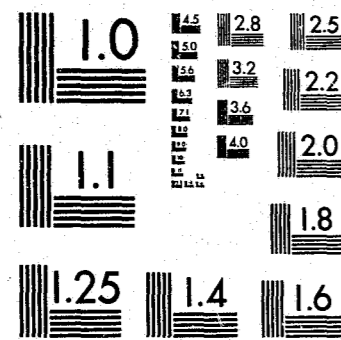


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Social Control of Juvenile Traffic Offenders in Japan

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ACQUISITIONS

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1. Criminalization of Traffic Offenders<sup>1)</sup>

Table 1 shows the statistics on traffic accidents since World War II. Till 1970 the increase of traffic accidents was parallel with that of registered vehicles. In order to suppress the increase of traffic accidents, Japan carried out the criminalization of traffic offenders. In the period from 1945 to 1956 this criminalization was carried out slowly. But in the second period from 1960 to 1969 it was rapid, because the total number of casualties of traffic accidents increased tremendously. There were many important enactments and amendments of traffic criminal laws. By 1969 traffic criminal laws had been systematized. Under those criminal laws criminalization of traffic offenders was strengthened in the law enforcement, in the criminal justice system and in the treatment of traffic offenders. It contributed to the decrease of casualties of traffic accidents in the 1970's. Let us look at how Japan has controlled juvenile traffic offenders.

2. Activities in the Community

In December of 1948 the police advocated "traffic safety" week all over the country. Since 1948 the traffic safety movement has been carried out twice in a year by the advocacy of the police. In 1982 it was carried out on April 6-15, when the new term of schools began, and on September 21-30. During the period of the movement the police and many organizations in the community campaigned for the prevention of traffic accidents.

In the community there are many activities for infants and juveniles. Infants are more frequently killed or injured by traffic accidents. In Yamagata Prefecture some mothers whose children went to kindergartens or day nurseries, first organized the traffic safety club for their children in July of 1971. In November of 1981 there were about 18,600 traffic safety clubs all over the

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country. Those clubs hold monthly meetings, at which infants and their mothers enjoy games and singing to learn traffic rules under the guidance of club leaders and policewomen. In kindergartens or in day nurseries infants take education on traffic rules, above all, on how they should walk on the road. Moreover, in March of 1979 there were 176 traffic parks for infants to learn traffic rules while they play there.

Many pupils of elementary schools and junior high schools join the traffic boy & girl clubs. The total number of those clubs amounted to about 4,500 in September of 1982. The members of those clubs, who assume to themselves good traffic manner through their activities, are expected to become leaders of the traffic safety movement among their peers. In elementary schools younger pupils often take education on traffic rules, above all, on how to ride a bicycle according to traffic rules.

In rural area many students of senior high schools cannot commute to their school on foot. Therefore, some of them are permitted to commute by an autocycle. In their senior high schools they sometimes take education on how to ride an autocycle according to traffic rules.

In the 1970's the education on traffic rules has been systematically carried out in the community, above all, in schools. It must contribute to prevent many juveniles from committing traffic offences.

### 3. Regulation of Hotrodders

Concerning the juvenile traffic offenders, driving of hotrodders has been a troublesome problem. About twenty-five years ago, hotrodders appeared in Japan for the first time; some youngsters drove autocycles without mufflers to enjoy themselves speeding. As they drove very noisily, mass media named them Kaminari-zoku<sup>2)</sup> in 1959.

In the late 1960's hotrodders enjoyed themselves driving autocycles and automobiles. At the night of week end, some of them tried racing on a wide road in the center of big cities. Many youngsters came to see racing. They caused riots in several cities. In June of 1972, a big riot occurred in Toyama City, in which about 3,000 spectators participated. After this riot mass media began to call hotrodders Bōsō-zoku.<sup>3)</sup> By the research of the police, there were 467 races in 1973, in which 28,700 hotrodders and 17,228 vehicles participated, and which about 120,000 persons gathered to see.

