

by  
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# VIOLENCE ON THE ROAD

## A LOGICAL EXTENSION TO THE SUBCULTURE OF VIOLENCE THESIS?

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## FOREWORD

This is the sixth in a series of monographs which present the results of investigations conducted by or for the Department of Justice to assist in the exercise of its administrative functions, and for the information of persons interested in criminology and the general public.

Traffic offending with its attendant losses in human and material resources is acknowledged as a social problem of immense proportions yet all too often dismissed as an inevitable outcome of the modern industrial society. This report, in looking at who the serious motoring offenders are, questions present assumptions and points to a fresh appraisal of the nature and manner in which legal sanctions are applied to our traffic offenders.

Our thanks are due to the Commissioner of Police and the Secretary for Transport for allowing the data collection. The assistance of Mr G. E. Dickinson of the Applied Mathematics Division of the DSIR in processing the data is also gratefully acknowledged.

This research forms the basis of a master of arts thesis in sociology and the author wishes to express his appreciation for the considerable assistance given by Dr D. G. Pearson and Dr A. V. Zodgekar of the Victoria University of Wellington.

G. S. ORR, Secretary for Justice.

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## ABSTRACT

This research is based on a study of serious motoring offenders in New Zealand. The social characteristics of 1509 serious motoring offenders convicted in courts throughout New Zealand during the 5 years 1965 to 1969 are analysed and each offender's pattern of motoring and non-motoring offending over a period of up to 15 years is traced. Comparisons are made with similar studies undertaken in the United States, the United Kingdom, and Australia.

The offenders' driving behaviour is examined in terms of sociological theory and in particular in terms of a proposed extension to Wolfgang and Ferracuti's (1967) subculture of violence thesis where violence on the road is included. The importance of the role that subcultural theory is likely to play in any future development of a fully social theory of deviance is discussed and the current status of both subcultural theory and the subculture of violence thesis is reviewed.

The findings indicate that the serious motoring offender in New Zealand has distinctive characteristics of sex, race, age, social class, and criminal record. The serious motoring offender is more likely to be young, male, of non-European ethnic origin, a semi-skilled or unskilled manual worker with a criminal, non-motoring record of violent, anti-social behaviour. In the main, his social characteristics are similar to violent criminal offenders, and the research clearly demonstrates that a strong positive relationship exists between serious motoring offending and offending of a violent, anti-social nature. It is argued that the kind of person who has internalised lower class subcultural norms, who additionally lives by the values of the subculture of violence, and who accepts violence as normal behaviour will carry over this behaviour to the driving situation and that "accidents" for these people are not accidents but rather intended patterns of subcultural behaviour based on the subcultural values to which they subscribe. It is concluded that the subculture of violence thesis and the extension to it proposed by this research to include violence on the road, has been of some heuristic value in examining deviant driving behaviour in New Zealand society. It is further concluded that any future research into the subculture of violence thesis may well be encouraging for those proponents of the thesis.

The research concludes with some implications of the findings.

## INTRODUCTION

One of the major epidemics of modern times and one which must be regarded as a major public health problem is death and injury caused through traffic accidents. They are not only a cause of much suffering and sorrow in our society but also a serious source of social and economic loss. This year about 250 000 people will be killed in traffic accidents throughout the world and another 10 million will require hospitalisation (Havard, 1977). In New Zealand, with a population of a little over 3 million, there were 628 killed and 19 824 persons injured on the road in 1975 (Ministry of Transport, 1976). Expressed in terms of rates, which provide a better measure of traffic safety levels, this is a rate of 639.3 casualties per 100 000 population or 132.2 casualties per 10 000 registered vehicles or 52.3 casualties per 10 million gallons of petrol consumed (Ministry of Transport, 1976). Road accidents in New Zealand are increasing at an average rate of 6 percent per year and in the past this increase has been of the same order as increases in vehicle registrations and fuel consumption but substantially greater than the increase in population (Toomath, 1975). Road accident casualties of the magnitude suffered in New Zealand each year represent over 100 000 patient days of hospitalisation or a large hospital of 300 to 400 beds like Dunedin, Tauranga, or Napier permanently filled with the victims of our road accidents. Road accidents reduce life expectancy in most developed countries by between 1 and 2 years and below the age of 50 years reduction of life expectancy by traffic accidents is greater than that caused by cancer and more than twice as great as that caused by coronary disease. From the first to the twenty-fifth year of life accidents are the greatest cause of death and more than half of all male deaths in the 15-24 age group are due to road traffic accidents (Havard, 1977).

In New Zealand the level of "motorisation" indicates that there is one vehicle for every two persons and the latest available insurance industry accident statistics note that one car in four is involved in an accident each year (Tait, 1977). Research into road accident costs in New Zealand has been undertaken by Sherwin and Jackson (1977), who estimate that the current economic loss through road accidents is in the order of NZ\$200 million annually. The foregoing figures should, however, be tempered with the realisation that, notwithstanding the demonstrated annual social and economic loss, road accidents are relatively rare events in the context of the volume of distance driven. At present New Zealand road fatality rates a car

could on average be driven around the world 400 times before a fatality would result, and more than 30 times before a serious personal injury could be expected. Data provided by Toomath (1975) suggests that there are approximately 2.4 accidents per million vehicle kilometres travelled and for the "average motorist" there is perhaps only a once in a lifetime chance of being involved in a casualty producing road accident (Sherwin and Jackson, 1977). In addition, traffic safety research shows that a very small percentage of drivers cause a disproportionately high number of accidents and have recurring accidents (Grimmond, 1972). This is important in the context of this research since this is essentially a study of serious motoring offenders, i.e., those who have caused the death or injury of other persons on the road and as such cannot be regarded in terms of the "average motorist" described above.

New Zealanders can qualify for a driver's licence at the age of 15 years and in the calendar year 1970, 1,397 million New Zealanders were licensed drivers. Of the total population, 68.2 percent were aged 15 years or above, so of the potential number of drivers 72 percent were licensed. Approximately 95 percent of males, 15 years or above, possess drivers' licences, but only 47 percent of the female population of similar age have drivers' licences. Expressed on a total population basis, for every 1000 persons there are 328 male and 164 female drivers.

In the New Zealand situation traffic enforcement is primarily the responsibility of uniformed traffic officers employed by the Ministry of Transport and unlike most overseas countries their role is divorced from that of the Police. In 1976 a total of 989 enforcement officers patrolled 15.3 million kilometres of road with a fleet of 409 patrol cars and 359 motor cycles (Ministry of Transport, 1976). The traffic enforcement function is very diverse and includes testing drivers for licences, piloting of oversize vehicles and loads, weighing of overweight vehicles, supervision of transport licensing regulations, court work, and road patrols. The last activity is the one likely to have the greatest influence on accident reduction and at the present time each officer spends about 20 hours a week in actual road patrol (Palmer, 1975). Traffic laws and rules and the provision of penalties for breaches of these are contained in the Transport Act 1962 and the Traffic Regulations 1956, and before 1969 all traffic offences were processed in the courts (mainly the Magistrates' Courts) (Department of Statistics, 1975). Since then the Ministry of Transport has dealt increasingly with parking and certain speeding infringements by the imposition of standard infringement fees. Each year there are approaching 100 000 convictions for "accident promoting" offences, that is those offences relating principally to a vehicle in motion, and a large number of warnings are issued to drivers. A demerit points

system operates whereby errant motorists may have their licences suspended (Ministry of Transport, 1976). In spite of the numbers prosecuted and the large number of warnings issued these represent only one traffic officer contact with the "average motorist" described above in each 7 years or so (excluding parking offences).

Traffic offending is a costly and widespread form of criminal activity which currently accounts for approximately 80 percent of the litigation brought before this country's courts. It represents activity that is both harmful to society and legally proscribed yet is condoned in public opinion. The prevailing attitude that motoring offences are "folk crimes" (Ross, 1960) or are not really crimes in the narrowest sense has an historical basis. At least until 1945, and probably into the 1950s, car ownership, because of its cost, was a luxury and the prerogative of the middle and upper classes. The most significant impact of the automobile's advent was the increase in a different and more powerful population of offender. One prerogative claimed by the rich and powerful is freedom from regulation, and it has long been asserted, in many contexts, that powerful people's behaviour thought to be detrimental or hazardous to the community should not be brought into the domain of the criminal law. When applied to motoring offences the assertion takes the simple form that motoring offences are not, or should not be, crimes at all and that societal stigmatisation for such offences is inappropriate. Wootton (1959) expressed this succinctly when she said:

... apparently on the Marxian principles that law is made and operated in the interests of the well-to-do, motoring offences in general, and infringements of the speed limits in particular, are not ordinarily thought to "count" as crimes at all. (Wootton, 1959: 25-6)

The idea that motoring offending and criminal behaviour are somehow different is thus a myth perpetuated by a bourgeois society and the symbolic importance of this myth is clearly reflected in public policy-making and administrative procedures today. For example, the separation of the control of traffic from the police role in New Zealand, discussed above, is public policy which is suggestive of a distinction between motoring and non-motoring offending. Similarly, the manner in which the court conducts its business in New Zealand promotes the same distinction; traffic cases are heard on special days and at special times to preserve the individual's "respectability". Previous convictions for non-traffic offences are often considered irrelevant in the course of prosecutions for traffic violations and vice versa. In this respect traffic offenders may be likened to what Goffman (1961) has called "non-persons". The majority are processed through the judicial system with the barest

of details needed to establish the commission of an offence and invariably more time and trouble is devoted to pre-sentence inquiries about petty thieves and minor sex offenders, like exhibitionists, than for the most serious of motoring offenders. Likewise, in determining an individual's chance of employment, little stigma is attached by employers to the motoring offender when he seeks a position (Martin, 1962). An English study by Willett (1964) found that there was little or no inclination among the police or the public to apply the label criminal or any other social stigma to motoring offenders. Again, in New Zealand, the Parliamentary Select Committee on Road Safety in its recent report (1973) made the following comment:

It seems that people who support charities, abhor social violence, uphold the law and try to live as good citizens are prepared to accept totally anti-social behaviour on the road without criticism or social stigma.

Finally, there is the widespread practice of calling all incidents on the road from which offences are derived as "accidents". The term "accident" is a misnomer and at no stage can such incidents be regarded as occurring by chance and without apparent cause.

Several recent overseas studies reviewed in chapters 3 and 8 of this research, however, dispel the current myth about motoring and non-motoring offending and clearly demonstrate the strong positive relationship between serious motoring offending and conventional criminal behaviour. One of the principal objectives of this research is also to dispel this myth with respect to New Zealand society, at least insofar as serious motoring offending is concerned. To do this, the research will build a profile of the serious motoring offender and show that far from being regarded as an ordinary citizen he should be considered like any other criminal and processed through the judicial system in much the same way with pre-sentence investigation and probation reports.

Another principal objective of the research is to examine driving behaviour in terms of sociological theory. The research will demonstrate that not only is there a relationship between serious motoring offending and criminal offending but that the serious motoring offender is likely to be a violent criminal with a history of appearances before the courts for acts of violent, anti-social behaviour. His behaviour will be examined by the research in terms of an extension to Wolfgang and Ferracuti's (1967) subculture of violence thesis wherein it is proposed to include violence on the road. The relevance of this model in the context of New Zealand society has already been established by Schumacher (1971). In her study of violent offending in New Zealand she found that cultural values regarding violence are similar to other developed countries including the United States

and Britain and she made the comment that "for the first time New Zealand society might now be confronted with a subculture of violence in the larger cities" (Schumacher, 1971: 50-51). The concept of a subculture of violence and the extension to it proposed by this research will be discussed in chapter 3.

The concept of "violence" is notoriously difficult to define and studies of the etiology of violence are subject to several models depending on the theoretician's discipline. For the purposes of this research violence encompasses what might be regarded by society as the illegitimate use of force, i.e., behaviour characterised by an intention to attack or destroy in defiance of the law or the rules laid down, and which excludes other forms of violence which are legally permitted, for example, war. The research will examine violence on the road in terms of a sociological model of the etiology of violence; and the acceptance or rejection of physiological, psychological, ethnological, or other causal models of violence is not within the purview of this research. It should be noted, however, as Mirams (1972)\* has pointed out, that the consequences of violence on the road cannot be escaped by simply indicting the psychopathic and the psychologically aggressive individual, but that the interaction of social factors has an important role to play in the manifestation and origins of violence on the road.

Chapter 4 will present the details of the methodology used in the research. The research is intended to be exploratory in the sense that it will examine rather than attempt to explain driving behaviour in terms of a facet of subcultural theory, and ideally the results will indicate the usefulness or otherwise of further in-depth research in social class differences in values and attitudes toward violence held by late adolescents through to middle-age adults.

The results of this research will be compared with similar studies from United States, United Kingdom, and Australian cultures. Whilst the danger in making cross-cultural comparisons is recognised, and the concept of culture will be discussed in chapter 2, it is an assumption of this research that such comparisons may be made. The basis of social stratification in the three cultures to be compared is subject to two competing schools of thought; namely, that values underlying major social institutions are held in common by all social classes or that values vary sharply and systematically between classes, so that one cannot speak of a unified moral order. Accounts of working-class life in modern Britain often make explicit contrasts between working-class and middle-class values so characterising the moral order as highly differentiated, and this "subordinate value

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\*Director, Mental Health Division, Department of Health (New Zealand).

system" as Parkin (1972) refers to it is evident in varying degrees in United States, Australian, and New Zealand societies.\* In addition, New Zealand has been regarded, quite rightly, to be somewhat similar in certain aspects to the United States and the United Kingdom, particularly with regard to occupational structure (Inkeles and Rossi, 1956) and its levels of industrial diversification and urbanisation (Webb and Collette, 1973). The notion of the existence of a differentiated value system in New Zealand society therefore, is a further assumption of this research based on the empirical evidence cited above and the relevance for this research of a working-class subculture having a distinct set of values and behavioural patterns of its own is discussed further in chapters 1 and 2.

The results of this research are reported in chapters 5 to 7 and in the final three chapters the findings are discussed and theoretical and practical conclusions drawn.

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\*See for example the reviews of the literature contained in various relevant sections in Forster (1969), Mayer and Buckley (1970), Pitt (1977), and Webb and Collette (1973).

## Chapter 1

### THE GENESIS OF CRIME

Studies of deviant behaviour range over several disciplines and have been subject to continuing modification and development over the last century or more but as yet no single definitive theory of deviance has achieved general acceptability.

Most theories of deviance generated during the early part of this century have been reactions in one form or another to the older social pathology perspectives which perceived the meaning of crime in terms of some moral, social, or physical deficiency in individuals. These deficiencies included feeble-mindedness, psychopathy, or simply inadequate socialisation. Individual criminals were labelled as such and control over their behaviour was sought on the individual level (Taylor, Walton, and Young, 1973). Current perspectives are now concerned with the economic, political, and social arrangements in modern industrial, capitalist societies which are said ultimately and inevitably to produce crime. Oppenheimer (1969: 20) makes the point that one of the problems being faced is bringing the institutions of society into line with continually advancing technology. Strain or "cultural lag" is seen nowadays as the creator of many problems for society as a whole. This stems from the fact that technology often changes faster within a system than the "super structural" institutions of that society such as law, family system, education, and so forth, so that these institutions are no longer appropriate to the new technology.

In addition, in western society today, with its diverse and distinctive cultural patterns, it is difficult to determine adequately what deviance really is. Deviance may take many forms far beyond the conventional ones that most people customarily allude to, for example, burglary, robbery, mental disorder, and prostitution. An almost endless variety of behaviour and characteristics are considered to be deviant by some people at some time, depending on the conditions and situations.

Individuals in modern urban society are expected to operate within one set of rules of their immediate social relationships while, at the same time, they are paying homage to the presumed norms of the larger society. When asked what deviance is and who is deviant, one is faced with specifying which groups within a society define certain behaviour as deviant and which groups do not. Deviance thus is a



created situation—created by individuals or groups within a society which makes the rules and which imposes negative sanctions upon certain behaviour, for, as Lindesmith and Strauss (1968: 390), say:

... actions are not in themselves moral or immoral, deviant or non-deviant. It is the judgment that is passed on the behaviour by others, and not the behaviour itself, that determines and defines deviance.

The element of power therefore to control the behaviour of others is important. What constitutes most deviance or crime, as Quinney (1970) has pointed out, is really behaviour that conflicts with the interests of the segments of society that have the power to shape criminal policy. Moreover, says Clinard (1974: 21), those segments of society that have the power to shape the enforcement and administration of the criminal law through agents like the police and the courts determine what criminal laws are actually enforced. This is particularly important in the context of this research since the choice of the sample which is explained in chapter 4 has been determined to some extent by the activities of the police and traffic officers as the traffic law enforcement agencies throughout New Zealand.

Contemporary theories of deviance fall within one or more basic perspectives or models of deviant behaviour. Hirschi (1969) gives the following three perspectives to which there has been added an additional one, namely, the labelling theory of deviance:

1. *Strain models*—Where conformity to conventional means of attaining desired goals does not lead to satisfaction, so the person is forced into adopting illegitimate means.
2. *Control models*—Where a person feels free to commit delinquent acts because his ties to the conventional order have somehow been broken.
3. *Subcultural theory*—Where the deviant conforms to a set of standards not accepted by a larger or more powerful society.
4. *Labelling theory*—The process by which individuals come to be defined as deviant by the remainder of society and the consequences that ensue for individuals when they are sanctioned by official agencies and other persons.

### *Strain Models*

A springboard for much present day theorising was provided by the nineteenth-century sociologist Emile Durkheim (1964 a and b). His heuristic theories relating crime to economic differential were interpreted and elaborated by Merton (1938), whose classic anomie theory

is probably the foremost example of a strain model. His theory states that inequalities in the distribution of consumer goods inevitably produce social stratification; there is always discontent and dissatisfaction. As society prescribes the ends which are valued, in this case the accumulation of wealth and status, society also prescribes the means by which these ends may be achieved. As discontents increase the individual will seek to achieve these ends by deviant means. He innovates, the means-end norms are renounced, and a state of normlessness or anomie exists. Merton emphasises that economic success is only one cultural goal which the theory covers; innovation and deviance take many forms other than crime. In this respect he highlighted four modes by which individuals may adapt to anomic situations:

- (1) Innovation—any new solution to the means-end dilemma, some of which will be defined as crime;
- (2) Ritualism or over-conforming—a form of deviance which is mildly punished by ridicule, etc.;
- (3) Retreatism—abandoning both the goal and the struggle to attain it; and
- (4) Rebellion—the formulation of the delinquent gang.

As Taylor, Walton, and Young (1973: 106–109) point out the strain model (which still retains its adherents among sociologists and social reformers alike) is riven with a set of unresolved and possibly irresolvable analytic problems. One of the principal criticisms of the strain model stems from the fact that it creates a perfect relation between social class and criminality and is only interested in explaining lower-class crime. As a result the strain model stands accused of predicting too little bourgeois criminality and too much proletarian criminality. Cohen (1966) in an attempt to save anomie theory from itself argues that the over-representation of the lower class amongst apprehended offenders could equally well reflect the way in which police practice is organised, the class bias of the courts, and the inability of lower-class offenders to afford legal defence. It could also reflect the ways in which informal social processes of “labelling” occur in societies that are unequally divided into classes and status groups, and this perspective will be discussed more fully below.

Merton’s original formulation of anomie theory has given rise to a considerable secondary literature. The most significant development being the attempt by Cloward and Ohlin (1960) to investigate the four “individual adaptations” mentioned above as “subcultural adaptations”. This extended form of anomie theory will also be discussed below.

### *Control Models*

Control models take many forms. However, the main assumption essential to this perspective, that deviance is taken for granted and it is conformity that has to be explained, runs throughout the works of control theorists. The main proponents of the model include Reiss (1951), Nye (1958), Toby (1958), Reckless (1967), and Hirschi (1969). The latter theorist has presented a control theory of delinquency in some detail and has covered the criticisms associated with the model. Hirschi (1969: 31) notes that the most disconcerting question the control theorist faces is that of motivation and why some individuals commit criminal acts whilst others do not. The model does not explain why some individuals prize one set of values rather than another or why they come to be in a particular state of commitment. The control theorists answer to this dilemma is to assume that the motivation to crime is constant among persons (at least within the social system in question) and that most people experience deviant impulses frequently. Deviancy is thus not the problem, and for the control theorist what has to be explained is individual adherence or conformity to the social order.

### *Subcultural theory*

Subcultural theorists occupy a central place in criminological discussion and their thinking flows from, and is in part a reaction to, both the works of Merton and the Chicago school of ecologists including Park (1936) and later Sutherland (1939) with his theory of differential association. The main proponents of the theory are Cohen (1955), Miller (1958), and Cloward and Ohlin (1960). Others who support the subcultural view include Akers (1973), Amir (1971), Clinard (1974), and Toch (1969). They argue, essentially, that the subcultural notion is useful to explain the different kinds of ways in which individuals resolve the problems posed by the demands of a dominant culture. In simplest terms, subcultural theory assumes that cultures, not persons, are deviant. It assumes that in living up to the demands of his own culture the person automatically in certain circumstances can come into conflict with the law. The theory has been heavily criticised yet it remains one of the most widely used perspectives in the research and theory of crime and delinquency. It is an aspect of this theory that will be used in this research to examine patterns of violent behaviour on the road. The status of this theory, therefore, will be examined more fully in chapters 2 and 3.

### *Labelling Theory*

The labelling perspective on deviance has constituted a major contribution to deviance theory in recent years. The major conceptualisations upon which this perspective rests are based on the writings

some 20 years ago of Lemert (1951) although the idea had been previously expressed in various ways in the works of Mead in Blumer (1969), Sutherland (1939), Tannenbaum (1938), Schutz (1967), and others. More recently Becker (1963), Garfinkel (1956), Goffman (1961), Scheff (1966), Erikson (1964, 1966), and Kitsuse (1962), along with others have elaborated the labelling approach culminating in a recent major work on the entire effort in Schur's "Labelling Deviant Behaviour" (1971). The theory suggests that labelling plays an important part in the shaping of deviant roles so that social differentiation into deviants and non-deviants results from public conceptions of the characteristics of these roles. This public conception can be shaped by official agencies and the mass media, with an underlying ideological bias resulting from the differential power and ability of various groups in society to form role conceptions and apply labels. According to Hampton (1976a: 23) labelling as such can become a part of the process of legitimating the control over groups in society whose interests conflict with the interests of those in power.

The labelling approach does not yet form a unified body of theory and in this respect it has received its share of criticism. Gibbons and Jones (1971) and De Lamater (1968) point out that it is not adequate in explaining why certain forms of behaviour vary from one population to another and why an act is considered deviant in one society and not in another. Klein (1967) suggests that the theory lacks generality in that for example, "secret deviance" is not tackled—"for a public reaction", the theory states—"deviance must be publicly observable". Akers (1968) asserts that labelling theorists have said little more than what conflict theorists have been saying—the dominant group in society will have their norms and values prevail.

### *Towards a Fully Social Theory of Deviance*

The above models or sets of theories offer what can only be regarded as "snapshots" of social reality and purport to explain only facets of a total phenomenon. Standing alone or in isolation from one another they cannot contribute significantly to the development of a fully social theory of deviance free of past biological and psychological assumptions. It remains for such a theory of deviance to be developed which will resolve the inadequacies of current criminological thinking and at the same time dispel the contradictions and utilise to the best advantage the complementary aspects that are evident in the models that have been advanced to date. Taylor, Walton, and Young (1973) have gone some way in resolving the impasse to which the above models have brought deviancy theory, by setting out a series of seven questions which, in their opinion, a fully social theory of deviance must answer and sustain connections between. They are:

1. The wider origins of the behaviour—structural, cultural, and psychological.
2. The immediate origins—situational background.
3. The actual act—is it problem solving, instrumental, expressive, collective, and what is its degree of rationality?
4. The immediate social reaction.
5. The wider origins of social reaction—vested interests, how it is maintained, its variability.
6. The effect of reaction on the deviant's further action and commitment—internalisation, amplification, and deterrence.
7. Persistence and change in the above processes and resulting changes in deviant activity.

Having determined the questions, the next stage according to Young (1974) is to find a suitable theory to encompass them, and in this respect he sees subcultural theory as the central pivot. As he says, what happens in reality is a constant interaction between the actions of the deviant individual and the societal reactions of his environment. What Young advocates is a somewhat new direction in subcultural theory in which there is the notion of "subculturation as praxis". Young's fully social theory of deviance envisages the subculture as the *locus* within which the problems of the individual or group (anomie/strain model) and societal reaction (labelling theory) can be solved:

... solutions to particular initial problems create new problems generated internally by the inherent contradiction existing in the emerging subculture and externally by the nature and degree of societal reaction which the solution has evoked from society. New solutions create new contradictions and social responses, and the change in the latter represents a new environment—and therefore problems—for the group. Groups evolve hypotheses as to the nature of their situation and the likely solutions to their problems; they test these hypotheses out in praxis, and in the conflict between them and the wider society review their situation and formulate alternative hypotheses—however inarticulate—which are once again applied to their situation. (Young, 1974: 182)

Young has clearly demonstrated the importance of the role that subcultural theory is likely to play in any future development of deviancy theory. It is this promise that has determined the theoretical direction of this research and, whilst it is acknowledged that Young does not mention traffic offenders as deviants *per se*, what is intended in this research is:

1. To make a review of the development of subcultural theory and in particular the subculture of violence thesis; and
2. Propose an extension to the subculture of violence thesis with a view to examining violent behaviour on the road in terms of this extension.

It is anticipated that this research will thus lend confirmation to the utility of subcultural theory and further establish its central place in a fully social theory of deviance.

## Chapter 2

### SUBCULTURES—SOCIAL THEORY

The proponents of a subcultural explanation of crime are in no way a unified group and they approach cultural deviance from a variety of theoretical standpoints. Subcultural theorists raise questions about the nature of delinquent subcultural genesis and persistence; they discuss whether the subculture is a negative reaction to, or a positive outgrowth from, the larger culture; they distinguish several types of delinquent subculture, and they provide clues to the means for social intervention in order to promote change in these subcultures. The works of Cohen (1955), Miller (1958), and Cloward and Ohlin (1960) represent the mainstream of subcultural thinking and it is their formulations which also have most relevance for this research. Cohen focuses his attention on factors which facilitate the development of subcultures and delinquent subcultures in particular and tends to ignore factors which help maintain subcultures once they are in existence. Miller on the other hand concentrates on factors which explain the persistence and development of subcultures through time and tends to ignore their origins. Cloward and Ohlin attempt to synthesise both the strain and subcultural models and thereby attempt an explanation of both the origins and persistence of subcultures. The subculture of violence thesis is but yet another aspect of an effort to explain certain criminal behaviour, in this case violence, in terms of cultural factors. Before proceeding to review the literature on subcultural theory it is necessary to briefly state what is meant by the concepts of "culture" and "subculture" in terms of this research.\*

#### *Culture*

Culture is one of the most widely used and controversial concepts in the social sciences. It has been defined in as many different ways as there have been writers on the subject for, as Murphy (1971: 45) says, "it is a mark of pride that one should coin a more 'elegant' formulation of the concept than his predecessors".

For the purposes of this research, culture is being regarded as ideational and it will be regarded as that intervening part of society that operates and mediates between structure and individual role behaviour. The research will also assume that culture is relative to the

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\*For a fuller discussion of these concepts, see Parsons (1977).

social structure in which it occurs. Each society has a distinct culture with no other culture being exactly like it. The process of socialisation is culturally relative and individual members of a society learn the cultural pattern in that society at that particular time. Other cultures have other patterns each operating to preserve the heritage and way of life of their own people.

### *Subculture*

Like culture the concept of subculture has been used by anthropologists and sociologists in a variety of ways and contexts and it contains much ambiguity. In terms of this research, the concept is being used to describe variations within a society upon its cultural themes. A subculture is, simply speaking, a culture within a culture. This implies that the subcultural group participates in and shares the larger culture of which it is part, but also shares some meanings and values which are unique. Shils (1961) has emphasised that the central value system is not the whole of the order of values and beliefs espoused and observed in society. Value systems in any diversified society are distributed along a range; variants from the central value system run from hyper-affirmation of certain of its components to an extreme denial of some of its major elements, which might be coupled with an affirmation of some elements even denied or subordinated in the central value system. It is these variants and their degree of variance that is of principal concern to those who use the term subculture.

In sociological criminology, Cohen (1955) should probably be credited with the first and most fertile theoretical statements about the meaning of subculture. He suggests that subcultures emerge in a highly differentiated society when a number of persons have similar problems. Thus, subcultural responses are jointly elaborated solutions to collectively experienced problems. Deviant behaviour is viewed as being a meaningful attempt to solve the problems faced by a group or an isolated individual, but, as is often true of classic propositions, those of Cohen have become hardened by others into restrictive meanings when they were meant originally as a highly general and schematic presentation leading to a fuller exposition of delinquent subcultures. Thus, there have been further refinements of delinquent subcultural types in the writings of Sykes and Matza (1957), Bloch and Niederhoffer (1958), Miller (1958), Kitsuse and Dietrick (1959), Bordua (1960), Cloward and Ohlin (1960), Yablonsky (1962), Gottlieb and Reeves (1963), Gold (1963), Mizruchi (1964), Spergel (1964), Wilkins (1964), and others.

Following Wolfgang and Ferracuti (1967: 99) the basic assumptions about subculture, as a concept, are that:



1. Not all values, beliefs, or norms in a society have equal status;
2. Some priority allocation is made; and
3. The subcultural variants may partially accept, sometimes deny and even construct antitheses of, elements of the central, wider, or dominant values, yet remain within that cultural system.

The two authors have set out some fundamental propositions about the meaning of subcultures, including their relation to the dominant culture, their conduct norms, the informal variations that are applied to members who violate the major subcultural themes, and the manner in which subcultural values are transmitted. They say essentially, that a subculture implies that there are value judgments or a social value system which is both apart from, and a part of, a larger or central value system. From the viewpoint of this larger dominant culture, the values of the subculture set the latter apart and prevent total integration, occasionally causing open or covert conflicts. They say that the dominant culture may directly or indirectly promote this apartness, and the degree of reciprocal integration may vary, but whatever the reason for the difference, normative isolation and solidarity of the subculture result. There are shared values that are learned, adopted, and exhibited by participants in the subculture and that differ in quality and quantity from those of the dominant culture. These values shared in a subculture are often made evident and can be identified by members of the subculture in terms of the conduct that is expected, ranging from the permissible to the required, in certain kinds of life situation. As Sellin (1938: 28) has remarked:

Some of these life situations, at least, are sufficiently repetitious and socially so defined that they call for definite responses from the type of person who encounters them. There are attached to them, so to speak, norms which define the reaction or response which in a given person is approved or disapproved by the normative group. The social attitude of this group toward the various ways in which a person might act under certain circumstances has thus been crystallised into a rule, the violation of which arouses a group reaction. These rules or norms may be called conduct norms.

