

Transport for NSW | Centre for Road Safety

Process evaluation of the Mandatory Alcohol Interlock Program: Summary report

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1 Key findings

- Overall, the evaluation found that key partner agencies are delivering the NSW Mandatory Alcohol Interlock Program effectively. Partner agencies have monitored implementation issues and addressed many of these as they emerged.
- Program penalties for repeat and high range drink driving have been imposed as planned. Roads and Maritime data showed that overall exemption orders are low (5% at the time the evaluation was conducted). The main agencies involved in implementation, the NSW Police Force and Roads and Maritime, have aligned policy settings to support implementation.
- Based on survey evidence, around half of the program participants have a good understanding of the conditions of the Interlock licence and penalties. Most participants appear to be complying with their court orders. Participants commonly considered the penalty is reasonable given the offence, especially mature drivers.
- Having an Interlock licence has assisted many program participants to maintain work and meet their social and family commitments compared to disqualification. However, having an Interlock licence does have some negatives for participants including social embarrassment and limiting work opportunities for those who need to drive for work.
- The evaluation has identified further areas where delivery could be improved. These include communication about the process of issuing Interlock licences, management of performance data, administration of affordability provisions, and communication of pricing structures for Interlock devices.
- Work has been completed or underway to address many areas for improvement, and it is anticipated that the recent expansion of MAIP to all mid-range first offences will allow further program improvements to be made in the future.

2 About the evaluation

The Centre for Road Safety commissioned ARTD Consultants to conduct an evaluation of the implementation and functioning of the NSW Mandatory Alcohol Interlock Program (MAIP).

This report presents a summary of the findings of the evaluation. The evaluation covered the period from when the program commenced in February 2015 to September 2017.

The purpose of the evaluation was to inform the ongoing implementation and adaptation of the program, to improve delivery and to help refine road safety policy settings. It also aimed to lay the groundwork for an outcomes evaluation, which will be conducted at a later stage.

2.1 The Mandatory Alcohol Interlock Program

MAIP operates as a court-ordered penalty for drivers who are repeat or serious drink drivers. Offences that fit into this category include:

- a high range drink drive offence (blood alcohol concentration 0.15 or higher)
- refusing a breath test
- a second drink drive offence within five years.

The court orders a disqualification period and an Interlock participation period. During the Interlock participation period, a driver must only drive a vehicle with an alcohol Interlock device installed. The alcohol Interlock device requires drivers to provide a breath sample before the vehicle will start, and at intervals whilst driving. If the breath sample provided exceeds the designated Blood Alcohol Concentration limit (0.02), the car will not start.

Exemption from MAIP can be granted by the court under strict criteria – where the offender proves to the court that they do not have access to a vehicle in which to install an Interlock device, or they have a medical condition diagnosed by a registered medical practitioner that prevents the offender from providing a sufficient breath sample to operate an approved Interlock device. Exempted offenders serve an extended disqualification period and attend a Sober Driver Program.

Interlock devices are provided by three accredited private Interlock provider companies, with fitting and servicing done through networks of Interlock service agents associated with individual providers. The Interlock service agents are mostly qualified auto-electricians. MAIP participants have a choice of which provider they will hire their Interlock device from, and what Interlock service agent they will use for installation and regular servicing of the Interlock device.

During regular service visits, devices are checked for accuracy and re-calibrated if necessary, and data from the Interlock device are downloaded and later made available to Roads & Maritime, who administer the program on behalf of Transport for NSW. Drivers' operation of the Interlock device is monitored throughout the participation period, and where a person attempts to drive with alcohol in their system the device includes automated responses to this behaviour; not allowing the car to be started for a set period. A regular pattern of attempts to drive with alcohol results in warning letters being sent by Roads and Maritime, which warn participants of continuing drink-drive behaviour and refer

them for alcohol dependency assessment, where appropriate. There is also a performance assessment component that takes into account the final six months of the program and may lead to a referral to a Fitness to Drive assessment by a medical professional to determine if the participant is able to exit the alcohol Interlock program.

