Traffic offences in the Sunnyside police area

Introduction
During 1991/1992 a research project entitled ‘Crime in the Sunnyside Police Area’ was conducted. During this period, the contents of 4 621 (57,6 per cent) police dockets for the period 1 July 1989 to 30 June 1990, were analysed according to the principles of random, stratified and interval sampling techniques (Stoker 1989:99–115). From this survey it emerged that traffic offences constituted 10,6 per cent of the global crime picture which is representative of the third highest category of crime. Seventy-two per cent of those offences committed were reckless or negligent driving, compared to twenty-three per cent driving a car while over the legal alcohol or narcotics limit. If one is tried in a South African court for any traffic violation, regardless of its seriousness, the offence is classified as a criminal offence (Saunders & Wiechers 1984:3).

As Corbett and Simon (1992:545) indicate, there are numerous and constant opportunities to commit a traffic offence with little effort required. Many people who would not think of breaking the law in any way commit driving offences (Corbett & Simon 1990:543).

This article deals with traffic offences such as driving a car while over the legal alcohol limit, reckless or negligent driving and the amount of accidents that occurred during this period. Some demographic characteristics of the offender, such as race, sex, age and previous convictions as well as the legal procedures of such offences, will also be discussed.
Definition of key concepts

Reckless or negligent driving

According to Section 120 of the Road Traffic Act (Act 29 of 1989) the word ‘recklessly’ means any person who drives a vehicle with wilful or wanton disregard for the safety of persons or property shall be deemed to drive that vehicle recklessly.

Driving while under the influence of alcohol or narcotics

When it is proved that the concentration of alcohol in any specimen of blood taken from any part of the body of the person concerned, was not less than 0,08 g per 100 ml at any time within two hours after the alleged offence, it shall be presumed, until the contrary is proved, that such concentration was not less than 0,08 g per 100 ml at the time of the alleged offence (Section 122 of the Road Traffic Act, no 29, 1989).

Traffic offences

According to Cloete and Conradie (1984:16), traffic offences can be labelled serious traffic violations. In the existing official crime statistics for the RSA the following are typified as crimes: reckless and negligent driving, driving under the influence of alcohol and drugs with a narcotic effect, and failing to stop after an accident.

Traffic violations

Traffic violations are the less serious breaches of law and for statistical purposes are often classified as minor offences. They are usually settled by payment of an admission of guilt fine and legal proceedings take place only in the case of failure to pay a spot fine (Cloete & Conradie 1984:16).

Demographic characteristics of the offender

With regard to the demographic characteristics of the offenders observed during the study, the following emerged.

Race

When looking at the offenders of traffic offences (table 1) such as drunken driving and reckless or negligent driving in the Sunnyside Police area, it was found that most of them were white. It could possibly be because Sunnyside is mostly a white residential area. Another possible reason for this finding can be that in South Africa more whites than other races are vehicle owners and are in possession of drivers' licences.

<table>
<thead>
<tr>
<th>Race</th>
<th>Drunken driving</th>
<th>Reckless or negligent driving</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>32 89%</td>
<td>39 78%</td>
</tr>
<tr>
<td>Coloured</td>
<td>1 3%</td>
<td>2 4%</td>
</tr>
<tr>
<td>Black</td>
<td>3 8%</td>
<td>9 18%</td>
</tr>
<tr>
<td>Total</td>
<td>36 100%</td>
<td>50 100%</td>
</tr>
</tbody>
</table>

According to the CSIR (Bron 1993), there were 2 007 913 drivers’ licences for white persons compared with 810 856 of the other races (blacks, Asians and Coloureds) in Transvaal.

Sex

Table 2 Sex of traffic offenders

<table>
<thead>
<tr>
<th>Sex</th>
<th>Drunken driving</th>
<th>Reckless or negligent driving</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>35 97%</td>
<td>47 94%</td>
</tr>
<tr>
<td>Female</td>
<td>1 3%</td>
<td>3 6%</td>
</tr>
<tr>
<td>Total</td>
<td>36 100%</td>
<td>50 100%</td>
</tr>
</tbody>
</table>

According to table 2, almost all the offenders who were accused of traffic offences in the Sunnyside Police area were men. As mentioned before, the argument that more men than women are in possession of a driver’s licence is applicable. In South Africa there are 3 927 615 licences made out to men compared with 1 782 270 for women (Bron 1993).

Age

<table>
<thead>
<tr>
<th>Age</th>
<th>Drunken driving</th>
<th>Reckless or negligent driving</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 18 years</td>
<td>2 5%</td>
<td>3 6%</td>
</tr>
<tr>
<td>19 to 20 years</td>
<td>1 3%</td>
<td>2 4%</td>
</tr>
<tr>
<td>21 to 30 years</td>
<td>19 53%</td>
<td>26 52%</td>
</tr>
<tr>
<td>31 to 40 years</td>
<td>7 19%</td>
<td>11 22%</td>
</tr>
<tr>
<td>41 to 50 years</td>
<td>6 17%</td>
<td>6 12%</td>
</tr>
<tr>
<td>51 to 60 years</td>
<td>1 3%</td>
<td>1 2%</td>
</tr>
<tr>
<td>61 years and older</td>
<td>— —</td>
<td>1 2%</td>
</tr>
<tr>
<td>Total</td>
<td>36 100%</td>
<td>50 100%</td>
</tr>
</tbody>
</table>

Fifty-three percent of the offenders of both
offences under discussion in the Sunnyside Police area were in the age group 21 to 30 (see table 3). Corbett and Simon (1992:540-541) are of the opinion that the 'need to express individuality, rebelliousness, identification with a peer group, masculinity, one-upmanship, equality with other road users; to demonstrate skill or courage; to impress or please passengers; to live dangerously; to express freedom or independence; and to relieve frustration and impatience' explain the generally higher levels of traffic offenders among young males.

