Sentencing snapshot: Robbery

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Aim: To describe the penalties imposed on convicted robbery offenders

Summary: The most common penalty imposed on a convicted robbery offender was a full-time prison sentence. Prison penalties were imposed on 79 per cent of offenders convicted of an aggravated robbery offence and 57 per cent of offenders convicted of a non-aggravated robbery offence. Those who were not issued a full-time prison sentence generally received suspended prison sentences. The average aggregate sentence for aggravated robbery was 49 months, with an average minimum term of 26 months. The average aggregate sentence for a non-aggravated robbery was 25 months, with an average minimum term of 13 months.

Keywords: robbery, prison, suspended sentence, sentence length

Introduction

This Bureau Brief describes sentencing outcomes for adult offenders convicted of the offence of robbery between 2009 and 2010 in the NSW criminal courts. Robbery involves the taking of property from someone by force or threat of force.

The maximum penalty for robbery varies between 14 and 25 years imprisonment, depending upon the circumstances surrounding the robbery. Where, for example, a robbery is committed by a lone offender, involves no actual violence and no weapon, the maximum penalty is 14 years. If the offender inflicts physical violence on someone or deprives them of thei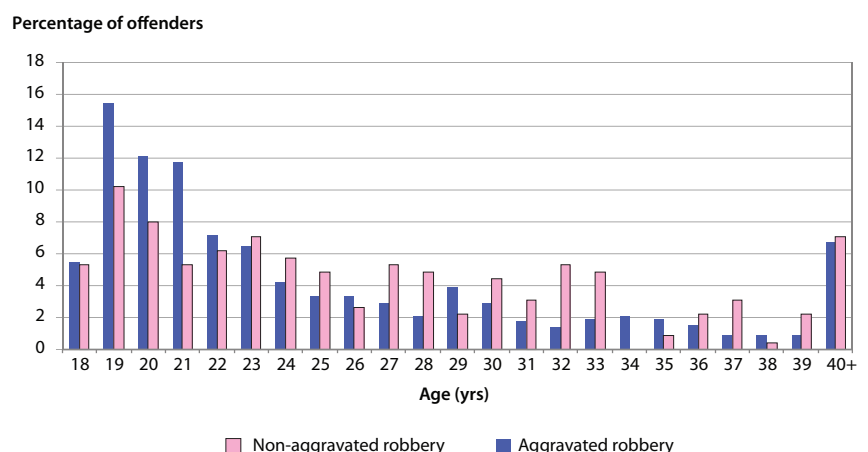r liberty, the maximum penalty is 20 years. If the offender is armed with a weapon, commits robbery in the company of another person and inflicts grievous bodily harm on someone, the maximum penalty is 25 years.

In what follows we separate robbery offenders into two groups – those convicted of non-aggravated robbery and those convicted of aggravated robbery. Following the Australian and New Zealand Standard Offence Classification (Australian Bureau of Statistics 2011), we define an aggravated robbery as one where violence is inflicted on an individual and/or the offender possesses or uses a weapon and/or the robbery offence is carried out in the company of one or more other persons. All other robberies are classified as non-aggravated robberies.

Age, gender and prior record of offenders

Over the two-year period covered by this study, 89 females and 1,119 males were convicted of robbery. Given the small number of female offenders, all subsequent tables and figures group males and females together. A total of 979 of these robberies were aggravated robbery. The remainder (229) were non-aggravated. Figure 1 shows the age distribution of convicted robbery offenders broken down by whether the robbery offence was aggravated or non-aggravated.

Figure 1. Age of convicted robbery offenders by robbery type

There is a wide age range among robbery offenders but most offenders are aged between 18 and 25 years. There appears to be a higher percentage of older offenders in the non-aggravated category and this is reflected in the average age of the two groups, with the average age of aggravated robbery offenders being 25 years compared with 27 years for non-aggravated robbery offenders. The average age of all offenders (i.e. both groups combined) is 26 years.

Figure 2 shows the percentage distribution of prior convictions over the past five years for robbery offenders convicted in 2009-2010.

Only 21 per cent of aggravated robbery offenders and 15 per cent of non-aggravated robbery offenders had no convictions for any offence in the preceding five years. The average number of prior convictions was 2.9 but the average number of prior convictions among non-aggravated robbery offenders (3.2) was slightly higher than the average number of prior convictions among aggravated robbery offenders (2.8). As can be seen from Figure 2, significant proportions of both aggravated and non-aggravated robbery offenders had seven or more prior convictions in the five years preceding their robbery conviction.

Figure 3 shows the nature of the prior convictions committed by offenders in the sample.

