

# Road traffic offences: Socially acceptable crimes?

by

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## **Abstract**

Statistics on road fatalities, injury, and costs associated with road traffic accidents make grim reading and yet generally law-abiding people confess to breaking driving laws at one time or another. This paper examines the role media play in 'normalising' poor driving behaviours. Using media analysis, we examined the mixed messages in institutional (news reports, editorials), non-institutional (letters and texts to the editor) articles, and the Road Traffic Act (Queensland, Australia). We found there is ambivalence to this type of criminal behaviour and public safety messages. Police and road organisation warnings have little to no effect, and general community attitude to law breaking is attenuated by majority opinion.

## **Introduction**

The high social and financial cost of road crash fatalities and injuries (including such costs as lost work hours, rescue and retrieval, and policing) has been recognised globally by the United Nations and the World Health Organisation. In response, and in recognition of the seriousness of the problem, the United Nations passed a resolution to proclaim a decade of action for road safety, to run from 2011 – 2020 (<http://www.who.int/mediacentre>). Despite the scale of the problem, many otherwise law-abiding people admit to breaking one or more of the road rules on a regular basis. Due to the large number of people breaking road traffic laws there appears to be a lack of social disapproval against such conduct, and it has been acknowledged that deterrent measures alone are insufficient to adjust these behaviours. The newsprint media play a significant role in informing and shaping public opinion, therefore a qualitative media analysis was conducted in North Queensland to examine the institutional and non-institutional messages surrounding illegal driving behaviours (as defined in the Road Traffic Act (Qld)). This analysis revealed general ambivalence to illegal driving behaviours, particularly speeding which is the leading contributing factor in serious crashes. It was discovered that illegal driving behaviours were reported differently to most criminal behaviour. Further, speed enforcement strategies are commonly referred to as revenue raising (Watling & Leal, 2012), thereby giving rise to questions of their legitimacy. Furthermore, sympathy is often accorded to those fined, rather than condemnation of a behaviour that is a frequent contributing factor to death and serious injury.

### **The problem**

The World Health Organisation (WHO) have predicted that unless action is taken, crashes on roads will increase to become the seventh leading cause of death by 2030 (for those aged 5-44, it is currently in the top three leading causes of death (Gargett, Connelly, & Nghiem, 2011), and for those aged 15-29, it is the leading cause of death (WHO, 2009). The WHO state that “[g]lobally, every year the lives of approximately 1.25 million people are cut short as a result of a road traffic crash. Between 20 and 50 million more people

suffer non-fatal injuries, with many incurring a disability as a result of their injury” (<http://www.who.int>; Gargett, Connelly, & Nghiem, 2011). In addition to the personal and social cost of crashes, the WHO refer to research that concluded “that road traffic crashes cost each country from 3-5% of their gross national product” (<http://www.who.int>). In America there has been a gradual reduction in road crash fatalities. However, in 2013 there were still 32, 894 lives lost, or a rate of 10.3 per 100, 000 people (Dingus, Guo, Lee, Antlin, Perez, Buchanan-King, & Hankey, 2016; The Lancet, 2016). In 2016 the cost of road traffic crashes amounted to 6% of gross domestic product (GDP) (Wijnen & Stipdonk, 2016). In 2016 there were 1290 fatal crashes on Australian roads that represents an increase of 7% from the previous year, and represents a rate of 5.3 fatalities per 100, 000 people (Bitre.gov.au). In the Townsville region in North Queensland, there was an increase from 4 fatalities to 16, or 6 per 100,000 in 2016([police.qld.gov.au](http://police.qld.gov.au)). Townsville is a regional centre and it has been noted that in Australia, urban centres have the lowest rate of crash fatalities (at 2-3 per 100, 000) while regional areas tend to have a rate at roughly five times that number (rural centres record rates at about ten times the rate of urban centres) (Rooney, 2016, April 26). The five most common contributors to serious crashes in Queensland are known as the “fatal five” and underpin road safety campaigns, as well as the prime focus of policing on the roads.

