

IMPAIRED DRIVING SUMMIT SUMMARY

Held February 13, 2013

Hosted by
Transportation and Infrastructure Renewal (TIR)
Rodd Charlottetown
Kent Street, Charlottetown PEI



Transportation and
Infrastructure Renewal



Message from the Minister



Over the years, a growing focus has been given to the serious issue of impaired driving. Thanks to the work of governments, the justice system, community groups, families and individuals, the instances of impaired driving have decreased and the message is being spread that impaired driving isn't acceptable.

However, despite these efforts, the message still hasn't fully sunk in. The fact remains: Prince Edward Island's rates of impaired driving are some of the highest in the country.

This is a needless distinction. Prince Edward Island is a rural province and that can provide unique challenges when it comes to transportation. But there are absolutely no excuses for driving after drinking or taking other drugs.

It is a senseless crime, sometimes with tragic results.

However working with our partners, such as MADD, the justice system, addictions services, and law enforcement, I am optimistic we can shed this unfavourable distinction.

This sense of confidence was buoyed during the one-day summit I hosted in February as Minister of Transportation and Infrastructure Renewal.

The day included representatives of the RCMP, municipal police forces, MADD Canada and local MADD chapters, Addiction Services, the Department of Environment, Labour and Justice, and the Department of Transportation and Infrastructure Renewal.

As this report shows, all participants worked together to suggest a wide range of tangible, effective solutions that can be implemented by the Department of Transportation and Infrastructure Renewal.

I want to thank everyone who participated in the summit for their commitment to tackling this senseless crime. And I want to assure all Islanders that as a government we're serious about highway safety and reducing the number of impaired drivers on our roads by introducing tougher penalties.

I look forward to seeing these recommendations and other initiatives undertaken by the department result in safer roads for Islanders.

Robert Vessey

A handwritten signature in black ink that reads "Robert Vessey". The signature is written in a cursive, flowing style.

Minister, Transportation and Infrastructure Renewal

Impaired Driving Summit – February 13, 2013
Hosted by the Department of Transportation and Infrastructure Renewal (TIR)
Rodd Charlottetown
Kent Street, Charlottetown PEI

Summit Summary

The Department of Transportation and Infrastructure Renewal (TIR) hosted an Impaired Driving Summit on February 13th, 2013 which brought together local leaders and decision-makers for dialogue and discussion on how to help combat impaired driving on Prince Edward Island roads. The overall purpose of the Summit was to focus on tangible, effective solutions that can be implemented by the Department of Transportation and Infrastructure Renewal to reduce the instances of impaired driving. The Summit followed recent changes made to the *Highway Traffic Act* including mandatory participation in the ignition inter-lock program for all convicted impaired drivers and strengthened vehicle impoundment penalties.

Summit Objectives:

- To engage leaders and experts on the issue of impaired driving in a facilitated dialogue to exchange ideas about legislative and non-legislative strategies that can be implemented to enhance existing reduction strategies presently in place;
- To identify effective mechanisms that modify behaviours contributing to impaired driving;
- To achieve consensus on areas that can be developed into action items for further follow-up.

Introductions and Welcome

Facilitator Patsy MacLean of HRA greeted Summit participants as they arrived and encouraged participants to sit at designated tables to ensure that there was a strong cross-representation of people at each round table. Participants represented members of the following provincial government departments and agencies, law enforcement agencies, and national/local organizations:

- Minister of Transportation and Infrastructure Renewal
- Deputy Minister of Transportation and Infrastructure Renewal
- Minister of Environment, Labour and Justice and Attorney General

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- Deputy Minister of Environment, Labour and Justice and Attorney General
- CEO of MADD Canada
- Representatives from the Department of Transportation and Infrastructure Renewal
- Representatives from the Department of Environment, Labour and Justice
- Representative from Health PEI, Mental Health and Addiction Services
- Representatives of Law Enforcement (RCMP, Municipal Police)
- Director of Prosecutions, Crown Attorney's Office
- Representatives from Ad Hoc Committee on Impaired Driving
- Representatives from MADD (Atlantic Region and Provincial representatives)
- Chief Coroner of PEI

The Impaired Driving Summit began with welcome and opening remarks delivered by Minister of Transportation and Infrastructure Renewal, the Honourable Robert Vessey. Remarks were also given by Minister of Environment, Labour and Justice and Attorney General, the Honourable Janice Sherry.

Information Sharing

The Summit began with an information sharing session which provided an overview of the status of national and provincial impaired driving initiatives. A presentation was given by Mr. Andrew Murie, CEO of MADD Canada, entitled "*Addressing the Impaired Driving Problem on Prince Edward Island*". The powerpoint presentation is attached as Appendix "A". Mr. Murie presented on the national and provincial perspectives of impaired driving. He also outlined the best practices in provincial impaired driving legislation. Mr. Murie noted that PEI has made significant legislative progress since 2006; including

- Improvements to graduated licensing program;
- 7-day short-term administrative license suspension program;
- Mandatory interlocks for first-time offenders; and
- Stronger sanctions against offenders with child passengers.

Director of Highway Safety, John MacDonald, provided an overview of Department of TIR strategies and initiatives to address impaired driving in PEI. Highlights of his presentation are attached as Appendix "B". Mr. MacDonald identified the following impaired driving initiatives in place in PEI:

- *Highway Traffic Act* Driver's License cancellations
- Administrative Driver's License suspension
 - Short-term driver's license suspension for BAC greater than .05 and less than .08
 - Administrative Driving Prohibition for BAC reading equal to or greater than .08 or refusal of breathalyser
 - Graduated Driver Licensing Programs

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- Re-instatement Requirements
 - Curative Treatment
 - Fitness to Drive Standards
 - Mandatory Ignition Interlock
- Motor Vehicle Impoundment
 - Driving while suspended or prohibited
 - Six month impoundment
- Public Awareness

Mr. MacDonald also shared statistics from 1989 to 2012 which indicated that the total impaired driving convictions in PEI have reduced from 628 instances in 1989 to 327 instances in 2012.

Morning Session - Alcohol Impaired Driving

Small group facilitated discussion

The morning session focused on the topic of Alcohol Impaired Driving. Participants engaged in a facilitated discussion in small groups using guiding questions. The following provides an overview of the discussion.

Currently, there are effective measures in place addressing alcohol related impaired driving in PEI. Could these measures be further enhanced?

Participants reflected on the perspective that drinking and driving is seen by many in PEI as a social norm or as part of the culture and this attitude needs to change. Participants agreed that existing measures addressing alcohol related impaired driving could be enhanced.

- Suspension of License
 - Access to data is important as impoundment of vehicle is related to the knowledge of the suspension of person's license
- Enhanced use of 911 call by the general public
 - More public education is needed regarding this use of 911
 - 911 signage could be improved to ensure it stands out for the travelling public (special or distinctive design/flashing electronic warning signs)
 - Caller identification can inhibit people from calling (not an anonymous call)
 - Use Crime Stoppers as a mechanism for anonymous reporting
- Enhanced use of data
 - Mine existing data to target potential impaired drivers; eg. mapping of offences

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- Analyze and utilize 911 data more fully
- Important for law enforcement to be able to access data to identify repeat offenders
- Ignition Interlock
 - Increase suspension of license to 6 months
- Re-examine vehicle impoundment laws
 - Apply vehicle impoundment sanctions to graduated licensing program
 - Apply vehicle impoundment sanctions to administrative license suspension programs
- Increase public awareness and education campaigns regarding recent changes to *Highway Traffic Act* relating to impaired driving

What other measures could be introduced in PEI?

