

Drug Driving in NSW: evidence-gathering, enforcement and education

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Abstract

Drug driving is an area of increased research focus and policy action in NSW. Recent research by Transport for NSW (TfNSW) has identified that 13% of fatalities on NSW roads over the period 2010-13 involved a driver or rider with at least one of three illicit drugs (cannabis, speed, ecstasy) present in their system. This places drug driving alongside other key behavioural factors in the road toll, including alcohol and fatigue.

A recent survey of NSW drivers who use illicit drugs found that 30% self-reported drug driving at some point. This equates to a prevalence rate of 2% of NSW drivers. It also found that drug drivers in NSW are generally not yet convinced of the likelihood of being caught and that many think their drug use does not impair their driving skills.

Work is underway with the NSW Police Force to better understand the available evidence and further deter drug driving. Actions include detailed analysis of laboratory results from drug driving offences and enhanced linkage of drug test and crash data to inform policy development and trends analysis. Roadside drug testing, which has been in place in NSW since 2007, will also be significantly expanded from around 30,000 tests per year to over 90,000 tests per year. Operations are targeted to high risk locations and are increasingly mobile and decentralised to enhance regional enforcement and maximise deterrence.

To support the rollout of enhanced enforcement, TfNSW has commenced development of a communication strategy and public education.

Introduction

In March 2015, the NSW Government announced a threefold increase in roadside drug testing on NSW roads by 2017. This initiative is one part of a package to enhance drug driving countermeasures, which also includes the development of targeted drug driving communications informed by survey research; and an ongoing research commitment to enhancing analysis of drug test results and linkage to NSW crash data. The aim of this paper is to provide a brief outline of recent Transport for NSW research on drug driving, and the new initiatives.

Background

Over the past decade, the focus for NSW drug driving programs has been deterring and detecting drug drivers and riders through on-road enforcement by the NSW Police Force.

Under the *Road Transport Act 2013*, drivers can be charged for driving with the presence of an illicit drug (cannabis, speed, ecstasy, cocaine or heroin) in their system. Drivers in NSW can also be charged with Driving under the Influence (DUI) of an illicit or pharmaceutical drug if they have drugs in their blood or urine, and are driving impaired.

NSW Police commenced roadside drug testing of drivers' oral fluid in 2007. The power to conduct roadside testing supplemented existing Police powers to arrest and blood test drivers believed to be under the influence of drugs.

Roadside testing detects three commonly used illicit drugs only: delta-9-tetrahydrocannabinol, methylamphetamine and methylenedioxyamphetamine (referred to as cannabis, speed and ecstasy). Positive roadside test results are confirmed by laboratory screening of oral fluid samples.

Since introduction, over 250,000 roadside tests have been conducted by NSW Police. Overall, one in 34 drivers have tested positive at the roadside for one or more commonly used illicit drug. Around 1,000 drivers in NSW have been convicted of a drug driving offence (presence or driving under the influence) each year since 2008. To date, communications have played a minor role in supporting Police enforcement, including targeted information for the heavy vehicle industry and the high school curriculum.