In 1972 some hotrodders began to form a gang. The gang of hotrodders has been called Bōsō-zoku. As gangs of hotrodders had territories, they began to fight some gangs and to ally themselves with other gangs. The scale of some

Sometimes thousands of hotrodders drove vehicles together, which annoyed drivers very much. When drivers protested hotrodders, their vehicles were destroyed or some of them were injured by hotrodders. Therefore, the police began to regulate hotrodders severely. In revenge for the severe regulation, some hotrodders attacked the policemen or the police branches in the late 1970's.

In 1978 the Road Traffic Law was amended. Under the amended law, hotrodders would be punished if they put the road traffic in danger or put someone to serious annoyance by side-by-side driving. Moreover, the penal score against them was raised in January of 1981. Under the new score system, their driver's license could be revoked if they commit a dangerous or troublesome side-by-side driving. Since 1978 hotrodders have been severely regulated by the police.

Because of severe regulation, the total number of hotrodders investigated by the police increased from 21,967 in 1977 to 48,313 in 1981 (Table 3). Especially hotrodders on suspicion of no license and incompletely equipped vehicle increased drastically. Because many hotrodders often broke the Road Traffic Law, their driver's licenses were revoked. Therefore, the total number of hotrodders without driver's license increased. Hotrodders frequently drove incompletely equipped vehicles, above all, vehicles without mufflers. Their driving was dangerous for other drivers, and troublesome for residents along the roads because of noise. The police began to regulate those hotrodders severely. In addition, many hotrodders were caught on suspicion of dangerous or troublesome side-by-side driving since 1979. Their total number increased 2,405 in 1979 to 7,254 in 1981. Recently we don't hear that hotrodders cause a riot, fight each other violently, or attack a citizen or policeman, although we sometimes see some hotrodders drive their incompletely equipped vehicles at the midnight of week end. By the research of the police, hotrodders have become young (Table 4). The rate of juveniles among hotrodders investigated by the police, increased 67.3% in 1975 to 80.6% in 1980. It becomes important for us to consider how we treat juvenile hotrodders.

### 4. Regulation by the Police

Figure 1 shows the juvenile justice system in Japan. First, let us see how the police regulated juvenile traffic offenders. From Table 5 we could infer what kinds of offences of the Road Traffic Law the police knew in 1965 and in 1981. In 1981 the total of juvenile cases numbered 1,533,136, which were 1.83 times as much as that in 1965. Of the total, 19.2%, 9.3%, 9.1%, 9.0% were

er-limited speed passers beyond capacity, not carrying



license card and neglect of no thoroughfare sign respectively. The cases of incompletely equipped vehicles, neglect of no thoroughfare sign, not carrying license card, neglect of line on road and passengers beyond capacity in 1981 were over 3 times as much as that in 1965.

In juvenile cases, the cases of incompletely equipped vehicle and passengers beyond capacity had the higher increase rate than that in the adult cases. By the research of the police, among the members of the gangs of hotrodders, 60.1%, 34.6% and 5.3% have an autocycle, an automobile and no vehicle in 1975 respectively, while 38.2%, 38.7% and 23.1% in 1980. As the members became young, the members without a vehicle increased. Therefore, many hotrodders recently drove their vehicles carrying passengers beyond capacity. In 1981 the total number of hotrodders caught by the police amounted to 48,313, which was 2.2 times as much as that in 1977. Of the total, 9,987 were caught on suspicion of incompletely equipped vehicle. In addition, some of those who repaired vehicles were caught on suspicion of the offences of the Vehicles for Road Transportation Law.

During the period from 1965 to 1981, the total number of overload and no license decreased remarkably. In 1965 the total number of the graduates of junior high schools amounted to 2,359,558, of which 70.6% entered senior high schools. There were many juvenile workers who had chances to drive vehicles. However, under the Road Traffic Law, juveniles under 20 years old, under 18 years old and under 16 years old could not get driver's licenses for large automobiles, ordinary licenses and licenses for autocycles respectively. In 1965 many poor young juveniles who drove vehicles without driver's license, were caught by the police. On the other hand, in 1980 the total number of the graduates of junior high schools amounted to 1,723,022, of which 94.2% entered senior high schools. Recently there are not many juvenile workers who drive vehicles without driver's license. In 1980 the population in Japan numbered 117,057,485, of which 36.7% have driver's licenses (Table 1).

