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MOTOR VEHICLE THEFT PENALTIES BY PRIOR CONVICTIONS

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INTRODUCTION

The aim of this Information Bulletin is to examine the types of penalties imposed for motor vehicle theft and to identify whether those penalties vary depending on whether the offender had a prior record for the same or related offences. This analysis focuses on all cases finalised in the Magistrates Court and the Youth Court in the year 2000 which involved *motor vehicle theft* or *illegal use of a motor vehicle* as the major charge. No Higher Court data are included because motor vehicle theft is rarely dealt with at this level.

SECTION 1: MAGISTRATES COURT

This section provides details of all cases finalised in the Magistrates Court in 2000 where the major charge proved was a motor vehicle theft.

1.1 Penalties imposed

For simplicity, Table 1 details only the most serious penalty imposed for proven *motor vehicle theft* offences. For example, if the penalty imposed was a suspended imprisonment and a good behaviour bond, only the suspended imprisonment would be listed below because this is ranked as a more serious penalty than a bond. The rank ordering of penalty categories used for this report is as follows:

- Imprisonment
- Suspended imprisonment
- Community service order
- Bond
- Drivers licence suspended/cancelled
- Fine
- Other order
- No penalty

As shown in Table 1, there were 264 cases finalised by the Magistrates Court in 2000 where the major charge proved was *motor vehicle theft/illegal use*. The most frequently imposed penalties were suspended imprisonment and imprisonment. These were listed as the most serious penalty in 45.1% and 20.1% of cases respectively. At the other end of the scale only a handful (n=5) resulted in no penalty, while only three involved a fine.

Table 1 *Cases finalised in the Magistrates Court in 2000 where the major charge proved was motor vehicle theft/illegal use: major or most serious penalty imposed.*

Major penalty	Finalised cases	
	No.	Percent
Imprisonment	53	20.1
Suspended Imprisonment	119	45.1
Community Service Order	21	8.0
Bond	29	11.0
Fine	3	1.1
Driver's licence suspended/cancelled	33	12.5
Other order	1	0.4
No penalty	5	1.9
TOTAL	264	100.0

In contrast to Table 1, Table 2 details all penalties imposed for the motor vehicle theft charge, rather than just the most serious penalty. As shown, a high proportion of cases involved more than one penalty. For example, of the 53 cases resulting in imprisonment all but three had other penalties attached, primarily suspension of a driver's licence (imposed in 48 of the 53 cases). There were three cases which involved both a prison term and a suspended sentence. This combination of imprisonment and suspended imprisonment can be imposed under s 38(a) of the Criminal Law (Sentencing) Act, 1988, which states that "if the period of imprisonment to which a defendant is liable under one or more sentences is more than three months or less than one year, the sentencing court may direct the defendant serve a specified period being not less than one month of the imprisonment in prison and suspend the remainder on condition that the defendant enter into a bond that will have effect on the defendant's release from prison"

For those 119 cases where the most serious penalty was a suspended imprisonment, 93 (78.2%) involved suspension or cancellation of a driver's licence in addition to a bond. Of the 21 cases where the most serious penalty imposed was a community service order, all but two involved other penalties, primarily driver's licence suspension or cancellation.

Table 2 *Cases finalised in the Magistrates Court in 2000 where the major charge proved was motor vehicle theft: combination of penalties imposed for motor vehicle theft*