- Coloured/designated plate to identify second time offenders could be seen as shaming of the individual and the individual's family
 - Law enforcement officers still require grounds to pull someone over to roadside
- Coloured/designated plate to identify second time offenders has been used in some states (what does the evidence say with respect to effectiveness?)
 - Rather than a designated plate, consider applying an identifier on the driver's license
- Separation of graduated driver license age from legal drinking age
- Enhanced public education and aggressive social marketing for target populations; eg. youth
- Use evidence-based data to evaluate implementation of new measures (expansion of ignition inter-lock program, vehicle impoundment, designated license plate if implemented)
- Dual license plates (on front and back of vehicle) would enable identification
- Use technology and its applications to assist people in accessing alternate transportation
- Encourage establishments that serve alcohol to visibly promote and provide incentives for designated driving programs
- Tobacco use has been effectively addressed by attributing a social stigma to the behaviour; can similar approaches be used for drinking and driving?
- Increase communication amongst partners involved in addressing and limiting impaired driving in PEI; hold Impaired Driving Summit annually.
- Police traditionally charge a person with a BAC of 1.00. Consider lowering this to BAC of .90
- Consider increased sanctions based on increasing BAC

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- Further explore administrative license suspension, rehabilitation programs targeting those at BAC .08 for first time offenders (similar to B.C.)
- There needs to be an identified resource to coordinate the provincial activities and initiatives with respect to impaired driving; eg. establish a position for an” Impaired Driving Coordinator”.

Afternoon Session - Drug Impaired Driving

The afternoon session began with a presentation by Mr. Andrew Murie, CEO of MADD Canada, entitled “*Recognizing and Addressing the Drug –Impaired Diving Problem*”. The powerpoint presentation is attached as Appendix “C”. Mr. Murie provided an overview of drug impaired driving legislation. Until 2008 drug impaired driving provisions were primarily enforced or prosecuted by observational evidence. In 2008 the Criminal Code was amended to give police authority to demand “physical coordination tests” such as the Standard Field Sobriety Test (SFST) or Drug Recognition Evaluations (DRE).

Small group facilitated discussion

The afternoon session focused on the topic of Drug Impaired Driving. Participants engaged in a facilitated discussion in small groups using guiding questions. The following provides an overview of the discussion.

What are the issues regarding drug related impaired driving in PEI?

- Lack of/limited tools for police and prosecutors for detection/recognition/evidence of drug impairment
 - Technology has not advanced sufficiently to ensure reliability for proving drug impaired driving in court
 - Lack of provincial legislation in PEI
 - Legislation generally follows public pressure and legislation on drug impaired driving lags behind that of alcohol impaired driving
 - Limited case law on drug impaired driving
- There are a limited number of people trained to perform Drug Recognition Evaluations (DRE) in PEI. The RCMP has one active DRE person who has maintained certification. There are two other people who have training in DRE within the RCMP; however, their credentials have expired. A person with training in DRE within the Charlottetown City

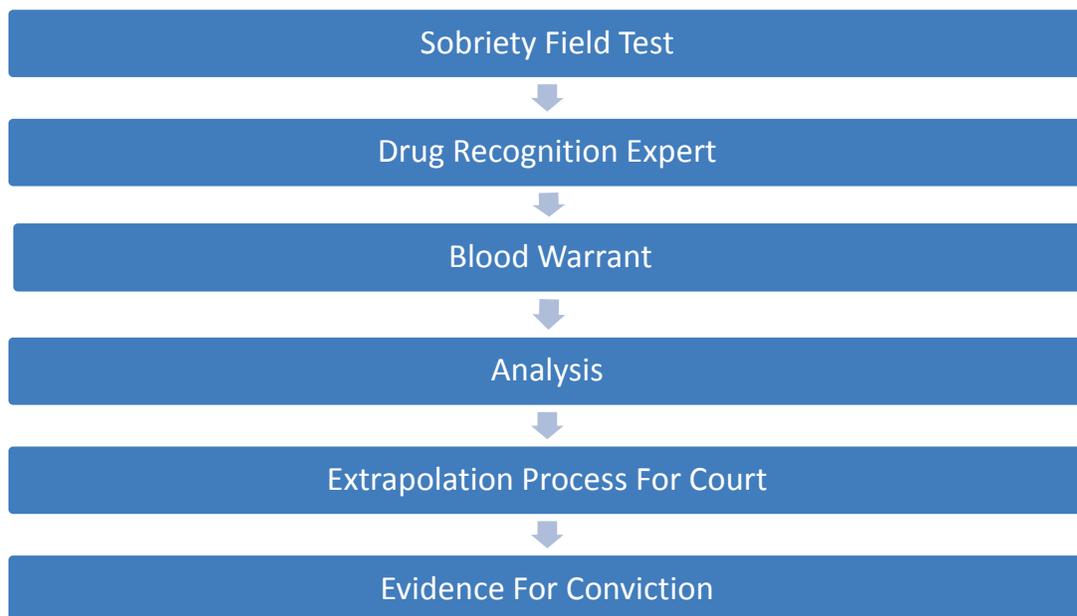
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Police has retired. Two people are presently training in DREs and this will increase the total complement to three by March 2013.

- Training and maintaining DRE expertise within the jurisdiction is costly. Maintaining competency and accreditation is challenging.
- The standard field sobriety test (SFST) is not an effective tool for identifying drug impaired driving from an evidentiary perspective, which is why maintaining people with DRE competencies within the jurisdiction is important.
- Training and certification of “evaluating officers” is costly.
- Availability of breathalyzer vs. blood test or saliva testing is a factor.
- There is effective integration amongst law enforcement agencies within PEI which enables an effective use of scarce expertise and resources.

How are the issues being addressed in PEI, and in other jurisdictions? Are the measures legislative, non-legislative?

Current Process in PEI for Drug Impaired Driving in PEI



Participants indicated that the current approach is a reactive approach to addressing drug related impaired driving. It is difficult to obtain a good understanding of drug related impaired driving in PEI and this is attributed to a lack of tools, resources and education.

Participants noted that:

- Drug testing on PEI is screening only

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- The health sector (pharmacists) could put protocols in place to flag high risk people who could be at risk for drug related impaired driving.
- The health sector identified as a key player in working with Highway Safety Division and law enforcement.
- There is more of an emphasis on alcohol related impaired driving than drug related impaired driving.
- There is no drug-related administrative program in PEI
- There is no provincial solution and limited mechanisms to address drug related impaired driving

Based on your discussions and understanding of the issues with respect to drug related impaired driving in PEI, identify measures that could be enhanced or implemented to effectively address drug related driving in PEI.

- There is a potential opportunity to train a Highway Safety Officer in DRE. Benefits associated with this opportunity include the retention and maintenance of the expertise in PEI. If the expertise is within the RCMP; a transfer of the person out of the jurisdiction means the expertise leaves the jurisdiction as well.
- Explore a cost-effective “train-the-trainer” model to enhance DRE capabilities in PEI.
- Enhance awareness on the issue of non-intentional drug related impairment related to the increasing use of prescription drugs for:
 - Health professionals (physicians, pharmacists, Nurse Practitioners, dentists)
 - Law enforcement agencies
 - Judiciary
 - Public
- Enhance public awareness and knowledge regarding:
 - What drug related impairment means
 - Impact of drug related impairment (legal or illicit)
 - Include enhanced awareness in school system and health curriculum
- Use “green” “yellow” “red” system to flag prescription drugs that impair cognition
- Enhance availability and use of documentation that shows a person has been advised by a pharmacist/physician/health provider that a prescription drug could impair ability to operate a motor vehicle.
- Strike a task force to address use of prescription drugs and impaired driving (engage the medical community and health care professionals).
- Continue to develop primary care capacity to use alternative treatments (move away from pharmaceutical treatment of health condition; eg. depression).