Previous convictions of the offender

Most (70 per cent) of the traffic offenders have no previous convictions. Respondents (36 per cent) who were driving a car while over the legal limit of alcohol have previous convictions for traffic offences compared with those who commit reckless or negligent driving where a similar trend could not be observed. Although it was not quite clear from the data what type of traffic offence was committed by the drunken drivers, it is obvious that a clear link between alcohol abuse and traffic offences exists.

Traffic accidents

Accident rate

One should bear in mind that there are different ways in which the authorities - Police and Traffic Departments - become aware of traffic offences. Just a few cases are reported by victims or eyewitnesses. Most of the traffic offences are known because of accidents which occurred. Eighty-six per cent of the seventy-two per cent reckless or negligent driving offences which occurred in the Sunnyside Police area involved an accident. According to Le Roux (1993) 5 293 accidents were registered during the period in which the research took place. In only 5,93 per cent (314) of the cases dockets were opened and the Police investigated the cases. The police are legally compelled to register a criminal case and investigate the matter under the following circumstances: when a government vehicle was involved in an accident; when a person died or was seriously injured because of a car accident; when a serious traffic offence was committed; and when a written complaint, that a specific offence had been committed, was submitted (South African Police 1993).

The accident rate in South Africa is very high. According to The Report on Accidents (1991:3) 444 541 accidents occurred during 1991 in South Africa, of which 232 345 were in the Transvaal. In the Pretoria magisterial district there were 31 123 accidents during the same period. According to Van der Merwe (1993) about 428 751 accidents occurred in South Africa in 1992. If one studies the accident rates in 1991 and 1992, one notices a 3,5 per cent increase in traffic accidents.

People mostly get hurt when an accident occurs. During 1992 approximately 126 092 people were injured in motor accidents in South Africa (Van der Merwe 1993). Only three per cent (3 per cent) of those involved in an accident in the Sunnyside Police area had no injuries, illustrating the loss of time, money and property as a result of this phenomenon.

Causation of accidents

Hakamies-Blomqvist (1993:21,23) distinguishes between direct causes and contributing factors as the causation of accidents. She found that the human factor was the most important immediate (direct) cause of accidents in Finland. The human factor was classified as follows:

- **incapacity of action**, which indicates that the driver was sleeping, unconscious or otherwise incapable of acting.
- **observation error**, which is the outcome of general or specific inattention, faulty or lacking perceptions.
- **estimation error**, which means error in estimating one's own or the other vehicle's location, speed or behaviour, general or specific comprehension error.
- **driving error**, which is an error in handling the vehicle.

The contributing factors, on the other hand, were classified as follows:

- **permanent trait**, which refers to the vision, attentional capacity, cognitive or other comparable capacity of the driver;
- **momentary state**, which indicates the influence of drugs or medical substances, stress or fatigue, emotional or attentional state;
- **knowledge or skill**, which can be a lack of relevant knowledge, mistaken beliefs or lack of experience;
- **attitude or motive** which is a specific pattern of behaviour that leads to neglecting of safety;
- **vehicle factor** which refers to any mechanical faults, poor service and maintenance which make a vehicle unroadworthy;
- **environmental factor** which comprises a number of diverse elements such as the condition of the
surface, width of traffic lanes, state of road margins, gradient and road signs.

A multitude of variables, of which age is one, are relevant to these factors. Hakamies-Blomqvist (1993:23) found that the primary cause of accidents in Finland among older drivers (65 years and older) was an observation error, while in the case of the younger drivers the momentary state, attitudes and motives of the driver play a major part in the accidents. Pearson (1992:155) described an accident which occurred on the Oxley Highway in New South Wales. A young man, eighteen years old, who was accompanied by his girlfriend, overtook a laden semitrailer uphill by crossing double unbroken separation lines. On the downhill run he overtook two other cars while driving at a considerable speed. Pearson's point of view (1990:155) that the young man's girlfriend was either impressed or too scared to tell him to slow down gives an exposition of the youth's impetuousity.

According to table 3 there were only three offences committed in the Sunnyside area by a person older than 51 years. It seems that in South Africa, in contrast with Finland, the possibility of being involved in a traffic accident or offence decreases as age increases. It can be argued that the residents of Sunnyside are mainly younger than 51 years or that, according to the architectural planning and bus routes, it is relatively easy to reach the business complexes without using a motor car, which can be a possible reason for the few offenders in the older age group.

