

# Sentencing Snapshot

Sentencing trends  
in the Magistrates'  
Court of Victoria  
2004–05 to 2007–08

October 2008  
No. 59

## Handling stolen goods

This Sentencing Snapshot describes sentencing outcomes<sup>1</sup> for the offence of handling stolen goods and details the age and gender<sup>2</sup> of people sentenced for this offence in the Magistrates' Court of Victoria between 2004–05 and 2007–08.

A person is guilty of handling stolen goods if he or she dishonestly receives or deals with goods, and knows or believes them to be stolen.

Handling stolen goods is an indictable offence which carries a maximum penalty of 15 years' imprisonment<sup>3</sup> and/or a fine of up to 1800 penalty units.<sup>4</sup> Indictable offences are more serious offences triable before a judge and jury in the County or Supreme Court.

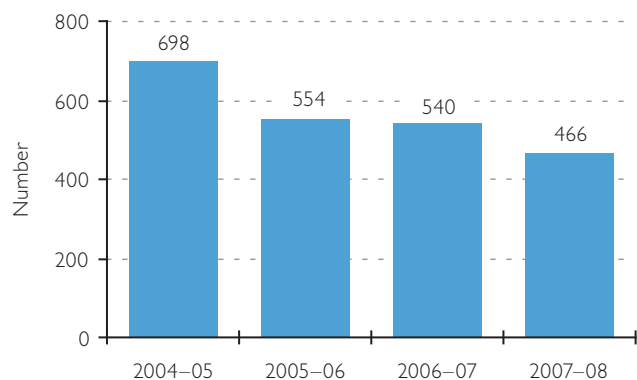
This offence may be heard summarily in the Magistrates' Court if the court considers it appropriate and the defendant consents. This tends to occur where the offence is seen by the court as being less serious in nature. Where an offence is tried summarily, the matter will be heard before a magistrate rather than a judge and a jury. Where handling stolen goods is heard summarily, it carries a maximum penalty of 2 years' imprisonment and/or a fine of 240 penalty units.<sup>5</sup>

Of all people sentenced for the principal offence of handling stolen goods, 87.0% had their cases heard in the Magistrates' Court. The remaining cases were heard in the Children's Court and higher courts. Handling stolen goods was the principal offence in 0.8% of cases sentenced in the Magistrates' Court between 2004–05 and 2007–08.

## People sentenced

Over the four-year period, the Magistrates' Court sentenced 2,258 people for the principal offence of handling stolen goods. In 2007–08, there were 466 people who were sentenced for the principal proven offence of handling stolen goods.<sup>6</sup> This has steadily decreased each year from 698 people in 2004–05.

Figure 1: The number of people sentenced for handling stolen goods, 2004–05 to 2007–08



## Sentencing outcomes

Table 1 shows the sentencing outcomes for people sentenced for handling stolen goods during 2004–05 to 2007–08. Over the four-year period, the majority of those sentenced for handling stolen goods received a non-custodial sentence (1,608 people or 71.2%), including 814 people who received a fine (36.0%), 456 people who received an adjourned undertaking (20.2%) and 333 people who received a community-based order (14.7%).

There were also 362 people who received a non-immediate custodial sentence (16.0%), including 291 people who received a wholly suspended sentence (12.9%).

An additional 415 people participated in the criminal justice diversion program. These people are not counted towards the total number of people sentenced and are not included in any further analyses in this paper (unless stated).<sup>7</sup>

Table 1: The number and percentage of people sentenced for handling stolen goods by sentence type, 2004–05 to 2007–08

Sentence Type	Total	%
<b>Immediate custodial</b>	<b>288</b>	<b>12.8</b>
Imprisonment	250	11.1
Partially suspended sentence	30	1.3
Youth justice centre order	8	0.4
<b>Other custodial</b>	<b>362</b>	<b>16.0</b>
Drug treatment order	3	0.1
Wholly suspended sentence	291	12.9
Intensive correction order	68	3.0
<b>Non-custodial</b>	<b>1,608</b>	<b>71.2</b>
Community-based order	333	14.7
Fine	814	36.0
Adjourned undertaking	456	20.2
Convicted and discharged (s 73 SA)	3	0.1
Dismissed (s 76 SA)	2	0.1
<b>People sentenced</b>	<b>2,258</b>	<b>100.0</b>
Criminal justice diversion program	415	
<b>Total dispositions</b>	<b>2,673</b>	



### Sentencing outcomes by year

Table 3 shows the number and percentage of people sentenced each year from 2004–05 to 2007–08 for handling stolen goods by the type of sentence imposed.

While the number of people who received an immediate custodial sentence decreased from 80 people in 2004–05 to 70 people in 2007–08, the percentage of people increased from 11.5% to 15.0% over the past three years.

While the number of people who received a non-immediate custodial sentence decreased from 100 people in 2004–05 to 75 people in 2007–08, the percentage of people decreased from 17.1% to 16.1% over the past two years. The number and percentage of people who received a non-custodial sentence decreased each year from 518 people and 74.2% in 2004–05 to 321 people and 68.9% in 2007–08.

