

Young People and Infringement Fines: A Qualitative Study

Prepared for the Ministry of Justice by

Litmus Limited

October 2005



DISCLAIMER

This research was commissioned by the Ministry of Justice. The report has been prepared by the research company and the views expressed in it are those of the research company and do not necessarily represent the views of the Ministry of Justice.

First published in October 2005 by the
Ministry of Justice
PO Box 180
Wellington
New Zealand

ISBN 0-478-29006-3

Foreword

The Ministry of Justice commissioned this study as part of the current review of the infringement fines system. It did so in order that the review should be better informed as to how infringement fines are viewed by those people who are “experts” in accumulating them.

Each year, New Zealanders receive about 2.7 million infringement offence notices. The majority of people pay the relevant fee to the prosecuting authority within the time allowed. A few request a court hearing to contest the notice or seek a reduction in penalty. A somewhat larger number however, just do not pay. About 37% of infringements by volume, or 54% by value, are then passed to the courts for enforcement action.

41% of the value of those unpaid infringement fees is owed by people under 25 and about 60% relates to just two categories of offending: vehicles that do not comply with registration or warrant of fitness requirements; and drivers who are unlicensed or do not comply with the conditions of learner’s or restricted driver’s licences.

This study does not purport to be a representative sample of fines defaulters. Its purpose was to get a qualitative picture of the interaction between the infringement system and a small group of young people who owe significant amounts of infringement fines. It is interesting to note however that the issues raised in the study closely reflect the statistics noted above.

The picture vividly drawn in this report confirms that serious fines default is associated with a fairly clearly defined set of factors: being a young man with relatively low levels of education and income; having a passion for motor vehicles but little aptitude for complying with the laws on vehicle ownership or driver licensing; and having a limited ability to engage with the processes that result in infringement fines being imposed and enforced.

This last factor is the one that most strongly emerges from the report as a distinctive characteristic of these 20 young fines defaulters. Their default is partly a matter of inability to pay, but more fundamentally a matter of inability to deal with regulatory systems. For example, although these young persons often complain of having received infringements that they consider unfair, or which amount in total to an unfair penalty, none reported having taken steps to dispute them. And although many infringements arise from failure to comply with the conditions of a learner’s or restricted driving licence they tend to discount their chances of progressing to a full licence, seeing the process as expensive and likely to lead to humiliating failure.

Having decided that there is nothing they can do to resolve the problem these young people simply continue to drive and each additional infringement is just “added to the bill”. As the bill gets larger it becomes a more and more remote possibility in the offender’s eyes that they will ever be able to pay it and infringement fines lose any deterrent effect they may have had.

The value of this report is that it highlights the way in which these young people relate, or fail to relate, to certain regulatory systems and the lack of incentives provided for them to change their behaviour. The reader soon appreciates that although they may appear at first to be simply lost in the regulatory maze, from their point of view they are in fact responding quite rationally to the incentives they face.

The challenge for the system is to change those incentives in ways that both facilitate compliance with the law and provide a clear message that non-compliance has serious consequences. The study shows that at present this message does eventually get across, but only after people have been through a lengthy and expensive process, both for themselves and for the justice system.

Readers will note that the report contains a number of quotes from study participants who are critical of the law and of Police enforcement practices. The Ministry of Justice does not endorse these or any other comments, but the report would be incomplete if it did not reflect this aspect of the participants' views.

Finally, I commend the authors of the report for the way in which their research has taken us into the world that young infringement defaulters inhabit, and for the clear and reader-friendly way in which they have presented their findings. They have provided a very valuable and timely contribution to the development of policy in this area.

Belinda Clark
Secretary for Justice

Contents

Foreword	3
Executive Summary	7
1 Introduction	13
1.1 Review of the ‘Infringement System’	13
1.2 Qualitative study of young infringers and their families	13
1.3 Notes to this report	17
2 Stepping into their world	19
2.1 Attributes	19
2.2 Three life stages	21
2.3 Affinity with cars	22
2.4 Learning to drive and the Graduated Drivers Licensing System	23
3 Infringing behaviour	27
3.1 Types of infringing	27
3.2 Value of fees	28
3.3 Phases of infringing	29
3.4 Targeting youth	29
3.5 Police interaction	31
3.6 Individual infringement fee level	31
4 Attitudes and responses	33
4.1 Overall response to the ‘Infringement System’	33
4.2 Phases in attitudes and responses	33
5 Actions and strategies	35
5.1 Overview	35
5.2 Repayments	35
5.3 Passive players	35
5.4 Collections Unit	36
5.5 Parental involvement	37
5.6 Periodic Detention and other enforcement activity	37
6 Impacts	39
6.1 Financial impact	39
6.2 Emotional impact	39
6.3 Other impacts	40
7 Potential options for reform	43
7.1 Selected options	43
7.2 Responses to options	43
8 Conclusions	47
8.1 Summary	47
8.2 The way forward – a tiered approach	49
Appendices	51

Executive Summary

Introduction

The Minister for Courts, the Honourable Rick Barker announced a review of the 'Infringement System' in March 2004. The review is being led by the Ministry of Justice in conjunction with the Law Commission. Proposals will be developed by the Ministry of Justice on ways to achieve a simpler, streamlined and more effective 'Infringement System'.

A key issue for the review is the ability for individuals (particularly young people under the age of 25) to accumulate significant amounts of unpaid infringement fines, which have little prospect of being paid.

Litmus was commissioned by the Ministry of Justice to undertake qualitative research with twenty young infringers and ten family members to understand their perceptions and experiences of the 'Infringement System', which would contribute to how this issue is best addressed.

Note: This is a qualitative study which includes a thematic analysis of the interviewed young infringers' and their families' perceptions of the 'Infringement System' and suggestions for improvement. It is not possible to generalise these findings to the population of young infringers and their families as a whole.

Stepping into their world

Young infringers in our sample are mainly male and have a number of attributes in common, including family background, academic achievement, employment history, living situation, social activity and interests, financial situation and so on. These attributes may differentiate them from infringers in other age categories and young non-infringers in general.

While they have a number of attributes in common, it is apparent when examining the data that they span three key life stages (mid teens, mid to late teens and early to mid twenties). These life stages have an influence on the nature and extent of their infringement fines, the circumstances in which they receive them, their attitudes and responses to the fines, the actions they take in paying them, and the impact fines have on their day to day lives and long term futures.

All interviewed young infringers have an emotional attachment to their cars (some even confess to having a 'love affair'). They learn to drive at approximately fourteen or fifteen (often considerably earlier) and buy or are given their first car soon after this time. Most have had several cars in their driving career, all at varying levels of performance and road-worthiness. All receive their learner licence in their mid teens, and some are still on their learner's two or three years later.

Infringing behaviour

Overall, most young infringers and their families interviewed are aware of the types of infringement fees, the value of them, and the circumstances for receiving them. However, fines tend to blur when young infringers receive a significant number over time. Generally, participants do not distinguish between 'fees' and 'fines' and use the same term to refer to both the fees issued by the prosecuting authority and the subsequent fines issued by the Court.

Most fees and their subsequent fines are licence-related (e.g. driving unaccompanied, carrying passengers), vehicle-related (e.g. lack of Warrant of Fitness or Registration), and to a lesser extent driving-related (e.g. speeding, failing to stop).

While participants take some responsibility for their fines, there is a common perception that young people are being unfairly targeted by the Police. They discuss being stopped for 'routine checks', the Police going over their vehicles with 'fine tooth combs', and perceive that they are being fined for behaviour that older or wealthier citizens wouldn't be fined for (e.g. not carrying a jack).

Others also feel that the way they respond to the Police when stopped has a significant impact on the level of infringement fines they receive (e.g. if they are 'cheeky' they will receive more fines and if they apologise they will receive fewer).

Young infringers interviewed may accumulate a large number of unpaid infringement fines (between \$3,000 and \$20,000) in a relatively short space of time. They discuss receiving heavy fines for what they consider 'minor' infringements, a significant number of fines in a single incident, and being stopped and fined several times within a relatively short period of time.

They tend to accumulate most fines in their mid to late teens, and fewer fines in their twenties when they 'slow down', have interests other than cars, hang out with a more mature crowd, and may have added responsibilities (e.g. caring for children).

Attitudes and responses

Overall, participants do not consider the 'Infringement System' a deterrent as the likelihood of receiving future fines does not curb infringing. They consider it more of a 'revenue gathering' exercise by the Government. This is in stark contrast to demerit points and the possibility of losing their licence, which are considered a distinct deterrent.

To a large extent attitudes and responses to infringement fines depend on the young person's life experiences and level of maturity. When young infringers receive their first few fees, there is often a feeling of fear, coupled with despondency and remorse.

Once a pattern of regular infringing occurs infringers become less concerned about their infringing behaviour and their consequential fines, with individuals often adopting a 'head in the sand' approach. This phase is generally accompanied by a lack of trust and respect for authority.

Interviewed young infringers who are in their twenties and who receive fewer fees than they did in their younger years tend to be more regretful about their past behaviour and their legacy of fines. Often they are very despondent about their current situation and their long term futures, and cannot see a way of clearing their debt.

Actions and strategies

Actions and strategies adopted by young people to deal with infringement fines largely depend on their attitudes and responses to fines. Generally fines are dealt with at the 'whole of fines level', rather than at the 'individual fine level'. Young people are less likely to take action on their fines if the total value exceeds \$2,000, as they consider they have little or no ability to pay this amount back. The prospect of getting fees in future is a barrier to repayment for some.

The ability for young people to pay their infringement fees in full within 28 days, as requested on the infringement notice, is considered unrealistic, and therefore most wait until fees became Court fines before paying. The Court filing cost of \$30 plus \$100 for each enforcement action taken is considered unfair.

Most of those we interviewed are paying the minimum towards the cost of their fines: \$30 to \$50 per week. Only a few have taken active steps, or are considering future steps to clear their fines. Some have undertaken Periodic Detention¹ (usually in conjunction with a sentence for an unrelated offence). This is seen as a positive option for debt reduction.

Some parents take an active role in the management of the young person's fines, by supporting their children, dealing with the Collections Unit, advocating for their children, and paying, or contributing to their children's fines (particularly in the early phase of infringing).

Impacts

Infringement fines have a number of impacts or consequences for our sample of young infringers:

- *Financial* – particularly low income earners, those with dependents, and those who have debts to other agencies. Fines also impact on older infringers' borrowing power and savings ability.
- *Emotional* – the stress involved in dealing with the authorities, keeping track of mountains of correspondence, appearing in Court (first timers), etc.
- *Vocational* – fines are a particular disincentive for low skilled young people entering or returning to employment.
- *Societal* – the negative values society places on young people with multiple infringement fines.

¹ The Sentencing Act 2002 abolished the sentences of Community Service and Periodic Detention and created the sentence of Community Work.

Furthermore, infringement fines have an impact on young people's families. Parents often financially contribute to their children's fines, or support them emotionally. Fines add additional stress to family dynamics, at a stage when parents often have already strained relationships with their children.

