STRATEGIC PLAN

"DRINK DRIVING PROGRAMS : A REALISTIC ALTERNATIVE TO IMPRISONMENT IN NEW SOUTH WALES."

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EXECUTIVE SUMMARY

Drink Driving Programs : A Realistic Alternative to Imprisonment in New South Wales.

The introduction of Random Breath Testing in New South Wales from the early 1980's appears to have impacted in a number of ways. Whilst road fatalities appear to have decreased over the period 1982/89 the number of drink/drive convictions has increased along with the number of offenders sentenced to terms of imprisonment for repeat or habitual offending.

The sentences of imprisonment, whilst providing a level of punishment to the offender, do little to address any change in attitude or behaviour for these offenders. Following the completion of these sentences, usually between 3 months and 6 months in duration, these offenders are released back into the community with little or no rehabilitation to continue their previous lifestyle and propensity to re-offend.

Given the costs to the community involved with this incarceration it is appropriate to examine real alternatives to a gaol sentence for these offenders. Such alternatives need to be seen as not only imposing an appropriate penalty, commensurate with the gaol sanction, but also as a means of attempting behaviour modification to provide a measure of long term ongoing protection for the community.

It is possible to provide alternatives that are flexible both in terms of the individual offenders needs and also to provide a level of assurance to the community that the offender is being appropriately punished and that the community is being compensated through long term behavioural changes as opposed to short term protection.
AUSTRALIAN POLICE STAFF COLLEGE
42ND SENIOR OFFICERS' COURSE

STRATEGIC PLAN

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1. OBJECTIVE:

To Develop proposals for intensive programs for convicted habitual
drink/driver offenders as a genuine alternative to imprisonment in New
South Wales.

2. RATIONALE AND ANALYSIS:

2.1 Background

The introduction of random breath testing in the early 1980's has
impacted on the New South Wales prison population in relation to
persons imprisoned for traffic related matters. In 1975 there were 169
persons, or 5.8% of the prison population, serving gaol terms for traffic
related offences. This figure grew to 369 persons, (11.9%), in 1982 and
has remained above the 8% level up until 1989 when it fell to 291
persons or 7.8%. These figures of course relate to all traffic matters and
not just to drink/driver offenders, but do indicate a growing trend.
Individual figures for drink drivers alone are not available.

Of the offenders convicted and imprisoned in 1988 the following
disbursement shows, in percentage terms, their last known address by
broad demographic area:

<table>
<thead>
<tr>
<th>Broad Demographic Area</th>
<th>Per Cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney Metropolitan</td>
<td>60.0</td>
</tr>
<tr>
<td>Hunter Area</td>
<td>8.0</td>
</tr>
<tr>
<td>Illawarra Area</td>
<td>3.4</td>
</tr>
<tr>
<td>Country NSW</td>
<td>14.4</td>
</tr>
<tr>
<td>Interstate</td>
<td>14.2</td>
</tr>
<tr>
<td></td>
<td>100.0</td>
</tr>
</tbody>
</table>

The length of sentences, by number of offenders, imposed in 1988 was as
follows:

<table>
<thead>
<tr>
<th>Under 1 Month</th>
<th>Between 1 &amp; 3 Mths</th>
<th>Between 3 &amp; 6 Mths</th>
<th>Between 6 &amp; 12 Mths</th>
<th>Over 12 Mths</th>
</tr>
</thead>
<tbody>
<tr>
<td>69</td>
<td>121</td>
<td>67</td>
<td>25</td>
<td>11</td>
</tr>
</tbody>
</table>
Whilst details are not available in relation to the proportion of these offenders who fall into the drink/driver category it could be reasonably assumed to be at least 50%. On this basis the cost of imprisonment for these offenders is estimated to be in the order of $1.08 million per annum.

