

Chapter 2

Sentencing trends for Offences Against the Person

Sentencing trends for offences against the person

Offences against the person include all crimes involving violence on the part of one person against another. The acts of violence include physical, sexual and threatened violence, or in the case of kidnapping/abduction, the unlawful imposition of one person's will on another. For some crimes, such as manslaughter, the violence may result from negligence or recklessness rather than an intention to hurt someone. Robbery is regarded as an offence against the person because it involves actual or threatened violence as well as the taking of property from the victim.

Principal proven offence

The most frequently occurring principal proven offences in this category were robbery and assault offences. Defendants convicted of a principal proven offence of robbery or assault made up two-thirds of all defendants sentenced for an offence against the person. Although, the number of robbery offences significantly decreased during the period, whilst, the number of assault offences increased. In 2001/02 there were 403 defendants sentenced for robbery compared with 225 defendants in 2005/06. As well as assault offences, sex (non rape) offences, the next most common offence, also saw an increase over the five year period. Defendants sentenced for assault and sex (non rape) offences saw an increase of 17% and 12% respectively. This represents an increase from 358 assault offences in 2001/02 to 419 in 2005/06, and 156 sex (non rape) offences in 2001/02 to 174 in 2005/06. The next most common type of offence was homicide which along with kidnapping/abduction offences remained relatively stable over the five years from 2001/02 to 2005/06, with small fluctuations from year to year.

Sentencing trends for offences against the person, continued

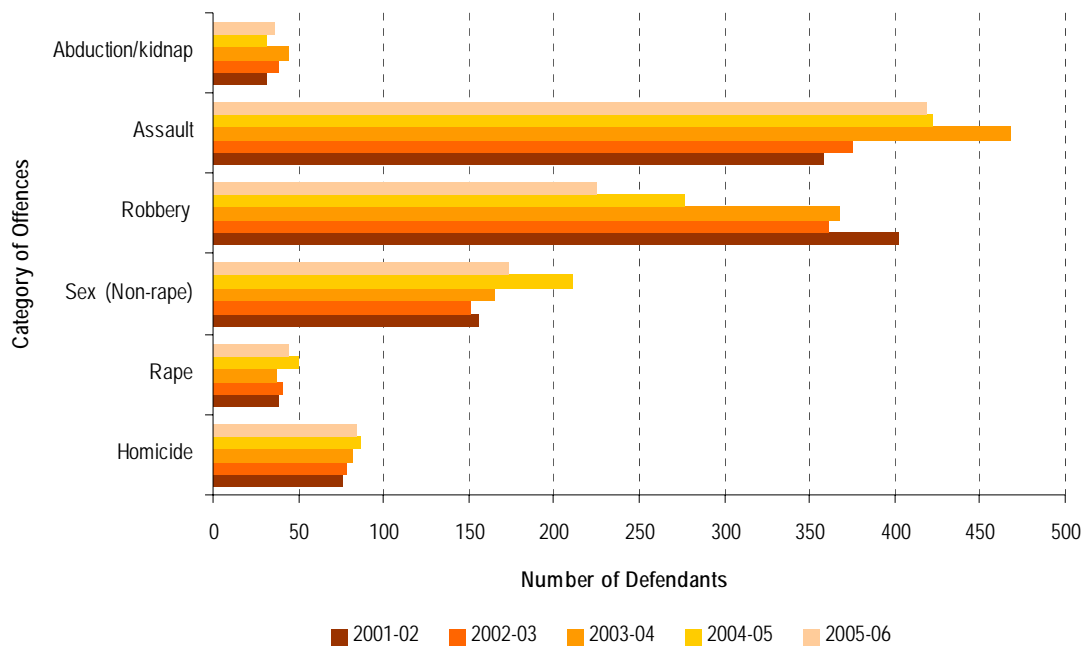
Table 2.1

Defendants found guilty where the principal proven offence was against the person, by category of principal proven offence, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
<i>Number</i>					
Homicide	76	79	82	87	84
Rape	39	41	38	51	45
Sex (Non-rape)	156	151	166	211	174
Robbery	403	361	367	277	225
Assault	358	376	468	422	419
Abduction/kidnap	32	39	45	32	36
<i>Total</i>	<i>1,064</i>	<i>1,047</i>	<i>1,166</i>	<i>1,080</i>	<i>983</i>
<i>Percent</i>					
Homicide	7%	8%	7%	8%	9%
Rape	4%	4%	3%	5%	5%
Sex (Non-rape)	15%	14%	14%	20%	18%
Robbery	38%	34%	31%	26%	23%
Assault	34%	36%	40%	39%	43%
Abduction/kidnap	3%	4%	4%	3%	4%
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>

Figure 2.1

Number of defendants found guilty for a principal offence against the person, by category of principal proven offence, 2001/02-2005/06



Sentencing trends for offences against the person, continued

Total offences found proven

The trends for the total offences found proven are very similar to the principal proven offence. The number of robbery offences found proven have decreased by over 50% over the five year period whilst the number of assault offences have increased. Other offence types have not shown a significant change in the percentage against the overall number of offences found proven.

Table 2.2

Total number of offences found proven where the offence was against the person, by offence category, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Homicide	80	92	88	93	101
Rape	84	106	90	116	93
Sex (Non-rape)	949	804	1,064	1,046	917
Robbery	938	717	928	495	456
Assault	832	915	1,220	1,078	1,091
Abduction/kidnap	123	146	162	142	139
<i>Total</i>	3,006	2,780	3,552	2,970	2,797
	<i>Percent</i>				
Homicide	3%	3%	2%	3%	4%
Rape	3%	4%	3%	4%	3%
Sex (Non-rape)	32%	29%	30%	35%	33%
Robbery	31%	26%	26%	17%	16%
Assault	28%	33%	34%	36%	39%
Abduction/kidnap	4%	5%	5%	5%	5%
<i>Total</i>	100%	100%	100%	100%	100%

Homicide

Homicide includes intentional murder as well as the crimes of manslaughter and culpable driving where the death of the victim is not intentional or involves some mitigating circumstance. A small number of homicide cases are attempted murders.

Principal proven offence

The proportion of homicide offences that resulted in a term of imprisonment was higher than for any other type of offence. Between 2001/02 and 2005/06:

- The proportion of defendants who received imprisoned remained steady at around 86%;
- Suspended sentences of imprisonment varied from 1% in 2002/03 and 2005/06 to 9% in 2003/04;
- Youth training centre orders accounted for 6% or less;
- Other sentence orders (mainly custodial and non-custodial supervision orders) were the only other significant category of sentences for homicide.