Options for reform

The Ministry of Justice has developed options for reform to be included in the review of the 'Infringement System'. Participants were asked to consider and make comment on four of these options:

- 1 Rectification at time of imposition.²
- 2 Facilitating payment - shorter timeframes, more payment options.
- 3 Early identification of repeat defendants.
- 4 Restricting access to services for defendants who do not pay.

While options 1 and 2 are considered a positive improvement, particularly for those new to infringing, most young infringers with high debt say they would not take up these options if they were available to them, due to their 'head in the sand' approach to the management of their fees. Option 3 is viewed positively, particularly by parents, who believe the Collections Unit has a responsibility to identify individuals who accumulate significant amounts of unpaid fines, and provide easier access to alternative channels to pay fines (e.g. Community Work). Option 4 is considered the least favourable option, particularly as young infringers in our sample have high levels of debt which have little prospect of being paid in full. Participants believe that if an individual is making payments (even if it is the minimum) then they should not be penalised under this option.

Conclusions

Overall, the twenty young infringers and ten family members interviewed for this research have very consistent perceptions of the 'Infringement System', in relation to what is not working and how the 'system' could be improved in future. Participants:

- Consider the offences that led to young infringers receiving infringement notices are largely petty (e.g. licence-related fees), and their value far outweighs the seriousness of the offences.
- Consider young drivers are unfairly targeted by the Police. The attitude of the Police to the young infringer was thought to have a significant impact on the likelihood of them receiving fines, and the number of infringement notices issued.
- Consider the request for young infringers to pay fees within 28 days is unrealistic, given the number and size of the fines or infringement notices being issued, and their relatively low earning capacity.

² Under this option, an infringement notice would not be issued or would be waived if the person 'fixed' the problem that led to the offence being committed in an agreed time.

- Give fines low priority. Most young infringers drip feed and/or pay the minimum. There are few alternative options available to reduce or clear these fines (e.g. Community Work).
- Consider the 'Infringement System' is not a deterrent to future infringing, as many young infringers continue their infringing behaviour, regardless of the fines (until they have reached a level of maturity).
- Believe the resulting fines have a significant impact on both young infringers and their families.

Families in particular consider that the Government has a responsibility to improve the 'Infringement System' to ensure that young people do not receive high levels of infringement debt, which they have little or no prospect of being able to pay.

As discussed, young infringers aged 17 to 24 span a number of different life stages that have a profound influence on the nature and extent of their infringement fines and their responses to them. For this reason, a single approach to the future of the 'Infringement System' is not the most effective way to address the fact that young people in particular accumulate significant amounts of unpaid infringement fines that have little prospect of being paid in full. A tiered approach is instead needed to respond to these different phases of infringing.

- *Early intervention for those new to infringing.* Policies and communications that recognise their financial position, as well as their lack of knowledge of the 'system', confidence dealing with Government agencies, and general life skills. Such solutions would also need to acknowledge the role of the wider family in managing the fines.
- *Debt minimisation for people who have moved into a heavy phase of infringing.* The objective for this group is to manage the level of fines given, while still sending a strong message to young people that their infringing behaviour is unacceptable. For example, lowering fine levels, setting maximum limits for fines, ensuring easier access to Community Work.
- *Debt reduction targeting people who have received few fines in recent years.* Such solutions would recognise and reward young peoples' lack of recent infringing behaviour, their desire to clear their fines, and their wider family and financial circumstances (e.g. caring for dependents, paying off a student loan). Examples could include, the Government matching the young person's financial contribution to paying the fines, or 'clean slate' policies.

1 Introduction

1.1 Review of the 'Infringement System'

An infringement fee is issued by a prosecuting authority. The infringement notice requests payment within 28 days. If the fee is not paid to the prosecuting authority within 56 days, the prosecuting authority may file the overdue reminder notice with the Court for enforcement. On the day the notice is filed, a fine is automatically deemed to have been ordered by the Court for the amount of the unpaid infringement fee plus the prescribed Court costs of \$30. At this time the infringement fee becomes an infringement fine.

A review of the 'Infringement System' was announced by the Minister for Courts, the Honourable Rick Barker, in March 2004. The review is being led by the Ministry of Justice in conjunction with the Law Commission. It is proceeding from first principles and encompasses all aspects of the 'Infringement System' from governance through to the enforcement and resolution of penalties by individual regimes. Proposals will be developed by the Ministry of Justice on ways to achieve a simpler, streamlined and more effective 'Infringement System'.

A key issue to be addressed by the review is the ability for individuals to accumulate significant amounts of unpaid infringement fines, which have little prospect of being paid. This causes difficulties for individuals and brings the 'Infringement System' into disrepute. Although this issue affects a wide range of individuals, it has a significant impact on people under the age of 25³. For this reason the review seeks to explore the impact of the System on young people to determine how this issue is best addressed.

As part of the review, the Ministry of Justice commissioned Litmus to undertake a qualitative study of young people who have multiple infringement fines, and their families.

1.2 Qualitative study of young infringers and their families

Objectives

The objectives of the study were to understand:

- The circumstances that lead young people to have multiple infringement fines.
- The nature of their fines (type and amount, etc).
- Their attitudes and responses to their fines.

³ 41% of fines (including all fees and other expenses) are owed by defendants in the 15 to 24 age group.

- The actions and strategies they adopt in managing their fines.
- The impact fines have on their lives both in the short and long term.
- Future improvements to the 'system'.

A list of specific research questions is appended.

Approach

To meet the objectives of the study, Litmus undertook in-depth interviews with young people who have multiple infringement fines. Family members were also interviewed. In-depth interviews were selected over other methodologies (such as focus groups), as the primary focus of the study was to gain individual and detailed feedback of participants' perceptions and experiences of the 'Infringement System'.

Contact list

The Ministry of Justice provided Litmus with a list of 300 infringers:

- Aged between 17 and 24 years;
- Who owed at least \$3,000 in infringement fines;
- Who had residential addresses within Auckland, Wellington, Christchurch or the Bay of Plenty (this was determined via which District Court the infringer was domiciled/assigned to);
- Who had multiple infringement fines with the Collections Unit (i.e. at least 10 infringements);
- Who had at least one recent infringement (imposition date on or after 1 January 2004).

The list also included gender, date of birth, data on infringement fines⁴, and selective contact information⁵.

Introductory letter

Litmus sent an introductory letter (appended) to young infringers, outlining the research purpose and process and explaining that they may be contacted and invited to take part in the study. The letter also supplied Ministry of Justice and Litmus contact names and phone numbers if candidates required further information, or did not wish to be contacted to take part. Seven young infringers took this opportunity to contact the Ministry or Litmus to find out more information and to volunteer for the study.

⁴ Details included total amount owing, paid, remaining; dates of first, last, average offences, number of total infringements, Court imposed and non-Court imposed fines, etc.

⁵ The Collections Unit does not have a complete record of telephone numbers as many young infringers move address, have disconnected numbers, or do not give full and accurate contact details.

Participation

Litmus telephoned young infringers to invite them to participate in the research. (Those who volunteered were given first option to participate.)

All but one young infringer contacted agreed to participate in the study. While the motivation for taking part in the study for many was the \$50⁶, for others in the older age bracket (over 20 years) it was having an opportunity to tell their story to an independent listener and because the information could contribute to future changes to the 'system'.

After establishing rapport with the young infringer either at the recruitment phase or after the interview, we asked if we could interview a parent, partner or other family member to understand their perceptions of the 'Infringement System'. Permission was generally granted if the young infringer had involved a family member in the management of their fines. Older infringers were less likely to be living with their parents and/or to involve family in fines management. In a few cases where permission was granted by the young infringer, the family member was unavailable or did not wish to participate.

Interview process

Semi-structured discussion guides (appended) were developed in consultation with the Ministry of Justice and used to facilitate the interview process.

Interviews were conducted at venues preferred by participants. In most cases interviews were conducted in participants' own homes, and in one case the interview was conducted at Litmus's offices. Four interviews with young infringers and four interviews with family members were conducted by telephone, due to logistical reasons⁷, or because participants preferred this method of engagement. Interviews were conducted at a time convenient to participants and lasted about one hour.

In face-to-face interviews participants were asked to read and sign a Consent Form (appended), and the interview was taped with participants' permission. Verbal consent to be interviewed was gained before proceeding with telephone interviews.

⁶ To recognise young infringers' time and contribution and to assist with any out of pocket expenses (e.g. child care arrangements, travel).

⁷ Two people could not participate at the time the researcher was scheduled to visit their region.

Sample achieved

Twenty young infringers were interviewed as follows:

Gender⁸	Age	Ethnicity	Size of debt	Location⁹
Male (n=16)	17-20 years (n=10)	Pākehā (n=12)	\$3,000-\$5,999 (n=8)	Wellington (n=5)
Female (n=4)	21-24 years (n=10)	Māori (n=5)	\$6,000-\$11,999 (n=8)	Auckland (n=5)
		Pacific (n=3)	\$12,000 and over (n=4)	Christchurch (n=5)
				Bay of Plenty (n=5)

Ten interviews were conducted with young infringers' family members – eight mothers and two partners.

Project team and timing

Litmus formed a multi-ethnic research team to ensure effective participant buy-in and rapport building, and an holistic understanding and interpretation of the research findings. The team included Sally Duckworth and Barbara Young, Directors of Litmus, and independent Māori and Pacific researchers Johanna Wilson and Malia Patea-Taylor.

Interviews were conducted between 21 March and 30 June 2005.

Comments on methodology

- Thirteen of the introductory letters sent by Litmus to young infringers were returned to sender (This was a particular issue in rural delivery areas).
- A significant number of contacts on the list did not have phone numbers, and were not listed in the White Pages.
- Many telephone numbers were disconnected, or the young infringers no longer lived at the addresses.
- Recruiting Pacific Peoples was a particular issue. Many did not have a telephone number listed, or if they did, their number was disconnected.
- Contacting young infringers by cell phone resulted in the highest participation rate.
- The list did not contain an ethnicity flag, making it difficult to determine ethnicity prior to phoning.
- While many parents answered the phone at the original contact and may have been willing to participate if they had been asked, for confidentiality reasons we could not approach them without first gaining their son or daughter's consent.

⁸ Young infringers are predominantly male and the contact list and sample structure reflected this.

⁹ The three main centres were selected due to the high number of young infringers in these locations. The Bay of Plenty was also included to obtain feedback from provincial and rural young infringers.

1.3 Notes to this report

Use of data

This report represents a summary of the findings from the twenty interviews with young infringers and the ten interviews with young peoples' family members.

It is a qualitative report and represents a thematic analysis of participants' perceptions and experiences of the 'Infringement System'. The information in this report highlights current issues with the 'system' from the perspectives of young infringers and their families, as well as exploring general reaction to a range of proposed options by the Ministry for improving the 'system', along with additional suggestions.

Limitations

It should be noted that the interviewed young infringers had multiple fines totalling in excess of \$3,000. Although participants could recall their experiences of the 'system' when they were initially engaged in it, our sample did not include those new to the 'Infringement System', with fewer fines and lower corresponding debt.

