



# Juristat

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## IMPAIRED DRIVING IN CANADA, 1996

*By Sylvain Tremblay*

### HIGHLIGHTS

- Since peaking in 1981, the number of persons charged with impaired operation of a motor vehicle has been decreasing over the last 15 years. The 78,894 persons charged by police in 1996 were approximately half the number charged in 1981, and represented a 6% decrease from 1995.
- Despite recent declines in the rate of impaired driving, over one-third of driver fatalities in 1995 involved alcohol. In 1996, 133 persons were charged with impaired driving causing death. This number has remained relatively constant during the 1990s.
- All provinces reported declines in the number of persons charged with impaired driving in 1996. Saskatchewan continued to report the highest rate of impaired driving among the provinces. For a second consecutive year, Newfoundland reported the lowest rate.
- Eight of the nine largest metropolitan areas have experienced large declines in impaired driving since 1991, ranging from 28% in Montreal to 54% in Vancouver. Over the past five years, Edmonton has consistently reported the highest rate of impaired driving, and Toronto the lowest.
- Although the general public often associates impaired driving with young drivers, data from a sample of 154 police agencies showed that drivers aged 16-19 years accounted for only 5% of both persons charged and licensed drivers.
- According to figures from the Traffic Injury Research Foundation, drivers represented more than half of all persons killed in traffic accidents in 1995. Among fatally-injured drivers who were tested for alcohol, the percentage found to be impaired has declined from 43% in 1987 to 35% in 1995.
- Of almost 50,000 persons found guilty of impaired driving in nine jurisdictions in 1995-96, 66% were sentenced to pay a fine (as the most serious sentence), 22% received imprisonment, 9% received probation and 3% received other types of sentences. The median fine was \$500, while the median prison term was 30 days.



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## Introduction

Impaired driving continues to be a subject of considerable concern in Canada. Traffic accidents are the primary cause of death for 15 to 19 year-olds and the second leading cause for 20 to 44 year-olds<sup>1</sup>. In all too many instances, the drivers involved have been drinking before getting behind the wheel. In 1995, statistics show that more than 3,600 persons died in traffic accidents and that over one-third of driver fatalities involved alcohol.

Impaired driving results from a combination of two behaviours which, separately, are socially acceptable: alcohol use and the driving of motor vehicles. Putting an end to this combination is precisely the challenge involved in reducing the incidence of impaired driving. The various stakeholders fighting against impaired driving (police departments, provincial and federal jurisdictions and community groups) have introduced programs to increase public awareness, educate the public and provide for preventive and alternative measures. The last major amendments to the *Criminal Code* dealing with impaired driving date back to 1985. However, since then, provincial jurisdictions have introduced certain regulations and created programs in order to reduce the frequency of this kind of behaviour.

This *Juristat* presents a quantitative analysis of impaired driving at the national, provincial and major metropolitan area level for 1996 as well as trend data. The cornerstone of the analysis will be justice statistics (from police and courts) as well as data on alcohol use among fatally-injured drivers. This *Juristat* will also provide a current description of provincial legislation concerning impaired driving.

## Police data on impaired driving

Since impaired driving is an offence that is rarely reported by citizens, the official statistics presented in this *Juristat* are, to a great extent, the result of police intervention. In most cases, that intervention consists of proactive activities such as roadblocks, routine checks and arrests for other traffic violations. For example, under an administrative driver's licence suspension program in Nova Scotia, police activities resulted in suspension of the licences of 2,208 drivers for impaired driving offences in 1995-1996. Of that number, 59% of drivers were stopped at a roadblock or in the course of a routine check, 18% were stopped for traffic violations, 12% as the result of an accident and 11% pursuant to a public complaint.

In 1996, the rate of persons charged with an impaired driving offence under the *Criminal Code* declined for the thirteenth consecutive year. The 78,894 persons charged by police were about the half the number charged in 1981 (153,855), the year the downward trend began. The rate of individuals charged per 100,000 Canadians 16 years and older (the population pool that may hold a driver's licence) fell 8% over the past year from 362 in 1995 to 335 in 1996 (Table 1).

The reduction in the number of individuals charged with impaired driving is not unique to Canada. This trend has been observed in a number of countries. At a meeting in the Netherlands in 1993<sup>2</sup>, a group of experts from Australia, Germany, the United Kingdom, Holland, Sweden and the United States reported a sharp decline in the phenomenon in their countries starting in the 1980s.

<sup>1</sup> Wilkins, K. (1996).

<sup>2</sup> The conference entitled "Traffic Safety on Two Continents" was held in the Hague in September 1993.

Table 1

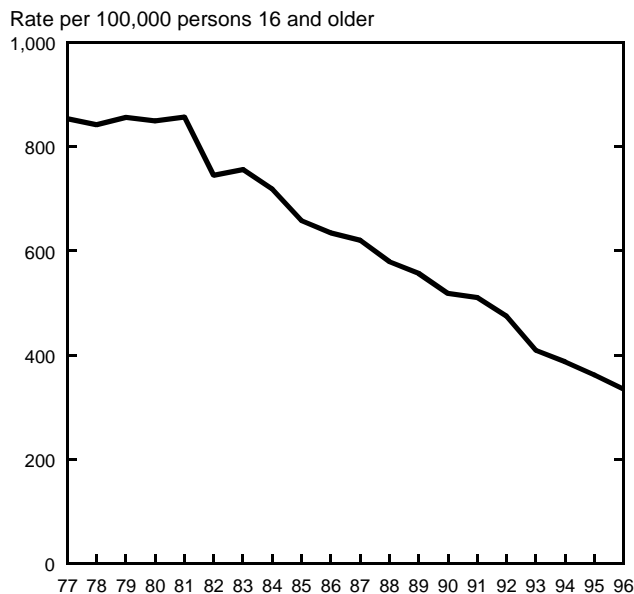
 **Number and Rate<sup>1</sup> of Persons Charged with Impaired Driving, Canada 1986-1996**

Year	Persons charged	Population 16 years and over ('000)	Rate per 100,000 population 16 years and over
1986	128,797	20,311	634
1987	128,030	20,635	620
1988	121,178	20,931	579
1989	118,722	21,330	557
1990	112,161	21,646	518
1991	111,917	21,915	511
1992	105,805	22,282	475
1993	92,531	22,631	409
1994	88,582	22,900	387
1995	84,085	23,230	362
1996	78,894	23,561	335

<sup>1</sup> Population estimates come from the Demography Division, Census and Demographic Statistics Branch, Statistics Canada.  
 Population as of July 1: Final post-census estimates from 1986 to 1992; updated post-census estimates from 1993 to 1995; preliminary post-census estimates for 1996.  
 Source: Uniform Crime Reporting Survey, CCJS.

