

**An Overview of Administrative Driver License Suspensions
and *Criminal Code* Charges for Alcohol and Drug Impaired
Driving in Canada: 2008-2014**



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Introduction

Alcohol and drug impaired driving remains a serious public health and road safety issue in Canada. In Canada, there have been modest reductions in impaired driving fatalities over the last two decades (Vanlaar et al., 2012)¹. However, since 1997, the annual percentage of traffic fatalities where drivers have tested positive for alcohol has consistently remained in the range of 36–39% (Vanlaar et al., 2012). At the same time, the detection of drugs in fatally-injured drivers during this same period has continued to rise.

In Canada, laws that restrict driving while impaired by alcohol or drugs take two forms: a criminal charge or an administrative drivers licence suspension (ADLS). Operating a motor vehicle while one's ability to do so is impaired by alcohol or a drug is a federal criminal offence under s. 253(1)(a) of the *Criminal Code*. Federal criminal sanctions are applied after conviction of a criminal drinking and driving offence (e.g., driving over the legal limit of 0.08% BAC). Minimum penalties for conviction include a \$1,000 fine for first offence; 30-day imprisonment for a second offence; 120-day imprisonment for a third offence, and with maximum penalty of up to 5 years in prison.

All provinces and territories except Québec authorize the police to impose a short-term ADLS on a driver if they have reasonable grounds to believe that his or her ability to drive (physical or mental ability) is impaired by alcohol or drugs. The provinces and territories first enacted ADLS programs in the late 1970s and early 1980s. These programs were initially designed to temporarily remove drivers with blood-alcohol concentrations (BACs) between 0.05% and 0.08% from the roads, given the body of research evidence demonstrating that key driving-related skills become progressively impaired at lower BAC levels. This report shows the number of administrative sanctions (for BACs between .05 and .08) delivered by Canadian provinces, but does not reflect administrative sanctions for drivers found to be over .08 BAC².

In addition, several provinces impose ADLS on drivers who fail a standard field sobriety test (SFST). The SFST consists of three physical/behavioral tests (horizontal gaze nystagmus, walk and turn test, and one-leg stand test), which are conducted at roadside. Licence suspensions range from 24 hours (PE, QC), to 3 days (MB, SK). A 24-hour (AB, BC, YK, NT, NU) or 7-day (NL) licence suspension may also be issued if the officer deems the driver's "ability to operate a motor vehicle is impaired by alcohol, drugs or a combination". Ontario has recently passed legislation to support a 3-day licence suspension, though this change is not yet in effect.

Comprehensive ADLS programs can have both a major deterrent impact and assist in the early identification of drivers who have or are developing an alcohol or drug problem, encouraging them to seek assistance. Now that these programs have been in place in many provinces and territories for several years, two key questions have emerged:

1. *To what degree have individual provinces and territories followed Canadian Council of Motor Transport Administrators (CCMTA) best practices for establishing administrative licence suspension programs? and*
2. *Has the establishment of provincial administrative driver licensing suspension programs changed police enforcement practices with respect to laying Criminal Code charges for impaired driving?*

In answering these questions, we draw on data provided to us by each province on alcohol and drug related ADLS and on Criminal Code impaired driving charges. While this is, to our knowledge, the most accurate source of information available on ADLS, data are not consistently collected in each jurisdiction, particularly with respect to the separation of alcohol and drug suspensions (which is the focus of this report).

¹ Vanlaar, W., Robertson, R., Marcoux, K., Mayhew, D., Brown, S., & Boase, P. (2012). Trends in alcohol-impaired driving in Canada. *Accident Analysis & Prevention*, 48, 297-302.

² Starting in September of 2010, British Columbia introduced the Immediate Roadside Prohibition law (IRP) which includes administrative sanctions for drivers over .08 BAC. IRP sanctions for British Columbia totalled: 2010 (5,682), 2011 (22,654), 2012 (13,549), 2013 (19,379), 2014 (18,804), 2015 (16,202).

Our focus is on changes over time in both short-term and longer-term ADLS. We define short-term ADLS as those that are less than 3 days in length, and longer-term ADLS as those lasting 3 or more days. This distinction is important for two reasons: 1) Most drug-impaired ADLS are 24 hours and in many jurisdictions, almost all 24-hour suspensions are for drugs; whereas alcohol-related ADLS are 3+ days. As such, in attempting to isolate trends in alcohol and drug-impaired ADLS, particularly in jurisdictions that do not separately record such charges, the separation into short- and longer-term ADLS is necessary. 2) The CCMTA wishes to encourage the adoption of longer-term ADLS in all provinces, and an examination of short versus longer-term ADLS provincial trends allows us to assess progress in achieving CCMTA goals.

The CCMTA Model for Administrative Driver Licence Suspension Programs

MADD Canada first advocated for comprehensive ADLS programs at the .05% BAC level in its 2000 *Rating the Provinces and Territories Report*. MADD Canada repeated its call for such programs in all subsequent provincial and territorial reports. Working with the Canadian Council of Motor Transport Administrators (CCMTA), MADD Canada developed a model ADLS program based on existing best practices in Canada and research drawn from Canada and abroad. The recommended model included:

- A 7- to 14-day licence suspension for a first violation, with 30-, 45- and 60-day suspensions for second, third and subsequent infractions within a 3-year period;
- A mandatory licence reinstatement fee of \$150 - \$300;
- The recording of the suspension on the drivers' record; and
- Mandatory remedial measures (alcohol assessment, education, rehabilitation) for repeat infractions.

The CCMTA ADLS model was approved in 2005. All provinces except Québec have some form of administrative sanctions for alcohol and/or drugs.

In this Report, MADD Canada Outlines:

- ✓ The progress that the provinces have made in strengthening their short-term administrative licence suspension programs, as recommended by the CCMTA;
- ✓ The total number of alcohol-related and drug-related *Criminal Code* impaired driving charges and provincial short-term administrative licence suspensions;
- ✓ Variations in the number and duration of administrative driver licence suspensions, and number of *Criminal Code* charges across Canada; and
- ✓ The interplay in enforcement practices between *Criminal Code* impaired driving charges and provincial administrative driver licence suspensions.

Not all the data in this report relate to the same reporting period. The latest available data were used. Given the small numbers involved, data from the territories were not included in this report.

Administrative Driver Licence Suspension Programs in Canada

Over the past several years, many provinces have updated their ADLS programs, adding increased suspension periods, fines, licence re-instatement fees and other sanctions. Table 1 outlines the provincial/territorial ADLS programs, and variations in programs from jurisdiction to jurisdiction.