Wolfgang and Ferracuti go on to say that values are shared by individuals and individuals sharing values make up groups. In most cases when referring to subcultures it is implied that individuals are sharing common values and are socially interacting in some limited geographical or residential isolation. However, value sharing does not necessarily require social interaction or propinquity. Consequently a subculture may exist, widely distributed spatially and without interpersonal contact among individuals or whole groups of individuals.

Several delinquent gangs may be spread throughout a city or never have contacts, yet they can be referred to collectively as the "delinquent subculture"—although, as Cloward and Ohlin (1960) make clear, there can be divergent foci of interest. Similarly, individuals are, after all, culture carriers who both reflect and transmit through social learning the attitudes, ideals, and ideas of their cultures. Thus, individual (non-group) behaviour can be subcultural so long as it continues to reflect the values of an existing subculture. Cressey and Ward (1969) amplify this, suggesting that "rules for delinquency" or "delinquent subcultures" existed long before most of today's delinquents and criminals were born. Each generation does not invent its own new and distinctive techniques and vocabularies of motives for violating the law. The verbalisations described by Sykes and Matza (1957), for example, have been used by many generations of offenders. As an individual follows such rules of conduct he participates in a "delinquent subculture" and commits "subcultural delinquency" whether he acts alone or with others in a group. The assumption that an individual acting alone can at the same time be a member of a subculture and his actions be regarded as subcultural, is of particular importance in terms of this research, since, as will be detailed later in chapter 4, it is the *individual's* social characteristics and his attendant behaviour on the road which is to be examined in the light of an extension to the subculture of violence thesis. As indicated in the introduction, this research is intended to be primarily exploratory rather than explanatory. The examination of data pertaining to individual characteristics therefore, is considered to be justifiable in terms of the overall objective of the study which is to use the subculture of violence thesis as a heuristic device to explore deviant driving behaviour. This will be discussed further in the following chapter.

### *The Subcultural Explanation of Crime*

Cohen's classic work on the delinquent gang in the mid 1950s was the prelude to the vast amount of literature to be written on the theory of subcultures and particularly delinquent subcultures. Cohen started by arguing that the interest Thrasher (1926), Sutherland (1939), and other pioneers in criminology had shown in the diffusion of the values that make delinquency and crime possible had directed attention away from the equally important question of why these delinquent norms or rules of conduct (delinquent subcultures) develop in the first place. His principal argument was that delinquent subcultures are a product of the conflict between working- and middle-class culture. Cohen maintained that within the working-class there is a persistent and traditional subculture, common to and found only in this stratum of population. This subculture is developed in the following way:

1. *Economic differentiation* results in
2. Class and social *stratification*, which produces
3. *Status frustration* of the lower-class; they develop
4. *Reaction formation* (rebellion) against middle-class norms; and
5. *Deviant norms* are adopted and crystallised by group reinforcement.

Cohen (1955: 129) said:

... the hallmark of the delinquent subculture is the explicit and wholesale repudiation of middle-class standards and the adoption of their very antithesis.

Some of these middle-class values which are repudiated are ambition, individual responsibility, cultivation of skills, postponement of gratification, rationality, good manners, control of physical aggression, wholesome use of leisure, and respect for property. The subculture of the gang, in protest against these norms, is non-utilitarian, malicious, negativistic, hedonistic, versatile, and autonomous. Cohen stressed the "non-utilitarian" nature of the delinquent subculture of which vandalism is a symbolic manifestation, and in this respect denied that his theory, despite its parallels with Merton, was an application of anomie/strain model.

Cohen's notion of the delinquent subculture rejecting middle-class cultural goals has not been entirely supported. Sykes and Matza (1957) take issue with some of his explanations and suggest that delinquency is not the complete avoidance of middle-class values, but that the delinquent must ultimately "neutralise" or "rationalise" much of his unconventional behaviour. Rodman (1963) argues that middle-class values are not necessarily abandoned or flouted by the lower-class but instead are "stretched" so that a lesser degree of commitment to them is deemed acceptable, thus helping individuals to adjust to their deprived circumstances.

Spiller (1965) also found little evidence to support Cohen's thesis, and Taylor, Walton, and Young (1973: 135) note that Cohen's theory fails to point to its close relationship with adult working-class culture. There is a world of difference, they say, between a culture which is normative in its own right and antagonistic to the middle class and one which is mere inversion of the culture it opposes. Rather it should be seen as an accentuation of adult working-class culture. This is the sharp contrast between Cohen and the main features with what has come to be called the lower-class culture view associated with Miller (1958).

Miller's work on working-class delinquency indicates more concern for the diffusion of delinquency values within the working class than

for the origin of these rules for delinquency among working-class people. Unlike Cohen, he has not developed a specific theory which attempts to account for the development of certain of the rules for delinquency. He disagreed with the Cohen position concerning the reactive nature of lower-class gang culture and instead developed the notion that working-class values include a delinquent subculture. His argument is in a similar vein to those of Hyman (1953), Davis (1946), and Henriques (1953), who have argued that there is a class-differentiated value system rather than a common value system underlying social stratification in society. Miller's major point about juvenile delinquency within the lower class is that it is congruent with the values to be found within the lower class, and that these lower-class values are very different from those to be found within the rest of society. According to Miller, the cultural system which exerts the most direct influence upon members of delinquent gangs is that of the lower-class community itself—a long-established, distinctively patterned tradition with an integrity of its own—

... there is a substantial segment of present day society whose way of life, values, and characteristic patterns of behaviour are the product of a distinctive cultural system which may be termed lower class. (Miller, 1958: 5)

Miller's thesis has been reduced by Cloward and Ohlin (1960) to three main propositions:

1. The lower-class is characterised by distinctive values;
2. Those values vary markedly from the middle-class values which are embodied in the law; and
3. The result is that conformity with certain lower-class values may automatically result in violation of the law.

To demonstrate his thesis Miller divided the properties of the lower-class culture into a series of social structural elements and a complex pattern of what he called "focal concerns" (values) similar to Cohen's "trouble", "toughness", "smartness", "excitement", "fate", and "autonomy". Miller observed an intense concern for "toughness" and "aggressiveness" as a demonstration of masculinity in the "lower-class culture". The desire to prove one's masculinity and become a successful male adult member of the lower-class culture requires adolescent "rehearsal" of the toughness, heavy drinking, and quick aggressive response to certain stimuli that are characteristic of the lower-class adult male. Such rehearsal involves activities not necessarily delinquent but often participation in conduct that is defined as delinquent by the middle class. Machismo is still a viable term in various cultures and

especially among the young in the lower-class that equates maleness with overt physical aggression. Borrowing from Adler (1927) and the reasoning of Parsons (1947), Miller attempted to explain the persistence of the clandestine masculine ideal in lower-class culture in terms of the structure of their family relationships and he suggested that as a reaction to the female dominated working-class household there is an almost obsessive concern with "masculinity" among lower-class adolescent boys; the delinquent subculture providing the solution to their problems in male role identification. An apparent weakness in this position is that there is nothing inherently disruptive or conflict producing in being reared in a female-based household. There are some traditional, matriarchal societies like a Berber group in North Africa (Smelser, 1967:535), which are stable and well integrated with firm social controls although, as the earlier section on culture makes clear and as Bordua (1961) correctly points out, such cross-cultural comparisons are not necessarily appropriate or valid.

Miller's other focal concerns further illustrate the way in which adherence to lower-class cultural values is likely to meet with conflict with the law. He argues that there is more emphasis in working-class culture, compared with other social strata, on seeking excitement, taking risks, and being daring. For working-class youths, one of the favourite ways of taking risks and getting thrills may be to commit crimes. There is also an emphasis on being smart, on making a lot of money with no effort, and there is less admiration for a steady job and planning for the future. Once again the aim of making easy money is likely to lead people into delinquency.

Like Cohen, Miller's thesis has its strengths and weaknesses. Clinard and Quinney (1967) point out that Miller has not been very successful in refuting Cohen's insistence on the clash between middle-class and lower-class standards as it affects the sources of self esteem, even though in their view the resolution of the problem does not appear difficult. Short and Strodtbeck (1965), in their analysis of gang values, failed to confirm the existence of Miller's "focal concerns" of "toughness" and "excitement" and a study by Lerman (1968) has questioned the existence of a distinctive lower-class culture reflected in gangs. A further criticism flows from Miller's focus on the "hardcore" or the lowest stratum of the lower class where it could be expected that his "focal concerns" would most likely be reflected. In doing so Miller finds it necessary to point out that objectively low-status urban groups vary in the degree to which they display the core features of lower-class culture, with Negroes and Irish groups among those he has studied displaying it more and Italians less. As Hirschi (1969) correctly notes when the whole juvenile population is studied, the patterns of adherence to Miller's focal concerns can be quite different.

A final criticism of Miller's formulations, and one which has also been directed at other subcultural theorists, is the risk that their explanations are tautological, i.e., the behaviours to be explained are explained by reference to attitudes and behaviours that are of the substance of that which is to be accounted for. Clinard and Quinney (1967: 370) suggest this possibility if Miller's focal concerns are derived from observing behaviour and then used to explain the same behaviour. Miller, in fact, does find the origin of the delinquent subculture in the values of the working class and pays scant attention to the structural conditions leading to the invention of these values. One of the ways of escaping from the circularity of the subcultural argument may be to mix the subcultural explanation with other explanatory devices and make use of the vast literature, for example, on powerlessness, particularly in respect of wielding symbolic power, deprivation, and the consequences of prolonged instability of employment. Such a technique has been employed by Cloward and Ohlin (1960) who are regarded as probably the most significant representatives of the several subcultural theorists.

In stating these criticisms, however, the very real contributions in Miller's position should be recognised and borne in mind. Many empirical works on the delinquent subculture give cogent evidence supporting Miller's thesis, and many of the values of working-class youths and their relationship to delinquency come out in works including Willmott (1970), Farrington and West (1969, 1973), and Willis (1976). Also, as Clinard and Quinney (1967) point out, Miller demonstrates what the lower-class delinquent subculture is for, rather than what it is against. In addition, he deals provocatively and originally with the nature of the adult culture which serves as the context for adolescent behaviour. Finally, he draws attention to a possible historical development that has received relatively little attention and that is the persistence of something like a stable lower class in many western societies. The possibility of a stratum of population caught in a cycle of deprivation powerless to influence its destiny can easily be neglected in studies of increasingly middle-class societies.

Turning now to Cloward and Ohlin (1960), the third main proponents of subcultural theory. They have sought to develop and extend the views of Durkheim (1964 a and b), Merton (1938), Shaw and McKay (1942), and Kobrin (1951), and in so doing have attempted to unite the two strands of anomie (strain model) and differential association (subcultural theory). Their concern is with both the origins of deviancy and how deviant subcultures persist and diffuse once they are invented. Essentially they go beyond the economic differential which underlies the Durkheim-Mertonian theory of crime to emphasise the differential in *opportunity* that exists for persons

in different social strata. They observe the clash between values which promote unlimited aspirations and a social structure which restricts accomplishment of the aspirations, but then go on further to observe that among some segments of the population, particularly the lower class, even the possibilities of legitimately achieving *limited* success goals are also restricted. They describe three types of delinquent subcultures emerging from this climate, based on Merton's adaptive modes: the criminal (stealing) subculture, the conflict (fighting) subculture, and the retreatist (addictive) subculture.

In the second phase of their theory, Cloward and Ohlin invoke Sutherland's concept of differential association to explain why a particular subculture becomes delinquent, violent, or retreatist. In a slum, for example, with a well-established underworld structure, the criminal subculture develops as part of an initiation into the professional underworld. Where this structure is lacking, however, the youth is cut off from success goals whether by legal or illegal means. Here the violent subculture develops and status is found in the compulsive masculinity described by Cohen and Miller. The "double failure" who can neither fight nor steal turns to narcotics or alcohol. In support of this position, both Kobrin (1951) and Yablonsky (1962) hold that a symbiotic relationship develops between the legal and illegal culture in a "stabilised" slum. Where this stability or integration has not had time to develop, as in a newly infused racial sector of a city, the fighting subculture appears.

Cloward and Ohlin have been criticised particularly in regard to their three types of delinquent subcultures. Accepting that the narrowness and rigour of their postulates regarding criminal, retreatist, and conflict oriented subcultures characterise the logical structure of their theory, the question remains whether these postulates accurately characterise delinquent subcultures and whether such subcultures are in fact this focused, unique, and autonomous. When Short and his colleague (1965) set about trying to study these kinds of subcultures, they had extreme difficulty in locating them. They found a number of gangs in which marijuana smoking was common and one gang that was a clearly drug-oriented group. They did not find a full blown criminal group but they had no difficulty in locating a number of gangs who were well known for their conflict, toughness, and fighting. However, in this respect they had some reservations whether conflict was the "focal" concern of these groups since much of their delinquent activities, while emphasising conflict, was spread over a long list of different offences. In this respect, Miller (1966) observing "typical", "tough" city gangs over a 2-year period also found that assault was not the most dominant form of their activity. Erickson and Empey (1963) and Gold (1966) similarly suggest that the frequency

with which adolescents commit a long list of different offences seems to better characterise their commitments to delinquency than their persistent adherence to a particular offence pattern. Cohen and Short (1958) find limited empirical support for the idea of autonomous and highly focused delinquent subcultures and somewhat more support for the notion of a ubiquitous "parent" subculture of delinquency in which there is a "garden variety" of delinquent acts. This argument has implications for the subculture of violence thesis, and the extent to which precision can be introduced when referring to the characteristics of a "violent" subculture will be discussed further in the following chapter.

The subcultural solution to delinquent behaviour is in reality a collective and collaborative endeavour in which individuals with like problems create a solution together which relates to their culture of origin. The main criticism of the subcultural approach relates to whether there is a common or class differentiated value system underlying social stratification in modern society. The subcultural theorists agree that such class subcultures exist and suggest that members of the lower subordinate class, in adhering to the values espoused by their class subculture, come in conflict with the norms and values of the more powerful middle and upper classes which establish what is criminal and what laws are to be enforced. Mayer and Buckley (1970: 52), I believe, correctly argue that "class subcultures" exist and are perpetuated by virtue of the fact that adult members of different classes hold differential positions in the social, especially economic, organisation of society. This creates and perpetuates "interaction differentials" such that class members tend to be segregated and to live and interrelate with one another within similar life experiences. In turn, differential class subcultures with distinct features tend to develop. The new generation born into such subcultures is socialised and educated in differential ways. Such differential socialisation and education shape class differentials in social behaviour and acquired skills, which, to the extent that they are relevant to the qualifications necessary for recruitment into adult social positions in the society, lead back to the individual's position in society and hence to the perpetuation of the social classes. The whole basis on which subcultural theory stands or falls flows from this model. Some of the many class differences in subcultural "life style" recorded by research include differences in respect to type of residence, leisure and recreation, family life, upbringing and ritual, church preference, membership of voluntary associations, sex mores and behaviour, fashion, musical taste, drinking habits, and, of course, types of deviant behaviour.\*

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\*There is a wealth of research showing the importance of the connection between social class and life styles. See, for example, the summary in Forster (1969), chapter 9, and more recently Pitt (1977).



The opponents of subcultural theory argue that a value system operates that is common to the whole of society. Like Rodman and Sykes and Matza discussed earlier, Matza (1964: 33) argues further that "there is a subculture of delinquency, but it is not a delinquent subculture". Culture, he believes, is not a simple puritanism exemplified by the middle-class. Instead it is a complex and pluralistic culture in which, among other cultural traditions, there is a "subterranean" tradition, an "infraculture" of delinquency. The infraculture does not represent ignorance of the law or even general negation of it; instead it is a complex relationship to law in a *symbiotic* rather than an oppositional way. It is not a separate set of beliefs which distinguish delinquents from other youths, or youths from adults; it is that part of the overall culture which consists of the personal, more deviant, and less publicised version of officially endorsed values. The two sets of traditions, conventional and deviant, are held simultaneously by almost everyone in the social system and, while certain groups may be influenced more by one than the other, both determine behaviour to a considerable degree. Ericksen and Empey also, in questioning the validity of the delinquent subculture concept, suggest that studies are needed which will indicate the extent to which deviant values are diffused either throughout the entire class structure or through subgroups on all class levels.

The polemics set out in the above opposing arguments will not be readily resolved and such polemic may inhibit rather than enhance the development of a fully social theory of deviance such as that proposed by Young in chapter 1. However, the matters which must now be considered are: the subculture of violence as a facet of subcultural theory, its empirical status, and a possible extension to it whereby the driving behaviour of serious motoring offenders may be examined.

## Chapter 3

### THE SUBCULTURE OF VIOLENCE

This chapter examines the proposition that there is a subculture of violence, the existence of which has been advanced, as a concept, primarily by Wolfgang and Ferracuti (1967).

#### *The Subculture of Violence Concept*

Wolfgang and Ferracuti support the view that a subculture presupposes an already existing complex of those elements contained in the generally accepted assumptions about subcultures referred to in the previous chapter. What the subculture of violence further suggests, they argue, is simply that there is a segment both apart from, and a part of, the dominant culture that places positive merit in the use of violence in interpersonal relations, that not only tolerates but even encourages or prescribes physical violence and assaultive conduct under certain life situations. So deeply internalised are these norms that they have become an integral part of the social organisation that the individuals share in and are committed to. Violence for them is a common experience, an expected form of response to an abundant set of social stimuli, and a presumed quick and ready way to solve problems. More specifically, for members of the subculture, violence can become a "life style", a culturally transmitted and shared willingness to express disdain, disgruntlement, and other hostile feelings in personal interaction by using physical force.

In his Philadelphia study, Wolfgang (1958: 188) points out that:

... the significance of a jostle, a slightly derogatory remark, or the appearance of a weapon in the hands of an adversary are stimuli differentially perceived and interpreted by Negroes and Whites, males and females. Social expectations of response in particular types of social interaction result in differential "definitions of the situation". A male is usually expected to defend the name and honour of his mother, the virtue of womanhood . . . and to accept no derogation about his race (even from a member of his own race), his age, or his masculinity. Quick resort to physical combat as a measure of daring, courage, or defence of status appears to be a cultural expression, especially for lower socio-economic class males of both races. When such a culture norm response is elicited from an individual engaged in social interplay with others who harbour the same response mechanism, physical assaults, altercations, and

violent domestic quarrels that result in murder are likely to be common. The upper-middle and upper social class value system defines subcultural mores, and considers many of the social and personal stimuli that evoke a combative reaction in the lower classes as "trivial". Thus, there exists a cultural antipathy between many folk rationalisations of the lower class, and of males of both races on the one hand, and the middle-class legal norms under which they live on the other.

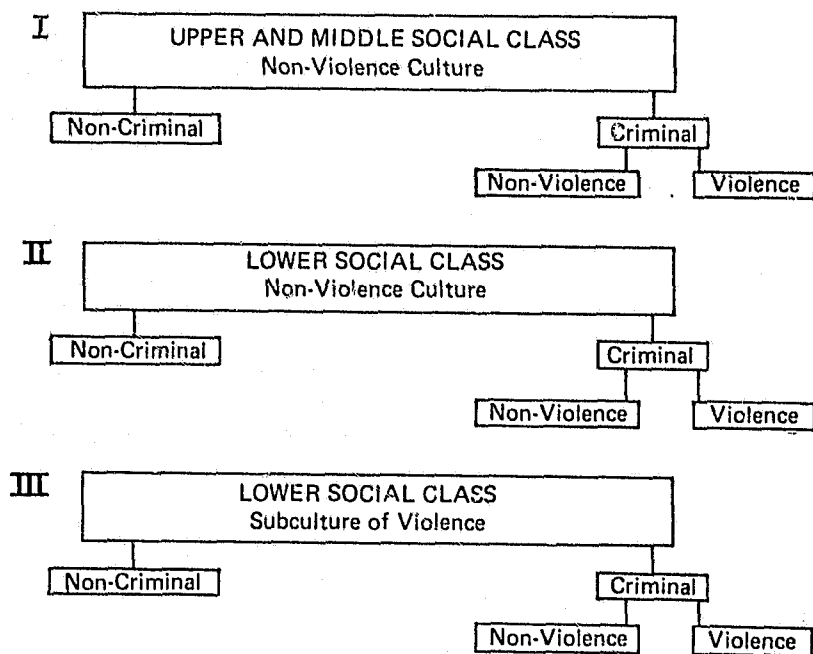
This kind of analysis, Wolfgang and Ferracuti argue, combined with other data referred to in the previous chapter about the characteristics of delinquent subcultures, the lower-class social structure, its value system, and its emphasis on aggression, suggest the thesis of a violent subculture or pushing the normative aspect a little further—a "subculture of violence". In their research design Ferracuti and Wolfgang (1963) postulate that the larger dominant culture, which has principally an upper- and middle-class ethic responsible for codified norms is, in a precise physical sense, a non-violent culture. This culture views the use of physical violence in interpersonal relationships as antithetical and deviant. Furthermore, a large portion of the lower social class adheres to this culture theme although not enjoying many of the institutional means for imposing (through legislation) or requiring (through judicial roles) commitment to it, but another portion of the lower-class has become imbued with a tolerant acceptance of violence that in itself is a normative system. Individuals in this subculture go through a learning process (socialisation) that is similar to that for those in the larger non-violent culture and therefore perceive a considerable amount of violence as a normal pattern.

The thesis, Wolfgang and Ferracuti say, follows a class dichotomy of upper/middle and lower because:

1. The codified norms of the dominant culture in western society historically and at present come from upper and middle social class values;
2. These values and the norms of conduct they support are essentially non-violent except when the whole society is attacked by an outside group;
3. Criminological research has generally found that a disproportionately high number of offences of violence are committed by members of the lower-class; and
4. Social class theory and empirical data in stratification point to differences in child rearing that are related to the use of physical aggression.

But because a large proportion of the lower social class is essentially law abiding and because crime and delinquency converge with many other social problems on a limited segment of this class, there is logical

justification for assuming that there are differences between these two portions of the lower class that are meaningful to the subculture of violence thesis. Thus, they assert, that without presently knowing the extent, there is a large portion of the lower class committed to the non-violence culture; and that there is another considerably smaller portion of this lower class which contains some values regarding the use of violence which are antithetical to the dominant culture. It is the latter group that is referred to as the subculture of violence. Wolfgang and Ferracuti illustrate their thesis in the following diagram:



The three major groups in the diagram are based upon social class and value systems regarding the use of violence. The subgroups under each of these groups have the same nomenclature: non-criminal, with no further breakdown; and criminal, divided into non-violent and violent. Since the focus is on criminal violence it is necessary to distinguish the violent from the non-violent criminal, and the non-criminal in each of the three major groupings and between groupings. Moreover, Wolfgang and Ferracuti's underlying theory of a culture of violence does not preclude the commission of a violent crime by individuals classified as belonging to either of the non-violence cultures shown in the diagram; nor does it deny, since *rates* of violence are used as the basis of the theory, that many persons belonging to a subculture of violence are non-criminal. The use of

a subculture of violence frame of reference, therefore, does not exclude other cultural and non-cultural motivations to commit acts of violence. These other motivations may well cut across subcultural boundaries and cause individuals not committed to violence to resort to it as an otherwise abnormal reaction. What the subculture of violence postulates is a more frequent, more probable, and more "normal" use of violence.

Finally, in support of their thesis, Wolfgang and Ferracuti (1967: 158) offer some important corollary propositions. They say that persons living in a subcultural milieu designated as a subculture of violence do not engage in or resort to violence in all situations, and to establish the existence of such a subculture does not require that the actors sharing in these basic value elements should express violence continuously. For members of the subculture ready access to, and resort to, weapons in this milieu may be essential for protection against others who respond in similarly violent ways. The willingness to participate in violence, to expect violence, and to be ready for its retaliation is an indication of the penetrating and diffusive character of this culture theme. The subcultural ethos of violence, they say, may be shared by all ages in the subculture but this ethos is most prominent in a limited age group, ranging from late adolescence to middle age. The development of favourable attitudes toward, and the use of violence in the subculture usually involves learned behaviour and the process of differential association posited by Sutherland (1939). Violence in the context of this subculture is not viewed as illicit conduct and the users do not have to deal with feelings of guilt about their violent behaviour. A carrier and user of violence will not be burdened by conscious guilt mainly because the recipient of his violence shares in the same subculture and has similar class, occupation, residence, age, and other attributes which characterise the subuniverse of persons sharing in the subculture of violence. Wolfgang and Ferracuti say that the counternorm to violence is non-violence. Violation of expected and required violence is most likely to result in ostracism from the group. Urban areas and particularly the contemporary western city have the major accoutrements for the genesis and development of the subculture of violence, although, as Wolfgang and Ferracuti (1967: 298) point out, it is not necessarily the product of cities alone.\*

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\*Violent subcultures may quite possibly embrace the great majority of a society in which case it is more appropriate to speak, not of a violent subculture, but of a "culture" which, in order to resolve a series of conflict situations, employs patterns of behaviour involving violence. Pigliaru's (1959) account of Sardinia describes a culture of this kind and similarly the account given by the Sanchez family (Lewis, 1962) of their life in Mexico makes it easy to understand how the concept of honour, the meaning of life and death, and the importance of gesture and speech which appears to have general currency in Mexican society inevitably lead its members to become caught up in situations which can only be resolved by means of violence.

### *The Concept Discussed*

To a large extent the critics of the subculture of violence thesis are the same as those who question the validity of the "delinquent subcultures" concept itself. Thus, arguments similar to those expressed in chapter 2, in respect to subcultural theory are also evident in the context of the subculture of violence thesis. However, considerable discussion and interest have been taken in the subculture of violence thesis in its own right and the empirical status of the thesis has been the subject of a recent review by Erlanger (1974). His opinion regarding the thesis is that, while it has received a certain measure or acceptance, a wide variety of evidence suggests that it is questionable. All the data available, he says, have limitations of various sorts, and the thesis cannot be said to have been definitively tested. He concludes that on balance more of available evidence is inconsistent with the thesis than consistent with it.

Critics of the subculture of violence thesis seem to focus their attention on two principal matters: firstly, the genesis of the subculture, and secondly, its existence—is it an empirical fact or a theoretical construct? Concerning the former, the subculture of violence thesis put forward by Wolfgang and Ferracuti (1967:163) does not address itself to the question of origins; in fact the authors point out that they are not prepared to assert how a subculture of violence arises. They argue that their theoretical formulation describes what is *believed to be* a condition that *may* exist in varying manifestations from organised crime, delinquent gangs, political subdivisions, and subsets of a lower-class culture. How these variations arise, and from what base, are issues that they have not raised and would require research to describe. They do, however, envisage that the beginnings of such a subculture could be found in each or a combination of all three of the formulations of Cohen, Miller, or Cloward and Ohlin reviewed in the previous chapter.

The second matter, whether the subculture of violence exists or whether it is simply a theoretical construct, alludes to an area of greatest deficiency in the thesis. In this respect it should be recognised at the outset that Wolfgang and Ferracuti (1967: 312) acknowledge that the basic evidence for the existence of a subculture of violence is still missing or tautological. As Erlanger (1974: 280) correctly points out, when preparing the 1967 volume, Wolfgang and Ferracuti could locate no data on the distribution of values regarding violence, so they were forced to rely on inferences from available data on criminal acts of interpersonal violence and have based their theory on differences in *rates* of violence between various groups. Since criminal statistics indicate that the groups with the highest rates of murder are males, non-whites, lower- and working-class whites and young adults, it is

therefore among these groups, Wolfgang and Ferracuti (1967: 153) argue, that "we should find in most intense degree a subculture of violence". They again acknowledge that their reasoning here is circular, and they agree that individual data on values are necessary for an adequate test of the theory.

Several empirical studies which have followed the subculture of violence thesis have directly or indirectly brought data to bear on the thesis. As mentioned in chapter 2, the thesis gains support from the formulations of the subcultural theorists including particularly Cohen, Miller and Cloward and Ohlin. In later studies by Miller (1961, 1966) in which he looked specifically at violent crime in city gangs, he found that the lower-status, lower-class gang members engaged in violence four times as often as did other boys also of the lower class but of slightly higher status, suggesting that the lower-class gang at least is a series of gradations wherein one could expect to find variations in the degree of adherence to the values of the lower-class culture and particularly the violence ethic. However, as Erlanger points out, the existence of gradations of adherence to a violence ethic in gangs in low-income neighbourhoods is insufficient evidence to establish the existence of such norms and gradations within the non-gang juveniles of the lower class, and this was supported by Hirschi's (1969) study of juvenile delinquency.

The findings of Miller's later studies were also pertinent in another respect. He found that assaultive conduct was not the most important part of gang life which relates back to the question raised in chapter 2 as to whether or not delinquent subcultures are highly focused and organised around some particular delinquent activity such as violence. Erlanger (1974: 281) again points out that studies such as those of Kobrin *et al.* (1967) and Yablonsky (1962) demonstrate that status within the gang is only in part based on the violence criteria outlined by Wolfgang and Ferracuti. Yablonsky's violent gang, for example, is characterised in particular by its diffuse role definition, limited cohesion, impermanence, minimum consensus of norms, shifting membership, disturbed leadership, and limited definition of membership expectations. The violent gang's leaders are described as sick, self-appointed, dictatorial, and authoritative, the gang providing for them a channelled outlet for their pathological hostility and aggression. In the study of adult interpersonal violence, Erlanger refers to well-known ethnographic studies of adult lower-class communities such as Liebow (1967), Suttles (1968), and Whyte (1955) in which the writers are not explicitly concerned with the violence issue. He says that the absence of discussion does not necessarily refute the subculture of violence thesis but it does suggest that violence is not the major theme in the groups studied.