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- Strengthen understanding and use of Medical Standards for Drivers.
- Criminal Code is not working well to address drug related driving issue and currently no sanctions under the *Highway Traffic Act*
 - Introduce administrative sanctions in PEI, similar to those instituted in Newfoundland and Labrador
 - Roadside suspension for drivers who fail SFST or roadside drug screening test
- Following a death or serious injury mandatory ASD test (implement authority to do so in *Highway Traffic Act*)
- Place pressure on the federal government to “do the science and set per se limits”
 - Consider what is needed to implement saliva testing
- Does the judiciary have training in the area of drug related impaired driving? Is there a need to enhance training for judiciary?

Next Steps

Participants appreciated the opportunity to attend a forum that offered meaningful dialogue and discussion with respect to impaired driving. Information was shared through a facilitated process using small and large group discussions. This process enabled the identification of current issues and opportunities to enhance existing measures or implement new measures. In reflecting on the discussions of the day, participants identified the following next steps as potential actions to be taken:

1. The summary of discussions arising from the Impaired Driving Summit be circulated to all participants.
2. The use of 911 system be enhanced for public to alert police regarding a potentially impaired driver.
3. Consideration be given to including Crime Stoppers as an avenue by which the public could anonymously report an impaired driver.
4. Enhanced public awareness and social media campaigns be used to increase citizen engagement and highlight personal responsibility with respect to alcohol related and drug related impaired driving.
6. Consideration be given to enhancing the use of licence plates in addressing impaired driving:
 - Two licence plates (front and rear of vehicle)

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- Designated license plate for a second offence of impaired driving (consider evidence regarding effectiveness).
7. Establish mechanisms and opportunities to share information about effective national and international initiatives through enhanced communication amongst partners; including Government Department Representatives (TIR, Justice, and Health and Wellness), Law Enforcement (RCMP and Municipal police), Crown Attorney's Office, Health Professionals, National/Atlantic/Provincial Organizations (MADD), Coroner's Office and Island communities.
 - Discuss and identify cross-sector initiatives and solutions that enable government departments to address their respective mandates in addition to enhancing shared mandates.
 8. Enhance and implement initiatives to address drug impaired driving; improve Drug Recognition Evaluation capabilities and implement administrative sanctions in PEI similar to those instituted in Newfoundland and Labrador.
 9. Strike a permanent committee to advance ideas and proposed actions arising from the February 2013 Impaired Driving Summit and recommendations developed through the work of the Ad Hoc Committee for Impaired Driving.
 10. Maintain momentum on the issue of impaired driving by reconvening participants of the February 2013 Summit for further discussion and problem-solving in six months (September 2013).

Addressing the Impaired Driving Problem on Prince Edward Island

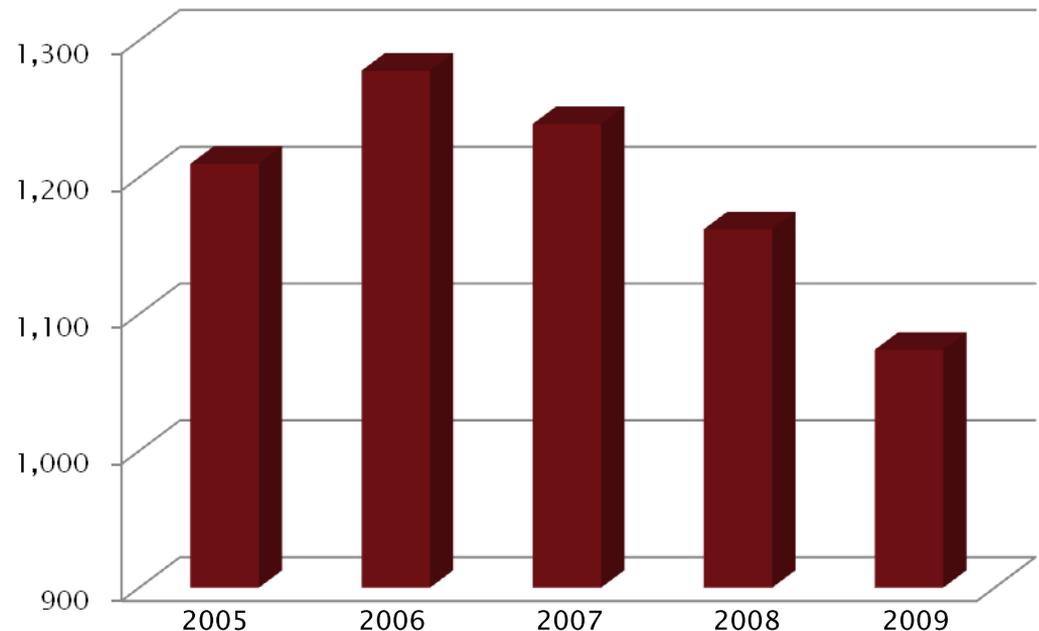
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Andrew Murie
Chief Executive Officer
MADD Canada

Impaired Driving: A National Perspective

- Every day, on average, 4 Canadians are killed and 174 are injured in impairment-related crashes
- Costs the Canadian economy \$20 billion annually

**Impairment-Related Crash
Deaths in Canada: 2005 - 2009**



Impaired Driving: A National Perspective

Year	Total Crash Deaths	Impairment-Related Crash Deaths	
		Number	Percentage
2000	3,162	1,247	37.2%
2001	3,021	1,176	40.2%
2002	3,197	1,161	36.3%
2003	3,124	1,257	40.3%
2004	3,013	1,157	39.4%
2005	3,226	1,210	37.5%
2006	3,122	1,278	40.9%
2007	3,045	1,239	40.7%
2008	2,694	1,162	43.1%
2009	2,575	1,074	41.7%

Impaired Driving in the Courts

Impaired Driving *Criminal Code* Charges and Convictions: 2011

Prov	2011			
	Charges	Convictions	Conviction Rate	% Change over 2010
NL	926	608	66%	-3%
PE	436	321	74%	+3%
NS	2,160	1,586	73%	-2%
NB	1,741	1,209	69%	-14%
QC	14,775	6,843	46%	-9%
ON	16,165	13,414	83%	+19%
MB	2,745	1,771	65%	+9%
SK	4,705	2,672	57%	1%
AB	11,009	5,738	52%	-2%
BC	9,865	5,591	57%	-6%
Total	64,527	39,753	62%	3%

Impaired Driving: A Provincial Perspective

Impaired Driving Deaths Per 100,000	
1. Ontario	2.03
2. Québec*	2.15
3. Newfoundland	2.82
4. British Columbia	3.60
5. Nova Scotia	4.57
6. Manitoba	4.86
7. Prince Edward Island	5.46
8. New Brunswick	5.58
9. Alberta	5.70
10. Saskatchewan	8.44
Canada	3.18

PEI's Impaired Driving Record

Impairment-Related Crash Deaths - Prince Edward Island					
Year	Number	As % of total crash deaths		Per 100,000 population	
		P.E.I.	Canada	P.E.I.	Canada
2000	8	39%	37%	5.64	3.83
2001	15	81%	40%	11.27	3.91
2002	12	61%	36%	8.84	3.70
2003	12	71%	40%	8.82	3.97
2004	12	40%	38%	8.79	3.62
2005	3	19%	38%	2.39	3.75
2006	17	59%	41%	11.96	3.92
2007	7	73%	41%	4.78	3.76
2008	10	52%	43%	7.10	3.49
2009	8	64%	42%	5.46	3.18

PEI's Impaired Driving Record

	2000-2009: 10-year Change	2005-2009: 5-year Change	2008-2009: 1-year Change
Prince Edward Island	-3.20%	+128.48%	-23.07%
Canada	-16.96%	-15.20%	-8.71%

