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ALBANY, N.Y. 12226

THOMAS A. COUGHLIN III
COMMISSIONER

CHESTER H. CLARK
ASSISTANT COMMISSIONER

DIVISION OF PROGRAM PLANNING, RESEARCH AND EVALUATION

TREND IN NEW COMMITMENTS FOR STOLEN MOTOR VEHICLE OFFENSES

In response to continuing public interest in auto theft cases, this survey reviews the trend in motor vehicle theft commitments to the Department.

This report is divided into three brief sections.

1. Characteristics of New Commitments for Grand Larceny Auto
2. "Hidden" Auto Theft Commitments: Commitments for Possession of Stolen Property Involving Stolen Motor Vehicles
3. Trend in Auto Theft Commitments, 1987 - 1991

An Executive Summary is provided.

Prepared by:

Robert Fisher
Program Research Specialist III

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EXECUTIVE SUMMARY

In 1991, 185 persons were committed for Grand Larceny (Auto) and the two related offenses of Unauthorized Use of a Motor Vehicle and Automobile Stripping. The number of these commitments to the Department of Correctional Services has been growing for three consecutive years. The 159 Grand Larceny (Auto) cases are the highest number since 1964. In addition, 23 persons were committed for Unauthorized Use and three for Automobile Stripping.

Grand Larceny (Auto) commitments represent only a portion of all auto theft commitments to the Department. A substantial number of auto thefts are prosecuted as stolen property cases involving automobiles.

A computer screen review of a random sample of 74 new felony commitments in 1991 for stolen property found that 48 (65%) involved stolen motor vehicles. This suggests a much higher number of auto theft commitments than are represented by Grand Larceny (Auto) commitments.

A more complete picture of auto theft commitments can be drawn by considering both Grand Larceny (Auto) and possession of stolen vehicle commitments. The overall number of auto theft commitments rose from 119 in 1981 to an estimated 599 in 1991. The growth rate for this offense for the 10 year period ending 1991 was three times the growth rate for all offenses.

It should be emphasized that 1991 auto theft commitments continue to represent a small percentage (2.5%) of all commitments to the Department despite the growth in number of these cases in recent years.

TREND IN NEW COMMITMENTS FOR STOLEN MOTOR VEHICLE OFFENSES

Purpose of Report

This report is the third in a series of reports on this subject.¹ It is intended to address questions of interest to the public and policymakers about auto theft commitments to the New York State Department of Correctional Services (DOCS).

Motor vehicle theft is a common offense in New York State. In 1990, the latest year for which figures are available, 186,741 such thefts were known to police and sheriff departments of New York State. A total of 18,422 persons were arrested for automobile theft in that year.²

Public interest in the topic of automobile theft no doubt is stimulated by the pervasiveness of this offense. The Department has received inquiries concerning the number of offenders committed for stolen motor vehicle offenses. The present survey was prepared to expand and update the previous research in view of the continuing public interest in this topic.

Organization of Report

This report is organized in three brief sections.

1. Characteristics of New Commitments for Grand Larceny (Auto)

The initial section examines the trend in Grand Larceny (Auto) commitments from 1958 through 1991.³ In addition, characteristics of the new commitments in 1991 for Grand Larceny (Auto) and related offenses are reported in this section.

2. Commitments for Possession of Stolen Property Involving Stolen Motor Vehicles: 1983 - 1991

The second section presents the findings of computer screen research designed to identify commitments for possession of stolen property involving stolen motor vehicles. The research findings are compared to analyses of 1981 and 1983 cases of stolen property offenses.

3. Trend in Auto Theft Commitments

The third section analyzes the overall trend since 1983 in auto commitments when Grand Larceny (Auto) commitments and possession of stolen motor vehicle commitments are combined.

Section 1: New Commitments for Grand Larceny (Auto): 1958-1991

At one time, auto theft commitments constituted a notable percentage of all commitments to the Department. In 1958, 248 individuals were committed for auto theft. These auto theft commitments represented 6.8% of the total number of new felony commitments (3,653) received during that year. The number of new commitments for auto theft decreased significantly in the 1960's and 1970's. Table 1 indicates the trend in Grand Larceny (Auto) commitments in this period.

