This booklet is designed to assist you and your family in dealing with the aftermath of an alcohol and/or drug-related crash. We hope that this booklet will be helpful to you, and comfort you during this difficult time.

A VICTIMS GUIDE TO THE CRIMINAL JUSTICE SYSTEM
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Introduction

If you are reading this booklet, you have most likely been in an impaired driving crash or you know someone who was. You may have been injured, lost someone you love or know someone who was seriously injured. In addition to dealing with your injuries and/or your loss, you may also be navigating the criminal justice system for the first time.

This booklet provides an introduction to the Canadian criminal justice system for victims and survivors of impaired driving crashes. Unless otherwise indicated, the word “victim” should be interpreted in the remainder of the booklet to mean all victims and survivors of impaired driving crashes.

This booklet is based on the current impaired driving law, which includes the comprehensive amendments that were enacted in 2018. Given the time it takes to process impaired driving charges, some crashes that occurred prior to the 2018 amendments may not yet have been resolved. When these cases come before the courts, they will be decided based on the law at the time of the incident, except in regard to sentencing if a lesser sanction is now applicable.

The booklet addresses cases in which the impaired driver is apprehended and charged, and those in which no charges are laid because the impaired driver has died or fled, or there was insufficient evidence to lay criminal charges. In these latter situations, the recovery process for victims and their families may be more challenging.
A criminal prosecution is not a dispute between individuals, despite the fact that it often involves one person harming another. A crime is an offence against society. This is why a Crown prosecutor initiates and controls the criminal prosecution against the “accused,” who is the person charged with the criminal offence. It is important to distinguish a criminal prosecution from a civil suit, which is a legal proceeding that victims typically initiate for the purpose of obtaining compensation for their losses. If you have been injured or have lost someone you love, you should consult a personal injury lawyer to understand your legal options.

This booklet is designed to provide basic facts and advice about the Canadian criminal justice system and your role in it. Every effort has been made to provide a concise, accurate and readily understandable summary of the current federal impaired driving legislation. However, some aspects of the law are inherently complex. Consequently, some sections of this booklet may require careful reading. The Glossary at the end explains or defines many of the common terms that arise in regard to the Canadian criminal justice system.

We would also encourage you to contact your local MADD Canada Chapter or Community Leader, police department or victim services agency for specific information on the procedures and practices in your province or territory.

For more information about MADD Canada’s victim services and support programs, call 1-800-665-MADD (6233) or visit our website at www.madd.ca
As a victim, it is important to understand your role in the criminal justice system and the rights to which you may be entitled. The federal government and all of the provinces and territories have enacted a victims' bill of rights or a victims of crime act, which sets out how you should be treated throughout the process. (Note that, unless otherwise indicated, the word “provinces” should be interpreted in the remainder of the booklet to include the territories.)

In the early stages of processing a case, you will be entitled to specific information about the criminal justice system, the investigation and the court proceedings. Victim services and financial programs, as outlined below, may also be of assistance to you during this time. Additional rights and entitlements will arise if you are called as a witness, if the accused is convicted of an offence or in other specific circumstances.

The federal victims’ legislation, the Canadian Victims Bill of Rights, gives victims the right to request the following information and documents.

- Information about the criminal justice system and their role in it; the status and outcome of the police investigation; and the scheduling, progress and final outcome of the proceedings against the accused.

- Copies of bail, conditional sentence and probation orders; information about any plea agreement in cases involving serious bodily harm or death; and information about the offender’s parole hearings and conditions, release date and destination, unless such disclosures would undermine public safety.
- Information about the services and programs available to them, including restorative justice programs.

- Information about their right to file a complaint regarding an infringement or denial of any of their rights under the Act.

The federal legislation also states that victims have the right to: have their security and privacy considered by the appropriate authorities in the criminal justice system; have reasonable and necessary measures taken to protect them from intimidation and retaliation; and request testimonial aids when appearing as a witness in proceedings relating to the offence.

You should also consult the provincial legislation in your area, because it may provide you with broader rights than the federal legislation.

It is important to note that victims’ rights legislation is usually framed in terms of how victims should be treated, and not how victims must be treated. You may have limited legal options if these “rights” are violated. Nevertheless, it is important to understand the legislation, because it explains what you can ask for, what information should be provided to you and how you can participate.

For a more thorough explanation of your role as a victim and the roles of other key participants in the criminal justice system, see Section II. Your rights to provide a victim impact statement during a sentencing hearing and a victim statement during a parole hearing are discussed on pages 17 and 50.
 Victim Services

Although the specific programs vary, all of the provinces fund services for victims of crime. If you have not been contacted by the local victim services agency, you should ask the police or the Crown about what is available. The victim services agency may be affiliated with the Crown or the police services, or may be provided by a community group working in conjunction with the police.

Victim services agencies that are affiliated with the Crown are sometimes known as “victim witness” programs. They are generally located in the courthouse and are usually available to a victim once charges have been laid and the case is sent to court. They can explain the court process, give you a tour of the court, keep you updated on court dates, provide information on victim impact statements, and help you communicate with the Crown.
Although the name of the legislation varies, nearly all of the jurisdictions have enacted victim compensation legislation that provides limited benefits to victims of specified violent crimes. However, this legislation typically excludes victims of impaired driving, based on the view that they can seek compensation from the driver’s insurance provider. Since some provinces do include impaired driving victims, you should check with victim services to determine if you are entitled to compensation.

Some jurisdictions also provide victims with financial assistance to attend court to present a victim impact statement. Justice Canada may provide funding to assist victims who are attending a federal parole hearing.

The Canadian Benefit for Parents of Young Victims of Crime program provides financial support to parents who take time off work after their child (under 25) has been killed or has disappeared. Parents of a child who has been killed in an impaired driving crash may be eligible to receive federal income support of $450 a week for a maximum of 35 weeks over a two-year period.

If you think you may be eligible for any of these programs, you should ask your local victim support agency, or contact MADD Canada Victim Services for additional information.
The majority of provinces have an office of the Chief Coroner and a network of local coroners throughout the jurisdiction. In the remainder of the jurisdictions, there is a comparable system of medical examiners. All medical examiners and most coroners are practicing physicians.

They are authorized to investigate all unnatural deaths, including those resulting from traffic crashes. In order to carry out their investigative duties, coroners and medical examiners may order an autopsy regardless of the wishes of the deceased’s family. They may also seek information from the victim’s family, doctors, hospital records, and the police.

A death certificate is completed as soon as possible, typically by the attending physician. The deceased’s body cannot be released to a funeral home without an accompanying certificate. The funeral home will usually provide the family with several copies of the certificate.

An autopsy, which is a medical examination of the body after death, is performed in a hospital or a similar medical facility. The autopsy identifies the deceased and determines the exact cause, location and time of death. The family can obtain a copy of the autopsy report from the coroner or medical examiner, though it may take up to six weeks before the report is available.

For more information on the duties of coroners and medical examiners, please contact the local coroner’s or medical examiner’s office, the local police department, a victim services office, a funeral director, or MADD Canada Victim Services.
The police are responsible for investigating traffic crashes. The location of the crash generally determines which police department will conduct the investigation. Incidents within a city are typically handled by the municipal police, and those outside of a city are investigated by the provincial police or RCMP. The police gather evidence to help determine the cause of the crash and whether federal or provincial charges are warranted.

The investigation process includes:

• interviewing witnesses, victims and the driver;
• determining if alcohol or drugs were a factor;
• collecting and cataloguing evidence;
• undertaking a collision reconstruction;
• deciding if charges will be laid; and
• determining and laying the appropriate charges.

The victim does not play a formal role in deciding if charges will be laid or whether they will be altered or dropped. Once the police have laid the charges, the Crown decides how to proceed with the case.
Crown Counsel

The Crown counsel is the lawyer who prosecutes an accused in a criminal proceeding. There is a network of Crown and Assistant Crown counsel spread throughout each province. These counsel operate under the direction of the provincial Attorney General. The office of the Attorney General also establishes policies for, among other things, the dropping or amending of the charges, plea negotiations, sentencing recommendations, and whether to appeal unfavorable decisions.

It is important to understand the legal framework within which the Crown operates.

- Crown counsel represent the state, not the victim.
- All accused are presumed to be innocent until proven otherwise.
- There are strict rules limiting the types of evidence that may be introduced to prove the accused's guilt.
- Crown counsel have the burden of proving each and every element of a criminal offence beyond a reasonable doubt. If there is not enough evidence to sustain a charge, the Crown may bring a motion to dismiss it.
- Crown counsel have a legal duty to disclose to defence counsel any relevant evidence they obtain or receive, including the victim impact statements that the victim and his or her family submit.
- Crown counsel are expected to exercise their responsibilities in the best interests of society.

Thus, the Crown’s goal is not to obtain a conviction at all costs, but rather to ensure that justice is served.

It may be helpful for you to contact the Crown or Assistant Crown assigned to the case. The police can provide you with the location and telephone number of the Crown’s office, and you can phone for an appointment. The case will be filed under the accused’s name.
In preparing for your appointment, make a list of your questions and concerns, so that you do not forget anything. This is your opportunity to ask questions, learn about the status of the case and express your feelings about the charges and plea bargaining. For example, you may want to ask the Crown:

- What are the next steps in the processing of the case?
- Will the accused plead guilty?
- Are you going to drop or change any charges?
- Are you considering a plea bargain?
- What sentence will you seek if the accused pleads guilty or if the accused is found guilty?

Bring some paper and a pen, as you may wish to take notes and record the dates of the accused’s upcoming court appearances.

**Defence Counsel**

A basic principle of our justice system is that all accused are entitled to a full and fair defence, regardless of how obvious the offence, unpopular the person or disturbing the crime. The defence counsel has duties both as the accused’s legal representative and as an officer of the court.