#### 5. Adjudication in Family Courts<sup>4)</sup>

All juvenile delinquents, some of pre-offence juveniles and some of law-breaking children, who are guided or investigated by the police, are referred to family courts under the Juvenile Law. In family courts there are some probation officers who are specialists in psychology, sociology or education. Family court probation officers investigate the referred juveniles, carry out many kinds of tests and research their background such as their family, their school or their place of work.

Receiving reports from family court probation officers and staff specialists

of juvenile detention & classification homes, family court judges begin to adjudicate. Table 6 shows final dispositions of juvenile non-traffic offenders in family courts. Japan has recently seen the third peak of juvenile delinquency since World War II, as the police have concentrated on catching juvenile offenders. But most juveniles only commit minor offences, such as shoplifting and riding bicycles without the owner's permission (Figure 2). Therefore, the percentage of juvenile offenders, who are dismissed without hearing, has increased since 1965.

In Japan vehicle operators who kill or injure another by negligence would be convicted of professional negligence causing death or bodily injury under the Penal Code. Table 7 shows the final dispositions of juveniles in family courts who were convicted of this offence. In 1965 there were many juveniles who were referred to public prosecutors. Most of them were only fined like adults.

Table 8 shows the final dispositions of juveniles in family courts who committed offences of some road traffic laws. In 1960 most of juvenile road traffic offenders were regarded as minor offenders who did not need education under the Juvenile Law. Since 1964, the second peak of juvenile delinquency, juveniles who committed serious offences, have decreased. On the other hand, in the late 1960's juvenile traffic offenders increased. Therefore, they came to be regarded as those who need education. In the early 1970's, the number of dismissals without hearing<sup>5)</sup> decreased drastically, as many were dismissed after being placed under tentative probation. Recently, family court judges more frequently decide to put juvenile traffic offenders under probationary supervision or to commit them to juvenile training schools in order to guide and educate them.

#### 6. Under Tentative Probation

During the period of investigation, family courts can place juveniles under tentative probation. Family court probation officers supervise juvenile tentative-probationers not only for investigation but also for education and guidance. Since 1954 probation officers in Tokyo Family Court have held the lecture meeting for education of juvenile traffic offenders placed under tentative probation. In 1963 they began to lodge periodically with the juvenile traffic offenders for three days in order to educate them. Moreover, other juvenile traffic offenders under tentative probation have been guided to listen to a lecture at drivers' training schools or at Traffic Safety Associations. In 1960's the tentative probation were systematized for education of juvenile traffic offenders all over the country. In 1970 about 58,000 traffic juvenile

offenders and about 22,000 non-traffic juvenile offenders were placed under tentative probation.

In the late 1970's the total number of juvenile tentative-probationers decreased and their terms of tentative probation became short (Table 9). As juvenile serious offenders decreased, in the early 1970's the total number of juvenile non-traffic offenders who were placed under probation or committed to juvenile training schools, decreased drastically (Table 6). Therefore, in the middle 1970's the Ministry of Justice, which is in charge of administration of probation and juvenile training schools, began to cope positively with treatment of juvenile traffic offenders and rather minor offenders. It is the reason why juvenile tentative-probationers decreased and their terms of tentative probation became short in the late 1970's. Though tentative probation has been carried out well, juvenile offenders are more frequently placed under probation or committed to juvenile training schools instead of being placed under tentative probation. In 1980, 97.3% of juvenile traffic offenders, who had been released from tentative probation, were dismissed without being imposed any more educative measure under the Juvenile Law.

