

# CCMTA'S POSITION ON THE *CRIMINAL CODE* BAC

## ***Introduction***

Recently there have been discussion papers produced by a number of organizations addressing the specific issue of lowering the *Criminal Code of Canada* (CCC) blood alcohol concentration (BAC) from the current .08mg% to .05mg%. Some of the discussion documents have been supportive of such a change while others have not. It is very important to note that all of these organizations do agree that drinking and driving is a serious issue and that the human, social and financial consequences remain far too high, despite significant decreases over the past number of decades. The issue in question relates to the effectiveness of a particular countermeasure and in this case, lowering the *Criminal Code* BAC level, as opposed to other options that exist.

There have been significant improvements in the area of drinking and driving over the past number of decades and these have been accomplished in partnership among provincial/territorial/federal governments, community groups, the media and the traveling public. It is important that the tradition of these partnerships be maintained as we continue to develop and refine impaired driving countermeasures.

The purpose of this report is to outline CCMTA's position that a single countermeasure should not be viewed in isolation, but needs to be considered within the total context of all the provincial/territorial and criminal sanctions that applies to the behaviour of impaired driving. This is an important element of CCMTA's Strategy to Reduce Impaired Driving, which is an integral part of CCMTA's Road Safety Vision 2010 of having the safest roads in the world.

To date CCMTA has already developed and implemented a complex array of impaired driving solutions, and is moving in the appropriate direction. CCMTA believes that in examining impaired driving, the BAC limit and the penalties – federal criminal sanctions and provincial administrative sanctions – must be viewed together as a package, rather than in isolation. No single countermeasure will be a “magic bullet” with which to attack the problem of impaired driving. Furthermore, CCMTA believes that the input of the country's motor transport administrators is essential to creating effective and workable solutions to the impaired driving problem.

Moreover, CCMTA acknowledges the division of responsibilities between the federal and provincial/territorial governments. CCMTA's purpose is to ensure that current jurisdictional efforts are not duplicated, and that any changes to the *Criminal Code of Canada* will enable all the jurisdictions – federal, provincial and territorial – to more effectively deal with the issue of impaired driving.

## ***Background***

### Canadian Council of Motor Transport Administrators (CCMTA)

The Canadian Council of Motor Transport Administrators is a non-profit organization comprised of representatives of the provincial, territorial and federal governments of Canada which, through the collective consultative process, makes decisions on administration and operational matters dealing with licensing, registration and the control of motor vehicle transportation and highway safety. It also includes associate members from the private sector and other government departments whose expertise and opinions are sought in the development of strategies and programs. CCMTA receives its mandate from the Council of Ministers Responsible for Transportation and Highway Safety.

### Strategy to Reduce Impaired Driving 1990 – 2001

In 1990, the Council of Ministers Responsible for Transportation and Highway Safety approved and directed the CCMTA to “...proceed with programs to reduce by 20% the percentage of traffic fatalities involving impaired drivers by 1995.” To achieve this target, CCMTA established the Strategy to Reduce Impaired Driving (STRID) as a joint initiative by federal, provincial and territorial governments as well as other road safety organizations. STRID was initiated in order to develop a common infrastructure and approaches to address the problem of impaired driving. During this first phase, significant progress was made in developing the infrastructure to support further STRID initiatives, including: development of four year plans, establishment of central coordinating agencies and inter-agency committees within the jurisdictions, and coordinated enforcement and awareness programs.

The STRID Task Force, made up of representatives from various jurisdictions and groups across Canada, develops STRID initiatives and monitors progress towards the goals of the strategy. The Task Force reports to the CCMTA Standing Committee on Road Safety Research and Policies.

The initiative was renewed in 1995 as STRID 2001, with a mandate to “...achieve a reduction of 20% in the percentage of fatalities and serious injuries in Canada resulting from collisions involving drinking drivers by the year 2001.” Progress towards that goal has been encouraging. An examination of the most recent data available reveals that:

- there was a 23.1% decline in the percent of motor vehicle fatalities involving drinking drivers, from 39% in 1995 to 30% in 2000 <sup>1</sup>;
- the percent of drivers involved in alcohol-related serious injury crashes decreased by 14.3%, from 21% in 1995 to 18% in 2000 <sup>1</sup>.

