

SAME OFFENCE. DIFFERENT OUTCOME?

Do sentencing outcomes differ by ethnicity when offence severity is held constant?

Testing judicial fairness when the facts are the same



Alcohol readings provide an objective measure of offence severity.

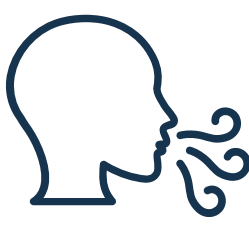


We analyse over 10,000 first-time drink-driving convictions (2005 and 2019).

The result?

Even among closely matched offenders, Māori were around 1.7-1.8 times more likely to receive a more serious sentence.

What is drink-driving?



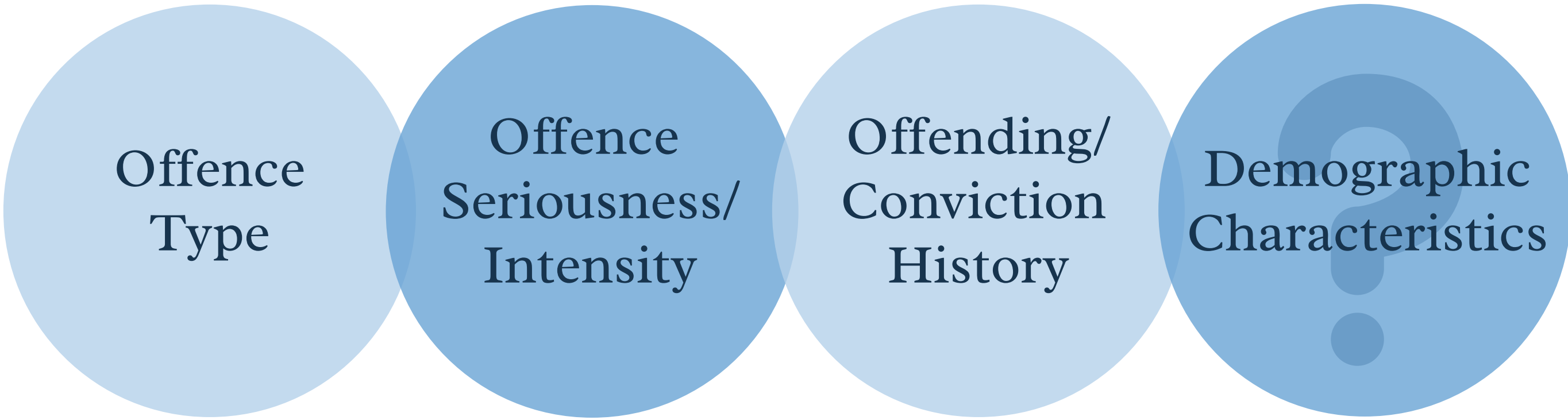
400 micrograms (mcg) of alcohol per litre of breath



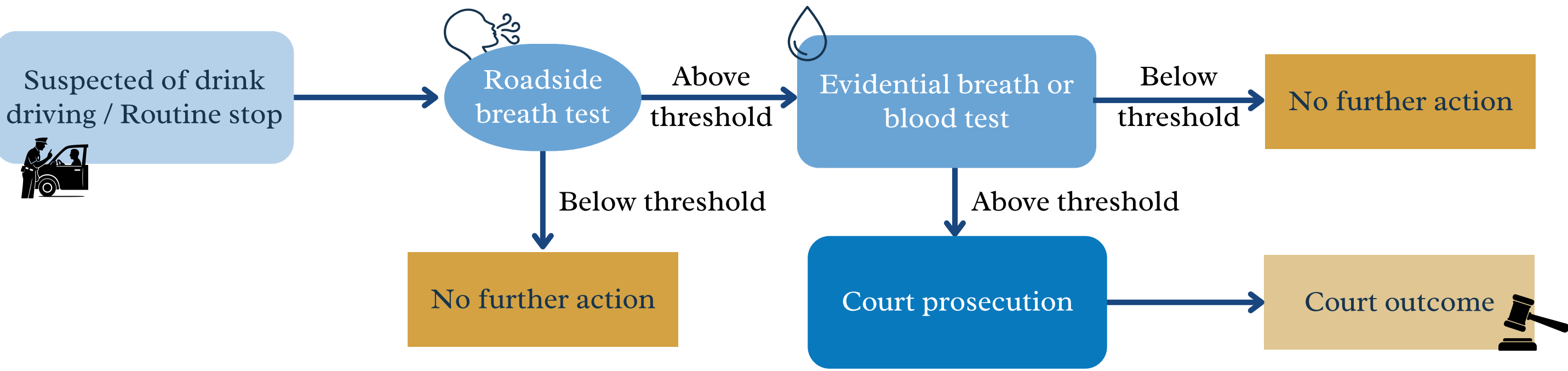
80 milligrams (mg) per 100 ml of blood

New Zealand's Land Transport Act 1998

What drives sentencing?

