



Peter Meecham, *The Press*, Christchurch.

CONFRONTING THE PUBLIC FACE OF PROBLEM DRINKING

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Judge McMeeken (Christchurch Family Court and Youth Court Judge).

KEY FACT AT A GLANCE

In 2007/08 at least 31 per cent of all recorded crime involved an offender who had consumed alcohol prior to committing the offence.

ALCOHOL, CRIME & ANTISOCIAL BEHAVIOUR

CHAPTER 5

INTRODUCTION

Alcohol abuse contributes to a significant amount of crime and antisocial behaviour in this country. Police data shows that in 2007/08 at least 31 per cent of *all* recorded crime involved an offender who had consumed alcohol prior to committing the offence.¹ District Court judges estimate a significant proportion of defendants coming before the criminal courts have alcohol or other drug abuse

or dependency issues: alcohol is the drug of choice in three quarters of these cases.² These figures are mirrored in the Department of Corrections' estimates of the number of inmates who have had drug and alcohol problems in their lives.³ Each year thousands of New Zealanders are also harmed by other people's drinking and many more are intimidated or made to feel unsafe in their environment.

This chapter discusses each of these aspects of alcohol-related harm.

Over the past seven months the Law Commission accompanied police and liquor licensing inspectors on late night and early morning shifts in 17 different towns and cities around the country. The case studies which appear in this chapter are the Law Commission's accounts.

CASE STUDY

DOWNTOWN AUCKLAND

Nothing good happens after 3 am. That's the verdict of Auckland's Senior Sergeant Ben Offner, and one shared by dozens of long serving police officers around the country grappling with our burgeoning night-time economy. Offner's base in downtown Auckland stares down the throat of Fort Street, a narrow alley with pretensions as an upmarket night club zone. From 1 or 2 am most Saturday and Sunday mornings a sea of people in various states of intoxication funnel down Queen Street into this "hot zone."

Like an amoeba, the scene mutates minute by minute: at 2.35 am Offner is attempting to ascertain whether the

distressed young woman propped up in a doorway has been assaulted or is just grossly intoxicated; two minutes later a man behind him is dropped to the pavement, his beer glass shattering. Bouncers descend on the group and the victim's friends surge towards Offner clamouring to give their version of events. The testosterone levels are palpable as people spill out into the alleyway jostling for ringside position. A wrong look, a real or imagined insult, it takes very little to earn an unprovoked punch at this hour in the morning in Auckland's CBD.

Offner's beat cops, many of them British recruits who have policed cities

like London and Birmingham, offer unflattering comparisons when asked to describe their experiences policing Auckland city's CBD in the early hours:

"I have been lucky enough to visit cities all over the world and no other city I have been to is as violent as High Street and Fort Street at 4 am over the weekend. The aggression and abuse from intoxicated people has to be seen to be believed. Girls are sitting in the gutter smashed out of their brains with their underwear on show and their friends nowhere to be seen. Nobody looks after each other and the police are left to pick up the pieces."

Mute evidence to back this ugly assessment is captured each night on a bank of TV screens streaming continuous footage from dozens of strategically positioned CCTV cameras around the city. If 24-hour licensing is supposed to be an essential ingredient in making Auckland a competitive 'world class' city, you have to wonder what competition it is hoping to win.

At 2.35 am Offner is attempting to ascertain whether the distressed young woman propped up in a doorway has been assaulted or is just grossly intoxicated.



Before the mayors and tourist bodies leap to the defence of their cities, this chapter is not about moderate, sociable drinking: it is not about the vibrant and diverse bar and restaurant sector which has sprung up in towns and cities all over the country, contributing employment and significant rates revenue to local bodies.

It is about the contribution alcohol is making to crime, antisocial behaviour and victimisation in our country.

It is about the fact that on 21,263 separate occasions in the year 2007/08,⁴ our police officers became nursemaids and taxi drivers, picking up from the streets and taking to safety people who were so intoxicated they were judged to be a risk to themselves or others.

When asked which drug caused the most problems for Police, Police Commissioner Howard Broad's response was alcohol –

by some margin.⁵ The Commissioner's statement is backed by a significant new report, the Police's *National Alcohol Assessment*, which draws on 15 Police data sets to identify trends in alcohol-related offending throughout the country. That report shows that of all recorded offences in the year 2007/08 at least 31 per cent involved an offender who had consumed alcohol prior to committing the offence.⁶

The harmful use of alcohol and drugs was estimated recently to have cost the combined Justice sector, that is, police, courts, prison and probation service, \$716.5 million in the year 2005/06.⁷ According to the same report alcohol-related offending consumed \$172.2 million, or 18 per cent of the Police's 2005/06 budget.⁸

In the seven months between November 2008 and June 2009, members of the Law Commission's review team accompanied police and liquor licensing inspectors by foot and in patrol cars on weekend shifts spanning late evening to early morning in the Far North, Auckland, Manukau, Tauranga, Rotorua, New Plymouth, Gisborne, Napier, Palmerston North, Wanganui, Porirua, Upper Hutt, Lower Hutt, Wellington, Nelson, Christchurch and Dunedin. The objective was to gain first-hand knowledge of the issues confronting businesses, liquor licensing inspectors, territorial authorities, public health units and the police in relation to our current liquor laws.

In the course of this field work the Law Commission has been exposed to a small sample of offending, deliberately skewed towards the times and locations where alcohol-related offending peaks, between 9 pm Friday evening and 3 am Saturday morning, and between 6 pm Saturday evening and 3 am Sunday morning.⁹

Not surprisingly the very significant differences that now exist between north and south, provincial and urban and high and low socio-economic status areas in this country were reflected in what the Law Commission saw and heard. But the problems associated with alcohol, while clearly exacerbated by poverty and criminality, transcend socio-economic and geographic boundaries.

- In Whangarei, a sergeant called to assist his colleagues contain a street fight received a serious head injury and was knocked unconscious as partygoers turned on police, hurling

rocks from the safety of a house. The Law Commission was told violence and abuse directed at police by drunken youths were regarded as a weekend norm. And while this particular assault which led to the officer being hospitalised and off work was still deemed newsworthy, the goading and verbal abuse to which police are subjected by intoxicated people were routine throughout the country.

- In Wellington's Jervois Quay, police picked up a man with a severely lacerated face who told them he had been involved in a fight with four others after leaving a Courtenay Place bar. He appeared not to know who his attackers were or why they had assaulted him. Police took the man to hospital but like many such victims his own level of inebriation discounted him as a witness.
- In Palmerston North, police broke up a fight between a group of girls brawling in the main street after someone exiting a bar threw an insult: the most abusive girl was taken back to the cells, but it is impossible to distinguish victim from perpetrator in these types of situations where all parties are intoxicated. Similar scenes, many of them involving young women, are played out all over the country each Friday and Saturday night. The lack of reliable witnesses and conflicting evidence is a common problem with alcohol-related interpersonal violence.
- In Porirua, children as young as 12 were found unsupervised milling around the local mall waiting for some 'action' between the local street gangs. Police enforcing liquor bans encountered 15 and 16 year-old girls drinking from wine bladders cut out of wine casks in an effort to evade detection. Wine bladders featured in a number of locations as a means of disguising liquor.

CASE STUDY CHRISTCHURCH CENTRAL

Fast forward a few months to another island, another New Zealand and the scene is different, but the same.

Christchurch's Oxford Terrace, a strip of relatively upmarket bars by day: too often a tourist no-go-zone by midnight. It's just after 2 am and Sergeant Al Lawn is dressing down the duty manager of a popular bar who doesn't look old enough to manage a paper-run let alone a pumping student bar. Lawn wants to know how a grossly intoxicated young man who moments earlier staggered from the bar and deposited his last few drinks at our feet in a torrent of vomit – cheered on by his university mates – had been allowed entry in the first place.

