

# SAME CRIME DIFFERENT OUTCOME

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## INTRODUCTION & RESEARCH QUESTIONS

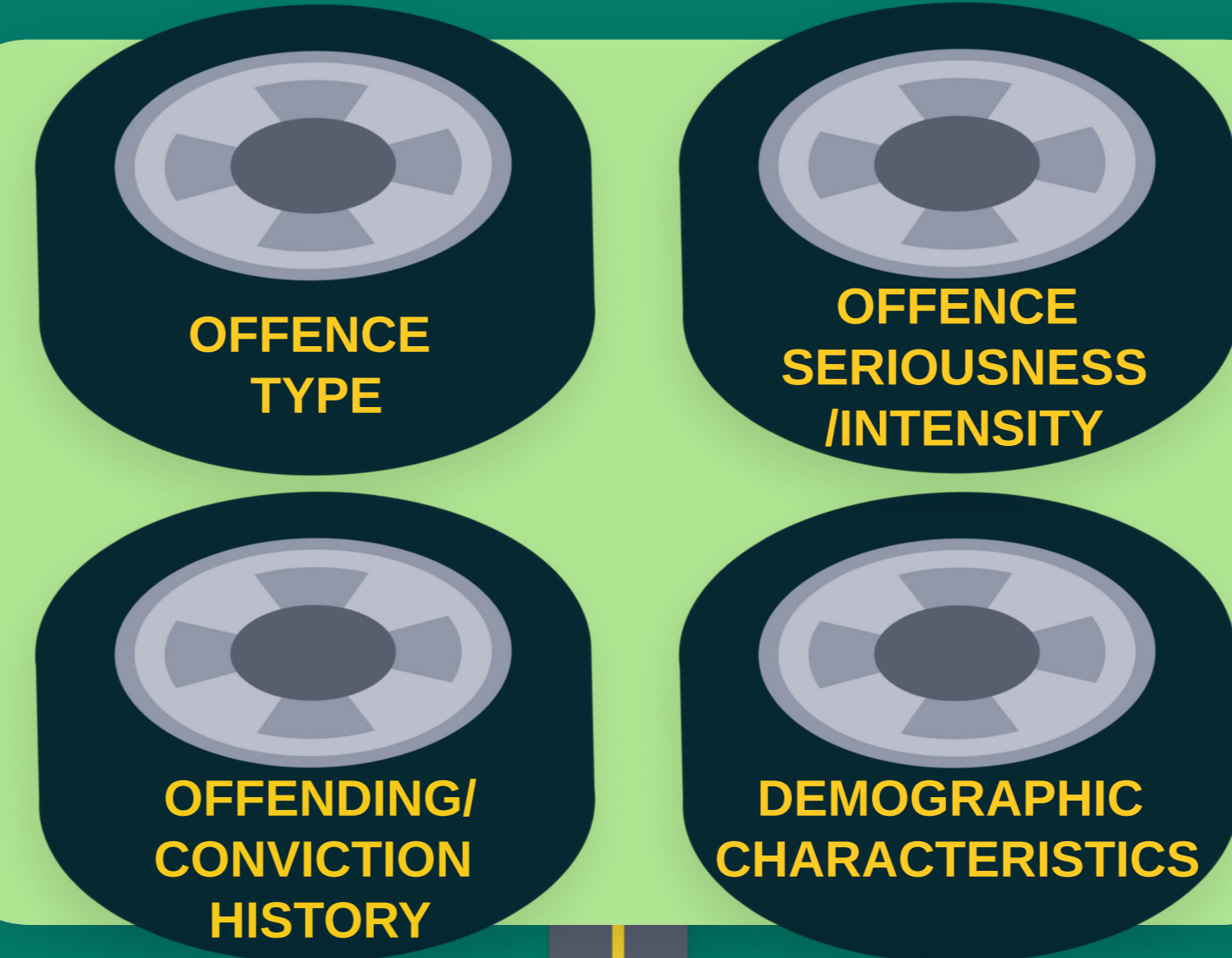
Do court outcomes vary by ethnicity? And if so, can we observe what drives these differences?

