

Running Head: DETERRENCE THEORY AND AUTO THEFT

DETERRENCE THEORY AND AUTO THEFT IN COLORADO

by

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DETERRENCE THEORY AND AUTO THEFT IN COLORADO

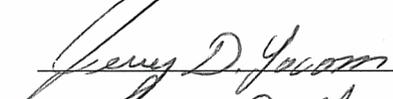
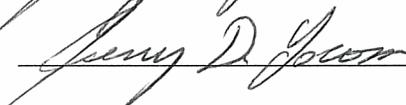
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ABSTRACT

This research is an exploratory study which uses nonprobability sampling by means of purposive or judgmental sampling (Babbie, 2010), with quantitative and qualitative data to answer the research question: *for deterrence theory to be valid for the crime of auto theft, does the punishment for auto theft in Colorado need to be more severe?* A conventional content analysis approach was used to evaluate information obtained from an anonymous questionnaire about auto theft and deterrence. Additionally, a published study about auto theft and deterrence in Winnipeg Canada was explored which utilized an intense probation program as a deterrence. Additionally, a program utilized by the Aurora Police Department in Colorado which imposes a mandatory jail sentence to first time auto theft offenders is analyzed. From the research conducted it is evident there are several different potential solutions to help deter auto theft offenders in Colorado. As a result of the information obtained, a study would need to be done to determine if jail or more intense probation would deter auto theft offenders.

Keywords: deterrence theory, auto theft, exploratory study, conventional content analysis, Winnipeg Auto Theft Suppression Strategy, Aurora Police Department MVT Program

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Chapter 1

INTRODUCTION

The concept of the automobile came about several hundred years ago; while the actual invention of the vehicle dates back over a century. Henry Ford founded the Ford Motor Company in 1903 (Library of Congress, n.d.), and to this day continues to be a leading auto manufacture in the United States. Stolen cars in America date back as early as the 1900's and in the 1930's Bonnie and Clyde used stolen automobiles during their notorious crime spree (IACP, 2017). Motor vehicle theft is defined by the FBI's Uniform Crime Reporting (UCR) Program as, "the theft or attempted theft of a motor vehicle" (FBI, 2010, para. 1). In 1919, the National Motor Vehicle Theft Act, or the Dyer Act, was enacted in an effort to combat auto theft in the United States (Pfeiffer, 2017). During this time in history, stolen vehicles were being used in the commission of crimes through organized groups such as the Mob (Pfeiffer, 2017).

Laws surrounding motor vehicle theft have evolved over the past century in an attempt to combat the crimes' advancement. In 1984, the Motor Vehicle Theft Law Enforcement Act was enacted which required vehicle parts, such as the "engine, transmission, and 12 other major body parts" (NHTSA, 1998, p. viii), to be marked with the vehicle identification number (VIN). This law was established by Congress as a result of a two decade increase in motor vehicle thefts (DOJ, n.d.). This Act was intended to address and reduce the number of chop shops using stolen vehicles parts as replacements on damaged vehicles (DOJ, n.d.). The Act also amended Title 18 which in part reads: "provided for criminal penalties for altering or removing motor vehicle identification numbers" (DOJ, n.d., para. 4).

The 1984 Act was reviewed by the National Highway Traffic Safety Administration (NHTSA) and presented to Congress during the 1991 session (NHTSA, 1998). The report presented by NHTSA determined the United States law enforcement community supported the

Act of 1984 and used the law to assist in auto theft investigations (NHTSA, 1998). At which point Congress expanded on the 1984 Act with the Anti-Car Theft Act of 1992 (NHTSA, 1998). This new Act improved upon the 1984 Act in several ways, some of which were: “Federal penalties were enhanced; a grant program was authorized to help law enforcement agencies concerned with auto theft; steps were taken to improve motor vehicle titling, registration, and salvage” (NHTSA, 1998, p. viii-ix).

Taking the national platform on auto theft and examining it at a state level leads to a wider interpretation of the crime. In the State of Colorado, auto theft is considered a property crime. Property crimes carry lower sentencing guidelines as they are not categorized as crimes against people. However, auto theft in Colorado has been on a steady increase since 2011 (ATICC, 2016), furthermore, auto theft suspects in Colorado are becoming more brazen and dangerous. There have been several police involved shootings in the past several months in Colorado with many of those involving a stolen vehicle. Auto theft suspects are a danger to law enforcement personnel and society as a whole.

Deterrence theory has been around since the late 1700’s (Raaijmakers, Loughran, de Keijser, Nieuwbeerta, & Dirkzwager, 2017). In the mid 1970’s crime deterrence via imprisonment was amplified due to the lack of results in rehabilitative programs for criminals (Blumstein & Nagin, 1978). “The concept underlying general deterrence is that inflicting punishment on wrong-doers generates a negative incentive for crime, and so has an inhibiting effect on the criminal behavior of the general population” (Blumstein & Nagin, 1978, p. 382). The three components of deterrence theory include: the certainty of punishment, the celerity, or quickness of punishment, and the severity of punishment (Raaijmakers, et al., 2017). Currently, some research indicates that harsher prison sentences do not deter offending behavior

(Raaijmakers, et al., 2017), while other studies have shown that criminals purposely choose one type of crime over another because of the sanctions imposed (Jacobs & Cherbonneau, 2018). It is imperative to determine if increasing the severity of auto theft sentencing will deter criminals. This information will provide decision makers with the necessary information when examining current and future laws surrounding implementation of stricter auto theft laws in Colorado.

Statement of the Problem

Colorado is experiencing an increase in auto theft crimes; which is negatively impacting the citizens of Colorado. The nature of the problem has been a steady rise in auto theft in Colorado since 2011, with an abnormally large increase occurring in 2015. From 2014 to 2015 there was a 29.7% increase in auto theft (ATICC, 2016), and from 2015 to 2016 there was a 21.6% increase (CAAT, 2017). In 2015, motor vehicle theft in Colorado accounted for 34.6% of all reported major criminal offenses (CBI, 2016).

It is evident there is a problem as the rate of auto theft continues to increase despite implementation of dedicated personnel to combat auto theft crimes. One issue with the rise in auto theft is judicial punishment for the crime of auto theft is not severe enough to deter criminals from committing this crime. Deterrence theory suggests that the punishment for a crime will deter offenders from committing crimes, and the criminal punishment is justified because penalties reduce crime (Lee, 2017). Traditional deterrence theories imply that punishment needs to be severe or proportionate (Lee, 2017). However, for deterrence theory to be valid, a punishment must be stringent enough to discourage an offender from committing a crime. Considering the rise in auto theft in Colorado, it can be argued that the punishment for auto theft is not severe enough. Further studies are crucial to understand why deterrence theory is not working in reference to the crime of auto theft in Colorado.

Overview of the Problem

Auto theft has been on the rise in Colorado since 2011 (ATICC, 2016), despite the fact that specific resources are dedicated to helping reduce the instances of auto theft. The dedicated resources available to fight auto theft include funding from the Colorado Auto Theft Prevention Authority (CATPA), to six dedicated auto theft prevention programs, prevention campaigns, and legislation.

The impact of the problem of auto theft in Colorado has many different components. For example, in 2015 the economic loss to Colorado due to auto theft was \$20,304,800.00 (ATICC, 2016), and the amount of money spent on law enforcement resources to combat the issue continues to grow (DORA, 2017). Furthermore, Colorado law permits sentencing alternatives pertaining to auto theft convictions (Legislative Council Staff, 2015). Taking all of this information into consideration the researcher opines that the punishment for the crime of auto theft in Colorado is not severe enough.

Lastly, while the rate of auto theft continues to climb, the arrests for both adult and juvenile offenders continue to rise as well. This correlation illustrates the punishment for auto theft is not a deterrent in the State of Colorado. It is crucial to understand whether or not higher sanctions for the crime of auto theft in Colorado should be higher to decrease the number of auto thefts, the toll on law enforcement, and the cost to the State of Colorado as a whole.

CATPA

CATPA was established in 2003 by the Colorado General Assembly (House Bill 03-1251) to serve as a grant-issuing program utilizing funds to focus on auto theft prevention in Colorado (DORA, 2017). Initially, the funding for CATPA was voluntary through contributions from the insurance industry. However, in 2008, the Colorado General Assembly decided to

permanently (until the sunset date) fund the CATPA program through a \$1.00 surcharge on Colorado auto insurance policies (42-4-112, Colorado Revised Statute (DORA, 2017).

CATPA was created to “enable a law enforcement agency or other qualified applicant to apply for grants to assist in improving and supporting auto theft prevention programs or programs for the enforcement or prosecution of auto theft crimes through statewide planning and coordination” (DORA, 2017, p.10). In Colorado Fiscal Year 2016, CATPA allocated \$20.8 million of collected revenue to fund six different programs:

- Attorney General’s Office-Statewide Prosecution Program. This programs purpose is to prosecute auto theft offenders (DORA, 2017).
- Auto Theft Intelligence Coordination Center (ATICC) - Statewide Intelligence Program. This program is a unit within the Colorado State Patrol and its purpose is to “collect, analyze, and disseminate auto theft incidences occurring in Colorado” (DORA, 2017, p. 14).
- Beat Auto Theft Through Law Enforcement (BATTLE) - Statewide Enforcement Program. This program is a unit within the Colorado State Patrol and is a uniformed auto theft team made up of several law enforcement agencies in Colorado (DORA, 2017).
- Coloradoans Against Auto Theft (CAAT) - Statewide Education Program. This programs purpose is to assist in combating auto theft in Colorado through public awareness, education, and citizen engagement (DORA, 2017).
- Colorado Auto Theft Investigators (CATI) - Statewide Training Program. This program is a member organization which provides training to its members and other law enforcement personnel regarding auto theft (DORA, 2017).

- CATPA Metropolitan Auto Theft Team (CMATT) - Denver Metro Enforcement Program (DORA, 2017). This program is a multi-jurisdictional auto theft task force which focuses on auto theft in the Denver Metropolitan area (DORA, 2017).

Prevention Campaigns

In an effort to decrease motor vehicle theft in Colorado, CAPTA provides grant funds to several different programs as already discussed, and to several different initiatives. These include:

- Automated License Plate Readers (ALPR) (CAAT, 2018) - ALPR's are used on mobile police vehicles, as well as in stationary locations to capture license plate data of vehicles. ALPR's utilize camera systems to ingest the data, which is then run through CCIC (Colorado Crime Information Computer) and NCIC (National Crime Information Computer). If a vehicle is reported stolen (based off of the license plate), then an alert is made to inform the officer about the stolen vehicle entry (CAAT, 2018).
- Bait Car Program (CAAT, 2018) - Bait cars are vehicles owned by a police department and are deployed into high motor vehicle theft areas. The intention is to attract auto theft suspects to steal the vehicle. The bait cars have GPS tracking devices in them. Once the vehicle begins to move, detectives are notified and are able to monitor the location of the vehicle. This allows detectives to use surveillance from afar to catch potential prolific auto theft suspects in the act.
- VIN Etching (CAAT, 2018) - The VIN is unique to each vehicle and is etched into the windshield or windows (CAAT, 2018). The intention is to make selling stolen cars more difficult. In the State of Colorado, citizens can use the website <https://secure.colorado.gov/apps/dps/mvvs/public/entry.jsf> to check and see if the

vehicle they are trying to purchase is reported stolen. The consumer simply needs to know the model year and VIN to use the site.

