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**VERBATIM TRANSCRIPT OF
HOUSE COMMITTEE PROCEEDINGS**

COMMITTEE: STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, February 22, 2005

SUBJECT(S) BEFORE THE COMMITTEE:

Further Consideration of Motion No. 23 re Combating Drinking and Driving on Prince Edward Island.

NOTE:

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COMMITTEE MEMBERS

PRESENT:

Wayne Collins, Chair
Dr. David McKenna
Wilbur MacDonald
Jim Bagnall replacing Hon. Kevin MacAdam
Wes MacAleer replacing Hon. Elmer MacFadyen
Hon. Robert Ghiz
Carolyn Bertram

MEMBERS PRESENT:

Richard Brown

ABSENT:

Beth MacKenzie

GUESTS:

Part I - MADD
Part II - Attorney General's Office
Part III - Crimestoppers
Part IV - Addiction Services

STAFF:

Marian Johnston, Committee Clerk
Mary Perry, Research Assistant

Standing Committee on Social Development
Tuesday, February 22, 2005
2:00 p.m.

Part I - MADD: Kathy Jarvis and Andrew Murie

Wayne Collins (PC)(Chair): Committee on Social Development and consideration continuing on Motion 23 - Combating Drinking and Driving on Prince Edward Island. We have four presenters today. I want to welcome to the committee Mr. Bagnall, who is substituting for Minister MacAdam and Mr. MacAleer is substituting for Minister MacFadyen. David McKenna will be along shortly, I'm told, and I want to welcome as well Member Richard Brown to our committee table. Always great to have his input to this and other subjects.

Before we begin our presentations today, I do want to update committee members on something I promised I would do the last time. You may recall that there was an appeal, I guess, made by a representative of SADD from Bluefield, the co-ordinator there saying that she felt that students who belong to SADD should be qualified for the bursary programs that the government offers, the community service bursary. I did a fair bit of investigation on that and I think what it comes down to - and I haven't broached this directly to the people but it's obvious from their website alone that the program would not qualify because it is an extra-curricular program of the school.

It says: Volunteer work cannot form part of the student academic studies nor can it be related to extra-curricular school activities. And I'm presuming that that is one of the reasons; however, I was amazed to discover that in Queens County alone there are page after page after page of organizations from all facets of life on the Island from Kiwanis to Multicultural Council to Senior Citizens Federation to Cooper Institute where students can volunteer. So it isn't like there's a lack of opportunity for students outside of school to get involved and I'll just leave this here and I'll pass it around. Yes, Mr. Ghiz.

Honourable Robert Ghiz (L): What's the reason why SADD isn't included?

Wayne Collins (PC)(Chair): Because to my reading of this information, it is because volunteer work cannot form part of student academic studies nor can it be related to extra-curricular school

activities and I'm believing that because SADD is based within the school system, it comes under that heading of extra-curricular activities. I could get a confirmation on that but I think that that is the situation.

This is a very good program, the Community Service Bursary program, need to be in grade 11 or 12, non-government, non-political, non-school, and no door-to-door solicitations, five hour - Well, anyway, it's Nancy Murphy at Community Development would have more information on that. So I just thought I'd bring you up to speed on that and I'll pass it around. You can see some of the organizations alone in Queens County that qualify for this.

Also, committee members, following our open session today of this committee meeting, we're going to go in-camera for just a short period of time. So our first presenter today will be representatives from MADD and so I wonder if those representatives would come forward to the table and introduce themselves to committee members and -

Andrew Murie: Good afternoon. Thank you for the invitation. My name is Andrew Murie and I'm the Chief Executive Officer for Mothers Against Drunk Driving Canada and with me is Cathy Jarvis, who's the local president of our Prince Edward County, Prince Edward Island, sorry, chapter.

So I want to start off our presentation and what I have in the package that you've just received is various documents that back up the presentation plus a copy of the actual presentation I'm going to be going through as well.

Rating the province's report card, which is the with the sort of chalkboard on it, the summary document, the full document for Prince Edward Island is this binder, which includes the model and all your legislative summaries and things like that. We have presented this model a couple of times to the Attorney General and people within the transport and Attorney General's office and left copies behind us so it's a summary package. Again if you want, we can provide the committee with the full copy of the whole binder and its

recommendations.

This project, rating the provinces, has been part of MADD Canada's provincial program since 2000 so in the year 2000, we put out our first report card and they basically come in three year cycles. So the first one was put out in 2000. There's a very short update done in 2001. Then there was an elaborate update done in 2002 and then a new report card in 2003. So again, we're getting towards the end of the three year cycle. So in June of this year, which is 2005, there'll be an extensive review because the provinces have had and the territories two years of this report card to begin consideration of any legislative changes.

Last time around, it resulted in the 2000 report card resulted in 65 legislative changes, both at the provincial and the territorial level. A lot of them dealt with graduate licensing, alcohol interlocks, impoundment, remedial programs and some jurisdictions, you know, failed to make any significant improvements. One of those was Prince Edward Island in that time frame.

So I just want to walk you through what this is very quickly. The big thing of this report card is our researchers and our legal staff go out and do a worldwide scan of the best programs dealing with drinking and driving, and we put them into categories that the provinces deal with within the *Highway Traffic Act* or the *Motor Vehicle Act*. And we put them in there. We're looking at things like licensing, the powers of the police, and various other types of road sanctions that fall clearly within the provincial jurisdiction. So these are things that can clearly be done - no Charter challenges, et cetera, like that. Then that's the model. That's all the research which is based on totally footnoted and then what we do is we take each highway traffic act and motor vehicle act and do a summary of what the province currently has. And then we send that to the province and get you to sign off on it.

So everything that we're going to rate the province on, your ministries, and your government officials have signed off to make sure of the accuracy of that. And then it's sent out to outside raters who then rate the province compared to the other jurisdictions and then a report card is released in June of each year and we spend the first year going around meeting with the ministers and government officials that deal with impaired driving

within the government and go over the recommendations. We put all the linkages with the model together and then, as I said, we give yearly updates. So it's a very elaborate process that takes us about 18 months to prepare each year.

When we did the 2003 report card, it was more limited in scope and we used to include victim's rights and insurance. This was just solely on impaired driving. So the focus this time around was on three things: better protection for young drivers, more effective and efficient enforcement powers, and more comprehensive approach to persistent impaired drivers. And very clearly, you know, there's not a set description or category of impaired drivers. They're all kind of various, you know, from our young drinking drivers to our chronic alcoholic drivers and the model takes into consideration all those various drivers and has recommendations to deal with those.

We also had in this report card standard and innovative recommendations. Standard are what is pretty much commonplace across the country. Innovative is things that have worked elsewhere outside of Canada and has shown to bring down the deaths and injuries though jurisdictions are not rated on the innovative. They're more as future, look ahead type of strategies.

So there's the grades. Basically in 2000, the grades stayed the same but what happened is and why you dropped is because the ratings are done the same way so your rating wouldn't have done, wouldn't have gone down if you didn't do anything. It wouldn't have gone up either but what happened is other jurisdictions that were below you last time did things in their legislation so that's why there was a change in your ranking.

Okay, I just want to go through this. Now what I've done is because of the time restrictions and being respectful of this, I did not go through every recommendation to put in this thing. What I did was I picked up certain highlight ones to go through but, again, in your package there, you do have all the recommendations.

The first one is to eliminate the opportunity to obtain a driver's license at the age of 15 and I just basically want to take you through three slides here very quickly. And basically what this chart shows you is crash rates, you know, by age so, you know, it does it by so many kilometres driven.

As you can see, there's quite a drastic difference between a 16 and a 17-year-old and an 18 and 19. You know, it starts to basically go down quite dramatically from 16 upwards. And the best insurance data out there is a 16-year-old is three times more likely to be in a car crash than a 17-year-old so that one year of driving experience makes a huge difference. That gives you an idea of crash rates so if you can look at it during the day. Look how high they are - that's the yellow stripe - compared to other age groups and even at night-time you go through the same thing and then it's like a U.

You know, as you get older and, you know, goes back up the other way, you know, with drivers. And again, the number of kilometres driven by the older population is less severe as well but, clearly, there's three things that impact young drivers: impairment by alcohol or drugs, immaturity, and inexperience. Those three "I's" are a deadly combination for young drivers.

Okay, so I'm going to go to the second. These first three are all going to run together. The second piece and that just again shows your crash rates for 16 to 20-year-olds, 21 to 34, and 35 and over. And strengthening the graduate licensing program, this is the place where you can make the strongest impact on young drivers and so let's just go through some of the other experiences in the world. In Victoria in Australia, they have the highest licensing age of 18 and they have worldwide the most fatal and serious injury rate of all young drivers in the world, okay. So there's a direct connection in the age. Same in the United States. New Jersey, 17 has the highest licensing age and they have the lowest rate of crash for young drivers. On the other hand, Delaware, which has the highest crash rate and has the lowest minimum age at 15 years 10 months.

So there's a direct correlation between age and being involved in a crash. Then you add in the point of, you know, potential alcohol or impairment in there and it really goes up again so what we like to see is we'd like to see all the graduate licensing programs, especially that first stage, you stay in that first stage 12 months, okay. Irrespective of driver training or performance - minimum of 12 months to protect them to get them to that one year of driving experience.

The second piece about it is the supervisor driver

should be at least 21 years old and at least have two years of full driving experience. Again, they should be a mentor, not a peer and again, that's very clear what that does in the data.

There's other things that have worked well - late night driving restrictions. Most crashes for young teens happen between 10:00 p.m. and midnight and so having a late night driving restrictions that start after midnight seem to have relatively low impact; where those ones that have it at 10:00 p.m. and earlier have the major impact again. So there's some things to consider there.

Other things that you can do is it's really important to have a zero BAC for the supervising driver as well. So you don't want to mix the message here. If the supervising driver is there as a mentor, they should be there BAC free as well when they're playing that role 'cause right now all provincial legislation says, it doesn't have any restrictions on supervising drivers in their BAC level. And what happens a lot of times is these young people end up being designated drivers for the supervising driver who is impaired and that's not the role of the program.

The last thing about this is require an exit test to obtain full driving privileges. A lot of times it's because you've spent a certain amount of time in there. It doesn't mean you're a good driver when you exit it. It's that you just spend the time again and should be a qualified thing.

The last thing here dealing with youth is having a zero BAC limit for drivers under the age of 21. If there was one recommendation I could make to you today, this would be absolutely it. It will save more lives in this country than any other recommendation I'm going to talk about. The reason why is look at the data. Road crashes are the number one killer of teens in this country with or without alcohol.