One of the inadequacies of the arguments of the subculture of violence critics is their use of data on gangs and gang norms and behaviour to question the thesis. "Gangs" and "subcultures" are not necessarily synonymous. As indicated in chapter 2 several delinquent gangs may be spread throughout a city or never have contacts yet they can be referred to collectively as the "delinquent subculture". Similarly, it was stated that individual (non-group) behaviour can be regarded as subcultural so long as it continues to reflect the values of an existing subculture. Thus, the real test of the subculture of violence thesis can only come from a systematic study of social class differences in values and attitudes toward violence among late adolescents through to middle-age adults, and the nature of the social structure which underpins the latter. To my knowledge no such definitive study has been reported in the literature.

Notwithstanding the absence of such literature, it is considered that on the basis of the available evidence presented here, there is merit in making use of the subculture of violence concept as a heuristic device and for the purposes of this research the concept will be used as such. In addition, it is proposed to modify the concept to include a form of violent behaviour, namely, violence on the road, that has not been previously associated with the concept. Furthermore, the modified concept will be considered in relation to the New Zealand context and, again, this has not been previously attempted. The following two assumptions are being made therefor:

1. That the subculture of violence concept is a theoretical construct which has heuristic value; and
2. It is partly demonstrated by representative, identifiable individuals.

### *The Concept Extended*

It is proposed to extend Wolfgang and Ferracuti's thesis to include within the subculture of violence, "mechanised death", i.e., behavioural acts resulting in violent death or injury on the road. The suggestion to make this extension comes from Wolfgang and Ferracuti (1967: 188) themselves, who exclude motoring offences resulting in death and injury from their area of study on the grounds that their focus of interest is primarily in criminal homicide. However, at the same time they acknowledge that the relationship between motoring offences and criminal behaviour, often of a violent type, is probably close and meaningful. This correlation had already been adumbrated by Tillmann and Hobbs (1949: 331) who concluded from their important study of accident proneness in motor vehicle drivers in Canada that "a man drives as he lives". This suggests that a person's



non-motoring behaviour will be of direct relevance when his behaviour and record on the road is under consideration, especially when the former indicates that the driver may be at odds with society. Should this be true then it could be expected that an individual who lives by the values of the subculture of violence will drive violently and the opposite also—those who do not live by the values of the subculture of violence will not drive violently. These expectations will receive some support if it is found that a major proportion of motoring offenders who cause death or injury have similar personal characteristics to members of groups with the highest rates of criminal acts of interpersonal violence, namely, males, non-whites, lower- and working-class whites and young adults. This research will attempt to test the null hypothesis that serious motoring offending and violent, anti-social behaviour offending (to be defined in the following chapter) are independent. In addition, the hypothesis that this study will be examining is:

That the tendency toward violent behaviour, characteristic of a subculture of violence, influences the way an individual drives as well as his face to face interactions.

The following studies have also examined the relationship between motoring offending and criminal behaviour and each to a greater or lesser extent is supportive of a subcultural approach to the study of motoring offending of the kind proposed here. In the United States, Michalowski (1973, 1975) made an empirical study of 223 fatal accidents occurring in Columbus, Ohio, from 1969 to 1971. The study was designed to disclose and examine the social and criminal patterns of fatal traffic accidents in an urban environment. His findings indicate that the sociological characteristics of vehicular homicide are nearly identical to those of other urban crimes of violence, that individuals with a prior history of criminal violence constitute a significant proportion of vehicular homicide offenders, and that there is a strong positive relationship between traffic offences and a history of criminal violence. Michalowski's study is the culmination of a number of American studies which over the years have supported Tillmann and Hobbs' Canadian research and which have generally confirmed their findings. Foremost amongst these studies is the research of McFarland and Moseley (1954) in which 57 accident-free drivers were compared with a group of 57 accident-repeaters and it was found that the accident-repeaters had significantly higher court records of previous motoring offences and non-motoring offences against the person. Selling (1940) noted that aggressive driving by juveniles and negroes in America was associated with a record of delinquency and Canty (1956) compared a group of young traffic violators with persons convicted of non-traffic criminal offences

with similar results. Porterfield (1960), using United States statistics of violent deaths, was able to correlate the incidence of male deaths by homicide with male road death rates. There was a significant association in 39 United States metropolitan areas between these two forms of violent death. The Californian Department of Motor Vehicles (1964) studied a more extreme group—"The Financially Irresponsible Driver". Such a person is a "driver or owner of a motor vehicle who has failed to establish any financial means of reimbursement to a person injured or damaged in an accident". In its findings 56 percent of those studied had a record of one or more criminal arrests compared with 21 percent of a control sample matched on age, sex, and marital status. In a 12-month follow-up, although 90 percent were not supposed to drive, the suspended males had twice the number of convictions of the average driver. In addition to the link found by this study, Coppin and Oldenbeek (1965) found for an extreme group—those with 10 or more incidents of driving under suspension or revocation—that 34 out of 36 drivers had a criminal record for offences ranging from burglary and fraud to vagrancy and being drunk and disorderly.

In the United Kingdom the most thorough study has been by Willett (1964). He investigated the files of 653 serious motoring offenders convicted over a 3-year period in one police district. It was found that 23 percent had a police record for non-motoring offences and as Willett says:

... this proportion is substantially in excess of even the most pessimistic estimate of the proportion of persons that could be expected to have criminal records in a random sample of the population of England and Wales". (Willett, 1964: 208)

Furthermore, an additional proportion of the group were known to the police as "suspected" persons, and if these were added to the numbers previously convicted for non-traffic offences, one-third of the serious traffic offenders were either suspected persons or had previous non-traffic convictions. Further evidence to support the hypothesis that accident repeaters and serious motoring offenders are likely to be criminal in other ways is cited by Willett (1964: 15-17). Steer and Carr-Hill (1967), whilst criticising Willett's choice of traffic offences for analysis, point to additional studies which show an association between criminal behaviour and serious traffic offences. Whitlock (1971: 48) suggests that there seems to be a clear indication in England and Wales that a strong association exists between convictions for dangerous driving and other forms of criminal behaviour. Raphael (1967) has stated that among persons convicted of dangerous driving, males outnumbered females by 20 to 1 and had 5 times the expected number of

convictions for non-motoring offences. Hood (1966) discovered in his study that 28 percent of persons found guilty of serious motoring offences had been convicted for indictable non-motoring offences. Other studies by Jeffcoate (1962), Kriefman (1975), and Macmillan (1975) support these findings.

In Europe the pattern is similar. Desmarez (1965) and others in Belgium have established a relationship between traffic offences and crimes of violence, particularly physical assault. In Germany, Handel (1962) compared 1000 drivers convicted of drunken driving with 1000 sober drivers convicted of other offences. The inebriated group showed a higher incidence of previous convictions for non-traffic offences, mainly assault. A further study from West Germany (Middendorff, 1968) indicated that drivers repeatedly involved in accidents had a disproportionately high incidence of criminal convictions. In Denmark, Wolf (1964) investigated the incidence of violations of the criminal law amongst motoring offenders. Taking a random sample of the population aged 21-70 (3032), he found 166 motoring offenders. Of these 30.7 percent compared with 8.4 percent of the general population had criminal convictions and a further 13.9 percent and 5.5 percent respectively had offended against special Acts and regulations. Wolf also cites another Danish study which found that persons with a criminal record were three to four times as likely as other members of the population to be convicted of a motoring offence.

Coming closer to home, to Australia, the pattern is again similar. Tweddell (1968) examined 100 persons in Brisbane found guilty of reckless driving and compared them with a control group. The reckless drivers had experienced more injury-producing accidents, had more convictions for speeding, drunken driving, and other traffic violations and had a larger number of previous criminal, non-traffic offences. In a later study in Brisbane, Jamieson *et al.* (1971) found that, for accidents which were sufficiently serious for an ambulance to be called, one in four of those drivers with major responsibility for the accident had criminal records. In New Zealand, Grimmond (1974) studied 50 serious motoring offenders in Dunedin and found that they had a high incidence of non-traffic crime and crimes of violence. Hart *et al.* (1975), in a survey of traffic casualties at Christchurch Hospital during August, September, and November 1972, found that 97 or 21 percent of the 459 drivers studied had convictions for non-motoring offences.

The foregoing evidence supports a statistical association between serious motoring offending and other forms of criminal behaviour often involving violent offences against the person. Given the inherent difficulties and limitations of making cross-cultural comparisons,

alluded to in the introduction, it remains for this research now to see if such an association is valid for New Zealand and to make some comparisons with United States, United Kingdom, and Australian data. Furthermore the research will examine this relationship if it should exist in terms of the proposed extension to Wolfgang and Ferracuti's subculture of violence thesis developed here.

## Chapter 4

### METHODOLOGY

The methodology described in this chapter was established to accomplish the twin aims of the research, namely, to study the sociological characteristics of a selected group of serious motoring offenders convicted in courts throughout New Zealand over a period of time, and to examine their behaviour in terms of the extension to Wolfgang and Ferracuti's subculture of violence thesis proposed in the previous chapter. Data were gathered relating to the offenders' social background and previous criminal and traffic offence records. Data relating to their subsequent offending both on and off the road were also obtained. Also, in establishing the methodology, several qualifications and limitations of the data which are discussed below were acknowledged.

#### *Source*

The data used in this study are entirely secondary and were taken from the New Zealand "*Police Gazette*", a weekly publication listing personal details of individuals convicted in courts throughout New Zealand together with details of the offences they committed. Such personal detail from this principal source included age, sex, ethnic origin, occupation, and previous and subsequent offence history. Additional data relating to traffic offending were obtained from the Central Drivers' Register of Drivers' Licences and Traffic Convictions, Ministry of Transport, Wellington. Further material relating to the personal history of the individuals studied was obtained, where applicable, from penal files, pre-sentence investigation, and probation reports held by the head office of the Department of Justice in Wellington.

#### *Sample*

The sample was not randomly selected. The group studied included all persons convicted of a serious motoring offence in all courts throughout New Zealand during the 5 years 1965 to 1969 inclusive. The total number of persons so convicted was 1509. The choice of the years 1965 to 1969 was determined in the main by the ability to obtain data relating to previous and subsequent offending. Each serious motoring offender's *previous* criminal and traffic offence record was traced up to a maximum period of 10 years, depending on his

age, and his *subsequent* offending was traced for a maximum period of 5 years up to and including 1974—the latest year in which data were readily available from the principal source described. Tracing a period of up to 15 years for each offender was regarded as sufficient to establish his “career” in offending, either criminal or traffic or both or, conversely, his non-offending.

Five consecutive years were chosen for study to eliminate as far as possible the effects of any annual variations in the number of serious motoring offenders brought before the courts. Information relating to traffic accident trends and patterns which might account for some of these annual variations was studied and it was found that total traffic accidents had been increasing steadily at a rate of about 6 percent per annum, with one exception during the years in question. The most significant break in this trend and the only occasion on which traffic accidents had reduced was in 1967 and this is now generally believed to be related to the economic conditions existing at that time (Toomath, 1975: D3. 2).

A national sample was favoured since the numbers involved, even over a 5-year data collection period, permitted this. A national study has the distinct advantage in that the data used in this research, in addition to their relatively high reliability as outlined below, provide an excellent basis for international comparison and, as indicated in chapter 3, it is the intention of this study to make comparisons with some United States, United Kingdom, and Australian data. Also, in capturing the total population as this study does there is the additional advantage that the difficulties in the choice of, and biases inherent in, the various sampling techniques are dispensed with.

Data used to construct the sample in this study are derived from convictions in New Zealand courts, i.e., the Children's and Young Person's Courts, the Magistrate's Courts, and the Supreme Courts. There are many well-known limitations to the use of official statistics, especially in regard to their reliability, and these have been expressed in the views of Box (1971), Hindess (1973), and others. It is recognised that official deviance is a selected group and it is not the intention of this research to develop and test an etiological account of deviant driving behaviour by manipulating official data. What is intended is to use official data to demonstrate the heuristic value of the particular approach to deviant driving behaviour chosen for this study. Notwithstanding this however, it is considered that the nature of the data used in this study is such that they are as reliable, if not more reliable, than those found in comparable studies. For example, certain constraints were imposed on the selection of the serious motoring offenders to be studied. Only those offenders who were

convicted of a traffic offence involving death or injury were included in the sample. Under section 65 of the Transport Act 1962, all traffic accidents involving injury are required to be reported to the Police or the Ministry of Transport within 24 hours of occurrence (appendix 1). While it is universal experience that a significant number of injury accidents miss the net (Klein, 1973; Erlander, 1974), it has been the experience in New Zealand that almost all traffic accidents involving fatalities and a high proportion of traffic accidents involving serious injury requiring hospitalisation are reported to the authorities (Palmer, 1971; Hendy, 1976). Since such a high proportion of traffic accidents involving death or serious injury are in fact reported, the official statistics of prosecutions resulting in convictions stemming from these events, can be regarded as highly reliable. Also, the fact that New Zealand has a national system of traffic law enforcement and centralised record-keeping at the national level operate to ensure that these data are highly reliable.

### *Operational Definitions*

The variables were defined in terms of the following measures:

1. *Serious motoring offender*—A person who has been convicted of a serious motoring offence causing death or injury. The latter includes the following seven specific offences with the number of those persons convicted over the 5-year study period shown in parenthesis:

- (1) Reckless or dangerous driving of a motor vehicle causing death (28).
- (2) Careless use or driving of a motor vehicle causing death (373).
- (3) Driving or in charge of a motor vehicle under the influence of drink or drugs causing death (12).
- (4) Reckless or dangerous driving of a motor vehicle causing injury (42).
- (5) Careless use or driving of a motor vehicle causing injury (619).
- (6) Driving or in charge of a motor vehicle under the influence of drink or drugs causing injury (24).
- (7) Failing to stop a motor vehicle after an accident involving death or injury (411).

A full legal description and relevant sections of the Transport Act 1962 together with maximum penalties for each of these offences is set out in appendix 1.

The choice of offences for study has been governed first and foremost by the need for reliable data discussed earlier so that only those offences involving violence against the person which offer the highest prospects of being reported to the authorities were included.

Secondly, in terms of penalties, the offences listed coincide with the seven most serious offences provided for in the Transport Act 1962. Thirdly, the choice of offences follows to some extent those adopted by similar studies overseas, particularly Willett (1964) and Hood (1972). Willett's study compared motoring offenders with non-motoring offenders and his definition of a serious motoring offence encompassed those offences which had at least two of the following three elements present in "ordinary" criminal offences in a degree sufficient to earn the stigma of being serious: deliberate intent, harm to persons or property, and dishonesty. Willett's list therefore was:

- (1) Causing death by dangerous driving.
- (2) Driving recklessly or dangerously.
- (3) Driving whilst under the influence of drink or drugs.
- (4) Driving while disqualified.
- (5) Failure to insure against third party risks.
- (6) Failing to stop after, or to report, an accident. (Willett, 1964:11).

This study has excluded the above two offences implying dishonesty, i.e., driving while disqualified and failing to insure, since violent behaviour resulting in death or injury are not involved here. The remaining offences have been retained for this study with the added criteria that death or injury are involved. The three offences therefore—driving recklessly or dangerously causing death or injury, driving while under the influence of drink or drug causing death or injury, and failing to stop after an accident causing death or injury—all contain two of the three elements necessary to fulfil Willett's criteria of a serious offence, namely, deliberate intent and harm to persons.

For this study two additional offences—careless use or driving of a motor vehicle causing death and careless use or driving of a motor vehicle causing injury—have been added to Willett's list. The argument to include these two offences is similar to that which Hood (1972: 30) followed for the inclusion of careless driving in his study. He argued that careless driving should be regarded as a serious offence since it shared with the other offences a high maximum penalty including imprisonment for a second offence and because it is often *indistinguishable* from dangerous driving. He noted that it was one of the offences where a basic penalty was considered to be inappropriate by the judiciary in the United Kingdom, and further noted that magistrates in the United Kingdom gave, in most cases, higher penalties for careless driving than one of Willett's other offences, failing to stop after, or to report, an accident. In New Zealand, careless driving is regarded in law and by the judiciary as a serious offence and if death or injury ensues it is an imprisonable offence (appendix 1). It is also



regarded as an alternative lesser charge to reckless or dangerous driving and will often be resorted to for the purposes of prosecution when the element of intention inherent in the charge of reckless or dangerous driving cannot be proved for want of evidence. There is a strong element of what Newman (1956) and Schur (1971) refer to as "plea bargaining" evident in the decision to prosecute here and the prosecution will often proceed on the lesser charge of careless driving in return for a guilty plea. This indeed partially accounts for the disparity between the numbers of offenders in this study convicted of careless driving causing death or injury compared with the numbers convicted of dangerous and reckless driving causing death or injury. It is for these several reasons that careless driving involving death or injury has been regarded as indistinguishable from reckless or dangerous driving causing death or injury thus supporting its inclusion in the list of serious motoring offences and hence offenders, chosen for this study.

2. *Social class*—The measure of social class used here is based on a ranking of the offender's occupation recorded in the principal data source or, if unemployed, his professed trade or profession similarly recorded. The data were coded in terms of a six-point scale which corresponds to scores on the Elley and Irving (1972) scale based on selected male occupation categories equally weighted according to income and educational level. The six levels referred to here are: level 1, professional; level 2, managerial; level 3, clerical, technical; level 4, skilled manual; level 5, semi-skilled; and level 6, unskilled. To this ranking one additional category has been added which includes students (secondary school 15-17 years and full-time tertiary 18 years and over), apprentices, housewives, sickness beneficiaries, and retired persons.

3. *Ethnic origin*—This was indicated in the principal data source and is a subjective measure based primarily on the offender's personal classification or a visual categorisation by enforcement agencies. The data were dichotomised: European and non-European.

4. *Age*—All offenders 15 years of age and over were included and coded under eight categories: 15-19, 20-24, 25-29, 30-39, 40-49, 50-59, 60-64, and 65 years and over. As indicated in the introduction the lower limit of 15 corresponds with the minimum age at which a person may first obtain a driver's licence for a private car or motor cycle in New Zealand. No upper age limit was imposed. A driver over 50 must pass an eyesight test when first renewing his licence after reaching 50 and every 5 years after that, and a driver over 70 must pass a medical, oral, and practical driving test every year (Ministry of Transport, *Road Code*, 1975: 3).

5. *Result of hearing*—Each person convicted of a serious motoring offence during the 5 years studied was given some form of punishment by the court. This was defined in terms of the actual court decision and coded according to the following categories:

- (1) Custodial and semi-custodial: Imprisonment by length of sentence (five categories), borstal training, detention in a detention centre, and periodic detention.
- (2) Non-custodial: Probation and fines (nine categories).
- (3) Miscellaneous: Convicted and discharged and convicted and ordered to come up if called on.
- (4) Disqualification: Cancellation of driver's licence (seven categories).

A description of these penalties is contained in chapter 7 and in the introduction to the Justice Department Penal Census 1972 (Department of Justice, 1975), and periods of cancellation of driver's licences are prescribed for various offences in the Transport Act 1962. For a full description of the principal coding categories used in the study see appendix II.

6. *Previous court history*—Information on previous court convictions for motoring and non-motoring offences was compiled from the principal data source and condensed in the following manner:

- (1) For each serious motoring offender with a record of motoring offences, the most serious motoring offence for which he was convicted was selected and coded using a six-point category (appendix II). Details of the sentence received for this offence were coded in the manner described in 5 above. The total number of convictions recorded against each offender for motoring offences were then added and coded according to one of seven groupings (appendix II).
- (2) For each serious motoring offender with a record of non-motoring offences the most serious non-motoring offence for which he was convicted was selected and coded according to a dichotomous grouping: "anti-social behaviour offences" and "other criminal offences". Similarly, details of the sentence received for the offence selected were coded as in 5 above and the total number of convictions for non-motoring offences added for each individual and the results coded according to one of the seven groupings referred to in (1) above.

The full list of offences which make up the two categories "anti-social behaviour offences" and "other criminal offences" are contained in parts A and B of appendix III respectively.

7. *Record of reoffending*—Information on subsequent court convictions was compiled, again using the principal data source, and grouped and coded for each offender into motoring and non-motoring offences in a similar manner to that described in 6 above.

8. *Geographic mobility*—The geographic mobility of those serious motoring offenders who had reoffended in some way was also measured by noting the number of changes in locations where they had appeared in court during the period of reoffending. Prosecutions for breaches of the Transport Act 1962 are normally brought before the court nearest to the place where the offence was committed, and whilst this does not necessarily coincide with the offender's usual residence, it gives an indication of an offender's pattern of offending throughout the country. The criteria for coding these changes is also set out in appendix II.

## Chapter 5

### RESULTS—THE OFFENDER

The analysis of the various sociological characteristics of the offenders should appropriately be introduced with a statement on their distribution throughout the 5 year data collection period, the proportion that appeared before the courts during each quarter, and the distribution of the offenders between the seven serious motoring offences chosen for this research.

Table 1 shows the number and percentage of offenders who were convicted of a serious motoring offence in each of the 5 years studied. This shows a uniform increase in numbers convicted each year with the exception of 1968 when there was a small decline which is probably a reflection of the reduction in traffic accidents the previous year, the reasons for which were discussed in chapter 4.

TABLE 1—Serious Motoring Offenders—Convictions 1965 to 1969

Year	Number	Percent
1965 ..	266	17.6
1966 ..	288	19.1
1967 ..	306	20.3
1968 ..	298	19.7
1969 ..	351	23.3
Total ..	1 509	100.0

Table 2 indicates the frequency between quarters in which the offenders appeared before the courts during the 5 years. The distribution is again uniform in suggesting that serious motoring offending is not conditioned by seasonal fluctuations.

TABLE 2—Serious Motoring Offenders—Convictions by Quarters 1965 to 1969

Quarter	Number	Percent
First .. ..	336	22.3
Second .. ..	371	24.6
Third .. ..	401	26.6
Fourth .. ..	401	26.6
Total .. ..	1 509	100.0

Table 3 shows the distribution of offenders between the seven serious motoring offences over the 5 year period. As will be seen, the largest group is the careless driving causing death or injury categories in which 992 (65.7 percent) offenders were convicted. This compares with 70 (4.7 percent) offenders convicted of reckless or dangerous driving causing death or injury and, in the discussion in chapter 4 of decisions made in the choice of offences for analysis in this study, reasons were advanced for the differences between the numbers in the reckless or dangerous driving categories compared with the careless driving categories.

TABLE 3—Serious Motoring Offenders—Distribution by Offence Category, Sex, and Ethnic Origin

Offence category							Male	Female	European	Non-European	Total	Percentage
1.	Reckless or dangerous driving of motor vehicle causing death						28	0	23	5	28	1.9
2.	Careless use or driving of motor vehicle causing death .. ..						346	27	311	62	373	24.7
3.	Driving or in charge of motor vehicle under influence causing death						12	0	9	3	12	0.8
4.	Reckless or dangerous driving of motor vehicle causing injury ..						41	1	35	7	42	2.8
5.	Careless use or driving of motor vehicle causing injury .. ..						580	39	516	103	619	41.0
6.	Driving or in charge of motor vehicle under influence causing injury						24	0	18	6	24	1.6
7.	Failing to stop motor vehicle after accident involving injury ..						398	13	295	116	411	27.2
Total							1 429	80	1 207	302	1 509	
Percentage .. .. .							94.7	5.3	80.0	20.0	100.0	100.0

The second largest group of offenders are the "hit and run" drivers who fail to stop after an accident involving death or injury and this group comprised 411 (27.2 percent) offenders. Here, the incidence of "hit and run" offences is comparable with overseas countries where it has been found that this offence has formed an increasing proportion of total traffic convictions since 1960; rising from 15.0 percent to around 31.0 percent in 1975 (Buikhuisen *et al.* 1976).

The remaining group to which a great deal of urgent attention is deservedly focused is the drunken drivers and some explanation is considered necessary here to account for the small numbers, 36 (2.4 percent) offenders appearing in this category.\* There is no doubt from the evidence available that alcohol is a major cause of road accidents. In the United Kingdom, the Transport and Road Research Laboratory found in its investigations of 2000 accidents that a drinking driver was involved in 25 percent, and his condition was a major factor in 9 percent. Another indication in the United Kingdom of the magnitude of this cause of accidents was the 11 percent reduction in casualties which followed the Road Safety Act 1967 (Department of the Environment, United Kingdom, 1976: 9). In Australia, the Expert Group on Road Safety (1975: 29) recently said that:

... excessive use of alcohol is the most important single contributing factor in road accidents, particularly the more severe accidents.

Studies in Australia have consistently found that about half of all drivers killed had blood alcohol levels of 50 mg percent or greater. In single vehicle accidents the proportion was approximately 70 percent. Moreover, more than one-third of the former and more than half of the latter had levels of 150 mg percent or greater (Law Reform Commission, Australia, 1976: 59). In New Zealand, Bailey (1974) has shown that between 31 percent and 61 percent of fatal road accidents in 1970 involved alcohol. During Friday and Saturday nights this figure increased to between 63 percent and 94 percent. In a study carried out at Christchurch Public Hospital on all drivers admitted after road accidents, almost one-third of the first 2000 blood samples revealed that alcohol had been taken prior to the accident (Fairgray, 1973)†

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\*It has been established from an interview survey, for example, that as many as 26 000 trips are made in New Zealand *each week* by drivers with blood alcohol levels in excess of the legal limit of 100 mg percent (Sanderson, 1975). Currently, some 15 000 breath tests are administered *each year* resulting in 10 000 convictions (Ministry of Transport 1976).

†For a review of New Zealand and overseas studies on the alcohol impaired driver see Sanderson (1975).

There are three principal reasons for the small numbers in this study convicted of drinking and driving causing death or injury. The first is that a person driving under the influence is more likely to kill himself in a single vehicle accident than cause the death of or injury to other persons, and this is borne out by the research findings above and also the findings of Birrell (1960), Haddon, W. *et al.* (1964), Joscelyn and Jones (1971), Roberts and Gwynn (1969), and the United States Department of Transportation (1968). Secondly, in bringing a successful prosecution against the drinking driver during the 5 years with which this study is concerned, the culpability of the drinking driver was required to have been proved before a conviction could be entered, i.e. the prosecution must have established that it was the driver's impairment through alcohol that *caused* the death or injury of the victim. Simply apprehending a person subsequently found to be drunk at the time would have been insufficient evidence to secure a conviction for these particular two serious offences. This is highlighted in the case histories contained in appendix V. Thirdly, it was not until May 1969, towards the end of the 5 year data collection period, that breath-testing was introduced in New Zealand and prior to this enforcement officers had to rely on their own judgment and the blood sample as the basis for a prosecution. Again, in situations where there is insufficient evidence to prosecute on the drunken driving charge, the alternative lesser charge of careless driving causing death or injury is likely to be preferred. Even though the numbers in this study in the "driving under the influence" offence categories are small, it is expected that some tentative conclusions can be drawn about the kind of offenders who are found guilty of this offence.

Analysis of the several social variables provides the first category of information—distribution according to sex.

### *Sex*

The relative contributions of males and females to serious motoring offending is illustrated in table 3 which shows that of the 1509 offenders studied, 1429 (94.7 percent) were male and the remaining 80 (5.3 percent) were females, a ratio of 18 males to every female convicted of the serious offences with which this study is concerned.

The ratio of male to female among motoring offenders in general is 8:1 and the same ratio pertains for persons convicted of non-motoring offences, although the ratio is greater, 14:1, for those convicted in a higher court, i.e., Supreme Court (Department of Statistics, 1976). Thus, it seems that the more serious the offence, the greater is the ratio and that serious motoring offending in particular is almost exclusively a male phenomenon. The ratio of

male to female in motoring offending is a debatable question and the results in this respect will be discussed further in chapter 8.

### *Ethnic Origin*

Table 3 indicates the distribution of the offenders by ethnic origin. Of the 1509 studied, 1207 (80.0 percent) were European and the remaining 302 (20 percent) were non-European of Maori, Polynesian, or other ethnic origin, a ratio of 4 Europeans to every non-European convicted. At the March 1971 New Zealand Census of Population and Dwellings the total population of New Zealand was 2 862 631 of whom 2 561 280 (89.5 percent) were European and the remaining 301 351 (10.5 percent) were of Maori or other ethnic origin, a ratio of 8 : 1. This is almost the same proportion as in 1945 and there has been relatively little variation at intervening censuses (Department of Statistics, 1975). When a comparison is made, however, of the proportion of Europeans to non-Europeans 15 years and over in 1971, i.e., those persons eligible to drive a private car in New Zealand, the relative proportion is greater. In 1971 the total population 15 years and over was 1 953 008, of whom 1 794 289 (91.9 percent) were European and the remaining 158 719 (8.1 percent) were of non-European ethnic origin, a ratio of 11 : 1. Thus, there is a significant over-representation of non-European involvement in serious motoring offending—almost three times the expected number based on the numbers of non-Europeans aged 15 years and over in the general population. As table 3 shows, the over-representation is especially acute in certain offence groups, notably drunken driving and failing to stop after an accident involving death or injury. For the former offence 9 (25 percent) offenders were non-European and in the latter group, 116 (28 percent) were of non-European ethnic origin.

The proportion of non-Europeans involved in non-motoring offences is significant. For those convicted in the Magistrate's Courts following an arrest for a criminal offence, one in three persons are non-European (Department of Statistics, 1976) and the proportion of non-Europeans serving custodial sentences at a census of all sentenced persons taken in July 1972 was 38.3 percent, a ratio of approximately 2 : 1 (Department of Justice, 1975).

### *Age*

Table 4 presents the age distribution of the 1509 offenders. It shows that 1033 (68.5 percent) offenders were under the age of 30 at the time of conviction and over half, 842 (55.8 percent), were under the age of 25 years. The greatest proportion of offenders come within the 20-24-year-old age group which had 442 (29.3 percent) offenders recorded in this category followed closely by the next largest group, the 15-19-year-olds, where 400 (26.5 percent) were recorded.