We analyse first-time drink driving court outcome data collected between 2008 and 2013.

We compare the sentence received by those with only a single ethnicity: Māori or NZ European.

Who receives a serious sentence?  **3.3%** of NZ Europeans  
**9.9%** of Māori

## WHAT DRIVES SENTENCING?



## SENTENCING AND PENALTIES

Penalties for first-time drink-driving offences:

**Disqualification from driving:**  
for at least six months.

**Criminal record entry:**  
Shows up in background checks of employers; immigration agents; future court appearances... etc.

### JUDGE DISCRETION

**Default Fine:**  
Calculated in proportion to alcohol level.

**Serious Community-based sentence:**  
Carries more "weight".

## WHAT CONSTITUTES DRINK DRIVING?

For drivers aged  $\geq 20$  years, it was an offence\* to drive with either:

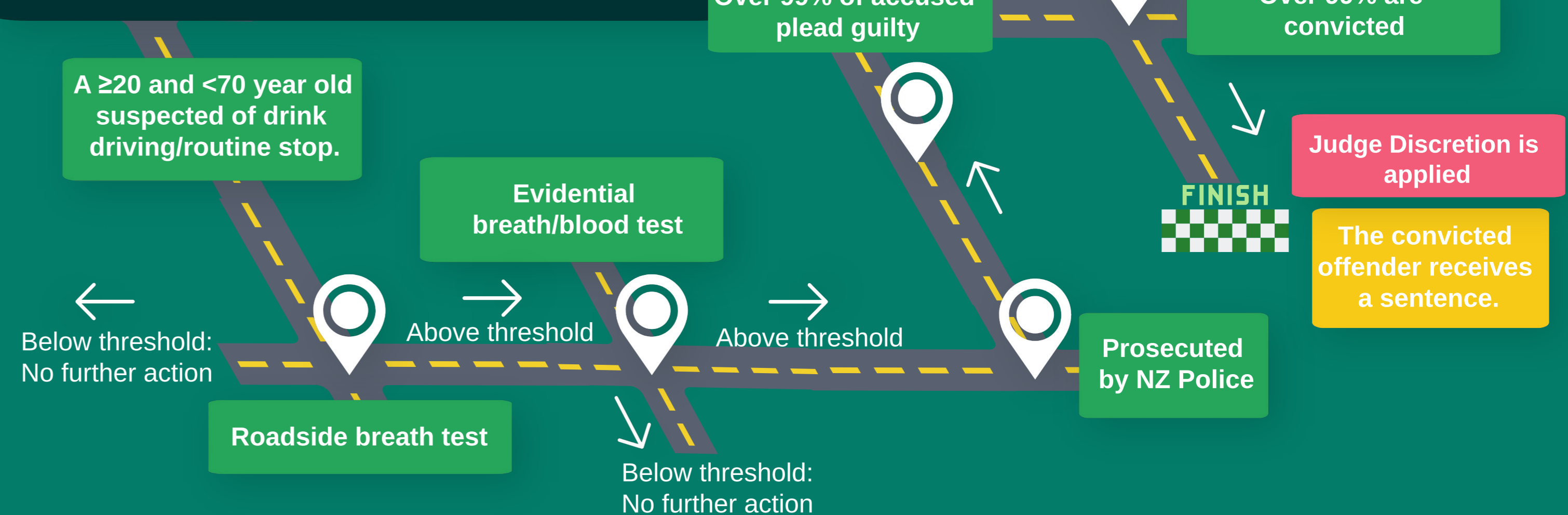
- More than 400 micrograms of alcohol per litre of breath; or
- More than 80 milligrams of alcohol per 100 millilitres of blood.

\*Before 2014

Why drink driving?

