

Sentencing snapshot: Motor vehicle theft

Katrina Grech

Aim: To describe the penalties imposed on adult offenders convicted of motor vehicle theft.

Summary: Over the period 2009 to 2010 a total of 1018 offenders were convicted of motor vehicle theft in NSW Local and District Courts. Imprisonment was the most commonly imposed penalty, followed by a bond without supervision and a suspended sentence. The risk of imprisonment increased with the number of prior convictions. In addition, offenders previously imprisoned for theft or a related offence were most likely to be sentenced to imprisonment for their current motor vehicle theft offence (92% and 79% respectively).

Keywords: Motor vehicle theft, theft of a motor vehicle, illegal use of a motor vehicle, prison, sentence

Introduction

This Bureau Brief describes sentencing outcomes for adult offenders convicted of motor vehicle theft in 2009 and 2010 in NSW Local and District Courts. Motor vehicle theft (MVT) involves the taking of another person's motor vehicle illegally and without permission. Subdivisions of this offence include 1) Theft of a motor vehicle, with the intent to permanently deprive the owner of the vehicle and 2) Illegal use of a motor vehicle, where the intent is to temporarily deprive the owner of the vehicle (*Australian and New Zealand Standard Offence Classification*, 2011).

Under the *Crimes Act 1900*, the maximum penalty for theft of a motor vehicle is 10 years imprisonment, while the maximum penalty for illegal use of a motor vehicle is five years imprisonment. Between 2009 and 2010, 151 adults were convicted of theft of a motor vehicle and 867 adults were convicted of illegal use of a motor vehicle¹. See the appendix for a further description of the associated Law Parts and short description for those convicted. The majority of motor vehicle theft offenders are dealt with in the Local Court (95.9%), rather than the District court (4.1%). For this reason we do not distinguish between the two jurisdictions in this report.

Age, gender and prior record of offenders

Over the two-year period covered in this study, 112 females and 906 males were convicted of MVT. Given the small number of female offenders, all subsequent tables and figures group male and female offenders together. Figure 1 shows the age distribution of convicted offenders of MVT.

The age range of MVT offenders was 18 to 63 years, with the average age being 27 years. Half of all MVT offenders were aged 24 years or less.

Figure 1. Age distribution of convicted offenders of motor vehicle theft, NSW 2009-2010

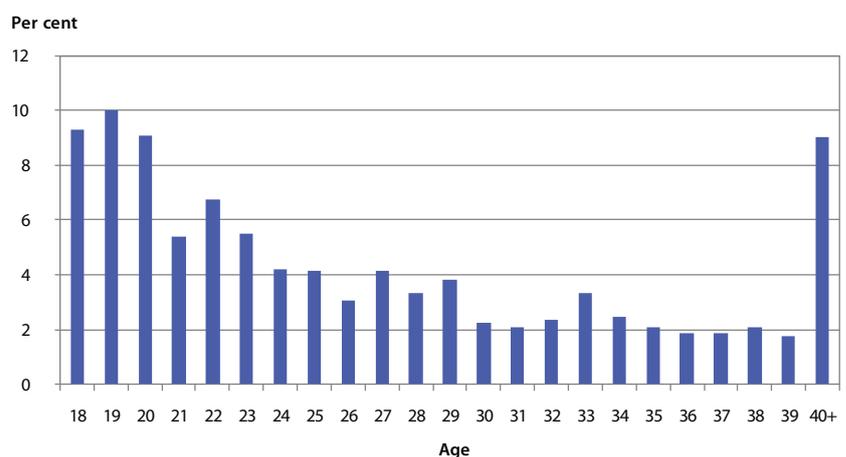


Figure 2 shows the number of convictions offenders had in the five years prior to their MVT offence.

In the five years prior to their MVT offence, offenders commonly had four or more convictions (31.1% for theft of a motor vehicle, 41.6% for illegal use of a motor vehicle). The number of prior convictions ranged from 0 to 11 for offenders of theft of a motor vehicle, with an average of 2.6. The number of prior convictions for offenders of illegal use of a motor vehicle ranged from 0 to 14, with an average of 3.2.