Table 1: Provincial/Territorial Administrative Driver Licence Suspensions

Prov / Terr	First Occurrence	Second Occurrence	Third Occurrence	Fourth or Subsequent Occurrence
AB ³	- 24 hours if reasonably suspect physical or mental ability affected by alcohol/drugs, or medical or physical condition; - 3 days for $\geq .05\%$	- 24 hours if reasonably suspect physical or mental ability affected by alcohol/drugs, or medical or physical condition; - 15 days for $\geq .05\%$	- 24 hours if reasonably suspect physical or mental ability affected by alcohol/drugs, or medical or physical condition; - 30 days for $\geq .05\%$	- 24 hours if reasonably suspect physical or mental ability affected by alcohol/drugs, or medical or physical condition; - 30 days for $\geq .05\%$
BC ⁴	- 24 hours if reasonable grounds driving ability affected by alcohol/ drugs; - 3 days for $\geq .05\%$	- 24 hours if reasonable grounds driving ability affected by alcohol/ drugs; - 7 days for $\geq .05\%$	- 24 hours if reasonable grounds driving ability affected by alcohol/ drugs; - 30 days for $\geq .05\%$	- 24 hours if reasonable grounds driving ability affected by alcohol/ drugs; - 30 days for $\geq .05\%$
MB ⁵	- 3 days if too impaired to take breath, blood or SFST test; fails SFST; or $\geq .05\%$ - 7 days if child under the age of 16 is in the vehicle	- 15 days if too impaired to take breath, blood or SFST test; - 15 days for fails SFST or $\geq .05\%$	- 30 days if too impaired to take breath, blood or SFST test; - 30 days for fails SFST or $\geq .05\%$	- 60 days if too impaired to take breath, blood or SFST test; - 60 days for fails SFST or $\geq .05\%$
NB	7 days			
NL ⁶	7 days	14 days	2 months	4 months
NS ⁷	7 days	15 days	30 days	30 days
NT ⁸	24 hours	30 days	30 days	30 days
NU	4-24 hours			
ON ⁹	3 days	7 days	30 days	30 days

³ The lookback period for prior occurrences is 10 years.

⁴ The lookback period for prior occurrences is 5 years. Additionally, the police must also believe that the driver's ability to drive is "affected" by alcohol.

⁵ The lookback period for a prior occurrence is 10 years.

⁶ The lookback period for prior occurrences is only 2 years. A 6-month licence suspension is imposed for a fifth or subsequent short-term ALS within 2 years.

⁷ The lookback period for prior occurrences is 10 years.

⁸ The lookback period for prior occurrences is only 2 years.

PE ¹⁰	- 24 hours for: refusing/ failing to take breath test or SFST; or failing SFST; - 7 days for $\geq .05\%$	- 24 hours for: refusing/ failing to take breath test or SFST; or failing SFST; - 30 days for $\geq .05\%$	- 24 hours for: refusing/ failing to take breath test or SFST; or failing SFST; - 90 days for $\geq .05\%$	- 24 hours for: refusing/ failing to take breath test or SFST; or failing SFST; - 90 days for $\geq .05\%$
QC ¹¹	- 24 hours for: refusing/failing to take SFST; or failing SFST - No General Short-Term ALS for BAC $\geq .05\%$			
SK ¹²	3 days	21 days	90 days	90 days
YK	24 hours			
CCM TA ¹³	7-14 days	30 days	45 days	60 days

⁹ If proclaimed in force, the Transportation Statute Law Amendment Act (Making Ontario's Roads Safer), 2015, S.O. 2015, c. 14 would authorize the police to impose a short-term ALS on a driver whom they reasonably believed to be impaired by a drug, or a combination of drugs and alcohol. The officer's reasonable belief must be based on all the circumstances, including the driver's performance on a SFST. The duration of these drug-related ALSs, the associated lookback period for repeat infractions and the associated remedial programs would parallel those for alcohol-related, short-term ALSs. Government of Ontario, Press Release, "Ontario Passes Legislation to Improve Road Safety" (2 June 2015). The lookback period for prior occurrences is 5 years.

¹⁰ The lookback period for prior occurrences is only 2 years.

¹¹ Proposed amendments and a 2010 legislative report called for the introduction of a 24-hour ADLS program for all fully licensed drivers who had BACs $\geq .05\%$. However, the government announced in December 2010 that it was postponing introduction of the program for 2 or 3 years. Drivers of buses, minibuses and taxis are subject to a .00% BAC limit, and drivers of tow trucks and heavy vehicles (weight > 4,500 kg) are subject to a .05% BAC limit. Police must issue a 24-hour licence suspension to these drivers if their BAC exceeds the applicable limit.

¹² The lookback period for prior occurrences is 5 years

¹³ The Canadian Council of Motor Transport Administrators (CCMTA) issued model policies for alcohol-related short-term ALSs in 2005. The model provides for a lookback period of 3 years for prior occurrences.

Tables 2 thru 4 provide an overview of the number and duration of ADLS for alcohol or drugs from 2010 to 2014 for each province, and for Canada. The ADLS have been divided based on duration to capture short-term (less than 3 days) and longer-term (3+ day) suspensions. Some provinces only employ longer-term ADLS (Ontario, Newfoundland and Labrador, Nova Scotia) while other use both short and longer-term ADLS (Prince Edward Island, Manitoba, Saskatchewan, Alberta, British Columbia). With respect to alcohol, short-term ADLS have declined in the last five years while longer-term suspensions have slightly increased (Table 2). Most ADLS related to drugs are less than 3 days (Table 3) and are concentrated in two provinces (British Columbia and Alberta).

Table 2: Number and Duration of Administrative Driver Licence Suspensions for Alcohol from 2010 to 2014¹⁴

Prov.	Short-term Licence Suspension < 3 days ¹⁵					Longer-term Licence Suspension 3+ days ¹⁶				
	2010	2011 ¹⁷	2012	2013	2014	2010	2011	2012	2013	2014
NL ¹⁸	242	0	0	0	0	137	339	414	441	343
PE	308	325	339	282	0	90	84	80	77	109
NS	630	23	0	0	0	99	648	710	634	676
NB ¹⁹	0	0	0	0	0	0	0	0	0	0
QC ²⁰	0	0	0	7	5	0	0	0	0	0
ON	0	0	0	0	0	17,179	15,447	13,746	15,610	10,517
MB	734	650	637	640	784	0	36	108	102	135
SK	2,825	2,499	2,209	1,790	741	420	386	311	233	715
AB	7,970	7,114	4,798	0	0	0	0	910	2,174	2,064
BC	24,487	4,069	7,326	3,272	3,450	2,066	8,024	5,612	6,393	6,095
Totals	37,196	14,680	15,309	5,991	4,980	19,991	24,964	21,891	25,664	20,654

¹⁴ The data in this table were provided to MADD Canada by the provinces. MADD Canada did its best to ensure that the data provided relates only to ADLS.

