

Vehicle Offences

37/2 **Aggravated Vehicle Taking**

45 **Theft from a Motor Vehicle**

48 **Theft or Unauthorised Taking of a Motor Vehicle**

126 **Interfering with a Motor Vehicle**

37/2 Aggravated Vehicle Taking Classification / Counting Rule (1 of 1)

37/2 Aggravated vehicle taking.
(V) *Theft Act 1968 Sec 12A(pt).*

131/1 Aggravated vehicle taking where the only
(V) aggravating factor is criminal damage of
£5000 or under.
Theft Act 1968 Sec 12A(pt).

CLASSIFICATION: AGGRAVATED VEHICLE TAKING (AVT)

A crime of theft or unauthorised taking of a vehicle should be recorded as AVT if, at the time of recording, one or more of the four circumstances that determine AVT under the Theft Act 1968 Sec 12A is known to have applied. The four circumstances are:

- The vehicle was driven dangerously on a road or other public place, or
- That owing to the driving of the vehicle, an accident occurred causing injury to any person, or
- That owing to the driving of the vehicle, an accident occurred by which damage was caused to any property other than the vehicle, or
- Damage was caused to the vehicle.

If death results from the second circumstance and the link is known at the time of recording, then a crime of causing death by AVT (class 37/1) should be recorded.

GENERAL RULE: ONE CRIME FOR EACH VEHICLE OWNER.

EXAMPLE 1: Two young men seen taking a car (confirmed by the victim) and driving dangerously until they crash the car and flee the scene.

One crime of aggravated vehicle taking (class 37/2).

APPLICATION OF THE RULE

Vehicles under common ownership should be counted as one crime if stolen by the same group of offenders for AVT.

Example 1: Two mini-cabs belonging to the same company are stolen by a group of offenders and used for AVT.

One crime (class 37/2).

45 Theft from a Motor Vehicle Classification (1 of 1) Counting Rule (1 of 2)

45/10 Theft from a motor vehicle.
(V) *Theft Act 1968 Sec 1(pt).*

DEFINITION - LEGAL: THEFT

THEFT ACT 1968 SEC 1(1)

"A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it".

The terms in this basic definition are amplified in Sections 2-6 of the Theft Act.

GENERAL RULE: ONE CRIME FOR EACH VEHICLE OWNER.

EXAMPLE 1: A person steals radios from three separately owned cars in a street.

Three crimes (class 45).

EXAMPLE 2: A person siphons petrol from four adjacent, separately owned cars in a street.

Four crimes (class 45).

EXAMPLE 3: A person is caught stealing badges off cars in the forecourt of a car showroom. All the cars belong to the showroom owner.

One crime (class 45).

EXAMPLE 4: A car is stationary at traffic lights and items are taken via an open window.

One crime (class 45).

EXAMPLE 5: Three privately owned motor vehicles parked in a secure compound attached to a garage awaiting repair. Overnight each of the cars has a wing mirror stolen from it. The garage makes good the repairs at their expense.

On the basis that the garage proprietor has custody care and control of the vehicles in their possession, they are the victim in these circumstances. One crime (class 45).

APPLICATION OF THE RULE

The number of owners of the goods stolen from a vehicle is not relevant for crime recording purposes.

Example 1: A car owner reports having items belonging to two friends stolen from his vehicle.

One crime (class 45).

The Collective Protection rule has been abolished. Therefore, thefts from several vehicles in a secure compound should be counted as one crime per separately owned vehicle (rather than one crime in total). The practical application of this is whether the owner of the secure compound will make good any damage/losses incurred by each individual owner of the vehicles. If they will not do this then each individual vehicle owner bears the loss/damage and so there will be a number of separate crime records.

Example 2: A group of offenders enter a secure car park and steal articles from six separately owned cars. The owners of the cars are responsible for the loss.

Six crimes (class 45).

45 Theft from a Motor Vehicle Counting Rules (2 of 2)

Whether to record: see also General Rules Section A.