These crash statistics indicate that reductions have occurred in the magnitude of the alcohol-crash problem in Canada since STRID 2001 was endorsed in 1995 despite increases in the number of drivers, vehicles and estimated mileage driven

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<sup>1</sup> Source: Traffic Injury Research Foundation of Canada, STRID 2001 Monitoring Report: Progress in 2000 and 2001

The STRID 2001 initiative contained three core elements: **enforcement and awareness, legislation, and communication**. In addition to these core initiatives, jurisdictions were also encouraged to adopt other measures in the areas of education, legislation and assessment/rehabilitation programs.

In the years subsequent to the introduction of STRID 2001, there was significant progress in the implementation of various components of the recommended core and optional elements by the different jurisdictions.

As of the year 2002:

- Eight jurisdictions have implemented minimum license suspensions that are at least equal to the recommended periods of 1, 3, and 5 years for first, second, and third or subsequent offences (all jurisdictions have some sort of suspension for first, second and third offences).
- All jurisdictions have been active in the areas of enforcement and awareness during the Christmas period and initiated activities to promote the visibility of STRID. The latter activity in this area has involved government organizations and a vast array of non-governmental agencies.
- Nine jurisdictions have implemented administrative licence suspensions for *Criminal Code* impaired driving incidents.
- Five jurisdictions have implemented (or introduced legislation for) ignition interlock programs.
- A vehicle impoundment program has been introduced in eight jurisdictions and has been legislated, but not proclaimed, in one additional jurisdiction.
- Nine jurisdictions currently have some form of mandatory assessment/treatment program for drinking and driving offenders. An assessment program is under development in one jurisdiction.
- Nine jurisdictions have some form of administrative licence suspension ranging from 12 to 24 hours for a driver who blows over 50mg% (40mg% in SK).

### National Workshop on Impaired Driving

As part of the process to renew the STRID Task Force and to develop a new strategy (STRID 2010), CCMTA organized a National Workshop on Impaired Driving (*Eliminating Impaired Driving: The Road Ahead*, October, 2000 – Vancouver). The objectives of the workshop were to: acknowledge the 10-year history of STRID; update the current strategy; refocus priorities; broaden participation and interaction beyond transportation stakeholders; identify roadblocks; identify impaired driving as a social problem and energize action; and develop a new Canadian strategy involving major stakeholders.

The workshop was attended by some 100 participants from across the country representing such areas as justice, health, driver licensing, research, enforcement, road safety and community groups. It provided an open forum for discussion and networking. The national workshop presentations and discussions focused

on six categories: first sanctioned drivers, social drinkers, hard core drinking drivers, new/young drivers, new emerging issues and legal process. A series of recommendations on each of these categories was compiled and was utilised by the STRID Task Force in developing a renewed Strategy to Reduce Impaired Driving (STRID 2010).

The clear conclusion from the workshop was that impaired driving **is a complex and multi-faceted problem**. There are no simple solutions. Eliminating impaired driving requires solutions as multi-faceted as the problem itself. This multi-faceted approach is what CCMTA has attempted to take with the Strategy to Reduce Impaired Driving 2010.

### Road Safety Vision 2010 and STRID 2010

CCMTA's Road Safety Vision 2010 is a national undertaking, endorsed by the Council of Ministers Responsible for Transportation and Highway Safety, aimed at making Canada's roads the safest in the world. This plan is supported by all levels of government as well as by instrumental public and private sector stakeholders. It also emphasizes the use of a broad range of initiatives that focus on road users, roadways and motor vehicles. Vision 2010 sets a national target of:

- *a 30% decrease in the average number of road users killed and seriously injured during the 2008 - 2010 period compared to 1996 - 2001 figures.*

In addition to this overall target, Vision 2010 contains a number of sub-targets reflecting Canada's major road safety problem areas. One of these sub-targets became the focus for a renewed strategy to reduce impaired driving.

In November 2001, the CCMTA's STRID Task Force released its latest strategy to advance the fight against impaired driving – STRID 2010. This strategy builds on the experience and lessons learned from the two predecessor strategies as well as the national workshop on impaired driving. As a key component of Vision 2010, STRID 2010 has the following target:

- *To achieve a 40% decrease in the percentage of road users fatally or seriously injured in crashes involving alcohol.*

To achieve this objective the STRID Task Force recommended a series of initiatives aimed at hardcore drinking drivers (including alcohol abusers, alcohol dependant and repeat impaired driving trip-takers), new/young drivers, social drinkers, and first sanctioned drivers, be undertaken by the various jurisdictions in partnership with interested stakeholders. These initiatives can be grouped into the following categories:

- Education and Awareness
- Role of Policing
- Policy/Legislative Initiatives
- Health Promotion

- Linkages
- Monitoring, Research and Evaluation
- Other Elements

All of the individual initiatives within each of these categories are outlined in Appendix B.

