# **Protecting the public from repeat drug-driving offenders: call for evidence**

# June 2022

# Report from: Neil Greig

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|  | For decision  |  | For discussion  | **x** | For information |

# Consultation Description

The Department of Transport issued a ‘call for evidence’ on the 5th of April seeking evidence on the creation of a drug-drivers rehabilitation course to help offenders “tackle their issues”, a new high risk offenders scheme related to drug driving and other related issues to modernise their approach to the problem of drug driving. They wished to build on the well-established rehabilitation and high-risk offender courses for drink drivers, through the introduction of specific drug driving components. As a major supplier of drink drive courses this consultation is of interest to IAM RoadSmart. After internal consultation, particularly with IAM DRA, the following submission has been made. The outcome will be known in the next few months and our aim is to ensure that IAM DRA are closely involved in the development of a new drug drive course that we can then consider as a new product. We shall keep Council up to date on the consultation process and the next steps. The consultation asked nine questions and our response is structured in the same way.

IAM RoadSmart response to the DfT document - “Protecting the public from repeat drug driving offenders. Call for evidence on introducing a drug-driver rehabilitation scheme and high-risk offender scheme for drug drivers”

**Introduction**

IAM RoadSmart (previously The Institute of Advanced Motorists) is the UK’s largest independent road safety charity, dedicated to improving standards and safety in driving and motorcycling. Best known for the advanced test, IAM RoadSmart has over 82,000 members and is supported by a local volunteer network of around 180 groups in the UK. IAM RoadSmart’s policy and research division publishes original research on road safety issues. We also provide driver risk management solutions to businesses, and, through the IAM Driver Retraining Academy, we are one of the largest suppliers of Drink Drive Rehabilitation Courses (DDRC) in England and Wales. IAM RoadSmart are fully JAUPT compliant and DVSA approved as course providers and in 2021 we successfully delivered 391 on line and face to face DDRC courses. Since 2013 over 30,000 offenders have successfully completed an IAM DRA course.

IAM RoadSmart - response to the ‘Call for Evidence’ Questions

Question 1 - What evidence, if any, do you have that the absence of a drug driving rehabilitation scheme is a problem? Please provide a rationale for your answer.

The need to cut reoffending is paramount to ensure the safety of all road users.As the consultation information shows research (IPSOS Mori) clearly demonstrates that driver intervention courses deliver real benefits in the form of reduced reoffending. This is well proven now for the Drink Drive Rehabilitation Course (DDRC), but also for speed awareness courses. IAM RoadSmart are in no doubt that a bespoke drug driving course will have the same impact. Such courses often provide the first opportunity for offenders to face up to the impact of their offending and receive positive counselling support in relation to their driving. The course assists them in taking responsibility for their actions to allow them to put plans into place to change their behaviour prior to reapplying for their driving licence. A group course helps to support individuals and is also an opportunity to learn and gain support from their peers.

The feedback from our DDRC is overwhelmingly positive - over 99% of our clients would recommend IAM RoadSmart. The following are a sample of the comments made by course participants;

*“The course content was very good and educational. It has definitely changed my attitude towards drink driving and road safety in general.” – Course attendee, Online, March 2022*

*"I was worried about attending the course, but the information and how it was presented was invaluable. The course made you think strong and hard about your actions. Also, the participation part of the course made you want to listen and take in all the information that was being provided. The information, statistics, coping skills and knowledge this course gave me will stay with me for the rest of my life."*

*“The course was amazing not what I expected at all. I learned so much about drink driving, and about drinking as a whole. It has completely changed my outlook on drinking.”*

*“It was an interesting course to take, and I know now all the dangers involved in drink driving and I’ll never drink drive again thanks to this course.”*

You can read more from our case studies here [DDRC Case Studies (iamroadsmart.com)](https://www.iamroadsmart.com/campaign-pages/end-customer-campaigns/christmas-drink-drive/ddrc-case-studies)

Although long term evaluation of the shift to online courses has yet to be completed the positive feedback that IAM RoadSmart has received would suggest that future drug driving courses could be delivered online as well as face to face. When delivering drink drive familiarisation presentations to Magistrates IAM RoadSmart are frequently asked the question “are we delivering drug driving courses”? In our view this reflects Magistrates concerns that they currently have no rehabilitation options to offer to the many drug driver offenders they see before them.

IAM RoadSmart believe strongly that rehabilitation courses should be compulsory for all offenders convicted of drink or drug driving offences. The current system where offenders must choose to ‘opt in’ for a course on the day of their court appearance is unfair and unnecessarily stressful. Offenders should be allowed to opt out of a course for personal reasons, but the general assumption should be that anyone caught ‘under the influence’ should expect a course as well as a fine and a ban. This approach should be adopted as soon as possible and notwithstanding any decisions the government may make on a new drug drive course.

Question 2 - Do you agree that the Government’s proposal to introduce a drug driving rehabilitation scheme is the right approach? Please provide a rationale for your answer.

It is not absolutely clear from this document what the government’s proposals are. A hybrid course for drug and drink driving offenders, or a standalone newly developed course just for drug drivers? IAM RoadSmart’s strong preference is for a ‘drug driver only’ course to be developed and not to mix the two offender groups together in any way.

Some drink drivers attending our courses have admitted to taking drugs as well, and if convicted drug drivers were present their experiences and contribution could assist drink drivers in making positive future choices. There are some similarities between drink driving and drug driving including behaviour change, reason for the decision, acceptance and responsibility for their actions, knowledge of road traffic law, health effects, triggers, coping strategies, goals etc.

