

No. 16: Sentencing trends for handling stolen goods in the higher courts of Victoria, 2001-02 to 2005-06

Introduction

This Sentencing Snapshot describes sentencing outcomes¹ for the offence of handling stolen goods and details the age and gender² of people sentenced for this offence in the County Court of Victoria between 2001-02 and 2005-06³.

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' imprisonment⁴. Indictable offences are more serious offences triable before a judge and jury in the County or Supreme Court.

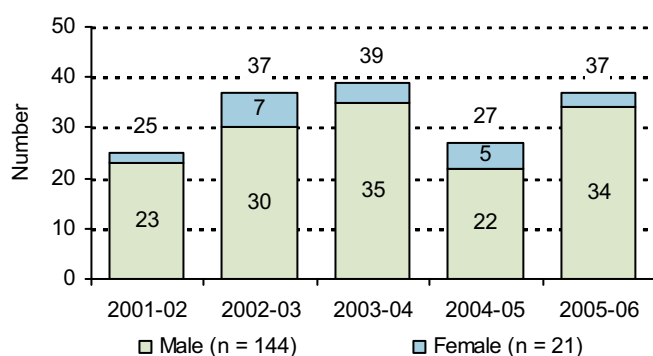
Of all the people sentenced for the principal offence of handling stolen goods, 2.6% were heard in the higher courts⁵. The remaining cases were heard in the Children's and Magistrates' Court⁶. The information presented in this report relates only to those sentencing outcomes handed down in the County Court.

People sentenced

Figure 1 shows the number of people sentenced for handling stolen goods for the period 2001-02 to 2005-06. As shown, 165 people were sentenced for handling stolen goods over the five year period. There were 37 people sentenced for this offence in 2005-06, up by 10 people from the previous year.

Over the five years depicted, the majority of those sentenced were men (87.3% or 144 of 165 people), including 34 of the 37 people sentenced in 2005-06.

Figure 1: The number of people sentenced for handling stolen goods by gender, 2001-02 to 2005-06



Sentence types and trends

Figure 2 shows the total number of people sentenced for handling stolen goods and the number who received a custodial sentence⁷. Over the five year period, 34% of people were given a custodial sentence. This peaked at 48% (12 of 25) in 2001-02 before decreasing to 19% (7 of 37) in 2005-06.

Figure 2: The number of people sentenced for handling stolen goods and the number who received a custodial sentence, 2001-02 to 2005-06

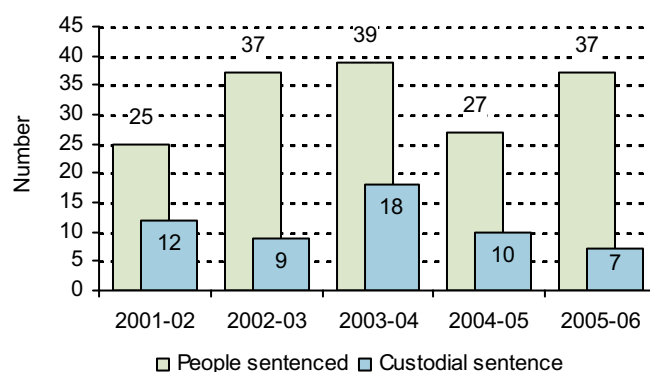


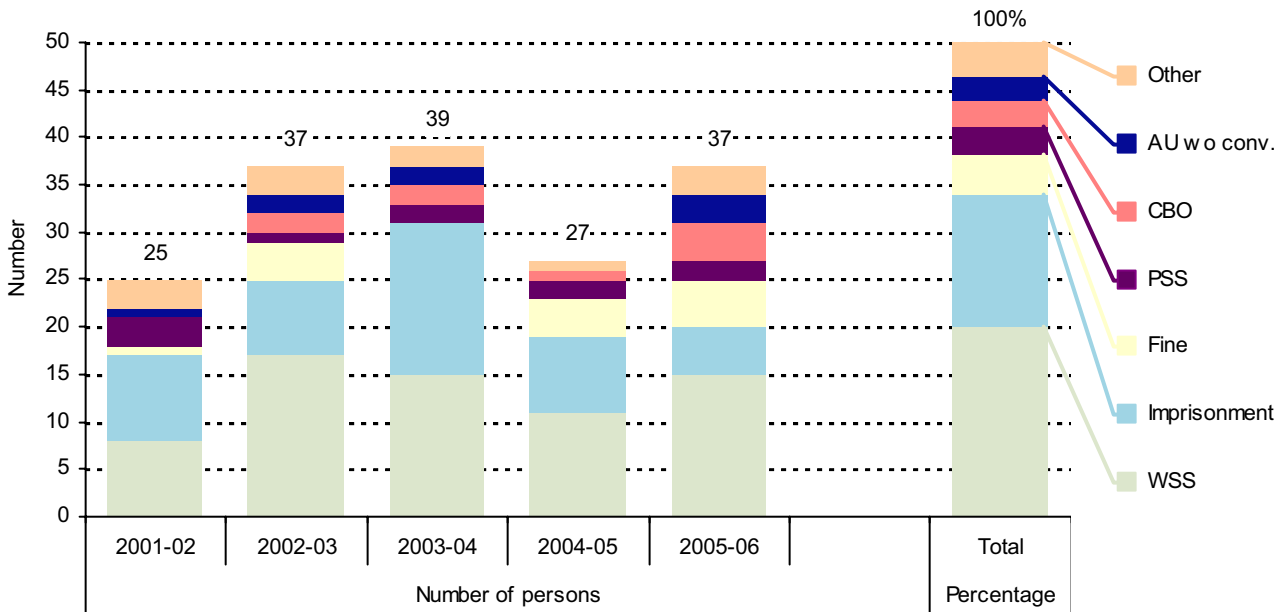
Figure 3 and Table 1 show the number of people sentenced for handling stolen goods from 2001-02 to 2005-06 by the types of sentences imposed.

