

Impaired Driving Programme (90461)

Project Status Report – August 2022 period

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Project Details

Portfolio	Road Policing	Sub-Portfolio	National Road Policing Centre
Project reports up to	National Road Policing Centre (Sub-Portfolio) managed Bruce Obrien		
Business Owner	Bruce Obrien	Current Phase	Deliver & Implement
Senior Responsible Owner	Steve Greally	Delivery Status	In Progress
Project Manager	Roger Jordan	Benefit Planning Status	Approved
% Project Complete	35%	% Phase Complete	25%

Management Control Status Reporting

	Last Period	Current	Comments
Overall Status	Amber	Amber	The programme remains at Amber, due to concerns relating to the availability of a device to meet the legislation. Potential to shift to RED in September once the outcome of device testing is completed if no device meets the verification criteria
Benefits	Green	Green	No Change
Change Management	Green	Green	No Change
Finances	Amber	Green	Change Request #947 confirming funding for FY/22/23 was approved by ID GB 17 August. Subsequent submission to Road Policing Sub Portfolio Board, noting that the request for funding to point of completion of the Implementation Business Case.
Resources	Amber	Amber	AMBER due to the resignation of the BA and the need to replace the EP work-stream lead
Risks	Amber	Amber	Risks and Issues are being monitored and worked through to ensure appropriate mitigating activities have been identified.
Schedule	Amber	Amber	Delays in the selection of a device mean the schedule remains at Amber, potential to move to RED in September if no device is identified or additional testing required.
Scope	Green	Green	No Change

Key: **Green**: Performing to plan **Amber**: Project impacted, project team actioning **Red**: Off plan, management action required

Investment Objectives

1. Compliance with regulatory requirements.

Police currently detect drug driving after carrying out an impairment test using CIT processes and requesting a blood sample. Under Police are required to implement the Land Transport (Drug Driving) Amendment Act and initiate OFT in line with government directions.

2. Safer roads through improved detection and general deterrence of drug drivers on NZ roads.

Drug driver apprehension is currently limited to detection by officers when a driver is suspected to be impaired by drugs. This is achieved via a CIT test. It is anticipated that a random and compulsory OFT regime like that employed for drink driving, will significantly improve detection of drug drivers and will aid in general deterrence principles.

Executive Summary

The delay of the selection of the device is currently being mitigated through refinement of schedule and removal of slack, though once scheduling is completed with all the dependencies of the device selection incorporated the full impact of this delay can be identified. Early indication is that if a device is not identified by the end of September that this is likely to impact on the ability to deliver roadside OFT testing as of March 2023.

Two of the three OFT devices have completed independent testing, neither device meet the verification criteria as set out in the Standard. Logistics issues delayed delivery of third device which is now scheduled to begin 2 Sept with testing completion shortly thereafter. Options to be developed up based on an outcome of not having a device with the technological capability that meets the legislation.

Work on the Operating Model under which OFT's will be implemented continues. A successful workshop was held on 8 August in which the work groups took the opportunity to discuss/work through proposed process changes and challenges identified.

Executive Summary

Final review of precedent codes has identified the need for an amendment to incorporate the specific drug which the driver tested positive for, and where appropriate the level at which they tested, to be included within the charge/infringement. This change requires systems development of systems to incorporate this data, for which a change request is being prepared with impact analysis from ICT. It is intended to present the CR to the Road Policing Sub-Portfolio this month for approval and funding if required.

Following noting of the proposed approach presented at Impaired Driving/OFT Governance Board (ID GB) 17 August, work continues on the Community Consultation scheduled for August and September. The commencement of this has been delayed due to the request for further engagement with UPD prior to approval and community engagement beginning.

Minister's update on procurement was completed and submitted for approval to release, due to the results of the testing of devices, the update was delay in sending to incorporate the concerns raised and is now scheduled to be issued in early September.

Progress this period

As of 31 August 2022:

Following the July Board meeting's approval of the recommendation on proposed development for Impaired Driving on the Mobility/Digital platform, a submission for development was submitted and is awaiting prioritisation.

A follow-up meeting occurred with ESR in August, to further clarify roadside process enabling pricing model for blood tests to be confirmed.