Example 1: CCTV picks up someone apparently stealing items from a parked car, but the number plate is not clear.

- (i) Neither the victim nor persons acting on their behalf come forward to report it.

Classify as a crime related incident report but do not record the crime.

- (ii) Further investigation locates the victim who confirms the theft.

One crime of theft from a motor vehicle (class 45).

Example 2: A woman reports having a handbag stolen from her car while it was in a car park. She is sure that she left the bag in the car, and therefore feels sure that it has not been lost.

- (i) There is no evidence that it has been lost and on the balance of probability a crime has occurred.

One crime of theft from a vehicle (class 45).

- (ii) After recording the crime, additional verifiable information comes to light, e.g. relevant CCTV footage or the victim phones later and confirms she has found it at home, which determines a crime has not occurred.

Cancel the theft – Section C HO CR.

Finished Incident: see also General Rules Section E.

A vehicle is reported stolen but not yet recorded by the police. The police recover it and return it to the owner, who discovers that items have been stolen from it. [NB The assumption here is that the 'theft from' took place at the same time as the 'theft of', and does not constitute a new incident.]

- (i) The intention was to steal the vehicle.

One crime of theft of a motor vehicle (class 48).

- (ii) The intention was to TWOC the vehicle in order to steal the contents.

One crime of theft from a motor vehicle (class 45) - (which is the Principal Crime over unauthorised taking).

Thefts of personal property from public transport where the public have access should be classified as other theft (class 49) rather than theft from a vehicle (class 45). Thefts from public transport from areas to which the public do not have access i.e. drivers cabs, locked luggage compartments etc, should be classified as theft from vehicles (class 45).

Example 1: A man leaves a wallet on a bus. It is not found later and on balance of probabilities is considered to have been stolen.

One crime (class 49).

Principal Crime: see General Rules Section F and Annex F. If people are injured during a theft, and in order to commit the theft, then one crime of robbery should be counted.

Example 1: A group wounds a car owner while stealing (and in order to steal) personal valuables from his car.

One crime of robbery (class 34B).

Example 2: A group steals from a car and sprays graffiti on it.

One crime of theft from a motor vehicle (class 45).

48 Theft or Unauthorised Taking of a Motor Vehicle Classification (1 of 1)

48/1 Theft of a motor vehicle.
(V) *Theft Act 1968 Sec 1(pt).*

130/1 Unauthorised taking of a motor vehicle
(V) (does not include 'driving or being carried knowing motor vehicle has been taken ...').
Theft Act 1968 Sec 12 (pt) as amended by Criminal Justice Act 1998 Sec 37.

DEFINITION - LEGAL: MOTOR VEHICLE

A "motor vehicle" is a mechanically propelled vehicle made intended or adapted for use on roads.

It should also satisfy the test as to whether or not a reasonable person would say that one of the vehicle's uses would be some general use on the road.

DEFINITION - LEGAL: TAKING MOTOR VEHICLE OR OTHER CONVEYANCE WITHOUT AUTHORITY

THEFT ACT 1968 SEC 12(1)

"... a person shall be guilty of an offence if, without having the consent of the owner or other lawful authority, he takes any conveyance for his own or another's use or, knowing that any motor vehicle has been taken without such authority, drives it or allows himself to be carried in or on it."

NB: *Only the unauthorised taking of a motor vehicle is notifiable. Driving or being carried is not notifiable.*

DEFINITION - LEGAL: THEFT

THEFT ACT 1968 SEC 1(1)

"A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it".

The terms in this basic definition are amplified in Sections 2-6 of the Theft Act.

48 Theft or Unauthorised Taking of a Motor Vehicle Counting Rules (1 of 2)

GENERAL RULE: ONE CRIME FOR EACH VEHICLE OWNER.

EXAMPLE 1: A vehicle is reported stolen and is later found abandoned.

One crime (class 48).