#### Identified high risk driving behaviours in Queensland (the ‘Fatal 5’)

The main contributors to fatal and serious injury crashes in Queensland have been identified as 1) speeding 2) driving under the influence (of alcohol or drugs) 3) distraction 4) fatigue, and 5) not wearing a seatbelt. Of these, speeding is the most common offending behaviour and is a major contributing factor to fatalities and serious injury. Speeding contributes to 54% of crashes and is the major contributing factor in at least 25% of fatal and serious injury crashes (Fleiter, Lewis, & Watson, 2013). It has been calculated that driving at 10km per hour over the speed limit increases the chance of being involved in a crash by 70% (Fleiter, Lewis, & Watson, 2013). Despite the known and widely acknowledged relationship between speeding and the likelihood (and severity) of crashes, this illegal driving behaviour seems to be particularly pervasive, socially acceptable, and resistant to change (Fleiter & Watson, 2005). Watling and Leal (2012) explain that the perceived legitimacy of enforcement measures has a strong relationship with attitudes to compliance, and speed cameras are often portrayed as tools for revenue raising, rather than a measure to improve a road user’s safety. Speeding has been described by Raymond (2002) as a penumbral crime which is “a criminal act defined by a high level of noncompliance with the stated legal standard, an absence of stigma associated with violation of the stated standard, and a low level of law enforcement or public sanction” (p. 1395), and further expressed that a penumbral crime “reflects the law’s failed attempt to modify a social norm” (p. 1396). Weatherburn (2004) further states that public tolerance of lawbreaking can act as a “distal influence on crime” partially due to the absence of informal social control or sanctions (p. 68). Poulter and McKenna (2007) indicated that “public support is critical to the success of speed camera schemes” (p. 384). Contrary to popular belief however, evidence from surveys suggests widespread anxiety surrounding speeding behaviour, despite the fact respondents may also report their own tendency to exceed the speed limit. This suggests a disparity between attitude and behaviour, and a failure of the government to articulate or harness public concern (Poulter & McKenna, 2007). Fleiter and

Watson (2005) examined the differences between attitudes to speeding and self-reported behaviour and suggested that messages should “increase the awareness of punishments for speeding (particularly social punishments such as public and peer disapproval)” (p. 9). Informal sanctions.

Stigma or shame as an informal sanction has been noted as a major contributing factor to the success of specific and general deterrence which underlies road policing policy (Fleiter, Lennon, & Watson, 2010; Grasmick, Bursik, & Arneklev, 1993; Allen, Murphy, & Bates, 2015). Young drivers, in particular, are likely to be deterred more by the risk of shame from family and friends than from formal, state imposed, deterrent measures (Allen, Murphy, & Bates, 2015; Fleiter, Watson, Lennon, & Lewis, 2006). Braithwaite (1989) further explained that “shaming is the social process which leads to the cognition that a particular type of crime is unthinkable” (p. 81) which potentially circumvents or obviates the need for rational choice processing or a cost-benefit analysis of options (i.e. to speed or not to speed) that underpins deterrence theory. The use of informal sanctions (shaming) is not new, and has been effectively used in, for example, the Mothers against Drunk Drivers (MADD) campaign in the 1980s that with support of government, and concurrent with legislative change, commenced a “moral crusade” against drunk driving. Their work has been recognised as a major contributor to a large decline in alcohol related fatalities on American roads (from 30,000 in 1980 to 10, 228 in 2010 (Loewit-Phillips & Goldbas, 2013)). One of the key features that led to this success was considered to be their influence in raising media coverage, and personalising the crusade rather than simply supplying statistics that did not “convey the toll on victims’ lives and families” (Fell & Voas, 2006, p. 200). In addition, Grasmick, Bursik and Arneklev (1993) noted that MADD added a dimension that “directly appealed to a sense of conscience” (p. 41) giving an emphasis to social norms and morality. While there have been significant levels of research based on Aker’s social learning theory, or the effects that significant others can have on individual behaviour, there has been less research on wider community opinion and expectations which constitute social norms. There is wide acceptance that regional newspapers play a role in shaping public opinion and delineating what is socially acceptable behaviour within a community. It has been argued that newsprint media have not reflected the level of concern that surrounds speeding drivers with media attention, reproducing the attitude that police should be chasing “real” criminals (Poulter & McKenna, 2007).