¹⁵ This includes only 24-hour suspensions.

¹⁶ This includes suspensions ranging from 3 to 180 total days.

¹⁷ The inclusion of data on drug suspensions is inconsistently collected in 2010 and 2011.

¹⁸ In many provinces, drug suspensions are not consistently tracked or alcohol and drug suspensions are not tracked separately.

¹⁹ New Brunswick has a 7-day short-term ADLS program, but the province does not collect or report this data on the driver's record.

²⁰ Data from Québec includes only commercial drivers.

Table 3: Number and Duration of Administrative Driver Licence Suspensions for Drugs from 2010 to 2014²¹

Prov.	Short-term Licence Suspension < 3 days ²²					Longer-term Licence Suspension 3+ days ²³				
	2010	2011 ²⁴	2012	2013	2014	2010	2011	2012	2013	2014
NL ²⁵	0	0	0	0	0	0	0	0	0	0
PE	0	0	0	5	20	0	0	0	4	0
NS	0	0	0	0	0	0	0	0	0	0
NB ²⁶	0	0	0	0	0	0	0	0	0	0
QC	0	0	0	154	344	0	0	0	0	0
ON	0	0	0	0	0	0	0	0	0	0
MB	0	48	48	64	59	0	0	0	7	6
SK	0	0	61	79	0	0	0	0	0	27
AB	0	0	0	1,194	1,564	0	0	0	0	0
BC	5,071	4,500	4,457	3,803	3,050	0	0	0	0	0
Totals	5,071	4,548	4,566	5,299	5,037	0	0	0	11	33

²¹ The data in this table were provided to MADD Canada by the provinces. MADD Canada did its best to ensure that the data provided relates only to ADLS.

²² This includes only 24-hour suspensions.

²³ This includes suspensions ranging from 3 to 180 total days.

²⁴ The inclusion of data on drug suspensions is inconsistently collected in 2010 and 2011.

²⁵ In many provinces, drug suspensions are not consistently tracked or alcohol and drug suspensions are not tracked separately.

²⁶ New Brunswick has a 7-day short-term ADLS program, but the province does not collect or report this data on the driver's record.

Table 4: Total Number and Duration of Short and Longer-term Administrative Licence Suspensions for Alcohol or Drugs from 2010 to 2014²⁷

Prov.	Short-term Licence Suspension < 3 days ²⁸					Longer-term Licence Suspension 3+ days ²⁹				
	2010	2011 ³⁰	2012	2013	2014	2010	2011	2012	2013	2014
NL ³¹	242	0	0	0	0	137	339	414	441	343
PE	308	325	339	287	20	90	84	80	81	109
NS	630	23	0	0	0	99	648	710	634	676
NB ³²	0	0	0	0	0	0	0	0	0	0
QC ³³	0	0	0	161	349	0	0	0	0	0
ON	0	0	0	0	0	17,179	15,447	13,746	15,610	10,517
MB	734	698	685	704	843	0	36	108	102	141
SK	2,825	2,499	2,270	1,869	741	420	386	311	233	742
AB	7,970	7,114	4,798	1,194	1,564	0	0	910	2,174	2,064
BC	29,558	8,569	11,783	7,075	6,500	2,066	8,024	5,612	6,393	6,095
Totals	42,267	19,228	19,875	11,290	10,017	19,991	24,964	21,891	25,668	20,687

²⁷ The data in this table were provided to MADD Canada by the provinces. MADD Canada did its best to ensure that the data provided relates only to ADLS.

²⁸ This includes only 24-hour suspensions.

²⁹ This includes suspensions ranging from 3 to 180 total days.

³⁰ The inclusion of data on drug suspensions is inconsistently collected in 2010 and 2011.

³¹ In many provinces, drug suspensions are not consistently tracked or alcohol and drug suspensions are not tracked separately.

³² New Brunswick has a 7-day short-term ADLS program, but the province does not collect or report this data on the driver's record.

³³ Alcohol data from Québec includes only commercial drivers.

Tables 5 and 6 provide an overview of the number of alcohol impaired driving and drug impaired driving *Criminal Code* charges from 2008 to 2014 for each province, and for Canada. Table 7 present the data for alcohol and drug impaired charges combined. Overall, the number of *Criminal Code* charges for impaired driving have declined since 2008, going from 64,942 to 49,723 in 2014. This is attributed to the significant decline in alcohol impaired charges over this period; drug impaired *Criminal Code* charges have increased from 187 in 2008, to 925 in 2010, and to 1,347 in 2014.

Table 5: Total Number of Alcohol Impaired *Criminal Code* Person Charges from 2008 to 2014³⁴

Prov.	2008	2009	2010	2011	2012	2013	2014	Total
NL	902	882	883	813	922	820	749	5,971
PE	416	437	431	415	348	327	258	2,632
NS	2,182	2,119	2,114	1,998	1,764	1,701	1,702	13,580
NB	1,998	1,773	1,706	1,591	1,412	1,338	1,245	11,063
QC	13,770	15,099	14,455	14,953	15,226	14,027	13,197	100,727
ON	17,477	16,809	15,900	15,812	15,789	14,310	13,838	109,935
MB	2,556	2,590	2,744	2,620	2,418	2,358	2,128	17,414
SK	4,750	4,559	4,670	4,704	4,953	4,848	4,421	32,905
AB	11,119	10,741	10,902	10,731	10,187	9,170	8,836	71,686
BC	9,772	11,800	9,794	5,016	5,635	3,517	3,349	48,883
Canada	64,942	66,809	63,599	58,653	58,654	52,416	49,723	414,796

³⁴ Data is based on CANSIM Charts: 252-0051, 252-0056, 252-0067

Table 6: Total Number of Drug Impaired *Criminal Code* Person Charges from 2008 to 2014³⁵

