

# The use of penalty notices for first-time drink- and drug-driving offences in New South Wales

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# Introduction



- Licence disqualification associated with reduced crashes & reoffending
- Court dismissals or conditional dismissals were given to
  - over 50% of guilty drink driving offenders
  - over 30% “ drug driving “
- *“ensure penalties, including licence suspension and fines, are consistently and swiftly applied to low level prescribed concentration of alcohol... and drug presence first offences”* (second reading speech NSW Legislative Assembly, 2018)

# Road Transport Legislation Amendment (Penalties and Other Sanctions) Act 2018 No. 54



- introduced penalty notices as an alternative to Court Attendance Notices (CANs) at the discretion of police
- included immediate licence suspension
- could be used for first-time low, special and novice range drink driving & drug driving offences from 20 May 2019

# Data summary



- Data from NSW Police's Computerised Operational Policing System (COPS incidents)
  - separate incidents for drink & drug driving
  - 5 December 2016 until 1 March 2020
- Sub-groups
  - Lower-range drink driving, 1<sup>st</sup> offence: n = 22,504
  - Drug driving, 1<sup>st</sup> offence: n = 22,657
- COPS - no variable for licence suspension

# Research questions

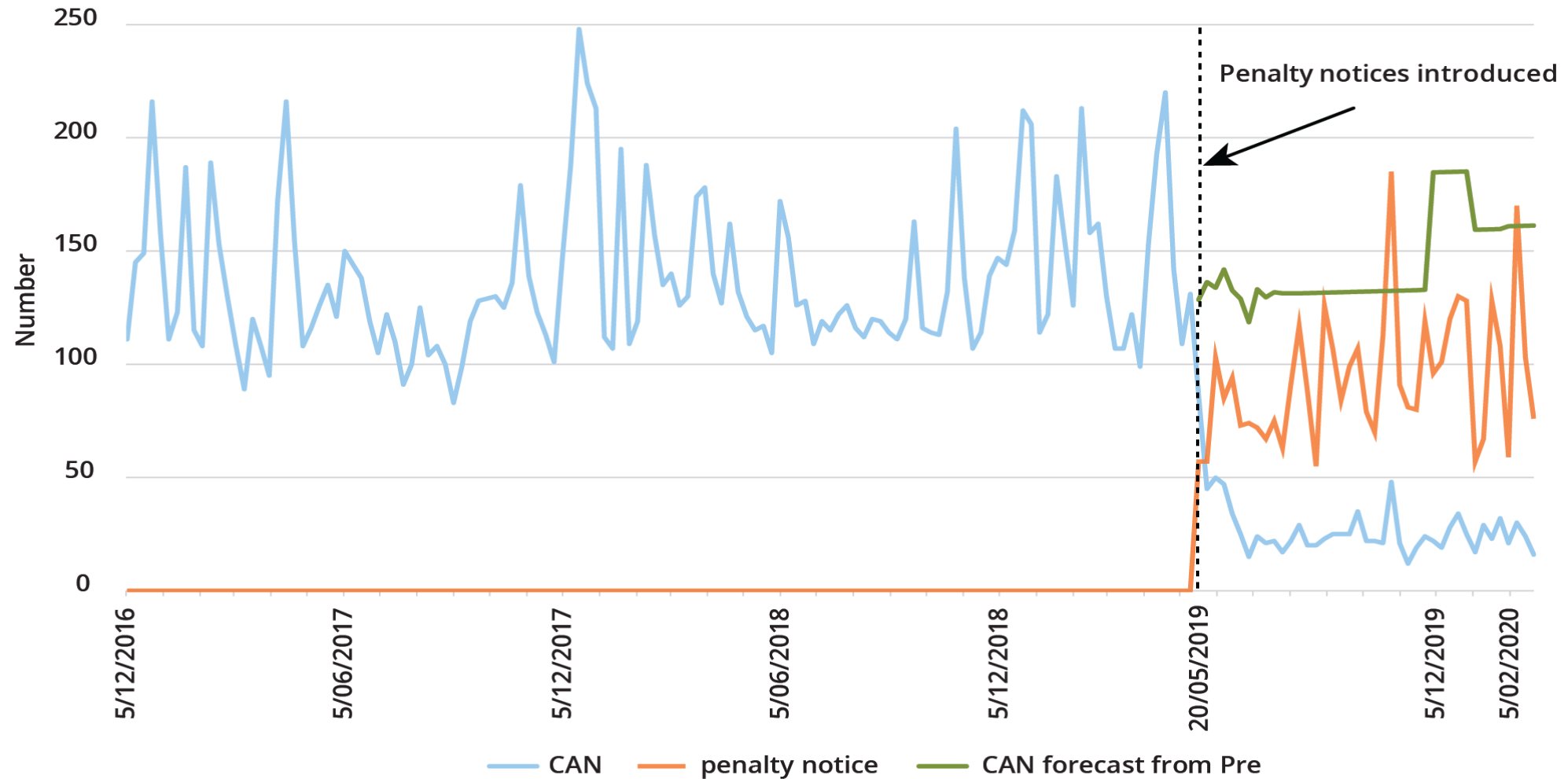


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- Question 1. What was the effect of the introduction of penalty notices in May 2019 on no. of CANs?
  - Question 2. What were the effects of penalty notices on the percentage of court dismissals and conditional discharges?
  - Question 3. What variables predict relevant offenders receiving a penalty notice?

- Question 1: Time series (no. of CANs)
  - 05 Dec 2016 – 01 Mar 2020 (weekly aggregation) n = 169 weeks
- Question 2: Percentage receive court dismissal or conditional discharge
  - 05 Dec 2016 – 01 Mar 2020 (unit record)
- Question 3: Percentage receive a penalty notice
  - 20 May 2019 – 01 Mar 2020 (unit record, post period)

# Results

# Figure 1. Persons proceeded against by NSW Police for lower range drink driving first offences by method of proceeding (weekly)





# Effects on CANs for first time lower range drink driving



- Level of CANs significantly decreased by 85
- CANs continued to decline by 1.4 per week
- Weekly no. of CANs was 19% of what was forecast from the pre-reform values
- Court workload was reduced by 81% (4,779 fewer CANs)

Figure 2. Persons proceeded against by NSW Police for illicit drug driving first offences by method of proceeding (weekly)

