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ROADSIDE DRUG TESTING: AN EXAMPLE OF A FLAWED POLICY ANALYSIS?



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A car collides into cyclists participating in a race in Mexico's northern border city of Matamoros, Sunday June 1, 2008. At least one person was killed and 14 injured when a driver slammed into a bicycle race. (AP/Jose Fidelino Vera Hernandez)



Applying the key to successful policy analysis ...

This confusion is encouraged by a commonsense way of speaking: 'Alternative A looks to be the best; therefore let's proceed with it.'

But this phrasing ignores a very important step: the complete formulation is

'Alternative A will very probably lead to Outcome O_A , which we judge to be the best of the possible outcomes; therefore, we judge Alternative A to be the best.'

(Bardach 2005, p. 26)

What are we aiming to achieve with RDT?

- Victorian Gov't 'Arrive Alive' Fact Sheets:
 - 'This testing is aimed at making Victoria's roads safer by reducing the incidence of drug driving.'
- Mr John Hargreaves MLA, ACT Minister for Transport & Municipal Services, 8 April 2008:
 - 'I needed to be certain that the testing was about road safety and not about catching drug users and punishing them for using drugs rather than endangering other road users. As a Minister, I will do whatever I can to improve road safety but I am not going to be involved in punishing ACT drug users for their addiction.'

Apparent logic model

Some people use illegal drugs



Some of them drive after doing so



Some of the drivers will be impaired by the drugs to the extent that the impairment will cause a crash



RDT will reduce the prevalence of drug-impaired driving through general deterrence and specific deterrence



This will reduce the incidence of crashes to such an extent as to improve road safety

But ... is there any evidence that RDT achieves the objective of reducing mv crash incidence?

- No conclusive body of literature supports the proposition that DUID enforcement through RDT or other means reduces the incidence or severity of road crashes
- Victorian drug users: % drove soon after taking a drug: 2004: 63%, 2005: 58%, 2006: 68%, 2007: 71% (Quinn 2008)
- Sweden's zero tolerance policy commenced July 1999
 - high levels of detections continue
 - no reports of reduced crash incidence
 - high levels of re-arrests: 68% over 4 years; average 3.4 (Holmgren 2008)



The opportunity costs

- Failure to implement other interventions that are more efficacious and cost-effective?
- Fewer RBTs for alcohol?
- The drain on policing resources?
- Loss of community confidence in the legitimacy of law enforcement?
- Others?


Other ways of attaining the road safety goals more effectively?

- More intense enforcement of RBT?
 - Truly random RBT is promising (Delaney et al. 2006)
- RDT for the drugs that have been demonstrated to contribute most strongly to road crash incidence, and fatalities
 - Prescribed opioids and benzodiazepines (Engeland et al. 2007)
- Electronic stability controls
 - Fatal single-vehicle car crashes reduced by 30-50% and SUVs by 50-70%
 - Fatal roll-over crashes reduced by 70-90% (Ferguson 2007)


Human rights consideration: ignored?

- **Testing people without reasonable suspicion that the person is impaired is the big human rights issue**
- Five key human rights considerations need attention here:
 1. the right to freedom from arbitrary arrest
 2. the right not to have medical treatment without consent
 3. arbitrary interference with privacy
 4. the right to a fair trial
 5. the potential impacts on children
- People's rights to liberty is relevant
- **Proportionality test: the need to weigh the individuals' rights with community rights:**
 - determine if the proposed intervention is in the public interest
 - determine if the intervention is rationally connected to the objective
 - determine to what extent the intervention impairs people's rights to freedom

(Watchirs 2008)



So what drives this policy if it is not evidence of relative cost-effectiveness in attaining traffic safety objectives?

- The availability of the technology?
 - Everybody else is doing it so we should too?
 - Negative attitudes towards illegal drugs and the people who use them?
 - A societal desire to criminalise non-mainstream behaviour?
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My proposition for discussion:

Roadside drug testing is based on a flawed policy analysis:

- **Unclear goal specification:** RDT purports to have as its aim improving road safety, i.e. reducing crash incidence & severity
- A **program logic analysis** suggests that we are unlikely to attain this goal from this intervention
- The **research evidence** also suggests that we are unlikely to attain this goal from this intervention
- We have no evidence of careful consideration of:
 - the **opportunity costs** or
 - the **relative cost-effectiveness of other interventions** aiming to improve road safety.
- The **human rights considerations** appear to have been ignored.

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