A defence counsel’s duty to the accused includes ensuring that the Crown has proven every element of the offence beyond a reasonable doubt. This also includes putting forth any relevant arguments and defences, some of which may seem offensive to the victim and his or her family.

The defence counsel’s obligation to the court requires him or her to ensure that the interests of justice are served. Thus, for example, defence counsel cannot mislead the court or call a witness that he or she knows will be untruthful.
Judge and Jury

During a trial, the judge ensures that proper procedures are followed and that both the Crown and defence counsel act in accordance with their obligations to the court. The judge must also rule on the admissibility of evidence and the capacity of witnesses to testify.

Based on the evidence presented at trial, the accused will be found either “guilty” or “not guilty.” In a trial by judge alone, the judge makes this determination. In a trial by judge and jury, the jury decides whether the accused is guilty. In either case, if the accused is convicted, the judge decides on the sentence.

Victims and their Families

In some cases, you and your family may be an essential source of information for the investigating officer. Therefore, it is important that you provide as accurate an account of the events as possible.

Many courts have victim witness programs that can keep you and your family notified of court dates, help orient you to the court process and provide other guidance and support. If you have not been contacted, you may ask the police or Crown if there is a local victim witness program.

You may be called to testify at trial by either the Crown or defence counsel. In an effort to prevent a potential witness from being influenced by the testimony of the other witnesses, he or she may not be allowed in the court while others are testifying. Thus, you may be excluded from parts of the trial if you are going to be testifying.

In your capacity as a witness, you should refrain from discussing the case with the general public until after a verdict has been reached. Even then, you should attempt to be as discreet as possible, particularly with the media. That being said, it is appropriate for you and your family members to express your feelings about the crash and the
outcome of the case. It is normal and expected that you will be emotional about the crash. However, you should not use inflammatory language or engage in personal attacks on the accused, defence counsel, the judge, or other parties in the case.

(I) TESTIFYING AS A WITNESS

As a witness, it is important to understand the process of giving testimony. First, you will be asked your name and to swear or affirm that you will tell the truth. Next, you will be questioned, first by the lawyer who called you as a witness and then by opposing counsel. The lawyer who called you, which in the great majority of cases will be the Crown, may ask open-ended questions that allow you to tell the story in your own words. The process of being questioned by this lawyer is called “direct examination” or “examination-in-chief.”

Opposing counsel will then question you, and his or her questions will likely be far more specific and challenging. The process of being questioned by opposing counsel is called “cross-examination.” It is important to listen carefully, state your position firmly and point out when you disagree with counsel’s comments or suggestions. During the cross-examination, opposing counsel may try to highlight inconsistencies or weaknesses in your testimony. Although it is not intended personally, cross-examination can be stressful, as opposing counsel may be very assertive.

THE FOLLOWING GUIDELINES MAY HELP YOU WHILE TESTIFYING.

- Relax. You are not expected to know the law or procedure. As a witness, your task is to provide evidence by answering the questions that you are asked.
- Concentrate on the specific question asked. Wait until the lawyer has finished speaking before responding.
- Take your time – think about the question and your answer before responding.
- Try to speak loudly, clearly and slowly.
- Answer the specific question. Do not elaborate unless specifically asked to do so. Do not offer additional information.
- If the question is long, rambling or otherwise unclear, you should indicate that you do not understand the question and ask the lawyer to rephrase it.
• It is appropriate to indicate that you do not know the answer to a question or that you are unsure. Answer the question honestly and to the best of your ability.

• Similarly, if you do not remember specific details, it is perfectly appropriate to testify to that effect. You may be given the opportunity to review the statement that you made to the police prior to being called as a witness.

• Do not overstate a matter. A witness who overstates the facts, even unintentionally, will undermine his or her own credibility and possibly the case.

• Regardless of the lawyer’s tone, you should try to answer questions civilly. Do not get drawn into arguing with the lawyer or losing your temper.

• If the lawyer’s conduct is inappropriate, it is a matter that should be addressed by Crown counsel or the judge.

• Try to maintain your composure. While outbursts of anger against the accused are not appropriate, it is understandable that you may become emotional when talking about the crash, your loved ones and your sense of loss. Ask for a break if you need one.

(II) COURTROOM GUIDELINES

Your behaviour both inside and outside the courtroom is important. The case should not be discussed outside the courtroom. Never speak to the judge or a jury member, even if you encounter them outside the courtroom. It is imperative that they remain free from bias and any appearance of bias.

Be prepared for an emotional reaction to hearing the accused plead “not guilty.” Although you may be aware of the plea in advance, many victims report a jarring response when they hear these words spoken aloud. These are often the first words that the victim has heard the accused speak. You may hear upsetting testimony or see graphic photographs for the first time.

The defence counsel may even allege that you or your loved one was responsible for the crash. This attempt to shift the blame may be very upsetting to you and your family. Nevertheless, this tactic should be seen as part of the accused’s right to make “full answer and defence.”
If you feel yourself losing control of your emotions during the trial, leave the courtroom. Before the trial, advise any supporters who will be attending court to do the same. Although court proceedings are normally open to the public, the judge may exclude individuals if there are any inappropriate disruptions. Such disruptions can also lead to a mistrial.

(III) INFORMATION FOR VICTIMS AND THEIR FAMILIES

In some provinces, the government is required to provide victims with specific information about the case and general information about the criminal justice system. However, in most provinces, victims will only be provided with such information if they request it. Speak to the Crown counsel, the investigating officer or victim services, and indicate that you wish to be kept informed of what is happening with the case. This should be followed up by a letter or email to that effect.

You may also request a copy of the accident report from the investigating officer. Review the report and notify the investigating officer of any inaccuracies or omissions, no matter how minor they may seem. The accuracy and thoroughness of this report are critical in any subsequent criminal proceeding. If it is possible that you will be called as a witness, your access to this report may be limited.

(IV) VICTIM IMPACT STATEMENTS

The Criminal Code gives victims the right to present a victim impact statement after the accused has been convicted, but before he or she has been sentenced. For these purposes, the word “victim” is defined broadly to include a person “who has suffered … physical or emotional harm, property damage or economic loss as a result of … the offence.” Consequently, both a victim directly injured in an impaired driving crash and his or her loved ones who have suffered emotional or financial loss are entitled to submit victim impact statements. If the victim has been killed or is incapable of preparing a statement, members of his or her family may prepare and present the statement on the victim’s behalf.
Your victim impact statement is a personal account of the financial, physical and emotional effects of the crime on you and your family. In other words, it is your opportunity to let the judge know exactly how the crash has changed your life and that of your loved ones.

You may read your victim impact statement in court, request the Crown to read it in court on your behalf, or submit a written statement. You are not required to present a statement, but many victims feel that it is important to tell the court how the offence has changed their lives.

The judge must consider the victim impact statement in determining the appropriate sentence, but is free to impose any sentence that he or she considers appropriate. However, the judge is also required to consider a number of other factors. As a result, your victim impact statement may not have a direct impact on the sentence.

Good record keeping can assist you in preparing your victim impact statement and also help the police in their case. From the time of the crash, try to:

- write down how you are feeling, and make note of anything that triggers strong feelings or memories about the crash;
- take and verify photographs of the victim during his or her recovery;
- keep all bills and receipts stemming from the crash;
- keep a record of all expenditures that you incur; and
- keep track of telephone or personal conversations that you have with anyone associated with the case, noting the date, time and subject of the conversation.

Impaired driving crashes, particularly those resulting in serious personal injuries or death, have profound, ongoing effects on victims and their families. It may take months or even years before you and your family can fully appreciate the consequences of the crash. Therefore, it is advisable not to submit a victim impact statement immediately after the crash. While you should make notes as issues arise, it is best to finalize and submit your victim impact statement to the victim services agency or the Crown close to the date of the trial or sentencing hearing.
In describing the financial impact of the offence, you should include all costs resulting from the crash and an estimate of future expenses (i.e. medical bills, costs of therapy and loss of income). The impact of the crash on your business or employment should not be overlooked. Many victims report ongoing problems in focusing at work that may persist long after their physical injuries have healed. This information will also be important in any civil action that you bring against the impaired driver. Wherever possible, actual costs should be used. It is advisable to keep your receipts and maintain a record of all relevant expenses.

The physical impact section of the statement should describe all of your injuries and their impact on your life. Explain whether the injuries are permanent or temporary, and whether the claims are based on medical or other professional advice. You should also indicate whether future medical problems are likely to develop.

Finally, in describing the emotional impact of the offence, include the distress experienced by you and your family. In addition to grief, anger and a profound sense of sadness, many victims report ongoing problems including serious sleep disorders, post-traumatic stress syndrome and clinical depression.
With the court’s permission, you may be allowed to read your victim impact statement outside of the courtroom or behind a screen so that you do not have to see the offender. You may also ask to have a support person sit close to you while you read your statement or ask to present an audiotape of your statement being read. As well, you may have a photo of yourself or your loved one with you while you read your statement.

The purpose of your victim impact statement is to document the crime’s effects, not to reiterate the facts of the case. Indeed, restating the facts may be counterproductive. If the facts in the statement differ from those presented at trial, the defence may challenge the facts as found at trial. Nor should your victim impact statement include:

- any comment about the offence or the offender that is not relevant to the harm or loss that you suffered;
- any unproven allegations;
- any comments about any offence for which the offender was not convicted; or
- any opinion or recommendation concerning sentencing, except with the courts approval.

You may be required to edit your victim impact statement if it contains irrelevant information or inappropriate comments. Your victim impact statement should be focused on what you want the court to know – about your life before the crash, about your injuries, and about your loved one.