- Colorado Auto Theft Check Up (CAAT, 2018) - The National Insurance Crime Bureau (NICB) developed a 3-part questionnaire to determine how many layers of protection a vehicle will need. The answer to the questions have a point system, which then leads the owner to a layer of protection suggested for their vehicle (Denver Police Department, 2018) The layers range from common sense to a tracking system.
- Puffer Awareness (CAAT, 2018) - The term “puffer” is used to describe a vehicle that is running, with the keys in the vehicle and unattended. This is typically found on cold mornings when people are warming up their vehicles before they leave for work. Auto theft suspects will target these types of vehicles by driving around in the morning to find unoccupied vehicles running to steal. Puffer awareness is intended to educate the public about the danger of puffing. Puffing is illegal in the State of Colorado.

Colorado Revised Statute 18-4-409

Auto theft in Colorado is considered a property crime. Aggravated motor vehicle theft can be found in Colorado Revised Statute (C.R.S.) under 18-4-409. This statute reads:

- (1) As used in this section, unless the context otherwise requires:
 - (a) “Motor vehicle” means all vehicles of whatever description propelled by any power other than muscular, except vehicles running on rails.
 - (b) “Vehicle identification number” means the serial number placed upon the motor vehicle by the manufacturer thereof or assigned to the motor vehicle by the department of revenue.
- (2) A person commits aggravated motor vehicle theft in the first degree if he or she

knowingly obtains or exercises control over the motor vehicle of another without authorization or by threat or deception and:

- (a) Retains possession or control of the motor vehicle for more than twenty-four hours; or
 - (b) Attempts to alter or disguise or alters or disguises the appearance of the motor vehicle; or
 - (c) Attempts to alter or remove or alters or remove the vehicle identification number; or
 - (d) Uses the motor vehicle in the commission of a crime other than a traffic offense; or
 - (e) Causes five hundred dollars or more property damage, including but not limited to property damage to the motor vehicle involved, in the course of obtaining control over or in the exercise of control of the motor vehicle; or
 - (f) Causes bodily injury to another person while he or she is in the exercise of control of the motor vehicle; or
 - (g) Removes the motor vehicle from this state for a period of time in excess of twelve hours; or
 - (h) Unlawfully attaches or otherwise displays in or upon the motor vehicle license plates other than those officially issued for the motor vehicle.
- (3) Aggravated motor vehicle theft in the first degree is a:
- (a) Class 5 felony if the value of the motor vehicle or motor vehicles involved is less than twenty thousand dollars;

- (a.5) Class 4 felony if the value of the motor vehicle or motor vehicles involved in twenty thousand dollars or more but less than one hundred thousand dollars;
 - (b) Class 3 felony if the value of the motor vehicle or motor vehicles involved is more than one hundred thousand dollars or if the defendant has twice previously been convicted or adjudicated of charges separately brought and tried either in this state or elsewhere of an offense involving theft of a motor vehicle under the laws of this state, any other state, the United States, or any territory subject to the jurisdiction of the United States.
- (4) A person commits aggravated motor vehicle theft in the second degree if he or she knowingly obtains or exercises control over the motor vehicle of another without authorization or by threat or deception and if none of the aggravating factors in subsection (2) of this section are present. Aggravated motor vehicle theft in the second degree is a:
- (a) Class 5 felony if the value of the motor vehicle or motor vehicles involved is twenty thousand dollars or more;
 - (b) Class 6 felony if the value of the motor vehicle or motor vehicles involved is one thousand dollars or more but less than twenty thousand dollars;
 - (c) Class 1 misdemeanor if the value of the motor vehicle or motor vehicles involved is less than one thousand dollars.
- (4.5) Whenever a person is convicted of, pleads guilty or nolo contendere to, receives a deferred judgment or sentence for, or is adjudicated a juvenile delinquent for, a violation of this section, the offender's driver's license shall be revoked as provided in section 42-2-125, C.R.S.

(5) Consistent with section 18-1-202, if the theft of a motor vehicle occurs in one jurisdiction, the offender may be tried in the jurisdiction where the theft occurred, in any jurisdiction through which the motor vehicle was operated or transported, or in the jurisdiction in which the motor vehicle was recovered (Lexis Nexis, n.d., p. 1).

While auto theft is established as a property crime in the C.R.S., auto theft is tied to many other violent crimes and criminal activities; “an analysis conducted by the Colorado Department of Public Safety found that 75 percent of stolen vehicles were used to commit other crimes such as murder, rape, robbery, kidnapping and assault” (DORA, 2017, p.5). Deterrence through firmer sanctions for the crime of auto theft is imperative to reduce the instances of these other violent crimes.

Sentencing Possibilities

As described in the C.R.S., the penalty for auto theft can range from a class 1 misdemeanor to a class 3 felony. In the State of Colorado felony offenses are categorized from a class 1 to a class 6 (with 1 being more severe), and unclassified felonies. The penalty for the commission of these felonies can be found in the table below:

Table 1
Sentencing Scheme for Felonies Committed on or After July 1, 1993

Class of Felony	Minimum Sentence	Maximum Sentence	Mandatory Parole
Class 1	Life Imprisonment	Death	—
Class 2 (crime of violence*)	16 years, \$5,000 fine, or both	48 years, \$1 million fine, or both	5 years
Class 2	8 years, \$5,000 fine, or both	24 years, \$1 million fine, or both	5 years
Class 3 (crime of violence*)	10 years, \$3,000 fine, or both	32 years, \$750,000 fine, or both	5 years
Class 3 (extraordinary risk of harm**)	4 years, \$3,000 fine, or both	16 years, \$750,000 fine, or both	5 years
Class 3	4 years, \$3,000 fine, or both	12 years, \$750,000 fine, or both	5 years
Class 4 (crime of violence*)	5 years, \$2,000 fine, or both	16 years, \$500,000 fine, or both	3 years
Class 4 (extraordinary risk of harm**)	2 years, \$2,000 fine, or both	8 years, \$500,000 fine, or both	3 years
Class 4	2 years, \$2,000 fine, or both	6 years, \$500,000 fine, or both	3 years
Class 5 (crime of violence*)	30 months, \$1,000 fine, or both	8 years, \$100,000 fine, or both	2 years
Class 5 (extraordinary risk of harm**)	1 year, \$1,000 fine, or both	4 years, \$100,000 fine, or both	2 years
Class 5	1 year, \$1,000 fine, or both	3 years, \$100,000 fine, or both	2 years
Class 6 (crime of violence*)	18 months, \$1,000 fine, or both	4 years, \$100,000 fine, or both	1 year
Class 6 (extraordinary risk of harm**)	1 year, \$1,000 fine, or both	2 years, \$100,000 fine, or both	1 year
Class 6	1 year, \$1,000 fine, or both	18 months, \$100,000 fine, or both	1 year
Unclassified	Specified in statute	Specified in statute	—

Figure 1. Table 1 Sentencing Scheme for Felonies Committed on or After July 1, 1993, Adapted from “Colorado Classification Guide,” by Legislative Council Staff, January 2015, p. 1.

Additionally, “it is important to note that not all persons convicted of a felony offense receive a sentence to prison. Colorado law authorizes many alternatives to prison including deferred prosecution, deferred sentencing, probation, and community corrections” (Legislative Council Staff, 2015, p. 1). It is the thought of the researcher that the availability of alternative sentencing for the crime of auto theft is not a deterrent. Furthermore, if a felony act of auto theft carried a mandatory prison sentence, the number of auto thefts would decrease.

In the State of Colorado misdemeanor offenses are categorized from a class 1 to a class 3 (with 1 being more severe), and unclassified misdemeanors. The penalty for the commission of these misdemeanors can be found in the table below:

**Table 3
Sentencing Scheme for Misdemeanors**

Class of Misdemeanor	Minimum Sentence	Maximum Sentence
Class 1 (extraordinary risk of harm*)	6 months jail, \$500 fine, or both	24 months jail, \$5,000 fine, or both
Class 1	6 months jail \$500 fine, or both	18 months jail, \$5,000 fine, or both
Class 2	3 months jail, \$250 fine, or both	12 months jail, \$1,000 fine, or both
Class 3	\$50 fine	6 months jail, \$750 fine, or both
Unclassified	Specified in statute	Specified in statute

Figure 2. Table 3 Sentencing Scheme for Misdemeanors in Colorado. Adapted from “Colorado Classification Guide,” by Legislative Council Staff, January 2015, p. 109.

“It is important to note that not all persons convicted of a misdemeanor offense receive a sentence to the county jail. Many offenders receive a sentence to probation” (Legislative Council Staff, 2015, p. 109). If the cost of the vehicle is less than \$1,000.00 the charge for auto theft in Colorado is a class 1 misdemeanor. Once more, it is the opinion of the researcher that if the penalty for this crime carried a mandatory jail sentence of 6 months to 24 months in jail, the instances of auto theft would decrease.

Adult and Juvenile Auto Theft Offenders

In 2016, there were 14,859 motor vehicle thefts in the state of Colorado. Also, in 2016; 2,238 adults and 467 juveniles were charged with motor vehicle theft according to the Colorado Bureau of Investigation (CBI) “Crime in

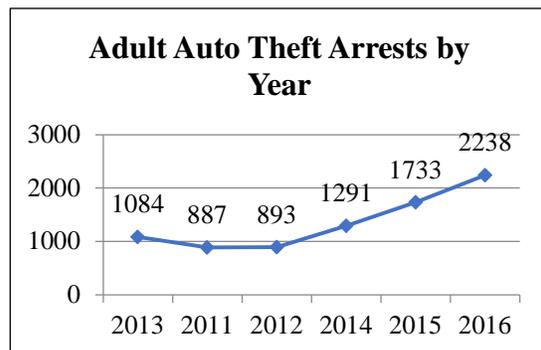


Figure 3. Crime in Colorado Adult Arrests for Motor Vehicle Theft 2011-2016. Adapted from “Crime in Colorado,” by CBI, 2011-2016

Colorado”, which is derived from UCR/NIBRS (Uniformed Crime Reporting/National Incident Based Reporting System) (CBI, n.d.). Since 2011, there has been a steady increase in adult and juvenile arrests for auto thefts in Colorado (with an exception of a decrease for juvenile arrest in 2012, figures 3 and 4) (CBI, n.d.).

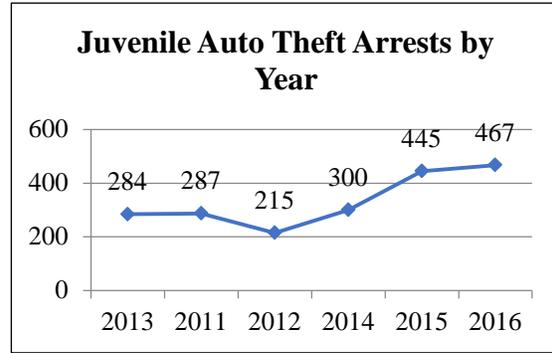


Figure 4. Crime in Colorado Adult Arrests for Motor Vehicle Theft 2011-2016. Adapted from “Crime in Colorado,” by CBI, 2011-2016

Furthermore, in 2015 auto theft instances increased nearly 30% (ATICC, 2016); congruently auto theft arrests were also statistically higher. Adult arrests for auto theft rose from 2014 to 2015 by 34%, and juvenile arrests for auto theft rose by 48% (CBI, n.d). This information shows a correlation between the rise in auto theft and arrests for auto theft. This analysis provides credibility to the theory that the absence of strict punishment could be the cause for minimal deterrence.

