

Robbery

Data on the sentencing of robbery is being collected in order to help us to understand what effects, if any, the new sentencing guideline has had on sentencing practices. A bespoke sentencing exercise is necessary to capture post guideline sentencing practice, in order to enable a comparison with the Crown Court Sentencing Survey data collected before the guideline came into force.

This is particularly important for robbery offences due to the long custodial sentences.

This form is to be completed when the PRINCIPAL OFFENCE (i.e. the offence which, on the facts of the case, has attracted the highest sentence) is **robbery**. A form should be completed each time an **adult** is sentenced for robbery in the Crown Court. One form should be filled in for each offender.

Please only include sentences given for a new offence of robbery, do not include any additional sentences passed when re-sentencing or activating a previous sentence (e.g. for a breach of community order, SSO or conditional discharge). Please see end of form for further instructions.

Part A: to be completed by the clerk or the sentencing judge. PLEASE COMPLETE IN CAPITALS.

Offender name

First name

Surname

Date of birth
DD/MM/YY

Gender

Male

Female

CREST case ID

Sentencing date
DD/MM/YY

Sentencing court

If you have any queries when completing this form, please contact either the Office of the Sentencing Council at research@sentencingcouncil.gsi.gov.uk, or Dr Anna Carline at Anna.Carline@uolsentencing.cjsm.net or on 0116 252 2796.

Part B: To be completed by the sentencing judge for the PRINCIPAL OFFENCE (do not include any additional sentences passed when re sentencing or activating a previous sentence)

1a. Type of offence

- Street robbery
- Less sophisticated commercial
- Professionally planned commercial
- Dwelling

Was the offence conspiracy to rob?

- Yes No

Did the offence involve multiple defendants

- Yes No

1b. Location of offence

- Street Park/playground
- Shop/business/pub/bar Bank
- Dwelling
- On/near public transport
- Taxi
- Other

Please specify

2. Culpability

Please tick all the factors that were relevant, leaving blank any factors that were not relevant or where you have insufficient information to say

For all types of Robbery

- Use of weapon to inflict violence
- Production of bladed article to threaten violence
- Production of firearm/imitation to threaten violence
- Production of other weapon to threaten violence
- Threat of violence by any weapon (not produced)

Please specify

- Use of very significant force
- Threat/use of minimal force
- Involved through coercion/intimidation/exploitation
- Motivated by hostility towards an individual/group on basis of protected characteristic e.g. race
- Mental disorder or learning disability

For Professionally Planned Commercial Robbery and Dwelling only

- Leading role in group
- Significant role in group
- Abuse of position
- Limited function under direction

For Dwelling only

- Sophisticated/organised nature of offence
- Very little or no planning

- Were any other culpability factors taken into account (all types of Robbery)?

Please specify any other culpability factors taken into account

3. Harm

For all types of Robbery

Physical harm caused to the victim

- Serious No/minimal
- Neither serious nor minimal

Psychological harm caused to the victim

- Serious No/minimal
- Neither serious nor minimal

For all Commercial Robbery

Detrimental effect on business

- Serious No/minimal
- Neither serious nor minimal

For Professionally Planned Commercial Robbery and Dwelling only

Value of goods/sums obtained/targeted

- Very high Low value
- Neither very high nor low

Dwelling only

Damage to property

- Soiling, ransacking or vandalism
- Limited damage or disturbance

- Were any other harm factors taken into account (all types of Robbery)?

Please specify any other harm factors taken into account

4. Offence category and starting point (all types of Robbery)

a) Culpability

What offence category do you think applied to this offence? *Please tick only one*

- A - High culpability
- B - Medium culpability
- C - Lesser culpability

b) Harm

What category of harm do you think applied to this offence? *Please tick only one*

- Category 1 – Most serious
- Category 2
- Category 3 – Least serious

What was your sentence starting point for this offence?

Please specify your starting point

5. Statutory aggravating factors

Recent and relevant previous convictions?

- Yes No

If yes, how many did the court take into account?

- None 1-3 4-9
- 10-19 20+

Offence committed whilst on bail?