Proposed Operating Model continue to be developed to support the MVP implementation in March 2023.

Work on the collateral to support the community consultation is in final stages of development.

Karen Mcconnochie and Sara Dean (Project Manager and Scheduler/Coordinator respectively) started work in the Programme on 1 August 2022.

Work continues on assessing and finalising the policy updates for impaired driving chapters in the Police Instruction with recommendations for approval from Director Road Policing. Police's development of process of the medical defence is being finalised. Back-office processes have commenced development.

Change Request #947 for FY22/23 was endorsed at ID GB 17 August and subsequently approved at the Road Policing Sub Portfolio Board held on the 30 August.

The Inter-agency Committee met on 18 August 2022. There is an open action for all agencies to confirm any reporting needs required, allowing Police assessment on ability to share specific information. This action is to close 30 September to allow reporting requirements to be finalised.

Informative visit to Victoria Police was undertaken by Roger Jordan and Simon Mooney to understand their OFT implementation, the challenges that they had with deployment and learnings. Full report is under review before issuing by mid-September 2022.

The ID GB will next meet 20 September 2022.

Business Analyst resource, **s.9(2)(a) OIA**, has requested the cancellation of contract effecting immediate. Alternative BA resource is to be recruited, but due to recent health related absence, deliverables on process and operating model are behind delivery for 30 August.

Next Steps

As of 31 August 2022:

Continue to work with ESR to arrive at confirmed fees

Continue to develop the Police Instruction updates and appropriately prioritise with owners

Work with ICT on the impact of the change required for precedent codes

Finalise the March 2023 MVP operating model

Finalisation and socialisation of Victoria Police Report

Finalise the OFT device TER and recommended device selection

Commence the development of the implementation business case

Undertake Device Procurement workstream assurance evaluation

Finalise IQA with vendor (using Gemtech due to existing project knowledge gain through role as Probity Advisor during the device procurement)

Continue the progress of development of the reporting requirements to support operational, evaluation and reporting needs

Commence Community Consultation

Finalise the development and refining of detailed work-stream level schedules

Continue the development of the Change Plan

Commence and complete the development of the framework for Implementation Business Case and agree approach with IPO

Finances across all Financial Years

	Capex	Opex	Totals
Budget	\$ 0	\$1,163,452	\$1,163,452
Actual to Date	\$ 0	\$338,000	\$338,000
Forecast to Completion	\$ 0	0	0
Estimate at Completion - EAC	\$ 0	\$825,452	\$825,452
Variance (Budget – EAC)	\$ 0	0	0

Workstreams/Cost Distributions

Name (#)	Business Owner	Phase	Delivery Status	Overall RAG	Previous Overall RAG	Status Report as at
Equipment Procurement(#128220)		Delivery	In Progress	Red	Amber	31 Aug 2022
<p>Executive Summary:</p> <p>The purpose of this workstream is to procure OFT equipment that meet legislative requirements related to the Land Transport Amendment bill. Since the tender closed 27 April 2022, responses and devices have been evaluated with 3 now shortlisted. Due diligence is now being carried out on all 3 to help recommend a preferred device for approval. This includes an independent scientific review on the device's ability to meet the AUS/NZ Standards, s9(2)(h) testing to date. The project status is now RED due to risk relation to extended timeframes and resource capacity and outcome of results of independent device testing to date.</p> <p>Overall Status Comments:</p> <p>The Operations Working Group and sub-groups have been able to progress development, however, there are some resourcing issues with key deliverables particularly with BA resource (Business Architecture Document) and PPS resource (OFT Checksheet; PPS Engagement plan; charge tables).</p> <p>The workshop identified a concern relating to the precedent codes specifically that as written, they do not include the specific drug for which a positive OFT test or blood test identifies. Following legal review, it is identified that this does need to be included. Workshops to discuss how this can be incorporated have been held and further workshops are scheduled for September. Once the impacts of the change have been identified then a change control will be raised.</p> <p>Alternative PPS resource has been identified to support the project in September during the absence of the allocated resource from PPS.</p>						
Operational includes Police Prosecutions, Mobility, ICT/NIA/CM, PIB, Legal and ESR(#128244)		Delivery	In Progress	Amber	Amber	31 Aug 2022
<p>Executive Summary:</p> <p>A workshop was undertaken on the 08 August with all work group leads and an end to end walk through of the Oral Fluid Testing (OFT) process. This provided a documented assessment of the current state of play as of that date, and identified all ownership for future and 'in flight' work.</p> <p>This workshop has provided the basis for the development of the Operations Workstream A3 roadmap and schedule which will continue to be refined over the next reporting period.</p> <p>Key deliverables currently being progressed include - Precedent codes; ESR blood analysis; Police Instructions; Review of existing forms and policy (NRPC); Medical Defence process.</p> <p>Overall Status Comments:</p> <p>The Operations Working Group and sub-groups have been able to progress development, however, there are some resourcing issues with key deliverables particularly with BA resource (Business Architecture Document) and PPS resource (OFT Checksheet; PPS Engagement plan; charge tables).</p>						
Insights(#128247)		Delivery	In Progress	Green	Green	31 Aug 2022
<p>Executive Summary:</p> <p>The Insights work stream is being established. This work stream is responsible for the design and development of the reporting needs. Identifying the needs of operational, tactical and strategic reporting and that the capture of the information is timely, appropriate and necessary.</p> <p>Overall Status Comments:</p> <p>Awaiting feedback from other agencies in relation to data requirements from NZ Police. A date of 30 September has been set for the completion of any requirement.</p>						