MAIP has two provisions in place to improve affordability for participants on low incomes and those experiencing severe financial hardship. Low income participants are eligible for a concession discount, which means the participant pays a lower price for all costs related to the Interlock device. Concession discounts are administered directly by Interlock providers following rules set by Roads & Maritime. The Severe Financial Hardship (SFH) scheme is managed and funded by Roads & Maritime and delivered by the Salvation Army. Salvation Army staff members assess the eligibility of MAIP participants for financial support and make a recommendation to Roads and Maritime.

Drivers who do not apply for an Interlock licence will remain disqualified for five years.

2.2 Evaluation questions

The evaluation questions were:

1. Overall, how well have the key partner agencies delivered the different program elements of MAIP and how can delivery be improved?
2. Have there been any positive or negative indirect consequences for participants, NSW Government agencies or the broader community as a result of implementing MAIP?
3. Are the program design and settings meeting the policy objectives of addressing serious and repeat drink driving behaviour and what changes might be needed to make the program more effective?
4. Has MAIP achieved its immediate outcomes?

2.3 Evaluation methods

The evaluation used a mixed method design drawing on qualitative and quantitative data sources. These included:

- De-identified administrative data from Roads and Maritime Services for 8,500 individuals with a Mandatory Alcohol Interlock Order (MAIO).
- Two surveys with MAIP participants – people with a MAIO who had taken up their Interlock licence after serving a licence disqualification period. The first survey was undertaken in 2016 and included 341 participants. The second survey, in 2017, included 75 participants who had also completed the first survey.
- Semi-structured interviews with 21 MAIP participants and 4 non-participants (people with a MAIO who had not taken up an Interlock licence).
- Semi-structured interviews with six Interlock provider representatives.
- A survey of 33 Interlock service agents.

- Semi-structured interviews with 27 other stakeholders, including representatives of partner agencies, General Practitioners, solicitors, and the Aboriginal Legal Service.

Program monitoring data from the MAIP database were used to analyse financial supports, participant performance monitoring and servicing, medical interventions and Fitness to Drive assessments. Further evidence about delivery of these program elements was drawn from participant surveys and interviews with program stakeholders.

The available evidence provided a fairly consistent story about implementation to date, which allowed the evaluation to identify areas where program elements may need to be adapted and policy settings refined. However, there were some limitations in the data available for the evaluation. Gaps in administrative data sets created uncertainties due to limited availability of program monitoring data. Data on immediate outcomes for participants was limited to self-reported information from the 25 per cent of participants who responded to the surveys. The participant survey received responses from a higher proportion of women and those aged over 50 years, and a lower proportion from Aboriginal people, when compared with those with a MAIO.

3 Effectiveness of program delivery

This section addresses the evaluation question about how well the key partner agencies delivered the different program elements of MAIP and how delivery could be improved.

3.1 Governance

Partner agencies were satisfied with the governance structure and project management processes in place to develop MAIP. Mechanisms for collaboration and structuring of policy work were particular strengths. However, formal arrangements were not continued once the program was rolled out and agency stakeholders agreed that a new interagency governance structure was needed to address delivery issues as they arise.

3.2 Administration

The administration of MAIP by Roads and Maritime includes providing information about the program, issuing Interlock licences, managing contracts with Interlock providers, managing participants' performance information from Interlock devices, and responding as needed. Roads and Maritime also approve applications for the SFH Scheme.

MAIP is being administered effectively by Roads and Maritime operational staff, albeit without fully functional IT systems to support program management. Roads & Maritime commented that additional funds are needed to address issues with the database.

Roads & Maritime are conducting contract audits of Interlock providers, but quarterly meetings in accordance with the Agreement were slow to be established. Customer service improved as customer service staff became more familiar with MAIP. However, participants commonly believed the process of obtaining Interlock licences is more complex than it need be and could be streamlined. In addition, participant information materials need revision to improve accuracy and clarity.