Over the five year period, four in ten people sentenced for handling stolen goods received a wholly suspended sentence of imprisonment (40% or 66 of 165 people), while 28% received a period of imprisonment and 8% received a fine.

While the number of people who received a wholly suspended sentence of imprisonment nearly doubled from the low of eight people in 2001-02 to 15 in 2005-06, the percentage remained relatively stable at around 40% over the five year period.

The number and percentage of people who received a period of imprisonment fluctuated over the five year period, ranging from 5 people (14%) in 2005-06 to 16 people (41%) in 2003-04.

Figure 3: The number of people sentenced for handling stolen goods by sentence type, 2001-02 to 2005-06



Note: WSS refers to wholly suspended sentence of imprisonment, PSS refers to partially suspended sentence of imprisonment, CBO refers to community based order and AU w/o conv. refers to adjourned undertaking without conviction. Other includes mix (wholly suspended sentence & fine), intensive correction order, mix (wholly suspended sentence & aggregated fine), adjourned undertaking with conviction and mix (community based order & fine).

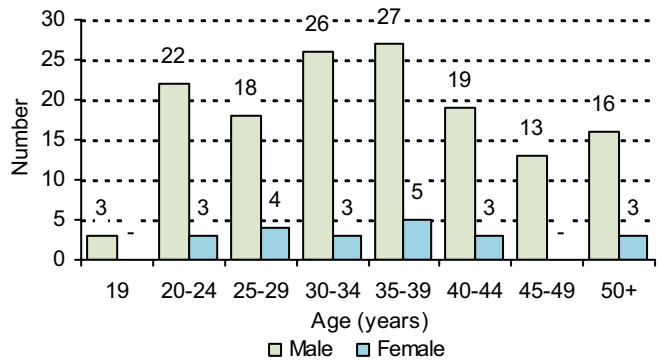
Table 1: The number and percentage of people sentenced for handling stolen goods by sentence type, 2001-02 to 2005-06

Sentence type	01-02	02-03	03-04	04-05	05-06
Wholly suspended sentence	8 32%	17 46%	15 38%	11 41%	15 41%
Imprisonment	9 36%	8 22%	16 41%	8 30%	5 14%
Fine	1 4%	4 11%	0 -	4 15%	5 14%
Partially suspended sentence	3 12%	1 3%	2 5%	2 7%	2 5%
Community based order	0 -	2 5%	2 5%	1 4%	4 11%
Adjourned undertaking without conviction	1 4%	2 5%	2 5%	0 -	3 8%
Mix (wholly suspended sentence & fine)	3 12%	0 -	1 3%	0 -	0 -
Intensive correction order	0 -	1 3%	1 3%	1 4%	0 -
Mix (wholly suspended sentence & aggregated fine)	0 -	1 3%	0 -	0 -	1 3%
Adjourned undertaking with conviction	0 -	1 3%	0 -	0 -	1 3%
Mix (community based order & fine)	0 -	0 -	0 -	0 -	1 3%
People sentenced	25	37	39	27	37

Age and gender of people sentenced

Figure 4 shows the gender of people sentenced for handling stolen goods grouped by their age⁸ between 2001-02 and 2005-06. The average age of people sentenced for handling stolen goods was thirty-five years and ten months. Men sentenced over this period were slightly older than women (an average age of thirty-five years and eleven months for men compared to thirty-five years and seven months for women). There were no juveniles sentenced over this period.

Figure 4: The number of people sentenced for handling stolen goods by gender and age, 2001-02 to 2005-06



Sentence types by gender

Figure 5 and Table 2 show the types of sentence imposed for handling stolen goods grouped by gender. As shown, a higher percentage of men received a period of imprisonment (29.9% compared to 14.3% of women), a partially suspended sentence of imprisonment (6.9% compared to no women), a community based order (6.3% compared to no women) and a fine (9.0% compared to 4.8%). Conversely, a higher percentage of women received a wholly suspended sentence of imprisonment (57.1% compared to 37.5% of men), an adjourned undertaking without conviction (14.3% compared to 3.5%), an adjourned undertaking with conviction (4.8% compared to 0.7%) and an intensive correction order (4.8% compared to 1.4%).