Table 2.3

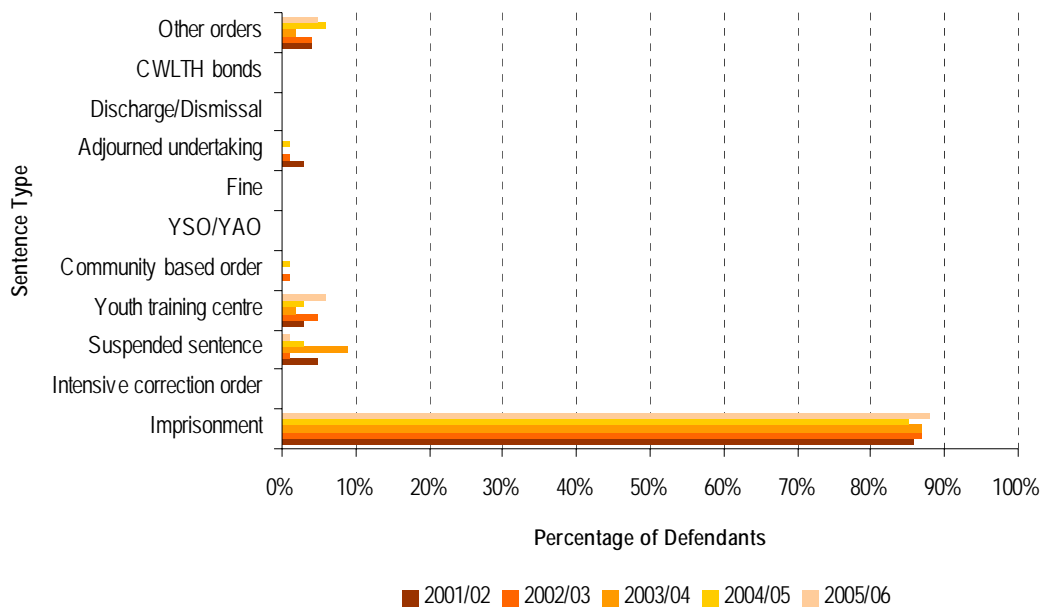
Sentence types imposed where the principal proven offence category was homicide, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	65	69	71	74	74
Intensive correction order	-	-	-	-	-
Suspended sentence	4	1	7	3	1
Youth training centre	2	4	2	3	5
Community based order	-	1	-	1	-
YSO/YAO	-	-	-	-	-
Fine	-	-	-	-	-
Adjourned undertaking	2	1	-	1	-
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	3	3	2	5	4
<i>Total</i>	<i>76</i>	<i>79</i>	<i>82</i>	<i>87</i>	<i>84</i>
	<i>Percent</i>				
Imprisonment	86%	87%	87%	85%	88%
Intensive correction order	-	-	-	-	-
Suspended sentence	5%	1%	9%	3%	1%
Youth training centre	3%	5%	2%	3%	6%
Community based order	-	1%	-	1%	-
YSO/YAO	-	-	-	-	-
Fine	-	-	-	-	-
Adjourned undertaking	3%	1%	-	1%	-
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	4%	4%	2%	6%	5%
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>

Homicide, continued

Figure 2.2

Proportion of sentence types imposed where the principal proven offence category was homicide, 2001/02-2005/06



Homicide, continued

Imprisonment length for principal proven offence

The length of imprisonment imposed for homicide offences were longer than for any other type of offence. The average term of imprisonment varied from 117 months in 2001/02, to 142 months in 2005/06, with maximum terms of life imprisonment imposed for homicide offences in each year.

Table 2.4

Defendants sentenced to imprisonment, by length of term of imprisonment, where the principal proven offence category was homicide, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	-	-	-	1	-
1<2 years (12 - 23.9 months)	1	-	-	-	-
2<3 years (24 - 35.9 months)	-	1	1	-	-
3<4 years (36 - 47.9 months)	5	-	-	3	-
4<5 years (48 - 59.9 months)	9	8	7	5	5
5<10 years (60 - 119.9 months)	28	28	31	32	32
10<15 years (120 - 179.9 months)	1	3	6	9	4
15<20 years (180 - 239.9 months)	9	16	14	14	21
20<25 years (240 - 299.9 months)	11	7	7	5	7
25+ years (300+ months)	-	-	3	3	2
Life	1	6	2	2	2
<i>Total</i>	<i>65</i>	<i>69</i>	<i>71</i>	<i>74</i>	<i>73</i>
	<i>Percent</i>				
0<1 year (0 - 11.9 months)	-	-	-	1%	-
1<2 years (12 - 23.9 months)	2%	-	-	-	-
2<3 years (24 - 35.9 months)	-	1%	1%	-	-
3<4 years (36 - 47.9 months)	8%	-	-	4%	-
4<5 years (48 - 59.9 months)	14%	12%	10%	7%	7%
5<10 years (60 - 119.9 months)	43%	41%	44%	43%	44%
10<15 years (120 - 179.9 months)	2%	4%	8%	12%	5%
15<20 years (180 - 239.9 months)	14%	23%	20%	19%	29%
20<25 years (240 - 299.9 months)	17%	10%	10%	7%	10%
25+ years (300+ months)	-	-	4%	4%	3%
Life	2%	9%	3%	3%	3%
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Minimum (months)	12	30	24	9	48
Maximum (months)	Life	Life	Life	Life	Life
Average (months)	117	128	133	128	142
90th percentile (months)	240	252	252	240	240

Homicide, continued

Total Effective Sentence

The average length for the total effective sentence of imprisonment has increased from 119 months in 2001/02, to 155 months in 2005/06. Over the period this equates to a 30% increase in the length of total effective sentence of imprisonment for homicide offences.

Table 2.5

Defendants sentenced to imprisonment, by total effective sentence, where the principal proven offence category was homicide, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	-	-	-	1	-
1<2 years (12 - 23.9 months)	1	-	-	-	-
2<3 years (24 - 35.9 months)	-	-	-	-	-
3<4 years (36 - 47.9 months)	5	1	-	3	-
4<5 years (48 - 59.9 months)	9	6	6	3	3
5<10 years (60 - 119.9 months)	27	28	30	31	33
10<15 years (120 - 179.9 months)	2	5	9	11	5
15<20 years (180 - 239.9 months)	9	15	13	14	14
20<25 years (240 - 299.9 months)	11	6	8	6	11
25+ years (300+ months)	-	2	3	3	5
Life	1	6	2	2	2
<i>Total</i>	<i>65</i>	<i>69</i>	<i>71</i>	<i>74</i>	<i>73</i>
	<i>Percent</i>				
0<1 year (0 - 11.9 months)	-	-	-	1%	-
1<2 years (12 - 23.9 months)	2%	-	-	-	-
2<3 years (24 - 35.9 months)	-	-	-	-	-
3<4 years (36 - 47.9 months)	8%	1%	-	4%	-
4<5 years (48 - 59.9 months)	14%	9%	8%	4%	4%
5<10 years (60 - 119.9 months)	42%	41%	42%	42%	45%
10<15 years (120 - 179.9 months)	3%	7%	13%	15%	7%
15<20 years (180 - 239.9 months)	14%	22%	18%	19%	19%
20<25 years (240 - 299.9 months)	17%	9%	11%	8%	15%
25+ years (300+ months)	-	3%	4%	4%	7%
Life	2%	9%	3%	3%	3%
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Minimum (months)	12	36	48	9	48
Maximum (months)	Life	Life	Life	Life	Life
Average (months)	119	137	140	136	155
90th percentile (months)	252	360	252	240	264

Rape

Rape offences are sexual assaults involving actual or attempted sexual penetration of the victim.