Purpose of the Project

Since 2011, auto theft in Colorado has continued to increase (Figure 5) (ATICC, 2016).

The instances of auto theft in Colorado have not decreased despite the numerous dedicated resources to the problem. Therefore, the intention of this research project is to employ an exploratory study using nonprobability sampling by means of purposive or judgmental sampling (Babbie, 2010) with quantitative and qualitative data to answer

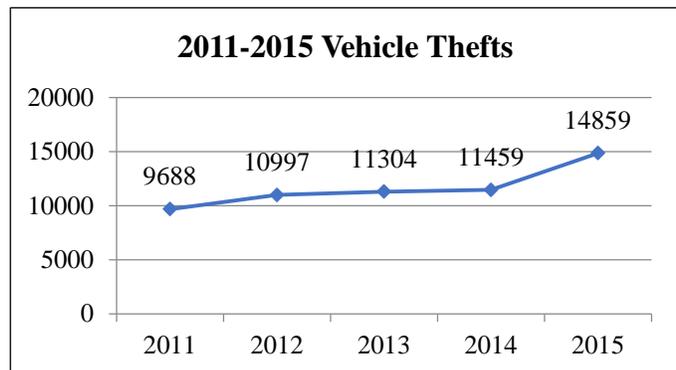


Figure 5. Auto theft in Colorado 2011-2014. Adapted from “Assessment of Motor Vehicle Thefts in Colorado 2015,” by ATICC, February 2016, p.3.

the research question about auto theft and deterrence theory in Colorado. The purpose is to determine if implementing stricter punishments for the crime of auto theft in Colorado will reduce the number of auto theft instances. The result of this research will advance the current knowledge of deterrence theory and auto theft, which will have practical implications for future research on deterrence theory.

Definitions

Deterrence Theory

Deterrence theory is traditionally about deterring criminals from crime because of the punishment they would face if caught (Lee, 2017). Additionally, traditional deterrence theories imply that punishment needs to be severe or proportionate (Lee, 2017).

Motor Vehicle

A motor vehicle is defined as, “a self-propelled vehicle that runs on land surfaces and not on rails” (FBI, 2010, para. 1). Types of motor vehicles include: “sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, all-terrain vehicles, and snowmobiles. Motor vehicle theft does not include farm equipment, bulldozers, airplanes, construction equipment, or water craft such as motorboats, sailboats, houseboats, or jet skis” (FBI, 2010, para. 1).

VIN

A vehicle identification number (VIN) is a series of numbers and letters assigned to a motor vehicle as a unique identifier (NHTSA, 2014). “NHTSA’s regulations at 49 CFR Part 565 require a motor vehicle manufacturer to assign to each motor vehicle manufactured for sale in the United States a 17-character VIN that uniquely identifies the vehicle” (NHTSA, 2014, p. 9).

Conventional Content Analysis

“Conventional content analysis is generally used with a study design whose aim is to describe a phenomenon” (Hsieh & Shannon, 2005, p 1279). This type of content analysis is used when existing research literature on a topic is limited (Hsieh & Shannon, 2005).

Purposive or Judgmental Sampling

“A type of nonprobability sampling in which the units to be observed are selected on the basis of the researcher’s judgment about which ones will be the most useful or representative” (Babbie, 2010, p. G9).

Exploratory Research

Exploratory studies are usually done for three reasons: “(1) to satisfy the researcher’s curiosity and desire for better understanding, (2) to test the feasibility of undertaking a more extensive study, and (3) to develop the methods to be employed in any subsequent study (Babbie, 2010, p. 92).

Nonprobability Sampling

“Any technique in which samples are selected in some way not suggested by probability theory. Examples include reliance on available subjects as well as purposive, quota, and snowball sampling” (Babbie, 2010, p. G7).

Chapter Summary

It is clear that auto theft instances and arrests for auto theft in Colorado continue to rise, despite the fact there are dedicated resources attempting to diminish the problem. The rise in arrests correlate with the rate of auto theft, deducing that law enforcement and their resources are performing the tasks they are supposed to do. Stricter penalties could be the answer to work together with the other dedicated resources in order to see a decrease in auto theft in Colorado.

While there is a large amount of research about deterrence theory, there is limited research about how auto theft is affected by this theory. The gap in the literature obliges further research on the topic. Therefore, this research study aims to determine if stricter punishments for the crime of auto theft in Colorado would deter criminals from committing the offense of auto theft.

Chapter 2

REVIEW OF LITERATURE

The objective of this literature review is to offer an overview of information published on deterrence theory and auto theft. The literature for this review was conducted through accessing the Regis University Library electronic databases. Key word searches of “deterrence theory,” “auto theft,” “deterrence,” and “crime,” were utilized to obtain applicable literature. There is a moderate availability of literature on deterrence theory within the past five years, and a lesser amount of information available specific to auto theft. This study is intended to further advance research on deterrence theory and auto theft in Colorado.

Deterrence Theory

The ability to deter criminals from committing crime is the ultimate goal of lawmakers. However, the punishment does not always fit the crime. In these cases, the question is; would an increased punishment help decrease criminal instances? Sanction refers to the penalty for breaking the law. “Deterrence theory assumes that objective and subjective sanction risk are positively related. If this assumption holds true, then the theory is useful for guiding criminal justice policy and practice” (Pickett & Roche, 2016, p. 728). Objective sanction risk refers to the actual risk of being caught and punished, and subjective sanction risk refers to an individual’s belief about their risk of being caught and punished (Pickett & Roche, 2016). Utilizing this information in order for deterrence theory to work, then the objective sanction risk needs to be

high in order for the subjective sanction risk to be high. While Pickett and Roche discuss traditional deterrence theory, Lee (2017) revisits the concept of deterrence theory and proposes a change to classic deterrence in the form of wide-scope deterrence theory. Wide-scope deterrence theory suggests “that we must make the best use of all the deterrence tools available, including both external and internal sanctions” (Lee, 2017, p. 2). Lee (2017) recommends focusing more on internal sanctions rather than external sanctions. According to Lee (2017), traditional deterrence theories (or shallow theories) are shallow because the only tool of deterrence offered is the fear of punishment. Lee (2017) proposes a deep deterrence theory which deters criminal offenses by appealing to individual’s sense of honor and self-respect. In comparison, Pickett and Roche (2016) discuss “the availability and affect heuristics, as well as other mental shortcuts, have considerable relevance to deterrence theory, and to efforts to understand the sources of sanction perceptions” (p. 745). Shallow theories appeal to external sanctions, whereas deep theories appeal to internal sanctions (Lee, 2017). Throughout the article, Lee (2017) describes why traditional deterrence theories are ineffective. The author believes in order for traditional deterrence theory to work there must be two conditions present in every situation: first, potential offenders must be rational and have the ability to consider the consequences of their actions, and second, punishment for a crime gives the potential offender a reason to not commit the crime (Lee, 2017). Furthermore, Lee (2017) argues that a potential offender must have the mental capacity to understand consequences in order to be deterred from any crime. The author goes as far as to say that rational people may have their judgment clouded during times when they are overcome by strong emotion or intoxication (Lee, 2017). While people can have their judgement clouded due to emotions and intoxication, it is difficult to compare it to deterrence theory because even when intoxicated, people are responsible for their actions.

In comparison, Pickett and Roche (2016) describe two crucial assumption related to deterrence theory. First, is that offenders weigh the cost and benefit of committing crime before they decide to offend (Pickett & Roche, 2016). Secondly, there is a connection between risk of apprehension and punishment, and the belief about the risk of apprehension and punishment (Pickett & Roche, 2016). These two articles relate to this research project question by explaining the importance of having sanctions which are strict enough to deter individuals from committing crime.

Pickett and Roche (2016) declare that prior research has failed to support the assumption that objective and subjective sanction risks are positively related. Specifically, the central argument in their article is that the policy recommendations given in Nagin, Solow, and Lum's (2015) article are premature due to the fact that their theoretical model conflicts with current evidence (Pickett & Roche, 2016). As referenced in Pickett and Roche (2016) article, the article by Nagin et al., (2015) discusses how police numbers and deployment strategies could deter crime. For example, utilizing hotspot policing rather than random patrol (Nagin, Solow, & Lum, 2015). Nagin et al., (2015) main argument about deterrence theory is that criminals are more likely to be deterred from committing a crime if the probability of apprehension is high, rather than being deterred by the punishment for the crime if caught. The authors discuss that law enforcement officers who respond to a crime to apprehend a perpetrator, have not in fact deterred a crime, however, they could deter future criminal events by the perpetrator or others who hear or see the arrest (Nagin, Solow, & Lum, 2015). Nagin et al., (2015) maintain that law enforcement needs to undergo a cultural shift in the way policing is done across the United States. They suggest that rather than being apprehension agents, police officers should be used as a sentinel (Nagin, Solow, & Lum, 2015). When referring to police officers as sentinels, Nagin

et al., (2015) are suggesting that officers be proactive rather than reactive when it comes to crime. When officers are in their sentinel role, “police deter crime by reducing offender perceptions of the probability that the crime can be completed successfully” (Nagin, Solow, & Lum, 2015, p. 78). Pickett and Roche (2016) argue strongly that the current policing literature “lacks sufficient robustness to support a call to change the nature of policing on the basis of deterrence theory” (p. 743). When it comes to deterrence theory, a criminal could be deterred by the notion that there is a stronger possibility of being caught if police are acting as sentinels. However, this goes hand in hand with the punishment for the crime. Putting together the likelihood of being caught and then severely punished for the crime would be the ultimate deterrence.

Specific gaps in the articles by Pickett and Roche (2016) and Nagin et al., (2015) are that they are not taking into consideration how someone was raised, which goes to Lee’s (2017) discussion about deep deterrence. If a criminal were to stop offending because they self-reflect and depend upon honor and respect would imply that they were raised to have this type of capability. Deterrence theory is traditionally about deterring criminals from crime because of the punishment they would face if caught (Lee, 2017). The researcher believes that some people are raised in an environment where criminality is normal and being caught is part of their lifestyle. There is no discussion about the severity of the punishment for the crime committed, only the actual act of being caught as a deterrent. However, these articles lend credibility to the research question of this study because the discussion is present about punishment, which provides awareness to individuals who decide whether or not committing the crime is worth the risk. To Nagin’s et al., (2015) point in their article, utilizing the police in a different way to deter

criminals is beneficial and can be used alongside harsher punishment for the crime of auto theft in Colorado.

