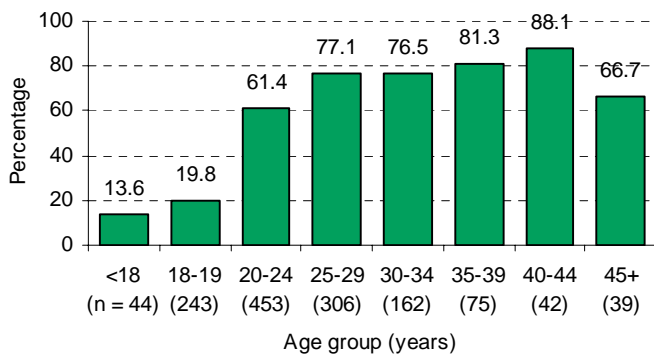
The table above shows that the three most common sentence types were imprisonment, community based orders and wholly suspended sentences of imprisonment. The next section examines these sentence types by the offenders' age group.

### Imprisonment

A sentence of imprisonment was most likely to be given to those people aged 40-44 years old (88% or 37 of the 42 people in this age group).

Conversely, imprisonment was least common for those aged less than 18 years (14% or six of the 44 people in this age group).

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

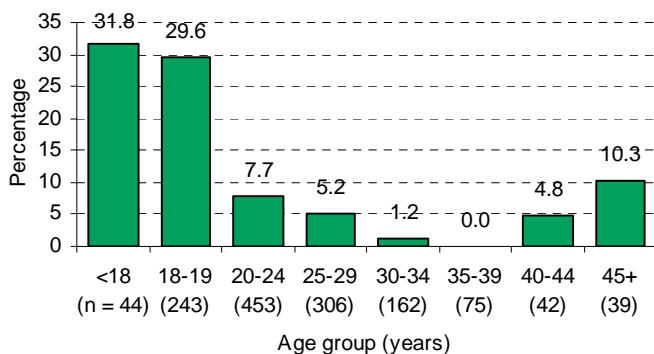


### Community based order

Community based orders were most likely to be given to people aged under 18 years (32% or 14 of the 44 people in this age group).

Conversely, none of the 75 people aged 35-39 years received a community based order.

**Figure 7: The percentage of people who were sentenced to a community based order for armed robbery by age group, 2000-01 to 2004-05**

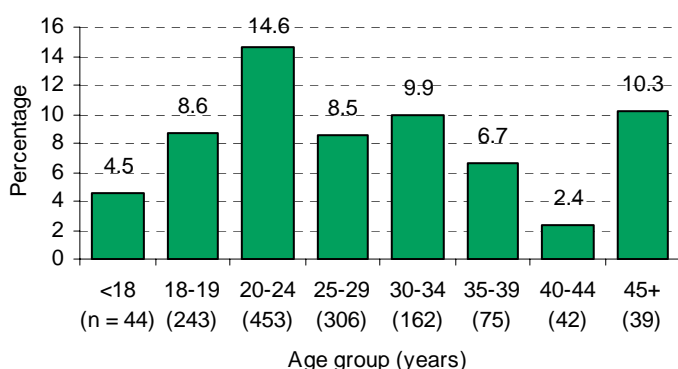


### Wholly suspended sentence of imprisonment

Wholly suspended sentences of imprisonment were most likely to be given to those in the 20-24 year-old age group (15% of the 453 people in this age group).

Conversely, wholly suspended sentences of imprisonment were least common for those aged 40-44 years old (2% or one of the 42 people in this age group).

**Figure 8: The percentage of people who were sentenced to a wholly suspended sentence for armed 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.

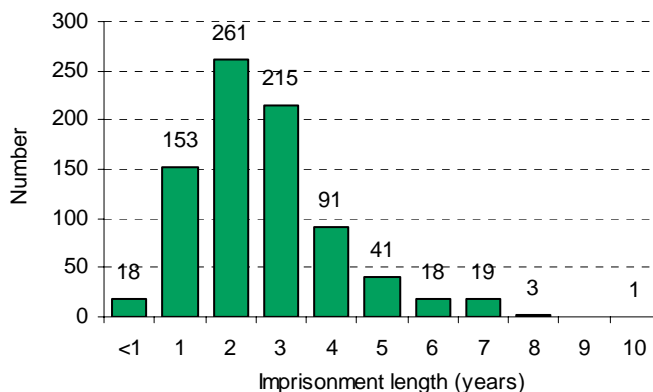
The *principal sentence* is the individual sentence imposed for a single charge. When imposing a sentence for multiple charges, the court imposes a 'total effective sentence'. The *total effective sentence* aggregates the principal sentence handed down for each charge, and takes into account whether 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 armed robbery must be considered in this broader context. The following sections analyse the use of imprisonment for armed robbery over 2000-01 to 2004-05.