Capability includes Change, Community Consultation, Comms, Stakeholders, Training and Deployment(#128248)		Delivery	In Progress	Green	Green	31 Aug 2022
<p>Executive Summary:</p> <p>The community consultation process is progressing well. We are currently building leads across NPRC, national teams, and Districts. There has been a very positive reaction to being involved. While the focus over the past month has been on community consultation, progress has been made on the workstream planning, core strategic documentation, stakeholder engagement, agency partnerships, and we have started some work towards training.</p> <p>Overall Status Comments:</p> <p>Through the sign-off process, additional engagement with UPD has been identified as being required prior to commencing the consultation process</p> <p>Community Consultation overview provided to other agencies through the inter-agency committee.</p> <p>Engagement with district commanders has been completed with names of district liaisons being identified.</p> <p>Iwi and Communities engagement underway</p> <p>Ongoing engagement with Waka Kotahi on stakeholders engagement</p> <p>Initial meeting with training team though awaiting selection of device</p>						

Key Milestones

Milestone Name	Baseline	Forecast	Actual	Variance	Status	Comments
Ministers Procurement Update issued		31/Aug/2022	14/Sep/2022	14	Completed	
Status Key: Green – On schedule Amber – 0 to 8 days overdue Red – More than 8 days overdue Blue – Completed Grey – No Forecast, "Key Milestones" defined as those with the "SR" flag set						

Dependencies on Key Milestones

Dependent On (#)	Milestone Name	Forecast Date	Dependency Type	Milestone in this Programme	Forecast Date	Status
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Risk Heatmap

		Impact					
Likelihood		Negligible	Minor	Moderate	Major	Severe	Total
	Almost Certain			1	1		2
	Likely						
	Possible			6			6
	Unlikely			1			1
	Rare		1				1
Total			1	8	1		10 (12)