3.3 Affordability provisions

Both the concession discounts and the Severe Financial Hardship (SFH) scheme are being used by MAIP participants. However, there was limited evidence about whether all who are eligible are accessing these affordability provisions, and whether or not the provisions are sufficient to make the Interlock affordable for these groups.

MAIP data on access to concession discounts and SFH provisions were not reliable due to database issues. The surveys of MAIP participants in 2016 and 2017 showed close to one-third of survey participants claimed concession discounts, and around one-third found the concession rules difficult to understand.

Fewer than 10 per cent of survey respondents had accessed hardship provisions. Participants and other stakeholders indicated that the administration rules of the SFH scheme were inefficient, particularly the full re-application process every three months.

The cost burden of the Interlock licence was a common concern among MAIP participants, including those accessing concessions.

3.4 Enforcement and sentencing by the Police and Courts

Sentencing patterns closely reflect the intent of the legislation. Over 70 per cent of MAIOs are for 24 months, which correlates with the most common offence. Some sentencing issues have been identified and addressed. One issue, the lack of harmonisation of Interlock penalties with other states, is ongoing.

In 2015 there were 505 invalid MAIOs made by courts. The qualitative evidence suggests there are two main factors explaining invalid orders: driving history records not previously being able to distinguish drug from alcohol convictions; and police improperly identifying an offence as a second offence, when the first offence was more than five years prior. Roads & Maritime reports that there also cases where the offender's offence history justifies a MAIO, but no MAIO has been made by the court.

Police are enforcing the legislation. There were 28 charges of non-compliance with a MAIO between February 2015 and June 2017, being people who received a MAIO in NSW who later committed an offence in NSW for not complying with Interlock conditions. This is a low proportion of MAIP participants (0.8%).

3.5 Operation of the Interlock market

The three Interlock providers have varying market share, reflecting pre-existing positions in the NSW Interlock provision market and its relative immaturity. Demand for Interlocks is around half the volume anticipated by providers based on original estimates of the number of eligible participants.

Interlock service agents are meeting the current demand for servicing and are distributed around the state. However, there are relatively few agents in North Western NSW, the Far West, parts of the North Coast and South Coast and in many areas of Sydney (such as the Inner West and North Sydney). The rate of take-up is affecting Interlock providers' ability to attract service agents because the volume of services means less money can be made. Having to travel long distances for servicing was a common complaint made by participants, illustrating the market is yet to meet consumer needs in many locations.

3.6 Robustness of Interlock device technology

The evidence indicates that the Interlock devices are fairly robust. One-third of Interlock service agents reported that they had replaced one device due to malfunctions, and one-quarter said they had replaced more than one device. Around two-thirds of participant survey respondents agreed that the Interlock device is easy to use and that it functions properly. Issues experienced by participants were only sometimes related to malfunctions of the device.

Participants' feedback on the rules for re-testing during their journey raised some safety concerns. Though participants are advised to pull over in a safe location to re-test, and have 10 minutes to do so, 63 per cent of 2017 survey respondents said they frequently re-test while driving. Participants commented that it can be difficult to pull over on the freeway, in tunnels, on bridges and in heavy traffic.

3.7 Monitoring compliance and servicing of Interlock devices

Regular service visits for Interlock devices appear to meet customer expectations: 83 per cent of 2016 participant survey respondents agreed that regular services happen smoothly. Only 12 per cent of Interlock service agents indicated they experience problems with data downloading, generally due to slow Internet connections. Roads & Maritime notes that data from two-monthly services can take three to four hours to download, and three-monthly services can take most of the day, depending on Internet speed.

The business rules for servicing state that the default frequency is two-monthly, but allow the schedule to be varied. Many Interlock service agents appear to be requiring monthly schedules, with 44 per cent of 2017 MAIP participant survey respondents reporting monthly servicing. Service agents may prefer monthly schedules to provide a more regular income stream. Where Internet speed is slow, monthly servicing is also the most efficient option.

MAIP participants commonly prefer longer periods between servicing to reduce the inconvenience of attending for a service. Service payments are calculated on a daily basis, so the cost of the service depends on the number of days between services. Interlock service agents do not earn more through more frequent services.