### Principal sentence of imprisonment

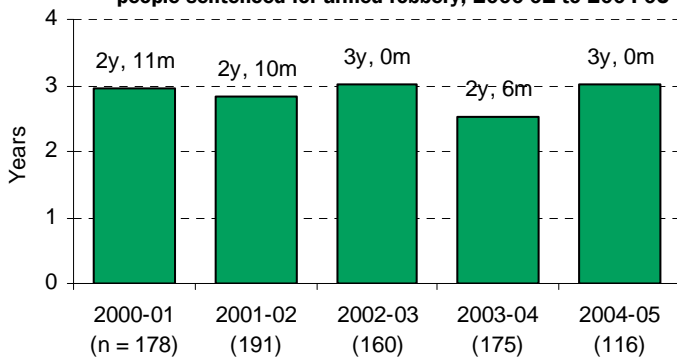
Figure 9 shows the number of people sentenced to imprisonment for armed robbery between 2000-01 and 2004-05 by the length of the imprisonment term<sup>9</sup>. Imprisonment terms imposed ranged from seven days to ten years, while the median length of imprisonment was two years (meaning that half of the imprisonment terms fell below two years and half were above two years).

**Figure 9: The number of people sentenced to imprisonment for armed robbery by length of imprisonment term, 2000-01 to 2004-05**



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 in 2002-03 and 2004-05.

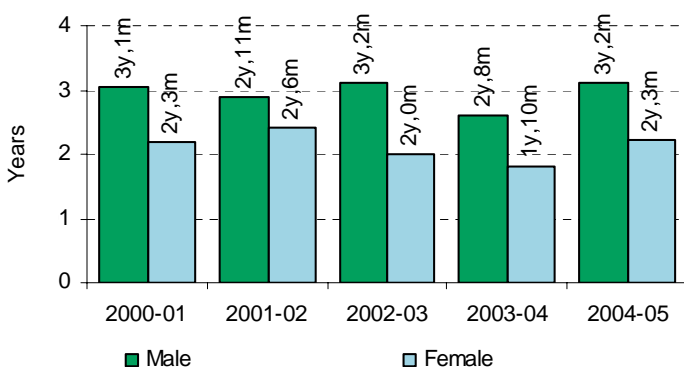
**Figure 10: The average length of imprisonment term imposed on people sentenced for armed robbery, 2000-01 to 2004-05**



From 2000-01 to 2004-05, the majority of the people who received a term of imprisonment for armed robbery were men (729 people or 89%)<sup>10</sup>. The following graph compares the average period of imprisonment for men and women.

Figure 11 shows that over the five year period, men received a longer average term of imprisonment (two years and eleven months compared to two years and one month for women).

**Figure 11: The average period of imprisonment imposed on people sentenced to imprisonment for armed robbery by gender, 2000-01 to 2004-05**

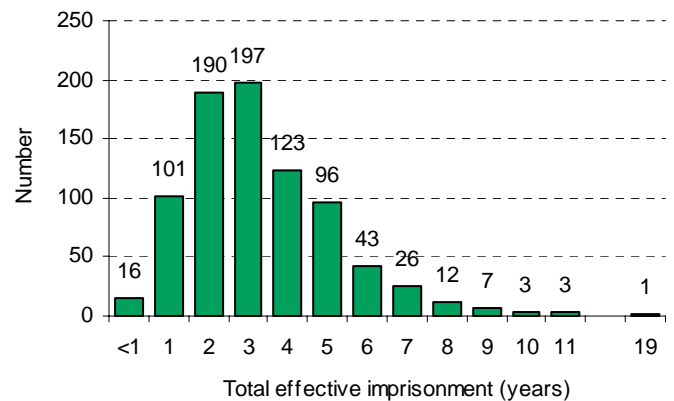


### Total effective sentence of imprisonment

Figure 12 shows the number of people sentenced to imprisonment for armed robbery between 2000-01 and 2004-05 by the length of their total effective sentence<sup>11</sup>. The length of total effective sentences ranged from seven days to nineteen years and six months<sup>12</sup>, while the median total effective sentence of imprisonment was three years and five months (meaning that half of the total effective sentence lengths fell below three years and five months and half were above three years and five months).

The most common total effective sentence length was three years (197 people).