Second point is that most of them exit any form of graduate licensing at the same age they come legal drinking age so the collision of I now have my full driver's license; I'm now legal age to drink and what had saved their lives before that was the fact that they were under a conditional license 'cause it was graduated licensing and a zero BAC. That in itself has been the contributing factor worldwide to saving, you know, huge number of young people's lives. And so what we're saying is keep

that separation there until age 21 'cause when you look at the crash data - So for example, when you look at 18 and 19-year-olds in Canada, they account for 74% of the teenage deaths and 71% of the teenage injuries so it's no surprise. We're protecting them when they're young but we're getting this ticket at the same time they're learning to drink.

And so again, if we could separate the two, that would make a huge difference with young people in protecting them. The other thing is that at the BAC concentration levels and the relative risk so, for example, 16 to 20-year-olds at the legal limit at .08 are 52 times more likely to be in a fatal crash. As 21 to 34-year-olds are only 13.43 so it's almost four-fold more likely to be in a fatal crash. So again it goes back to that immaturity, inexperience, new drinkers. It will make a huge difference.

Give police statutory authority to use passive alcohol sensors. I don't know if you've ever seen a passive alcohol sensor before. Basically, what this is is an extension of the police officer's nose. You turn it on and basically within 18 to 36 inches - I'm just waiting for it to set - you hear a fan noise. It draws in a sample from the air and if anybody's been drinking, it will basically, you know, go red to say that, you know, there's alcohol in the air which gives under the *Criminal Code* so you're just going to hear a fan go off. That just pulled in a sample and then it will give you a result. It's green. We're all outstanding citizens here.

Richard Brown (L): We all didn't breathe there.

Andrew Murie: Right. Didn't breathe there for awhile. But the interesting thing is it gives police officers, despite cold weather, whatever, that reasonable suspicion they need to demand a roadside test. What has happened in the trials of these is 50% of legally impaired drivers have been not detected by police officers. They've gone through a sobriety checkpoint undetected. When this device has been used in the same test, 97% of legally impaired drinking drivers have been detected. So again, this is an outstanding - Why do I want statutory authority? I don't want any Charter challenges to it so again if it's enshrined in the legislation under section 1, it will avoid any of those other section type charges that will come with it 'cause it's prescribed by law.

So again, this is something the police forces like.

It's been very effective in the trials again. You know, it's very important though it not be used as a toy and that we not lose any cases in the courts by using that kind of device but it's very effective, very low cost, and again, it's things that we recommend for trial. So I'm just, you know, again, it doesn't measure alcohol concentration so it's not a breathalyser. It doesn't give a deep lung sample. There's just some other types. There's the one I just showed you. They can be on a clipmate for police officers that they'll want to carry it. There's the data on it. There's police officers using it.

Okay, so the next recommendation. I'm just trying to be respectful of the time here.

Wayne Collins (PC)(Chair): We appreciate that.

Andrew Murie: So I'll go back to the questions on that.

Wayne Collins (PC)(Chair): Thank you, Mr. Murie.

Andrew Murie: The other thing is to strengthen the 24 hour license suspension program. There's been a lot of work that our organization has been doing with the Canadian Council of Motor Transport Administrators, which Prince Edward Island is part of, and in doing models to push ahead certain kind of model legislation in Canada. So this is one of the areas that we feel that the roadside suspension, the 24 hours are not enough of a deterrence, that a lot of times they're being used as substitutes. When an officer has enough evidence to go ahead with a *Criminal Code* charge, they're substituting for a 24 hour charge.

There's all kinds of reasons for that: the paperwork, the justice system. I'm sure you've heard some of those things as you've been presented. But one of the things we want to do is have the 24 hour strengthened to be more of a deterrence at roadside because if you look at the European model, what they have is a tiered BAC. They have zero BAC for new drivers. They have a level that deals with the .05 to .10 and then the .10 and over is used for criminal type of proceedings. And with the margin of error that we have, we really have privily a defacto BAC of .10.

So basically, just to quickly go through that, it's within the constitution authority for the province to do this. It's quick and efficient. It's done at roadside and if properly designed, it could dramatically increase the abilities of police to apprehend drinking drivers. Okay, the key thing is it's .05 and/or lower. Saskatchewan currently has .05 so we're saying .05 is the highest it should be. If the jurisdiction wants to go lower than that, so be it. We're not opposed to that and so basically what it is is if you blow a warn on the roadside device, there would be an immediate 7 to 14 day roadside suspension.

So it's an immediate deterrence right then on the spot and again, the person could challenge it if they want but then they would have to go for an evidentiary breathalyser but the fact is if they fail that, they are facing *Criminal Code* charges. So the, immediately, they surrender their license and this is, this will make it more risky for them to drive while, you know, their license is suspended. It's based on a warn at the thing and again, they have the right to challenge this. And again, if they go above that, they can be charged under the *Criminal Code*. And then if they have a second or third subsequent threshold within three years, this is when it starts to get a little more serious - 30 days, 45, and 60 to clearly - And all the research that MADD and the federal government and the provinces have been doing is a lot of times, you know, it's that first interaction that you have to get the message across that it can't be a simple slap on the wrist. And this clearly allows you to do things that don't involve the court system that make it very quick and efficient to deal with drinking and driving and a clear deterrence to them.

And then if they get two or more, they have to go through your remedial program in the province; three or more, we're recommending that if your province has an alcohol interlock program, for six months it's conditional license. So again, it's a tiered sanction system as well as much as a tiered BAC system. As you keep repeating the offence, the sanctions go up as well. This is not so much about, you know, long-term sanctions. These are rehabilitation sanctions that hopefully will deter from drinking and driving. You know, when you look at the context of drinking and driving, it's not about punishing the drinking driver. It's about changing their behaviour so that they don't, you know, repeat this type of behaviour.

Of course, the register needs to be a part of all this. They all need to be kept on the driver's record and then we're also saying that there should be a re-instatement fee. This is the cost. This is not a tax. This is not a charge. This is basically the cost of the police officer and the ministry staff to re-issue that license and to suspend it. And we're also suggesting that these re-instatement fees, especially the first one comes nowhere near the cost of the actual offence and that there's consideration for that threshold.

Again, in this model that's probably the thing that we're least concerned about. There should be a re-instatement fee but if it stayed consistent through multiple offences, we would be okay with that. It's really up to the jurisdiction at that point in time. And again, these things only work if there is a public education campaign so you can't put this kind of legislative change in place and expect it to be effective. This will immediately impact people's lives. So the thought of at .05 losing your license immediately for up to 14 days will make a huge difference in how people approach drinking and driving.

Okay, the last, the last couple - introducing mandatory alcohol interlock. This is what they look like. I know you've had a presentation on this already so, again, I'm not going to go into a lot of details. I just want to add a couple of things with this is avoid some of the problems other jurisdictions have done with the interlock. A couple of the key things: it should be subject to the *Criminal Code* provisions so at month four, first time offenders are allowed to put an interlock on the car and re-continue driving. The research clearly behind interlock shows the faster you get them on the car, the more impact they have, the more participants you get in the program.

If you go like Ontario for the long, hard suspension, they have currently a 7% pickup so their logic of getting tough on impaired driving to make these mandatory has been an absolute failure, okay, because people are choosing to drive suspended and they're not getting caught so they never come back into the driver licensing system. So please avoid, you know, these things of sending a message you want to get tough when the program actually doesn't work.

The other thing is: Who should be involved - is at least anybody that's a multiple offender or a

person that blows higher than .16 on first offence should be considered mandatory candidates for the interlock and then for other candidates, it should be optional. That's a good starting point for the program. And then again for these persistent drink drivers, vehicle forfeiture program, this is what Manitoba has introduced so these are people that have had three *Criminal Code* offences within the last 10 years.

So it could be two impaired driving plus driving while prohibited, you know, would equal up to the three and they simply seized the vehicle at the time of the third offence, impound it; and when the person is convicted, they sell the vehicle. It's just very similar to your fish and game and wildlife legislation. I mean a lot of these people, we know that fines don't work because they never pay them. Suspensions don't work because they never honour suspensions. You really have to get at the thing that's most important to them is the vehicle and this is true. This program has been limited in Manitoba but in New York City, where they've had it for a number of years, it's actually lowered the rate of impaired driving by over 20 per cent in its first year. So it's again, it's one of those messages that's very effective with a certain population.

And again, strengthen the mandatory remedial program for impaired drivers. Currently, your first program is basically an educational program where they go for about three hours, Victim Impact Program and that's great but a lot of times you're getting hard, alcoholic, you know, people in there that have just been caught for the first time and sending them to an educational program will have no affect. It's just three hours that they have to tolerate.

Wayne Collins (PC)(Chair): Just to correct you there, it's two morning sessions consecutively so it's more than three hours.

Andrew Murie: But still on a persisting alcoholic - program will have no effect. What the model programs have is actually a professional assessment, so that considering they might be the first time, in the opinion of professional assessment, they have a chronic alcohol or drug problem that they get funneled into the treatment program right away rather than waiting for the next time you know they get caught drinking and driving which is the current way that you do it now on the second offence. So again the key thing with

remedial programs is do that professional assessment when you get them into the program and then decide the route they should go. That should be optional within the government - government industry that runs that program. That's it.

Wayne Collins (PC) (Chair): Mr. Murie, Ms. Jarvis, I thank you very much. You've given us an awful lot to consider today and I am keeping a list of questioners here of committee members, but while they formulate their questions if I could ask you briefly - right at the beginning you talked about maybe changing the age level from 15 ½ -

Andrew Murie: Yes.

Wayne Collins (PC) (Chair): - where one is now able to apply for a permit and then get a license by age 16. I noticed that Alberta is 14.

Andrew Murie: Yes.

Wayne Collins (PC) (Chair): And the rest of the country is all at 16.

Andrew Murie: Right.

Wayne Collins (PC) (Chair): What does MADD advocate in terms of - do you have a specific -

Andrew Murie: Sixteen.

Wayne Collins (PC) (Chair): Sixteen.

Andrew Murie: Yes just the standard and -

Wayne Collins (PC) (Chair): So not at 15 ½ but when you reach 16 then you can apply for a permit.

Andrew Murie: That's right. And the other piece of the research is, driver education in this country has been researched a number of times and they've done two pools, people that go through driver education, the people that don't. There's no difference in performance. And so the discount times that they must spend in graduated licencing programs because they took driver education, there's no substance. There's no research to prove it's worthy of that discount.