Where non-compliance is detected in data from Interlock devices, stakeholder interviews indicated that Roads and Maritime is responding appropriately and in a timely way.

3.8 Medical interventions to address alcohol problems

Once an Interlock licence is obtained, medical interventions are triggered by repeated attempts to use the car when the driver has alcohol in their system. Roads & Maritime warns participants about their continuing drink-drive behaviour via a letter, and recommends that participants speak to a General Practitioner (GP) of their choice for an alcohol dependency assessment. The GP may then refer the person to specialist alcohol rehabilitation services.

Between February 2015 and December 2016, Roads & Maritime had sent 1,170 warning letters and 623 health intervention letters to MAIP participants. Data from participant surveys indicate that the number being referred has increased over time. In 2016, 23 per cent of MAIP participant survey respondents said they had been referred for a medical assessment. This increased to 49 per cent in 2017, and Roads & Maritime expects the proportion to increase further in 2018.

4 Effectiveness of program design and settings

This section outlines the evidence from the evaluation to answer whether MAIP design and settings are meeting the policy objectives, whether MAIP is achieving its immediate outcomes, whether changes are needed to make the program more effective, as well as any positive or negative indirect consequences as a result of implementing MAIP.

4.1 Program participation

Between February 2015 and June 2017, 8,500 offenders were given a valid MAIO. At the end of June 2017, just over half (54%) of eligible offenders with a MAIO who had completed their disqualification period, entered MAIP. There were no significant differences in participation rates by age group, gender or location. There was a trend for fewer people of Aboriginal background to participate, but the difference was not statistically significant.

There is limited evidence on factors influencing participation rates. Stakeholders speculated that participation rates in the program are negatively influenced by factors such as personality traits (propensity for risk taking), the cost of the program, and the five-year sunset clause (because offenders can get their licence back eventually). It is possible that some people are choosing to wait out the five years rather than driving or are unaware of the duration of the wait. Further investigation is needed to inform policy settings around program cost and the sunset clause, and barriers to participation for Aboriginal offenders. Financial support appears to be assisting some low income participants to enter and stay in the program but there is anecdotal evidence from Salvation Army assessors and the participant surveys that financial support may not be reaching all those who might be eligible.

The demographic profile of MAIP participants shows 81% are male, 56% are under 40 years of age and 68% are located in regional areas. 9% have Aboriginal background, compared with 2.9% of NSW population but there are a lot of missing data on this item. Information on socio-economic background is only available for participants who responded to the participant surveys. These data indicate people from a range of socio-economic backgrounds are participating in MAIP.

4.2 Participant completion rates and related information

Between February 2015 and June 2017, 429 participants completed a MAIO. There were no data extracted for the evaluation on how many participants dropped out before the MAIO was completed. Providers reported low attrition rates. Roads & Maritime commented that there were few voluntary drop-outs, more because of recording a subsequent offence including MAIP offences.

Summary level data indicates that from 1 February 2015 to 30 September 2016, 56 participants were referred to Fitness to Drive assessment; 38 of these (68%) were permitted to exit and none were extended. The remaining participants had not yet completed a Fitness to Drive assessment at the time.

Between February 2015 and June 2017, there were 562 offences (5% of all offences) exempted from a MAIO. There is no administrative data on the reason for the exemption. There were 323 cases where a Section 10 Crimes (Sentencing Procedure) Act 1999 was

recorded. A Section 10 enables a court, upon a plea or finding of guilt, to order the dismissal of charges without proceeding to record a conviction. The order can be made with or without conditions.

4.3 Impacts on drink-driving habits and usual commitments

Early self-report data suggests participating in the program is helping people to separate drinking from driving, and that this effect continues (at least in the short term) after people have completed their Interlock licence.

In 2017, MAIP participant survey respondents reported that compared to being disqualified, with an Interlock they are better able to fulfil work responsibilities (64%) and family commitments (60%), and to have a social life (46%).

