

Understanding Sentencing Outcomes for Drink-Driving Offences



NEW ZEALAND POLICY
RESEARCH INSTITUTE
TE KĀHUI RANGAHAU MANA TAURITE

Based on findings of the report *Same Crime - Different Outcomes: Do Court Outcomes Differ Systematically by Ethnicity*, available on New Zealand Policy Research Institute's website: <https://nzpri.aut.ac.nz>

Disclaimer

Disclaimer for Census 2023

The information provided by individuals during the 2023 Census is kept confidential by Stats NZ and is protected by the Data and Statistics Act 2022. This means that the personal details and responses collected will not be disclosed to any third parties without the individual's consent. The data collected will be used for statistical purposes and will not be used to identify individuals.

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.

Disclaimer for Michael and Suzanne Borrin Foundation

The views expressed are those of the authors and not of the Michael and Suzanne Borrin Foundation.

Drink-driving convictions

A widespread issue



Among adults aged 20 to 69:

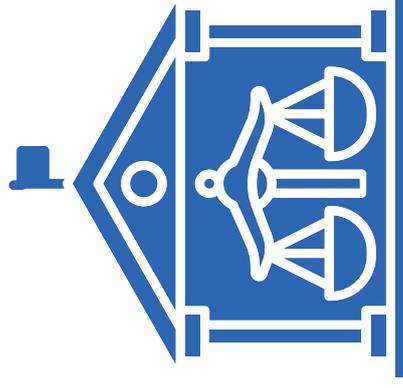
- 1.38 million (85.8%) identify as NZ European¹
- ~230,000 (14.2%) identify as Māori¹

Note:

¹ Census respondents who only stated single ethnicity (own calculations).

Drink-driving convictions

Adults that have a criminal conviction²

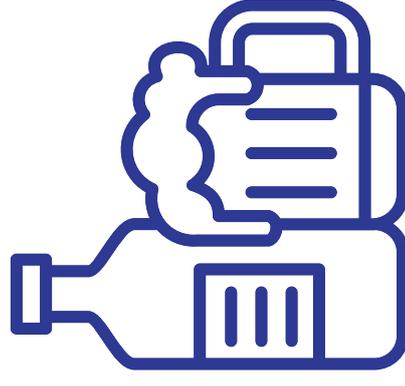


16.8% of NZ European
44.5% of Māori

Alcohol plays a key role

Drink-driving was the most common offence: Around half of all persons convicted were breaching drink-driving rules

(46% among NZ European and 51% among Māori)



Note:

² We linked Census records with court data from the Ministry of Justice. All these results were produced using Stats NZ's secure research database, known as the Integrated Data Infrastructure (IDI).

Our study



Our research question:

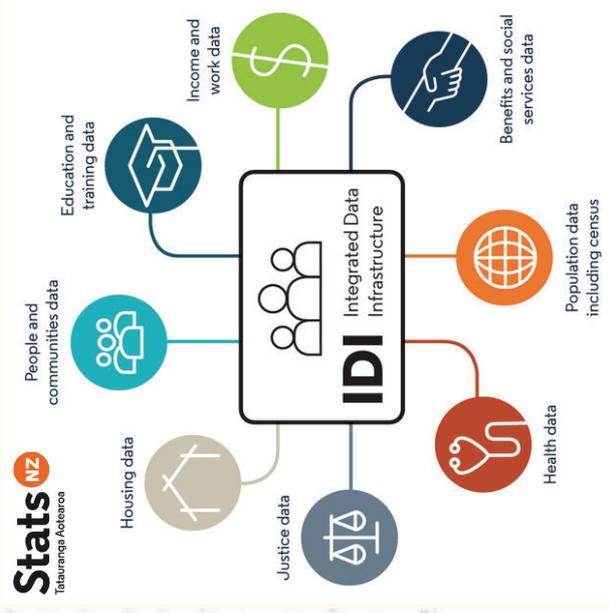
Do NZ European and Māori receive the same sentence when convicted for drink-driving?