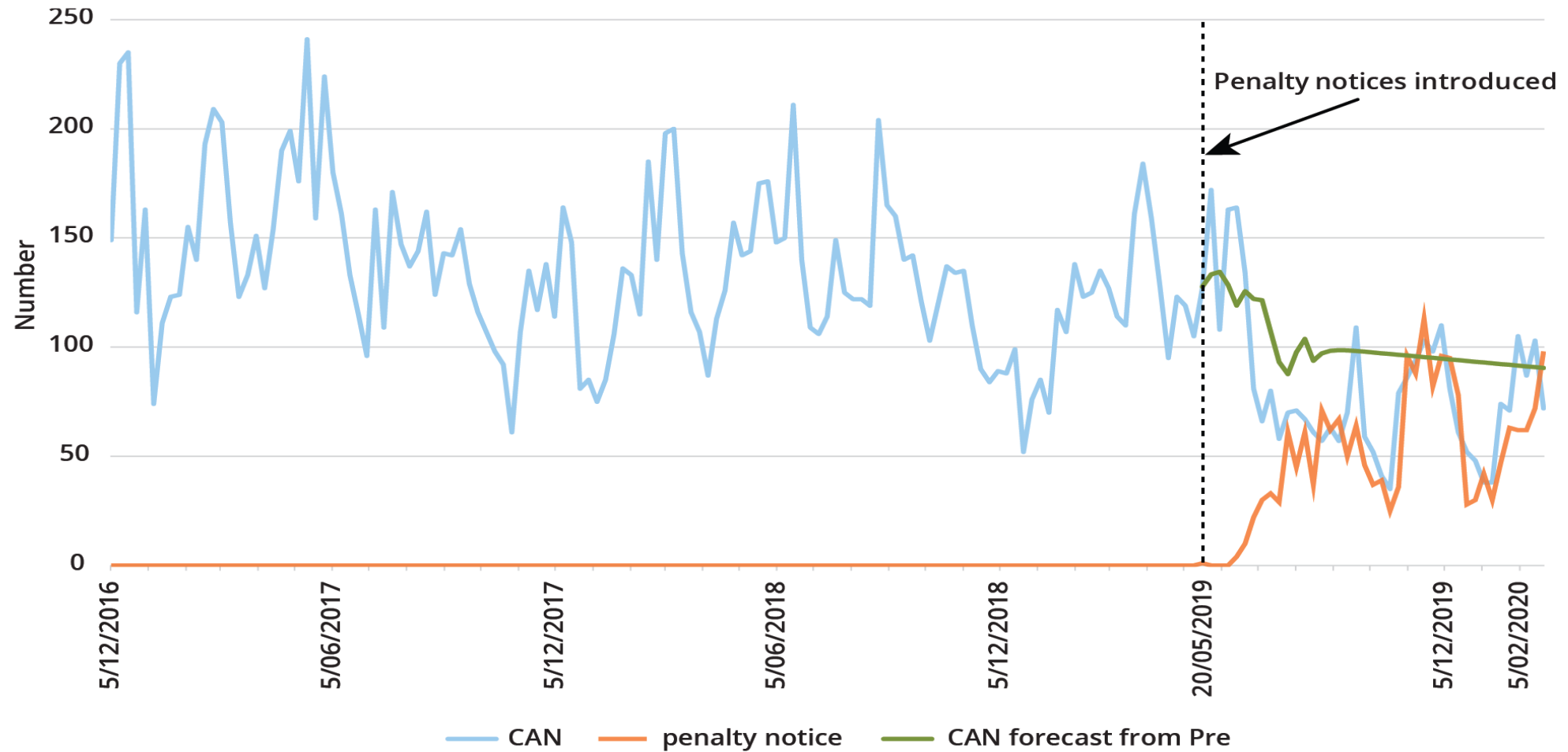