What's been proven is the length of time they drive

with restrictions placed on them. Those drivers perform better than any other drivers. And so for example in Alberta even though we object to that program out there. Those drivers now are under a three year restriction of very limited proportions when they get their license at 14. But it's still an ill advised.

Wayne Collins (PC) (Chair): All right, any further questions? Mr. Ghiz.

Honourable Robert Ghiz (L): Thank you Mr. Chairman. One I guess it's page three here. I think this is where you said it was important to enact a zero percentage (Indistinct) for drivers under 21.

Andrew Murie: Right.

Honourable Robert Ghiz (L): How many other provinces do that now?

Andrew Murie: None.

Honourable Robert Ghiz (L): And is it legal to do that.

Andrew Murie: Yes.

Honourable Robert Ghiz (L): Considering people are allowed to drink at the age of 19.

Andrew Murie: All you are doing is - you do it now based on the graduated license program for a period of time, gives you a zero BAC that -

Honourable Robert Ghiz (L): That's because it's illegal for them to drink.

Andrew Murie: Pardon me.

Unidentified Member: They're under age.

Honourable Robert Ghiz (L): It's illegal for them to drink.

Andrew Murie: I realize that but it also extends to new drivers that are over the legal age. They still have that zero BAC.

Honourable Robert Ghiz (L): So it's almost like a graduated licencing.

Andrew Murie: It's a third program or a third

extension of graduated licensing. There's no legal framework -

Honourable Robert Ghiz (L): You said there was a state that did this.

Andrew Murie: Well in Australia in a number -

Honourable Robert Ghiz (L): Australia.

Andrew Murie: Yes, they start their driver age at 18. So they don't start at 16, which is pretty common in Europe too. It's pretty common to have 18, but you know, as much as we know the research behind that with every other province being at 16, I think we have to be realistic, people need their cars, you know, to drive in Canada. It's much bigger jurisdiction, the transportation is not there locally. So it's a balancing act. But the zero BAC just separates, it doesn't mean that they can't drink. It's just that they can't mix the two and they can't mix the two when they're more at that point in age and driving experience when it's more of a lethal combination.

Honourable Robert Ghiz (L): Yes.

Wayne Collins (PC) (Chair): Any further questions? Mr. MacAleer.

Wes MacAleer (PC): Two items in our graduating licensing program that you take exception to would be the age limit for which we can apply for a conditional license.

Andrew Murie: Right.

Wes MacAleer (PC): And number two, the after hours driving. Is that the two items that . . .

Andrew Murie: Yes and I'd like to see the zero BAC extended for a longer time as well.

Wes MacAleer (PC): So you would recommend a 10:00 o'clock (Indistinct) .

Andrew Murie: Well yes, I'm telling you the research between the 10 pm and the midnight is overwhelming that - it keeps kids safer at 10 pm. Because what happens is they get to the point of - the chances of them getting out and getting impaired before 10 pm is a lot slimmer than before midnight. And how a lot of parents work with their

children is you know, we're not saying you have to be in by 10pm but you have the car parked in the driveway at 10 pm and that's a very effective tool again. This is all about saving young people's lives when they are most vulnerable.

Wayne Collins (PC) (Chair): Mr. Murie, I note that four provinces do have restrictions on time for graduated drivers. Do any of them begin at 10 pm?

Andrew Murie: Yes a number of them begin at 10 pm.

Wayne Collins (PC) (Chair): Do they.

Andrew Murie: Yes.

Wayne Collins (PC) (Chair): So it's not unprecedented.

Andrew Murie: Not unprecedented. Very little of what I'm asking you here today is unprecedented.

Wayne Collins (PC) (Chair): All right.

Andrew Murie: It's really catch-up with a lot of the other jurisdictions.

Wayne Collins (PC) (Chair): All right. Dr. McKenna.

Dr. David McKenna (PC): Yes I have a question on the - one of your things of graduated driving licence is not being allowed on certain highways or certain roads, there's certain road restrictions.

Like I don't know what road on PEI you wouldn't be allowed to drive on.

Andrew Murie: No and that's why I didn't mention that today.

Dr. David McKenna (PC): That effects our rating, my understanding is because of the no restrictions on roads.

Andrew Murie: No. When we actually get to Prince Edward Island and the smaller ones, we ignore that. So example in the territories they do not lose marks for that when we are doing the ratings.

Dr. David McKenna (PC): So what are we losing

our marks on I guess? What are the main ones we are losing the marks on. Because our department considers we have a graduated licence program we just don't call it that. Now maybe I'm right, maybe I'm wrong.

Andrew Murie: Well the other thing - besides just the zero BAC, you don't have a lot of the other restrictions that the jurisdictions have. Like you know the night time driving, the same restrictions on passengers. You don't go for as long of a period. Like the interim period that you have where it's really restrictive is 180 days where it's clearly been shown you need one year. So those - the combination of those things plus you permit licensing at 15 ½ is where you lose in the graduated licensing.

Dr. David McKenna (PC): You don't get a license, but you get a permit.

Andrew Murie: Yes, you get a permit.

Dr. David McKenna (PC): A permit license.

Andrew Murie: Yes, but it still the ability to drive.

Dr. David McKenna (PC): It' not until 180 days afterwards.

Andrew Murie: Pardon me.

Dr. David McKenna (PC): You don't get your license til 180 days afterwards. You really are 16 when you get your license.

Andrew Murie: Right.

Dr. David McKenna (PC): Right.

Andrew Murie: Right. You still can get that permit with a driver education at 15 ½.

Dr. David McKenna (PC): But not a license.

Andrew Murie: Yes, but than 180 days later you have a full license.

Dr. David McKenna (PC): Yes.

Andrew Murie: Yes. What I'm saying is provinces now like Ontario, B.C. , Alberta - before you your full license, it's now two years in some kind of

restrictive program. So very restrictive - like one year supervising driver, 10 pm, no driving on four lane highways and again that doesn't apply here, but basically they're out all the time with a supervisor driver in that condition.

Wayne Collins (PC) (Chair): Mr. MacDonald, than Mr. Ghiz.

Wilbur MacDonald (PC): The sniffer that you have there. Is that, is our RCMP going to have that? Or is that different than the one they were talking about later? That one seems quite different.

Andrew Murie: There's a couple of different versions of this. But basically anything - they're all called Passive Alcohol Sensors or the slang name is sniffers. And they are all available in that respect so -

Wilbur MacDonald (PC): Does our legislation have to be changed for this.

Andrew Murie: Yes.

Wilbur MacDonald (PC): It does.

Andrew Murie: Yes, you have to have statutory authority because if somebody challenges you - now they've been used in 36 states, they've been challenged in court and they've lost every time. Because the courts says, very clearly, this is no different, you know as I said in my comments, this is an extension of a police officer's nose. They've said it's no different as well. But then again if anybody challenges that, if it is prescribed by law under Section 1. It would uphold any kind of charter challenge.

Wayne Collins (PC) (Chair): And I think just to clarify just as well. I think when we heard from the police officers that were in here earlier, they spoke about a new piece of equipment that's coming onto the roadside that will be more accurate in obtaining .01, .02, .03 *et cetera* .
Up to the warrant.

Andrew Murie: That's the roadside device.

Wayne Collins (PC) (Chair): Correct.

Andrew Murie: And some of the devices you are

using here compared to the rest of the country are fairly old. Okay and you really need those new ones to do the graduate licensing programs, the 00 BAC, because the old ones just give you ranges like they'll say you're green, you're yellow, you're red. Where the new ones do it as a computer digital and they give you 1/100 of a BAC rate. So that's just a technology catch-up.

Wayne Collins (PC) (Chair): Mr. Ghiz.

Honourable Robert Ghiz (L): Yes, thank you. That was interesting. Mr. McKenna is right when he talks about our department here thinks that we do have a graduated drivers licensing program but than I remember the Provincial Treasurer in the House. He's got two young daughters doesn't think that our graduated drivers license program goes far enough. So there's a lot of different opinions on what our drivers graduated license program is all about.

When someone was here from one of the teaching schools. She made an interesting observation which I tend to agree with. Since I'm probably the youngest in the room and can remember having my license or receiving my license. I can even remember the day, but she talked a lot about the amount of hours behind the wheel before you can go out on your own and drive and I think maybe that should be something that we should look at. Because it takes away a lot of the thrill and gets you more acquainted with you know what it is actually like to be driving. I'm just wondering if you have a fit position on making sure that perhaps you know you need 60 hours behind the wheel before you can even go for your drivers test.

Andrew Murie: I'll give you three comments on that. I think you're in a jurisdiction you are small enough you can do it. So I don't think a lot of the - the paper work, the administrative work to do it in a large jurisdiction like Ontario, Quebec or B.C., it would be a nightmare. But the Yukon territory does this. And they especially do it - remember on that one slide at nighttime driving, it showed they were high at risk, they require a minimum number of hours at nighttime as well as daytime and so I would agree totally with you on that comment, that if you can put the administrative system in to do that and verify it in some way that you know valid that it's not the problem with the program.

In other jurisdictions the parents have signed off

on the teens without the driver hours being there, because they usually require them within a certain time frame. So if there is some way you can get it to work especially include a certain percentage of that being nighttime when we all know it's a lot harder to drive in that type of condition than it is in the daytime.

Honourable Robert Ghiz (L): Now let's say we left our - when you can receive your beginners at 15 ½ because I received my beginners at 15 ½ and I think you can only receive your beginners at 15 ½ this is if I'm not mistaken, if you are actually in a drivers education program.

Andrew Murie: That's correct.

Honourable Robert Ghiz (L): So if we left the drivers education - and I want what's best for the people of Prince Edward Island and if we happen to go up in grades all the better. But I'm wondering just this scenario, if we left it at 15 ½ but we put in a certain amount of hours that were needed. And it would make it so that our drivers would probably have the most hours behind the wheel before they receive their license. Won't that also put up our grade?

Andrew Murie: Yes it would. It's a major improvement. The big thing is - the other piece is as much as that is the go away from the 180 days, get them in that program for at least a year where all those restrictions are still in place. The 180 days is not enough time.

Honourable Robert Ghiz (L): I remember your comment about having a mentor with you in the car when you had your drivers education and not a peer. I remember when I had my drivers, beginners and I had a friend who was in Grade 12 he was back a grade and was 18, had their licence for two years. I just got him to come over to my house and take out the car and I think that might not of been the best idea - I appreciated it back then but it won't be the best idea today.

Andrew Murie: Right. And passengers, there's a real good study that shows each passenger that you add to a young person's car, the more likely they will be in a crash.

