

TRAFFIC OFFENDERS PROGRAM

www.trafficoffenders.com.au

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‘Creating Safer Drivers’

August 2007

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Introduction

The Blacktown Traffic Offenders Program (TOP) Inc. is a pre-sentencing educational Program with the mission ***'To educate traffic offenders to change their attitudes and demonstrated behaviours to their driving'***.

Blacktown TOP has been run every year since it was implemented on 5th March 1992 and after it was developed by a concerned NSW Ambulance Officer, Mr Graham Symes. Since then, as Co-ordinator of Blacktown TOP, Graham has seen over 9,600 offenders develop an understanding of the harsh reality of their driving offences.

Traffic Offender style programs such as the Blacktown and PCYC TOPs have been shown to be a practical part of the solution to managing the NSW road toll.

However, without clear evidence and scientific evaluation, the extension of the effectiveness of all TOPs is limited. Therefore, the impact on reducing the burden on the community is also limited.

In October 2006 Blacktown TOP approached the NSW Roads Minister, The Honourable Eric Roozendaal MLC, with proposals to make the Traffic Offenders Program more effective.

This paper outlines a way forward for the Government to make a positive contribution to reducing trauma caused by vehicle crashes in NSW.

Blacktown TOP – Short History

In late 1989 Graham Symes decided to create a program that would be available to NSW Courts as a means to 'educate' and/or 'rehabilitate' traffic offenders. The development process took 18 months to two years and involved the Blacktown and Parramatta Courts, NSW Ambulance and Police and the Mt Penang Program.

Graham has never charged participant fees as he strongly believes this may negatively affect the chances of the economically disadvantaged group being able to access the necessary education to avoid re-offending. Blacktown TOP remains the only TOP that does not charge a participant fee.

Since March 1992 Blacktown TOP has achieved significant results. The most significant result is the observed behaviour change of offenders. Anecdotal evidence and an Evaluation conducted by the RTA in 1999 suggest that for many of the Blacktown TOP participants, the behaviour change is permanent.

The size of the Blacktown TOP database is significant. It includes over 9,600 (up to 31st July 2007) offenders from all age groups. Each offender has attended 7 sessions at Blacktown as a pre-sentencing education program. This has been achieved by conducting sessions 49 weeks of the year in rotating 7 week cycles.

Starting with the co-operation of the Blacktown and Parramatta Courts, Blacktown TOP now attracts offenders from 48 Courts in and around the Sydney Metropolitan Area. There are no written agreements or Memorandums of Understanding with any of these Courts or Magistrates. Magistrates have seen that after an offender attends Blacktown TOP they are often a changed person. As a result, the Magistrates respect the presenters and our Program for what it achieves.

There are several TOPS run by PCYCs available to Courts however most have participant limits and conduct their programs in a set schedule rather than a rotating cycle. The result of this difference in operations has been that once the PCYC TOP limits are reached the offenders are then referred to Blacktown TOP.

During the peak period in 2006, Blacktown TOP was conducting sessions for between 140 - 200 participants each week. Offenders are drawn from a wide area including the Central Coast, the Illawarra, up to Bathurst and the entire Sydney metropolitan area.

Blacktown TOP is very grateful for, and appreciative of, the funding it receives from the City of Blacktown RSL. Since 2003, Blacktown TOP has received \$112,000 in funding from the Blacktown RSL. While some people believe a licenced venue funding a TOP is in the very least ironic, in practical terms, without the funding Blacktown TOP would no longer exist.

Blacktown TOP has become the basis for a number of other Programs:

- High School programs conducted in the Sydney metro and rural NSW. This School program received DET endorsement in 1996.
- Following issues with fleet drivers, *SMS Industries* has conducted an abridged TOP style program for their truck drivers as part of their OH&S program.
- Blacktown TOP representatives were on the Working Party with the RTA, Police, MAA, Corrective Services and the Attorney Generals Dept that created the *Sober Driver Program* aimed at repeat drink driver offenders.
- Blacktown City Council's *Driver Education For Youth* (DEFY) Program was developed in 2005 as a means to interact with young people before they offend.
- The DEFY Program was then integrated into the *Keep Aboriginal Youth Safe* (KAYS) Program 2006 developed by NSW Health and DET.
- Other TOPs in the Sydney Metropolitan area have been developed by many PCYCs in Sydney.
- We are the auspicing body for an investigation into the creation of an innovative young driver development program in Western Sydney planned for implementation in late 2007.