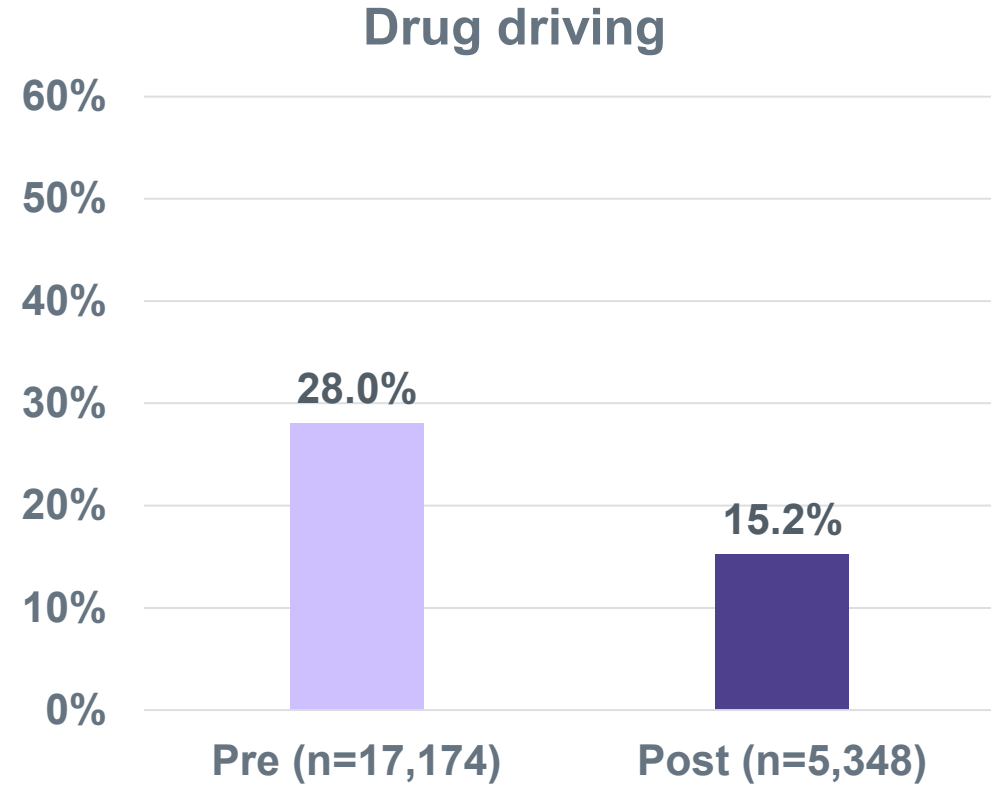
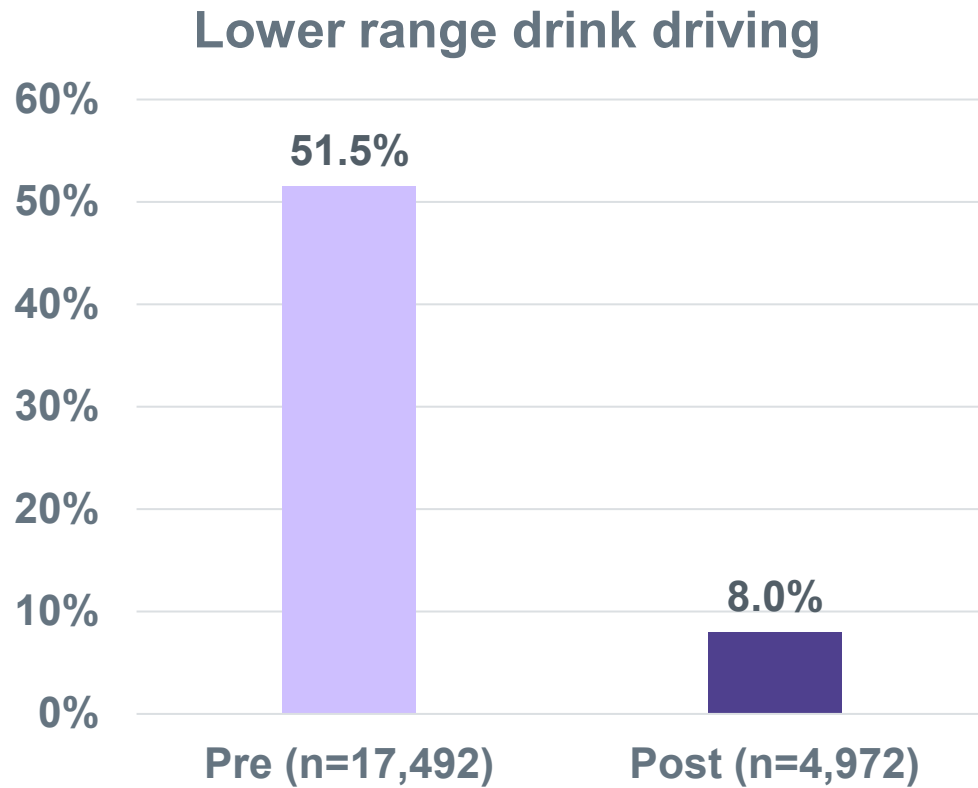