Prov.	2008	2009	2010	2011	2012	2013	2014	Total
NL	19	36	53	34	34	49	48	273
PE	1	5	5	5	4	6	18	44
NS	18	39	71	63	63	67	120	441
NB	13	67	37	43	24	26	26	236
QC	3	51	102	169	305	376	389	1,395
ON	66	317	323	284	277	312	328	1,907
MB	7	21	29	41	36	36	59	229
SK	8	45	58	47	52	49	72	331
AB	29	86	136	133	126	103	154	767
BC	23	128	111	118	211	164	133	888
Canada	187	795	925	937	1,132	1,188	1,347	6,511

³⁵ Data is based on CANSIM Charts: 252-0051, 252-0056, 252-0067

Table 7: Total Number of Alcohol and Drug Impaired Driving *Criminal Code* Person Charges from 2008 to 2014³⁶

Prov.	2008	2009	2010	2011	2012	2013	2014	Total
NL	921	918	936	847	956	869	797	6,244
PE	417	442	436	420	352	333	276	2,676
NS	2,200	2,158	2,185	2,061	1,827	1,768	1,822	14,021
NB	2,011	1,840	1,743	1,634	1,436	1,364	1,271	11,299
QC	13,773	15,150	14,557	15,122	15,531	14,403	13,586	102,122
ON	17,543	17,126	16,223	16,096	16,066	14,622	14,166	111,842
MB	2,563	2,611	2,773	2,661	2,454	2,394	2,187	17,643
SK	4,758	4,604	4,728	4,751	5,005	4,897	4,493	33,236
AB	11,148	10,827	11,038	10,864	10,313	9,273	8,990	72,453
BC	9,795	11,928	9,905	5,134	5,846	3,681	3,482	49,771
Canada	65,129	67,604	64,524	59,590	59,786	53,604	51,070	421,307

³⁶ Data is based on CANSIM Charts: 252-0051, 252-0056, 252-0067

Table 8 outlines the change in short- and longer-term ADLS for both alcohol and drugs over time in each province from 2010 to 2014, broken down by duration of suspension. Overall, the number of short-term ADLS has decreased by 76% since 2010, with only Quebec and Manitoba showing an increase (100% and 15%, respectively). Conversely, longer-term ADLS have increased by 3.5% nationally, with a substantial increase in many provinces including Newfoundland and Labrador, Nova Scotia, and British Columbia. Moreover, Manitoba and Alberta moved from administering no longer-term suspensions in 2010 to 141 and 2,064, respectively, in 2014. Only Ontario saw a decrease in longer-term ADLS (-39%) over this period.

Table 8: Number of Short- and Longer-term Administrative Licence Suspensions for Alcohol or Drugs and Percentage Change from 2010 to 2014, by Duration.

Short-term Licence Suspension < 3 days				Longer-term Licence Suspension 3+ days		
Prov.	2010 Totals	2014 Totals	% Change from 2010	2010 Totals	2014 Totals	% Change from 2010
NL	242	0	-100%	137	343	+150%
PE	308	20	-94%	90	109	+21%
NS	630	0	-100%	99	676	+582%
NB	0	0	NA	0	0	NA
QC	0	349	+100%	0	0	NA
ON	0	0	NA	17,179	10,517	-39%
MB	734	843	+15%	0	141	Increase
SK	2,825	741	-74%	420	742	+77%
AB	7,970	1,564	-80%	0	2,064	Increase
BC	29,558	6,500	-78%	2,066	6,095	+195%
Totals	42,267	9,673	-76%	19,991	20,687	+3.5%

Table 9 provides an overview of the number of *Criminal Code* impaired driving charges for alcohol between 2008 and 2014. The overall charge rate steadily declined from 2008 to 2014, dropping 2% from 2008 to 2010, to 23% from 2008 to 2014. The decrease in *Criminal Code* charges was consistent across all provinces, though a more substantial decrease was observed in British Columbia (66% decrease), as well as in New Brunswick and Prince Edward Island (both with a 38% decrease). British Columbia is the only province with administrative sanctions for failing a test on an ASD (.08% BAC and higher), as covered by the Immediate Roadside Prohibitions (IRP) program which came into force in 2011. Though there is a drop in the number of *Criminal Code* charges, there is an increase in drivers facing alcohol impaired driving sanctions due to the combination of the IRP sanctions and *Criminal Code* charges.

Table 9: Alcohol Impaired Driving *Criminal Code* Person Charges 2008-2014³⁷

Prov.	2008	2010	2012	2014	% Change in Charge Rate		
					2010 vs. 2008	2012 vs. 2008	2014 vs. 2008
NL	902	883	922	749	-2%	+2%	-17%
PE	416	431	348	258	+3%	-16%	-38%
NS	2,182	2,114	1,764	1,702	-3%	-19%	-22%
NB	1,998	1,706	1,412	1,245	-15%	-29%	-38%
QC	13,770	14,455	15,226	13,197	+5%	+11%	-4%
ON	17,477	15,900	15,789	13,838	-9%	-10%	-21%
MB	2,556	2,744	2,418	2,128	+7%	-5%	-17%
SK	4,750	4,670	4,953	4,421	-2%	+4%	-7%
AB	11,119	10,902	10,187	8,836	-2%	-8%	-21%
BC	9,772	9,794	5,635	3,349	+0.01	-42%	-66%
Canada	64,942	63,599	58,654	49,723	-2%	-10%	-23%

³⁷ Data is based on CANSIM Charts: 252-0051, 252-0056, 252-0067.

Alcohol-Related *Criminal Code* and Administrative Driver Licence Suspensions

Table 10 compares the total number of alcohol-related *Criminal Code* impaired driving charges and longer-term ADLS (3+ days) across Canada from 2010 to 2014. The ability to segregate alcohol from drug ADLS is challenging as the information is not consistently recorded across provinces, nor over time. The decision to use longer-term ADLS reflects that most drug suspensions are only for 24-hours. To allow greater comparability to assess changes in alcohol-related sanctioning behaviour over time, a measure of longer-term ADLS is used as a proxy for alcohol-related suspensions.