Anything you submit to the Crown, including your victim impact statement, must be disclosed to defence counsel. The offender’s lawyer is entitled to question you about your statement although this is rare. Moreover, once the statement has been entered into evidence at the sentencing hearing, it becomes part of the public record and is accessible to the media and the general public. You may update your victim impact statement for use in parole hearings, particularly if there is new information about the crime’s impact.

If you have concerns or questions about what to include in your statement, talk to the Crown counsel or a victim services worker. In addition, your local MADD Canada Chapter can assist you in preparing your statement and provide sample statements that you may wish to use as a guide.
In Canada, the federal government has constitutional power over criminal law and procedure. The *Criminal Code* is a federal statute that sets out the impaired driving offences, enforcement procedures and penalties. The federal government also has constitutional power to create new alcohol and drug-related impaired driving offences.

Although impaired driving offences are created federally, enforcement of the federal law falls within provincial authority. Thus, the provinces play a vital role in the apprehension, prosecution and punishment of offenders. They also have constitutional authority over automobile insurance, civil liability claims, highways, and the licensing of drivers within their jurisdiction. Nearly all of the jurisdictions have used their licensing powers to enact administrative sanctions, including licence suspensions and vehicle impoundments, for a broad range of impairment-related conduct. Moreover, most have also introduced alcohol interlock and remedial treatment programs.
The Scope of the Federal Offences

Many people wrongly assume that they must be driving a car on a public road to be charged with an impaired driving offence. While most cases arise in these circumstances, the Criminal Code defines the impaired driving offences very broadly.

First, the offences apply to “operating” a motor vehicle, a term which includes both driving and having “care or control.” The courts have defined care or control to include virtually any act that could set the vehicle in motion, even accidentally. Individuals may be held to have care or control if they use their vehicles as a place to sleep or are warming up the engine. Moreover, the Criminal Code presumes that individuals found in the driver’s seat have been operating the vehicle unless they can establish that they did not occupy that seat for the purpose of setting the vehicle in motion. Note that we have used the words “driving” and “operating” interchangeably.

Second, the impaired driving provisions apply to all “conveyances,” a term that is defined to include motor vehicles, vessels, aircraft, and railway equipment. The term “motor vehicle” includes any vehicle, except a train or streetcar, which is propelled by means other than muscle power. This broad definition encompasses cars, trucks, motorcycles, motorized bicycles, snowmobiles, farm tractors, all-terrain vehicles, golf carts, e-bikes, segways, and even self-propelled lawnmowers.

Third, there is no geographical limit on where the offences may be committed. Consequently, individuals may be convicted of an impaired driving offence if they are apprehended on their own driveway or on a private parking lot.
The Federal Impaired Driving Offences

An impaired driving incident may involve various federal criminal offences, including dangerous driving, leaving the scene of a crash without a reasonable excuse, and criminal negligence causing bodily harm or death. However, there are seven specific offences related to impaired driving:

• operating a motor vehicle while one’s ability to do so is impaired to any degree by alcohol, a drug or a combination of both;

• having a blood-alcohol concentration (BAC) of .08% or more while operating or within two hours of operating a motor vehicle;

• having a blood-drug concentration (BDC) that is equal to or above the prescribed concentration set out in the regulations while operating or within two hours of operating a motor vehicle;

• causing a crash resulting in bodily harm or death to another person, while committing an alcohol or drug-impaired driving offence (these offences will be referred to as “causing a personal injury or fatal crash while impaired”);

• failing/refusing to comply with a demand for a required sample or test without a reasonable excuse;

• failing/refusing to comply with a demand for a required sample or test, without a reasonable excuse, knowing or being reckless as to whether one was involved in a crash resulting in bodily harm or death to another person (these offences will be referred to as “failing/refusing a demand when involved in a personal injury or fatal crash”); and

• operating a motor vehicle while prohibited under federal law or while suspended under provincial law for a federal impaired driving offence.
The five impaired driving offences that do not involve bodily harm or death are commonly referred to as “simple impaired driving offences.”

In Canada, criminal offences are divided into three categories: summary conviction, indictable and hybrid (also called “dual procedure” or “Crown electable”) offences. The impaired driving offences, with three exceptions, are hybrid offences. Causing a fatal crash while impaired and failing/refusing a demand when involved in a fatal crash are indictable offences. In contrast, driving with the lowest prohibited cannabis concentration can only be tried by summary conviction.

In a hybrid offence, the Crown has the choice to proceed by summary conviction or indictment. The vast majority of cases involving the simple impaired driving offences are tried by summary conviction. Typically, the Crown will only proceed by indictment in one of these cases if the accused is a repeat offender or if the case involves an egregious violation of the law, such as a driver whose BAC is three times the legal limit.

Causing a personal injury crash while impaired and failing/ refusing a demand when involved in a personal injury crash are also hybrid offences. In these cases, the Crown may proceed by way of indictment if the personal injuries are severe or if the driver is a repeat offender. The Crown may proceed by summary conviction in these cases if the accused is a first offender or if the personal injuries are not serious.

If the Crown proceeds by way of indictment for a hybrid impaired driving offence, the accused may choose to have the case tried pursuant to more formal criminal procedures. For example, the accused may elect to be tried in a “higher court” by a judge or by a judge and jury. The Criminal Code provides for higher maximum penalties for the hybrid impaired driving offences if they are tried by indictment.
(I) DRIVING WHILE ONE’S ABILITY IS IMPAIRED

It is an offence to drive a motor vehicle if one’s ability to do so is impaired to any degree by alcohol, drugs or a combination of alcohol and drugs. The key issue is whether the person’s ability to drive is impaired, not whether he or she is driving in a careless or dangerous manner. Similarly, the amount of alcohol and/or drugs an individual has consumed is irrelevant. For example, although it is unlikely, a person can be convicted of impaired driving even if his or her BAC is below .08%.

The police may rely on several factors in determining whether a suspect’s ability to drive is impaired, including: the way in which the vehicle is driven; the odour of alcohol on the driver’s breath; and the driver’s slurred speech, lack of coordination in exiting the vehicle, clumsiness in walking, and inappropriate responses to questions.

The Canadian courts have defined the word “impaired” broadly, in terms of whether the driver lacked complete control of his or her vehicle. Nevertheless, many judges apply a far more restrictive test, which equates impairment with obvious profound intoxication.
(II) HAVING A BLOOD-ALCOHOL CONCENTRATION (BAC) OF .08% OR MORE WHILE DRIVING OR WITHIN TWO HOURS OF DRIVING

It is an offence to drive a motor vehicle if one’s BAC is .08% or more. It does not matter that a person appears sober, is not impaired or is driving safely. This offence is based solely on whether the suspect’s BAC is .08% or more. The amount of alcohol a person must consume to reach this BAC varies primarily with his or her weight, the rate of consumption, when the individual last ate, and the rate at which his or her body breaks down alcohol.

While it is an offence to drive with a BAC of .08% or more, most police will only consider charging a suspect if his or her BAC is .10% or more. Given certain recognized defences and the margin of error accepted by the courts, the police realized that many judges would not convict an accused if his or her BAC was below .10%.

It is an offence to have a BAC of .08% or more while driving and all but a handful of charges arise in these circumstances. It is also an offence to have a BAC of .08% or more within two hours of driving, but this provision is subject to a major exception. No offence is committed in these circumstances if: the alcohol was consumed after driving; the individual had no reason to expect that he or she would be required to submit to a breath or blood test; and the individual’s BAC is consistent with being below .08% when driving.
(III) HAVING A PROHIBITED BLOOD-DRUG CONCENTRATION (BDC) WHILE DRIVING OR WITHIN TWO HOURS OF DRIVING

It is an offence to drive a motor vehicle while having a BDC that is equal to or above the prescribed concentration set out in the regulations. This type of offence is often referred to as a “per se” drug-impaired driving offence. Like the .08% BAC offence, the per se drug-impaired driving offences are based solely on the quantity of drugs in the driver’s blood, regardless of how he or she is driving.

For cocaine, LSD and some other drugs, the per se limit is any detectable blood concentration (i.e. zero tolerance). There are three per se cannabis offences, namely driving with 2 but less than 5 nanograms (ngs) of tetrahydrocannabinol (THC) per millilitre (ml) of blood, driving with 5 or more ngs of THC per ml of blood, and driving with 2.5 or more ngs of THC per ml of blood and a BAC of .05% or more. THC is the primary psychoactive substance in cannabis.

It is also an offence to have a prohibited BDC within two hours of driving. This offence is also subject to a major exception. No offence is committed if an individual consumed the drug after driving and the individual had no reason to expect that he or she would be required to provide a sample of a bodily substance.

(IV) CAUSING A PERSONAL INJURY OR FATAL CRASH WHILE IMPAIRED

The Crown must prove that the accused, while committing any impaired driving offence (except for the 2 - 4.9 ng THC per se offence), caused a crash that resulted in bodily harm or death to another person. Despite recent amendments, the police still face major obstacles in attempting to obtain the necessary alcohol and/or drug evidence from impaired drivers who are involved in a crash, particularly if they are hospitalized.
(V) FAILING/REFUSING TO COMPLY WITH A DEMAND FOR A REQUIRED SAMPLE OR TEST

It is a federal criminal offence to fail/refuse, without a reasonable excuse, to provide a breath, blood, urine, or oral fluid sample, or to participate in “physical coordination testing” or a “drug recognition evaluation” (DRE). Provided the officer met the legal requirements for making the demand, the fact that the individual was driving safely, was not impaired or had no alcohol or drugs in his or her body is irrelevant. The essential element of this offence is the failure/refusal to comply with a lawful demand.

