

Research Department Report 69

Research on Traffic Offenses

Outline

This study, focusing on traffic offenses (refer to Dangerous driving causing death or injury, Negligent driving offenses causing death or injury, and violations of the Road Traffic Act) conducted a questionnaire survey for inmates convicted of traffic offenses, and compiled and analyzed the results of this survey. The research was also carried out on trends in traffic offenses, the current status of treatment of traffic offenders in penal institutions and probation offices, and the efforts of private support groups for victims.

1. Statistical Research (Chapter 3)

The Institute introduced the trends in traffic offenses and matters about victims of the criminal justice system on the basis of statistical materials.

(1) Occurrence of traffic accidents and Clearance

The number of traffic accidents occurred (over the last 30 years) has been on a decreasing trend after peaking in 2004, and the number in 2024 (290,895 cases) decreased to approximately 30% of that in 2004. The number of traffic accidents occurred in case of driving under the influence of alcohol (over the last 30 years) has been on a decreasing trend after peaking in 2000, the number in 2024 (2,346 cases) decreased to 10% or less of that in 2000. Meanwhile, the number of persons cleared for Dangerous driving causing death or injury (over the last 20 years) has been on an increasing trend since 2014. Looking at the number of referred cases under violations of the Road Traffic Act (over the last 20 years), “violations by light road vehicles” had been continued to increase since 2006, decreased in 2021, but significantly increased after that.

(2) Prosecution and Judgement

Looking at the trend of persons received by public prosecutors in traffic cases (over the last 20 years), the number of Negligent driving offenses causing death or injury and violations of the Road Traffic Act have been decreased, while the number of Dangerous driving causing death or injury has been increased. Examining the trend of prosecution rate by type of offense (including request for summary order) (over the last 20 years), the rate of Dangerous driving causing death or injury has consistently exceeded 70%, while the rate of Negligent driving offenses causing death or injury has remained 20% or less. The rate of violations of the Road Traffic Act was in the 80% range in 2005, but had declined to the 40% range in 2024.

Regarding the transition in sentencing by judgement (over the last 20 years), the composition of “three years or less (full suspension of execution)” has consistently been the highest for all offenses, whose tendency was remarkable for Negligent driving offenses causing death or injury.

(3) Correction

The total of newly sentenced inmate population to penal institutions for traffic offenses (over the last 20 years) has been a declining trend since 2011, and the number of violations of the Road Traffic Act was the largest consistently. The number of times of imprisonment for traffic offenses in 2024 showed that the most of inmates were once, while a certain number of inmates had imprisoned ten or more times for Negligent driving offenses causing death or injury and violations of the Road Traffic Act.

Looking at the composition of suspension of execution history among inmates imprisoned for the first time, approximately 80% of those who were imprisoned for Dangerous driving causing death or injury had no prior suspension of execution. Meanwhile, approximately 50% of those who were imprisoned for Negligent driving offenses causing death or injury and approximately 90% of those who were imprisoned for violations of the Road Traffic Act had a history of suspension of execution. In addition, over 40% among reimprisoned inmates for violations of the Road Traffic Act had prior sentences for traffic offenses.

(4) Rehabilitation

Looking at the number of probationers/parolees newly placed under probation/parole supervision for traffic offenses (over the past 20 years), for all offenses, the number of parolees has been on a decreasing trend, and the number of probationers granted suspension of execution has been also decreasing trend in most cases.

The proportion of traffic offences was in the 10% range of hearing numbers under the system of hearing of victims' opinions and the system of hearing and communication of victims' sentiments in 2024.

(5) Victims

In the composition of traffic accidents fatalities by party in 2024, both the proportion of first parties (persons with most negligent) and second parties (persons with less negligent) or less was around 50%. For serious injuries, second parties or less accounted for approximately 80%.

The average death benefit in car insurance (bodily injury liability insurance) has been on an increasing trend since fiscal year 2012.

2. Questionnaire Survey (Chapter 4)

The Institute carried out a questionnaire survey by examining participants as follows: Inmates in the 58 penal institutions (as of fiscal year 2024) designated to implement traffic safety guidance that is one of the special guidance for reform, whose offenses related imprisonment includes either

Dangerous driving causing death or injury, Negligent driving offenses causing death or injury, or violations of the Road Traffic Act. Also, the day on which term of imprisonment calculated was that from February 1, 2022 to August 31, 2024 about Dangerous driving causing death or injury, from May 1, 2023 to August 31, 2024 about Negligent driving offenses causing death or injury, and from January 1, 2024 to August 31, 2024 about violations of the Road Traffic Act.