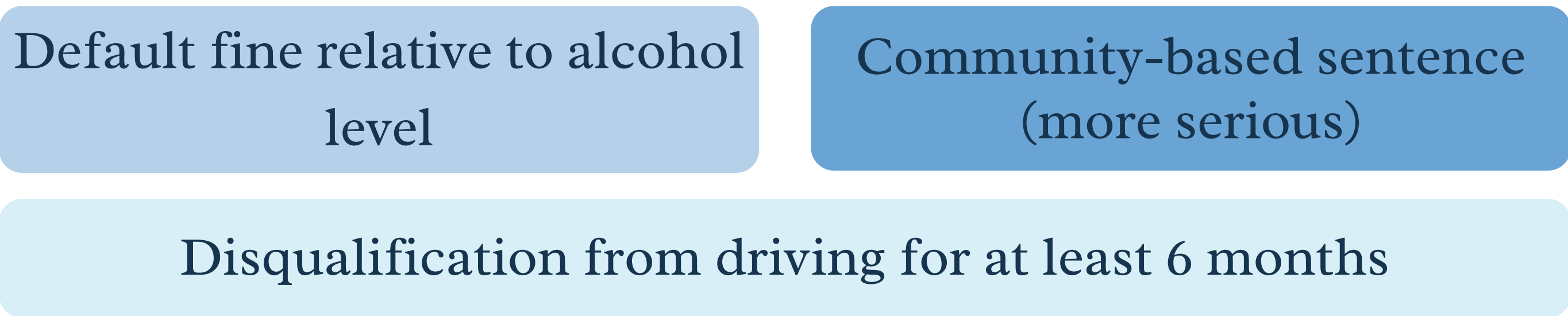


From offending to sentencing



Penalties

First-time drink-driving offences



Data

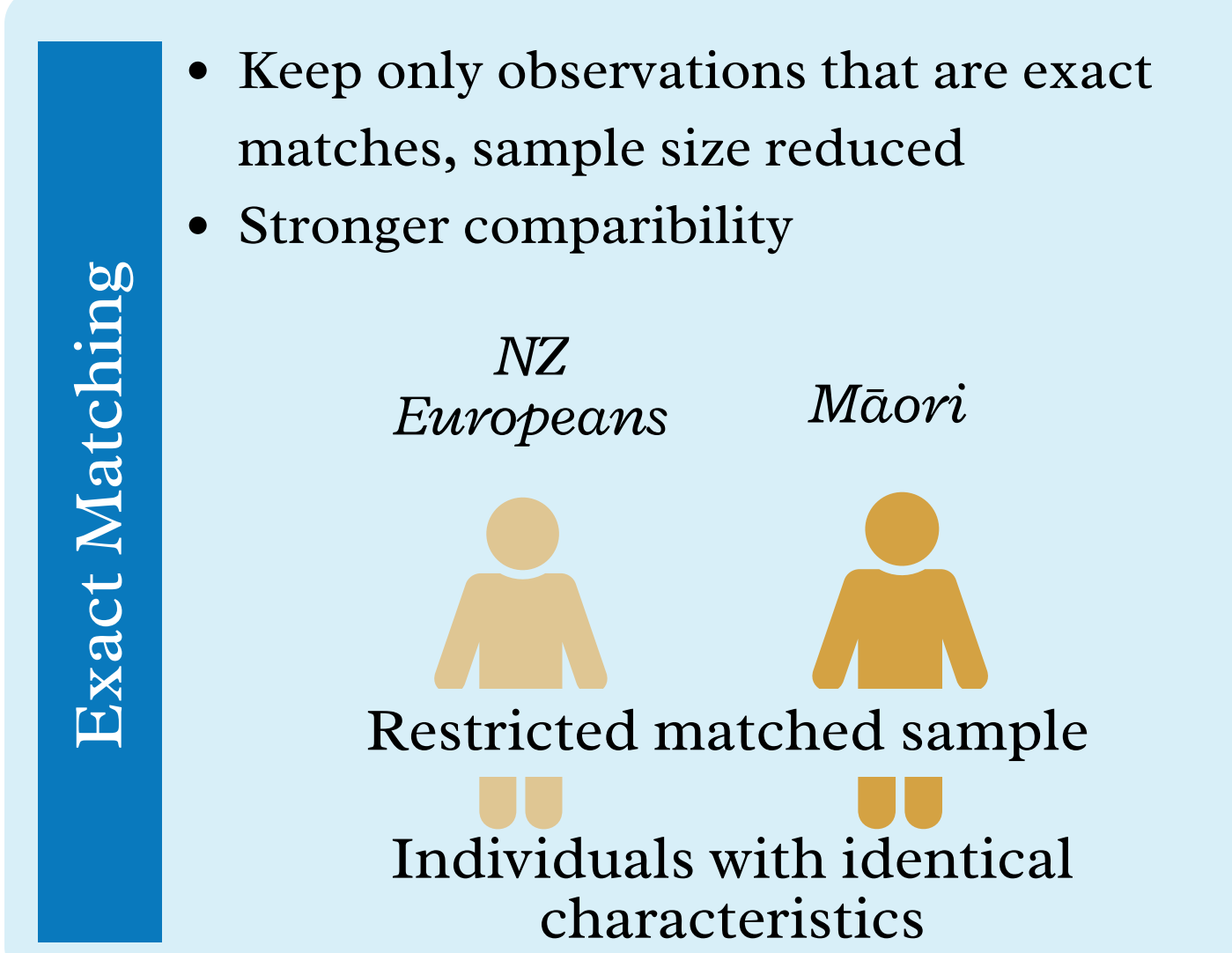