Figure 5: The percentage of people sentenced for handling stolen goods by sentence type and gender, 2001-02 to 2005-06

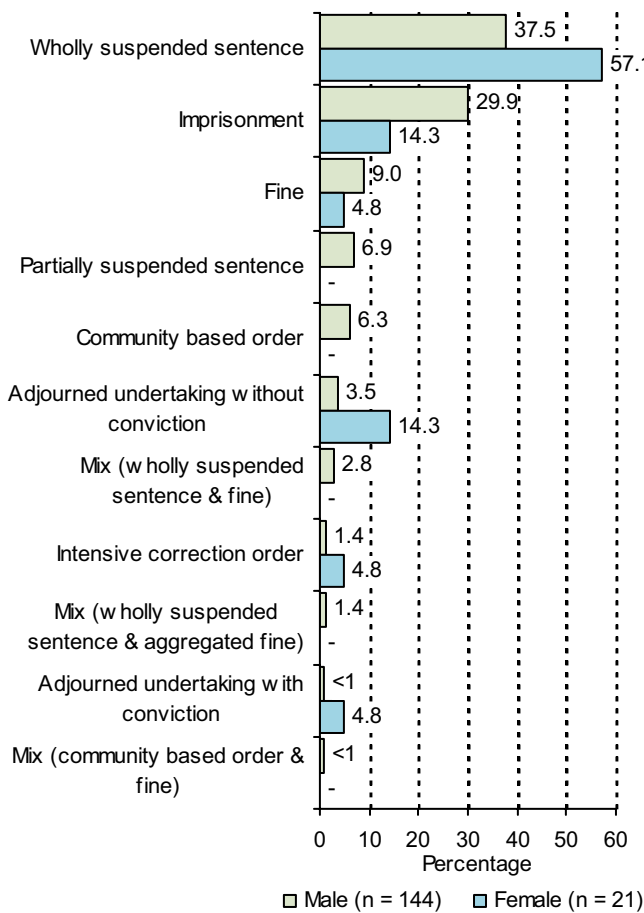


Table 2: The number and percentage breakdown of people sentenced for handling stolen goods by gender, 2001-02 to 2005-06

Sentence type	Male	Female	Total
Wholly suspended sentence	54	12	66
Imprisonment	43	3	46
Fine	13	1	14
Partially suspended sentence	10	0	10
Community based order	9	0	9
Adjourned undertaking w ithout conviction	5	3	8
Mix (w holly suspended sentence & fine)	4	0	4
Intensive correction order	2	1	3
Mix (w holly suspended sentence & aggregated fine)	2	0	2
Adjourned undertaking w ith conviction	1	1	2
Mix (community based order & fine)	1	0	1
People sentenced	144	21	165

Sentence types by age

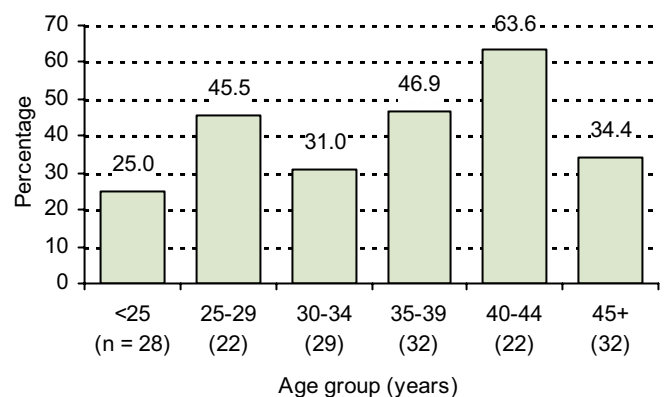
As shown in the table above, the two most common sentence types were wholly suspended sentences of imprisonment and imprisonment. The following analysis examines these sentence types by the offender's age group.

Wholly suspended sentences of imprisonment

Wholly suspended sentences of imprisonment were most likely to be given to people aged 40-44 years old (64% or 14 of the 22 people in this age group).

Conversely, wholly suspended sentences of imprisonment were least common for those aged under 25 years (25% or seven of the 28 people in this age group).