Combined Penalty	No	Percent
Imprisonment	3	1.1
Imprisonment + DrivLicSusp/Canc+OtherOrder	1	0.4
Imp+DrivLicSusp/Canc	40	15.2
Imp+DrivLicSusp/Canc+OtherOrder	5	1.9
Imp+OtherOrder	1	0.4
Imp+SuspImp+Bond	1	0.4
Imp + SuspImp+Bond+DrivLicSusp/Canc	2	0.8
Total imprisonment	53	20.1
Suspended Imprisonment +Bond	16	6.1
SuspImp+Bond+DrivLicSusp/Canc	63	23.9
SuspImp+Bond+DrivLicSusp/Canc+Fine	1	0.4
SuspImp+Bond+DrivLicSusp/Canc+OtherOrder	9	3.4
SuspImp+Bond+OtherOrder	6	2.3
SuspImp+CSO+Bond	4	1.5
SuspImp+CSO+Bond+DrivLicSusp/Canc	16	6.1
SuspImp+CSO+Bond+DrivLicSusp/Canc+OtherOrder	4	1.5
TOTAL suspended imprisonment	119	45.1
CSO	2	0.8
CSO+Bond+DrivLicSusp/Canc	2	0.8
CSO+Bond+DrivLicSusp/Canc+Fine	1	0.4
CSO+DrivLicSusp/Canc	10	3.8
CSO+DrivLicSusp/Canc+OtherOrder	5	1.9
CSO+OtherOrder	1	0.4
TOTAL CSO	21	8.0
Bond	6	2.3
Bond+DrivLicSusp/Canc	20	7.6
Bond+DrivLicSusp/Canc+OtherOrder	3	1.1
TOTAL BOND	29	11.0
FINE	3	1.1
Drivers Licence Suspended /Cancelled	23	8.7
DrivLicSusp/Canc+Fine	7	2.6
DrivLicSusp/Canc+OtherOrder	3	1.1
TOTAL Drivers licence suspension	33	12.5
OtherOrder	1	0.4
NoPenalty	5	1.9
TOTAL	264	100.0

1.2 Variation in penalty depending on prior findings of guilt for similar offences

In attempting to identify whether penalties varied depending on prior findings of guilt, one major problem was encountered. Because of the way in which the data are structured, it was not possible to separate prior convictions/guilty findings for *motor vehicle theft* from prior convictions/guilty findings for *illegal interference to a motor vehicle*. Hence, the following analysis is based on the number of prior convictions for *motor vehicle theft + illegal interference to a motor vehicle*.

For simplicity, this analysis focuses only on the most serious penalty imposed in those cases where *motor vehicle theft* was the most serious charge proved in cases finalised in 2000.

Overall, of the 264 cases finalised by the Magistrates Court in 2000 which involved *motor vehicle theft* as the major charge found guilty, almost six in ten (157 or 59.5%) had no priors for either *motor vehicle theft* or *illegal interference*. In contrast, 12.1% had one prior, 8.0% had two priors and 20.5% had three or more priors.

The most serious penalty imposed for the current motor vehicle theft offence according to prior records is detailed in Table 3.

Table 3 *Cases finalised in the Magistrates Court in 2000 where the major charge proved was motor vehicle theft: major penalty imposed for motor vehicle by number of prior convictions/findings of guilt for motor vehicle theft and illegal interference to a motor vehicle*

Penalty	No priors		One prior		Two priors		Three of more priors	
	No.	%	No.	%	No.	%	No.	%
Imprisonment	10	6.3	12	37.5	9	42.9	22	40.7
Suspended imprisonment	71	45.2	16	50.0	8	38.1	24	44.4
CSO	18	11.5	1	3.1	1	4.8	1	1.9
Bond	27	17.2	2	6.3	0	0	0	0
Fine	3	1.9	0	0	0	0	0	0
Drivers licence suspension	26	16.6	1	3.1	1	4.8	5	9.3
Other	0	0	0	0	1	4.8	0	0
No penalty	2	1.3	0	0	1	4.8	2	3.7
TOTAL	157	100.0	32	100.0	21	100.0	54	100.0

