

# Three strikes offending

Convictions for offences covered by the three strikes legislation have risen

Since the introduction of the three strikes legislation in 2010, the number of convictions for the qualifying offences has risen 5%, while the number of charges has fallen 9%.

## Background

Three strikes legislation took effect in June 2010, mandating increasingly severe responses for people who are repeatedly convicted of qualifying offences.

A first warning is issued when a person, aged 18 or over, is convicted of a qualifying offence. The 'warning' element is a significant aim of the legislation as a person must be given the opportunity not to re-offend after a strike.

If the person is later convicted of another qualifying offence they receive a final warning (second strike) and, if sentenced to imprisonment, will serve that sentence in full without parole. The first and final warnings stay on the person's record.

On conviction of a third qualifying offence the court must impose the maximum penalty for the offence. The sentence must be served without parole, unless the court considers that would be manifestly unjust.

## Numbers of strikes

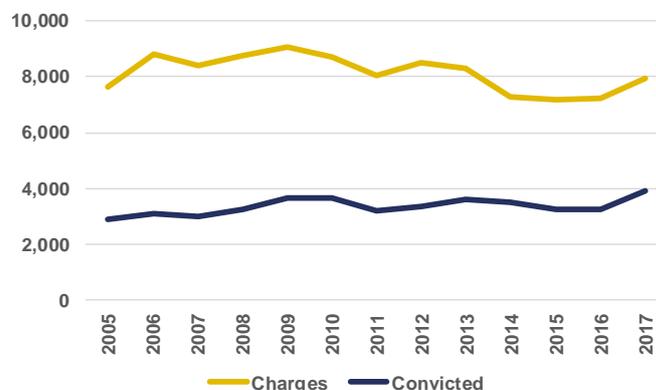
Following the introduction of the three strikes legislation, there were 3 first strikes in June 2010. The first second strike followed in April 2011. There are now about 125 first strikes and 7 second strikes per month. In total, there have been 4 'third strike' convictions.

About 32% of first strikes attract non-prison sentences. 7% of second strikes also attract non-prison sentences, generally Home Detention but also Intensive Supervision. All 4 third strikes resulted in imprisonment sentences. However, the requirement to serve the sentence without parole was not imposed as the court decided that would be manifestly unjust.

Māori represent 45% of people given a first warning and 55% given a final warning. All 4 people convicted for a third strike are Māori.

In the 5 years prior to the three strikes legislation there were 16,619 convictions for qualifying offences. The 5 years 2013 to 2017 saw 17,508.

**Figure 1: Charges and convictions for qualifying offences**



While charges for strike offences have fallen by about 9%, convictions are much more stable over time. Figure 1 shows that, until the rise in 2017, there was very little change in the overall number of convictions. Using the data alone, there is no clear indication that the three strikes legislation is reducing serious offending behaviour. However, better targeted charging has increased the conviction rate for strike offences.

The number of strike convictions are updated quarterly and can be found at:

<https://www.justice.govt.nz/justice-sector-policy/research-data/justice-statistics/three-strikes-statistics/>

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