Figure 6: The percentage of people who were sentenced to a wholly suspended sentence of imprisonment for handling stolen goods by age group, 2001-02 to 2005-06

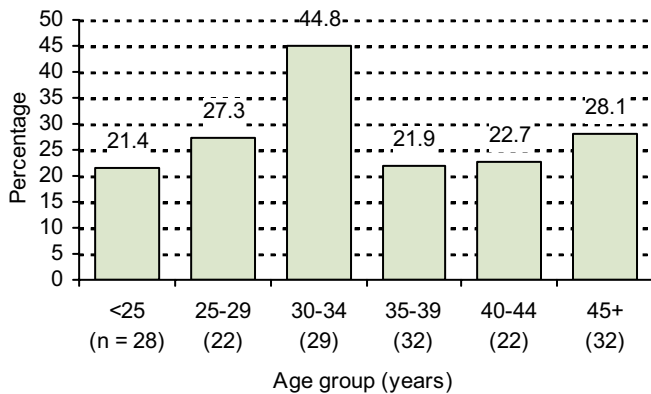


Imprisonment

Sentences of imprisonment were most likely to be given to people aged 30-34 years old (45% or 13 of the 29 people in this age group).

Conversely, sentences of imprisonment were least common for those aged under 25 years (21% or six of the 28 people in this age group).

Figure 7: The percentage of people who were sentenced to a period of imprisonment for handling stolen goods by age group, 2001-02 to 2005-06



Principal and total effective sentences

There are two methods for describing sentence types and lengths - the principal sentence and the total effective sentence.

The *principal sentence* is the individual sentence imposed for a single charge. When imposing a sentence for multiple charges, the court imposes a 'total effective sentence'. The *total effective sentence* aggregates the principal sentence handed down for each charge, and takes into account whether sentences are ordered by the court to be served concurrently (at the same time) or cumulatively.

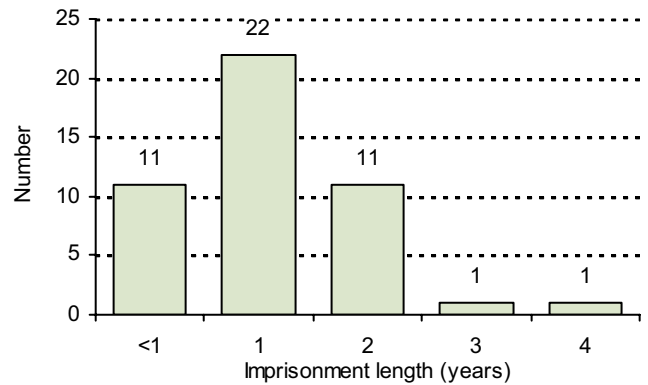
In many cases, the total effective sentence imposed on a person will be longer than individual principal sentences. Principal sentences for handling stolen goods must be considered in this broader context. The following sections analyse the use of imprisonment for handling stolen goods over 2001-02 to 2005-06.

Principal sentence of imprisonment

Figure 8 shows the number of people sentenced to imprisonment for handling stolen goods between 2001-02 and 2005-06 by the length of the imprisonment term. Imprisonment terms ranged from under 1 month to 4 years, while the median length of imprisonment was 1 year (meaning that half of the imprisonment terms were shorter than 1 year and half were longer).

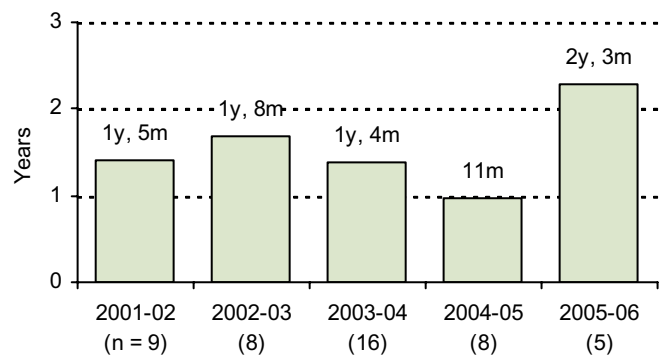
The most common length of imprisonment imposed was 1 year (22 people).

Figure 8: The number of people sentenced to imprisonment for handling stolen goods by length of imprisonment term, 2001-02 to 2005-06



As shown in Figure 9, the average length of imprisonment term imposed on people sentenced for handling stolen goods ranged from eleven months in 2004-05 to two years and three months in 2005-06.

Figure 9: The average length of imprisonment term imposed on people sentenced for handling stolen goods, 2001-02 to 2005-06

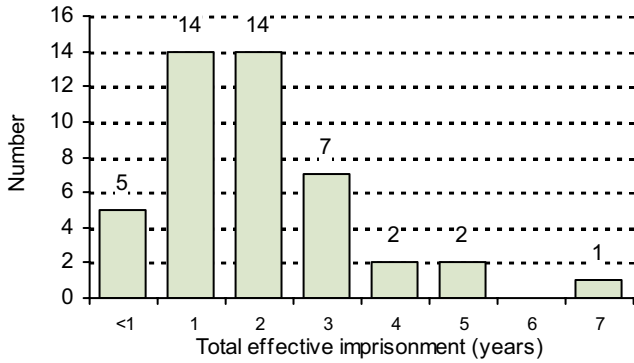


From 2001-02 to 2005-06, the majority of the people who received a term of imprisonment for handling stolen goods were men (93.5% or 43 out of 46 people).