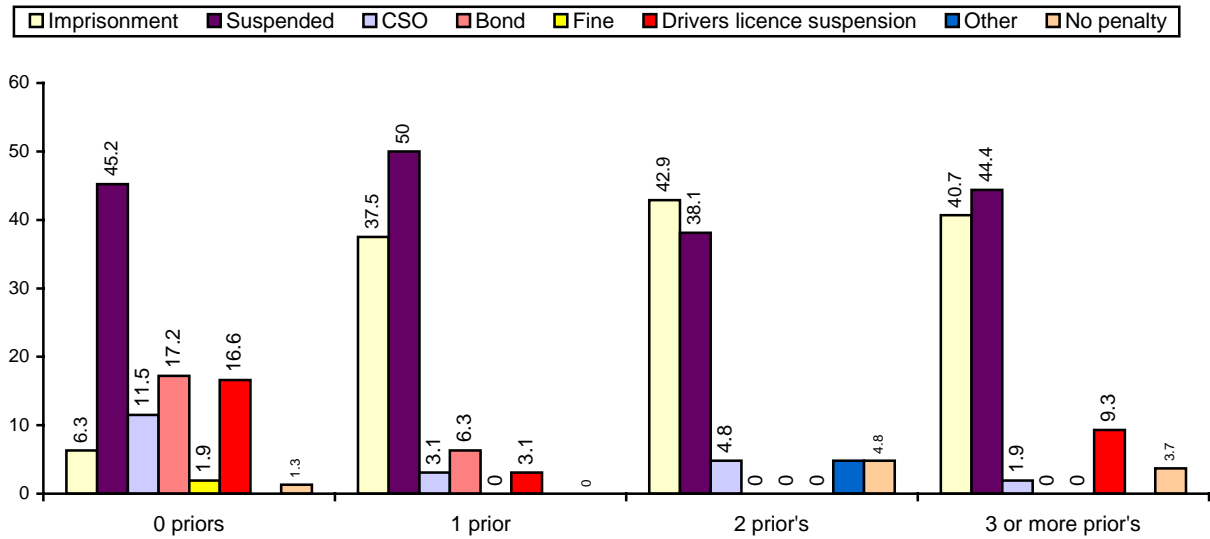
As shown in Table 3, there was a relationship between penalty and prior records. More specifically, those with no prior convictions/findings of guilt were far less likely to receive a prison sentence than were those with a prior conviction/finding of guilt. In fact, of the 157 cases where the offender had no priors, only 6.3% received imprisonment for *motor vehicle theft*, compared with 37.5% of those with one prior and 42.9% of those with two priors.

Conversely, those who had no priors were far more likely to receive a driver's licence suspension as the most serious penalty (16.6% compared with 4.8% of those with two priors). They were also more likely to receive a bond (17.2% compared with 0 for those with two or more priors) or a CSO (11.5% compared with 1.9% of those with three or more priors).

The likelihood of receiving suspended imprisonment was relatively similar across all prior conviction categories.

The data are presented graphically in Figure 1.

Figure 1 Cases finalised in the Magistrates Court in 2000 where the major charge proved was motor vehicle theft: major penalty imposed by the number of prior convictions/findings of guilt for motor vehicle theft and illegal interference to a motor vehicle



SECTION 2. YOUTH COURT

This section provides details on all cases finalised in the Youth Court in 2000 where the major charge proved was a motor vehicle theft.

2.1 Penalties imposed

Table 4 details only the most serious penalty imposed for proven motor vehicle theft offences

As shown, there were 200 cases finalised in 2000 where the major charge proved was *motor vehicle theft/illegal use*. The most frequently imposed penalties were driver's licence suspended/cancelled (listed as the most serious penalty in 44.5% of cases) or an obligation (the major penalty in 22.0% of cases). This contrasts with the findings for adult cases, where suspended imprisonment and imprisonment were the two most frequently imposed penalties. For juvenile cases, only 7.5% received detention while 17.5% received suspended detention.

Table 4 Cases finalised in the Youth Court in 2000 where the major charge proved was motor vehicle theft/illegal use: major or most serious penalty imposed

Major penalty	Finalised cases	
	No.	Percent
Detention	15	7.5
Suspended detention	35	17.5
Community Service Order	15	7.5
Obligation	44	22.0
Fine	0	0
Driver's licence suspended/cancelled	89	44.5
Other order	0	0
No penalty	2	1.0
TOTAL	200	100.0

In contrast to Table 4, Table 5 (below) details all penalties imposed for the motor vehicle theft charge, rather than just the most serious penalty. As shown, the majority of cases resulted in more than one penalty being imposed. For those 35 cases where the most serious penalty was a suspended imprisonment, all involved suspension or cancellation of a driver's licence in addition to a bond. Similarly, of the 44 cases where the most serious penalty was a bond, all but four had a driver's licence suspension as an additional penalty.