A few blocks east the mood is turning ugly as intoxicated patrons, many of whom appear to have tanked up on liquor before hitting town, are turned away by bouncers with a keen nose for trouble. Instead 'trouble' stays on the streets and migrates to the next bar where they try their chances again. As Lawn explains, this tribal behaviour of intoxicated young men from different social networks drifting from venue to venue adds to the volatility of the city streets in the early hours of the morning.

Before dawn breaks some will end up in the police cells and some will end up over-loading the city's stretched emergency department. By Monday others will have bumped elective surgery patients from the South Island's specialist Oral and Maxillofacial Surgery services after having their jaws broken and eye sockets shattered in fights and car accidents.¹⁰

Some will be innocent victims of other's drunken aggression: others will have been both aggressor and victim within the same night.

- A Porirua community constable told the Law Commission he regularly takes youths involved in minor offending or who are intoxicated home, only to find the parents anxious to “abdicate responsibility”. In some instances he has been given the business card of the youth’s social worker. Frontline police around the country reported it is not uncommon to be unable to locate a responsible adult to take custody of an intoxicated minor.

COMMON THEMES

A number of common threads emerged from these police escorted visits.

‘PRE-LOADING’

Bars are not legally permitted to serve customers who are intoxicated,¹¹ nor can they allow a person to become intoxicated¹² or behave in a drunk or disorderly manner.¹³ Indeed, it is an offence for a licensee or manager even to allow an intoxicated person to be on a licensed premise.¹⁴ Yet despite these laws, drunkenness and associated antisocial behaviour were commonplace in many of the entertainment precincts visited.

There is some evidence to suggest that the price differential between alcohol purchased from on-licences and off-licences discussed in chapter 2 is contributing to this problem as people begin drinking in private venues before going into inner city entertainment areas. A recent survey of 1,061 bar and restaurant goers in Albany and Takapuna on Auckland’s North Shore commissioned by ALAC found over 60 per cent of respondents said they had drunk before going out. Of these just over half had consumed three or fewer drinks but 12.5 per cent said they had had 10 or more drinks before going out.¹⁵ Young men aged 18 to 20 years had the highest rate of drinking before heading out (71 per cent).¹⁶

These findings were mirrored in an informal survey carried out by police of

People begin drinking in private venues before going into inner city entertainment areas.



330 patrons queuing for admission to two high profile bars in the Auckland CBD.¹⁷ This survey was conducted on a Wednesday evening in May 2009 when the central city bars were targeting student drinkers. The survey found 65 per cent of those arriving at the two inner city venues on a Wednesday night reported drinking prior to their arrival, and of these the average number of drinks consumed was six.¹⁸ A quarter reported drinking 10 or more standard drinks before their arrival at the bars.¹⁹ Sixty-four per cent had purchased their alcohol from an off-licence – the majority shortly before they began drinking.²⁰ Just under 40 per cent of those surveyed showed signs of being moderately or extremely intoxicated on the Police’s behavioural guide.²¹

This phenomenon, described as ‘pre-loading’ or ‘front-loading’, may well be contributing to the amount of low level violence and disorder observed in many of our centres. Recent research examining the incidence of alcohol-related harm among young people attending city nightlife venues in North-west England found significantly worse outcomes for those who pre-loaded compared to those who did not.²² The researchers found that young people who drink before going out were four times more likely to drink 20 or more standard drinks on a usual night out,

and twice as likely to be involved in a fight in the city or to be sexually assaulted, than those who did not drink beforehand.

A person who is intoxicated is not legally allowed to be served by a bar. But those who are rightly turned away by security staff may become aggressive or attempt to gain entry at other bars. It was also clear that under-age drinkers, many of whom had alcohol in cars or on their person, frequently congregated around the urban bar areas.

The Law Commission was told that many student bars in Dunedin struggled during Orientation Week in 2009 as the widespread availability of cheap alcohol from supermarkets and other retailers meant many people now went to bars to dance, not necessarily to drink. They spoke of a new culture whereby students went into town with the aim of spending no money.

LIQUOR BANS

It was also evident that police are expending a large amount of time and resource attempting to enforce local body liquor bans which are increasingly being used as a crime prevention and management tool by city and district councils and police.

A review of liquor bans undertaken for this Issues Paper found a 29 per cent increase in the number of territorial

A passenger empties an open can of beer under instruction from a constable.



Source: Dean Kozanic, *The Press*, Christchurch.

authorities imposing liquor bans since 2005. As at 17 April 2009, all of the 16 city councils and 52 of the 57 district councils had at least one liquor ban in place.

Logically, the increased use of liquor bans has translated into increased apprehensions for liquor ban offences, up from 5,050 in 2003/04 to 9,359 in 2007/08.²³ Each of these incidents consumes considerable amounts of police time and diverts resources away from other crime.

As with all crime, breaches of liquor bans have a major flow-on effect on the courts and the Collections Unit of the Ministry of Justice. Data from the Ministry of Justice shows that of the apprehensions in 2007/08 for breach of liquor ban, 83 per cent (7,762 cases) proceeded to court.²⁴

POLICE 'IN LOCO-PARENTIS'

An especially striking aspect of street policing in these central city entertainment areas was the extent to which police were being placed in loco-parentis (in the position of a parent) for people at risk of becoming victims of crime.

While licensees and bar managers can be fined for serving liquor to an intoxicated person,²⁵ under current law it is not an

offence for an individual to be drunk or intoxicated in a public place.²⁶ However under section 36 of the Policing Act 2008, Police have the power to intervene when someone is found in a public place intoxicated to the point where they are a risk either to themselves or others.

In the absence of community detoxification facilities, Police's options are limited to either taking the drunk person home (if the intoxicated person is able to give an address), or placing them in police custody. Neither event is recorded as an offence since individuals are not arrested but detained until sober enough to be released.

FACTS AT A GLANCE

On 21,263 separate occasions in the year 2007/08,⁴ our police officers became nursemaids and taxi drivers, picking up from the streets and taking to safety people who were so intoxicated they were judged to be a risk to themselves or others.

Bars are not legally permitted to serve customers who are intoxicated,¹¹ nor can they allow a person to become intoxicated¹² or behave in a drunk or disorderly manner.¹³

POLICE ARGUE THAT NOT INTERVENING CREATES A SIGNIFICANT RISK BOTH TO THE INTOXICATED PERSON AND TO THOSE AROUND THEM.

In 2007/08 Police recorded 21,263 occasions when they either placed a person in custody or drove them home.²⁷ Almost 50 per cent of these incidents (10,417 occurrences) were logged by six locations.²⁸ The largest number of incidents was recorded in Christchurch, where 2,671 occurrences were recorded.

An Auckland police officer summarised the problem for the Law Commission in these terms:²⁹

Young people, who are too young to get into the bars and clubs, come into town drunk and unsupervised. They seem to leave their houses late at night to wander the streets and their parents and caregivers seem unconcerned about the level of danger they are putting themselves in. Just recently I had to take two

14 year-olds home at about 4.30 am. They were in town alone and intoxicated. When we called their parents to tell them we had found them in the city in the middle of the night, they wouldn't make the effort to drive into town to pick them up. So, to ensure they made it home safely, we had to take them. This leaves the city with less officers to deal with other issues while we act as parents to children who shouldn't be in town alone in the first place.

This crime prevention activity involves the diversion of significant police resources and also exposes police to significant risk. Police cells are not intended as detoxification or sobering up facilities and Police have no professional expertise in assessing the level of intoxication that

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poses a medical risk to an individual. On the other hand, Police argue that not intervening creates a significant risk both to the intoxicated person and to those around them. Depending on their level of intoxication a person may be at risk of road injury or a violent or sexual assault – or they may inflict injury on others.