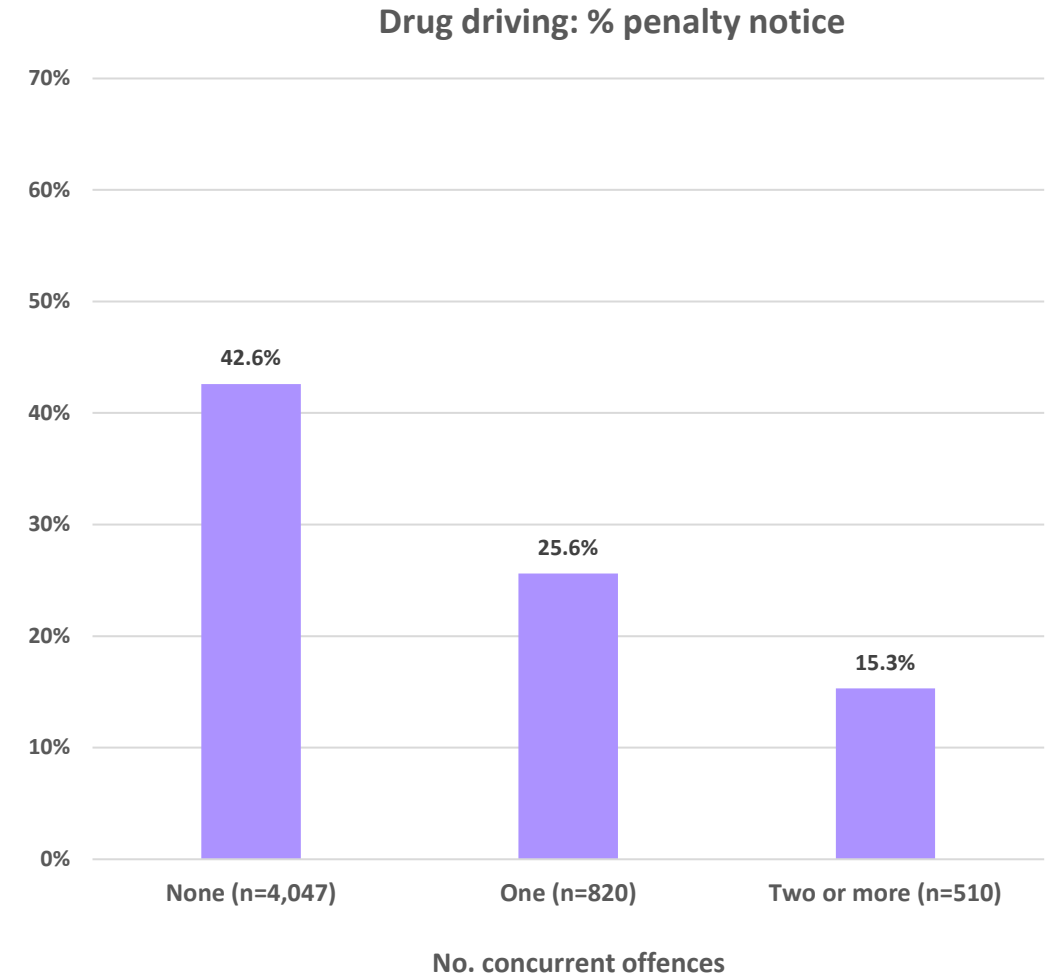