### ***Provincial/Territorial Commitment to STRID***

As evidenced by the enclosed table (Appendix A) extracted from the CCMTA 2000-2001 STRID Monitoring Report, all Canadian jurisdictions made significant progress in meeting both the core and optional elements of STRID 2001. All now have extensive enforcement and awareness campaigns, as well as additional legislative initiatives either in place or under development. All have some form of education campaign targeting the hospitality industry, police, Crown and the judiciary. Additional legislative programs include such initiatives as administrative licence suspension/prohibition, vehicle impoundment, ignition interlock and 0mg% BAC for novice drivers through graduated licensing. Almost all jurisdictions have some form of mandatory/assessment treatment program in place.

### ***A Context for the Lower BAC Issue***

Before discussing the specific issue of reducing the legal BAC level, CCMTA wishes to provide the Standing Committee with some important background information about the context in which this change would occur.

#### **Division of Powers**

Driving with a BAC level in the 51 to 80mg% (41 to 80 mg% in SK) range is currently being dealt with administratively at the provincial/territorial level in eleven jurisdictions. It is the opinion of CCMTA that BACs in this range should continue to be dealt with at this level, as the response is rapid and certain as compared to what using the criminal law process for the 51 to 80mg% cohort would be. Provinces and territories tend to have greater flexibility in the options and sanctions available to them, due to their administration of the driver licensing system. No criminal court process is required to impose administrative sanctions. Those currently in use (see chart on following page) include short term (12 to 24 hour), immediate roadside suspensions and longer term (90 day) license suspensions imposed at the time of the offence. Lowering the legal BAC to 50mg% will unnecessarily involve the federal government in an issue (drivers with BACs between 51-80mg%) that the provinces/territories are better equipped to deal with.

This is not to say that CCMTA does not believe that the federal government has an important role to play in reducing impaired driving across Canada. Parliament uses the *Criminal Code* – society’s strongest sanction – to discourage bad behaviour. However, it is in the best interests of all levels of government to coordinate their efforts in tackling the problem of impaired driving.

### Provincial/Territorial Administrative Initiatives

Province/ Territory	Roadside Licence Action	BAC (mg%)	Young Driver BAC	Pre-Conviction Licence Action	Licence Suspension (months)			Vehicle Impoundment (Days) <sup>i</sup>	Ignition Interlock Program
					1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence		
AB	24 hrs	50	zero <sup>h</sup>	3 month susp 6 month susp <sup>j</sup>	12	36	60 <sup>h</sup>	30	yes
BC	24 hrs	50	zero <sup>a</sup>	3 month prhb	12	36	indefinite	30	no
MB	24 hrs	50	zero <sup>a</sup>	3 month susp	12 <sup>e</sup> 60 <sup>f</sup>	60 <sup>e</sup> 120 <sup>f</sup>	120 <sup>g</sup> lifetime <sup>f</sup>	30	yes <sup>h</sup>
NB	24 hrs	50	zero <sup>a</sup>	-	12	36	60	-	no
NL	24 hrs	50	zero <sup>a</sup>	- <sup>b</sup>	12	24	36	-	no
NS	24 hrs	50	zero <sup>a</sup>	3 month susp	12	36	indefinite <sup>c</sup>	90 <sup>d</sup>	no
NT	12-24 hrs	80	-	-	12	24	36	-	no
NU <sup>l</sup>	24 hrs	80	-	pending	12	24	indefinite	Indefinite	no
ON	12 hrs	50	zero <sup>a</sup>	3 month susp	12	36	indefinite <sup>cg</sup>	45	yes
PE	24 hrs	50	zero	3 month susp	12	36	60	30	no
QC	-	80	zero <sup>a</sup>	2 week susp	12	36	60	30	yes
SK	24 hrs	40	zero <sup>a</sup>	3 month susp	12	36	60	30	yes
YT	24 hrs	80	zero <sup>a</sup>	3 month prhb	12	36	indefinite	30 <sup>k</sup>	yes

