9th Annual International Conference on Urban Traffic Safety – Banff, Alberta, Canada

Assistant Commissioner
Doug Fryer APM
Road Policing Command
Victoria Police
Australia & Victoria
Growing and on the Move

Population:
- Australia – 24.5 million people
- Victoria – 6.06 million people
- Melbourne – 4.6 million people

Victoria has approximately:
- 5.7 million registered vehicles
- 4.5 million licensed drivers
- 201,000 kilometres of road
- 460 million tonnes of road freight

police.vic.gov.au
Provides policing services and support to the Victorian community 24/7

17,000+ people

Over:
- 13,000 police members
- 1,000 Road Policing Professionals
  - Highway patrol
  - Solos
  - Major Collision Investigators
- Heavy Vehicle enforcers
- Drug and Alcohol specialists

Source: 2015/16 Victoria Police Annual Report
A history of Victorian Innovation


1976: Random breath testing introduced.


1985: Small number of mobile speed cameras introduced on a trial basis.

2000: First fixed digital safety cameras began operation on CityLink.

1989/90: Covert operation of mobile cameras commenced. Thirteen RBT 'booze buses' and penalties introduced for blood alcohol concentration exceeding 0.05.

2001/02: Default urban speed limit lowered to 50km/h and new 40km/h limit introduced for school and strip shopping zones. 50% increase in mobile camera hours and speeding tolerance reduction.

2006: Random drug testing and vehicle impoundments introduced.
TAC Video – There’s No-one Someone Won’t Miss

• https://www.youtube.com/watch?v=TDGdt2DTQPU
Road Trauma – Lives Lost on Victorian Roads

![Fatalities Graph](image)
Speed enforcement - Victoria

• Unless sign-posted, maximum speeds in Victoria range from:
  • 110km/h (just over 68mph) on selected freeways
  • 100km/h (62mph) on selected freeways & most rural roads
  • 50km/h (31mph) in towns/built-up areas

• STEP – Speed Tolerance Enforcement Program

• Road Safety cameras – mobile & static

• Wide range of sanctions – fines, demerits, impoundment
# Victorian Speeding Penalties

<table>
<thead>
<tr>
<th>Offence</th>
<th>Penalty</th>
<th>Suspension</th>
<th>Demerit Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10 km/h</td>
<td>$198</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>10 to 15 km/h</td>
<td>$317</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>15 to 25 km/h</td>
<td>$317</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>25 to 30 km/h</td>
<td>$436</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>30 to 35 km/h</td>
<td>$515</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>35 to 40 km/h</td>
<td>$595</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>40 to 45 km/h</td>
<td>$674</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>45 km/h or more</td>
<td>$793</td>
<td>12</td>
<td>8</td>
</tr>
<tr>
<td>20-25 km/h in a 110 km/h zone</td>
<td>$317</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Permit learner driver to drive at excessive speed: 130 km/h+ or 25 km/h+</td>
<td>$198</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
IMPAIRMENT
Our Approach to Impaired Driving

- We aim for behaviour change
- supported by:
  - Legislation
  - Technology
  - Enforcement methodology
TAC Video – 40 Years of Breath Testing in Victoria
% of Drivers Killed – 2010 to 2016

- Stimulants
- THC
- BAC≥0.05%
RBT activity and ≥0.05 Alcohol Road Deaths
General & Specific Deterrence

**General Deterrence**
Process of influencing potential traffic law offenders, through their fear of detection and the consequences, to avoid offending

**Specific Deterrence**
Process of encouraging apprehended offenders, through their actual experience of detection and the consequences, to avoid re-offending
Alcohol Testing

- In Victoria, if you are a learner driver/ rider or a professional driver (e.g., a truck, bus or taxi driver), you must drive with a zero BAC.

- Other drivers and those supervising learner drivers, must drive with a BAC under .05.

- These rules apply if you are on a public road or on private property.

- It is an offence to not:
  - provide a breath or blood sample
  - stop at a booze bus or random breath testing station, or
  - cooperate with Police who are trying to carry out a breath or blood test.

- Victoria Police aims to conducts approximately 4.5 million alcohol tests per year.
Victorian Sanctions & Penalties – Alcohol

Penalties for being caught over the legal limit range from fines, licence and vehicle loss to possible imprisonment.

The penalties differ depending on:
- the type of offence you committed
- when you committed the offence
- your age at the time of the offence
- the licence or permit you held
- if it wasn't your first offence.
### Sanctions & Penalties