Given that this is a qualitative study, it is not possible to draw conclusions for particular sub-groups of the population, e.g. comparing men with women, Māori with Pākehā, etc. Nor can the findings be extrapolated to the population of young infringers and their families as a whole.

Terminology

The following terms are used throughout this report:

- 'Young infringers' refers to the twenty young people interviewed.
- 'Family members' refers to the ten family members interviewed (eight mothers and two partners of young infringers). In a few cases the relationship of the family member is specifically referred to e.g. 'mothers'.
- 'Participants' refers to young infringers and family members.
- 'Infringement System' or 'system' refers to the young infringers' total experience - i.e. fees, resulting fines, the enforcement process, dealings with the Collections Unit, etc.

Report structure

This report is structured into seven sections:

- Stepping into their world – life stages and common attributes of young infringers, learning to drive, and their affinity with cars.
- Infringing behaviour – an analysis of the nature and extent of young infringers' fines and the circumstances that led to the fines.

- Attitudes and responses – young infringers and their family members’ perceptions of infringement fines.
- Actions and strategies – actions young infringers and their family members are taking (if any) to manage the fines, and their interactions with the Courts and the Collections Unit.
- Impacts – the effects infringement fines have on young infringers and their family members in the short and long term.
- Options for reform – feedback on four options for reform proposed by the Ministry of Justice.
- Conclusions – key findings from the research and suggestions for the way forward.

2 Stepping into their world

2.1 Attributes

Young infringers in our sample are mainly male and have a number of attributes in common. These attributes may differentiate them from infringers in other age categories and young non-infringers in general.

Family background

Young infringers in our sample mainly come from 'lower income' or 'lower middle income' backgrounds. Most of their parents had left school early with few or no qualifications (only one had gained a university degree). Many had gone through apprenticeship schemes of the 1960s and 1970s and work in trade-related occupations, are shift or factory workers or receive a Domestic Purposes Benefit or Sickness Benefit. Generally the interviewed young infringers were brought up on moderate or tight budgets leaving little disposable incomes for extra curricular activities or holidays.

Education and training

Overall, young infringers in our sample are not high academic achievers. All but one left school at aged fourteen or fifteen years without completing their fifth form year. Some describe their school life as having been boring and that they found it difficult to get on with their teachers or senior staff. Others describe long periods of truancy (which resulted in three young infringers being expelled from school). A few also mention that they found the academic aspect of school a struggle and had been bullied by other pupils.

While some young infringers interviewed have completed Work and Income sponsored vocational courses, only three have gone on to further education and training and completed trade qualifications or a Polytechnic Diploma.

Employment history

Half of the young infringers in our sample are in employment and the remainder are receiving income support (Unemployment Benefit and Domestic Purposes Benefit). Of those working, four are in stable employment (mechanic, chef, courier, and in a marketing support role) with the remainder in low-skilled, casual employment (car groomer, scaffolder, painter, plasterer, waiter, and factory worker) interspersed with periods of unemployment. Some of this casual work is paid 'under the table'.

Living situation

Most young infringers in our sample either live with their parents or extended family/whānau, or live with their partners and/or dependents. To minimise expenses a few are also living with their partner, dependents and their parent(s) in their parent(s)' homes. Only one is living in an independent flatting situation.

Social activity and interests

Typical weekends for interviewed young infringers in their teens generally include 'hanging out' with friends, going to parties and bars, drinking, smoking cannabis and taking other recreational drugs. They also spend a considerable amount of time engaging in car-related activity (see section 2.3). While still having an affinity with cars, those in their twenties and/or with children tend to spend less time on car-related activity and more time with their partners and children. The young infringers in our sample do not tend to play sport or be involved in other outdoor recreational activities or hobbies.

Financial situation

Most young infringers in our sample do not have a large amount of disposable income each week once board or rent, petrol, phone cards, hire purchases, debt repayments and other bills have been taken care of. Sole parents in particular, describe the financial pressure of bringing up children on a benefit and generally struggle to make ends meet each week.

Spare cash is generally spent on entertainment, tobacco and alcohol, and in the case of young men on 'tinkering' or enhancing the look or performance of their vehicles. Those with dependents spend a large proportion of any disposable income on their children.

Compared to Debtors to Multiple State Agencies¹⁰, most young infringers in our sample have relatively minor debt besides their infringement fines, e.g. loans from family members, hire purchases, and Special Needs Grants to Work and Income New Zealand totalling up to \$2,000. A few have more sizeable debt in addition to their infringement fines, e.g. a loan for a vehicle or a student loan of around \$6,000–\$10,000.

Criminal and other antisocial activity

Just under half of our sample of young infringers has been in trouble with the law in their mid to late teens. Typical criminal activity includes possession of cannabis, drink driving, 'road rage', and minor theft offences. In later years most who have committed these offences in the past, either regret their error of judgement and/or are taking active steps to get their lives back in order by socialising with a more mature crowd, or spending more time at home with their partners and less time going out late partying.

Around half of the young infringers in our sample had lost their licence for three months or more at some stage in their driving career due to demerit points and also through drink driving. A few had lost their licence two or three times previously.

¹⁰ The Debtors to Multiple State Agencies Project is a multi agency project looking at the extent and impact of debt to multiple State agencies on debtors. It is being managed by the Ministry of Social Development.

Most had been involved in minor car crashes while driving. A few of these were significant, i.e. resulted in their vehicles being 'written off'. Some had crashes when they were driving on their own, while others had them when they were driving with their friends on learners and restricted licences.

Overall their relationship with the Police and other prosecuting authorities is strained during the offending years. This legacy lives on and some do not trust authority.

Goals and aspirations

The infringers we talked to who are under 20 years have few goals and aspirations other than to have fun, 'own the car of their dreams', and to earn lots of money. Infringers over 20 years discuss the possibility of 'settling down', partnering and having children, and a few also mention asset accumulation, e.g. buying a house or a boat, and debt repayment, e.g. paying off their student loan or vehicle hire purchase. Those with young children feel that their goals and aspirations are on hold as their focus is on caring and providing for their offspring. Only two are considering further education and training. While two mention going to Australia for a short vacation if money permits, none mention going on an extended O.E.

2.2 Three life stages

While young infringers interviewed have a number of attributes in common, it is apparent when examining the data that they span three key life stages (mid teens, mid to late teens and early to mid twenties). These life stages have an influence on the nature and extent of their infringement fines, the circumstances in which they receive them, their attitudes and responses to the fines, the actions they take in paying them, and the impact fines have on their day to day lives and long term futures. These three stages can be briefly summarised as follows:

- 1 *Mid teens* still rely heavily on their parents and wider whānau for guidance and support, both financially and emotionally. Most have little knowledge of Government systems or processes, and lack experience dealing with Government agencies.
- 2 *Mid to late teens* have more confidence dealing with Government agencies, but less sense of responsibility. They are likely to spend considerable time with their peers than ever before. Most 'know everything' or will take their peers' advice over their parents. Others may also have a strained relationship with their parents who don't approve of the path in life they have chosen or the direction they seem to be heading in. A distrust and disrespect for authority also pervades this stage. Some may be entering the workforce and experiencing financial freedom for the first time.
- 3 *Early to mid twenties* have greater maturity and sense of responsibility. They may be in a long term relationship, have a career plan, and starting to make plans for their futures. Others may have the added responsibility of providing for and caring for children. Most young infringers at this stage have a greater sense of remorse for previous poor decisions, and how these may be hindering their future.

2.3 Affinity with cars

Young infringers – males in particular – who we spoke to, have an affinity with their cars and with vehicles in general. This passion has started early in life, and often reflects the influence of parents, older brothers, male relations, etc. All regularly ‘go inside the engine’, participate in car-centred entertainment, e.g. watch car-related movies, and associate with drivers of cars similar to theirs who have similar interests. A few go to legal and illegally organised drag races on Friday and Saturday evenings. One also belongs to a registered car club. While females have less of an affinity with cars, all but one was bought up in a ‘car mad’ family, which ‘rubbed off’ on them as they were growing up. Females’ motivation for owning a car is primarily related to having their independence and getting from A to B, particularly at night. For those living in rural areas having a car is a social and vocational necessity.

All young infringers recall buying their first car early in their driving career, usually soon after getting their Learner Licence. Often these were bought without a lot of foresight and consideration in relation to roadworthiness and reliability, such was the desire to ‘get on the road’ at an affordable cost. Females were more likely to have had advice from an older male relative when buying their first car so it tended to be more reliable, and therefore more expensive.

“I like driving and am really into cars. [Why?] From watching movies, seeing awesome cars. It’s cheaper and safer than public transport, it’s easier to get to work...and some chicks are into cars.” (Young infringer)

“The car club has really strict criteria. Rego and warrant are compulsory and you gotta have at least five of the ten specs to qualify... interiors, rings, exteriors, motors...” (Young infringer)

“It was great getting my first car – picking it to bits and then fixing it.” (Young infringer)

“I was brought up under the bonnet of a car.” (Young infringer)

“Boys love their cars. It’s a boy thing – big cars big balls.” (Mother)

By the time the interviewed young infringers (males in particular) reach their mid-twenties they have owned a number of vehicles (and frequently owned more than one vehicle at the same time). Generally, they cannot precisely recall how many vehicles they have owned, the makes and models, how they purchased them, or what has happened to them.

“I’ve owned heaps of cars... about 15. I find them in the Trade and Exchange for about \$200. They are real cheap and don’t have a warrant or rego. I have taken two to ‘Pick a Part’ (wreckers), given one away, sold a few, left one on the side of the road and I can’t remember what happened to the rest.” (Young infringer)

“I have owned two ‘old school cars’ and six ‘run arounds’ - Telstras, Lazars, Mitzis... Cheap ‘run arounds’ don’t cost very much and if you have no money you can give the seller \$200 bucks plus the use of your sounds.” (Young infringer)

While the interviewed young infringers have generally owned a number of vehicles in their driving career, the type and cost of cars purchased varies over time:

- *Cheap, un-roadworthy cars.* Often these are the first cars young infringers buy. They are either purchased through the Trade and Exchange or swapped with a mate for less than \$1,000 (sometimes for a lot less). They are seldom warranted and registered, and don't last more than a year before they are sold on or swapped (if they still run), sold for scrap or left on the side of the road.
- *Higher specification cars.* These cars tend to be bought by infringers in their late teens - often from savings, or assistance from a parent or finance company (if the buyer is over 18). They tend to be sportier versions of their first cars, e.g. hatchbacks, or 'modified', e.g. lowered, or equipped with expensive sound systems. Young infringers spend a lot of money enhancing the look and performance of these vehicles.
- *Standard/family cars.* These cars are often bought by young infringers in their twenties who require a reliable car to get to and from work, or transport their dependents around in. They are relatively efficient to run and maintain, and most often warranted and to a lesser extent registered. They tend to be 1980s/early 1990s registered, Japanese, four door, two litre cars, and draw less attention from the Police.