Principal proven offence

Cases where the principal proven offence was rape received more severe sentences than any other offences except homicide. Between 2001/02 and 2005/06:

- The proportion of defendants who received a sentence of imprisonment varied between 71% and 83%;
- Suspended sentences of imprisonment varied from 12% in 2002/03 to a high of 20% in 2004/05;
- All other sentence types accounted for less than 6%, except youth training centre orders in 2005/06 which accounted for 9% and community based orders in 2001/02 which accounted for 8%.

Table 2.6

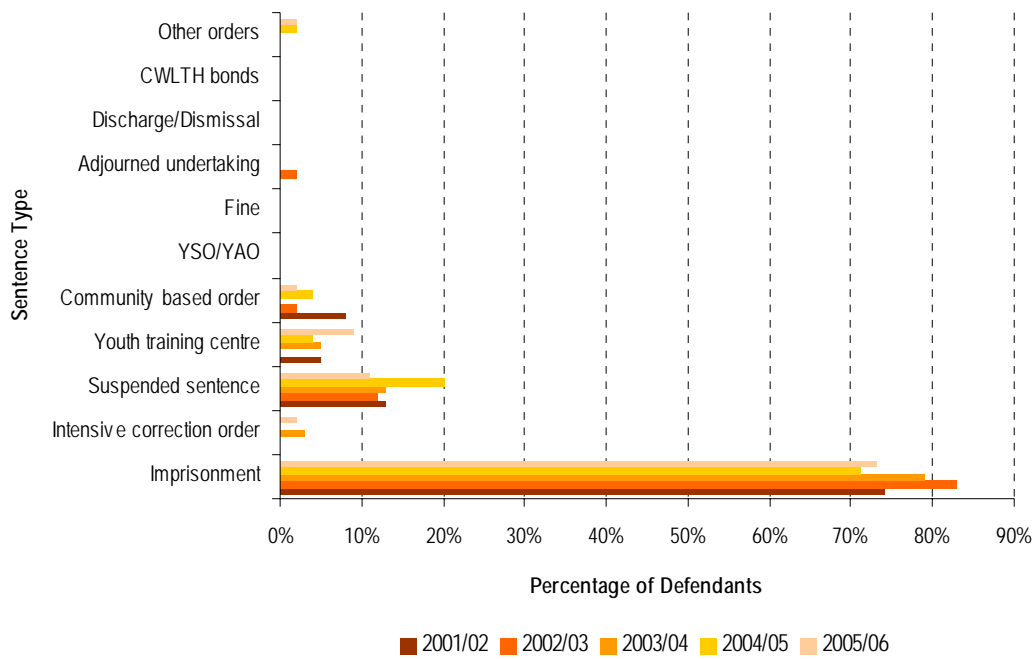
Sentence types imposed where the principal proven offence category was rape, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	29	34	30	36	33
Intensive correction order	-	-	1	-	1
Suspended sentence	5	5	5	10	5
Youth training centre	2	-	2	2	4
Community based order	3	1	-	2	1
YSO/YAO	-	-	-	-	-
Fine	-	-	-	-	-
Adjourned undertaking	-	1	-	-	-
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	-	-	-	1	1
<i>Total</i>	<i>39</i>	<i>41</i>	<i>38</i>	<i>51</i>	<i>45</i>
	<i>Percent</i>				
Imprisonment	74%	83%	79%	71%	73%
Intensive correction order	-	-	3%	-	2%
Suspended sentence	13%	12%	13%	20%	11%
Youth training centre	5%	-	5%	4%	9%
Community based order	8%	2%	-	4%	2%
YSO/YAO	-	-	-	-	-
Fine	-	-	-	-	-
Adjourned undertaking	-	2%	-	-	-
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	-	-	-	2%	2%
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>

Rape, continued

Figure 2.3

Proportion of sentence types imposed where the principal proven offence category was rape, 2001/02-2005/06



Rape, continued

Imprisonment length for principal proven offence

The length of imprisonment imposed for rape offences varied significantly over the five year period.

Between 2001/02 and 2005/06:

- The minimum sentence of imprisonment varied from 3 months to 30 months;
- The maximum sentence of imprisonment varied from 156 months to life;
- The average length of imprisonment imposed for rape offences varied between 48 months and 69 months.

Table 2.7

Defendants sentenced to imprisonment, by length of term of imprisonment, where the principal proven offence category was rape, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	2	-	-	-	-
1<2 years (12 - 23.9 months)	2	2	-	-	-
2<3 years (24 - 35.9 months)	3	5	3	2	4
3<4 years (36 - 47.9 months)	11	6	3	2	6
4<5 years (48 - 59.9 months)	3	6	7	7	12
5<10 years (60 - 119.9 months)	6	13	15	23	8
10<15 years (120 - 179.9 months)	2	1	2	1	3
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	1	-
25+ years (300+ months)	-	-	-	-	-
Life	-	1	-	-	-
<i>Total</i>	<i>29</i>	<i>34</i>	<i>30</i>	<i>36</i>	<i>33</i>
	<i>Percent</i>				
0<1 year (0 - 11.9 months)	7%	-	-	-	-
1<2 years (12 - 23.9 months)	7%	6%	-	-	-
2<3 years (24 - 35.9 months)	10%	15%	10%	6%	12%
3<4 years (36 - 47.9 months)	38%	18%	10%	6%	18%
4<5 years (48 - 59.9 months)	10%	18%	23%	19%	36%
5<10 years (60 - 119.9 months)	21%	38%	50%	64%	24%
10<15 years (120 - 179.9 months)	7%	3%	7%	3%	9%
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	3%	-
25+ years (300+ months)	-	-	-	-	-
Life	-	3%	-	-	-
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Minimum (months)	3	12	30	30	24
Maximum (months)	156	Life	168	240	168
Average (months)	48	53	66	69	59
90th percentile (months)	84	72	96	96	96

Rape, continued

Total Effective Sentence

The average length for the total effective sentence of imprisonment where the defendant was sentenced to imprisonment was between 64 and 90 months over the period.