One of the attractions of Blacktown TOP is that it is driven by the community. From day 1 it has been owned by people in the local community, it has been conducted at local halls and has been managed by local people.

The Rotary Club of Blacktown City created an Advisory Board of Management in September 1998 with support from Blacktown City Council and a local Solicitor.

Presenters have all been local people and include the NSW Ambulance, NSW Police Force, Road Safety, NRMA Motorist Services, QBE Insurance, Solicitors, a Drug and Alcohol consultant and a Spinal Injury presenter.

In addition, some offenders have returned to assist our Program as volunteers and have assisted with website design, database development and maintenance and support on Thursday nights at the weekly TOP sessions.

Blacktown TOP - Method

The only way into the Blacktown Program is by referral from a Court. This is also unique to Blacktown TOP. All participants are told on their first night that attendance at TOP is *no guarantee* they will receive a Section 10 or even a reduced sentence/fine.

Participants attend each of the sessions for 7 consecutive weeks. Non-attendance for any of the 7 weeks is seen as abandoning the program and is reported to the Magistrate prior to sentencing. Very little leniency is provided on this rule.

Participants must complete an assignment during the week following each session. The assignment covers the main points discussed during the presentation session and the assignment is handed to the TOP Co-ordinator at the beginning of the next session. There are virtually no excuses accepted for failing to complete the assignment.

All assignments are reviewed by Graham Symes and he completes a summary of attendance and comments for the Magistrate.

On the 8th week the participants lodge their final assignment and Program Summary and receive their 'Return to Court' guidelines.

When the participant attends their sentencing hearing, they are expected to answer questions from the Magistrate regarding what they have learned. It is common practice for the Magistrate to ask difficult questions relating to the content within the assignment as well as discuss general road safety matters. This approach overcomes many of the problems associated with the 'copy and paste' methods of some people.

Issues for NSW

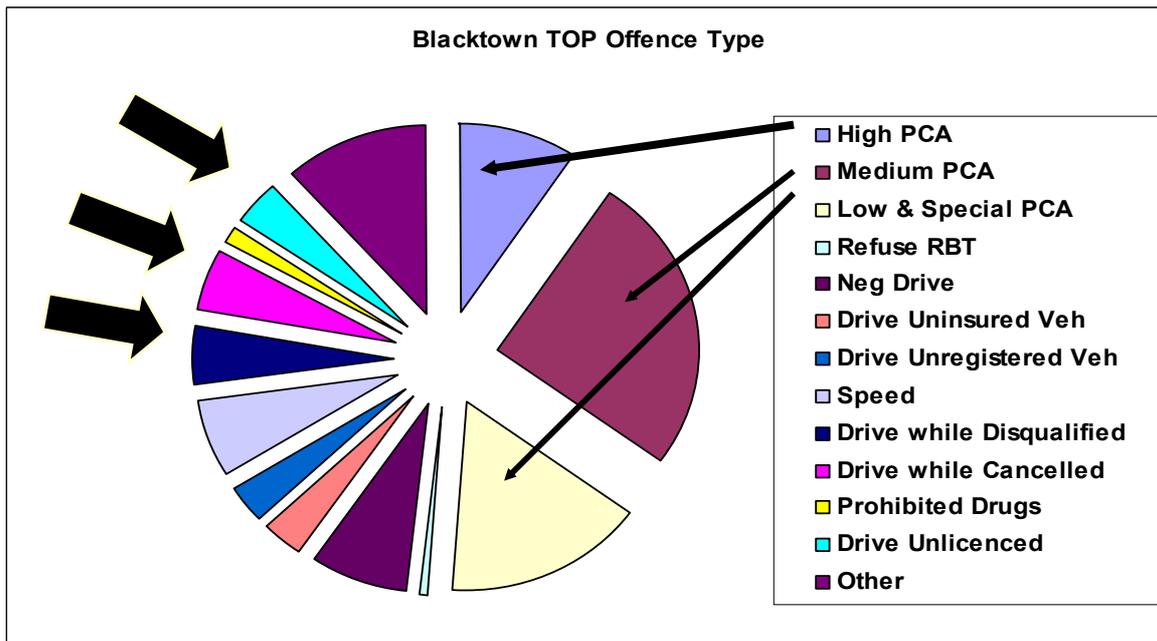
Currently in NSW, TOPs are not managed in an integrated or co-ordinated fashion. This has resulted in a number of challenges for all TOPS, namely:

- The lack of an equitable framework that can be used to generate sustained funding for each TOP. Funding relies on the ability of the individual TOP Co-ordinator (or Advisory Board) to attract corporate money and/or attract fees from participants. In areas where unemployment may be high, this presents a significant challenge to participants.
- A lack of Government policy to enhance the voluntary support from the judicial system. Participation in TOPs is based on trust and a handshake between TOP Co-ordinators and local Magistrates. While this is admirable and a reflection of the shared integrity of the people involved, it relies on the skills and values of individuals. The lack of Government policy means the inevitability of ill-health and retirement presents a significant risk to the future of all TOPS.
- A lack of urgency by the Government to create TOP Guidelines. The Attorney Generals' Department commenced the development of Guidelines in January 2003 with significant consultation with all stakeholders including Blacktown TOP. However, the Guidelines remain unfinished at this time.
- Not enough TOPs in the Sydney metropolitan area. At present, TOPS are conducted only in Blacktown, Burwood, Campbelltown, Hornsby, Mt Druitt, Penrith, Redfern and Sutherland. This is insufficient to manage even a small percentage of the 66,000 suspended and disqualified licences in NSW.
- Most TOPs have restricted participant numbers and charge fees for attendance. This has resulted from the reality that PCYC TOP

Co-ordinators need to run a 'manageable' program. Their TOP is just one of a number other much needed community development and crime prevention programs.