The survey contents were as follows: Living conditions and driving circumstances at the time of the traffic offense, Situation of the traffic offense, Experience of traffic violations, Awareness regarding traffic safety, Awareness regarding traffic accidents and traffic laws and regulations, Response to victims, Idea regarding driving in the future, etc. The Institute compared and analyzed the following points.

(1) Type of offense and Age group

Comparisons were conducted based on three groups by type of offense, and by age group according to items. The three groups are classified for offense related to this imprisonment as follows: Dangerous driving group consists of those whose offense includes Dangerous driving causing death or injury, Negligent driving group consists of those whose offense includes Negligent driving offenses causing death or injury (excluding Dangerous driving group), and Road traffic act group consists of those whose offense includes violations of the Road Traffic Act (excluding Dangerous driving group and Negligent driving group).

a. Type of offense

(a) Characteristics

Compared to other groups, the dangerous driving group had a higher proportion of the young age group under 30 years old, those who were imprisoned for the first time, and those without type of offense for any non-traffic offense related to this imprisonment. Meanwhile, over 60% had the term of imprisonment over three years, many had relatively long term of imprisonment. However, it should be noted that when comparing the term of imprisonment by type of offense there are differences in the statutory penalty for the target offenses in each group. Additionally, compared to other groups, regarding the causes of the traffic offenses related to this imprisonment, many stated drunk driving, excessive speed, ignoring signals or stop signs, and failing to decelerate or reduce speed, etc.

Compared to other groups, the negligent driving group had a higher proportion of those who had experienced both property damage or single-vehicle accidents and personal injury accidents. In addition, compared to other groups, regarding the causes of the traffic offenses related to this imprisonment, many stated insufficient safety checks, failing to decelerate or reduce speed, overlooking signals or stop signs, and unsuitable right or left turns, etc.

Compared to other groups, the Road Traffic Act group had a higher proportion of the elderly age group 65 or older and those who had been imprisoned two or more times. Furthermore, those who

had a history of clearance of traffic violations exceeded 90%, those who had experience of driving without a license also approximately 90% that is a notably high proportion, and those who had a history of suspension or revocation of driver's license exceeded 80% that is many. In addition, regarding the traffic offenses related to this imprisonment, many felt their own sentencing was severe, compared to other groups.

Looking at the status of holding a driver's license at the time of the traffic offenses related to this imprisonment, approximately 20% of the dangerous driving group, approximately 40% of the negligent driving group, and approximately 80% of the Road Traffic Act group did not hold it.

Comparing idea regarding driving in the future by type of offense, "I do not intend to drive in the future" for the dangerous driving group, "I may drive if necessary" for the negligent driving group, and "I intend to continue driving" for the Road Traffic Act group were a higher proportion, compared to the other groups.

(b) Response to victims

Compared to the negligent driving group, the dangerous driving group had a higher number of victims for the traffic offenses related to this imprisonment, in addition the severity of the victimization was greater, and the case of victims who had aftereffects was approximately 30% that is many.

Looking at insurance coverage and compensation payment status, compared to the negligent driving group, the dangerous driving group had a higher proportion of those with voluntary insurance of unlimited bodily injury liability, and also had a higher proportion of those who paid full compensation. Examining by insurance coverage status, there was a tendency for full compensation to be paid in cases with voluntary insurance or workplace insurance.

Regarding status of contact with victims, among both the dangerous driving group and the negligent driving group, only about 10 to 20% had met victims directly to apologize until the sentence, around 40% apologized via letter or other means without meeting in person, and just under 40% took no action.

b. Age group

Compared to other age groups, under 40 group had a higher proportion of those who drive almost daily and drive for commuting, school, or leisure activities, and aged 65 and over group had a higher proportion of those who drive about once a month and drive for shopping purposes.

Compared to other age groups, awareness of traffic safety was lower among those under 40, and those under 40 and those aged 40 to 64 tended to disregard traffic accidents or traffic laws and regulations, and had a tendency for serious problems of perception regarding driving skills, than those aged 65 and over.