Honourable Robert Ghiz (L): Yes I think they pointed out when the driver school people were in here and they pointed out I think that our laws are

something around - to do with a number of seatbelts in the car. You got a minivan, you got seven seatbelts, you got seven people in the car.

Andrew Murie: Absolutely. And again there's a need to really to restrict that especially in that first year.

Wayne Collins (PC) (Chair): I do want to remind committee members that we do have three other presentations today, but I'm going to offer last question to Dr. McKenna.

Dr. David McKenna (PC): Just one quick question because I have kids. One just got her license and a couple more to go through it now. The curfew thing, we discussed that here a couple of times as well and I know the last time we went through this (Indistinct)we decided not to use the curfew. The stats that they collected here indicated the accidents after midnight at that age group was very low on PEI compared to say, during the daytime.

So that was one of the reasons why we didn't bring that in. Now I don't know if you agree or disagree but that - if you look at statistics, statistics tell us that there is more accidents during the daytime and that was the reason why they didn't bring in the curfew and I'd like to see a curfew but statistics don't show it. Would you comment on that?

Andrew Murie: See - I agree with that. Because there's more kilometers done during the daytime by young drivers than there are at night. I would qualify that though the hours done at night especially late at night with the potential of alcohol or drugs are much more riskier hours though they are fewer in nature. And I think the less riskier driving and more parental control that you can have, it's safer so you can't just do it on simple crash numbers because you know they're not going to be drinking and using drugs as much during the day as they are at night or on the weekends. And that's when the critical time is.

Dr. David McKenna (PC): There's probably more drugs during the school day than there is at night. I don't know.

Andrew Murie: Well I'm just talking about you know, they're going to a party, they're impaired, they are driving at high speeds, the combination of that, if you can eliminate those riskier behaviours

and the other thing is there is less people on the road. Most of those end up being single vehicle crashes and a lot of them are never reported. And so licensing really doesn't have - because if you know you've been drinking and you can drive a vehicle out of there, the last thing you're going to report this is to your insurance or to the licensing. So at nighttime a lot of the stuff goes unreported.

Wayne Collins (PC) (Chair): Mr. Murie I want to thank you and Ms. Jarvis for joining us today and this presentation on behalf of MADD. You've given us some very intriguing options to consider, sir.

Andrew Murie: Okay.

Wayne Collins (PC) (Chair): Thank you very much.

Andrew Murie: Thanks everyone.

Part II - Attorney General's Office: Gerald Quinn

Wayne Collins (PC) (Chair): Have a good day. And our next presenter is going to be - I believe our next presenter is going to be from the Attorney General office I believe is that correct. Is that Mr. Quinn, Gerald Quinn.

Gerald Quinn: Good afternoon, Mr. Chairman and honourable members. My name is Gerald Quinn. I'm currently employed as the Crown Prosecutor in Summerside and have been since 1990. I've worked as Public Law Officer for the province. I am co-chair now of the Provincial Co-ordinating Committee on Impaired Driving. I also am a member of the federal/provincial/territorial working group on amendments to the Criminal Code of Canada. I was born in the local area in Grande Tracadie to a family of 11. I graduated from Dalhousie Law School in 1986 and have been working with the provincial government since 1990 as a Crown Prosecutor. I work in Summerside currently. This area of impaired driving and improvements to it is always been a subject that I've held pretty close and dear because I recognized early on in my legal career and even as a person before I went to law that there is a couple of problems with this whole arena.

First of all, it's a deadly arena as I often say when I'm talking to people that are second time impaired drivers as part of the provincial education program.

The difference between somebody who has a few too many to drink and somebody who has a few too many to drink and kill themselves or other people is negligible, it can happen so easily. The other component of it is that there is no silver bullet. There is no one remedy or redress that will ever solve it absolutely. Although the Provincial Coordinating Committee has as its goal the elimination of impaired driving. It's a multifaceted area with many causes. It's a shared jurisdictional arena as you are all well aware with the federal government being legislatively competent in the arena of criminal law and the provincial government being responsible in the arena of licensing of drivers and that kind of thing. It is a shared jurisdictional component so that everybody has their piece in it. I want I guess to start just as a preamble, a little bit of the history. I'll give it as an abbreviated approach, because I'm sure you've heard from many, how we got to where we are, both federally and provincially and some of the legislative pieces.

There was a senator named George Fulford and at the turn of the century that got killed by - in a automobile accident that involved impaired driving. He was a very wealthy senator. That's when Canada all of sudden got focused in an arena that many other countries already engaged. In 1921, we enacted federally operating while intoxicated. The problem with the legislation even back then though - the notion of the word intoxicated meant you had to be falling down drunk, not just impaired and the ordinary concept of impairment by alcohol is as has been upheld by even our court of appeal in the case called Campbell. If it can be established in a court of law which is really my arena.

I'm kind of out of place in committee work. I am generally am fighting cases in court. If you can prove somebody's ability to operate a motor vehicle is even slightly impaired. You are entitled to establish your conviction. That's been upheld by the Supreme Court of Canada.

There have been many legislative amendments from the federal side. In 1925, they added intoxicated by a narcotic, that's modern subject matter that both the working group of which I'm a part for the provincial government on amendments in the legislative federal field. The detection of impaired operation by drug is something that has become all of a sudden very much a focus. One of

the common mythologies is that it's all young people that are drinking while driving.

Well that has been debunked across the country. It's been debunked here in Prince Edward Island. I'm pretty proud of Prince Edward Island's approach to impaired driving. We have been on the cutting edge in many arenas across the country. For example it's well known in this province, if you are caught for impaired driving, if you are caught for refusing a breathalyser, if you are caught for operating a motor vehicle over 80 milligrams, generally speaking, what the result is a custodial term.

A number of years back when the statistics were much higher. The provincial bench used as a tariff and we only have three provincial benchers here a three day penalty in custody along with a fairly substantial fine. In many jurisdictions for a first time offence, custody isn't even on the table. You are talking about a monetary penalty of a smaller proportion. So Prince Edward Island took a cutting edge across the country in its enforcement of the Federal Criminal Law by making the deterrent message, a very strong one that if you drink and drive, you can expect jail.

There have been many amendments to the Criminal Code and I'm sure you've heard a lot of those. So I'll not going to waste any of your time by reiterating those. Here in Prince Edward Island, the coordinating committee on impaired driving, that was appointed or struck up back in 1989, the Provincial Advisor Committee on impaired driving. There was a two volume report prepared and submitted to government which was researched based. It gave us a lot of the statistics.

There was a time back in the 79, 80 fiscal year, we reached a peak of 1,570 convicted people. For a province of this population, that was a pretty scary statistics. So the governments at the time said, well let's give our heads a shake here. What's going on and let's deal with this. So the Minister of Justice at the time did address it. There was a report submitted. Since that time, the provincial government has always had a coordinating committee on impaired driving that is multifaceted, a multi disciplinary approach involving police, probation, crown attorney's, health, the medical field which is another arena in modern times.

When we look at senior drivers and the current

focus of both the federal groups that look at improvements necessary in the federal legislation and provincial groups that look at what amendments are necessary in the provincial arena, what we see often times is that impairment can be caused by misuse of prescriptions by seniors sometimes, that's not to be pejorative, but it is a fact of life. Drug abuse by youth even though I said they are not the most serious perpetrators in the impaired driving field. Generally speaking, drug abuse in youth has kind of to some extent displaced what use to be the most common illness of driving when many of us were younger, I would accept in Mr. Ghiz's he said he's the youngest in the room and I think so. But back at the time when we had statistics, it was as high as 1,570 people drinking and driving or convicted. Those are the convicted people. Not to mention what the stats would of revealed for those who were not - didn't happen to run into a peace office or were doing it and getting away with it. That's pretty staggering.

So that legislators both federally and provincially now are shifting the focus a little bit to the problems that are caused by drug abuse or misuse of prescriptions and operations of a vehicle. It doesn't matter what your impaired by. If your ability to steer a motor vehicle to drive at night, to avoid striking pedestrians, other vehicles and killing people is impaired by any intoxicant including a drug - the person is still as dead and all the sorry's in the world doesn't change it.

The current strategy that's in place with the Provincial Coordinating Committee on Impaired Driving - we've been at this for quite a while. I wasn't in at the ground floor of this, because I hadn't even - well I just barely gotten out of law school then. But there have been many steps taken by the Provincial Coordinating Committee to keep the focus on how we improve the stats. If we save one life by either legislative means or by public education means, this is a very successful end result.

The goal of the current committee is what we say is the absolute elimination of impaired driving. That may be a pie in the sky, because I say there is no silver bullet. I don't think we'll ever sit around the table and say well look there wasn't a person that was catch for impaired driving last year. There wasn't a person killed. But just because the goal maybe unattainable, it doesn't mean you shouldn't try to get into heaven.

Our objectives basically are to foster a public attitude of no tolerance for impaired driving, to reduce the level of accidents and deaths from drinking and driving behaviour, to provide leadership and education and enforcement in treatment of impaired driving, to develop new approaches to prevention of impairment with an emphasis on repeat drivers, youth and non alcoholic drugs, including illicit over the counter and prescribed medications.

We have an operational work plan that is contained in our 2005 Provincial Strategy Update. No doubt you've been provided with a copy of that. I'm not going to bore you with the reiteration of it. Notwithstanding being in the profession of a lawyer, unlike many lawyers, I don't like to be a mouthpiece and I don't like talking. Unless you have something significant to the point to say. It's time to shut up.

If any of the members of the panel have questions though that would focus my attention on what arenas you may be interested in, I think that might save everybody some time.

Wayne Collins (PC) (Chair): Mr. Quinn, I know when we begin our hearings. I mentioned the work of the Strategy on Impaired Driving over the years on Prince Edward Island and I think we have seen submissions to date from several people including Mr. MacDonald at Highway Transportation that indicate that considerable progress has been made over the years. I think we all recognize that. And I think one of the things we would like to try to find out is where we can help to fine tune that strategy? And I don't see us as trying to reinvent the wheel here when it comes to dealing with impaired driving. A lot of good work has gone before us. But I think - I'm personally interested in perhaps hearing from you, from your experience in terms of what else is needed in your opinion to legislatively or in practice in terms of education or whatever that you would like to see this committee recommend in terms of pursuing some new avenues.

Gerald Quinn: Well, in terms of the interlock system, I'm sure the people from Transportation and Public Works have provided you with how this may be of assistance. As a lawyer that prosecutes these cases, though, I make the observation - to go back to our starting point - that there's no silver bullet.