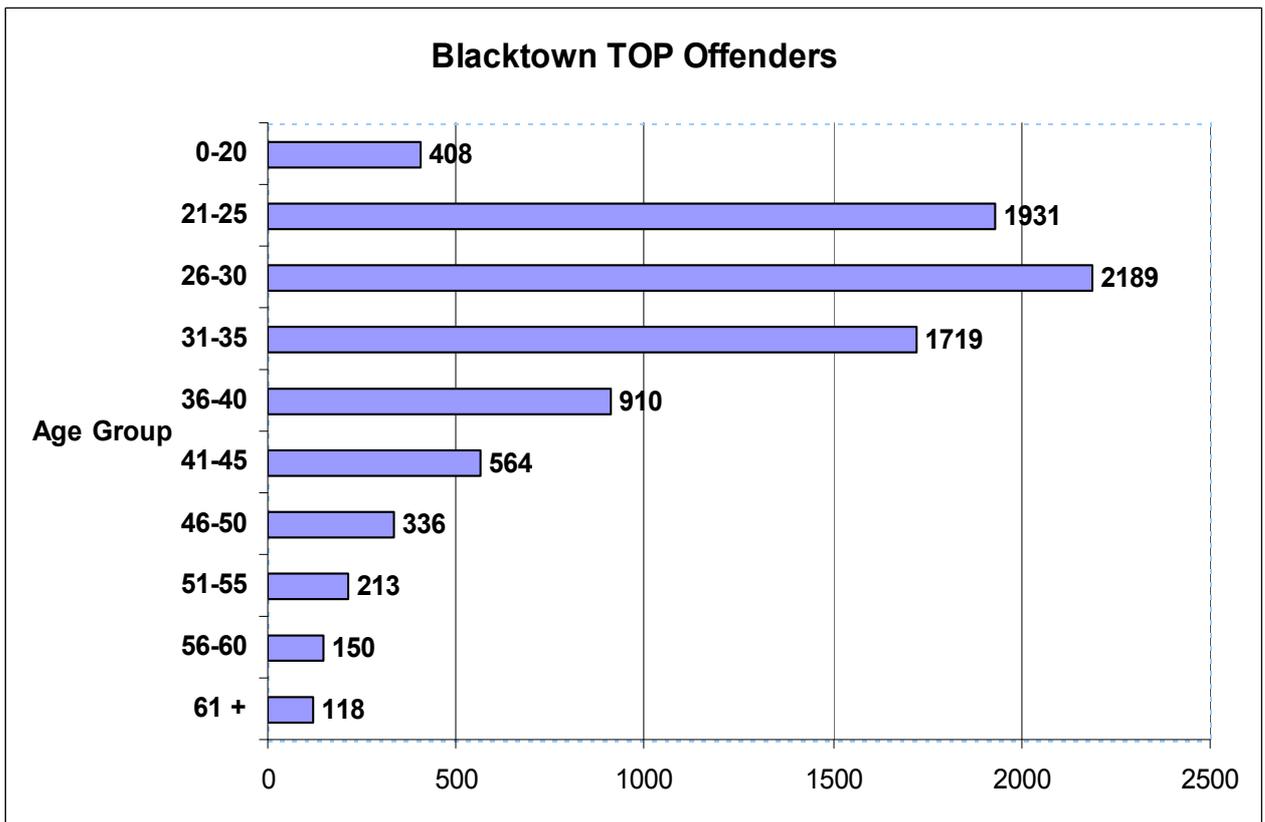
Blacktown TOP - Offence Summary

In the following graph, we see that the major offence is Medium Range PCA, followed by Low and Special Range PCA and then High Range PCA. The three bolded arrows show the levels of Drive while Unlicensed, Drive while Cancelled and Drive while Disqualified.