### News Print Media

Duffy, Wake, Burrows, and Bremner (2008) researched the “gap between recorded crime trends and public perceptions”, and discovered that 85 percent of respondents to their survey considered local newspapers one of the sources from which they gained most information, and 77 percent of people surveyed trusted local newspapers to tell the truth about how crime is being dealt with (p. 32). The Townsville region has one newspaper, The Townsville Bulletin, who claim that “[t]wo out of three Townsville residents read The Townsville Bulletin newspaper at least once a week”, and that “96% of readers agree it keeps them informed” (<http://www.newscorpaustralia.com/brand/townsville-bulletin>). Fleiter and Watson indicated that the media is one of the social factors that can have an impact on vehicular speed choice (2005, p. 2). Evidence from previous research, and the

rising trend of road fatalities in the Townsville region, prompted content analysis of the newsprint media that services the study area.

## Analysis

The main points raised by the literature include: that the use of reporting statistics alone is an inadequate way to convey the real costs of road crime as it lacks personalisation of victim and family trauma; the perceived illegitimacy of speeding regulations; and the subsequent lack of moral consensus within the community about such aberrant behaviour which, usually in response to criminal activity by minority groups, can lead to informal sanctions. Therefore the following research questions were formulated.

Q1. What methods of reporting are primarily used to portray speeding and road crashes in the media?

Q2. How is the legitimacy (or lack) of speeding legislation portrayed in the media, through institutional and non-institutional articles?

Q3. Is there evidence of moral entrepreneurs to raise awareness of the issue? What public opinion is raised in non-institutional messages, and is there evidence of informal sanctions being imposed on speeding drivers?

A Boolean search (road accidents OR car crashes OR fatalities on roads OR speeding) was conducted of The Townsville Bulletin for January 1, 2016 to December 31, 2016 on Newsbank (similar to Lexus Nexus). The search yielded a total of 113 articles. Of these, 46 were discounted for reasons such as being outside the target region, related to sport, or other clearly unrelated news items. A further 6 were discounted due to the speeding being related to other criminal activity (stolen cars, for example). A further 20 were discarded as they were related to incidents involving cyclists at a time of conflict between road users, particularly on one shared road in Townsville. A total of 41 out of the 113 articles were deemed relevant and were included in the analysis.

Q1. What methods of reporting are primarily used to portray speeding and road crashes in the media?

Fell and Voas (2006) suggested that reporting statistical information regarding crashes and subsequent fatalities and injury failed to adequately explicate the toll felt by victims, family, and the community. The practice of giving statistics from different time periods, and jurisdictions causes confusion for readers. This was evident in this study, with articles providing statistical data from national, state-wide, and regional perspectives, as well as reports from campaigns (such as during the Christmas period), running totals throughout the year, and comparisons to previous years.

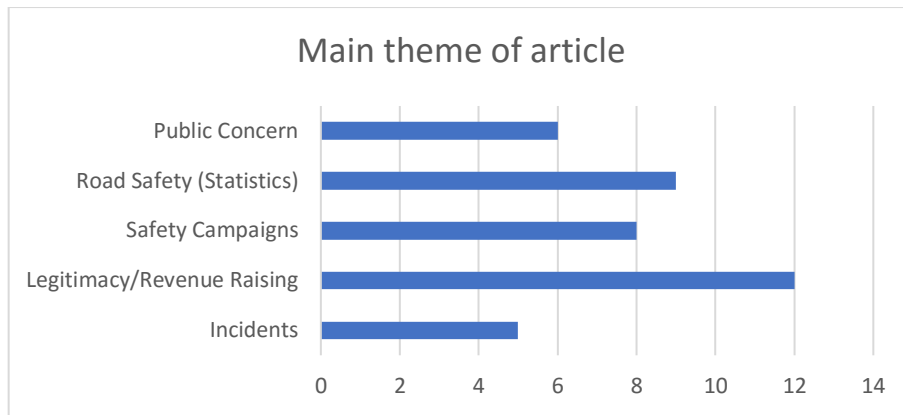


Figure 1. Main emphasis of reports/articles

Road safety includes all road safety statistics, and messages, and road safety campaigns refer to information provided for the public around increased policing during specific periods (such as Christmas period, or road safety week). Legitimacy refers to reports where speed cameras or fines are described, or implied, as revenue raising, where there is an implication that “real” criminals should be policed, rather than “generally law-abiding and tax-paying” drivers caught speeding, or the ambiguity caused when minor speeding offences are sometimes tolerated by the police through the use of their discretion. Public concern includes all texts or letters to the editor that identify speeding as a community problem.