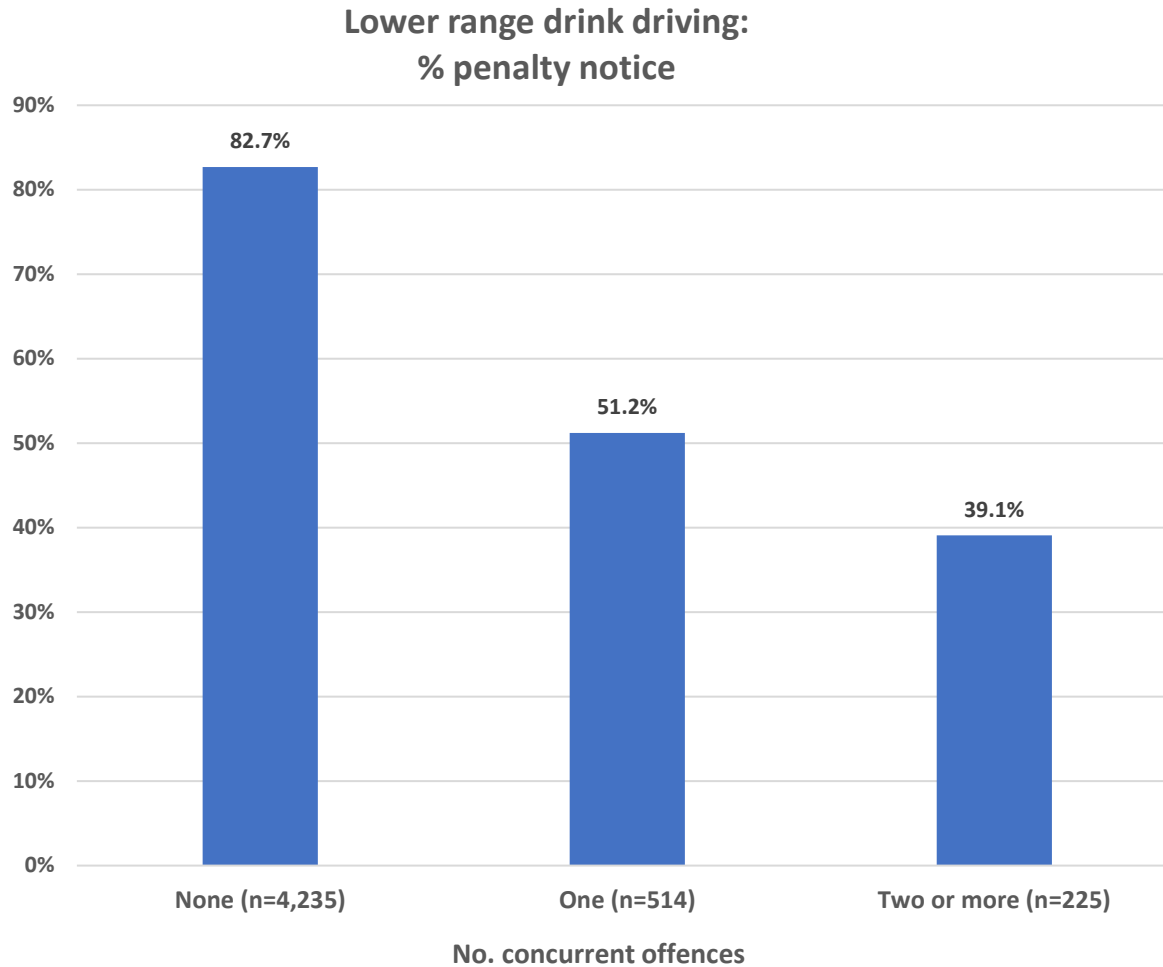