Restrictive Deterrence

“Restrictive deterrence refers to the strategies offenders use to reduce their risk in response to sanctions. It occurs when offenders reduce the frequency, severity, or duration of their offending, or displace their crimes temporally, spatially, or tactically” (Moeller, Copes, & Hochstetler, 2016, p. 82). In an article by Jacobs and Cherbonneau (2014), the authors discuss restrictive deterrence theory, which is how criminal offenders manage threats of punishment to reduce their risk of being caught. Moeller et al. (2016) examined whether people are deterred from committing crime based upon the potential for direct or indirect punishment. Their goal in this study was to advance restrictive deterrence theorizing by producing qualitative research (Moeller et al., 2016). Similarly, Jacobs and Cherbonneau (2014) conducted a study to see if restrictive deterrence theory has an impact on discrete offenses such as auto theft.

Jacobs and Cherbonneau (2014) methodology was to use a snowball sampling of current auto theft offenders, identified through a valued member of the criminal order. Restrictive deterrence considers four dimensions: offense frequency, seriousness, detectability and displacement (Jacobs & Cherbonneau, 2014). This study focused on detectability and displacement by focusing on how offenders engaged in specific actions to reduce the risk of arrest (Jacobs & Cherbonneau, 2014). Each of the participants for the qualitative research were eligible to participate if they met the following criteria: have committed at least one auto theft in the month prior to the interview, have committed five or more auto thefts, and considered themselves to be active auto theft suspects (Jacobs & Cherbonneau, 2014). The study looked at the respondent’s characteristics to include: family relationships, school relationships, leisure and

lifestyle activities, employment history and future plans, peer group influences on vehicle theft, selection of targets, the process of stealing cars, attitudes toward the justice system, and motivations for motor vehicle theft (Jacobs & Cherbonneau, 2014). When it comes to the crime of auto theft, Jacobs and Cherbonneau (2014) state, “few auto thieves reportedly think that continued offending will lead to their capture, and most offenders neutralize their potential for arrest by pushing such thought out of their minds” (p. 347). Jacobs and Cherbonneau’s (2014) study is important to this research study because it is critical to know if making sanction for auto theft stricter in Colorado will deter auto theft suspects, or if auto theft offenders will continue offending because they do not think they will be caught.

Likewise, Moeller et al. (2016) research focused on the crimes of drug dealing, prostitution, and auto theft. The variables underlying restrictive deterrence in their study included the measurement of increase or decrease in offenders committing crime. Their methodology was a qualitative meta-synthesis, which included identifying themes and patterns in other studies on deterrence theory (Moeller et al., 2016). Moeller et al. (2016) found that restrictive deterrence is dependent on the crime being committed and is offset by how embedded the offender becomes in criminal networks and how good the criminal becomes at committing the crime.

Examining auto theft through a restrictive deterrence lens gives the researchers an opportunity to understand the thought process of auto theft suspects (Jacobs & Cherbonneau, 2014). In contrast, Moeller et al. (2016) believe further research needs to be done on deterrence doctrine in order to provide criminology with a better understanding of how punishment affects criminal behavior.

These studies indicate that auto theft suspects who have been committing this type of crime for a while, become less deterred because they have not been caught, or they have become good at not being detected by changing the way they commit the crime. Again, this research is important to this research study because it may be necessary to suggest additional changes to sentencing for auto theft suspects in Colorado.

Sanctions

When it comes to the crime of auto theft in Colorado, it is the intention of this research paper to show punishment for the crime is not severe enough, and therefore, there is less deterrence for auto theft suspects. However, some of the literature about deterrence theory suggests that increasing sanctions does not help deter crime but continues it in a different way. Jacobs and Piquero (2013) investigated “the extent to which an actual punishment for an offense increases to such an extent that it may also increase not only objective certainty but also an individual’s perceived certainty” (p. 796). In their study, the hypothesis considered boundary-crossing, focuses on the two core dimensions of deterrence; severity and certainty (Jacobs & Piquero, 2013). Five years later, Jacobs wrote another article about sanctions where Jacobs and Cherbonneau (2018) examine how formal and informal penalty threats channel criminal decision making rather than stopping it. “Channeling shows how, in the face of sanctions, crime continues but in a different form” (Jacobs & Cherbonneau, 2018, p. 196).

Jacobs and Piquero (2013) performed a study to determine if increasing penalties of crime affect an offender’s certainty of detection and if it deterred them from committing crime. In the study, Jacobs and Piquero (2013) focused on the crime of drunk driving and “examined sanction perceptions and individual estimates associated with the decision to offend among young adults” (p. 801). The results from their study indicate that the perceived threat of more

severe penalties and certainty of being caught were negatively related to the intentions of driving drunk (Jacobs & Piquero, 2013). Intriguingly, this study showed the perception of the research participants as having low certainty of being caught and punished for drinking and driving. The lack of other drinking and driving offenders being caught made some participants feel that drinking and driving was worth the risk because the possibility of being arrested was low. The same could be applied to auto theft in Colorado. Auto theft suspects may perceive the risk is worth taking because more than likely they will not get caught and/or arrested.

Jacobs and Cherbonneau (2018) generated data for their study by doing in-depth interviews with offenders involved in auto theft and carjacking. The study examined offender decision making of 28 carjackers and 35 auto theft suspects (Jacobs & Cherbonneau, 2018). The study subjects for carjacking consisted of 25 males and 3 females between the ages of 16 and 45 years old, while the auto theft subjects consisted of 27 males and 8 females between the ages of 17 and 49 (Jacobs & Cherbonneau, 2018). In the auto theft study, the qualifications for a research study subjects were: they must have committed five or more auto thefts in their lifetime, one auto theft in the previous month, and considered themselves active (Jacobs & Cherbonneau, 2018). The criteria for the carjacking study was similar (Jacobs & Cherbonneau, 2018). All of the participants were African-American and operated out of a Midwestern municipality (Jacobs & Cherbonneau, 2018). The research procedures followed a mediated criminological ethnography, which means, “sampling, subject recruitment, and data collection procedures are not coordinated by researchers in the field but delegated to a field worker, preferably a person entrenched in the criminal subculture with a reputation for street integrity and trustworthiness” (Jacobs & Cherbonneau, 2018. p. 197). Jacobs and Cherbonneau (2018) utilized a former high-rate offender with participant experience in the street criminal underworld. In their study,

Jacobs and Cherbonneau (2018) found for the auto theft group, they specifically chose the crime of auto theft over carjacking because of the harsher punishment that comes with carjacking. These findings tie to Jacobs's earlier work with Piquero about the severity of punishment rather than the certainty of it (Jacobs & Cherbonneau, 2018). The channeling affect discussed earlier revealed that some criminals evolve rather than being deterred completely (Jacobs & Cherbonneau, 2018), in other words, they become more cognizant in finding ways to not get caught. This research relates to the research question in this study by showing that auto theft suspects specifically did not commit the offense of carjacking because of the severity of the punishment. Additionally, when it comes to auto theft in Colorado there may be a need to not only make the punishment more severe, but to also raise the certainty of punishment.

Research Question

Research findings indicate that deterrence theory in reference to auto theft has limited information available. The literature reviewed reveals that there is a broad amount of information and conclusions about deterrence theory in general. Therefore, this research project desired to answer one exploratory question through unobtrusive research and content analysis using nonprobability sampling which utilizes purposive or judgmental sampling. The research question is:

For deterrence theory to be valid for the crime of auto theft, does the punishment for auto theft in Colorado need to be more severe?

This question guided the research for this study and the findings add to the current body of knowledge about deterrence theory.

Chapter Summary

Information presented in this literature review about deterrence theory and auto theft reveals different types of deterrence theories and distinctive conclusions about how deterrence should be used. Some reviewed literature provided specific methodologies in researching auto theft and deterrence. Specifically, the study conducted by Jacobs and Cherbonneau (2018), provides great insight to this research project. Their study found that auto theft suspects purposely did not choose to commit a carjacking, because the punishment for the crime was too severe. It is evident that there is a gap in research regarding auto theft and deterrence. Additional research is needed to provide further information about deterring auto theft

Chapter 3

METHOD

Sample

The sample population of interest are POST (Peace Officer Standards and Training) certified Colorado law enforcement officers who investigate auto theft and are members of CATI. Membership in CATI:

Shall be for persons who are full-time, part-time, or retired employees of municipal, county, state, or federal public law enforcement agencies or investigative organizations, or employees of the National Insurance Crime Bureau who are engaged in the prevention and investigation of motor vehicle thefts and kindred crimes (CATI, 2015, para. 1).

To answer the proposed research question, a survey was utilized to obtain information. The survey was anonymous, only asking identifying questions of rank and years of service. An email with a link to a survey was sent to CATI's membership listserv. The instructions were given that only current POST certified law enforcement officers were asked to answer the survey. Once

survey results were received, it was determined that other CATI members answered the survey who are not current POST certified law enforcement officers. However, their responses were included in the results section because the respondents work within the auto theft field, and their answers were relevant to the outcome of the survey.

Measures

Unobtrusive research and content analysis were the measures used in this exploratory study. Unobtrusive research is: “methods of studying social behavior without affecting it. Such methods can be qualitative or quantitative” (Babbie, 2010, p. 332). The research question for this study: *for deterrence theory to be valid for the crime of auto theft, does the punishment for auto theft in Colorado need to be more severe*, were measured in two different ways. First, content analysis was used to study a currently published case study about an auto theft specific problem and how probation was used as a deterrence to solve the problem. The objective was to determine if other studies have concluded that increasing punishment for auto theft has deterred offenders from committing the crime. Secondly, to supplement the information found in other research studies about auto theft and deterrence theory; the survey responses from current auto theft detectives in the State of Colorado were analyzed using conventional content analysis. The main strength of using conventional content analysis “is gaining direct information from study participants without imposing preconceived categories or theoretical perspectives” (Hsieh & Shannon, 2005, p. 1280). Additionally, coding using conventional content analysis is defined during the data analysis and codes are derived from the data (Hsieh & Shannon, 2005).

Research Design

This research proposal is an exploratory study which used nonprobability sampling by means of purposive or judgmental sampling (Babbie, 2010) with quantitative and qualitative data

to answer the research question. A conventional content analysis approach was used to analyze information obtained from an anonymous questionnaire with open ended questions.

Additionally, a case study about auto theft and deterrence was analyzed to find agreement or disagreement with the research hypothesis to determine if stricter deterrence for auto theft will lessen the instance in Colorado.

Procedures

A search for studies about deterrence and auto theft was conducted to find the conclusions of prior research, and how the findings could apply to auto theft in Colorado. This information is provided in the results section of the Capstone. Additionally, questions were asked in the form of a survey, about the opinions of the auto theft detectives in Colorado, as to whether current punishments for the crime of auto theft are enough to deter auto theft suspects.

The survey will have the following questions:

- Are you a current POST certified police officer?
- Do you currently investigate auto thefts?
- What is your current rank?
- How long have you been a police officer?
 - 0-5 years
 - 6-10 years
 - 11-15 years
 - 16 + years
- How long have you been an auto theft investigator?
 - 0-5 years
 - 6-10 years

- 11-15 years
- 16 + years
- Auto theft is in addition to my other duties
- Do you think the punishment for the crime of auto theft in the State of Colorado is sufficient? If not, why?
- What suggestions would you make to changing the sentencing for auto theft in Colorado?
- What do you think the benefit would be to changing the sentencing for auto theft in Colorado?
- Do you think potential auto thieves would be deterred from committing a first offense of auto theft if the punishment was more severe? Why or why not?
- If sentencing is not a deterrent, what do you think motivates auto thieves to commit the crime?