Table 2.8

Defendants sentenced to imprisonment, by total effective sentence, where the principal proven offence category was rape, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	2	-	-	-	-
1<2 years (12 - 23.9 months)	1	1	-	-	-
2<3 years (24 - 35.9 months)	1	1	1	1	3
3<4 years (36 - 47.9 months)	8	5	1	1	2
4<5 years (48 - 59.9 months)	4	3	2	7	10
5<10 years (60 - 119.9 months)	10	18	20	21	11
10<15 years (120 - 179.9 months)	2	3	4	5	6
15<20 years (180 - 239.9 months)	1	1	2	-	1
20<25 years (240 - 299.9 months)	-	1	-	-	-
25+ years (300+ months)	-	-	-	1	-
Life	-	1	-	-	-
<i>Total</i>	<i>29</i>	<i>34</i>	<i>30</i>	<i>36</i>	<i>33</i>
	<i>Percent</i>				
0<1 year (0 - 11.9 months)	7%	-	-	-	-
1<2 years (12 - 23.9 months)	3%	3%	-	-	-
2<3 years (24 - 35.9 months)	3%	3%	3%	3%	9%
3<4 years (36 - 47.9 months)	28%	15%	3%	3%	6%
4<5 years (48 - 59.9 months)	14%	9%	7%	19%	30%
5<10 years (60 - 119.9 months)	34%	53%	67%	58%	33%
10<15 years (120 - 179.9 months)	7%	9%	13%	14%	18%
15<20 years (180 - 239.9 months)	3%	3%	7%	-	3%
20<25 years (240 - 299.9 months)	-	3%	-	-	-
25+ years (300+ months)	-	-	-	3%	-
Life	-	3%	-	-	-
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Minimum (months)	3	15	30	30	28
Maximum (months)	183	Life	195	312	180
Average (months)	64	80	90	88	74
90th percentile (months)	132	144	168	132	135

Sex (non rape) Offences

Non-rape sexual offences include incest, indecent assaults and some offences that do not involve a physical assault on the victim, such as indecent exposure.

Principal proven offence

Cases where the principal proven offence was a non-rape sexual offence varied in their sentencing dispositions. Between 2001/02 and 2005/06:

- The proportion of defendants who received a sentence of imprisonment varied between 46% and 56%;
- A suspended sentence was the second most common sentence with 28% in 2005/06;
- Community based orders and adjourned undertakings accounted for less than 10% of sentences for this type of offence.

Table 2.9

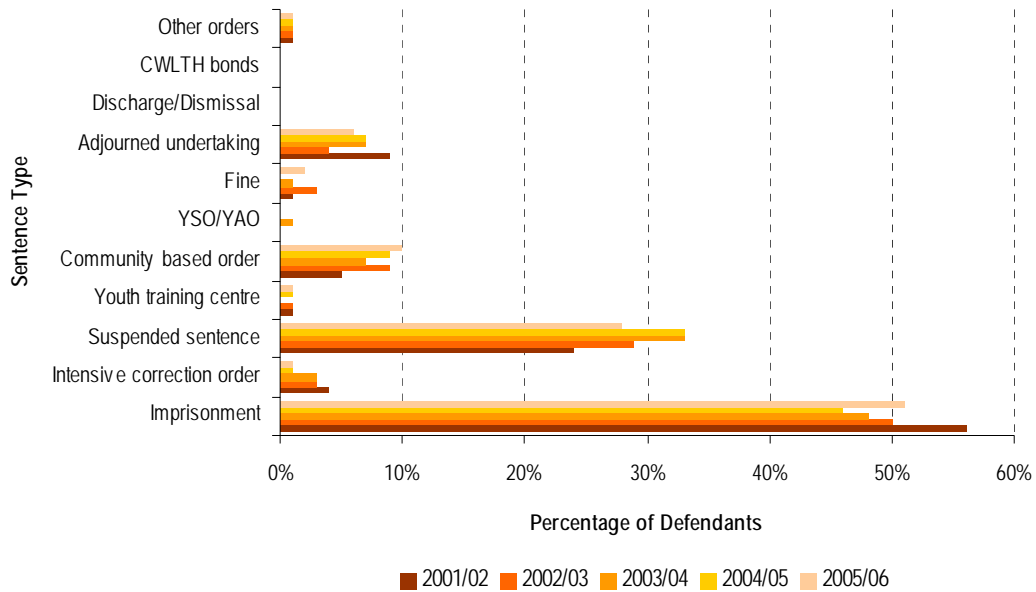
Sentence types imposed where the principal proven offence category was sex (non-rape), 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	88	75	79	98	89
Intensive correction order	6	5	5	3	2
Suspended sentence	37	44	55	70	49
Youth training centre	1	2	-	3	1
Community based order	8	14	12	19	17
YSO/YAO	-	-	1	1	-
Fine	1	4	1	-	3
Adjourned undertaking	14	6	11	14	11
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	1	1	2	3	2
Total	156	151	166	211	174
	<i>Percent</i>				
Imprisonment	56%	50%	48%	46%	51%
Intensive correction order	4%	3%	3%	1%	1%
Suspended sentence	24%	29%	33%	33%	28%
Youth training centre	1%	1%	-	1%	1%
Community based order	5%	9%	7%	9%	10%
YSO/YAO	-	-	1%	-	-
Fine	1%	3%	1%	-	2%
Adjourned undertaking	9%	4%	7%	7%	6%
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	1%	1%	1%	1%	1%
Total	100%	100%	100%	100%	100%

Sex (non rape) Offences, continued

Figure 2.4

Proportion of sentence types imposed where the principal proven offence category was sex (non-rape), 2001/02-2005/06



Sex (non rape) Offences, continued

Imprisonment length for principal proven offence

The average length of imprisonment imposed for non rape sexual offences remained between 33 months and 38 months over the five year period.