Best Practices in Provincial Impaired Driving Legislation

- .00% BAC limit for drivers 21 years and under / with less than 5 years driving experience
 - Vehicle impoundment for violations (Alberta)
- 7-day / multi-faceted administrative licence suspension
- Vehicle impoundment program at .05% BAC level (BC and Alberta)
- Mandatory alcohol interlocks for federal impaired driving offenders
- Administrative licence suspensions, rehabilitation programs targeting those at .08% BAC and above (BC)

.00% BAC Requirement For New/Young Drivers

- Road crashes are #1 cause of death for 15-24 year olds; approximately **50 %** are alcohol-related
- Zero and low BAC restrictions have positive results:
 - U.S. review found “zero tolerance laws” reduced the odds of an alcohol-positive crash by over 24% for drivers under 21
 - Early study of Ontario’s GLP .00% BAC restriction found a 25% reduction in the number of grade 11 and 12 males who reported driving after drinking

.00% BAC Requirement For New/Young Drivers

Province	.00% BAC Limit Beyond GLP	Age at which .00% BAC Limit Ends	Legal Drinking Age
AB	None	18	18
BC	None	18½	19
MB	3 years	20½	18
NB	3 years	21	19
NL	None	17⅔	19
NS	None (pending – 2 years)	18¼ (pending – 21 or 20¾ with driver ed.)	19
ON	3⅓ years	22	19
PE	¼ year	19 (proposed 21)	19
QC	3 years	22	18
SK	None	17½	19

.05% BAC Administrative Licence Suspension Program

Province	1 st Occurrence	2 nd Occurrence	3 rd Occurrence	4 th and Subsequent Occurrences
AB ¹	3 days	15 days	30 days	30 days
BC ²	3 days	7 days	30 days	30 days
MB	24 hours	15 days	30 days	60 days
NB	7 days	7 days	7 days	7 days
NL	7 days	14 days	2 months	4 months
NS	7 days	15 days	30 days	30 days
ON	3 days	7 days	30 days	30 days
PE ³	7 days	30 days	90 days	90 days
QC	No Short-Term ALS.			
SK	24 hours	15 days	90 days	90 days
CCMTA	7-14 days	30 days	45 days	60 days

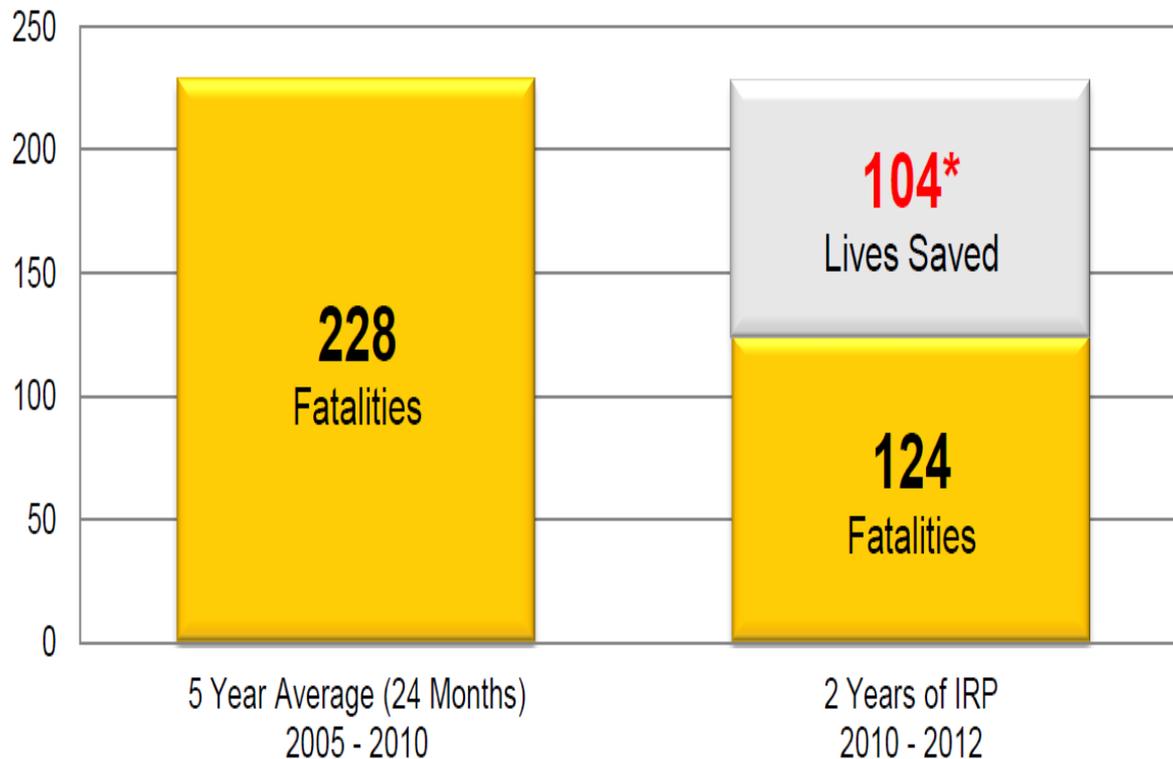
1. 3-day vehicle impoundment for first infractions, 7-day impoundment on subsequent infractions
2. Corresponding vehicle impoundments
3. Look-back period is only 2 years; 6-month licence suspension imposed for fifth or subsequent infractions within 2 years

Impoundments, Interlocks, Remedial Sanctions for Short-Term ALS

Province	Vehicle Impound.	Mandatory Interlock	Mandatory Legislated Remedial Programs
AB	Yes	No	<ul style="list-style-type: none"> - Drivers with a second .05% BAC infraction within 10 years must take a remedial course and may be subject to a licence review. - Drivers with a third infraction must take a remedial course and are subject to a licence review.
BC	Yes	No	<ul style="list-style-type: none"> - No, but Super. requires drivers to take a remedial program if they have a 30 or 90-day IRP, a 90-day ALS, or any combination of three 24-hour, 3-day or 7-day IRPs within 5 years. - Super. also imposes a 1-year interlock order on these drivers.
MB	No	No	Drivers with 2 or more suspensions within 3 years must undergo an impaired driver's assessment & may be required to complete an education or treatment program.
NB	No	No	No
NL	No	No	<ul style="list-style-type: none"> - Drivers with 2 suspensions within 2 years must complete an education program. - Drivers with 3 or more suspensions within 2 years must complete an alcohol dependency assessment & rehabilitation program.
NS	No	No	No
ON	No	No	<ul style="list-style-type: none"> - No, but Registrar requires drivers with 2 suspensions within 5 years to participate in an alcohol education program. - Drivers with 3 or more suspensions within 5 years must participate in an alcohol treatment program & are subject to a 6-month interlock order. - Drivers with 4 or more suspensions within 5 years must undergo a medical examination.
QC			No Short-Term ALS.
PE	No	No	No
SK	No	No	Drivers with 2 suspensions within 5 years must complete the "Driving Without Impairment" course.
CCMTA	No	Yes on 3rd occurrence	Drivers with 2 suspensions within 3 years should be required to complete an impaired driver's assessment.