Figure 1

 **Impaired Driving Rates in Canada, 1977-1996**



Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, Statistics Canada.

**Nature of Offences in 1996**

In the vast majority of cases (93%), persons were charged with operating a motor vehicle with a blood alcohol concentration in excess of the legal limit (80 milligrams per 100 millilitres of blood) (Table 2). A small percentage (5%) were charged with refusing to provide a breath or blood sample.

Individuals charged with the more serious offences of impaired driving causing bodily harm or death represented the remaining 2% of total charges in 1996. Fatalities are the most significant consequence of impaired driving. In 1996, a total of 133 persons were charged with impaired driving causing the death of another individual. This number remained relatively constant during the 1990s.

**Saskatchewan maintains highest rate of all provinces**

In 1996, the rate of persons charged with impaired driving fell in all provinces and territories, except the Northwest Territories (Table 3). Saskatchewan experienced the smallest decline (-3%), while Nova Scotia saw the largest drop (-14%). Police departments in Manitoba, Quebec, Newfoundland and the Yukon also reported reductions of over 10%.

For a second consecutive year, Newfoundland reported the lowest rate (265) among the provinces. In 1996, Ontario ranked second lowest (279), followed by British Columbia (287). Saskatchewan continues to report the highest rate (718), followed by Prince Edward Island (507).

**Impaired driving rates falling in most large metropolitan areas**

Data for Canada's 25 Census Metropolitan Areas (CMAs) have been available since 1991. It should be noted that data for CMAs exclude provincial police detachments patrolling provincial highways that may cross through the CMA. Between 1991 and 1996, the rate of persons charged with impaired driving offences has fallen in eight of the nine largest metropolitan areas (Table 4). These areas have experienced declines ranging from 28% in Montreal to 54% in Vancouver. Only Quebec City has not followed this trend; its 1996 rate was slightly below that for 1991. Two observations have been constant over the past five years. First, Edmonton has always had the highest rate of persons charged with impaired driving (421 in 1996); and, second, Toronto has always had the lowest rate (133 in 1996).

## Impaired Driving in the *Criminal Code*

### Operation while impaired

Section 253 defines the general offence of impaired driving:

Everyone commits an offence who operates a motor vehicle or vessel or operates or assists in the operation of an aircraft or of railway equipment or has the care or control of a motor vehicle, vessel, aircraft or railway equipment, whether it is in motion or not,

- (a) while the person's ability to operate the vehicle, vessel, aircraft or railway equipment is impaired by alcohol or a drug; or
- (b) having consumed alcohol in such a quantity that the concentration in the person's blood exceeds eighty milligrams of alcohol in one hundred millilitres of blood.

Subsection 254 (5) concerns the refusal, without reasonable excuse, to comply with an order given by a peace officer such as the refusal to provide a breath sample.

### Penalties

Subsection 255 (1) provides for the following minimum penalties for offences under sections 253 and 254:

- (i) for a first offence, to a fine of not less than three hundred dollars,
- (ii) for a second offence, to imprisonment for not less than fourteen days, and
- (iii) for each subsequent offence, to imprisonment for not less than ninety days;

and maximum penalties of:

- (a) where the offence is prosecuted by indictment, to imprisonment for a term not exceeding five years; and
- (b) where the offence is punishable on summary conviction, to imprisonment for a term not exceeding six months.

Subsection 255 (2) provides that everyone who commits an offence under paragraph 253(a) and thereby causes bodily harm to any other person is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

Subsection 255 (3) provides that everyone who commits an offence under paragraph 253(a) and thereby causes the death of any other person is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

Table 2

## Persons Charged with Offences Related to Impaired Operation, by Type of Offence and Province/Territory, 1996

Province	Impaired operation of motor vehicle				Impaired operation of other vehicles				Fail or refuse to provide breath or blood sample			Total persons charged
	Over 80 mg	Causing bodily harm	Causing death	Total	Over 80 mg	Causing bodily harm	Causing death	Total	Breath	Blood	Total	
Newfoundland	1,079	9	6	1,094	2	-	1	3	89	5	94	1,191
Prince Edward Island	431	-	1	432	1	-	1	2	99	5	104	538
Nova Scotia	1,904	9	3	1,916	23	1	-	24	484	20	504	2,444
New Brunswick	2,187	15	5	2,207	3	1	-	4	400	24	424	2,635
Québec	17,971	441	44	18,456	21	3	-	24	591	27	618	19,098
Ontario	22,825	211	18	23,054	31	3	11	45	1,571	16	1,587	24,686
Manitoba	2,726	51	4	2,781	4	2	1	7	287	7	294	3,082
Saskatchewan	5,321	85	4	5,410	5	1	-	6	133	3	136	5,552
Alberta	9,975	77	15	10,067	5	3	-	8	227	9	236	10,311
British Columbia	8,448	106	15	8,569	15	4	2	21	171	6	177	8,767
Yukon	226	3	1	230	-	-	-	-	23	-	23	253
Northwest Territories	318	3	1	322	2	-	-	2	12	1	13	337
<b>Canada</b>	<b>73,411</b>	<b>1,010</b>	<b>117</b>	<b>74,538</b>	<b>112</b>	<b>18</b>	<b>16</b>	<b>146</b>	<b>4,087</b>	<b>123</b>	<b>4,210</b>	<b>78,894</b>

- Nil.

Source : Uniform Crime Reporting Survey, CCJS.