<sup>a</sup> Includes all novice drivers. <sup>b</sup> Licence action in this category exists for novice drivers only. <sup>c</sup> Reducible to 10 years. <sup>d</sup> Given Royal Ascent Dec 3<sup>rd</sup>, 1998. <sup>e</sup> Category "A" offences only (driving while impaired, driving over .08, refusal to provide sample). Greater penalties exist in this category for Failure to Provide a Breath Sample. <sup>f</sup> Category "B" offences only (driving while impaired causing death or bodily harm). <sup>g</sup> Fourth offence = lifetime ban. <sup>h</sup> Pending. <sup>i</sup> Figures listed in this column represent only minimum penalties. susp = suspension. prhb = prohibition. <sup>j</sup> If the charge was impaired driving causing death or injury. <sup>k</sup> 30 days 1<sup>st</sup> offence, 60 day 2<sup>nd</sup> offence, 120 days 3<sup>rd</sup> offence, (when the driver's BAC is more than twice the legal limit, the impoundment is doubled). <sup>l</sup> Info for Nunavut was updated Jan 2004.

### Criminal Code Administration

In a 1997 joint Transport Canada/Canadian Association of Chiefs of Police survey of front-line police officers' attitudes and perceptions, over 50% of all officers responded that they would lay more charges if the charging process took less time. In addition, when the Standing Committee last reviewed the issue of impaired driving, one of its recommendations was that *Aa federal, provincial, territorial working group of justice experts be convened to consider the enforcement and prosecution aspects of impaired driving, and to determine whether Criminal Code amendments, additional to those contained in the report, are necessary or advisable.* @A joint federal/provincial/territorial working group is currently considering the challenges faced by law enforcement personnel and Crown prosecutors. These are complex issues and it is likely that some legislative changes may be needed to resolve some of them.

Data from Statistics Canada/Juristat 2000-01 indicates that impaired driving has a 76% conviction rate, a significant percentage of which are the result of guilty pleas. Yet prosecutors anecdotally report that impaired driving trials take 30-40% of provincial court trial time. To gain more data, Transport Canada and CCMTA are planning a survey of Crown prosecutors and criminal defence lawyers as a follow up to the 1997 police survey. However, it is likely that substantially increasing the cohort of drivers who would be subject to criminal sanctions would only serve to place even more stress on an already strained criminal justice system.

CCMTA believes that impaired driving is a paramount road safety issue for legislators and administrators across Canada. The Canadian public consistently supports this position. CCMTA also believes that any discussion about amending the *Criminal Code* must be undertaken in the context of availability of resources for enforcement and financial resources. While amending the BAC provisions of the *Criminal Code* might have an impact upon impaired driving in and of itself, any significant change will require the commitment of decision-makers and budget-makers at all levels of government. Only through the addition or reallocation of resources to the policing, court and healthcare systems can the issue of impaired driving be adequately addressed and significantly affected.

### ***Lowering the Legal BAC***

Lowering the legal BAC will criminalize a cohort of drivers with BACs in the range of 51 to 80mg%. Lowering the BAC offence level has been one of the many impaired driving issues that the CCMTA's STRID Task Force has examined over the past several years. It is also one that has been subject to some significant public debate of late. While CCMTA is sympathetic to the goal of this proposal, it does not believe that lowering the legal BAC limit will achieve the desired results. Instead, it may create a situation that is even more untenable for the legal system than the current one (system backlogs and increased administrative burden), while doing little to address some of the more significant and pressing problems around impaired driving.

According to research conducted by Transport Canada/CCMTA, a very small percentage of drivers account for a very high percentage of all impaired driving trips. Although they constitute a small percentage of the drinking driver population in Canada, they have a disproportionately high representation in incidents. Over 80% of fatally injured drivers who tested positive for alcohol in 2000 had BACs in excess of 80mg% (as opposed to the 6% of fatally injured drivers with a BAC in the 51 to 80mg% range). Approximately three quarters of this group had BACs over 150mg%. This is not a group that is likely to stop driving while impaired simply because the *per se* BAC is lowered. Indeed, lowering the legal BAC may have the undesired effect of actually reducing resources available for enforcement, to the detriment of public safety.

## Legal BAC and Charging Levels

In a survey done by Transport Canada and the Canadian Association of Chiefs of Police of front-line police officers, three quarters of respondents indicated that they charge only when the BAC is over 100mg%. On average, only 7.5 impaired driving charges per year are laid per officer. This equates to slightly more than one every two months. There was also a large variation in charging levels across different jurisdictions. While in a very few cases this might be due to the use of out-of-date measuring equipment, the majority of police now utilize equipment that can accurately measure a driver's BAC to  $\pm$  10mg%. Instead, this trend in laying charges may be because police have built additional tolerance into their practices and the short-term suspensions available in most jurisdictions have given the police an administrative option they can use instead of laying a criminal charge for a reading in the 81 to 100mg% range.