Answers were gathered electronically from respondents which were completely anonymous and exclude all respondent information to include: first name, last name, and email address from the results.

The data was collected via an on-line survey software and was analyzed after it was accumulated within the software. An Excel spreadsheet was created in order to compile all of the data, because the version of the software utilized was a free version, which did not assemble the data in a neat and easily analyzed fashion. The original data within the on-line software and the Excel spreadsheet will be kept as backup.

The intention of this survey was to receive feedback from auto theft detectives across the State of Colorado to obtain their professional opinions pertaining to deterrence and the commission of auto theft crimes. There was both quantitative and qualitative data collected.

The quantitative data is in reference to the research subjects who answer the survey. This will include the different ranks, the number of years each respondent has been a police officer, and how many years they have been assigned to auto theft specifically. The qualitative data comes from the open-ended questions in the survey about deterrence and auto theft in Colorado. The researcher anticipated receiving several responses to the survey and the qualitative data gathered gave great insight into potential answers about deterrence and auto theft.

Additionally, a case study out of Canada was analyzed in reference to auto theft and deterrence in order to find agreement or disagreement with the research hypothesis. This case study was utilized to determine if stricter deterrence for auto theft would lessen the occurrences of auto theft in Colorado.

Lastly, as a result of the survey, a deterrence program utilized by the Aurora Police Department (APD) was discovered. This program uses mandatory jail sentences for first time auto theft offenders as a deterrence tool within the city. This program was analyzed, and information is provided within the results section.

Chapter Summary

The method for this research proposal, including; selection, measures, research design, and procedure enabled the researcher to determine if stricter sentencing in Colorado will deter auto theft suspects from committing the crime of auto theft. Conventional content analysis was used to provide information on an anonymous survey obtained from auto theft detectives in Colorado, and is supplemented by a case study about auto theft and deterrence, along with a deterrence program in Aurora, CO.

RESULTS

Survey

The purpose of this project was to determine if stricter punishments could deter offenders in Colorado from committing the crime of auto theft. A survey was conducted to establish the opinions of auto theft detectives in Colorado; as to whether the current punishments for the crime of auto theft are strict enough to deter auto theft offenders. The anonymous survey was sent to the CATI listserv and 64 responses were received.

Respondents were asked to offer their opinion about deterrence and auto theft in Colorado. The first four questions on the survey were to obtain quantitative data about the demographics of the respondents. Survey question 1: Are you a current POST certified police officer? The results were 94% of respondents are current POST certified police officers (Figure 6).

Survey question 2: Do you currently investigate auto thefts? The results were 84% of respondents currently investigate auto thefts (Figure 7). However, of the 16% of respondents who answered they do not currently investigate auto theft, 60% of them answered other questions

indicating they have investigated auto theft at some point in their career. Additionally, some of the respondents who answered “no” to this question are either detectives or other command personnel. This indicates they do not routinely investigate auto thefts as part of their regular

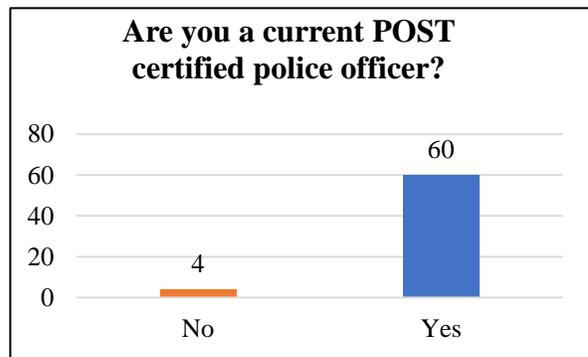


Figure 6. Survey Question #1

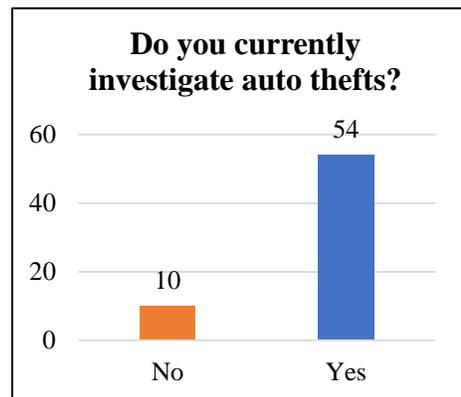


Figure 7. Survey Question #2

duties. Although these respondents are not directly involved in investigating auto theft, they are part of the law enforcement community which fights auto theft and their opinions are relevant.

Therefore, their responses are included in the results.

Survey question 3: What is your current rank? The highest result was 39% of respondents are a Detective or Investigator, and 27% of respondents are Police Officers (Figure 8).

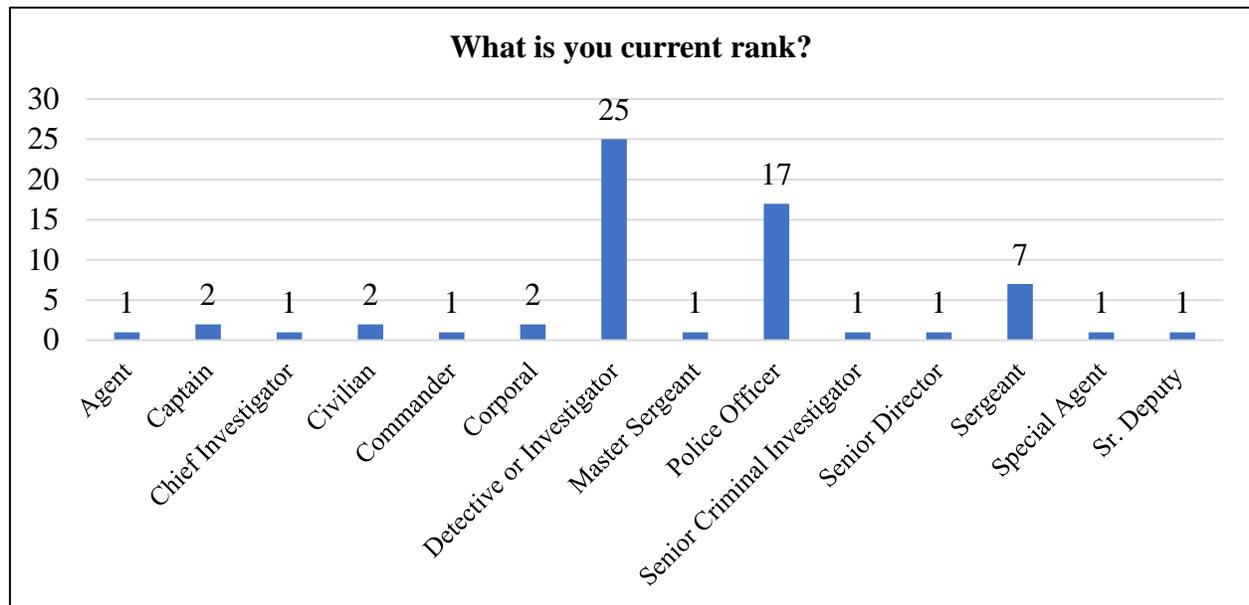


Figure 8. Survey Question #3

Survey question 4: How long have you been a police officer? A large majority of respondents have been police officers for more than 16 years. The results were: 5% 0-5 years, 12.5% 6-10 years, 11% 11-15 years, and 72% of respondents have been police officers for 16 years or more (Figure 9).



Figure 9. Survey Question #4

Survey question 5: How long have you been an auto theft investigator? The results were: 37.5% 0-5 years, 20% 6-10 years, 8% 11-15 years, 6% 16 years or more, and 28% answered auto theft is in addition to my other duties (Figure 10). Additionally, 72% of respondents answered in a way that indicates investigating auto theft is one of their primary functions because they did not choose auto theft is an additional duty.

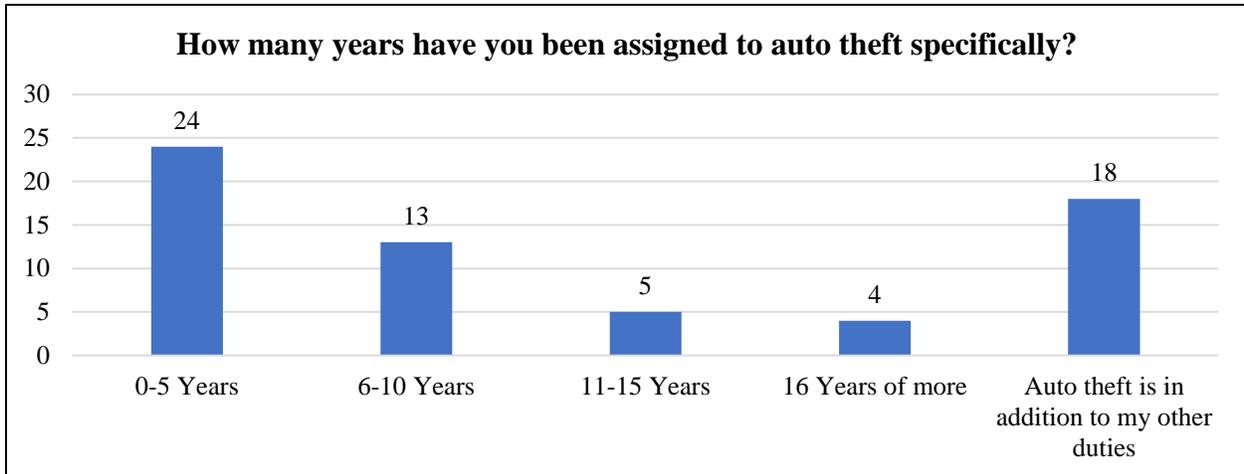


Figure 10. Survey Question #5

Survey question 6: Do you think the punishment for the crime of auto theft in the State of Colorado is sufficient? If not, why? This question will have both quantitative and qualitative analysis associated with it. First, 92% of respondents answered no, while only 8% answered yes (Figure 11).

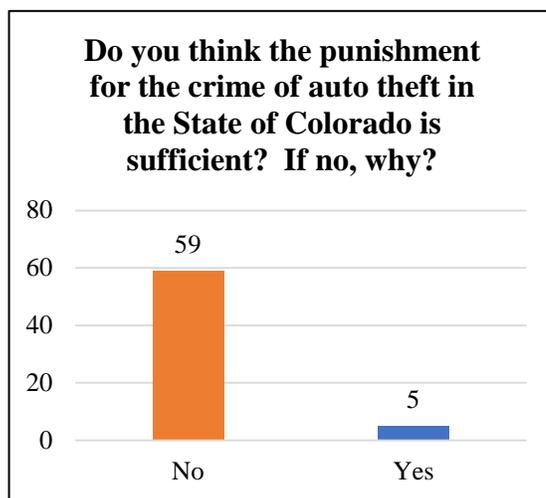


Figure 11. Survey Question #6, part 1

Secondly, the detailed answers given by the respondents who answered no to the question, were coded into eight categories. These categories include: the punishment is not severe enough (20), auto theft is only considered a property crime (17), probation is given in lieu of jail time (6), auto theft is not a priority (3), sentencing for auto theft has been reduced over time (2), it is easy for offenders to deny involvement (2), no opinion (1), and other (8).