2.2 Comparable Alternatives

Until a few years ago a pre-sentence diversionary program was operating in New South Wales as a co-operative effort between the Health Department and the Probation and Parole Service. This program provided a basic alcohol education course for offenders prior to a sentence being imposed by the Court. This program faltered due to both a lack of longer term outcomes and the sentencers, judges and magistrates, losing faith with the program. A number of such programs are still in existence to provide alcohol education to offenders. The Orange District Office is involved with a pre-sentence diversionary program. The Moree District Office some 6 years ago developed a post sentence program in conjunction with the Moree Dependency Resource Unit which provided a 6 week course which was managed through a special condition of a recognizance entered into at the Court. Similar programs operate in other Australian States and overseas with the emphasis on short term educational objectives. Whilst these programs are beneficial they are basically targetted towards short term education. Generally assessment of the effectiveness of these programs is confined to measuring the change in knowledge rather than ongoing behaviour.

An innovative pre-sentence program is operated from Mt. Penang, near Gosford. Titled the "Central Coast Traffic Offenders' Program" the course requires participants to attend 8 weekly sessions covering the following topics:

- Disabilities
- Effects of Drugs & Alcohol
- Roads & Traffic Authority
- Ambulance First Aid -1.
- Motor Vehicle Maintenance
- Police
- Ambulance First Aid -2.
- Legal System - NRMA
The course involves the use of "outside" presenters and participants are required to complete a project book as part of the course. The course is voluntary and on completion a report is forwarded to assist the Court with sentencing. The emphasis is again on education but with a wider perspective than just alcohol related offences.

Encouragement for new ideas led to the development of new sentencing options in Queensland for drink drivers. In that state a probation order combined with a special condition to undertake a rewards based program for drink driver offenders, provides the Courts with a mix of options as an alternative to imprisonment.

The hierarchy in the new Queensland system provides the following sentence options:

1. A sentence may be imposed with a reduced term of imprisonment combined with a probation order including life or absolute disqualification from diving.

2. Probation combined with a Community Service Order as a direct alternative to imprisonment including life or absolute disqualification from driving.

3. Probation order not to apply for, or obtain a drivers licence until the successful completion of the Drink Driving Program as certified by the Correctional Officer.

This program, which was developed to meet the expressed needs of the Court, was developed as a reward based program for drink drivers, which actively sought the involvement of the community and offered the offender some hope of regaining his driving licence. At the successful completion of the course the Correctional Officer would support an application for the lifting of the driving disqualification.

The program provided for the return of the offenders to Court if they defaulted on the program and also provided for the offender to contribute financially towards the cost of his rehabilitation by paying a fee to attend some of the components of the course which are also available to the general public. The program is intensive in that it takes approximately 26 weeks to complete with participants required to attend on a weekly basis.
The broad outline of the course is:

- **Week 1**: Introduction
- **Week 2 to 7**: Group Counselling - Alcohol issues
- **Week 8 to 13**: First Aid Course - Ambulance Service
- **Week 14 to 17**: Defensive Driving Course
- **Week 18 to 21**: Police Discussion Groups
- **Week 22**: Road Engineering & Road Safety - Motorist Ass'n.
- **Week 23**: Insurance Industry - Cost of drinking to community
- **Week 24**: Legal Advice - Lifting Disqualification
- **Week 25 to 26**: Debriefing, Correctional Officers.

The first program was undertaken in March 1990 with 110 offenders taking part. Of those 2 were first offenders, 20 were second offenders and 88 were third offenders. Of the 110, 106 completed the course and 4 were taken back to Court for defaulting on the program. 2 applications for lifting the disqualification period were applied for and were successful. Whilst a number of problems were experienced the program was successful in reducing prison sentences.

### 2.3 Clarifying the Main Issues

One of the difficulties with all programs that offer a direct alternative to imprisonment, for the repeat or habitual offender, is gaining the confidence and support of the community and the sentencers. Whilst those programs that provide for an education component, in relation to alcohol issues, have demonstrated some benefit there is a need to demonstrate that any such program has a punitive element that is commensurate with the the length of any custodial sentence that might be imposed. Given that custodial sentences of between 3 and 6 months are involved, any community based program needs to relate in terms of intensity and deprivation of a persons' liberty or free time. If the program is to gain acceptance amongst sentencers it would need to provide a comparable period of intensive supervision. Given the broad application of 100 hours of community service being equal to a term of imprisonment of 6 months any intensive program would need to be between 50 and 100 hours. In structuring a program it would appear appropriate to settle on a standard period to accommodate all offenders. To this end an intensive
program of 80 hours is recommended which is capable of being completed in approximately 6 months, which equates to the length of time of a custodial sentence and is therefore more likely to find greater acceptance with the sentencing authorities as well as the general community.