Total effective sentence of imprisonment

There were 45 people given a total effective sentence of imprisonment⁹. Figure 10 shows the number of people sentenced to imprisonment for handling stolen goods between 2001-02 and 2005-06 by the length of their total effective sentence. The length of total effective sentences ranged from seven days to seven years and nine months, while the median total effective length of imprisonment was two years (meaning that half of the total effective sentence lengths were below two years and half were above).

Figure 10: The number of people sentenced to imprisonment for handling stolen goods by total effective length of imprisonment term, 2001-02 to 2005-06



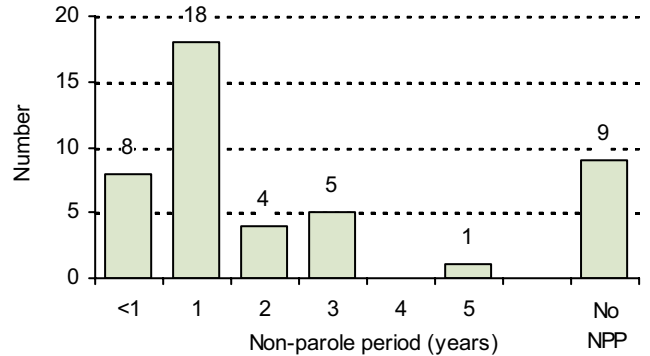
Non-parole period

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 no non-parole period is set by the court, the person must serve the entirety of the imprisonment term.

Under s.11(4) of the *Sentencing Act 1991 (Vic)*, if a court sentences an offender to imprisonment in respect of more than one offence, the non-parole period set by the court must be in respect of the total effective sentence of imprisonment that the offender is liable to serve under all the sentences imposed. In some cases, the non-parole period will be lengthier than the individual principal sentence for handling stolen goods. Sentences and non-parole periods must be considered in this broader context.

Of the 45 people who were sentenced to imprisonment for handling stolen goods, 40 were eligible for parole¹⁰. Of these people, 36 were given a non-parole period (90%). Figure 11 shows the number of people sentenced to imprisonment for handling stolen goods between 2001-02 and 2005-06 by the length of their non-parole period. Non-parole periods ranged from six months to five years and six months, while the median length of the non-parole period was one year and three months (meaning that half of the non-parole periods were below one year and three months and half were above).

Figure 11: The number of people sentenced to imprisonment for handling stolen goods by length of non-parole period, 2001-02 to 2005-06



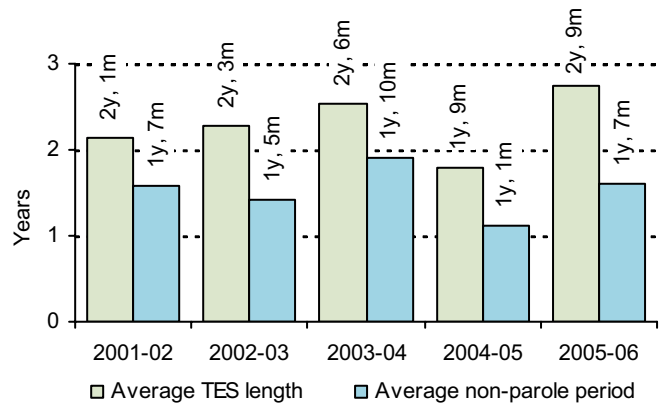
Note: No NPP refers to sentences of imprisonment that had no non-parole period fixed.

Total effective sentences of imprisonment and non-parole periods

Figure 12 presents the average length of total effective sentence of imprisonment compared to the average length of non-parole period for all people from 2001-02 to 2005-06¹¹.

From 2001-02 to 2005-06, the average length of total effective sentence for all people ranged from one year and nine months in 2004-05 to two years and nine months in 2005-06. Over the same period, the average length of non-parole period ranged from one year and one month in 2004-05 to one year and ten months in 2003-04.

Figure 12: The average total effective sentence and the average non-parole period imposed on people sentenced to imprisonment for handling stolen goods, 2001-02 to 2005-06