Key Risks

ID	Risk Name	Description	Last Review Date	Risk Owner	Target Risk Level	Controlled Risk Level	Escalation Level	Response Type
11066	Project delivery time constraints	IF Police are unable to deliver OFT testing within the proposed 12-month implementation period (for example – procurement delays could impact on time frames for operational policy development and training) THEN Legislation as enacted for the OFT requirement would not be delivered upon WHICH could damage the reputation of the Police and confidence in it's ability to deliver legislative change.	30/Aug/2022	Roger Jordan	Medium	High	Project	Reduce
<p>Status Report Comment: 30/08/22 : Due to delays in the selection of the device, any project slack is being utilised as this directly impacts other work-stream activities. Once the schedule has been completed the impact of this dependency on other work-stream will be confirmed but early indications are that a decision is required by 30 September.</p> <p>Mitigation: - Development of a integrated project plan based upon workstream plans identifying dependencies and milestones</p> <ul style="list-style-type: none"> - Other areas of the Drug Driving legislation will be enacted outside of the OFT project - Implementation Business Case to identify an future risk to delivery timelines - Establish a reporting cadence to external stakeholders as part of existing reporting structures to ensure visibility of Programme and risk - Develop an MVP for March 2023. - Development of options analysis for potential outcome of not having a device selected by 30 September 								
11372	Absence or Abstraction - Resources	IF resource to support the change is constrained THEN the programme implementation may be delayed WHICH impacts on Police ability to meet it's legislative obligations as defined in the Act	30/Aug/2022	Roger Jordan	Low	High		Reduce
<p>Status Report Comment: 30/08/22: Continually assessing resource needs. Recruitment of replacement BA and EP PM underway</p> <p>Mitigation: Ongoing activities to monitor:</p> <ul style="list-style-type: none"> • Engagement with SLT on any prioritisation changes • Progress to plan, • Resourcing, • Budgetary management 								
12264	Financial impact on Road Policing of Impaired Driving amendment outside of OFT	IF during the development of the business case costs to other processes outside of OFT are identified THEN Road Policing will be required to mitigate this WHICH could impact on existing funding or Polices ability to meet the changes for the legislation	31/Aug/2022	Roger Jordan	High	High	Programme	Transfer
<p>Status Report Comment: 31/08/22: To be considered as part of Business Case development</p> <p>Mitigation: Business case will identify if any other Police processes outside of OFT are impacted and the cost of this and the project to work with funding sources to identify potential funding</p> <p>Police make conscious police decision not to deliver certain parts of the legislation due to operational constraints</p>								

Escalated Risks

ID	Risk Name	Escalated from (#)	Last Review Date	Risk Owner	Target Risk Level	Controlled Risk Level	Escalation Level	Response Type
11153	Unable to source equipment that meet the legislation	Equipment Procurement (#128220)	30/Aug/2022	Roger Jordan	High	High	Programme	Accept
<p>Status Report Comment</p> <p>30/08//22: The technology of devices available in the market limited the ability of what qualifying drugs can be tested for at the roadside, with the need to state specific drugs and concentration levels in the device getting process along with the requirement to state the specific qualifying drug on the charge, this reduces the drug for which roadside testing can be undertaken to THC and Cocaine. It should be noted the Ministry of Health have recently approved the use of medicinal cannabis flowers with a THC content of up to 25%..</p> <p>Description: IF Police are unable to source technology that meets the legislative requirements outlined in the Act, THEN the Minister of Police cannot approve a device and Police cannot carry out an OFT regime. This risk covers complexity of device, i.e. that it's simple to use, and Health and Safety aspects of taking an oral fluid sample are assessed.</p> <p>Mitigation:</p> <ul style="list-style-type: none"> Clearly and explicitly communicate the legislative requirements in the Request for Proposal (RFP). Ensure the Tender evaluation Team only shortlist responses that meet the legislative requirements. Directly negotiate with responders that are almost compliant. Engage with other agencies and inform stakeholder of outcome of RFP if no device currently available. Identify options, i.e. increase use of CIT, in the short term until a fit for purpose device is available Incorporate the outcome of not having a device into the communications plan as a back-up <p>30/08//22: Minister Briefing outlines the challenges to Police based on current technology available in the market and identifies that any recommendation of a device will need to reflex the constraints of the technology</p>								
12100	Oral Fluid Test device is not fit for purpose for roadside volume based testing	Equipment Procurement (#128220)	04/Jul/2022	Alisha Rayns	High	High	Programme	Avoid
<p>Status Report Comment: 30/08//22: The likelihood of this risk materialising is increasing due to two of the three devices not meeting the verification criteria during independent testing</p> <p>Description: IF the Oral Fluid Test device is not fit for purpose for roadside volume based testing THEN the benefit of an improved public perception of drug driving enforcement may not be achieve WHICH would reduce the impact of the legislation and the contribution to the Safer Roads programme.</p> <p>Mitigation:</p> <ul style="list-style-type: none"> • Ensure that requirements are clearly articulated within the RFP • Review supplier responses to the RFP • Ensure that in the Minister briefing this, if realised, is noted • Ensure in the handover to operations at the end of the implementation programme that, if realised, is called out as an activity required in the future • Work with manufacturers to understand why these devices did not need the verification criteria <p>30/08//22: Two of the tested devices has not meet the verification of the AUS/NZ 4760:2019 Standard, awaiting results of third device due 3/9. Tender evaluation team to be re-convened to progress options for if the third device also doesn't meet the verification criteria</p>								
12096	Gender and Ethnicity data capture	Insights (#128247)	30/Aug/2022	Roger Jordan	Low	Low	Programme	Accept