In examining the new Queensland program an evaluation needs to be made as to whether the "Reward Base" could be considered, in light of the statutory disqualifications that apply. The hierarchy that applies, in relation to still having a custodial penalty in at least one alternative also needs consideration if the main objective of any program in New South Wales is to divert offenders from the prison system.

In formulating a strategy for a program in New South Wales that is a realistic alternative to imprisonment the following factors are identified as being important in formulating any program:

1. The composition of the program should be intensive enough to span a period of approximately 6 months,
2. Where possible the content of the program should involve community members or agencies,
3. The administration of the program should utilise existing structures where practicable,
4. Participants should contribute towards the cost of such a programme to provide a level of "ownership",
5. Participants are to be made aware that any default on their part will place them back before the Court,
6. The program should have the support of the sentencers.
7. The program should allow entry at the commencement of any phase or core area. The longest delay in entry should be no more than 8 weeks. This is to assure sentencers that participants will not be unduly delayed in being able to commence the program.

2.4 Proposal

That an intensive 27 week program be formulated as set out in attachment "A" and be implemented in the Sydney Metropolitan, Hunter and Illawarra areas using the existing Attendance Centre infrastructure.
Such a program would target at least 75% of the offenders who currently reside in New South Wales and who would, in the normal course of events, be subject to imprisonment in relation to drink driver offences.

2.5 Options for Implementation

A) That the program be undertaken by way of special condition on a recognizance.
   
   **Advantages:**
   1) Easy to implement
   2) Does not convey to offender that program is direct alternative to gaol.

   **Disadvantages:**
   2) Processing of defaults by way of breach could lead to delays.

B) That the program be undertaken as a special supervision condition on a Community Service Order.
   
   **Advantages:**
   1) Reinforces alternative to gaol
   2) Allows Court to specify additional Community Service hours.

   **Disadvantages:**
   1) If the offender completes the work component prior to the program enforcement poses some difficulty.
   2) Provides for cumbersome administration.

C) That the program be undertaken as part of a Community Service/Attendance Centre Order.
   
   **Advantages:**
   1) Ease of administration through existing Attendance Centre.
   2) Still allows Courts to impose additional Community Service Work where differential punishment is desired.
   3) More stringent attention to default issues.

   **Disadvantages:**
   1) Requires Attendance Centre program to be adjusted to provide for implementation of the program.

On balance the preferred option is option (C).
2.6 Consequences for Non Action:

The consequences for not taking action in relation to the implementation of this program would be:

a) A continuing increase in the gaol population with associated costs.

b) Ignoring the opportunity to save public expenditure of the order of $1.08 million.

3. IMPLEMENTATION:

3.1 Strategy

. It is proposed to adopt option (C) above which will provide for the program to be administered through the existing Attendance Centre structure.

. Entry to the program will be by way of a Community Service/Attendance Centre Order specifying at least 80 hours to be undertaken on the program. The Court, if it so desires can specify additional community work hours.

. That the program utilises outside agencies where practicable and that participants contribute towards the program by paying for specified segments.

. That the suggested program as detailed in attachment "A" be adopted.

3.2 Timeframe

. It is recommended that a pilot program be undertaken in the first half of 1991 with a view to implementing the program from the financial year commencing July 1991.
3.3 Costs and Resources

It is estimated that 150 offenders would be assigned to the program in the financial year 1991/92.

The estimated costing for the proposal is as follows:

<table>
<thead>
<tr>
<th></th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saving on custodial costs:</td>
<td>1,080,000.00</td>
</tr>
<tr>
<td>Cost of proposal</td>
<td>~61,000.00</td>
</tr>
<tr>
<td>Net saving per annum:</td>
<td>1,019,000.00</td>
</tr>
</tbody>
</table>

N.B:    

a) The cost of custodial care in minimum security accommodation is approx. $60 per day. The estimated cost of keeping 150 offenders in custody for a mean 120 days is $1.08 million.
b) The cost of supervising an offender in the community is approximately $15 per week. The cost of running a program for 150 offenders over a 27 week period is approximately $61,000.