The federal breathalyser law in Canada is so technical, there are so many loopholes that I, individually, although this wouldn't represent the Attorney General's position necessarily, have suggested that it be re-booted right from the start, even on the federal-provincial-territorial group that are talking about proposed amendments. They talk about, for example, how even at the roadside, peace officers time with limited resources and the limited number of peace officers that we have out there, how much of their time is consumed with the dealing and with the paperwork of an impaired driver.

Then it gets to court and there are numerous technical loophole arguments that I've seen cases lost on time and time again, where it's supposed to be over 80 milligrams, for example, but I've had cases police don't generally as a policy, I don't think on Prince Edward Island, will charge more than 100 milligrams. Now that's 20 milligrams more than what the law requires, for the simple reason that if you're out around 100 milligrams - and I see it time and time again - the defense will call a forensic expert that will say given the drinking pattern provided by the defendant, which the Crown is not put in possession off necessarily in advance because there's no reciprocal disclosure, we're caught flat-footed although we have a prima-facie case. We've got our prima-facie case presented. All they have to do is trot out an expert and there's an attorney cost, of course, in obtaining such an expert, but invariably the case will falter because they will say that given the drinking pattern that the defendant offers, he would have been from this range below 80 milligrams and we see this quite often on PEI.

To get back to your point, Mr. Chair, I don't profess to have any magic bullets, either. I think that there can be some legislative tweaking like there has been in terms of stronger impoundment arenas, and I think that the department has already looked at that. There are things like the broadening of the capability of the peace officer and the justifications to stop a motor vehicle to avoid the constitutional argument of the stop was arbitrary or capricious under section 9 of the Charter of Rights and Freedoms.

We've legislated - or this province has legislated - a new piece in response to a case where the detention, because there seemed to be something awry about the turn made, the person was stopped

and that case failed because it was considered arbitrary and then the department, I guess, moved to legislate so that a peace officer then had broader powers to stop a motor vehicle because we have to always remember that operating a vehicle is a licensed activity. It is a privilege. It's not a right and that's where we, in the province, that's our domain, our legislative domain - well, not ours. I don't say it in the possessive sense for me because I'm not a legislator, but that's our dominion, and the licensing of drivers and how we might restrict them.

I've heard MADD's presentation. They talked about very many arenas in which we seem to have a dismally failing report card. I won't necessarily go so far as MADD might in that arena because in many countries other than Canada, even though there's a lower BAC, some of the stats don't point out that just because you lower the BAC that you have fewer fatalities or that kind of thing in some arenas. Although there are some countries that have done really well in their approach to the interface of the licensed activity of operating a motor vehicle and under what conditions you may do that while consuming alcohol or something else.

Wayne Collins (PC)(Chair): I certainly want to open this up. Are you available for questions now from all the committee members? Would you do that?

Gerald Quinn: Certainly, yes.

Wayne Collins (PC)(Chair): May I ask you - Mr. MacDonald, we'll begin with you, sir. I'll take a list.

Wilbur MacDonald (PC): I want to change the subject a little bit about senior drivers. In your group, do you talk about vehicles any, about changes to some vehicles? And I'll give you an example: I have a fairly new vehicle, and just recently I kept saying to myself the lights are not good in this vehicle. And I got new bulbs, and I was surprised that you just take the bulb and in a couple of minutes, you've got a new bulb, and it improved the driving light at nighttime by at least - it says 20 per cent. I would say it was more. And the vehicle was only two years old, but you couldn't see the shoulders right on the vehicle when you're driving, especially with the dimmers on, and nowadays, you don't get brights on very often. So I think we've also got to look at vehicles,

especially in the case of seniors. If they're not as good because of the lights. And I wonder if you were even talking about that in the changing of laws.

I know that some places are very strict on the new vehicles and, for example, you could also have fog lights, which would give you a lower beam. So there are other areas to help out, too, and I don't know if you'd do anything about that.

Gerald Quinn: Well, in terms of our committee, our mandate is focus, sir, generally on the elimination of impaired driving, although the subject matter has come up from time to time. Not specifically your lighting issue, but others of similar ilk that - and sometimes we're talking about young people that are newly experienced drivers that don't have very much experience as well that echoes the concerns of the representative of MADD that preceded me that did a very able presentation. But I think that in the provincial jurisdiction of legislating under what conditions someone can drive and what are some of the prerequisites to being able to drive, whether it's because of their age, their experience, imposing a curfew if someone has, for example, because of their well-earned years, have problems with night vision, then perhaps all of these arenas could save lives.

So I guess to respond directly to your question, although it's not been a principle focus of the discussion, we have discussed similar kinds of examples that may cause the operation of a motor vehicle by a senior or by an inexperienced driver has become a subject matter of discussions around the table from a particular interest group or somebody who raised it as to - and I hear it all the time with the gentlemen and ladies who are compelled to listen to a Crown attorney as part of their being reinstated as drivers and getting their licenses.

They're a captive audience and I've heard it time and time again, and many of them, of course - it's like prisons. They're all innocent. It wasn't their fault. They didn't do anything wrong. The peace officer abused their rights and that kind of thing. Well, I hear that often. What I hear almost invariably in each one of these presentations I do is: What about these older guys? They don't seem to know what they're doing. They seem to be swerving all over the road and they're not even drinking. What do you do about them?

So I guess to get back to your point, Mr. MacDonald, I think that in approaching legislative reform under a motor vehicle or a highway traffic act in any province, anything that helps - including certain restrictions on new vehicles or what type of vehicles may be operating - if that saves a life, my mantra is the same - that is success.

Wayne Collins (PC)(Chair): Any further questions from the committee members? Mr. MacAleer?

Wes MacAleer (PC): In your experience, what kind of percentage do we have of repeat offenders on PEI?

Gerald Quinn: I think that I could give you, Mr. MacAleer, perhaps the actual statistics that were provided. The Department of Transportation and Public Works, I think, had a presentation that showed you the statistics, and in 2004, for example, of 301 total impaired driving convictions, a third or more was a 19% percentile for repeats, 15.2 per cent for seconds and, of course, the remainder were first times.

That is one problem that the provincial co-ordinating committee on impaired driving has always had a stumbling block with, not because of the efforts made by the Prince Edward Island provincial co-ordinating committee, but as I said before, there's no silver bullet. There are the hardcore drinkers and drivers. It's a matter of public education. It's a matter of they've habituated to it. If they get away with it 50 times and don't run into a peace officer again - because we don't have the province blanketed with peace officers - in the back of their mind, they're getting the message - well, I'm just going down to the store or whatever the case is. Or just because it's a deeply entrenched alcohol problem that they're experiencing and there's no easy redress or remedy for that.

I think that we're always going to have a small subset of those that drink and drive, irrespective if Mr. MacAleer, you legislated - the provincial government legislated tomorrow even if it was constitutionally permissible - the next impaired driver we get we're going to put him against the wall, we're going to shoot dead by firing squad. Not one day's news coverage would pass, but there would be such a person that, even being fully apprised of that, would do it.

Wayne Collins (PC)(Chair): All right. Do we have any further questions? If not, then Mr. Quinn, I want to thank you very much in participating in our hearings.

Gerald Quinn: Thank you very much, all of you.

Wayne Collins (PC)(Chair): We appreciate hearing from you. Thank you for your time today.

Gerald Quinn: Not at all. My pleasure.

Part III -Crime Stoppers: Paul Stetson

Wayne Collins (PC)(Chair): We have a third presenter today, and I believe it's a representative of Crime Stoppers. Is that right?

Paul Stetson: Yes, sir.

Wayne Collins (PC)(Chair): Yes, that's right. This is Mr. Paul Stetson. Everyone's familiar with Paul and the work of Crime Stoppers. It's a pleasure to have you here, Mr. Stetson. Perhaps you could tell us a little bit more about your organization first before you begin.

Paul Stetson: Yes, thank you very much for inviting me today. Crime Stoppers is a relatively new program - 1989, it was developed in PEI - and it's a group that's gotten together, a group of volunteers that's gotten together to assist law enforcement agencies to solve crime. Basically that's it, and they do that by using a toll-free tip line that is operated 24-7, 365 days a year. It's operated by local operators who obtain the information from the callers and they're able to call in about a crime. We don't ask them what their name is, where they're calling from, what their connection is. We just want the meat of the crime. We then take that information and then we pass it on to the police officers and they investigate. Basically, that's it in a nutshell and it's run by a civilian board of volunteers. I'm the only paid member of the group, being the co-ordinator and program manager, and I've been doing this since 1996. Prior to that, I was a police officer for 31 years.

I didn't quite know what you're looking for today, but I did write a few notes down regarding impaired driving. Of course, being a police officer, the first impaired driver I picked up was in

December of 1965, and I've seen many since then. I'm hitting the 40-year anniversary March 2, when I joined the RCMP, but having dealt with that and having listened to the last presenter, Mr. Quinn, I don't envy his job prosecuting and re-prosecuting and so on and so forth.

But what I can tell you what we're able to do as a program, with whatever we have in our arsenal, we're able to, of course, take the information and encourage people to call. If anybody witnesses impaired driving or erratic driving and so on and so forth, we try to encourage them, first of all, to call the police. That's where it should go first. It should never come to Crime Stoppers first.

If everything is clear and as it should be, then those people should get that information to the police as soon as they can, but there's a couple of reasons why the public are not getting the information about criminal activities to the police, and first and foremost is fear of reprisal and that's a real fear. And it's usually the people that have the time and are observing things - and I speak sometimes in this case of the elderly - who are in a fairly vulnerable position when they give out information and a police officer comes to the door and will a marked car and uniform. The person that they're giving information on may be in a position to observe this activity and there's a fear of retaliation against bodily harm or probably their families or possibly property damage and so on.

And the other, of course, is apathy. It didn't happen to me. Who cares if a guy's drinking and driving? Let him go. Those are the two reasons that people will not call the police. We encourage people to call us and it doesn't matter what walk of life they're from, whether they're criminals or whether they're just the ordinary person. We encourage everybody to call, and those that need a little more encouragement, we offer them a cash reward, and people say: Well, why do you do that? It's probably a drug dealer calling or whatever. Well, if one drug dealer's calling against another drug dealer, you'd get one of them off the street - hopefully - so that's what we work at. We also work on the premise that for every crime that's committed, someone somewhere has seen that, or has information about that, that has to get to the police in order for it to be solved, and that's where we come in.

We are in a position to be able to do public service

announcements regarding unsolved crimes. We do that through the printed press, through the radio, and through Global Television. We also do some bits and pieces on generic crime and we have done drug awareness, the generic one. We did it at Colonel Gray and that was written and produced by the students at Colonel Gray. We did one on family violence through Rhonda Brown's office and she was chair of Crime Stoppers at the time. We did one on bullying, which we did at Stonepark, and again, that was written and produced by the teachers and the students, and we're looking at doing one on impaired driving with the help of the highway traffic services of the RCMP.