TABLE 4—Serious Motoring Offenders—Distribution by Age

Offence Category		15-19	20-24	25-29	30-39	40-49	50-59	60-64	65 and over
1. Reckless or dangerous driving of motor vehicle causing death	..	15	10	2	0	1	0	0	0
2. Careless use or driving of motor vehicle causing death	..	73	106	61	47	34	23	10	19
3. Driving or in charge of motor vehicle under influence causing death	..	2	4	1	2	1	2	0	0
4. Reckless or dangerous driving or motor vehicle causing injury	..	18	14	1	5	4	0	0	0
5. Careless use or driving of motor vehicle causing injury	..	164	169	72	76	61	34	19	24
6. Driving or in charge of motor vehicle under influence causing injury	..	3	6	1	6	3	4	1	0
7. Failing to stop motor vehicle after accident involving injury	..	125	133	53	50	30	11	5	4
Total	..	400	442	191	186	134	74	35	47
Percentage	..	26.5	29.3	12.7	12.3	8.9	4.9	2.3	3.1

Table 5 gives a more detailed breakdown of the distribution of those offenders aged 15 to 24 years. Serious motoring offending rose sharply from the age of 16 years, of whom 40 (4.8 percent) offenders had been convicted, and offending peaked at the age of 19 years by which time 400 (47.5 percent) offenders had been convicted. This peak was followed by a gradual decline through to age 22 years at which point 737 (87.5 percent) offenders had been convicted. Offending in this age group declined sharply to age 24 years with a final total of 842 offenders convicted.

**TABLE 5—Distribution by age—842 Serious Motoring Offenders Under 25 Years**

Age	Number	Percent
15 ..	11	1.3
16 ..	29	3.4
17 ..	88	10.5
18 ..	129	15.3
19 ..	143	17.0
20 ..	119	14.1
21 ..	115	13.7
22 ..	103	12.2
23 ..	59	7.0
24 ..	46	5.5
Total	842	100.0

Table 4 shows that the incidence of serious motoring offending declines appreciably from 25 years of age and continues to decline proportionately throughout the remaining age categories. The range among the 1509 offenders is however very wide with the youngest offender aged 15 and the oldest aged 90; 57 were in their sixties, 20 were in their seventies, and 4 were in their eighties.

Furthermore as table 4 shows, there is considerable variation according to the type of offence committed. Reckless or dangerous driving causing death or injury is clearly the prerogative of the young; 33 (47 percent) were under 20 years of age and 57 (81 percent) were under 25 years of age. There were no offenders over the age of 50 years in this category. Similarly, the majority of "hit and run" drivers were youths under 25 years namely 258 (63 percent) of these offenders.

Drunken drivers causing death or injury appear in all age groups in this study with the exception of the 65 years of age and over group. There are two noticeable peaks however, the young drinking driver under 25 years—15 (42 percent) were in this age category; and the middle aged drinking driver—10 (28 percent) were in the 40–59-year-old age group. As Professor Borkenstein (1977) remarked at a recent conference on road safety in Wellington, the abuse of alcohol is increasing rapidly in the 15–25 year age group and the results here tend to support the New Zealand findings of Scott and Bailey (1974) that the drinking/driving problem is located in two specific age groups: the under 25-year-old drivers with blood alcohol levels below the

average of 170 mg percent; and the over 40-year-old drivers with very high blood alcohol levels in excess of 250 mg percent, a factor often taken as indicative of deviant drinking behaviour. The association between age and alcohol level in intoxicated drivers has also been demonstrated in several overseas studies of alcohol involvement in traffic accidents, namely; Alsop (1966), Borkenstein *et al.* (1964) Hetzel (1972), Hurst (1973), Raymond (1972), Schmidt and Smart (1963), Walls and Brownlie (1970), and Zylman (1971).

Looking at the careless driving causing death or injury offence groups, whilst the under 25-year-olds still predominate with 512 (52 percent) in this category, there are significant numbers in other age groups, e.g., 275 (28 percent) were between 30–59 years of age. Seventy-two (88 percent) of all those aged 60 years and over were in the careless driving offence categories.

Table 6 gives a comparison of the proportions of serious motoring offenders in four age groups with the proportions in the total population and the percentage of licensed drivers in these age groups. The youthful contribution to serious motoring offending is again evident. Nearly 56 percent of serious motoring offenders are under 25 years of age whereas this age group represents only 17 percent of the total population and only 27 percent of all licensed drivers. The majority of licensed drivers are in the age group which has the greatest proportion of the total population but which has the least number of serious motoring offenders.

**TABLE 6—Serious Motoring Offenders—Comparison by Age with Total Population and Licensed Drivers**

Age Group	Percentage of Serious Motoring Offenders in Age Groups (1965 to 1969)	Proportions of Total Population in Age Groups (Census March 1971)	Percentage of Licensed Drivers in Age Groups (Calendar Year 1971)
15–19.. ..	26.5	9.1	12
20–24.. ..	29.3	8.2	15
25–39.. ..	25.0	17.6	32
40 and over ..	19.2	33.3	42

### *Social Class*

Table 7 presents the distribution of the 1509 offenders by social class as follows: 213 (14.1 percent) were categorised in levels 1–3, viz., professional, managerial, and clerical and technical or what could be referred to as “white collar” occupations; 1088 (72.1 percent) were grouped in levels 4–6, viz., skilled manual, semi-skilled and unskilled occupations or “blue collar” occupations. The remaining 208 (13.8 percent) were classified separately as a miscellaneous group which included secondary and full-time tertiary students, apprentices, housewives, sickness beneficiaries, and retired persons.

TABLE 7—Serious Motoring Offenders—Distribution by Social Class

Offence Category	Professional	Managerial	Clerical Technical	Occupational Group Skilled Manual	Semi-Skilled Manual	Unskilled Manual	Other	Percentage in Manual Occupations
1. Reckless or dangerous driving of motor vehicle causing death	0	0	1	1	14	10	2	96.2
2. Careless use or driving of motor vehicle causing death	9	21	38	36	122	88	59	78.4
3. Driving or in charge of motor vehicle under influence causing death	0	1	1	2	4	3	1	81.8
4. Reckless or dangerous driving of motor vehicle causing injury	1	1	4	7	15	10	4	84.2
5. Careless use or driving of motor vehicle causing injury	12	33	57	81	174	160	108	81.2
6. Driving or in charge of motor vehicle under influence causing injury	0	1	0	5	6	7	5	94.7
7. Failing to stop motor vehicle after accident involving injury	4	10	25	45	133	165	29	89.8
Total	26	67	120	177	468	443	208	
Percentage	1.7	4.4	8.0	11.7	31.0	29.4	13.8	

From the data available for this study it was not possible to appropriately assign the latter 13.8 percent to their respective positions in levels 1-6 and as far as the following comparison with census data on occupational distributions throughout the actively engaged population are concerned these will be omitted from the analysis. By omitting the latter 208 offenders, the distribution now becomes as follows: 213 (16.4 percent) offenders are white collar workers in levels 1-3 and 1088 (83.6 percent) offenders are blue collar workers in levels 4-6.

Table 8 compares the proportions with the deployment of the actively engaged population. From the table it is clear that serious motoring offenders are not distributed widely over the six levels in accordance with the deployment of the actively engaged male labour force. In fact, the two lowest occupational groups are very much over-represented among the offenders and greatly exceed their proportions in the working population at large—in the case of the unskilled worker, almost three times the number of offenders that could be expected in this category. This table dispels any possible belief that serious motoring offending is a “white collar” crime and perhaps the most instructive indication is that the middle class, which might be considered to be levels 2 and 3 in the table, is clearly under-represented among the offenders. There is a significant under-representation also by as much as 50 percent of the skilled manual group in the blue collar workers.

**TABLE 8—Serious Motoring Offenders—Comparison with Male Labour Force**

Social Class Level	Occupational Group	Percent of Male Labour Force <sup>1, 2</sup>	Percent of Serious Motoring Offenders
1	Professional	6	2
2	Managerial	19	5
3	Clerical, Technical	13	9
4	Skilled Manual	28	14
5	Semi-skilled	21	36
6	Unskilled	12	34

<sup>1</sup> Source: Table 10, Vol. 4, 1966 Census of Population and Dwellings.

<sup>2</sup> Percentages are rounded and do not add up to 100.

In table 7 manual workers dominate in most, if not all, of the individual offence groups. For example, of the drunken drivers causing death and injury, 27 (90 percent) offenders were manual workers and similarly of the “hit and run” drivers 343 or again 90 percent of offenders were classified in manual occupations. In the latter offence category a large proportion, 165 (48.1 percent) manual workers, were unskilled. There were 57 (89 percent) reckless or dangerous drivers causing death or injury in manual occupations and 661 (80 percent) careless drivers causing death or injury similarly classified. The highest proportions of non-manual offenders are found in the careless driving causing death or injury groups, with 164 (20 percent) offenders being classified in this way. One may speculate whether or not the combined

effects of the offender's social position, his ability to afford good legal counsel, and the element of discretion in the hands of the prosecuting agency to prefer this lesser charge, has any bearing on the greater numbers of non-manual offenders appearing in this group compared with the others.

The contribution which particular social classes make to particular classes of crime is not readily deducible from published statistics nor even from systematic research (Hampton, 1976 b). However, a limited comparison can be made here between the motoring offenders studied and other non-motoring offenders. Of all those males convicted in the Magistrates' Courts in 1973 following an arrest for a non-motoring offence, 3529 (10.3 percent) were classified as having white collar occupations (Department of Statistics, 1976). Looking at specific offence groups, of those convicted of offences against the person, 572 (9.8 percent) were white collar workers whilst of those convicted of burglary, theft and fraud 1356 (12.1 percent) had non-manual occupations. There seems to be a consistent similarity in the proportions of serious motoring offenders in this study and non-motoring offenders in the non-manual and manual occupational groups; namely, 10 percent of drunken drivers, 10 percent of "hit and run" drivers, and 11 percent of reckless or dangerous drivers had non-manual occupations compared with 10.3 percent of non-motoring offenders. It is clear from this that both serious motoring offenders and non-motoring offenders are concentrated in the manual occupations and the relationship between serious motoring offending and non-motoring offending will be further examined in chapter 6.

### *Summary*

Serious motoring offending was found to be almost exclusively a male phenomenon.

One in four offenders were of non-European ethnic origin compared with one in eleven in the general population over 15 years of age. Non-Europeans were over-represented in all seven offence groups but particularly so in the drunken driving and "hit and run" offence categories.

The majority of serious motoring offenders were under the age of 25 years, the greatest number being 19 years of age, and driving recklessly or dangerously, drunken driving, and failing to stop after an accident involving death or injury were the most prevalent serious offences in this age group.

Young people under 25 were over-represented in serious motoring offending compared with their relative proportion in the total popula-

tion and also in terms of the percentage of licensed drivers in their age group.

Serious motoring offending cannot be regarded as a "white collar" crime and the majority of offenders were "blue collar" workers with a preponderance of semi-skilled and unskilled workers. Groups of drunken drivers and "hit and run" drivers causing death or injury had the greatest proportions from manual occupations whilst non-manual workers featured more in the careless driving causing death or injury groups.

When compared with non-motoring offenders, serious motoring offenders were distributed between manual and non-manual occupational groups in similar proportions.

## Chapter 6

### RESULTS—CRIMINAL RECORDS

The results in this chapter support the research findings discussed at the conclusion of chapter 3 that a relationship exists between serious motoring offending and non-motoring offending, in particular violent, anti-social behaviour against the person.

When the previous and subsequent motoring and non-motoring conviction records were analysed for a period of up to 15 years for each of the 1509 serious motoring offenders convicted during the years 1965 to 1969 it was found that the offenders fell into 1 of 3 distinct groups. The first group, 501 (33.2 percent), had no previous or subsequent histories of motoring or non-motoring offending recorded against them. The second group, 306 (20.3 percent), had records of convictions entirely for repeated serious traffic offences, whilst the third and largest group, 702 (46.5 percent), had criminal records for non-motoring offences.

The last group may be divided further into three subgroups. Of the 702 in this group, 232 (33.0 percent) had convictions for non-motoring, anti-social behaviour offences of the kind defined in chapter 4 and listed in part A of appendix III; 309 (44.0 percent) had convictions for a mixture of these non-motoring, anti-social behaviour offences and other criminal, non-motoring offences of the kind listed in part B of appendix III; and the third subgroup, 161 (23.0 percent) had convictions for only those criminal, non-motoring offences listed in part B of appendix III. Thus, of the 702 (46.5 percent) serious motoring offenders with a criminal, non-motoring record, 541 or over three-quarters (77.1 percent) had been convicted of a non-motoring, criminal offence involving anti-social behaviour of the kind defined in chapter 4. This represents over one-third (35.9 percent) of the 1509 offenders studied.

The remainder of this chapter compares in greater detail the characteristics of the three main groups of serious motoring offenders:

- (1) The first "non-offenders group", i.e., those with no history of offending other than the single conviction which brought them within the purview of this research;
- (2) The second, "traffic-violators group", i.e., those with a record of repeated serious traffic convictions only; and



- (3) The third and largest group of offenders, the "criminal-offenders group", i.e., those with a record of at least one criminal, non-motoring conviction.

## Comparative Analysis: Non-offenders, Traffic-violators and Criminal-offenders Groups

### Sex

Chapter 5 indicated that serious motoring offending is almost exclusively a male phenomenon. As table 9 shows, this phenomenon extends also to criminal offending. When comparing the conviction records of the 1509 offenders it is of interest that the majority of female serious motoring offenders, 70 (87.5 percent), were categorised in the non-offenders group with no previous or subsequent record of convictions. Only five (6.3 percent) females were classed in the traffic-violators group and similarly only five females had non-motoring criminal records—three for anti-social behaviour offences and two for other criminal offences.

TABLE 9—Conviction Records of 1509 Serious Motoring Offenders by Sex

Group	Male		Female	
	Number	Percentage	Number	Percentage
Non-offenders .. ..	431	30.2	70	87.5
Traffic-violators .. ..	301	21.1	5	6.3
Criminal-offenders—				
Record of convictions for:				
(a) Anti-social behaviour offences only (1)	231	16.2	1	1.3
(b) Anti-social behaviour offences and other criminal offences (2)	307	21.5	2	2.5
(c) Other criminal offences only (3)	159	11.1	2	2.5
Totals ..	1 429	100.0	80	100.0

#### NOTES

- (1) Those offences listed in part A of appendix III.  
 (2) Those offences listed in parts A and B of appendix III.  
 (3) Those offences listed in part B of appendix III.

### Ethnic Origin

Table 10 shows the conviction records of the 1509 offenders according to their ethnic origin. The distribution of the offenders between the three groups follows the pattern one would expect bearing in mind the findings in chapter 5. For example, in the non-offenders group which comprised 33.2 percent of the total number of offenders, 451 (90.0 percent) were European and 50 (10.0 percent) were non-European, a ratio of 9:1, which is close to the ratio of Europeans to non-Europeans aged 15 years and over in the general population, namely 11:1. In the traffic-violators group which comprised 20.3 percent of the total num-

ber of offenders, 270 (88.2 percent) were European and 36 (11.8 percent) were non-European, a slightly closer ratio of 8:1.

In the last group, the criminal-offenders group, which comprised 46.5 percent of the total number of offenders, 486 (69.2 percent) were European whilst 216 (30.8 percent) were of non-European ethnic origin, a ratio of 2:1. This ratio is again similar to the ratio of three Europeans to each non-European convicted in the Magistrates' Courts following an arrest for a non-motoring offence, and is the same ratio of Europeans to non-Europeans serving custodial sentences during the census of all sentenced persons taken in July 1972. Looking at the 302 non-Europeans as a group, which comprised 20 percent of the motoring offenders studied, 216 or nearly three-quarters (71.6 percent) had a record of non-motoring criminal convictions and were categorised in the criminal-offenders group.

TABLE 10—Conviction Records of 1509 Serious Motoring Offenders by Ethnic Origin

Group	European		Non-European	
	Number	Percentage	Number	Percentage
Non-offenders .. ..	451	37.4	50	16.6
Traffic-violators .. ..	270	22.4	36	11.9
Criminal-offenders				
Record of convictions for:				
(a) Anti-social behaviour offences only	181	15.0	51	16.9
(b) Anti-social behaviour and other offences	198	16.4	111	36.8
(c) Other criminal offences only	107	8.8	54	17.9
	— 486	— 40.2	— 216	— 71.6
Totals	1 207	100.0	302	100.0

### Age

Table 11 shows the age of the offenders in each of the three groups. From the table it can be seen that the older serious motoring offender is predominantly in the non-offender group, namely, 119 (76.3 percent) of all those aged 50 years and over had no previous or subsequent record of conviction for a motoring or non-motoring offence. Only 25 (16 percent) of this age group were classed in the traffic-violators group whilst an even smaller proportion, 12 (7.7 percent), had a criminal, non-motoring record. At the other end of the continuum, however, the situation is reversed. The greatest proportion of non-motoring offenders are the 15-19-year-olds; 240 (59.9 percent) of this age group had a record for non-motoring offences whilst 83 or less than a quarter (20.8 percent) were categorised in the non-offenders group. Traffic violators are evenly distributed between the age of 15 and 24 years with 77 (19.3 percent) and 88 (19.9 percent) in the 15-19-year-old and 20-24-year-old age groups respectively. Traffic violators as a group diminish appreciably from the age of 25 years and older as the table shows.

TABLE 11—Conviction Records of 1509 Serious Motoring Offenders by Age

Group	Ages									
	15-19 years		20-24 years		25-29 years		30-49 years		50+	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Non-offenders .. .. .	83	20.8	122	27.6	57	29.8	120	37.5	119	76.3
Traffic-violators .. .. .	77	19.3	88	19.9	34	17.8	82	25.6	25	16.0
Criminal-offenders:										
Record of convictions for:										
(a) Anti-social behaviour offences only	72	18.0	81	18.3	35	18.3	38	11.9	6	3.8
(b) Combination anti-social behaviour and other criminal offences	121	30.2	110	24.9	97	19.4	39	12.2	4	2.6
(c) Other criminal offences only	47	11.7	41	9.3	28	14.7	41	12.8	2	1.3
	— 240	59.9	— 232	52.5	— 100	52.4	— 118	36.9	— 12	7.7
Totals .. .. .	400	100.0	442	100.0	191	100.0	320	100.0	156	100.0

TABLE 12—Conviction Records of 1301 Serious Motoring Offenders by Occupation and Social Class

Group	Social Class											
	1		2		3		4		6			
	Professional		Managerial		Clerical/Technical		Skilled		Semi-Skilled		Unskilled	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Non-offenders .. .. .	25	96.2	40	59.7	64	53.3	73	41.2	113	24.1	69	15.6
Traffic Violators .. .. .	1	3.8	18	26.9	39	32.5	51	28.8	96	20.5	65	14.7
Criminal Offenders:												
Record of convictions for:												
(i) Anti-social behaviour offences only	0	0	6	8.9	8	6.7	27	15.3	91	19.4	78	17.6
(ii) Combination, anti-social behaviour offences and other criminal offences	0	0	0	0	3	2.5	12	6.8	106	22.7	170	38.4
(iii) Other criminal offences only	0	0	3	4.5	6	5.0	14	7.9	62	13.3	61	13.7
	— 0	0	— 9	13.4	— 17	14.2	— 53	30.0	— 259	55.4	— 309	69.7
Totals .. .. .	26	100.0	67	100.0	120	100.0	177	100.0	468	100.0	443	100.0

### *Social Class*

Table 12 shows the distribution of the offenders within the three groups according to their occupation and social class rating. It is clear that the greater proportion of the professional (96.2 percent), managerial (59.7 percent), and clerical and technical (53.3 percent) or white-collar occupational groups comprise the non-offenders group, whilst the greater proportion of the blue-collar, semi-skilled (55.4 percent), and unskilled (69.7 percent) occupational groups comprise the criminal-offenders group. Similarly, there are few white-collar traffic violators (21.5 percent), the majority being grouped in the blue-collar, semi-skilled (35.6 percent), and unskilled (24.1 percent) occupational groups. The skilled worker is distributed almost half and half (41.2 percent and 58.8 percent respectively) between the non-offenders group and the other two groups.

The conviction records of both the traffic-violators group and the criminal-offenders group can now be studied in closer detail.

### **Traffic-violators Group—Pattern of Offending**

Of the 1509 offenders, 306 (20.3 percent) were classed as serious traffic violators and their pattern of serious traffic offending was traced both before and after their main offence in accordance with the criteria set out in chapter 4. For the majority of this group (194 or 63.4 percent), the main offence was their first conviction for a serious motoring offence. However, as table 13 shows, 54 (17.6 percent) had previously been convicted of careless driving, 31 (10.1 percent) had been convicted of an alcohol-related driving offence, 18 (5.9 percent) had a conviction for reckless or dangerous driving or driving at excessive speed, 3 (1 percent) had been caught driving while disqualified, and 6 (2 percent) had already been convicted of one of the 7 serious offences chosen for this study. Regarding their subsequent traffic offending, 196 (64.1 percent) went on to reoffend in the following way. Eighty (26.1 percent) were subsequently convicted of an alcohol-related driving offence, 74 (24.2 percent) were convicted of reckless or dangerous driving or driving at excessive speed, 28 (9.2 percent) were convicted of careless driving, whilst 8 (2.6 percent) were caught driving while disqualified, and 6 (2.0 percent) were further convicted of 1 of the 7 serious offences chosen for this study. From the table it can be seen that for the traffic-violators group alcohol-related driving offences are the most frequently repeated traffic offences. This finding will only confirm the difficulties already evident, i.e., the drunken driver is the most stubborn of all traffic offenders to respond to appropriate changes in his driving behaviour and some innovative countermeasures to this problem will be discussed later in chapter 10.

TABLE 13—Conviction Records of 1008 Serious Motoring Offenders—Pattern of Traffic Offending

Most Serious Traffic Offence	Previous Conviction Record				Subsequent Conviction Record			
	Traffic Violators Group		Criminal Offenders Group		Traffic Violators Group		Criminal Offenders Group	
	No.	%	No.	%	No.	%	No.	%
Serious motoring offence <sup>1</sup> .. .. .	6	2.0	24	3.4	6	2.0	8	1.1
Driving while disqualified .. .. .	3	1.0	35	5.0	8	2.6	130	18.5
Alcohol-related driving offences <sup>2</sup> .. .. .	31	10.1	31	4.4	80	26.1	112	15.9
Reckless or dangerous driving or driving at excessive speed <sup>3</sup> .. .. .	18	5.9	48	6.8	74	24.2	98	14.0
Careless driving <sup>3</sup> .. .. .	54	17.6	81	11.5	28	9.2	53	7.6
Sub-total .. .. .	112	36.6	219	31.2	196	64.1	401	57.1
No offence .. .. .	194	63.4	483	68.8	110	35.9	301	42.9
Totals .. .. .	306	100.0	702	100.0	306	100.0	702	100.0

## Notes

1. The seven offences chosen for this study.

2. These include specifically—driving while under the influence where no death or injury is involved; driving or attempting to drive while the proportion of alcohol in the blood exceeds 100 mg percent; refusing to accompany an officer to a police station when requested to do so after either failing the initial breath test or refusing a breath test; failing to remain at the police station while further breath and blood tests are made; and refusing to give a blood specimen.

3. Where no death or injury is involved.

TABLE 14—Conviction Records of 1008 Serious Motoring Offenders—Number of Serious Traffic Convictions Per Individual

Number of Serious Traffic Convictions	Previous Conviction Record				Subsequent Conviction Record			
	Traffic Violators Group		Criminal Offenders Group		Traffic Violators Group		Criminal Offenders Group	
	No.	%	No.	%	No.	%	No.	%
1 .. .. .	88	78.6	139	63.5	151	77.0	269	67.1
2 .. .. .	20	17.8	48	21.9	31	15.8	75	18.7
3 .. .. .	4	3.6	21	9.5	8	4.1	28	7.0
4-6 .. .. .	..	..	8	3.7	5	2.6	21	5.2
7-10 .. .. .	..	..	2	1.0	1	0.5	7	1.7
11-20 .. .. .	..	..	1	0.5	..	..	1	0.2
Total .. .. .	112	100.0	219	100.0	196	100.0	401	100.0

Table 14 shows the number of times each of the traffic violators had been convicted of serious traffic offences. Of the 112 who had previously offended, the majority, 88 (78.6 percent) had been convicted once only, 20 (17.8 percent) had been convicted on two previous occasions, and 4 (3.6 percent) had been convicted on 3 previous occasions. Of the 196 who went on to reoffend, again the majority, 151 (77.0 percent), were convicted on 1 further occasion only. However, eight (4.1 percent) were further convicted on three separate occasions, five (2.6 percent) were further convicted between four and six times, and one had as many as seven convictions for serious traffic offences in the space of the 5 years over which the subsequent record of offending was traced.

### **Criminal-offenders Group**

#### *1. Pattern of Offending (Traffic)*

Of the 1509 offenders, 702 (46.5 percent) were categorised in the third criminal-offenders group in view of their conviction record for at least 1 non-motoring offence. The traffic offending pattern of this group was analysed in a similar manner to the traffic-violators group, and a comparison is given in tables 13 and 14. From these tables it will be seen that the traffic offending pattern of this group is similar to the traffic offending pattern of the traffic-violators group with two important exceptions. Firstly, for the criminal-offenders group, the most frequently repeated serious traffic offence is driving while disqualified, 130 (18.5 percent) of the criminal-offenders group re-offended in this way compared with only 35 (5.0 percent) of the traffic-violators group. The offence of driving while disqualified is not an accident-promoting offence in the sense that it is not connected, *prima facie*, with the way in which a vehicle is driven, but rather it is an offence that has an element of calculated dishonesty. Since dishonesty is a fundamental element of most non-motoring offences it is perhaps not suprising that this particular offence should predominate among this group of offenders.

The second important difference between this group and the traffic-violators group in terms of their traffic offending pattern is evident in table 14. The criminal-offenders group are clearly the more persistent "repeaters" of traffic offences. The proportions in the criminal-offenders group with two or more serious traffic convictions are consistently greater than those of the traffic-violators group both in terms of their previous and subsequent driving records. Fifty-seven (14.1 percent) of the criminal-offenders group went on to reoffend individually between 3 and 20 times, whereas there were only 14 (7.2 percent) of the traffic-violators group who repeatedly offended in this way. The criminal-offenders group comprise the "hard core"

of traffic offence "repeaters" and therefore constitute that proportion of the 1509 offenders with the worst traffic conviction records. With this in mind the non-motoring conviction records of the 702 offenders in the criminal-offenders group can now be studied.

## 2. Pattern of Offending (Non-motoring)

At the beginning of the chapter it was stated that the 702 offenders with a record of non-motoring convictions fall into three subgroups: (a) 232 (33.0 percent) had a record of convictions for anti-social behaviour offences only; (b) 309 (44.0 percent) had a record of convictions for a combination of both anti-social behaviour offences and other types of criminal offences; and (c) the remaining 161 (23.0 percent) had a record of convictions for only those criminal offences listed in part B of appendix III. Tables 15 and 16 give a detailed comparison of the pattern of offending between these three sub-groups.

TABLE 15—Conviction Records of 702 Serious Motoring Offenders—Pattern of Non-motoring Offences

PART A—CONVICTIONS FOR ANTI-SOCIAL BEHAVIOUR OFFENCES ONLY				
Anti-social Behaviour Offence	Previous Conviction Record		Subsequent Conviction Record	
	No.	%	No.	%
Violent offences against the person ..	59	25.5	54	23.3
Non-violent offences against the person ..	0	0	0	0
Sexual offences ..	10	4.3	10	4.3
Unlawful damaging or interfering of property ..	10	4.3	8	3.4
Offences against morality ..	0	0	0	0
Offences against public order ..	57	24.6	52	22.4
Offences against Misuse of Drugs Act ..	1	0.4	1	0.5
Sale of Liquor Act offences ..	1	0.4	0	0
Subtotal	138	59.5	125	53.9
No offence	94	40.5	107	46.1
Totals	232	100.0	232	100.0

PART B—CONVICTIONS FOR BOTH ANTI-SOCIAL BEHAVIOUR OFFENCES AND OTHER CRIMINAL OFFENCES

(1) Anti-social Behaviour Offences				
Anti-social Behaviour Offence	Previous Conviction Record		Subsequent Conviction Record	
	No.	%	No.	%
Violent offences against the person ..	87	28.2	107	34.6
Non-violent offences against the person ..	1	0.3	0	0
Sexual offences ..	10	3.2	11	3.6
Unlawful damaging or interfering of property ..	23	7.5	12	3.9
Offences against morality ..	2	0.6	0	0
Offences against public order ..	97	31.4	65	21.0
Offences against Misuse of Drugs Act ..	0	0	5	1.6
Sale of Liquor Act offences ..	1	0.3	0	0
Subtotal	221	71.5	200	64.7
No offence	88	28.5	109	35.3
Totals	309	100.0	309	100.0

(2) Other Criminal Offences

Other Criminal Offences	No.	%
Offences relating to unlawful taking of property	265	85.8
Offences against property involving fraud	13	4.2
Offences against property by persons in trust	8	2.6
Offences against administration of justice	1	0.3
Offences against the legal process	14	4.5
Other .. .. .	8	2.6
Total	309	100.0

PART C—CONVICTIONS FOR OTHER CRIMINAL OFFENCES ONLY

Other Criminal Offences	No.	%
Offences relating to unlawful taking of property	132	82.0
Offences against property involving fraud	10	6.2
Offences against property by persons in trust	6	3.7
Offences against administration of justice	2	1.3
Offences against the legal process	5	3.1
Other .. .. .	6	3.7
Total .. .. .	161	100.0

TABLE 16—Conviction Records of 702 Serious Motoring Offenders—Number of Convictions for Non-motoring Offences Per Individual

PART A—CONVICTIONS FOR ANTI-SOCIAL BEHAVIOUR OFFENCES ONLY

CONVICTIONS FOR LAW-ENFORCEMENT OFFENSES					
Number of Convictions		Previous Conviction Record		Subsequent Conviction Record	
		No.	%	No.	%
1	..	84	60.9	83	66.4
2	..	30	21.7	24	19.2
3	..	12	8.7	8	6.4
4-6	..	10	7.3	9	7.2
7-10	..	1	0.7	1	0.8
11-20	..	1	0.7	0	0
Total	..	138	100.0	125	100.0

PART B—CONVICTIONS FOR BOTH ANTI-SOCIAL BEHAVIOUR OFFENCES AND OTHER CRIMINAL OFFENCES

CRIMINAL OFFENCES						
Number of Convictions	Previous Conviction Record		Subsequent Conviction Record		Other Criminal Offences	
	No.	%	No.	%	No.	%
1	102	46.2	78	39.0	86	27.8
2 ..	53	24.0	43	21.5	45	14.6
3 ..	25	11.3	32	16.0	34	11.0
4-6 ..	32	14.5	32	16.0	66	21.4
7-10 ..	5	2.3	8	4.0	28	9.1
11-20 ..	4	1.7	6	3.0	33	10.7
20+ ..	0	0	1	0.5	17	5.5
Total .. ..	221	100.0	200	100.0	309	100.0

PART C—CONVICTIONS FOR OTHER CRIMINAL OFFENCES ONLY

Number of Convictions	No.	%
1 ..	75	46.6
2 ..	32	19.9
3 ..	19	11.8
4-6 ..	19	11.8
7-10 ..	6	3.7
11-20 ..	6	3.7
20+ ..	4	2.5
Total .. .. .	161	100.0



Looking at each of the subgroups in turn it will be seen from table 15 that of the 232 (33 percent) who had a record of convictions for anti-social behaviour offences only, the most prevalent offences committed by this subgroup were violent offences against the person and offences against public order. Fifty-nine (25.5 percent) had a previous conviction for a violent offence against the person and 54 (23.3 percent) went on to reoffend in a similar manner. Similarly, 57 (24.6 percent) had a previous conviction for an offence against public order whilst 52 (22.4 percent) went on the reoffend in this way. These two groups of offences—violent offences against the person and offences against public order—are closely related types of behaviour. The latter group includes such offences as carrying an offensive weapon, obscene language, and fighting which are often seen as a prelude to the more serious kinds of behaviour included in the former group such as assault, wounding with intent, and murder. For the purposes of this research little distinction is seen between them and coincidentally, of the several groups of offences which make up the category of anti-social behaviour offences, these two groups most closely epitomise the kind of behaviour that one would expect from individuals engaged in upholding the values of a sub-culture of violence.