TABLE 1. NEW COMMITMENTS FOR GRAND LARCENY (AUTO) 1958-1991

<u>Year</u>	<u>Grand Larceny (Auto)</u>		<u>Total</u>
1958	219	6.4%	3,416
1959	248	6.8%	3,653
1960	239	6.5%	3,703
1961	197	5.6%	3,547
1962	173	4.5%	3,803
1963	169	4.4%	3,839
1964	167	4.7%	3,558
1965	135	3.8%	3,585
1966	105	3.3%	3,193
1967	106	3.2%	3,357
1968	53	1.7%	3,118
1969	28	0.8%	3,610
1970	28	0.8%	3,522
1971	22	0.5%	4,353
1972	7	0.1%	5,150
1973	18	0.3%	5,907
1974	25	0.4%	6,191
1975	17	0.2%	6,963
1976	25	0.3%	7,521
1977	46	0.6%	7,942
1978	30	0.4%	6,813
1979	24	0.3%	7,212
1980	18	0.2%	7,646
1981	41	0.4%	9,997
1982	23	0.2%	10,140
1983	66	0.5%	12,255
1984	84	0.7%	12,003
1985	82	0.7%	12,139
1986	98	0.7%	14,603
1987	47	0.3%	15,434
1988	32	0.2%	16,990
1989	88	0.4%	21,061
1990	100	0.4%	23,098
1991	159	0.7%	24,095

Characteristics of New Commitments of 1991

In this part of Section 1, characteristics of persons committed to the custody of the New York State Department of Correctional Services for Grand Larceny (Auto) and related offenses in 1991 are examined. The related offenses included are:

- * unauthorized use of a motor vehicle ⁴
- * auto stripping ⁵

Gender

Table 2 shows that females constituted 1.6% of the 185 persons committed for Grand Larceny (Auto) and related offenses in 1991 as new commitments. This is less than the percentage of females committed for all other offenses (9.5%).

TABLE 2. GENDER OF INMATE BY CRIME OF COMMITMENT; 1991 NEW COMMITMENTS POPULATION

GENDER OF INMATE	ALL OTHER FELONIES		GRAND LARC AUTO AND REL		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
MALE	21670	90.6%	182	98.4%	21052	90.6%
FEMALE	2261	9.4%	3	1.6%	2264	9.4%
TOTAL	23931	100.0%	185	100.0%	24116	100.0%

Age at Reception

Table 3 shows that the average age at reception of persons committed for Grand Larceny (Auto) and related offenses, (28.0 years), is comparable to the average age of persons (28.4 years) committed for all other offenses.

TABLE 3. AGE AT RECEPTION BY COMMITMENT CRIME; INMATES COMMITTED FOR GRAND LARCENY AUTO; 1991 NEW COMMITMENTS POPULATION

AGE AT RECEPTION	OTHER CRIMES	GR LARC AUTO & REL	TOTAL
16-18 YR	1517 6.3%	11 5.9%	1528 6.3%
19-20 YR	2149 9.0%	15 8.1%	2164 9.0%
21-24 YR	4996 20.9%	41 22.2%	5037 20.9%
25-29 YR	6164 25.8%	48 25.9%	6212 25.8%
30-34 YR	4451 18.6%	40 21.6%	4491 18.6%
35-39 YR	2348 9.8%	16 8.6%	2364 9.8%
40-44 YR	1273 5.3%	9 4.9%	1282 5.3%
45-49 YR	537 2.2%	2 1.1%	539 2.2%
50-54 YR	281 1.2%	2 1.1%	283 1.2%
55-59 YR	120 .5%	1 .5%	121 .5%
60-64 YR	60 .3%	0 .0%	60 .2%
65 AND OVER	34 .1%	0 .0%	34 .1%
SUBTOTAL	23930 100.0%	185 100.0%	24115 100.0%
AVERAGE	28.4	28.0	28.4

Region of Commitment

The persons committed for Grand Larceny (Auto) and related offenses essentially do not differ from those committed for all other offenses on region of commitment. About 71 percent of both groups were committed from New York City; about 10 percent of the Grand Larceny (Auto) versus about 11 percent of all others were committed from suburban New York. About 10 percent of the grand larceny commitments were from the upstate rural counties versus 8 percent of those committed for all offenses and 8.6 percent of Grand Larceny commitments were upstate urban versus 9.5 percent of all other new commitments. (Table 4)