EXAMPLE 2: Three taxis belonging to the same company are reported stolen by a group acting together.

One crime (class 48).

EXAMPLE 3: An offender admits that while intending to steal one vehicle he attempted to steal five other vehicles on the same night, before finally stealing one. All vehicles separately owned, and there is corroborating evidence for the attempts.

Six crimes (class 48).

APPLICATION OF RULE

Entry into a building to steal a vehicle should be classified as burglary.

Example 1: A house is burgled and a car stolen from the garage in the garden.

One crime of burglary- residential (class 28E).

Company car used by householder should be treated as property of householder.

Example 1: An offender caught stealing a motor vehicle has heroin in his possession.

One crime of theft of a vehicle (class 48) and one crime of possession (class 92D).

If the circumstances of the taking of the vehicle amount to a robbery then the crime should be classified as a robbery.

Example 1: The victim is forced out of his car at knife point. The offender then drives off and abandons the vehicle two streets away.

One crime of robbery (class 34).

Defaulted payments on a vehicle

Example 1: A person who lives in force A visits a car sales showroom in force B and buys/rents/leases a vehicle on a credit/finance agreement. The finance company is based in force C. The person then defaults on the finance payments. The finance company attempts to enforce the payments and/or recover/repossess the vehicle by civil means but is unsuccessful. The finance company reports this to NaVCIS who carry out further enquiries and then refer the matter to Force A as the last known address of the suspect. (Added April 2018)

Force A to record

48 Theft or Unauthorised Taking of a Motor Vehicle

Counting Rules (2 of 2)

How to Classify: see also General Rules Section B. Unless there is evidence to the contrary, any evidence of intent to drive the vehicle away (e.g. hot-wiring) should be assumed on balance of probabilities to be an intended unauthorised taking (or TWOC), and should therefore be recorded as vehicle interference - see flowchart on class 126 - Classification (2 of 2).

Finished Incident: see also General Rules Section E. If a vehicle is stolen or taken without consent, then any further offences to the vehicle by the same offender (or group of offenders) should be considered a continuation of the same incident.

Example 1: A vehicle is stolen and later found abandoned and deliberately burnt out (in the same police force area as the theft).

- (i) The vehicle theft reported before the vehicle is found.

One crime of theft (class 48).

- (ii) The theft not reported before the vehicle is found.

*One crime of theft (class 48) (Whilst this is **not** the principal crime over arson, in these circumstances class 48 should be recorded)*

- (iii) As (i) or (ii) but there is evidence that the arson was committed by someone unconnected with the theft.

One crime of theft or unauthorised taking (class 48) and one crime of arson (class 56).

Example 2: A stolen vehicle is spotted but before the police arrive the vehicle disappears again.

- (i) Second theft known to be unconnected to the first.

Two crimes (class 48).

- (ii) No such evidence exists.

One crime (class 48).

Crimes in More Than One Force: see also General Rules Section G.

Example 1: A vehicle is stolen in one police force area and later found burnt out in another police force area.

One crime of theft or unauthorised taking (class 48) recorded by the force covering theft location.

Example 2: A vehicle is taken without authority in one police force area and discovered being driven in another police force area.

One crime of theft or unauthorised taking (class 48) recorded by the force covering theft location.

126 Interfering with a Motor Vehicle Classification (1 of 2)

126 Interference with a motor vehicle.
(V) *Criminal Attempts Act 1981 Sec 9.*

825/06 Tampering with motor vehicles.
(V) *Road Traffic Act 1988 Sec 25.*

DEFINITION - LEGAL: INTERFERENCE WITH A MOTOR VEHICLE

CRIMINAL ATTEMPTS ACT 1981 SEC 9

- (1) "A person is guilty of the offence of vehicle interference if he interferes with a motor vehicle or trailer or with anything carried in or on a motor vehicle or trailer with the intention that an offence specified in subsection (2) below shall be committed by himself or some other person."
- (2) The offences mentioned in subsection (1) above are:
 - (a) Theft of the motor vehicle or trailer or part of it.
 - (b) Theft of anything carried in or on the motor vehicle or trailer; and
 - (c) The offence under Section 12(1) of the Theft Act 1968 (taking and driving away without consent).