So basically that's where we are and what we can do. We want to get the word out with our limited budget and so on. We seem to be getting a little more support and a little more publicity, and with what we have, we're going to put our efforts behind this. We've done it in the past. We've got to regenerate it. We have a 1-800 tip line that you can call from a land line, but if you're on Island Tel Cellular - I guess it's Aliant Cellular now - and you hit *(star) TIPS, you can get our office directly, the tip line, so it's just speed dial. So that is about what we have to offer.

Wayne Collins (PC)(Chair): Mr. Stetson, I thank you for coming in and representing Crime Stoppers here at our public hearings today. I'd like to know, though, from your experience both with Crime Stoppers and with your long experience as a police officer, when members of the general public do contact the police or Crime Stoppers about a suspected impaired driver, what kinds of information would be helpful to pass on to the police? I mean, how specific must one be?

Paul Stetson: It has to be fairly specific and it has to be fairly quick. If you observe it happening and you have a cell phone, we don't encourage people to talk on the phone while they're driving, pull over, make the call and location description and quickly. It's the three items that you need. Our operators will immediately dispatch that to either the city police dispatcher or the RCMP dispatcher.

Wayne Collins (PC)(Chair): You said Crime Stoppers shouldn't be a person's first call on this. It should be direct to the police department.

Paul Stetson: That's correct.

Wayne Collins (PC)(Chair): But has Crime Stoppers received calls like this? What would you do if you did?

Paul Stetson: Yeah, we received - the numbers are small, but probably 10 or 12 a year about impaired driving. We get more calls about erratic driving and probably unlicensed and uninsured, but out of those, you'd probably get two or three out of those that would probably end up in the court.

Wayne Collins (PC)(Chair): Any further questions from committee members? Mr. MacAleer?

Wes MacAleer (PC): Well, on the number of calls that Crime Stoppers gets, and is it related to the amount of criminal activity or is it related to the time of the year? How many calls would you have annually and when is your busiest time and what kind of calls would you get? Are you talking about damaged persons or property or both?

Paul Stetson: Well, we get about between 2 and 300 calls a year. Out of those, we probably are successful on 40 to 50 of them. The rest of them would be intelligence. There's a lot of them do go into an intelligence file. They wouldn't have information that would probably be enough to get an investigator to enter into a prosecution situation. The time of the year - we're busy in the fall. We're also busy in the summer. This time of year - January - was very slack, but February's picking up. Sorry.

Wes MacAleer (PC): Your comment on your impaired driving program - can you just tell us what you're going to do in that area?

Paul Stetson: Well, what we have already is we have a drug awareness (Indistinct), a Crime Stoppers awareness booklet that we produce each year and in that, we do a story and we're going to focus on impaired driving as part of our overall operations for the year. In previous ones, we advertised the fact that you could use your cellular with *(star) TIPS to call.

We also have to - we're getting a generic impaired driving case put together for a global re-enactment, which we did for other cases like drug awareness and family violence. But that's what our plans are and . . .

Wes MacAleer (PC): When are you going to kick this off?

Paul Stetson: Well, this is already in progress. We've already talked to Global about the re-enactment or the generic re-enactment, and the Crime Stoppers awareness booklet usually is published about the end of May, so it'll be in that.

Wayne Collins (PC)(Chair): Mr. MacDonald?

Wilbur MacDonald (PC): I was interested in - you said that out of the 200 calls, 50 or 60 are convictions and arrests were kept for information. Is that kept by the police and so on?

Paul Stetson: All our information goes to the police, yeah.

Wilbur MacDonald (PC): For example, if somebody was aware or thought that somebody was a drug dealer, if that information was phoned to you, that would become part of a file there?

Paul Stetson: That's correct.

Wilbur MacDonald (PC): The ordinary person wouldn't go in and see it..

Paul Stetson: No. It would be an intelligence file.

Wilbur MacDonald (PC): So that then would help to add up over time?

Paul Stetson: Well, a search or a search warrant cannot be generated on a tip from Crime Stoppers alone. It has to be substantiated.

Wilbur MacDonald (PC): On the case of drinking and driving, would that be the same case, too?

Paul Stetson: Well, what would happen is if you got a call about drinking and driving, it's usually a crime in progress and then the police officer would be dispatched and he'd have all the information once he made the stop.

Wilbur MacDonald (PC): But I'm thinking of driving out in rural PEI, and you'd see somebody usually probably drinking and driving, they could turn into their home and that would be the end of it because you might not be . . .

Paul Stetson: Pretty much over once they . . .

Wilbur MacDonald (PC): But the information would be passed on to police, so they would have it.

Paul Stetson: It would be an intelligence file and if it kept coming up, possibly an officer would go to the house and say listen, we've been getting calls about you and you might want to stop it.

Wilbur MacDonald (PC): Yeah, okay.

Wayne Collins (PC)(Chair): Mr. Ghiz.

Honourable Robert Ghiz (L): Thank you. If I dial *(star) TIPS on my phone, do I get somebody live or do I get a recording?

Paul Stetson: Somebody live.

Honourable Robert Ghiz (L): Oh, you get somebody live?

Paul Stetson: Yes.

Honourable Robert Ghiz (L): So then if we do see somebody driving down the street, we can do that and then you call the police right away?

Paul Stetson: That's correct.

Honourable Robert Ghiz (L): That's good to know. Your connection with Global, are they a sponsor of Crime Stoppers or do you have to pay for that service?

Paul Stetson: They sponsor Crime Stoppers in the three Maritime provinces.

Honourable Robert Ghiz (L): Oh, okay.

Paul Stetson: And it's all free.

Honourable Robert Ghiz (L): All free, so they'd be advertising and . . .

Paul Stetson: Everything, yeah.

Honourable Robert Ghiz (L): And I think that's great. I hear nothing but positive reports on Crime Stoppers everywhere I go and I'd just like to congratulate you on doing a great job.

Paul Stetson: Well, thank you. Thank you very much.

Wayne Collins (PC)(Chair): Dr. McKenna?

Dr. David McKenna (PC): Yes. Well, see, I just noticed you're just on Global TV, then? Is that the only station?

Paul Stetson: Yes.

Dr. David McKenna (PC): You're never on CBC?

Paul Stetson: CBC, we're on the news part of CBC, like *Canada Now*, but we're not on as a one-minute clip, no.

Dr. David McKenna (PC): Okay.

Paul Stetson: We're also on Cable 10, Eastlink.

Dr. David McKenna (PC): Okay.

Wayne Collins (PC)(Chair): Well, I certainly want to echo the statements of the Leader of the Opposition and say that Crime Stoppers certainly is doing some tremendous work here on Prince Edward Island and keep it up. Thank you, Mr. Stetson, for coming in.

Paul Stetson: Thank you very much.

Wayne Collins (PC)(Chair): Our fourth and final presenter to our committee this afternoon is a lady I spent a little time with. I don't know if she remembered my presence there, but I did attend one-half of the driver reinstatement program and she was one of our speakers that morning and her name is Sandra MacNevin. She's representing Addiction Services and she's with us today and I'm sure we'll be able to discuss the kind of role that they play at the reinstatement hearings and other issues surrounding impaired driving. Ms. MacNevin, welcome. Thank you for being here.

Sandra MacNevin: Actually, I really don't remember you being there.

Wilbur MacDonald (PC): He didn't make any impression.

Sandra MacNevin: There's, yeah, well, there was one gentleman in a three piece suit I did

notice, yeah, but I didn't really pay too much attention.

Okay, so I work with Addiction Services and I just prepared something that I'm going to read and just interrupt me if you like, okay. I really, too, didn't quite know what to prepare here for today so I just kind of gave an overview of what I understand Addiction Services and treatment programs for driver's license reinstatement effective June, 1997. The *Highway Traffic Act* requires person with three impaired driving offences to attend Addiction Services for an assessment as a requirement for license reinstatement. With the notice of cancellation or when the notice of cancellation is sent to the individual, instructions are included that the third time disqualified driver must contact Addiction Services for an assessment and it is suggested that they do so as soon as possible. It is the individual's responsibility to arrange for an appointment. A counselor completes an assessment using screening tools, such as the MAST, the Michigan Alcohol Screening Tool; the DAST, which is the Drug Alcohol Screening Tool; SASY; Case Management Assessment; report from referral source including the results from the DRI, which is the Driver Risk Assessment, if available, to determine whether a person is chemically dependent.

This is - I'll just interrupt myself. This is a different process compared to other referral agencies 'cause generally other referral agencies in the province give us a formal, written referral whereas highway safety instructs the client, their client to call us on their own. So that kind of right there sets us up not to be able to track whether or not it's a self-referral or if it's a highway safety referral because the client might not be forthcoming with why they're coming, right, so we don't have appropriate statistics on how many people come. I'll get back to that.

Okay, so services provided are the same for all clients of Addictions Services and not part of a separate program for impaired drivers, which is different in some provinces. With the consent of the client, Addiction Services report on the results of the assessment to the referring driver improvement officer, including any recommendations for treatment which may be motivational interviewing, which is preparing the client for treatment readiness; rehab program, which is men specific or women specific; an

aftercare program, which is followup to rehab, which is a weekly program for six months, which is 24 sessions and client's participation in a community 12 step recovery program. In addition, Addictions Services also informs the Highway Safety Officer when the client has completed their treatment recommendation and lets the Driver Improvement Officer know whether there are any additional followup recommendations, such as the Aftercare Program. In such a case, Addiction Services sends a monthly progress report on the client's aftercare participation. The Driver Improvement Officer utilizes the information received from Addiction Services in their decisions regarding individual driver license reinstatement.

Statistics supported mandated treatment for impaired drivers as it has read that responsible social drinkers are far less likely to drink and drive. The group of hard core drinker/drivers or drinking drivers remain relatively unaffected by public educational efforts. This is supported by the Canadian Medical Association, the American Medical Association, and the British Medical Association, which defines alcoholism as a medical disease amenable to treatment. Impaired driving is then a manifestation or a symptom of the disease for those who are alcoholic or chemically dependent. The contradiction in this situation is that impaired driving is treated as a crime. This can discourage individuals to successfully complete an addiction recovery and rehab program as it is a barrier to get their lives in order. These are people without transportation or they drive without a license, thus, disrespecting the law, which in turn breeds a lack of community respect. Driving in our community is rarely viewed as a privilege but more often it is viewed as a right. The concern among drivers is about being arrested or caught rather than the likelihood of causing injury or death and this is an issue which needs to change.

