



Attorney General  
& Justice

# Traffic Offender Intervention Program

2009 - 2011

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## **Background**

The Traffic Offender Intervention Program (TOIP) offers educational courses for offenders who have been found guilty of (or pleaded guilty to) a traffic offence in NSW Local Courts.

TOIP is regulated under Part 8 of the *Criminal Procedure Regulation 2010* where the stated aim of the program is to provide offenders with the information and skills necessary to develop positive attitudes towards driving and to develop safer driving behaviours.

On application by the defendant, the defendant's legal representative, or the Court's own motion, magistrates may make a participation order for an offender to attend a traffic course delivered by an approved provider. The case is adjourned for sentencing, allowing sufficient time for the nominated course to be completed.

Typically, a TOIP course involves a two-hour group session held weekly for between six to eight weeks with participants completing a short written assignment on each week's topic.

At the end of a course, a report is provided to the magistrate detailing the offender's participation and progress, which the magistrate may take into consideration when sentencing the offender.

As at January 2013, there were three approved providers conducting TOIP courses at over 50 locations (towns and suburbs) across NSW. A list of approved providers and their current course locations is available on the NSW Local Courts website. To be registered, a provider must submit course outlines and other materials to the Department of Justice and Attorney General every 3 years for approval against Departmental guidelines.

Currently, two of the three registered providers charge participants a small cost-recovery fee (around \$150-\$200) and one delivers the course free of charge.

## **Evaluation**

In 1999 an evaluation by the NSW Road Traffic Authority (RTA) (Saffron, Wallington & Chevalier) of the Mt Penang and Blacktown Traffic Offender Program (TOP), reported that participation in an education course for traffic offenders could reduce the probability of re-offending by 25%. However, the study featured weak methodological rigour (e.g. TOP offenders were not matched with an appropriate comparison group in terms of re-offending risk; only two sites were evaluated and the statistical analysis methods were not fully explained). Further, it was conducted some time ago.

Recently, the NSW Bureau of Crime Statistics and Research (BOCSAR) published a statistical analysis of participants in the Blacktown TOP from 1994-2011. This study does not examine the effect of the course on re-offending rates, but provides a profile of program participants and examines the risk factors associated with re-offending. The study found that participants presenting to the program who were young (16-20 years), had a criminal record and who lived in a disadvantaged area had an increased likelihood of being convicted of a new traffic offence within 2 years of completing the program when compared with participants who did not present with these risk factors.

## **This Report**

Registered providers are required to submit an annual report, by March of the following year, detailing demographic and course completion information for all participants. The records are supplied to the Crime Prevention Division of the Department of Attorney General and Justice as collated tables. Unit record data are not available. It should be noted that this data is not verified or subject to quality assurance checks.

This report draws information from the annual reports submitted for the 2009, 2010 and 2011 calendar years by the three course providers currently approved under the Regulation: PCYC; Blacktown TOP Inc; and Port Macquarie Neighbourhood Centre<sup>1</sup>.

The report describes total program numbers, participant characteristics (age and gender), completion outcomes, reasons for non-completion and presenting offences.