Given these results, CCMTA is far more concerned with seeing the current BAC charging level more strictly adhered to, than in seeing it lowered to exceed 50mg% as a means of increasing charges. It is recognized that enforcement is a provincial and policing issue, and not directly a *Criminal Code* issue. However, changes that reduce the administrative burden of an impaired driving charge (see above) may provide the necessary incentive for police to amend their current charging practices.

## Administrative Sanctions

Currently, most jurisdictions in Canada have administrative sanctions to deal with drivers with a BAC level in the range 51 to 80mg% (see chart on page 6). One of the goals of CCMTA's STRID 2010 is to encourage jurisdictions to better record and track roadside administrative license suspensions on driver records and use this information as a management tool. CCMTA believes that these sanctions have been very effective in deterring the practice of drinking and driving by the drivers most likely to be represented in the 51 to 80mg% group – typically the casual or social drinker. The deterrent value of sanctions that can be applied both immediately and effectively cannot be overstated. Not only are administrative sanctions swift and sure; they also serve to reduce the threat to public safety posed by impaired drivers who are free to re-offend while they await their day in court.

While CCMTA supports the use of short-term driving suspensions to remove drivers with low BACs from the road, the Transport Canada/Canadian Association of Chiefs of Police survey results indicated that 38% of police surveyed were sometimes utilizing short-term suspensions rather than *Criminal Code* charges because of the length of time taken by the laying of criminal charges. As well, police are using their discretion to find alternate solutions. In almost one-third of all cases where discretion is used, verbal warnings are the discretionary sanction of choice (alternative discretion includes calling a taxi/ride, taking the driver home, taking the keys, or allowing a sober passenger drive). Both of these statistics would seem to indicate that police see the current criminal system for dealing with impaired drivers as too cumbersome, time-consuming and unreliable. To this end, one of the goals of STRID 2010 is to encourage officers to lay more criminal charges for impaired driving rather than issuing a short-term suspension.

## International Comparisons

One argument regularly made in support of lowering the legal BAC level to 50mg% is that doing so would bring Canada in line with many other countries that have done the same. While direct comparisons between different legal systems are difficult, the reality is that Canada's criminal law (where BAC exceeds 80mg%) contains some of the world's more strict impaired driving penalties. The administrative sanction approach utilised by most provinces and territories in Canada for driving with a BAC over 50mg% are similar in approach to the 50mg% sanctions in other comparable international jurisdictions. When one looks at both criminal and provincial consequences, we see that Canada is not trailing the international community in its legal approach to impaired driving. Many countries have a two-tiered system where the lower tier is usually a non-criminal offence and the second tier involves a criminal offence. For Canada to criminalize the lower tier would not be following the trend of international practice. Countries and jurisdictions that have adopted 50mg% (or lower) limits tend not to use criminal law sanctions as Canada would be doing if it criminalized the cohort of drivers with BACs in the 51 to 80mg% range. Sweden for example, while having a very low *per se* BAC level (20mg%), has a penalty range from 20 to 99mg% where sanctions involve fines and licence suspensions. Criminal sanctions (involving incarceration, higher fines and longer suspensions) are utilised only for BAC levels of 100mg% and above. In addition, the United Kingdom has recently reviewed the issue of lowering the BAC but has chosen to retain 80mg% as the legal limit.

## Expanding the Criminal Cohort

Usually, Parliament has chosen to apply its constitutional power to create criminal law – the hallmark of which is that the penalty range includes incarceration – in situations where the behaviour is morally reprehensible or dangerous. While it is clear that under certain specific circumstances, some drivers with a BAC in the range 51 to 80 mg% might meet those criteria, it is not clear that many or all drivers with a BAC above 50mg% would. Where a driver with a BAC in the 51 to 80mg% range displays actual signs of impairment, they can currently be charged under *Criminal Code* section 253(a) Operating While Impaired. The challenge for police is in detecting the impairment evidence for a 253(a) charge at these levels.

The implication of lowering the legal BAC to 50mg% is an expansion of the criminal law to include a cohort of drivers who do not meet the characteristics of impairment risk established by the 1964 Grand Rapids study. This study, the basis of the 1969 amendment to the *Criminal Code of Canada* establishing 80mg% as the legal limit in Canada, showed that alcohol could be isolated from other criteria (age, driving experience etc.), as a causal factor for crash risk once the BAC level of 80mg% was exceeded. The lower the *per se* level for criminal impaired driving is set, the greater the concern that the weight of the criminal justice system will be brought to bear upon an individual whose conduct is less risky or less morally reprehensible.