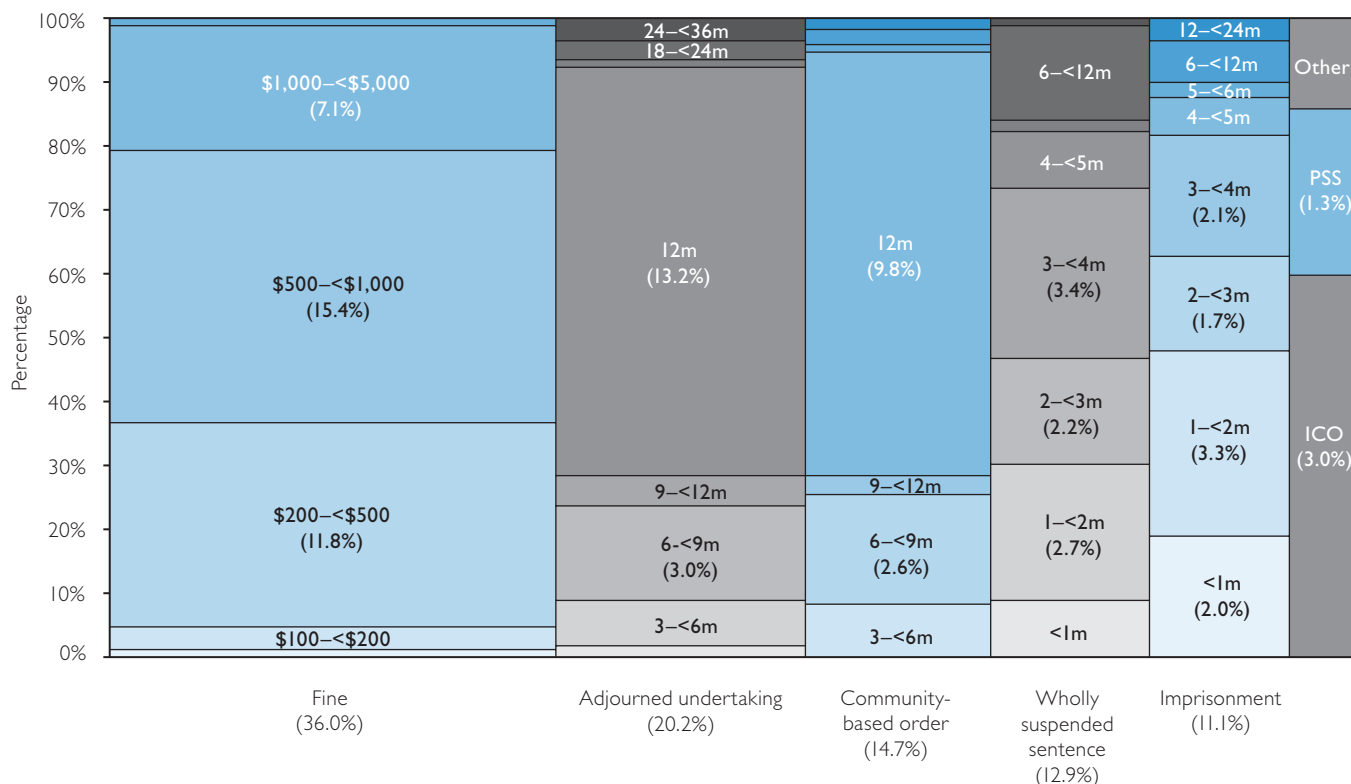
### Sentencing map

Figure 3 presents both the sentencing outcome and the quantum for that outcome for people sentenced for handling stolen goods. For example, 36.0% of people sentenced received a fine including 15.4% who received a fine of \$500 to less than \$1,000. The right most column of the graph presents the least common sentencing outcomes without showing the quantum information.

Figure 3: Sentencing map: The percentage of people sentenced for handling stolen goods by sentencing outcomes and sentencing quanta, 2004–05 to 2007–08<sup>12</sup>

Table 3: The number and percentage of people sentenced for handling stolen goods by sentence type and year, 2004–05 to 2007–08<sup>11</sup>

Sentence type	2004–05	2005–06	2006–07	2007–08
<b>Immediate custodial</b>	<b>80</b> <b>(11.5%)</b>	<b>64</b> <b>(11.6%)</b>	<b>74</b> <b>(13.7%)</b>	<b>70</b> <b>(15.0%)</b>
Imprisonment	68 (9.7%)	57 (10.3%)	63 (11.7%)	62 (13.3%)
Partially suspended sentence	8 (1.1%)	6 (1.1%)	8 (1.5%)	8 (1.7%)
Youth justice centre order	4 (0.6%)	1 (0.2%)	3 (0.6%)	0 –
<b>Other custodial</b>	<b>100</b> <b>(14.3%)</b>	<b>95</b> <b>(17.1%)</b>	<b>92</b> <b>(17.0%)</b>	<b>75</b> <b>(16.1%)</b>
Drug treatment order	0 –	1 (0.2%)	1 (0.2%)	1 (0.2%)
Wholly suspended sentence	82 (11.7%)	80 (14.4%)	69 (12.8%)	60 (12.9%)
Intensive correction order	18 (2.6%)	14 (2.5%)	22 (4.1%)	14 (3.0%)
<b>Non-custodial</b>	<b>518</b> <b>(74.2%)</b>	<b>395</b> <b>(71.3%)</b>	<b>374</b> <b>(69.3%)</b>	<b>321</b> <b>(68.9%)</b>
Community-based order	104 (14.9%)	88 (15.9%)	77 (14.3%)	64 (13.7%)
Fine	272 (39.0%)	205 (37.0%)	197 (36.5%)	140 (30.0%)
Adjourned undertaking	142 (20.3%)	101 (18.2%)	97 (18.0%)	116 (24.9%)
Convicted and discharged (s 73 SA)	0 –	1 (0.2%)	1 (0.2%)	1 (0.2%)
Dismissed (s 76 SA)			2 (0.4%)	0 –
<b>People sentenced</b>	<b>698</b>	<b>554</b>	<b>540</b>	<b>466</b>



Note: ICO refers to intensive correction order and PSS refers to partially suspended sentence. Other includes youth justice centre order; drug treatment order; convicted and discharged (s 73 SA) and dismissed (s 76 SA).

## Principal sentence

This section examines the use of the five most common principal sentencing outcomes for this offence.<sup>13</sup> Firstly, it provides an analysis of the trends in the use of each sentencing outcome, both in terms of the number and percentage of people sentenced. Secondly, a demographic analysis of the people sentenced to each sentencing outcome is provided.<sup>14</sup> Finally, where relevant, the details of the sentence (length of order or fine amount) are examined.<sup>15</sup> When a person is sentenced for multiple offences, the court has the power to impose a single aggregate term of imprisonment<sup>16</sup> or aggregate fine.<sup>17</sup> For these people aggregate lengths or fine amounts are shown.<sup>18</sup>

The five most common sentences imposed for handling stolen goods are fine, adjourned undertaking, community-based order, wholly suspended sentence and imprisonment.

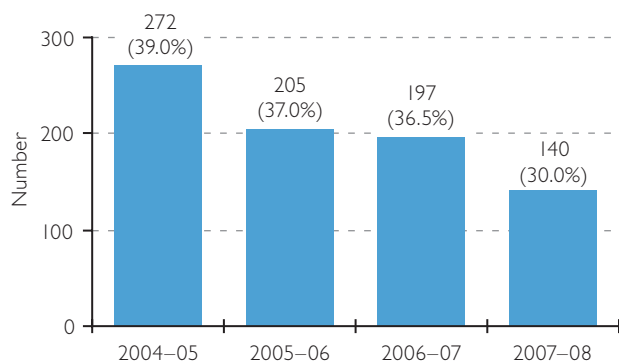
## Fine

### Trends

There were 814 people who received a fine for handling stolen goods. This represented 36.0% of all people sentenced for this offence. Of the 337 people who received a fine in 2006–07 and 2007–08, 74.8% also had a conviction recorded (252 people). Figure 4 shows the trends in the number and percentage of people who received a fine for handling stolen goods.

In 2007–08, 140 people received a fine for the principal proven offence of handling stolen goods. This has decreased each of the past three years from 272 people in 2004–05. Also, the proportion of people who received a fine for handling stolen goods decreased over the past year from 36.5% to 30.0%.