Cloete (1989:38) found that the respondents in his research are of the opinion that uncontrolled factors should be blamed for the high rate of road accidents. If one takes these aspects into consideration one realises that it is very difficult to take precautionary steps which can lead to the reduction of accidents.

**Trial of the traffic offender**

Eighty per cent of the individuals who were charged for drunken driving in the Sunnyside Police area and appeared in court were found guilty; five per cent of the cases were withdrawn in court and eleven per cent were found not guilty. The fact that drunken driving offenders are arrested on the scene possibly exerts an influence on the solution figure of this type of crime.

Seventy-seven per cent of the reckless or negligent driving offenders who appeared in court were convicted; nineteen per cent of the cases were withdrawn in court and three per cent of those charged were found not guilty. According to the data, most of the persons who committed reckless or negligent driving did not appear in court; in ninety per cent of the cases they paid admission of guilt fines. The reason why a court case was not necessary may be that the case was not of a serious nature, that no dispute existed and it was quickly disposed of.

In seventy-eight per cent of the drunken driving offences and sixty-seven per cent of reckless or negligent driving offences, the time lapse from the time that the crime was reported to the police until the offender was convicted in the District Court was between one and three months, in other words relatively quickly when compared with other crimes. This may be because most of the time the offenders’ identities were known and/or that the guilt of those responsible was not in dispute.

Some thirty-six per cent drunken driving cases were postponed twice and thirty-three per cent of the reckless or negligent driving cases were postponed three times. There is a general assumption that it is important to have the result of the blood test before there can be a conviction of a person who was arrested for driving a car while over the legal alcohol limit. The public is of the opinion that if the results are not available, it is difficult for the State to prove guilt. In the case *Rex v Brorson* (1949 2 SA 819 (T)), a traffic officer gave evidence about a person who was driving his car while he was under the influence of alcohol. The judge was of the opinion that the evidence of the district surgeon was not necessary. He stated: 'In this case the evidence of the traffic inspector as to the state in which he found the accused is uncontradicted and unchallenged in cross-examination; the facts speak for themselves and I am not prepared to say that there was any duty on the Crown to call the district surgeon when we know that district surgeons in Johannesburg are busy men and find it difficult sometimes to fulfil all their court engagements' (Badenhorst 1990:66).

In another case, *R v MacKay* (1955 3 SA 129 (SR)), in which a district surgeon did not examine the accused, the judge's reply was as follows after the traffic officers' evidence: 'The Crown should call such evidence if it can, but if it is not able to adduce such evidence through no fault of its own it is quite entitled to present its case on the evidence of lay witnesses; and if the court is satisfied on the evidence of such witnesses that a contravention of the Act has taken place it is perfectly entitled to convict on that evidence' (Badenhorst 1990:67). It is therefore clear that the lack of technological aids should not be a factor in bringing offenders of this nature to court, the evidence of a policeman or a traffic officer as a state witness is admissible.
Table 4  Sentencing of traffic offenders

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Drunken driving</th>
<th>Reckless or negligent driving</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short-term sentence</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Periodical sentence</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Suspended sentence</td>
<td>5</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Fine and an alternative imprisonment</td>
<td>22</td>
<td>21</td>
<td>43</td>
</tr>
<tr>
<td>Refer to a rehabilitation centre</td>
<td>2</td>
<td>—</td>
<td>2</td>
</tr>
</tbody>
</table>

Sentence for traffic offences

Table 4 indicates that there are different ways of sentencing traffic offenders. It seems that most of the individuals who commit traffic offences are sentenced to a fine and/or imprisonment.

The fines which can be imposed for traffic offences drastically increased during 1992 in the hope that this would act as a deterrent to people committing traffic offences. The maximum punishment for the traffic offences under discussion is as follows:

- Driving a car while over the alcohol limit – R24 000 or six years imprisonment or both;
- Reckless driving – R12 000 or three years imprisonment or both;
- Negligent driving – R24 000 or six years imprisonment or both.

The success of this step will become evident from future statistics and research projects on traffic offences. The authors are of the opinion that if these steps do not deter people from committing traffic offences and specifically from driving a car while over the alcohol limit, admission to rehabilitation centres should perhaps receive more frequent attention because it was found that most drunken drivers have previous offences related to traffic offences.

Summary

In this article a distinction was made between the individuals who were driving a motor vehicle while under the influence of alcohol, and those who were accused of reckless or negligent driving since these categories represent the most serious problems related to traffic offences.

It was found that the offenders of both these crimes were white men between 21 and 30 years of age. Most of them had no previous convictions. The previous convictions of the drunken drivers were traffic offences while those who were on trial for reckless or negligent driving previously committed other crimes which were not related to traffic offences. In both cases the majority were convicted and fined or sent to prison. All the cases were finalised within three months after arrest.

Despite the efforts by various institutions regarding training, education and publicity of traffic safety and law enforcement, traffic offences still occur. There is a possibility that various factors such as the increased fines, traffic safety publicity and law enforcement as well as education may have contributed to the 3.5 per cent decrease in accidents in 1992. These preliminary findings can be proved only after a valid and reliable investigation and should be explored through future research.

Bibliography


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Unpublished sources