Of offenders who had a prior conviction (n=805), 60.2 per cent had a prior conviction for theft or a related offences. Of those offenders with previous convictions for theft and related offences (n=485), more than half had been sentenced to imprisonment (59.1%). Figure 3 shows the nature of prior convictions for all offenders of MVT, that is, the proportion of offenders convicted of MVT offences in 2009 and 2010 who have:

- No prior convictions (n=213)
- Prior convictions but not for theft or related offences (i.e. not of the same type) (n= 320)
- Prior convictions for theft and related offences (i.e. of the same type) but who were not imprisoned (n=198); or
- Prior convictions for theft and related offences who were imprisoned (n=287).

Around one third of offenders of theft of a motor vehicle and illegal use of a motor vehicle had previous convictions, but not for theft or related offences (31.2% and 31.4% respectively), while nearly a quarter of offenders had been convicted and imprisoned for a theft-related offence (23.8 % for theft of a motor vehicle and 29.0% for illegal use of a motor vehicle).

Figure 2. Prior convictions among convicted offenders of MVT

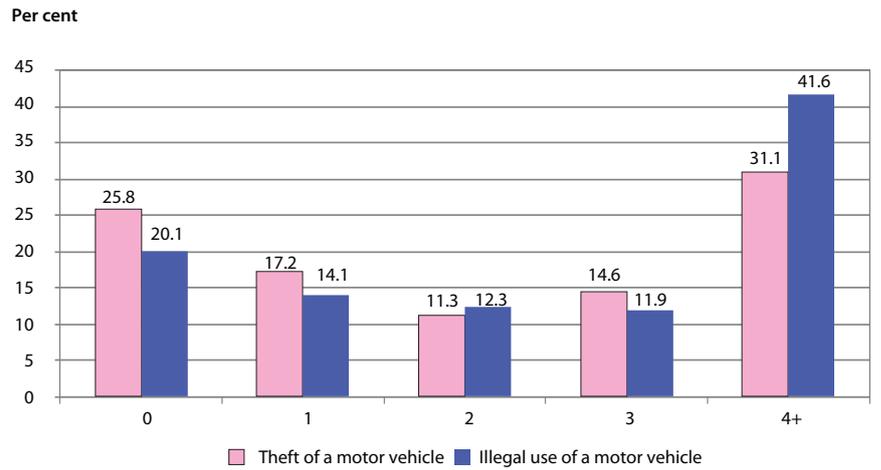
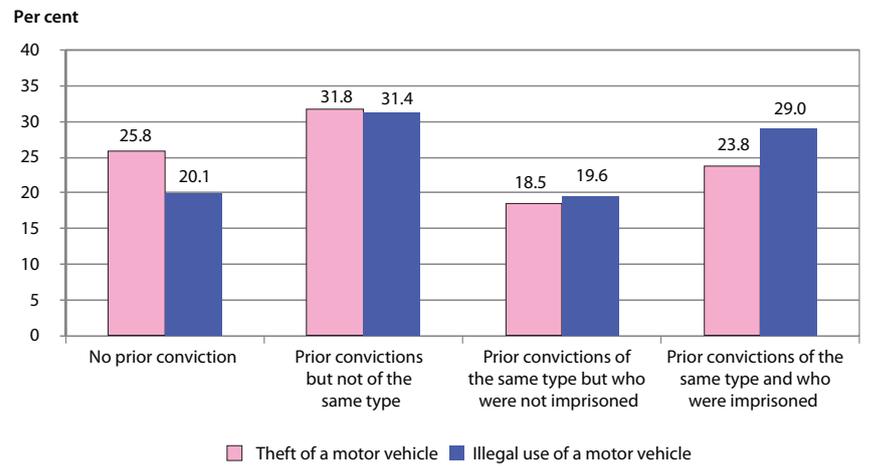


Figure 3. Nature of prior convictions of convicted MVT offenders



Sentence types

Table 1 shows the principal penalty imposed on MVT offenders.