The courts have largely limited the recognized reasonable excuses to: an inability to understand the demand or to physically comply with it; proof that the officer’s demand was unlawful; or a denial of the driver’s right to legal counsel.

(VI) FAILING/REFUSING A DEMAND WHEN INVOLVED IN A PERSONAL INJURY OR FATAL CRASH

It is a criminal offence to fail/refuse to comply with a demand for a required sample or test, without a reasonable excuse, knowing or being reckless as to whether one was involved in a crash that resulted in bodily harm or death to another person. These offences carry the same maximum penalties as causing a personal injury or fatal crash while impaired.

(VII) DRIVING WHILE PROHIBITED OR SUSPENDED

Nearly all impaired driving offenders are subject to both a federal driving prohibition and a lengthy provincial licence suspension. Nevertheless, most offenders continue to drive, at least occasionally. In an attempt to address this issue, the Criminal Code made it an offence to drive while prohibited under federal law or while suspended under provincial law for a federal impaired driving offence.
Evidence of an Alcohol-Related Impaired Driving Offence

Screening Tests for Alcohol

(I) APPROVED SCREENING DEVICE (ASD) TESTING

ASDs (Approved Screening Devices) are small, hand-held breath-testing machines that are typically carried in patrol cars. Individuals are not entitled to consult with a lawyer prior to being required to take an ASD test. There are two situations in which the police may demand that a person submit to an ASD test.

First, the Criminal Code authorizes the police to demand an ASD test from an individual if they have reasonable grounds to suspect that he or she has driven within the last three hours and has any alcohol in his or her body. This demand can be made even if the suspect is no longer at the roadside.

Second, the 2018 Criminal Code amendments authorized the police to demand an ASD test from any driver whom they have lawfully stopped if they make the demand immediately and have an ASD in their possession. This provision is commonly referred to as mandatory alcohol screening or MAS. The police need not reasonably suspect that the driver has been drinking or is driving in an improper manner. Thus, MAS operates in the same way and serves the same preventative and deterrent purposes as other publicly and legally accepted mandatory screening procedures, such as those used at airports, border crossings and courts.
The police will most likely rely on the MAS provisions if they confront a driver at roadside and have an ASD with them. If the driver is not confronted at roadside, the police will be required to rely on a demand based on reasonable suspicion.

The readings from ASDs are not admissible as evidence of the driver’s BAC in criminal proceedings, but can provide the police with the grounds for demanding evidentiary breath tests on an “approved instrument.” Since ASDs are typically set to register a “fail” at a BAC of .10%, a driver’s failure on an ASD test provides the police with reasonable grounds to believe that the driver is committing the federal offence of driving with a BAC of .08% or more.

(II) PHYSICAL COORDINATION TESTING

The police are authorized to demand that a driver participate in physical coordination testing if they have reasonable grounds to suspect that he or she had any alcohol or any drugs in his or her body. As with ASD testing, physical coordination testing can only be used to determine if there are grounds for demanding an evidentiary breath, blood or drug test. Thus, physical coordination testing is only used as a screening tool. Police will normally demand a physical coordination test if they suspect that a driver has been drinking but do not have an ASD with them.
Physical coordination testing is based on what is known as “Standardized Field Sobriety Testing” (SFST). Comprehensive research has established that SFST is accurate in assessing alcohol impairment. SFST is composed of three elements: the walk-and-turn, one-leg stand, and horizontal gaze nystagmus (HGN) tests.

The walk-and-turn test involves walking heel-to-toe in a straight line, turning around, and then walking back while receiving instructions from the officer. The one-leg stand test involves standing on one leg while counting. Both tests focus on the individual’s balance, coordination and ability to respond to simple instructions. The HGN test assesses the automatic jerking of the eye while following a light, which becomes more pronounced as an individual’s BAC rises. A driver’s failure on the SFST provides the police with reasonable grounds to believe that he or she is impaired.

Evidentiary Alcohol Testing

(I) BREATH TESTING ON AN “APPROVED INSTRUMENT”

Approved instruments are larger, more sophisticated breath-testing machines than ASDs. Testing must be done by a qualified “analyst” in accordance with the Criminal Code’s detailed procedures. The police may only demand that a suspect submit to breath-testing on an approved instrument if they have reasonable grounds to believe that he or she has committed an impaired driving offence.

If a driver fails an ASD test or an SFST, or exhibits obvious signs of impairment, the police will have the necessary grounds to demand that he or she accompany them to the police station and submit to an approved instrument test.

If the Criminal Code’s strict procedures are followed, the readings from the approved instrument are admissible in evidence as proof of the driver’s BAC. Consistent with their function, approved instruments are often referred to as “evidentiary breath-testing” machines.
Once the police demand an evidentiary breath test, they must inform the suspect of his or her right to legal counsel, and provide him or her with a reasonable opportunity to consult with counsel. An infringement of this right will almost always lead to the exclusion of any evidence that is subsequently obtained and, in turn, result in the charges being withdrawn or an acquittal.

(II) EVIDENTIARY BLOOD TESTING

The police are only authorized to demand blood samples from suspected impaired drivers in very limited circumstances. First, the police must have reasonable grounds to believe that the suspect has committed an impaired driving offence. While the police may reasonably suspect that the driver had been drinking, this falls far short of reasonable grounds to believe that he or she committed an impaired driving offence. Second, they must have reasonable grounds to believe that the suspect may be physically incapable of providing a breath sample or it would be “impracticable” to obtain one. Third, blood samples may only be taken by a qualified medical practitioner or technician, and he or she must be of the opinion that taking the sample would not endanger the person’s health.

The Criminal Code also authorizes the police to apply to a judge for a warrant requiring a qualified medical practitioner or technician to take a blood sample. However, the police must satisfy the judge that there are reasonable grounds to believe that the suspect was involved in a personal injury or fatal crash within the preceding eight hours and that the suspect currently has alcohol or a drug in his or her body. The judge must also be satisfied that a medical practitioner is of the opinion that the suspect is physically or mentally unable to consent to providing a blood sample. Finally, the judge must be satisfied that a medical practitioner is of the opinion that the taking of the sample will not endanger the suspect’s health.

While the current blood-testing provisions are somewhat broader than in the past, major problems remain in obtaining the evidence required to lay charges against hospitalized impaired driving suspects. For example, if the police are not able to interview the injured parties at the scene, it may be difficult for them to determine which one of the hospitalized occupants was driving. Even if the hospitalized driver can
be identified, the police may have difficulty satisfying a judge that there are reasonable grounds to believe that the driver had been drinking, let alone still has alcohol in his or her body. Finally, in order to obtain a warrant, the police require information about the suspect’s medical condition that can only be provided by the medical staff who typically have overlapping legal obligations to maintain the confidentiality of patient information.

**Defences**

The *Criminal Code* states that the results of evidentiary breath and blood tests are presumed to be proof of the accused’s BAC at the time of driving, in the absence of “evidence to the contrary.” Until recently, defence counsel frequently raised three questionable defences to rebut this presumption and secure acquittals, namely the “Carter” defence, the “last drink” defence, and the “intervening drink” defence. However, the 2008 and 2018 amendments greatly limited the circumstances in which the defences can be raised. (See the Glossary for an explanation of these defences.)

**Evidence of a Drug-Related Impaired Driving Offence**

**SCREENING TESTS FOR DRUGS**

The *Criminal Code* gives the police two separate, but overlapping powers to screen drivers for drugs.

**(I) PHYSICAL COORDINATION TESTING**

As indicated, the police are authorized to demand physical coordination testing (SFST) from a driver if they have reasonable grounds to suspect that he or she has any drugs and/or any alcohol in his or her body. The results of an SFST can only be used to determine if there are grounds for demanding further testing. In the case of suspected drug use, the police would be entitled to demand that the suspect submit to a Drug Recognition Evaluation (DRE) and/or an evidentiary blood-drug test.
(II) ORAL FLUID DRUG TESTING

The police are authorized to demand that a driver provide a sample of a “bodily substance” for testing on “approved drug screening equipment” if they have reasonable grounds to suspect that the driver has a drug in his or her body. Given the available drug testing technology, drivers are currently being required to provide an “oral fluid sample” for testing on an “oral fluid test kit.” As with a failed SFST, a failed oral fluid test provides the police with grounds for demanding that the suspect submit to a DRE and/or an evidentiary blood-drug test.

Thus, unlike the situation with alcohol, the Criminal Code does not provide any means of screening a driver for drugs in the absence of reasonable grounds to suspect that he or she is positive for drugs.

Evidentiary Drug Testing

(I) DRUG RECOGNITION EVALUATION (DRE) TESTING

The police may demand that a driver submit to a DRE if they have reasonable grounds to believe that he or she has committed a drug-impaired driving offence. DREs can only be conducted by “evaluating officers,” who have been trained and internationally certified.

The DRE is designed to determine if a driver is impaired by drugs and, if so, to identify the class or classes of drugs involved. The DRE protocol includes seven classes of drugs: depressants (e.g. barbiturates and alcohol), inhalants (e.g. gasoline), phencyclidine (e.g. PCP or angel dust), cannabis (e.g. marijuana, hashish and hash oil), stimulants (e.g. amphetamines and cocaine), hallucinogens (e.g. LSD and MDA), and narcotics (e.g. heroin, morphine and codeine).

The first component of the DRE is comprised of 11 separate steps, including an interview of the suspect, a series of physiological tests and examinations, and several divided attention tests which are similar to those in the SFST. The first component ends with a written report.
If the officer concludes that the suspect is not impaired by a drug, the suspect is released. However, if the officer concludes that the suspect is impaired, the officer must identify the class of drugs involved. It is only at this point that the officer is authorized to demand a bodily sample from the suspect.