Table 3

		1991	1992	1993	1994	1995	1996	% change 1991-1996 <sup>2</sup>	% change 1995-1996 <sup>2</sup>
Newfoundland	Number	2,467	2,326	1,737	1,754	1,333	1,191	-52.7	-10.3
	Rate	560	520	385	388	295	265		
Prince Edward Island	Number	714	585	611	509	554	538	-29.4	-4.4
	Rate	718	583	600	493	530	507		
Nova Scotia	Number	4,349	4,251	3,495	3,279	2,816	2,444	-46.0	-13.9
	Rate	605	586	478	445	380	327		
New Brunswick	Number	4,078	3,934	3,356	3,165	2,721	2,635	-37.9	-3.8
	Rate	701	669	566	530	453	435		
Québec	Number	23,119	22,811	20,710	20,734	21,324	19,098	-21.8	-11.4
	Rate	414	403	362	359	365	324		
Ontario	Number	32,296	31,295	26,180	26,240	25,995	24,686	-29.0	-6.4
	Rate	393	374	308	306	298	279		
Manitoba	Number	4,844	4,444	3,637	3,552	3,454	3,082	-38.4	-11.4
	Rate	568	518	421	409	395	350		
Saskatchewan	Number	7,595	6,929	5,806	5,523	5,675	5,552	-29.0	-3.0
	Rate	1,011	919	766	726	741	718		
Alberta	Number	17,946	15,358	14,003	12,921	10,660	10,311	-47.1	-4.9
	Rate	919	771	691	630	511	486		
British Columbia	Number	13,519	12,922	12,167	10,087	8,916	8,767	-43.7	-4.2
	Rate	508	472	431	348	299	287		
Yukon	Number	415	481	469	495	326	253	-44.0	-25.6
	Rate	1,918	2,145	2,070	2,241	1,442	1,074		
Northwest Territories	Number	575	470	359	323	311	337	-46.3	7.0
	Rate	1,426	1,144	857	758	716	766		
Canada	Number	111,917	105,805	92,531	88,582	84,085	78,894	-34.4	-7.5
	Rate	511	475	409	387	362	335		

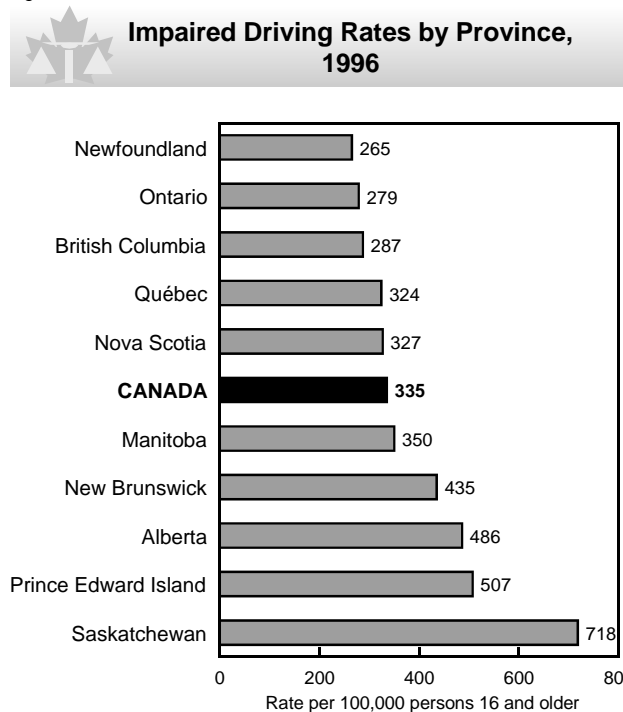
<sup>1</sup> Rates are calculated on the basis of 100,000 persons 16 years and older. Population estimates come from the Demography Division, Census and Demographic Statistics Branch, Statistics Canada.

Population as of July 1: Final post-census estimates for 1991 and 1992; updated post-census estimates for 1993 to 1995; preliminary post-census estimates for 1996.

<sup>2</sup> Percent changes are based on non-rounded rates.

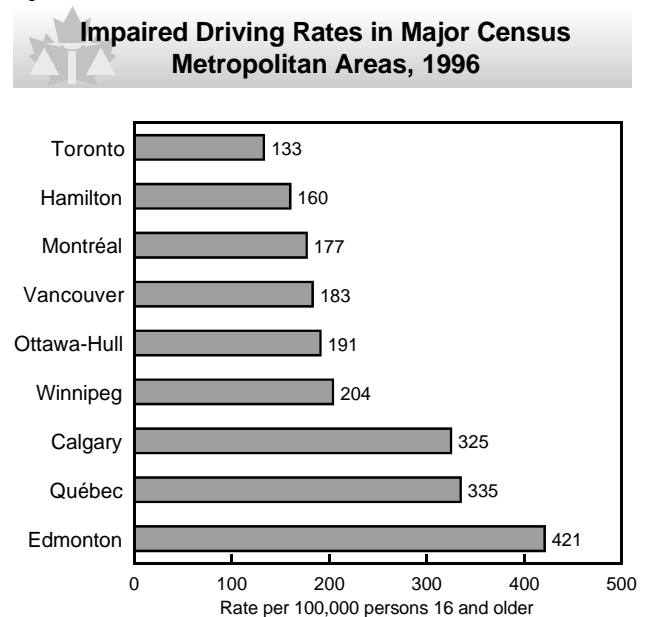
Source: Uniform Crime Reporting Survey, CCJS.

Figure 2



Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Figure 3



Source: Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, Statistics Canada.