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



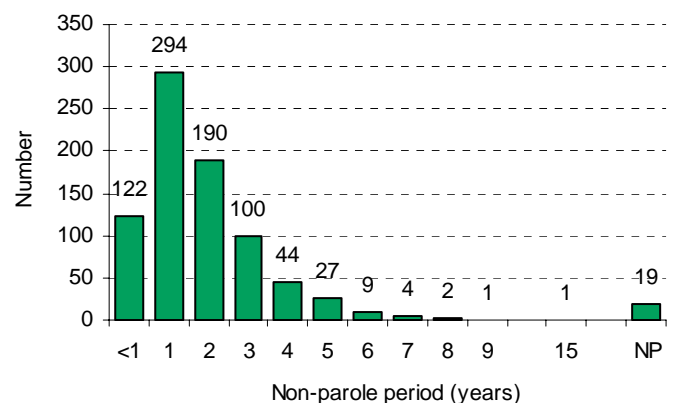
### Non-parole period

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

Of the 820 people sentenced to imprisonment for armed robbery between 2000-01 to 2004-05, 794 were given a non-parole period (97%)<sup>13</sup>. Figure 13 shows the number of people sentenced to imprisonment for armed robbery between 2000-01 and 2004-05 by the length of their non-parole period. Non-parole periods ranged from three months to fifteen years and six months, while the median length of the non-parole period of imprisonment was one year and eight months.

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



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

## Total effective sentences of imprisonment and non-parole periods

Figure 14 to Figure 16 present the average length of total effective sentences of imprisonment compared to the average length of non-parole periods for all people (Figure 14), for men (Figure 15) and for women (Figure 16) from 2000-01 to 2004-05.

From 2000-01 to 2004-05, the average length of total effective sentences imposed against all people ranged from three years and four months in 2003-04 to three years and nine months in 2002-03 and 2004-05. Over the same period, the average non-parole periods ranged from one year and ten months in 2003-04 to two years and two months in 2002-03 and 2004-05.

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

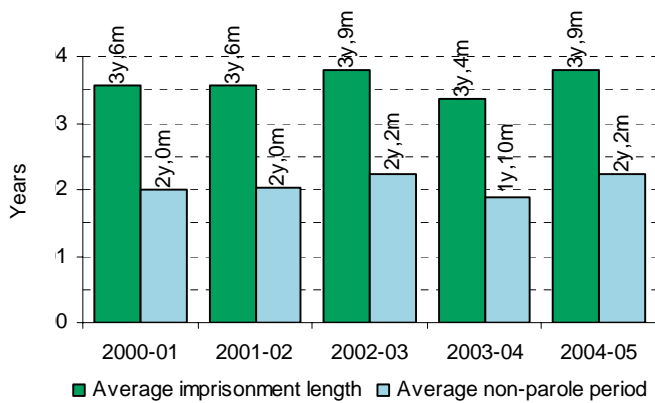
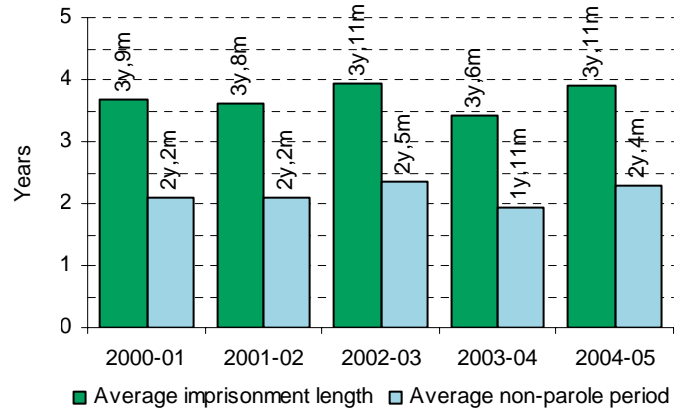


Figure 15 and Figure 16 show the average total effective sentences of imprisonment and non-parole periods imposed on men and women for armed robbery between 2000-01 and 2004-05.

