



**Community Development and Justice Standing Committee**

# Are we there yet?

How WA Police determines whether traffic law enforcement is effective

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## Executive Summary

**I**N 2014, Western Australia recorded 22 more road fatalities and 106 more serious injuries than in the previous year. While the road toll has in fact been on an overall downward trend over the past decade, the State's road fatality rate is currently the third worst in Australia.

Western Australia Police plays a key role in keeping our roads safe. Given that the Committee resolved in November 2014 to inquire into Methods Employed by WA Police to Evaluate Performance, it was considered timely to focus initially on how WA Police evaluates its performance in relation to road safety.

The inquiry was guided by three key questions:

- How does the agency know if it is making progress in this area?
- How does it use performance information to guide its practice?
- Do the reported measures give parliament, road safety stakeholders and the public an adequate indication of whether traffic enforcement is effective?

Police operations consume a large portion of the State budget and as such it is important that robust effectiveness measures are in place – particularly in the context of the largely untested Frontline 2020 police reforms being implemented.

This report does not set out to determine the best road policing strategies. Rather, it is about how WA Police determines the best strategies. Performance measurement should serve as a guide as to what strategies are working and what requires modification.

### **Road safety in WA**

Governance and management of road safety is complex, as outlined in **Chapter Two**. WA is a signatory to a national plan for road safety (the *National Road Safety Strategy 2011-2020*) which is in turn aligned with the *Global Plan for the Decade of Action for Road Safety 2011-2020*, an initiative of the United Nations.

The State's *Towards Zero Road Safety Strategy 2008-2020* is guided by the *Safe Systems* approach adopted by all Australian jurisdictions. WA Police contributes to two of the four cornerstones of the Safe Systems framework: "safe speeds" and "safe road use".

A Ministerial Council with responsibility for road safety was established in 1995, but it was not until 2008 that road safety became a portfolio in its own right. A recent review of road safety governance (the Browne Review) recommended that a Commissioner for

Road Safety be established and that the current Office of Road Safety (which coordinates road safety and administers the Road Trauma Trust Account) become the Office of the Commissioner for Road Safety. The Road Safety Council, operating since 1997, is set to become the Road Safety Advisory Council and include road safety experts in its membership.

The Browne Review was prompted by the increase in funds from speed and red light camera infringements flowing to the Road Trauma Trust Account. The Road Safety Council has had responsibility for recommending to the Minister for Road Safety which projects (submitted by various bodies) should be funded. Currently, \$80 million of RTTA funds has not been allocated.

### ***Road trauma***

Road trauma poses a significant cost to society both socially and financially. While the focus is often on road fatalities, the Committee was told that for every death around 11 people are permanently injured and another 50 spend a long period in hospital. In 2014 there were 184 fatalities and 298 critical injuries on WA roads – an increase on the preceding five-year average of 181 fatalities and 259 critical injuries.

Fatality rates in every regional police district were higher than in the metropolitan districts, with the Wheatbelt recording the highest rate. Vulnerable road users, such as motorcyclists and cyclists, featured prominently in the road toll, with motorcyclists accounting for 24 per cent of the overall toll (up from 14 per cent in 2013).

### ***Police and responsibility for road safety***

Road policing is central to modifying driver behaviour and enhancing road safety. In Australia it is shaped by a common theory applied in traffic psychology known as deterrence theory, which focuses on the effect of enforcement activities and legal sanctions on behaviour.

General deterrence uses fear of detection (and its consequences) to try to influence drivers not to *offend*, while specific deterrence relies on the experience of apprehension and its consequences to encourage drivers not to *re-offend*.

The WA Police traffic enforcement command has been guided by the *Road Policing Strategy 2011-2014*, which sets out three objectives:

- enforcement of traffic laws;
- targeting unsafe road user behaviour; and
- building road policing capability.

The strategy has expired and WA Police told the Committee a new draft strategy was being contemplated.

Police are involved in a number of strategies to reduce the road toll announced in the past six months, including a review of motorcycle crashes and a review of regional highway safety.