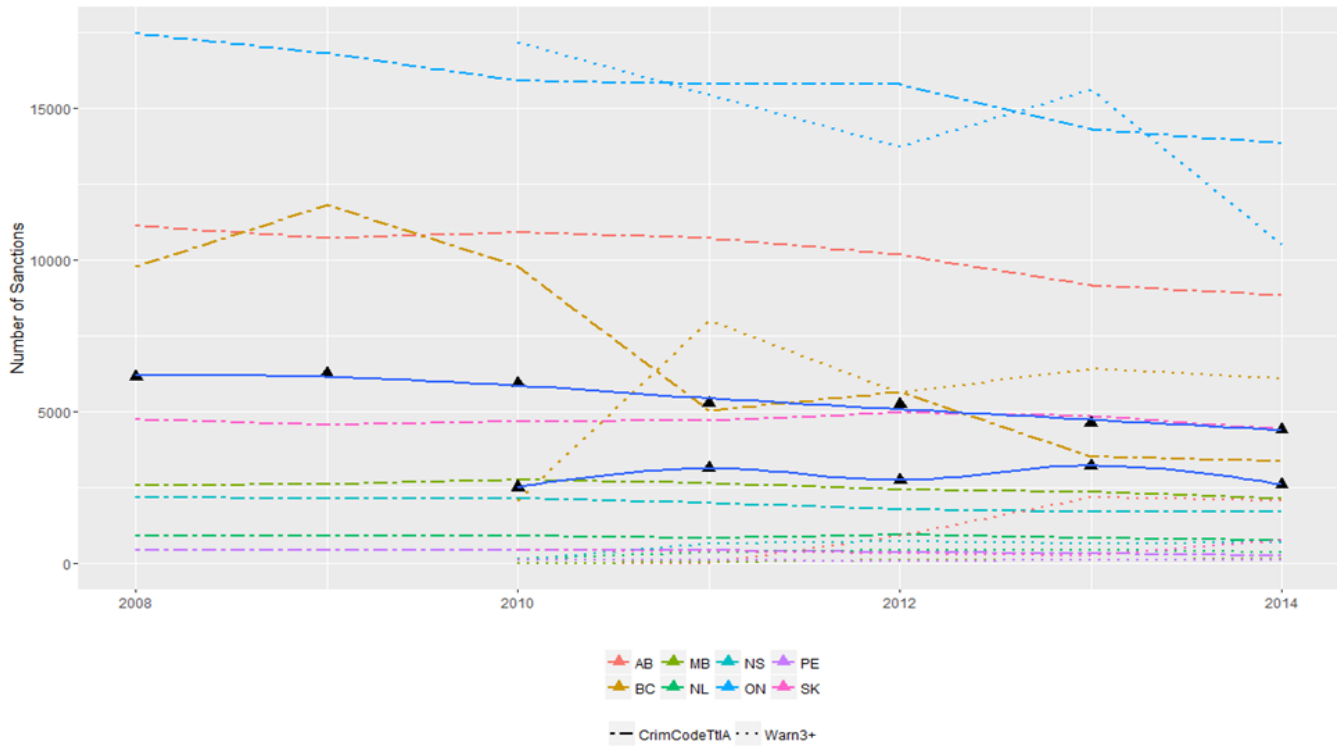
Both in 2010 and 2014, ADLS with a duration of 3+ days or more represent only a fraction of the total number of sanctions for alcohol impaired driving. In 2010, 24% of alcohol-related sanctions in Canada were longer-term ADLS with considerable variability across provinces. In Ontario, 52% of sanctions were longer-term ADLS, with 17% or less in the remaining provinces. In 2010, New Brunswick, Alberta, Manitoba, and Québec recorded no longer-term ADLS. In 2014, however, the proportion of sanctions that were longer-term ADLS rose to 30%; this was a function of a slight increase in the total number of longer-term ADLS coupled with a decrease in *Criminal Code* charges for alcohol impaired driving in 2014. The last column to the right indicates that the largest change in the proportion of longer-term ADLS for alcohol impaired driving occurred in British Columbia (+47%), Nova Scotia (+24%) and Alberta (+19%).

Looking at the second last column to the right, the total number of *Criminal Code* charges and longer-term ADLS for alcohol in Canada dropped by 16% from 2010 to 2014. The highest drop in charges was observed in Prince Edward Island (-30%) and Ontario (-27%). While the drop in New Brunswick was high, ADLS are not recorded on driver abstracts and not tabulated provincially. In Nova Scotia, Newfoundland and Labrador, and Saskatchewan, increases were observed.

Table 10: *Criminal Code* Charges and 3+ Day Administrative Driver Licence Suspensions for Alcohol: 2010-2014

Prov	2010				2014				Change total charges 2014 vs. 2010	Change Admin % 2014 vs. 2010
	Admin (3+ day)	Alcohol Criminal Code	Total	Admin % Total	Admin (3+ day)	Alcohol Criminal Code	Total	Admin % Total		
NL	137	883	1,020	13%	343	749	1,092	31%	+7%	+18%
PE	90	431	521	17%	109	258	367	30%	-30%	+13%
NS	99	2,114	2,213	4%	676	1,702	2,378	28%	+7%	+24%
NB	0	1,706	1,706	0	0	1,245	1,245	0	-27%	0
QC	0	14,455	14,455	0	0	13,197	13,202	0	-9%	0
ON	17,179	15,900	33,079	52%	10,517	13,838	24,355	43%	-26%	-9%
MB	0	2,744	2,744	0	141	2,128	2,269	6%	-17%	+6%
SK	420	4,670	5,090	8%	742	4,421	5,163	14%	+1%	+6%
AB	0	10,902	10,902	0	2,064	8,836	10,900	19%	No change	+19%
BC	2,066	9,794	11,860	17%	6,095	3,349	9,444	64%	-20%	+47%
Canada	19,991	63,599	83,590	24%	20,687	49,723	70,410	30%	-16%	+6%

Figure 1: *Criminal Code* Charges and 3+ Day Administrative Driver Licence Suspensions for alcohol by Province and for Canada: 2008-2014



The declines in *Criminal Code* charges and longer-terms ADLS for alcohol impaired driving in Canada is further captured in Figure 1. A statistical analysis for trend³⁸ confirmed an overall significant decline in *Criminal Code* charges across provinces and overall in Canada, with the largest observed decline in British Columbia. Conversely, longer-term ADLS trended higher in all provinces, except for Ontario, where a decline was observed.

³⁸ A generalized linear mixed model fitting a negative binomial distribution estimated change in trend in *Criminal Code* charges and longer-term ADLS.

Summary of Provincial and Federal Impaired Driving Enforcement Activity

Below an overview of impaired driving enforcement activity is provided, addressing current provincial policies as well as the administration of *Criminal Code* charges and provincial ADLS activity.