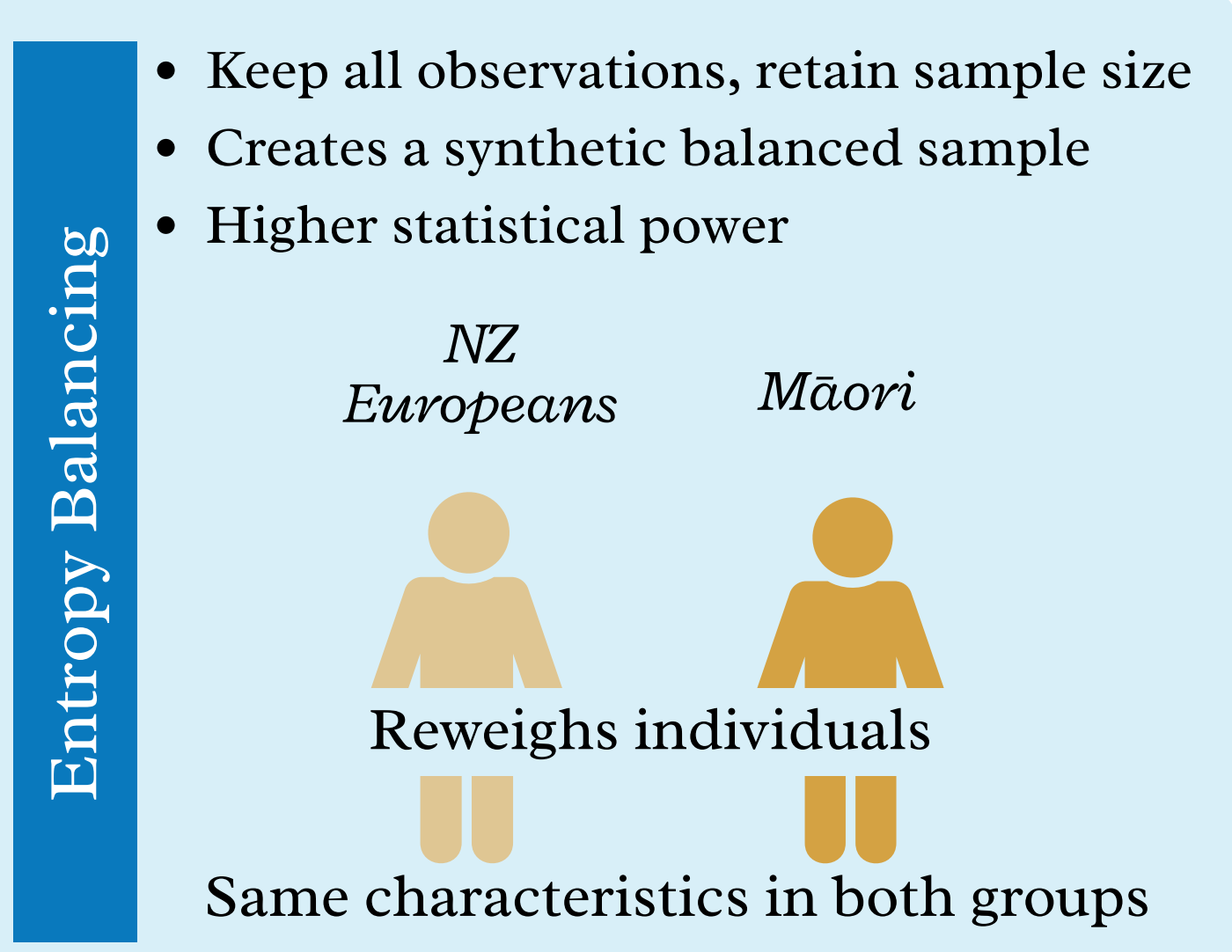
We use linked and anonymised administrative dataset known as the Integrated Data Infrastructure (IDI) of Statistics New Zealand