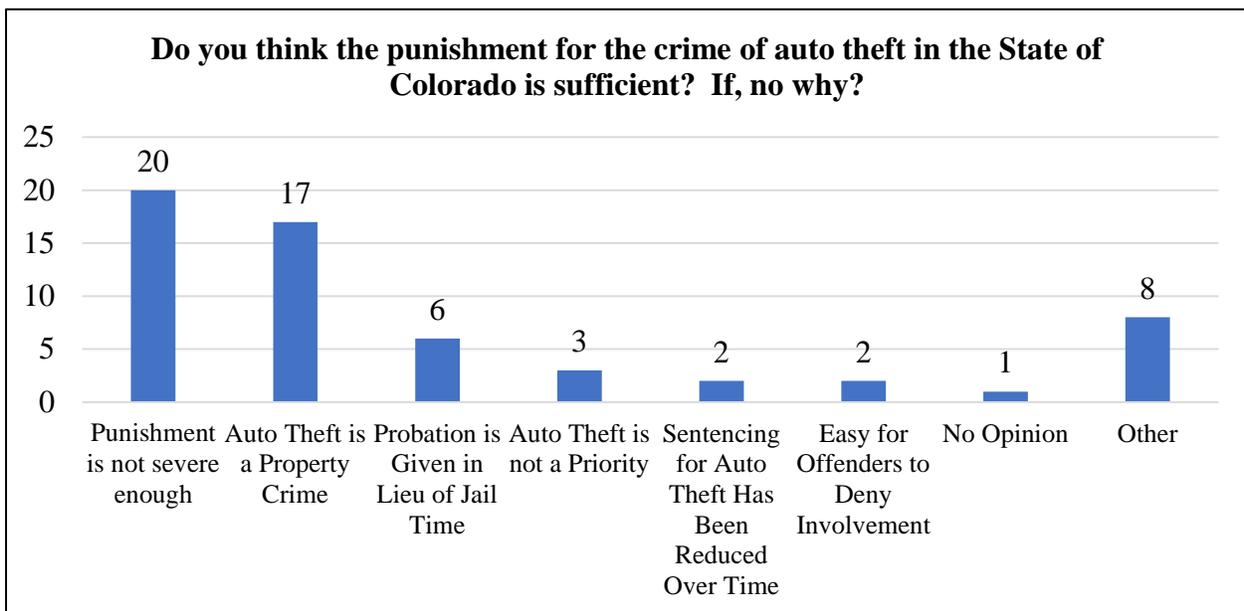


Figure 12. Survey Question #6, part 2

To expand upon the content analysis of this question, 31% of respondents answered that the punishment for the crime of auto theft in Colorado is not severe enough. Respondent 17 said:

Auto theft has a nexus to so many other crimes such as drugs, vehicle eluding from the police, property damage to the stolen vehicles and when they hit other vehicles, theft/shoplifting, and financial crimes. There are so many of these auto theft suspects who have numerous arrest and convictions for auto theft but are still terrorizing the streets because they received a slap on the wrists or out on very low bonds.

Additionally, 27% of respondents gave an answer referencing the fact that auto theft is considered a property crime in the State of Colorado, and therefore, is not prosecuted as seriously as other crimes. Respondent 56 said:

Auto theft is a property crime but legislators and the public do not realize how strong of a nexus it has with other crimes. Furthermore, those involved in auto theft are some of the more dangerous criminal to catch as they have a deadly weapon (vehicle) at their disposal. A good percentage of officer involved shootings occur during auto theft investigations.

Moreover, 9% of respondents referenced the fact that offenders arrested for auto theft are normally given probation as a punishment, rather than jail time. Other responses included information about District Attorney's Offices not making auto theft a priority, courts being overloaded with cases, and the lack of punishment leading to the same offenders stealing cars over and over again. Respondent 60 stated:

I would not say that laws are in need of change, nor do I think that punishments as prescribed by Statute are too lax. I feel, from my observations, that the lack of proper and aggressive prosecution is what has removed the threat of punishment and therefore the strategy of deterrent is no longer viable.

Survey question 7: What suggestions would you make to changing the sentencing for auto theft in Colorado? The answers to this question were coded into five different categories: mandatory/longer jail sentences (35), enforcing current law/not allowing for plea bargains (7), no suggestion given (5), the current sentencing for auto theft is sufficient (2), and other (15).

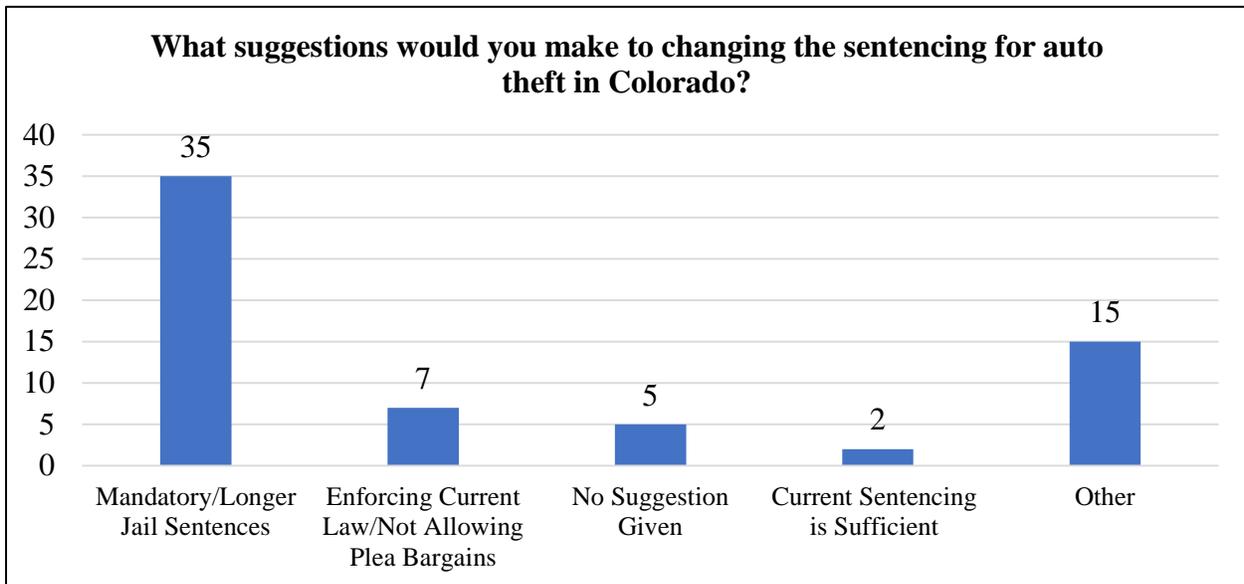


Figure 13. Survey Question #7

More than half, or 55% of respondents referenced mandatory sentencing of offenders to jail or prison, along with longer sentencing terms. Conversely, 11% of respondents felt the sentencing possibilities currently in place are sufficient; however, some respondents discussed not allowing plea bargains in motor vehicle theft cases, and educating the courts and the public on the true danger of motor vehicle theft offenders and their involvement in other crimes.

Respondent 14 said:

Auto theft is treated by the District Attorney Offices as a low-priority offense and punishment/sentences are handed out reflecting that mentality. In many cases, vehicle theft offenses are committed by chronic criminals and in conjunction with other types of crimes such as identity theft, drug crimes, burglary, theft, and robbery. Because of these additional associated crimes, public safety is impacted and burdens the criminal justice system. These criminals ARE NOT deterred by the punishments they receive by the courts. The only effective tool to prevent further offenses is incarceration.

Survey question 8: What do you think the benefit would be to changing the sentencing for auto theft in Colorado? The responses to this question were coded into 5 categories: auto theft would be reduced (26), deterrence (18), there would be no benefit (4), no suggestion (4), and other (12).

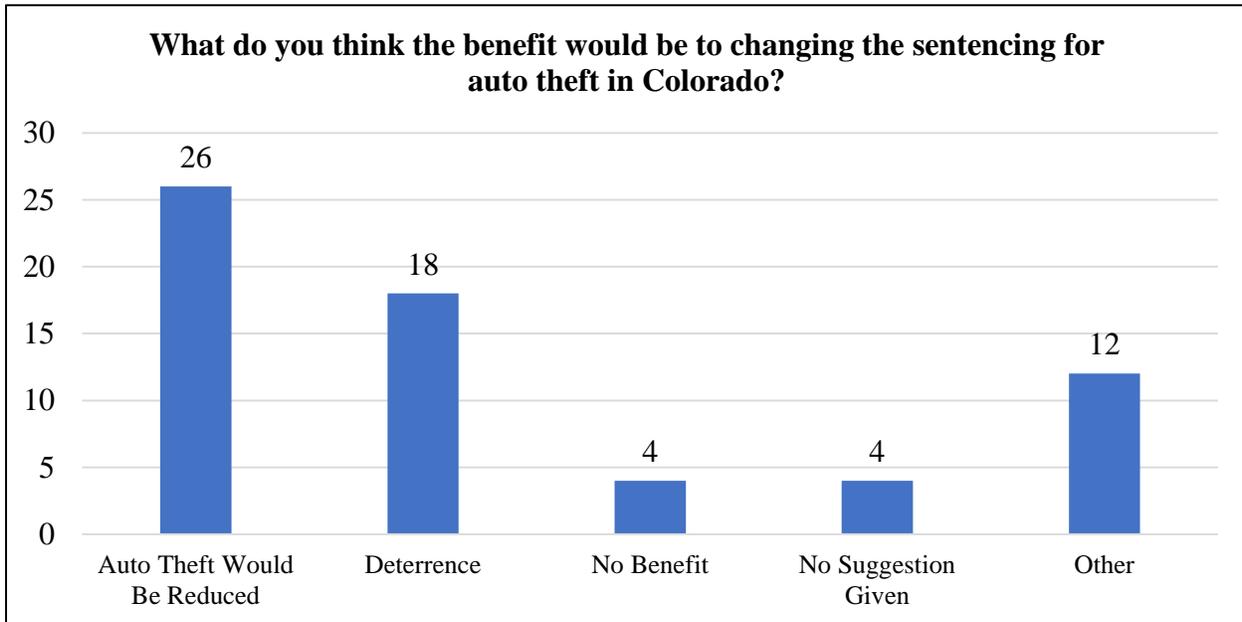


Figure 14. Survey Question #8

Over a third or 41% of respondents believe that changing the sentencing for auto theft in Colorado would result in reducing auto theft. Additionally, respondents think other associated secondary crimes such as drugs, robbery, and theft would decrease as well if auto theft instances were reduced. Respondent 50 said there would be a, “decrease in other serious crimes, lower insurance rates, and if they are in jail they are not out committing more crimes.” Additionally, 28% of respondents believe that deterrence would be the result, as Respondent 61 stated, “stiffer penalties would help some of the individuals think twice about stealing a vehicle.” Furthermore, Respondent 34 said the benefit would be, “pure deterrence and it would prove to victims that the crime has consequences.” Furthermore, 6% of respondents believe there would be no benefit in

changing the sentencing for auto theft in Colorado, and an additional 6% of respondents had no opinion.