The second component involves taking and analyzing a sample of the suspect’s blood, urine or saliva. The results of this test do not provide evidence of impairment, but rather simply confirm the presence of a drug. If no drugs are present, the charges are dropped. Moreover, the charges may well be dropped if a drug is found, but it is not in the drug class the officer identified.

The SFST and DRE process has proven to be problematic on several grounds and susceptible to successful legal challenge. Perhaps most importantly, the SFST and DRE legislation appears to have had no appreciable deterrent impact on drug-impaired driving.

(II) EVIDENTIARY BLOOD TESTING

Police may demand a blood sample from a driver if they have reasonable grounds to believe that he or she has committed a drug-impaired driving offence. The blood sample can only be taken by a qualified medical practitioner or technician, and he or she must be satisfied that drawing the sample would not endanger the driver’s health.

These blood samples are analyzed to determine if the individual was driving with a prohibited amount of one or more of the specified drugs in his or her blood system. If the Criminal Code requirements for taking the blood sample are followed, the results are admissible in court to prove that the individual was driving with a prohibited BDC.

As with evidentiary blood-alcohol testing, the police may apply to a judge for a warrant requiring a qualified medical practitioner or technician to take a blood sample from a drug-impaired driving suspect. However, as indicated earlier, major problems remain in obtaining blood-drug evidence from hospitalized impaired driving suspects.
Pre-Trial

Once a charge has been laid, the accused is required to appear in court. The accused will then enter a plea of guilty or not guilty. If the accused enters a guilty plea, sentencing will typically be deferred to a later date. There may be numerous, short court appearances during this time. These hearings may relate to setting court dates or addressing technical legal issues. In many of these hearings, the accused may not even attend. You may attend these hearings but should not feel obligated to do so, as they tend to be very brief and administrative in nature.
With few exceptions, even those charged with the most serious impaired driving
offences are released prior to trial, or as it is commonly stated, “get bail.” The
Criminal Code requires the court to release the accused prior to trial, unless
the Crown can “show cause” why the accused should be detained. Typically in
an impaired driving case, the Crown would have to convince the court that the
accused’s detention is necessary to protect the public or to ensure his or her
attendance at trial.

The court will often impose conditions on the accused’s release, such as remaining
in the jurisdiction, reporting to the police, refraining from drinking or drug use, and
refraining from communicating with the victim and his or her family. If the accused
tries to contact you, you should report this to the Crown.

The Crown or defence counsel may initiate a meeting, commonly called a “Crown
resolution” meeting, to discuss the charges and the possibility that the accused will
agree to plead guilty. These negotiations may involve various issues. For example,
the accused may be willing to plead guilty to a lesser offence if the Crown drops the
original more serious charge. Similarly, the defence and the Crown may agree to
submit a joint sentencing recommendation. The Crown may be willing to enter into
these negotiations to avoid the time, cost and the uncertain outcome of a criminal trial.

The Crown should inform you if a plea is being considered, especially if you have
contacted the office and requested to be kept informed. While you may express your
opinion about a plea bargain, the Crown is not bound by your views.

If the accused pleads not guilty, the next stage depends on whether the case is
tried by summary conviction or indictment. In summary conviction cases, once
the accused pleads not guilty, a trial date is set. If the Crown proceeds by way of
indictment for a hybrid impaired driving offence, the accused may elect to be tried in
a higher court by a judge or by a judge and jury.
An accused who has been charged with an indictable offence that carries a maximum sentence of 14 years imprisonment or more is entitled to request a “preliminary inquiry.” The offences of causing a personal injury or fatal crash while impaired and the offences of failing/refusing a demand when involved in a personal injury or fatal crash meet this criterion. At this hearing, the Crown must satisfy the judge that there is sufficient evidence to require the accused to stand trial. Defence counsel often use the preliminary inquiry to test the strength of the Crown’s case, even if it is obvious that the accused will be required to stand trial.

At the preliminary inquiry, the Crown will introduce evidence and call witnesses in much the same manner as in a trial. If the judge determines that there is insufficient evidence, the charge will be dropped and the accused will be released. If the judge concludes that there is sufficient evidence, as is most often the case, a trial date will be set.
Trial

At trial, the Crown presents its case first. Defence counsel is entitled to cross-examine all the witnesses called by the Crown. After the Crown presents its case, the defence typically presents evidence, but it is not required to do so. The Crown may cross-examine any witnesses called by the defence. The accused is not required to give evidence, and his or her failure to testify cannot be used as a basis for inferring or concluding that he or she is guilty.

Once all the testimony has been presented, the judge or jury will determine the verdict based on the relevant law and evidence. A verdict of not guilty does not mean that the accused did not commit the offence. Rather, it means that the Crown was unable to prove each element of the offence beyond a reasonable doubt. The accused is released if he or she is found not guilty. However, if the verdict is guilty, sentencing may occur directly after the trial or at a later date. If there is a delay in sentencing, the offender may remain in the community until sentencing.

The judge determines the sentence, even in jury trials. Both the Crown and defence can make sentencing submissions. Generally, the Crown will speak to the sentence first. If the sentencing hearing is conducted separately from the trial, the Crown will usually set out the basic circumstances of the offence and the offender’s prior record, if any.

Judges may request that a probation officer prepare a pre-sentence report to assist them in determining an appropriate sentence. These reports typically contain personal information about the offender, such as his or her background, character and family obligations. Finally, the judge must ask Crown counsel if the victim has been informed of his or her right to present a victim impact statement. The judge must also give victims an opportunity to present their statements, and must consider them in sentencing.

The processing of a serious criminal charge, such as impaired driving involving bodily harm or death, can take years and involve numerous court appearances. Although this may be very frustrating for you and your family, this slow pace may be essential to avoid giving the accused procedural or other grounds to appeal the outcome.
Appeals

Both the verdict and sentence may be appealed. In keeping with our legal system’s focus on the accused’s rights, the Crown’s right to appeal is more limited than that of the defence. Crowns cannot appeal a verdict simply because they believe the accused was guilty, or because they disagree with the judge’s or jury’s findings of fact or assessment of the credibility of the witnesses. Rather, the Crown’s right to appeal is generally limited to situations in which the trial judge made an error in law. Similarly, the Crown can only appeal a sentence if the trial judge misapplied the sentencing principles, or the sentence itself is “demonstrably unfit” in all of the circumstances.

Typically, no evidence or testimony is presented during an appeal. Rather, the Appeal Court reviews the trial transcript and appeal documents filed by the Crown and defence, and holds a hearing at which the Crown and defence present oral arguments. Depending on the grounds for appeal, the Appeal Court may affirm the verdict, overturn it and acquit the accused, or order a new trial. Similarly, the Appeal Court may affirm the original sentence, or impose a different sentence if it considers the original sentence to be blatantly inappropriate.
As indicated, even if an accused is found guilty in a trial by a judge and jury, the judge alone will decide on the sentence. Judges have considerable discretion in sentencing but they do not have a free hand. Rather they are required to consider the sentencing principles set out in the *Criminal Code*, as well as factors relating to the specific offence and offender. Thus, the harm caused by the offence is one of several variables that judges are required to consider. While it is perfectly understandable for victims and their families to focus on the trauma and loss that they have suffered, the sentence imposed is unlikely to fully reflect the extent of the harms caused.

In addition to the minimum and maximum penalties set out for an impaired driving offence, the judge must consider the *Criminal Code* statement of the purposes and principles of sentencing. Among other things, judges are required to: ensure that the sentence is proportionate to the gravity of the offence and the degree of responsibility of the offender; consider all sanctions other than imprisonment, particularly in regard to Aboriginal offenders; impose a sentence that is consistent with the sentences in similar cases; and consider any mitigating and aggravating factors.

Mitigating or aggravating factors are variables related to the offence or the offender that justify reducing or increasing the sentence that would otherwise be imposed. In impaired driving cases, an offender’s youth, prior good record, public acknowledgement of responsibility, expression of genuine remorse, relatively low BAC, and efforts to assist victims at the crash are viewed as mitigating factors.
Conversely, an offender’s long history of prior impaired driving offences, denial of personal responsibility, failure to seek treatment, high BAC, and efforts to flee the scene are viewed as aggravating factors. The 2018 amendments set out additional aggravating factors, including whether the offence involved more than one death or injury and whether the offender was driving contrary to a federal driving prohibition or provincial licence suspension.

The Penalties for the Impaired Driving Offences

As indicated, the impaired driving offences, with three exceptions, are hybrid offences. The offences of causing a fatal crash while impaired and failing/refusing a demand when involved in a fatal crash must be tried by indictment. In contrast, driving with the lowest prohibited blood-THC concentration may only be tried by summary conviction.

Chart I sets out the minimum and maximum penalties that generally apply to the “simple impaired driving offences,” (i.e. those which do not involve bodily harm or death). However, these minimum penalties need not be imposed if sentencing had been delayed to permit the offender to seek treatment and the offender subsequently successfully completed a provincially-approved substance abuse program. Judges may only delay sentencing if both the Crown and defence counsel consent.
**CHART I: Penalties for a First Simple Impaired Driving Offence**

<table>
<thead>
<tr>
<th>Offences</th>
<th>Min. Penalty</th>
<th>Max. Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driving while impaired</td>
<td>$1,000 fine** and a 1-year driving prohibition***</td>
<td><strong>SUMMARY CONVICTION:</strong> $1,000 fine, imprisonment for 2 years less a day and a 3-year driving prohibition</td>
</tr>
<tr>
<td>Driving with a prohibited BAC or BDC*</td>
<td></td>
<td><strong>INDICTMENT:</strong> Imprisonment for 10 years, a 3-year driving prohibition and any fine the judge deems appropriate</td>
</tr>
<tr>
<td>Failing/refusing to comply with a demand for a required sample or test</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driving while prohibited or suspended for a federal impaired driving offence</td>
<td>No minimum penalty</td>
<td><strong>SUMMARY CONVICTION:</strong> Imprisonment for 2 years less a day and a 3-year driving prohibition</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>INDICTMENT:</strong> Imprisonment for 10 years and a 10-year driving prohibition</td>
</tr>
</tbody>
</table>

*Driving with 2 - 4.99 ngs of THC per ml of blood is a summary conviction offence that carries no minimum and a maximum penalty of a $1,000 fine and a 1-year driving prohibition.