Similarly, as table 15 shows, in the second subgroup of offenders, the 309 (44.0 percent) who had convictions for both anti-social behaviour offences and other criminal offences, the same two anti-social behaviour offences predominate. Eighty-seven (28.2 percent) had previously been convicted of a violent offence against the person and 107 (34.6 percent) went on to reoffend in this way. Ninety-seven (31.4 percent) had been previously convicted of an offence against public order and 65 (21 percent) similarly reoffended.

Table 16 gives an indication of how frequently these two subgroups of offenders commit acts of anti-social behaviour. For the former group 42 or one-third (33.6 percent) were reconvicted two or more times whilst for the latter subgroup 122 or nearly two-thirds (61 percent) were reconvicted on two or more occasions. In the latter group, 6 offenders (3.0 percent) were reconvicted between 11 and 20 times for anti-social behaviour offences during the 5-year follow-up period whilst 1 person was reconvicted over 20 times in the same period.

Looking at the other kinds of offences which the second subgroup of offenders combine with their anti-social behaviour offences, table 15 shows that the predominant offence relates to the unlawful taking of property. The majority, 265 (85.8 percent) offenders in this subgroup had at least one conviction for an offence in this category. Table 16 shows that of these 309 offenders as many as 144 or nearly half (46.7

percent) had 4 or more convictions recorded. Thirty-three (10.7 percent) had between 11 and 20 whilst 17 (5.5 percent) had over 20 convictions recorded.

In the third and final subgroup of offenders, the 161 (23.0 percent) who had a record of convictions for offences listed in part B of appendix III, again the majority, 132 (82.0 percent) had been convicted of an offence relating to the unlawful taking of property. The majority, 86 (53.4 percent) had been convicted on two or more occasions whilst 35 (21.7 percent) had been convicted on four or more occasions.

It is perhaps not surprising that the numbers of convictions recorded for offences other than anti-social behaviour among the offenders are considerably greater than those for anti-social behaviour offences since it must be remembered that in New Zealand, as elsewhere, violent offences against the person and other anti-social behaviour offences constitute only a small proportion (10 percent in New Zealand) of the total offences reported and prosecuted.

#### *The Relationship Between Serious Motoring Offending and Non-motoring Offending*

The foregoing results clearly demonstrate that some relationship exists between serious motoring offending and non-motoring offending, particularly anti-social behaviour. In order to test how strong this relationship is a statistical exercise was undertaken with a view to testing the null hypothesis that serious motoring offending and anti-social behaviour offending are independent. The statistical model used is described in appendix IV.

Briefly, the proportion of serious motoring offenders in this study who had been convicted of at least one offence for anti-social behaviour was compared with the proportion of offenders convicted of the same kind of offences in the general population. In chapter 4 it was noted that the previous and subsequent offending histories of each of the 1509 offenders were checked for a period of up to 15 years depending on the offender's age, and the variability between offenders introduced by this has been controlled for in the model. The model has also of necessity assumed that the birthdays of all serious motoring offenders in this study, all offenders convicted of anti-social behaviour offences in the general population, and the general population itself, occur in mid-year. The numbers of offenders convicted of anti-social behaviour offences in the general population were derived from relevant tables in the Department of Statistics annual publication *Justice Statistics* and population figures were derived from the relevant *New Zealand Official Year Book*. Since the numbers of offenders aged 15 and 16 convicted of anti-social behaviour

offences both in this study and the general population were too small to permit accurate tests for levels of significance, these offenders have been excluded from the analysis. The analysis has been made in respect of males only and by age groups with results for individual years between the ages of 17 and 24, and a final group 25 years and over.

Table 17 shows that overall, the null hypothesis was substantially rejected with the results being statistically significant at very high confidence levels. It shows for each of the years studied: firstly, the number of serious motoring offenders one could *expect* to have convictions both for anti-social behaviour offences and serious motoring offences under the hypothesis of independence in the total male population aged 17 years and over; and secondly, the *actual* numbers of male serious motoring offenders in this study with convictions for anti-social behaviour offences. The table shows for example, that in each of the years studied, there were on average twice as many 17-, 18-, 19-, and 20-year-old serious motoring offenders with a record of convictions for anti-social behaviour offences than one would have expected to have found in the study if the null hypothesis were true.

**TABLE 17—The Relationship Between Serious Motoring Offending and Anti-social Behaviour Offending**

A. Expected numbers of serious motoring offenders with record of convictions for anti-social behaviour offences by age of conviction for serious motoring offence (males only).<sup>1</sup>

Year	Age (males only)									
	17	18	19	20	21	22	23	24	25+	Total
1965 ..	4.2	5.6	5.2	7.3	3.5	4.9	2.5	3.3	14.5	52.1
1966 ..	3.8	7.2	7.6	5.4	5.4	5.1	2.7	2.9	14.2	56.4
1967 ..	5.4	7.3	6.9	5.1	8.5	7.7	4.2	2.5	15.5	65.2
1968 ..	4.0	5.9	7.8	6.3	7.1	4.7	3.4	3.4	15.2	59.5
1969 ..	4.8	7.9	10.7	7.8	7.2	7.4	4.6	2.6	17.6	73.1

B. Actual number of serious motoring offenders in this study with record of convictions for anti-social behaviour offences by age of conviction for serious motoring offence (males only):

Year	Age (males only)									
	17	18	19	20	21	22	23	24	25+	Total
1965 ..	10	15	12	15	4	6	6	3	23	97
1966 ..	9	12	11	11	8	6	3	3	36	102
1967 ..	13	18	13	8	14	4	6	5	27	112
1968 ..	7	5	20	12	8	7	6	7	32	107
1969 ..	8	13	8	15	16	6	7	5	37	121
Chi-square (on 5 d.f.)	30.2	38.1	35.6	27.4	15.8	8.4	8.9	8.6	86.9	178.0

P = 0.001% es es 0.005% 0.8% 13.5% 11.1% 12.8% es es  
(es = extremely small—less than 0.001%)

<sup>1</sup>Under the null hypothesis that anti-social behaviour offending and serious motoring offending are independent in the total male population aged 17 years and over.

Caution should be exercised however, when interpreting the tests on the individual age groups as many of the expected numbers are small enough to make the chi-square test suspect. The overall results mean that in all statistical probability a person who is violent on the road will behave violently in other social situations and that this is not due to chance.

*Attitudes and Values Toward Violence: Some Case Histories of Serious Motoring Offenders*

In chapter 3 the concept of the subculture of violence was discussed and the kind of values toward violence which members of the subculture live by were described. For example, it was noted in Wolfgang's Philadelphia study, that the significance of a jostle, a slightly derogatory remark, or the appearance of a weapon in the hands of an adversary was the kind of social stimulus likely to evoke a combative reaction from those persons living in a subcultural milieu designated as a subculture of violence, and that physical assaults, altercations, and violent domestic quarrels often resulting in murder would be the expected form of response.

From the 541 (35.9 percent) serious motoring offenders with a record of a conviction for at least one anti-social behaviour offence several offenders' case histories have been selected to demonstrate instances where a ready recourse to violence has at some time been used by them in response to similar sets of social stimuli as those described above. The data have been taken from pre-sentence probation reports and transcripts of judicial proceedings where these have been available and the eight individual case histories selected are presented in appendix V. The selection is not a random one and of necessity utilises material where face to face interviews or transcripts of trials have been recorded in sufficient detail. The value of the face to face interview in demonstrating the possible existence of a subculture of violence has been clearly shown by Toby (1966) and Montgomery (1976).

With respect to their driving behaviour, a characteristic feature of each of the case histories is the willingness of the serious motoring offenders to expose themselves and others to the risk of physical harm. The element of deliberate intent characteristic of conventional criminal behaviour is also evident throughout their driving histories and this is clearly shown in the reluctance on the part of the offenders to accept guilt or demonstrate any contrition toward their victims. Another feature is the element of dishonesty and disregard with relative impunity of court orders disqualifying the offenders from driving.

With respect to their violent offending, the explanations given by

the offenders epitomise the kind of values that Wolfgang and Ferracuti say are characteristic of the subculture of violence. For example, the first three case histories, "B", "N", and "M" indicate how a jostle or a slightly derogatory remark was sufficient to trigger off an aggressive response from the offenders. Explanations given by the three offenders for these assaults were: "he pushed into me"; "I didn't like the way he smiled at me"; and "he had been cheeky to me".

The next case histories "R", "T", "H", and "S" are examples of serious motoring offenders who are in the habit of carrying offensive weapons. It was shown in chapter 3 that for members of the subculture of violence ready access to, and resort to, weapons in this milieu may be essential for protection against others who respond in similarly violent ways, and that the willingness to participate in violence, to expect violence, and to be ready for its retaliation is an indication of the penetrating and diffusive character of the culture theme. Offender "R" was carrying a knife for "protection". "T" carried his knife for "general purposes" and "in case he needed it". "H" feared that he was about to be assaulted and had the knife for "protection" and according to "S" his definition of the situation was that trouble could be expected and so he and his companion had decided "to get in first". In addition, offender "T" assaulted the traffic officer at the time he was being questioned about his serious motoring offence and "T" was one of 47 serious motoring offenders in this study who were convicted of acts of violence toward traffic officers in execution of their duty.\*

The final case history is an example of a further norm of the subculture of violence—that which demands from members a certain degree of filial loyalty. In this case offender "E" had gone to the aid of his younger brother in a fight and in explanation "E" had said "no one was going to take to his brother while he was around". As with their driving behaviour there is a demonstrated willingness on the part of each of the offenders to expose themselves and others to the risk of physical harm and there is also the lack of guilt or sympathy toward their victims associated with their assaultive behaviour. This again was shown in chapter 3 to be characteristic of the subculture of violence since violence is not regarded by its members as illicit conduct.

### *Summary*

The results of this chapter confirm that there is a relationship between serious motoring offending and non-motoring offending, particularly of a violent, anti-social nature.

\*During 1976 there were 290 assaults on traffic officers in New Zealand, i.e., approximately one-third of the total force of enforcement officers were subject to some form of physical abuse from motorists during the year.

It was found that the 1509 serious motoring offenders studied fell into one of three distinct groups. The first group representing 501 (33.2 percent) offenders, referred to as the "non-offenders group", had no previous or subsequent histories of motoring or non-motoring offending recorded against them. The second group, 306 (20.3 percent) offenders, referred to as the "traffic-violators group", had records of convictions entirely for repeated serious traffic offences. The third and largest group, 702 (46.5 percent) offenders, called the "criminal-offenders group", had criminal records for non-motoring offences.

The non-offenders group included almost all (87.5 percent) of the female serious motoring offenders. Ninety percent of this group were European, a ratio of 9 : 1 which is comparatively close to the ratio of Europeans to non-Europeans, aged 15 years and over in the general population, namely 11 : 1. The older serious motoring offender predominated in the non-offenders group; 76.3 percent of all those aged 50 years and over were categorised in this group. The majority of professional, managerial, and clerical and technical occupational groups or those persons of middle class were categorised in the non-offenders group.

The traffic-violators group were almost exclusively males with the majority (54.0 percent) being under 25 years of age and drawn mainly from the blue-collar occupational groups (78.5 percent) with some over-representation of those of non-European ethnic origin, a ratio of 8 : 1.

The criminal-offenders group were similarly young males the majority (67.2 percent) were between the ages of 15 and 24 years. The ratio of Europeans to non-Europeans in this group was 2 : 1. The criminal-offenders group were predominantly semi-skilled (55.4 percent) and unskilled (69.7 percent) workers.

Alcohol-related driving offences were the most frequently repeated offences of the traffic-violators group, whilst driving while disqualified was more characteristic of the traffic conviction record of the criminal-offenders group. The criminal-offenders group were the more persistent "repeaters" of traffic offences and represented the "hard core" of that proportion of the 1509 serious motoring offenders with the worst traffic conviction records.

Of the 702 offenders in the criminal-offenders group, nearly one-third, 232 or 33.0 percent, had convictions for non-motoring, anti-social behaviour offences, particularly violent offences against the person and offences against public order. A further 309 (44.0 percent) had convictions for a combination of both anti-social behaviour offences and other criminal offences. Again, of the anti-social be-

haviour offences, violent offences against the person and offences against public order predominated and of the other criminal offences, those relating to the unlawful taking of property were most evident. The remaining 161 (23.0 percent) had convictions principally for the unlawful taking of property. Thus, of the criminal-offenders group the majority, 541 or 77.1 percent had at least one conviction for an anti-social behaviour offence against the person. This association between violent, anti-social behaviour on and off the road was found to be statistically significant at very high confidence levels and the null hypothesis that serious motoring offending and anti-social behaviour offending are independent was thus substantially rejected. In addition, a number of serious motoring offenders' case histories were selected to demonstrate that attitudes and values toward violence held by these offenders epitomised the values of the subculture of violence as characterised by Wolfgang and Ferracuti.

## Chapetr 7

### RESULTS—TREATMENT BY THE COURTS

It was indicated in chapter 4 that the seven serious motoring offences chosen for this study coincided with the seven most serious offences provided for in the Transport Act 1962 in terms of the maximum penalties that can be given by the courts. Appendix I sets out in detail the penalties provided for in the legislation for these offences and can be summarised here as follows:

During 1965 and 1969 the offences of—

1. Reckless or dangerous driving and drunken driving causing death or injury and failing to stop after an accident carried a maximum penalty of 5 years imprisonment and/or a fine not exceeding \$1,000 with a mandatory period of disqualification from driving of one year; and
2. Careless driving causing death or injury carried a maximum penalty of three months imprisonment and/or a fine not exceeding \$400 with a mandatory period of disqualification from driving of 6 months.\*

The approach to sentencing in New Zealand is based on what the Department of Justice terms "... a positive approach of responsible experimentation". The goal is to remove offenders "from the community only as a last resort" and only offenders "who persist in serious crime must be held in custody for long periods in order to protect society" (Department of Justice, 1970). When considering an appropriate penalty for a serious motoring offence the courts have recourse to the full range of custodial and semi-custodial sentences including imprisonment, borstal training, detention in a detention centre and periodic detention and also the non-incarcerative sentences including probation, fines, disqualification from driving and other penalties such as a suspended sentence or a discharge with or without conviction.

In determining the choice of penalty for motoring as with other offenders, certain principles of sentencing operate and these must be borne in mind when interpreting the results contained in this chapter.

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\*The penalties for breaches of serious motoring offences provided for in the Transport Act 1962 were substantially altered in 1971 and again in 1974, and the current penalties in force are set out in part B of appendix I. Consideration is currently being given by Government to further varying the penalties of certain traffic offences.



One of the final steps in a series of possible enforcement actions is taken by the courts. The power of the courts is part of the traffic enforcement system and constitutes its focal point. The function of the courts is to interpret the law and determine guilt and punishment. The leading tendency in the development of judicial sentencing policy in recent years has been the growing recognition by the courts of the principle of individualisation of sentence i.e., the characteristics of the individual rather than the offence play an important role in determining the most appropriate form of sentence for that individual (Thomas, 1970). The older order based primarily on the concepts of retribution and general deterrence continues to exist parallel to the newer pattern of individualised measures. However, the primary decision of the sentencer in a particular case becomes one of determining on which side of the system the case is to be decided i.e., is one of the individualised measure (if one is applicable) to be used or is the case to be dealt with in terms of retribution and/or deterrence? Once this decision has been made it remains for the sentencer to determine what level of penalty or what individualised measure should be given. This decision-making process is clearly expressed in a recent address by Mr Justice White (1977):

... deterrence is a very important element of punishment but it is not the be all and end all of it. Among the most exacting duties of judges and magistrates is the balancing of the principles of punishment in a particular case. Very important is the individual who stands in court for sentence ... on the other hand the prevalence of offences of a particular kind ... makes the deterrent aspect of punishment weigh heavily against lenience.

Certain categories of offenders and mitigating factors will influence the court toward individualisation of sentence or otherwise. The young offender, the adult first offender, the female offender, and the mentally disordered offender will likely fall into this category whilst mitigating factors such as character, remorse, domestic or emotional crisis, financial difficulties, drink and alcoholism all play varying roles in determining the nature and extent of the penalty. The allowance for mitigating factors is, however, not considered to be a matter of right and where the court decides to follow the older order of retribution or deterrence the sentence will make no allowance for such factors even if they exist.

Since the majority of motoring offenders in this study are young and thus likely to receive an individualised sentence it is desirable to consider the range of sentences available for the young offender and see what use was made of them in the context of the results of this study.

## *Imprisonment*

No court may impose imprisonment on a person under 21 years of age unless the court has formed the opinion that he should be imprisoned notwithstanding his age (Criminal Justice Act 1954, s. 14 (1)). Of the 519 offenders under the age of 21 years in this study, 20 (3.9 percent) were given sentences of imprisonment ranging from 14 days to 1 year. Three offenders were aged 17, 7 were aged 19, and 10 were aged 20 years. It follows that the main consideration influencing the court to impose sentences of imprisonment on young offenders is the gravity of the offence rather than the offender's record or needs in terms of training, thus imprisonment may be given even where the offender has no previous convictions. Five of the 20 offenders imprisoned who were under 21 had no record of previous motoring or non-motoring convictions.

As a general rule sentences of imprisonment for motoring offences are avoided unless there are particular aggravating factors. As in cases of causing death or injury by reckless or dangerous driving, sentences of imprisonment may be imposed where there is an element of deliberate risk or conscious disregard for safety in the commission of the offence. Even so the effective range of sentences of imprisonment does not normally extend beyond 2 years (maximum five) and in this study only one offender was sentenced to a term of imprisonment in excess of 9 months as table 18 shows.\* The table shows that of the 70 offenders convicted of reckless or dangerous driving causing death or injury, 16 (22.9 percent) received sentences of imprisonment and 10 of these offenders were under 21 years of age.

Drunken driving can attract a custodial sentence particularly where the death or injury of other persons results and such a sentence is frequently imposed in cases where the offender has previous convictions of a similar nature, and even in these cases judges and magistrates are prepared to give considerable weight to mitigating factors. Table 18 shows that of the 36 offenders who were convicted of drunken driving causing death or injury, 15 (41.7 percent) were imprisoned, 3 of whom were under 21 years of age. Nine of the 15 imprisoned had more than 1 previous conviction relating to driving under the influence.

Similarly, offenders may be imprisoned for causing death or injury through careless use of a vehicle particularly the more serious cases where the offence is barely distinguishable from the even more serious charge of reckless or dangerous driving. Twenty-eight offenders (3.0 percent) in this category were imprisoned and of these, 8 received the maximum sentence of 3 months. Three of the 28 were under 21 years of age.

\*The offender, a 19-year-old, received a sentence of 2½ years imprisonment which was reduced on appeal to 1 year's imprisonment for dangerous driving causing death.

TABLE 18—Dispositions Other Than Fines—202 Serious Motoring Offenders

Offence	Dispositions									
	Under One Month	One Month and Under Three Months	Imprisonment Three Months and Under Six Months	Six Months and Under Nine Months	Nine Months and Over	Borstal Training	Detention in a Detention Centre	Periodic Detention	Probation	Other <sup>1</sup>
Reckless or dangerous driving causing death	0	4	4	2	1	0	0	0	8	1
Careless driving causing death	2	8	5	0	0	2	0	2	6	10
Drunken driving causing death	0	1	2	4	0	0	0	0	2	0
Reckless or dangerous driving causing injury .. ..	1	3	1	0	0	2	2	2	4	1
Careless driving causing injury .. ..	5	5	3	0	0	4	2	3	10	14
Drunken driving causing injury .. ..	2	2	3	1	0	0	0	1	5	0
Failing to stop causing death or injury	2	16	4	3	0	3	3	6	18	7
Totals .. ..	12	39	22	10	1	11	7	14	53	33

<sup>1</sup> Convicted and discharged, and convicted to come up if called on.

Again, depending on the gravity of the offence the "hit and run" driver may be imprisoned. Table 18 shows that of the 411 offenders in this category, 25 (6.1 percent) were imprisoned, the average length of imprisonment being 6 weeks. One 22-year-old offender was sentenced to 2½ years imprisonment but this was later reduced on appeal to 6 months imprisonment. None of the imprisoned were under 21 years of age. Whilst in no way condoning the "hit and run" driver and the seriousness of the offence, studies by Buikhuisen *et al.* (1976) do indicate that the departure of the offender from the accident scene appears neither to cause any serious deterioration in an injured victim's condition nor to be the direct cause of death. On commonsense grounds too, it could be argued that an offender who has caused an injury accident and who himself may be injured or in a state of shock, is not the ideal person to assist the victim. Factors such as these can and do influence the decision of the court with regard to the severity of the sentence that these offenders receive.

An exception to the general rule regarding the use of imprisonment for motoring offences is the offence of driving while disqualified. This offence tends to attract a custodial sentence and departures from this approach, even for the first offence, can be considered unusual. In the nature of things, a person convicted of this offence must have at least one conviction for a motoring offence and in practice most cases coming before the courts involve offenders with many previous convictions for motoring offences. Sentences of 2 years imprisonment (maximum 5 years) are not uncommon for offenders with three or more previous convictions for driving while disqualified since the offence must be regarded as a serious one against the community, particularly in view of the fact that traffic enforcement is known to be a limited resource\*.

### *Borstal Training*

A sentence of borstal training may be imposed in the case of an offender convicted of an offence punishable with imprisonment and aged not less than 17 and under 21 on the day of conviction where it is considered expedient for his reformation and the prevention of crime (Criminal Justice Act 1954, s. 18 (1)). The sentence of borstal training is an indeterminate sentence of up to 2 years and was intended originally to provide the courts with a training measure for offenders in the late teenage who were developing delinquent tendencies; it was accordingly seen as an individualised rehabilitative measure to be used as an alternative to imprisonment. By restricting the powers of the courts to impose sentences of imprisonment on offenders under 21, borstal training became effectively the only long-term custodial sentence

\*The introduction noted that each traffic officer spends only about 20 hours a week in actual road patrol. If coverage were evenly spread in both time and space this would mean only one officer on patrol duty at a time on every 500 miles of road (Palmer, 1971).

available for the majority of offenders in this age group. As a result the sentence of borstal training is no longer seen exclusively as a training sentence and the court approves the use of borstal training as a deterrent sentence in those cases where a deterrent sentence is considered necessary\*.

Table 18 shows that of the 479 offenders aged between 17 and 20 years in this study, 11 (2.3 percent) were referred for borstal training. All of the 11 offenders had several previous convictions for motoring and non-motoring offences. Six of the 11 had previously served a custodial sentence. Five of the offenders were convicted of driving while disqualified in addition to the serious motoring offence which brought them within the parameters of this study and three of the offenders were convicted of driving cars that they had stolen earlier. All but one had previous convictions for an offence against the person and three resisted arrest violently.

#### *Detention in a Detention Centre*

This sentence can be imposed on youths aged between 16 and 20 years (Criminal Justice Act 1954, s. 16 (1)). The sentence, which can only be imposed on a particular person once, is for a maximum period of 3 months followed by probation for 12 months. The emphasis is on hard work and strict discipline and it is used most commonly for those who have committed an offence considered serious enough to require a custodial sentence but whose records do not indicate the need for long-term custodial training.

Table 18 shows that 7 youths were sentenced to detention in a detention centre. As with those sentenced to borstal training all 7 had some, but not as many, previous convictions for motoring and non-motoring offences. Five were convicted of driving while disqualified in addition to the serious offence with which this study is concerned. Also 5 had been convicted of a violent offence against the person.

#### *Periodic Detention*

This is a semi-custodial, individualised sentence providing an alternative to imprisonment which involves detention during an offender's leisure time but which does not interfere with his normal working and family life. For youths between 15 and 20 years of age periodic detention may involve detention at a specially provided periodic detention centre from Friday evening to Sunday morning and in one or more evenings each week. A programme at such a centre will include lectures, discussions and counselling at the centre

\*Consideration is currently being given by government to abolishing the sentence of borstal training and introducing sentences of corrective training for 3 months and 6 months.

and a full day's work on Saturdays at some project of direct benefit to the community in which they live and for which neither the offender nor the centre derives any financial reward.

Table 18 shows that 14 offenders were sentenced to periodic detention. Eight of these were youths under 21 years of age, the remaining 6 were sentenced to adult periodic detention centres.

### *Probation*

Release on probation is clearly the most important individualised measure available to the court and it has the advantage that it is not limited to any one group of offenders. Offenders released on probation have been convicted of offences punishable by imprisonment and the use of probation is not necessarily confined to the young or those of good character. Most probation orders give some measure of control over the offender's residence, employment and undesirable associations, and the court may impose special conditions relating to the use of motor vehicles, liquor, and so on, which may have been factors in the particular offence. Thus an essential feature of probation is the supervision by the probation officer and it is accordingly not considered appropriate to use a probation order in a case where the offender does not require, or is unlikely to respond to, such supervision. Where non-custodial treatment is appropriate in such a case, a conditional discharge, fine, or suspended sentence may be the better alternative. By the same reasoning, a probation order is not likely to be made where the supervision will not be effective, i.e., where the offender is about to leave the country, is a member of the armed forces, or a merchant seaman.

Table 18 shows that 53 (3.5 percent) offenders were placed on probation. The majority 38 (71.7 percent), were between the ages of 15 and 19 years, 9 (17.0 percent) were between the ages of 20 and 24 years whilst the remaining 6 (11.3 percent) were 25 years of age or older. The oldest offender placed on probation was a 36-year-old drunken driver.

### *Fine*

This measure is primarily governed by the principles of retribution or deterrence although an element of individualisation is represented by the general principle that the amount of fine must be related among other things to the offender's ability to pay. It is considered incorrect to impose a fine which is beyond the offender's ability to pay as this is likely to result either in his serving a sentence of imprisonment in default or possibly committing further offences to raise the money. The main principle governing the use of a fine is

that the offence concerned must be one for which a sentence of imprisonment is not required. It is held to be wrong in principle to impose a heavy fine on a wealthy man in a case where a man of less substantial means would normally be sentenced to imprisonment. Once the court has decided the preliminary point that a fine is an appropriate form of sentence the amount of the fine is calculated on a combination of retributive/deterrent and individualised principles. Within the range of fines appropriate to the offence, a preliminary figure is reached by reference to the gravity of the offence and then allowance is made for mitigating factors and in particular the offender's ability to pay.

TABLE 19—Disposition by Fine—1307 Serious Motoring Offenders

Offence Category	Disposition—Fines							
	\$ 1-19	\$ 20-29	\$ 30-39	\$ 40-49	\$ 50-59	\$ 60-99	\$ 100- 149	\$ 150 and Over
1. Reckless or dangerous driving of motor vehicle causing death ..	0	0	0	0	0	0	2	6
2. Careless use or driving of motor vehicle causing death ..	13	16	24	34	62	67	81	41
3. Driving or in charge of motor vehicle under influence causing death ..	0	0	0	0	0	2	1	0
4. Reckless or dangerous driving of motor vehicle causing injury ..	0	0	2	2	4	9	6	3
5. Careless use or driving of motor vehicle causing injury ..	84	118	98	97	85	59	26	6
6. Driving or in charge of motor vehicle under influence causing injury ..	0	0	0	0	0	3	3	4
7. Failing to stop motor vehicle after accident involving injury	45	127	56	51	46	14	7	3
Total ..	142	261	180	184	197	154	126	63

Table 19 shows that of the 1509 motoring offenders, the majority 1307 (86.6 percent) were fined. Also, the majority of those under 21 years of age, 425 (81.9 percent), were fined. The table shows the distribution of the fines between the individual offence categories and the table clearly demonstrates the above principles on which the amount of fine is determined. For example, drunken drivers and

reckless or dangerous drivers causing death or injury were the most heavily fined; the majority 25 (53.2 percent), received fines of at least \$100, the maximum provided being \$1,000. Also, of those fined the greatest proportion of the careless drivers causing death, 81 (24.0 percent), were fined between \$100 and \$149 (maximum \$400) and those causing injury, 118 (20.6 percent), were fined between \$20-29 (maximum \$400), whilst the greatest proportion of the "hit and run" drivers, 127 (36.4 percent) were also fined between \$20-\$29 (maximum \$1,000).