Status Report Comment: 30/08/22: Further to the discussion at the August board, engagement with the Gender and Ethnicity project will be arranged to understand the advice given relating to the ability to capture gender and ethnicity data. Once understood, a recommendation to the Board will be made relating to the ability to meet the requirement to capture this data. Description: IF gender and ethnicity data is not able to be capture during the testing process THEN this data will not be available for insights analysis WHICH may be perceived as a failing to capture the necessary data and evaluate any disproportionate outcomes Mitigation: • Alignment of dataset with the broader organisational programme for capture of gender and ethnicity data • Incorporate basic capture in the manual forms though this optional and not for the purposes of gender of ethnicity reporting. • Using a dataset to identify disproportionate outcomes which is incomplete and inaccurate should be avoided								
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12093	Disproportionate impact on Maori and Pacifica groups	Capability includes Change, Community Consultation, Comms, Stakeholders, Training and Deployment (#128248)	10/Jul/2022	Steve Greally	Medium	High	Programme	Reduce
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Status Report Comment: 30/08/22: The project continues to regularly engagement with both Iwi and Communities team and UPD on the proposed deployment approach and the community consultation. Dan Mattison attended a UPD meeting and presented the community consultation approach and proposed questions, with feedback to be provided for incorporation as required. Description: IF the deployment strategy doesn't eliminate the effect of bias when identifying drivers to stop for testing THEN minority groups could be disproportionately stopped WHICH could lead to significant over-representation of those Maori and Pacifica groups at all stages of the criminal justice system and impact negatively on Police and Government reputation. Mitigation: - Deployment Strategy to consider strategic vs deterrence principles, incorporating lessons learnt from wider Police programme on mitigating bias and engaging with representative stakeholders to input into the approach - Critical Command Information to provide insight - Engagement with internal and external representatives of minority groups / Community Consultation - Training of frontline staff - Engagement with other stakeholder groups to engage on the Act's implementation; Understanding Policing Delivery (UPD), NZTA; Waka Kotahi and Community Consultation engagement. - Deployment based on crash statistics								
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RAG Status Key: **Green**- Performing to plan **Amber** – Project impacted, project team actioning

Red – Off plan, management action required ,

"Key Risks" defined as those with the "SR" flag set

Key Issues

ID	Issue Name	Description	Issue Update	Owner	Severity	Status	RAG Status	Comments
12441	Precedent Codes Impacts	Decision required on additional detail request around drug and threshold level now being requested for the Precedent codes to be updated. If additional information is required the ability to provide all information for ICT to update the Codes will cause timeline delays impacting subsequent delivery aspects.		Simon Mooney	Severe	Open		31/08/22: Issue raised, working with Legal and PPS to define if extra requested info is an immediate requirement for Code updates to proceed. Change Request raised for timeline impact if additional information is an actual requirement.

Escalated Issues

ID	Issue Name	Escalated from (#)	Owner	Severity	Status	RAG Status
12513	Shortlisted devices fail to comply to the standards	Equipment Procurement (#128220)	Alisha Rayns	Major	Open	Red
<p>Status Report Comment: 30.08.22 – The independent expert report show that the two or three devices tested in laboratory failed to meet the verification criteria as set out in the Standard. Awaiting testing of the third devcie, due 3 Sept</p> <p>Description: The 3 shortlisted devices that under went and independent lab test failed to meet the AZ/NZ Standards. Therefore, legal have advised these are unlikely to meet the requirements as set out in the Act required for the Minister of Police approval of a recommended OFT device.</p> <p>The Tender Evaluation Team has been re-called together to work through next steps and issue has been rasied to the attention of the Programme.</p> <p>Proagamme team are exploring options in relation to the confirmation of the limitations of device technology and will present to Board when completed</p>						