Furthermore, looking at the status of holding a driver's license at the time of the traffic offenses related to this imprisonment, the proportion of those without the license increased with age, and over 70% did not hold the license among those aged 65 and older.

(2) Experience driving under the influence of alcohol or drug

Comparisons were conducted based on four groups by the presence or absence of experience driving under the influence of alcohol or drug use: Group with alcohol, Group with drug, Group with alcohol and drug, and Group without alcohol and drug.

Compared to other groups, the group with alcohol and drug had a higher proportion of those who had experienced both property damage or single-vehicle accidents and personal injury accidents, multiple traffic violations and dangerous driving, malicious and dangerous driving, so-called Aori-Unten (tailgating). In addition, compared to other groups, the group with alcohol and drug had a higher proportion of those who intended to continue driving for daily activities such as commuting to work or school and shopping.

(3) Experience with tailgating

Comparisons were conducted based on two groups by the presence or absence of experience with tailgating: Group with tailgating experience and Group without tailgating experience.

The group with tailgating experience had a higher proportion of those with six or more times history of clearance of traffic violations, those with experience of both property damage or single-vehicle accidents and personal injury accidents, and those with four or more times experience of traffic violations and dangerous driving, compared to the group without tailgating experience.

Additionally, the group with tailgating experience had problems, such as lower awareness of traffic safety, disregard of traffic accidents and traffic laws and regulations, higher self-assessment of their driving skills, stronger desire to show off to others, compared to the group without tailgating experience.

(4) Number of times of imprisonment and Presence or absence of non-traffic offense

Comparisons were conducted based on four groups by the presence or absence of imprisonment history and non-traffic offense related to this imprisonment. The four groups are classified as follows: First imprisonment and traffic group consists of those who are imprisoned for the first time and without offenses of non-traffic, First imprisonment and non-traffic group consists of those who are imprisoned for the first time and with offenses of non-traffic offenses, Reimprisonment and traffic group consists of those who are imprisoned two times or more and without offenses of non-traffic offenses, and Reimprisonment and non-traffic group consists of those who are imprisoned two times or more and with offenses of non-traffic offenses.

Looking at the severity of the victimization of traffic offense related to this imprisonment, compared to other groups, the first imprisonment and traffic group had many cases that victims died or the severity of the victimization was greater, also victims had aftereffects.

Examining insurance coverage and compensation payment status, compared to other groups, the first imprisonment and traffic group had a higher proportion of those with voluntary insurance of unlimited bodily injury liability, and many are also expected to be able to pay full compensation in the future. Also, many in this group met directly with victims to apologize and performed acts of atonement, such as reciting sutras on monthly death anniversary after the sentence. Compared to other groups, the first imprisonment and non-traffic group had a higher proportion of those without either voluntary insurance or mandatory car liability insurance, and many did not perform special acts of atonement for victims after the sentence. Compared to other groups, the reimprisonment and non-traffic group had a higher proportion of those with only mandatory car liability insurance and those whose insurance status was unknown.

Regarding the reasons for not meeting victims directly to apologize, compared to other groups, the first imprisonment and traffic group had a higher proportion of those who stated being refused meeting directly by the victims or their bereaved family. Compared to other groups, many in the reimprisonment and non-traffic group stated the reason for being physical restraint or leaving the response to their lawyer.

(5) Prior offenses and Classification by offense, and Attempt at analysis

Focusing on the presence or absence of non-traffic offense related to this imprisonment, the Institute classified subjects into five categories based on the offenses related to their history of criminal dispositions and the offenses related to this imprisonment, attempted to analyze their experience with tailgating and their traffic safety awareness. The five groups are classified as follows: Traffic offense type, Heinous and violent offense type, Drug offense type, Property offense type, and Other type.

3. Research on Current Measures (Chapter 5)

A field survey was conducted targeting penal institutions, probation offices, and private organizations that support victims about the implementation status of treatment for traffic offenders, the implementation status of responses to victims, and the actual situation of victims support provided by private groups, then the results of this survey were introduced.

4. Conclusion (Chapter 6)

(1) Toward further enrichment of treatment and assistance

The results of the questionnaire survey indicate that implementing further efforts to eradicate driving without a license is urgently necessary, especially focusing on countermeasures targeting driving without a license by the elderly. In addition, it also suggests that implementing effective countermeasures to eradicate driving under the influence of alcohol or drug use remains future issues.

