

State of New York
Department of Correctional Services
Building Number 2
Harriman Office Campus
Albany, New York 12226

**TREND IN NEW COMMITMENTS
FOR STOLEN MOTOR VEHICLE OFFENSES**

1993

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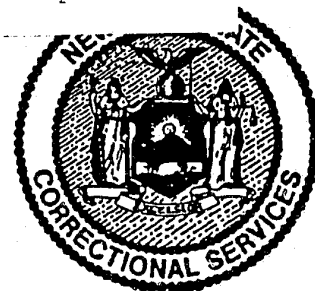
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Governor



Thomas A. Coughlin III
Commissioner

**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 of Correctional Services.

This report is divided into three brief sections.

1. New Commitments for Grand Larceny (Auto)
2. Commitments for Possession of Stolen Property Involving Stolen Motor Vehicles
3. Trend in Auto Theft Commitments, 1981 - 1993

EXECUTIVE SUMMARY

In 1993, 214 persons were committed for Grand Larceny (Auto) and the two related offenses of Unauthorized Use of a Motor Vehicle and Automobile Stripping (see Table 2, p.4). The number of these commitments to the Department of Correctional Services has been growing for five consecutive years. The 183 Grand Larceny (Auto) cases are the highest number since 1961 (see Table 1, p.3). In addition, 31 persons were committed for Unauthorized Use of a Motor Vehicle. No one was committed 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 Criminal Possession of Stolen Property cases involving automobiles (see p.9).

A computer screen review of a random sample of 74 new felony commitments in 1993 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 (see p.9).

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 549 in 1993. The growth rate for this offense for the 12 year period ending 1993 was two and a half times the growth rate for all offenses (see Table 9, p.10).

It should be emphasized that 1993 auto theft commitments continue to represent a small percentage 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

1993

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INTRODUCTION

TREND IN NEW COMMITMENTS FOR STOLEN MOTOR VEHICLE OFFENSES

Purpose of Report

This report is the fourth 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 1992, the latest year for which figures are available, 168,270 such thefts were known to police and sheriff departments of New York State. A total of 13,532 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 continued to receive inquiries concerning the number of offenders committed for stolen motor vehicle offenses. The present survey was prepared to update the research report of 1991 in view of the continuing public interest in this topic.

Organization of Report

This report is organized in three sections.

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

The initial section examines the trend in Grand Larceny (Auto) commitments from 1958 through 1993.³ In addition, characteristics of the new commitments in 1993 for Grand Larceny (Auto) and related offenses are reported in this section.

2. Commitments for Criminal Possession of Stolen Property Involving Stolen Motor Vehicles: 1981 - 1993

The second section presents the findings of computer screen research designed to identify commitments for Criminal Possession of Stolen Property involving stolen motor vehicles. The research findings are compared to analyses of 1981, 1983, and 1991 cases of stolen property offenses.

3. Trend in Auto Theft Commitments

The third section analyzes the overall trend since 1981 in auto commitments when Grand Larceny (Auto) and Criminal Possession of Stolen Property (Auto) commitments are combined.

Section 1

CHARACTERISTICS OF NEW COMMITMENTS FOR GRAND LARCENY (Auto) AND RELATED FELONIES

New Commitments For Grand Larceny (Auto): 1958-1993

At one time, commitments for Grand Larceny involving the theft of an automobile constituted a notable percentage of all commitments to the Department of Correctional Services (DOCS). In 1959, 248 individuals were committed for Grand Larceny (Auto). 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. Modifications in the Penal Law to exclude "joy riders" and the raising of the minimum dollar amount for Grand Larceny contributed to this decline. However, in the past five years new commitments for this offense have risen. They now exceed the numbers received in any year since 1962. Table 1 indicates the trend in Grand Larceny (Auto) commitments in the 36 year period, 1958 - 1993.