TABLE 4. REGION OF COMMITMENT OF INMATES COMMITTED FOR GRAND LARCENY AUTO; 1991 NEW COMMITMENTS POPULATION

REGION OF COMMITMENT	ALL OTHER FELONIES		GRAND LARC AUTO AND REL		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
NEW YORK CITY	17048	71.3%	131	70.8%	17179	71.3%
SUBURBAN NEWYORK	2710	11.3%	19	10.3%	2729	11.3%
UPSTATE URBAN	2271	9.5%	16	8.6%	2287	9.5%
UPSTATE RURAL	1877	7.9%	19	10.3%	1896	7.9%
TOTAL	23906	100.0%	185	100.0%	24091	100.0%

Prior Record

Table 5 shows that 94 percent of those committed for Grand Larceny (Auto) or related offenses compared to 78 percent of those committed for all other felonies have a prior misdemeanor or felony conviction. This suggests that the study population generally have had more contact with criminal justice agencies than persons committed for other offenses.

TABLE 5. PRIOR RECORD BY CRIME OF COMMITMENT; 1991 NEW COMMITMENTS POPULATION

PRIOR RECORD	ALL OTHER FELONIES		GRAND LARC AUTO AND REL		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
NO PRIOR CONVICTION	5164	21.6%	11	6.0%	5175	21.5%
PRIOR CONVICTION	18746	78.4%	173	94.0%	18919	78.5%
TOTAL	23910	100.0%	184	100.0%	24094	100.0%

Minimum Sentence

The average minimum sentence for Grand Larceny (Auto) and related offenses was 19.8 months compared to 36.6 months for all other crimes. The relatively short sentence received by Grand Larceny (Auto) commitments reflects the lower degree of seriousness (class D and E felony) that this offense is accorded in law. (Table 6)

TABLE 6. MINIMUM SENTENCE BY COMMITMENT CRIME; INMATES COMMITTED FOR GRAND LARCENY AUTO; 1991 NEW COMMITMENTS POPULATION

MINIMUM SENTENCE	OTHER CRIMES	GR LARC AUTO & REL	TOTAL
12-17 MONTHS	4432 18.5%	41 22.2%	4473 18.5%
18-23 MONTHS	4404 18.4%	99 53.5%	4503 18.7%
24-35 MONTHS	7511 31.4%	40 21.6%	7551 31.3%
36-47 MONTHS	3252 13.6%	4 2.2%	3256 13.5%
48-71 MONTHS	2137 8.9%	0 .0%	2137 8.9%
72-119 MONTHS	1367 5.7%	0 .0%	1367 5.7%
120-179 MONTHS	316 1.3%	0 .0%	316 1.3%
180-239 MONTHS	167 .7%	1 .5%	168 .7%
240 + MONTHS	343 1.4%	0 .0%	343 1.4%
SUBTOTAL	23929 100.0%	185 100.0%	24114 100.0%
AVERAGE	36.7	19.8	36.5

When felony class is controlled, however, Grand Larceny (Auto) and related offenders receive minimum sentences similar to offenders committed for non-auto crimes. This is clear from Table 7 which shows median minimum sentence length for Grand Larceny (Auto) and related offenders compared to all other offenders. The median for class D offenders is 24 months in both groups while the median for class E offenders is 18 months in both groups.

TABLE 7. MEDIAN SENTENCE FOR NEW COMMITMENTS IN 1991

Felony Class	Median minimum sentence length (month) of Grand Larceny (Auto) Related	Median minimum sentence length (months) of all other offenses
D	24	24
E	18	18

Second Felony Offender Status

Table 8 shows persons committed for Grand Larceny (Auto) and related offenses were more likely to have been committed as second felony offenders (76%) than were inmates committed for other crimes (56%). Second felony offender status can only be given to offenders convicted of a felony within the prior ten years.

Second felony offenders are required to serve half their maximum sentence prior to becoming eligible for parole, compared to first felony offenders who generally must serve only a third of their maximum sentence before they are eligible for parole in New York State.

TABLE 8. SECOND FELONY OFFENDER STATUS BY CRIME OF COMMITMENT; 1991 NEW COMMITMENTS POPULATION

SECOND FELONY OFFENDER	ALL OTHER FELONIES		GRAND LARC AUTO AND REL		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
FIRST FELONY OFFENDER	10607	44.3%	45	24.3%	10652	44.2%
SECOND FELONY OFFENDER	13324	55.7%	140	75.7%	13464	55.8%
TOTAL	23931	100.0%	185	100.0%	24116	100.0%

To summarize, since the 1960's proportionately few persons have been committed to State correctional facilities for Grand Larceny (Auto). (See Table 1.) Furthermore, 94 percent of those committed in 1991 for Grant Larceny (Auto) and related offenses have a prior conviction. It is now also clear that three-quarters of the new commitments for Grand Larceny (Auto) and related offenses have received second felony offender status.