DEFINITION - LEGAL: TAMPERING WITH MOTOR VEHICLES

ROAD TRAFFIC ACT 1988 SEC 25

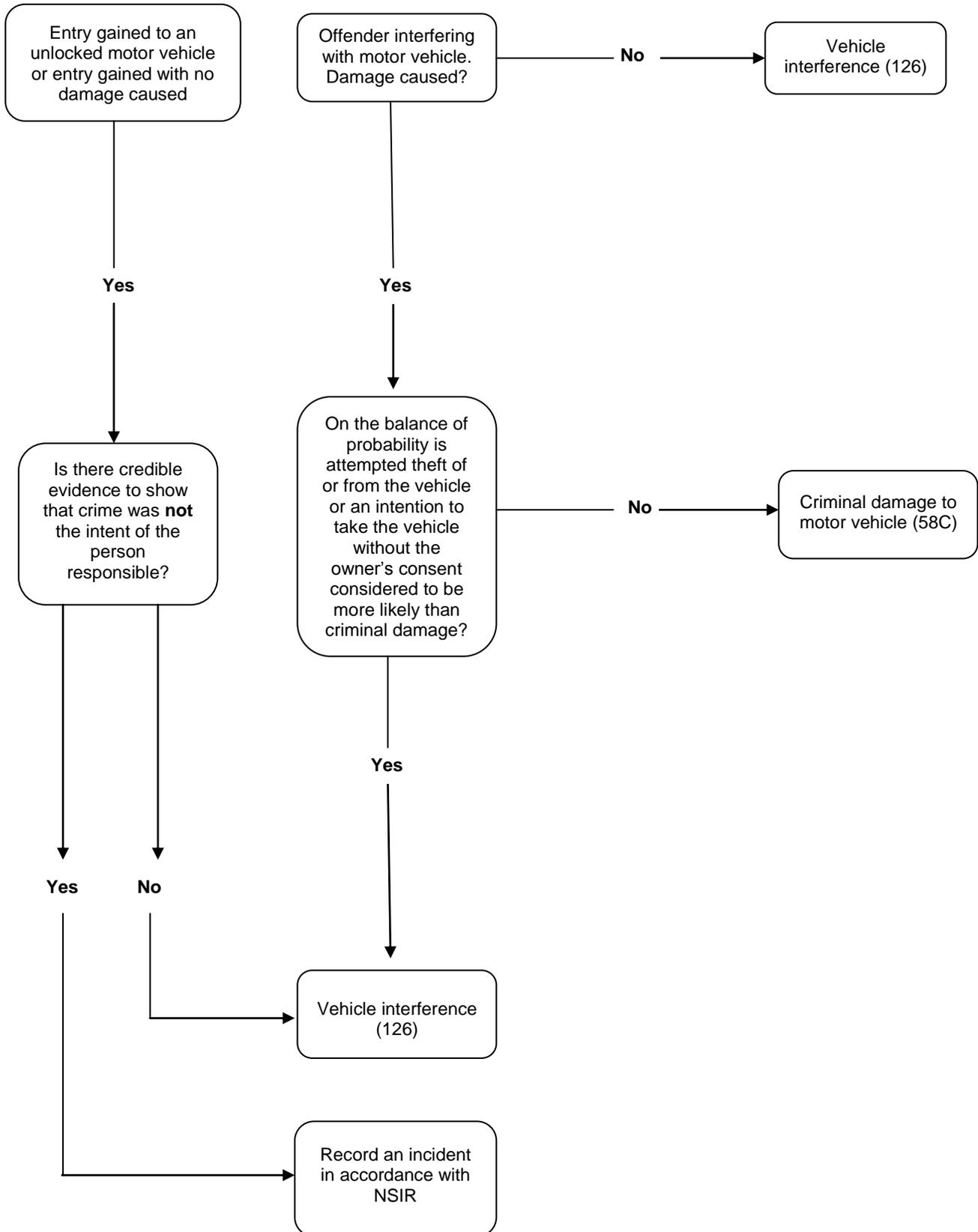
"If, while a motor vehicle is on a road or on a parking place provided by a local authority, a person

- (a) gets on to the vehicle, or
- (b) tampers with the brake or other part of its mechanism,

without lawful authority or reasonable cause ...".

