



Sentencing Guidelines Council

25 July 2006

PRESS RELEASE

DEFINITIVE GUIDELINE ON ROBBERY PUBLISHED

Robbery is a serious offence that usually calls for a custodial sentence – that is the principle at the heart of a definitive guideline on robbery published today by the Sentencing Guidelines Council (SGC).

The guideline was produced after extensive consultation, and the SGC has taken into account the views of Parliament, the Home Secretary and other ministers.

The SGC has produced the guideline to assist judges and magistrates (including those who sentence in the youth court) to produce consistency of approach; it deals with three categories of robbery:

- Street robbery or 'mugging'
- Robberies of small businesses
- Less sophisticated commercial robberies

Other categories of robbery are dealt with under existing case law.

The Council makes the point that 'Robbery is a serious offence for the purposes of section 225 of the Criminal Justice Act 2003 and sentencers should consider whether a life sentence or sentence for public protection should be imposed. The following guidelines apply to offenders who have **not** been assessed as dangerous.'



Starting points for ADULT offenders who have **not** been assessed as dangerous

The guideline recommends a starting point of 4 years custody where a weapon is produced and used to threaten and/or force is used which results in injury to the victim. Whether a weapon is real or imitation is not a major factor in determining sentences because the SGC recognises that the level of fear created in the victim is the same in either case. The guideline recommends an 8 year starting point if a victim suffers serious physical injury through the use of significant force and/or use of a weapon.

Only where the offence involves the threat or use of **minimal** force should the starting point be a 12-month custodial sentence.

Only in **exceptional** circumstances is a non-custodial penalty for an adult justified.

Starting points for YOUNG offenders who have **not** been assessed as dangerous

The guideline recommends a starting point of 3 years' detention for a robbery where a weapon is produced and/or force is used which results in injury to the victim. The guideline recommends a starting point of 7 years' detention where the victim suffers serious physical injury.

Only where the offence includes the threat or use of **minimal** force is a non-custodial starting point for a young offender justified. In accordance with current practice the guideline recognises that youths in certain circumstances require different treatment – a custodial penalty will not always be appropriate. This principle is built on the premise that the youth justice system is required by statute¹ to have regard to the aim of preventing offending.

Existing sentencing practice

¹ Section 37 Crime and Disorder Act 1998



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This guideline does not recommend a major shift in current sentencing practice. Robbery is and will continue to be recognised as a serious offence whatever the age of the offender.

Analysis of robbery sentences in 2003-04 demonstrates that one in three offenders aged 15 received a custodial sentence, rising to two in five for 16-year-olds and three in five for 17 year olds.

Those aged 18-20 received custodial sentences in five out of six cases and adult offenders over 21 in eight out of nine.

Deputy Chairman of the SGC, Sir Igor Judge said:

"The guideline is clear – robbery is a serious offence that usually calls for a custodial sentence. Factors that will always aggravate a sentence include: the use of any weapon, robbery committed by a gang, robbery at night, the use of a disguise or the targeting of a vulnerable victim. Where any of these aggravating factors are present the sentence should always be severe."

Chief Constable Peter Neyroud said:

"This guideline emphasises strongly that Robbery is and will continue to be recognised as a serious offence, whatever the age of the offender.

There are very few circumstances identified where custody will not follow conviction. This is even in the case of young offenders where the Youth Justice System emphasises the need for sentencing to focus on preventing offending."

The guideline also recommends that courts should always consider making a restitution order requiring the return of property and a compensation order for injury, loss or damage suffered by a victim

Where there is evidence that the offence has been committed to fund a drug habit and that treatment could help tackle the offending behaviour sentencers should consider a drug treatment requirement as part of a supervision order.



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Notes to Editors:

1. Those charged with robbery (robbery is a specified offence under schedule 15 of the Criminal Justice Act 2003) who are assessed as dangerous (the assessment of dangerousness is covered by section 229 of the Criminal Justice Act 2003) are subject to a specific regime set out in section 225 of the Criminal Justice Act 2003 and the sentencing principles that apply to those offenders are laid down in that statute. If the offender is assessed as “dangerous”, the sentencer must pass a life sentence or public protection sentence.