It should be noted that theft a motor vehicle is not specified in the Grand Larceny statute. This information must be derived by DOCS staff at the time of an inmate's reception from accompanying commitment documents. The DOCS practice of identifying Grand Larceny (Auto) offenses dates back to the 1950's.

TABLE 1
GRAND LARCENY (AUTO)
NEW COURT COMMITMENTS: 1958-1993

YEAR OF COMMITMENT	NUMBER OF COMMITMENTS	PERCENT OF TOTAL COMMITMENTS	TOTAL FELONY COMMITMENTS
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%	12,225
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
1992	172	0.7%	25,155
1993	183	0.7%	24,898

Characteristics Of New Commitments - 1993

In this part of Section 1, characteristics of persons committed to the custody of the Department of Correctional Services for Grand Larceny (Auto) are examined. In addition, two more recently enacted automobile specific felonies are considered. The related offenses are: Unauthorized Use of a Motor Vehicle ⁴; and Auto Stripping (of which there were none in 1993).⁵

Gender

Table 2 shows that females constituted 0.5% of the 214 persons committed for Grand Larceny (Auto) and related offenses in 1993 as new commitments. This was less than the percentage of females committed for all other offenses (7.6%).

TABLE 2

**GENDER OF INMATES BY CRIME OF COMMITMENT
1993 NEW COMMITMENTS POPULATION**

TABLE 2. GENDER OF INMATE BY CRIME OF COMMITMENT; 1993 NEW COMMITMENTS POPULATION

GENDER OF INMATE	ALL OTHER FELONIES		GRAND LARC AUTO AND REL		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
MALE	22804	92.4%	213	99.5%	23017	92.4%
FEMALE	1880	7.6%	1	.5%	1881	7.6%
TOTAL	24684	100.0%	214	100.0%	24898	100.0%

Age at Reception

The average age at reception of persons committed for Grand Larceny (Auto) and related offenses in 1993, (28.4 years) was younger than the average age of persons (29.0 years) committed for all other offenses.

TABLE 3
AGE AT COMMITMENT FOR GRAND LARCENY (AUTO) & RELATED OFFENSES
1993 NEW COMMITMENTS POPULATION

AGE AT RECEPTION	OTHER CRIMES	GR LARC AUTO	TOTAL
16-18 YR	1680 6.8%	14 6.5%	1694 6.8%
19-20 YR	2099 8.5%	15 7.0%	2114 8.5%
21-24 YR	4580 18.6%	43 20.1%	4623 18.6%
25-29 YR	5892 23.9%	60 28.0%	5952 23.9%
30-34 YR	4828 19.6%	40 18.7%	4868 19.6%
35-39 YR	2894 11.7%	28 13.1%	2922 11.7%
40-44 YR	1445 5.9%	10 4.7%	1455 5.8%
45-49 YR	678 2.7%	1 .5%	679 2.7%
50-54 YR	327 1.3%	2 .9%	329 1.3%
55-59 YR	150 .6%	1 .5%	151 .6%
60-64 YR	65 .3%	0 .0%	65 .3%
65 AND OVER	46 .2%	0 .0%	46 .2%
SUBTOTAL	24684 100.0%	214 100.0%	24898 100.0%
AVERAGE	29.0	28.4	29.0

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. Seventy-one percent of the Grand Larceny and related offenses and 70 percent of the other groups were committed from New York City; nine percent of the Grand Larceny (Auto) versus about 11 percent of all others were committed from suburban New York. About 6 percent of the Grand Larceny commitments were from the upstate rural counties versus 8 percent of those committed for all offenses and 9 percent of Grand Larceny commitments were upstate urban versus 11 percent of all other new commitments. (Table 4)

TABLE 4

REGION OF COMMITMENT FOR GRAND LARCENY AND RELATED OFFENSES
1993 NEW COMMITMENTS POPULATION

REGION OF COMMITMENT	ALL OTHER FELONIES		GRAND LARC AUTO AND REL		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
NEW YORK CITY	17305	70.3%	152	71.0%	17457	70.3%
SUBURBAN NEWYORK	2626	10.7%	30	14.0%	2656	10.7%
UPSTATE URBAN	2682	10.9%	20	9.3%	2702	10.9%
UPSTATE RURAL	2020	8.2%	12	5.6%	2032	8.2%
TOTAL	24633	100.0%	214	100.0%	24847	100.0%