"Couldn't wait to get my first car...It's a male ego thing...Didn't occur to me to get a car with a warrant or registration. Just saw one and wanted it." (Young infringer)

"I couldn't wait to get my first car and get on the road. Who cares whether it had a rego or warrant? The main thing is that it's cheap and goes." (Young infringer)

"I used to have a Prelude with a loud exhaust but it attracted too much attention...The one I have now is a standard car that blends in." (Young infringer)

2.4 Learning to drive and the Graduated Drivers Licensing System

All young infringers in the sample had learnt to drive at around fourteen or fifteen years of age, and a few considerably earlier.

"I used to back down the drive when I was nine." (Young infringer)

All had been taught to drive by a parent, older sibling or other family member, and only one had had professional driving lessons. Several were driving on the road before getting their learner licence.

All young infringers interviewed are reasonably knowledgeable about the 'Graduated Drivers Licensing System' (GDLS), i.e. the three main licence types, what is involved, and broad costs associated with each stage. However, young infringers are not supportive of the GDLS and feel that it unfairly discriminates against young people. They believe it should be the same or similar to the 'licence system' in which their parents learnt to drive (i.e. a simplified test combining written, oral and practical components).

“It should be like the old days when my parents sat their licence. You sat your written and practical in one day and could carry passengers and drive after dark. Today you pay \$80 and you can’t drive unless you have a fully licensed driver with you.” (Young infringer)

While not condoning their children’s infringing behaviour, parents consider that most infringement fines stem from the current GDLS, in that it is long drawn out, there are too many restrictions on a driver with a restricted licence, and it favours higher income earners who can shorten the process from a restricted licence to a full licence by taking a Defensive Driving Course.

“It takes too long to get a restricted and you have to pay \$90 for a Defensive Driving Course to quicken the process. They should bring back the old system. Once you sat the test that was it.” (Mother)

Regardless of the stage the young infringer is at on the GDLS, all describe themselves as competent drivers who can ‘handle their vehicles’ and respond to a variety of hazardous situations. Overall, they consider themselves more equipped to drive than many other people on the road. ‘Old people’ and ‘Asians’ are seen as far more dangerous and unpredictable than young, inexperienced drivers.

Of the twenty people who participated in this study:

- 8 were on a learner licence;
- 8 were on a restricted licence;
- 4 have graduated to a full licence.

All the interviewed young infringers received their learner licence at fifteen or sixteen years of age. For most it was a ‘rite of passage’ and a sign of maturity and independence. Amongst Pacific young infringers there was a strong expectation from their parents that they would get their licence and assist with family duties, for example, transporting younger family members and doing the grocery shopping. For women an added trigger was to be able to transport themselves at night without having to rely on public transport. They describe the ‘scratch test’ as very easy and most recall getting most or all of the questions correct and completing it in record time.

“I couldn’t wait to get my licence and get on the road.” (Young infringer)

“I got my learner’s at 15... couldn’t wait to get it. I found it really easy and got all the questions right. They gave me 25 minutes to complete it in and I finished it in 4.” (Young infringer)

Those who are still on a learner licence have had it at least three years and have not sat their restricted licence.

Barriers

For our sample of young infringers the key barriers to moving through the GDLS are as follows:

- *Arrogance* – A belief that they are competent drivers and don't need a restricted licence to prove they can drive. (In fact, all learner licensed drivers regularly drive unaccompanied.)
- *Lack of confidence* – Most have little experience with sitting formal examinations and the restricted licence will be the first major test they sit in their lives. For some it brings back traumatic memories of school (tough examinations, harsh discipline and failure).
- *Fear of authority* – Not feeling comfortable with male, senior officials who supervise the practical test. A few incorrectly assume it is the Police who supervise the test.
- *Financial* – Those on a benefit or on a low income do not have ready access to \$88.20 to sit their restricted licence. Coupled with the fact that it is not a 'second chance system' and they will lose their fee if they fail the test, means that it is too high a risk.

"I got my learner's six years ago and have never gone for my restricted. I'm a really good driver and would pass if I sat it." (Young infringer)

"I'm a capable driver. Why waste money going for a restricted licence? I don't need a piece of paper to drive." (Young infringer)

"I would go for my restricted if they came to my house, or I didn't need to do a practical." (Young infringer)

"It's a lot of money and there is no guarantee I will pass." (Young infringer)

A few young infringers in their twenties on restricted licences who are eligible to sit their full licence believe there is little incentive for them to sit their full licence as their current licence allows them to drive their partners and children around, and most of the passengers in their car hold full licences. A few do not feel adequately prepared to sit their full licence. They perceive it to be significantly more challenging than the restricted and would lose their fee if they did not pass.

"I can drive my wife and son around on a restricted so why go for my full? It's just another bill." (Young infringer)

"I have heard the [full] test is much harder than the restricted...they really test you." (Young infringer)

Triggers

Young infringers who we spoke to, feel a strong sense of achievement when they pass their restricted licence, and to a lesser extent their full licence. Although sitting their licences is challenging the examinations are often not as hard as expected. The main triggers for sitting restricted and full licences are for employment and insurance purposes. In two cases Work and Income New Zealand paid for them to sit these licences.

“Because I was driving Mum’s car I made sure I sat all the licences so it wouldn’t affect her insurance.”
(Young infringer)

3 Infringing behaviour

3.1 Types of infringing

Overall, most participants are aware of the broad types of infringement fines young infringers have incurred, the value of them, and the circumstances for receiving them. However, fines tend to blur when young infringers receive lots over time. Generally, participants do not distinguish between 'fees' and 'fines' and use the same term to refer to both the fees issued by the prosecuting authority and the subsequent fines issued by the Court. Participants generally receive information about fees and fines through personal experience, discussions with the Collections Unit, and with their peers who are in similar situations.

Most fines these young infringers receive are **licence-related**, particularly pertaining to learner and restricted licences. These mainly include not displaying L Plates, not having a fully licensed driver in the front passenger seat, and driving after hours.

On the whole, participants consider that these fees are too harsh, and do not acknowledge the realities of being young, mobile and social. They also believe that in nearly all instances young infringers are driving responsibly (e.g. not speeding or drink driving), and in some cases looking after their mates (e.g. being the sober driver, escorting a mate home), and these fees are perceived as penalising positive behaviour.

"I got a ticket for being the sober driver (and not having a full licensed driver in the front seat). No one said 'thanks for being a responsible mate'." (Young infringer)

"What am I going to do when my mate has no way to get home and no money for a taxi...it's an hour's walk and only five minutes by car. I'm not doing any harm and driving really respectfully...there are people carrying machetes in Porirua." (Young infringer)

"I wouldn't have yellow plates as it says 'hey cops look at me'. You also feel a bit of a nerd." (Young infringer)

These young infringers also receive a large volume of **vehicle-related** infringements, particularly in relation to unwarranted and unregistered vehicles. Generally, young infringers and their families are more accepting of vehicle-related fees than licence-related fees, as the former has a clearer link to safety and the protection of drivers, passengers, pedestrians and other road users. However, many who receive infringement notices for not having a current Warrant of Fitness can not afford the repairs to make their vehicle roadworthy.

"Once I got caught without a warrant. They gave me 28 days to get my warrant and then the fine would be wiped. I had good intentions but my car needed \$2,000 worth of work done on it to pass the warrant." (Young infringer)

To a lesser extent, young infringers had fines for **driving-related** infringements, e.g. speeding, failing to give way. A number of young infringers comment that it should be up to the individual as to whether he or she wears a seatbelt, and that in some cases drivers are better off not wearing one.

“If I wear a seatbelt it makes my breathing tight. It shouldn’t be your fault if you don’t wear one – you shouldn’t get a fine. It should be a warning...I mean, pregnant women get off.” (Young infringer)

“My cousin was strangled in a car crash because he was wearing a seat belt.” (Young infringer)

Other fees include **parking-related fees** issued by the local Council or Police, or fees associated with being ‘cheeky’ to the Police.

The following is a summary of the fees the interviewed young infringers say they have received in their driving career.

Licence-related	Vehicle-related	Driving-related	Parking/other
Not having full licensed driver in passenger seat on learner licence	Not displaying current Warrant of Fitness	Speeding (speed camera and stopped by Police)	Parking on footpath
Carrying passengers on learner licence	Not displaying current registration	Failing to stop	Parking in disabled park
Not displaying L Plates	Bald tyres	Running a red light	Double parking
Driving after hours on restricted licence	Noisy exhaust	Failing to indicate	Not putting money in meter/time expired
Not carrying licence	Car lowered	Not having child restrained properly	Being ‘cheeky’ to Police
Not holding a current licence (lost through demerits)	Blown light bulb	Not wearing seat belts (front and back seats)	
Carrying intoxicated passengers	Not having a jack	Driving at night without lights on	
	Crooked number plate	‘Burn outs’ and ‘wheelies’	

3.2 Value of fees

Many participants consider the value of individual fees far outweighs the seriousness of the offence. Parents in particular comment that the fees handed down do not recognise the limited financial means young people have and/or their earning abilities. Coupled with the fact that they are often issued with several fees at once means many young infringers have little ability to pay the infringement fees within 28 days as requested on the infringement notice.

“I once got \$1,400 fines in one day. There is no way I could pay this off in 28 days. Once it gets to Court they add on another \$100 and \$30 for each additional fine. Absolutely ridiculous! They think I can pull money out of a hat.” (Young infringer)

Young infringers in our sample have fines ranging from \$3,000 to \$20,000. Most have a general sense of what they owe in total (give or take \$2,000), but do not know how the total is made up, i.e. fines versus Court fees, what is owing versus what has been paid, the number of infringement fees, what they are for, and when they received them.

3.3 Phases of infringing

Overall, these infringers recall receiving their first infringement fees soon after receiving their learner licence and the bulk of their fees in their mid to late teens. The regularity and extent of fees tend to taper off in their twenties.

“I got my first fine at 14 driving over the harbour bridge without a licence.” (Young infringer)

“There was a time when I was getting them every few weeks.” (Young infringer)

“My girlfriend has been a big influence. She cracked the whip and said ‘stop speeding’.” (Young infringer)

“I have matured a lot lately...stay ‘low key’ and don’t go out ‘roaming’ at night.” (Young infringer)

3.4 Targeting youth

There is a common perception amongst participants that young people who drive cars are unfairly targeted by the Police.

Young infringers discuss being tailed by the Police, being regularly stopped for ‘routine checks’, and the Police turning up at social gatherings. A few mention extreme cases of the Police waiting for them to pull out of their driveways and then pulling them over and ticketing them. They discuss Police ‘hot spots’, e.g. Queen Street (Auckland) and central Rotorua on Friday and Saturday nights where the authorities are considered to particularly clamp down on youth infringing. Many recall at key points in their infringing history, receiving multiple infringements in the one incident, or three sets of notices on the same stretch of road within a relatively short period of time.