Our approach:

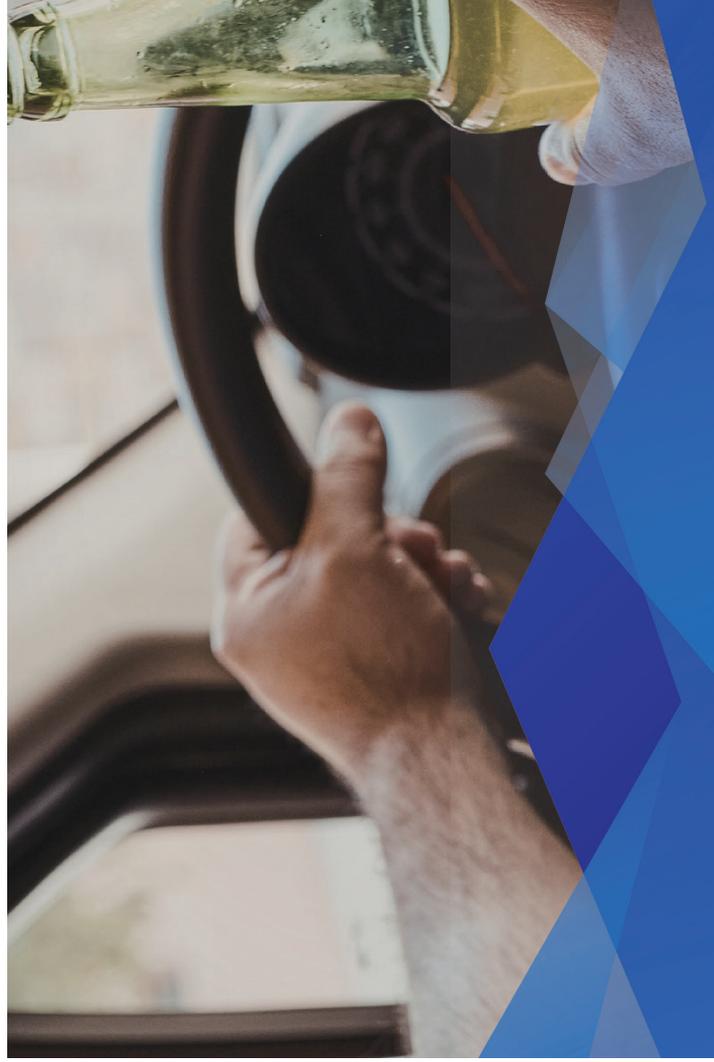
We use Big Data to find an answer



Our study



- Stats NZ's Integrated Data Infrastructure (IDI) is a large research database, holding de-identified microdata about people and households.
- The data is about life events, such as education, income, migration, justice and health. It comes from government agencies, surveys, and non-government organisations.
- The data is linked together, or integrated, to form the IDI.



Our study

Why we use the Integrated Data Infrastructure (IDI)

Population wide coverage ensures we can identify all individuals³ charged with drink-driving offences

Longitudinal data structure helps account for historical information, such as prior convictions, income, and health events

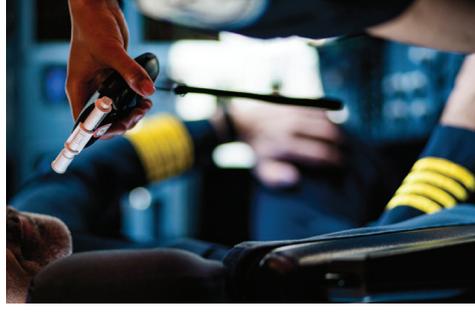
Individual level linkage enables the construction of detailed offender profiles, allowing us to create near-identical comparison groups

Our study



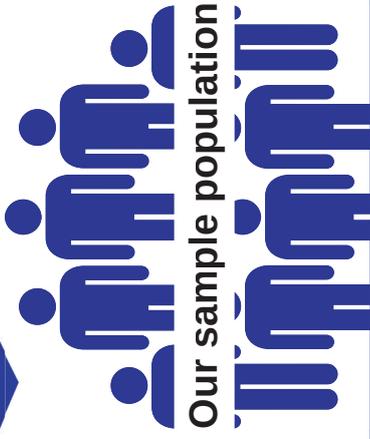
We look at historical court records between 2008 and 2013 (due to data availability)

Focusing on first time drink-driving offenders, using alcohol readings as an objective measure of offence severity



Note:
3 De-identified microdata from multiple government agencies provides a powerful platform for longitudinal and cross-sectional analysis.