Table 4

**Number and Rate<sup>1</sup> of Persons Charged with Impaired Driving in the Largest CMAs, 1991 to 1996**

		1991	1992	1993	1994	1995	1996	% change 1991-1996 <sup>2</sup>	% change 1995-1996 <sup>2</sup>
Calgary	Number	3,565	3,094	2,856	2,431	2,247	2,144	-46.3	-7.1
	Rate	605	514	466	389	350	325		
Edmonton	Number	5,009	4,702	4,151	3,650	2,839	2,875	-45.4	0.5
	Rate	771	711	619	542	419	421		
Hamilton	Number	1,465	1,475	1,188	1,029	866	832	-46.3	-6.4
	Rate	298	298	238	205	171	160		
Montréal	Number	6,305	6,198	5,595	5,946	5,582	4,773	-27.5	-15.3
	Rate	244	238	212	224	209	177		
Ottawa-Hull	Number	2,364	2,266	2,224	2,131	2,065	1,576	-39.2	-25.1
	Rate	314	294	282	267	255	191		
Québec	Number	1,794	2,128	2,188	2,018	2,093	1,910	-0.6	-9.9
	Rate	337	394	398	362	372	335		
Toronto	Number	8,090	7,340	5,920	5,878	5,387	4,651	-47.0	-14.7
	Rate	251	224	177	174	156	133		
Vancouver	Number	5,280	4,415	3,923	3,164	2,531	2,772	-54.1	6.4
	Rate	399	324	281	221	172	183		
Winnipeg	Number	1,512	1,579	1,254	1,224	1,166	1,093	-29.4	-6.8
	Rate	289	300	237	231	219	204		

<sup>1</sup> Rates are calculated on the basis of 100,000 persons 16 years and older. Population estimates come from the Demography Division, Census and Demographic Statistics Branch, Statistics Canada.

Population as of July 1: Final post-census estimates for 1991 and 1992; updated post-census estimates for 1993 to 1995; preliminary post-census estimates for 1996.

<sup>2</sup> Percent changes are based on non-rounded rates.

Source: Uniform Crime Reporting Survey, CCJS.

Compared to rates reported in 1995, Vancouver was the only area that experienced a notable increase (+6%). The largest decrease was reported by Ottawa-Hull (-25%).

**Vast majority of offenders are men**

The vast majority of persons charged with impaired driving offences are men. In 1996, women represented only 11% of persons charged. However, between 1991 and 1996, the decrease in the number of women charged with impaired driving (-17%) was less than the decrease for men (-31%).

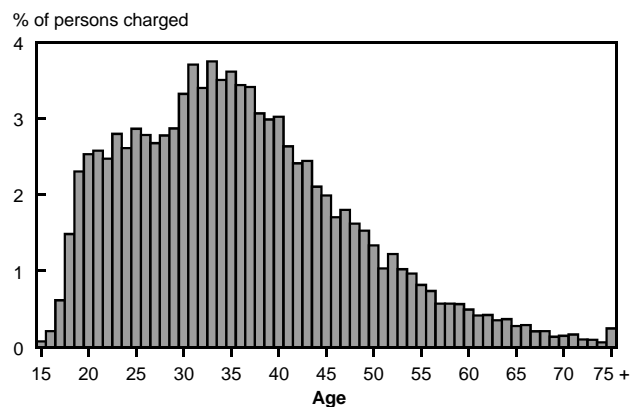
**Impaired driving not highest among young drivers**

In the public's perception, impaired driving is strongly associated with young people. Awareness campaigns and recent provincial legislation concerning new driver's licence holders, all designed to change attitudes, are very much targeted at young people. The Revised Uniform Crime Reporting (UCR II) Survey collects, among other things, the ages of persons charged. The data from the 154 police departments who reported to this survey in 1996 represented 49% of all persons charged with impaired driving. It should be noted that these data are not nationally representative.

Data from this survey show that young persons do not have the highest rates of impaired driving charges. Those aged 16 to 19 years represented only 5% of both persons charged with impaired driving and licensed drivers (Table 5).

Figure 4

**Impaired Driving by Age of Driver, 1996**



Source: Revised Uniform Crime Reporting Survey, Canadian Centre for Justice Statistics, Statistics Canada.

\* Sample of 154 police departments not nationally representative.

While there is no significant difference among age groups from 20 to 44 years, persons aged 55 and over accounted, by far, for the lowest percentage of persons charged compared to their proportion among the population of licensed drivers.

Table 5

**Proportion of Persons Charged and Licensed Drivers by Age Group, 1996**

Age group	% of licensed drivers <sup>1</sup>	% of persons charged
16-19	5.1	4.6
20-24	10.4	13.0
25-34	24.4	31.8
35-44	22.6	29.1
45-54	15.3	14.2
55 and over	22.1	7.3

<sup>1</sup> Licensed drivers information consists of an amalgamation of data from Newfoundland, Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba and Alberta. Source: Data from 154 police services that reported to Revised Uniform Crime Reporting Survey in 1996, CCJS.

**Traffic Fatalities**

The Traffic Injury Research Foundation (TIRF) maintains a database on fatal traffic accidents in Canada. The data come from two sources of information: police accident reports and coroners' and medical examiners' reports from all jurisdictions. The first full year of national monitoring was 1987.

In 1995, provincial jurisdictions reported that 3,684 persons<sup>3</sup> had been killed in traffic accidents. This was a slight increase (3%) over 1994. In general, however, the number of traffic fatalities has been declining since 1989.

**The proportion of fatally-injured drivers who were impaired has fallen since 1987**

Drivers represented more than half of all persons killed in traffic accidents in 1995. About 85% of these drivers were tested for alcohol. In total, 573 drivers were impaired (over 80 mg / 100 ml of blood) at the time of the fatal accident. The percentage of fatally-injured drivers who were impaired has declined gradually from 43% in 1987 to 35% in 1995 (Table 6).

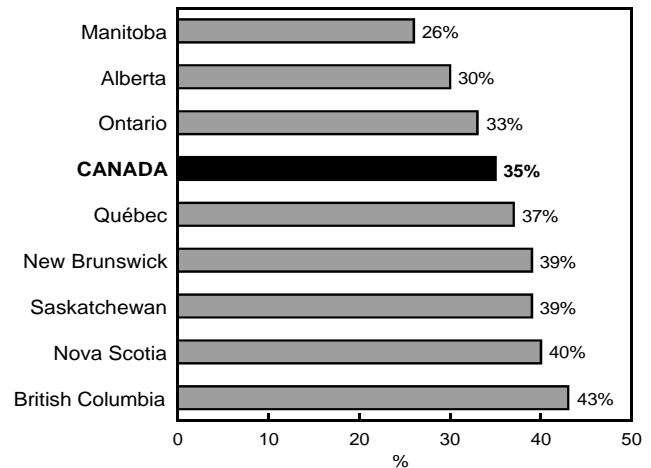
The proportion of fatalities tested with blood alcohol concentrations (BAC) of 80 mg and less (including 0 mg) remained relatively stable between 1987 and 1995. However, within this group, the proportion of those who had a BAC between 1 and 80 mg has generally fallen during that period, while those who were completely sober has remained stable.