## Program Utilisation

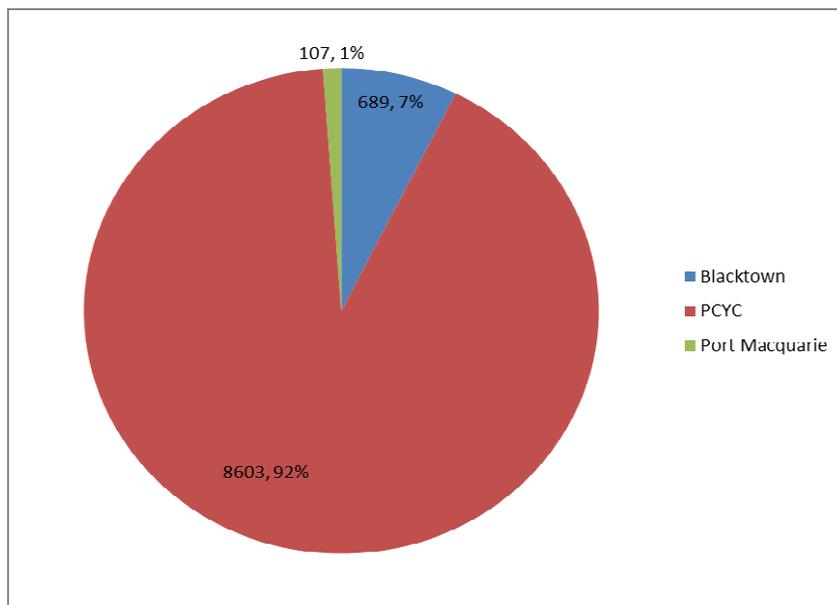
### *Number of participants*

The total number of traffic offenders participating in a TOIP was 8871 in 2009, 8813 in 2010 and 9399 in 2011<sup>2</sup>. As such, TOIP appears to be the largest criminal justice intervention in NSW and one of the largest in Australia.

Based on the number of persons charged with traffic and related offences<sup>3</sup> with finalised matters in NSW Local Courts, the TOIP participation rate was estimated as 13.8% of persons charged with traffic and related offences in 2009, 16.0% in 2010 and 17.9% in 2011.<sup>4</sup>

The PCYC network is by far the largest of the current providers, offering courses in 50 separate locations and accounting for around 90% of total TOIP participants in 2011. In that year, 7.4% of TOIP participants attended at Blacktown TOP. Port Macquarie Neighbourhood Centre is a much smaller provider, dealing with around 100-120 cases per year. While Blacktown TOP and Port Macquarie Neighbourhood Centre are each based in a single location, they accept participants from a number of referring courts.

**Figure 1 Total TOIP participants by course provider, 2011**



<sup>1</sup> The TOIP course operating at Lake Macquarie ceased in May 2012 (n=550). Although program data is available for 2009 and 2010, no statistics were provided from 2011 onwards. Hence, all data from this provider has been omitted from this paper.

<sup>2</sup> It should be noted that owing to the omission of Lake Macquarie participants, these totals are understated.

<sup>3</sup> Traffic and vehicle offences include all 'traffic and vehicle offences' listed in BOCSAR's annual report of criminal court statistics plus 'driving under the influence of alcohol or other substance' and 'dangerous or negligent driving' (but excluding driving causing death).

<sup>4</sup> 2009 = 8,871/63,897; 2010 = 8,813/54,932; 2011 = 9,399/52,409

The total number of TOIP cases has risen from 2010 to 2011. There was a decrease in participation at Blacktown over the three years (11% lower in 2010 than 2009, with a further drop of 18% in 2011) and a 10% rise in numbers attending PCYC courses between 2010 and 2011.

**Table 1 Total TOIP participants by course provider, 2009-2011**

Year/ Provider	Blacktown TOP	PCYC	Port Macquarie	Total
2009	942	7813	116	8871
2010	839	7855	119	8813
2011	689	8603	107	9399

### Program Completion

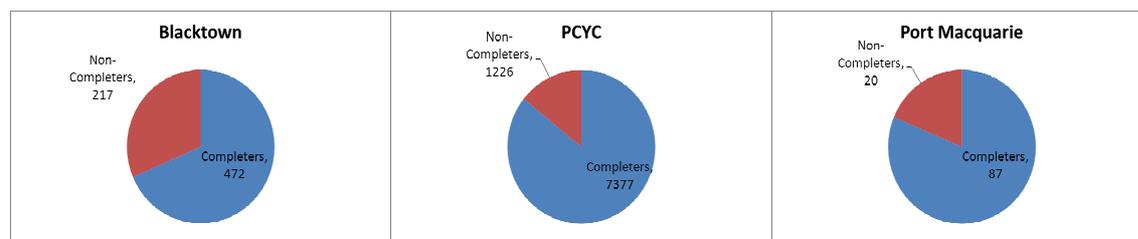
The average completion rate across all TOIP education courses is relatively high for a court-based intervention at around 85% of those who are given a participation order. This completion rate has been consistent over the past three years - 84.6% in 2009, 85.1% in 2010 and 84.4% in 2011<sup>5</sup>.