Our analysis shows that a majority of the articles contained mainly statistical information. Fatalities are often not reported as discrete events, but rolled into a sterile, statistical report that covers several incidents at one time. This supports the findings of Fell and Voas (2006) regarding the failure to elicit moral and emotional responses to the loss of life on roads. As an example, the following article demonstrates how jurisdictional differences are not recognised, with a report on the Townsville region interrupted to impart state-wide statistics. Furthermore, there is no indication in this article of the cause of any of the accidents reported, nor was there an update on the condition of hospitalised patients, or information concerning possible illegal behaviour (or subsequent punishment) for these errant drivers. I will quickly read this article for you, so that may better see what I mean: Two North Queenslanders are fighting for their lives in Townsville Hospital after a horror weekend on the state’s roads”. Police are pleading for motorists to stay safe after one of the worst starts to the school holiday period in recent memory. A total of 23 people has died on Queensland roads since December 1 – with five killed since Friday, including three men in one crash near Bundaberg on Saturday. It comes as a 39-year-old man was thrown from his utility after hitting a pole and rolling several times in a single-vehicle crash on Kirknie Rd at Home Hill early yesterday morning. The man underwent lifesaving surgery yesterday afternoon and remains in a serious but stable condition. And a Tully man, 58, was rushed to Townsville Hospital with life-threatening injuries after he was hit by a car while crossing Taylor St at Tully Heads about 11.30pm on Saturday. The man was in a critical but stable condition in hospital last night. The 44-year-old female driver is assisting police (McMahon, 2016, December 19).

In another article, we see how the reporting of statistics is generally used as a vehicle for the police to impart road safety messages.

“Insp Jackson said one death on the region’s roads was too many, with the fatal five playing a part in nearly every crash this year” (McMahon, 2016, August 23).

Q2. How is the legitimacy (or lack thereof) of speeding legislation portrayed in the media through institutional and non-institutional articles?

The main arguments found against the legitimacy of speeding legislation was the use of speed cameras as ‘revenue raising’; the use of police time to catch speeding drivers when they should be chasing “real” criminals; and the ambiguity surrounding the use of police discretion in determining whether an errant driver will be charged or not.

### Revenue Raising

Townsville Bulletin regular columnist, Julian Tomlinson was afforded two thirds of a page to express his opinion on alleged revenue raising, thus conveying to him a certain authority status, or gravitas. Readers are then likely to assume that his views are based on learned opinion and research (or at least based on an elevated degree of knowledge on the subject). However, a simple Google search reveals that he is a ‘sub-editor’ of sister paper ‘The Cairns Post’, who calls himself ‘greasy pig’ on his Facebook page, and is the son of a conservative political agitator. The following is a selection of many references Tomlinson made regarding the illegitimacy of detecting speeding drivers (Tomlinson, 2016, December 29).

The lie that speeding enforcement is more about road safety and not raising revenue has been laid bare in black and white ... the State Government has done its best to show that speeding is its top road safety strategy, even though only about one in four road deaths can be directly attributed to speeding (according to official police figures). In fact, it could be argued that focusing on speeding at the expense of other factors has actually contributed to the rise in fatalities ... [w]hen confronted with the official numbers, there can be no other conclusion than that the State Government is using speeding enforcement as a revenue raiser... speeding enforcement as a way to save lives is a sham (Tomlinson, 2016, December 29).

Less aggressive, but still pervasive, are comments like these from other institutional media commentators

“Hundreds of millions of dollars in fines are going to the State Government each year as the average number of speeding motorists caught per day has grown to 2719 this year compared with 1281 in 2006” (Chamberlin, 2016, July 18).

