



Alternatives to penalties for repeat driving offenders

For most Kiwi drivers, fines, licence suspensions or imprisonment deter them from repeat driving offences. However, there remains a group of high-risk repeat driving offenders.

A key part of the government's 'Road to Zero' road safety strategy addresses drivers' possible underlying problems, and encourages and supports safer driving.

This research focused on reducing the harm caused by the following high-risk driving behaviours:

- alcohol and/or drug use
- speeding
- seatbelt non-use
- mobile phone use (an indicator of inattentive behaviour)
- fatigued driving.

The research method had two steps:

1. a national and international literature review to find effective alternatives to penalties and their underlying success factors
2. two interactive workshops on implementation opportunities in Aotearoa New Zealand.

Literature review findings

The researchers found that most of the literature regarding alternatives to penalties was in relation to drink- and/or drug-driving and speeding offences. For drink- and/or drug-driving, the alternatives to penalties that appeared most effective typically addressed the offenders' possible underlying issues through group sessions, or used cognitive behavioural therapy.

For repeat speeding offences in private vehicles, one of the more effective alternatives was the Good Behaviour Bond, which allowed offenders to continue driving if they drove safely for a set period.

Other alternatives that appeared to be less effective were those that had been set up to address:

- seatbelt non-use
- mobile phone use
- fatigued driving.

Summary of workshops and potential interventions suitable for use in Aotearoa

To evaluate the opportunities for Aotearoa, three possible interventions were selected by a cross-agency expert group.

Possible suitable interventions

Good Behaviour Bond

Speed reoffenders who face driver licence suspension promise to drive safely for a specified period. If they don't, their licence is suspended for twice the length of the original suspension period.

Driving under the influence (DUI) Courts

These are judicial courts that deal specifically with drink- and/or drug-driving offenders (including recidivists). They use close supervision, treatment programmes and penalties for non-compliance with court orders, to reduce recidivism.

Drink- and/or drug-driver intervention programmes

Drink- and/or drug-driver intervention programmes
These programmes typically involve multiple group-based educational and therapeutic sessions, including cognitive behavioural therapy. In Aotearoa, they are community based, culturally focused and inclusive.

Recommendations

The researchers found that alternatives to penalties in Aotearoa are under-resourced. They need:

- better funding
- capability building to meet demand
- better screening, entry, and monitoring processes.

Complementary approaches to the penalty system allow better support and treatment of offenders with underlying issues. The programmes also allow offenders to drive to essential services, friend and whānau support, employment and education.

To support safety and equity outcomes in Aotearoa, the researchers recommended the following actions, which are grouped into three themes:

Theme 1 – Recommendations on specific alternatives to penalties in Aotearoa:

- Consider implementing the Good Behaviour Bond.
- Trial and evaluate DUI Courts and use supportive technology such as an alcohol interlock (a breath tester wired into the car's starter).
- Develop and deliver a national driver intervention programme, building on existing programmes.

Theme 2 – Recommendations for governance, funding and strategic actions:

- Establish or use an existing cross-agency working group (and memorandum of understanding) to address appropriate funding of alternatives.
- Review central funding to cover the costs of appropriate alternatives (requiring the offender to pay the full cost may prevent them from accessing the alternatives).
- Evaluate, build on and increase the reach of existing Aotearoa programmes (eg community-based alcohol reoffender programmes). To support equitable outcomes, start with regions with the greatest reoffending or the lowest level of support services.
- Support commercial fleets with the use of technological interventions to improve fleet monitoring and safety (eg electronic logbooks, fleet monitoring, seatbelt interlocks).

Theme 3 – Recommendations for evaluation and guidance:

- Create a consistent process to ensure reoffenders receive the best support for the offence and user type, including addiction support services.
- Consistently monitor and evaluate alternatives to penalties, ensuring this is a requirement of ongoing funding. Where possible, these evaluations should take a robust scientific approach.
- Develop and provide guidance for programme providers on how to evaluate the alternatives, including the minimum requirements.



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