#### *Discharge With Conviction and an Order to Come Up if Called On*

These penalties form the lower end of the scale of punishments available to the court. A discharge is most often used where an offence of a not particularly grave kind is committed in circumstances involving substantial mitigating factors. A distinction which might be drawn between the use of the fine and the use of a discharge is that fines are used primarily where the offence itself does not justify a sentence of imprisonment, whereas a discharge is more likely to be used where the offence itself might be held to justify a sentence of imprisonment but the sentence is mitigated by factors personal to the offender. A person who is discharged may be disqualified from driving on the same conviction and ordered to pay the costs of the prosecution. The order for discharge takes the place of any sentence on the conviction in respect of which it is made but there is no restriction on the imposition of other forms of sentence in respect of other charges. In the case of a person being bound over to come up if called on, the offender may be sentenced for the original offence if he reoffends within a certain period of time decided by the court.

Table 18 shows that 33 (2.2 percent) offenders were either convicted and discharged or bound over to come up if called on.\* Ten of these were under 21 years of age. There were 31 in the former category and 2 in the latter category. Of the 31 offenders, 3 (2 females and a 65-year-old male) were convicted and discharged; 7 others were convicted and ordered to pay costs (4 of these were convicted on other additional charges, 2 of whom received custodial sentences); and the remaining 21 were convicted and disqualified from driving for varying periods ranging from 3 months to 5 years (8 of these were also convicted on other additional charges, 5 of whom received custodial sentences). The two offenders in the latter category were each bound over for a period of 1 year. One was a 20-year-old female, the other a 34-year-old salesman convicted of dangerous driving causing injury. Neither reoffended within the year although the female was convicted of theft 3 years later.

\*Persons discharged without conviction during 1965-69 were not included in this study.



### *Disqualification from Driving*

The Transport Act 1962 makes provision to disqualify from driving persons convicted of the majority of driving offences and in the more serious instances mandatory periods of disqualification are stipulated with variations only at the discretion of the judge or magistrate (Transport Act 1962 s. 30). It is a requirement that any variation of a mandatory period of disqualification must be for reasons which relate to the facts of the offence rather than the circumstances of the offender. The effect of disqualification is that a person may not drive a motor vehicle or hold or obtain a driving licence during the period of disqualification. Any licence which he holds or obtains is invalidated (Transport Act 1962, s. 34). Provision is made that a disqualification may be imposed even though no sentence is imposed for the offence. Disqualification may be imposed also where the offender is placed on probation or discharged in respect of the offence and where the offender is made the subject of a hospital order, sentenced to borstal training or dealt with in any other way. The disqualification begins on the date of the disqualification order (usually but not always the day of conviction) and there is no general power to order periods of disqualification to run concurrently. After a certain time and depending on the length of disqualification a person disqualified from driving may apply to the court which imposed the disqualification for removal of the disqualification (Transport Act 1962, s. 39).

The underlying principle of disqualification is punishment and it is usually ordered as part of the sentence imposed on the motoring offender although strictly speaking disqualification is not a penalty but a court order which may accompany any penalty available to the court. Thus, in examining the range of sentences or fines it is necessary to consider also the effect of the disqualification since the courts tend to regard the sentence and the disqualification as a single entity rather than as two separate matters. In a study by Hood (1972) very few of the magistrates interviewed saw disqualification as a means of reforming the attitudes of the motorist. Only a few more gave general deterrence as a reason for disqualification whilst most magistrates viewed disqualification simply as a retributive measure. The length of disqualification imposed accordingly tends to vary with the gravity of the offence. In most cases of causing death or injury by reckless or dangerous driving for instance, a substantial period of disqualification is ordered. In cases where the offence involves an element of deliberate risk and thus comes into the category for which custodial sentences are considered appropriate, disqualifications in the range of 7 to 10 years are not unusual with some disqualifications being as long as 15 and 20 years. Where this factor is less evident a 4- or 5-year disqualification will often be ordered.

TABLE 20—Disqualification Orders Imposed—1376 Serious Motoring Offenders

Offence	Under Six Months	Six Months and Under One Year	One Year and Under Two	Two Years and Under Three	Three Years and Under Four	Four Years and Under Five	Five Years and Over
Reckless or dangerous driving of motor vehicle causing death	0	0	6	7	6	1	8
Careless use of driving of motor vehicle causing death	25	54	147	68	42	5	15
Driving or in charge of motor vehicle under influence causing death	0	0	0	0	7	0	5
Reckless or dangerous driving of motor vehicle causing injury	0	0	18	13	8	1	1
Careless use or driving of motor vehicle causing injury	160	168	139	38	16	3	3
Driving or in charge of motor vehicle under influence causing injury	0	0	1	0	10	5	8
Failing to stop motor vehicle after accident involving injury	106	120	112	29	15	1	5
Total	291	342	423	155	104	16	45

Table 20 shows that of the 1509 offenders studied, 1376 (91.2 percent) were disqualified from driving as part of their sentence. The table indicates the varying lengths of disqualification imposed in each of the seven offence categories. The greatest proportion, eight (28.6 percent), of the reckless or dangerous drivers who caused the death of their victim had their licences cancelled for at least 5 years. Two of these had their licences cancelled for 7 years and a further two had their licences cancelled for 10 years. Similarly, lengthy periods of disqualification may be ordered for causing the death or injury of another person through careless use of a vehicle and again periods in excess of 5 years have been imposed where the offence is barely distinguishable from the more serious charge of reckless or dangerous driving. Table 20 shows that 15 (4.0 percent) of the 373 offenders convicted of careless driving causing death had their licences cancelled for at least 5 years. Two of these had their licences cancelled for 7 years, one for a period of 10 years, and one 26-year-old had his licence cancelled for 20 years. He had previously been convicted and disqualified from driving for 6 years for the same offence 4 years earlier. Drunken driving causing death or injury also attracts lengthy periods of disqualification often in excess of the mandatory period although generally somewhat less than those imposed for reckless or dangerous driving. Repeated offences of this kind, however, attract longer terms and Mr Justice White (1977: 3) has recently suggested that there should be power to disqualify completely in these cases but subject to the proviso that the offender has the right after a period to show that he has become fit to have a licence by establishing his capacity as a driver, his rehabilitation as far as liquor is concerned, and a sense of responsibility.\*

Table 20 shows that all the offenders convicted of drunken driving causing death or injury had their licences cancelled for the mandatory period of 1 year. However of the 36 offenders in this group only one had his licence cancelled for this length of time, the remaining 35 had their licences cancelled for at least 3 years reflecting the seriousness with which the courts view this kind of offence. One 23-year-old offender who caused the death of his victim had his licence cancelled for 9 years and this followed a conviction for driving under the influence 2 years earlier. He was driving while disqualified when he caused the death of his victim.

Preventive disqualification where long periods are imposed, in some cases for life, are found in three circumstances: where the offender appears to be constitutionally unfit to drive; where the offender has committed a long series of motoring offences; and where the offender has used a car in the course of committing a serious offence such as

\*A somewhat similar recommendation was made in the Department of the Environment (U.K.) Report of the Departmental Committee on Drinking and Driving (1976).

robbery. None of the offenders were disqualified for life within the duration of this study although two offenders were subsequently disqualified for 20 years each in addition to their existing disqualification orders. Regarding the youthful offender however, the imposition of long-term disqualifications on the young, even where there is a history of persistent motoring offences, is resisted by the courts, the underlying assumption being that in a good proportion of cases maturity and responsibility will eventually prevail. Notwithstanding this policy however, eight offenders under the age of 21 years were disqualified from driving for 5 years, three were disqualified from driving for 7 years, and a further three were each disqualified for 10 years. The offences committed by the latter three, a 17-year-old and two 19-year-olds, involved dangerous and drunken driving causing death and injury.

Several writers including Coppin and Van Oldenbeek (1965), Willett (1973), and Robinson (1975) have questioned the effectiveness of driver disqualification as its use as part of the punishment assumes amongst other things that individual consciences are sufficiently well-developed to resist the temptation to drive. The use of disqualification as a factor in motivating the individual not to repeat the offence is a clear example of "cultural lag" referred to at the beginning of chapter 1 and the difficulties presented by this are discussed more fully in chapter 8.

To summarise briefly the results discussed so far in this chapter, it is clear that of all the sentences available to the courts a fine coupled with a period of disqualification from driving was the most frequently imposed sentence for the serious motoring offenders of this study. Only in a limited number of instances which either involved deliberate risk or conscious disregard for the safety of others, or where a sentence based on the principles of retribution and deterrence was called for, was a custodial or semi-custodial penalty deemed necessary. Such instances represented only 169 (11.2 percent) of the offenders studied. In view of the significant findings of chapter 6 consideration will be given in the concluding chapter to the question as to whether the fine should continue to be the most appropriate form of sentence for the serious motoring offender.

#### *Distribution of Serious Motoring Offenders Throughout New Zealand*

The principal data source provided the name of the court where each of the 1509 offenders were sentenced and as mentioned in chapter 4 whilst this does not necessarily coincide with the offender's usual residence it does give an indication of the spatial distribution of serious motoring offenders throughout New Zealand during the period studied. In 1971, 67.4 percent of the populace lived in urban

areas with populations exceeding 20 000\* and, *prima facie*, one would expect that numbers of traffic accidents and those prosecuted for traffic offences would reflect this distribution. Trends indicate that the proportional increase in urban area† accidents has not been as great as for the general population and Toomath (1975) suggests that this is probably because the increase in urban population has also been accompanied by an increase in inter-regional traffic and exposure to accidents in both rural and urban areas. The distribution of serious motoring offenders, however, does resemble more closely the distribution of the population with certain exceptions in specific locations.

Table 21 shows that of the 1509 offenders studied, 1132 (75.0 percent) were convicted in one of the 24 urban areas defined as such for the purposes of the 1971 Census of Population and Dwellings (Department of Statistics, 1973). The proportion of the total population eligible to drive a private motor vehicle, i.e., those aged 15 years and over, in the 24 urban areas was only 69.0 percent, suggesting that serious motoring offenders are primarily urban dwellers. Some urban areas are over or under-represented with serious motoring offenders in terms of their proportion of the total urban population eligible to drive. From table 21 it can be seen that the most marked irregularity is the under-representation of serious motoring offenders in the Auckland and Christchurch urban areas whilst over-representation occurs in such areas as Palmerston North, Dunedin, Tauranga, Rotorua, and Wellington.

Table 22 shows the geographic mobility of serious motoring offenders. The criteria for recording geographic mobility were described in chapter 4 and the table shows that of the 731 offenders who reoffended in either a motoring or non-motoring manner in the 5-year follow-up period, the majority, 391 (53.5 percent), were convicted in the same district that they originally appeared in for their main offence. A large proportion, 247 (33.8 percent), appeared in one other district whilst 58 (7.9 percent) appeared in 2 other districts. The group with a record of reoffending for anti-social behaviour offences and other criminal offences were clearly the most mobile. Sixteen of these (6.0 percent) had convictions recorded in four or more districts throughout the country in the 5-year follow-up period whereas no other groups of offenders were convicted on this number of occasions in different districts.

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\*Urban areas are defined as a central city and adjoining suburban areas with a resident population of at least 20 000. For maps of boundaries see Department of Statistics (1973).

†Referred to here as those areas with a speed limit of less than 80 km/h.

**TABLE 21—Convictions in Urban Areas—1132 Serious Motoring Offenders**

Urban Area <sup>1</sup>	Serious Motoring Offenders Convictions 1965-1969		Proportion of Total Urban Population Aged 15 Years and Over <sup>2</sup>	Percentage Difference
	No.	%		
Whangarei .. .. .	22	1.9	1.7	+0.2
Auckland (four urban areas combined)	237	20.9	33.6	-12.7
Hamilton .. .. .	42	3.7	4.1	-0.4
Tauranga .. .. .	56	4.9	2.0	+2.9
Rotorua .. .. .	51	4.5	1.9	+2.6
Gisborne .. .. .	26	2.3	1.5	+0.8
Napier .. .. .	13	1.2	2.2	-1.0
Hastings .. .. .	23	2.0	2.3	-0.3
New Plymouth .. .. .	20	1.8	2.0	-0.2
Wanganui .. .. .	18	1.6	1.9	-0.3
Palmerston North .. .. .	80	7.1	3.0	+4.1
Lower Hutt (including Upper Hutt)	71	6.3	6.2	+0.1
Wellington (including Porirua Basin)	140	12.4	9.9	+2.5
Masterton .. .. .	25	2.2	1.0	+1.2
Nelson .. .. .	12	1.1	1.9	-0.8
Christchurch .. .. .	138	12.2	14.7	-2.5
Timaru .. .. .	14	1.2	1.5	-0.3
Dunedin .. .. .	108	9.5	6.0	+3.5
Invercargill .. .. .	36	3.2	2.6	+0.6
<b>Total</b>	<b>1 132</b>	<b>100.0</b>	<b>100.0</b>	
Convictions 24 urban areas: ..	1 132	75.0	Proportion of total population aged 15 years and over living in 24 urban areas = 69.0 percent	
Convictions non-urban areas: ..	377	25.0		
<b>Total</b> .. .. .	<b>1 509</b>	<b>100.0</b>		

<sup>1</sup> Twenty-four urban areas of New Zealand with populations over 20 000 (March 1971).

<sup>2</sup> Those eligible to drive a private motor vehicle and resident in the 24 urban areas (March 1971).

**TABLE 22—Geographic Mobility—731 Serious Motoring Offenders**

Serious Motoring Offenders	Number of Different Courts in Which Convicted (1970-74 Follow-up Period)							
	Same Court	1	2	3	4	5	6 or More	Total
Traffic-violators group ..	129	61	4	2	0	0	0	196
Criminal-offenders group								
(a) Convictions for anti-social behaviour offences only	93	69	13	2	0	0	0	177
(b) Convictions for both anti-social behaviour offences and other criminal offences	129	78	35	12	7	3	6	270
(c) Other criminal offences only	40	39	6	3	0	0	0	88
<b>Totals</b>	<b>391</b>	<b>247</b>	<b>58</b>	<b>19</b>	<b>7</b>	<b>3</b>	<b>6</b>	<b>731</b>

## Chapter 8

### DISCUSSION

From the previous three chapters it is clear that there are certain similarities between the findings of this research on serious motoring offenders in New Zealand society and the findings of the overseas studies briefly detailed at the end of chapter 3. The conclusion that could be drawn from the evidence presented in chapter 3 was that there is a close relationship between serious motoring offenders, aggressive driving, and other forms of criminal behaviour often involving violent offences against the person. A similar conclusion can be drawn from the findings of this study and in discussing these findings it may be appropriate firstly to highlight some of the similarities between the results of the more directly comparable of these studies.

TABLE 23—Comparison of Selected Studies of Serious Motoring Offenders

Variable			Michalowski, United States	Willett, United Kingdom		Jamieson <i>et al</i> New Zealand Australia	Parsons, New Zealand
			%	1964 %	1973 %	%	%
Sex—							
Males	..	..	83.1	92.2	95.6	92.4	94.7
Females	..	..	16.9	7.8	4.4	7.6	5.3
Total			100.0	100.0	100.0	100.0	100.0
Ratio	..	..	1:5	1:12	1:28	1:13	1:18
Ethnic origin—							
Black	..	..	23.8	..	..	..	20.0
White	..	..	76.2	..	..	..	80.0
Total			100.0	..	..	..	100.0
Age—	..	..	79.0 <sup>1</sup>	67.2 <sup>2</sup>	56.3 <sup>3</sup>	66.1 <sup>4</sup>	68.5 <sup>4</sup>
Social Class—							
White-collar	..	..	5.0	37.9	27.1	16.7	16.4
Blue-collar	..	..	95.0	62.1	72.9	83.3	83.6
Total			100.0	100.0	100.0	100.0	100.0
Marital status—							
Single	..	..	52.0	..	38.1	43.8	..
Married	..	..	32.0	..	53.0	46.9	..
Divorced and separated	..	..	16.0	..	8.9	9.3	..
Total			100.0	..	100.0	100.0	..
Criminal non-motoring record			..	..	..	..	..
..	..	..	41.5	32.3	43.7	25.0	46.5

KEY— .. means data not available.

<sup>1</sup>—Under 35 years of age.

<sup>2</sup>—Under

40 years of age.

<sup>3</sup>—Under 30 years of age.

<sup>4</sup>—Under 32 years of age.

<sup>5</sup>—Under 36 years of age.





**CONTINUED**

**1 OF 2**

Table 23 gives a comparison of studies of serious motoring offenders carried out by Michalowski (1975) in the United States, Willett (1964, 1973) in the United Kingdom, and Jamieson *et al.* (1971) in Australia. Michalowski made a descriptive analysis of 119 fatal accidents involving 130 serious motoring offenders in a large mid-western city in the United States during a 3-year period. Willett's two books on serious motoring offenders are based respectively on samples taken in 1957-59 and 1965. As his first work was based on data from police files and his second on data collected by interviews, they are not directly comparable. However, for the purposes of comparison with this study they will be used interchangeably since the interest here is in the basic factual data of age, sex, etc. Jamieson *et al.* undertook a comprehensive, multi-disciplinary study of traffic accidents in Brisbane and the findings quoted in table 23 relate to the reckless driver subsample of their study.

All the above studies in some way lend support to, and complement the findings of this research. For example, taking each of the variables in table 23 in turn:

1. *Sex*—The sex of the offender in each of the studies is predominantly male. Willett (1964) found 12 male serious motoring offenders to every 1 female serious motoring offender compared with 18 males to every female in this study (chapter 5). Two of the 6 serious offences that Willett studied, failing to stop after an accident and driving while uninsured, were found to have a particularly high ratio of female to male drivers, 1 : 3 and 1 : 6 respectively, and if these two offences are excluded Willett's ratio becomes 1 : 35 (the ratio of female to male drivers for the offence failing to stop after an accident in this study was 1 : 30 see table 3). In his 1973 study the ratio of males to females was 28 : 1. In Michalowski's study the ratio of females to males was a comparatively high one of 1 : 5 whilst in the Australian study the ratio was 1 : 13.

2. *Ethnic origin*—Michalowski's study was the only one to record data on ethnic origin and his study shows a comparable over-representation of black or non-Europeans amongst his sample of serious motoring offenders. He found that road deaths were more common in the poorer areas of the city he studied than in the more affluent parts. The poor black areas, with 37 percent of the population, suffered 54.6 percent of road fatalities; the more affluent white areas with 34 percent of the population suffered only 17.7 percent of road fatalities.

3. *Age*—The proportions of younger drivers among serious motoring offenders whilst not strictly comparable between studies are all similar. In Willett's (1964) study the modal age for the 650 offenders was 26 with variations according to specific offences. For example, the

modal age for reckless or dangerous drivers was just under 25 years, for driving while disqualified it was 23.4 years, and the youngest of all, was his sample of offenders who drive without insurance whose modal age was 21.8 years. Michalowski found disproportionate involvement in his 21-35 year age group whilst the greatest proportion (41.4 per cent) of offenders in the Australian study were aged between 17 and 24 years. Offenders in this study were generally younger than those in both Michalowski's and Willett's work; it was shown in chapter 5 that offending peaked at 19 years of age (table 5), and the greatest proportion of offenders, 442 (29.3 per cent), were between the ages of 20-24 years. The majority of reckless or dangerous drivers in this study, however, were under 20 years of age (table 4).

4. *Social class*—All studies found disproportionate involvement in serious motoring offending by the two lowest occupational groups, namely, the semi-skilled and unskilled manual workers. The consistently high proportions of serious motoring offenders in the blue collar occupational groups in each of the studies certainly demolishes the hypothesis that Willett advanced that serious motoring offending is behaviour common to the middle class.

5. *Marital status*—Data on marital status were not available in this study, however, according to Willett (1973: 33) a characteristic of samples of motoring offenders and accident repeaters in the United Kingdom and the United States is that they seem to include a disproportionate number of single, divorced, or separated individuals and a comparison between his 1973 study and a study by Macmillan (1975) of English drivers in general, showed that the former study was no exception, although the numbers of divorced and separated were too small to be significant. Michalowski found too, that the marital status of his sample of serious motoring offenders differed significantly from the city's population in that there was disproportionate involvement of those who were unmarried. In the Australian study, whilst the proportion of married offenders was slightly greater than the unmarried offenders, it was found that the married group had poor marital stability compared with a control group.

6. *Motoring and non-motoring offence patterns*—All the studies reported large proportions of offenders with convictions for non-motoring offences, in each case considerably more than the proportion one would expect to find in the general population. Michalowski found that 48 (41.5 per cent) of the offenders he studied had criminal non-motoring records compared with 702 (46.5 per cent) in this study (chapter 6). Of the 48 in Michalowski's criminal-offenders group, 43 (89.6 per cent) had been arrested at least once for a crime of violence compared with 541 (77.1 per cent) of criminal-offenders convicted of

anti-social behaviour offences in this study. In Michalowski's study, 30 (63 percent) of his criminal-offenders group had been arrested for violent crimes exclusively compared with 232 (33.0 percent) of criminal offenders convicted of anti-social behaviour offences only in this study. Willett (1964) found that the total number of persons who had a criminal, non-motoring record or were known to the police as "suspected" persons for reasons unconnected with motoring was 211 (32.3 percent) of the 653 in his sample. Of the 211, 77 (36.5 percent) had previously been convicted of violence against persons or property. In his second study nearly half (43.7 percent) admitted during interview to having a criminal, non-motoring record and this was confirmed from police files. No detailed analysis of the kind of non-motoring offences committed was given by Willett. However, he observed (p. 46) that convictions included one instance of murder reduced to manslaughter, several cases of grievous bodily harm or assault, other offences against the person involving violence, and wilful damage to property. In the Australian study the incidence of criminal records in the reckless driving sample compared with a control group was higher. A quarter of the reckless drivers had criminal records. No information was given, however, on the kind of non-motoring offences committed.

Each of the studies clearly indicated that multiple traffic offenders were also multiple offenders in other crimes, Michalowski found that nearly all—91.7 percent—of those with a record for crimes against the person in his sample of serious motoring offenders, had also committed at least one other traffic violation and 88.9 percent of those with five or more convictions for violent crimes had the same or more convictions for traffic offences. This is comparable with the findings of this study where it was shown in chapter 6 that the criminal-offenders group represented the "hard core" of serious motoring offenders studied and were clearly the more persistent "repeaters" of traffic offences. Similarly, Willett (1964) found that 52 percent of those with non-motoring convictions had three or more additional motoring convictions compared with 26 percent of those offenders who had a record of motoring offences only. Again, in his 1973 study, 35 percent of those with non-motoring convictions had been convicted on three or more occasions for motoring offences. In the Australian study, over half (58.7 percent) of the reckless drivers with a non-motoring record had a record of 3 or more convictions for traffic offences and 10 percent of the group had previous convictions for 10 or more traffic offences.

Michalowski, Willett, and Jamieson *et al.* came to similar conclusions. Michalowski (1975:42) concluded that individuals prone to violent behaviour constitute a significant proportion of serious motoring offenders with criminal records. He says the fact that a

majority of the serious motoring offenders with non-motoring records are also persistent "repeaters" of traffic offences strongly supports the kind of relationship expressed in the hypothesis presented in chapter 3, that perceptions favourable to violent behaviour influence the way an individual drives as well as the way he behaves in face to face interactions. Willett (1973 : 132) said that in the course of his research further substance had been given to the view that serious motoring offenders differ quite considerably from populations of drivers in general and that they correspond more closely to offenders convicted of the more usual "criminal" offences, for example, those against the person and property. He concluded that when compared with control groups his research sample of serious motoring offenders were younger, of lower educational and occupational status, contained more males, and had higher proportions with criminal records for both motoring and non-motoring offences. Jamieson *et al.* (1971 : 231) concluded that the reckless driver's driving behaviour would not seem to be an isolated event in view of their traffic conviction record and in terms of accidents there is a one in four chance that the driver with major "responsibility" for the accident will have a criminal, non-motoring record.

In discussing the findings of this study use will be made of the fact that the serious motoring offenders studied fall naturally into the three groups referred to in chapter 6, namely, the non-offenders group, the traffic-violators group, and the criminal-offenders group.

### *Explanatory Models*

1. *Non-offenders group*—The findings of chapter 6 indicated that the non-offenders group comprised about one-third, 501 (33.2 percent) of the serious motoring offenders studied. It was found that this group compared with the traffic-violators group and the criminal-offenders group had distinctive characteristics, i.e., almost all (87.5 percent) of the female serious motoring offenders were in this group; the majority of the group (90.0 percent) were of European ethnic origin; the group's members were generally older than those in the other two groups; and the majority, 60.6 percent of offenders in the white-collar occupational groups or of middle-class origin, were classified as non-offenders. In addition, the majority (82.2 percent) of the non-offenders group were convicted on one or other of the two less serious offences, namely, careless use or driving of a motor vehicle causing death or injury, and thus to some extent could be considered as having been guilty of rather more negligent behaviour than the deliberate intent which is implicit in the reckless or dangerous, drunken, and "hit and run" offences.

It appears from the characteristics of this group (and this is con-

firmed by the overseas studies cited here) that studies of serious motoring offenders are likely to include a proportion of offenders who have earned the dubious label of "serious motoring offender" as if almost by chance and through some isolated event in the course of their lives, involving perhaps unintended consequences has resulted in their standing apart from what might be described as the "average motorist" referred to in the introduction. A serious motoring offender can thus be placed on a continuum represented at one end by the non-offender and at the other extreme by the criminal-offender. The non-offender's characteristics most closely resemble the "average motorist" who, in the course of his life time, will not normally expect to be convicted of a serious motoring offence of the kind studied here. At the other end of the continuum is the traffic offence "repeater" who is also a "repeater" of offences in other spheres of criminal activity. Midway between the two is the traffic-violator, those offenders who "specialise" in serious breaches of traffic law and whose behaviour is now discussed.

2. *Traffic-violators group*—In chapter 6, it was found that the traffic-violators group comprised 306 (20.3 percent) of the serious motoring offenders studied. The group were almost exclusively males with the majority (54.0 percent) being under 25 years of age and drawn mainly from the blue-collar occupational groups (78.5 percent) with some over-representation of those of non-European ethnic origin, a ratio of eight Europeans to each non-European convicted in this group.

At the beginning of chapter 1 and again in chapter 7 reference was made to the fact that strain or "cultural lag" is seen nowadays as the creator of many problems for society as a whole. The motoring scene is an almost perfect illustration of cultural lag. The administrative and legal framework is still designed for the rather special and relatively affluent members of society who drove motor cars in the first 30 years of this century, and it has not yet caught up with the fact that it is dealing with a mass phenomenon. For example, procedures for obtaining a driver's licence, including knowledge of the *Road Code*, and the documentation involved in car ownership, hire purchase, annual registration, insurance, and standards of fitness for vehicles, are not without their complexities and are often outside the grasp of the minimally educated. Furthermore, the law is also equivocal and confusing, especially when it has to allow for both highly subjective and technical factors to determine criteria of, say, dangerous or drunken driving. In addition, it clearly assumes the driver to be a normal respectable citizen in relying, as it does, on suspension of the licence as a unique and principal penalty, since no one who had not internalised so-called middle-class norms would be

expected to obey for a long period an order to leave a cherished and essential possession alone without any supervision.

A further illustration of cultural lag in the motoring scene also provides a clue to the possible reasons for the kind of deviance characteristic of the traffic-violators group. There is a tendency in society for driving to be regarded as a man's job and so for the sex differential to be as distinctive among motoring offenders as it is for those of other kinds. Virility is linked here to a form of social behaviour in which its criteria of strength and aggression have long been displaced by technological innovation, yet driving behaviour is a striking manifestation of long-established, traditional, role sets. The practice of regarding driving as a man's job has resulted in a sharp, though decreasing, dichotomy between "virile" and "cissy" behaviour. Gibbens (1958) suggests that many dangerous driving offences are in fact male proving behaviour and he draws on Talcott Parsons' (1947) observation that in many situations to be good is to be effeminate and to be bad is to be a real man. It was mentioned in chapter 5 that the sex differences in driving behaviour are a debatable question and the ideas expressed here are of relevance to this controversy. It may be that male drivers identify driving cautiously at a modest pace with femininity and so, according to Parsons' theory, are tempted to take risks and drive more aggressively. In this respect, Willett (1964: 15), recalled the remark that "most men think that criticism of their driving is criticism of their manliness". As this research shows males far outnumber females among motoring offenders as they do among offenders of all kinds—hence Wootton's point (1959: 32) that "if men behaved like women the courts would be idle and the prisons empty", an argument that many male drivers might find rather provocative. It may well be that virility is one of what Matza (1964) has called the "subterranean values" in our society. Such values may be the ones that tenaciously resist change or elimination as the primitive social conditions of which they are typical are giving way to the urban setting in which the aggressive, danger-loving and tough kind of virility cannot be acted out save in automobiles and on motorcycles.

The fact that the traffic-violators group are almost exclusively male and the majority are young tends to confirm the intense involvement of driving in the male role set. Within the context of an age-graded social system, possession of a car amongst adolescents represents peer group identification and status transformation into adult roles. The car is important to all adolescents as a criterion of adulthood and expression of masculinity. When the son is allowed to drive the family car he gains status in the eyes of his family and peers. It was noted in the introduction that New Zealand society has

a high level of "motorisation" giving most young people ready access to a motor vehicle. In addition, young people can officially drive at the comparatively early age of 15 years and informally, even younger in rural areas. Both these factors reinforce "the car" as an important facet of socialisation in New Zealand.

McFarland and Moore (1957) have documented the social needs served by the automobile: "the car is a symbol of social and economic worth; it provides an outlet for hostility, discourtesy, emotional conflict and revolt". Klein (1971, 1974) has noted that prevailing social and cultural values emphasise the attaining of peer group acceptance by individual risk-taking and aggressive competition, and that, for the majority of the population, the motor car provides one of the very few avenues for earning status. The car, for many, is the great equaliser and provides a medium for competition and demonstration of virtuosity as well as an outlet for aggression. Certainly the advertising campaigns conducted by car and motor cycle manufacturers seem to stress the aggressive nature of driving and the satisfaction of a need for independence. For example, glamour and thrill in cars and motorcycles are meant to be associated with speed and power through such verbs as *roars*, *growls*; adjectives like *dynamic*, *powerful*, *exciting*, *wild*, *ferocious*, *swinging*; nouns like *missile*, *rocket*, *tiger*, and *mustang*. Longer excerpts make clear the intended associations—"The 300 has muscle"; "Bold Mustang fury"; "A man's kind of action!" ... "It's the man's car for men who like their action big ... gives a man that 'in charge' feeling". If a person is stripped of his right to use a car therefore, he is deprived not only of mobility but also of the means for satisfying a number of important cultural demands and social needs. Klein (1972) further notes that for young drivers the car satisfies a desire for privacy from one's elders; it can be used as a refuge in which they can assert their maturity by experimentation with desired elements of adult society such as sex, alcohol, and smoking.