Only Prince Edward Island comes close to matching the CCMTA model in terms of the duration of its licence suspensions. Newfoundland and Labrador and Nova Scotia do impose 7-day suspension for first offence, with longer suspensions for subsequent offences. Many other provinces have 3-day suspensions for a first offence, with 7-, 15-, and 30-day or more suspensions for subsequent offences. New Brunswick currently imposes a 7-day suspension for all offences, but recent amendments will see suspension duration increase to 15 and 30 days for second and third or subsequent offences. Québec can impose ADLS for drivers failing or refusing to take an SFST, however it remains the only province which does not have BAC-based administrative sanctions. The look-back period for short-term ADLS programs ranges from 2 to 10 years.

Some ADLS are triggered by a BAC of 0.05% or higher (in Saskatchewan, BACs must exceed 0.04%). Other short-term suspensions are triggered when police reasonably suspect the driver's physical or mental ability is affected by drugs/alcohol or in the event the driver refuses to take a breath, blood or an SFST.

British Columbia and Alberta have gone beyond the CCMTA model by incorporating administrative vehicle impoundments into their ADLS program. In British Columbia, for instance, alcohol-related crash deaths have dropped 46% in the two years following the 2010 implementation, compared to the previous five-year average. An estimated 104 lives were saved³⁹. Given the positive results achieved in British Columbia and Alberta, MADD Canada has added vehicle impoundments to its model ADLS program and has actively encouraged other provinces to adopt this protocol.

The ADLS for British Columbia, Alberta, Saskatchewan, Manitoba, Newfoundland and Labrador and Québec include drug-related administrative suspensions. Ontario will also impose ADLS for drug-related impairment after recent legislative amendments.

Criminal Code charges for alcohol impaired driving have declined substantially over the last six years, with a decline of 23% in the total number of charges laid. This decline was universal across all provinces, though the degree of decline varied considerably by province, with an observed drop of 66% in British Columbia, followed by a 38% drop in Prince Edward Island and New Brunswick. The reasons for this decline remain unclear. Some evidence suggests that there is a general decline in drinking and driving behaviour in Canada, something that is evident in recent road side studies and other surveys. In 1986, in a roadside survey of Ontario drivers, 19.6%⁴⁰ were found to have been drinking, compared to 4% in 2015⁴¹ (Ontario), with only 1.3% of drivers having a BAC of 0.05% or higher. Similarly, in British Columbia, the rate of drinking and driving has dropped considerably from 8.1% in 2008⁴² to 7.4% in 2012⁴³. Findings from roadside surveys are supported by national health survey data which points to a lower rate of drinking and driving. These findings may suggest that a changing culture around drinking and driving amongst the Canadians is taking place.

Another explanation is that *Criminal Code* charges are being supplemented by an increase in provincial ADLS. ADLS programs in Canada have shown to be effective in reducing rates of impaired driving and alcohol-related motor vehicle fatalities. Blais et al. (2015) evaluated changes in alcohol-related fatal injury crashes in Canada between 1987 and 2010 and determined that ADLS programs produced, overall, a 4.1% reduction in crashes involving a driver with a BAC

³⁹ Macdonald S, Zhao J, Martin G, Brubacher J, Stockwell T, Arason N, Steinmetz S, & Chan H. (2013). The impact on alcohol-related collisions of the partial decriminalization of impaired driving in British Columbia, Canada. *Accident Analysis & Prevention*, 59: 200-205.

⁴⁰ Interministerial Committee on Drinking and Driving. (1988). *The 1986 Ontario Survey of Nighttime Drivers – Summary Report*. Toronto: Ontario Ministry of Transportation.

⁴¹ Beirness DJ, Beasley EE, & Mc Clafferty K. (2015). *Alcohol and Drug Use among Drivers in Ontario: Findings from the 2014 Roadside Survey*. Toronto, Ont.: Ontario Ministry of Transportation.

⁴² Beirness DJ & Beasley EE. (2009). *Alcohol and Drug Use among Drivers. British Columbia Roadside Survey 2008*. Ottawa, ON: Canadian Centre on Substance Abuse.

⁴³ Beasley EE & Beirness DJ. (2012). *Alcohol and Drug Use among Drivers following the Introduction of Immediate Roadside Prohibitions in British Columbia: Findings from the 2012 Roadside Survey*. Ottawa, ON: Bierness & Associates.

between 0.05% and 0.08%. However, tougher ADLS laws, such as those in Alberta and British Columbia, have produced even stronger reductions in impaired driving crashes, injuries, and fatalities. Brubacher and colleagues (2014) noted a 46% reduction in alcohol-related crashes in the two years following the implementation of British Columbia's new tougher law, as well as a 52% reduction in fatal alcohol-related crashes, reductions in hospital admissions and ambulance calls related to road trauma⁴⁴.

Between 2010 and 2014, the number of longer-term ADLS in Canada has increased by nearly 4%, with substantial increases in a number of provinces, including British Columbia, Nova Scotia, Newfoundland and Labrador, Manitoba and Alberta. Moreover, the proportion of total alcohol sanctions attributable to longer-term ADLS has increased by 6% between 2010 and 2014. This trend supports the idea that provincial enforcement personnel may be opting to apply provincial administrative penalties rather than *Criminal Code* sanctions. Jurisdictions such as British Columbia and Alberta also include more serious sanctions such as vehicle impoundment, and penalties can be administered immediately. MacDonald et al. (2013)⁴⁵ have suggested that, given the challenges associated with obtaining a *Criminal Code* conviction for impaired driving, officers may be choosing to administer longer-term ADLS instead of *Criminal Code* charges—reserving *Criminal Code* charges for more severe crashes that involve an injury or death. However, while longer-term ADLS are on the rise, particularly in British Columbia, Alberta and Nova Scotia, not enough ADLS have been administered to make up the difference in the decline in total sanctions.

A third possibility is that police enforcement resources in Canada directed at tackling drinking and driving have decreased since 2008 and, as such, fewer charges for drinking and driving have been laid.

A worrying trend is emerging from Ontario. Whereas in other jurisdictions as *Criminal Code* charges have dropped, ADLS charges have increased; in Ontario, both *Criminal Code* charges for alcohol impaired driving and ADLS have declined. Since 2008, *Criminal Code* charges for alcohol impaired driving have dropped by 21%, while longer-term ADLS have declined by nearly 40% since 2010.

Reflective of the recommendations of the CCMTA model, most provinces have shifted away from administering short-term ADLS, here defined as less than 3 days, and have opted for longer-term ADLS. Overall, Canada has seen a significant drop in short-term ADLS of 74% between 2010 and 2014, with the biggest declines in Nova Scotia and Newfoundland and Labrador, who no longer administer short-term ADLS.