Section 2: Commitments for Possession of Stolen Property Involving Stolen Motor Vehicles

Grand Larceny (Auto) commitments represent only a portion of all auto theft commitments to the Department. A significant number of auto theft cases result in possession of stolen property commitments. Conviction for possession of a stolen motor vehicle does not require that the State prove the defendant stole the vehicle; only proof of possession is required. This distinction facilitates the prosecution of numerous cases.

Computer Screen Research

Information on type of stolen property crime is not available on the computerized research files available for statistical analysis. It is stored only in narrative form by the Department as crime description information contained on the individual case records of inmates.

Since there were 679 inmates committed in 1991 for stolen property offenses, it was decided that a random sample would be drawn and the percentage of stolen property involving motor vehicles would be estimated from the sample returns. Accordingly, 74 cases were randomly selected from among the 679 new stolen property commitments. Individual case histories of the sample inmates were then reviewed to determine if the stolen property included a motor vehicle.

The sample findings showed that 48 of the 74 cases (65%) involved unlawful possession of a stolen motor vehicle.⁶ Based on the sample finding it was estimated that there were 440 new felony commitments for possession of stolen automobiles. In the previous research studies on this subject, the case folder for all new stolen property commitments were reviewed for motor vehicle possession.

The results of those studies are included in Table 9. The reader will note the portion of the total number of stolen property cases involving automobiles increased from 35% in 1981 to 42% in 1983 to 65% in 1991.

Because a sample was used for the 1991 cases, the representativeness of the sample was studied.⁷ The average age of sample cases was found to differ slightly from that of the nonsample (remaining) stolen property cases, and there were other small differences noted also. However, the sample was generally similar to the remaining cases with no differences found to be greater than 7 percent. The differences tested by chi-square were not significant at the .05 significance level. This means that there was a greater than five percent probability that the difference between the two groups could have occurred by chance alone rather than by any non-random cause. Differences which can occur by chance more than five percent of the time are not considered to be genuine.

To sum up, it was found that the number of commitments to the Department for possession of stolen motor vehicles during the period from 1981 - 1991 increased from 78 to 440. From 1983, the latest year surveyed in our last report, commitments increased from 134 to 440.

TABLE 9. NUMBER AND PERCENT OF NEW STOLEN PROPERTY COMMITMENTS THAT ARE STOLEN AUTO COMMITMENTS

YEAR	TOTAL COMMITMENTS POSSESSION OF STOLEN PROPERTY	INVOLVING STOLEN VEHICLES	
		NUMBER	PERCENT
1981	220	78	35%
1982	232	93	40%
1983	318	134	42%
1991	679	440 *	65% *

* Estimated

Section 3: Trend in Auto Theft Commitments: 1981-1991

A more complete picture of auto theft commitments to the Department can be drawn by considering both Grand Larceny (Auto) and possession of stolen motor vehicles together.

TABLE 10. NUMBER OF NEW AUTO THEFTS DURING SELECTED YEARS 1981-1991

YEAR	GRAND LARCENY AUTO	POSSESSION OF STOLEN VEHICLE	AUTO THEFT COMMITMENTS
1981	41	78	119
1982	23	93	116
1983	81	134	215
1991	159	440*	599*

* Estimated

Table 10 reveals that in each year examined, stolen property involving a motor vehicle is a more significant contributor to the total number of auto theft commitments than is Grand Larceny (Auto).

Furthermore, the total number of auto theft commitments to the Department of Correctional Services grew in the interval 1981-1991 from 119 to 599, a 403% increase. The total number of new commitments for all offenses grew by only 134% from 1981 to 1991.

Conclusion

Auto theft commitments grew three times faster during the interval 1981-1991 than the 134% increase in all offenses. However, it is important to keep in mind that automobile theft commitments still contribute a small percentage of new felony commitments. In 1991 they were just 2.5% of the 24,119 new felony commitments received by the Department.

In the most recent two years, there were over 18,000 annual arrests in New York State for auto theft offenses.⁸ However, the figures on commitments could be sensitive to changes in law. Raising penalties for first time offenders from the misdemeanor level to the felony level probably could increase new auto theft commitments unless it was offset by judges also making more extensive use of probation. Abolishing the requirement in the law mandating felony treatment of persons previously convicted of a felony could reduce the current number of such commitments.