Figure 2. Prior convictions by robbery type

Percentage of offenders

Figure 3. Nature of prior convictions by robbery type
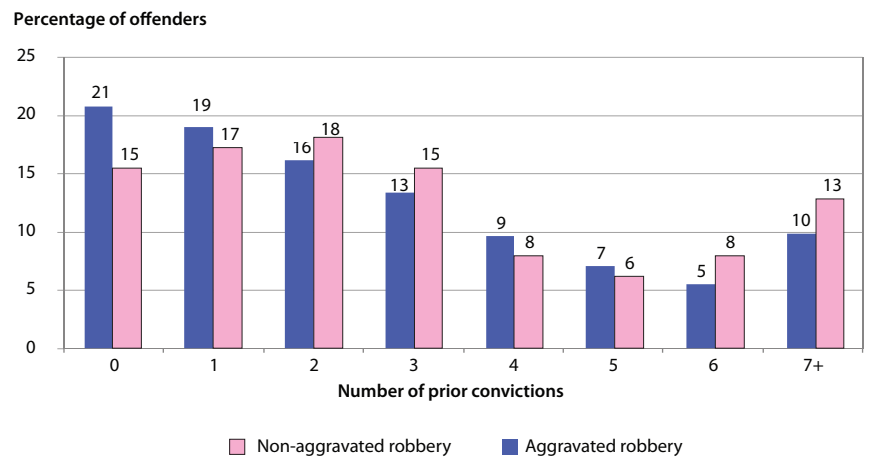
Percentage of offenders

The majority of robbery offenders have prior convictions (81%). In most cases (65%) it is for some offence other than robbery but a sizeable proportion of offenders (15%) have either been imprisoned for robbery offences before or convicted of robbery even if not imprisoned for the offence (5%). More than one in ten (11%) of aggravated robbery offenders have previously been imprisoned for a robbery offence.
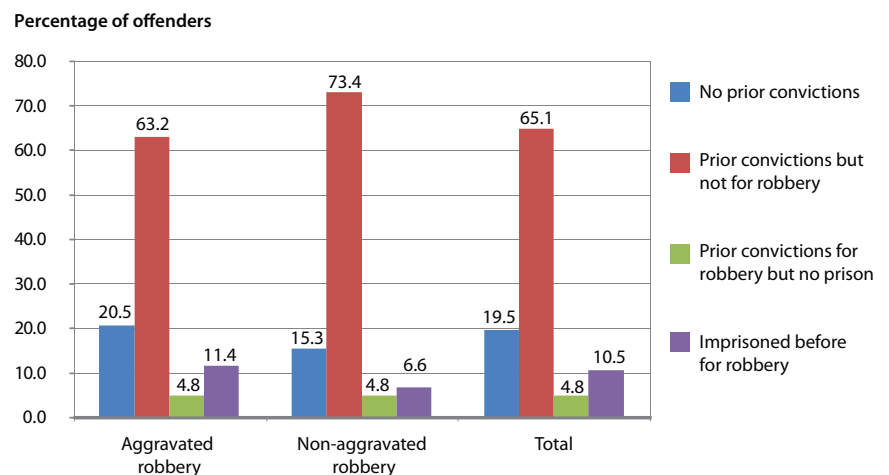
Sentence types

Table 1 shows the types of penalties imposed on convicted robbery offenders broken down by robbery type (aggravated vs. non-aggravated)

The majority of convicted offenders receive a full-time prison sentence regardless of whether the robbery offence is aggravated or non-aggravated. Those who commit aggravated robbery are, nevertheless, much more likely to receive a prison sentence than those who commit

non-aggravated robbery (79% vs. 58%). The most common form of penalty amongst those who do not receive a prison sentence is a suspended prison sentence.

Table 2 shows the percentage of convicted robbery offenders given a prison sentence broken down by whether the robbery was aggravated or non-aggravated and the number of prior convictions in the preceding five years.

The risk of imprisonment rises sharply with the number of prior convictions for both aggravated and non-aggravated robbery offenders. The initial risk of imprisonment, however, is much higher for those convicted of aggravated robbery than for those convicted of non-aggravated robbery. A non-aggravated robbery offender with no prior convictions in the past five years, for example, faces about a 25 per cent (25.7%) chance of imprisonment. The corresponding risk for an aggravated robbery offender with no prior convictions in the past five

Table 1. Penalty type by robbery offender type

| | Type of robbery | | |
| | Aggravated robbery | Non-aggravated robbery | |
Penalty	**%**	**%**	**N**
Prison	78.5	57.2	900
Periodic detention	3.5	4.4	44
Suspended sentence	13.2	18.8	172
Community service order	1.1	5.2	23
Bond	3.1	12.7	60
Other	0.5	1.7	9