The British Columbia Experience

British Columbia saw a significant drop in impairment-related crash deaths after enhancing road-side prohibitions



Short-Term Administrative Licence Suspensions

Warn Range Administrative Licence Suspensions in 2011

Province	24 Hrs.	3 Days	7 Days	14/15 Days	30 Days	60 Days	90 Days	120 Days	180 Days	Totals	% Change from 2010
NL	N/A	N/A	287	16	N/A	30	N/A	5	1	339	-11%
PE	325	N/A	78	N/A	6	N/A	0	N/A	N/A	409	+3%
NS	23	N/A	621	24	3	N/A	N/A	N/A	N/A	671	-8%
NB	N/A	N/A	Unknown	N/A	N/A	N/A	N/A	N/A	N/A	Unknown	
ON	N/A	14,344	1,022	N/A	81	N/A	N/A	N/A	N/A	15,447	-10%
MB	698	N/A	N/A	29	6	1	N/A	N/A	N/A	734	0%
SK	2,499	N/A	N/A	325	N/A	N/A	61	N/A	N/A	2,885	-11%
AB	7,114	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	7,114	-11%
BC	4,069	7,873	147	N/A	4	N/A	N/A	N/A	N/A	12,093	-54%
Totals	14,728	22,217	2,155	394	100	31	61	5	1	39,692	-31%
% of Total Susp.	37%	56%	5%	1%							

Mandatory Alcohol Ignition Interlocks

- Reduces recidivism rates up to 90% while on vehicle, and continue to have positive results once removed:
 - Washington State: 12% reduction in recidivism rates post-interlock (at participation rate of 30%)
 - Mandatory interlocks in New Mexico resulted in 35% fatality reduction; reduction in recidivism once device was removed
- Not a punishment - effective rehabilitative tool to help impaired drivers get control of alcohol consumption levels
- Keeps impaired driving offenders in the licensing system

Mandatory Alcohol Ignition Interlocks

Province	Mandatory Interlocks
AB	Criminal
BC	Criminal and administrative
MB	Criminal
NB	Voluntary
NS	Based on assessment
ON	Criminal
PE	Criminal
QC	Based on assessment
SK	Voluntary

Installed Interlocks in Canada

Province	2007	2008	2009	2010	2011
AB	1,168	1,289	1,449	1,762	2,180
BC	206	336	633	1,248	8,029*
MB	100	108	127	133	155
NL	34	43	78	80	89
NB			116	120	137
NS		27	330	491	599
ON	2,345	2,823	2,732	4,017	6,209
PE	32	41	57	73	85
QC	7,083	7,555	8,224	9,114	9,539
SK	320	323	369	376	400
Canada	11,305	12,560	14,132	17,435	27,440 (+36%)

PEI Leading the Way

PEI has made significant legislative progress since 2006

- Improvements to Graduated Licencing Program
- 7-day Short-Term Administrative Licence Suspension Program
- Mandatory interlocks for first-time offenders
- Stronger sanctions against offenders with child passengers

PEI Leading the Way

Room for further improvement:

- Enact .00% BAC requirement for drivers until age 21
 - Vehicle impoundments for violations
- Vehicle impoundments for Short-Term Administrative Licence Suspension Program
- Expand the Call 911 Program
 - Use data to develop strategies to focus on repeat drinking drivers

Federal Best Practices in Impaired Driving Legislation

- Random breath testing
- Improved BAC evidence collection in hospitals

Random Breath Testing

- Roadside breath screening test to detect impaired drivers
- Used primarily at stationary sobriety checkpoints; every passing driver is required to stop and give a breath sample
- Increases detection rates
- Increases perception that impaired drivers will be caught
- Proven effective in numerous other countries where it has been introduced

The Need for Random Breath Testing in Canada

- Impairment-related crashes continue to be leading criminal cause of death in Canada, claiming an estimated 1,074 lives in 2009
- Existing breath screening laws in Canada do not effectively deter impaired driving:
 - Police can only demand a roadside breath sample if they have reasonable grounds to suspect the driver has been drinking
 - Majority of drinking drivers go undetected at sobriety checkpoints
 - A person would have to drive impaired, on average, once a week, every week, for more than 3 years before being charged, and for over 6 years before ever being convicted

Anticipated Impact of Random Breath Testing in Canada

Introduction of random breath testing would reduce impaired driving in Canada by an estimated 20% annually:

- Prevent more than 200 deaths
- Prevent more than 12,000 injuries

Making the Case for Random Breath Testing in Canada

MADD Canada thoroughly analyzed the constitutional issues, traffic safety and cost factors, and public support for random breath testing:

- Overwhelming majority of Canadians would support random breath testing (Ipsos Reid poll, 2010)
- Comprehensive review of random breath testing in Canada outlined effectiveness of the measure and likelihood it will withstand challenge under the *Charter of Rights*
- Impact and cost analysis found random breath testing will prevent crashes and fatalities and reduce the social costs of impaired driving by billions of dollars annually, without significantly increasing demands on police resources or unduly burdening the court system or the driving public

Making the Case for Random Breath Testing in Canada

- The following organizations are on record, in writing or in media, as supporting random breath testing:

Canadian Medical Association

Canadian Police Association

Canadian Chiefs of Police

BC Medical Association

Centre for Addiction and Mental Health

Canadian Centre on Substance Abuse

Alcohol Test Committee

Insurance Bureau of Canada

Canadian Council of Motor Transport Administrators

Status of Random Breath Testing in Canada

- June 2009: *Standing Committee on Justice and Human Rights* recommended the introduction of random breath testing legislation in its report, *Ending Alcohol-Impaired Driving: A Common Approach*
- No movement since then

Collection of Blood Evidence in Hospitals

- 89% of legally impaired drivers admitted to a hospital emergency room are never charged with impaired driving
- Current laws make it very difficult for police and health professionals to gather BAC evidence in a hospital setting