Missing values= 51

Prior Record

Table 5 shows that 95 percent of those committed for Grand Larceny (Auto) or related offenses compared to 79 percent of those committed for all other felonies had a prior misdemeanor or felony conviction. This suggests that the study population generally had more contact with criminal justice agencies than persons committed for other offenses.

TABLE 5

PRIOR RECORD FOR GRAND LARCENY (AUTO) & RELATED OFFENSES
1993 NEW COMMITMENT POPULATION

PRIOR RECORD	ALL OTHER FELONIES		GRAND LARC AUTO AND REL		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
NO PRIOR CONVICTION	5049	20.5%	11	5.1%	5060	20.4%
PRIOR CONVICTION	19567	79.5%	203	94.9%	19770	79.6%
TOTAL	24616	100.0%	214	100.0%	24830	100.0%

Missing = 68

Minimum Sentence

The average minimum sentence for Grand Larceny (Auto) and related offenses was 21 months compared to 38 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 FOR GRAND LARCENY (AUTO) & RELATED OFFENSES
1993 NEW COMMITMENTS POPULATION

MINIMUM SENTENCE	OTHER CRIMES	GR LARC AUTO & REL	TOTAL
12-17 MONTHS	4415 17.9%	36 16.8%	4451 17.9%
18-23 MONTHS	4204 17.0%	102 47.7%	4306 17.3%
24-35 MONTHS	7709 31.2%	66 30.8%	7775 31.2%
36-47 MONTHS	3624 14.7%	7 3.3%	3631 14.6%
48-71 MONTHS	2381 9.6%	2 .9%	2383 9.6%
72-119 MONTHS	1332 5.4%	0 .0%	1332 5.4%
120-179 MONTHS	378 1.5%	0 .0%	378 1.5%
180-239 MONTHS	224 .9%	1 .5%	225 .9%
240 + MONTHS	410 1.7%	0 .0%	410 1.6%
SUBTOTAL	24677 100.0%	214 100.0%	24891 100.0%
AVERAGE	38.4	21.0	38.3

Missing values = 7

When felony class is controlled, however, Grand Larceny (Auto) and related offenders received 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 was 24 months in both groups while the median for class E offenders was 18 months in both groups.

TABLE 7

**MEDIAN SENTENCE FOR GRAND LARCENY (AUTO) & RELATED OFFENSES
1993 NEW COMMITMENTS POPULATION**

Felony Class	Median minimum sentence length (months) 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 (75%) than were inmates committed for other crimes (58%). 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 FOR GRAND LARCENY (AUTO)
AND RELATED OFFENSES
1993 NEW COMMITMENTS POPULATION**

SECOND FELONY OFFENDER	ALL OTHER FELONIES		GRAND LARC AUTO AND REL		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
FIRST FELONY OFFENDER	10347	41.9%	51	23.8%	10398	41.8%
SECOND FELONY OFFENDER	14337	58.1%	163	76.2%	14500	58.2%
TOTAL	24684	100.0%	214	100.0%	24898	100.0%

To summarize, since the 1960's proportionately few persons have been committed to State correctional facilities for Grand Larceny (Auto). Furthermore, 95 percent of those committed in 1993 for Grand Larceny (Auto) and related offenses had a prior conviction. It is now also clear that more than three-quarters (76%) of the new commitments for Grand Larceny (Auto) and related offenses received second felony offender status.