“It’s not IF you get caught it’s WHEN you get caught.” (Young infringer)

“Older people driving Lexus’s don’t get stopped. We get stopped for ‘routine checks’ every Friday and Saturday night.” (Young infringer)

“They used to wait for us on a Saturday night after the diesels. When we saw them we sped off in different directions.” (Young infringer)

"We are not doing anything wrong...not drink driving, stabbing or murdering anyone." (Young infringer)

Others discuss the authorities going over their cars with 'fine tooth combs' and giving them infringement notices for things that older drivers in more expensive cars would not receive (e.g. not having a jack in the boot of their car). A few also discuss the Police being pedantic and 'inventing' notices to give to young people (e.g. a fee for a slightly crooked number plate) or receiving fees for offences that they had not committed.

"I once got a fine because my number plate was slightly crooked. I'm a mechanic and I know that this is not an unwarranted offence." (Young infringer)

"I received a notice in the post for not having a child restrained...what a joke...I've never had a kid in my car." (Young infringer)

There is also a perception that the authorities also target the type of vehicles frequently owned and driven by young people, e.g. 'untidy' ones (those with paint and panel defects), those that are lowered, have noisy exhausts, have expensive sound systems, or with high specification motors. On the other hand, they believe 'standard' or family cars are likely to attract less attention from the Police (even though they may not have a warrant). Infringers in their twenties discuss how their desire to avoid unwarranted Police attention directly influences their decision to buy a 'standard' car.

"Cops don't look at tidy cars. They tend to spot ones that are lowered, with high decibels, have fancy paintwork and loud exhausts." (Young infringer)

"I only got one fine last year, from a speed camera doing 63k in a 50k area. I put it all down to driving a standard car." (Young infringer)

Police are also considered to target individual young infringers. Many young infringers in our sample discussed how the Police get to know their vehicles or their visual profiles (i.e. their faces or the way they sit in the driver's seat). A few comment that when other family members (e.g. a parent or grandparent) drive their car, they too are stopped by the Police. In these cases the drivers are not given an infringement fine as no infringing behaviour occurred, which supports the young infringer's belief that they are being unfairly targeted by the Police. Others discuss not wearing articles of clothing that attract attention from the authorities. A few in rural and provincial areas comment that it is difficult to avoid the attention of the local Police, as everyone knows each other in their communities.

"The cops know who he is and what he drives. He said to me 'Mum I can't wear my hat out when I'm driving'. They know the car now so if I drive his car I get pulled up. They have no public relations whatsoever." (Mother)

"I once got picked up three times in one day – twice by the same cop in the same spot. They say 'there's a young person, lets go and get em'." (Young infringer)

*"I got a lot of fines in ***. It was a hole of a place, there was not much to do there except drive a 'piece of shit'. There were only a few cops and they got to know me pretty well." (Young infringer)*

3.5 Police interaction

Participants consider the fees given at any one time are largely influenced by how the Police respond to the young person's infringing behaviour. Some Officers are perceived as being more sympathetic while others take a more hard line approach. For example, sympathetic Police give fewer fees if the person is on a benefit, point out a number of infringement issues but only give notices for a handful of them, or give the driver notice to rectify a problem (e.g. 28 days to get their car registered). There is a general perception that older Police Officers give out fewer infringement notices, while younger recruits like to wield control over the situation, and prove their point by giving out the maximum number of fees. A few also discuss how the Police use negotiation tactics in order to manage other criminal activity, e.g. let them off fees if they 'pimp' on a cannabis dealer.

"Some cops are cool dudes and some are downs...have most trouble with the young cops who always want to be on top." (Young infringer)

"Some cops are more lenient if you are on a benefit...or they say 'you should have ten fines, but I'll let you off with five and a warning'." (Young infringer)

"One said to me 'tell us where a tinny house is and I'll drop the fines'. I gave him an address of one that had been busted the week before." (Young infringer)

Others also believe that the way they respond to the Police when stopped impacts on the number of infringement fees they receive. Young infringers consider they receive fewer fees if they are polite, agreeable and apologise to the Police than if they are sarcastic, rude or aggressive towards them. Not surprisingly they are more likely to get 'agro' if they believe they have been unfairly targeted or treated by the Police. This was said to occur more frequently when male infringers are stopped by young male officers. Female infringers on the other hand tend to be more conciliatory and control their emotions when confronted by the Police.

"If you are calm, cool and agreeable the cops don't come down so hard on you...If you 'brown nose it' you get off." (Young infringer)

"I got my first ticket on my 16th birthday. The cop wrote the ticket and said 'Happy Birthday' and walked off. So I swore at him, and he said he would do me for being cheeky." (Young infringer)

"Girls don't get as many fines as the guys. Guys tend to get a bit lippy and agro and girls know an apology to the 'nice officer' goes along way." (Young infringer)

3.6 Individual infringement fee level

Young infringers' views on individual infringement fees largely depend on:

- The perceived **fairness** of the circumstances which led to the fee, i.e. if the Police were thought to be fair and just when giving out the infringement notice, then young infringers have had a healthier response to their fees.

- The **type** of infringement fee. Notices with a 'safety' element are deemed more justifiable than other types of fees, e.g. speeding is considered more serious than not having a registration.
- The **value** of the fee. Smaller values elicit a less negative response than larger values, e.g. a \$40 parking fee versus a \$400 fee for not having L Plates displayed.

"Fines make no sense at all. You get \$400 for not having L Plates and \$155 for running a red light. It doesn't take a great brain to work out which is more dangerous." (Young infringer)

"Fines for not having a rego, having a crooked number plate and not having a jack in the boot are just revenue gathering and pathetic." (Young infringer)

"Last year I was stopped for speeding. The cops came over and searched the car and found the weed I had quickly hid... thought sweet as, fair enough. Went to Court and got a small fine for the weed and a huge fine for speeding, totally ridiculous." (Young infringer)

4 Attitudes and responses

4.1 Overall response to the 'Infringement System'

While participants accept the need for infringement fees, they consider the current 'Infringement System' is unfair, and it has a disproportionate impact on younger people.

Furthermore, they do not consider that infringement fees and their resulting fines are a strong deterrent for infringing behaviour. Young infringers' peers tend to have similar amounts of unpaid fines, and it is a familiar talking point. A stronger deterrent is the accumulation of demerit points that occurs with the infringements, which ultimately results in a loss of licence and therefore freedom and independence.

"Fines are not a deterrent. Having a nice car taken off you is. Losing your licence through demerit points is. The 'system' doesn't work for under 25s as they don't have the ability to pay. Young people don't care if their name appears in the paper over fines. It's a bit of a talking point." (Young infringer)

"The 'system' is ridiculous and doesn't work for under 25s. It's not a deterrence. It's a revenue gathering exercise." (Young infringer)

"I've had my licence taken away from me three times and it hurts. You're a mug to drive while disqualified or drunk." (Young infringer)

"They shouldn't let them drive, if they are going to have this 'system'...all that happens is that they do it anyway, and then we have to deal with all the fines that they get." (Mother)

4.2 Phases in attitudes and responses

The interview data indicates that young infringers' responses to infringement fees and fines largely depend on their stage in life and level of maturity.

"Rabbits in the Headlights"

Often when young infringers receive their first or second set of infringement fees there is a general feeling of fear, coupled with despondency and remorse. For many it was their first real contact with authority, and there is a general sense of relief to find out that they will not be lumbered with a criminal record. They are highly likely to pay off their fees in full, either within 28 days or a few months, often with the financial help of their parents. Many make a short-lived mental note not to be in the same situation again.

“I was scared the first few times I was pulled over and thought ‘shit what have I done?’. After that I thought ‘sweet as’.” (Young infringer)

“Sweet as – add it to my bill”

Once young infringers have been stopped and ticketed by the Police a few times and a regular pattern of ‘targeting’ appears to be occurring they tend to become more confident in their dealings with the Police, coupled with a sense of dislike and distrust for authority.

This usually coincides with when their debt levels reach approximately \$2,000, which they have little or no ability to pay back in full. At this stage they feel trapped and helpless and can see no light at the end of the tunnel. Almost as a backlash, or coping mechanism, they adopt a ‘sweet as’ stance.

Parents are less likely to know the true nature and extent of the debt at this stage, as often infringers hide the extent of their fines from their parents to avoid causing a scene (particularly, if the parents had cleared their earlier fines). This period generally lasts from around the age of seventeen to their late teens or early twenties and therefore covers a significant period of infringing behaviour.

“I couldn’t ask my mum for help as she thought I had cleared my fines and would have been really disappointed. So I hid them.” (Young infringer)

“When I got to around \$2,000 in fines I didn’t care anymore. The next time I was stopped I said to the cop ‘sweet as, add it to my bill’.” (Young infringer)

“After the first few times I didn’t care. I soon realised that if I wanted to get from A to B fines would be a fact of life.” (Young infringer)

“Rear vision reality”

Those in their twenties are more remorseful about their fines and the legacy that has been created although they have stopped or reduced their level of infringing. Many are tired of battling the ‘system’ and are resigned to the fact that they have a large amount of fines that they may never have the ability to pay back.

This age group was easiest to recruit for this study as they wanted to share their stories and make the ‘system’ fairer for younger drivers. They are also more likely to consider that there is too much focus on penalising young drivers and not enough on combating other criminal activity.

“I get quite depressed about the fines. They would equal a deposit for a house or a car. When I was younger I didn’t give a shit. Now I worry about it a lot.” (Young infringer)

“If I got my fines wiped I would try my best to keep clean, and if I slipped up I would pay the fine instantly.” (Young infringer)

5 Actions and strategies

5.1 Overview

Generally, young infringers were found to deal with fines at a 'whole of fines' level, rather than at an 'individual fine level', i.e. they consider and manage their fines in their entirety rather than as separate incidents.

Most of the young infringers we spoke to are taking very little action on their fines, apart from paying the minimum. As discussed previously once fines reach \$2,000, they are very unlikely to take any decisive action on their fines, as they consider this amount insurmountable, and feel they have little or no ability to pay this amount back. The prospect of getting further fines in future is also a barrier to repayment for some. Most are resigned to the fact that they will not be able to pay their fines and tend to blank them out by adopting a 'head in the sand' approach.

"When I had a few fines I tried really hard to pay them off. Once they get out of control they mount up and up and you can't see any way of clearing them so you give up." (Young infringer)

5.2 Repayments

All but one young infringer in our sample had compulsory deductions from their income or bank account, and were paying the minimum assessed: \$30 to \$50 a week. Only a few have taken, or are planning on taking, active steps to pay more than the minimum. These people had the financial means to do so. For example, one young infringer had used an inheritance to clear his fines, and another plans to increase his repayments once his van is paid off. Overall, fines have a lower priority to other debts they may have.

"I pay \$50 a week towards my fines. When my van is paid off in six months, I'm hoping to up it to \$150 a week. My aim is to clear my bills and have more spending power." (Young infringer)

5.3 Passive players

On the whole when young infringers receive a new fee they do not deny liability before it becomes a Court fine, arrange for an extension of the due date or for payment by instalments, or apply under Section 78B of the Summary Proceedings Act 1957 to 'Correct an Irregularity'. Young people do not question proceedings or consider themselves 'letter writers'. Most therefore have no choice but to reluctantly accept decisions of the prosecuting authorities, the Court and the Collections Unit.