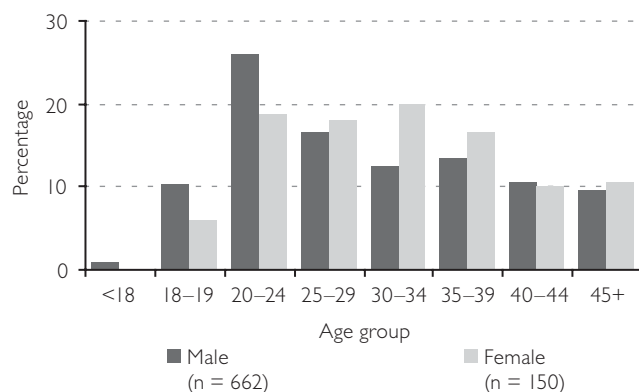
Figure 4: The number and percentage of people who received a fine for handling stolen goods, 2004–05 to 2007–08



### Age and gender

Of the 814 people who received a fine, 81.6% were men. Figure 5 shows the age groups of people who received a fine for handling stolen goods by gender. The median age of these people was 29 years, while women were generally older than their male counterparts (a median age of 31 years compared to 28 years).

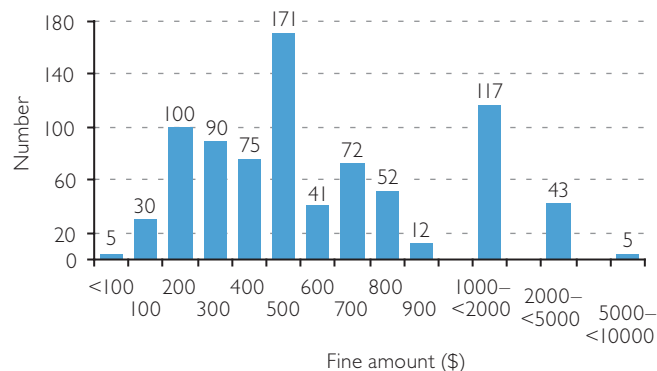
Figure 5: The percentage of people who received a fine for handling stolen goods by age and gender, 2004–05 to 2007–08



### Fine Amount

Figure 6 shows the number of people who received a fine for handling stolen goods by the amount of the fine. While the amount of the fine ranged from \$30 to \$8,000, the median was \$500. Aggregate fines were imposed for 40.8% of people who received a fine.<sup>19</sup>

Figure 6: The number of people who received a fine for handling stolen goods by the amount of the fine, 2004–05 to 2007–08



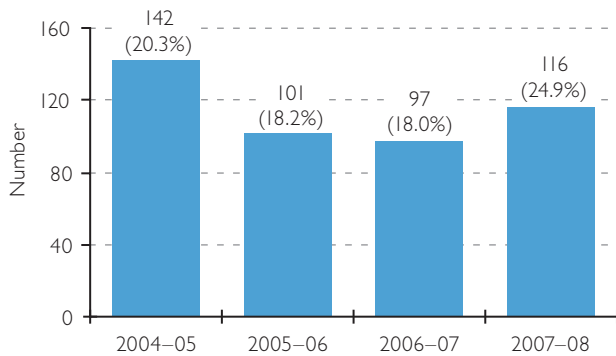
## Adjourned undertaking

### Trends

There were 456 people who received an adjourned undertaking for handling stolen goods. This represented 20.2% of all people sentenced for this offence. Of the 213 people who received an adjourned undertaking in 2006–07 and 2007–08, 15.0% also had a conviction recorded (32 people). Figure 7 shows the trends in the number and percentage of people who received an adjourned undertaking for handling stolen goods.

In 2007–08, 116 people received an adjourned undertaking for the principal proven offence of handling stolen goods. This has increased over the past year from 97 people in 2006–07, after remaining relatively stable the previous year. Also, the proportion of people who received an adjourned undertaking for handling stolen goods increased over the past year from 18.0% to 24.9%.

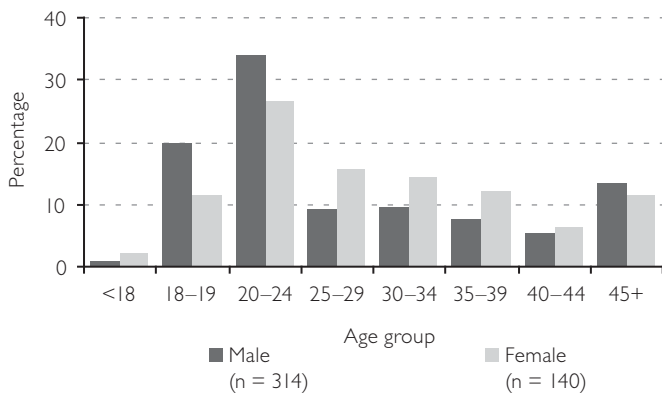
**Figure 7:** The number and percentage of people who received an adjourned undertaking for handling stolen goods, 2004–05 to 2007–08



### Age and gender

Of the 456 people who received an adjourned undertaking, 69.3% were men. Figure 8 shows the age groups of people who received an adjourned undertaking for handling stolen goods by gender. The median age of these people was 24 years, while women were generally older than their male counterparts (a median age of 27 years compared to 24 years).

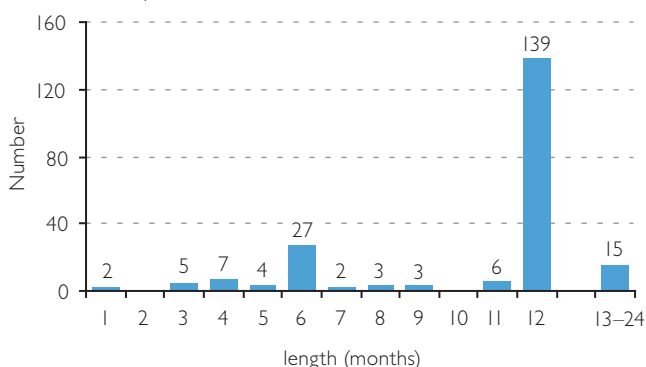
**Figure 8:** The percentage of people who received an adjourned undertaking for handling stolen goods by age and gender, 2004–05 to 2007–08



### Length of sentence

Figure 9 shows the number of people who received an adjourned undertaking for handling stolen goods by the length of the sentence. While the length of adjourned undertakings ranged from one month to two years, the majority were for 12 months (65.3%).