#### 7. Under Probation & Under Parole

Probation-parole officers, who belong to the Ministry of Justice, have charge of probation and parole. But their total number is too small to carry out all probationary or parolable supervision. Therefore, many leaders in the community become volunteer probation-parole officers. As traffic probationers and parolees gradually increased, in the late 1960's many probation-parole offices began to carry out group guidances for traffic probationers and parolees; they gather a few dozens of traffic probationers and parolees, their parents and their employers together to lecture on the moral of drivers, the technique of driving, the road traffic laws and so on. In 1970 there were 18,083 traffic offenders under probationary or parolable supervision, of whom juvenile probationers, parolees tentatively released from prisons, probationers with suspended sentences and parolees tentatively released from juvenile training schools amounted to 79.2%, 15.8%, 4.7% and 0.3% respectively.

In 1975 all probation-parole offices carried out group guidances for traffic probationers and parolees. In the late 1970's some of public and volunteer probation-parole officers became specialists in charge of the supervision of traffic probationers and parolees. Those specialists endeavour to educate and guide them rather than to supervise them. As group guidances were successful, in 1977 the short-term probation for juvenile traffic offenders was introduced. In stead of being supervised individually, juveniles under short-

term probation are compelled to attend some group guidances and to write monthly reports on their lives, which are submitted to probation-parole officers. As a rule they are released after being under probation in three or four months. Since short-term probation was introduced, family court judges have more frequently decided to place juvenile traffic offenders under probation (Table 7 and Table 8). In 1980 there were 30,638 juveniles placed under short-term probation, of whom about 99% were released from it within six months.

#### 8. Juvenile Training School

In general, juveniles committed to juvenile training schools were confined there over one year. This term of confinement seemed to be long for juvenile traffic offenders. Therefore, in 1969 a juvenile training school for the short-term treatment of juvenile traffic offenders was established in Matsuyama Juvenile Training School. Next year a training house for juvenile traffic offenders was opened in Uji Juvenile Training School. These institutions carried out special educative treatment. In 1971 the total number of juveniles newly committed to Matsuyama Short-term School and Uji Training House amounted to 68 and 17 respectively.

As juveniles committed serious offences decreased after the second peak of juvenile delinquency, the inmates of juvenile training schools gradually decreased. In the middle 1970's inmates were so few for the capacity of juvenile training schools that the budget might be cut. Therefore, the Ministry of Justice reformed the system of juvenile training schools in 1977. It established three kinds of juvenile training schools: (1) long-term schools for the juveniles of advanced criminal tendency, (2) short-term schools for the juveniles of less advanced criminal tendency, and (3) short-term schools for juvenile traffic offenders.

In 1980 there were 40 long-term schools and 20 short-term schools all over the country. 8 of 20 short-term schools, which are open or semi-open institutions, carried out educative treatment both for the juveniles of less advanced criminal tendency and for juvenile traffic offenders<sup>6)</sup> while 12 did only for the former. As a rule, juvenile non-traffic offenders and juvenile traffic offenders in short-term schools are confined within 6 months and within 4 months respectively, while juveniles in long-term schools are within 2 years. In 1980 the total number of juveniles newly committed to long-term schools, to short-term schools for non-traffic offenders and to short-term schools for traffic offenders amounted to 2,978, 1,512 and 230 respectively.<sup>7)</sup>