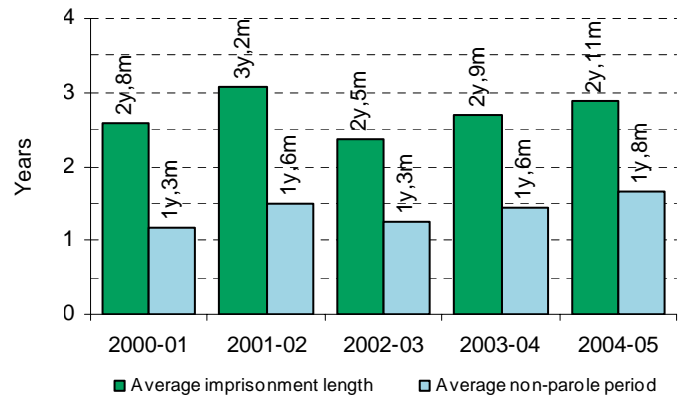
From 2000-01 to 2004-05, the average total effective sentence for men ranged from three years and six months in 2003-04 to three years and eleven months in 2002-03 and 2004-05. Over the same period, the average length of non-parole period imposed ranged from one year and eleven months in 2003-04 to two years and five months in 2002-03.

**Figure 15: Men sentenced to imprisonment for armed robbery by average total effective imprisonment and average non-parole period, 2000-01 to 2004-05**



The average length of total effective sentences for women ranged from two years and five months in 2002-03 to three years and two months in 2001-02. Over the same period, the average length of non-parole period for women ranged from one year and three months in 2000-01 and 2002-03 to one year and eight months in 2004-05.

**Figure 16: Women sentenced to imprisonment for armed robbery by average total effective imprisonment and average non-parole period, 2000-01 to 2004-05**