Table 2.10

Defendants sentenced to imprisonment, by length of term of imprisonment, where the principal proven offence category was sex (non-rape), 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	2	6	7	5	7
1<2 years (12 - 23.9 months)	15	9	11	14	21
2<3 years (24 - 35.9 months)	32	20	18	18	22
3<4 years (36 - 47.9 months)	21	17	15	24	14
4<5 years (48 - 59.9 months)	5	14	12	25	13
5<10 years (60 - 119.9 months)	11	9	15	12	12
10<15 years (120 - 179.9 months)	2	-	1	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	<i>88</i>	<i>75</i>	<i>79</i>	<i>98</i>	<i>89</i>
	<i>Percent</i>				
0<1 year (0 - 11.9 months)	2%	8%	9%	5%	8%
1<2 years (12 - 23.9 months)	17%	12%	14%	14%	24%
2<3 years (24 - 35.9 months)	36%	27%	23%	18%	25%
3<4 years (36 - 47.9 months)	24%	23%	19%	24%	16%
4<5 years (48 - 59.9 months)	6%	19%	15%	26%	15%
5<10 years (60 - 119.9 months)	13%	12%	19%	12%	13%
10<15 years (120 - 179.9 months)	2%	-	1%	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Minimum (months)	2	3	6	4	3
Maximum (months)	120	84	120	108	96
Average (months)	35	35	38	38	33
90th percentile (months)	60	60	72	60	60

Sex (non rape) Offences, continued

Total Effective Sentence

Of all of the defendants who received imprisonment on their principal proven offence, the average length of the total effective sentence the defendant received was longer than the sentence the defendant received on the principal proven offence. The average length for the total effective sentence of imprisonment was between 55 and 67 months.

Table 2.11

Defendants sentenced to imprisonment, by total effective sentence, where the principal proven offence category was sex (non-rape), 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	2	2	2	3	1
1<2 years (12 - 23.9 months)	3	5	6	7	7
2<3 years (24 - 35.9 months)	13	9	10	8	18
3<4 years (36 - 47.9 months)	16	10	9	15	17
4<5 years (48 - 59.9 months)	15	13	8	15	5
5<10 years (60 - 119.9 months)	31	31	34	48	36
10<15 years (120 - 179.9 months)	8	5	7	1	4
15<20 years (180 - 239.9 months)	-	-	1	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	<i>88</i>	<i>75</i>	<i>77*</i>	<i>97*</i>	<i>88*</i>
	<i>Percent</i>				
0<1 year (0 - 11.9 months)	2%	3%	3%	3%	1%
1<2 years (12 - 23.9 months)	3%	7%	8%	7%	8%
2<3 years (24 - 35.9 months)	15%	12%	13%	8%	20%
3<4 years (36 - 47.9 months)	18%	13%	12%	15%	19%
4<5 years (48 - 59.9 months)	17%	17%	10%	15%	6%
5<10 years (60 - 119.9 months)	35%	41%	44%	49%	41%
10<15 years (120 - 179.9 months)	9%	7%	9%	1%	5%
15<20 years (180 - 239.9 months)	-	-	1%	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Minimum (months)	2	4	6	6	3
Maximum (months)	162	168	216	120	132
Average (months)	61	61	67	60	55
90th percentile (months)	108	108	120	105	100

* The total does not match the total for the table relating to the principal proven offence due to counting rules relating to the sentence hierarchy (see Appendix A – paragraphs 39 - 41).

Robbery

Robbery involves taking property from a victim through the use or threatened use of force or violence. Robberies may involve the use of a weapon (“armed robbery”) or the use or threat of physical violence against the victim (“unarmed robbery”).

Principal proven offence

The number of defendants where the principal proven offence was robbery significantly decreased over the period from 418 defendants in 2001/02, to 225 defendants in 2005/06. The reduction in the number of defendants finalised for robbery offences did not effect the distribution of sentence types. Between 2001/02 and 2005/06:

- The proportion of defendants who received a sentence of imprisonment ranged from 57% to 61%;
- Detention in a youth training centre and suspended sentences accounted for approximately 23% of defendants found guilty.

Table 2.12

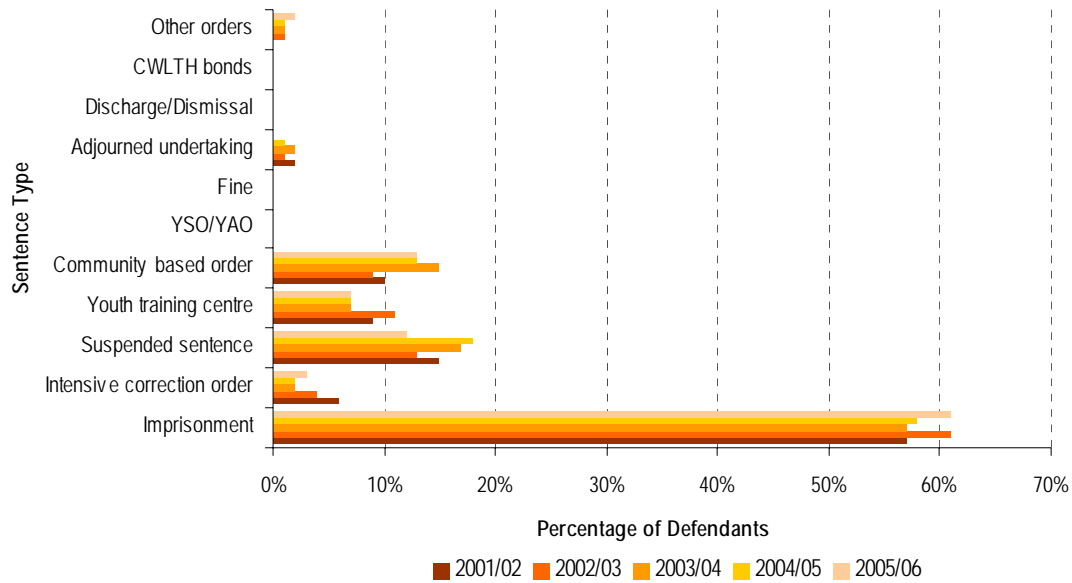
Sentence types imposed where the principal proven offence category was robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	239	244	205	214	138
Intensive correction order	26	15	6	9	7
Suspended sentence	63	53	61	65	28
Youth training centre	36	46	24	25	16
Community based order	43	37	53	47	30
YSO/YAO	-	-	-	-	-
Fine	-	-	-	1	-
Adjourned undertaking	9	3	9	3	1
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	2	5	3	3	5
<i>Total</i>	<i>418</i>	<i>403</i>	<i>361</i>	<i>367</i>	<i>225</i>
	<i>Percent</i>				
Imprisonment	57%	61%	57%	58%	61%
Intensive correction order	6%	4%	2%	2%	3%
Suspended sentence	15%	13%	17%	18%	12%
Youth training centre	9%	11%	7%	7%	7%
Community based order	10%	9%	15%	13%	13%
YSO/YAO	-	-	-	-	-
Fine	-	-	-	-	-
Adjourned undertaking	2%	1%	2%	1%	-
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	-	1%	1%	1%	2%
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>

Robbery, continued

Figure 2.5

Proportion of sentence types imposed where the principal proven offence category was robbery, 2001/02-2005/06



Robbery, continued

Imprisonment length for principal proven offence

The average length of imprisonment imposed for robbery offences remained relatively stable over the five year period fluctuating between 29 and 36 months. In 2002/03, the maximum sentence imposed was 168 months, or 14 years, which was significantly higher than any other year.