Department of Transportation and Infrastructure Renewal

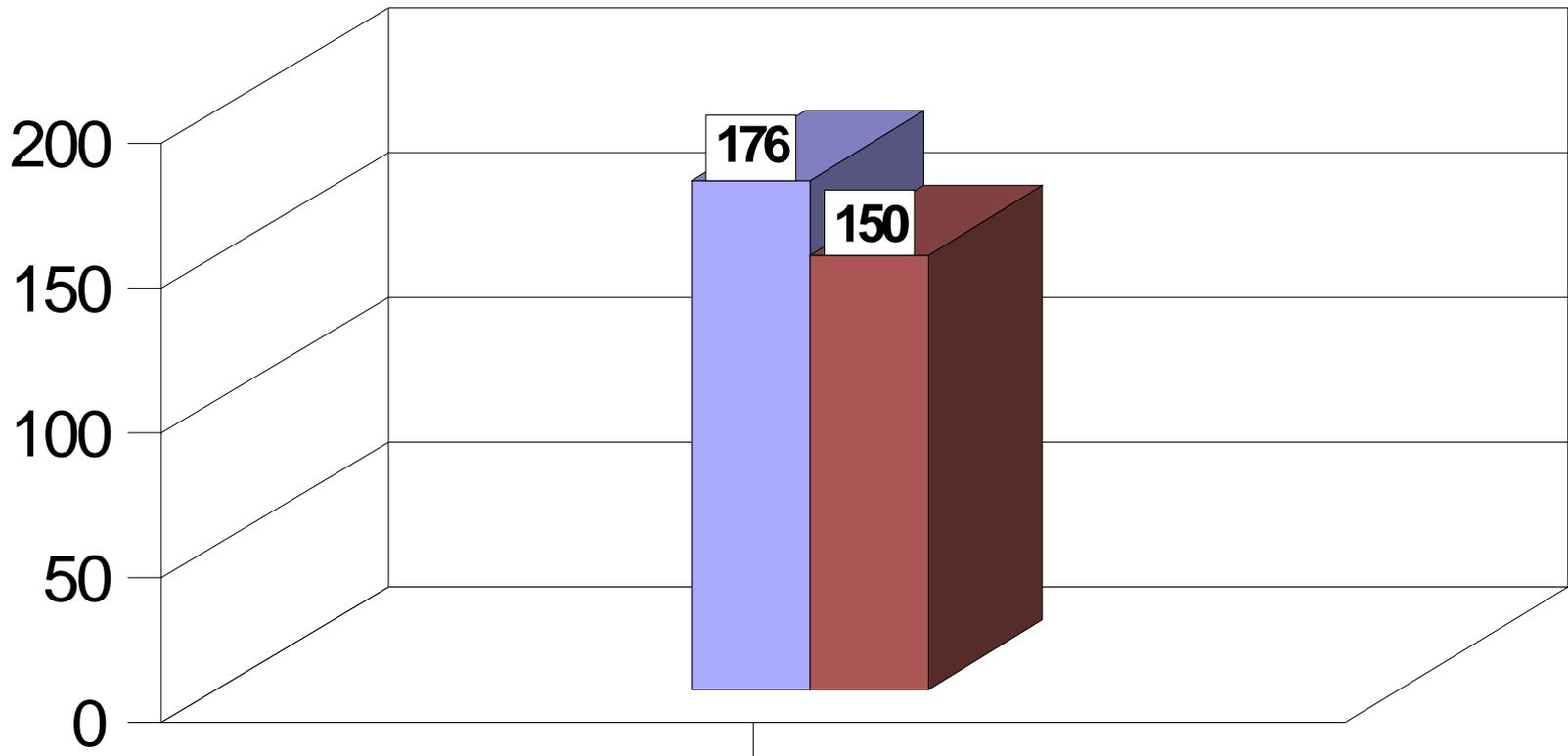
P.E.I. REPEAT IMPAIRED DRIVING OFFENCES

Updated - January 18, 2013

Year	First	Second	Third or More	Total Impaired Convictions
2012	189 (57.8 %)	73 (22.3%)	65 (19.9%)	327
2011	225 (60.3 %)	73 (19.6 %)	75 (20.1 %)	373
2010	269 (63.4 %)	80 (18.9 %)	75 (17.7 %)	424
2009	234 (59.7%)	71 (18.1%)	87 (22.2 %)	392
2008	211 (57.8%)	85 (23.3%)	69 (18.9 %)	365
2007	265 (64.5 %)	78 (19.0%)	68 (16.5 %)	411
2006	194 (56.2%)	83 (24.1%)	68 (19.7%)	345
2005	63.8 %	19.1 %	17.1 %	304
2004	65.8 %	15.2 %	19.0 %	301
2003	63.6 %	21.2 %	15.2 %	348
2002	56.1 %	23.9 %	20.0 %	394
2001	60.7 %	20.5 %	18.8 %	424
2000	59.1 %	22.8 %	18.1 %	430
1999	51.1 %	18.9 %	30.0 %	440
1998	45.9 %	21.0 %	33.1 %	455
1997	48.0 %	20.6 %	31.4 %	554
1996	45.8 %	21.8 %	32.4 %	513
1995	49.2 %	19.5 %	31.3 %	432
1994	46.3 %	20.6 %	33.1 %	438
1993	41.6 %	21.2 %	37.2 %	594
1992	47.0 %	18.0 %	35.0 %	557
1991	46.5 %	22.7 %	30.8 %	626
1990	45.8 %	21.8 %	32.4 %	654
1989	45.8 %	21.8 %	32.4 %	628
1988				760
1987				858
1980				1570