Among short-term ADLS, drug impaired driving is playing an increasing role. In 2014 in British Columbia, for example, 47% of the 6,500 short-term ADLS given were drug-related, while all of 1,564 drivers suspended for 24 hours in Alberta in 2014 were for drug impaired driving. Other jurisdictions issue longer-term ADLS for drug impaired driving, though only a handful of such sanctions have been administered. In other jurisdictions, such as Newfoundland and Labrador, the application of drug-related ADLS is less clear as they are not counted separated from alcohol-related ADLS.

Coinciding with this trend, the number of *Criminal Code* charges for drug impaired driving have risen in Canada between 2008 and 2014. This rise reflects changing enforcement approaches regarding drug impaired driving, including the training of many new officers across Canada who have expertise in the detection of drug use and drug impairment in drivers (Drug Recognition Experts). There is also an increased awareness by government, the enforcement community, and the public, of the rising prevalence of driving under the influence of drugs among Canadian drivers. At the same time, drug charges represent a very small percentage of total impaired driving charges administered in Canada. This is concerning given the rising prevalence of driving under the influence of drugs, as has been demonstrated in recent roadside and population surveys, and evidence that rates of driving after drug use have surpassed rates of drinking and driving in younger drivers. Improved enforcement efforts are required in this area, particularly the need to improve detection methods through the adoption of roadside screening techniques such as the use of saliva testing.

⁴⁴ Brubacher, J.R., Chan, H., Brasher, P., Erdelyi, S., Desapriya, E., Asbridge, M., Purssell, R., Macdonald, S., Schuurman, N., Pike, I. (2014). Reduction in fatalities, ambulance calls and hospital admissions for road trauma following new traffic laws. *American Journal of Public Health*, 104(10), e89-e97.

⁴⁵ Macdonald S, Zhao J, Martin G, Brubacher J, Stockwell T, Arason N, Steinmetz S, & Chan H. (2013). The impact on alcohol-related collisions of the partial decriminalization of impaired driving in British Columbia, Canada. *Accident Analysis & Prevention*, 59: 200-205.

Conclusions

1. There was a total of 70,415 *Criminal Code* charges and longer-term short-term ADLS in 2014. That is down 16% from 2010. The drop is largely due to the decrease in *Criminal Code* charges. While there has been a rise in longer-term ADLS for alcohol impaired driving, this increase has not been enough to balance the overall declines in *Criminal Code* charges. The key question is whether the observed declines are a result of declining rates of drinking and driving among Canadian drivers, are due to declines in enforcement-related resources and activities.
2. On a national level, the ratio of longer-term administrative sanctions to *Criminal Code* charges has increased by 6% from 2010 to 2014. There is significant variation among the provinces, with the largest increase observed in British Columbia, Nova Scotia, and Alberta. In British Columbia, the use of short-term suspensions indicates they are being employed in lieu of applying a *Criminal Code* charge for alcohol impaired driving.
3. Both British Columbia and Alberta include the use of vehicle impoundment in their short-term ADLS; considerable reductions in fatal crashes have been observed in both provinces in the years following the policy adoption.
4. Only the four Atlantic Provinces follow the suggested 7-day suspension for a first infraction, as recommended by the CCMTA.
5. Prince Edward Island is the only province that meets all of the administrative requirements of the CCMTA model. British Columbia and Alberta exceed the model in their vehicle impoundment sanctions, and Manitoba, Nova Scotia and Alberta exceed the model with their 10-year look back periods.
6. Drug-related ADLS and *Criminal Code* charges are both on the rise in Canada. However, drug-impaired charges still only represent a small fraction of the total number of impaired driving charges.
7. Impaired driving sanctions in Ontario have decreased since 2008, and Ontario is the only province where declines in longer-term ADLS for alcohol are observed.
8. Québec remains the only province without a short-term ADLS for alcohol impairment.
9. Nova Scotia and New Brunswick are the only two provinces who do not have any administrative sanctions for drugs.

Recommendations

1. Additional work is needed to investigate why total sanctions for alcohol impaired driving have declined across Canada, particularly the decrease in *Criminal Code* charges. While a rise in longer-term ADLS for alcohol has occurred, this increase has not been enough to balance with the overall declines in *Criminal Code* charges. As such, it is important to better understand why there has been a decline in sanctions, which should be examined against long-term trends in rates of drinking and driving in Canada, as well as with respect to changes in the number of licenced drivers in Canada, alcohol sales data, and changes in how police resources have been devoted to impaired driving.
2. Québec should introduce a short-term ADLS program that is consistent with the CCMTA model for BACs between 0.05% and 0.08%.
3. CCMTA should revise its short-term ADLS model to include vehicle impoundments, as is done in British Columbia and Alberta, and they should incorporate drug-impaired driving into their model.
4. Currently, most provinces can provide a total number of administrative sanctions which includes both alcohol and drug-related suspensions. Provinces should have the ability to separate alcohol-related ADLS from any drug impaired suspensions. Currently, only British Columbia, Manitoba and Saskatchewan have that ability, with Ontario soon to follow.
5. Ontario should review, with their police enforcement agencies, why their numbers of sanctions have decreased since 2010. Other provinces should actively monitor their programs to ensure the numbers do not fluctuate substantially in the years following program implementation.
6. Nova Scotia and New Brunswick should include driving under the influence of drugs as part of their ADLS program to align with all other Canadian provinces.

Appendices

Appendix A: Alcohol-Related Grounds for Short-Term ALSs

Prov./ Terr.	Alcohol-Related Grounds
AB	- Reasonably suspect driver's physical or mental ability is affected by alcohol (24 hours); or - BAC \geq .05% (3 days)
BC ⁴⁶	- Reasonable grounds to believe driver's ability is affected by alcohol (24 hours); or - BAC \geq .05% & reasonable belief that driver's ability affected by alcohol (3 days)
MB	- BAC \geq .05%; or - Too impaired to take breath, blood or SFST
NB	- BAC \geq .05%; or - Charged with an impaired driving offence or refusing/failing to provide a sample
NL	- BAC \geq .05%; or - Charged with an impaired driving offence or refusing/failing to provide a sample
NS	- BAC \geq .05%
NT	- BAC \geq .05%; or - Reasonable grounds to believe driver's ability is impaired by alcohol
NU	Reasonable grounds to believe driver's ability is impaired by alcohol
ON	BAC \geq .05%
PE	- BAC \geq .05%; - Refuses/fails to provide a sample; or - Refuses/fails to participate in an SFST or fails SFST

⁴⁶ An ALS imposed at roadside is referred to as an "immediate roadside prohibition" (IRP). The prohibition is: 24 hours if there are reasonable grounds to believe the driver is affected by alcohol/drugs; 3, 7 and 30 days if the driver's BAC is \geq .05% on a first, second and third occurrence, respectively; and 90 days if the driver's BAC is $>$.08% or if the driver fails to provide a sample. The IRPs apply immediately, unlike the 90-day ALSs (which are referred to as "administrative driving prohibitions" (ADPs)).

