

Justice inconsistent across New Zealand

December 10 2014



Wayne Goodall, who will graduate with a PhD in Criminology tomorrow (Thursday), found that offenders committing similar crimes received different sentences depending on the location of the sentencing. Provincial circuits in general were found to be harsher than the metropolitan areas, with a higher likelihood of incarceration and longer sentences.

"This means that justice is what the local judges believe it is," says Wayne. "I don't see this as a fault of the judges, but a weakness of the law that needs to be addressed."

The largest inconsistencies were found for aggravated drink driving and burglary [sentences](#).

In general, drink driver [offenders](#) in provincial New Zealand were six times more likely to be incarcerated than offenders in [metropolitan areas](#). Despite this, there were no significant differences between the genders or by ethnicity. The likelihood of incarceration for men and women was almost identical.

There were significant differences in sentencing according to gender and ethnicity for burglary, however. Men, Māori and Pasifika offenders were 20 percent more likely to be incarcerated than women and Europeans for similar offences. Once a decision to incarcerate had been made though, the length of prison sentences was fairly consistent.

"In the current system, judges are given wide discretion to decide what sentences people get," says Wayne. "Although they get some guidance from the law, it's very general and leaves each [judge](#) to determine his or her personal sentencing approach for offences such as drink driving. The system allows judges' personal values, preferences and biases to come into play."

New Zealand places a high value on judges sentencing each individual uniquely and on their merits, says Wayne. "Although this is critically important, it is not a justification for widespread inconsistency in the sentencing of high volumes of very similar cases. Much greater consistency could be achieved by implementing offence-based sentencing guidelines like those envisaged in the Sentencing Council Act passed in 2007.

"If the current levels of inconsistency are not addressed, we will continue to see widespread injustice in this country."

Provided by Victoria University

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