### **Performance measurement and KPIs**

As detailed in **Chapter Three**, measuring and reporting on the performance of public sector organisations is a well-established practice aimed at delivering accountability and transparency (to both the parliament and taxpayers).

A common way to collect public sector performance information is to employ a set of Key Performance Indicators (KPIs), which provide an overview of operations and material expenses. Agencies are required to create indicators to measure effectiveness for each outcome and efficiency for each output/service and to publish the results in an annual report.

Australian policing has been influenced by the “new era” of policing in the UK and the US, emerging from the New Public Management style of management which placed more emphasis on police being accountable to the community and achieving government outcomes.

Most Australian police organisations have implemented Operational Performance Review (OPR) systems (based on data-driven performance review processes such as Compstat in the US) which align closely with treasury performance reporting and the requirements of the Productivity Commission. There is some criticism of Australian police organisations for using performance management systems in a rigid and mechanistic way.

Researchers have noted that measuring the reactive element of policing is considerably easier than measuring the success of proactive policing (which works towards disrupting or preventing future crimes). Hence, while Australian police agencies have, in principle, adopted a philosophy of intelligence-led policing, intelligence products are not routinely used for their intended purpose of assisting decision making.

In the UK in particular, an evidence-based approach – which continuously tests hypotheses with empirical research findings – is increasingly used to determine “what works”.

While there is agreement that performance measures can have a positive impact on police work, there are also some drawbacks, such as: the difficulty of isolating the contribution of police from the work of other agencies with whom they regularly interact; the tendency to focus on KPIs which lend themselves most readily to auditing of efficiency and effectiveness; the risk that resources may be diverted to meet “false

targets”; and the potential for the publication of indicators to become a political exercise, potentially leading to distortions in data recording.

#### ***Traffic law enforcement performance measurement***

Whilst there is a considerable body of research on ways to increase the safety of roads and ongoing debate about the most effective methods of traffic enforcement, very little has been written about the way police measure traffic enforcement performance.

A key challenge is in being able to determine whether a reduction in recorded offences is due to fewer people committing offences or to police failing to catch offenders. Another challenge is that traffic law enforcement is essentially about deterring road users from engaging in risky behaviour.

Road safety research suggests that general deterrence strategies are the most effective for changing both drink-driving and speeding behaviour, because they have the potential to influence all road users. Specific deterrence strategies should be used to a lesser extent. Measurement of effectiveness should therefore contain some way to determine whether behaviour change has taken place.

#### ***How WA Police measures its traffic law enforcement performance***

In 2014-15, WA Police replaced two lawful road-use behaviour KPIs with a single KPI:

*Percentage of traffic law enforcement contacts made by police officers that target “Category A” offences (including drink driving, exceeding the lawful speed limit, careless/dangerous/reckless driving, no authority to drive/unlicensed vehicle, use of mobile phones whilst driving, and non-wearing of seatbelts/restraints/helmets).*

This is the only audited KPI. WA Police provided the Committee with one internal KPI.

WA Police also provide data for the Productivity Commission’s *Report on Government Services*, which compares the performance of public sector agencies across Australia. Five road safety measures are reported.

The Road Safety Council (of which WA Police is a member) reports on a set of Safety Performance Indicators (using data provided by police) and on the progress towards performance indicators for Road Trauma Trust Account projects.

#### **Adequacy of traffic law enforcement measurement**

In the past, there has tended to be a focus on measuring enforcement of speeding and drink/drug driving offences. As discussed in in **Chapter Four**, the intention of the new WA Police KPI is that it takes into account other safety risks such as not wearing a seatbelt, mobile phone use and careless driving. Focussing on the number of contacts

police make for these offences is said to complement the “anywhere, anytime” message that goes hand in hand with the strategy of general deterrence.

But can this one KPI really measure the effectiveness of this strategy, and how effective are other measures used by WA Police to evaluate traffic policing performance? Just as importantly, in the interests of transparency, how is its performance being reported?