Footnotes:

1. The two prior reports are: Macdonald, Donald (1982) "Persons Under Custody for Grand Larceny Auto October 1982;" Albany, New York State Department of Correctional Services and Fisher, Robert L. and Macdonald, Donald (1985) "Trend in New Commitments for Stolen Motor Vehicle Offenses," Albany, New York State Department of Correctional Services.
2. See the New York State Division of Criminal Justice Services 1990 Crime and Justice Annual Report, (Albany, New York State Division of Criminal Justice Services), p.111. DCJS reported 18,422 arrests in 1990 for motor vehicle theft and 20,103 such arrests in 1989, the latest two year period available.
3. The penal code (S155.NYSPL) defines Grand Larceny as a crime of unlawfully depriving the owner of his property or of its use. It is a class E felony if the value of the property removed from the owner's control is in excess of \$250 (U.S.C.); and it is a class D felony if the value of the property removed is in excess of \$1,500 (U.S.C.). The statute does not specify a specific category of Grand Larceny. Department of Correctional Services staff at Reception categorize the Grand Larceny commitments.
4. Unauthorized use of a motor vehicle (2nd degree) is a crime of "borrowing" a motor vehicle without the owner's permission but with intent to return it (or at least not to deprive owner continually of his property right). It is a felony when the defendant has been convicted in the prior ten years of the same kind of offense (which for a first time offender is a misdemeanor).

This law provides another weapon to prosecutors who cannot prove Grand Larceny at trial.

Unauthorized use in first degree addresses the situation of "borrowing" of a car to use in commission of another crime, e.g. as a getaway car in a burglary/robbery. It is a class D felony. Both unauthorized use (2nd) and unauthorized use (1st) were added in 1982.

In 1991 there were 23 commitments for unauthorized use.

5. Auto stripping is a felony created by statute in 1984 by raising the severity of action previously classified as a misdemeanor; further, it adds a new provision that the action of stripping is illegal in either of two ways:

(1) if the vehicle apparently has been abandoned and one is not authorized legally to strip it or (2) permission of the owner was not obtained though the law might have permitted the stripping action as long as prior permission of the vehicle's owner is obtained.

In 1991 there were three commitments for auto stripping.

6. The prior records of the 48 stolen property commitments who had stolen motor vehicles in their possession at the time of their arrest were also examined. Thirty-five of the 43 persons for whom most serious prior offense information was available had prior felony convictions. Thirty-two of these 35 offenders were given second felony offender status and three were not.

7. The variables of:
- gender
 - age
 - ethnic status
 - region of commitment
 - aggregated minimum sentence
 - record felony offender status
 - prior adult record

were reviewed to see if the sample was representative of the total new commitments population, This criterion would be satisfied if the distribution of the sample group scores on the variable were similar to that of the balance of persons in the population.

- (a) on gender 93.2% of the sample cases were males versus 97.2% of the balance; ($p > .07$)
- (b) on age the sample cases are eighteen months older on average at 28 years and 9 months than the balance of cases (27 years and 3 months); ($p > .6$)
- (c) on ethnic status the sample percentages differs from the balance by about 2% for whites and blacks. The sample percent difference is about 4% for Hispanics; ($p > .8$)

- (d) on region the distribution of sample cases is similar for upstate urban and rural to that for the balance. There is a 7% difference between the sample and the balance of cases in NYC commitments and a 5% difference between the two groups among suburban NY commitments; (p>.5)
- (e) on minimum sentence, the two distributions were nearly identical except for a difference of 4.2% in the percentage of commitments sentenced to between 24 and 35 months as a minimum on all charges; (p>.8)
- (f) on second felony offender status, the two groups are distributed virtually identically with differences of under 1%; (p>.8)
- (g) on prior record, the two groups differ slightly on the percentage with prior jail term. The sample percent is 31.1% and the balance percent is 38.2%. Collapsing the cases into prior criminal record versus no prior record (e.g. no conviction) reduces the differences between the two groups to about 4.5%. (p>.4)

Because differences were not statistically significant at the .05 level when tested by chi-square and because no differences of 10% or greater were found, it was decided that the sample was adequately representative of the overall 1991 stolen property population.

8. New York State Division of Criminal Justice Services, op.cit.