Jamieson *et al.* (1971: 237) argue that where a sense of adult identity is not forthcoming from such major channels as occupation, then it can be expected that the car may be substituted in an attempt to get rid of feelings of frustration. If this is so, then it may partially account for the preponderance of semi-skilled and unskilled youths in the traffic-violators group, since their occupational environment does not provide them with the requisite financial status and recognition. Because driving is part of the way adolescents can establish their adulthood in the eyes of society, Jamieson *et al.* suggested that for the young traffic violator especially, driving has become a superficially acceptable means of trying to adjust. Although driving may be used as an adaptive mechanism it is non-adaptive in that it provides no perm-



anent solution. It is evident that at each stage of their development young traffic-violators have missed out in gaining the sense of trust accomplishment, and identity they have struggled to attain. Coupled with this the focal concerns (values) of the lower-class subculture discussed in chapter 2, particularly the accent on toughness, aggressiveness, impulsiveness, and lack of future orientation that prohibits the visualisation of all possible consequences of an event, tend in themselves to influence the adolescent lower-class male to establish his masculinity and adult identity within the framework of his driving behaviour.

The social and subcultural pressures that underlie the repetitive breaches of traffic laws by those youths who constitute the greater proportion of the traffic-violators group are also evident, perhaps in greater degree, in the third group of serious motoring offenders, the criminal-offenders group. However, such pressures are, I believe, insufficient reasons for the ready recourse to violent behaviour characteristic of a large segment of this group and some additional sociological interpretation in terms of that proposed in chapter 3 is needed for the behaviour of this group.

Before discussing the behaviour of the criminal-offenders group however, it may well be appropriate to consider the behaviour of the remaining 46 percent of the traffic-violators group who are aged 25 years and over. Concentrating as I have done so far on the behaviour of the youthful members of the traffic-violators group should not obscure the contribution made to road accidents by older members of the community. A substantial number of young men survive the initial exposure only to become dangerous drivers in middle life for other reasons. One of the more important of these reasons can best be illustrated by use of the following case history. A serious motoring offender in this study made his first court appearance at the age of 30 when he was charged with drunken driving causing death. He was convicted and given a deterrent sentence of 6 months imprisonment and disqualified from driving for 5 years. Two years later he was issued with a limited licence to drive in the course of his employment. Within 6 months of being granted the limited licence he again appeared before the court on two separate charges of driving other than in accordance with the conditions of the limited licence. He was heavily fined on each charge and the period of disqualification was extended for two consecutive periods of 12 months in addition to the 5 years imposed for the original offence. Less than a year later he again appeared before the court charged with driving while disqualified and driving with excess alcohol in the blood. He was again sentenced to a total of 6 months imprisonment and disqualified from driving for a further period of 7 years. The offender was an alcoholic and the youngest of

six boys. One of his brothers and both his parents were alcoholics and his mother died of alcoholism before his first traffic offence. He was a married man with two children at the time of his first offence but separated when he returned to drinking after release from his first term of imprisonment. He was self-employed at the time of his first offence. However, by the time of his last court appearance his occupation was recorded as an unskilled manual worker; a clear example of downward mobility caused through excessive drinking.

In chapter 5 the role that alcohol plays in traffic accidents was demonstrated and in chapter 6 it was shown that alcohol-related driving offences were the most frequently repeated traffic offences committed by the traffic-violators group. A great deal is now known about the extent to which alcohol intake contributes to traffic crashes but little is known on how to effectively deal with the problem. The above example shows clearly how ineffective the ultimate sanction of both imprisonment and disqualification is for this type of serious motoring offender and consideration will be given in the concluding chapter to the kind of countermeasures which are appropriate for, and which are likely to deter, the serious motoring offender.

3. *Criminal-offenders group*—The criminal-offenders group was the largest of the three groups, comprising 702 (46.5 percent) of the serious motoring offenders studied. Like the traffic-violators group the criminal-offenders group were predominantly young males, the majority (67.2 percent) being under 25 years of age. Again, the majority (87.8 percent) were classified as either semi-skilled or unskilled workers and one in two were of non-European ethnic origin. Over three-quarters (77.1 percent) had been convicted of a criminal, non-motoring offence involving anti-social behaviour of some kind on at least one occasion and this relationship between violent behaviour on and off the road was shown to be statistically significant at very high confidence levels.

As indicated in chapter 1 subcultural theory is likely to play an important role in any future development of deviancy theory. In chapters 2 and 3 a proposed extension to a facet of subcultural theory, the subculture of violence, was explored in detail, and it was suggested that this could be of some heuristic value when examining the behaviour of those serious motoring offenders who are prone to violent behaviour in other social roles and vice versa. In chapter 3 it was argued that the kind of person who has internalised lower-class subcultural norms, who additionally lives by the values of the subculture of violence, and who accepts violence as normal behaviour will carry over this behaviour to the driving situation and that "accidents" for these people are not accidents but rather intended patterns of subcultural

behaviour based on the subcultural values to which they subscribe. The results of this research in respect of the criminal-offenders group tend to support the use of the suggested extension to Wolfgang and Ferracuti's subculture of violence thesis as the most probable sociological interpretation for the kind of offending characteristic of the majority of this group of serious motoring offenders. For example, the findings of this research and especially those contained in chapter 6, point to three results:

*Firstly*, that the social characteristics of the criminal-offenders group of serious motoring offenders are similar to members of groups with the highest rates of criminal acts of interpersonal violence, namely, young male adults of lower and working-class European and non-European ethnic origin. Previous research on violent offenders in New Zealand by Schumacher (1971) and Kun (1977) suggests there is some common ground between the characteristics of the criminal-offenders group of serious motoring offenders and violent offenders. Schumacher (1971: 8) found firstly, that violent crime is almost exclusively a male activity and committed predominantly by youths and young men aged between 15 and 24 years. In her sample she showed that more than 90 percent of violent offences were committed primarily by males and 69 percent of all offenders were aged between 15 and 24 years. Secondly, she established that violent offences are committed primarily by individuals at the lower end of the socio-economic scale and finally she found that violent crime, like the serious motoring offending of this study, is an urban phenomenon with the violent offenders being mainly urban dwellers.

In a further study on criminal violence in New Zealand by Kun (1977) the same characteristics of violent offenders found by Schumacher were again evident. In addition, the violent offenders that Kun studied were disproportionately non-European. He found that non-Europeans made up 38.9 percent of those convicted for assault, whereas as indicated in chapter 5 non-Europeans 15 years of age and over account for only 8.1 percent of the total New Zealand population. Schumacher (1971: 51) concluded from her study that New Zealand society for the first time may be confronted with a subculture of violence in the larger cities.

*Secondly*, the results show that a large proportion of the criminal-offenders group of serious motoring offenders have a history of convictions for non-motoring, anti-social behaviour offences and that this group constitute the "repeaters" of traffic offences and also the "repeaters" in other spheres of non-motoring, criminal activity. In her study Schumacher found that the greatest proportion of all serious violence is committed by "repeaters". Only 18 percent of the offenders she studied had no previous convictions at all, and fully

52 percent of all repeaters had a previous conviction for one of the violent offences she had selected for study. Serious motoring offending and non-motoring offending of a violent, anti-social nature were found by this research to have a statistically significant relationship at very high confidence levels.

*Thirdly*, the results show that in a number of case histories that were able to be analysed, the attitudes and values towards violence held by the criminal-offenders group of serious motoring offenders reflect or epitomise the attitudes and values which have been described in chapter 3 as being characteristic of the subculture of violence. This means that at least some motoring offenders in New Zealand society are indeed living by the kind of values characteristic of the subculture of violence and in itself this tends to support the findings of Schumacher that a subculture of violence may exist in the larger cities of New Zealand.

## Chapter 9

### SUMMARY AND CONCLUSIONS

The research was based on a study of 1509 serious motoring offenders convicted in New Zealand courts during the years 1965 to 1969 and has examined their social characteristics and traced their pattern of motoring and non-motoring offending for a period of up to 15 years for each offender terminating in 1974. This chapter summarises the most important findings and draws some theoretical and practical conclusions from the results. Other results have been included in the more detailed summaries at the end of chapters 5, 6, and 7.

#### *Profile—Serious Motoring Offender*

The main conclusion to be drawn from the research is that the serious motoring offender in New Zealand has distinctive characteristics of sex, race, age, social class, and criminal record. The serious motoring offender is more likely to be young, male, of non-European ethnic origin, a semi-skilled or unskilled manual worker with a criminal, non-motoring record of violent, anti-social behaviour. His social characteristics are similar to violent offenders and the research has clearly demonstrated that a strong positive relationship exists between serious motoring offending and offending of a violent, anti-social nature. Of the 1509 offenders studied 94.7 percent were male and 1 in 4 were of non-European ethnic origin compared with 1 in 11 in the general population. The greatest number of offenders were aged 19 years and 68.5 percent of offenders were under the age of 30 at the time of conviction. Blue collar workers accounted for 83.6 percent of the offenders and there were approximately three times as many unskilled offenders as one could expect in terms of their proportion in the adult working population. When the offence histories of the offenders were checked it was found that the largest group of offenders (46.5 percent) had criminal records for non-motoring offences and of those, over three-quarters (77.1 percent) had been convicted of a criminal offence involving anti-social behaviour of some kind on at least one occasion. A further 20.3 percent of offenders had a record of convictions for repeated traffic offences, whilst the remaining third (33.2 percent) had appeared before the courts for the one occasion only during the period that their records were checked. These findings are similar to studies carried out

overseas in the United States, United Kingdom, Europe, and Australia.

### *Explanatory Models*

The behaviour of the 1509 serious motoring offenders, indicated by their motoring and non-motoring offence histories, was examined by the research in terms of sociological theories. It is concluded that serious motoring offenders can be placed on a continuum represented at the one end by the offender who has appeared before the court once only and at the other extreme by the criminal-offender who has made several appearances before the court for motoring and non-motoring offences. The characteristics of the former most clearly resemble the "average motorist" referred to throughout the research who, in the course of his lifetime would not normally expect to be convicted of a serious motoring offence of the kind studied here. At the other end of the continuum is the traffic offence "repeater" who is also a "repeater" of offences in other spheres of criminal activity. Midway between the two is the traffic-violator, those offenders who "specialise" in serious breaches of traffic law.

It was suggested that the deviant behaviour characteristic of the traffic-violators group could be due to cultural lag and the tendency in society for driving to be regarded as a man's job. Driving behaviour is a striking manifestation of long-established, traditional, role sets and many dangerous driving practices are accountable for in terms of male proving behaviour. The fact that the traffic-violators group are almost exclusively male and the majority are young tends to confirm the intense involvement of driving in the male role set. The car is important to all adolescents as a criterion of adulthood and expression of masculinity. Prevailing social and cultural values emphasise the attaining of peer group acceptance by individual risk taking and aggressive competition and for many, the motor car provides one of the very few avenues for earning status. Where a sense of adult identity is not forthcoming from major channels such as occupation then it can be expected that the car may be substituted as a superficial means of trying to adjust. It is concluded that this may partially account for the preponderance of semi-skilled and unskilled youths in the traffic-violators group. In addition, the values of the lower-class subculture with the accent on toughness, aggressiveness, impulsiveness, and lack of future orientation tend in themselves to influence the adolescent lower-class male to establish his masculinity and adult identity within the framework of his driving behaviour.

The research found that the social and subcultural pressures that underlie the repetitive breaches of traffic laws by those youths in the traffic-violators group are also evident in the criminal-offenders group

but the overtone of violent behaviour characteristic of the greater proportion of this group requires an additional sociological interpretation. It was argued that the kind of person who has internalised lower-class subcultural norms, who additionally lives by the values of the subculture of violence, and who accepts violence as normal behaviour will carry over this behaviour to the driving situation, and importantly, that "accidents" for these people are not accidents but rather intended patterns of subcultural behaviour based on the subcultural values to which they subscribe. The tendency toward violent behaviour therefore, is not necessarily limited to face to face interactions, but rather permeates a broader range of behaviour. Thus, social groups which treat both violence and the willingness to expose oneself and others to the risk of physical harm can be expected to contribute more heavily to the pool of serious motoring offenders than groups denigrating such characteristics.

The research discovered three important factors:

1. That there is considerable common ground between the social characteristics of those serious motoring offenders in the criminal-offenders group and violent offenders generally;
2. That the kind of non-motoring offending characteristic of the criminal-offenders group was of a violent, anti-social nature, and in this respect a strong positive relationship was shown to exist between serious motoring offending and violent, anti-social behaviour offending; and
3. In a number of instances where information was available, the attitudes and values toward violence held by the criminal-offenders group epitomised the attitudes and values characteristic of a subculture of violence.

It is concluded that when taken together these factors lend considerable support to the hypothesis posited in chapter 3, that the tendency toward violent behaviour, characteristic of a subculture of violence, influences the way an individual drives as well as his face to face interactions. In view of this support therefore, it is concluded that the modification to Wolfgang and Ferracuti's subculture of violence thesis proposed by this research, to include violence on the road, has been of some heuristic value in examining deviant driving behaviour in New Zealand society. Thus, the anticipation stated at the end of chapter 1, that this research will lend confirmation to the utility of subcultural theory and further establish its central place in a fully social theory of deviance, has been substantially realised.

It is considered that this research has interpreted to the fullest possible extent the data that have been gathered for analysis. However, it is a further conclusion of this research that there is considerable

scope for future in-depth research into the subculture of violence thesis using other sources of data and alternative methodological techniques. In particular, this research indicates that a systematic study of social class differences in attitudes and values toward violence among late adolescents through to middle-age adults, and the nature of the social structure which underpins the latter, may well be encouraging for those proponents of the thesis.



## Chapter 10

### IMPLICATIONS

In the introduction reference was made to the manner in which society currently views the motoring offender and motoring offences. It was demonstrated that powerful political and social pressures have in the past operated to establish a stereotype of the motoring offender as different from the ordinary criminal. This research has found this myth to be false with respect to the serious motoring offender insofar as he is in many ways more akin to the criminal generally than the average motorist. As Macmillan (1975) says, what is or is not done about a social problem hinges on the way it is defined by society. Thus, if the incidence of death and injury on the road caused by the serious motoring offender is to be reduced to any extent then society must recognise the incorrectness of many of its assumptions about the motoring offender. In particular, society must change its current attitude towards serious motoring offences and begin to recognise these as culpable or criminal rather than merely the result of an "accident" or "bad luck". Society must immediately and consciously begin to think of the serious motoring offender as a criminal, and on conviction his actions should be regarded by all as being far removed from the category of "There but for the grace of God go I". The results of this research show such a high correlation between such offenders and the commonly accepted definition of "crime" that the serious motoring offender can and should, for this reason, be regarded as a criminal.

A practical way of achieving this recognition would be to separate out the majority of motoring offences from the more serious ones and remove these from the jurisdiction of the criminal courts leaving the most serious offences to be dealt with by the court in the most appropriate manner which befits the seriousness of the offence. Thus, societal stigmatisation and the label "criminal" would be applied to the serious motoring offender whilst the opposite would be intended with regard to the minor traffic offender. The idea should be fostered that the man who falls foul of those rules which create minor traffic offences has demonstrated himself to be a bad motorist, but not a criminal, even a petty one. The law would then conform with public opinion. Several overseas countries already deal with the bulk of

motoring offences by a civil rather than a criminal procedure\* and the beginnings of this are already evident in New Zealand. As indicated in the introduction, the Ministry of Transport administers both a standard infringement fee system for some parking and speeding offences and a demerit points system. It is considered that the former system could well be extended to include a considerable proportion of those offences classified by the Ministry as "accident and non-accident promoting offences"†, whilst the latter scheme could then be broadened to include all the additional offences handled by the Ministry.

The groundwork for the separation and processing of the "serious" from the "not so serious" motoring offence has already been laid with the introduction of the policy not to regard the control of traffic as a job for the police. The administration of the bulk of motoring offences by the Ministry of Transport would thus essentially be an extension to this policy. The ramifications of not adopting such a policy are clear. For example, it may be argued that the notion that motoring offences are not "really" crimes has itself contributed to the incidence of such offences. Moreover, this proposition stresses the creed that one need only obey those laws one believes in, and popularisation of this creed can only lead to higher crime rates generally. The fact that motoring laws are frequently violated, as any driver can observe daily, is because motorists believe they are not criminals and persistently teach each other that obedience toward motoring laws is both unnecessary and undesirable. Such behaviour and attitudes, which make law violation into a harmless little game, certainly must contribute to a so-called "decline in law and order". Thus, it can be seen that any proposal which succeeds in checking the growth of the habit of non-co-operation with the law and the judicial process will produce dividends not only in traffic matters but in normal crime prevention.

Having demonstrated that the serious motoring offender is in reality likely to be one of the criminal fraternity it remains for the courts, for their part, to treat serious motoring offenders at least as potential offenders in other spheres and particularly in the sphere of violent behaviour. Past records of misdemeanours that do not seem to relate to

\*In Sweden in 1963, the Traffic Cases Committee recommended a distinction between serious and petty traffic offences for these same reasons. Several of the United States have established quasi-judicial bureaus for handling the bulk of traffic offences and the New York Vehicle and Traffic Act provides—"A traffic infraction is not a crime, and the penalty and punishment therefor shall not be deemed for any purpose a penal or criminal penalty or punishment. Standard infringement fees and penalty points systems are also now becoming almost universal practices. Elliott and Street (1968) make a number of recommendations along these lines including the introduction of traffic courts.

†Elliott and Street (1968: 144-147) elaborate on the criteria likely to be involved in recognising the two kinds of traffic offence, the serious and the less serious.

driving must be taken into account when sentencing and pre-sentence inquiries in the form of probation reports would seem to be a minimum preliminary requirement. This would enable the court to determine whether the serious motoring offender was a first offender, a traffic-violator, or a habitual, motoring and non-motoring offender and the most appropriate form of penalty could then be given.

It is suggested that for the first-offenders group, the fine together with a period of disqualification, based on the principles of sentencing discussed in chapter 7, is likely to be an adequate form of sentence for this serious motoring offender.

For the second group—the traffic-violators—probation and periodic detention could be imposed with much greater frequency on the youthful offender thereby giving him the supervision and guidance necessary for him to satisfactorily adjust to adulthood. For the older traffic-violator, particularly the drinking driver, it would appear to be futile to simply fine him and banish him from the road in a ritualistic manner. This would be to totally ignore the needs of the offender and it is concluded that the countermeasures currently being developed in New Zealand offer signs of being among the more rewarding ways of coping with this offender.

In 1974, the Transport Amendment Act made provision for magistrates to refer drinking drivers to "approved treatment courses" and in 1975 such a treatment course was established in Christchurch by the Probation Service in conjunction with the Adult Periodic Detention Centre, the Salvation Army, the Christchurch Teachers College, and others (Cree *et al.*, 1975). In 1976 Poynter and Anderson (1976: 47-50) put forward a blueprint of the methods which could be used for dealing with this problem. As a result of the rehabilitation programme they conducted at the Alcoholism Unit at Cherry Farm Hospital in Dunedin, a pilot course for impaired drivers now operates in Dunedin for drink driving offenders sentenced by the court. The course is based on the Cherry Farm experiment and similar projects overseas and is directed toward rehabilitation and teaching course members the dangerous effects of alcohol in driving skills. The course is currently being evaluated and if successful its introduction in other centres would be a natural corollary.\*

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\*The programme lasts for 7 weeks and is accommodated in the Department of Preventive and Social Medicine, Otago Medical School. Its general management is overseen by a local committee chaired by Mr J. D. Murray, S.M. Committee members include representatives of the Otago Medical School, Cherry Farm Hospital, Ministry of Transport, Police, Probation Service, and the Dunedin Adult Periodic Detention Centre. The programme is being evaluated by Mary Anderson, a research fellow in alcoholism.

For the third group of serious motoring offenders, those who have been shown to be both violent on and off the road, the most suitable form of punishment is likely to be incarcerative, notwithstanding the overall goal of sentencing in New Zealand described in chapter 7. Predictable and positive prevention of additional crimes of violence is possible by social action that is designed to dispose, disrupt, or disorganise the prerequisites of the subculture of violence, and at the same time, effect changes in the value system. Correctional institutions are most effective with assaultive offenders from a subculture of violence if:

1. The offenders are not permitted to retain their collective and supportive homogeneity in prison;
2. Values contrary to the subculture of violence are infused into their behavioural pattern and into the prison social system with clarity and commitment by the therapists;
3. Those inmates are brought to the point of normlessness; and
4. They are not returned to their subculture of origin.

Institutional treatment is at present the only practical form of remedial measure available which can actively contribute to the dispersal of the subculture of violence and its use for the violent serious motoring offender is therefore advocated. In addition, since violent offenders are highly motorised it might be sensible to extend further the ambit of disqualification so that certain classes of documented anti-social behaviour might be made grounds for withdrawal of licences regardless of whether or not a vehicle is used in the commission of the offence.

Disqualification as a sanction has been discussed previously in the research in chapters 7 and 8 but this measure needs careful rethinking if any modification or greater use, like the recommendation above, is contemplated. Often the part of the sentence which hurts most is disqualification for the reasons outlined in chapter 8 concerning the central importance of the motor vehicle in contemporary society. However, consensus of available evidence suggests that the proportion of disqualified drivers who continue to drive is at least 35 percent and can be as high as 68 percent. It was suggested in chapter 7 that apparently those who are likely to obey the disqualification order are those who have an unusually well-developed fear of the consequences, and for whom any risk is too great whilst the experienced law breakers are able to ignore the orders with relative impunity. If this is so then disqualification orders are only effective amongst those offenders who least require them and there may well be merit, therefore, in the suggestion of Henderson (1972) that disqualification be reserved

only for serious motoring offences or persistent offending brought to light by a demerit points system. By substantially reducing the number of disqualified drivers the recommendation of Mr Justice White referred to in chapter 7 becomes an administrative practicality, namely, that all serious motoring offenders be disqualified from driving completely but subject to the proviso that the offender has a right after a period to show the court that he has become fit to have a licence by establishing his capacity as a driver, his rehabilitation as far as liquor is concerned (where applicable), and a greater sense of responsibility.

Part of the evidence required of the offender to establish his capacity as a driver could be the successful completion of a psychological test. Psychological tests are today admirably suited to screen for the characteristics which define the dangerous driver. Grimmond(1972) notes that in Japan all new applications for drivers licences (8 million annually) are subject to a 1 hour psychological multiple choice test. Depending on the applicant's score a further test or full medical examination is ordered before a licence can be issued. Only 40 percent of applicants each year gain their licence, and compared with New Zealand road fatality and injury rates in Japan are very much lower.

In chapter 7 it was indicated that the court constitutes the focal point of the traffic enforcement system and it is one of the final steps in a series of possible enforcement actions. What must be remembered in any attempt to make the road a safer place on which to drive is the interplay between the motorist's perceived risk of being caught and the certainty of punishment once detected. One of the main principles of traffic enforcement is that any person who commits an offence should be apprehended, educated (in terms of correct driving behaviour), and where necessary, punished (Parsons, 1975). It is necessary, therefore, that the probability of detection should be high, prosecution should seem to be inevitable, and penalties should be applied promptly. If apprehension, conviction, and punishment are not quick and inevitable, then it is the opinion of this research that the severity and kind of punishments considered here are, alone, apt to have little effect.

Emphasis should continue to be placed on driver education, safe driving practices, publicity programmes, and all feasible means, including random checks for disqualified or drunken drivers, which will serve to uphold the principle of traffic enforcement. Effective education programmes directed at specific age groups should, for instance, draw on the findings of the social sciences. It is essential for education to emphasise that motoring is a skill and not a competitive sport. Traffic crashes might then begin to be seen as a consequence

of a lack of skill rather than bad luck. The boundaries between acceptable social and anti-social behaviour on the road should be spelt out. Modern techniques can play their part in associating self-discipline, skill, and other "safe" attributes with masculinity. In this respect altering the concept of virility to counter cultural lag should be contemplated; or in practical terms the car and the motorcycle could be "deglamourised" so that they are no longer the phallic symbols of male virility. Currently, advertisements suggesting that risk-taking or the use of high performance characteristics of cars are a "*sine qua non*" of virility are hardly compatible with such an objective. Changing the concept of virility may well be a long and formidable task in view of the kind of subcultural pressures discussed here, which exist in society, but evidence suggests that it has already gone some way among educators.

Finally, the study has investigated serious motoring offending as one of the major social problems facing New Zealand society today. As a study, its utility rests with its promise for both a greater understanding of the problem and its subsequent amelioration.

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## Appendix I

### TRANSPORT ACT 1962—SERIOUS MOTORING OFFENCES AND PENALTIES

*Part A:* Legislation and penalties in force during the period of data collection 1965-69.

*Offence:* Section 55. Causing bodily injury or death through reckless or dangerous driving or driving while under the influence of drink or drugs—(1) Every person commits an offence who causes bodily injury to or the death of any person by the driving of a motor vehicle recklessly or at a speed or in a manner which, having regard to all the circumstances of the case, is dangerous to the public or to any person.

(2) Every person commits an offence, who while under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, or who is in charge of a motor vehicle and by an act or omission in relation thereto causes bodily injury to or the death of any person.

*Penalty:* Section 30. Every person who commits an offence against section 55 of this Act is liable on conviction on indictment to imprisonment for a term not exceeding 5 years or to a fine not exceeding \$1,000 or to both, and (without prejudice to the power of the Court to order a longer period of disqualification) the Court shall order him to be disqualified from holding or obtaining a driver's licence for a period of 1 year, unless the Court for special reasons relating to the offence thinks fit to order otherwise.

*Offence:* Section 56. Causing bodily injury or death through careless use of motor vehicle—(1) Every person commits an offence . . . who causes bodily injury to or the death of any person by carelessly using a motor vehicle.

*Penalty:* Section 56. Every person who commits an offence against section 56 (1) of this Act is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$400 or to both, and (without prejudice to the power of the Court to order a longer period of disqualification) the Court shall order him to be disqualified from holding or obtaining a driver's licence for a period of 6 months, unless the Court for special reasons relating to the offence thinks fit to order otherwise.

*Offence:* Section 65. Duties of motor drivers in cases of accidents—

(1) Where an accident arising directly or indirectly from the use of a motor vehicle occurs to any person or to any vehicle or to any horse in the charge of any person, the driver of the motor vehicle shall stop, and shall also ascertain whether any person has been injured, in which event it shall be his duty to render all practicable assistance to the injured person.

(2) In the case of any such accident (whether any person has been injured thereby or not), the driver of the motor vehicle shall, if required, give to any constable or traffic officer or to any person concerned his name and address and also the name and address of the owner and the number on the registration plates assigned to the motor vehicle.

(3) If the accident involves injury to any person, the driver shall report the accident in person at the nearest police station or to a constable as soon as reasonably practicable, and in any case not later than 24 hours after the time of the accident, unless the driver is incapable of doing so by reason of injuries sustained by him in the accident.

*Penalty:* (4) Every driver who fails to comply with any obligation imposed on him by subsection (1) of this section in any case where any other person is injured in the accident commits an offence, and is liable on conviction on indictment to imprisonment for a term not exceeding 5 years or to a fine not exceeding \$1,000.

*Part B:* Legislation and penalties in force during the period of reoffending surveyed ending December 1974.

*Offence:* Section 55. Causing bodily injury or death through reckless or dangerous driving or driving while under the influence of drink or drugs—(1) Every person commits an offence who causes bodily injury to or the death of any person by the driving of a motor vehicle recklessly or at a speed or in a manner which having regard to all the circumstances of the case, is dangerous to the public or to any person.

(2) Every person commits an offence who while under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, or while the proportion of alcohol in his blood, as ascertained from an analysis made in accordance with the provisions of section 58B of this Act, exceeds 100 milligrammes of alcohol per 100 millilitres of blood, is in charge of a motor vehicle and by act or omission in relation thereto causes bodily injury to or the death of any person.

*Offence:* Section 56. Causing bodily injury through careless use of motor vehicle—(1) Every person commits an offence . . . who causes bodily injury to or the death of any person by carelessly using a motor vehicle.

(2) Every person commits an offence who causes bodily injury to or the death of any person by carelessly using a motor vehicle while—

- (a) Driving the motor vehicle at a speed in excess of any limit of speed prescribed by this Act or by any regulations made under this Act; or
- (b) Driving the motor vehicle while under the influence of drink or a drug but not so as to commit an offence against section 55 (2) of this Act; or
- (c) Driving the motor vehicle in such a manner as to commit an offence against any regulations made under this Act prescribing the manner in which a driver may overtake another vehicle or prescribing the part of the road on which a driver may drive his motor vehicle.

*Offence:* Section 65. Duties of motor drivers in case of accidents—(1) Where an accident arising directly or indirectly from the use of a motor vehicle occurs to any person or to any vehicle or to any horse in the charge of any person, the driver of the motor vehicle shall stop, and shall also ascertain whether any person has been injured, in which event it shall be his duty to render all practicable assistance to the injured person:

Provided that where the motor vehicle involved in the accident is a fire engine or an ambulance travelling to an emergency, the driver shall be deemed to have complied with the provisions of this subsection if he stops his motor vehicle and sets down a member of the crew of the fire engine or ambulance who is equipped with a first-aid kit and is responsible for discharging and shall discharge, all the other duties imposed on a driver by this subsection.

(2) In the case of any such accident (whether any person has been injured thereby or not), the driver of the motor vehicle shall, if required, give to any constable or traffic officer or to any person concerned, his name and address and also the name and address of the owner and the number on the registration plates assigned to the motor vehicle.

(3) If the accident involves injury to any person, the driver shall report the accident in person at the nearest police station or to a constable or to the nearest office of the Road Transport Division of the Department or to a traffic officer as soon as reasonably practicable, and in any case not later than 24 hours after the time of the accident, unless the driver is incapable of doing so by reason of injuries sustained by him in the accident. Where an accident report is made pursuant to subsection (3) of this section to a traffic officer other than one employed by the Department, the traffic officer shall forthwith forward to the Secretary an accident report on a form approved by the Secretary.

