

Sentencing Snapshot

Sentencing trends
in the higher courts
of Victoria
2003–04 to 2007–08

June 2009
No. 75

Handling stolen goods

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 2003–04 and 2007–08.³

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 carries a maximum penalty of 15 years' imprisonment⁴ and/or a fine of 240 penalty units.⁵ It is an indictable offence that is triable summarily in the Magistrates' Court if the property is below a certain value,⁶ the Magistrates' Court considers it appropriate and the defendant consents.

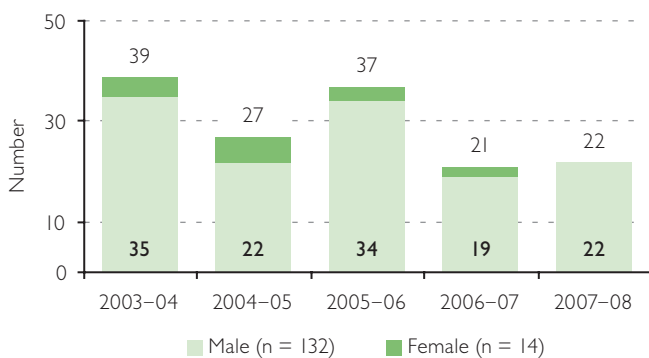
Handling stolen goods was the principal offence in 1.4% of cases sentenced in the higher courts between 2003–04 and 2007–08.

People sentenced

Figure 1 shows the number of people sentenced for the principal proven offence of handling stolen goods for the period 2003–04 to 2007–08. As shown, 146 people were sentenced for handling stolen goods over the five-year period. There were 22 people sentenced for this offence in 2007–08, up by 1 person from the previous year.⁷

Over the five years depicted, the majority of those sentenced were men (90.4% or 132 of the 146 people), including all of the 22 people sentenced in 2007–08.

Figure 1: The number of people sentenced for handling stolen goods by gender, 2003–04 to 2007–08



Sentence types and trends

Figure 2 shows the total number of people sentenced for handling stolen goods and the number who received an immediate custodial sentence. An immediate custodial sentence is one that involves at least some element of immediate (as opposed to wholly suspended) imprisonment or detention.⁸ Over the five-year period, 38% of people were given an immediate custodial sentence. This peaked at 50% (11 of 22) in 2007–08 after a low of 19% (7 of 37) in 2005–06.

Figure 2: The number of people sentenced for handling stolen goods and the number who received an immediate custodial sentence, 2003–04 to 2007–08

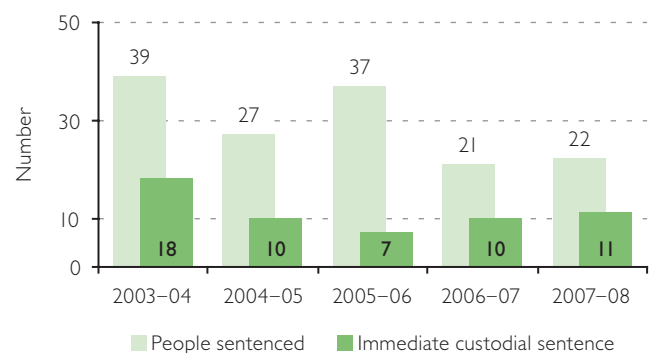


Table 1 shows the number of people sentenced for handling stolen goods from 2003–04 to 2007–08 by the types of sentences imposed.

Over the five-year period, around one third of the people sentenced for handling stolen goods received a wholly suspended sentence of imprisonment (37% or 54 of 146 people), while 30% received a period of imprisonment.

The number of people who received a wholly suspended sentence of imprisonment decreased by over half from a high of 15 people in 2003–04 and 2005–06 to 6 people in 2007–08.

Similarly, the number of people who received a period of imprisonment decreased over the five-year period from 16 in 2003–04 to 7 people in 2007–08.

Age and gender of people sentenced

Figure 3 shows the gender of people sentenced for handling stolen goods grouped by their age⁹ between 2003–04 and 2007–08. The average age of people sentenced for handling stolen goods was thirty-five years and six months. Women sentenced over this period were older than men (an average age of thirty-six years and four months for women compared to thirty-five years and five months for men). There were no juveniles sentenced over this period.