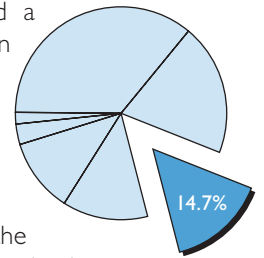
**Figure 9:** The number of people who received an adjourned undertaking for handling stolen goods by the length of order, 2006–07 and 2007–08



## Community-based order

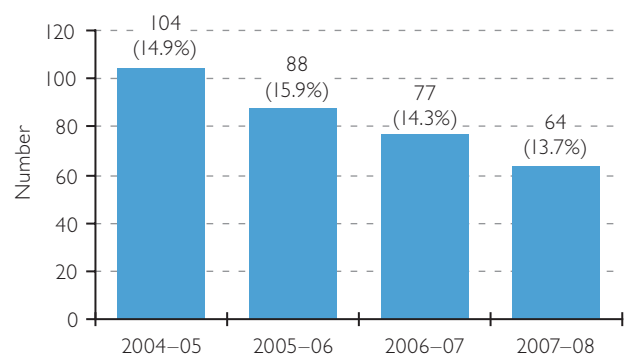
### Trends

There were 333 people who received a community-based order for handling stolen goods. This represented 14.7% of all people sentenced for this offence. Of the 141 people who received a community-based order in 2006–07 and 2007–08, 85.8% also had a conviction recorded (121 people). Figure 10 shows the trends in the number and percentage of people who received a community-based order for handling stolen goods.



In 2007–08, 64 people received a community-based order for the principal proven offence of handling stolen goods. This has decreased each of the past three years from 104 people in 2004–05. However, the proportion of people who received a community-based order for handling stolen goods remained relatively stable ranging from 13.7% in 2007–08 to 15.9% in 2006–07.

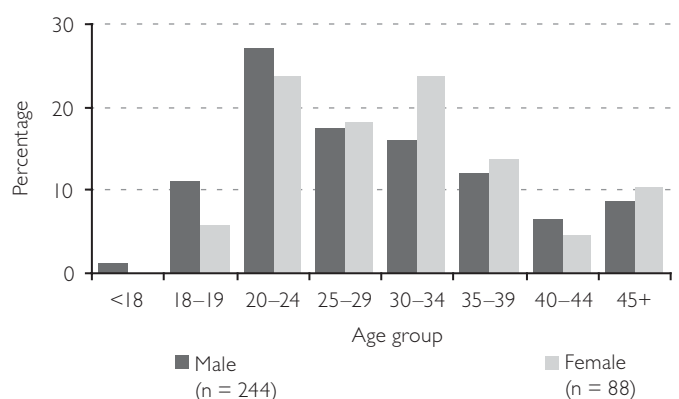
**Figure 10:** The number and percentage of people who received a community-based order for handling stolen goods, 2004–05 to 2007–08



### Age and gender

Of the 333 people who received a community-based order, 73.6% were men. Figure 11 shows the age groups of people who received a community-based order for handling stolen goods by gender. The median age of these people was 27 years, while women were generally older than their male counterparts (a median age of 30 years compared to 27 years).

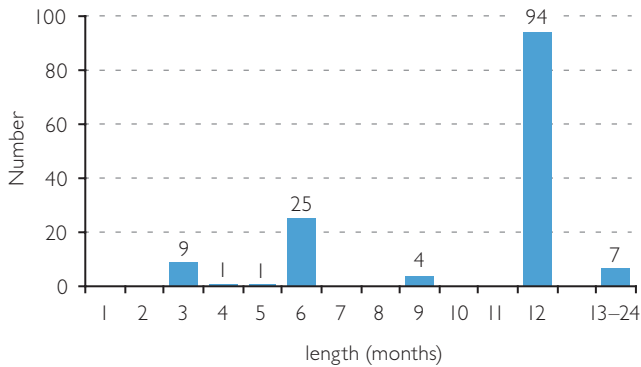
**Figure 11:** The percentage of people who received a community-based order for handling stolen goods by age and gender, 2004–05 to 2007–08



### Length of sentence

Figure 12 shows the number of people who received a community-based order for handling stolen goods by the length of the sentence. While the length of community-based orders ranged from three months to two years, the majority were for 12 months (66.7%).

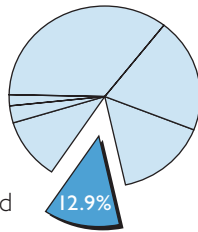
**Figure 12:** The number of people who received a community-based order for handling stolen goods by the length of order, 2006–07 and 2007–08



### Wholly suspended sentence

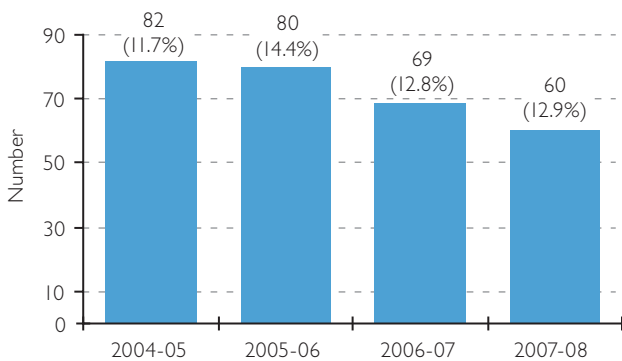
#### Trends

There were 291 people who received a wholly suspended sentence for handling stolen goods. This represented 12.9% of all people sentenced for this offence. Figure 13 shows the trends in the number and percentage of people who received a wholly suspended sentence for handling stolen goods.



In 2007–08, 60 people received a wholly suspended sentence for the principal proven offence of handling stolen goods. This has decreased each of the past three years from 82 people in 2004–05. However, the proportion of people who received a wholly suspended sentence for handling stolen goods remained relatively stable ranging from 11.7% in 2004–05 to 14.4% in 2005–06.

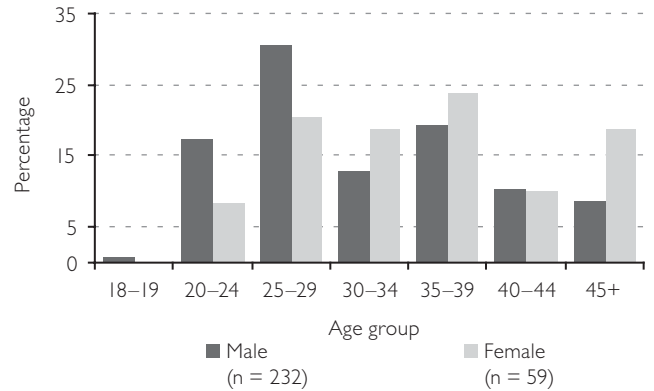
**Figure 13:** The number and percentage of people who received a wholly suspended sentence for handling stolen goods, 2004–05 to 2007–08



### Age and gender

Of the 291 people who received a wholly suspended sentence, 79.7% were men. Figure 14 shows the age groups of people who received a wholly suspended sentence for handling stolen goods by gender. The median age of these people was 32 years, while women were much older than their male counterparts (a median age of 35 years compared to 30 years).