The 90-day ADPs are imposed on drivers who register a BAC $>$.08% or who fail to provide a breath or blood sample. These drivers are invariably processed at the police station and are tested on approved instruments (i.e. "evidentiary breathalyzers").

In November 2011, a court rejected all but one challenge to the 3, 7, 30, and 90-day IRPs that were based on a single breath test taken on an approved screening device (ASD) at roadside. The 90-day IRP based on registering a fail on an ASD was found to infringe s. 8 of the Canadian Charter of Rights and Freedoms, and this infringement was held not to be justifiable under s. 1. In the Court's view, the onerous consequences of the 90-day IRP and the limited means of challenging the ASD result on which it was based rendered the provision unreasonable. The Court subsequently suspended the declaration of invalidity until June 30, 2012. *Sivia v. British Columbia (Superintendent of Motor Vehicles)*, 2011 BCSC 1639; and *Sivia v. British Columbia (Superintendent of Motor Vehicles)*, 2011 BCSC 1783.

In response to *Sivia*, British Columbia amended all the 3, 7, 30, and 90-day IRP provisions that were based on a single roadside ASD. As of June 15, 2012, the police were required to advise drivers of their right to challenge the first ASD by taking a second ASD. The police were also required to inform drivers that the lower of the two ASD tests would prevail. The amendments required the police to submit sworn reports to the Superintendent, and broadened a driver's grounds for appealing an IRP.

British Columbia's IRP and ADP programs have continued to generate numerous legal challenges. On November 27, 2014, the Supreme Court of Canada granted leave to appeal a series of cases, including *Sivia*. See *Sivia v. British Columbia (Superintendent of Motor Vehicles)*, 2014 BCCA 79, leave to appeal granted, 2014 Carswell BC 3521 (S.C.C.); and *Wilson v. British Columbia (Superintendent of Motor Vehicles)*, 2014 BCCA 202, leave to appeal granted, 2014 Carswell BC 3528 (S.C.C.). The Supreme Court of Canada dismissed both appeals and upheld the original decision in each case.

QC ⁴⁷	- Reasonable grounds to believe driver's ability is impaired by alcohol based on failed SFST, or driver refuses/fails to take SFST - No general short-term ALS for BAC \geq .05% ⁴⁸
SK	- Reasonable grounds to believe driver's BAC exceeds .04%; or - Refuses/fails to participate in an SFST or fails SFST
YK	Reasonable grounds to believe driver is impaired by alcohol
CCMTA ⁴⁹	BAC \geq .05%

⁴⁷ Sections 202.1.3 and 202.1.4 of the Highway Safety Code, C.Q.L.R. c. C-24.2 authorize the police to demand physical coordination testing (i.e. SFST) from any driver if they reasonably suspect that his or her ability to drive is impaired. However, this provision is narrower than the authority that police already had to demand SFSTs under the Criminal Code. Section 254(2)(a) of the Code authorizes the police to demand an SFST from any driver who they reasonably suspect has any alcohol or drugs in his or her body.

⁴⁸ Proposed amendments and a 2010 legislative report called for the introduction of a 24-hour ALS program for all fully licensed drivers who had BACs \geq .05%. However, the government announced in December 2010 that it was postponing introduction of the program for 2 or 3 years.

⁴⁹ The Canadian Council of Motor Transport Administrators (CCMTA) issued model policies for alcohol-related short-term ALSs in 2005.

Appendix B: Drug-Related and Other Grounds for Short-Term ALSs

Prov./ Terr.	Drug-Related and Other Grounds
AB	- Reasonably suspect driver's physical or mental ability is affected by a drug (24 hours); or - Reasonably suspect driver's physical or medical condition affects his or her physical and mental ability (24 hours)
BC	Reasonable grounds to believe driver's ability is affected by a drug (24 hours)
MB	Reasonable grounds to believe driver's ability is impaired by drugs/fails to participate in an SFST (3 days)
NB	No
NL	Reasonable grounds to believe driver's ability is impaired by a drug or combination of drugs & alcohol (7 days)
NS	No
NT	Reasonable grounds to believe driver's ability is impaired by drugs or fatigue
NU	Reasonable grounds to believe driver's ability is impaired by drugs or fatigue
ON ⁵⁰	No
PE	Refuses/fails to participate in an SFST or fails SFST
QC ⁵¹	Reasonable grounds to believe driver's ability is impaired by drugs based on failed SFST, or driver refuses/ fails to take SFST.
SK	Refuses/fails to participate in an SFST or fails SFST (3 days)
YK	Reasonable grounds to believe driver's ability is impaired by drugs or another substance
CCMTA ⁵²	Reasonable grounds to suspect driver's ability is impaired by drugs

⁵⁰ If proclaimed in force, the Transportation Statute Law Amendment Act (Making Ontario's Roads Safer), 2015, S.O. 2015, c. 14 would authorize the police to impose a short-term ALS on a driver whom they reasonably believed to be impaired by a drug, or a combination of drugs and alcohol. The officer's reasonable belief must be based on all of the circumstances, including the driver's performance on a SFST. The duration of these drug-related ALSs, the associated lookback period for repeat infractions and the associated remedial programs would parallel those for alcohol-related, short-term ALSs. Government of Ontario, Press Release, "Ontario Passes Legislation to Improve Road Safety" (2 June 2015).

⁵¹ Sections 202.1.3 and 202.1.4 of the *Highway Safety Code*, C.Q.L.R. c. C-24.2 authorize the police to demand physical coordination testing (*i.e.* SFST) from any driver if they reasonably suspect that his or her ability to drive is impaired. However, this provision is narrower than the authority that police already had to demand SFSTs under the *Criminal Code*. Section 254(2)(a) of the *Code* authorizes the police to demand an SFST from any driver who they reasonably suspect has any alcohol or drugs in his or her body.

⁵² The Canadian Council of Motor Transport Administrators (CCMTA) issued model policies for alcohol-related short-term ALSs in 2005.