Survey question 9: Do you think potential auto thieves would be deterred from committing a first offense of auto theft if the punishment was more severe? Why or why not? The responses from this question were coded into four categories: yes (29), no (22), possibly (9), and no suggestion or other (4).

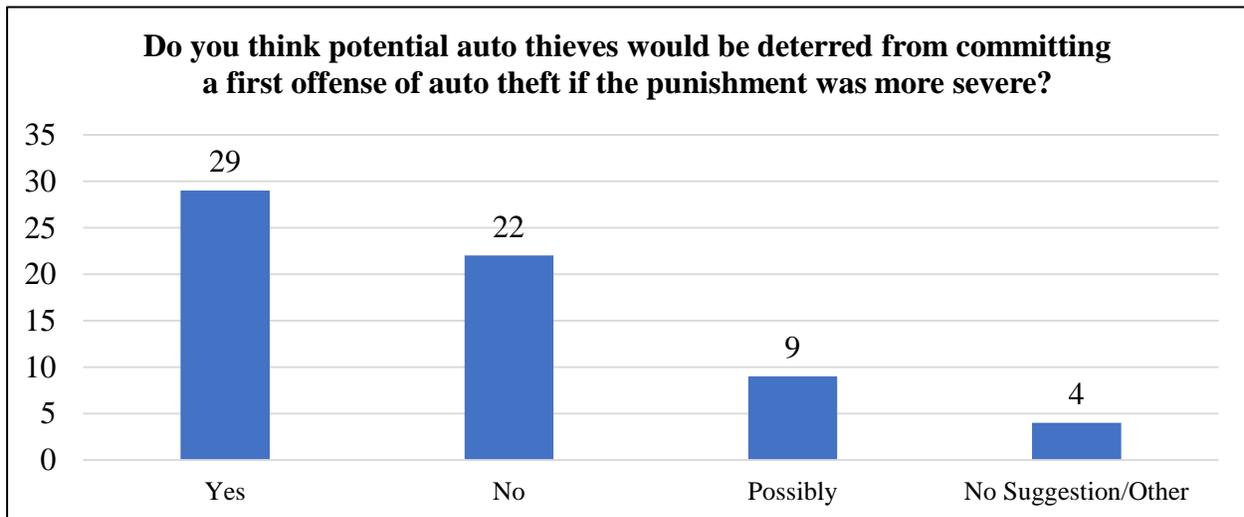


Figure 15. Survey Question #9

In addition to these responses, most respondents gave further detail about their opinions. A large portion of respondents, 45%, believe that potential auto thieves would be deterred from committing a first offense if the punishment were more severe. Respondent 26 said:

Yes! In my career I have interviewed many younger auto theft criminals who actually stated stealing a car was equal to TP'ing someone's house. They bond out quick and cheap. The charge usually gets plead down and do not get much if any jail time.

Likewise, Respondent 28 said:

Absolutely, you don't have to touch the hot stove top but once, to know that you don't want to do it again. Example, if an offender knew he would get a mandatory 18-months

to 3 years DOC (Department of Corrections) sentence for a 1st offense, offenders would not want to get behind the wheel of a stolen vehicle. A change like this would affect the court system also; there would be less plea bargains and more trials.

Contrastingly, 34% of respondents do not believe that potential auto thieves would be deterred from committing a first offense. Respondent 29 said, “no, I believe a lot of the first-time offenders are young and don't really think about consequences.” Moreover, Respondent 22 said:

I don't think it would be too much of a deterrent for the first time criminal. It seems the auto thieves are not too worried about the punishment on first offenses since our criminal justice system has made it clear that probation or deferred sentences is what they will likely receive. Besides the fact that they know if they are in a stolen vehicle and they elude patrol officers they are not going to get chased, which in my opinion makes them feel they are untouchable.

In addition, 14% of respondents believe that first time motor vehicle theft (MVT) offenders could possibly be deterred from committing a first offense. Respondent 41 answered:

Ultimately depends on their reason for stealing the car in the first place. For example, if the car is being stolen strictly to get from point a to b it is of exigency then possibly, but if it is being stolen to fund drugs and other matters then I doubt it would be a deterrence.

Additionally, Respondent 9 said, “difficult to answer if the potential auto thief is involved in other criminal activity. To a person with no criminal history I believe it would be a deterrence.”

Survey question 10: If sentencing is not a deterrent, what do you think motivates auto thieves to commit the crime? The responses to this question were coded into six different categories: drugs/other crimes (27), the ease of committing the crime or opportunity (13), excitement or money (7), lack of punishment (7), no opinion given (2), and other (8).

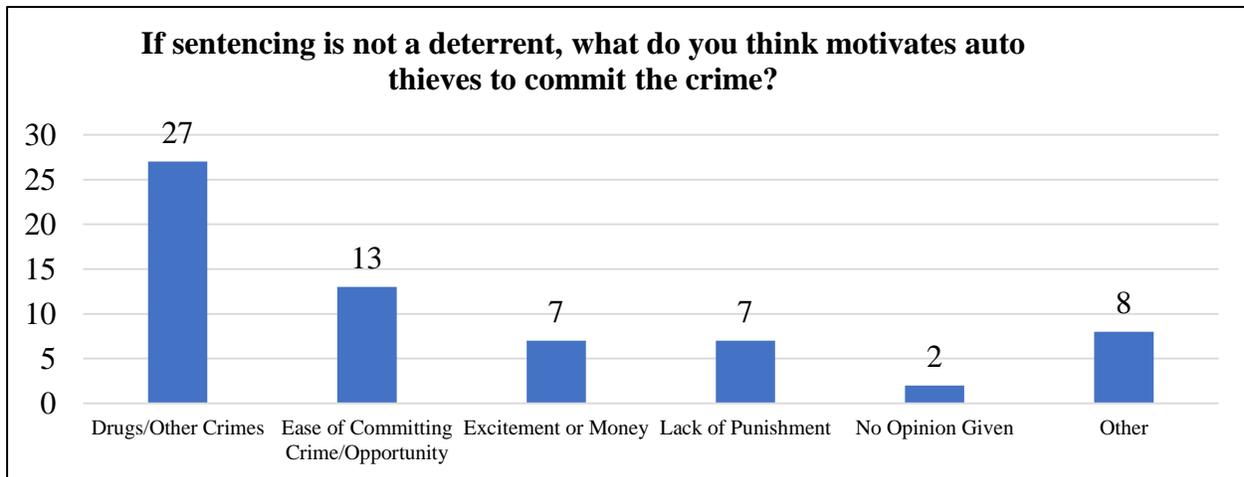


Figure 16. Survey Question #10

For this question 42% of respondents believe that drugs, money and the ability to commit other crimes is what motivate auto thieves. Respondent 46 said, “what I have seen in recent times is a need for transportation to commit crimes to get drugs, as the primary motivator to most thefts.”

Additionally, Respondent 45 gave a summary of the process some offenders utilize:

MVT is a means of transportation, status, and shelter. Most MVT’s start as a burglary looking for anything of value to trade for drugs or money for a hotel room for the night. It is also used as a mode for identify theft from personal items left in the vehicle or check fraud and credit card fraud. If they can take the vehicle as a whole it is a bonus to flee the area and pick through the vehicle at their convenience. Car thieves also use the registration and house keys or garage door openers, to target the victim’s homes at a later time while the victim is at work or worse yet while they are sleeping.

Furthermore, Respondent 28 describes additional crimes which are committed by auto theft offenders in stolen cars:

The offenders are utilizing the vehicle to commit an on-slot of other crimes. They use/ trade/sell the stolen vehicles to obtain what they need or want- (drugs), because of this dynamic, it will continue. This I would say accounts for the big increase, the traditional

motor vehicle thefts are over-shadowed by the local drug trade; identity theft; check fraud; mail theft; burglaries; smash and grabs; and shoplifts.

Additionally, 20% of respondents believe that the ease of stealing cars is what motivates offenders. Respondent 14 said, “the availability of vehicles by owners "puffing," or poor security of inventory by car rental and dealership businesses.”

A small number of respondents, 11%, believe the lack of punishment motivates auto thieves to commit the crime. Respondent number 48 said, “The fact that these offenders are aware they will not face harsh punishment leads them to commit these thefts as opposed to other crimes with stiffer penalties.” Additionally, Respondent 22 said:

Knowing the crime of auto theft is not a priority in the realm of judges across the state, and they simply look at it as a property crime. We also see this in the fact that most crime labs do not complete DNA for auto theft crimes, and I feel they also do not look at it as a serious crime. Criminals also utilize stolen cars to often times commit other crimes, such as burglaries, drug transactions, smash and grabs, eluding, hit and run accidents, and sometimes just disassembling the car to make money off the parts and accessories.

Lastly, 11% of respondents said that the excitement or thrill of the crime of auto theft is the motivator. The results of this survey give the opinions only of law enforcement officers in Colorado who investigate MVT as a part of their job duties. While laws cannot be established primarily based on one group’s opinions, the results give good insight into the problem of auto theft and deterrence from a law enforcement perspective.

Winnipeg Auto Theft Suppression Strategy

In addition to asking for opinions from Colorado auto theft detectives, additional auto theft studies were looked at for this research project. For example, the Winnipeg Auto Theft

Suppression Strategy (WATSS) contains considerable analytical methods and results. WATSS was initiated in 2006, since between 2003 and 2008; Winnipeg Canada experienced the highest rate of auto theft in North America (Linden, 2010). Furthermore, during 2004 and 2006 auto theft rates peaked, and almost one out of every five Criminal Code offenses were related to motor vehicle theft in 2006 (Linden, 2010). Winnipeg found that most auto theft offenders were juveniles and the crime had become an important part of youth culture in the city (Linden, 2010). Additionally, it was determined that the stolen vehicles were used for joyriding or as a mode of transportation and a majority of the vehicles were eventually recovered (Linden, 2010).

“Interviews with young offenders found that they stole cars for excitement and to show off for their peers and that they were every committed to continuing to steal cars” (Linden, 2010 p. 2).

Interestingly, the most common type of stolen vehicle in Winnipeg was Chrysler products manufactured in the early 1990’s, due to fact that there were easy to steal (Linden, 2010).

Comparatively, the most common type of stolen vehicles in Colorado are older model Honda Civics and Accords (Coloradans Against Auto Theft, 2018), because they are easy to steal.

The Manitoba Auto Theft Task Force (MATTF) battled the problem of auto theft in Winnipeg beginning in 2001 (Linden, 2010), however, like Colorado, with resources dedicated to the problem of auto theft, the theft rates continued to climb. The solution began when MATTF developed the WATSS in 2005, and implemented it in 2006 (Linden, 2010). “WATSS is a comprehensive strategy that involves several partners including the Winnipeg Police Service, Manitoba Justice (including youth probation and Crown prosecutors, and Manitoba Public Insurance)” (Linden, 2010, p. i). The strategy included three components: “a tiered approach to at-risk youth with intensive community supervision of high-risk youth; a program requiring

compulsory vehicle immobilizers for the most at-risk vehicles; and youth programming addressing the underlying causes of vehicle theft” (Linden, 2010, p. i).