#### 9. Conclusion

In the 1960's there were a lot of traffic accidents. To suppress the

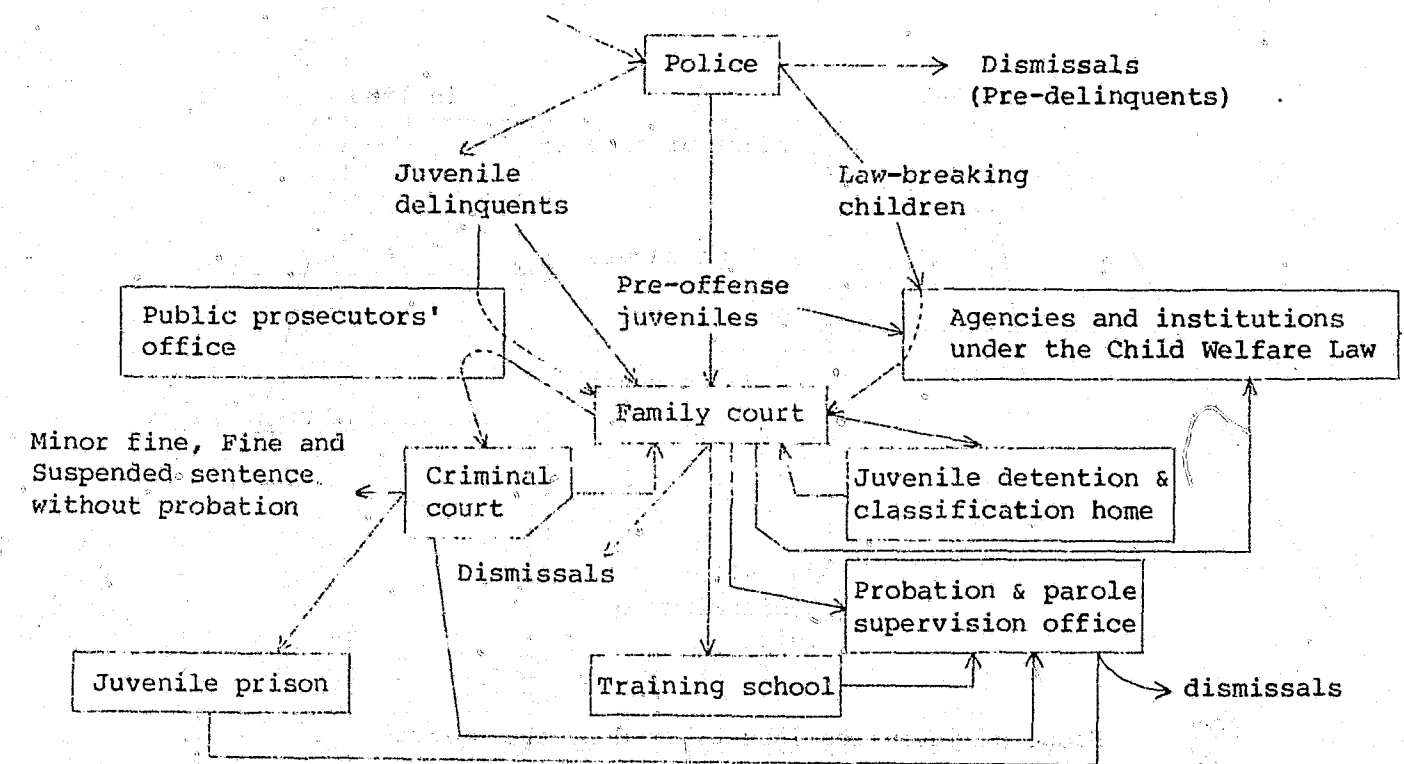
increase of traffic accidents, Japan systematically carried out education on traffic safety, and criminalization of traffic offenders in the 1970's. Education of infants and children, which are carried out in families, in schools and in the community, may not have a rapid effect. But it must be a base to prevent traffic accidents and traffic offences. Systematic education has greatly contributed to the decrease of traffic accidents in the 1970's.

In the 1970's, juveniles who committed serious offences decreased. Therefore, the police began to regulate juvenile traffic offenders, above all, hotrodders severely. However, in spite of severe regulation, their treatment has been educative. Juveniles who commit serious traffic offences, are more frequently placed under tentative probation or under probation, or committed to juvenile training schools. They are given special educative treatment in place of punitive treatment. Successful treatment has also contributed to the decrease of traffic accidents.<sup>8)</sup>