Figure 3: The number of people sentenced for handling stolen goods by gender and age, 2003–04 to 2007–08



Table 1: The number and percentage of people sentenced for handling stolen goods by sentence type, 2003–04 to 2007–08

Sentence type	2003–04	2004–05	2005–06	2006–07	2007–08
Wholly suspended sentence	15 (38%)	11 (41%)	15 (41%)	7 (33%)	6 (27%)
Imprisonment	16 (41%)	8 (30%)	5 (14%)	8 (38%)	7 (32%)
Community-based order	2 (5%)	1 (4%)	4 (11%)	0 (–)	4 (18%)
Fine	0 (–)	4 (15%)	5 (14%)	0 (–)	1 (5%)
Partially suspended sentence	2 (5%)	2 (7%)	2 (5%)	0 (–)	3 (14%)
Adjourned undertaking without conviction	2 (5%)	0 (–)	3 (8%)	2 (10%)	0 (–)
Aggregate imprisonment	0 (–)	0 (–)	0 (–)	2 (10%)	1 (5%)
Mix (wholly suspended sentence and aggregated fine)	0 (–)	0 (–)	1 (3%)	1 (5%)	0 (–)
Mix (community-based order and fine)	0 (–)	0 (–)	1 (3%)	1 (5%)	0 (–)
Intensive correction order	1 (3%)	1 (4%)	0 (–)	0 (–)	0 (–)
Mix (wholly suspended sentence and fine)	1 (3%)	0 (–)	0 (–)	0 (–)	0 (–)
Adjourned undertaking with conviction	0 (–)	0 (–)	1 (3%)	0 (–)	0 (–)
People sentenced	39	27	37	21	22

Sentence types by gender

Figure 4 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 (31.8% compared to 14.3% of women), a community-based order (8.3% compared to no women), a fine (7.6% compared to no women) and a partially suspended sentence of imprisonment (6.8% compared to no women). Conversely, a higher percentage of women received a wholly suspended sentence of imprisonment (57.1% compared to 34.8% of men), an adjourned undertaking without conviction (21.4% compared to 3.0%) and an intensive correction order (7.1% compared to 0.8%).

Figure 4: The percentage of people sentenced for handling stolen goods by sentence type and gender, 2003–04 to 2007–08

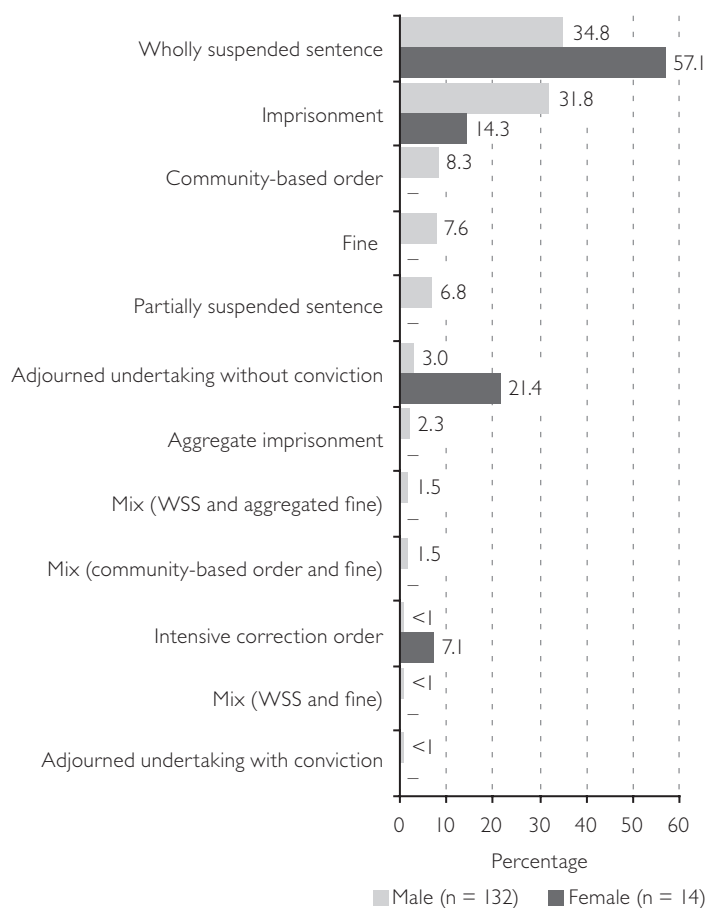


Table 2: The number and percentage breakdown of people sentenced for handling stolen goods by gender, 2003–04 to 2007–08