**First Drink driving Offence on/after October 2014:**

<table>
<thead>
<tr>
<th>Offence description</th>
<th>Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BAC zero to less than 0.05:</strong></td>
<td></td>
</tr>
<tr>
<td>- L/P Plates</td>
<td>You will get:</td>
</tr>
<tr>
<td></td>
<td>• max $396 fine</td>
</tr>
<tr>
<td></td>
<td>• your licence or permit cancelled</td>
</tr>
<tr>
<td></td>
<td>• disqualified from driving for 3 months</td>
</tr>
<tr>
<td></td>
<td>• an alcohol interlock for a minimum of 6 months</td>
</tr>
<tr>
<td><strong>BAC zero to less than 0.05:</strong></td>
<td></td>
</tr>
<tr>
<td>- Full licence holder subject to zero BAC requirement</td>
<td>You will get:</td>
</tr>
<tr>
<td></td>
<td>• max $476 fine</td>
</tr>
<tr>
<td></td>
<td>• 10 demerit points.</td>
</tr>
<tr>
<td><strong>BAC 0.05 to less than 0.07:</strong></td>
<td></td>
</tr>
<tr>
<td>- Full licence holder 26 years old or older and are not subject to a zero BAC requirement</td>
<td>You will get:</td>
</tr>
<tr>
<td></td>
<td>• max $476 fine</td>
</tr>
<tr>
<td></td>
<td>• 10 demerit points.</td>
</tr>
<tr>
<td><strong>BAC 0.05 to less than 0.07:</strong></td>
<td></td>
</tr>
<tr>
<td>- L/P Plates</td>
<td>You will get:</td>
</tr>
<tr>
<td></td>
<td>• max $476 fine</td>
</tr>
<tr>
<td></td>
<td>• your licence or permit cancelled*</td>
</tr>
<tr>
<td></td>
<td>• disqualified from driving for 6 months</td>
</tr>
<tr>
<td></td>
<td>• an alcohol interlock for a minimum of 6 months</td>
</tr>
<tr>
<td><strong>BAC 0.07 to less than 0.10:</strong></td>
<td></td>
</tr>
<tr>
<td>- All drivers</td>
<td>You will get:</td>
</tr>
<tr>
<td></td>
<td>• max $476 fine</td>
</tr>
<tr>
<td></td>
<td>• your licence or permit cancelled*</td>
</tr>
<tr>
<td></td>
<td>• disqualified from driving for 6 months</td>
</tr>
<tr>
<td></td>
<td>• an alcohol interlock for a minimum 6 months</td>
</tr>
<tr>
<td>Offence Description</td>
<td>Penalties</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>BAC 0.10 to less than 0.15:</td>
<td>Your vehicle can be impounded, you will need to go to court and will get:</td>
</tr>
<tr>
<td>- All drivers</td>
<td>• max $674 fine</td>
</tr>
<tr>
<td></td>
<td>• your licence or permit cancelled</td>
</tr>
<tr>
<td></td>
<td>• disqualified from driving for 10 - 14 months</td>
</tr>
<tr>
<td></td>
<td>• an alcohol interlock for a minimum 6 months.</td>
</tr>
<tr>
<td>BAC 0.15 or more:</td>
<td>Your vehicle can be impounded, you will need to go to court and will get:</td>
</tr>
<tr>
<td>- All drivers</td>
<td>• max $3,171 fine</td>
</tr>
<tr>
<td></td>
<td>• your licence or permit cancelled</td>
</tr>
<tr>
<td></td>
<td>• disqualified from driving for a minimum of 15 months</td>
</tr>
<tr>
<td></td>
<td>• an alcohol interlock for a minimum 6 months.</td>
</tr>
<tr>
<td>Non-BAC drink-driving offence</td>
<td>You will need to go to court and will get:</td>
</tr>
<tr>
<td>e.g. refusal to stop/provide sample</td>
<td>• max $1,903 fine</td>
</tr>
<tr>
<td></td>
<td>• your licence or permit cancelled</td>
</tr>
<tr>
<td></td>
<td>• disqualified from driving for a period determined by the court</td>
</tr>
<tr>
<td></td>
<td>• an alcohol interlock period, with the period determined by the court.</td>
</tr>
</tbody>
</table>
Sanctions & Penalties
Second+ Drink driving Offence on/after 1 October 2014:

<table>
<thead>
<tr>
<th>Offence description</th>
<th>Penalties</th>
</tr>
</thead>
</table>
| Second BAC offence where the most recent BAC reading was 0.15 or less. | Your vehicle can be impounded, you will need to go to court and will get:  
  - max $9,514 fine  
  - up to 6 months imprisonment  
  - your licence or permit cancelled  
  - disqualified from driving for period determined by the court  
  - an alcohol interlock period, with the period determined by the court. |
| Second BAC offence where the most recent BAC reading was 0.15 or more. | Your vehicle can be impounded, you will need to go to court and will get:  
  - max $19,028 fine  
  - up to 12 months imprisonment  
  - your licence or permit cancelled  
  - disqualified from driving for at least 30 months  
  - an alcohol interlock for a minimum of 4 years. |
| Where the most recent offence was a non-BAC drink-driving offence | You will need to go to court and will get:  
  - max $19,028 fine  
  - up to 12 months imprisonment  
  - your licence or permit cancelled  
  - disqualified from driving for period determined by the court  
  - an alcohol interlock period determined by the court. |
| 3 or more BAC offences. | Your vehicle can be seized & destroyed, you will need to go to court and may:  
  - max fine $28,543  
  - up to 18 months imprisonment  
  - have your licence or permit cancelled  
  - be disqualified from driving for period determined by the court  
  - have an alcohol interlock for a minimum of 4 years. |
Drug Driving
The Victorian Experience

• Victoria Police leads Australia in its illicit drug testing regime of drivers & riders.