Note

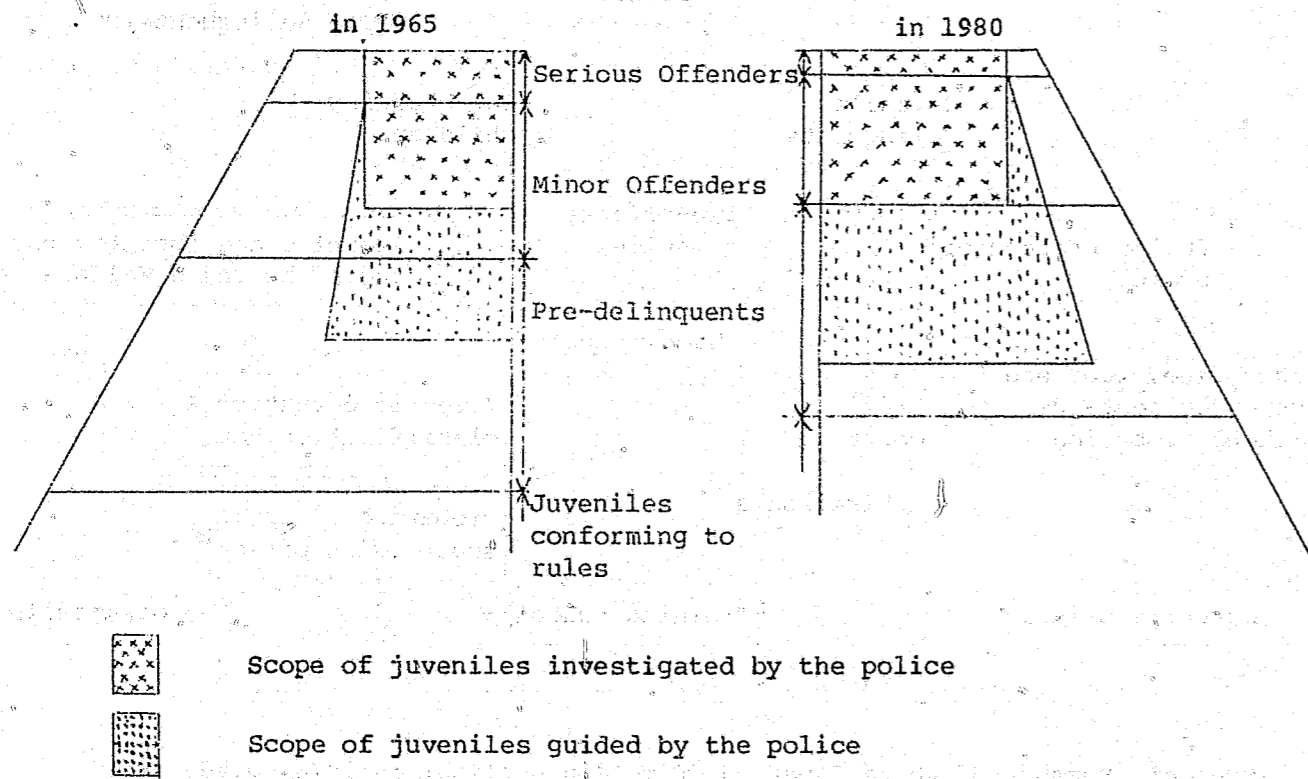
- 1) See Minoru Yokoyama "Criminalization of Traffic Offenders in Japan" in Charles Fenwick & Carl Becker eds., Law, Crime and Justice in Japan, which will be published in 1984.
- 2) Japanese words, "Kaminari" and "Zoku" have the meaning of a thunder and a tribe respectively.
- 3) Japanese word, "Bōsō" has the meaning of running madly.
- 4) See Minoru Yokoyama, "Juvenile Justice System in Japan" (unpublished paper).
- 5) In addition, all juveniles dismissed without hearing have been given a lecture on traffic safety in family courts, when they come there in order to take investigation.
- 6) Harima Training School is one of them. On October 17, 1983, the total number of inmates in Harima Training School amounted to 82, of which 7 were traffic juvenile offenders. They take special education and treatment, which is separate from that for the juveniles of less advanced criminal tendency. For example, they are sometimes taken to the place of a traffic accident. After seeing it, they discuss how it occurred. Moreover, they are periodically taken to a rehabilitation center in order to help the care, in which there are many victims of traffic accidents.
- 7) If hotrodders commit not only traffic offences but also Penal Code offences, they are committed to long-term schools. Many leaders and subleaders of the gang of hotrodders are treated there.
- 8) However Ja an must avoid the extreme criminalization of traffic offenders

Figure 1. Juvenile Justice System in Japan



Source: Summary of white Paper on Crime (in English) in 1978, p.56

Figure 2. Scope of Juvenile Delinquents Guided & Investigated by the Police in 1965 & in 1980