**The minimum fine is $1,500 for driving with a BAC of .12% - .159% and $2,000 for driving with a BAC of .16% or more.

*** The minimum federal driving prohibitions may be reduced if the driver participates in a provincial interlock program.
Chart II sets out the minimum and maximum penalties for all but one of the impaired driving offences that involve personal injury or death. Causing a personal injury or fatal crash while driving with 2 - 4.99 ngs of THC per ml of blood is a summary conviction offence that carries no minimum penalty and a maximum penalty of a $1,000 fine and a 1-year driving prohibition.

CHART II: Penalties for a First Impaired Driving Offence Involving Bodily Harm or Death

<table>
<thead>
<tr>
<th>Offences</th>
<th>Min. Penalty</th>
<th>Max. Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Causing a personal injury crash while impaired</td>
<td>$1,000 fine** and a 1-year driving prohibition***</td>
<td><strong>SUMMARY CONVICTION:</strong> Imprisonment for 2 years less a day and a 3-year driving prohibition</td>
</tr>
<tr>
<td>Failing/refusing a demand when involved in a personal injury crash</td>
<td></td>
<td><strong>INDICTMENT:</strong> Imprisonment for 14 years and a 10-year driving prohibition</td>
</tr>
<tr>
<td>Causing a fatal crash while impaired</td>
<td>$1,000 fine and a 1-year driving prohibition</td>
<td><strong>INDICTMENT:</strong> Imprisonment for life and any driving prohibition that the judge considers appropriate</td>
</tr>
<tr>
<td>Failing/refusing a demand when involved in a fatal crash</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* The minimum fine is $1,500 for driving with a BAC of .12% - .159% and $2,000 for driving with a BAC of .16% or more.

** The minimum federal driving prohibitions may be reduced if the driver participates in a provincial interlock program.

Many of the federal impaired driving offences carry higher mandatory minimum penalties for drivers who are sentenced as repeat offenders. However, the fact that an offender has one or more prior impaired driving convictions does not necessarily mean that he or she will be sentenced as a repeat offender.
As a matter of provincial prosecutorial policy, the Crown generally will not seek a heavier mandatory minimum if the suspect’s prior impaired driving conviction occurred five or more years ago. The Crown may agree not to introduce the offender’s earlier conviction as part of a plea or sentence negotiation. If an accused pleads guilty at his or her first court appearance, the Crown may not be aware of the offender’s prior conviction. Even if the Crown is aware of the offender’s prior impaired driving conviction, it may be difficult and time-consuming to conclusively prove it.

Finally, if the Crown is aware of the suspect’s prior conviction and decides to seek the higher mandatory minimum penalty, defence counsel must be notified to this effect before the suspect enters a plea to the current offence.

Credit for Pre-Conviction Custody

The Criminal Code permitted judges to take into account in sentencing the amount of time that the offender spent in custody prior to conviction. Consequently, many offenders may be given 1½ days credit off of their sentence for each day that they spend in pre-conviction detention.

Victim Surcharges

In addition to any other punishment, the Criminal Code imposes victim surcharges on offenders, the proceeds of which are to be used to fund provincial victim assistance programs. (30% of any fine or, if there was no fine, $100 for a summary conviction offence and $200 for an indictable offence). However, the surcharge may be waived or reduced if the judge is satisfied that it would be disproportionate to the severity of the offence or the degree of the offender’s responsibility, or cause the offender “undue hardship.” This term includes an inability to pay due to unemployment, homelessness, lack of assets, or financial obligations for dependents. Judges who grant an exemption must explain their reasons for doing so in the record.
After an offender is sentenced, you have a right to know what happens to the offender. Very few offenders serve their entire sentence in prison; rather, almost all will serve part or parts of their sentence on some form of conditional release.

The federal and provincial correctional services are responsible for offenders who are sentenced to imprisonment. If the offender is sentenced to less than two years imprisonment, he or she will be sent to a provincial correctional facility. However, if the sentence is two years or more, the offender will be sent to a federal penitentiary which is operated by the Correctional Service of Canada.

The relevant correctional service will assess the offender and decide whether the sentence will be served in a minimum, medium or maximum security facility. These decisions are based on various factors, including the security risk that the offender poses in the institution and the availability of appropriate programs. Given that most impaired driving offenders have no prior criminal record, they typically serve their sentences in minimum or medium security institutions. The job of correctional services is to prepare the offender for safe reintegration into the community.
Federal Corrections

The Correctional Service of Canada and the Parole Board of Canada do not automatically provide victims with information. Consequently, you should contact these agencies when the offender is sentenced and register to be kept informed of the decisions made about him or her. Like other members of the general public, you can apply for general information about the offender, including the length of the sentence, and review dates for applying for temporary absences, day parole and full parole.

You may also receive additional information not available to the general public, including: where the offender is imprisoned; the date on which the offender is to be released on a temporary absence, day parole, full parole, or statutory release; the conditions of the offender’s parole; and the offender’s destination upon release. The Correctional Service of Canada and the Parole Board of Canada will provide this information if they believe that your interests in the information outweigh the offender’s privacy interests. You can also request to be provided with additional information on an ongoing basis, such as an offender’s future transfer from one institution to another and the programs that he or she has taken.

Conditional Release

Conditional release acts as a bridge between the accused’s incarceration and reintegration into the community. There are four types of conditional release, namely temporary absences, day parole, full parole, and statutory release.
(I) TEMPORARY ABSENCES

An offender may be authorized to leave a correctional facility on an escorted or unescorted temporary absence for a specific reason, such as attending a family funeral or medical appointment, maintaining family contact, or participating in a rehabilitation program. Offenders are eligible to apply for an escorted temporary absence at any time, but must serve a specified part of their sentence before applying for an unescorted temporary absence. Offenders who are eligible for an unescorted temporary absence may apply for work release, which permits them to work outside the institution on community projects or for paid employment. Temporary absences may be granted by the prison warden or the Parole Board of Canada.

(II) DAY PAROLE

Day parole permits offenders to participate in ongoing community-based activities, such as working or going to school. Offenders on day parole are allowed to leave the correctional facility or halfway house during the day, but must return at night. Except for certain categories of offenders, a person may be eligible for day parole after serving six months, or six months before his or her full parole eligibility date, whichever is greater.

(III) FULL PAROLE

Full parole allows the offender to serve the remainder of his or her sentence in the community under the supervision of a parole officer. Most offenders may apply for full parole after serving a third of their sentence. As in the case of day parole, the granting of full parole is not automatic. For example, if an offender received a 4½ year sentence, he or she would typically be eligible to apply for full parole after 1½ years and day parole after 1 year.

The Parole Board of Canada assesses all applications for both day and full parole and is required to give paramount consideration to the protection of society in making these decisions. Given that most impaired driving offenders do not have a significant criminal record, they are generally viewed as being at low risk of re-offending and thus strong candidates for day or full parole.
(IV) STATUTORY RELEASE

If an impaired driving offender is not granted parole, he or she will almost always be released on statutory release after he or she has served two-thirds of the sentence. While the Parole Board of Canada cannot prevent most of these offenders from being released, it can require them to meet certain conditions upon leaving prison.

(V) PAROLE CONDITIONS

Offenders released on parole are subject to the following mandatory conditions. They must:

- travel directly from prison to their place of residence and immediately contact their parole officer;
- remain within Canada, obey the law and keep the peace;
- inform their parole officer if they are arrested or questioned by the police;
- refrain from owning a weapon, except as authorized by their parole officer; and
- advise their parole officer of any change in address or status.

The Correctional Service may recommend that the offender be subject to additional parole conditions. Based on these recommendations or its own initiative, the Parole Board of Canada may require offenders to meet other conditions, such as refraining from contacting the victim, abstaining from alcohol and drugs, and obtaining treatment. The only major limitation on the optional conditions is that they must relate to the offender’s previous criminal behaviour and current risk.

Offenders may have their conditional release revoked and be returned to prison if they commit a crime, breach their parole conditions or present an undue risk to the public. Most offenders successfully complete their parole in the community. Moreover, most offenders who are sent back to prison are returned for violating a parole condition, rather than for committing a new crime.
(VI) VICTIM PARTICIPATION IN PAROLE

Victims have a right to attend Parole Board of Canada hearings and present a victim impact statement. Consequently, it may be useful to update the victim impact statement that you presented at the offender’s trial, particularly if there is new information about the financial, physical and emotional impact of the crime. You may express your view on whether the offender should be paroled, suggest parole conditions and request that the offender be prohibited from contacting you or your family. The offender will get access to a copy of your statement since it is part of the information the Board will use in making a decision about him or her.

You may read your victim impact statement at the Parole Board hearing, submit it in writing and/or attend the hearing as an observer. If you have registered with Corrections Canada and/or the Parole Board of Canada, Justice Canada may provide funding to assist you in attending the hearing. If you do not attend the federal parole hearing, you may listen to an audiotape of it. You may also access a “Decision Registry Sheet,” summarizing the factors the Board considered and its decision.