While only a portion of the young people taken to safety are under 18 years of age, Police Commissioner Howard Broad believes these statistics raise important questions about where parental responsibility begins and ends, and asks whether police officers are being forced to deal with something of which parents have absolved themselves.³⁰

THE NIGHT-TIME ECONOMY

Many frontline officers spoken to by the Law Commission expressed a view that since the 1989 Act removed standardised trading hours, opening the way for 24-hour trading, the levels of alcohol-related offending had increased. The observations of one police officer who the Law Commission had

accompanied on night patrols in Dunedin earlier this year epitomised this view:³¹

“...when I walked out of the station at 05.30hrs Great King Street was still awash with drunks...band music from Bath Street still pumping out and the town still fully humming...it makes me sick actually and I couldn't help but think that these people would not be there at that hour, in that state, if bars shut at a reasonable hour.”

An analysis of the trading hours stipulated in liquor licences issued by the Liquor Licensing Authority shows that of the 14,183 licences in force, 1,002 currently permit the sale of liquor “at any time on any day”, and a further 2,466 permit the sale of liquor beyond 2 am.³²

A comprehensive Police study of the impact of 24-hour licensing on criminal offending and victimisation in Auckland city concluded that there was a strong correlation between extended trading and violence and disorder offences.³³ An analysis of Auckland central city Alco-Link (discussed shortly) data in 2007 showed just under half (49.8 per cent) of arrests for violence-related offences

FACTS AT A GLANCE

Researchers found that young people who drink before going out were four times more likely to drink 20 or more standard drinks on a usual night out, and twice as likely to be involved in a fight in the city or to be sexually assaulted, than those who did not drink beforehand.

Under current law it is not an offence for an individual to be drunk or intoxicated in a public place.²⁶ However under section 36 of the Policing Act 2008, Police have the power to intervene when someone is found in a public place intoxicated to the point where they are a risk either to themselves or others.

involved an offender affected by alcohol as did 78 per cent of arrests for disorder offences.³⁴ In an introduction to the report the authors noted:³⁵

Whilst a majority of licensed premises in Auckland appear to be reasonably run and managed, Police believe that the 24-hour availability of alcohol policy adopted by Auckland City Council through its District Plan encourages licensees to seek commercial opportunities through operating for longer hours and attracting a late night clientele. To do this, they adopt competitive management practices which attract violent offending and victimisation to their geographic location as the violence that occurs is mainly occurring in public places and not in licensed areas.

The challenge of policing the night-time economy is not unique to New Zealand. Police and local authorities in many countries, including Australia and the United Kingdom are struggling to resource and respond to a similar phenomenon. A recent study of the night-time economy in England and Wales identified two

major concerns regarding alcohol consumption, namely “the exacerbation of long-standing traditions of heavy sessional drinking and... an increasingly favourable attitude towards drunkenness amongst British youth”.³⁶

The researchers, quoting other studies, go on to suggest that these shifts have been “facilitated by the statutory deregulation of licensing laws and entrepreneurial agendas of local economic regeneration”.³⁷ They write:³⁸

Young adults aged 16-35 years represent core consumers of commercial urban leisure and it is towards them that the contemporary branding and marketing practices of the drinks and leisure industries have been most obviously directed... The potential for violence, disorder and low-level antisocial behaviour amongst young people has been an important conduit of this process of expansion in the night time economy.

There can be no doubt that a significant driver of Police concern relates to the fact that frontline police and emergency services have been left to shoulder the social consequences of alcohol-related harm generated by the expansion of the night-time economy.

However, given the social changes explored in the preceding chapter, it is clearly wrong to lay the blame for all antisocial behaviour at liquor’s door. While some of the behaviours exhibited in public places today may be more extreme, and the attitudes towards police less respectful, drunkenness and violence are certainly not new features of our society. Young people going back many generations have pushed the boundaries around alcohol and risk taking – just as successive generations of parents have got in a moral panic about what their offspring do after dark. So is this problem really new?

Patrons celebrating a Canterbury Crusaders win queue for admission to a Christchurch bar.



Photo: Peter Meecham, *The Press*, Christchurch.

SAME PROBLEM, DIFFERENT GENERATION?

Police Commissioner Howard Broad readily concedes that no, our problems with alcohol are not new. In some respects he believes the behaviour around alcohol of people in his generation was worse – just much less visible.³⁹

Up until 1981 it was an offence to be drunk in a public place in this country,⁴⁰ a law which provided the police with what the Commissioner indicated was often used to pre-empt further offending. But the relatively low levels of public drunkenness said little about how people drank in private and on licensed premises.⁴¹

In some regards it was hugely hypocritical in that we didn’t tolerate public drunkenness but everyone was drunk everywhere else. And there was tacit approval of this by the corporate world: banks and lawyers and insurance companies had huge parties – the police had them.

While 10 o’clock closing meant city streets were usually quiet by midnight,

social historians have noted it was not uncommon for patrons to retreat to the lounge bar where they would carry on drinking as guests of the house. Nor was it uncommon for patrons to get into their cars and drive home after a night’s drinking, something which was widely tolerated by the community despite being against the law. Internally, Police culture around alcohol mirrored that of New Zealand society and police bars in the 1970s and 1980s were often the focal point of after-hours socialising. Bars for journalists, politicians, rugby clubs and many other work places were no different.

Evidence presented to the Commission of Inquiry Into Police Conduct led by Dame Margaret Bazley in 2004/05 suggests the behaviour and drinking patterns associated with Police bars in that era were often no worse but also no better than those seen in the wider community at that time.⁴² Commissioner Broad says the culture has been transformed, partly as a result of a determined effort by Police leadership and partly under the influence of generations of new young police recruits, many of them women, who have different attitudes and lifestyles.⁴³

CASE STUDY

TAKANINI, SOUTH AUCKLAND

Dusk and only minutes into the evening shift the first aggravated robbery is called in: a liquor store in Challen Close, Takanini, Auckland. The Police dog team pursues the armed offender who has decamped down the railway track.

Word has spread and the security guards at the neighbouring Manuroa liquor stores are vigilant. The feeble street lighting adds to the sense of ill ease as police flood the area. Four liquor stores within the space of 250 metres. Most have iron bars across their windows and graffiti-tagged steel roller doors: one was the target of an armed robbery the week before and remains shuttered up – a window of opportunity for competitors to increase their turnover until the owners get back on their feet.

Residents emerge from their houses as the dog handlers move through their back yards in pursuit of the offender. But business continues as usual at the liquor stores: customers come and go by foot and by car, many walking away with what Manukau Sergeant Gavin Campbell describes as the classic South Auckland buy: two cans of Woodstock (bourbon and cola) for \$5.

“It runs at eight per cent per volume so that guy just bought two cans at \$4.90, that’s a fairly good whack. Typically, the purchaser will consume that drink at a bus stop or in a park within a few hundred metres of the shop and before the night’s over there will be an altercation of some sort.”

“As soon as we began to focus on crime prevention it became abundantly clear that alcohol was a major driver of offending...”
Police Commissioner Howard Broad



Photo credit: Photo courtesy of New Zealand Police.

ALCOHOL AND CRIME

Police Commissioner Howard Broad says that to understand why reducing alcohol abuse in New Zealand has become such a strong focus for Police, we need to go back two decades to the beginning of strategic planning within the New Zealand Police. It was then that Police developed their first crime prevention strategy:⁴⁴

Before 1992 Police did not take ownership of crime prevention. But as soon as we began to focus on crime prevention it became abundantly clear that alcohol was a major driver of offending and in particular of violent offending, both within families and in our communities.