At the national level, 35% of fatally-injured drivers had a BAC in excess of the legal limit. This proportion was 40% and over in Nova Scotia and British Columbia (Figure 5). Alberta had the largest percentage of victims who had not been drinking at the time of the accident (66%) (Table 7). Due to their small numbers, Newfoundland, Prince Edward Island and both territories are excluded from this analysis.

*Of those who had been drinking (1 mg and over), six out of ten fatally-injured drivers had a BAC over 150 mg. In 1995, the average BAC in this group of driver fatalities was approximately 170 mg, twice the legal limit. High concentration of alcohol in blood of drivers seems to be strongly associated with the number of fatalities.*

Figure 5

**Proportion of Fatally-Injured Drivers<sup>1</sup> Who Were Impaired by Province<sup>2</sup>, 1995**



<sup>1</sup> Excludes operators of bicycles, snowmobiles, farm tractors and other off-road vehicles.

<sup>2</sup> Due to their small numbers, Newfoundland, Prince Edward Island and both territories are excluded from this figure.

Source: Fatality Database, Traffic Injury Research Foundation of Canada.

**Impairment highest among fatally-injured snowmobile and truck<sup>4</sup> operators**

Excluding the category of "other off-road vehicles" because of its low representation (24 victims), snowmobile<sup>5</sup> (41%) and truck (40%) operators are the two groups with the largest percentage of driver fatalities with a BAC in excess of 80 mg (Table 8). Thirty-four percent of automobile drivers and 32% of motorcyclists killed in accidents had a BAC in excess of the legal limit.

<sup>3</sup> This figure includes drivers and passengers of all types of vehicles (automobiles, motorcycles, snowmobiles, off-road vehicles and bicycles) as well as pedestrians.

<sup>4</sup> Includes vans, tractor-trailers, heavy trucks, motor homes, light trucks, other trucks, buses and emergency vehicles.

<sup>5</sup> The rate of fatal accidents per 100,000 registered snowmobiles was only 8.7, compared to rates of 9.6 for automobiles, 13.7 for trucks and 53.8 for motorcycles.

Table 6

**Drivers Fatally Injured in Traffic Accidents, by Blood Alcohol Concentration, from 1987 to 1995\***

Year	Number of fatally-injured drivers tested	Not legally impaired				Legally impaired			
		Total	0 mg	1 to 80 mg	Total	%	81 to 150 mg	>150 mg	Total
1987	1,721	807	172	979	57	191	551	742	43
1988	1,796	887	186	1,073	60	184	539	723	40
1989	1,872	1,002	143	1,145	61	206	521	727	39
1990	1,756	959	155	1,114	63	159	483	642	37
1991	1,635	850	127	977	60	168	490	658	40
1992	1,585	823	126	949	60	165	471	636	40
1993	1,677	928	115	1,043	62	162	472	634	38
1994	1,602	899	127	1,026	64	143	433	576	36
1995	1,617	915	129	1,044	65	143	430	573	35

\*Excludes operators of bicycles, snowmobiles and other off-road vehicles.

Source: Mayhew, D.R., Brown, S.W. and Simpson, H.M. *Alcohol Use Among Drivers and Pedestrians Fatally Injured in Motor Vehicle Accidents: Canada, 1995*. Transport Canada, 1996.

Table 7

**Alcohol Use Among Fatally Injured Drivers<sup>1</sup>, Canada and Provinces, 1995**

		Number of drivers	Drivers tested	Blood alcohol concentration (mg) <sup>2</sup>			
				Zero	1-80	81-150	>150
Newfoundland	Number	11	10	7	-	1	2
	Percent		90.9	70.0	-	10.0	20.0
Prince Edward Island	Number	12	9	4	-	2	3
	Percent		75.0	44.4	-	22.2	33.3
Nova Scotia	Number	67	53	26	6	5	16
	Percent		79.1	49.1	11.3	9.4	30.2
New Brunswick	Number	70	56	30	4	2	20
	Percent		80.0	53.6	7.1	3.6	35.7
Québec	Number	465	361	201	28	43	89
	Percent		77.6	55.7	7.8	11.9	24.7
Ontario	Number	630	525	306	47	42	130
	Percent		83.3	58.3	9.0	8.0	24.8
Manitoba	Number	70	54	32	8	1	13
	Percent		77.1	59.3	14.8	1.9	24.1
Saskatchewan	Number	81	79	42	6	4	27
	Percent		97.5	53.2	7.6	5.1	34.2
Alberta	Number	225	215	141	10	15	49
	Percent		95.6	65.6	4.7	7.0	22.8
British Columbia	Number	287	249	121	20	27	81
	Percent		86.8	48.6	8.0	10.8	32.5
Yukon	Number	4	4	3	-	1	-
	Percent		100.0	75.0	-	25.0	-
Northwest Territories	Number	2	2	2	-	-	-
	Percent		100.0	100.0	-	-	-
<b>Canada</b>	Number	<b>1,924</b>	<b>1,617</b>	<b>915</b>	<b>129</b>	<b>143</b>	<b>430</b>
	Percent		<b>84.0</b>	<b>56.6</b>	<b>8.0</b>	<b>8.8</b>	<b>26.6</b>

<sup>1</sup> Excludes operators of bicycles, snowmobiles, farm tractors and other off-highway vehicles.

<sup>2</sup> Blood alcohol concentration = mg of alcohol per 100 ml of blood.

- Nil.

Source: Mayhew, D.R., Brown, S.W. and Simpson, H.M. *Alcohol Use Among Drivers and Pedestrians Fatally Injured in Motor Vehicle Accidents: Canada, 1995*. Transport Canada, 1996.