If the offender is sentenced to less than two years, contact the appropriate provincial correctional service to determine what information you are entitled to receive and the extent to which you may participate in the offender’s parole proceedings.
ABROGATE:
To annul, revoke or repeal. In law, abrogation is the annulment of a law that was formerly in force by legislative action, constitutional authority or usage.

ABSOLUTE DISCHARGE:
An offender who receives an absolute discharge is deemed not to have been convicted of the offence. However, since the offender pleaded or was found guilty, he or she will still have a federal criminal record. A judge can only order a discharge if it is in the offender’s best interest and is not contrary to the public interest. A discharge cannot be given for any offence that carries a minimum punishment or a maximum term of imprisonment of 14 years or more.

ACCUSED:
A person against whom a criminal proceeding is initiated.

ACQUITTAL:
A finding of not guilty in a criminal case.

ACT (STATUTE):
A law passed by Parliament or a provincial legislature.

ACTION:
A judicial proceeding in either civil or criminal law.

ADJOURNMENT:
A temporary postponement of court proceedings.

AFFIDAVIT:
A sworn, written declaration that certain facts are true.

AFFIRMATION:
A non-religious oath given before testifying.

ALLEGE:
To suggest that something is true without necessarily being able to prove it.
ALTERNATIVE OR EXTRA-JUDICIAL MEASURES:
These programs are most often used for young offenders and provide an opportunity for young people to avoid the formal criminal justice system. They may include victim and offender reconciliation, community service and a fine. Such programs are usually reserved for first-time, non-violent offenders.

APPEAL:
Examination by a higher court of the decision of a lower court or tribunal. The higher court may affirm (confirm or uphold), vary (change or amend) or reverse (overturn) the original decision.

APPEARANCE NOTICE:
A notice issued by a police officer requiring the accused to appear before a judge or justice of the peace to answer a charge. An appearance notice is typically given instead of keeping the accused in custody.

ARRAIGNMENT:
A criminal law hearing in which the accused’s name is called, the charge is read and the accused pleads guilty or not guilty. If the offence is one that gives the accused a choice, he or she will also elect at the arraignment to be tried in a lower court by a judge, or in a higher court by a judge or a judge and jury.

BAIL:
The term “bail” may be used in two different contexts. First, the term refers to monetary or other security put up by the accused or someone on the accused’s behalf to ensure that the accused appears at trial. Second, the term may be used to refer to the release of an accused prior to trial. Under the Criminal Code, a judge’s release of an accused prior to trial is technically referred to as “Judicial Interim Release,” which is discussed later in the Glossary.

BENCH WARRANT:
A court order empowering the police to arrest a person. These warrants are most often issued in cases of contempt of court, failure to appear or where an indictment is being laid.

BEYOND A REASONABLE DOUBT:
This is the rigorous standard of proof that Crown counsel must meet in a criminal case. The evidence must be so complete and convincing that any reasonable doubts as to the accused’s guilt are erased from the mind of the judge or jury.
BLOOD-ALCOHOL CONCENTRATION (BAC):
A BAC is the weight of pure alcohol in a given volume of blood. It is a federal criminal offence to drive with 80 milligrams of alcohol or more per 100 millilitres of blood (.08%).

BLOOD-DRUG CONCENTRATION (BDC):
A BDC is the weight of a drug in a given volume of blood. For some drugs, such as cocaine and LSD, it is a federal criminal offence to drive with any detectable quantity of drugs in one’s blood.

CARTER DEFENCE:
The defence was typically based on the accused’s testimony that he or she consumed only a small amount of alcohol (typically two drinks) prior to driving. A defence toxicologist was then called to testify that if the accused had, in fact, consumed such a small quantity of alcohol, his or her BAC would have been below .08%. Since the toxicologist’s evidence was based solely on the accused’s self-reported consumption, it added nothing to the credibility of the accused’s testimony. Nevertheless, if the court accepted the accused’s evidence, it was usually considered sufficient to rebut the presumption that the test accurately measured the accused’s BAC. In such circumstances, the BAC evidence was disregarded, even if the evidentiary tests were administered properly, were consistent with the ASD results and were supported by the officer’s evidence that the accused was visibly impaired.

CHALLENGE (JURY CHALLENGE):
An objection to a juror being considered for a criminal or civil trial. In criminal actions, the Crown and defence are entitled to an unlimited number of challenges for cause. A juror may be challenged for cause if he or she is biased, physically unable to perform the duties of a juror, not listed on the panel, or is unable to speak an official language of Canada.

CHANGE OF VENUE:
Generally, cases are tried in the court that is nearest to where the offence took place. A change of venue involves transferring the trial to a court in another place. A change in venue may be sought in a highly sensational or widely publicized case in an effort to ensure that an impartial jury can be found.
**CHARGE:**
The word “charge” is used in at least two distinct senses. First, the term “criminal charge” refers to the underlying criminal offence in issue. Second, a “charge to the jury” is the statement or address the judge makes to the jury at the end of the trial, summarizing the evidence and legal principles that the jury must consider in reaching its decision.

**CIRCUMSTANTIAL EVIDENCE:**
Evidence that a judge or jury can use to infer certain facts from other proven facts. Circumstantial evidence may be critical if there is no direct evidence. For example, assume that there was no eyewitness to a shooting. The fact that the suspect’s fingerprints were found on the murder weapon is not direct proof that he or she was the murderer. Rather, it is circumstantial evidence from which a person may, along with other evidence, infer that the suspect committed the crime.

**COMMUNITY COUNCIL:**
An alternative form of justice practiced by some First Nations peoples.

**COMPLAINANT:**
The person who initiates the complaint in an action or proceeding.

**CONCURRENT SENTENCES:**
Concurrent sentences are sentences for two or more criminal offences which are served at the same time. Sentences are generally served concurrently if the offences arose from the same act or “transaction.” For example, assume that an impaired driver is speeding and weaving in and out of traffic before causing a crash. Assume as well that the impaired driver is convicted of both dangerous driving causing bodily harm and causing a personal injury crash while impaired, and is sentenced to two years imprisonment for each offence. Since both convictions arose from a single incident, namely the crash, the judge would likely order that the sentences be served at the same time. Thus, the total length of imprisonment would be two years.

**CONDITIONAL DISCHARGE:**
A conditional discharge is similar to an absolute discharge, except that the offender must comply with the conditions contained in a probation order. If the offender violates these conditions, the discharge may be revoked. A conviction will then be entered and an appropriate sentence imposed.
CONDITIONAL SENTENCE OF IMPRISONMENT:
A conditional sentence allows an offender to serve his or her term of incarceration in the community, rather than in prison. Conditional sentences can only be imposed if an offender is sentenced to imprisonment for less than two years, and the judge believes that serving the sentence in the community would not pose a risk to the public and is consistent with the fundamental purpose and principles of sentencing. An offender who breaches one of the terms of the conditional sentence may be ordered to serve the remainder of the sentence in prison.

Prior to 2007, judges could grant a conditional sentence to an offender convicted of impaired driving involving bodily harm or death. The 2007 amendments precluded the granting of conditional sentences for these impaired driving offences.

CONFESSION:
A suspect’s out-of-court statement made to an authority figure, acknowledging responsibility for a crime.

CONSECUTIVE SENTENCES:
Consecutive sentences are sentences for two or more criminal offences which are served one after another. Judges may order the sentences to be served consecutively if the offences arose from different acts or “transactions.” For example, assume that an impaired driver, who causes a crash and then flees the scene, is convicted of both causing a personal injury crash while impaired and leaving the scene. Since these two convictions arose from different actions, the judge could order that the two sentences be served consecutively.

CONTEMPT OF COURT:
A criminal offence that typically involves interfering with the administration of justice, ignoring a court order or defying a judge.

CONVICTION:
A court’s formal finding that the accused committed a criminal offence. A conviction will be registered if the accused pleads guilty or is found guilty following a trial.

CORROBORATING EVIDENCE:
Evidence that confirms or strengthens evidence already presented to the court.

CRIMINAL CODE:
The federal statute that sets out criminal offences, procedures and sentences.
**DANGEROUS OFFENDER:**
A dangerous offender is an individual who has been convicted of a serious personal injury offence and found by the court to be an ongoing danger to society. If a court determines that an individual is a dangerous offender, he or she will be sentenced to an indeterminate period of incarceration.

**DIVERSION:**
In some jurisdictions, an accused can enter a diversion program, rather than being subject to the criminal justice procedures. These programs are often used for young, First Nations or other suspects who may have special needs. If the suspect successfully completes the diversion program, the criminal charges are usually dropped.

**DOCKET:**
A list of cases scheduled for a particular court calendar.

**DRUG RECOGNITION EVALUATION (DRE):**
A 12-stage test conducted by a trained “evaluating” officer to determine if a person’s ability to drive is impaired by drugs and, if so, to identify the class of drug involved.

**EXCLUSION OF WITNESSES:**
In a criminal trial, the witnesses are typically excluded from the court during the testimony of other witnesses. This is done to prevent a witness from being influenced by the testimony of the other witnesses.

**EXHIBIT:**
A document or object shown to the court as evidence in a trial. The court clerk assigns each exhibit a number or letter as it is introduced to facilitate future reference during the trial.

**GLADUE PRINCIPLE:**
As indicated, one of the sentencing principles in the *Criminal Code* is that all available sentences, other than imprisonment, are to be considered, particularly in regard to Aboriginal offenders. In *R. v. Gladue*, the Supreme Court of Canada elaborated on this principle, indicating that judges must consider, among other things, the “unique systemic or background factors” that may have contributed to the Aboriginal offender coming before the court.