Sentence type	Male	Female	Total
Wholly suspended sentence	46 (35%)	8 (57%)	54 (37%)
Imprisonment	42 (32%)	2 (14%)	44 (30%)
Community-based order	11 (8%)	0 (-)	11 (8%)
Fine	10 (8%)	0 (-)	10 (7%)
Partially suspended sentence	9 (7%)	0 (-)	9 (6%)
Adjourned undertaking without conviction	4 (3%)	3 (21%)	7 (5%)
Aggregate imprisonment	3 (2%)	0 (-)	3 (2%)
Mix (wholly suspended sentence and aggregated fine)	2 (2%)	0 (-)	2 (1%)
Mix (community-based order and fine)	2 (2%)	0 (-)	2 (1%)
Intensive correction order	1 (<1%)	1 (7%)	2 (1%)
Mix (wholly suspended sentence and fine)	1 (<1%)	0 (-)	1 (<1%)
Adjourned undertaking with conviction	1 (<1%)	0 (-)	1 (<1%)
People sentenced	132	14	146

Sentence types by age

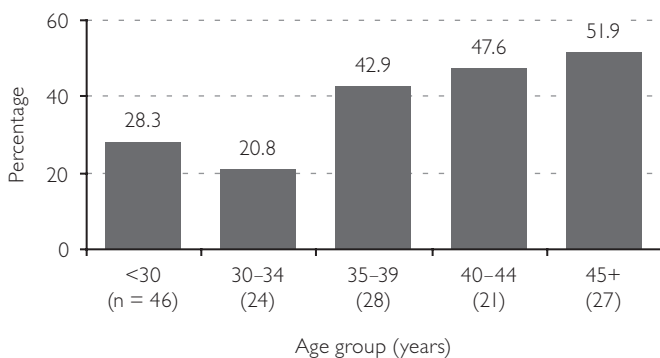
As shown in Table 2, the four most common sentence types were wholly suspended sentences of imprisonment, imprisonment, community-based orders and fines. The following analysis examines these sentence types by the offender's age group.

Wholly suspended sentences of imprisonment

Wholly suspended sentences of imprisonment were most likely to be given to people aged 45 years and older (52% or 14 of the 27 people in this age group).

Conversely, wholly suspended sentences of imprisonment were least common for those aged 30–34 years old (21% or 5 of the 24 people in this age group).

Figure 5: The percentage of people who received a wholly suspended sentence of imprisonment for handling stolen goods by age group, 2003–04 to 2007–08

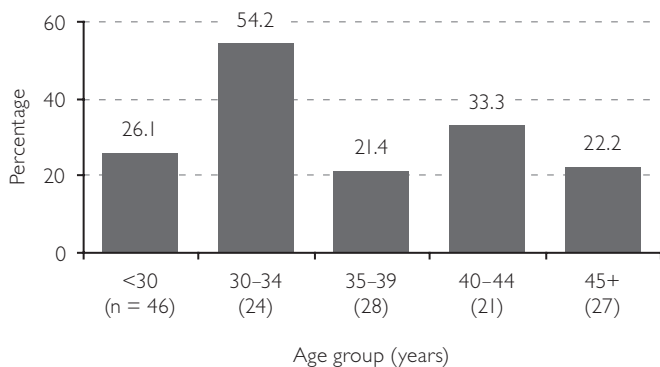


Imprisonment

Sentences of imprisonment were most likely to be given to people aged 30–34 years old (54% or 13 of the 24 people in this age group).

Conversely, sentences of imprisonment were least common for those aged 35–39 years old (21% or 6 of the 28 people in this age group).

Figure 6: The percentage of people who received a period of imprisonment for handling stolen goods by age group, 2003–04 to 2007–08

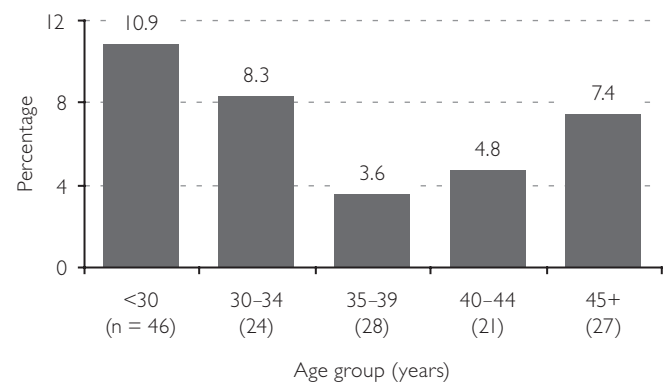


Community-based orders

Community-based orders were most likely to be given to people aged under 30 years (11% or 5 of the 46 people in this age group).

Conversely, community-based orders were least common for those aged 35–39 years old (4% or one of the 28 people in this age group).