Alcohol had been recognised as an ‘aggravator’ of a range of social problems as far back as the late 1980s but once Police began measuring and recording alcohol’s involvement in offending its significance came into stark relief. While acknowledging that alcohol is one of many factors contributing to crime in this country, Commissioner Broad argues that alcohol is often a

common ingredient running right through the chain of offending:⁴⁵

We know alcohol plays a part in making a family unit dysfunctional and we know that a dysfunctional family produces kids who are more likely to grow up and commit crime....and we know that alcohol is a cause of family violence and sexual violence. And those two things alone are by far and away the greatest cost because of the impact on both the victim and offender over the course of a lifetime.

The Police Commissioner’s view of alcohol’s contribution to offending is strongly supported by some of our District Court judges who in a preliminary submission to the Law Commission estimated that “at least 80 per cent of defendants coming before the criminal courts have alcohol or other drug dependency or abuse issues connected with their offending.”⁴⁶ Of those cases, the judges estimated 80 per cent involved alcohol.⁴⁷ Based on an analysis of people appearing in the District and Youth Courts around the country in one week (commencing 4 May 2009), the judges estimated that approximately 3,800 people presented with alcohol-related offending.

In the judges’ submission, Judge McMeeken (Christchurch Family Court and Youth Court Judge) states that “the cost in financial, criminal and social terms of alcohol abuse and dependency amongst the young is absolutely astronomical”:⁴⁸

I often comment when I am sitting in Youth Court that if I only had to deal with young offenders who offended whilst sober, I would have very, very little work to do. That is a chilling statement to make when most of the young people I see are 14 and 15 years of age.

In an average Youth Court List in Christchurch of approximately 30-35 young people, at least 70 per cent of them are drunk when they offend. That proportion is much higher in respect of young people who

commit serious acts of violence. When reviewing the files of these young people I find that most of them are not at school and that in many, many cases they have been excluded from school because of factors that directly relate to their abuse of alcohol. They either truant because they are hung-over, they steal from pupils and teachers because they need money, they are irritable and aggressive because they are hung-over or withdrawing and they are uninterested or unable to learn because they have inadequate sleep and nutrition as a result of their drinking.

The Police's *National Alcohol Assessment*⁴⁹ published in April 2009 provides strong corroboration of both the Commissioner's and the District Court judges' estimation of alcohol's involvement in offending and victimisation in this country.

Among the 15 different Police data sets used to compile this report is a system called Alco-Link, used by arresting officers as they complete custody/charge sheets. In use since 2005/06, Alco-Link provides a powerful tool in measuring the impact of alcohol on criminal offending in this country.⁵⁰

The following summary of alcohol-related crimes provides an overview of the key categories of offending as well as estimates of the level of alcohol-related victimisation. Like all statistics, these crime statistics need to be treated with some caution – crime is recorded where Police resources are expended. For example, the increased emphasis on enforcing drink driving laws may have led to an increase in the number of individuals apprehended for drink driving. It does not necessarily follow from this that more people are offending than previously. Rather, it may simply be that more people are being detected. Similar caveats apply to trend data around family violence statistics, another area of increased Police focus in recent

years. None of this belies the actual level of offending being recorded.

ALCOHOL-RELATED VIOLENCE

The link between alcohol and offending is complex and involves many environmental and individual variables. However, as discussed in chapter 4, New Zealand and international research shows that alcohol is strongly implicated in aggressive and violent behaviour – implying that the levels of violent crime we are experiencing as a society might be reduced if levels of alcohol abuse were reduced.

This association between alcohol and violent crime in this country is illustrated by the fact that in at least one-third (20,447) of the violence offences committed in 2007/08 the offender had consumed alcohol prior to committing the offence.⁵¹ Peak times for recorded violence offences occurred between 9 pm on Friday evening and 3 am Saturday morning, and from 6 pm on Saturday evening to 3 am Sunday morning.⁵²

- In half (49.5 per cent) of the 489 homicides recorded between 1999 and 2008 either a suspect or a victim was under the influence of alcohol at the time of the incident.⁵³
- 241 of these homicides were classified as family violence-related homicides,⁵⁴ and 37 per cent (89) of these involved either a suspect or victim being under the influence of alcohol at the time of the incident.⁵⁵

FACT AT A GLANCE

In 2007/08 over 20,000 violence offences were committed by an offender who had consumed alcohol prior to the offence.

- In 2007/08 there were 19,388 recorded victims of assaults associated with family violence.⁵⁶ In 34 per cent of incidents the alleged offender had consumed alcohol.⁵⁷

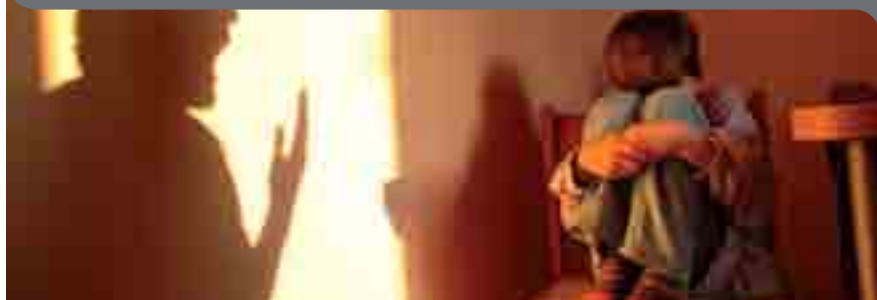
In their submission to the Law Commission, the District Court judges observed that intoxication was commonly a feature in cases coming before the Family Violence Courts. They have cited a recent survey of cases in the North Shore Family Violence List which revealed approximately 90 per cent of cases over a nine-month period involved alcohol.⁵⁸

ALCOHOL AND SEXUAL ASSAULTS

One in five of the 3,652 sexual offences recorded in 2007/08 involved an offender who had consumed alcohol prior to the offence being committed.⁵⁹

In fact, Police believe this figure is conservative given the frequent delay in identifying and apprehending alleged sexual offenders.⁶⁰ As a consequence, in half the cases it is not possible to ascertain whether or not alcohol was involved. Police estimate that approximately one in three offenders are under the influence of alcohol when they sexually offend.⁶¹

A UN report on violence against children identified alcohol abuse as a risk factor and recommended policies that limit access to and reduce demand for alcohol in the community.



VICTIMS

- Intoxication can lead both to offending and becoming a victim – sometimes for the same individual. Analysis of research conducted by Auckland Police suggests that moderate and extreme intoxication is frequently associated with violent offending. In addition, they cite research that intoxication is associated with becoming the victim of an offence.⁶²
- The 2006 National Crime and Safety Survey asked victims of assaults and threats to indicate whether their offender had been “affected at all by alcohol”.⁶³ Of those assaulted in public, 47 per cent said their attacker(s) was under the influence of alcohol. Of those assaulted in private places, 31 per cent said their attacker(s) was affected by alcohol. The survey also identified that a notable proportion of victims of violence in public places were themselves drinking at the time (23 per cent), compared with 10 per cent of victims in private places.⁶⁴
- In a recent report on the costs of harmful alcohol and drug use, the health costs of providing treatment to victims of crime in the year 2005/06 were estimated to be \$97.8 million.⁶⁵ Lost income and pain and suffering were not included in this estimate.
- Information on the harm experienced as a result of other people’s drinking was also collected as part of the *Alcohol Use in New Zealand* survey. This survey found 16.6 per cent of 18 to 24 year-olds had been physically assaulted in the preceding 12 months by somebody who was drinking; 12 per cent had been sexually harassed and 4.8 per cent had been involved in a motor vehicle accident as a result of somebody else’s drinking.⁶⁶
- For all age groups, just under six per cent of respondents aged 12 to 65 reported having been physically assaulted by someone who was drinking and 5.3 per cent had been sexually harassed.