Table 2.13

Defendants sentenced to imprisonment, by length of term of imprisonment, where the principal proven offence category was robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	20	11	11	6	9
1<2 years (12 - 23.9 months)	56	32	62	24	22
2<3 years (24 - 35.9 months)	69	68	77	42	46
3<4 years (36 - 47.9 months)	58	47	35	42	27
4<5 years (48 - 59.9 months)	22	20	16	22	17
5<10 years (60 - 119.9 months)	18	24	13	14	17
10<15 years (120 - 179.9 months)	1	3	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	<i>244</i>	<i>205</i>	<i>214</i>	<i>150</i>	<i>138</i>
	<i>Percent</i>				
0<1 year (0 - 11.9 months)	8%	5%	5%	4%	7%
1<2 years (12 - 23.9 months)	23%	16%	29%	16%	16%
2<3 years (24 - 35.9 months)	28%	33%	36%	28%	33%
3<4 years (36 - 47.9 months)	24%	23%	16%	28%	20%
4<5 years (48 - 59.9 months)	9%	10%	7%	15%	12%
5<10 years (60 - 119.9 months)	7%	12%	6%	9%	12%
10<15 years (120 - 179.9 months)	-	1%	-	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Minimum (months)	3	2.1	2.8	0.25	2
Maximum (months)	120	168	96	84	84
Average (months)	31	36	29	34	34
90th percentile (months)	54	60	48	54	60

Robbery, continued

Total Effective Sentence

Where defendants received imprisonment on their principal proven offence, the average length of the total effective sentence of imprisonment was between 38 and 44 months. The longest total effective sentence of imprisonment was 234 months, or 19.5 years, which was in 2001/02. By 2005/06, 60% of sentences of imprisonment were imposed for three years or more.

Table 2.14

Defendants sentenced to imprisonment, by total effective sentence, where the principal proven offence category was robbery, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	12	9	8	6	5
1<2 years (12 - 23.9 months)	44	22	42	16	18
2<3 years (24 - 35.9 months)	54	52	60	32	32
3<4 years (36 - 47.9 months)	50	43	43	40	28
4<5 years (48 - 59.9 months)	36	23	24	24	17
5<10 years (60 - 119.9 months)	45	52	34	30	37
10<15 years (120 - 179.9 months)	1	4	2	1	1
15<20 years (180 - 239.9 months)	2	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	244	205	213*	149*	138
	<i>Percent</i>				
0<1 year (0 - 11.9 months)	5%	4%	4%	4%	4%
1<2 years (12 - 23.9 months)	18%	11%	20%	11%	13%
2<3 years (24 - 35.9 months)	22%	25%	28%	21%	23%
3<4 years (36 - 47.9 months)	20%	21%	20%	27%	20%
4<5 years (48 - 59.9 months)	15%	11%	11%	16%	12%
5<10 years (60 - 119.9 months)	18%	25%	16%	20%	27%
10<15 years (120 - 179.9 months)	0%	2%	1%	1%	1%
15<20 years (180 - 239.9 months)	1%	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	100%	100%	100%	100%	100%
Minimum (months)	3	2.1	2.8	0.25	2
Maximum (months)	234	168	120	120	159
Average (months)	40	44	38	43	43
90th percentile (months)	66	72	66	72	75

* The total does not match the total for the table relating to the principal proven offence due to counting rules relating to the sentence hierarchy (see Appendix A – paragraphs 39 - 41).

Assault

Assault offences include a very broad range of actions that involve violence or the threat of violence. Assaults vary greatly in their seriousness, and in general the Higher Courts deal with the most serious assault offences. The majority of minor assaults are heard in the Magistrates' Court.

Principal proven offence

The types of sentences handed down for defendants where the principal proven offence was assault varied in severity from imprisonment to adjourned undertaking.

Between 2001/02 and 2005/06:

- Defendants sentenced to imprisonment accounted for between 28% and 36%;
- A suspended sentence was the second most common sentence;
- Community based orders accounted for 20% of sentences in 2001/02 and 2002/03 before decreasing to 13% in 2005/06.

Table 2.15

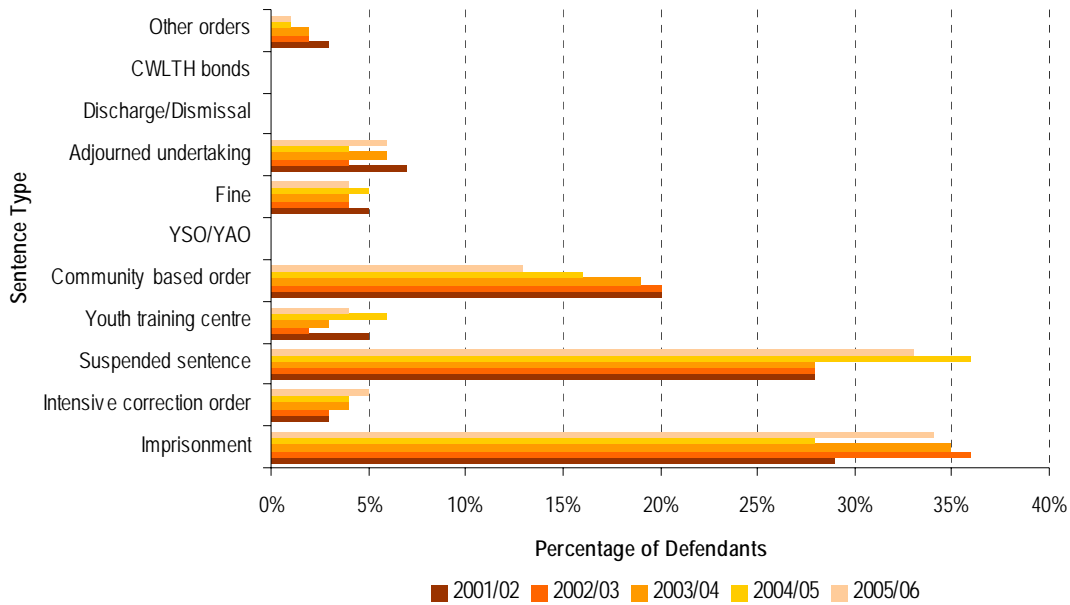
Sentence types imposed where the principal proven offence category was assault, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	103	136	162	120	144
Intensive correction order	10	12	21	15	19
Suspended sentence	102	107	131	152	137
Youth training centre	18	7	12	25	17
Community based order	70	76	87	68	55
YSO/YAO	-	-	-	-	-
Fine	18	14	18	21	17
Adjourned undertaking	25	15	29	16	26
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	12	9	8	5	4
<i>Total</i>	<i>358</i>	<i>376</i>	<i>468</i>	<i>422</i>	<i>419</i>
	<i>Percent</i>				
Imprisonment	29%	36%	35%	28%	34%
Intensive correction order	3%	3%	4%	4%	5%
Suspended sentence	28%	28%	28%	36%	33%
Youth training centre	5%	2%	3%	6%	4%
Community based order	20%	20%	19%	16%	13%
YSO/YAO	-	-	-	-	-
Fine	5%	4%	4%	5%	4%
Adjourned undertaking	7%	4%	6%	4%	6%
Discharge/Dismissal	-	-	-	-	-
CWLTH bonds	-	-	-	-	-
Other orders	3%	2%	2%	1%	1%
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>