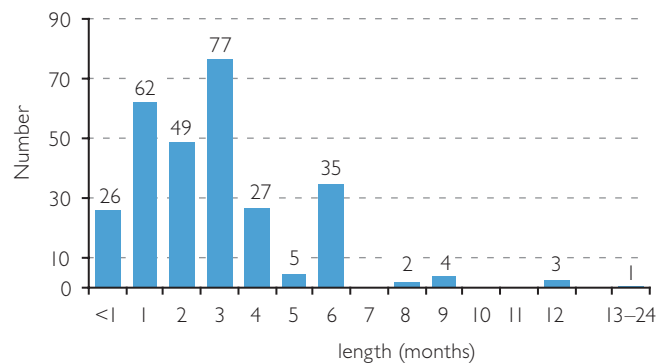
**Figure 14:** The percentage of people who received a wholly suspended sentence for handling stolen goods by age and gender, 2004–05 to 2007–08



### Length of sentence

Figure 15 shows the number of people who received a wholly suspended sentence for handling stolen goods by the length of the sentence. While the length of wholly suspended sentences ranged from seven days to one year and six months, the median was three months (meaning that half were shorter than three months and half were longer than three months). Aggregate wholly suspended sentences were imposed for 54.6% of people who received a wholly suspended sentence.<sup>20</sup>

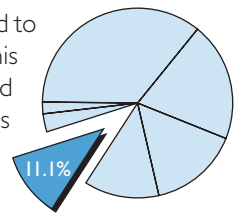
**Figure 15:** The number of people who received a wholly suspended sentence for handling stolen goods by the length of order, 2004–05 to 2007–08



### Imprisonment

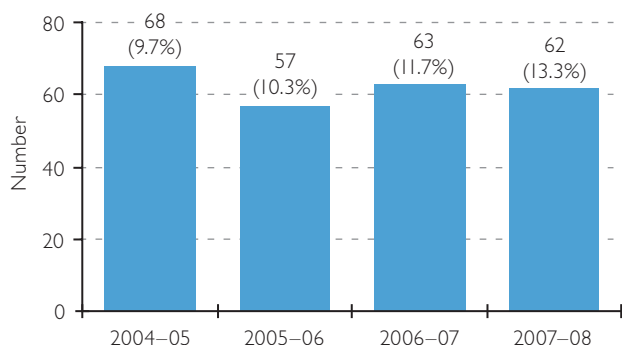
#### Trends

There were 250 people who were sentenced to imprisonment for handling stolen goods. This represented 11.1% of all people sentenced for this offence. Figure 16 shows the trends in the number and percentage of people who were sentenced to imprisonment for handling stolen goods.



In 2007–08, 62 people were sentenced to imprisonment for the principal proven offence of handling stolen goods. This has remained relatively stable over the past two years, after increasing the previous year. The proportion of people who were sentenced to imprisonment for handling stolen goods increased each of the past three years from 9.7% in 2004–05 to 13.3% in 2007–08.

**Figure 16:** The number and percentage of people who were sentenced to imprisonment for handling stolen goods, 2004–05 to 2007–08



### Age and gender

Of the 250 people who received a period of imprisonment, 87.6% were men. Figure 17 shows the age groups of people who were sentenced to imprisonment for handling stolen goods by gender. The median age of these people was 29 years, while women were generally older than their male counterparts (a median age of 31 years compared to 29 years).

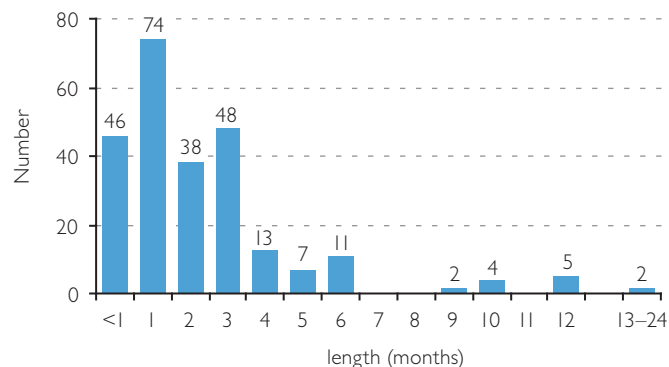
**Figure 17:** The percentage of people who were sentenced to imprisonment for handling stolen goods by age and gender, 2004–05 to 2007–08



### Length of sentence

Figure 18 shows the number of people who were sentenced to imprisonment for handling stolen goods by the length of the sentence. While the length of imprisonment ranged from one day to one year and six months, the median was two months (meaning that half were shorter than two months and half were longer than two months). Aggregate periods of imprisonment were imposed for 46.4% of people who were sentenced to imprisonment.<sup>21</sup>

**Figure 18:** The number of people who were sentenced to imprisonment for handling stolen goods by the length of order, 2004–05 to 2007–08

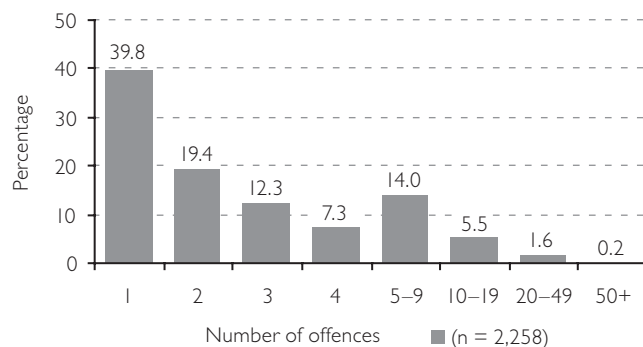


### Other offences finalised at the same hearing

Often people prosecuted for handling stolen goods face multiple charges, which are finalised at the same hearing. This section looks at the range of offences for which offenders have been sentenced at the same time as being sentenced for the principal offence of handling stolen goods.

Figure 19 shows the number of people sentenced for the principal offence of handling stolen goods by the total number of offences for which sentences were set. The number of sentenced offences per person ranged from 1 to 64, while the median was 2 offences. There were 899 people (39.8%) sentenced for the single offence of handling stolen goods alone. A much higher percentage of men were sentenced for a single offence only (42.3% compared to 30.8% of women). The average number of offences per person sentenced for handling stolen goods was 3.58.

**Figure 19:** The percentage of cases where handling stolen goods was the principal offence by the number of offences where a sentence was imposed in that case, 2004–05 to 2007–08



While Figure 19 presents the number of sentenced offences for those sentenced for handling stolen goods, Table 4 shows what the accompanying offences were. It shows the number and percentage of people sentenced for the ten most common offences. The last column sets out the average number of offences sentenced per person. For example, 376 of the total 2,258 people (16.7%) also received sentences for failing to appear on bail. On average, they were sentenced for 1.64 charges of failing to appear on bail. The first row indicates that the average number of charges of handling stolen goods sentenced per person was 1.39.