126 Interfering with a Motor Vehicle Classification (2 of 2)

Motor Vehicle Crime: Classification for Recorded Crime



126 Interfering with a Motor Vehicle Counting Rules (1 of 2)

GENERAL RULE: ONE CRIME FOR EACH VEHICLE OWNER.

EXAMPLE 1: A car door lock has been super glued but no apparent intent to enter the vehicle.

One crime of criminal damage (class 58C) - credible information to show criminal damage.

EXAMPLE 2: A car door has been bent out at the top with no entry gained.

One crime of vehicle interference (class 126) – balance of probabilities theft considered the more likely offence.

EXAMPLE 3: A car has a broken side window. There is shopping and a laptop computer visible on the back seat.

One crime of vehicle interference (class 126) – balance of probabilities theft considered the more likely offence. For whatever reason the theft was not complete.

EXAMPLE 4: A car has its front windscreen smashed. There are no grounds for believing this was an attempt to get into the vehicle as the windscreen has been made of toughened glass and none of the side windows had been broken.

One crime of criminal damage to motor vehicle (class 58C).

EXAMPLE 5: Five cars parked next to each other in a station car park have all had side windows smashed. Four of them have had property stolen from the glove boxes. There is no indication of an entry into the fifth vehicle or any property on display.

Four crimes of theft from motor vehicles (class 45) and one crime of vehicle interference (class 126).

EXAMPLE 6: A car has had all its windows smashed and the bonnet dented. Property is displayed on the back seat. There are no grounds to suggest the vehicle has been entered.

One crime of criminal damage (class 58C). On balance of probabilities criminal damage and not theft was the intent of the offender.

EXAMPLE 7: A vehicle has been entered, by force or otherwise. There are indications that a search has been carried out, e.g. property / documents disturbed, an attempt to remove fixed items, the glove box or any similar place searched, but no indication of an attempt to steal the vehicle.

One crime of vehicle interference (class 126) – balance of probabilities theft considered the more likely offence.

126 Interfering with a Motor Vehicle Counting Rules (2 of 2)

EXAMPLE 8: A vehicle has been entered, by force or otherwise. There are no indications that the vehicle has been searched. There are indications of an attempt to steal the car as the ignition/steering lock has been interfered with or the wiring has been disturbed (includes under the bonnet) but there is no indication that there is any attempt to permanently deprive the owner of the vehicle.

One crime vehicle interference (class 126).

EXAMPLE 9: A vehicle has been entered, by force or otherwise. There are no indications that the vehicle has been searched. There are indications of an attempt to steal the car as the ignition/steering lock has been interfered with or the wiring has been disturbed (includes under the bonnet). False number plates are found by the car and the front number plate has been partially removed.

One crime vehicle interference (class 126).

EXAMPLE 10: Police receive a report of children climbing onto a lorry in a local authority lorry park. Further investigation reveals that they disconnected the braking system airline between the lorry and the trailer. No damage occurred and the airline can be easily replaced.

One crime of tampering (825/90 counted under class 126).

| Maximum sentence - Vehicle Offences | | | | | | |
|--|----------------|----------------|-----------------|-----------------|-------------|--|
| | 7 years | 2 years | 6 months | 3 months | Fine | |
| | 45/10 | 37/2 | 130/01 | 126 | 825/06 | |
| | 48/1 | | 131/01 | | | |
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