(2) Characteristics of traffic inmates and Key points for their treatment and assistance

(a) Dangerous driving group

It is indicated that the dangerous driving group generally has lower traffic safety awareness compared to the Road Traffic Act group, also regarding the causes of traffic offenses related to this imprisonment, there are characteristics of committing dangerous and malicious driving behaviors, such as drunk driving, excessive speed, ignoring signals or stop signs, compared to other groups. Therefore, it is important to make them recognize that they possess mind that easily leads to dangerous driving. Furthermore, it is necessary to implement education from victims' point of view, one of the special guidance for reform, and to make them understand deeply about the gravity of responsibility for their own criminal acts.

(b) Negligent driving group

Regarding causes of traffic offenses related to this imprisonment, compared to other groups, the negligent driving group had a higher population of insufficient safety checks, failing to decelerate or reduce speed, overlooking signals or stop signs, and unsuitable right or left turns, etc., which showed that the characteristics of careless driving without complying to traffic laws and regulations. Therefore, it is necessary to thoroughly explain the purpose and content of traffic laws and regulations to them and make them understand the danger of their own driving and driving conditions.

Furthermore, among the negligent driving group, there are many cases where the traffic offenses related to this imprisonment occurred while driving vehicles owned by their workplace for business purposes, compared to other groups. Therefore, it is necessary to provide traffic safety education that includes life planning after release, focusing on the necessity of future driving. In that case, it is important to draw out the inmates' independent while giving full consideration to the victims' sentiments.

(c) Road Traffic Act group

The Road Traffic Act group consists mostly of those with experience of driving without a license, this indicates a characteristic that many disregard traffic laws and regulations markedly.

Also, regarding the traffic offenses related to this imprisonment, compared to other groups, many perceived their own sentencing as severe, and failed to fully recognize the gravity of their criminal acts or their responsibility. Thus, for those whose sense of norms has become dulled and who do not fully understand the gravity of their criminal liability, it is important to make them consider the reasons for inability to comply with traffic laws and regulations, understand their own behavioral patterns and thought habits, as well as the purpose and necessity of traffic laws and regulations.

(d) Elderly

Among the elderly aged 65 and over, while more than 70% did not hold a driver's license at the time of the traffic offenses related to this imprisonment, approximately 70% answered not feeling little or no anxiety about continuing to drive safely until committing the traffic offenses, which highlights a notable lack of recognition regarding the danger of their own driving, and suggests that a discrepancy

between their self-assessment and the objective situation occurs. This suggests that driving without being aware of changes in own physical abilities also contributes to traffic offenses committed by the elderly. Therefore, for the elderly, it is useful to make them objectively recognize the danger of their own driving and understand the risks of continuing to drive in the future.

(3) Future issues toward traffic offenses prevention

(a) Toward preventing recidivism among traffic offenders

Future issues toward preventing recidivism among traffic offenders are as follows: [1] It is expected to prevail widespread recognition of illegality throughout society by strict crackdown against driving without a license. In addition, it is useful for those with experience of driving without a license to make them reflect on the backgrounds and reasons leading to driving without a license, and to encourage to create an environment that prevents them from repeating such driving. [2] For those with the experience of driving under the influence of alcohol or drug, it is useful to implement guidance aimed at cultivating awareness of norms, as well as guidance to reform tendencies toward alcohol and drug dependence, and guidance to grow traffic safety awareness. However, depending on the term of imprisonment or probation period, it may be difficult to make sufficient time to implement these guidance, so ongoing support after release must also be considered as future issues. [3] It is desirable to implement proactive treatment and assistance aimed at preventing recidivism, for those with the experience of tailgating as those with high risk of reoffending traffic offenses. However, it is difficult to select all people with such experience, and this remains future issues. Furthermore, it is necessary for society to demonstrate a stance of not tolerating tailgating, by actively cracking down on such driving.

(b) Toward further enrichment of response for victims of traffic offenses

The results of the questionnaire survey suggest that those who are reimprisoned and with non-traffic offenses related to this imprisonment appear to show insufficient response and consideration for victims, so it is necessary to focus on implementing education to make them understand the victims' sentiments.

Also, it is important to actively implement guidance to practice concrete responses for those who show insufficient response and consideration for victims.

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