**Table 4:** The number and percentage of people sentenced for the principal offence of handling stolen goods by the most common offences that were sentenced and the average number of those offences that were sentenced, 2004–05 to 2007–08

Offence	No.	%	Avg.
1 handling stolen goods	2,258	100.0	1.39
2 fail to appear on bail	376	16.7	1.64
3 theft	320	14.2	2.36
4 possession of a drug of dependence	273	12.1	1.40
5 deal property suspected proceed of crime	226	10.0	1.81
6 use an unregistered vehicle	183	8.1	1.41
7 use of a drug of dependence	161	7.1	1.22
8 unlicensed driving	125	5.5	1.36
9 obtain property by deception	114	5.0	3.33
10 attempt to commit an indictable offence	93	4.1	1.41
<b>People sentenced</b>	<b>2,258</b>	<b>100.0</b>	<b>3.58</b>

Table 5 is an elaboration of Table 4. It shows the five most common types of theft offences for which people were sentenced in conjunction with handling stolen goods. As shown, there were 320 people sentenced for theft. On average, these people were sentenced for 2.36 charges of such offences. The most common theft offence sentenced was theft from a shop (255 people or 79.7% of those who were sentenced for a theft offence). On average, these people were sentenced for 2.12 counts of this offence.

**Table 5:** The number and percentage of people sentenced for the principal offence of handling stolen goods by the type of theft offences that were sentenced and the average number of those offences that were sentenced, 2004–05 to 2007–08

Offence description	No.	%	Avg.
theft from a shop	255	79.7	2.12
other theft	85	26.6	2.00
theft of a motor vehicle	14	4.4	1.64
theft from a motor vehicle	12	3.8	1.33
theft of a bicycle	4	1.3	1.00
<b>People sentenced</b>	<b>320</b>	<b>100.0</b>	<b>2.36</b>

Table 6 also provides more detail from Table 4. It shows the types of drug involved in the possession of a drug of dependence offences for which people were sentenced in conjunction with handling stolen goods. As shown, there were 273 people sentenced for possession of a drug of dependence. On average, these people were sentenced for 1.40 charges of such offences. The most common drug involved was cannabis (173 people or 63.4% of those who were sentenced for possession of a drug of dependence).

**Table 6:** The number and percentage of people sentenced for the principal offence of handling stolen goods by the type of drug involved in the possession of a drug of dependence offences that were sentenced and the average number of those offences that were sentenced, 2004–05 to 2007–08

Offence description	No.	%	Avg.
possess cannabis	173	63.4	1.08
possess amphetamine	83	30.4	1.14
possess heroin	41	15.0	1.15
possess a drug of dependence – other	17	6.2	1.35
possess a drug of dependence (not further defined)	14	5.1	1.21
possess ecstasy	13	4.8	1.00
<b>People sentenced</b>	<b>273</b>	<b>100.0</b>	<b>1.40</b>

## Sentence combinations

This section looks at the range of sentence types imposed in the entire case for people who had the principal offence of handling stolen goods. This includes all sentences imposed for the principal proven offence and for all other offences that were sentenced as part of that case.<sup>22</sup>

Table 7 shows the percentages of the six most common sentence types imposed in cases in the Magistrates' Court from 2004–05 to 2007–08 where the principal proven offence was handling stolen goods, by the other sentence types also imposed in the case. For example, of the 1,030 people who received a fine as part of their total effective sentence, 9.7% also received a wholly suspended sentence.

Common sentence types imposed in conjunction with another sentence type include:

- a fine with a wholly suspended sentence (33.4% of the 299 people who received a wholly suspended sentence);
- a fine with an intensive correction order (30.0% of the 70 people); and
- a fine with an imprisonment term (23.6% of the 254 people).

**Table 7:** The percentage of selected sentence types used in conjunction with other sentence types imposed in the same case, 2004–05 to 2007–08

	Fine	ADU	WSS	CBO	Imp.	ICO
Fine	100%	4.9%	33.4%	9.2%	23.6%	30.0%
ADU	2.3%	100%	1.3%	2.5%	1.2%	1.4%
WSS	9.7%	0.8%	100%	5.0%	0.4%	7.1%
CBO	3.2%	1.8%	6.0%	100%	1.2%	2.9%
Imp.	5.8%	0.6%	0.3%	0.8%	100%	2.9%
ICO	2.0%	0.2%	1.7%	0.6%	0.8%	100%
<b>Total</b>	<b>1,030</b>	<b>494</b>	<b>299</b>	<b>357</b>	<b>254</b>	<b>70</b>

Note: ADU refers to adjourned undertaking, WSS refers to wholly suspended sentence, CBO refers to community-based order, Imp. refers to imprisonment and ICO refers to intensive correction order.

### Total effective sentence of imprisonment and non-parole period

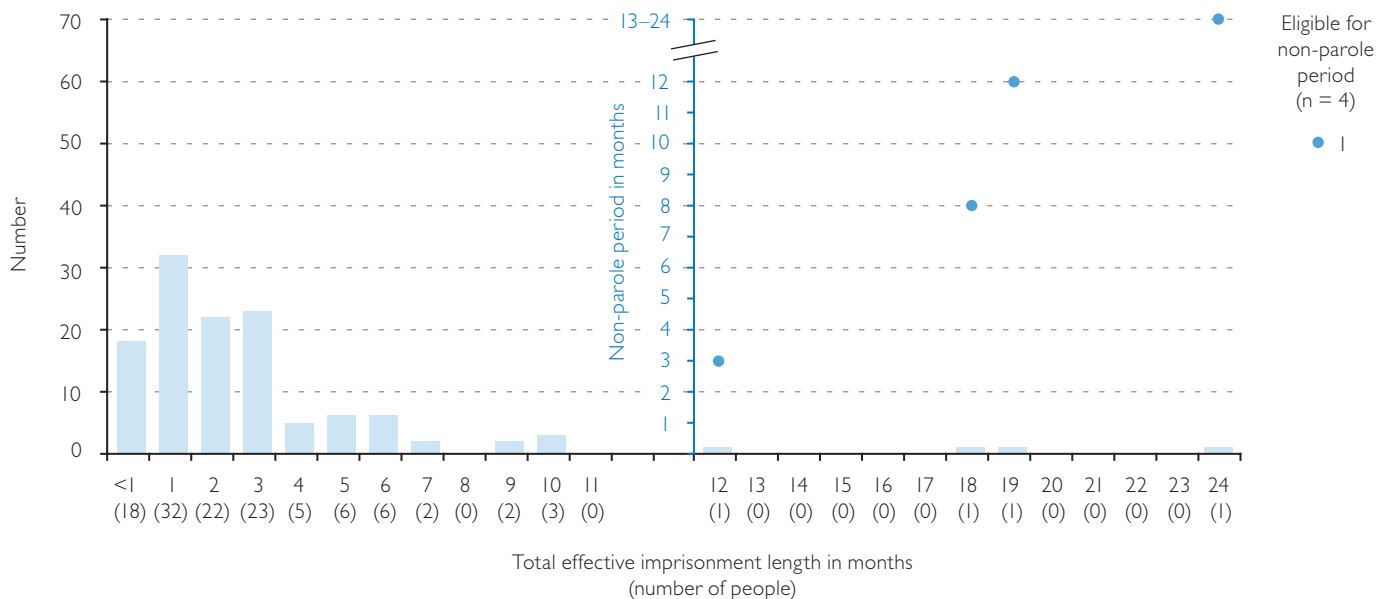
The total effective sentence of imprisonment aggregates the sentences of imprisonment imposed for each charge in a case and takes into account whether the court orders sentences to be served concurrently (at the same time) or cumulatively. When a person is sentenced to a term of immediate imprisonment of one year or more, the court has the discretion to fix a non-parole period. Where a non-parole period is fixed, the person must serve that period before becoming eligible for parole. Where the court does not set a non-parole period, the person must serve the entirety of the imprisonment term.