The tiered approach to at-risk youth with intensive community supervision of high-risk youth provided four different levels of intervention (Linden, 2010). Files on all juvenile auto theft offenders were reviewed and classified into the following levels (Linden, 2010):

- Level 1: Youth -at-Risk
 - Public education, prevention and intervention
 - Parents, care-givers and teachers involved
 - Support from schools, police school resource officers, and youth service agencies
- Level 2: Early Involved
 - Prevention and diversion
 - Manitoba Justice’s “Turnabout” intervention and referral program for youth under 12 years (who cannot be charged criminally, under California law)
 - Alternative measure as appropriate
- Level 3: Repeaters
 - Enhanced case management and supervision by youth corrections
 - Youth and family involvement
 - Increased offender programming directed at auto theft
- Level 4: Very High-Risk to Re-offend
 - Daily in-person contact with probation officer, seven days a week
 - Other contact (telephone) every three hours
 - Absolute curfew enforced
 - Intensive programming with families and schools

- Zero tolerance for non-compliance
- Prosecutor to advocate for custody (pre-trial/sentence) (p. 4-5)

Initially there were 200 level 3 and 4 offenders who received daily in person contact either by their probation officer or a police officer (Linden, 2010). Additionally, these offenders were contacted via phone every three hours (Linden, 2010). This program required good working relationships and communication between several departments to ensure success. In addition to dealing with the youth offenders, the second component of the program initiated electronic immobilizers for high-risk vehicles (Linden, 2010). The immobilizers “disable a vehicle’s starter, ignition, and fuel systems unless a coded transponder is in use” (Linden, 2010, p. 5). The third component of the program dealt with addressing with underlying causes of auto theft (Linden, 2010). The youth probation staff and community partners worked with the young offenders and their families to address the social causes of auto theft (Linden, 2010).

The assessment of the WATSS program concluded that between January, 2007 and April, 2010 auto theft rates in Winnipeg dropped by 73 percent (Linden, 2010). “The Winnipeg Auto Theft Suppression Strategy, highlights the value of taking a disciplined, problem-oriented approach to crime reduction” (Linden, 2010, p. 10). Ultimately, the WATSS program was successful; however, it did suffer a few setbacks (Linden, 2010). Some of the setbacks included cars without immobilizers being targeted by offenders, and some immobilizers being bypassed (Linden, 2010). The program was able to overcome the setbacks through continued refinements of the program (Linden, 2010). The immobilizers in vehicles became a very effective part of the program, in fact, law was enacted where “all new vehicles sold in Canada after September, 2007 were required to have effective immobilizers installed” (Linden, 2010, p. 7).

Aurora Police Department MVT Program

Information obtained from this research project survey revealed that the Aurora Police Department (APD) implemented a program where MVT is charged at a municipal level, rather than at the state level. Respondent 40 from the survey said:

In the City of Aurora, they created a program where first (time) offenders were getting jail time. Any subsequent arrests resulted in increased jail time. This sent a message right up front, while it was still a misdemeanor in the city, that auto theft would not be tolerated!

An in-person interview conducted by the researcher with Sergeant Chris Cruiser of APD discussed the implementation, use, and benefits of the municipal MVT charge. According to Cruiser (2018), the program started around 2003 or 2004 by implementing a MVT municipal charge which carries with it a mandatory jail sentence for first time adult offenders who are not being charged with other felony charges for the arrest incident. First time adult MVT offenders who are charged in municipal court are sentenced to a mandatory 90 days in jail, if the same offender is caught again, they receive a mandatory 180 days in jail, and if caught a third time, the offender is sentenced to a mandatory 270 days in jail (Cruiser, 2018). According to Cruiser (2018), when the program was implemented in the early 2000's MVT was a big problem in Aurora and prior to the municipal charge offenders were going back out on the streets after being arrested for MVT and stealing more cars. Cruiser (2018), discussed the goal of the municipal charge is to get repeat offenders auto theft convictions and to try to deter offenders from committing additional offenses. Additionally, the MVT charge is applied to the offenders' criminal history, which is intended to assist with punishment when they are charged in other

jurisdictions with MVT. This is important because after the third MVT offense, a higher-level felony can be charged.

Interestingly, once the program was up and running, some MVT offenders were asking to be charged with the felony in district court rather than the misdemeanor in municipal court because the offenders knew the punishment (in district court) would not be as severe, with a higher likelihood of being sentenced to probation rather than jail time (Cruiser, 2018).

Cruiser (2018) believes this program is still working in Aurora especially for first time MVT offenders. Aurora benefits from this program being people hear about the mandatory jail sentence and it works as deterrence for some offenders (Cruiser, 2010). Additionally, when the municipal charge first began, there was a team of officers who interviewed MVT suspects about their crime and the suspects informed the officers that the word on the street was to not steal cars in Aurora because they would go to jail (Cruiser, 2018).

Cruiser (2018), discussed the idea that when this program was implemented, Aurora definitely saw deterrence to auto theft because of the municipal charge and the mandatory jail time. However, when all auto theft rose in 2012 in the State of Colorado, Aurora saw the same rise (Cruiser, 2018). Several reasons for the rise in auto theft were discussed during the interview, such as: the sudden rise in population in Colorado, a State of Colorado law which was implemented that released non-violent offenders from prison, and change over in personnel within the City of Aurora (Cruiser, 2018). Nonetheless, other law enforcement agencies have looked to APD's success with their ability to reduce MVT within their city and inquired about how the city implemented a MVT municipal charge within their own jurisdictions.

The topic of juvenile MVT offenders was discussed during the interview. The municipal charge does not apply to juvenile offenders because these offenders are not going to get jail time,

they will receive probation, fines, classes, etc. as a form of punishment for MVT in Aurora (Cruiser, 2018). Additionally, Cruiser (2018) believes that the County Court has more programs and resources available for juveniles to deter them from reoffending. Cruiser (2018) did say that Aurora is currently experiencing a large number of juvenile MVT offenders. He thought the reason for juveniles' involvement in auto theft was partly due to the thrill of it, and other times due to peer pressure (Cruiser, 2018). Contrastingly, Cruiser (2018) believes many adult MVT offenders are involved in this type of crime due to drug use.

DISCUSSION

Based on the analysis of the data collected, the author made a determination that implementing some type of more severe punishment is needed to deter offenders from committing MVT in Colorado. While mandatory jail time worked for first time offenders in Aurora, and intense probation worked for youth offenders in Winnipeg. However, it appears that Colorado as a whole has a different climate and culture surrounding MVT as opposed to Winnipeg. It is important to develop a solution to the problem of auto theft in Colorado because the cost to the State of Colorado and the citizens continues to climb and because stolen cars are being utilized in many secondary crimes. As indicated by some of the survey respondents, the current laws in place for MVT in Colorado are sufficient; however, the actual sentences received by the offenders are not.

The WATSS program could provide a good foundation for Colorado's auto theft problem. The difficulty is that Winnipeg; Canada is a single city within the province of Manitoba. It would be challenging to implement a program like this across the entire State of Colorado, due to the number of different jurisdictions involved and the resources it would require. However, one city within Colorado, such as the city of Denver, could try to implement a

strategy like the WATSS program. In 2015, the city of Denver had the highest rate of auto theft in Colorado, with 4,005 (27%) thefts out of 14,859 statewide (ATICC, 2016). Instituting a program like WATSS in Denver could make a major impact on auto theft in Colorado. A larger impact could be made, for example, if the top three cities would work in conjunction with each other to initiate a program like WATSS. Adding the city of Colorado Springs which had 1491(10%) thefts in 2015 (ATICC, 2016), and the city of Aurora who had 1182 (8%) thefts in 2015 (ATICC, 2016), would make up nearly 50% of auto thefts in Colorado. Having the top cities work together could prove to make a major impact in the auto thefts, as it is likely that many of the same offenders are seen in these areas.

Although the WATSS program did not have mandatory jail sentences for MVT offenders, the punishment put into place obviously made a large impact on their auto theft problem. However, there is a difference in the offender population in Colorado as compared to Winnipeg. In 2016, 17% of the offenders charged with MVT were juveniles (CBI, n.d.). While Colorado does have a rising juvenile MVT offender population, a majority of those charged with MVT are adults. Nevertheless, the WATSS program could be implemented with the adult and juvenile MVT offender population in Colorado. Additionally, there is a difference in the reasons for offenders stealing cars in Colorado as compared to Winnipeg. Linden (2010) discusses the majority of the Winnipeg issue was due to fact that auto theft had become an important part of youth culture. In the survey results from Colorado, it was indicated that stolen cars are used for secondary offenses, such as burglary, drugs, robbery, etc.

The APD MVT municipal charge for first time adult offenders carries with it mandatory jail sentences. This program has been successful in reducing the number of repeat offenders within the City of Aurora. This program shows a direct correlation to the hypothesis of this

research paper and indicates that mandatory jail sentences are deterrence to MVT offenders. As this program is only for first time adult offenders, not offenders who have been charged multiple times with MVT, it is difficult to conclude if mandatory jail time for these offenders would be a deterrent. However, the results of the survey did suggest that MVT offenders typically see probation, rather than jail time. A study would need to be done to determine if jail or more intense probation would help deter these types of offenders.

CONCLUSION

There are several other implications which resulted from the survey to Colorado auto theft Investigators. These implications surround the community as a whole and the insurance industry. While the issue of MVT falls on the shoulders of law enforcement, the public should also be doing their part to diminish the opportunities for auto theft. This information comes with public awareness, which CATPA makes a priority through initiatives to reduce auto theft. According to ATICC (2016) in 2016, there were 158 puffer thefts and 756 additional thefts indicating the keys were left in the vehicle. Respondent 61 from the Colorado survey said:

Some vehicles are just too easy to steal and not enough GPS systems in majority of vehicles. The community not taking precautions to deter the crime from happening, example: 1) Not removing property from their vehicle when parking it. 2) Leaving garage door openers and ignition keys in the vehicle when parking it. 3) Leaving the vehicle unlocked.

Additionally, Respondent 15 discussed the option of tracking offenders:

We have the technology to track stolen vehicles, we should also implement tracking technology to known auto thieves through probation and parole with GPS monitoring. If a vehicle is stolen and auto theft investigators can quickly identify known suspects in the

area, we have a better chance of recovering the vehicle; make multiple arrests and deterring auto thieves from operating in Colorado.

Lastly, Respondent 28 suggested stronger implications from the insurance companies, “another way to change is to have an outcry from the general public, maybe insurance companies no longer cover puffers or increase policy premium.”

There are clearly several different potential solutions to help deter auto theft offenders in Colorado. Future research could focus on both juvenile and adult offenders in Colorado to determine why they commit multiple MVT offenses. Understanding the mindset of the offenders will allow for an enhanced prevention strategy to be put into place. It is evident that there is a gap in research regarding auto theft and deterrence. Additional research is needed to provide further information about deterring auto theft.

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