A common practice is to determine whether an individual should drive on the basis of drinks consumer per hour without the thought to individual differences, synergy, or how long alcohol remains in their blood system and there is vast physiological differences between the genders and the digestion of alcohol. This, however, is not common knowledge. Oftentimes, a woman has only two or three drinks in an evening and is thought not to be impaired. Fact be known, she probably is over the legal limit. At some point, the

message needs to change that no amount of alcohol is the right amount to drink and drive, okay.

Persons with a second conviction for impaired driving are required to complete the highway safety screening process, which is the Driver Risk Inventory. When the notice of cancellation is sent to the individual, it will also contain the information advising him or her to contact the Highway Safety Division within 30 days to arrange for the screening. The screening will be done by the Driver Improvement Officer and if clients score above the 60 percentile on the alcohol/drug or driver risk scale or above 69 on the validity or stress coping scale, he or she is then referred to Addiction Services for further assessment. It is reported that approximately 40 per cent of second time offenders are referred. The Driver Risk Inventory results and other pertinent information will be sent to Addiction Services via inter-office mail. The individual must sign a waiver. Addiction Services will send reports to the Driver Improvement Officer upon completion of assessment, treatment, and monthly well-attending aftercare. A report will also be sent to the Driver Improvement Officer if a person is discharged at any stage of treatment.

Highway Safety offers a driver rehab course, in which a representative of Addiction Services is requested to present information to the group on problem drinking and addictions. This program is offered in both Charlottetown and Summerside three times a year and Montague twice a year. The objective of Addiction Service staff is to address the differences between a person at risk of problem drinking and a person at risk of alcoholism. The objective is not to label anyone but to work towards demystifying what addiction or alcoholism is. These individuals are in a high risk group. Nationally, statistics tell us anywhere from one to eight or one to ten are chemically dependent. These sessions are quite typical and involve showing a film, which is very easy to watch. It reviews signs and symptoms of addiction; for example, preoccupation with use, tolerance, and use despite negative consequences. Then an exploration of the differences between a problem drinker and an alcoholic are identified showing the invisible line between the two and one doesn't plan on crossing over onto it nor do they know when they do.

Okay. So what currently Addiction Services is

doing now, which is what I thought I was addressing, is an education session at the Driver Rehab course, which is eight times a year throughout the province, ongoing family education, excuse me, family education sessions province-wide. The family programs define addiction issues and educate support family members with alcohol dependents to develop a program of recovery and utilize community supports, student assistant programs offered in schools province-wide. The SADD program works with kids focusing on a misuse of alcohol and drugs which could positively influence the use of substances and decrease impaired driving. And for repeat offenders, Addiction Services offers assessment and treatment and is mandated by Highway Safety for reinstatement of license like the third time. Addiction Services currently receive referrals, conduct assessments, provide recommended treatment and report to highway safety.

So a review of the best practices published by Health Canada in treatment in rehabilitation for driving while impaired offenders states that mandatory screening and assessment and educational and treatment intervention programs are in place. This requires the offender to go through the screening assessment process and/or to complete an educational or treatment intervention prior to license reinstatement. There are typically two or three levels of intervention. The first level - the first offenders are those considered to be at low risk - is usually a brief educational session. The second level of intervention is for offenders at an early stage of substance use problems or are at higher risk because of attitude and behaviour regarding drinking and driving, and it usually takes place over a more extended period of time and may involve a more comprehensive assessment as well as an opportunity to work on strategies to address identified problem areas. The third level of intervention is for offenders assessed as having a serious substance use problem or dependency and usually involves a referral to a substance abuse program. In these jurisdictions, they have mandatory DWI programs, which is typical, some cost recovery for either the assessment alone or for the assessment and treatment, and I actually did bring this copy - I don't know if you're familiar with it - and there's also a 19 best practice statements and I photocopied them for you if you'd like them.

Recommendations: What we felt what would be really a cool thing to do is implement - back in 1997, there was some discussion of an inroads program - I'm not sure if you're familiar with it. I didn't bring it actually - province-wide or similar program for first time offenders convicted. And we thought it would cool to review, refine, and more fully implement the inroads program across the province impaired driving through a multi-faceted rehabilitative approach. The inroads program developed and demonstrated in the mid-nineties resulted in operational standards for inter-departmental case management and it would work best if operated by Addiction Services. However, we currently do not have sufficient staff resources to take on an extra program. Other provinces vary with client fees to client funded programs like this one. So other provinces reach that goal by having a client pay for the program. And I think out of all the provinces, there's only three provinces that don't require impaired drivers to have cost funded assessments and we are one of them. Yeah, I thought that was very interesting.

Wayne Collins (PC)(Chair): Only three.

Sandra MacNevin: Yeah, one of three. The other ones range from - I think it's \$125 to \$800 - that is tacked onto even first-time offenders and every time they are assessed, they have to repay for another assessment.

Wayne Collins (PC)(Chair): This is totally different than just licensed reinstatement. I believe there's a fee of a hundred and some fifty dollars or something is there.

Sandra MacNevin: That's for the assessment of whether or not you have an addiction issue. So any kind of programming that is part of is - it's all here.

Honourable Robert Ghiz (L): What do you mean by inroads program?

Sandra MacNevin: And inroads program is, it's an assessment readiness program. It's a two -

Honourable Robert Ghiz (L): (Indistinct) problem drinker.

Sandra MacNevin: Yeah, it's a two day - It was a two day program and it was to highlight . . . it was basically an assessment screening process with

information to help people define who they are, whether or not they have a problem as opposed to you coming to me, me doing the screen and me telling you you have a problem. Impaired drivers are a difficult client base because they are the client base that is the most resistant to change and it's just a proven fact.

Wayne Collins (PC)(Chair): Are you prepared to take questions from us now?

Sandra MacNevin: I think I have one more statement and my last statement was first time offenders are seldom first time offenders.

Wayne Collins (PC)(Chair): Are what?

Sandra MacNevin: Seldom first time offenders.

Wayne Collins (PC)(Chair): I know, yes, yeah, correct. Good point.

Sandra MacNevin: And that was it. That's what I prepared.

Wayne Collins (PC)(Chair): Mr. Ghiz.

Honourable Robert Ghiz (L): I talked to you here the part about the inroads program there because my question was going to be, you know, if somebody gets picked up drinking and driving on a Friday night and they have to go to the program where you don't get analyzed whether or not you really have a drinking problem compared to somebody who gets picked up on the Wednesday morning. To me the person on the Wednesday morning is most likely has a drinking problem so I think the inroads program to me, if I understand it correctly and I'd like you to explain it a little bit further, would be more of an analysis on the type of drinker that a person is so that you can find out but you allow them to kind of come up to the conclusion that they have a drinking problem.

Sandra MacNevin: Yes. So you provide the information. You provide the screening tools. People participate because it's mandatory and they pay for the service and they conclude, with the help of the facilitator of course, yeah.

Wayne Collins (PC)(Chair): Is that done one on one or how?

Sandra MacNevin: No. It's in a group.

Wayne Collins (PC)(Chair): Now how would that be different from what I experienced in the first day of this driver reinstatement program where we heard stories of how, people, families have been victimized by impaired drivers and we also, I believe there was a film from a center up in Ontario where they discussed social drinking, problem drinking, alcoholism, when you think when you ought to begin to twig to having a problem?

Sandra MacNevin: Well, I think the only thing that's different is the exploration of whether or not you have a problem because I know, I know like - that was a storm day too. That was the results the day after a storm that Tuesday you were there and there was probably only 20 out of how many that should have been there and out of the names that were called in that place right there, there were probably people there that could have been referred to Addictions Services but because of this, this, and this they're missed.

Wayne Collins (PC)(Chair): Were they all first-time offenders there?

Sandra MacNevin: First and second-time offenders.

Wayne Collins (PC)(Chair): First and second so . . .

Sandra MacNevin: So first and second-timers can be missed as to whether or not they have a legitimate drinking problem and so this is almost, yeah, sorry. Go ahead.

Wayne Collins (PC)(Chair): Did I understand you to say though that if a person has a second conviction here that they must undergo what's called a Driver Risk Inventory.

Sandra MacNevin: Mmhm.

Wayne Collins (PC)(Chair): And over, is it 40 per cent of those who go through that score over 60 per cent and therefore are recommended on to Addiction Services?

Sandra MacNevin: Yeah.

Wayne Collins (PC)(Chair): For an assessment.

But when they go for an assessment, whether it's a second or third time, which is mandatory for assessment, correct?

Sandra MacNevin: Yes, right.

Wayne Collins (PC)(Chair): The people at Addiction Services do not know why someone may be requesting that assessment.

Sandra MacNevin: This is true. Which is a faulty thing I think because it is . . . somebody like Jane or Joe or Jack may call up and say yeah, . . . I need to have an assessment. And unless the question is asked: Is somebody, is it mandatory that you call us, or they're cagey enough to omit the truth, then we might now know until after that they are there for their license, which is a huge variable.

Wayne Collins (PC)(Chair): It is important for you to know that in terms of that assessment.

Sandra MacNevin: Yes, it is because . . .

Wayne Collins (PC)(Chair): Why hasn't that been made . . . is there any way that that could be mandatory that they have to disclose or people on the other end of the line have to ask certain questions? Privacy?

Sandra MacNevin: I'm not sure.

Wes MacAleer (PC): How would you program differently? What would you do?

Sandra MacNevin: What would be different would be this is a symptom and a consequence of their choices and behaviour so it would help us penetrate their denial, okay, because the last thing anybody . . .

Honourable Robert Ghiz (L): Intervention.

Sandra MacNevin: It is like a form of intervention because it is a consequence of their behaviour and if they can pretend that they don't have any consequences or minimal consequences, it's just not as . . . they're not as forthcoming with the information.

Wayne Collins (PC)(Chair): Mr. Ghiz and then, I believe, Mr., Dr. McKenna.

Honourable Robert Ghiz (L): Can you just tell me again. You said only three other provinces don't have the inroads . . .

Sandra MacNevin: No, it's not inroads. Every province has a different program. Just in 1997 the, what is it called, the Provincial Consulting Committee for Impaired Drivers, the PCCID and actually, I went to, I went to a training workshop on the inroads program back in 1997 because we really thought it was going to be implemented but at the last straw, it didn't get implemented and it was the resources, the lack of funding, the lack of availability to get it all.

Honourable Robert Ghiz (L): Is it a self-funding model that you're looking at or would the government have to foot the bill?

