

## **Robbery**

Sentencing youths requires a number of different considerations from adults to be considered. The primary difference is the age and immaturity of the offender.

The approach to sentencing a youth should always be individualistic. However, the starting point of sentencing will require the court to assess the seriousness of the offence. The tables below include offence – related factors that may indicate that the case is either below, or alternatively, has crossed, the custodial threshold. This threshold is likely to be higher for young persons than adults, due to the more punitive effects that custody has upon a young person.

If the custodial threshold has been passed the court should consider whether an alternative penalty is available and if so whether that penalty would be appropriate. In particular the court should consider whether a Youth Rehabilitation Order with Intensive Surveillance and Supervision would be an appropriate alternative to custody.

**This guideline should be read alongside the Overarching Principles – Sentencing Youths definitive guideline which provides comprehensive guidance on issues including grave crime determination and reduction for guilty pleas.**

**Presence of one or more of the following factors may lead the court to consider a **community penalty or an appropriate non custodial sentence** is the most suitable disposal**

- Threat or use of minimal force
- Mental disability where linked to the commission of the offence
- Particularly young or immature offender
- Involved in offence due to peer pressure/ bullying
- No/ minimal physical or psychological harm caused to the victim

**Presence of one of the following factors combined with one or more aggravating features may lead the court to consider that the **custodial threshold\*** has been passed**

- Use of very significant force
- Use or threaten to use a bladed article, firearm or imitation firearm
- Serious physical or psychological harm caused to the victim

\*the court should consider whether a YRO with ISS could be justified before passing a custodial sentence

\*refer to the Overarching Principles – Sentencing Youths definitive guideline, for details of the restrictions on imposing custodial sentences on offenders of different ages and the length of custodial sentences that are available.

**The Court must also consider the aggravating and mitigating features before deciding upon a final sentence.**

**Aggravating factors (non exhaustive)**

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Threat or use of a weapon other than a bladed article, firearm or imitation firearm (whether produced or not)
- Victim is target due to vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability
- A leading role where offending is part of a group
- Attempt to conceal identity (for example, wearing a balaclava or hood)
- High value goods or sums targeted or obtained (includes economic, personal or sentimental)
- Restraint, detention or additional degradation of the victim

**The following aggravating factors are only to be considered where they have not already been taken into consideration at an earlier stage**

- Use of very significant force
- Use or threaten to use a bladed article, firearm or imitation firearm
- Serious physical or psychological harm caused to the victim

**Mitigating factors (non exhaustive)**

- No previous convictions or no relevant/ recent convictions
- Good character and/or exemplary conduct
- Remorse

## Annex C

- Unstable upbringing including but not limited to numerous care placements, exposure to drug and alcohol abuse, lack of attendance at school, lack of familial presence or support, victim of neglect and/or abuse, exposure to familial criminal behaviour, exposure to pornography or sexually explicit materials
- Determination and/or demonstration of steps taken to address offending behaviour
- Participated in offence due to peer pressure/ bullying
- Particularly young or immature offender (where not considered above)
- Mental disorder or learning disability, particularly where linked to the commission of the offence (where not considered above)

**Once satisfied that the offence crosses the custodial threshold, and that no other sentence is appropriate the court may want to consider the equivalent adult guideline in order to decide upon the appropriate length of the sentence.**

**If considering the adult guideline, the court may feel it appropriate to apply a sentence broadly within the region of half to two thirds of the appropriate adult sentence for those aged 15 – 17 and allow a greater reduction for those aged under 15. This is only a rough guide and must not be applied mechanically. The individual factors relating to the offence and the offender are of the greatest importance and may present good reason to impose a sentence outside of this range.**

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