Recent NSW research

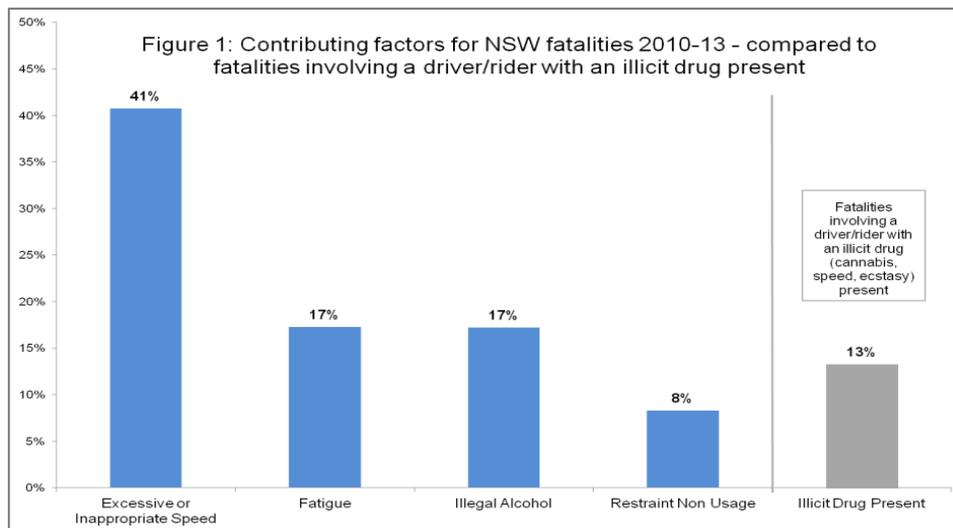
Drug driving and the NSW road toll

Since December 2006, NSW road transport legislation has enabled compulsory drug testing of drivers/riders and supervising drivers involved in fatal crashes. Results have been used by NSW Police to prosecute drivers for drug driving or other serious culpable driving offences but have not, until recently, been linked to NSW crash data for road safety analysis.

In 2014, Transport for NSW obtained and matched test results for drivers and riders involved in fatal crashes over the period 2010-2013 from the Forensic and Analytical Science Services (FASS) of NSW Health. As a first step, results were analysed for the presence of the three common illicit drugs detectable through roadside testing (cannabis, speed and ecstasy).

Over the period 2010 - 2013, 174 fatal crashes (13% of all fatal crashes on NSW roads) involved a driver or motorcycle rider with at least one of the three illicit drugs present in their system. The proportion of NSW fatalities from fatal crashes involving a driver/rider with illicit drugs present in their system has increased slightly over the four year period analysed, from 13% in 2010, to 16% in 2013.

To place this in context with other behavioural factors in the NSW road toll, over the period 2010-2013 illicit drugs were present (in an impairing or other concentration) in a similar proportion of NSW fatalities to illegal alcohol or fatigue; see Figure 1 below.



Drivers/riders involved in fatal crashes with illicit drugs present in their system were more likely to have also engaged in other high risk behaviours, including illegal blood alcohol (25%) or speeding (48%). A majority of the drivers/riders identified were male (86%).

Further analysis is now underway to maximise the completeness of the data set and analyse the extent to which other illicit drugs and misused pharmaceutical drugs are present in NSW fatal crashes and potential impairment of drivers involved in fatal crashes.

Self-reported behaviour and attitudes of NSW drivers who use illicit drugs

In 2014, Transport for NSW commissioned attitudinal research involving NSW drivers to determine the prevalence of drug driving on NSW roads and to explore the attitudes and beliefs of self-reported drug drivers (Taverner Research, 2015). The survey is the follow up to research completed in 2008, shortly after the introduction of roadside drug testing (Taverner Research, 2009).

The 2014 telephone survey sample included over 7,500 NSW licensed drivers. An extended telephone interview was undertaken with a subsample of over 500 drivers who admitted to recent illicit use of drugs (use of a common illicit drug or pharmaceutical drug illicitly in the previous 12 months). Amongst the subsample of NSW drivers who admitted to recent illicit drug use, 30% reported driving after taking drugs at some point in the past. This equates to a population prevalence of 2%.

A similar but separate telephone survey was also recently completed involving NSW drivers who regularly drink alcohol to monitor drink driving behaviour. Overall, 3% of drivers surveyed admitted to driving within the previous month when they knew or suspected they were over the legal alcohol limit (Taverner Research, 2015b). To compare, 13% of NSW drivers who admitted to recent illicit drug use reported drug driving at least once a month. This highlights that while illicit drug drivers represent a comparatively smaller proportion of the population, they report drug driving more regularly than drink drivers report drink-driving.