Figure 7: The percentage of people who received a community-based order for handling stolen goods by age group, 2003–04 to 2007–08

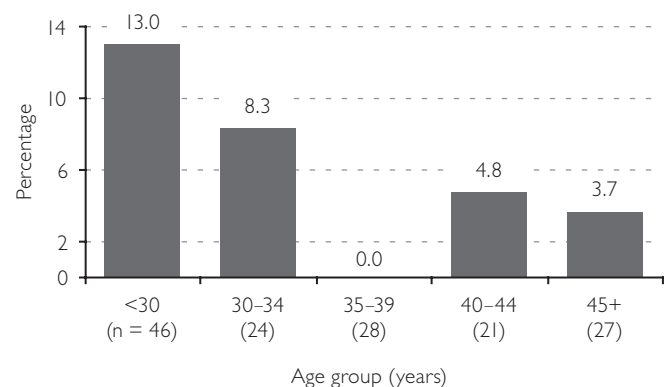


Fines

Fines were most likely to be given to people aged under 30 years (13% or six of the 46 people in this age group).

Conversely, none of the 28 people aged 35–39 years old received a fine.

Figure 8: The percentage of people who received a fine for handling stolen goods by age group, 2003–04 to 2007–08



Principal and total effective sentences

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

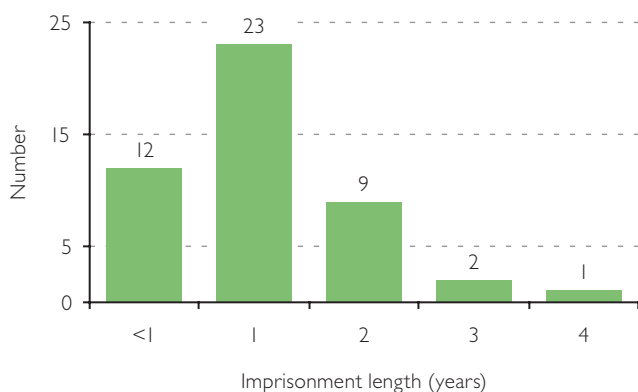
The *principal sentence* is the individual sentence imposed for a single charge. When imposing a sentence for multiple charges, the court imposes a *total effective sentence*. The total effective sentence aggregates the principal sentence handed down for each charge, and takes into account whether sentences 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 2003–04 to 2007–08.

Principal sentence of imprisonment

Figure 9 shows the number of people sentenced to imprisonment for handling stolen goods between 2003–04 and 2007–08 by the length of the imprisonment term. Imprisonment terms ranged from 3 months to four years and six months, while the median length of imprisonment was one year and eleven months (meaning that half of the imprisonment terms were shorter than one year and eleven months and half were longer).

Figure 9: The number of people sentenced to imprisonment for handling stolen goods by length of imprisonment term, 2003–04 to 2007–08



As shown in Figure 10, 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 10: The average length of imprisonment term imposed on people sentenced for handling stolen goods, 2003–04 to 2007–08

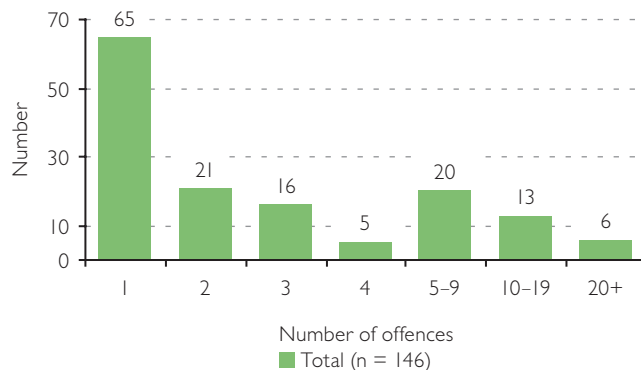


Other offences finalised at the same hearing

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 11 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 31, while the median was 2 offences. There were 65 people (44.5%) sentenced for the single offence of handling stolen goods alone. The average number of offences per person sentenced for handling stolen goods was 4.50.

Figure 11: The number of people sentenced for the principal offence of handling stolen goods by the number of sentenced offences per person, 2003–04 to 2007–08



While Figure 11 presents the number of sentenced offences for those sentenced for handling stolen goods, Table 3 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, 19 of the total 146 people (13.0%) also received sentences for obtain property by deception. On average, they were sentenced for 3.74 counts of obtain property by deception.

Total effective sentence of imprisonment

There were 47 people given a total effective sentence of imprisonment.¹⁰ Figure 12 shows the number of people sentenced to imprisonment for handling stolen goods between 2003–04 and 2007–08 by the length of their total effective sentence. The length of total effective sentences ranged from four months to seven years and nine months, while the median total effective length of imprisonment was one year and eleven months (meaning that half of the total effective sentence lengths were below one year and eleven months and half were above).