2010

BAC

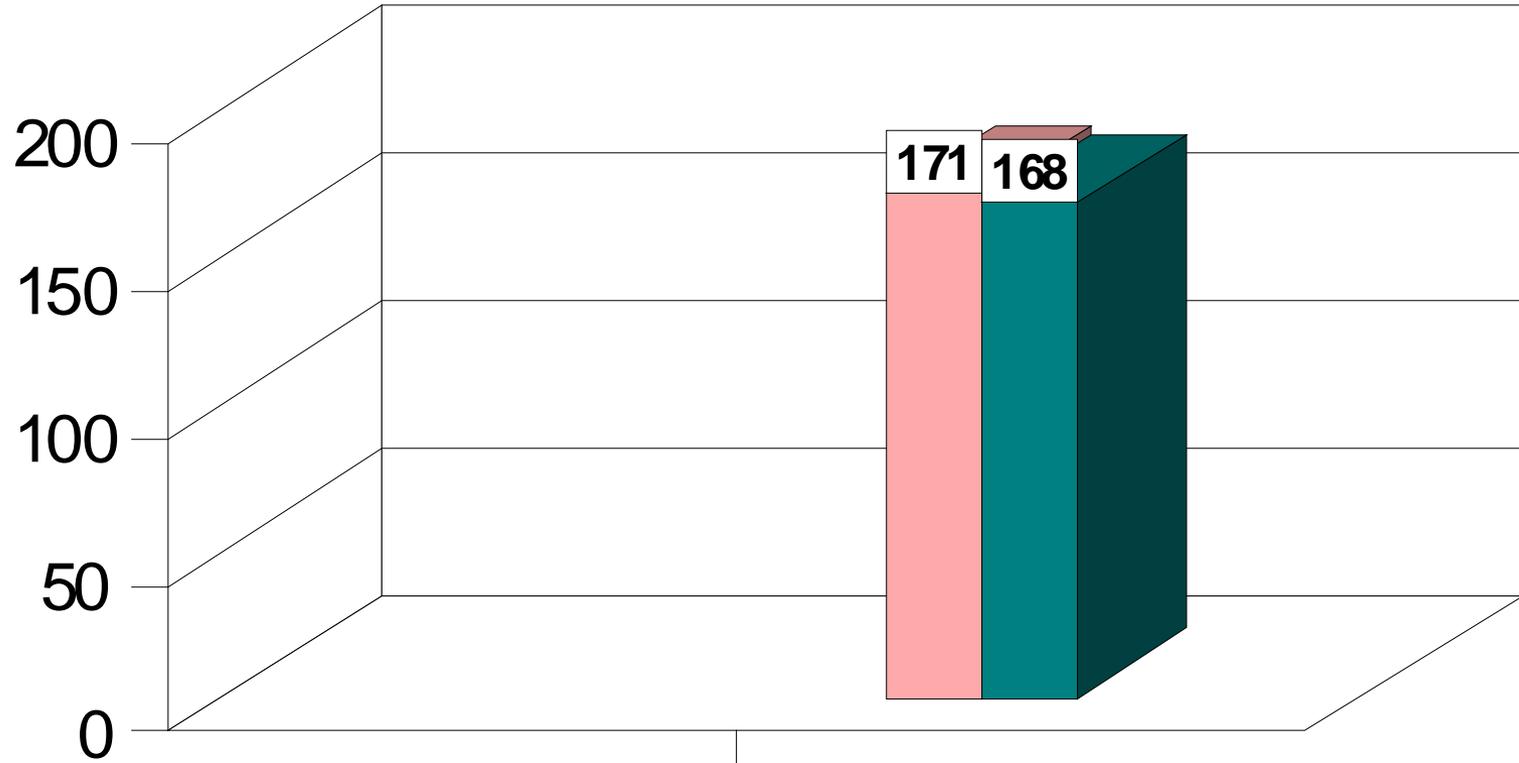


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2011 BAC

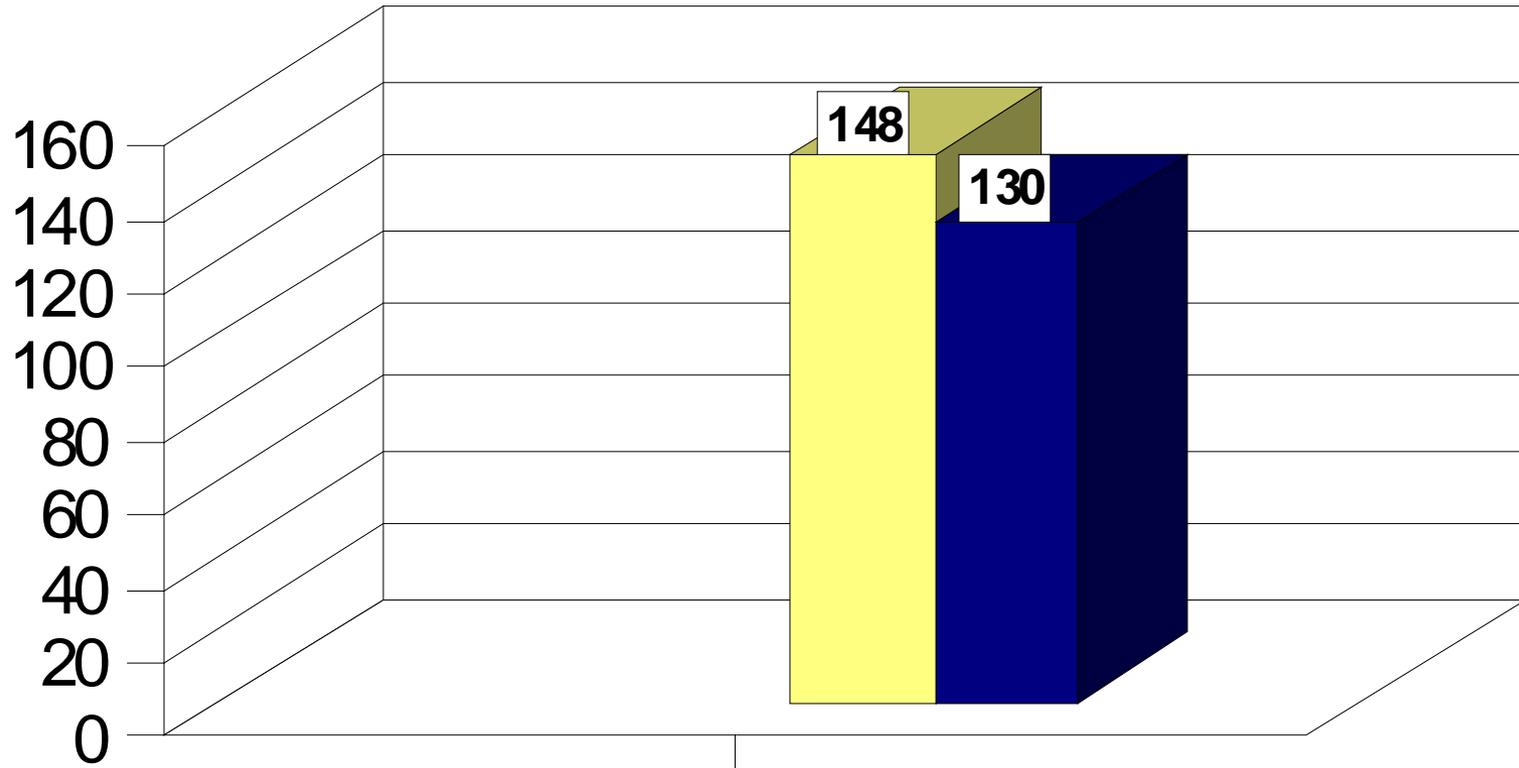


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2012 BAC



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Department of Transportation and Infrastructure Renewal Impaired Driving Initiatives

Highway Traffic Act Driver's License Cancellations:

- **1st offence – 1 year**
- **2nd offence – 3 years**
- **3rd of subsequent offence – 5 years**

Administrative Driver's License Suspension:

- **Short-term driver's license suspensions for BAC readings > .05 and < .08**
- **1st offence 7-day short term suspension**
- **2nd offence within 2 years 30-day short term suspension**
- **3rd offence within 2 years 90-day short term suspension**

Administrative Driving Prohibition for BAC readings = > .08 or Refusal of the Breathalyzer:

- **Immediate 24-hour suspension followed by 90-day administrative driving prohibition**

Graduated Driver Licensing Programs:

- **BAC zero tolerance:**
- **All drivers regardless of age in the Graduated Driver Licensing Program (GDL) and all drivers under the age of 19.**
- **GDL minimum duration time 2 years 9 months to 3 years.**
 - **BAC <.08**
 - **Immediate 24-hour driver's license suspension followed by 90-day driver's license administrative driving prohibition**

Reinstatement Requirements:

- **Curative treatment is required for all repeat impaired driving offences**
- **Curative treatment required for all those identified by the Medical Community with untreated drug or alcohol addictions under Fitness to Drive Standards**
- **Mandatory Driver Rehabilitation Program - four-hour course for first time offenders**
- **Mandatory Probation terms under the Highway Traffic Act**
- **Driver Risk Assessment - computerized self assessment tool administered by Highway Safety Driver Improvement staff**
- **Mandatory Ignition Interlock Program:**
 - **1st offence - 1 year**
 - **2nd offence - 2 years**
 - **3rd and subsequent offences - 5 years**
- **Plus additional minimum one year for all those drivers convicted where child passenger under the 16 years of age is present in the vehicle at time of offence;**
 - **1st offence - 2 years**
 - **2nd offence - 3 years**
 - **3rd or subsequent offence - 6 years**

Motor Vehicle Impoundment:

- **Driving while suspended or prohibited**
- **1st offence - 30 days**
- **2nd offence - 60 days within 2 years**

Six-month Impoundment:

- **Charged with any offence under the Criminal Code involving a motor vehicle where there is injury or death**
- **Charged with any offence involving impaired or prohibited driving with previous conviction in a 10-year period involving a motor vehicle where there is injury or death**
- **Charged with any offence involving impaired or prohibited driving with 2 previous convictions in a 10-year period involving impaired or prohibited operation of a motor vehicle.**

Public Awareness:

- **911 campaign encouraging the public to use their cell phones to report suspected impaired drivers.**
- **February 2013 reinstatement fee increasing from \$200 to \$500**

DEPARTMENT OF TRANSPORTATION & INFRASTRUCTURE RENEWAL

P.E.I. IMPAIRED DRIVING INITIATIVES

2013

CONVICTIONS - S. 253 or 254 CCC	MANDATORY HIGHWAY TRAFFIC ACT CANCELLATION TERM	DRIVER LICENSE CANCELLATION TIME TO BE SERVED PRIOR TO ENTRY INTO IGNITION INTERLOCK PROGRAM	NEW MANDATORY IGNITION INTERLOCK PROGRAM	NEW MANDATORY IGNITION INTERLOCK PROGRAM- - IF CHILD PRESENT
1ST OFFENCE	1 Year	3 Months	1 Year	2 Years
Comments:				
2ND OFFENCE	3 Years	6 Months	2 Years	3 Years
Comments:				
3RD OFFENCE	5 Years	12 Months	5 Years	6 Years
Comments:				

**VEHICLE IMPOUNDMENT LEGISLATION
NOVEMBER, 2012**

COLUMN 1	COLUMN 2	COLUMN 3
6 MONTHS	6 MONTHS	6 MONTHS
Any 1 Offence	Any 1 Offence in Column 2 and 1 previous Offence from Column 1 within 10 years	2 or more Offences from Column 2, not involving death or bodily harm within 10 years.
<p>(i) s. 220(criminal negligence causing death), (ii) s. 221(criminal negligence causing bodily harm), (iii) s. 236 (manslaughter), (iv) subsection 249(3) (dangerous operation of a motor vehicle causing bodily harm), (v) s. 249(4) (dangerous operation of a motor vehicle causing death), (vi) s. 249.1(4)(a) (flight from police causing bodily harm),; (vii) s. 249.1(4)(b) (flight from police causing death), (viii) s. 249.2 (criminal negligence causing death while street racing),</p>	<p>(i) s. 249(2) (dangerous operation of a motor vehicle), (ii) s. 249.1(2) (flight from police), (iii) s. 249.4(1) (dangerous operation of a motor vehicle while street racing), (iv) s. 252 (failure to stop at accident), (v) s. 253(1)(a) (impaired driving), (vi) s. 253(1)(b) (blood alcohol over .08), (vii) s. 254(5) (refusal to supply sample), (viii) s. 259(4) (driving while disqualified).</p>	<p>(i) s. 249(2) (dangerous operation of a motor vehicle), (ii) s. 249.1(2) (flight from police), (iii) s. 249.4(1) (dangerous operation of a motor vehicle while street racing), (iv) s. 252 (failure to stop at accident), (v) s. 253(1)(a) (impaired driving), (vi) s. 253(1)(b) (blood alcohol over .08), (vii) s. 254(5) (refusal to supply sample), (viii) s. 259(4) (driving while disqualified).</p>

**VEHICLE IMPOUNDMENT LEGISLATION
NOVEMBER, 2012**

COLUMN 1	COLUMN 2	COLUMN 3
6 MONTHS	6 MONTHS	6 MONTHS
Any 1 Offence Continued	Any 1 Offence in Column 2 and 1 previous Offence from Column 1 within 10 years	2 or more Offences from Column 2, not involving death or bodily harm within 10 years.