### ***Measurement of effectiveness***

WA Police provided evidence of only one internal KPI and as such the Committee is uncertain to what extent police sets goal for its traffic officers to work towards.

Traffic police seem to be effectively using intelligence products to direct operations on a day-to-day, week by week and month by month basis. But while the use of tactical intelligence was evident, the extent to which intelligence guides longer term strategies is more difficult to determine.

There are only three lower level intelligence analysts in the traffic department and one level five in a centralised intelligence analysis role, indicating perhaps that use of intelligence at a more sophisticated level than guiding the deployment roster is not a priority.

WA Police has a history of commissioning research and has long-standing relationships with university-based centres (such as Curtin-Monash Accident Research Centre). But researchers involved with those centres had not seen action consistent with the results of their research. It seems that while there is an appreciation of the value of evidence-based policing, there is simply not enough time and resources devoted to considering evidence properly.

The audited KPI is designed to ensure that the majority of police contacts (i.e. police officers dealing with individuals in person) are for the most serious traffic offences. The Committee notes that, counter to expectations, there has been a decrease in the number of on-the-spot infringements and questions whether there are too few resources available to devote to traffic policing?

The audited KPI seems to fit the description of an efficiency indicator (a measurement of outputs) more so than an effectiveness indicator (a measurement of outcomes). It measures a service provided rather than the effect of the service. It does not tell us whether offences have risen or fallen, or whether the police are being effective in making the roads safer. If there are no KPIs which indicate whether public attitudes to speeding, drink driving, mobile device use, etcetera are changing, how can police monitor whether their road safety messages are having any effect?

The *Report on Government Services* contains some information on road safety that does not appear in the WA Police annual report, such as hospitalisations and use of

seatbelts. But public knowledge of the report is likely to be limited. Road safety performance indicators reported by other agencies (e.g. the Road Safety Council's annual report and the Office of Road Safety's Road Trauma Trust Account quarterly reports) do not clearly delineate the effectiveness of police in delivering road safety outcomes.

***Reporting and publication of data***

Given that a key purpose of KPIs is to demonstrate transparency, the question of what data is made available to the public through the annual report and/or other means is critical.

WA Police says that even with the paring back of the audited KPIs, it will continue to collect the same data as it always has and will make this information available to the public on its website. However, there is a difference between publishing figures on a website and including the data in the annual report where some kind of analysis and contextual narrative is generally included.

In addition, the omission of that data from the annual report may send the message to the public that the police do not take these measures as seriously when implementing strategies for traffic policing. The exclusion of intermediate indicators from the annual report is also counter to the recommendations of the Office of the Auditor General. Research papers viewed by the Committee also recommend publishing contextual indicators alongside a relatively small set of core performance indicators to promote transparency, comparison, accountability and communication. The Committee was mindful that excessive reporting obligations may impact on finite resources.

The RAC, the WA Police Union, the Road Safety Council and the WA Local Government Association have all raised concerns about access to police data. While WA Police says it is collecting the same traffic policing data that it has always collected, it does not appear that all of the data is accessible to other groups, and much less the public.

In terms of the prosecution data which some organisations have requested, police point to the problem of determining what a rise or fall in prosecutions actually means (which was why the previous KPIs were replaced). However, if WA Police only releases the data it thinks is reasonable and/or does not share data, this may invite accusations of having something to conceal.

A proposal for a comprehensive statistical database (the Enhanced Road Safety Information System) which would collect and integrate road safety data was put to the Road Safety Council but not supported because of concerns about cost and resources.

The availability of data through such a system would help end speculation about how police spend their time. Making more information available – not less – could also give police a basis for countering common claims by the public that speed cameras are only

located in places where they can raise revenue and that placement of breath and drug buses is only about meeting RBT targets.

***Issues affecting the judgement of performance***

There are a number of issues beyond the remit of policing which impact on the performance of WA Police in regard to traffic policing and road safety.

