



# A fine mess

it's time to find more useful ways of punishing minor traffic offences

**P**eople in the West aren't flogged or locked in stocks any more. The jails are full to overflowing and the government purses are empty, so fines have become the preferred way of punishing minor traffic offences.

Thus billions of dollars in unpaid traffic fines are owed around the world, mainly by the young and the poor. Governments' response has been to toughen up the enforcement of fines, rather than looking at the whole system

of enforcement generally. There is clear evidence that fines are a very poor form of law enforcement, except for businesses & the West's ever-shrinking middle classes.



Here's why: for the rich, fines are at best a nuisance. The rich can afford to pay them, so fines do not drastically affect their driving habits. Even the 170,000 Euro income-based fine handed down by the Helsinki police to 27-year-old Jussi Salonoja for driving at 80km/h in a 40km/h zone is affordable to the young heir to a Finnish family foodstuffs fortune.

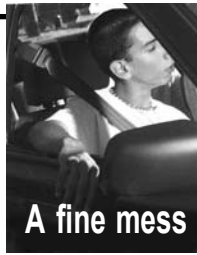
The people who propose road safety campaigns are almost inevitably white, middle-aged, middle-class bureaucrats. The middle-classes hate fines but pay them and usually try and avoid future fines by modifying their behaviour. Therefore the bureaucrats think that the poor will respond this way also.

However, there's a general rule that the messier a person's life, the more likely they are to end up getting fined. They may simply be young & messy, they may have a substance abuse or mental problem. They may simply be very poor. Such people forget to replace worn car tyres or park illegally and get tickets. Then they don't pay the tickets because they're too poor or too messy or both.

The poor tend to live hand-to-mouth – a person on the dole or low wages has little discretionary income. A \$250 fine for a traffic offence cannot be easily met, in many cases. The courts sometimes allow for the time payment of such fines, but many poor people are notoriously bad organisers of their affairs (which is one of the reasons they stay poor). Often, people make arrangements to pay off fines, and then stop making payments after a few weeks as more immediate financial problems loom. We're not saying this is right or wrong – it's just what happens in real life.

Often the person will end up arrested and sometimes imprisoned for non-payment of a fine or fines that stemmed from a relatively minor offence such as a parking ticket.

There's an excruciatingly-stupid logic that white, middle-aged, middle-class bureaucrats apply; this logic states that all life is a series of planned steps, and that any person who commits a driving offence somehow makes a reasoned decision to do so. Then this same logic



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states that anyone who is fined somehow makes a reasoned decision not to pay it. Therefore the people who don't pay fines deserve everything they get.

There are people who don't pay fines because they're simply too lazy to get off their backsides and get a job, but these people are something of a minority. Those who don't pay fines are usually very messy or very poor, or both. Anyone who disputes this can find out for themselves by simply visiting a few student flats or homeless shelters.

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and it all just gets quickly out of hand.

When a fine remains unpaid, further fines and collection fees are added on top, which means that a \$250 fine can grow and grow out of all proportion to the original offence. Often people are simply unable to pay the fine, so their property gets seized and/or they get some kind of further court punishment. All in all it costs a huge amount of money to enforce the payment of fines and there is little evidence that it has modified the behaviour of a group highly likely to cause accidents: the uneducated poor, particularly males aged 18-24.

Prison is another poor option for these people, because they are the exact group that is least likely to be reformed by a stretch in prison.

There is a clear link between general antisocial behaviour, unsafe vehicles and bad driving leading to fatal road accidents. Putting a young offender into a prison full of similarly antisocial people seems most likely to reinforce negative attitudes towards society rather than rehabilitate the offender. Because so many serious traffic offenders come from poor backgrounds, it is clear that any enforcement strategy must avoid the pointless exercise of simply punishing people without modifying their behaviour.

Fines do work for businesses, however, because businesses generally exist at fixed addresses and have assets that can easily be tapped. Businesses exist to make money and thus they tend to avoid activities that cost money, so for this group fines are fine.

For the rest of the population fines have been a minor disaster and have largely failed to modify bad road behaviour. Here are some steps that might work a bit better:

Take a number of common traffic offences:

- seatbelts are not worn,
- minor speeding offences
- cars run Give Way, Stop signs or red lights or when pedestrians are put at risk.



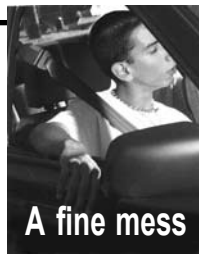
There are already fines for the above offences, but aside from the fact that messy people's fines often get completely out of hand, fines are often a poor way of punishing anyone. This is because the fine won't have to be paid for a long time after the offence, which means that there is often little connection in the offender's mind between the offence and the fine. Further, the very poor may simply not have enough money to pay the fine, which causes a mass of downstream problems with the law, but may have little effect on driver behaviour in the future.

A much better technique would be to temporarily impound vehicles for minor offences. The occupants would be free to go, but the car would be held for, say, two hours and then released without further penalty for that offence. This would have the effect of being a serious inconvenience for the occupants of the vehicle and would provide a powerful, immediate incentive to modify behaviour. Let's put it another way: if you stick your hand in a fire, and your hand gets burnt two months later, then there is little connection in your mind between the fire and the burn, so you're likely to stick your hand in the fire again. If you stick your hand in the fire and it immediately gets burnt, you won't do the same thing again, because you've made an immediate connection between the cause and the effect.

Spots for this enforcement would have to be carefully picked so that there was parking for the impounded vehicles and some safe shelter for the people who were suddenly stranded.

Obviously, under the impounding system, the officers would have to have the discretion to let certain groups (e.g., old people, vulnerable young women or mothers with sick children) off with a warning or to impose a fine if the impounding of the vehicle would place the safety of the occupants at risk. There's no particular reason why the police shouldn't hand out bus fares to innocent passengers as a gesture of goodwill.

We're not proposing temporary impounding for serious driving offences. If a young man skids sideways through



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a Stop sign at 100km/h, he's not going to get off with a two-hour detention of his car.

We think that the two-hour detention would be especially effective for ordinary people doing silly things such as leaving seatbelts off while they "just drive down to the shop".

The bottom line is that cars represent freedom and control of your life. If you need a packet of cigarettes you just drive down to the store and get one – you're in control.

If you suddenly lose your car, it has the same depressing feeling as a rainy night breakdown – you're no longer in control, you're seriously inconvenienced and you'll go to a lot of trouble to avoid similar problems in the future.

Picture this: you're one of a group of young people off to the beach for the day. The stereo is blaring, no one's wearing a seatbelt and the driver is going 65km/h in a 50km/h zone. Suddenly the car gets pulled over by a policeman who calmly says: "Please park your car over there. We are impounding this vehicle for two hours. You may pick it up then."

A pall of dismay falls over you and your friends. The day is ruined. Angry words are muttered. However, when you drive off two hours later, everyone's relieved that there were no charges laid and no fines imposed. Chances are you'll all be wearing seatbelts. When the trip is repeated the next weekend chances are that everyone will still be wearing seatbelts and the driver will be keeping his speed down.

Who watches the watchers? Such a system would need to be well monitored to make sure that it didn't simply become an excuse to harass young people and minority groups. The easiest way to stop this would be require that the entire operation be videotaped. This tape would protect innocent motorists and also protect police from claims of harassment. It could be used as evidence in the event that there was a court dispute over exactly what happened. This would also help maintain good relations between the authorities and the people they need to police, ensuring that the scheme enjoyed wider community support •