**Table 2 TOIP completion outcomes by course provider, 2009-2011**

Year	Completion Status	Blacktown TOP	PCYC	Port Macquarie	Total
2009	Completers	649	6744	110	7503
	Non-Completers	293	1069	6	1368
	<b>Total</b>	<b>942</b>	<b>7813</b>	<b>116</b>	<b>8871</b>
2010	Completers	584	6804	110	7498
	Non-Completers	255	1051	9	1315
	<b>Total</b>	<b>839</b>	<b>7855</b>	<b>119</b>	<b>8813</b>
2011	Completers	472	7377	87	7936
	Non-Completers	217	1226	20	1463
	<b>Total</b>	<b>689</b>	<b>8603</b>	<b>107</b>	<b>9399</b>

Completion rates appear to vary significantly between sites<sup>6</sup>. However, it remains to be established if the locations are using comparable definitions of 'completion'. Figure 2 shows the completion numbers for each provider for 2011.

**Figure 2 TOIP completion numbers by course provider, 2011**

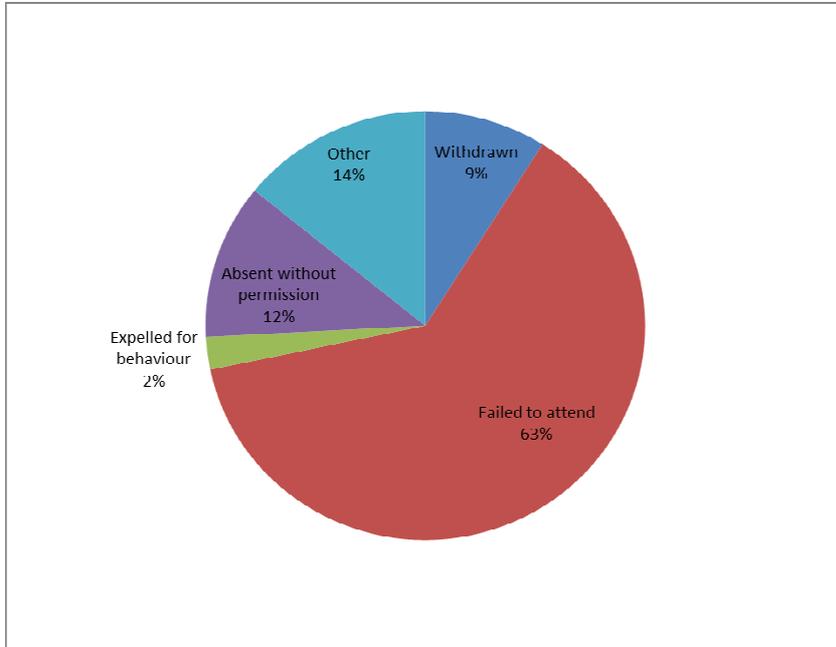


<sup>5</sup> 2009: 7503 completions/8871 participants = 84.6%; 2010: 7498 completions/8813 participants = 85.1%; 2011: 7936 completions /9399 participants = 84.4%

<sup>6</sup> 2011 completion rates by provider: Blacktown (69%), PCYC (86%), Port Macquarie (81%).

In terms of the reasons for non-completion, very few people (2%) are recorded as having been expelled from a TOIP course. Much more likely was that they did not attend at all (63%), were absent without permission (12%) or withdrew (9%). Individual course providers may code these outcomes in different ways.

**Figure 3** Reasons for non-completion for all TOIP participants who did not complete, 2011



## Characteristics of TOIP participants

### Gender

Males constitute the majority of course participants across all providers. However, female participation represented a sizeable proportion of TOIP cases across the period 2009-2011 varying from 17% of all course participants at Blacktown in 2009 and 2010 to 29% at Port Macquarie in 2011 (See Table 3).