Figure 12: The number of people sentenced to imprisonment for handling stolen goods by total effective length of imprisonment term, 2003–04 to 2007–08

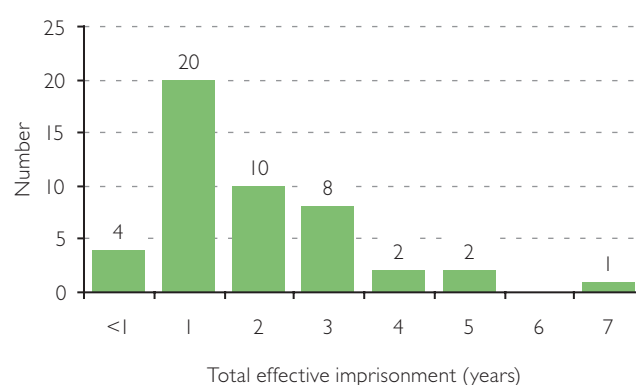


Table 3: The number and percentage of people sentenced for the principal offence of handling stolen goods by the most common offences that were sentenced and the average number of those offences that were sentenced, 2003–04 to 2007–08

Offence	No.	%	Avg.
1 handling stolen goods	146	100.0	2.70
2 obtaining property by deception	19	13.0	3.74
3 possess a drug of dependence	14	9.6	1.50
4 theft	13	8.9	2.77
5 burglary	8	5.5	2.38
6 make false document to prejudice of other	6	4.1	1.83
7 conceal property suspected of being proceeds of crime	5	3.4	1.60
8 obtain financial advantage by deception	4	2.7	3.75
9 deal with property suspected of being proceeds of crime	4	2.7	1.00
10 prohibited person possess unregistered firearm	4	2.7	1.00
People sentenced	146	100.0	4.50

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 section 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 many cases, the non-parole period will be longer than the individual principal sentence for handling stolen goods. Sentences and non-parole periods must be considered in this broader context.

Of the 47 people who were sentenced to imprisonment for handling stolen goods, 43 were eligible to have a non-parole period fixed.¹¹ Of these people, 39 were given a non-parole period (91%). Figure 13 shows the number of people sentenced to imprisonment for handling stolen goods between 2003–04 and 2007–08 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 13: The number of people sentenced to imprisonment for handling stolen goods by length of non-parole period, 2003–04 to 2007–08



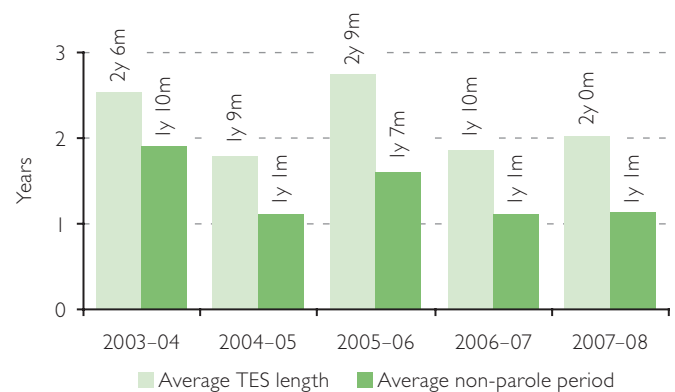
Note: No NPP refers to sentences of imprisonment that had no non-parole period fixed.

Total effective sentences of imprisonment and non-parole periods

Figure 14 presents the average length of total effective sentences of imprisonment compared to the average length of non-parole periods for all people from 2003–04 to 2007–08.¹²

From 2003–04 to 2007–08, the average length of total effective sentences 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 periods ranged from one year and one month in 2004–05, 2006–07 and 2007–08 to one year and ten months in 2003–04.

Figure 14: The average total effective sentence and the average non-parole period imposed on people sentenced to imprisonment for handling stolen goods, 2003–04 to 2007–08