Offence Characteristics	
Alcohol level data from 2005 to 2019	Indexed alcohol level 1 < Measured alcohol level < 2 Legal limit
Offence codes	Excess breath / blood alcohol
Offence history	- First-time drink-driving offence - No prior court appearances - No additional charges
Plea type	Guilty plea (> 99%)
Court outcome	Convicted (> 99%)

Individual Characteristics (at offence month)	
Stats NZ	- Age - Gender - Ethnic group
Inland Revenue	Wages & salaries
Ministry of Social Development	Benefits / income support

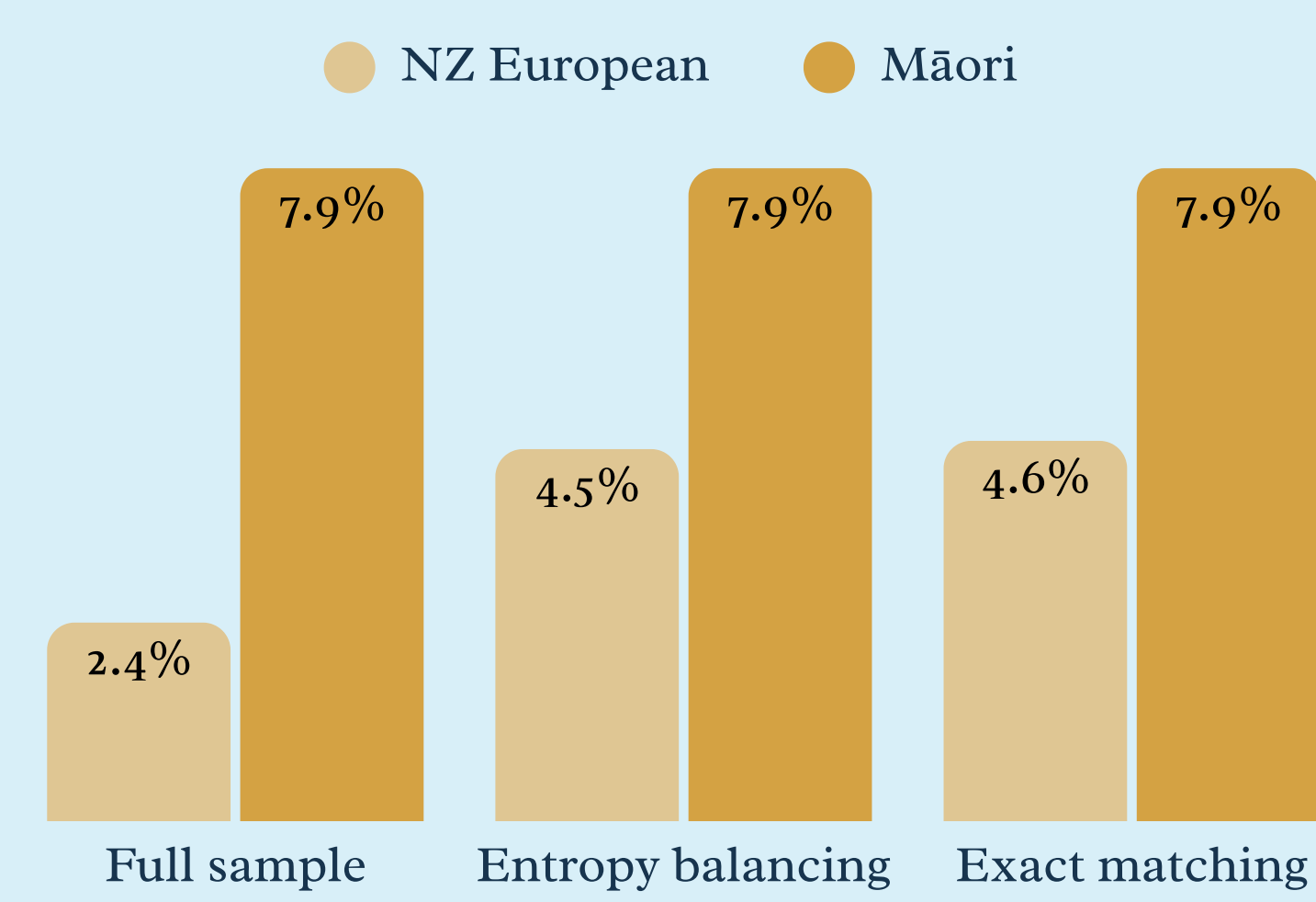
Method

To isolate differences in sentencing outcomes, we compare Māori and NZ European offenders with similar offence severity and background characteristics using two complementary methods