**Table 3 TOIP participants by gender and course provider, 2009-2011**

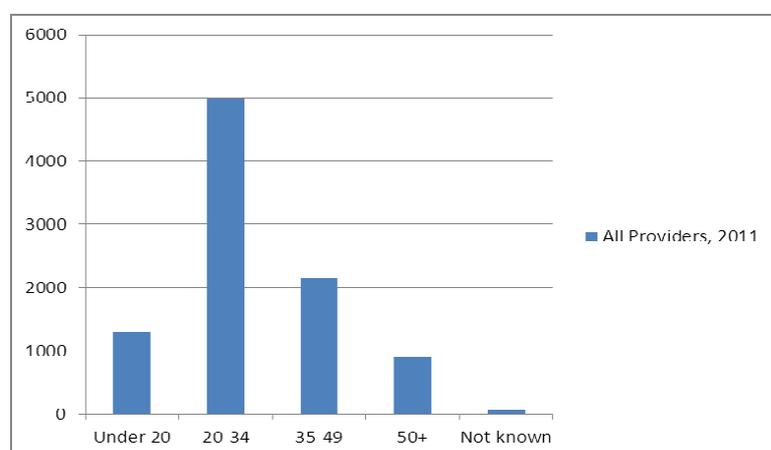
		2009	2010	2011
<b>Blacktown</b>	<b>Male</b>	779 (83%)	699 (83%)	544 (79%)
	<b>Female</b>	162(17%)	139 (17%)	145 (21%)
	<b>Not known</b>	1(0%)	1(0%)	0 (0%)
	<b>Total</b>	<b>942 (100%)</b>	<b>839 (100%)</b>	<b>689 (100%)</b>
<b>PCYC</b>	<b>Male</b>	6223 (80%)	6265 (80%)	6416 (75%)
	<b>Female</b>	1545 (20%)	1545 (20%)	1947(23%)
	<b>Not known</b>	45 (1%)	45 (1%)	240(3%)
	<b>Total</b>	<b>7813 (100%)</b>	<b>7855 (100%)</b>	<b>8603 (100%)</b>
<b>Port Macquarie</b>	<b>Male</b>	84 (72%)	91(76%)	76 (71%)
	<b>Female</b>	32 (28%)	28 (24%)	31(29%)
	<b>Not known</b>	0 (0%)	0 (0%)	0 (0%)
	<b>Total</b>	<b>116 (100%)</b>	<b>119 (100%)</b>	<b>107 (100%)</b>

### Age

Due to missing data, statistics relating to age are reported for 2011 only.

Offenders aged between 18 and 30 years represented more than half of the participants at all course providers in 2011 - Blacktown (57%); PCYC (55%); Port Macquarie (60%) - giving an overall percentage across providers of 57%. As indicated in Table 4 (overleaf), relatively few (3%) participants were aged under 18 years, with those aged 50 years or more constituting around 10%.

**Figure 4 TOIP participants by age group by all providers, 2011**



**Table 4 TOIP participants by age group by all providers, 2011**

<b>Provider/ Age Group</b>	<b>Blacktown</b>	<b>PCYC</b>	<b>Port Macquarie</b>	<b>Total</b>
Under 18	17 (2%)	271 (3%)	9 (8%)	297 (3%)
18-19	71 (10%)	917 (11%)	11 (10%)	999 (11%)
20-24	184 (27%)	2072 (24%)	32 (30%)	2288 (24%)
25-29	125 (18%)	1477 (17%)	13 (12%)	1615 (17%)
30-34	77 (11%)	1005 (12%)	8 (7%)	1090 (12%)
35-39	63 (9%)	791 (9%)	8 (7%)	862 (9%)
40-44	59 (9%)	671 (8%)	3 (3%)	733 (8%)
45-49	31 (4%)	518 (6%)	11 (10%)	560 (6%)
50-59	45 (7%)	617 (7%)	6 (6%)	668 (7%)
60-69	13 (2%)	188 (2%)	5 (5%)	206 (2%)
70-79	4 (1%)	21 (0%)	1 (1%)	26 (0%)
80+	0 (0%)	1 (0%)	0 (0%)	1 (0%)
Not known	0 (0%)	54 (1%)	0 (0%)	54 (1%)
<b>TOTAL</b>	<b>689 (100%)</b>	<b>8603 (100%)</b>	<b>107 (100%)</b>	<b>9399 (100%)</b>

### ***Presenting Offences***

Participants present to the TOIP program facing a range of traffic-related offences which fall broadly into the following categories:

- drink driving (in various ranges) (also known as ‘Prescribed Concentration of Alcohol’ (PCA));
- speeding (in various ranges);
- licencing offences (such as driving unlicensed or while the licence is disqualified, suspended or cancelled);
- dangerous or negligent driving; and
- regulatory and other offences (such as vehicle infringements, moving traffic violations, not wearing a seatbelt or helmet etc.)