Such scepticism is also evidenced in non-institutional feedback from members of the public, for example:

“Enforcement has become more about revenue raising than reducing road tolls. It is lies, damn lies and statistics” (Eastaughffe, 2016, February 2).

In another instance involving an admonishment from a member of public for the police to chase the “real criminals”,

“It seems that the average Joe who is found speeding and does the right thing by paying fines and stopping for police is getting shafted while criminals who are stealing people’s property and breaking into houses get to have a grand ol’ time at someone else’s expense”. (B Padgett, letter, p. 19 March 31, 2016)

There is also ambiguity in what the public regards as tolerable over-the-speed-limit driving. For example, a member of the public had this to say:

“What a joke this police state is with exorbitant revenue raising through speeding fines. Drive in the US or Canada you’re given the benefit of the doubt up to 10kph over” (BH4817, 2016, August 12)

All of these institutional and non-institutional assertions and comments undermining the legitimacy of the relevant traffic laws stand in stark contrast against the unambiguous nature of these properly enacted legal provisions. The law says:

“A driver must not drive at a speed over the speed limit applying to the driver for the length of road where the driver is driving. Maximum penalty—40 penalty units. ...”

See also the Criminal Code, section 328A (Dangerous operation of a vehicle) and sections 83 (Careless driving of motor vehicles) and 84 (Dangerous driving of vehicles (other than motor vehicles) etc.) of the Act”. (Transport Operations (Road Use Management—Road Rules) Regulation 2009)

(<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/T/TrantOpRURR09.pdf>)

This is also clearly explained in the road rules for Queensland (Your keys to driving in Qld):

“A speed limit sign has a number in a circle on it showing the maximum speed in km/h that you may drive your vehicle on the road in good conditions. In poor weather or hazardous conditions, you should drive at a lower speed to suit those conditions. You must not exceed the sign posted speed limit even when overtaking”. (<https://publications.qld.gov.au>).

That said, what is unclear is whether this apparent ambiguity on the ground (as reflected in the articles) is due to the exercise of police discretion to charge or not charge a speeding motorist, which unfortunately is outside the scope of this particular study but certainly warrants further research.



Q3. Is there evidence of moral entrepreneurs to raise awareness of the issue? What public opinion is raised in non-institutional messages, and is there evidence of informal sanctions being imposed on speeding drivers?