An Environmental Science & Research (ESR) study in New Zealand was undertaken in relation to over 500 drug-related sexual assaults between 2002 and 2008.⁶⁷ The study found that in more than 80 per cent of the cases the victims were affected by alcohol.

CHILD ABUSE AND ASSAULTS AGAINST CHILDREN

Between 1995 and 2004, 51 children under five years of age died in this country as a result of assault. Our rates of child death resulting from assault or maltreatment are among the highest in the developed world. Nearly one child under five years of age is hospitalized every week as a result of assault.

These facts are cited in a recent report commissioned by the Office of the Children’s Commissioner. The report examines the latest international literature on death and injury in children under five.⁶⁸ It finds that there are multiple factors which place children at risk, including maternal age, poverty, ethnicity (often a marker for poverty) and the presence of a non-biological father. Alcohol abuse is often a confounding factor. One Canadian study cited in the report found that alcohol consumption was ‘present’ in the fatality report of 31 per cent of deaths

of children under five years of age in British Columbia.⁶⁹ The report also cited research showing that the:⁷⁰

likelihood of serious child abuse is increased six to eightfold if the child’s mother was engaged in hazardous drinking around the time of conception (OR=6.2) or in the first trimester of pregnancy (OR=8.2). Barraclough and Harris (2002) report that for male perpetrators within the family, substance abuse with or without mental illness was more likely.

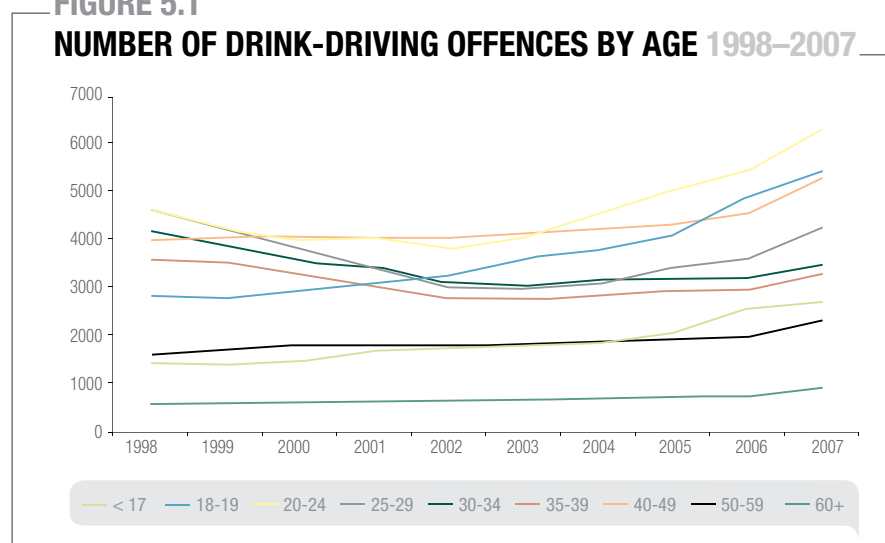
A recent UN report on violence against children also identified alcohol abuse as a risk factor and recommended policies that limit access to and reduce demand for alcohol in the community.⁷¹

ALCOHOL & DRIVING OFFENCES

There have been substantial increases in the number of alleged offenders aged under 20 and over 40 apprehended for drink driving offences. As illustrated in Figure 5.1, the greatest increases can be seen from 2002 to 2007.⁷²

Many more males are convicted for drink driving than females, as shown in figures 5.2 and 5.3. However, the conviction numbers for women have increased sharply over the last four years.⁷³

FIGURE 5.1
NUMBER OF DRINK-DRIVING OFFENCES BY AGE 1998–2007



Source: TENF Provisional Database, New Zealand Police.

Repeat offenders

In 2008 there were 29,739 drivers who received one or more convictions for drink driving. Of these, 18,924 (64 per cent) had only one drink driving conviction in 2008 and in the 10 years prior. A further 6,973 drivers (23 per cent) had one conviction in 2008 and one other prior drink driving conviction either in 2008 or the 10 years prior. Another 2,594 drivers (9 per cent) had three drink driving convictions, at least one in 2008 and two more in the preceding 10 years.⁷⁴

Section 65 of the Land Transport Act 1998 allows for the indefinite disqualification of drivers' licences for recidivist drink (and drug) drivers if they have multiple convictions.

To be eligible to regain their licence, offenders have to undertake an assessment to determine whether they have adequately addressed their alcohol or other drug (AOD) misuse and are fit to reapply for their driver's licence. Currently there are over 12,000 people who have been indefinitely disqualified and have not been assessed.⁷⁵ Many of these people will continue to drive.

OFFENDER ANALYSIS AND FUTURE TRENDS

Young males dominate our alcohol-related offending, with over half of alleged offenders who consumed alcohol prior to offending in 2007/08 being under 25 years of age.⁷⁶ Women make up less than 20 per cent of alcohol-related offenders. Offending peaks between ages 17 and 20.⁷⁷ Across all age groups, however, the number of people arrested where alcohol was consumed prior to offending is increasing, with the greatest increase seen in the 20 to 24 year age group – up by 30 per cent per 10,000 head of population in three years.⁷⁸

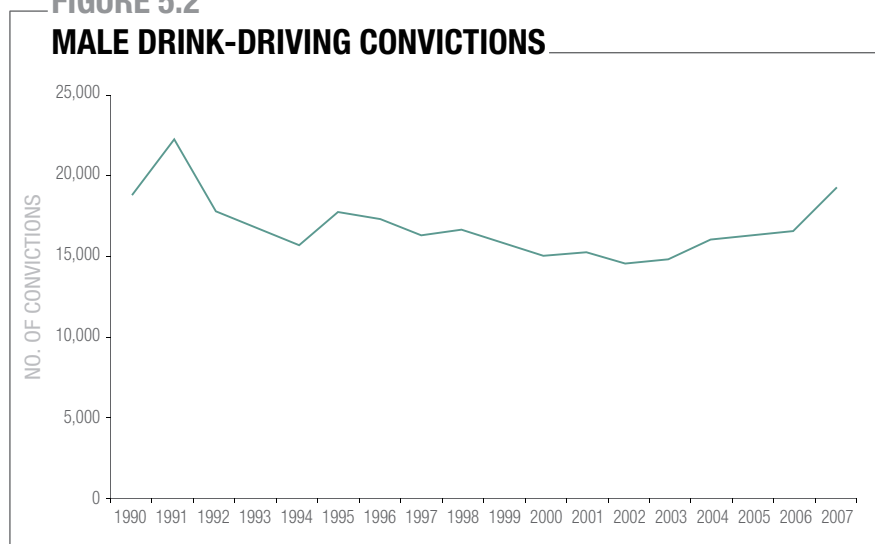
A disproportionate number of offenders are also Māori and Pacific Isle: in 2007/08 Europeans accounted for 43 per cent of all alcohol-affected offenders, Māori 36 per cent and Pacific Island ethnic groups 10 per cent.⁷⁹ The percentage of apprehensions where alcohol was

Between 2002 and 2007 there were substantial increases in the number of alleged offenders aged under 20 and over 40 apprehended for drink driving offences.⁷²



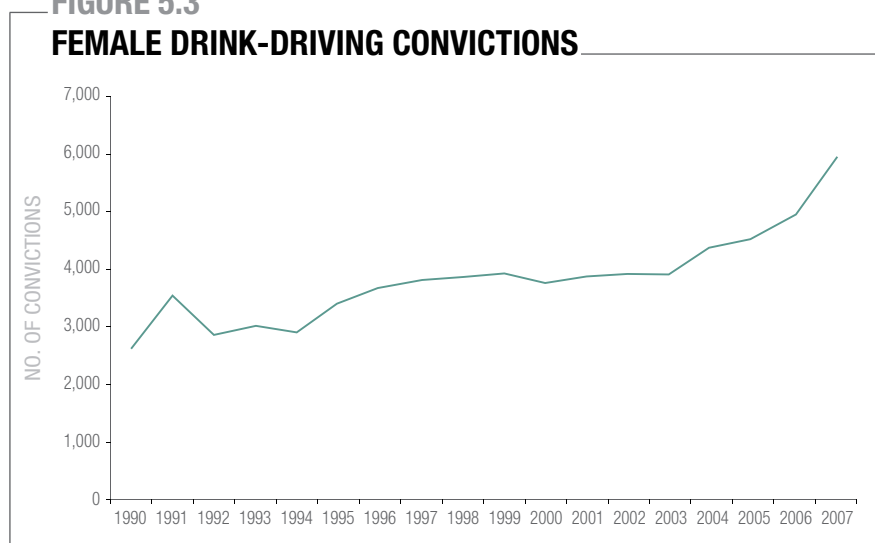
Photo: Ross Setford, NZPA, 14 December 2007.