Imprisonment was the penalty most frequently imposed on offenders convicted of theft of a motor vehicle and illegal use of a motor vehicle (47.0 % and 39.7 % respectively). Bonds (including without conviction) were the second most

Table 1. MVT offenders: Principal penalty imposed

| Penalty | Theft of a motor vehicle | | Illegal use of a motor vehicle | |
|--|--------------------------|--------------|--------------------------------|--------------|
| | n | % | n | % |
| Imprisonment | 71 | 47.0 | 344 | 39.7 |
| Home detention/Periodic detention/Intensive correction order | 8 | 5.3 | 10 | 1.2 |
| Suspended sentence with/out supervision | 17 | 11.3 | 97 | 11.2 |
| Community service order | 10 | 6.6 | 55 | 6.3 |
| Bond with/out supervision or bond without conviction | 40 | 26.5 | 281 | 32.4 |
| Fine | 4 | 2.6 | 60 | 6.9 |
| Nominal sentence / No conviction recorded | 1 | 0.7 | 20 | 2.3 |
| Total | 151 | 100.0 | 867 | 100.0 |

common penalties (26.5 % and 32.4%). Twenty-one offenders were convicted of aggravated motor vehicle theft. Twenty of these offenders were sentenced to imprisonment, while one offender was sentenced to periodic detention. See the appendix for associated lawparts and short description.

Figure 4 shows the percent of convicted offenders of MVT given a sentence of imprisonment broken down by the number of prior convictions.

The risk of imprisonment increased with the number of prior convictions. Of those offenders of theft of a motor vehicle with no priors, 23.1 per cent were sentenced to prison. This rose to 68.1 per cent where the offender had four or more priors. For offenders of illegal use of a motor vehicle, 10.3 per cent of those with no priors were sentenced to imprisonment, rising to 61.2 per cent for those with four or more.

Figure 5 shows the per cent of convicted offenders of MVT given a sentence of imprisonment by the type of prior conviction.

Offenders who had been previously imprisoned for theft or a related offence were most likely to be sentenced to imprisonment for their motor vehicle offence (91.7% and 78.9% respectively). This is in contrast to those with a prior conviction for theft or a related offence who had not been imprisoned. Of this group 28.6 percent of those convicted of theft of a motor vehicle and 31.8 per cent of those convicted of illegal use of a motor vehicle were sentenced to imprisonment.

Sentence length

Table 2 shows the mean, median, minimum and maximum prison sentences for offenders convicted of MVT. The top row shows descriptive statistics for aggregate prison terms (i.e. the longest period an offender can spend in custody). The lower row shows minimum prison terms (i.e. the shortest period an offender can spend in custody).

Figure 4. Per cent of MVT offenders imprisoned by number of prior convictions

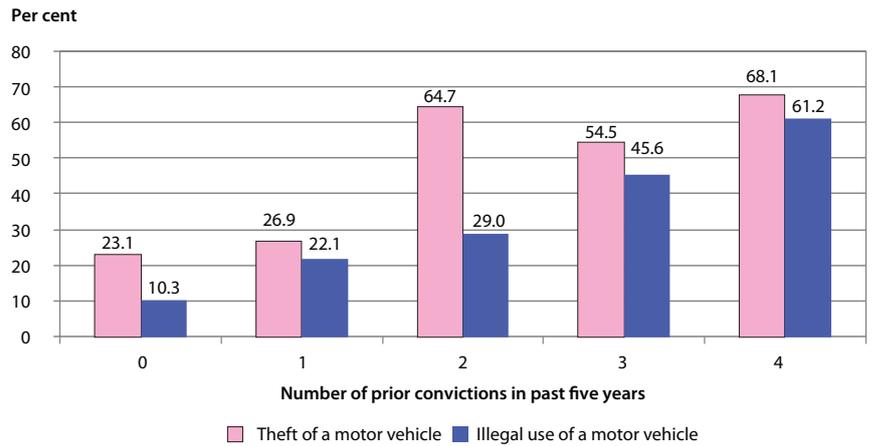
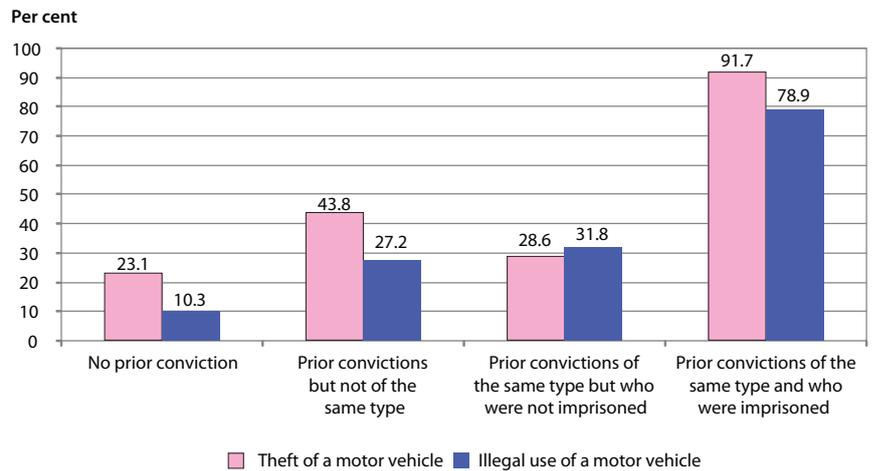