Our study



Our sample population

Māori

2,250

NZ European

10,599

- First time drink-driving offenders aged 20 to 69 years old
- Pledged guilty and charged for a single offence: excess breath or blood alcohol levels
- Offence must have occurred between 2008 and 2013

Legal background

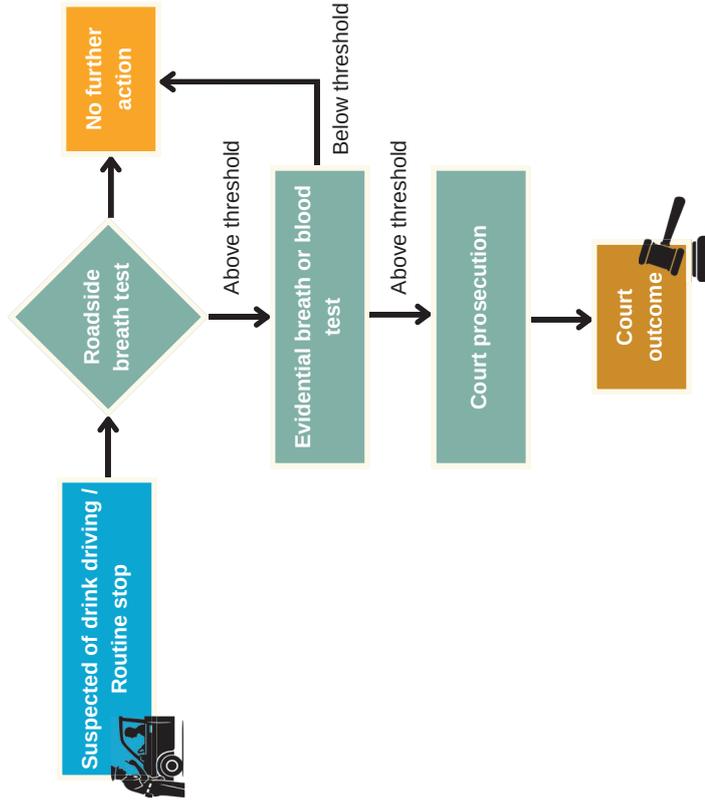
New Zealand's Land Transport Act 1998 sets clear alcohol limits and a graduated set of penalties

- Before 2014, for drivers aged 20 years and over, offending began at 400 micrograms (mcg) of alcohol per litre of breath, or 80 milligrams (mg) per 100 ml of blood.
- From 2014, lower thresholds (250 mcg/ 50 mg) have enabled police to issue infringement notices instead of prosecuting.



Legal background

Roadmap: From offending to sentencing

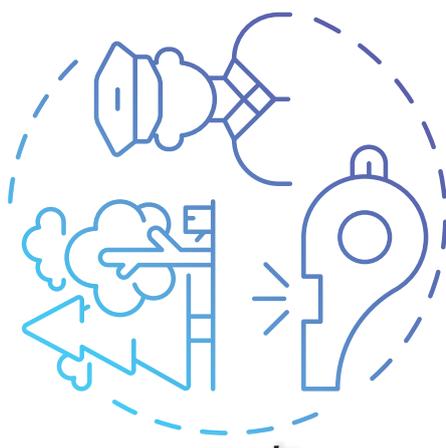


Legal background



Most common court outcome:
A fine (often in relation to the alcohol level)

Some receive a community-based sentence (e.g., community service or supervision)

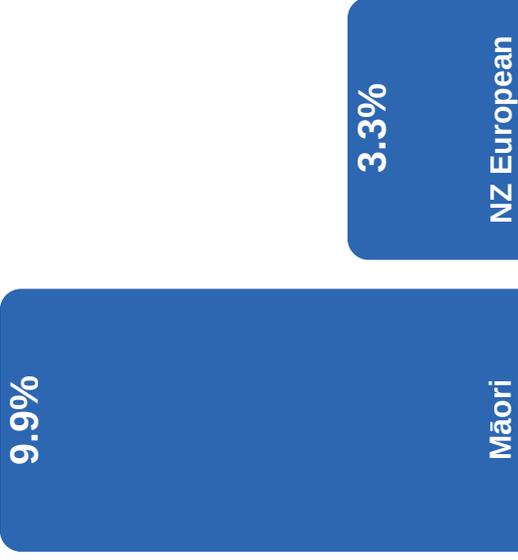


! By law, community-based sentences are regarded as more serious and restrictive than a fine.