FIGURE 5.2
MALE DRINK-DRIVING CONVICTIONS



Source: Statistics New Zealand.

FIGURE 5.3
FEMALE DRINK-DRIVING CONVICTIONS



Source: Statistics New Zealand.

CASE STUDY

DUNEDIN – ORIENTATION WEEK 2009

Annual Hyde St party (Dunedin 2009)



Photo: Craig Baxter, *Otago Daily Times*.

Home to the “Pride of the South” – Speight’s Brewery – and to New Zealand’s oldest university. A city of 120,000 residents, swollen by around 18,000 students each February,⁸⁰ the majority revelling in their new found freedom away from home.

This year student orientation week made national news after the traditional toga party left a trail of destruction and disgruntled councillors, retailers and residents in its wake. Even the student newspaper’s editor, Amy Joseph, wrote a scathing editorial to her fellow students citing a “toga parade, which degenerated from traditional rite of passage to troglodytes evacuating passages on drunk, disoriented freshers”.⁸¹

The Law Commission’s visit coincided with the end of ‘O week’: the weather was still warm, front lawn gatherings armed with the obligatory dozen beers and the funnel for rapid consumption of beer. Small flats with little outdoor space host groups of people balanced precariously on the tin veranda over the courtyard – issues of safety were not foremost in the mind. Tenants do, however, fear being called into the

Proctor’s office on Monday morning: it seems the recently adopted Code of Conduct for students has provided the university with the ability to hold students more accountable for their actions.

In Castle St, a bulletproof young man boldly chugged down a funnel of Stella Artois – then began worrying that he was breaching the liquor ban. Another youth is aimlessly walking down the centre of the street but wants to get directions (or a ride) to his hostel (which is 100m away). Other students are boosting each other up a power pole, looking suspiciously like they are soon to purloin the street sign for their flat’s honour board. The police have a proactive and engaging role – but you can’t help but feel they are fulfilling a parental, rather than a policing, role. To their credit, these students are polite and eager to talk to the police they clearly respect.

Dunedin Police were already preparing for the Hyde Street party in March: an annual party in a street with about 30 houses, which are mostly student flats. The University and Police staff put rigorous ‘rules of engagement’

in place for the safe management of this event, including face-to-face meetings with tenants in Hyde Street, but Police were expecting a big event.

The crowd peaked at 1000 people in the early evening, having started drinking kegs of beer and ‘Icebreaker’ (vodka and lemonade) at about 10 am (a 50 litre keg, typically used by caterers, costs around \$150 for the vodka mixer and \$225 for beer.)

Police put in 26 staff over the course of the day. Ambulances were set up at the end of the street, treating cut feet and other drunken injuries, including someone who jumped off a roof and put her knee through her jaw (despite a rule that no-one was to be on the roof of property). The Fire Service was unable to gain access to the crowded street but fire extinguishers were provided to police. Despite a no couch burning edict from the Proctor, a couch was set alight in front of an old wooden villa with flames reaching 15 feet high at its height.⁸² Not the most sensible decision of the night from New Zealand’s future doctors, lawyers and pharmacists.

While the focus is on Dunedin here, the issues related to the student population are not unique to Dunedin. The University of Canterbury has 18,000 students per annum, of which 73 per cent live within a 5 km radius of the university, but bring in an estimated \$1.5 billion per annum to the city, which the University’s Students’ Association president colloquially described as the “ghettoisation of Upper Riccarton and Ilam”.⁸³ Massey, Victoria University of Wellington, University of Auckland and Waikato University all have issues related to alcohol and their campuses.

consumed prior to offending has increased by 18 and 24 per cent respectively for Māori and Pacific Island ethnic groups between 2005/06 and 2007/08.⁸⁴

The *National Alcohol Assessment* predicts that serious violence offences, such as homicides, will continue to have a high incidence of alcohol involvement by the offender.⁸⁵ Given the amount of Police resource already consumed by alcohol-related offending, Police Commissioner Howard Broad asks whether the public will be content to see this diversion of resources continue or perhaps escalate in the next decade.⁸⁶

There is a very real future fiscal risk for the Police in having to double or treble the number we have out at night dealing with this sort of thing (alcohol-related offending) because you can't just do it in South Auckland because it is happening absolutely everywhere.

ALCOHOL AND ANTISOCIAL BEHAVIOUR

“Starting your day at work can be tough enough at the best of times, but imagine beginning your day by cleaning up puddles of urine that have drained into your workplace. That’s the situation for many businesses in the CBD, and for some the situation has gone too far, as they find themselves cleaning up not only urine, but faeces, vomit and used condoms.⁸⁷”

“I am not a killjoy nor a wowser – I love the life and energy of living where I do – I just wish drunks would stop puking and peeing on our doorsteps and do it inside the bars where they load up.⁸⁸”

George Street retailers were unimpressed with the debris left behind after an annual student Orientation Week event got out of hand.



Photo: Craig Baxter, *Otago Daily Times*, Dunedin 24 February 2009.

LOCAL COUNCILS ARE FREQUENTLY REQUIRED TO MEDIATE BETWEEN THE COMPETING INTERESTS OF INNER CITY RESIDENTS AND THOSE OF ENTERTAINMENT BUSINESSES.

Urinating, defecating and vomiting in public places are not regarded as acceptable behaviour by most New Zealanders and can be prosecuted under the general umbrella of offensive behaviour.⁸⁹

However the following discussion is less about individual criminal offences, and more about social norms – and more specifically whether the social norms which apply during daylight hours now hold less sway after dark in many of the country’s entertainment districts, creating a significant environmental problem for retailers, private residents and councils.

Ratepayers all over the country are picking up the tab for cleaning up what Queenstown’s Mayor Clive Geddes refers to as the “wet spots”.⁹⁰ In the affluent Auckland suburb of Howick the council was forced to contract a biohazard cleaner at a cost of approximately \$1,000 per night to clean up the blood, urine and faeces left behind by bar patrons.⁹¹ This continued for two years until the bar in question was persuaded to change its practices resulting in a significant improvement in the area.

Members of Wellington's *Inner City Residents and Business Association* are in regular contact with their local body representatives seeking action over an array of issues from noise control to vandalism, intimidation, and pollution. Some residents suggested a council safety initiative to improve lighting in Blair Street had backfired and turned the street into an all night party zone:⁹²

The notion of party in this part of the city, as I am sure most councillors now appreciate is a bunch of mainly young [people] binge drinking at bars, clubs, on the street and in their cars, leaving their filth and broken bottles behind them... A considerable part of Sunday is spent cleaning the street – this involves several vehicles as well as a bunch of men. The cost of cleaning up after another night of alcohol abuse in the city must be significant. Increased numbers are actually drinking in the street and there is violent and aggressive behaviour right through to 7 am and later. Accordingly the amount of urine and vomit in our doorway has increased...it appears that we have virtually no rights in this issue.