**HEARING:**
A legal proceeding held by a judicial, quasi-judicial or administrative tribunal.
HEARSAY:
A hearsay statement is a statement that a witness heard another person make. As a general rule, hearsay statements are inadmissible in evidence. However, there are numerous complex exceptions to this rule.

HIGHER COURT:
The Canadian criminal courts are structured in a hierarchical fashion and are divided into what are commonly called lower and higher courts. The lower courts have limited authority to hear cases involving the most serious offences and are presided over by a judge alone. As well, lower court decisions may be appealed to higher courts, which have authority to uphold or overturn the decision.

IMPAIRED DRIVING:
This term is often used to refer to the *Criminal Code* offences of driving or having care or control of a motor vehicle when one’s ability to do so is impaired by alcohol, a drug or a combination of both.

INFORMATION:
An accusation made under oath before a judge or justice of the peace that an individual has committed an offence. Typically, it is the police who “lay” or “swear” the information. If the judge or justice of the peace concludes that there is sufficient evidence of an offence, he or she may issue a summons or a warrant for the accused’s arrest.

INTERMITTENT SENTENCE:
A sentence of imprisonment that is served in intervals, usually on weekends. Judges can only impose an intermittent sentence if the term of imprisonment is 90 days or less. Offenders serving an intermittent sentence must comply with the conditions of a probation order when not confined.

INTERVENING DRINK DEFENCE:
This defence was based on the claim that the accused consumed alcohol after driving, but before submitting to evidentiary breath testing. The accused accepted the accuracy of the BAC reading at the time of testing, but alleged that his or her BAC was below the legal limit while driving. Some suspects claimed that they consumed alcohol that they had with them after they stopped driving but before the police arrived. In other cases, the suspects left the scene, went home and had, or claimed to have had, several drinks.
JUDGMENT:
The decision or determination of a court on a matter submitted to it.

JUDICIAL INTERIM RELEASE:
A judicial order releasing the accused from custody prior to trial. The release is unconditional, unless the Crown can establish reasons (“show cause”) for imposing certain conditions or holding the accused in custody prior to trial. A judicial interim release cannot be granted for certain serious criminal offences, such as murder.

Even those charged with the most serious impaired driving offences will likely be released, unless they pose an ongoing risk of serious harm or have a history of failing to appear for trial.

JUSTICE OF THE PEACE:
A judicial officer appointed by the provincial Lieutenant-Governor to perform a number of limited functions, such as issuing summons and warrants.

LAST DRINK (BOLUS DRINKING) DEFENCE:
This defence was based on the accused’s testimony that he or she quickly consumed a large quantity of alcohol immediately before driving and was stopped shortly thereafter by the police. Defence counsel then contended that very little of this alcohol was in the accused’s bloodstream when he or she was stopped. Thus, the accused argued that his or her BAC was below the legal limit when driving, and only rose above that limit in the interval between being stopped and being tested. The last drink defence did not challenge the accuracy of the BAC reading at the time of testing, but rather questioned whether that reading reflected the accused’s BAC at the time of driving.

LEGAL AID:
A program that assists those who require a lawyer but cannot afford one. In some provinces, legal aid may only be available for the more serious criminal offences.

LITIGATION:
The process of trying a dispute in court.

MISTRIAL:
If a judge orders a mistrial, the proceedings are stopped without reaching a decision. A mistrial will be ordered when a jury is unable to reach a verdict, or there has been a serious procedural error or serious misconduct that would result in an unfair trial.
OCCURRENCE NUMBER:
The identification number that police assign to a particular criminal investigation.

OFFENCE:
This term is typically used to refer to federal crimes and violations of provincial or territorial law.

OFFENDER:
A person who has pleaded guilty to or been found guilty of an offence.

PAROLE:
The release of an offender from prison prior to the end of his or her sentence. Offenders on parole continue to serve their sentence outside the prison under the supervision of a parole officer.

PERJURY:
Perjury is a federal criminal offence that involves lying or knowingly making a false statement under oath or in a sworn affidavit.

PROBATION:
A judge may sentence an offender to probation, in addition to, or instead of, a fine, imprisonment or other disposition. A probation order requires an offender to obey certain stipulated conditions. Some conditions, such as keeping the peace and being of good behaviour, are included in every probation order. Other conditions are left to the judge’s discretion. An offender who receives a conditional discharge or a suspended sentence will be subject to a probation order. Judges have discretion to issue probation orders in conjunction with a fine, and intermittent or conditional sentences.

Probation is only available if the offence does not carry a mandatory jail term. Moreover, a probation order cannot be granted to an offender who has been sentenced to more than two years imprisonment. The probation order cannot be any longer than three years. It is a federal criminal offence to wilfully violate any term of probation without a reasonable excuse.

PSYCHIATRIC ASSESSMENT:
An assessment of an accused by a qualified medical professional to determine if the accused is fit to stand trial.
RECOGNIZANCE:
An accused’s formal promise to appear for a specified legal proceeding. Depending on the circumstances, the accused may enter the recognizance before a police officer or a judicial officer.

REGULATION:
Legislation enacted under the authority of an act (statute). The enabling act typically delegates authority to enact regulations to the Governor-General in Council (the federal cabinet), the Lieutenant-Governor in Council (a provincial cabinet), a Minister, a government official, or an administrative board. Typically, the regulations set out detailed provisions that are not essential to include in the act. The power to enact regulations gives the government greater flexibility in passing laws.

REMAND:
To adjourn a hearing or proceeding to a later date, requiring the accused to be held in custody unless granted bail.

SEARCH WARRANT:
A warrant issued by a judge authorizing the police to enter and search a place for evidence of an offence.

SENTENCE:
The punishment imposed on an offender.

SOLICITOR-CLIENT PRIVILEGE:
A client’s right that no statement made to his or her lawyer will be disclosed without his or her consent. The client may, expressly or implicitly, waive the privilege. Solicitor-client privilege is not absolute, but rather may be breached in very limited circumstances. For example, a lawyer may breach the privilege in an attempt to avert a clear and imminent risk of serious physical harm or death to an identified victim or class of victims.

STAY OF PROCEEDINGS:
A court ruling that stops or prevents further legal proceedings.

SUBPOENA:
A court order which typically compels an individual to hand over certain documents or to attend a legal proceeding and testify.
SUSPENDED SENTENCE:
If an individual is convicted of an offence that does not have a minimum penalty, the judge may suspend the passing of sentence and order him or her to be released on probation. If the offender breaches probation, the judge may order the offender returned to court and sentence him or her for the original offence. In deciding whether to impose a suspended sentence, the judge must consider the offender’s age and character, and the nature and circumstances of the offence.

TESTIMONY:
Statements that witnesses make in court under oath or affirmation.

TRANSCRIPT:
An official typed copy of all the statements made during a legal proceeding.

VERDICT:
A verdict is the jury’s or judge’s finding in a case. In criminal cases, the jury’s verdict must be unanimous.

VICTIM SURCHARGE:
A victim surcharge is a monetary penalty imposed on offenders, in addition to any other punishment. It is paid to the provincial or territorial governments to provide funds for victims’ programs, services and assistance.

VOIR DIRE:
A hearing held during a trial on the admissibility of contested evidence or the competency of a witness to testify. The jury is not usually present and evidence presented during the voir dire typically cannot be considered when reaching a verdict.

YOUTH CRIMINAL JUSTICE ACT (YCJA):
A federal statute applying to youth aged 12 to 17. It recognizes young people’s reduced level of maturity, provides broader legal protection to youth charged with offences, and emphasizes rehabilitation, reintegration and timely intervention. The YCJA also contains special sentencing and probation provisions.
MADD Canada (Mothers Against Drunk Driving) is a national grassroots charitable organization with Chapters and Community Leaders across the country. MADD Canada groups are run by volunteers and include not only mothers, but fathers, friends, business professionals, experts in the impaired driving field, concerned citizens, and young people who want to make a difference in the fight against impaired driving.

What makes MADD Canada unique?

Emotional Support. Victim services volunteers and victims from the Chapter offer one-to-one peer support. Some groups conduct victim support groups.

Court Accompaniment and Support. Local Chapter members volunteer to go to court with a victim and/or the victim’s family.

Helping Victims Understand Their Rights. Volunteers assist victims in understanding the criminal justice system, their rights to information and their right to submit a victim impact statement to the court. Volunteers will also assist victims in preparing their statement.

Annual Candlelight Vigil & Victims’ Weekend. These events give victims an opportunity to come together to honour and remember their loved ones. The Victims’ Weekend includes educational presentations by professionals on grief, bereavement, coping with injury, and related issues. It also provides time for reflection in a supportive environment.
A National Resource Guide. This publication contains federal and provincial resources for all victims of crime, with a focus on victims of impaired driving.

Lending Library. All Chapters have a list of books that are available on loan from MADD Canada’s National Office. Topics range from coping with injury to restorative justice.

**Other Free Brochures and Materials Include:** Coping with Life After Injury; Trauma, Loss and Bereavement; We Care; and Your Loved One Drinks and Drives, and many other titles.

**YOU CAN MAKE A DIFFERENCE!**

Don’t drink and/or use drugs and drive.

- Talk to your children about drinking and/or using drugs and driving. Be responsible – don’t let guests drive home after drinking and/or using drugs.
- If you witness a driver who appears to be impaired, report him or her to the police by dialing 911.
- If you or someone you love becomes the victim, call 1-800-665-MADD or your local Chapter for help.
- Get involved by volunteering for your local Chapter. If there is no Chapter in your area, contact MADD Canada and ask to start one.
- Become a member of MADD Canada; donate to your Chapter, or show your support for safe driving by tying a red ribbon to your vehicle.
For Victim Support call
MADD Canada’s toll-free line:
1-800-665-6233