Table 2: Percentage of robbery offenders imprisoned by offence type and number of prior convictions

| | Percentage imprisoned | | |
No. priors	**Aggravated robbery (%)**	**Non-aggravated robbery (%)**	**Total (%)**
0	58.7	25.7	53.8
1	73.4	30.8	65.9
2	80.1	53.7	74.6
3	86.0	62.9	81.1
4+	90.6	83.5	89.2

Table 3. Percentage of convicted robbery offenders given a prison sentence, broken down by robbery type and prior record type

| | Percentage imprisoned | | |
Prior type	**Aggravated robbery (%)**	**Non-aggravated robbery (%)**	**Total (%)**
No prior convictions	58.7	25.7	53.8
Prior convictions but not for robbery	80.1	60.1	75.9
Prior convictions for robbery but no prison	91.5	81.8	89.7
Imprisoned before for robbery	100.0	80.0	97.6

years is more than twice as high (58.7%). As the number of prior convictions increases, the gap between aggravated and non-aggravated offenders decreases. At four or more prior convictions, close to nine out of ten aggravated and non-aggravated robbery offenders received a prison sentence.

Table 3 shows the percentage of convicted robbery offenders given a prison sentence, broken down by robbery type and whether they had (a) no prior convictions in the last five years (b) prior convictions in the last five years but not for a robbery offence (c) prior convictions for robbery in the last five years but without imprisonment or (d) prior convictions for robbery in the last five years with imprisonment.

Table 3 shows that, for aggravated robbery offenders, having prior convictions for robbery virtually guarantees imprisonment even if the offender has not been imprisoned for similar offences before. The situation for non-aggravated robbery

offenders is that those with prior convictions for robbery but no previous imprisonment face an 82 per cent chance of imprisonment, while those who have been imprisoned before for similar offences face an 80 per cent chance of imprisonment.

Table 4 shows the minimum, maximum median and average prison sentences imposed on robbery offenders, broken down by robbery offender type. The upper panel shows the situation for aggregate prison terms (i.e. the longest period an offender can spend in custody). The lower panel shows minimum prison terms (i.e. the shortest period an offender can spend in custody). The term 'Min' in the table refers to the lowest actual aggregate or minimum sentence imposed on a convicted robbery offender in the period covered by this study. The term 'Max' refers to the highest aggregate or minimum prison term actually imposed on a convicted robbery offender in the period covered by this study.

Table 4. Mean, median, minimum and maximum prison sentence by offender type

Offender type	N	Mean	Median	Min	Max
Aggregate sentence					
Aggravated robbery	769	49	45	2.1	201
Non-aggravated robbery	131	25	24	1.6	64
Total	900	45	42	1.6	201
Minimum term					
Aggravated robbery	769	26	24	2.1	138
Non-aggravated robbery	131	13	12	1.1	36
Total	900	24	21	1.1	138

NB. The table only includes offenders who had both an aggregate sentence and a minimum term

The average aggregate sentences and average minimum terms are slightly longer than the median values because the distribution of sentences is highly skewed. The average aggregate sentence for aggravated robbery offenders is just over four years (49 months) but aggregate sentences range up to 201 months (approximately 17 years). The average aggregate sentence for non-aggravated robbery offenders is slightly over two years (25 months) but the highest sentence imposed was more than five years (64 months). As one would expect, the average minimum terms in custody are shorter – 26 months for aggravated robbery offenders and 13 months for non-aggravated robbery offenders. Across both offence types it can be seen that the average aggregate sentence is a little less than twice the length of the minimum period.

Inspection of the column labeled 'Min' suggests that the lowest aggregate and lowest minimum terms are very low (between 1.1 and 2.1 months). Many offenders, however, spend months in custody waiting for their trial. Courts will often take this into account when setting the minimum term to be spent in custody. In other words, the actual minimum terms served in custody by robbery offenders are almost certainly substantially longer than the figures in the column labeled 'Min' suggest.

Conclusion

Most convicted robbery offenders are male and, at the time of conviction, the average age of offenders is 26 years. The most common penalty imposed on a convicted robbery offender is a prison sentence. The second most common penalty is a suspended prison sentence. The likelihood of a prison sentence is much higher for those who commit more serious forms of robbery or have a prior criminal record. Offenders convicted of aggravated robbery who have a prior conviction for robbery are almost certain to receive a prison sentence. The average aggregate sentence for aggravated robbery is 49 months, with an average minimum term of 26 months. The average aggregate sentence for a non-aggravated robbery is 25 months, with an average minimum term of 13 months.

Acknowledgements