Local councils are frequently required to mediate between the competing interests of inner city residents and entertainment businesses exercising their legitimate business rights, conferred by their liquor licences, to remain trading until 5, 6 or 7 am. The question arises though, as to whether the current licensing regime is capable of giving sufficient weight to these competing interests – including the interests of other business owners.

Police work to reduce the impact of alcohol-related crime in the central city business area but the effects of alcohol misuse extend well beyond the immediate victims and are also felt by business owners and inner city residents who regularly clean blood and other bodily matter from the surrounds of their building and who are fearful of walking along the street after 11 pm.

Neighbourhoods around the country have to contend with local parks and pavements littered with glass on Saturday and Sunday mornings, bus shelters, fences and car windows smashed.



Photo: Kirk Hargreaves, *The Press*, Christchurch.

THE EFFECTS OF ALCOHOL MISUSE EXTEND WELL BEYOND THE IMMEDIATE VICTIMS AND ARE ALSO FELT BY BUSINESS OWNERS AND INNER CITY RESIDENTS.

The impact which alcohol abuse is having on the wider public's enjoyment of our cities was also reflected in the findings of the 2008 Quality of Life Survey. The survey, which measures the perceptions of over 8,000 residents living in the country's largest cities, found alcohol and drug problems featured strongly in the reasons people gave for not feeling safe in our main centres.⁹³

At the other end of the spectrum, and far less likely to attract the attention of councillors and media, are the neighbourhoods around the country which do not have the protection of

liquor bans. They have to contend with local parks and pavements littered with glass on Saturday and Sunday mornings, and bus shelters, fences and car windows smashed.

In the South Auckland suburb of Randwick Park for example, where liquor store owner Navtej Singh was shot, the local Life Church, lead by pastor Lui Ponifasio, routinely deploy working parties to pick up broken bottles and glass from neighbourhood parks and footpaths in the aftermath of weekend street drinking.⁹⁴ The volume collected often requires a special council glass collection.

SUMMARY CHAPTER 5 ALCOHOL, CRIME & ANTISOCIAL BEHAVIOUR

Alcohol is associated with an increased risk of aggressive behaviour and interpersonal violence.

At least 31 per cent of all types of recorded criminal offending in this country in 2007/08 was committed by a person who had consumed alcohol prior to committing the offence.

In 2007/08 over 20,000 violence offences were committed by an offender who had consumed alcohol prior to the offence.

Young males under 25 are most likely to be apprehended for these offences.

There is evidence to suggest that most patrons entering clubs and bars late at night and in the early morning have consumed alcohol purchased from an off-licence before going out.

This phenomenon, known as pre-loading, combined with the extended trading hours of many inner city clubs and bars is believed to be linked to high levels of intoxication in public places and associated offending.

The prevalence of intoxication in public places and the behaviours or offending associated with it are making significant demands on our Police and diverting resources away from other crime.

The harmful use of alcohol and other drugs is imposing significant costs on our criminal justice sector, including our courts and prison service.

The harmful use of alcohol also creates large numbers of victims and can interfere with other citizens' enjoyment of their communities and public places.

CHAPTER 5 ENDNOTES

- 1 New Zealand Police *National Alcohol Assessment* (Wellington, April 2009) 7 [*National Alcohol Assessment*] (available at <http://www.police.govt.nz>).
- 2 Judge John Walker, on behalf of the Chief District Court Judge, to the Law Commission "The Extent of Alcohol Related Offending" (29 May 2009) letter [full text of letter set out in Appendix 1.
- 3 Department of Corrections *Strategy to Reduce Drug and Alcohol Use by Offenders 2005-2008* (Wellington, 2004) (available at http://www.corrections.govt.nz/_data/assets/pdf_file/0005/256955/doc-strategy-to-reduce.pdf).
- 4 *National Alcohol Assessment*, above n 1, 26, recording incidents of Police exercising powers now located in section 36 of the Policing Act 2008.
- 5 Commissioner Broad's response to a question asked by then Associate Health Minister Jim Anderton in a meeting for the Ministerial Committee on Drug Policy in July 2008 (available at [http://www.ndp.govt.nz/moh.nsf/pagescm/559/\\$File/mcdp-minutes-28jul08.pdf](http://www.ndp.govt.nz/moh.nsf/pagescm/559/$File/mcdp-minutes-28jul08.pdf)).
- 6 *National Alcohol Assessment*, above n 1, 7.
- 7 Business and Economic Research Limited *Costs of Harmful Alcohol and Other Drug Use* (Report prepared for the Ministry of Health and Accident Compensation Corporation, Wellington, 2009) 61 [*BERL report*]. The Government departments have checked the data contributing to the calculations from BERL cited here and are confident that their data has been used in a robust manner.
- 8 *BERL report*, above n 7, 49.
- 9 *National Alcohol Assessment*, above n 1, 79.
- 10 Of the 2,581 patients who presented at Christchurch hospital with facial fractures between 1996 and 2006, 49 per cent were alcohol-related injuries: Kai Lee and Leslie Snape "Role of Alcohol in Maxillofacial Fractures" (2008) 121 *New Zealand Medical Journal*, 15, 16.
- 11 Sale of Liquor Act 1989, s 166.
- 12 Sale of Liquor Act 1989, s 167.
- 13 Sale of Liquor Act 1989, s 168(1)(b).
- 14 Sale of Liquor Act 1989, s 168(1)(a).
- 15 Louise Kirkwood *Analysis of Waitemata District Alcohol Behaviour Survey* (Report prepared for the Alcohol Advisory Council of New Zealand (ALAC), 2009) 22.
- 16 Kirkwood, above n 15, 24.
- 17 New Zealand Police "Survey of Patrons Drinking Before Arrival at Central City Venues Wednesday 13 May 2009" (Unpublished research, 2009) [*Police Patron Survey*].
- 18 *Police Patron Survey*, above n 17, 7.
- 19 *Police Patron Survey*, above n 17, 8.
- 20 *Police Patron Survey*, above n 17, 9.
- 21 *Police Patron Survey*, above n 17, 10.
- 22 K Hughes, Z Anderson, M Morleo and M Bellis "Alcohol, Nightlife and Violence: The Relative Contributions of Drinking Before and During Nights Out to Negative Health and Criminal Justice Outcomes" (2008) 103 *Addiction*, 60.
- 23 *National Alcohol Assessment*, above n 1, 20.
- 24 Of those that went to court, 336 cases (4 per cent) were administratively withdrawn by leave, 811 cases (10 per cent) were withdrawn by leave, due to the offender completing Police diversion, and 4,647 cases (60 per cent) resulted in a fine (Data request provided to the Law Commission by the Ministry of Justice, 8 June 2009) email.
- 25 Sale of Liquor Act 1989, s 166.
- 26 Although a person under 18 years can be issued with an infringement offence for drinking in a public place: under s 38 of the Summary Offences Act 1981.
- 27 *National Alcohol Assessment*, above n 1, 26.
- 28 These locations were Christchurch city, Wellington, Rotorua, Auckland Central, Hamilton and Manurewa. (Data request provided to the Law Commission by New Zealand Police, 8 May 2009, email).
- 29 Personal communication of anonymous Constable, Auckland Downtown Police, to the Law Commission (16 June 2009), email.
- 30 Meeting with Howard Broad, Commissioner of Police (Cate Brett, Wellington, 7 April 2009) [*Howard Broad meeting*].