Figure 5. Per cent of offenders of MVT imprisoned by type of prior



The average minimum term for offenders imprisoned for theft of motor vehicle was 17 months, with a range of one month to six years. The average maximum term was 28 months, with a range from one month to eight years. Sentence length for illegal use of a motor vehicle was shorter. The average minimum term for these offenders was seven months, with a range from one month to two years. The average maximum term was 10 months, with a range from one month to 42 months.

Table 2. Mean, minimum and maximum prison sentence

| Term | Theft of a motor vehicle | | | | Illegal use of a motor vehicle | | | |
|-----------------------------|--------------------------|--------|-----|-----|--------------------------------|--------|-----|-----|
| | Mean | Median | Min | Max | Mean | Median | Min | Max |
| Aggregate sentence (months) | 28.3 | 18.4 | 0.9 | 96 | 10.2 | 10 | 0.9 | 42 |
| Minimum term (months) | 16.7 | 12 | 0.9 | 72 | 6.9 | 6 | 0.9 | 24 |

Conclusion

In 2009 and 2010, a total of 1018 offenders were convicted of motor vehicle theft in NSW Local and District Courts. The average age of offenders was 27. The most common penalty imposed on convicted offenders of MVT was a sentence of imprisonment. The second most common penalty was a bond, followed by a suspended sentence. Close to 50 per cent of offenders convicted of theft of a motor vehicle were sentenced to imprisonment, with the average minimum term of 17 months and average maximum term of 28 months. Close to 40 per cent of offenders convicted of illegal use of a motor vehicle were sentenced to imprisonment, with the average minimum term of seven months and average maximum term of 10 months. The likelihood of prison was strongly affected by the number of prior convictions of the offender. Of those offenders of theft of a motor vehicle with no prior convictions 23 per cent were sentenced to imprisonment. For those with four or more convictions, close to 70 per cent were sentenced to imprisonment. For offenders of illegal use of a motor vehicle, 10.3 per cent of those with no priors were sentenced to imprisonment, rising to 61.2 per cent for those with four or more.

Appendix

| Law Part | Short Description | Frequency |
|----------|--|-----------|
| 676 | Take & drive conveyance w/o consent of owner-T2 | 490 |
| 678 | Be carried in conveyance taken w/o consent of owner-T2 | 239 |
| 679 | Drive conveyance taken w/o consent of owner-T2 | 136 |
| 680 | Steal motor car / motor vehicle-T1 | 4 |
| 44558 | Steal motor vehicle-T1 | 6 |
| 44559 | Assault with intent to take/drive motor vehicle-T1 | 9 |
| 44560 | Unlawfully take/drive motor vehicle with person in/on it-T1 | 3 |
| 44561 | Agg assault w/i to take/drive m/v-in company-T1 | 7 |
| 44562 | Agg assault w/i to take/drive m/v-armed with weapon-T1 | 4 |
| 44563 | Agg assault w/i to take/drive m/v-inflict ABH-T1 | 2 |
| 44564 | Agg take/drive m/v with person in/on it-in company-T1 | 3 |
| 44565 | Agg take/drive m/v with person in/on it-armed with weapon-T1 | 4 |
| 44566 | Agg take/drive m/v with person in/on it-inflict ABH-T1 | 1 |
| 58180 | Use motor vehicle, trailer without owner's consent | 2 |
| 59794 | Steal motor vehicle-T1 | 98 |
| 59796 | Knowingly facilitate organised car rebirthing activity-SI | 10 |

Acknowledgement

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Notes

1. One offender was charged under the *Road Transport (General) Act 2005*.