(4) Every driver who fails to comply with any obligation imposed on him by subsection (1) of this section in any case where any other person is injured in the accident commits an offence and is liable to the penalties specified in subsection (1) of section 30 of this Act.

(5) Every driver who fails to comply with any obligation imposed on him by subsection (1) of this section, in any case where no other person is injured in the accident, commits an offence and is liable to the penalties specified in subsection (3) of section 30 of this Act.

(6) Every person commits an offence who fails to comply with any obligation imposed on him by subsection (2) or subsection (3) of this section.

(7) In this section the term "injury" includes death; and "injured" has a corresponding meaning.

*Penalties:* Section 30. (1) Every person who commits—

(a) An offence against section 55 of this Act (which relates to causing bodily injury or death through reckless or dangerous driving or driving while under the influence of drink or drugs or while the proportion of alcohol in the driver's blood exceeds a specified amount); or

(b) An offence against subsection (4) of section 65 of this act (which relates to the duties of a driver in the case of an accident where any other person is killed or injured in the accident) is liable on conviction on indictment to imprisonment for a term not exceeding 5 years or to a fine not exceeding \$2,000 or to both, and (without prejudice to the power of the Court to order a longer period of disqualification) the Court shall order him to be disqualified from holding or obtaining a driver's licence for a period of 1 year, unless the Court for special reasons relating to the offence thinks fit to order otherwise.

Section 30. (2A) Every person who commits an offence against section 56 (1A) of this Act is liable on conviction on indictment to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$1,000 or to both, and (without prejudice to the power of the Court to order a longer period of disqualification) the Court shall order him to be disqualified from holding or obtaining a driver's licence for a period of one year, unless the Court for special reasons relating to the offence thinks fit to order otherwise.

Section 30. (3) Every person who commits an offence against Section 56 (1) of this Act (which relates to causing bodily injury or death through careless use of a motor vehicle) is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$400 or to both, and (without prejudice to the power of the Court to order a

longer period of disqualification), the Court shall order him to be disqualified from holding or obtaining a driver's licence for a period of 6 months, unless the Court for special reasons relating to the offence thinks fit to order otherwise.

## Appendix II

### DESCRIPTION OF PRINCIPAL CODING CATEGORIES

#### 1. *Serious Motoring Offence:*

- (i) Reckless or dangerous driving of motor vehicle causing death.
- (ii) Careless use or driving of motor vehicle causing death.
- (iii) Driving or in charge of motor vehicle under influence causing death.
- (iv) Reckless or dangerous driving of motor vehicle causing injury.
- (v) Careless use or driving of motor vehicle causing injury.
- (vi) Driving or in charge of motor vehicle under influence causing injury.
- (vii) Failing to stop motor vehicle after accident involving death or injury.

#### 2. *Age:*

15-19 years  
 20-24 years  
 25-29 years  
 30-39 years  
 40-49 years  
 50-59 years  
 60-64 years  
 65 and over

#### 3. *Social Class:*

Professional	..	..	..	..	..	Level 1
Managerial	..	..	..	..	..	Level 2
Clerical, technical	..	..	..	..	..	Level 3
Skilled manual	..	..	..	..	..	Level 4
Semi-skilled	..	..	..	..	..	Level 5
Unskilled	..	..	..	..	..	Level 6
Others—including students, apprentices, housewives, sickness beneficiaries, and retired persons.						

#### 4. *Result of Hearing:*

- (i) Imprisonment—Under one month;  
 One month and under 3 months;  
 Three months and under 6 months;

- Six months and under 9 months;
- Nine months and over;
- Borstal training;
- Detention in a detention centre;
- Periodic detention;
- Probation;
- Miscellaneous (convicted and discharged, to come up if called).

(ii) *Fines:*

- \$
- 1-19
- 20-29
- 30-39
- 40-49
- 50-59
- 60-99
- 100-149
- 150 and over

(iii) *Driver's licence disqualification:*

- Under six months;
- Six months and under 12 months;
- One year and under 2 years;
- Two years and under 3 years;
- Three years and under 4 years;
- Four years and under 5 years;
- Five years and over.

5. *Previous and Subsequent Motoring Offence History:*

- Serious traffic offences (as in 1 above).
- Failing to ascertain injury.
- Driving while disqualified.
- Alcohol related driving offences
- Reckless or dangerous driving, including driving at excessive speed.
- Careless driving.

For the purposes of establishing an offender's previous and subsequent pattern of motoring offending, only convictions for the above serious offences were recorded. As this is principally a study of serious motoring offending, minor traffic breaches other than those listed above, for which offenders in this study may or may not have been convicted, have been excluded from the study. For a full listing of accident and non-accident promoting offences for which a person may be convicted see the appendices of Ministry of Transport annual reports.



6. *Previous and Subsequent Criminal Offence History:*

(i) *Anti-social behaviour offences:*

- Violent offences against the person.
- Non-violent offences against the person.
- Sexual offences.
- Unlawful damaging or interfering of property.
- Offences against morality.
- Offences against public order.
- Offences against Misuse of Drugs Act.
- Sale of Liquor Act offences.

(ii) *Other criminal offences:*

- Offences relating to the unlawful taking of property.
- Offences against property involving fraud.
- Offences against property by persons in a position of trust.
- Offences against the administration of justice.
- Offences against legal process.
- Other.

7. *Number of Previous and Subsequent Motoring and Non-Motoring Offences.*

- One
- Two
- Three
- Four to 6
- Seven to 10
- Eleven to 20
- Over 20

8. *Geographic Mobility of Traffic and Criminal Offenders:*

- One change only;
- Two changes;
- Three changes;
- Four changes;
- Five changes;
- Six changes or more.

(Geographic mobility measured in terms of the number of changes in locations where the traffic and criminal offenders are convicted from time of main offence to last conviction recorded.)

## Appendix III

### CLASSIFICATION OF OFFENCES

#### PART A—ANTI-SOCIAL BEHAVIOUR OFFENCES

##### 1. *Violent Offences Against the Person*

Murder  
Attempted murder.  
Manslaughter (by an unlawful act or murder reduced).  
Threatening to kill.  
Wounding, injuring, disabling with intent.  
Aggravated assault.  
Assault on a child or by a male on a female.  
Common assault.  
Assaulting, resisting, and obstructing police.  
Robbery.  
Aggravated robbery.  
Injuring where if death had ensued would have been guilty of manslaughter.  
Discharging a firearm with intent.  
Cruelty to a child.  
Rape.  
Attempt to commit rape.  
Unlawful intimidation or violence, or inciting thereto.  
Demanding with intent to steal.  
Kidnapping.  
Infanticide.  
Sodomy (non-consensual).  
Attempts or conspiracies not otherwise specified to commit any of the above offences.

##### 2. *Non-violent Offences against the Person*

Extortion by certain threats.  
Bigamy (where the other party does not know of prior marriage).  
Unlawful termination of a pregnancy.  
Procuring abortion.  
Abduction.  
Manslaughter (gross negligence).  
Poisoning with intent.  
Attempts or conspiracies not otherwise specified to commit any of the above offences.

### *3. Sexual Offences*

Sexual intercourse with a girl under 12.  
Indecency with a girl under 12.  
Sexual intercourse with a girl between 12 and 16.  
Indecency with a girl between 12 and 16.  
Sexual intercourse with a girl under care or protection.  
Indecent assault on a woman or girl.  
Incest.  
Indecency between a woman and a girl.  
Indecency between males.  
Indecency between man and boy.  
Indecent act with intent to insult or offend.  
Sodomy—consensual.  
Attempts or conspiracies not otherwise specified to commit any of the above offences.

### *4. Unlawful Damaging or Interfering of Property*

Arson.  
Wilful damage.  
Wrecking.  
Interfering with means of transport.  
Trespass.  
Attempts or conspiracies not otherwise specified to commit any of the above offences.

### *5. Offences Against Morality*

Distribution or exhibition of indecent matter.  
Bestiality.  
Indecency with animal.  
Keeping place of resort for homosexual acts.  
Brothel-keeping.  
Living on earnings of prostitution.  
Procuring sexual intercourse.  
Attempts or conspiracies not otherwise specified to commit any of the above offences.

### *6. Offences Against Public Order*

Possessing offensive weapon.  
Fighting in a public place.  
Habitual drunkenness (sections 41 (c) and (d) of Police Offences Act 1927).  
Riotous, etc., behaviour in a public place (section 30 of Police Offences Act 1927).  
Obscene, etc., language in a public place (section 48 of Police Offences Act 1927).

Offences relating to improper use of firearms.

Idle and disorderly.

Rogue and vagabond.

Obscene exposure.

Indecent act in a public place.

Unlawful assembly

Sedition.

Riot. .

Inciting racial disharmony.

Unlawfully on premises.

Attempts or conspiracies not otherwise specified to commit any of the above offences.

7. *Offences against the Misuse of Drugs Act*

Dealing with controlled drug.

Possession of a controlled drug.

Use of a controlled drug.

Cultivation of a prohibited plant.

Theft of a controlled drug.

Attempts or conspiracies not otherwise specified to commit any of the above offences.

8. *Offences Against Sale of Liquor Act*

Sale of liquor to an intoxicated person.

Allowing a person to become drunk.

Selling liquor outside hours.

Unlawful sale by a licensed person.

Selling liquor to minors.

Possessing liquor near a dance hall.

Minors on licensed premises.

Attempts not otherwise specified to commit any of the above offences.

PART B—OTHER CRIMINAL OFFENCES

1. *Offences Relating to the Unlawful Taking of Property*

Theft (excluding those offences by persons in a position of trust).

Conversion.

Burglary, breaking and entering.

Being disguised or in possession of instruments for burglary.

Receiving.

Attempts or conspiracies not otherwise specified to commit any of the above offences.

2. *Offences Against Property Involving Fraud*

False pretences.

Personation.

Fraud.

Taking or dealing with a document with intent to defraud.

Altering or reproducing document with intent to defraud.

Forgery.

Altering forged documents.

Counterfeiting and coinage offences.

Other offences against the currency.

Falsifying, forging certificates, marks, or registers.

Falsifying books (Companies Act 1955, s. 317).

Frauds by officers in companies in liquidation (Companies Act 1955, s. 318).

Offences antecedent to or in the course of winding up a company where fraud is involved.

Offences involving fraud by a bankrupt under s. 126 of the Insolvency Act 1967.

Attempts or conspiracies not otherwise specified to commit any of the above offences.

3. *Offences Against Property by Persons in a Position of Trust*

Theft as servant.

Theft by person required to account.

Theft by person holding power of attorney.

Theft by misappropriating proceeds held under direction.

Attempts or conspiracies not otherwise specified to commit any of the above offences.

4. *Offences Against the Administration of Justice*

Bribery and corruption.

Contempt of court.

False oaths, statements or declarations.

Conspiring to defeat justice.

Perjury.

Corrupting juries and witnesses.

Attempts or conspiracies not otherwise specified to commit any of the above offences.

5. *Offences Against Legal Process*

Absconding from bail.

Escaping from lawful custody.

Breaking from a penal institution.

Falsely alleging the commission of an offence.

Absconding from a state institution.  
Breach of probation.  
Failure to attend a periodic detention work centre.  
Harbouring an absconder.  
Imitation of court documents.  
Failure to pay maintenance.  
Attempts or conspiracies not otherwise specified to commit any of  
the above offences.

6. *Other Miscellaneous Offences*

## Appendix IV

### STATISTICAL CORRELATION—SERIOUS MOTORING OFFENDING AND ANTI-SOCIAL BEHAVIOUR OFFENDING

A statistical exercise was undertaken with a view to testing the null hypothesis that serious motoring offending and anti-social behaviour offending are independent. To do this the proportion of serious motoring offenders in this study (males only) who had been convicted of at least one offence for anti-social behaviour was compared with the proportion of offenders convicted of the same kind of anti-social behaviour offences in the general population (males only).

An integral part of the exercise was the necessary control which had to be made for the degree of variability introduced between each serious motoring offender's conviction records since, as it was pointed out in chapter 4, depending on the offender's age, each offender's records were able to be checked for a period of up to 10 years before and 5 years after the principal motoring offence occurring in any one of the years between 1965 and 1969.

The test of the null hypothesis was made on the following basis. If serious motoring offending and anti-social behaviour offending are independent then the expected number of people who have at least one serious motoring offence in year  $y$  and also an anti-social behaviour offence at any time up to 10 years before  $y$  and up to 5 years after  $y$  is:

$$\begin{aligned}
 T_{say} = & N_{sy} \left[ 1 - \left( 1 - \frac{15}{N_y} \right) \left( 1 - \frac{16}{N_y + 1} \right) \dots \left( 1 - \frac{20}{N_y + 5} \right) \right] \\
 & + N_{sy} \left[ 1 - \left( 1 - \frac{15}{N_y - 1} \right) \left( 1 - \frac{16}{N_y} \right) \dots \left( 1 - \frac{21}{N_y + 5} \right) \right] \\
 & \dots \\
 & + N_{sy} \left[ 1 - \left( 1 - \frac{15}{N_y - 9} \right) \dots \left( 1 - \frac{29}{N_y + 5} \right) \right] \\
 & + N_{sy} \left[ 1 - \left( 1 - \frac{15}{N_y - 10} \right) \dots \left( 1 - \frac{30}{N_y + 5} \right) \right]
 \end{aligned}$$

where:

$Ns^py$  = males aged  $p$  convicted of serious motoring offence in year  $y$ .

$Nsay$  = males convicted of serious motoring offence in year  $y$  who were also convicted of anti-social behaviour offence at any time up to 10 years before  $y$  up to 5 years after  $y$ .

$Na^py$  = males aged  $p$  convicted of anti-social behaviour offence in year  $y$ .

$Ny^p$  = male population aged  $p$  in year  $y$ .

The results of this analysis are contained in table 17 and tests of significance using the following formula were applied to test the probability that the observed differences in table 17 were due to chance:

$$\chi^2 = \sum_{y=65}^{69} \left[ \frac{(Nsay - Tsay)^2}{Tsay} \right]$$

Caution should be used in interpreting the tests on individual age groups as many of the expected numbers are small enough to make the chi-square test suspect.



## Appendix V CASE HISTORIES

### OFFENDER "B"

Date of Conviction	Offence	Disposition
5/67	Injury with intent .. ..	Detention and disqualified 3 years.
2/68	In possession of firearm without lawful purpose	Fined \$25
7/68	Injuring by unlawful act .. ..	2 years probation and \$500 fine.
11/68	Dangerous driving causing death, driving while disqualified, and failing to render assistance	6 months imprisonment and disqualification extended 4 years on each charge.
10/69	Assault .. ..	Fined \$75.
5/73	Discharging firearm with reckless disregard for safety of others	Fined \$100.
6/73	Permit to procure or import firearm refused	

Offender "B" is a single, New Zealand (European) male employed as an unskilled manual worker and was 20 years of age at the time of his conviction for dangerous driving causing death. "B" failed to stop at a "Stop" sign and caused a serious collision resulting in the death of a passenger in the other vehicle. He failed to render assistance and was driving while disqualified at the time of the offence. Behaviour subsequent to this offence was unco-operative and "B" adopted an outward "couldn't care less" attitude. In October 1969 "B" was arrested for assaulting a young male on a railway platform. He had punched the complainant four times about the face. The explanation that "B" gave for doing this was that the complainant had "kicked him in the leg" and "pushed into him" when the complainant got off a train. "B" had been drinking but was not drunk. He did not think that his action was reprehensible and he made no effort to leave the station and was in fact found there by the police still waiting for another train.

### OFFENDER "N"

Date of Conviction	Offence	Disposition
2/69	Obscene language and resisting police	Convicted and discharged.
4/69	Disorderly behaviour .. ..	Fined \$15.
10/69	Wilful damage and assault .. ..	Fined \$20 and \$100 with 1 year's probation.
11/69	Failing to stop after accident, failing to ascertain injury and making false statement	Borstal training on each.
5/71	Assault .. ..	Fined \$40.
8/71	Assault and disorderly behaviour .. ..	4 months imprisonment.
12/71	Wilful damage .. ..	Fined \$100.
8/72	Assault (3 charges) and disorderly behaviour	6 months periodic detention.
1/73	Assaulting police .. ..	14 days imprisonment.
5/73	Assault and escaping from custody .. ..	4 months imprisonment.

Offender "N" is a single, New Zealand (European) male employed in an unskilled capacity and was 19 years of age when he was convicted for the "hit and run" offence. "N" and two companions had travelled during the day to an annual blossom festival. They had slept in the car overnight having made no accommodation arrangements and had little money. On the morning prior to the festival they met some locals and commenced drinking. In the afternoon "N" and his companions drove around the city area and whilst making a left turn at an intersection "N" swung over on to the wrong side of the road to overtake a truck. "N" struck an elderly pedestrian crossing the road and knocked him to the ground. "N" did not stop and later abandoned his car. The pedestrian was taken to hospital and later discharged. After abandoning the car "N" made a statement to the police claiming that the car had been unlawfully taken earlier that day which statement was subsequently shown to be false. "N" gave no excuse for his actions other than that they were probably the result of his drinking. At the time of this offence "N" was on bail from the Magistrate's Court on a charge of assault and wilful damage. These charges related to an incident in a men's toilet at a dance hall. "N" had been arrested for punching a youth in the face causing a broken nose and black eye and also for having kicked the complainant repeatedly in the ribs causing bruising and damage to clothing. In explanation "N" said that he didn't like the way the youth had smiled at him and had told the youth to "wipe the smile off his face".

#### OFFENDER "M"

Date of Conviction	Offence	Disposition
9/63	Burglary and wilful damage ..	Supervision Child Welfare.
9/66	Fighting .. ..	Admonished.
8/67	Careless driving .. ..	Fined \$20; disqualified 2 months.
10/67	Dangerous driving causing death and driving while disqualified	6 months imprisonment and disqualified further 3 years.
4/68	Assault .. ..	3 years probation and fined \$200.
5/68	Assault with intent to injure ..	Borstal training.
5/71	Assault .. ..	Fined \$100.
12/71	Assault .. ..	To come up if called on in 12 months.
7/72	Fighting .. ..	Fined \$45.

Offender "M" is a single New Zealand (Maori) male and a semi-skilled worker. He was 17 years of age when convicted of dangerous driving causing death; the offence having been committed whilst he was disqualified from driving. The disqualification order had come into effect only 5 days earlier for the offence of careless driving. The circumstances relating to the offence of dangerous driving causing death were as follows. Witnesses had observed "M"'s car overtaking several lines of cars at speed in excess of 120km/h. During one overtaking movement "M" was seen to be drinking from a bottle raised to his mouth which

"M" later admitted was a bottle of beer. At times when overtaking "M" was seen to be three abreast when oncoming traffic passed. "M" went round a bend in the road and collided head on with a car coming toward him on its correct side of the road. As a result of the collision the driver of the oncoming car and his father who was a passenger in the front seat were killed instantly. Their bodies were thrown clear of the car for a distance of 26 feet. The driver's mother who was a passenger in the rear seat received serious injuries. When spoken to by the police "M" could give no explanation for the crash and he displayed little contrition subsequently. In the following year "M" made an unprovoked assault on a youth and in explanation "M" alleged that the complainant "had been cheeky to him" and he had taken exception to the remark that the complainant had allegedly made. "M" showed a marked reluctance to accept that he was in the wrong and there was no word of sympathy from him to the complainant.

#### OFFENDER "R"

Date of Conviction	Offence	Disposition
3/65	Liquor in vicinity of dance hall ..	Fined \$15.
1/66	Assault .. ..	Fined \$20.
10/66	Dangerous driving causing injury ..	1½ years probation; disqualified 3 years.
12/66	Discharging firearm near dwelling, carrying firearm without lawful purpose, and possessing unregistered firearm	2 years probation.
3/68	Disorderly behaviour and obscene language	Fined \$50 and \$40 respectively.
7/69	Carrying offensive weapon ..	Fined \$150.
4/70	Driving with excess blood alcohol ..	7 days imprisonment and disqualified 3 years.
5/70	Perjury and conspiring to defeat course of Justice	1 years imprisonment.
5/70	Assault .. ..	3 months imprisonment.
10/71	Assault and obscene language ..	Fined \$70 on each.
12/71	Unlawfully taking motorcar and driving while disqualified	6 months and 2 months respectively.

Offender "R" is a single New Zealand (European) male employed as an unskilled worker. He was 20 years of age when convicted for dangerous driving causing injury. "R" and two companions were returning home in the early evening after visiting friends and two other companions were following in their car. "R" attempted to pass another car travelling in the same direction as himself, and in doing so, collided head on with an oncoming car. "R"'s car was seen to pass well over the centre white line when attempting the passing manoeuvre and at this time his speed was estimated to be in excess of 80km/h. A man, a woman, and a 19-month-old baby travelling in the car which "R" collided with were admitted to hospital. The baby received a fractured skull, bruising, and lacerations and both adults received

serious injuries requiring plastic surgery for the following 9 months. "R" denied that he had been racing with his companion in the following car although witnesses confirmed that the following car had been "right in behind" the offender's car at speeds in excess of 80 km/h. Alcohol had been consumed earlier in the day and "R" could offer no explanation for the collision. He said that "he could not remember anything". "R" has a record of convictions for violent behaviour and in one appearance before the court for carrying an offensive weapon (knife) he was questioned by the Magistrate. In explanation he told the court that he was carrying the knife for protection. When the Magistrate asked who he was protecting himself from he replied "You'd be surprised, Sir".

#### OFFENDER "T"

Date of Conviction	Offence	Disposition
1/64	Unlawfully taking motorcar ..	Supervision, Child Welfare.
6/65	Threatening behaviour and breaking glass in public place	Fined \$10 on each.
12/65	Dangerous driving causing injury and assault	6 months periodic detention and disqualified 1 year.
2/66	Theft .. ..	Fined \$10.
6/66	Assault and wilful damage .. ..	Fined \$40 on each.
8/66	Assaulting police and carrying offensive weapon	Detention on each.
4/68	Carelessly using motorcar .. ..	Fined \$30; disqualified 3 months.
2/69	Insulting language .. ..	Fined \$50.
7/69	Assault .. ..	3 months imprisonment.
3/70	Fighting .. ..	Fined \$15.
11/70	Assault .. ..	3 months imprisonment.

Offender "T" is a single New Zealand (Maori) male employed in an unskilled capacity and was 17 years of age when convicted of dangerous driving causing injury. A traffic officer observed "T" driving a truck at excessive speed around city streets late at night. "T" drove through a number of intersections at high speed and in making a turn moved on to the incorrect side of the road to within a metre of the kerb on the offender's right. As "T" turned he accelerated hard causing the truck to go sideways. The truck went out of control and spun round. There were six youths riding in the truck at the time, four in the cab and two riding on the tray. One of the latter youths fell off the truck when it spun round and he sustained serious injuries. "T" was considerably affected by liquor and the traffic officer considered that none of the remaining passengers was fit enough to drive the vehicle to a place of safety. When arranging for the removal of the vehicle "T" became aggressive and abused the traffic officer and police officers at the scene. He swung a blow which struck the traffic officer on the shoulder and had to be forcibly restrained. On being interviewed later he could give no explanation for the offence and "did not think

what he was doing was dangerous". The following year "T" appeared before the court on several charges including one for carrying an offensive weapon (knife). In explanation "T" stated that he always carried the knife for "general purposes" and "in case he needed it".

#### OFFENDER "H"

Date of Conviction	Offence	Disposition
10/65 to 6/67	Various traffic offences (12) for speeding and operating noisy motorcycle	Fined a total of \$120 and disqualified for 6 months.
6/67	Unlawfully on premises .. ..	3 years probation.
7/67	Theft .. ..	4 months periodic detention.
1/68	Careless use of motor vehicle causing injury	Fined \$80; disqualified 1½ years.
4/68	Driving while disqualified .. ..	Fined \$75; disqualified 2 years.
5/68	Theft .. ..	Fined \$50.
1/69	Obscene language .. ..	Fined \$10.
2/69	Default of fine .. ..	28 days imprisonment.
6/69	Theft (2 charges) .. ..	Fined \$20 and \$5.
11/69	Obscene language .. ..	Fined \$25.
12/69	Willful damage and theft .. ..	3 months imprisonment.
1/70	Driving while disqualified .. ..	18 months probation
2/70	Driving while disqualified .. ..	Fined \$100; disqualified 2 years.
7/70	Driving while disqualified and breach of Probation	3 months imprisonment.

(Eight "clearing up" charges brought while in prison in respect of driving while disqualified and obtaining driver's licence while being a disqualified driver—additional three months imprisonment.)

1/71	Theft, carrying offensive weapon, and driving while disqualified	Total 9 months imprisonment; disqualification extended to 1976.
2/72	Unlawful taking car, theft, in possession of instruments for car conversion, and driving while disqualified	Total 18 months imprisonment; disqualification extended to 1977.
12/73	Theft, carrying offensive weapon, loaded firearm in vehicle, driving while disqualified and breach of probation	3 years imprisonment.

Offender "H" is a New Zealand (European) male employed in a semi-skilled capacity and was 21 years of age when convicted of careless driving causing injury. He married when he was 24 years but his wife obtained a separation whilst he was in prison in 1972. No details relating to the charge of careless driving causing injury were recorded. "H" has a long association with a well known motor cycle gang and possessed both a motorcycle and car. His convictions for theft all relate to his involvement with motor cycles and cars. In 1972 for example, "H" was apprehended driving a car which he had stolen a month earlier. He had a collection of car keys in his possession which he admitted he carried for the purpose of taking cars. The stolen car had been repainted and disguised with false registration plates. Earlier that evening "H" had smashed the wind-screen of a parked car and stolen a current registration sticker to place on the stolen car. On the day of his release from prison in January

1970 "H" was brought before the court on a charge of driving while disqualified and he was released on probation for 18 months with conditions which precluded "H" from riding in or on any form of vehicle other than public transport. "H" admitted quite frankly to his probation officer that he found such a condition "far too restrictive" and chose not to comply with the probation order. The several charges for driving while disqualified were subsequently preferred during 1970 and later. Regarding his first offensive weapon charge it is said that "H" slowed and accelerated past another driver on several occasions, and caused the complainant driver to stop. With a boning knife in his hand "H" then walked back to the complainant. "H" denied this sequence of events and claimed that the other driver forced him to stop. He said "he feared he might be beaten up" and that "he had the knife only for his own protection". During his latest round of offences in 1973 a cut down .303 rifle measuring 24 in. in length was found in the boot of his car. This weapon was fitted with a fully charged magazine of mixed hollow and soft nosed cartridges and had a hollow nosed cartridge in the breach. Also in the boot, concealed behind the spare wheel, was a single-barrel 12-gauge shotgun which had also been cut down and measured 21 in. overall.

#### OFFENDER "S"

Date of Conviction	Offence	Disposition
10/61	Burglary, theft, and attempted carnal knowledge	Supervision, Child Welfare.
10/64	Assault .. .. .	Fined \$20.
2/65	Assault (2 charges) .. .. .	Fined \$15 on each.
9/65	Idle and disorderly and burglary .. .. .	Borstal training.
3/67	Causing bodily injury by carelessly using motorcar	Fined \$30; Disqualified 1 year.
8/67	Assault (2 charges) and leaving glass in public place.	Fined \$40 total.
11/71	Assault .. .. .	Fined \$150.
1/72	Assault and carrying offensive weapon	1½ years probation; Fined \$250.
3/72	Getting into car .. .. .	Fined \$40.

Offender "S" is a New Zealand (European) male employed as a semi-skilled worker and was 20 years of age when he was convicted of careless use of a motor vehicle causing injury. He married when he was 21 but separated 4 years later leaving his wife and 4 children. After his discharge from borstal and before his supervision had terminated "S" appeared in court on the serious motoring charge. The offence occurred when "S" in a car with other youths, all under the influence of liquor, drove at excessive speed through city streets and swerved into a man about to enter a parked car, breaking the man's leg in two places. In a subsequent court appearance "S" was convicted of assault and carrying an offensive weapon. Late one

evening "S" and a companion drove to a beach where a beach party was being held by a group of local youths. "S" approached the group and without provocation knocked the complainant to the ground on two occasions. On regaining his feet for the second time the complainant was confronted by "S" brandishing a skinning knife at him. "S" took a swing with the knife and nicked the complainant's ear. Other members of the beach party were being continually threatened by the offender's companion who had a putty knife. When interviewed "S" and his companion admitted the assaults and carrying the knives. In explanation "S" said that "he thought the beach party meant trouble and that a confrontation was about to take place" so "S" and his companion had decided "to get in first".

#### OFFENDER "E"

Date of Conviction	Offence	Disposition
8/69	Careless use of motor vehicle and driving without licence	Fined \$15 and \$30 respectively and disqualified 3 months.
12/69	Careless use of motor vehicle causing death	Fined \$50; disqualified 3 years.
4/70	Careless use of motor vehicle and driving while disqualified (2 charges)	Borstal training and disqualified 5 years.
4/71	Assault .. .. .	Fined \$100.
6/71	Assault and carrying offensive weapon	Recalled to borstal training.

Offender "E" is a single New Zealand (Maori) male employed as an unskilled manual worker. He was 17 years of age when he caused the death of a young woman through careless use of a motor vehicle. "E" had an early history of anti-social behaviour concerning cars and it was whilst driving his father's car with his three brothers and three girls that he was involved in the fatal accident for which he was fined and disqualified from driving for 3 years. Less than a year later "E" appeared before the court on charges of careless driving and driving while disqualified. He denied any knowledge of being disqualified and "E" had apparently continued to use his father's car frequently and with his father's knowledge throughout the previous year. In respect of his driving offences he denied any fault on his part, showed no emotion for the death of another person, and attributed the offences to "bad luck". Two weeks after being released from borstal for the first time "E" made his first appearance before the court on a charge of assault and was fined. Some 2 months later he was again arrested for assaulting a youth and carrying an offensive weapon. "E" had punched a youth about the body and face. He then removed a leather belt which had a large metal buckle on it and struck the complainant several blows until he blacked out and fell to the floor. "E" was wearing the belt which was the subject of the offensive weapon charge and used it as a weapon on the complainant. "E" had gone to the aid of his younger

brother who was the instigator of the incident and in explanation for his actions "E" said that "no one was going to take to his brother while he was around".





**END**