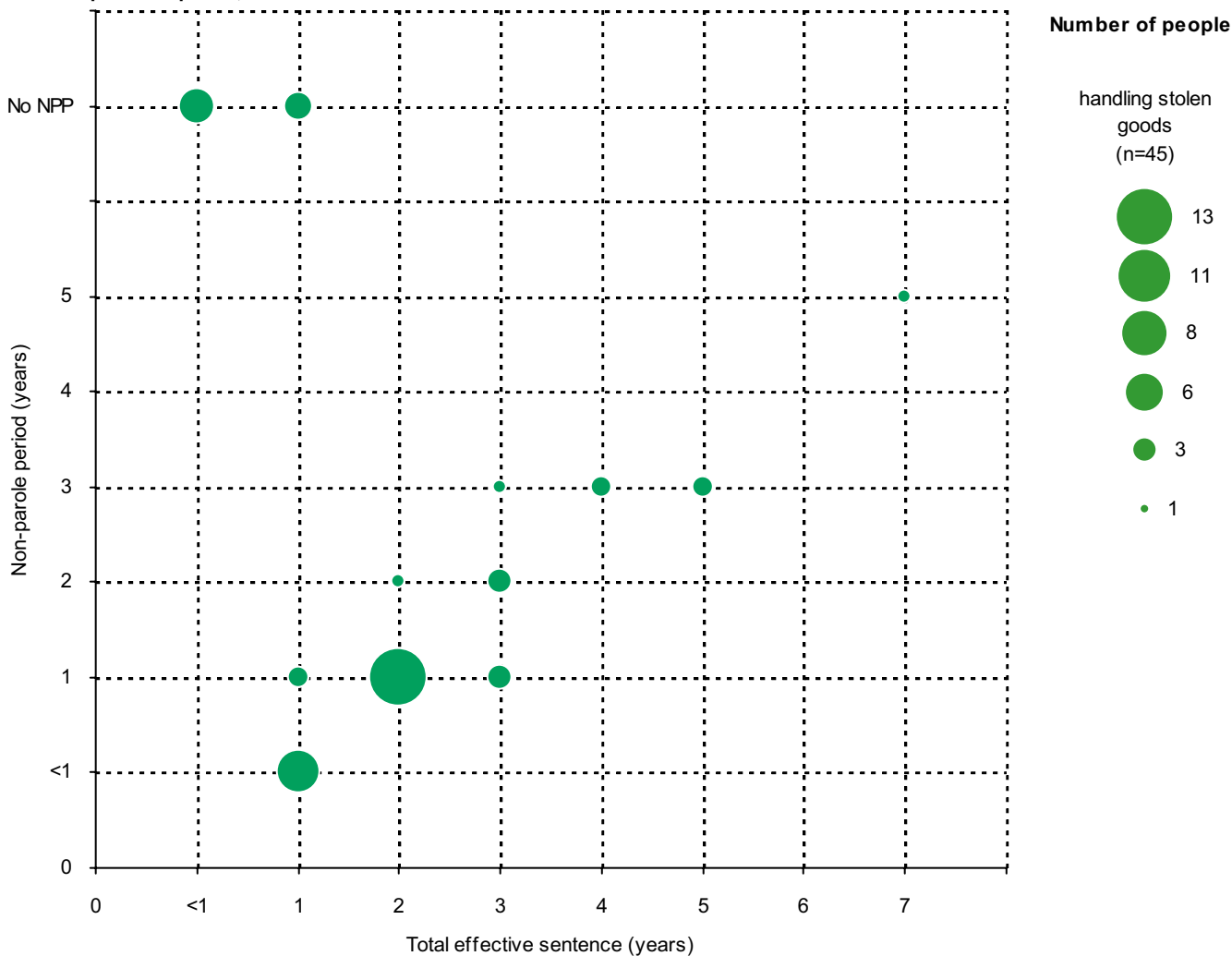


Total effective sentence of imprisonment by non-parole period

While Figure 10 and Figure 11 present the lengths of the total effective sentences and non-parole periods separately, Figure 13 combines the two methods of describing sentence lengths in the one diagram. It shows the total effective sentence and non-parole period for handling stolen goods for each individual person.

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 combination¹². As shown, the most common combination of imprisonment length and non-parole period imposed was two years with a non-parole period of one year (13 people - as represented by the largest 'bubble' on the chart). The length of imprisonment ranged from seven days with no non-parole period to seven years and nine months with a non-parole period of five years and six months.

Figure 13: The number of people sentenced to imprisonment for handling stolen goods by the total effective sentence and the non-parole period imposed, 2001-02 to 2005-06¹³



Note: No NPP refers to no non-parole period.