This original figure was first presented at Tokiwa International Seminar on Juvenile Delinquency and Education on September 7 and 8 in 1982 at Tokiwa-Gakuen College, Mito-City, Japan

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Table 1. Statistics on Traffic Accidents

<u>Year</u>	<u>Persons with Driver's License (Unit: thousand)</u>	<u>Registered Vehicles (Unit: thousand)</u>	<u>Traffic Accidents</u>	<u>Persons Killed by Traffic Accidents</u>	<u>Persons Injured by Traffic Accidents</u>
1945	no statistics	144	8,706	3,365	9,094
1950	no statistics	388	33,212	4,202	25,450
1955	3,780	1,464	93,981	6,379	76,501
1960	10,723	3,453	449,917	12,055	239,156
1965	21,104	7,897	567,286	12,484	425,665
1970	26,449	18,587	718,080	16,765	981,096
1975	33,483	28,934	472,938	10,792	622,467
1980	43,000	38,939	476,677	8,760	598,719

Sources: Ministry of Justice, White Papers on Crime  
National Police Agency, White Papers on Police



Table 2. Scale of the Gangs of Hotrodders

		<u>Total of the Gangs</u>	<u>Number of Members</u>				
			<u>Under 10</u>	<u>10-29</u>	<u>30-49</u>	<u>50-99</u>	<u>Over 99</u>
At the end of December, 1973	Number*	611	212	272	52	75	
	%	(100.0)	(34.7)	(44.5)	(8.5)	(12.3)	
In November, 1980	Number*	754	141	300	141	120	52
	%	(100.0)	(18.7)	(39.8)	(18.7)	(15.9)	(6.9)

\* Total Number of the Gangs of Hotrodders

Sources: White Papers on Police

Table 3. Hotrodders Investigated by the Police in 1977 & in 1981

	1977		1981		Index (1977=100)
	Number	%	Number	%	
<u>Total</u>	21,967	(100.0)	48,313	(100.0)	220
<u>Offenders of Road Traffic Law</u>	17,244	(78.5)	37,987	(78.6)	220
No License	399	(1.8)	2,503	(5.2)	627
Drunken, Slightly Drunken	165	(0.8)	263	(0.5)	159
Over Limited Speed	2,562	(11.7)	3,109	(6.4)	121
Neglect of Signal	2,215	(10.1)	3,142	(6.5)	142
Incompletely Equipped Vehicle	2,834	(12.9)	9,987	(20.7)	352
Dangerous or Troublesome Side-by-Side Driving	-		7,254	(15.0)	-
Others	9,069	(41.3)	11,729	(24.3)	129
<u>Penal Code Offenders</u>	2,525	(11.5)	4,673	(9.7)	185
Injury, Violence	560	(2.5)	1,419	(2.9)	253
Gathering with Weapons	748	(3.4)	830	(1.7)	111
Interference with a Government Official in the Exercise of his Duties	321	(1.5)	344	(0.7)	107
Others	896	(4.1)	2,080	(4.3)	232
<u>Offenders of Special Penal Laws</u>	2,198	(10.0)	5,653	(11.7)	257
Violent Behaviour Regulating Law	1,377	(6.3)	2,349	(4.9)	171
Gun & Sword Control Law	13	(0.1)	18	(0.0)	138
Poison & Dangerous Object Control Law*	451	(2.1)	931	(1.9)	206
Others	357	(1.6)	2,355	(4.9)	660

\* In 1964 some juveniles began to snuffle thinner in order to get themselves intoxicated. Most offenders of the Poison & Dangerous Object Control Law were those who got thinner illegally.