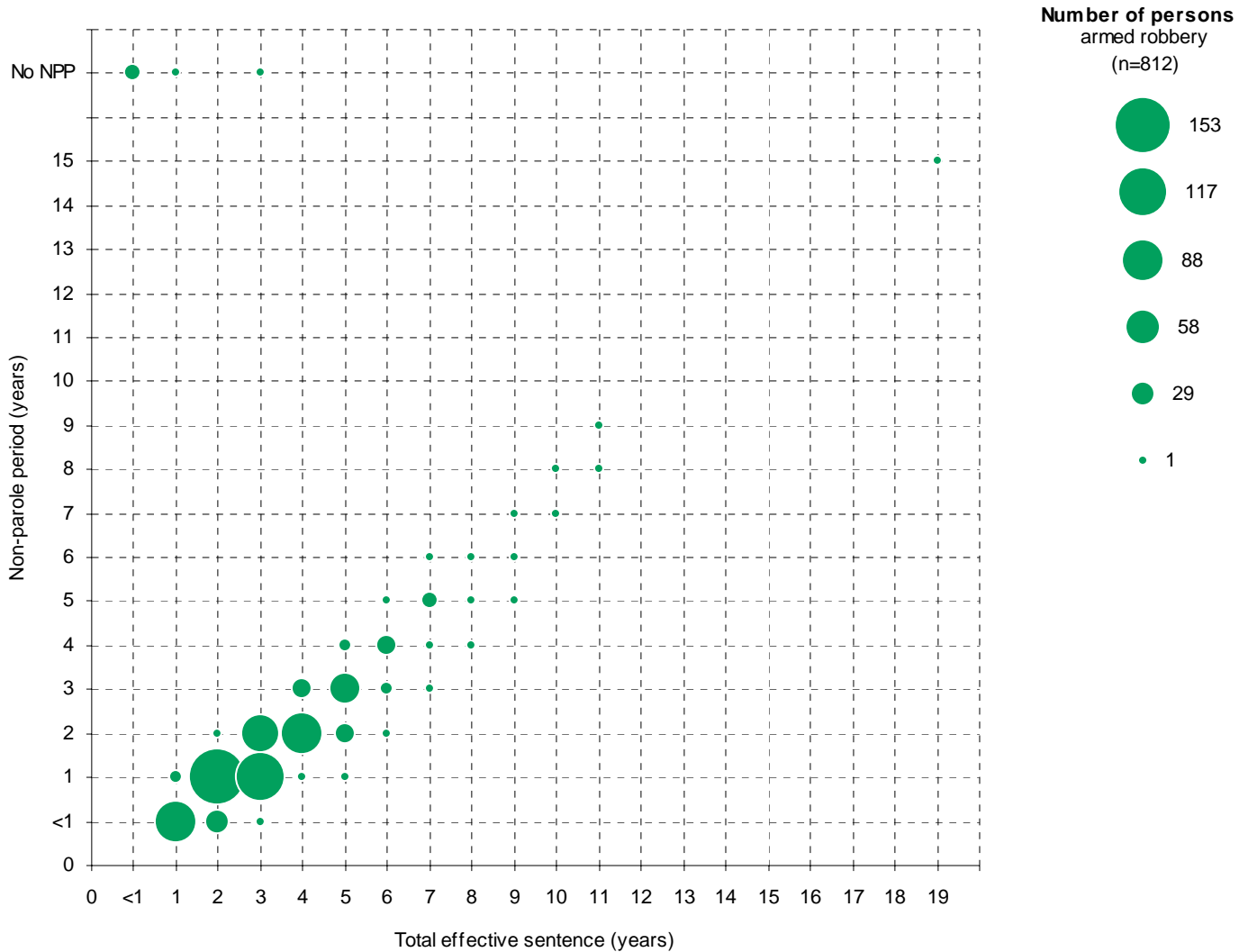


## Total effective sentence of imprisonment by non-parole period

While Figure 12 and Figure 13 present the lengths of total effective sentences and non-parole periods separately, Figure 17 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 combination<sup>14</sup>. 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 (153 people - as represented by the largest bubble on the chart). The length of imprisonment ranged from seven days with no non-parole period to nineteen years and six months with a non-parole period of fifteen years and six months<sup>15</sup>.

**Figure 17: The number of people sentenced to imprisonment for armed 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, 1,364 people were sentenced for armed robbery. Over this period, the majority of those sentenced were men (86%), while 51% were between the age of 18 and 25 years.

The majority of the people sentenced for armed robbery received a period of imprisonment (60%), while 11% received a community based order, 10% received a wholly suspended sentence of imprisonment and 9% received a youth training centre order.

Sentences of imprisonment were more common for those aged 35 to 44 years, while community based orders were more common for those under 20 years of age.

The imprisonment lengths ranged from seven days with no non-parole period to nineteen years and six months with a non-parole period of fifteen years and six months. The most common sentence of imprisonment imposed was two years with one year non-parole.

<sup>1</sup> This report presents sentencing outcomes for people sentenced for the principal offence of armed robbery in the County and Supreme Court 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. For example, in 2004-05, 268 people were sentenced for armed robbery. Armed robbery was the principal offence for 210 of the 268 people.

<sup>2</sup> The information source for sentencing outcomes for armed robbery only contains information on age and gender characteristics.

<sup>3</sup> The statistical information presented here was provided by Court Services, Department of Justice (Vic). This report describes sentencing trends for armed 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.

<sup>4</sup> *Crimes Act 1958* s.75A

<sup>5</sup> Armed robbery carries a maximum fine amount of 3000 penalty units and each penalty unit is worth \$104.81, Victorian Government Gazette 14 April 2005.

<sup>6</sup> Custodial sentence includes imprisonment, youth training centre order, intensive correction order, partially suspended sentence, combined custody and treatment order, hospital security order, mix (imprisonment & community based order), hospital order and custodial supervision order.

<sup>7</sup> This includes four people who were given a mixed sentence type of imprisonment and community based order.

<sup>8</sup> Age is as at the time of sentencing.

<sup>9</sup> Refer fn. 7

<sup>10</sup> Refer fn. 7

<sup>11</sup> This section excludes one person who was given an indefinite length of total effective sentence.

<sup>12</sup> In 2004-05, a man aged 17 years was sentenced to seven days' imprisonment, while in 2001-02, a man aged 43 years was sentenced to 19 years and six months' imprisonment with a non-parole period of 15 years and six months.

<sup>13</sup> Six people sentenced for armed 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 16 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.

<sup>14</sup> 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.

<sup>15</sup> Refer fn. 12

“Sentencing Snapshots” form a series that presents summary information on sentencing trends in Victoria. Current issues in the series are:

- No. 1 What are suspended sentences?
- No. 2 Use of suspended sentences in Victoria
- No. 3 Breach of suspended sentences in Victoria
- No. 4 Sentencing trends for murder in Victoria
- No. 5 Sentencing trends for manslaughter in Victoria
- No. 6 Sentencing trends for culpable driving causing death in Victoria
- 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

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

[www.sentencingcouncil.vic.gov.au](http://www.sentencingcouncil.vic.gov.au)

Published by the Sentencing Advisory Council, Melbourne Victoria Australia, June 2006.  
© Copyright State of Victoria, Sentencing Advisory Council, June, 2006.

ISSN 1832-6153

Authorised by Sentencing Advisory Council, 4/436 Lonsdale Street, Melbourne. Printed by Superprint, 2 McIntyre Street, Burwood

*Disclaimer:*

The Sentencing Advisory Council draws data for the Sentencing Snapshots from a variety of sources. All original data sources are noted. The Sentencing Advisory Council makes every effort to ensure that data used in the Sentencing Snapshots are accurate at the time of publishing.