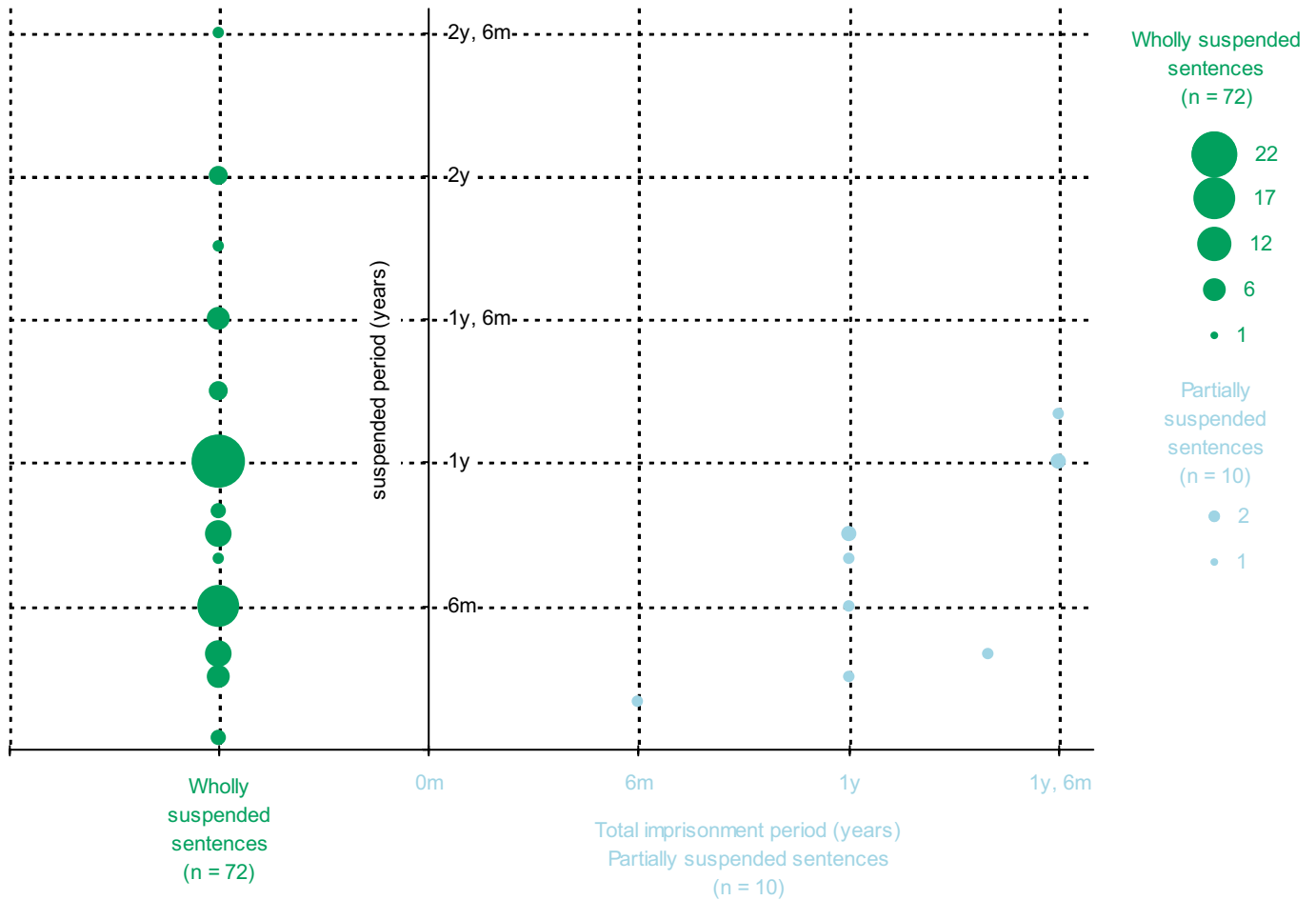
Suspended sentences of imprisonment

There were 82 people given a suspended sentence of imprisonment as their total effective sentence. Of these, 72 people had their prison sentence wholly suspended and 12 received a partially suspended sentence of imprisonment. Figure 14 shows the number of people with a suspended sentence of imprisonment as their total effective sentence by the suspended sentence type and length of sentence. The green 'bubbles' to the left of the vertical axis show the lengths of the wholly suspended sentences, while the blue 'bubbles' to the right of the vertical axis show the combination of total imprisonment length and the suspended period for those sentenced to a partially suspended sentence. The size of the bubble reflects the number of people who received either the wholly or partially suspended prison term.

Wholly suspended sentence lengths ranged from one week to two years and six months. The most common wholly suspended sentence length was one year (22 people - as represented by the largest green 'bubble' on the chart).

The most common partially suspended sentence combinations were one year with nine months suspended and one year and six months with one year suspended (2 people each - as represented by the two largest blue 'bubbles' on the chart).

Figure 14: The number of people given a wholly or partially suspended sentence of imprisonment by sentence type and length, 2001-02 to 2005-06

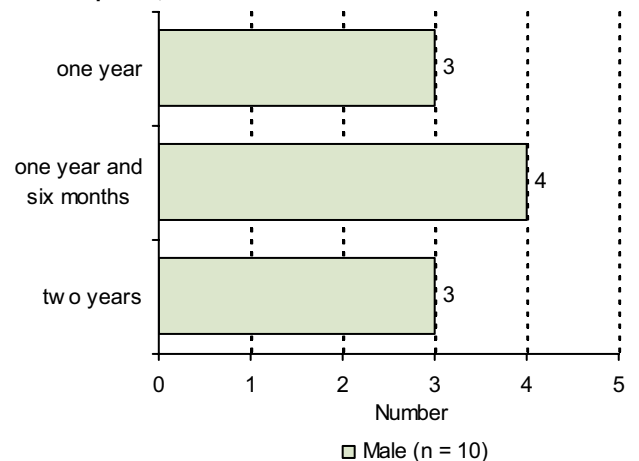


Community based orders

There were 10 people given a community based order as their total effective sentence.