There were 123 people given a total effective sentence of imprisonment in 2006–07 and 2007–08.<sup>23</sup> There were 4 people eligible for a non-parole period in 2006–07 and 2007–08, of whom all were given a non-parole period. This makes up 3.3% of all those who were given a total effective sentence of imprisonment.

Figure 20 shows the number of people sentenced to imprisonment for handling stolen goods during 2006–07 and 2007–08 by the length of their total effective sentence. The right side of the graph also shows the length of non-parole periods for people who were sentenced to a period of 12 months' imprisonment or more. The centre of each 'bubble' on the chart represents a combination of imprisonment length and non-parole period, while the size of the bubble reflects the number of people who received that particular combination.<sup>24</sup>

Total effective imprisonment lengths ranged from one day to two years, while the most common length was 1 month (32 people).

**Figure 20:** The number of people sentenced to imprisonment for handling stolen goods by the total effective sentence length and the non-parole period imposed, 2006–07 and 2007–08



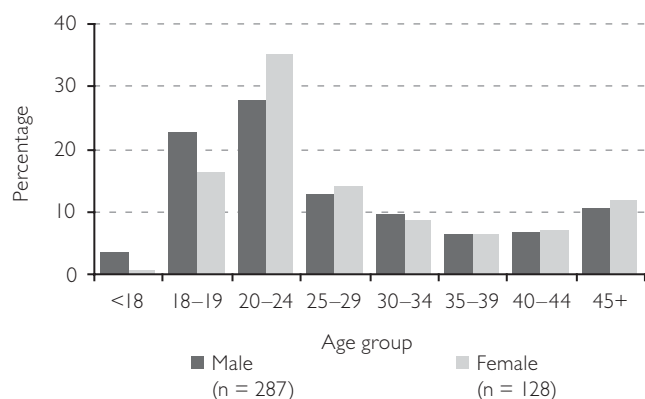
## Criminal justice diversion plan<sup>25</sup>

Although the criminal justice diversion plan is not a sentencing outcome, it is a dispositional process that does help to reflect the work of the courts. Over the four-year period, there were 415 people who were given a criminal justice diversion plan.

### Age and gender

Of the 415 people who were referred to the criminal justice diversion program, 69.2% were men. Figure 21 shows the age groups of people who were referred to the criminal justice diversion program for handling stolen goods by gender. The median age of these people was 23 years. This was similar for both men and women (24 years for women and 23 years for men).

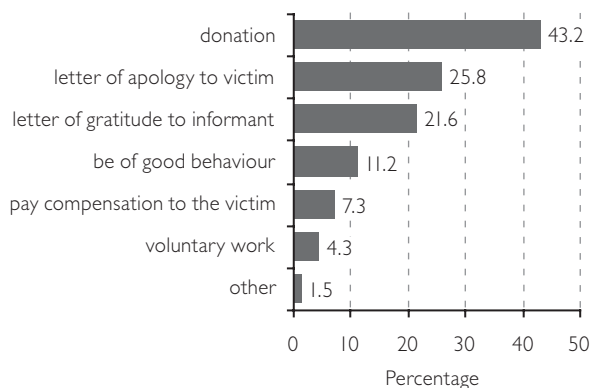
**Figure 21:** The percentage of people who were referred to the criminal justice diversion program for handling stolen goods by age and gender, 2004–05 to 2007–08



### Conditions

Figure 22 shows the number of people who received a criminal justice diversion plan for handling stolen goods by the types of conditions set. People can be given more than one condition on a diversion plan. As shown, the most common condition listed for diversion plans was a donation (43.2% of people).

**Figure 22:** The percentage of conditions set for people who received a criminal justice diversion plan for handling stolen goods, 2004–05 to 2007–08



Note: other includes drug awareness course and drug counselling.

## Summary

The Magistrates' Court sentenced 2,258 people for the principal offence of handling stolen goods between 2004–05 and 2007–08. Over this period, the majority of those sentenced were men (1,774 people or 78.6%), while 58% were aged between 20 and 35 years.

Most people sentenced for handling stolen goods received a non-custodial sentence (1,608 people or 71.2%), including 814 people who received a fine (36.0%), 456 people who received an adjourned undertaking (20.2%) and 333 people who received a community-based order (14.7%). A conviction was recorded with the principal sentence for 71.4% of people sentenced.

Men were more likely to receive fines and sentences of imprisonment. Conversely, women were more likely to receive adjourned undertakings and community-based orders.

A higher percentage of older people received a non-immediate custodial sentence, including a wholly suspended sentence and an intensive correction order. Conversely, a higher percentage of younger people received a non-custodial sentence, including an adjourned undertaking. A higher percentage of those in the middle age groups received an immediate custodial sentence.

Each of the 2,258 people was sentenced for an average of 3.58 offences, including 1.39 offences of handling stolen goods. The most common offence finalised in conjunction with handling stolen goods was failing to appear on bail (16.7% of all cases).

Common sentence types imposed in conjunction with another sentence type included a fine with a wholly suspended sentence (33.4% of the 299 people who received a wholly suspended sentence), a fine with an intensive correction order (30.0% of the 70 people) and a fine with an imprisonment term (23.6% of the 254 people).

Lengths of total effective sentences ranged from one day to two years with a non-parole period of one year and seven months. The most common length was 1 month (32 people).

