Frequently Asked Questions
About Random Breath Testing

What is random breath testing?

Random breath testing is a roadside breath screening test to detect impaired drivers. Based on how it has been implemented in other countries, it is primarily used at stationary sobriety checkpoints. Every passing driver is required to stop and give a breath sample. Drivers remain in their cars, and the process is routine, quick and causes minimal delays for sober drivers. The results of the breath screening test are not admissible in court, but rather are used to determine whether a second test on a more sophisticated machine is warranted. That second test is called an evidentiary breath test and the results are admissible in court as evidence of the driver's BAC.

Why do we need this in Canada?

Impaired driving continues to be a serious and persistent problem in Canada. Every day, on average, 4 Canadians are killed and 174 are injured in impairment-related crashes.

Canada's impaired driving record is poor by international standards. For example, Canada's per capita rate of alcohol-related crash deaths in 2008 was five times that of Germany, even though Germany's alcohol consumption rate was 20% higher than Canada's. There is no reason why Canada should continue to have such a poor impaired driving record when it is clear that significant progress can be made through measures such as random breath testing.

Does random breath testing really reduce impaired driving?

Random breath testing is widely acknowledged as one of the most effective means of deterring impaired driving. It has been adopted in the great majority of comparable, developed democracies, resulting in significant and sustained reductions in overall road crashes and fatalities.

- In Queensland, Australia, random breath testing was estimated to have reduced total fatal crashes by 35% between 1988 and 1992, preventing an estimated 789 fatal crashes.
- New South Wales' random breath testing program was estimated to have prevented 522 serious crashes, 204 fatal crashes and 686 single-vehicle night-time crashes in its first year.
- In Ireland, the introduction of random breath testing in 2006 reduced total annual road fatalities by 19% from the previous year. By 2011, total Irish traffic deaths stood at only 47% of the 2005 total.

Canada would likely see crash reductions in the same range as Ireland because the two countries have similar systems of sobriety checkpoints and similar requirements around reasonable suspicion to demand breath samples. Using an estimated 20% reduction, it can be expected that random breath testing will prevent more than 200 deaths and more than 12,000 injuries every year. While it is hard to predict the exact impact that random breath testing will have in Canada, these estimates give a realistic indication of the benefits.

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Don't police already have the authority to request a breath sample?

Police can currently demand a roadside breath sample but only if they reasonable suspicion the driver has been drinking. That reasonable suspicion is based on behavioural clues and observations (manner of driving, the odour on a driver's breath, lack of coordination, bloodshot eyes, and slurred or indistinct speech). The difficulty is that, in the brief interaction with police, only a small percentage of drinking drivers will exhibit clear and obvious signs of intoxication, particularly if they routinely drink and drive.

The existing law is not an effective deterrent. Millions of Canadians continue to drink and drive, in part, because the likelihood of ever being stopped or charged is low. Survey, criminal charge, and criminal conviction data from 2006 indicates a person would have to drive impaired, on average, once a week, every week, for more than 3 years before being charged with an impaired driving offence, and for over 6 years before ever being convicted.

Random breath testing would authorize the police to demand breath samples from all drivers pulled over at checkpoints, greatly increasing the number of drivers screened and thus increasing the deterrent impact of our impaired driving laws.

Wouldn't that allow police to unfairly target or single out certain drivers?

Random breath testing is primarily used at stationary checkpoints where every passing driver is stopped. There is no stigma involved or singling out of individuals on improper grounds because all drivers approaching the checkpoint are stopped and asked for a breath sample.

Won't this be a major inconvenience for drivers?

The process won't take much longer than existing sobriety checkpoints. Drivers do not get out of their cars, and the process is routine, quick and causes minimal delays for sober drivers. Given the potential for random breath testing to save lives, prevent injuries and reduce impaired driving overall, we think most Canadians will accept the minor and short inconvenience.

What about the criticisms that random breath testing infringes on the Charter of Rights?

Random breath testing will certainly be challenged under certain sections under the Charter of Rights (specifically under the sections dealing with unreasonable search and seizure, arbitrary detention and the right to counsel). But we believe – and the legal experts agree – that random breath testing will successfully withstand that challenge. The legal experts feel these infringements will be minor and will be judged to be justified and constitutional. The Supreme Court of Canada has already upheld existing law regarding random stops and breath tests because of their contribution to highway safety.

Drivers are already required to provide their licensing, ownership and insurance information when requested by police. This is not that different. Nor is it much different than 109 million random searches at airports, the 52 million searches at borders and the countless random searches at the entrances to courtrooms and many other government buildings conducted each year. Such searches and seizures are allowed in order to ensure public safety.

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