Sandra MacNevin: Well, I think there could perhaps be some self-funding model could be adopted and even like . . .

Honourable Robert Ghiz (L): It would be part of the fine so you would have to pay it yourself.

Sandra MacNevin: No, it wouldn't be part of the fine. It would be - in other provinces if you have an impaired charge and it's mandatory that you go for an assessment, you pay for your assessment right there and anybody else doesn't have to and I don't know, you know, why they've done it that way but they have. And for some I think when I was in Ottawa, I was actually in Ottawa in Ontario early in October for this conference on this best practice, and so we were talking about that being one of the consequences of this behaviour, which is impaired driving.

Honourable Robert Ghiz (L): That's a federal document there - Best Practices?

Sandra MacNevin: Yes, through Health Canada.

Honourable Robert Ghiz (L): Can you see if we can get it?

Sandra MacNevin: Actually, I can give you the phone number. It's published by Health Canada, Ottawa, Ontario. The telephone number is 613-954-5995. So our program is in here with Audrey Mayhew, you know, and everybody's in here, yeah. And B.C. is in a developmental stage of implementing a new, client fee program.

Honourable Robert Ghiz (L): And you thought this program was going to be implemented in '97 so we already have the documentation that would look like the program that you're kind of (Indistinct)

Sandra MacNevin: I have a program in my office. It's a two-day program. So every program could be different, yeah, yeah.

Wayne Collins (PC)(Chair): Dr. McKenna.

Dr. McKenna (PC): Yes, thank you. Just getting back to this inroads program, it's for first-time offenders.

Sandra MacNevin: Yes.

Dr. McKenna (PC): And what would be different in this program? What are you doing now that's different from that?

Sandra MacNevin: Well, we potentially aren't even seeing first-time offenders.

Dr. McKenna (PC): 'Cause you only see them on the third time.

Sandra MacNevin: It's mandated the third time so I think there might be a likelihood of more intervention, you know. There might be more intervention because if we could actually have an assessment with somebody and help them see that, yes, in fact this is problem drinking or this is addiction and then recommend treatment as part of their reinstatement, then we would start the process sooner as opposed to later.

Dr. McKenna (PC): So would this have to be a legislative change to put that in there or just a policy change someplace in Addiction Services or I guess what department would be under is the question.

Wayne Collins (PC)(Chair): Highway Safety.

Dr. McKenna (PC): Highway Safety probably.

Sandra MacNevin: Well, my understanding it's a new concept to have client fees. We don't have client fees. There's no client fees for people attending any service of Addiction Services so that too would be another . . .

Dr. McKenna (PC): Would be a new thing.

Sandra MacNevin: It would be a very new thing but other provinces are doing it.

Wayne Collins (PC)(Chair): Mr. MacDonald, oh, I'm sorry. Are you finished up?

Dr. McKenna (PC): No, that's fine.

Wayne Collins (PC)(Chair): Mr. MacDonald.

Mr. MacDonald (L): I remember when - not that I ever did it - but when you called the politician if you're in jail for drinking. He would simply call the jail and get you out. Aren't we lucky we don't have that any more. But over the years, you know, I agree with everything, but there is some people and I've had two or three of them over the years who refuse to go to Addiction Center. They have a problem. There's no question there's a problem there but for some reason, they think that's not right or whatever. I don't know why. They'll continue to drive. They won't stop driving. I even have a famous case where he went every day to the liquor store and this man passed on now but, fortunately for him, he never got into an accident. I told him one time that if he ever got caught and hurt somebody, he'd end up in jail but it didn't stop him.

But these people, I'm thinking of the inroads program for people like these others who will not go to the Addiction Center, I don't know why they won't. I know full well they have a problem. They know they have a problem. How can we solve that? How can you meet these people? Can you meet them in their home? Can you do things like that, go their home? They need that extra person to, you know, really tell them that they have a problem. I'm sure you do your evaluation and then let them know they have that problem with drinking and they don't want to stop drinking. They don't want to stop driving but they do the both.

Sandra MacNevin: Well, that becomes the challenge, yes.

Mr. MacDonald (L): Doesn't, it's a terrible challenge.

Sandra MacNevin: Yes, yes. And I mean like if somebody keeps their appointment, it becomes our job to motivate them to want to receive service

and want to have treatment, you know, if in fact that's the problem.

Mr. MacDonald (L): If you can get them there once, you should be able to do that, should you?

Sandra MacNevin: Well, I did have the fortune of working with a chap who had 17 impaired charges and, you know, like all 17 he believed fully to the tips of his toes that the police were out to get him and he did not have a drinking problem. Like help me understand, you know, how he thought but he really thought that and he definitely was a challenge.

Honourable Robert Ghiz (L): A person has to be aware they have a problem (Indistinct) challenge.

Wayne Collins (PC)(Chair): Step one.

Sandra MacNevin: He's very unlucky. You know, and I guess my whole focus in my presentation is to stop the problem before the recidivism and to get them before it's so late that they're so chronic because the better, the faster you get people into service, the better chances they have at getting well.

Mr. MacDonald (L): And the younger too, would you, would you put younger?

Sandra MacNevin: Potentially, yes.

Mr. MacDonald (L): The faster you get the younger.

Sandra MacNevin: Yes.

Mr. MacDonald (L): Most of these people that I would have over the years would be, you know, in their fifties or so and drank all their life and drove all their life. Go back to the history of PEI, you know, not many years ago when you could drive. Nobody else drove your car. It didn't matter how drunk they were or whatever.

Sandra MacNevin: And like I was going to say earlier was the fact that there was a couple of people in the room who might have had their first impaired but I know and they know me to know that they have a serious problem but it's not mandated that they go to Addiction Services and that is a frightening fact for me because they're

going to get their license back without treatment. They're going to . . . you know what I mean. Because they're potentially still drinking.

Mr. MacDonald (L): So a first-time offender does not have to . . .

Sandra MacNevin: No.

Mr. MacDonald (L): I see.

Sandra MacNevin: Or second. Unless they fail the Driver Risk Inventory.

Mr. MacDonald (L): Okay, which is done by the department.

Sandra MacNevin: Which . . . it's a computerized inventory.

Wayne Collins (PC)(Chair): On the second offence.

Sandra MacNevin: Yes.

Wayne Collins (PC)(Chair): Yes, David.

Dr. McKenna (PC): Just getting back to the third time in, third conviction they have to see you people.

Sandra MacNevin: Mandatory.

Dr. McKenna (PC): But they're forced to see you.

Sandra MacNevin: That's right.

Dr. McKenna (PC): If they want to get their license back.

Sandra MacNevin: And they don't even have to tell us until after the fact.

Dr. McKenna (PC): That that's why they're there.

Sandra MacNevin: That that's why they came.

Dr. McKenna (PC): And then if, do you have any? Can you measure outcomes there of what percentage of those are actually able to help like (Indistinct) you don't get, you're not able to follow that through.

Sandra MacNevin: Well, our statistics are not obviously accurate if we don't know the real reason why they're accessing service but the province now is in a pilot stage of measuring treatment outcomes. We haven't implemented that as of yet but the province is working on doing that province wide - treatment outcomes - but it still wouldn't really be accurate for the highway safety person because why are they there? Are they there because they're self-motivated or are they there because of the family discord or are they there because they're there to get their license back?

Dr. McKenna (PC): Well, there's other people probably there too because if they want to keep their job, they have to be there. They're not all there voluntarily, I don't imagine.

Sandra MacNevin: Not at all, not at all.

Dr. McKenna (PC): Some of them are there because their families just won't put up with them any more. There's a variety of reasons they're there but there's the odd hard core that's probably there 'cause they finally realize they have to be there.

Sandra MacNevin: But the fact is if another, if you're having difficulties at work and your employer says you must, they fill out a piece of paper and refer to us and it becomes classified as an AAP referral. Or if you want income support in your community or probation, you're on probation and they're saying you must, then they fill out a piece of paper and it comes to us that way as opposed to the client saying oh, I have to so I will before they tell me I have to, like that kind of thing. So it's an, we have an inaccurate way of figuring out who's there for highway safety or if they're even there for probation because sometimes now they go to probation and probation sends them because highway, you know, so it's really . . . we can't track who's highway safety.

Wayne Collins (PC)(Chair): Mr. MacDonald.

Mr. MacDonald (L): You teach now complete abstinence of drinking. Do you teach that to drivers that come to you? Like there was a big controversy a few years ago or a change in some policy and some wanted complete abstinence and others were you take a course and you can learn to drink and you can still drink and . . .

Sandra MacNevin: Oh, no, like Drink Safely. We don't do any kind of drink wise or drink safe. We do harm reduction. We do reducing harm and improving quality of life and we also do believe in the medical model, which is abstinence based, yeah, yeah.

Wayne Collins (PC)(Chair): Well, I'm going to thank you very much, Ms. MacNevin for coming in today. It's been a pleasure hearing you again and we thank you for your contribution to our deliberations.

Sandra MacNevin: Well, this was an easier audience than last time.

Wayne Collins (PC)(Chair): Easier weather to travel in too.

Sandra MacNevin: Yeah.

Wayne Collins (PC)(Chair): Thank you again.

I wonder if I could ask committee members to please hang in here for a short little while and we're going to have a brief in-camera meeting if that's okay, alright. Mary, perhaps before you leave, you can tell us we do have another session of presenters at our next meeting and do we have those people lined up yet?

Mary Perry: We do . One I'm waiting for confirmation. To start with, we have two Allied Youth; one from West Isle High School and one from Three Oaks. Then we have the pharmaceutical association making a presentation. Following them, hopefully, medical society. That's to be confirmed and following that, we have a young fellow named Dave McKenna from SADD, Colonel Gray, he's going to make a presentation. And following that, we have Blair Ross and Deborah Kelly Hawkes.

Honourable Robert Ghiz (L): When is she coming? Deborah ?

Mary Perry: Deborah Kelly Hawkes. Blair Ross.

Wayne Collins (PC)(Chair): And that's on Tuesday, March 1st, at two o'clock, correct.

Mary Perry: Starting at two.

Wayne Collins (PC)(Chair): Alright, Tuesday March 1st at two o'clock. Mary, I'm going to ask you if you would leave for just a moment. We're going to do some in-camera thing on a totally different issue than impaired driving.

Oh yes, may I have a motion to go in-camera? Yes, so moved by Mr. Ghiz. All those in favour, say yea.

Some Hon. Members: Yea.

Wayne Collins (PC)(Chair): Contrary, nay. We shall go in-camera for just a brief moment.