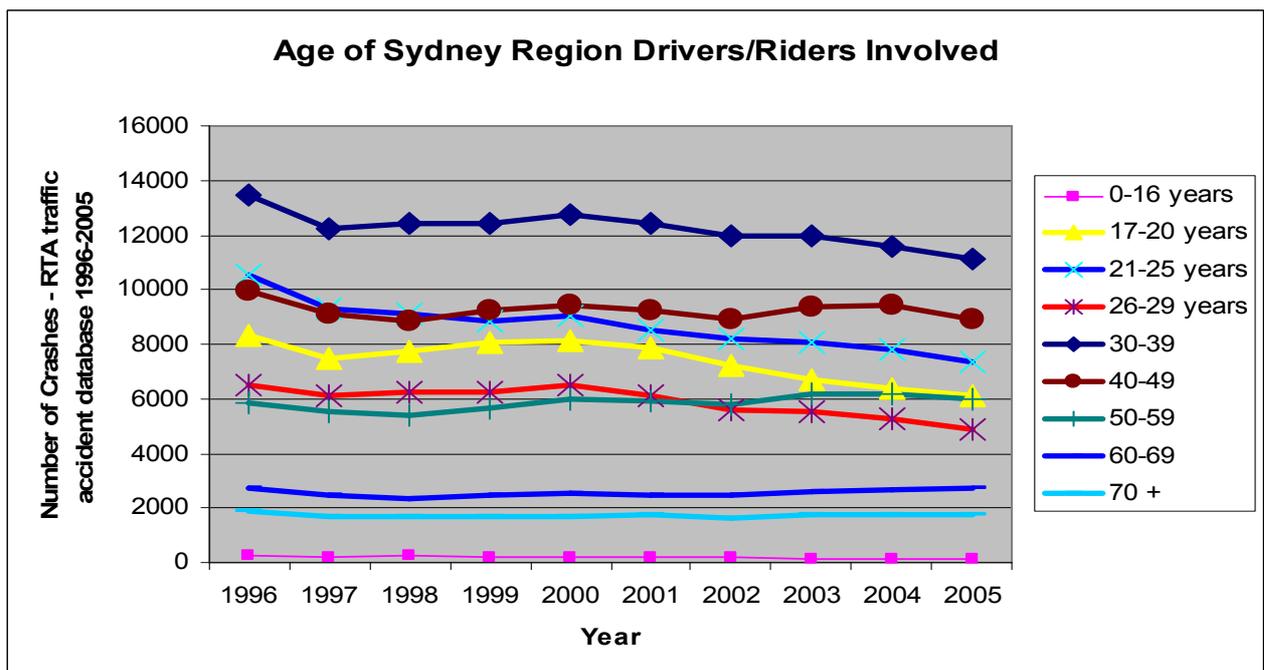
Blacktown TOP – Age Group Summary

In the following graph, we see that the age group that is most involved in Blacktown TOP is the 21-30 years. This should not be viewed as an accurate measure of the Police enforcement or crash rates for young drivers.

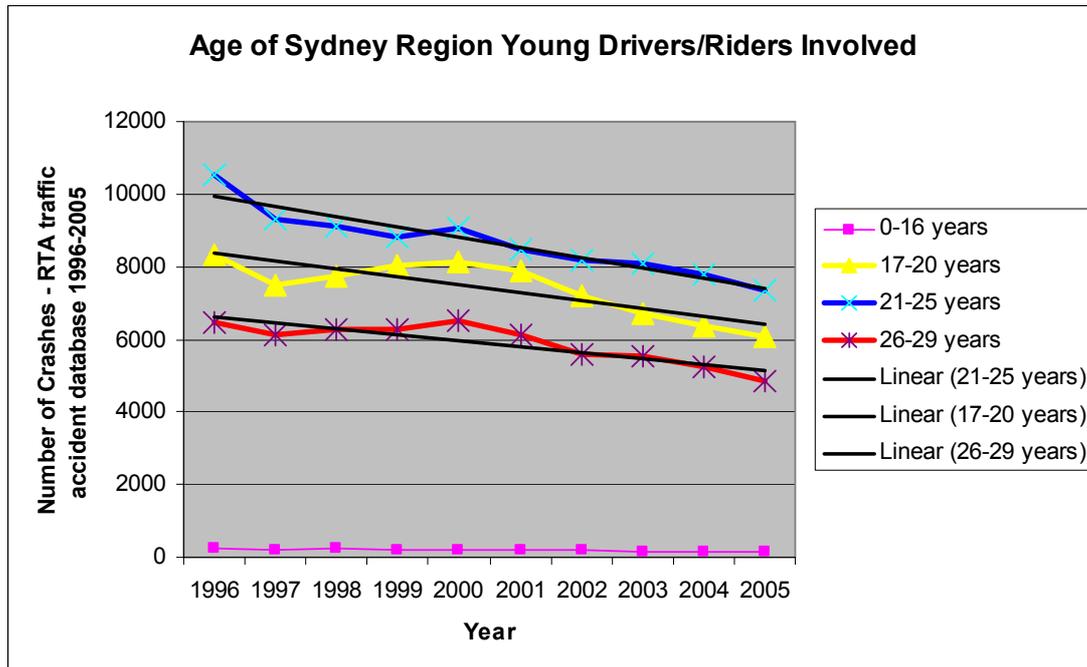


Blacktown TOP draws participants from a wide area in Sydney and surrounds. The RTA Sydney Region crash rates (see following graph) provide an interesting general comparison to the TOP participant ages.

The disparity between the age group distribution of the Blacktown TOP participants and the age group of drivers involved in crashes in Sydney Region is intriguing. It suggests that Magistrates are more willing to give young drivers a chance to change their behaviour prior to sentencing compared to older drivers who 'should know better'. This hypothesis needs to be evaluated.



In the Sydney Region, drivers and riders in the 17-29 years age groups show an improvement in performance in terms of being involved in fewer crashes. Between 1996 and 2005 the crash rates for each of the young driver groups has been trending down.