Section 2

Commitments For Possession Of Stolen Property Involving Stolen Motor Vehicles

Grand Larceny (Auto), Auto Stripping, and Unauthorized Use Of A Motor Vehicle commitments represent only a portion of all auto theft commitments to the Department. A significant number of auto theft cases result in Criminal 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 563 inmates committed in 1993 for Criminal Possession of 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 563 new Criminal Possession of 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. Based on the sample finding it was estimated that there were 365 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 and 1993.

Because a sample was used for the 1993 cases, the representativeness of the sample was studied.⁶ However, the sample was generally similar to the remaining cases with no differences found to be greater than 8 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 - 1993 increased from 78 to 366. From 1991, the latest year surveyed in our last report, commitments decreased from 440 to 366.

TABLE 9

**CRIMINAL POSSESSION OF STOLEN PROPERTY (AUTO) OFFENSES
1993 NEW COMMITMENTS POPULATION**

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%*
1993	563	366*	65%*

* Estimated

Section 3

Trend In Auto Theft Commitments

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 1981-1993

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*
1993	183	366*	549*

* 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 1981-1993 from 119 to 549, an increase of 361%. The total number of new commitments to the Department for all offenses grew by only 150% from 1981 to 1993, a much slower rate of increase.

Conclusion

Auto theft commitments grew two and a half times faster during the interval 1981-1993 than did all offenses. However, it is important to keep in mind that automobile theft commitments still contribute a small percentage of new felony commitments. In 1993 they were just 2.2% of the 24,898 new felony commitments received by the Department.

In the most recent two years, available (1991 and 1992) there were over 13,000 annual arrests in New York State for auto theft offenses of whom only a tiny proportion were committed to the New York State Department of Correctional Services.⁷ 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 were 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 214 such commitments of whom 163 are second felony offenders.

Footnotes:

1. The three prior reports are: Macdonald, Donald (1982) "Persons Under Custody for Grand Larceny Auto October 1982," Albany, New York State Department of Correctional Services; Fisher, Robert, L. and Donald Macdonald (1985) "Trend in New Commitments for Stolen Motor Vehicle Offenses," Albany, New York State Department of Correctional Services; Fisher, Robert, L. (1992) "Trends in New Commitments for Stolen Motor Vehicle Offenses", Albany, New York State Department of Correctional Services.
2. New York State Division of Criminal Justice Services 1992 Crime and Justice Annual Report, (Albany, New York State Division of Criminal Justice Services), p.111.
3. The Penal Law 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 \$1,000; it is a class D felony if the value exceeds \$3,000; a class C felony if the value exceeds \$50,000; and it is a class B felony if the value exceeds \$1,000,000. 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 Of A Motor Vehicle in the 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.

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 through the law might have permitted the stripping action as long as prior permission of the vehicle's owner is obtained. There were no such cases committed in 1993 though there were three in 1991.

6. The variables of: gender, age, ethnic status, region of commitment, aggregated minimum sentence, second felony offender status, and 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 93% of the balance ($p > .95$)
 - b. On age, the sample cases are the same as nonsample cases ($p > .86$).
 - c. On ethnic status the sample percentage differs from the balance by about 2% for Hispanics and 5% for blacks. The sample percent difference is about 8% for whites ($p > .47$).
 - 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 7% difference between the two groups among suburban NYC commitments; ($p > .26$)
 - e. On minimum sentence, the two distributions were similar identical except for a difference of 6% in the percentage of commitments sentenced to between 24 and 35 months as a minimum on all charges and a 5% difference in the percent of persons receiving 12-17 months ($p > .6$).
 - f. On second felony offender status, the two groups are distributed virtually identically with differences of under 5%; ($p > .4$)
 - g. On prior record, the two groups differ slightly on the percentage with prior jail term. The sample percent is 33.8% and the balance percent is 37.1%. Collapsing the cases into prior criminal record versus no prior record (e.g. no conviction) reduces the differences between the two groups to about 1.0% ($p > .97$)

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 1993 stolen property population.

7. Division of Criminal Justice Services. See note 2 above.

**Prepared by:
Robert L. Fisher
Program Research Specialist III**