Table 8

**Alcohol Use Among Fatally Injured Drivers, by Type of Vehicle Involved, 1995**

		Number of drivers	Drivers tested	Blood alcohol concentration (mg) <sup>1</sup>			
				Zero	1-80	81-150	>150
Automobile	Number	1,266	1,047	607	83	97	260
	Percent		82.7	58.0	7.9	9.3	24.8
Truck <sup>2</sup>	Number	503	445	241	28	37	139
	Percent		88.5	54.2	6.3	8.3	31.2
Motorcycle	Number	155	125	67	18	9	31
	Percent		80.6	53.6	14.4	7.2	24.8
Snowmobile	Number	86	73	24	19	11	19
	Percent		84.9	32.9	26.0	15.1	26.0
Bicycle	Number	90	44	34	1	2	7
	Percent		48.9	77.3	2.3	4.5	15.9
Other off-road vehicle	Number	24	18	8	2	2	6
	Percent		75.0	44.4	11.1	11.1	33.3
<b>Total</b>	Number	<b>2,124</b>	<b>1,752</b>	<b>981</b>	<b>151</b>	<b>158</b>	<b>462</b>
	Percent		<b>82.5</b>	<b>56.0</b>	<b>8.6</b>	<b>9.0</b>	<b>26.4</b>

<sup>1</sup> Blood alcohol concentration = mg of alcohol per 100 ml of blood.

<sup>2</sup> Trucks include vans, tractor-trailers, heavy trucks, light trucks, other trucks, motor homes, buses and emergency vehicles.

Source: Mayhew, D.R., Brown, S.W. and Simpson, H.M. *Alcohol Use Among Drivers and Pedestrians Fatally Injured in Motor Vehicle Accidents: Canada, 1995*. Transport Canada, 1996.

**The Hard Core Drinking Driver**

Repeat offenders are a significant factor in interpreting impaired driving statistics. Recidivism is often the result of drivers who frequently drive while strongly impaired and who resist changing their behaviour. A recent study<sup>6</sup> indicated that “hard core drinking drivers” account for less than 1% of drivers on the road at night on a weekend, but their chances of being involved in a serious collision are hundreds of times greater than for sober drivers or drinking drivers with low BACs. The decline in the number of persons charged and in the number of deaths involving alcohol in the 1990s could be explained by a large number of occasional and light drinkers who have ceased to drive while impaired. On the other hand, there is no evidence of a comparable decrease in drinking and driving among “hard core drinking drivers”:

*Research to date indicates that drivers most likely to crash after consuming excessive amounts of alcohol are also least likely deterred by the threat of arrest and punishment and (probably) least likely persuaded by informational or educational programs (Donelson, 1989).*

<sup>6</sup> Simpson, H.M., Mayhew, D.R. et Beirness, D.J. (1996).

According to Donelson (1989), the recidivism rate of impaired operation in Canada is between 20% and 45%, depending on the jurisdiction and law enforcement practices. For example, the *Société de l'Assurance Automobile du Québec* reported a repeat offender rate of 23% in 1996. In a number of areas of provincial jurisdiction, certain mandatory education and rehabilitation programs have been established for repeat offenders. It should be added that the strengthening of provincial statutes in recent years has placed particular emphasis on repeat offenders.

**Downward trend attributable to a number of factors**

A number of cultural (e.g. change in attitudes), demographic (e.g. aging population), economic, legal, social and technological (e.g. air bags, ABS brakes, anti-shock doors) factors may have contributed to the decline in the number of driver fatalities. However, the number of fatal accidents involving alcohol has fallen even further. Consequently, factors more specific to the problem of impaired driving, such as public information programs, community programs against impaired driving and stronger acts and regulations concerning impaired operation, appear to provide a better explanation for the sharper decline.

**Trends in Alcohol Consumption and Gasoline Sales**

Impaired driving is a combination of two socially acceptable behaviours: driving and drinking. Consequently, it may be considered that a decline in either one of these two behaviours would partly explain the downward trend in the number of persons charged and the number of driver fatalities testing positive for blood alcohol concentration over 80 mg / 100 ml.

Statistics Canada conducts an annual survey of alcoholic beverage sales and a motor vehicle survey measuring gasoline sales. Although these measures do not encompass all aspects of total consumption, they are nevertheless very good indicators. The figures show that the total volume of gasoline sales in litres increased constantly between 1991 and 1995. Since 1992, sales of alcoholic beverages have risen slightly. These two trends provide no explanation for the decline in the number of persons charged with impaired operation and the number of fatally injured drivers who had been drinking.

## Extending control over impaired driving through provincial acts and regulations

The provinces are responsible for road safety regulations and control (highway traffic acts, issuing and controlling driver's licences and motor vehicle registration, etc.). In the past few years, a number of provincial jurisdictions have introduced or amended certain acts and regulations designed to reduce the incidence of impaired driving. These measures have helped lower the legal tolerance for alcohol in new drivers, particularly young people. The following sections briefly describe the provincial acts and regulations, as of October 1997, which extend legal control over impaired driving.

### Prohibition from transporting an open alcoholic beverage container in a motor vehicle

This provision exists in most provinces and territories (Table 9). The only minor difference concerns Quebec, where only the drinking of alcoholic beverages is illegal, but the presence of an open container in a motor vehicle is not.

### Prohibition from the impaired operation of bicycles and horses

Section 253 of the *Criminal Code*, which defines the offence of impaired operation, applies to the operators of motor vehicles (including mopeds), boats and aircraft. Certain provincial jurisdictions have extended this *Criminal Code* limitation to other means of transportation. Prince Edward Island, Manitoba and

British Columbia have ruled that the impaired operation of a bicycle constitutes an offence under provincial law. In Québec, legislation applies to anyone drinking alcohol while riding a bicycle. The legislation of Prince Edward Island and Manitoba also covers impaired riding of a horse.