In NSW, the number of 16-19 age drivers has grown from 242,925 in 1996 to 254,202 in 2005. The vast majority of these young drivers are from the Sydney metropolitan area. When combined with the crash rate information, it demonstrates the 'performance' of young drivers has improved even more than indicated by the raw crash data and not become worse as the media and some road safety advocates have suggested.

A possible reason for the improved performance has been due to 17-25 year olds regularly practicing the 'designated driver' approach when attending social events.

The recent change to Zero alcohol tolerance for young drivers was expected to show even further improvements when the 2006 and 2007 crash data. However, with the recent change in Provisional licence conditions in terms of limiting passenger numbers, the improvements seen in recent years will probably be reversed. As young drivers develop methods to overcome the changes in the law Blacktown TOP expects to see an increase in the number of young drivers due to charges of drink driving.

Unfortunately, we also expect to see a spike in crash rates involving young drivers who have been drinking alcohol and the resulting increase in hospital admissions.

Licence Cancellations

A more accurate measure of enforcement statistics in NSW is the number of driver licences cancelled or suspended. While access to this information is limited, it is known that during 2004 there were 39,997 licences suspended due to demerit point accumulation and a further 26,262 licences disqualified due to drink drive offences.

Although the removal of a total of 66,259 licences seems to indicate a serious problem, it was actually only 1.5% of all licence holders in 2004. There are some social researchers who would comment that 1.5% of the population are expected to not comply with community expectations.

Blacktown TOP disagrees with the implication that we should accept the 'social norm' and simply pay for damage control. Our own data demonstrates the 'social norm' can be reduced significantly.

In addition, the number of TOPs operating in NSW is grossly inadequate in terms of being able to satisfy the demand for places. Magistrates and solicitors currently report many cases where the offender is unable to attend a local TOP and is therefore sentenced and misses the opportunity to be properly educated.

Blacktown TOP - Evaluation

In 1999, the consultant David Saffron was engaged by the RTA to evaluate the Mt Penang and Blacktown TOPs using 2,532 offenders who attended both programs during 1993, 1994 and 1995. An abridged copy of the Consultant's report released in October 1999 is attached.

At that time a senior RTA Manager (Road User Safety) was quoted as saying that:

- ***“ ... these were better than expected results clearly indicating that TOPs have a significant effect on reducing the re-offending rate ... ”***
- ***“... the results of the evaluation are extremely encouraging in terms of exploring the potential for TOPs to reduce re-offending ... ’***
- ***“... TOP is a strategy that targets a particular group and the evaluation showed that this target group is responding ... ”***

The primary measure of effectiveness used by the evaluation was if an offender had a higher or lower likelihood of re-offending if they attended a TOP.

- The re-offending rate if they **DID NOT attend a TOP** was 29.1%. This result is has encouraged the 'social norm' argument in that it indicates that 70% of offenders will learn by their mistake and not re-offend.

However,

- The re-offending rate if an offender **DID attend a TOP** was only 19.6 %. This result demonstrates clearly that the 'social norm' can be drastically improved.

In the RTA's *Drink Driving Problem Definition and Countermeasure Summary* (August 2000) the statement is made that:

- ***“A recent evaluation has shown that TOPs participation reduced the probability of re-offending by 25%. More research will be conducted into the effectiveness of TOPs.”***

To date, this research has not been forthcoming.

It is interesting to note the findings of a Bureau of Crime Statistics and Research report published in February 2004 (Moffat, Weatherburn and Fitzgerald) "*Sentencing drink-drivers: The use of dismissals and conditional discharges*". The researchers examined the sentencing patterns of Magistrates in terms of how they applied the Section 10 ruling. One of their conclusions was that those Courts who regularly sent offenders to a TOP provided harsher penalties than Courts that did not use a TOP.

In addition, the penalties imposed, whether or not they were a reduced sentence, were seen by the community as being an appropriate penalty. This study demonstrates that when the Courts work with the TOPs they are providing the general community with fair and appropriate method of managing serious driving offences.