"They should make it easier to get fines reassessed. Young people are not letter writers." (Mother)

The value of the fees, coupled with the young person's income, means the expectation for them to pay their infringement fees within the 28 days requested, or even within the 56 days before an infringement can be passed to the courts for enforcement, may be unrealistic. Therefore most fees become Court fines. While the Court filing fee of \$30 and the \$100 for each enforcement action taken are not considered significant in relation to the total value of the original fee the fact that these are imposed is seen as unfair.

5.4 Collections Unit

There is a general perception that some Collections Unit staff are more helpful and sympathetic than others. Parents comment that more mature staff who have been exposed to a number of life experiences are best dealing with young infringers. They comment that many staff in the Collections Unit are not much older than their children and lack the life experience.

A few parents mention that some staff are better at explaining the means test for determining how much the young infringer can pay, e.g. what the young infringer should be claiming as expenses, and use a higher degree of discretion when assessing the means test form. Parents mention that on the whole young infringers don't fully comprehend these forms and put down their main expenses, resulting in a higher disposable income.

"Some staff are really good and take into account smokes, gas and phone costs. Others are only interested in rent." (Young infringer)

"Staff said I had to pay \$270 a week before I protested and got them down to \$40 a week." (Young infringer)

"Kids don't understand the means test. They put down the bare minimum – board etc, without thinking about doctors, dentists, prescription costs." (Mother)

Many participants comment on the vigilance of the Collections Unit and the fact that young infringers are continually 'hounded' by phone calls and correspondence asking for money. While they generally consider staff are polite, some comment that staff should be more flexible when coming to an arrangement with them, e.g. allowing them to pay less some weeks if they have heavy bills and have a good payment record without incurring penalties. A few young infringers feel it is not appropriate to ask their parents for assistance to pay their fines, as they feel the fines are their responsibility.

"They always add \$100 if you haven't been paying for four weeks, which is unfair. They should be more understanding and drop the penalties...you should be able to pay when you can even if it's only \$20 a week." (Young infringer)

"When they phone and hassle me for money there is no acknowledgement that I have made a huge dent in it." (Young infringer)

"I will be really happy when they are all paid back. If you stop paying they pursue you and it's never ending." (Young infringer)

Some young infringers comment that it is difficult to understand the statements from the Collections Unit, i.e. what fines are owing and what has been paid, etc. Others mention that there is an unacceptable lag period from when the infringement occurs to when it appears on their statement. Some don't read the statements and just open them and file them, while others throw them away unopened.

"I felt really good on the last day of P.D. knowing my fines would be wiped. Two weeks later old fines came in as there had been a backlog in the 'system'. After that I thought 'screw them'." (Young infringer)

"I used my inheritance to pay my fines off in full. I didn't realise that some fines were still being processed. If I had known I would have paid the whole lot off." (Young infringer)

"I don't open them up, just biff them in the fire. If you don't open them they are not valid." (Young infringer)¹¹

5.5 Parental involvement

Some parents (particularly the Pākehā mothers in our sample) take an active role in managing their children's fines. They open their son's or daughter's mail from the Collections Unit, deal with all correspondence and the contact centre and actively advocate on their child's behalf. Their motivation for doing this is that they want to assist their child to 'sort out' the fines and remove them from the frustration of dealing with the 'Infringement System'. These parents believe that they have much greater success dealing with the authorities than if their child was dealing with the fines on their own. Parents are more likely to take an active role in paying back their child's earlier fines, mainly because the child had no sources of income and also because they wanted to clear their name and give them a 'go in life'.

"The first lot of fines I received the old man paid. They didn't want them hanging over my head. The next ones that came in they said 'you're on your own'." (Young infringer)

"My parents help out if I have a hard week. They are really anti and say 'pay the minimum'." (Young infringer)

"At that age they don't have the knowledge of how to deal with their fines, or how to deal with staff. The people behind the counter don't respect young people. You get better results if the parent fronts up." (Mother)

5.6 Periodic Detention and other enforcement activity

Some young infringers have undergone Periodic Detention¹² in lieu of paying back fines. They were sentenced to Periodic Detention due to other offending and their lawyer recommending the sentence be extended to cover their fines as well.

¹¹ This belief is incorrect.

¹² The Sentencing Act 2002 abolished the sentences of Community Service and Periodic Detention and created the sentence of Community Work.

For those who have completed it, Periodic Detention (replaced by Community Work) is seen as a positive strategy for paying fines. Indeed those who had undergone this sentence felt an immense sense of achievement once they had completed it and had their fines wiped. Some believe the process of getting Periodic Detention was unfair – i.e. it was up to the Judge as to whether they would receive the sentence and how many hours they needed to do to clear their fines.

“I thought about applying for P.D. to get my fines wiped, but I have heard that it depends on the Judge on the day. They could give you heaps of hours at a really low rate and you still wouldn’t clear them.”
(Young infringer)

“Unless you’re black you don’t get anything. The ones before and after us were Māori and they got P.D. We got turned down for no apparent reason.” (Mother)

One young infringer had his vehicle confiscated due to non-payment of fines, with negative consequences.

“They confiscated the vehicle and wouldn’t tell us where it had been taken to. I finally tracked it down at a wreckers’ yard. The wreckers had burnt his qualifications that were left on the back seat.”
(Mother)

6 Impacts

Infringement fines have a number of negative impacts or consequences on young infringers and their families, including financial, emotional, vocational, social and societal.

6.1 Financial impact

Given that young infringers are generally paying between \$20 and \$40 per week on fine payments there is a significant financial impact on their day to day living and their future financial security. Young infringers tend not to dwell on the extra income they would have each week if they didn't have to pay fines, primarily because they have little or no control over their payments. For single young infringers this would mean extra money for cigarettes, alcohol or phone cards, rather than for essential living expenses, clearing other debt, or saving for the future. The financial impact for young infringers on a benefit and/or with dependents is the greatest, particularly when combined with other debt repayments. In a few cases fines are causing extreme hardship.

Infringement fines may also have a significant impact on young infringers' parents (particularly, sole parents) who are supporting their children through subsidised board, and other financial assistance.

"I charge him \$50 a week board because he can't afford much more. We all know he eats more than \$50 a week and some weeks he can't afford to pay as he has a big insurance or car repayment bill. [Why do you do it?] Because mothers get the shit jobs and fathers aren't interested in their children."
(Mother)

Young infringers in their twenties point out that their infringement fines will have a significant impact on their ability to save for a deposit on a home and service a mortgage.

6.2 Emotional impact

Young infringers (predominantly in the very young or older age categories) we interviewed talked about the turmoil involved with having multiple infringement fines. For example, dealing with different authorities (i.e. Police, local councils, Collections Unit and Courts), keeping track of 'mountains' of correspondence, and being 'hounded' for payments by the Collections Unit. Consequently, some mothers have taken an active role in the management of their son's fines to lessen this emotional impact.

"I took over dealing with the paperwork when my son said to me that he has four choices: 1. go overseas, 2. go bankrupt, 3. put it on a bank card, or 4. commit suicide. He also started to get migraines." (Mother)

“They hound and hound and don’t give you any peace. At that age they are still children and don’t fully understand what is happening. They threaten to take his car away and stir him up so he gets anti. He doesn’t know what to do and he doesn’t know how to fight.” (Mother)

Young infringers undergo considerable stress when they receive a Court order, and when they appear before a Judge in relation to their fines. This is a particularly emotional time for those who do not have a criminal history and/or who have never appeared in Court before. One female young infringer describes the emotional upheaval after she was sentenced to Periodic Detention:

“It was very intimidating going before the Judge and being told I had to do P.D. I thought it was only for scumbags. I was also nervous because I thought I would be the only chick doing P.D.” (Young infringer)

6.3 Other impacts

Vocational

Infringement fines in a few cases act as an inhibitor to returning to work. A few young infringers on income support are concerned that their level of repayments would substantially increase if they were to find employment.

“When working they try to take \$100 a week off you. Not worth finding a job if that is the case.” (Young infringer)

Wider family

A few parents noted that the fines resulted in significant strains on family relations, i.e. there is increased tension between parents and children, particularly when fines are mounting and their children appear to be not actively responding to the situation.

“The boys were pulling away from us, cos all we seemed to do was nag, nag, nag.” (Mother)

Social

While Community Work is seen as a positive strategy to debt reduction, two young infringers discussed their social lives being hampered due to attending Periodic Detention on several Saturdays in a row to clear their infringement fines.

One young infringer is planning a short vacation to Australia to visit family. He is uncertain as to whether he will be able to get a passport and leave the county due to his outstanding infringement fines.

Societal

Some young infringers in their twenties who had made a significant effort to clear their fines and had received few recent fines believe society places negative connotations on infringing

behaviour and their consequential fines. They are therefore looking forward to the day when they will have a clean record.

“If I had a choice I would clear the fines...they have a social stigma. Every time I look at my bank statements and see Court fines it makes me feel stink.” (Young infringer)

7 Potential options for reform

7.1 Selected options

The Ministry of Justice has developed a range of potential options for reform to be included in the review of the 'Infringement System'. Participants were presented with four of these potential options and asked to consider and make comment on them:

- 1 Rectification at time of imposition.
- 2 Facilitating payment – shorter timeframes, more payment options.
- 3 Early identification of repeat defendants.
- 4 Restricting access to services for defendants who do not pay.

The following is a brief explanation of these options and participants' responses to them.¹³

7.2 Responses to options

1 Rectification at time of imposition

Under this option, an infringement notice would not be issued or would be waived if the person 'fixed' the problem that led to the offence being committed in an agreed time (e.g. 28 days to get their vehicle registered).

Participants' response

As discussed previously, when young infringers receive an infringement notice, they tend not to deny liability or pay the fee before it becomes a Court fine. This is primarily due to their adoption of a 'head in the sand' approach to the management of their fees. In this context, most young infringers say they are not likely to take up the rectification option, if it was available to them. However, a few young infringers in their twenties who have received relatively few fines in the last eighteen months say they may look at fixing the problem that led to the offence being committed, if it is administratively easy to prove that they have fixed the problem, e.g. if they do not have to write a letter or fill out onerous forms.

As discussed previously, a few young infringers have been offered this option by prosecuting authorities in the past for not having a Warrant of Fitness. While they had good intentions, the cost of repair work to the vehicle in order to get the warrant was prohibitive, and therefore they did not rectify the problem within the agreed timeframe.

¹³ A more detailed explanation of the options for reform is appended.

Parents consider that this is a positive option for young infringers with few infringement fines. They too consider that in order for this option to be successful the administrative process for proving rectification should not be too onerous. They comment that the process would need to be built on the premise that young people are not 'letter writers', therefore face-to-face or telephone channels for proving rectification need to be given serious consideration.