- 31** Senior Sergeant Jason Guthrie, Dunedin Police, to the Law Commission (17 March 2009) email.
- 32** Analysis provided to the Law Commission by the Liquor Licensing Authority (8 July 2009).
- 33** New Zealand Police "24 Hour Licensing Hours in Auckland City" (A paper prepared by Senior Sergeant Ben Offner, Sergeant Bryce Law and Barry Hyde, May 2008) [24 Hour Licensing].
- 34** *24 Hour Licensing*, above n 33, 33.
- 35** *24 Hour Licensing*, above n 33, 6.
- 36** P Hadfield and F Measham "England and Wales" in Phil Hadfield (ed) *Nightlife and Crime: Social Order and Governance in International Perspective* (OUP, Oxford, 2009) 17, 17.
- 37** Hadfield and Measham, above n 36, 17.
- 38** Hadfield and Measham, above n 36, 18.
- 39** *Howard Broad meeting*, above n 30.
- 40** This offence was contained in the Police Offences Act 1927 and was repealed by the Summary Offences Act 1981.
- 41** *Howard Broad meeting*, above n 30.
- 42** Margaret Bazley *Report of the Commission of Inquiry into Police Conduct* (Wellington, 2007) 287 (available at http://www.cipc.govt.nz/cipc.nsf/wpg_URL/Agency-Commission-of-Inquiry-into-Police-Conduct-Report-of-the-Commission-of-Inquiry-into-Police-Conduct?OpenDocument).
- 43** *Howard Broad meeting*, above n 30.
- 44** *Howard Broad meeting*, above n 30.
- 45** *Howard Broad meeting*, above n 30.
- 46** Judge John Walker, above n 2.
- 47** It should be noted that judges see cases where changes are laid and proceed through to sentence, including those where an alcohol or other drug assessment has been sought to assist in appropriate sentencing.
- 48** Judge John Walker, above n 2, 5.
- 49** *National Alcohol Assessment*, above n 1.
- 50** The alleged offender is asked whether they consumed alcohol prior to offending by the arresting officer. Alcohol is recorded as a factor if the alleged offender informs Police that they consumed alcohol prior to offending, and if unresponsive, the arresting officer judges alcohol involvement based on physical and behavioural cues. The alleged offender is also asked where their place of last drink was consumed prior to offending and at what time they had a drink prior to offending. Police also assess the extent to which a person is affected by alcohol by using guidelines based on speech, coordination, appearance and behaviour at the time of arrest. This data is entered into Police's National Intelligence Application (NIA) enabling statistical reports to be provided at a national level or at a Police District, Area or Station level to inform either policy work or tactical or proactive policing.
- 51** *National Alcohol Assessment*, above n 1, 23.
- 52** *National Alcohol Assessment*, above n 1, 76.
- 53** *National Alcohol Assessment*, above n 1, 41.
- 54** Family violence-related homicide incidents are assessed differently to other family violence-related occurrences defined by Police. For further information, refer to *National Alcohol Assessment*, above n 1, 92.
- 55** *National Alcohol Assessment*, above n 1, 42.
- 56** *National Alcohol Assessment*, above n 1, 40.
- 57** *National Alcohol Assessment*, above n 1, 41.
- 58** Judge John Walker, above n 2.
- 59** *National Alcohol Assessment*, above n 1, 24.
- 60** *National Alcohol Assessment*, above n 1, 24.
- 61** *National Alcohol Assessment*, above n 1, 26.
- 62** *24 Hour Licensing* above n 33, 20 and 34.
- 63** P Mayhew and J Reilly *Community Safety: Findings from the New Zealand Crime and Safety Survey 2006* (A report prepared for the Ministry of Justice, Wellington, 2007), chapter 2 (available at <http://www.justice.govt.nz/pubs/reports/2007/crime-safety-survey-2006/community-safety/chapter-2.html>).
- 64** Mayhew and Reilly, above n 63, chapter 2.
- 65** *BERL report*, above n 7, 158.
- 66** Ministry of Health *Alcohol Use in New Zealand: Analysis of the 2004 New Zealand Health Behaviours Survey – Alcohol Use* (Public Health Intelligence Occasional Bulletin No. 40, Wellington, 2007) 37.
- 67** D Kappatos "Sexual Assault Toxicology: The New Zealand Experience" (Presentation given to Sexual Assault workshop, hosted by Environmental Science and Research, March 2008).
- 68** M Duncanson, D Smith and E Davies *Death and Serious Injury From Assault of Children Aged Under 5 years in Aotearoa New Zealand: A Review of International Literature and Recent Findings* (A Report Commissioned by the Office of the Children's Commissioner, 2009) (available from http://www.occ.org.nz/_data/assets/pdf_file/0016/6343/OCC_Deathand_seriousinjury2009_040609.pdf).
- 69** Duncanson, Smith and Davies, above n 68, 11.
- 70** Duncanson, Smith and Davies, above n 68, 11.
- 71** UN General Assembly "Report of the Independent Expert for the United Nations Study on Violence Against Children" (29 August 2006) A/61/299, 20, 30 (available at <http://www.violencestudy.org/IMG/pdf/English-2-2.pdf>).
- 72** *National Alcohol Assessment*, above n 1, 53.
- 73** Analysis based on data extracted from Statistics New Zealand 'Table Builder' (available at <http://www.stats.govt.nz/default.htm>).
- 74** For the purposes of this document, a repeat conviction has been counted only when it has occurred within the 10 years prior to 2008. This means people with a longer time period between convictions (for example one at age 20 and another at age 50) are not counted as repeat offenders. Data provided by Transport Monitoring, Ministry of Transport, to the Law Commission (June 2009), email.
- 75** Data provided to the Law Commission by the Ministry of Transport (June 2009) email.
- 76** *National Alcohol Assessment*, above n 1, 63.
- 77** *National Alcohol Assessment*, above n 1, 87.

- 78** *National Alcohol Assessment*, above n 1, 87.
- 79** *National Alcohol Assessment*, above n 1, 59.
- 80** Based on the average of the total student population from 2003 (available at <http://www.otago.ac.nz/about/quickstats.html#student>).
- 81** Amy Joseph "Critic Editor Slams 'Disgusting' Toga Display" (4 March 2009) *Otago Daily Times* Dunedin.
- 82** Sergeant Wayne Pitcaithly, Liquor Licensing Officer, Dunedin Police, to the Law Commission (2 April 2009) telephone conversation.
- 83** Steve Jukes "Integration Not Imposition: Canterbury's Approach to Anti-social Drinking" (Paper presented to the 2009 ALAC Working Together Conference, Wellington, 14 May 2009).
- 84** *National Alcohol Assessment*, above n 1, 88.
- 85** *National Alcohol Assessment*, above n 1, 61.
- 86** *Howard Broad meeting*, above n 30.
- 87** Mark Hathaway "9 Local News" (5 March 2009) *Channel 9* Dunedin (available at <http://www.ch9.co.nz/node/11110>).
- 88** Personal correspondence to the Law Commission from a member of the *Wellington Inner City Residents and Business Association* (May 2009).
- 89** Vomiting in a public place would not necessarily be caught under this law without intent.
- 90** Clive Geddes "The Challenges in Planning for Alcohol in Our Community" (Paper presented to the 2009 ALAC Working Together Conference, Wellington, 15 May 2009).
- 91** Personal correspondence to the Law Commission from a liquor licensing inspector (25 May 2009) email.
- 92** Communication between a resident and Wellington City Council provided by the author to the Law Commission (25 May 2009), letter.
- 93** Nielsen Research "Quality of Life Survey 2008 National Report" (Wellington, 2009) 6 (available at http://www.qualityoflifeproject.govt.nz/pdfs/Quality_of_Life_2008.pdf).
- 94** Meeting with Lui Ponifasio (Cate Brett, November 2008).