Assault, continued

Figure 2.6

Proportion of sentence types imposed where the principal proven offence category was assault, 2001/02-2005/06



Assault, continued

Imprisonment length for principal proven offence

The average length of imprisonment imposed for assault offences remained stable over the five year period ranging between 28 and 31 months. In 2002/03 the maximum sentence imposed was 192 months, or 16 years, which was significantly higher than the average for that year which was 28 months.

Table 2.16

Defendants sentenced to imprisonment, by length of term of imprisonment, where the principal proven offence category was assault, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	19	24	30	13	23
1<2 years (12 - 23.9 months)	17	35	39	43	30
2<3 years (24 - 35.9 months)	28	33	37	20	34
3<4 years (36 - 47.9 months)	17	29	25	24	23
4<5 years (48 - 59.9 months)	6	5	12	9	14
5<10 years (60 - 119.9 months)	16	8	18	11	20
10<15 years (120 - 179.9 months)	-	1	1	-	-
15<20 years (180 - 239.9 months)	-	1	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	<i>103</i>	<i>136</i>	<i>162</i>	<i>120</i>	<i>144</i>
	<i>Percent</i>				
0<1 year (0 - 11.9 months)	18%	18%	19%	11%	16%
1<2 years (12 - 23.9 months)	17%	26%	24%	36%	21%
2<3 years (24 - 35.9 months)	27%	24%	23%	17%	24%
3<4 years (36 - 47.9 months)	17%	21%	15%	20%	16%
4<5 years (48 - 59.9 months)	6%	4%	7%	8%	10%
5<10 years (60 - 119.9 months)	16%	6%	11%	9%	14%
10<15 years (120 - 179.9 months)	-	1%	1%	-	-
15<20 years (180 - 239.9 months)	-	1%	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Minimum (months)	2	1	0.25	0.75	1
Maximum (months)	96	192	168	96	108
Average (months)	31	28	30	28	31
90th percentile (months)	60	48	60	54	60

Assault, continued

Total Effective Sentence

Where defendants received imprisonment on their principal proven offence, the average length of the total effective sentence of imprisonment increased slightly. Over a quarter (25%) of defendants received a term of imprisonment of four years or more in all years except 2002/03 where the figures reduced to one in five (20%).

Table 2.17

Defendants sentenced to imprisonment, by total effective sentence, where the principal proven offence category was assault, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	15	17	24	11	16
1<2 years (12 - 23.9 months)	16	31	34	34	28
2<3 years (24 - 35.9 months)	25	30	33	25	29
3<4 years (36 - 47.9 months)	18	30	30	17	24
4<5 years (48 - 59.9 months)	5	12	13	15	17
5<10 years (60 - 119.9 months)	23	12	22	17	28
10<15 years (120 - 179.9 months)	-	1	6	1	2
15<20 years (180 - 239.9 months)	-	2	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	<i>102*</i>	<i>135*</i>	<i>162</i>	<i>120</i>	<i>144</i>
	<i>Percent</i>				
0<1 year (0 - 11.9 months)	15%	13%	15%	9%	11%
1<2 years (12 - 23.9 months)	16%	23%	21%	28%	19%
2<3 years (24 - 35.9 months)	25%	22%	20%	21%	20%
3<4 years (36 - 47.9 months)	18%	22%	19%	14%	17%
4<5 years (48 - 59.9 months)	5%	9%	8%	13%	12%
5<10 years (60 - 119.9 months)	23%	9%	14%	14%	19%
10<15 years (120 - 179.9 months)	-	1%	4%	1%	1%
15<20 years (180 - 239.9 months)	-	1%	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Minimum (months)	2.8	2	0.25	0.75	1
Maximum (months)	111	192	168	120	132
Average (months)	36	35	37	33	38
90th percentile (months)	72	60	78	60	72

* The total does not match the total for the table relating to the principal proven offence due to counting rules relating to the sentence hierarchy (see Appendix A – paragraphs 39 - 41).

Abduction/kidnapping

Abduction and kidnapping offences involve taking away another person against their will or against the will of their parent or guardian.

Principal proven offence

Abduction and kidnapping offences make up only 3% to 4% of all offences against the person sentenced in the Higher Courts. The circumstances around these offences are diverse, and as a result sentencing patterns show considerable variation from year to year. Between 2001/02 and 2005/06:

- 40% to 51% of defendants found guilty were sentenced to imprisonment;
- The proportion of defendants who received a suspended sentence varied significantly from 41% in 2004/05, to 19% in 2005/06;
- Community based orders and adjourned undertakings decreased from 13% to 6% of all sentences imposed.