Sources: White Papers on Crime

Table 6. Final Dispositions of Juvenile Non-Traffic Offenders in Family Courts

<u>Year</u>	<u>Total</u>	<u>Dismissal</u>		<u>Referral to</u>		<u>Probation</u>	<u>Commitment to</u>	
		<u>without Hearing</u>	<u>after Hearing</u>	<u>Public Prosecutors</u>	<u>Child Guidance Centers</u>		<u>Child Homes</u>	<u>Juvenile Training Schools</u>
1965	157,896 (100.0)	87,979 (55.7)	39,668 (25.1)	3,119 (2.0)	561 (0.4)	19,262 (12.2)	228 (0.1)	7,079 (4.5)
1975	118,253 (100.0)	77,760 (65.8)	28,475 (24.1)	850 (0.7)	168 (0.1)	8,655 (7.3)	115 (0.1)	2,230 (1.9)
1980	172,359 (100.0)	120,040 (69.5)	33,524 (19.5)	824 (0.5)	153 (0.1)	13,782 (8.0)	143 (0.1)	3,893 (2.3)

Source: Ministry of Justice, White Paper on Crime in 1982, P.271.

Table 7. Final Dispositions of Juvenile Offenders of Professional Negligence Causing Death or Bodily Injury in Family Courts

Year	Total	Dismissal		Referral to		Probation	Commitment to	
		without Hearing	after Hearing	Public Prosecutors	Child Guidance Centers		Child Homes	Juvenile Training Schools
1965	35,661 (100.0)	4,717 (13.2)	15,461 (43.4)	13,785 (38.7)	-	1,683 (4.7)	-	15 (0.0)
1975	44,905 (100.0)	3,625 (8.1)	29,836 (66.5)	7,599 (16.9)	-	3,776 (8.4)	-	69 (0.1)
1980	48,190 (100.0)	4,199 (8.7)	26,357 (54.7)	5,410 (11.2)	-	12,036 (25.0)	-	188 (0.4)

Source: Ministry of Justice, White Paper on Crime in 1982, P275



Table 8. Final Dispositions of Juvenile Road Traffic Offenders in Family Courts

Year	Total	Dismissal		Referral to		Probation	Commitment to	
		without Hearing	after Hearing	Public Prosecutors	Child Guidance Centers		Child Homes	Juvenile Training Schools
1960	519,908 (100.0)	396,488 (76.2)	62,890 (12.1)	57,084 (11.0)	5 (0.0)	3,430 (0.7)	-	11 (0.0)
1965	754,322 (100.0)	470,397 (62.4)	157,008 (20.8)	120,542 (16.0)	-	6,356 (0.8)	-	19 (0.0)
1970	504,073 (100.0)	259,649 (51.5)	179,767 (35.7)	54,947 (10.9)	-	9,675 (1.9)	-	35 (0.0)
1975	203,421 (100.0)	32,557 (16.0)	123,103 (60.6)	38,924 (19.1)	-	8,789 (4.3)	-	48 (0.0)
1980	256,256 (100.0)	47,657 (18.6)	143,087 (55.8)	35,310 (13.8)	1 (0.0)	29,996 (11.7)	-	205 (0.1)

Sources: Supreme Court, Annual Reports of Judicial Statistics

Table 9. Terms of Dismissal from Juvenile Tentative Probation

Year	Total	Road Traffic Offenders				Non Traffic Offenders			
		Total	1 month and under 1 month	1-3 months	Over 3 months	Total	1 month and under 1 month	1-3 months	Over 3 months
1965	42,395	29,062 (100.0)	14,669 (50.5)	3,803 (13.1)	10,590 (36.4)	13,333 (100.0)	2,539 (19.0)	1,924 (14.4)	8,870 (66.6)
1970	79,677	58,009 (100.0)	34,419 (59.3)	16,104 (27.8)	7,486 (12.9)	21,668 (100.0)	7,154 (33.0)	6,264 (28.9)	8,250 (38.1)
1975	82,057	60,208 (100.0)	34,879 (57.9)	16,787 (27.9)	8,542 (14.2)	21,849 (100.0)	8,034 (36.8)	6,735 (30.8)	7,080 (32.4)
1980	61,328	42,918 (100.0)	26,580 (61.9)	12,143 (28.3)	4,195 (9.8)	18,410 (100.0)	9,111 (49.5)	4,873 (26.5)	4,426 (24.0)

Sources: Supreme Court, Annual Reports of Judicial Statistics

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