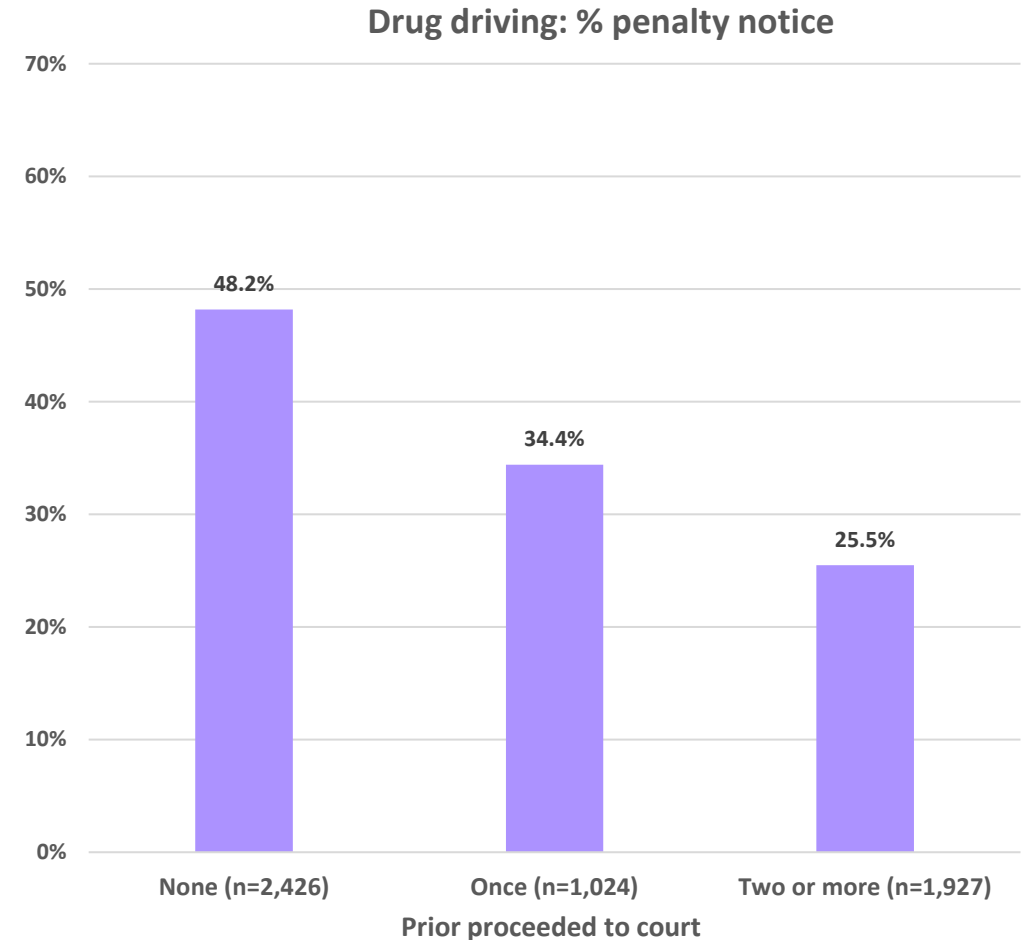
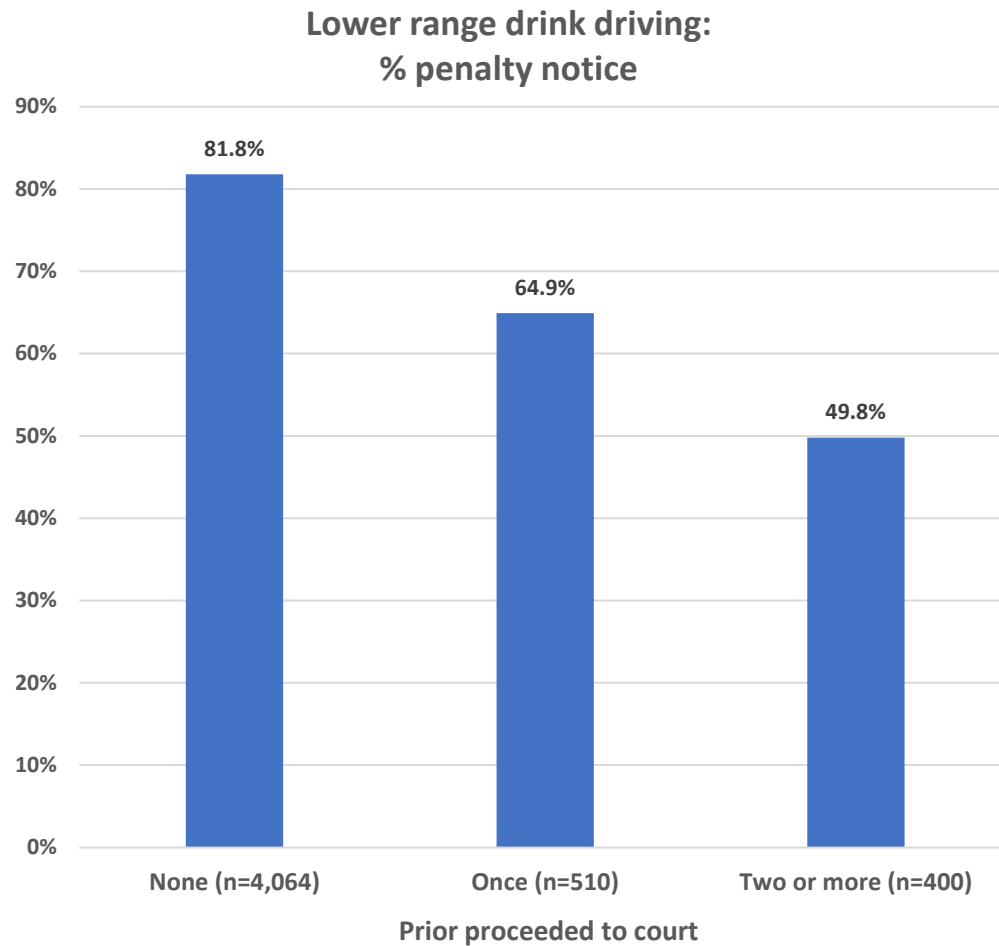
Figure 3. Effect of penalty notices on the percentage of court dismissals or conditional discharges