- <sup>1</sup> The data analysed in this report are obtained from quarterly unit record extracts provided to the Sentencing Advisory Council by Courtlink (Department of Justice (Vic)). While every effort is made to ensure the analyses presented in this report are accurate, the data are subject to revision.
- This report presents sentencing outcomes for people sentenced for the principal offence of handling stolen goods in the Magistrates' Court of Victoria. The principal proven offence is the offence that attracted the most serious sentence according to the sentencing hierarchy. The analysis will therefore exclude people sentenced for handling stolen goods who received a more serious sentence for another offence on the same charge sheet.
- <sup>2</sup> The data used for analysis in this report contain information on age and gender characteristics. Indigenous status was unknown for 60.5% of people sentenced over this period. Therefore no analyses are presented on Indigenous status.
- <sup>3</sup> *Crimes Act 1958* (Vic) s 88.
- <sup>4</sup> The value of a penalty unit changes each year and can be found in the Victorian Government Gazette and on the Office of the Chief Parliamentary Counsel website ([www.ocpc.vic.gov.au](http://www.ocpc.vic.gov.au)).
- <sup>5</sup> Under section 113 of the *Sentencing Act 1991* (Vic) this general maximum term is prescribed for indictable offences triable summarily. Though section 113 does not specifically state the maximum number of penalty units that can be imposed for an indictable offence triable summarily, section 109 (3) (a) sets the proportion between the maximum term of imprisonment and the maximum fine.
- <sup>6</sup> The number of people sentenced excludes those who participated in the criminal justice diversion program.
- Only the people who had charges that were dismissed in 2006–07 and 2007–08 could be counted as dismissed in this report. These people are identified by having the dismissal grounds listed as 'proved and dismissed' (s 360(1)(a) *Children, Youth and Families Act 2005* (Vic)) or 'dismissed' (s 76 *Sentencing Act 1991* (Vic)). The charges that were dismissed in 2004–05 and 2005–06 could not be counted because of changes in data recording practices. Therefore the count of the number of people sentenced over the four-year period could be an under-representation. In 2007–08, 2 people had charges that were dismissed pursuant to this legislation. This made up 0.4% of people sentenced in that year.
- <sup>7</sup> The criminal justice diversion program provides offenders with the opportunity to be diverted from the normal criminal process. If an offender acknowledges responsibility for the offence(s) and undertakes prescribed conditions, the offender will avoid the risk of a finding of guilt being made against them. The program can only be recommended if the offence is triable summarily, the defendant admits the facts, there is sufficient evidence to gain a conviction and a diversion is appropriate in the circumstances. The over-riding consideration is that diversion be appropriate in the circumstances. The existence of prior convictions does not disqualify an offender from this program but is a fact to be considered in determining appropriateness. Either the defence or the prosecution may request a disposition of a criminal justice diversion plan, however the plan cannot commence without the consent of the prosecution.
- <sup>8</sup> *Sentencing Act 1991* (Vic) s 7 and s 8.
- In exercising this discretion, the court must have regard to all the circumstances of the case, including the nature of the offence, the character and past history of the offender and the impact of the recording of a conviction on the offender's economic or social well being or on the his or her employment prospects (*Sentencing Act 1991* (Vic) s 8(1)).
- <sup>9</sup> Only those who had a conviction recorded against the principal proven offence in the case are counted. Information on conviction is not available for sentences imposed in 2004–05 and 2005–06.
- <sup>10</sup> The age was unknown for 6 men sentenced for handling stolen goods (0.3%). These people are excluded from all age analyses in this report.
- <sup>11</sup> Refer fn. 6.
- <sup>12</sup> Aggregate sentence lengths are shown for people who received an aggregate sentence. Data for sentence lengths of community-based orders and adjourned undertakings are only available for 2006–07 and 2007–08.
- <sup>13</sup> The principal sentence is the individual sentence imposed for a single charge. The principal sentence is the most serious sentence in the case. If more than one type of sentence is imposed for a single charge, only the most serious sentence is counted.
- <sup>14</sup> Where there are sufficient numbers of both males and females sentenced for each sentencing outcome, the age groups are shown by gender. Otherwise the age groups are shown independent of gender. Also, the age was unknown for 6 people sentenced for handling stolen goods. These people are excluded from these analyses.
- <sup>15</sup> Fine amounts lower than \$1,000 are rounded up to the nearest \$100, while fine amounts equal to or over \$1,000 are grouped into categories. Sentence lengths shorter than one year are rounded up to the nearest month, while sentence lengths equal to or over one year are grouped into categories of years. Data for sentence lengths of community-based orders, adjourned undertakings and youth justice centre orders are only available for 2006–07 and 2007–08.
- <sup>16</sup> *Sentencing Act 1991* (Vic) s 9.
- <sup>17</sup> *Sentencing Act 1991* (Vic) s 51.
- <sup>18</sup> Where an aggregate sentence of imprisonment is imposed, the aggregate term of imprisonment may not exceed that which could be imposed if each of the maximum terms were imposed for each of the offences (*Sentencing Act 1991* (Vic) s 9(2)). Other limitations can apply here, including the jurisdictional limitation which generally precludes the Magistrates' Court from imposing aggregate sentences of imprisonment over 5 years in length.
- <sup>19</sup> The amount of non-aggregate fines ranged from \$30 to \$8,000, with a median of \$500, while the amount of aggregate fines ranged from \$50 to \$5,000, with a median of \$600.
- <sup>20</sup> The length of non-aggregate wholly suspended sentences ranged from seven days to nine months, with a median of two months, while the length of aggregate wholly suspended sentences ranged from thirteen days to one year and six months, with a median of three months.
- <sup>21</sup> The length of non-aggregate periods of imprisonment ranged from one day to one year and six months, with a median of one month, while the length of aggregate periods of imprisonment ranged from six days to one year, with a median of two months.
- <sup>22</sup> While a total of 254 people were sentenced to at least one period of imprisonment in the case, 250 people had imprisonment listed against their principal proven offence. There were 4 people sentenced to a period of imprisonment, but who received a partially suspended sentence of imprisonment for the principal proven offence.
- Only sentence types that were imposed on the same date as the sentence imposed for the principal proven offence are included.
- <sup>23</sup> Total effective imprisonment lengths and non-parole periods are only available for 2006–07 and 2007–08.
- <sup>24</sup> Non-parole periods are rounded down to the nearest month, while non-parole periods greater than one year are grouped into categories of years.
- <sup>25</sup> The data analysed in this section were compiled by merging the sentencing outcomes database with an extract from the criminal justice diversion plan database. Of the 415 people who were placed on the diversion program for this offence, 329 were matched to and had conditions listed in the criminal justice diversion plan database (79.3%).

## Sentencing Snapshots is a series presenting summary information on sentencing trends in Victoria

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