For example, unlike most other States, it is not mandatory in WA for a blood sample to be taken from people injured in motor vehicle crashes who are admitted to a hospital. A measured level rather than a “yes” or “no” response from a patient with regard to whether they had been drinking or taking drugs would enable trauma managers and researchers to compile evidence of the success of a new initiative. This would also be important data for police in assessing the success of drink and drug driving campaigns.

Another issue is that the number of roadside drug tests being performed by WA Police is less than in other States and significantly less than the number recommended in a report to the government by road safety expert Max Cameron. The Committee found that, given the high incidence of illicit drug use, an increase in funding would assist in the number of drug tests being performed.

WA Police applied to the Road Trauma Trust Account for almost \$12 million to fund the project Increase Breath and Drug Testing in 2014-15, and the Road Safety Council recommended this amount be granted. However, only \$4.6 million was approved. For 2015-16, the project has received \$4.7 million.

A decrease in the amount of funding for advertising and education campaigns is also a concern, considering that a substantial commitment to community education is required to help reduce road trauma. According to a review of the Office of Road Safety’s mass media campaign, WA spends only 84 cents per capita on road safety advertising, compared to the national average of \$1.29 per capita.

Community attitude surveys which measure drivers’ perceptions of enforcement on our roads have not been conducted since 2011, when it was determined that the money spent on the contract could be better spent on other initiatives. The Office of Road Safety notes the value of the surveys, however, and says it is in the process of organising a new contract so that they can resume. The surveys are important in supporting what would otherwise be merely an assertion that drivers are deterred by specific enforcement actions at specific times.

The Committee has some concern, along with sectors of the community, that there is still \$80 million in unallocated funds in the Road Trauma Trust Account. The Minister for Police has said the money will be spent gradually. A deadline of June 2017 would be consistent with the Browne Review recommendation that funds in the account be spent within two years.



There is also some concern over what the funds are used for. Funds are not supposed to be used for an agency's core activities, but there is some debate about what constitutes a core activity. The Committee supports calls to establish safeguards to ensure all RTTA funds are directed into road safety initiatives.

The Committee is also concerned that, given such a high proportion of road trauma occurs in regional WA, RTTA funding has been reduced or withdrawn from projects that have an impact on road safety in rural or remote areas – contrary to advice from the Road Safety Council. The WA Local Government Association would also welcome greater involvement from WA Police on the policing of local roads, given that almost two-thirds of serious crashes occur on local roads. Communication with police on local road policing issues was seen as lacking.

### **Conclusions**

The Committee agrees that the road toll is not a reasonable KPI for police, given the complexities of joint responsibility for road safety, but it should still be included and referred to in annual reports.

The single traffic enforcement KPI WA Police is currently using as an audited reporting measure is not sufficient to provide an indication of effectiveness, nor is it a good outcome measure. It exposes police to the risk of emphasising quantified elements of performance at the expense of other aspects, pursuing short-term success at the expense of long-term success, and emphasising measures rather than underlying objectives.

WA Police should be using its performance data to support the strategy of general deterrence. But the rationale behind general deterrence is not readily understood, both by the public and by many police officers. Both groups call for a higher police presence on the roads, but the aim of general deterrence is to create the *perception* of being caught “anywhere at any time” by random deployment of police traffic resources.

Intelligence seems to be used effectively in everyday traffic policing (at the tactical level) but it is not clear that it is analysed at the higher level and applied to strategic decision-making. Road safety researchers say that WA Police often do not act on the findings and recommendations of academic research. However, this may be because research is not delivered in a way that is useful and practical for police. Research needs to be delivered to police in a more digestible form and police need to take more ownership of scientific research.

Reported measures do not give parliament, road safety stakeholders and the public an adequate indication of whether traffic enforcement is effective. The WA Police reported measures are few and the data provided to the public does not tell the whole road safety story. Road safety measures reported by other agencies are patchy at best

in their ability to enlighten the public as to the effectiveness of initiatives and the impact that police may be having on our roads.

While police are not solely responsible for the road toll, they are key players in instituting the behaviour change that is critical to improving safety on our roads. Road policing is complex and police should be drawing on innovations in research and technology as much as possible to refine their strategies.