# Figure 4. Effect of concurrent offences on the percentage of penalty notices



# Figure 5. Effect of prior proceeded to court (5 years) on the percentage of penalty notices



# Compared with first time lower range drink driving

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- First time illicit drug driving were more likely to have:
  - concurrent offences: 25% vs. 15%
  - been proceeded to court in past 5 years: 55% vs. 18%

## Question 1

- Use of penalty notices associated with 81% decline in number of CANs issued to first time lower range drink driving
- Smaller for first time drug driving (30% decline) & delayed by 5 weeks

## Question 2

- Reduction in the percentage receiving a dismissal or conditional discharge from courts
  - 52% to 8% for lower range drink driving
  - 28% to 15% for illicit drug driving

# Summary



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## Question 3

- First time lower range drink driving (75% penalty notice)
- First time drug driving (37% penalty notice)
- First time drug driving offenders more likely to have concurrent offences and prior proceeded to court



# Limitations



- COVID-19 in early 2020 restricted follow-up period
- Benefits of reduced CANs could be partially offset by appeals
  - monthly appeal data showed this to be low per annum (n = 201 appeals for first time lower-range drink driving & n = 45 for drug driving)
- Possible over-estimation of policy effects for first-time drug driving
- Licence suspension data not available

# Future research



- 
- Collaborating with NSW Police and Transport for NSW to obtain licence suspension data for penalty notices
  - Examine the extent to which penalty notices & immediate licence suspension impacted reoffending rates

Thank you