Table 5: *Cases finalised in the Youth Court in 2000 where the major charge proved was motor vehicle theft/illegal use: all penalties imposed for motor vehicle theft (rather than just the major penalty).*

Combined Penalty	No	Percent
Detention	3	1.5
Detention + DrivLicSusp/Canc	12	6.0
Total detention	15	7.5
SuspDet+Bond+DrivLicSusp/Canc	26	13.0
SuspDet+Bond+DrivLicSusp/Canc+OtherOrder	4	2.0
SuspDet+CSO+Obligation+DrivLicSusp/Canc	3	1.5
SuspDet+CSO+Obligation+DrivLicSusp/Canc+OtherOrder	2	1.0
TOTAL suspended detention	35	17.5
CSO	1	0.5
CSO+Obligation+DrivLicSusp/Canc+Fine	12	6.0
CSO+DrivLicSusp/Canc+OtherOrder	2	1.0
TOTAL CSO	15	7.5
Obligation	4	2.0
Obligation+DrivLicSusp/Canc	34	17.0
Obligation+DrivLicSusp/Canc+Fine + OtherOrder	1	0.5
Obligation+DrivLicSusp/Canc+OtherOrder	5	2.5
TOTAL OBLIGATION	44	22.0
FINE	0	0
Drivers Licence Suspended /Cancelled	80	40.0
DrivLicSusp/Canc+Fine	3	1.5
DrivLicSusp/Canc+OtherOrder	6	3.0
TOTAL Drivers licence suspension	89	44.5
OtherOrder	0	0
NoPenalty	2	1.0
TOTAL	200	100.0

2.2 Variation in penalty depending on prior findings of guilt

As with adults, it was not possible to separate prior convictions/guilty findings for *motor vehicle theft* from prior convictions/guilty findings for *illegal interference to a motor vehicle*. Hence, the following analysis is based on the number of prior convictions for *motor vehicle theft and illegal interference to a motor vehicle*.

Again, for simplicity, this analysis focuses only on the most serious penalty imposed in those cases where motor vehicle theft was the most serious charge proved in cases finalised in 2000.

Overall, of the 200 cases finalised by the Youth Court in 2000 which involved *motor vehicle theft* as the major charge found guilty, almost seven in ten (138 or 69.0%) had no priors for either *motor vehicle theft* or *illegal interference*, while 12.0% had one or two prior and 19.0% had more than two priors.

The most serious penalty imposed for the current *motor vehicle theft illegal use* offence according to prior records is detailed in Table 6.

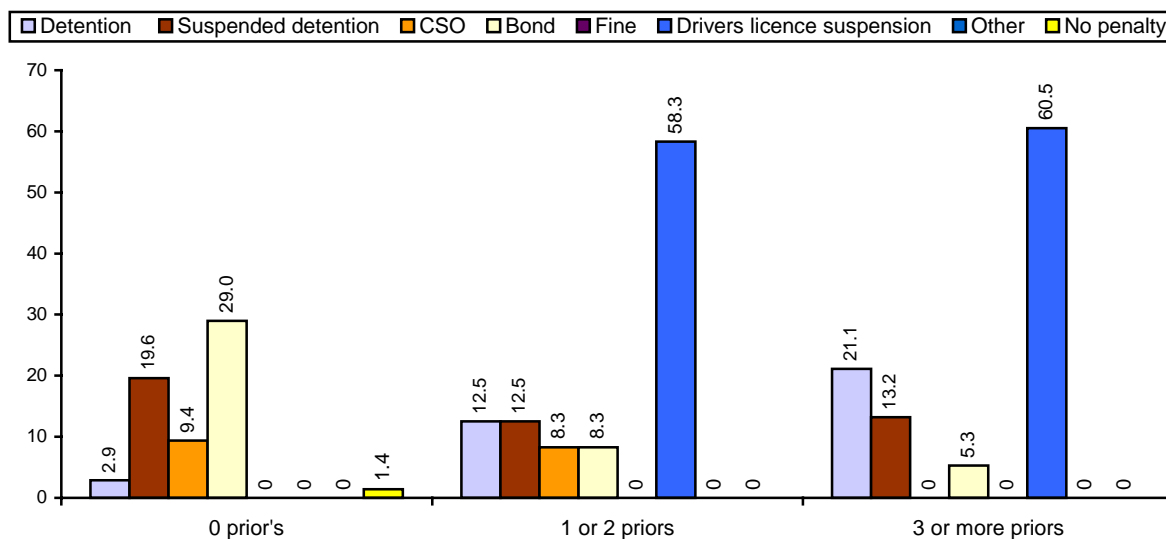
Table 6 *Cases finalised in the Youth Court in 2000 where the major charge proved was motor vehicle theft/illegal use: major penalty imposed for motor vehicle theft by number of prior convictions/findings of guilt for motor vehicle theft and illegal interference to a motor vehicle*