How a person is affected at a low BAC is subject to significant individual differences. The impact is dependent on a number of factors including physical size, body type, experience with alcohol, and gender. A 120lb female might consume 2 drinks in 1 hour and reach the 50mg% level; a 160lb male might be able to consume 3 drinks in the same period and have the same blood alcohol content. In addition, a number of environmental factors must be considered including stomach content, fatigue, other drugs – illicit, prescription or over the counter – emotional state and length of drinking period. In short, the impacts of a low BAC vary from person to person and within the same person at different times. As such, it is not appropriate to impose the most serious sanctions available, but rather to allow the discretion attached to previously existing administrative sanctions for those situations that may or may not pose an immediate problem.

### **Conclusion**

Despite significant improvement over the past 20 years, impaired driving is not a problem that is easily solved. Through STRID 2010 and the work of the individual Canadian jurisdictions, CCMTA has attempted to tackle this multi-faceted problem head on. Working together with police, advocacy organisations and the healthcare system, all jurisdictions can ensure that impaired drivers are removed from the road.

The issue of impaired driving sanctions must be viewed in its totality; as a comprehensive national package that includes all of the sanctions, both administrative at the provincial/territorial level, and criminal at the federal level. It is the view of CCMTA that this current “sanctions package” contains a well thought-out mix of effectiveness, efficiency, and severity.

In CCMTA’s view, lowering the legal BAC would only succeed in criminalizing a new cohort of the driving population who are at lower risk of collision involvement, further burdening an overtaxed criminal justice system without necessarily increasing the deterrent effect of the law. This would hamper the ability of the police to detect drivers with a BAC greater than 80mg% who are a greater crash risk due to the over-extending of enforcement resources.

**Appendix A**

**STRID 2001 – Overview of Progress: Core and Other Elements**

<b>CORE ELEMENTS: 2001</b>				
<b>ENFORCEMENT AND AWARENESS CAMPAIGNS</b>			<b>LEGISLATION</b>	<b>COMMUNICATION</b>
<b>JURISDICTION</b>	<b>CHRISTMAS</b>	<b>OTHER</b>	<b>MINIMUM LICENCE SUSPENSION*</b>	<b>PROMOTE VISIBILITY OF STRID</b>
<b>Northwest Territories</b>	Awareness campaign including PSA, TV, newspaper ads. SADD posters	Hosted national CYAID Conference in 2001, conducted workshops, awareness campaign	No: 1 <sup>st</sup> – 1 yr 2 <sup>nd</sup> – 2 yrs 3 <sup>rd</sup> + - 3 yrs	Public consultation campaign: questionnaire, live TV phone in show, public forums.
<b>Yukon</b>	"Someone is Waiting" posters and coasters in drinking establishments	"Kiss it Goodbye" vehicle impoundment, licence suspension and disqualification awareness	Yes: 1 <sup>st</sup> - 1 yr 2 <sup>nd</sup> - 3 yrs 3 <sup>rd</sup> - indefinite licence suspension	No
<b>British Columbia</b>	Month-long, province-wide roadchecks in December	Additional roadchecks from April to December	Yes: 1 <sup>st</sup> – 1 yr 2 <sup>nd</sup> - 3 yrs 3 <sup>rd</sup> - indefinite (10 yr min. with remedial program)	Various community-based programs & communications
<b>Alberta</b>	Operation Red Nose, awareness campaign	Summer awareness program; checkstop pilot plan	Yes (Aug/88)	Alberta Impaired Driving Strategy Session
<b>Saskatchewan</b>	"Santa's Little Helpers" awareness campaign	"Always Plan a Safe Ride Home" designated driver campaign in Aug-Sept	Yes (Aug/96)	Yes
<b>Manitoba</b>	Roadwatch, STEP program, responsible server training, designated driver program	Random checkstops, Roadwatch campaign from May to Nov	Yes: 1 <sup>st</sup> - 1 yr 2 <sup>nd</sup> – 3 yrs 3 <sup>rd</sup> – 10 yrs, subsequent – lifetime (Dec/01)	"You Lose" media campaign concerning drunk driving legislation introduced in Dec
<b>Ontario</b>	R.I.D.E Enforcement Program, MADD Ribbon Campaign	"Arrive Alive" campaign, LCBO social responsibility campaign, "Road Safety Challenge"	Yes: 1 <sup>st</sup> - 1 yr 2 <sup>nd</sup> - 3 yrs 3 <sup>rd</sup> - indefinite (reducible to 10 yrs), subsequent-lifetime (1998)	Annual multidisciplinary conference on injury prevention and impaired driving
<b>Québec</b>	Operation Red Nose, roadblocks, checkstops	Two province-wide (month-long) STEPs in May and Nov/Dec; designated driver programs: youth intervention	Yes (June/01)	Awareness campaign for new legal measures
<b>New Brunswick</b>	Holiday checkstops, DWI television campaign	3-month television campaign coinciding with "Safe Grad"; "The Drive Home...The Choice is Yours" ad campaign	No: 1 <sup>st</sup> – 1 yr, 2 <sup>nd</sup> – 2 yrs, 3 <sup>rd</sup> + - 3 yrs	Published and distributed brochures and posters on DWI issues
<b>Nova Scotia</b>	MADD Ribbon Campaign, enforcement through police check points, RCMP "Operation Pipeline", billboard campaign	"Drive to Arrive" radio and print ad campaign in summer 2001	Yes: 1 <sup>st</sup> - 1 yr 2 <sup>nd</sup> - 3 yrs 3 <sup>rd</sup> - 10 yrs, subsequent – lifetime (Dec/99)	Establishment of Alcohol Countermeasures Committee
<b>Prince Edward Island</b>	Safety personnel and RCMP participated in public service announcements campaign on CBC television	High school graduation spring awareness campaign	No: 1, 2 & 3 – yr suspensions since 1990	Yes
<b>Newfoundland &amp; Labrador</b>	Checkstops during the holiday season, radio campaign	STEP & random checkstops all year by RCMP and RNC	No: 1, 2 & 3 yr since Jan/95	Yes