However, as things stand IAM RoadSmart are not convinced that mixing them together has “no adverse effect on learning outcomes”. It is essential that more pilot schemes and evaluation of a drug driving course syllabus and structure are undertaken before this is question can be fully resolved. The trial drug driving course has only been presented to a small sample of drink drivers and is yet to be tested in any definitive way on an audience of convicted drug drivers. IAM RoadSmart would be happy to support and contribute to the development of a new drug driving course.

IAM RoadSmart share the concerns of other course providers that alcohol and illegal drug offenders are different, and the presence of drug addicts may be disruptive to the smooth running of the currently well proven system for drink drive offenders. New content could also add to the length of existing courses which already require at least three days of attendance in the space of three weeks. Trainers delivering drug drive courses may require additional support and security and these issues can only be fully resolved once they have been tested in the real world. When dealing with vulnerable individuals it may also be necessary to provide a wider range of geographical locations for courses which also adds to costs. It may be a challenge to meet demand according to location, venues being accessible easily via by public transport and the minimum course numbers to give an effective and efficient service as well as potential attendees choice.

Whilst the decision to provide drug or DDRC, or both, courses will be a matter for individual providers, the administration of any new drug drive course should allow for the use of existing booking systems to reflect the investment already made in these. As mentioned above an online course may help to dispel some of these concerns and should be among the options tested.

For maximum flexibility current providers who may not wish to offer a drug driving course should still be allowed to offer DDRC. Similarly, it should not be a requirement on new providers to have to offer DDRC.

Question 3 - If a HRO drug-driver scheme is introduced, and with reference to the Expert Panel report, what criteria should be set for inclusion on the scheme? Please provide a rationale for your answer.

IAM RoadSmart would support the introduction of a High-Risk Offender scheme for drug drivers. The criteria that currently apply to the drink drive HRO scheme would appear to be just as valid for drugs - i.e.

• were convicted of 2 drug driving offences within 10 years

• were driving with a specific amount of drugs in their system – this limit would need to be set by medical and impairment experts

• refused to give the police a sample to test for drugs

Question 4 - Should consideration be given to creating an offence of causing death by dangerous driving whilst under the influence of drink and / or drugs? Please provide a rationale for your answer.

In general, IAM RoadSmart are content with the current structure of traffic offences which already provide for such an offence for alcohol and so extending it to drug driving makes sense.

Question 5 - Should consideration be given to creating an offence of causing serious injury by driving whilst under the influence of drink or drugs, or failing to provide a specimen? Please provide a rationale for your answer.

IAM RoadSmart would like to see the addition of ‘presence of drugs’ as an aggravating factor for all traffic offences so we would support the creation of this new offence. As with Question 5 it is ‘fear of being caught’ rather than ever increasing penalties that has the most influence on behaviour. Legislative changes will have little impact if the governments soon to be published ‘Road Policing Review’ does not make the detection of badly impaired drivers a bigger priority for police forces and Crime Commissioners.

Question 6 - Should consideration be given to amending the HRO drink-driver scheme to include offences of dangerous and careless driving, together with any offences involving death and serious injury? Please provide a rationale for your answer.

Whilst the seriousness of the offence that a drink driver has been involved in is important, it is the reoffending and level of alcohol in the body that are the real indicators of alcoholism or addiction in our view. The current HRO scheme, with its links to the medical profession in order to get your licence back, already works well without bringing in extra focus on the seriousness of offences rather than the patterns of offending. If the government was to enact our proposal in Question 1 regarding automatic enrolment in drink or drug drive courses, then all offenders would have the chance to have their risky behaviour examined anyway.

Currently IAM RoadSmart do not see many clients on the DDRC who have been involved in serious injury or fatal crashes. This would suggest that a separate “high level offenders” course might be the best way to deal with offenders who have been involved in a serious crash. IAM RoadSmart would be happy to take part in research on this question, but we do accept that tailored courses can struggle to be financially viable due to smaller members.

Question 7 - Should consideration be given to ensuring HRO drug-driver scheme includes offences of dangerous and careless driving, together with any offences involving death and serious injury? Please provide a rationale for your answer.

Our response to this question would be along similar lines to that for Question 6 – ie it is the reoffending pattern that is the key indicator for an HRO scheme and the schemes should mirror each other for simplicity. Although it would be for the courts to decide IAM RoadSmart would also suggest that patterns of dealing, and the quantity of drugs possessed could also be indicators for entry into any “high level offenders” HRO scheme for drug drivers.

Question 8 - In order to comply with current medical practices, should the admissibility requirements in respect of a “specimen”, set out in section 15(5) and (5A) of the Road Traffic Offenders Act 1988 be amended to enable vacuum blood extraction? Please provide a rationale for your answer.

IAM RoadSmart has no expertise in this area but the use of vacuum extraction tube systems for blood collecting clearly reduces the risk of direct exposure to blood and makes it easier to take multiple samples from a single puncture. This proposal would therefore have our support

Question 9 - Are there any comments on the relationship of medicinal cannabis to road safety that you would like to raise?

IAM RoadSmart is not aware of any strong body of evidence linking the taking of medical cannabis to negative road safety outcomes. In the absence of such evidence we would support an approach mainly based on education for users and training for medical professionals. If however, it can be shown that medical cannabis has a similar effect on driving as the already controlled “street” cannabis then a limit set at the same level should be considered. Establishing the impact of medical cannabis on safe driving should be a research priority. The issue would also merit inclusion as an issue in the syllabus for any new drug drive rehabilitation course.

**IAM RoadSmart**

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