Illicit drug driving was more prevalent among males and younger drivers (age groups from 16-39 years). There was also a strong relationship between frequency of drug use and frequency of drug driving, with more frequent users (particularly regular users of marijuana) reporting more frequent drug driving. There was no significant difference in the prevalence of drug driving between metropolitan and non-metropolitan respondents.

In general, self-reported drug drivers were less likely to see the risks associated with drug driving, with many (44%) believing that the drugs they take do not diminish their driving ability. Drug drivers also reported being much more willing to be a passenger in a vehicle driven by a driver under the influence.

The survey also found that, while there are high levels of awareness that drug driving is illegal and that Police can conduct drug testing, illicit drug using drivers are not yet convinced that a drug driver is likely to be caught (49%). This is compared to 70% of the same sample who thought it likely that a drink driver would be caught.

These findings highlight the need to enhance the deterrent effect of drug driving enforcement in NSW, as well as shift drug users' beliefs about how drugs affect their driving skills and safety.

Drug driving initiatives

The new research has provided an evidence base to enhance drug driving countermeasures in NSW. Leveraging the success of past strategies to address drink driving, NSW has now adopted an integrated general deterrence approach to drug driving that combines high visibility police enforcement with public education.

Further research will also inform a review of NSW drug driving policy and legislation to ensure that offences and penalties are appropriate to deter drug driving and address emerging issues.

The new initiatives are being delivered by Transport for NSW in consultation with a drug driving consultative group comprised of key NSW Government agencies. The consultative group enables a whole-of-government approach that will ensure related government policy development and programs are also considered in future drug-driving review and reform. Key initiatives include:

Strengthening NSW Police enforcement

By 2017, the number of roadside drug tests in NSW will reach over 97,000 tests per year. Deterrence will be maximised through an increasingly decentralised and mobile approach to enforcement. New drug testing devices are being rolled out to police stations across NSW to enhance enforcement capability in regional and rural NSW. Portable initial drug testing wipes are being made available to trained officers in patrol vehicles to enable 'mobile' enforcement.

From February 2015, legislative enhancements to the *Road Transport Act 2013* also came into effect to expand the circumstances in which Police may order a sobriety assessment and blood test if they suspect a driver is under the influence of a drug. NSW Police can now require this test if a person's appearance, behaviour or manner leads them to suspect the driver may be under the influence.

These changes will significantly enhance the visibility and increase the unpredictability of drug testing, providing more deterrence from enforcement.

Developing a new drug driving communications strategy

To enhance the general deterrence provided by the expanded roadside drug testing regime, and increase community awareness and social unacceptability of drug driving, Transport for NSW is developing a broad based communications strategy.

This will include a state-wide public education campaign, based on behaviour change principles and insights from recent attitudinal research and crash analysis. The rollout of the campaign will be

timed to coincide with staged increases in NSW Police enforcement over the period from 2015 to 2017. Work is also underway to develop targeted communications for high risk groups and to enhance school based education materials delivered as part of the NSW high school curriculum.

Enhancing analysis of drug test results and linkage to NSW crash data

Transport for NSW is working closely with the NSW Police to enhance the analysis of results from roadside oral fluid testing, blood and urine testing from fatal crashes and drug driving offences, and to interpret test results linked to crash information.

This research partnership will provide a detailed report of drug driving on NSW roads over time, and will explore the potential road safety impact of illicit, emerging, synthetic and pharmaceutical drugs. This information may also enable strategic deployment of drug enforcement operations to high risk areas.

References

Taverner Research (2009). *2008 Drug Driving Survey of NSW Drivers*. Unpublished Research Report prepared for NSW Roads and Traffic Authority.

Taverner Research (2015). *Illicit Drug Using Drivers in NSW*. Unpublished Research Report prepared for Transport for NSW.

Taverner Research (2015b). *2014 Drink Driving: A Survey of NSW Drivers*. Unpublished Research Report prepared for Transport for NSW.