### Suspension of licence for a determinate period of time for drivers with a BAC below the legal limit

Certain provinces have adopted a measure that enables the police to suspend the licence of a driver who is found with a BAC slightly below the legal limit of 80 mg of alcohol per 100 ml of blood. Statutes in Newfoundland, Prince Edward Island, New Brunswick and British Columbia provide for a 24-hour suspension for drivers who are stopped with a BAC of between 50 mg and 80 mg. Alberta's legislation provides for the same suspension for any BAC which, in the view of police, appears to affect driving ability. The Ontario and Manitoba legislation provides, respectively, for 12-hour and 6-hour suspensions. Lastly, police in Saskatchewan may enforce a 24-hour licence suspension for drivers with a BAC of between of 40 and 80 mg.

### New driver licensing programs more restrictive regarding alcohol use

In the past few years, a number of provinces have introduced, or made significant changes to, new driver licensing programs with respect to reduced tolerance for impaired driving. These programs are currently in effect in Prince Edward Island, New Brunswick, Nova Scotia, Quebec, Ontario and Saskatchewan.

Table 9

## Comparison of Selected Impaired Driving Provincial Legislation - As in force in October 1997

	Newfoundland	Prince Edward Island	Nova Scotia	New-Brunswick	Québec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia
Transporting an open alcoholic beverage container within a motor vehicle	Yes	Yes	Yes	Yes	Consumption is prohibited	Yes	Yes	Yes	Yes	Yes
Impaired driving prohibited for other vehicles than specified in Criminal Code	No	Bicycle and horse	No	No	No	No	Bicycle and horse	No	No	Bicycle
Driving prohibition for BAC below Criminal Code limit	24 hours for 50 to 80 mg	24 hours for 50 to 80 mg	No	24 hours for 50 to 80 mg	No	12 hours for 50 to 80 mg	6 hours for 50 to 80 mg <sup>4</sup>	24 hours for 40 to 80 mg	24 hours for any suspect levels <80 mg <sup>6</sup>	24 hours for 50 to 80 mg
Graduated driver's licence holders program <sup>1</sup>	No	Term: 2 years Tolerance: 0 mg <sup>2</sup>	Term: 2 years Tolerance: 0 mg	Term: 2 years Tolerance: 0 mg	Term: 2 years <sup>3</sup> Tolerance: 0 mg	Term: 2 years Tolerance: 0 mg	No <sup>5</sup>	Term: 2 years Tolerance: 40 mg	No	No
Minimum fixed suspension depending on frequency of offence	1st: 1 year 2nd: 2 years 3rd: 3 years	1st: 1 year 2nd: 2 years 3rd: 3 years	1st: 1 year 2nd: 2 years 3rd: 5 years	1st: 6 months 2nd: 1 year 3rd: 1 year	1st: 1 year 2nd: 2 years 3rd: 3 years	1st: 1 year 2nd: 2 years 3rd: 3 years	1st: 1 year 2nd: 2 years 3rd: 5 years	1st: 1 year 2nd: 3 years 3rd: 5 years	1st: 1 year 2nd: 3 years 3rd: 5 years	1st: 1 year 2nd: 3 years 3rd: Indefinite
Administrative licence suspension	No	90 days	90 days	No	1st: 15 days <sup>8</sup> Other: 30 days	90 days	90 days	90 days	No	90 days <sup>7</sup>
Seizure and impoundment measure	No	Yes	No	No	Yes <sup>8</sup>	Yes	Yes	Yes	Yes	Yes

<sup>1</sup> Only program characteristics related to impaired driving are shown.

<sup>2</sup> Zero tolerance is applicable to new drivers under 18. 40 mg for all other new drivers.

<sup>3</sup> Program is applicable solely to new drivers under 25.

<sup>4</sup> Will be increased to 24 hours in 1998.

<sup>5</sup> Currently under review for novice drivers.

<sup>6</sup> Any level which, in the view of police, may impair driving ability.

<sup>7</sup> Technically, it is a driving prohibition.

<sup>8</sup> Will be in force starting December 1st, 1997.

The programs apply to all new drivers, with the exception of the program in Quebec, where only drivers under 25 are enrolled in the program. In most provinces, there is zero alcohol tolerance for learning drivers during the two-year probationary or graduated licence period. In Saskatchewan, the tolerance level is 40 mg. In all cases, licence suspensions are provided for drivers caught in violation, and those suspensions are graduated depending on violation frequency.

### Fixed licence suspension periods

Section 259 of the *Criminal Code* provides that a driver's licence will be suspended for a period of not less than three months for a first impaired driving offence. That period is doubled to six months for a second offence and to one year for subsequent offences. The maximum suspension period remains three years.

Most provinces have established their own fixed minimum licence suspension period: one year for a first offence in most provinces; one to three years for a second offence in certain provinces; and, up to five years for subsequent offences.

### Administrative licence suspension program

A number of provinces have adopted an automatic administrative licence suspension program for drivers tested with positive BACs. The purpose of these programs is to suspend the licences of offending drivers prior to their court appearance date and the judge's final verdict. It should be noted that the court's judgement need not necessarily take the length of the suspension into account. These programs enable a province to suspend the licences of drivers from the date on which they obtain a positive BAC result (over 80 mg per 100 ml of blood). The term of this administrative suspension is 90 days in all provinces that have introduced it, with the exception of Quebec, where it is 15 days for a first offence.

In addition to these administrative and legal sanctions, it should be noted that provinces are increasingly requiring offenders to pay all costs relating to their arrest and rehabilitation. Offenders may also be required to pay any towing and vehicle storage expenses as well as the cost of the rehabilitation program, which is often mandatory. Lastly, in addition to a criminal court judgement and a criminal record, drivers charged with impaired operation face increased licensing costs and insurance premiums.

### Seizure and impoundment of a vehicle

Some jurisdictions have adopted statutes that allow police the power to seize and impound, for a limited period of time, any vehicle driven by a prohibited or unlicensed driver. This measure aims to dissuade drivers of using their vehicle while their licence is suspended, and to place certain responsibilities on owners to ensure that their vehicle is operated by individuals who hold a valid driver's licence. Regulations of seizure and impoundment are in force in British Columbia, the Prairies, Ontario and Prince Edward Island. The impoundment period varies from jurisdiction to jurisdiction. For instance, the time period is 30 days in British Columbia for a first offence and 45 days in Ontario. Jurisdictions that put this measure in place also have a review process for particular cases.