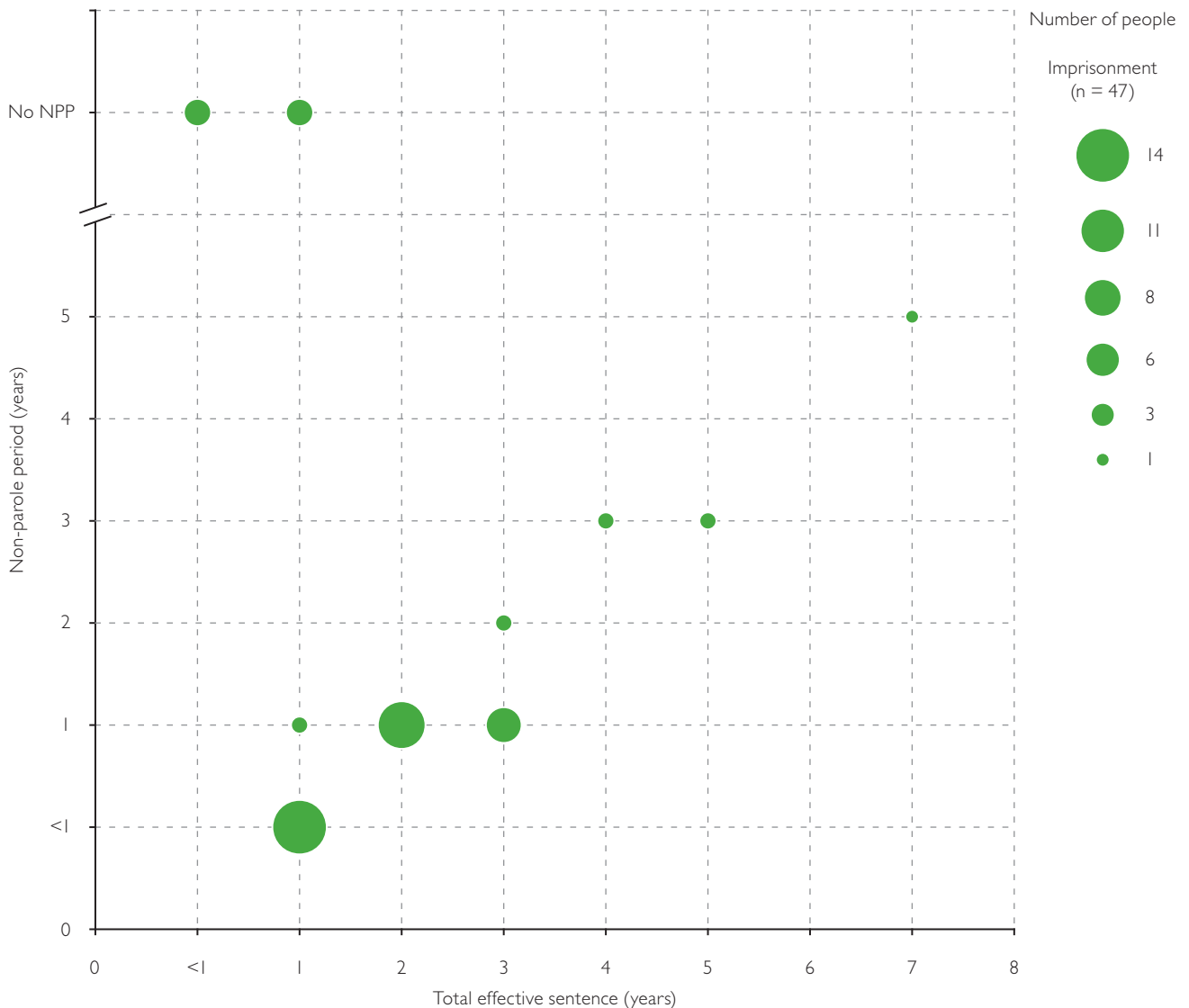


Total effective sentence of imprisonment by non-parole period

While Figures 12 and 13 present the lengths of the total effective sentences and non-parole periods separately, Figure 15 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 combination.¹³ As shown, the most common combination of imprisonment length and non-parole period imposed was one year with a non-parole period of less than one year (14 people – as represented by the largest 'bubble' on the chart). The length of imprisonment ranged from four months with no non-parole period to seven years and nine months with a non-parole period of five years and six months.

Figure 15: The number of people sentenced to imprisonment for handling stolen goods by the total effective sentence and the non-parole period imposed, 2003–04 to 2007–08¹⁴