4.4 Effectiveness of actions taken as a result of monitoring the performance of MAIP participants

As of June 2017, 1,170 warning letters have been issued. These are sent if an Interlock device detects alcohol on a number of occasions. They suggest that the user seeks medical support for their drinking behaviour. No data were extracted on the rate of continuing poor performance once an action has been taken. Roads and Maritime indicated that letters result in many responses claiming false readings, which implies these participants are not open to a medical intervention. Approximately one-third of MAIP survey participants who chose to visit a doctor following receipt of a warning letter were referred to specialist alcohol treatment services for further assistance.

4.5 GPs' ability to conduct Fitness to Drive assessments for MAIP participants

GPs interviewed found the Fitness to Drive assessment straightforward but Roads and Maritime indicate that in spite of the evidence many GPs are clearing problematic individuals for open licences. Roads and Maritime indicated that some participants are not sharing information with their GP about the number of attempts to drive whilst drinking, or are claiming the readings are inaccurate. They speculated that this inhibits a GP's ability to make an accurate Fitness to Drive assessment. Roads & Maritime notes many communications with doctors on this, and advises that they have recently changed this process.

4.6 Effectiveness of the 5-year rule in promoting compliance

There is limited evidence available on the effectiveness of the five-year rule in promoting compliance. A small number of MAIP participants who responded to the survey reported that the fear of losing their licence for five years if they did not comply was a strong incentive to comply with the MAIO. The ongoing cost of MAIP was commonly cited by survey respondents as being a stronger reason to comply because participants did not want their time on the MAIO extended as a result of non-compliance.

4.7 Participant attitudes towards MAIP as a penalty

Most MAIP participant survey respondents (82%) approved or strongly approved of the program. There was a strong relationship between age and approval ratings. Around one-third of respondents aged less than 30 years disapproved of MAIP, compared with just 12% of those aged more than 50 years. The 7% who strongly disapproved did so because of the cost and perceived unfairness of the penalty, for example where the person was a first time offender.

4.8 Fee design and cost recovery

Providers claim that installation fees need to increase because they are facing increasing costs in hiring devices from overseas suppliers. Providers have no ability to increase fees or shop around and change suppliers under their existing contracts. Provider contracts link increases in installation fees to the Consumer Price Index, and allow fees to change once a year. Providers say this is unreasonable and restricts them from responding to changing market conditions. The providers would like a mechanism to increase prices where market conditions change outside of the annual mechanism.

5 Implications of findings

Overall, MAIP has been a success when considering the outcomes achieved in the first two years of roll-out of this major cross agency state-wide initiative. However, on the evidence gathered for the evaluation period, there are a number of opportunities to improve the delivery of MAIP and better meet the policy intent. The following are key areas of improvement that should be considered in future:

- Conduct targeted research to identify the reasons for lower than anticipated participation rates.
- Establish ongoing interagency governance structures as a forum for solving current and any future delivery issues.
- Improve the functionality of IT systems for monitoring the performance of delivery.
- More actively manage contracts with Interlock providers by Roads and Maritime in order to address fee schedule issues and any other emerging issues.
- Review and revise MAIP resource materials to enhance clarity for participants and Interlock service agents.
- Review and where appropriate address issues related to Interlock device operational specifications.
- Review the guidelines, assessment criteria and application processes for the SFH Scheme to improve the implementation and reach of the scheme.
- Consider adapting the affordability provisions to address concerns about whether these are sufficient to allow participation of low income groups.
- Conduct more education and/or provide more information to GPs about MAIP and their role in referral to specialist treatment and assessing fitness to drive.
- Address the lack of harmonisation of Interlock penalties with other states.

Work has been completed or underway to address many of these recommendations. It should be noted that, since completion of this evaluation, MAIP has been extended to all mid-range offenders (a blood alcohol concentration between 0.08 and 0.149) who are convicted of a first offence. This applies to offences committed on or after 3 December 2018. It is anticipated that the MAIP expansion will provide opportunities for further program improvements to be made.

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