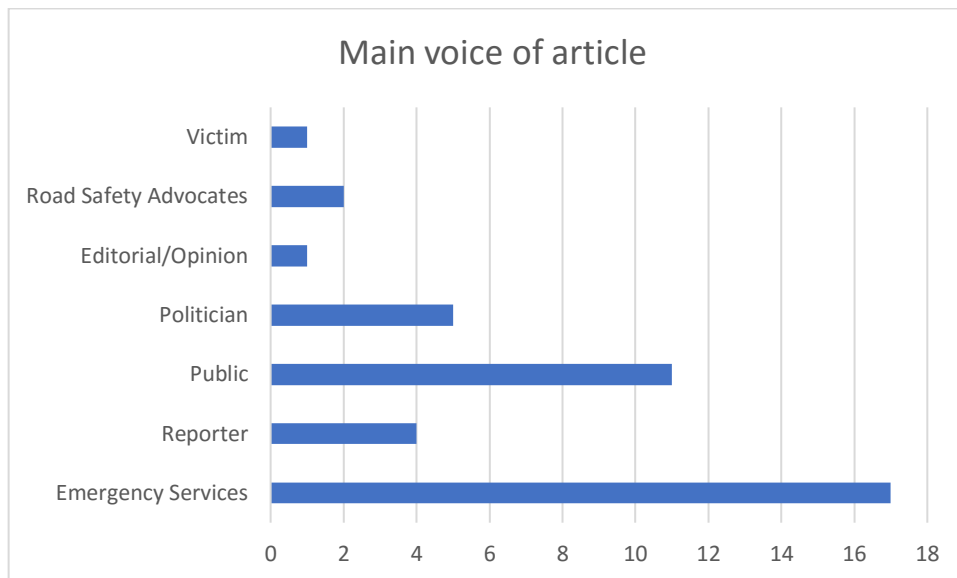


Figure 2. Main voice of articles

The authoritative voice on the issue of enforcing the legislation regarding speeding and road safety issues is that of the police. The articles do show that firemen, paramedics, and emergency department doctors also voice their concerns as well in the media. Our analysis reveals that there was no personalisation of victims or their families, with only one person injured in a motorcycle accident providing views to a reporter, saying that “[y]ou always hear about accidents when they happen and that is it. There is never anything about what happens afterwards” (Jackson, as cited in Rooney & Snowden, 2016, March 24). Even as the importance of informal sanctions, in addition to formal sanctions and its deterrent quality, are well articulated in academic literature, such issues were largely absent in the (few) contributions made to the newspaper by the community in 2016. One (albeit a little sarcastic) comment from the public acknowledged the problem of speeding drivers: “Speeding fines double since police drop their tolerance policy. They would increase further if they put speed camera vehicles on University Rd between McArthur Dr and Ring Rd Motor Way. The number of drivers who can’t sit on 80km/hr is incredible”. Gpsouth (19 July, 2016, p. 16)

In another article, special attention was given to newly qualified young drivers (P Platers on Queensland’s graduated learning system) with one reader addressing them directly:

“The number of you who I constantly see while I am out on the road using your mobile phone while driving, no idea of how to give way at a roundabout, speeding in excess of the posted limit is just unbelievable. ... You will meet with an accident if you don’t do the right

thing, and it may be someone else you injure or kill. Just think about it next time you drive” (Sutherland, 2016, September 14).

Ironically, Russell White, CEO of the Australian Road Safety Foundation, reported that “data shows that while deaths of 18 to 25s dropped by 3 per cent, the number of fatalities across other age groups has risen in the past 12 months” (as cited in Dowling, 2016, January 23). In addition, 16-29 year olds expressed the most concern about speeding drivers in a (British) crime survey (Poulter & McKenna, 2007). Remarkably, one reader, when referring to juvenile car thieves, noted that the latter seemed to be more aware of the dangers associated with driving but wrote nothing about non-criminal adult licenced drivers who have exceeded the speed limits as well.

“These grubs that steal cars and go on high speed joy rides know they are intentionally driving a lethal weapon that has the potential to kill someone from their deliberate actions so they should be charged with Attempted Murder and processed by the Courts accordingly” (Azza, 2016, October 29).

## Discussion

Statistical information can be confusing as different periods of time, and jurisdictions are mentioned across the year. While informative, as Fell and Voas (2006) discussed, they do not indicate the scale of human suffering for families and friends of the deceased. Statistics on serious injury are notably absent from the discussion, although it is acknowledged that permanent injury may result. Framing speeding fines as illegitimate, or revenue raising was the second largest theme. Rosales and Stallones (2008) found similar effects in their study of road crash injuries, concluding that “prevention information and sufficient details that may be helpful for the public to evaluate their own risk often are not included in reports ...” (p. 478) and that “newspapers could make use of their power to produce social change” (p. 478) and highlighted the role of the media in the communication of health risks. Media coverage does not accurately portray the seriousness of the problem and Daniels, Brijs, and Keunan, (2010) contend that “it is possible that people have a wrong or biased perception of the size of the injury risk in traffic” (p. 1470)

## Conclusion

Informal, or social sanctions, have been effective in reducing some poor driving behaviours such as drunk driving. However, for shaming to take place there needs to be some form of majority moral outrage. The success of MADD in bringing about behaviour change was thought to rest with the personalisation of the campaign, increased media coverage, and support of legislators, which combined to project a cohesive and unambiguous message. At present, the consequences of exceeding the speed limit are inadequately conveyed in terms of both the social and economic cost to the community. In addition, the promulgation of the impression that speed cameras, and speeding fines, are merely to raise revenue, adds to a common belief that such enforcement methods lack legitimacy. Just as sensationalist reporting has been shown to provoke public interest and excitement

that can lead to a moral panic, so it is suggested that restrained reporting can lead to a condition best described as moral apathy; where an objective mountain can be perceived as a subjective molehill.

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