Key findings

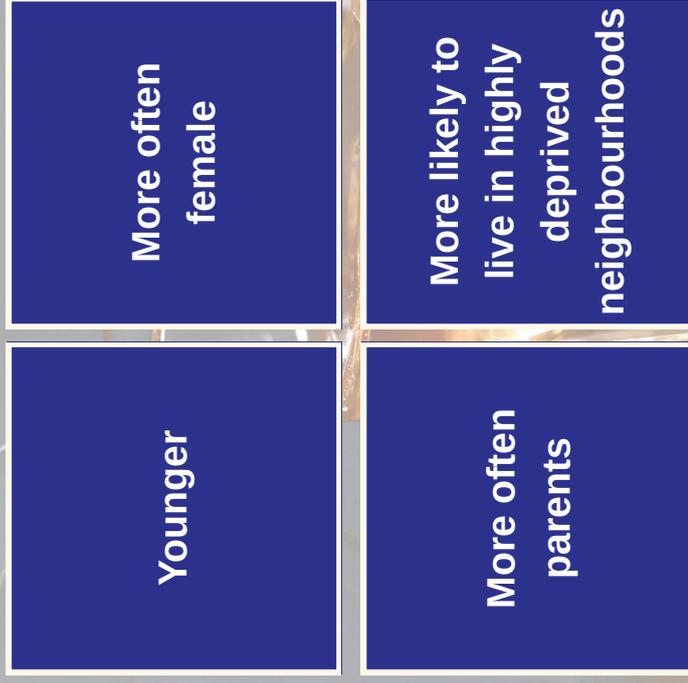
Māori offenders are three times more likely than NZ European offenders to receive a community-based sentence

Despite having similar alcohol levels at the time of offending, 9.9% of Māori offenders received a community-based sentence compared with 3.3% of NZ Europeans.



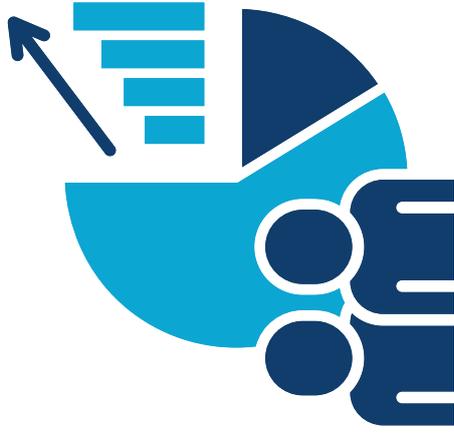
Key findings

On average, Māori offenders are



Key findings

Our analysis accounted for offence characteristics and a range of demographic and socioeconomic factors.



Even after these adjustments, Māori are about twice as likely to receive a community-based sentence compared with NZ Europeans. This means they faced this outcome far more often, even in similar cases.

Key findings

Sentencing outcomes compared across district courts show that sentencing practices vary widely by court location, with some courts using community-based sentences far more often than others.

Ethnic differences in sentencing are greatest in courts where community-based sentences are most common. In other words, local sentencing practices can increase nationwide disparities.

Lasting impacts

These findings have implications far beyond the justice system

First convictions often occur at the same stage of life as entry into the workforce, just after formal education ends. This is a critical period, as early employment experiences can shape long-term career paths.

Conviction

Criminal
record



Employment
barrier



- A criminal conviction can make finding work more difficult because employers in New Zealand commonly carry out background checks, within legal limits and with consent.
- The seriousness of a sentence can further increase these barriers, affecting access to jobs and future earnings.
- These challenges are likely to be even greater during economic downturns, when fewer jobs are available and competition among job seekers is more intense.

More resources

 [Read our report](#)



 [Read a summary in our Conversation piece](#)



More resources

 [Find alcohol and drug limit information](#)



 [Free legal advice](#)



We thank the Michael and Suzanne Borrin Foundation for their financial support.



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