The length of community based orders for handling stolen goods ranged from one year to two years, while the median length was one year and six months (meaning that half of the lengths were shorter than or equal to one year and six months and half were longer than or equal to one year and six months). The most common length of community based order was one year and six months (4 people).

Figure 15: The number of people sentenced to a community based order for handling stolen goods by length of order imposed, 2001-02 to 2005-06

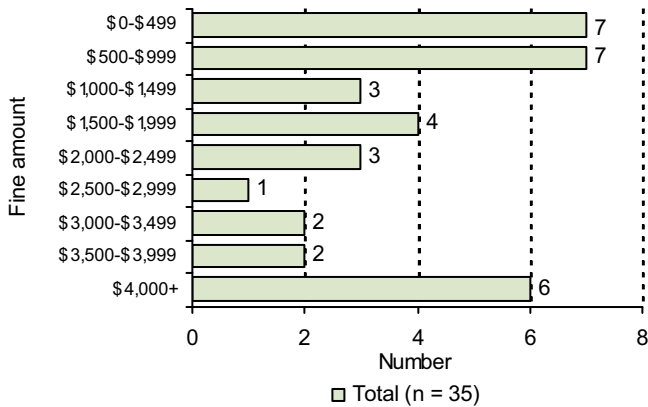


Fines

This analysis includes all fines that were imposed for cases where the offence of handling stolen goods was the principal offence. Fines were imposed on 35 people.

The fine amount imposed ranged from \$50 to \$15,000, with a median of \$1,500 (meaning that half of the values fell below \$1,500 and half of the values were above \$1,500). The average fine amount was \$2,446.

Figure 16: The number of people who received a fine for handling stolen goods by fine amount, 2001-02 to 2005-06



Summary

Between 2001-02 and 2005-06, 165 people were sentenced for handling stolen goods in the higher courts. Over this period, the majority of those sentenced were men (87%), while 65% were between the age of 20 and 40 years.

Four in ten people sentenced for handling stolen goods received a wholly suspended sentence of imprisonment (40%), while 28% received a period of imprisonment and 8% received a fine.

Men were more likely than women to be sentenced to a period of imprisonment, a partially suspended sentence of imprisonment or a community based order. Conversely, women were more likely to be sentenced to a wholly suspended sentence of imprisonment or an adjourned undertaking without conviction.

Wholly suspended sentences of imprisonment were more common for those aged between 40 and 45 years of age and imprisonment was more common for those aged between 30 and 35 years of age.

Imprisonment lengths ranged from seven days with no non-parole period to seven years and nine months with a non-parole period of five years and six months. The most common sentence of imprisonment was two years with a one year non-parole period.

The most common wholly suspended sentence length was one year.

- 1 This report presents sentencing outcomes for people sentenced for the principal offence of handling stolen goods in the County Court of Victoria. The principal offence describes the offence proven 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 forming part of the same presentment. For example, in 2005-06, 103 people were sentenced for handling stolen goods. The offence of handling stolen goods was the principal offence for 37 of the 103 people.
- 2 The information source for sentencing outcomes for handling stolen goods only contains information on age and gender characteristics. No other demographic analysis is possible.
- 3 The statistical information presented here was provided by Court Services, Department of Justice (Vic). This report describes sentencing trends for handling stolen goods since 2001-02. Court Services advises that sentencing data from the higher courts prior to 2000-01 may be unreliable due to changed data collection processes and counting rules.
- 4 *Crimes Act 1958* (Vic) s 88.
- 5 Handle stolen goods was the 17th most common principal offence that resulted in a person being sentenced in the higher courts over 2001-02 to 2005-06.
- 6 Data for sentencing outcomes in the Magistrates' Court are not currently available for detailed analysis.
- 7 Custodial sentence includes imprisonment and partially suspended sentence.
- 8 Age is as at the time of sentencing.
- 9 Of the 46 people who were given a principal sentence of imprisonment, 45 were also given a total effective sentence of imprisonment. There was one person who was given imprisonment as the principal sentence for handling stolen goods and a partially suspended sentence with recognisance release order (Cwlth) as a total effective sentence.
- 10 Five people were not eligible for parole because they were given a total effective sentence length of less than one year.
- 11 Due to the low number of women (3) who were imprisoned with a non-parole period, average lengths of imprisonment and non-parole periods by gender are not shown.
- 12 Sentence lengths that are longer than one year are rounded to the nearest year of imprisonment, while sentence lengths of less than one year are grouped into the '<1 year' category.
- 13 This graph includes the 45 people who were given a total effective sentence and a non-parole period that related to this case only.

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