2 Facilitating payment – shorter timeframes, more payment options

There are a variety of ways that payment of infringement fees could be made easier or could be encouraged, e.g. offering 'time to pay' arrangements from the time the infringement notice is issued to allow a person to pay off an infringement fee over a certain period of time, acceptance of credit card and EFTPOS payments by prosecuting authorities, offering a reduced penalty if the infringement fee is paid within a certain period of time (or increasing the infringement fee if it isn't paid), shortening the time periods within which payment is required so that people are less likely to forget to pay.

Participants' response

Offering 'time to pay' arrangements from the time the infringement notice is issued is considered a positive improvement to the 'Infringement System' by participants. It takes into consideration that many young people are on low incomes and do not have the financial means to pay the infringement notice before it becomes a Court fine. They believe it would be particularly beneficial for those with relatively few fines, as it would enable them to take responsibility for paying their fees from the start without having them imposed by the Court. Again, young infringers interviewed do not perceive they would personally take up this option if it was available to them (for the same reasons for not taking up the rectification option).

Offering a reduced penalty if the infringement fee is paid within a certain period of time is also considered a positive incentive to making payments, if young infringers can afford to. Increasing the fee if it isn't paid on time is considered unfair, as there are a variety of reasons why infringers cannot pay, many of which are outside their control.

Shortening the time periods within which payment is required so that infringers are less likely to forget did not receive a positive response from participants, as the reasons for non-payment are mainly financial incapacity or inertia – not forgetfulness.

It is participants' understanding that prosecuting agencies do accept credit card and EFTPOS payment; therefore they do not consider that these mechanisms would improve the existing payment process.

3 Early identification of repeat defendants

Under this option, people who were building up significant amounts of unpaid infringement fines would be identified at an early stage. Once an individual was identified, prosecuting authorities could be prevented from imposing any more infringement notices. Alternatively, action could be taken such as the substitution of an alternative penalty for some or all of the

outstanding fees or fines. Or, that person could be required to be prosecuted the next time an infringement offence is detected (instead of issuing an infringement notice).

Participants' response

This option was viewed positively, particularly by parents. They believe that the Collections Unit has a responsibility to identify individuals who are accumulating significant amounts of unpaid fines early in their infringing career. The general consensus was that this would be when young infringers' fines reach between \$2,000 and \$5,000. They also support the notion of prosecuting authorities being prevented from imposing any more infringement notices once an individual had between \$6,000 and \$10,000 worth of fines.

The notion of an alternative penalty (i.e. Community Work) is considered a positive way of dealing with individuals who exceed this level. In order to be effective, they consider that there would need to be a range of access points for Community Work, e.g. being sentenced by a Judge or alternatively imposed by the Collections Unit. Issues with fairness and consistency are raised in relation to the latter access point. Parents feel this could be overcome by the Collections Unit having a 'system' whereby certain hours could be imposed for certain levels of fines. There would also be discretion for staff to impose more or less hours depending on the severity of the notices that led to the fines (i.e. less for licence-related and more for safety-related infringing). A few parents suggest that the Government should take a more holistic approach and sentence young infringers to more skilled work, e.g. store or packing work, rather than painting fences and digging drains. This would enable the young infringer to pay back their fines as well as gaining work experience.

4 Restricting access to services for defendants who do not pay

Under this option, individuals who do not pay their infringement fines would have restricted access to government services until their fines were paid, e.g. not being able to register their car, renew their drivers licence, or register changes of car ownership, suspension or cancellation of their drivers licence for a specified period (cancellation would require people to re-sit their driver licence test), or re-directing money that is owed to the individual by the Government (eg. tax refunds) to the payment of unpaid fines.

Participants' response

Participants consider it extremely unfair to restrict infringers' access to government services until their fines are paid, particularly as young infringers in our sample have high debt which they feel there is little prospect of paying in full. They believe that if an individual is making payments (even if it is the minimum) then they should not be penalised under this option. However, they do consider it may trigger non-payers to take decisive action, e.g. set up automatic payments for fines outstanding.

Redirecting tax funds to pay off Court fines is considered unacceptable by participants, as this money may be 'earmarked' for other uses, and it is up to infringers as to how they utilise these funds.

8 Conclusions

8.1 Summary

Overall, the twenty young infringers and ten family members interviewed for this research have very consistent perceptions of the 'Infringement System', in relation to what is not working and how the 'system' could be improved in future.

While young infringers' views stem from their direct experiences with infringement fees and fines, family members' perceptions come from supporting their children and partners with their fees and fines, and being aware of the impact these have had on their loved ones, and on themselves. Parents also have had involvement with the 'system' through assisting and supporting young infringers' older siblings with their fees and fines and are currently (or soon will be) supporting young infringers' younger siblings as they enter the infringing phase. Common and consistent themes emerging across both audiences include:

- The offences that led to young infringers receiving infringement notices are largely considered to be petty (e.g. licence-related as opposed to safety-related fees).
- The value of the fees is considered to far outweigh the seriousness of the offences (particularly licence-related offences).
- Compared with older drivers, younger drivers are considered to be unfairly targeted by the Police through being subjected to 'routine checks' and having their cars thoroughly inspected.
- The attitude of the Police to the young infringer is perceived to have a significant impact on the likelihood of receiving fees, and the number of infringement notices issued.
- The ability for young infringers to pay fees within 28 days is considered to be unrealistic, given the number and size of the fees being issued, and their relatively low earning capacity.
- Due to their limited resources, and low priority given to fines, most drip feed and/or pay the minimum. There are few alternative options available to them to reduce or clear these fines.
- The 'Infringement System' is not considered a deterrent to future infringing, as many young infringers continue their infringing behaviour, regardless of the fees and fines (until they have reached a level of maturity).
- The resulting fines have a significant financial, emotional, vocational, social and societal impact on young infringers.

Parents' perceptions

Given their relative distance from the situation, young infringers' families have a greater ability to undertake a critical assessment of the 'Infringement System' in relation to key issues and improvement areas.

While not condoning their children's infringing behaviour, parents consider that the Graduated Drivers Licensing System is to a large degree responsible for the extent of their children's infringement fines. They believe the Graduated Drivers Licensing System is long drawn out, and there are too many restrictions on a driver with a restricted licence. They also consider it favours higher income earners who can shorten the process from a restricted licence to a full licence by taking a Defensive Driving Course.

All parents interviewed play a financial role in their children's infringement fines. They generally paid in full or significantly contributed to their children's earlier fines and many are still contributing (either directly or through subsidised board). Many are low income earners or beneficiaries and therefore this assistance has a financial impact.

Many parents do not want to burden their children with the ongoing management of fines, and therefore advocate on their children's behalf with the Collections Unit. This may involve writing letters, negotiating repayments with the Collections Unit, or assisting their children with general advice. They consider that they have greater success in appealing fees and making arrangements to pay than their children would if they were to manage their fines on their own.

Parents comment that more mature Collections Unit staff who have been exposed to a range of life experiences are generally more sympathetic and approachable. A few mention that some staff are better than others at explaining the means test for determining how much the young infringer can pay. They consider that on the whole young infringers don't fully comprehend these forms and what they are entitled to put down as an expense.

A few parents note that the fines resulted in significant strains on family relations, i.e. there is increased tension between parents and children, particularly when fines are mounting and their children appear to be not actively responding to the situation.

For partners of young infringers, the fines result in a reduced ability to accumulate assets (e.g. buy their first home) and save for their futures.

Family members felt that the Government has a responsibility to improve the 'Infringement System' to ensure that young people do not receive high levels of infringement debt, which they have little or no prospect of paying in full.

Key findings

As discussed throughout this report young infringers aged 17 to 24 span a number of different life stages that have a profound influence on the nature and extent of their infringement fines, the circumstances in which they receive them, their attitudes and

responses to the fines, the actions they take in paying them, and the impact fines have on their day to day lives and long term futures.

For this reason a single solution is not the most effective way to address the fact that young people in particular accumulate significant amounts of unpaid infringement fines that have little prospect of being paid in full. Tailored solutions are needed to respond to these different phases of infringing.

8.2 The way forward – a tiered approach

This section outlines a tiered approach to the policy and operation of the ‘Infringement System’. This outline is based on suggestions made by research participants.

1 Early intervention for the ‘Rabbits in the headlights’ phase

Early intervention for those new to infringing – policies and communications that recognise young infringers’ financial position, as well as their lack of knowledge of the ‘system’, confidence dealing with Government agencies, and general life skills. The overall goal of this approach would be to prevent young infringers transitioning to the next phase of infringing. Suggestions made by participants include:

- Education – making young infringers aware that their behaviour is unacceptable, the reality of the consequences, explaining options, etc.
- Case management – having one staff member responsible for the management and collection of their fines.
- ‘Time to pay’ arrangements from the time the infringement notice is issued.
- Family friendly processes and procedures – acknowledging that the parent has a significant part to play in the management and payment of fines.

2 Debt minimisation for the ‘Sweet as’ phase

Debt minimisation for people who have moved into a heavy phase of infringing. The objective for young infringers in this phase is to manage the level of fines given, while still sending a strong message that their infringing behaviour is unacceptable. Participants made the following suggestions:

- Lowering fine levels to an acceptable level, reflecting young infringers’ financial position.
- Setting maximums for the amount of fines the Police or another authority can give in a single incident (e.g. \$200), or over a given period (e.g. a maximum of \$6,000 to \$10,000 total fines in a specified time) before other enforcement measures come into play (e.g. Community Work, losing their licence for a fixed period).
- Reviewing the weighting of fines so that fines relating to safety have a higher value than licence-related fines.

- Enabling greater discretion (bargaining power) by the Collections Unit, e.g. reducing penalties if fines are paid, wiping fines related to their learner licence if they get their restricted licence.
- Ensuring easier access to Community Work, i.e. allocated by the Collections Unit without having to appear before a Judge.

3 Debt reduction for the 'Rear vision reality' phase

Debt reduction targeting people who have received few fines in recent years, would recognise and reward young peoples' lack of recent infringing behaviour, their desire to clear their fines, and their wider family and financial circumstances (e.g. caring for dependents, paying off a student loan). Young infringers in their twenties, and their families, talked about the need to be presented with a range of realistic options to enable them to clear their debt. Potential suggestions include:

- Financial incentives, e.g. the Government matching the young person's contribution towards their fines dollar-for-dollar, or making a percentage contribution towards what they have paid.
- Clean slate policies, e.g. wiping fines if the person has not had a fine in the last two or five years. (The fines would be added again, if the young person infringed within a set period of time).

4 Other enhancements

Participants also note other suggestions for improvement. These include:

- Reducing the time period between learner and restricted and restricted and full licences.
- Making the licence fees more affordable for low income earners
 - The Government through Work and Income funding driving lessons and licence fees
 - Implementing a second chance system for restricted and full licences (i.e. paying once and getting two chances to pass).
- Making it more difficult for young people to access cars that are un-roadworthy, or making it illegal for those on a learner licence to buy cars with high specification motors (these comments came from parents).
- Educating the Police about the impact multiple infringement fines have on young people and their families, and the role the Police play in the process.