- (viii) s. 249.2 (criminal negligence causing death while street racing),
- (ix) s. 249.3 (criminal negligence causing bodily harm while street racing),
- (x) s. 249.4(3) (dangerous operation of a motor vehicle causing bodily harm while street racing),
- (xi) s. 249.4(4) (dangerous operation of a motor vehicle causing death while street racing),
- (xii) s. 255(2) (impaired driving causing bodily harm),
- (xiii) s. 255(2.1) (blood alcohol over .08 — causing bodily harm),
- (xiv) s. 255(2.2) (refusal to supply sample — causing bodily harm),
- (xv) s. 255(3) (impaired driving causing death),
- (xvi) s. 255(3.1) (blood alcohol over .08 — causing death),
- (xvii) s. 255(3.2) (refusal to supply sample — causing death);
- (i) s. 249(2) (dangerous operation of a motor vehicle),
- (ii) s. 249.1(2) (flight from police),
- (iii) s. 249.4(1) (dangerous operation of a motor vehicle while street racing),
- (iv) s. 252 (failure to stop at accident),
- (v) s. 253(1)(a) (impaired driving),
- (vi) s. 253(1)(b) (blood alcohol over .08),
- (vii) s. 254(5) (refusal to supply sample),
- (viii) s. 259(4) (driving while disqualified).
- (i) s. 249(2) (dangerous operation of a motor vehicle),
- (ii) s. 249.1(2) (flight from police),
- (iii) s. 249.4(1) (dangerous operation of a motor vehicle while street racing),
- (iv) s. 252 (failure to stop at accident),
- (v) s. 253(1)(a) (impaired driving),
- (vi) s. 253(1)(b) (blood alcohol over .08),
- (vii) s. 254(5) (refusal to supply sample),
- (viii) s. 259(4) (driving while disqualified).

Recognizing and Addressing the Drug-Impaired Driving Problem

madd 

Andrew Murie
Chief Executive Officer
MADD Canada

Drug-Impaired Driving Legislation

- *Criminal Code* first prohibited drug-impaired driving in 1925
- Enforcement issues quite distinct from alcohol-impaired driving
 - Wide variety of drugs that can impair driving ability
- Until 2008, drug-impaired driving provisions primarily enforced and prosecuted by observational evidence; driver had to be obviously high in order to be detected /charged
- In 2008, *Criminal Code* amended to give police authority to demand “physical coordination tests” (ie standardized field sobriety tests or SFSTs) and Drug Recognition Evaluations (DREs)

Prevalence of Drug-Impaired Driving

- Driving after drug use has become more common in Canada during the last decade
 - Roadside surveys show drug-impaired driving at same, or higher, rates than impaired driving
- National survey of drivers: % of respondents who admitted to driving within two hours of using marijuana or hashish increased from 1.5% in 2002 to 2.4% in 2006; represents over half a million Canadians driving after using those drugs in the past twelve months
- Survey of adult drivers in Ontario, 2.9% of respondents admitted to driving within one hour of using marijuana or hashish in the past twelve months

Detecting Drug Impaired Drivers

SFST and DRE provided more detailed, objective evidence of a driver's impairment, but cumbersome, expensive, and readily susceptible to legal challenge

- Training and certifying “evaluating officers” takes at least 112 hours at a cost of \$17,000 per officer
- Judges may not accept that “failing” the DRE provides proof of impairment of driving ability

Detecting Drug-Impaired Drivers

Current system for detecting and investigating drug-impaired drivers not working:

- SFST and DRE: effective as screening measure but weak in establishing impairment by drugs beyond reasonable doubt
- Drug impaired driving dramatically under-enforced in Canada
- Total drug-impaired driving charges is just 1.4% of overall impaired driving charges
- 915 charges out of 65, 183
- No immediate solutions in sight

Drug-Impaired Driving Charges

Province	Total Number of Persons Charged		
	2008	2009	2010
NL	19	36	51
PE	1	5	5
NS	18	39	69
NB	13	67	37
QC	3	51	98
ON	66	317	322
MB	7	21	27
SK	8	45	57
AB	29	86	132
BC	23	128	112
Canada (total impaired)	188 (65,822)	796 (68,399)	915 (65,183)

Lacking Conviction Data

- No information on the outcome of these drug-impaired driving cases
- Statistics Canada includes these cases in the statistics on total impaired driving cases “by type of decision” and “by type of sentence”
- No way of knowing the number of charges dropped prior to trial, the conviction rate of cases that go to trial, or the sentences that are imposed in cases in which there is a guilty disposition

Drug-Impaired Driving in the Courts

R v Perillant:

- Accused acquitted despite: admitting to having smoked cannabis before driving, failing several elements of the DRE, testing positive for cannabis
- Judge indicated that evidence proved accused used marijuana prior to being stopped at police check stop and still had some of it in her system at the time of the DRE, but that evidence of the drug's presence did not prove accused's ability to drive was impaired



Drug-Impaired Driving: Looking to the Future

- Saliva testing at road-side to replace SFST
- 'Per se' levels established for the major groups of drugs
 - For example: 5 nanograms of cannabis is used in some American states for driving limit

Looking to the Future: What is Needed at the Provincial Level

Province	Drug-Related Administrative Licence Suspensions	Duration (1st occurrence)	Number
	Grounds		
NL	Reasonable grounds to believe driver's ability is impaired by a drug or combination of drugs and alcohol	7 days	Not known
PE	No drug-related administrative program		
NS	No drug-related administrative program		
NB	No drug-related administrative program		
QC	No alcohol or drug-related administrative program		
ON	No drug-related administrative program		
MB	Based on SFST, believe driver is unable to drive safely; refuses SFST; or is so impaired by alcohol or drugs as to be unable to provide a sample or take SFST	24 hours	48
SK	Refusal to undergo, or a failure of, a SFST	24 hours	61
AB	Reasonably suspect driver's physical or mental ability is affected by a drug	24 hours	Not known
BC	Reasonable grounds to believe driver's ability is affected by a drug	24 hours	4,457

Looking to the Future: What is Needed at the Provincial Level

Prince Edward Island should consider the following measures:

- Administrative licence suspensions for drivers who fail SFST or roadside drug screening test
- Enact a zero tolerance law for psychoactive drugs as part of their graduated licensing programs, paralleling the .00% BAC restriction

Looking to the Future: What is Needed at the Federal Level

Federal Government should consider:

- Use of saliva testing for drug detection
- Crucial to authorize enforcement procedures that are relatively straightforward and cost-effective, while still constitutionally valid
- Several European countries and Australian states have introduced random roadside screening for certain drugs
 - Police have authority to demand any driver take a saliva screening test at roadside; if the driver tests positive, he or she will be required to undergo additional, evidentiary testing

Looking to the Future: What is Needed at the Federal Level

- Many comparable countries have enacted or are in process of enacting drug 'per se' laws
- Like the .08% BAC, '*per se*' limit for driving would require defining a level at which a typical driver's skills would be impaired by a given drug