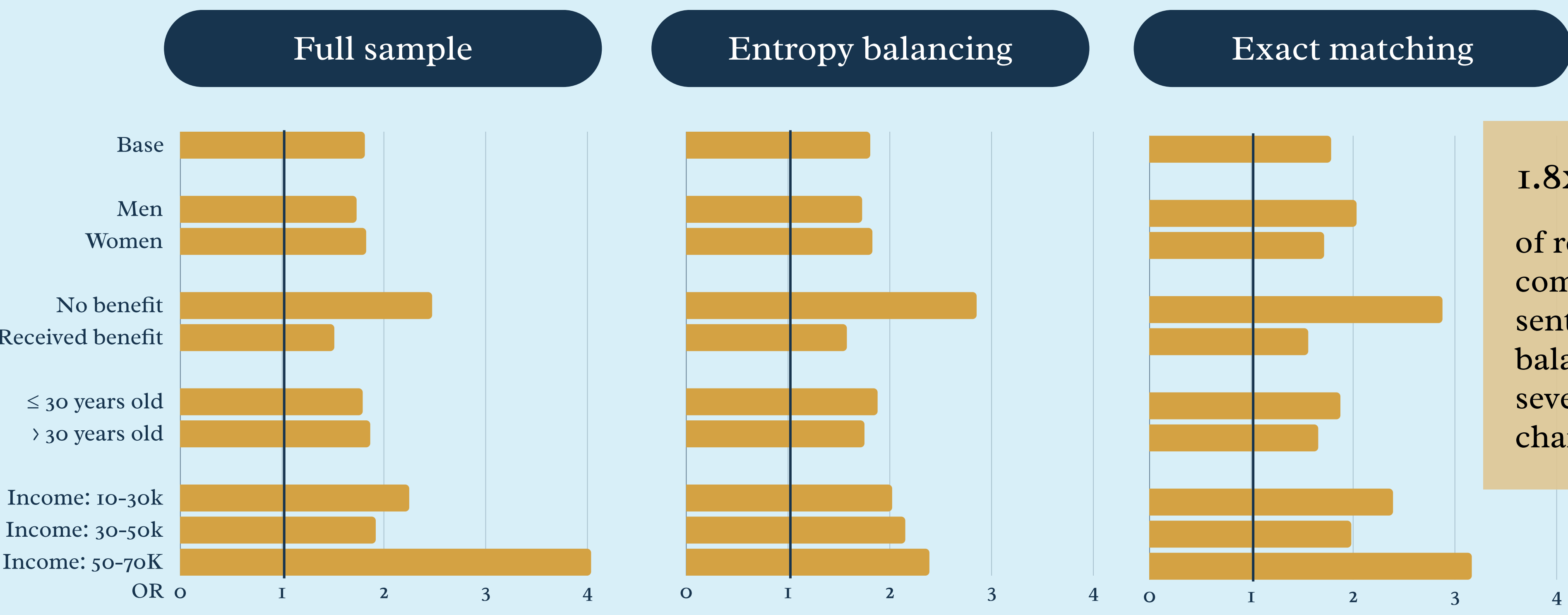
Results

Proportion that received a more serious sentence



The sentencing gap remains

Relative odds of receiving a community-based sentence (Māori vs NZ European offenders)



All estimated odds ratios (OR) are statistically significant at the 1% level ($p < 0.01$).
OR = 1 indicates no difference between Māori and NZ European offenders. OR > 1 indicates Māori offenders are more likely to receive community-based sentence.

1.8x higher odds of receiving a community-based sentence after balancing for offence severity and observed characteristics

Even when the facts are comparable, sentencing outcomes are not.