## Court reaction to drivers charged with impaired operation

The Adult Criminal Courts Survey (ACCS) collects information on provincial court cases. In 1995-1996, the survey covered nine of the 12 jurisdictions<sup>7</sup>. During that period, the courts handled the cases of 63,127 persons charged with an impaired driving offence. Of all the *Criminal Code* offences, persons charged with impaired driving were most likely to receive a guilty verdict. By reason of the nature of this type of offence, approximately 80% of persons charged either entered a guilty plea or were found guilty. The conviction rate for this type of offence is high relative to other types of incidents because the suspect has been identified and the police have solid evidence (BAC or testimony of arresting officers). Only 3% of persons charged were acquitted. The remaining cases resulted in a stay or withdrawal.

### Fines are the most frequently used sentence

The *Criminal Code* provides for a minimum fine of \$300 for a first conviction of impaired driving causing neither bodily harm nor death. The type and degree of the sentences used are relative to repeat offenders and the sentencing policies in effect in the jurisdictions. Of the almost 50,000 persons found guilty, 66% were sentenced to pay a fine (as the most serious sentence), 22% to prison, 9% to probation and 3% received other types of sentences. In eight of the nine jurisdictions, the majority of persons convicted of impaired operation were required to pay a fine as the most serious sentence. In Prince Edward Island, over 80% of convicted persons were incarcerated. At the national level, the median<sup>8</sup> fine was \$500. Fines were highest in Prince Edward Island (\$900) and lowest in Quebec (\$300).

### Imprisonment more frequent in Prince Edward Island, but orders not as long

The *Criminal Code* provides minimum penalties of imprisonment for 14 days for a second offence and imprisonment for 90 days for subsequent offences. At the national level, the median jail term in cases of impaired driving offences was 30 days.

Due to a different sentencing policy from those of other jurisdictions, Prince Edward Island relies to a greater degree on imprisonment and combined sentences in impaired driving cases. However, it also orders, by far, the shortest prison sentences. The median prison term in Prince Edward Island was 4 days, followed by Newfoundland with 21 days. The Yukon Territory ordered the longest prison sentences (90 days).

Impaired driving (as the most serious offence) accounted for 13% of the sentenced admissions to provincial custody<sup>9</sup> in 1995-1996; a decrease compared to the 1994-1995 proportion (14%) as well as the 1993-1994 proportion (15%). In 1995-1996, Saskatchewan reported the highest rate (25%) and Ontario the

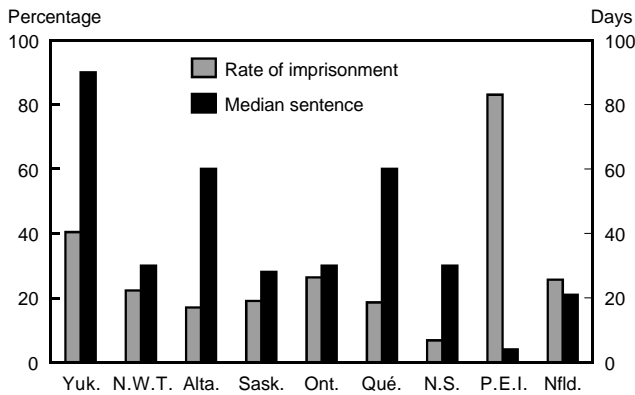
<sup>7</sup> The survey period was from April 1, 1995, to March 31, 1996. New Brunswick, Manitoba and British Columbia were not included in the survey.

<sup>8</sup> The median represents the middle-point of a set of values when arranged from lowest to highest value.

<sup>9</sup> Data from Prince Edward Island were not available for 1994-1995 and 1993-1994. Also, due to a different unit of count use that makes data non-compatible, data from Alberta and the territories are excluded.

Figure 6

**Imprisonment and Sentence Length for Impaired Drivers, Selected Jurisdictions, 1996**



Source: Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada.

lowest (10%). In Prince Edward Island, 36% of provincial admissions in 1993-1994 were for impaired driving (more recent data are not available).

**Conclusion**

The number of persons charged with impaired driving offences and the proportion of fatally-injured drivers who were legally impaired are two indicators of the extent of impaired driving in Canada. It has been shown that both these indicators have been declining for several years. These trends are likely the result of sensitization and awareness on the public's part, combined with an increase in the severity of provincial and Criminal Code sanctions.

**Methodology**

**1. Aggregate UCR Survey** - The aggregate-based UCR survey records the number of incidents reported to the police. It includes the number of reported offences and the number of actual offences (excluding those that are unfounded), the number of offences cleared by charge, the number of persons charged by sex and by an adult/youth breakdown. Unless otherwise mentioned, all analysis in this report is based on aggregate survey counts.

**2. Revised UCR Survey (UCRII)** - The revised microdata survey captures detailed information on individual criminal incidents reported to police, including characteristics of accused persons and the incidents. The reader is cautioned that these data are not nationally representative. In 1996, detailed data were collected from 154 departments in six provinces through the Revised UCR Survey. These data represent 47% of the national volume of actual Criminal Code crimes. The incidents contained in the 1996 Research File are distributed as follows: 39% from Quebec, 38% from Ontario, 10% from Alberta, 8% from British Columbia, 4% from Saskatchewan, and 1% from New Brunswick.

**3. Adult Criminal Courts Survey (ACCS)** - Provincial criminal courts in seven provinces and two territories (representing approximately 80% of the national provincial criminal court caseload) reported to the ACCS. They are: Newfoundland (2.0%); Prince Edward Island (0.4%); Nova Scotia (4.1%); Quebec (20.6%); Ontario (50.9%); Saskatchewan (6.5%); Alberta (14.3%); Yukon (0.5%); and, the Northwest Territories (0.7%).

**4. Adult Correctional Services Survey (ACSS)** - This survey is based on the operation of adult correctional services (custodial and community corrections) in Canada at the federal and provincial level. It is conducted annually (on a fiscal year basis from April to March) and is designed to collect caseload and case characteristics information on adult offenders (18 and over).

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