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

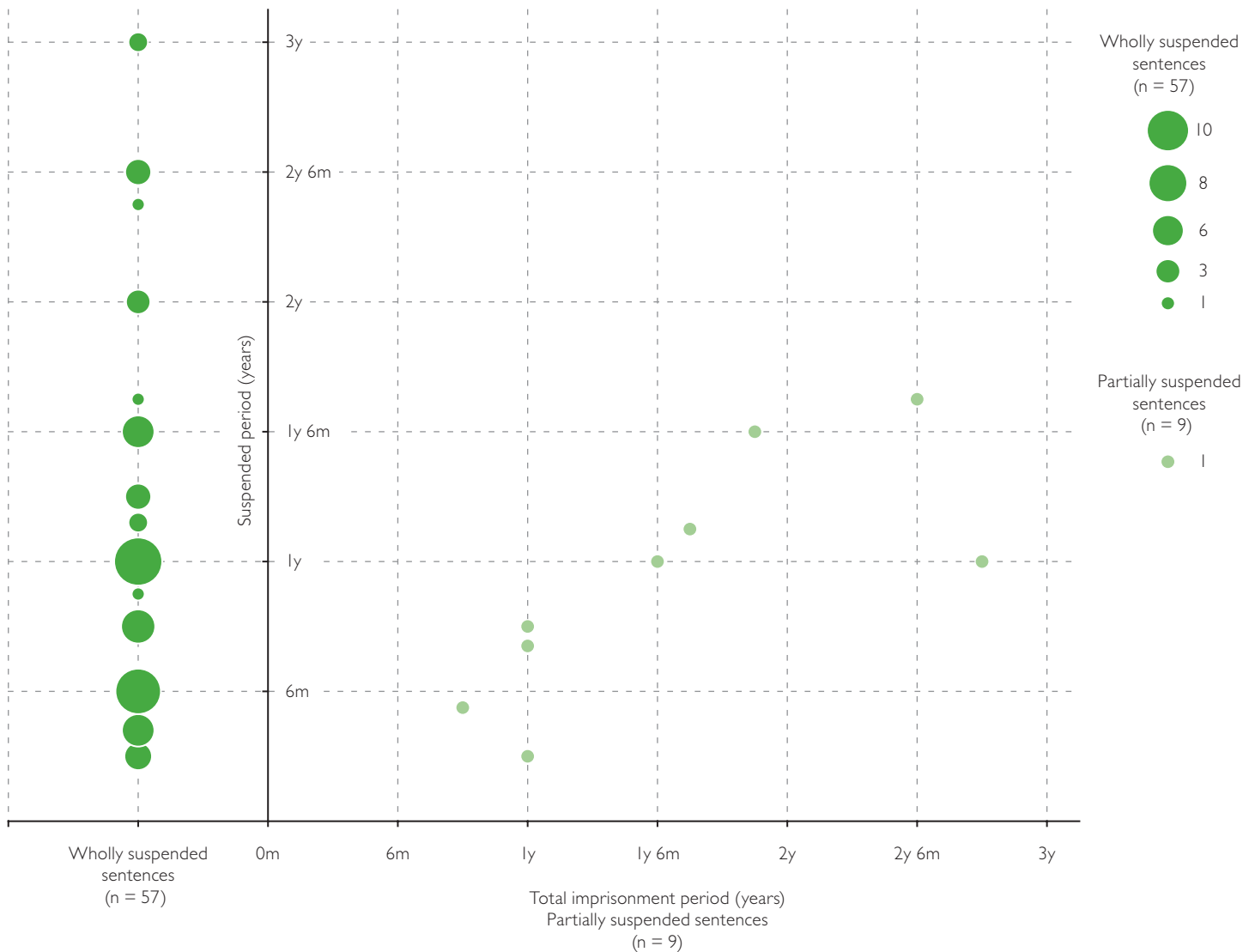
Suspended sentences of imprisonment

There were 66 people given a suspended sentence of imprisonment as their total effective sentence. Of these, 57 people had their prison sentence wholly suspended and 9 received a partially suspended sentence of imprisonment. Figure 16 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 dark green 'bubbles' to the left of the vertical axis show the lengths of the wholly suspended sentences, while the

light green '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 three months to three years. The most common wholly suspended sentence length was one year (10 people – as represented by the largest dark green 'bubble' on the chart).

Figure 16: The number of people given a wholly or partially suspended sentence of imprisonment for handling stolen goods by sentence type and length, 2003–04 to 2007–08

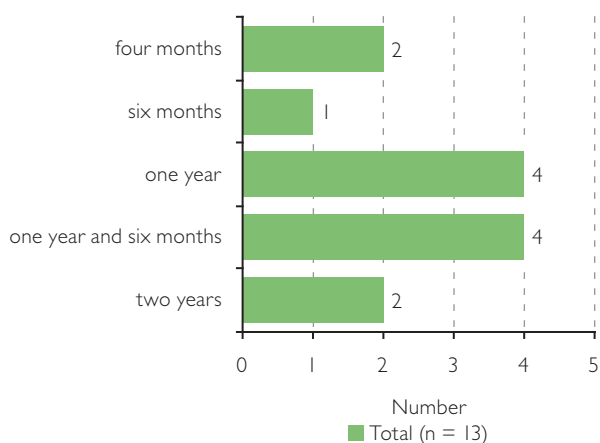


Community-based orders

There were 13 people given a community-based order as their total effective sentence.