- Yes No

6. Aggravating factors

Please tick any factors that had an **impact** on the sentence

For all types of Robbery

- No relevant aggravating factors
- Victim targeted due to vulnerability
- Steps to prevent victim reporting/assisting prosecution
- Prolonged nature of the event
- Restraint/detention/degradation of victim
- Coercion/intimidation/exploitation of others
- Location
- Timing
- Attempt to conceal identity
- Under the influence of alcohol or drugs
- Attempts to conceal/dispose of evidence
- Evidence of community/wider impact
- Failure to comply with court orders
- Committed on licence
- Offences taken into consideration
- Failure to respond to warnings

For Street and Less Sophisticated Commercial only

- High value goods/sums targeted/obtained
- Significant planning
- Leading role in group

For Dwelling only

- Child/vulnerable person at/returns home
- Victim compelled to leave home

- Other factors (all types of Robbery)

Please specify any other aggravating factors that had an impact on the sentence

7. Mitigating factors

Please tick all factors that had an **impact** on the sentence

For all types of Robbery

- No relevant mitigating factors
- No previous or relevant convictions
- Remorse
- Good character/exemplary conduct
- Serious medical condition
- Mental disorder or learning disability
- Age/lack of maturity
- Sole/primary carer
- Steps taken to address addiction/offending

For Street and Less Sophisticated Commercial only

- Little or no planning

- Other factors (all types of Robbery)

Please specify any other mitigating factors that had an impact on the sentence

8. Indication of guilt/guilty plea

Was guilt indicated at the police station?

- Yes No Don't know

Was a guilty plea entered for the principal offence?

- Yes No

When was the guilty plea indicated in the court process?

- At magistrates' court At PTPH

After PTPH/prior to trial

On or after first day of trial

Guilty plea entered at the first reasonable opportunity?

- Yes No

9. Reductions for guilty plea

If a guilty plea was entered, what reduction or allowance did you make for the guilty plea?

- Percentage reduction in sentence (e.g. length of custody)

Please state percentage %

- Dropped down a threshold e.g from custody to community order or immediate custody to a suspended sentence

- Fewer requirements in a community order

10. Final sentence outcome (for the principal offence only, after guilty plea)

Please tick only one box and give the relevant details

i) Custodial sentence

- Determinate Please state in months or years i.e. 1 year or 12 months

Was the custodial sentence suspended?

- Yes No

If yes, please state suspension period

months/years
(please delete as appropriate)

Extended sentence

Custodial term Extension period Please state in months or years i.e. 1 year or 12 months

ii) Community order

Please specify length and requirements of community order

iii) Other sentence Please only tick this box if none of the other options apply

Please specify other sentence given

11. Single most important factor

Taking all things into consideration, what would you say was the single most **important factor** affecting your sentence?

12. Totality

Please only complete where there are multiple offences
Did you adjust the sentence to reflect totality?

- Yes No

Robbery Offences Definitive Guideline Review

You are being asked to complete this form as part of the Sentencing Council's assessment of the robbery offences definitive guideline to help the Council to understand how the guideline influences sentencing.

This form is designed to record the basis upon which the judge approached the task of passing sentence. Please complete the form **after** you have sentenced the defendant.

The results of the review will be used to assess the guideline and inform further Sentencing Council guidelines. The aim of the review is not to assess judges' use of the guideline at individual or court level (the small amount of personal data about the defendant that this form collects is only used to technical quality assurance purposes).

Additional notes on completing the form

- The majority of the information for Part A will be on your court list.
- If a defendant faces more than one robbery offence within one case please complete the form for the principal robbery offence (i.e. the one which, on the facts of the case, has attracted the highest sentence). If the robbery offences attract the same sentence, please select one (e.g. the most recent, if the robbery offences are from different dates).
- If a defendant is being sentenced for more than one robbery offence but the offences do not come under one case (each case will have a distinct CREST case number) please complete one form per case.
- If there are multiple defendants whose main offence is robbery within one case, please complete one form for each defendant.
- Please only include sentences given for a new offence, do not include any additional sentences passed when re-sentencing or activating a previous sentence (e.g. for a breach of community order, SSO or conditional discharge).

Additional notes to Sections 9 and 10

- Section 9: We wish to know the reduction or allowance you have made for a guilty plea. Please tell us the **percentage reduction** you have applied, not the reduction in the numbers of years or months in absolute terms.
- Section 10: Please state the sentence in broad terms. In cases involving a custodial sentence, where a length, term, extension period etc., is given, we would like to know the length in months or years. If a suspended sentence has been given, we do not need to know the details of any community requirements attached to that sentence.