\* Minimum Licence Suspension: 1<sup>st</sup> occurrence = 1 year, 2<sup>nd</sup> occurrence = 3 years, subsequent occurrence = 5 years

## OTHER ELEMENTS: 2001

JURISDICTION	EDUCATION			LEGISLATION				ASSESSMENT/ REHABILITATION	
	SERVER TRAINING	POLICE, JUDICIARY, CROWN PROSECUTOR	OTHER CAMPAIGNS	ALS**	INTERLOCK	VEHICLE BASED SANCTIONS	REMOVE WORK PERMIT EXEMPTIONS	OTHER	MANDATORY TREATMENT
<b>Northwest Territories</b>	Voluntary	Yes	"Enough is Enough" campaign	No	No	No	Yes	No	No
<b>Yukon</b>	Yes	Yes	"Boat safe, boat sober"; ATV & snowmobile operators campaign	Yes	Yes (1998)	Yes, Fall 1998 for implementation	No work permits	Reinstatement fees	No
<b>British Columbia</b>	Yes	Yes	No	Yes (May/97)	No	Yes (May 1997)	Yes, date unknown	Zero BAC for novice drivers	No
<b>Alberta</b>	Voluntary	Yes	Provincial Impaired Driving Working Committee (1997)	Yes (Dec/99)	Yes (1990)	Yes	No work permits	No	"Impact Residential Program" (1985) & "Planning Ahead" (1972)
<b>Saskatchewan</b>	Voluntary	Yes	"Bloody Idiot" brochure distributed to schools and health facilities	Yes (Aug/96)	For 1 <sup>st</sup> time offenders	Yes	No	Zero BAC for novice drivers	Mandatory assessment & treatment (August 1996)
<b>Manitoba</b>	Yes	Yes	Television ads "No one walks away"	Yes, effective after 7 days	Yes (2001)	Yes	No	Zero BAC for novice drivers	All alcohol-related CC convictions: Two or more suspensions in 3 years for BAC .05 or over
<b>Ontario</b>	Yes	Yes	Aggressive Driving Community Support Program (2001)	Yes	Yes	Yes (1999)	Never existed	Comprehensive Road Safety Act (1998)	"Back on Track" (2000) for all offenders
<b>Québec</b>	Voluntary	Yes	Updated Alcofrein program (1997)	15 and 30-day susp. 1 <sup>st</sup> & subsequent	Yes	Yes (Dec/97)	Yes	Zero BAC for novice drivers	Yes (Dec/97)
<b>New Brunswick</b>	Voluntary	Yes	Sponsor of TADD workshops	No	No	No	Yes	Zero BAC for novice drivers	Yes
<b>Nova Scotia</b>	Yes	Yes	Road Safety Advisory Committee: additional RCMP training	Yes, effective after 7 days	No	Yes (1999)	No	Zero BAC for novice drivers	Yes, including a program for 1st offenders
<b>Prince Edward Island</b>	Yes	Yes	Review of impaired driving	Yes: effective after 7 days (June/97)	No	Yes	No work permits	.05 BAC for drivers under 19	Yes, after 2 or more DWI convictions (1997)
<b>Newfoundland &amp; Labrador</b>	Voluntary	No	No	No	No	No	Never existed	Zero BAC for novice drivers	Yes: 3+ HTA infractions or 1 <sup>st</sup> CC conviction (Jan/95)