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

Figure 17: The number of people sentenced to a community-based order for handling stolen goods by length of order imposed, 2003–04 to 2007–08



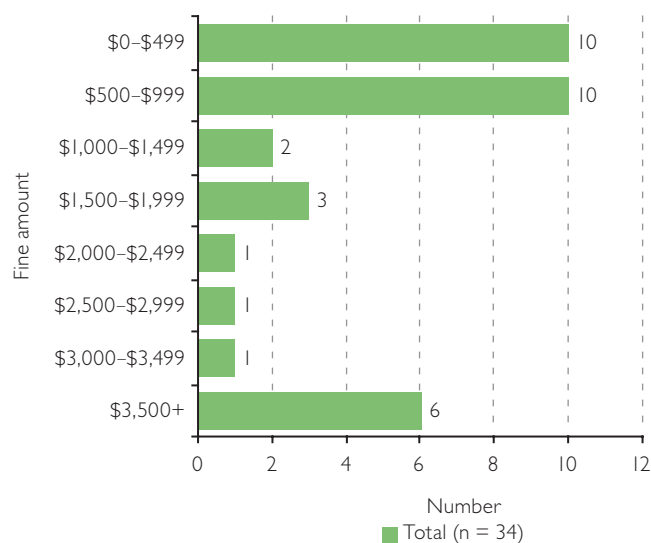
Fines

This analysis includes all fines that were imposed for cases where handling stolen goods was the principal offence. Fines were imposed on 34 people.

The fine amount imposed ranged from \$50 to \$24,600, with a median of \$675 (meaning that half of the values fell below \$675 and half of the values were above \$675).

The average fine amount was \$2,183. Fines were only imposed against men.

Figure 18: The number of people who received a fine for handling stolen goods by fine amount, 2003–04 to 2007–08



Summary

Between 2003–04 and 2007–08, 146 people were sentenced for the principal proven offence of handling stolen goods in the higher courts. Over this period, the majority of those sentenced were men (90%), while 36% were between the age of 30 and 40 years.

Around one third of the people sentenced for handling stolen goods received a wholly suspended sentence of imprisonment (37%), while 30% received a period of imprisonment.

Men were more likely than women to be sentenced to a period of imprisonment, a community-based order, given a fine or sentenced to a partially suspended sentence of imprisonment. 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 older than 40 years of age and imprisonment was more common for those aged between 30 and 35 years of age.

Each of the 146 people was sentenced for an average of 4.50 offences, including 2.70 offences of handling stolen goods. The most common offence finalised in conjunction with handling stolen goods was obtain property by deception (13.0% of all cases).

Total effective imprisonment lengths ranged from four months 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 one year with a non-parole period of less than one year.

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. There were 456 people sentenced from 2003–04 to 2007–08 for 1,079 offences of handling stolen goods. Handling stolen goods was the principal proven offence for 146 of these people.

This series of reports includes custodial and non-custodial supervision orders imposed under Part 5 of the *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 (Vic)* as sentencing orders and in the count of people sentenced. These orders are not sentencing orders, as they are imposed in cases where the defendant is not guilty because of mental impairment. However, they are included in this series as they are an important form of disposition of criminal charges.

This Sentencing Snapshot is an update of Sentencing Snapshot No. 16, which described sentencing trends for handling stolen goods between 2001–02 and 2005–06.

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). While every effort is made to ensure that the data analysed in this report are accurate, the data are subject to revision.
4. *Crimes Act 1958 (Vic)* s 88.
5. 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>.
6. From 1 July 2007, the value increased from \$25,000 to \$100,000.
7. Section 22(3)(a) of the *Courts Legislation (Jurisdiction) Act 2006 (Vic)* amended Schedule 4 of the *Magistrates' Court Act 1989 (Vic)* to increase the jurisdiction of the Magistrates' Court to hear charges of handling stolen goods involving property up to \$100,000 in value. This change applies to any proceedings after 1 July 2007 irrespective of when the offence is alleged to have been committed or when the proceeding commenced. Prior to that date, charges involving property between \$25,000 and \$100,000 could be heard only in the higher courts.
8. Immediate custodial sentence includes imprisonment, partially suspended sentence and aggregate imprisonment.
9. Age is as at the time of sentencing.
10. All of the 47 people who were sentenced to imprisonment as the principal sentence were also given imprisonment as the total effective sentence.
11. Four people were not eligible for parole because they were given a total effective sentence length of less than one year.
12. Due to the low number of women (2) who were imprisoned with a non-parole period, average lengths of imprisonment and non-parole periods by gender are not shown.
13. Sentence lengths that are longer than one year are rounded down to the nearest year of imprisonment, while sentence lengths of less than one year are grouped into the '<1 year' category.
14. This graph includes the 47 people who were given a total effective sentence and a non-parole period that related to this case only.

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

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