Anecdotal Evidence

Blacktown TOP has developed a range of anecdotal evidence over the years to support the belief that the community based programs have the capability to reduce the road toll:

- Mature aged offenders often ask why a TOP wasn't available before they got their licence.
- Parents attending with young drivers who offended have also asked why a TOP is not a pre-licensing requisite.
- Participants at the KAYS program, which has been derived directly from Blacktown TOP have had the opportunity to develop a detailed understanding of the realities of having a drivers licence. Many of the young KAYS participants are experienced drivers despite never having had a driver's licence. They have been lucky enough to have not been caught by the Police and not had a serious crash. Their response to the KAYS program has been a reflection of the comments from TOP participants. That is, they finally understand how lucky they have been and greatly appreciate the relevance and importance of their new information. While the long terms results from the KAYS program are still some years away, the early results are encouraging.
- Courts continue to send offenders to TOPs because the Magistrates observe marked changes in the behaviour and apparent attitudes of the offenders.

Other factors

There are several other factors that need to be considered prior to developing conclusions.

Changes in the road rules and licence conditions since 1999 affect the trends in offender rates. Blacktown TOP participant data gathered since 1999 has not been assessed in terms of how the changes have been reflected in who is attending the TOP.

Changes in Learner and Provisional licensing since 2000 have had an effect on the offence rates in terms of drink drive offences. The Blood Alcohol Content for young drivers dropped to 0.02% and then to zero. It is accepted by the RTA that young drivers are the group that have been the most effective in adopting the Designated Driver method to avoid alcohol related crashes. While this good behaviour, combined with Police enforcement, are seen as being responsible for much of the reduction in alcohol related crashes in young drivers, there is a concern that the issue of 'distraction' is increased for the same young drivers.

The recent changes in passenger limits for P1 drivers demonstrate that the Government perceives that multiple injuries from a few crashes are seen as a higher risk than a couple of injuries from multiple crashes.

The changes in the requirement for Learner Drivers to now log 120 supervised driving hours will also have an interesting outcome in terms of young people who are financially disadvantaged and unemployed. Many of these young people do not have access to a car to learn in or a person to be the supervising driver. Like many other road safety observers, Blacktown TOP is waiting to see the crash and traffic offender statistics for young drivers over the coming months. We anticipate that:

- The involvement of alcohol as a factor in young driver crashes will increase.
- The offence rates for unlicensed driving will increase.
- The offence rate for low and mid range PCA for young drivers will increase.

While Blacktown TOP hopes to convince the NSW Roads Minister to undertake new initiatives in licensing, we know that the RTA will not advise the Minister to adopt stricter licensing pre-requisites without scientific evidence.

The RTA has significant positive experience with the Motorcycle Rider Training Scheme and the Heavy Vehicle Licensing Scheme that supports the extension of the TOP approach.

These schemes demonstrate beyond doubt that pre-licence education used as a licence pre-requisite results in significantly reduced crash rates during the first few years.

Conclusions

A balanced approach is required that does more than 'chase the horse after it has bolted' for the majority of road users.

The experience of Blacktown TOP indicates that a large number of people who currently commit a serious traffic offence may not have offended if they had been required to complete a TOP style program.

Blacktown TOP believes that both a pro-active and a re-active education program needs to be linked to licence testing and renewal. The hypothesis is that an integrated program will greatly reduce the number of people committing serious traffic offences, and by implication, also reduce the number of people being involved in serious crashes.

As a first step we have asked the NSW Roads Minister to investigate the introduction of a TOP style program as a pre-requisite for re-issuing suspended and/or cancelled licences. We believe the Australian Driver Training Association is ideally placed to develop a network of RTA accredited presenters who can be utilised by the program to accommodate up to 66,000 drivers a year.

Unfortunately, despite the evidence presented to the RTA so far, progress has been slow as they lack a more up-to-date evaluation of Blacktown TOP.

Following this Conference, Blacktown TOP will seek funding to enable the Bureau of Crime Statistics & Research to complete an evaluation of the latest TOP, Police and RTA data.

In time, we believe a TOP style program will be in place for all learner drivers in NSW.