Appendices

Research questions

- What types of infringement/Court fines do young people owe? What are they mainly for? What are the most overdue fines for?
- What debts do they have to other organisations?
- What is the impact of infringement fines on the young person's life both in the short and long term?
- What are the triggers for having multiple infringement fines?
- What is the method or process of dealing with infringement fines (prioritisation, time payment arrangements, ignore, etc)?
- What are the barriers to paying of dealing with multiple infringement fines?
- How could the 'system' be improved so young people do not get into this situation?
- What assistance or support could be provided to young people once they are in this situation?
- What is the best means of dealing with young people who cannot pay their infringement fines?
- What are young peoples' perceptions of a range of proposed options for change?

Introductory letter

Date
Name
Address
Dear

We would like to hear your views on fines

This letter is to let you know that we may be contacting you to invite you to take part in a research project on fines.

It is up to you whether or not you take part in the research. If you take part in the research you will receive \$50 for your time and contribution and to cover any costs you may have for taking part (e.g. transport costs). Deciding not to take part will not affect you in any way.

Litmus is an independent research organisation. We have been asked by the Ministry of Justice to talk to people who have had multiple infringement fines to hear their stories about the fines system, and how the system could be made better.

The Ministry of Justice has given us the names of people who have had multiple infringement fines. We are sending this letter to all these people and will be phoning some to ask if they want to take part in the research. We are required to keep your details confidential.

If you agree to take part in the research, your name, any other information that could identify you and any personal information you give Litmus will not be passed on to the Ministry of Justice.

If you have any questions about the research, please contact Sally Duckworth, at Litmus on (04) 473-3883, or Angela Lee, at the Ministry of Justice on (04) 4949718.

If you do not want to be contacted by us about the research please contact Sally at Litmus about this before 16 March 2005.

Your views are important. If we contact you, we hope that you will be willing to take part in the research.

Best wishes

Sally Duckworth

Discussion guides

A Young people

1 Introduction

- Introduce self/Litmus
- Research background and purpose
- Informed consent (form)
- Confidentiality/taping
- Outcomes – give summary of findings, personal notes (if wanted)
- Other needs?

2 Establishing rapport

Firstly, tell me a little bit about yourself and the people you live with

- Age, ethnicity, work/study status
- Household composition
- How long in current residence, reason for previous moves

What is a typical weekend for you? What about a typical week day?

- Friends, social life
- Interests

Thinking about you and the people you get on with, what three words describe life for you/the people you get on with?

- Probe – good things, bad things, hopes for the future, worries, concerns
- What has changed for you, in the past couple of years? Do you think things will be different?

3 Fines – current and historic

We are interested in talking to you about your tickets for infringement offences. These are the ones that are issued on the spot by the Police, City Council or another authority for an infringement offence e.g. for parking, speeding, under age drinking, littering and so on. These fines do not result in a criminal conviction.

For recent fines issued in last 12 months (if large number, limit to three they can recall)

- What was the nature of the infringement?
- When did the infringement happen?
- Why did the infringement happen / what were the circumstances?
- What was the original infringement fine amount? Did you understand the infringement notice – i.e. what the fine was for, and why? How did you feel about it at this time?
- Did you pay it off/are you paying it off? Why? Why not? What makes it difficult to pay?

- What contact do/did you have from different organisations? Then what happened... then what happened... how did you feel/what did you do when it got to xxx stage?
- When do you expect to clear the fine? (if haven't paid off)

Probe to understand:

- Perceptions of key steps: issuing ticket, infringement reminder notice, filed in Court, Court fine, notice of fine, final notice, overdue Court fine, enforcement action (48 hour card, car clamped, money taken from benefit, arrested)
- Influences on action/inaction; Understanding of consequences; Attitudes towards authority

General probes:

- Who knows/knew about the fine(s)
- Who or what helped you to deal with the fine(s)? How helpful was this?
- Overall, what has been the impact on your life of the fine(s) – short term? Long term?
- What could be done to improve things, from your perspective? Have you had any other fines in the past that you have paid off, or which were replaced by community service/periodic detention/community work? (Use checklist) Can you tell me about them?
- How/why did you pay them? What was different compared with the fines you have now?

4 *Other debts / money situation*

Overall, how is your money situation right now? Why is that?

Briefly do you have any other debts? Use checklist to get details about other debts.

- How did the debt get incurred
- Have you taken any steps to repay the debt
- Probe: barriers/success strategies for debt repayment
- What would make things easier for you

5 *The future*

The Government is looking at things that could be done to prevent people getting into difficulties with fines that keep increasing.

- How do you think the 'System' could be improved so people don't get into this situation?
- What assistance/support could be provided to people once they are in this situation?
- What is the best means of dealing with people who can not pay their infringement fines?

Now I'd like to get your view on some ideas that are being looked at. Present each of the five options (1. rectification, 2. facilitating payment, 3. early identification, 4. restricted access to services, 5. alternative penalty):

- Initial impressions?
- Likes/dislikes?
- What kind of people would this appeal to/not appeal to? Why?
- What would need to happen to make this work? Any improvements?

CLOSE

- Check contact details for sending thank you letter
- Recruit family/whānau member(s) for follow up interview

B Family members

1 Introduction

- Introduce self/Litmus
- Research background and purpose
- Explain follow up interview of son/daughter's interview
- Informed consent (verbal)
- Confidentiality
- Outcomes – give summary of findings, personal notes (if wanted)
- Other needs?

2 Establishing rapport

Firstly, tell me a little bit about you and your family...

- Household composition/number/age of children
- Work/study/benefit

3 Fines – current and historic

We are interested in talking to you about your son's/daughter's tickets for infringement offences and the impact these have on your son/daughter, you and the wider family. These infringement offences are the ones that are issued on the spot by the Police, City Council or another authority for an infringement offence e.g. for parking, speeding, under age drinking, littering and so on. They do not result in a criminal conviction.

For recent fines issued in last 12 months (if large number, limit to three-five they can recall)

- What was the nature of the infringement?
- When did the infringement happen?
- Why did the infringement happen / what were the circumstances?
- What was the original infringement fine amount? Did you and your son/daughter understand the infringement notice – i.e. what the fine was for, and why? How did you and your son/daughter feel about it at this time?
- What steps is your son/daughter taking to pay off the fine? What makes it difficult to pay?
- What contact does your son/daughter have with the Court?
- Then what happened... then what happened... how did you and your son/daughter feel when it got to xxx stage?
- When do you expect the fine will be cleared? (if haven't paid off)

Probe to understand:

- Perceptions of key steps: issuing ticket, infringement reminder notice, filed in Court, Court fine, notice of fine, final notice, overdue Court fine, enforcement action (48 hour card, car clamped, money taken from benefit, arrested)
- Influences on action/inaction; Understanding of consequences; Attitudes towards authority

General probes:

- What help have you or other family members given to your son/daughter to pay the fines/other help?
- Do you or any one else in your family have infringement fines? Probe for nature and extent.
- Overall, what has been the impact of these fines on your son/daughter and wider family – short term? Long term?
- What could be done to improve things, from your perspective?

Has your son/daughter had any other fines in the past that have been paid off, or which were replaced by community service/periodic detention/community work?

(Use checklist) Can you tell me about them?

- How/why did he/she pay them? What was different compared with the fines they have now?

4 *The future*

The Government is looking at things that could be done to prevent people getting into difficulties with fines that keep increasing.

- How do you think the 'system' could be improved so people don't get into this situation?
- What assistance/support could be provided to people once they are in this situation?
- What is the best means of dealing with people who can not pay their infringement fines?

Now I'd like to get your view on some ideas that are being looked at.

Present each of the five options (1. rectification, 2. facilitating payment, 3. early identification, 4. restricted access to services, 5. alternative penalty):

- Initial impressions?
- Likes/dislikes?
- What kind of people would this appeal to/not appeal to? Why?
- What would need to happen to make this work? Any improvements?

CLOSE

- Check contact details for sending thank you letter

Options presented

1 Rectification at time of imposition

Under this option, an infringement notice would not be issued or would be waived if the person 'fixed' the problem that led to the offence being committed. For example, if a car was being driven without a registration, the car owner could have a certain period of time within which to register the car. If the car was registered within that period of time, an infringement notice would not be issued. Alternatively, if an infringement notice had been issued at the time the offence was detected, it would be waived.

2 Facilitating payment – shorter timeframes, more payment options

There are a variety of ways that payment of infringement fees could be made easier or could be encouraged. These include:

- Offering 'time to pay' arrangements from the time the infringement notice is issued to allow a person to pay off an infringement fee over a certain period of time (currently, while some prosecuting authorities offer 'time to pay' arrangements, they are generally only available once an infringement notice has been filed with the Court for enforcement).
- Acceptance of credit card and EFTPOS payments by prosecuting authorities (most prosecuting authorities do not currently offer these options).
- Offering a reduced penalty if the infringement fee is paid within a certain period of time (or increasing the infringement fee if it isn't paid).
- Shortening the time periods within which payment is required so that people are less likely to forget to pay (currently, the earliest that infringement fees can be enforced is 84 days after the offence was committed).

3 Early identification of repeat defendants

Under this option, people who were building up significant amounts of unpaid infringement fees (or fines) would be identified at any early stage (currently, these individuals cannot be identified until infringement notices are filed with the Court). Once an individual was identified, prosecuting authorities could be prevented from imposing any more infringement notices. Alternatively, other action could be taken such as the substitution of an alternative penalty for some or all of the outstanding fees or fines. Or, that person could be required to be prosecuted the next time an infringement offence is detected (instead of issuing an infringement notice).

4 Defendants who will not pay – restricted access to services

Under this option, individuals who do not pay their infringement fines would have restricted access to government services until their fines were paid. This could include:

- Not being able to register their car, renew their drivers licence, or register changes of car ownership.
- Suspension or cancellation of their drivers licence for a specified period (cancellation would require people to re-sit their driver license test).
- Re-directing money that is owed to the individual by the Government (eg. tax refunds) to the payment of unpaid fines.

Consent form

March 2005

Re: Taking Part in Research on Infringement Fines

I (*insert name*)..... of

(*insert address*)..... agree to participating in the above research as described in the letter from Litmus Limited in March 2005, and in later telephone conversations.

I understand that:

- My participation in the research is voluntary and I can withdraw from the research at any time up until the reporting stage
- Whether or not I participate in the research will not affect my relationship with Government agencies in any way
- The research process followed by Litmus Limited will seek to keep my information anonymous and confidential
- Research notes, reports or summaries written by Litmus Limited will not identify me individually (thereby protecting my anonymity and confidentiality)
- Information collected by Litmus Limited during the research will be held securely in a non-identifying form at Litmus Limited's office
- (If applicable) In keeping my information anonymous and confidential, Litmus Limited will not discuss my information with anyone from any Government agency
- This signed agreement will be held securely at Litmus Limited's office.

• Signed: _____