- **Identical offence** for every case.
- We can measure the **exact offence intensity/seriousness** and exclude those who committed any additional offences.
- We can **exclude those with any past convictions** or court appearance history.
- We can **control for a vast selection of socio-demographic characteristics**.

## ROADMAP FROM OFFENDING TO SENTENCING



## DATA

We use the linked and anonymised administrative dataset known as the Integrated Data Infrastructure (IDI) of NZ. We use the following data:

### Ministry of Justice:

Alcohol level data (2008-2013)

Maximum alcohol level 3x limit

Offence codes

Excess breath / blood alcohol

Dates

Offence date - last court hearing date  $\leq 125$  days

Court type & location

District Court only & no changes

Plea type

Guilty

Court outcome

Convicted

Top 5 most serious sentences and their "weights"

**Inland Revenue:**  
Earnings & benefits

**Department of Internal Affairs:**  
Age & number of children

**NZ Transport Agency:**  
Licence type

**StatsNZ Tables:**  
NZ Deprivation Index; Demographic characteristics

Removed individuals:

- Overseas for  $>90$  days before the offence
- Had an accident at the offence date
- Had a hospitalisation at the offence date

## WHAT ARE THE DIFFERENCES?

	79% NZ European	21% Māori	Difference (pp)
Male	60%	44%	22
High Deprivation	36%	77%	41
<1.5x limit	46%	43%	3
$\geq 1.5x$ - <2x limit	36%	39%	3
$\geq 2x$ limit	18%	18%	0
Full Licence	67%	41%	26
No children	52%	35%	23

## LIKELIHOOD OF RECEIVING A SERIOUS SENTENCE

Controls

No Controls

Offence & Court

Offence & Court; Demographics

Offence & Court; Demographics; Income & Benefits

Offence & Court; Demographics; NZ Deprivation

NZ European

a

b

c

d

e

Māori

3.185\*\*\*  
(0.443)

2.604\*\*\*  
(0.361)

2.356\*\*\*  
(0.329)

2.031\*\*\*  
(0.287)

2.005\*\*\*  
(0.257)

Other dimensions tested with the same controls as e:

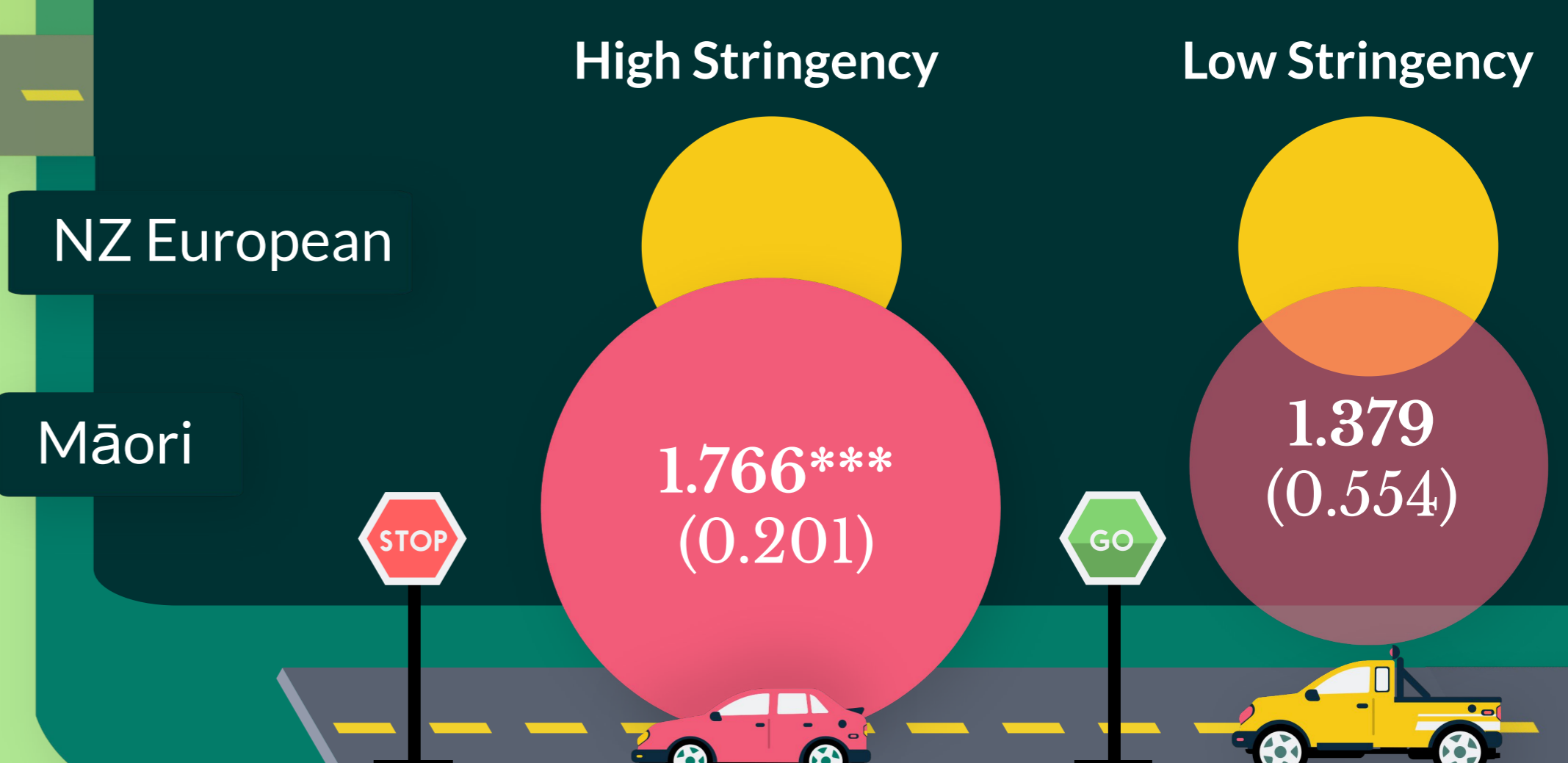
Male 1.814***	Female 2.212***
No benefit 2.616***	Benefit 1.689***
<1.5x limit 2.094***	$\geq 1.5x$ - <2x limit 2.001***
No income 1.902***	Income < median 1.980***
	Income > median 2.426***

Note: Odds Ratios from Logistic regressions with robust standard errors clustered at the District Court level in (); \*\*\*  $p < 0.01$

We find some differences between the Māori in our sample and the NZ Europeans. Māori also had a higher proportion of those receiving a benefit (23pp), and NZ Europeans were more likely to have a full licence (26pp).

## WHY

Of 63 District Courts in our sample, 38 gave out 55% of all convictions, and over 80% of all serious sentences. Results by these high stringency courts:



## CONCLUSION

Māori are, on average, **twice** as likely to receive a **stricter sentence** for drink driving than NZ Europeans. These differences are **not explained** by the **severity, frequency, or type** of offending; nor by individual characteristics like age, gender, income or licence type.

Finally, not all District Courts parse out the same amount of severe sentences, but those that hand out the most, disproportionately affect Māori.

## DISCLAIMER

Disclaimer for output produced from the IDI: These results are not official statistics. They have been created for research purposes from the Integrated Data Infrastructure (IDI) which is carefully managed by Stats NZ. For more information about the IDI please visit <https://www.stats.govt.nz/integrated-data/>.

Disclaimer for Inland Revenue tax data: The results are based in part on tax data supplied by Inland Revenue to Stats NZ under the Tax Administration Act 1994 for statistical purposes. Any discussion of data limitations or weaknesses is in the context of using the IDI for statistical purposes, and is not related to the data's ability to support Inland Revenue's core operational requirements.