

## Australia's second generational approach to roadside drug testing

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### Abstract

Australia's current model of roadside drug testing, based on principles of deterrence, is internationally recognised as the largest and most intensive drug driving enforcement program in the world. This paper considers the future direction of roadside drug testing in Australia by drawing upon key findings and recommendations from a report released in October 2018 by the National Drug Driving Working Group – “*Australia's second generational approach to roadside drug testing*”. The report explores a range of critical issues which impact on Australia's continued efforts to establish a best practice model for roadside drug testing, including the limitations of current drug testing technology, application and relevance of deterrence theory and testing of medications.

### Background

Drug-impaired driving has been identified by the national Transport and Infrastructure Council (the Council) and senior police officials as a priority area within the road safety portfolio. The National Drug Driving Working Group (the Working Group) was established by the Council to collectively work towards the development of a national best practice model for roadside drug testing by utilising the knowledge, experience and resources of state governments and policing agencies. As part of its Terms of Reference, the Working Group is required to consider the following issues: cost-effective options for roadside drug testing; application of deterrence theory for drug driving enforcement; and engagement with industry and manufacturers to encourage the development of enhanced testing products to meet the changing needs of roadside drug testing in Australia. Australian law enforcement agencies use oral fluid testing to detect the presence of methylamphetamine, THC and MDMA in drivers. Most jurisdictions conduct further roadside and laboratory testing to confirm initial positive results.

### Issues

#### *Application of deterrence theory*

In Australia, roadside drug testing operations have been in operation for at least 10 years with a focus on high visibility and high volume enforcement (Davey et al., 2017). Targeted operations have yielded a significant number of drug drivers but jurisdictions acknowledge the benefits in allocating resources to conduct broader testing with the aim of achieving general deterrence. Despite the dearth of Australian research into deterrence and drug driving, Australian jurisdictions have demonstrated success in roadside drug testing operations by utilising deterrence principles. This is also reflected in jurisdictions' success with roadside breath testing operations.

#### *Cost and efficiencies of drug testing products*

Given the size and extent of Australia's roadside drug testing program, stakeholders have raised concerns regarding the cost of testing kits and the time taken to conduct analysis. The current timeframes for roadside drug testing include: 1) standard roadside screening test (drug wipe) may take approximately 5 to 10 minutes to complete; 2) further roadside screening test for a positive result may take up to an hour to complete; and 3) laboratory testing to confirm roadside results may take at least 2 weeks (or longer) for a complete analysis. The Working Group identified two technology items that would significantly benefit the growth of the nation's roadside testing program: 1) a roadside screening test that could be undertaken in less than a minute; and 2) a

roadside evidentiary testing device. The development of these products requires jurisdictions to deal more proactively with industry and product manufacturers.

### ***Medications and THC***

Medications and the introduction of medicinal marijuana presents a complex issue with regards to drug testing and enforcement. The current method of oral fluid screening used in traditional roadside drug testing cannot be used to test drivers under the influence of medications. The Working Group acknowledged that further debate and consideration of other technological processes for testing may be required to address this issue.

### **Recommendations**

The Working Group made 11 recommendations for consideration by Australian jurisdictions. The recommendations highlighted the following approaches:

- a) Reinforce the value of deterrence theory (both general and specific deterrence) as an effective theoretical approach underpinning roadside drug testing programs.
- b) Maintain the current approach of oral fluid screening as the most efficient method to test for drug presence.
- c) Increase direct engagement with product manufacturers and distributors to pursue the development of a suitable roadside evidentiary testing device and improve jurisdictions' access to information about pricing of drug testing products across jurisdictions.
- d) Maintain a watching brief on legislative developments for testing THC and medications and its impact on drug driving.
- e) The Working Group to continue working towards the development of a national best practice model of roadside drug testing.

### **References**

Davey, J., Armstrong, K., Freeman, J., Sheldrake, M., (2017). *Roadside Drug Testing Scoping Study: Final Report*. Canberra, Australia: Department of Infrastructure and Regional Development.