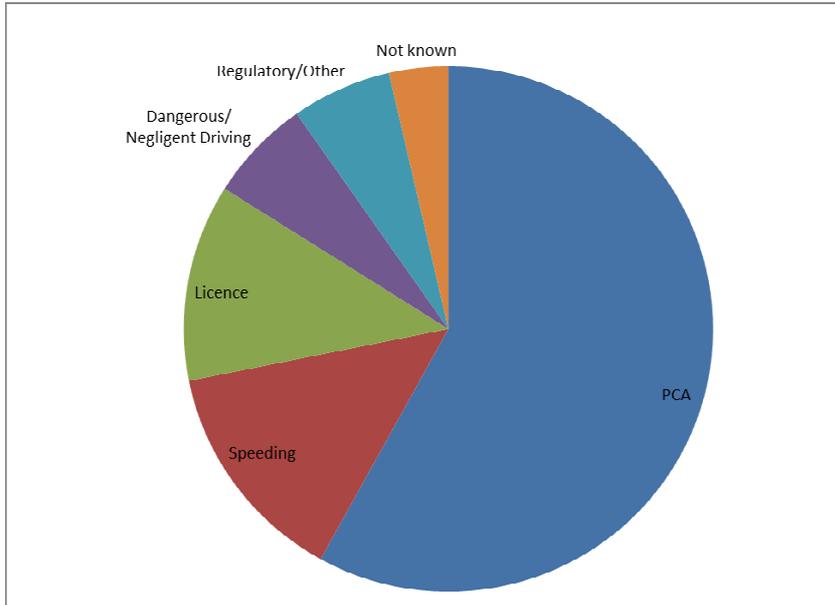
For ease, data in this section relates to 2011 only.

As shown in Figure 5, drink driving offences represented the most frequent reason for offenders attending a TOIP in 2011, with 73% of participants facing such a charge.

Smaller numbers of persons had offences in the other four categories with around one in six offenders convicted of speeding (17%) and one in seven (15%) of licence infringement offences. In 2011, 8% of TOIP participants faced the serious charges of dangerous or negligent driving. A further 8% faced charges for a range of regulatory or other offences<sup>7</sup>.

<sup>7</sup> It should be noted that many participants were facing more than one charge (for example, an offender may be charged with speeding, PCA and driving unlicensed in a single incident). Therefore percentages have been calculated based on the number of participants, not the total number of charges.