Table 2.18

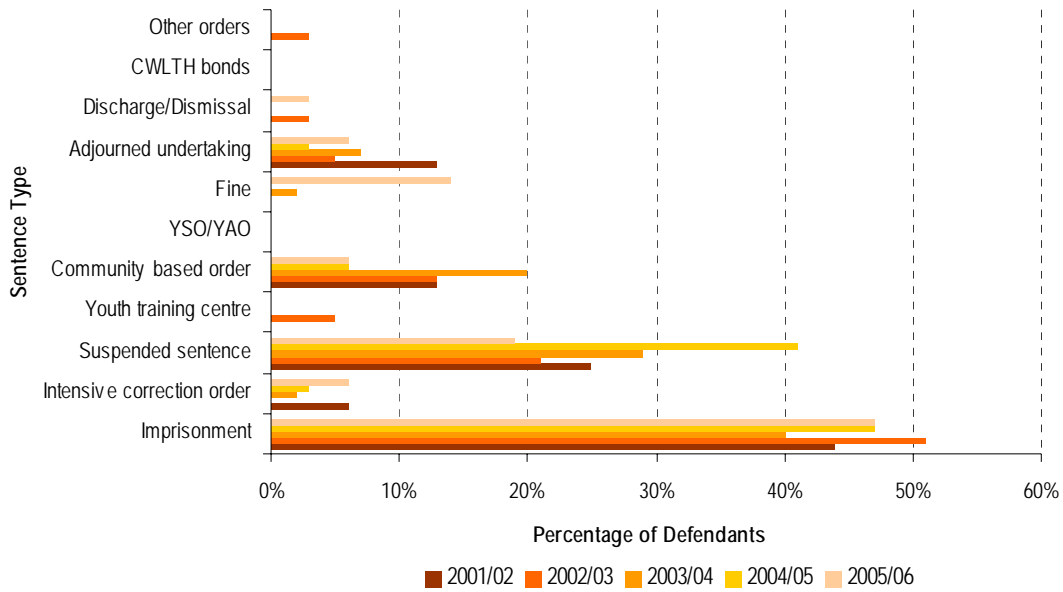
Sentence types imposed where the principal proven offence category was abduction/ kidnapping, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
Imprisonment	14	20	18	15	17
Intensive correction order	2	-	1	1	2
Suspended sentence	8	8	13	13	7
Youth training centre	-	2	-	-	-
Community based order	4	5	9	2	2
YSO/YAO	-	-	-	-	-
Fine	-	-	1	-	5
Adjourned undertaking	4	2	3	1	2
Discharge/Dismissal	-	1	-	-	1
CWLTH bonds	-	-	-	-	-
Other orders	-	1	-	-	-
<i>Total</i>	<i>32</i>	<i>39</i>	<i>45</i>	<i>32</i>	<i>36</i>
	<i>Percent</i>				
Imprisonment	44%	51%	40%	47%	47%
Intensive correction order	6%	-	2%	3%	6%
Suspended sentence	25%	21%	29%	41%	19%
Youth training centre	-	5%	-	-	-
Community based order	13%	13%	20%	6%	6%
YSO/YAO	-	-	-	-	-
Fine	-	-	2%	-	14%
Adjourned undertaking	13%	5%	7%	3%	6%
Discharge/Dismissal	-	3%	-	-	3%
CWLTH bonds	-	-	-	-	-
Other orders	-	3%	-	-	-
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>

Abduction/kidnapping, continued

Figure 2.7

Proportion of sentence types imposed where the principal proven offence category was abduction/kidnapping, 2001/02-2005/06



Abduction/kidnapping, continued

Imprisonment length for principal proven offence

The average length of imprisonment imposed for abduction/kidnapping offences fluctuated over the five year period between 28 and 40 months. The variation in sentence lengths is best illustrated by the maximum sentence of imprisonment varying between 60 months (5 years) in 2001/02 and 168 months (14 years) in 2003/04.

Table 2.19

Defendants sentenced to imprisonment, by length of term of imprisonment, where the principal proven offence category was abduction/kidnapping, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	3	5	4	2	1
1<2 years (12 - 23.9 months)	3	2	3	3	3
2<3 years (24 - 35.9 months)	4	1	5	3	2
3<4 years (36 - 47.9 months)	-	6	2	4	5
4<5 years (48 - 59.9 months)	3	2	2	1	4
5<10 years (60 - 119.9 months)	1	3	1	2	2
10<15 years (120 - 179.9 months)	-	1	1	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	<i>14</i>	<i>20</i>	<i>18</i>	<i>15</i>	<i>17</i>
	<i>Percent</i>				
0<1 year (0 - 11.9 months)	21%	25%	22%	13%	6%
1<2 years (12 - 23.9 months)	21%	10%	17%	20%	18%
2<3 years (24 - 35.9 months)	29%	5%	28%	20%	12%
3<4 years (36 - 47.9 months)	-	30%	11%	27%	29%
4<5 years (48 - 59.9 months)	21%	10%	11%	7%	24%
5<10 years (60 - 119.9 months)	7%	15%	6%	13%	12%
10<15 years (120 - 179.9 months)	-	5%	6%	-	-
15<20 years (180 - 239.9 months)	-	-	-	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
Minimum (months)	4	1.3	4	3	10
Maximum (months)	60	120	168	84	84
Average (months)	28	38	33	31	40
90th percentile (months)	54	102	60	60	72

Abduction/kidnapping, continued

Total Effective Sentence

Where defendants received imprisonment on their principal proven offence, the average length of the total effective sentence of imprisonment fluctuated greatly, between 39 months and 67 months. Clear trends are difficult to extract from this offence category due to the low number of defendants.

Table 2.20

Defendants sentenced to imprisonment, by total effective sentence, where the principal proven offence category was abduction/kidnapping, 2001/02-2005/06

	2001-02	2002-03	2003-04	2004-05	2005-06
	<i>Number</i>				
0<1 year (0 - 11.9 months)	1	5	4	2	-
1<2 years (12 - 23.9 months)	1	-	-	1	1
2<3 years (24 - 35.9 months)	2	1	6	3	4
3<4 years (36 - 47.9 months)	4	6	3	3	-
4<5 years (48 - 59.9 months)	3	4	3	1	2
5<10 years (60 - 119.9 months)	1	3	1	5	7
10<15 years (120 - 179.9 months)	-	1	-	-	3
15<20 years (180 - 239.9 months)	-	-	1	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	12*	20	18	15	17
	<i>Percent</i>				
0<1 year (0 - 11.9 months)	8%	25%	22%	13%	-
1<2 years (12 - 23.9 months)	8%	-	-	7%	6%
2<3 years (24 - 35.9 months)	17%	5%	33%	20%	24%
3<4 years (36 - 47.9 months)	33%	30%	17%	20%	-
4<5 years (48 - 59.9 months)	25%	20%	17%	7%	12%
5<10 years (60 - 119.9 months)	8%	15%	6%	33%	41%
10<15 years (120 - 179.9 months)	-	5%	-	-	18%
15<20 years (180 - 239.9 months)	-	-	6%	-	-
20<25 years (240 - 299.9 months)	-	-	-	-	-
25+ years (300+ months)	-	-	-	-	-
Life	-	-	-	-	-
<i>Total</i>	100%	100%	100%	100%	100%
Minimum (months)	4	1.3	4	3	14
Maximum (months)	108	120	192	114	144
Average (months)	41	45	39	47	67
90th percentile (months)	54	114	60	108	132

* The total does not match the total for the table relating to the principal proven offence due to counting rules relating to the sentence hierarchy (see Appendix A – paragraphs 39 - 41).