A pilot program, for 20 offenders, could be financed from as low as $8,500.

An additional 3 staff positions would be required in the first year of operation increasing to 5 in subsequent years.

3.4 Co-ordination and Responsibility

It is recommended that a field officer be seconded to Central Administration to co-ordinate the program for a 12 month period. After that time responsibility should pass to the Regional Directors.

3.5 Monitoring and Control Procedures

Because the program will operate under the auspices of the Attendance Centre program the normal monitoring and control procedures should apply. However in the first 12 months the co-ordinator appointed should ensure that the specific performance indicators are met.
4. EVALUATION:

An evaluation of the program should be undertaken on completion of each course to ascertain that the objectives are being achieved.

**Specific Performance Indicators could be:**

a) Measured decrease in the number of offenders sentenced to imprisonment.

b) Measure of the successful completions and breaches for each course.

c) Indirect assessment of the benefits of the course from judges and magistrates.

d) Indirect assessment of the benefits of the program as seen by the participants.

e) Indirect assessment of community opinions and perceptions.

5. CONCLUSION:

The endorsement of this program will not only meet the need to reduce the prison population but will provide an opportunity to reduce recurrent expenditure in the order of $1.019 million per annum. In addition to this is a corresponding reduction in capital expenditure due to the reduction in custodial requirements.

It is a program that should meet the expectations of the community and sentencers alike and the cost effectiveness compared with the present system provides a valuable opportunity that should not be foregone.

David Bate  
Probation & Parole Service  
December 1990
6. REFERENCES:


Bate, D. Alcohol Education Program for Alcohol Related Offenders; Unpublished: Moree 1984.


Central Coast Traffic Offenders Program; Mt. Penang Detention Centre, Unpublished.


New South Wales Department of Corrective Services, Annual Report, 1989.