\*\* ALS: Administrative Licence Suspension: 90 days for BAC > 0.08 or refusal to submit to test.

## **Appendix B**

### **STRID 2010 – Summary of Recommended Initiatives**

#### **Education and Awareness**

- Educate police, justice departments and the judiciary on the nature and management of drinking and driving and its consequences
- Implement and maintain awareness programs in schools from an early stage (i.e., kindergarten through Grade 12 ) with appropriately targeted messaging
- Emphasise the need for zero tolerance for this behaviour.
- Highlight the costs associated with drinking and driving.
- Target/personalize educational campaigns for different audiences.
- Undertake high visibility drinking and driving campaigns during peak seasons for this behaviour.
- Plan and develop communications to promote and increase visibility of STRID.

#### **Role of Policing**

- Train and encourage more police officers to develop Drug Recognition Experts (DREs) and more use of the Field Sobriety Tests (FSTs).
- Streamline procedures for processing drinking drivers.
- Encourage officers to lay more criminal charges for impaired driving rather than laying of 24-hour suspensions.
- Lobby for increased police resources to help increase the perceived risk of apprehension for drinking and driving.
- Encourage police to use passive sensors as an aid for investigating drinking drivers.
- Conduct combined enforcement and awareness campaigns during Christmas season, focusing on drinking driving.
- Participate each spring/summer in a nationally coordinated enforcement/ awareness campaign, targeting the high-risk or persistent offender.

#### **Policy/Legislative Initiatives**

- Record and track roadside administrative license suspensions on the driver record and use this information as a management tool.
- Make it an offence to refuse a Field Sobriety Test.
- Introduce escalating sanctions based on BAC level to provincial regulations.
- Widen the search (look-back) window for drinking and driving sanctions to 10 years.
- Introduce reduced BAC thresholds for drivers who have been convicted for a drinking and driving offence.

- Take advantage of any technological innovations for enforcing drinking and driving offences.
- Implement administrative licence suspension of 90 days if driver is over legal limit of .08 or refuses a breath/blood test.
- Introduce vehicle-based sanctions such as vehicle impoundment, vehicle immobilization, licence plate tagging or confiscation for driving while suspended.
- Remove exemptions for work permits.
- Mandate server-training programs as a condition of obtaining and maintaining a liquor licence.
- Implement minimum license suspensions of 1, 3 and 5 years for first, second and third or subsequent convictions for impaired driving within a ten-year "look-back" period.

### **Health Promotion**

- Introduce mandatory assessment and rehabilitation programs for drinking driving offenders and a timely follow up.

### **Linkages**

- Representatives from the medical and injury prevention fields and other appropriate stakeholder agencies should be invited to work with the Task Force to develop and advance the model to assist jurisdictions in implementation of the elements of STRID 2010.
- Linkages with the enforcement and justice communities should be strengthened.
- More efforts should be made to cost-share countermeasures where possible.

### **Monitoring, Research and Evaluation**

- Jurisdictions should continue to use the STRID framework to support the monitoring/evaluation of the implementation of STRID 2010 through to the year 2010.
- Prepare a mid-term performance report of STRID 2010 in the year 2006, and revise its direction if necessary.
- Jurisdictions should collaborate on the research initiatives outlined in the STRID 2010.

### **Other Elements**

- Develop sub-models under STRID to assist jurisdictions in managing the safety impacts of other potential causes of driving impairment, particularly in the areas of drugs, fatigue, and distractions (including cell phones).

**For further information please check out the following supporting documents on the CCMTA website at [www.ccmta.ca](http://www.ccmta.ca):**

- CCMTA STRID Monitoring Report: Progress in 2000 and 2001
- CCMTA Strategy to Reduce Impaired Driving 2010
- CCMTA Proceedings of the National Workshop on Impaired Driving