**Figure 5 Offence types for all participants, 2011**

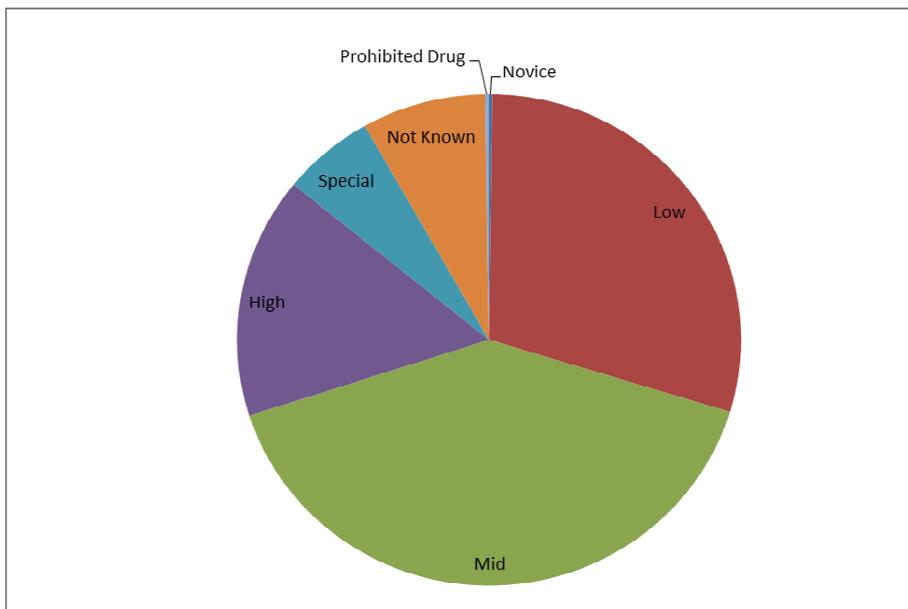


**Drink Driving**

In 2011 the great majority of drink driving offences (76.1% across all providers) involved charges of low to mid range, including special and novice ranges. High range offenders (15.9%) form a minority of participants.

Note that in 8.0% of cases (n=542) the PCA level was not known. In addition, a small number of drug driving cases were identified, namely 17 at Blacktown.

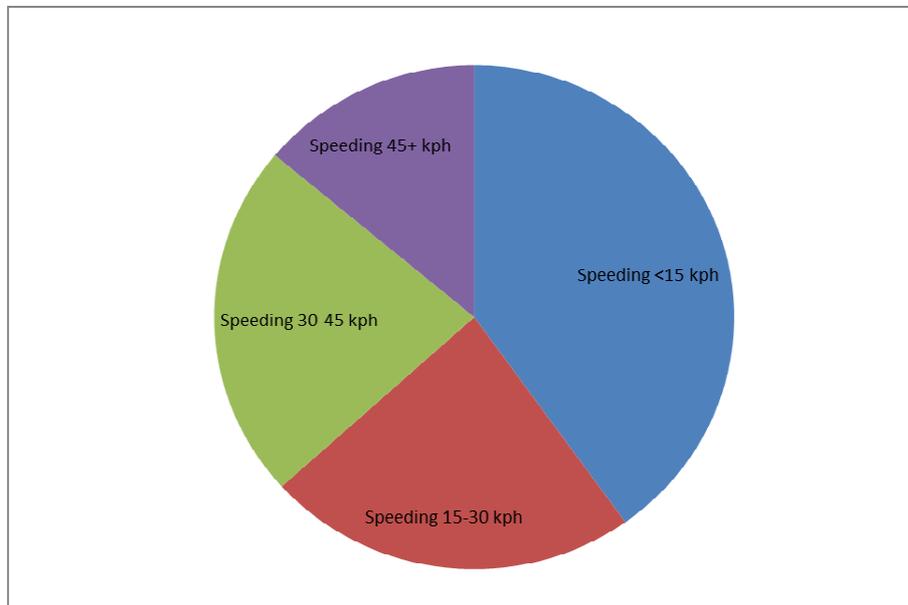
**Figure 6 PCA offences for all TOIP participants, 2011**



## Speeding

The distribution across speeding ranges was relatively even, with low range (<15 kph above the designated speed limit) being the most frequent (40.1%) and those at the highest range (>45 kph) being the least frequent (13.9%).

**Figure 7** Speeding offences for all TOIP participants, 2011



## Conclusion

TOIP is a high volume scheme operating in the Local Court environment in New South Wales, with an extensive coverage of more than 50 locations in both urban and regional areas. Around 9,000 traffic offenders participate in an education course each year.

The proportion of offenders convicted of a traffic offence in NSW who participate in TOIP is estimated at around 16% per year. Based on the data submitted by approved course providers, the completion rate of around 85% is relatively high for a criminal justice intervention.

Based on the presenting offences, it can be observed that TOIP is to a great extent a drink driving intervention, with around three-quarters of participants reporting at least one drink driving offence. The majority of such offences are for low to medium range PCA.

It is of interest that in addition to drink driving, TOIP caters to a very wide range of offences, including speeding as well as licence, vehicle and other driving offences.

For those who do not satisfactorily complete a TOIP education course, the major reason is non-compliance (fail to attend or drop out) rather than aggressive or disruptive behaviour.