### 7. ATTACHMENT "A":

**DRINK DRIVING PROGRAM - OUTLINE**

<table>
<thead>
<tr>
<th>WEEK</th>
<th>CONTENT</th>
<th>AIDS</th>
<th>TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>INDUCTION</strong> - Explanation of Order, overview of Course. Consequences of non compliance, Ice Breakers, Group Rules, Completion of pre-course assessment.</td>
<td></td>
<td>3hrs</td>
</tr>
<tr>
<td>2</td>
<td><strong>ALCOHOL &amp; HEALTHY LIFESTYLE CORE</strong>&lt;br&gt;Safe &amp; Hazardous Levels of Drinking&lt;br&gt;How to calculate Blood Alcohol Levels</td>
<td>Videos</td>
<td>3Hrs</td>
</tr>
<tr>
<td>3</td>
<td>Canterbury Alcohol Screening Test&lt;br&gt;Problem Drinking/Alcohol Dependence - Record Intake</td>
<td>Videos</td>
<td>3Hrs</td>
</tr>
<tr>
<td>4</td>
<td>Drinking, Driving Surviving - Effects of mild levels of Intoxication on Reflexes/Reaction Time</td>
<td>Video</td>
<td>3Hrs</td>
</tr>
<tr>
<td>5</td>
<td>Stress Management &amp; Assertiveness Training as Alternative to Alcohol</td>
<td>Demo. Discussion</td>
<td>3Hrs</td>
</tr>
<tr>
<td>6</td>
<td>Guest Speaker from Alcoholics Anon. Road Trauma from Alcohol</td>
<td>Discussion Video</td>
<td>3Hrs</td>
</tr>
<tr>
<td>7</td>
<td>Responsible Drinking in Social Situations&lt;br&gt;Current Drinking Pattern - <strong>Core Assessment</strong></td>
<td>Discussion Assessment</td>
<td>3Hrs</td>
</tr>
<tr>
<td>8</td>
<td><strong>FIRST AID CORE PART A</strong>&lt;br&gt;Outline of Body Systems, Skeletal/Organs. Count Respiration. Scene safety, Airways Management</td>
<td>Ambulance Instructor</td>
<td>3Hrs</td>
</tr>
<tr>
<td>9</td>
<td>Respiratory System, Airways Management&lt;br&gt;Heart Function, Circulation System.</td>
<td>&quot; &quot;</td>
<td>3Hrs</td>
</tr>
<tr>
<td>10</td>
<td>Heart Attack, Resp. Difficulties, Faints Test&lt;br&gt;Wounds, Haemorrhage, Bandages.</td>
<td>&quot; &quot;</td>
<td>3Hrs</td>
</tr>
<tr>
<td>11</td>
<td><strong>EXAMINATION for basic Life Support.</strong></td>
<td>Assessment</td>
<td>3Hrs</td>
</tr>
<tr>
<td>12</td>
<td><strong>DEFENSIVE DRIVING CORE</strong>&lt;br&gt;Introduction - Drive to stay Alive&lt;br&gt;Vehicle Ahead, Vehicle Behind</td>
<td>Video</td>
<td>3Hrs</td>
</tr>
<tr>
<td>13</td>
<td>Collision with oncoming Vehicles&lt;br&gt;Overtaking and being Overtaken</td>
<td>Video</td>
<td>3Hrs</td>
</tr>
<tr>
<td>14</td>
<td>Intersection Collision/ Single vehicle collision</td>
<td>Video</td>
<td>3Hrs</td>
</tr>
<tr>
<td>15</td>
<td>Sharing the Roads/Attitude, workshop &amp; <strong>Assessment</strong></td>
<td>Video</td>
<td>3Hrs</td>
</tr>
<tr>
<td>16</td>
<td><strong>FIRST AID CORE PART B.</strong>&lt;br&gt;Fractures, dislocations, soft tissue injury, use of slings&lt;br&gt;Bandaging the shocked patient/management</td>
<td>Ambulance Instructors</td>
<td>3Hrs</td>
</tr>
<tr>
<td>17</td>
<td>Burns M'ment, Poisons, bites, stings,&lt;br&gt;Pro. pressure, Immobilisation techniques.</td>
<td>&quot; &quot;</td>
<td>3Hrs</td>
</tr>
<tr>
<td>18</td>
<td>Unconscious patient, various lifting/movement, eyes, ears, nose treatment &amp; examination.</td>
<td>&quot; &quot;</td>
<td>3Hrs</td>
</tr>
<tr>
<td>19</td>
<td>Review, Cardio Pulmonary &amp; <strong>Examination</strong>.</td>
<td>&quot; &quot;</td>
<td>3Hrs</td>
</tr>
<tr>
<td></td>
<td>POLICE TRAFFIC INSTRUCTION COURSE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Breathalyser, Radar, Arrest Procedure, Stats. on Drink/driving, Alcohol retention, Police &amp; Offender Attitudes</td>
<td>Police</td>
<td>3Hrs</td>
</tr>
<tr>
<td>21</td>
<td>Accident investigation unit, photos/videos, discussion</td>
<td>Police</td>
<td>3Hrs</td>
</tr>
<tr>
<td>22</td>
<td>NRMA Road Safety Issues &amp; Road Conditions</td>
<td>NRMA</td>
<td>3Hrs</td>
</tr>
<tr>
<td>23</td>
<td>INSURANCE INDUSTRY - Cost to the Community</td>
<td>Rep.</td>
<td>3Hrs</td>
</tr>
<tr>
<td>24</td>
<td>LEGAL PROFESSION - The Law - Rights &amp; Obligations</td>
<td>Law Soc.</td>
<td>3Hrs</td>
</tr>
<tr>
<td>25</td>
<td>BASIC VEHICLE MAINTENANCE</td>
<td>Mechanic</td>
<td>3Hrs</td>
</tr>
<tr>
<td>26</td>
<td>ALTERNATIVES TO DRIVING</td>
<td>P.&amp;P. O.</td>
<td>3Hrs</td>
</tr>
<tr>
<td>27</td>
<td>DEBRIEFING AND ASSESSMENT</td>
<td>P.&amp;P. O.</td>
<td>2Hrs</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td></td>
<td>80Hrs</td>
</tr>
</tbody>
</table>