• In Victoria, illicit drugs now outweigh alcohol as the leading casual factor in road deaths and the challenge of changing the community culture to separate the behaviours of taking drugs then driving is significant.

• In 2016 9000+ drivers/riders were detected with illicit drugs whilst driving (a strike rate of 1/11).

• The drug we are detecting the most is methyl amphetamine (60-70%), followed by Cannabis (approx. 30%) and MDMA (>10%)
What We Test For

Test positive to the below substances, and we will charge you and get you off the road:

- Methyl amphetamine (Speed/Ice/Meth)
- Δ-9-THC (Cannabis)
- Methyleneoxymethamphetamine (MDMA - Ecstasy)

If it’s there, you’re impaired.
Victoria Police Video – Drug Bus

https://www.youtube.com/watch?v=iEe-q3Mai-8
How We Test for Drugs

Our process is:
1. Roadside preliminary sample indicates the presence of an illicit drug
2. Driver is required to provide a second oral fluid sample that is screened again.
3. If the screening of the second sample indicates an illicit drug is present:
   I. a portion of the second sample is given to the suspected driver
   II. another portion of the second sample is sent to the laboratory for confirmatory analysis.
4. If the Laboratory analysis confirms an illicit drug is present in the sample the driver is prosecuted.
Preliminary Test

Control Line

Drug Positive Line
Road Side Confirmation Device

DrugWipe II
Twin Combo
# Sanctions & Penalties – Failing a RDT

<table>
<thead>
<tr>
<th>Offence</th>
<th>Penalties</th>
</tr>
</thead>
</table>
| First drug-driving offence and you received an infringement notice     | You will get:  
  • max $476 fine (3 penalty units) and  
  • 3 months suspension of your licence or learner permit.  

  The court may also record a conviction.  |
| First drug-driving offence and you have to go to court                 | You will get:  
  • max $1,903 fine (12 penalty units), and  
  • minimum 3 months cancellation of your licence or learner permit.  

  The court may also record a conviction.  |
| Second drug-driving offence                                            | Your vehicle may be impounded, you will go to court and get:  
  • max $9,514 fine (60 penalty units), and  
  • minimum 6 months cancellation of your licence or learner permit.  

  The court may also record a conviction.  |
| More than two drug-driving offences                                    | Your vehicle may be impounded, you will go to court and get:  
  • max $19,028 fine (120 penalty units), and  
  • minimum 6 months cancellation of your licence or learner permit.  

  The court may also record a conviction.  |
Comparisons – Legislative Empowerment

• Compared to most of the USA, our legislation is simpler, and our powers broader when it comes to dealing with impaired drivers

• This makes it relatively simpler to deter, detect & prosecute impaired driving

• Powers like ours are worth considering when:
  • approximately a third of all US drivers who die in crashes are over 0.08
  • 7,000 2015 US road deaths could have been prevented if drivers were below 0.08
Comparisons – cont.

• We have the ability to randomly request samples of breath and oral fluid to test for alcohol and illicit drugs – i.e. we don’t have to suspect someone is impaired before we test them

• We can conduct large-scale screenings/’sobriety check-points’

• In relation to illicit drugs, we have Zero Tolerance laws – no ‘Per Se’:

• We have a suite of powers available to us to deal with impaired drivers:
  • Fines
  • Demerit points
  • Vehicle impoundment
  • Licence suspension
  • Alcohol interlocks
Testing Questions…

Two questions are often posed when a jurisdiction considers testing for marijuana/other impairing substances, especially after legalisation:

- **Question One:** Should we test and prosecute according to the levels of a drug found in person, or just for its presence?
  - Victorian answer: **Just its presence** – our devices & assessments are calibrated to only pick up drug levels that we know cause impairment

- **Question Two:** Will your testing methods stand up in Court?
  - Victorian answer: **Yes** – Our processes, devices & assessments are robust, comprehensive, auditable & tested.
Expanding our Testing

Our working model is now 80% general deterrence, 20% specific

Recent government funding for:

- Sustained funding for 100,000 RDT per year:
  - 8 RPC Buses conducting 50,000 tests
  - Regional & SHP conducting 50,000 tests

- Ten new alcohol/drug vehicles to replace fleet of 8 buses

These initiatives, and their accompanying advertising campaigns, will go a long way to realising our long term vision for drug driving.
Challenges

• Having enough Tests
• Increasing testing
• Aligning alcohol & drug testing processes
• Balancing competing enforcement interests e.g. general crime
• Keeping public messages fresh
Key Approaches to Success

• Your strategies must be collaborative, dynamic and strategic

• Your enforcement must be intelligence-led, evidence-based & flexible enough to address new and emerging issues, it must also be:

1. Highly visible
2. Rigorously enforced
3. Sustained
4. Well-publicised
Questions?