TESTIMONIAL

Dear Graham, Lecturers of the Traffic Offenders Program and Assistants

I am writing this letter to congratulate you all on a very worthwhile program. Yes, I was one of those people that felt that I should not have necessarily been attending the program. I also thought that because I had been driving for twenty-five years that I was a good driver. After doing this program I have learnt that the above statements may not be true.

I have found the program to be somewhat of a reality check and almost a refresher course in road safety amongst other issues. The program did have an impact on me in a few ways. My fourteen year old son commented not long ago that he had noticed that my 'driving had got better'. I feel armed now with a new found knowledge and respect of road safety and that none of us are immune from being involved in a road trauma be it as a result of our own or others' actions. A thought I find particularly daunting as I have three sons, one who is driving and one learning. I feel now I am more focused on the task at hand and try not to be consumed by happenings in my life and having brief lapses of inattentiveness.

I like many others did not set to intentionally break the law, however, I did. I now realize the serious nature of my offence and what the consequences may have been had I been involved in a road trauma – quite a disturbing thought.

Blacktown Traffic Offenders Program (TOP) Inc. - August 2007
ACRS Conference: Infants, Children and Young People and Road Safety 2007

Initially I felt embarrassed and humiliated, having not only to inform my colleagues yet my sons of my situation. Then I realised that I may be able to influence their driving attitudes and behaviour by imparting some of my new found knowledge. Which I did. I hope they listened.

I am sure it has been suggested before that all drivers should do this or a similar program. I know my attitudes and behaviour have been modified and I know the program has had an impact on me. Let's hope it has on our young drivers also.

Again congratulations on a job well done to all involved in the program.

TESTIMONIAL

Prior to committing this offence, I was not aware of the Traffic Offenders Program and was not quite sure what to expect of it.

After attending the first session I was extremely impressed with the Co-ordinator Graham Symes, his assistants and the presenters who help to operate the program. The dedication of these people and the fact that they volunteer so much of their time with a positive and passionate approach is to be commended.

Having completed the program, I am now armed with a heightened awareness of road safety in all areas. I have come away with a wealth of knowledge about the dangers of driving, whether it be through speeding, alcohol and drugs, road rage or driver fatigue. I now feel that perhaps I had developed a somewhat complacent attitude towards driving, not intentionally, but through sheer familiarity and 20 years of fairly uneventful driving. I was also guilty of feeling overconfident in my driving skills. This program has been a reminder to me of what I learnt when I first got my licence, that no matter when you get behind the wheel of a car, you must be prepared for the unexpected. The risks of being affected by alcohol or other factors allow for a huge increase in car crashes, and trauma caused by such a thoughtless act is pure inconsideration for the safety of yourself, your loved ones and other road users. I know that if I were responsible for the injury to or death of another person, I would find it unbearable to live with.

I have also gained a better understanding of the hard work done by the government and the RTA to reduce our road toll and save lives. The work of the police, ambulance and rescues workers tends to go unnoticed by the community and we forget that these are the very people who must attend such horrific accidents, deal with the enormity of it, try their best to save lives, inform families and then carry out their investigations. I am certain that would not be a pleasant experience, predominantly because these trauma could all have been avoided through driver awareness.

I have also been happy to discuss each topic with my family members and close friends, and I am certain that it is not just me who has become more informed by the awareness that this program provides. I particularly enjoyed the Ambulance, Police and Spinal Injury Awareness presentations as they all point out a very clear and concise message – that care and caution should be of the highest priority when in control of a vehicle or motorcycle.

Finally, the circumstances of my attendance at the program were due to the fact that I was careless in my thoughts and actions through drinking and driving. That I committed such an offence in the first place, lost my licence, was arrested and charged

by the police, suffered the humiliation of telling family, friends and co-workers, attended a Court for the first time in my life, and making alternative transport arrangements was all like a nightmare to me. After completing this program, I realise how much more of a nightmare I could have brought upon myself if I had been responsible for the injury or even death of another person.

I deeply regret my actions on that day and no matter what the circumstances of my life were at the time, there is no excuse for such irresponsibility and thoughtlessness. I am absolutely certain that I will ever again, having seen through this program, what devastation such an irresponsible act can cause.