Penalty	No priors		One or two priors		Three or more priors	
	No.	%	No.	%	No.	%
Detention	4	2.9	3	12.5	8	21.1
Suspended detention	27	19.6	3	12.5	5	13.2
CSO	13	9.4	2	8.3	0	0
Obligation	40	29.0	2	8.3	2	5.3
Fine	0	0	0	0	0	0
Driver's licence suspension	52	37.7	14	58.3	23	60.5
Other	0	0	0	0	0	0
No penalty	2	1.4	0	0	0	0
TOTAL	138	100.0	24	100.0	38	100.0

As shown, as the number of prior findings of guilt increased, so did the proportion of cases which resulted in detention. Of those cases involving youths with no priors, only 2.9% were sentenced to detention compared with 21.1% of those with three or more priors. Those with no priors were also noticeably more likely to receive an obligation than were those with priors. Conversely, the likelihood of a licence disqualification as the most serious penalty increased as the number of priors increased.

The data are presented graphically in Figure 2.

Figure 2 *Cases finalised in the Youth Court in 2000 where the major charge proved was motor vehicle theft/illegal use: major penalty imposed by the number of prior convictions/findings of guilt for motor vehicle theft/illegal interference*



CONCLUSION

This Information Bulletin examined the types of penalties imposed for motor vehicle theft in those cases finalised by the Magistrates Court and Youth Court in the year 2000. It also sought to identify whether those penalties varied depending on whether the offender had a prior record for the same or related offences.

The key findings were as follows:

- Of the 264 cases finalised in the Magistrates Court in 2000 where the major charge was motor vehicle theft,
 - Approximately two thirds resulted in either imprisonment or suspended imprisonment.
 - Just over eight in ten had their licence either suspended or cancelled. This order was often made in conjunction with another type of penalty. For example, of the 119 cases resulting in a suspended sentence, 93 also received a licence suspension.
- Almost six in ten cases involved offenders who had no prior convictions/guilty outcomes for either *motor vehicle theft* or *illegal interference to a motor vehicle*.
 - Penalties varied depending on the number of prior convictions/guilty findings. Those with a prior record for motor vehicle theft/illegal interference to a motor vehicle were more likely to receive a prison sentence than were those with no prior conviction/guilty finding. Conversely, those with a prior record were less likely to receive a community service order or a bond.
- Of the 200 cases finalised in the Youth Court in 2000 where the major charge proved was a motor vehicle theft,
 - The overwhelming majority received a licence disqualification/cancellation, either as a stand alone penalty (40.0%) or in combination with another penalty (110 or 55.0%).
 - One quarter received either detention or suspended detention, which was lower than the equivalent figure for adults.
 - As was the case with adults, the majority of juvenile cases (69.0%). involved persons with no prior conviction/guilty finding for either *motor vehicle theft* or *illegal interference to a motor vehicle*
- Again, penalties varied according to the offender's prior offending record. As the number of prior convictions for motor vehicle theft or illegal interference increased, so did the proportion who received a sentence of detention (2.9% for those with no priors compared with 21.1% of those with three or more priors). Clearly then, the existence of a prior record was associated with a more severe penalty.