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Remarks by

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to the

Conference on Drinking and Driving

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We live in a society where the automobile has become virtually indispensable; for most of us, driving a car is part of our daily life. We also live in a society where the use of alcohol is not only accepted, but associated with many of our most popular forms of entertainment. In fact, many forms of entertainment involve getting into a car and driving to a place where alcohol is served.

Now the automobile is very useful, and there is nothing inherently wrong with alcohol in moderation. But bring the two together and we have, as everyone knows, a very deadly combination. Despite this common knowledge, that combination has become one of our country's most serious social problems.

No one, of course, is in favour of drinking and driving. Yet on any given night, fully 25% of the drivers on the road in Canada have been drinking; in some areas the figure may be as high as 60% on a Friday or Saturday night. About 150,000 of these people are caught each year -- depending on the province, up to 40% of all Criminal Code convictions are for impaired driving or related offences -- but many of these people are not caught. According to a recent survey, one in three Canadians who drink admit driving while "under the influence". That's five million people, and they take

the lives of some 2,500 Canadians each year. Impaired driving has caused more violent deaths, more injuries, more grief and bereavement than any other crime in Canada.

Behind these statistics are people, the victims of impaired drivers. The pain and outrage they suffer, and the loss endured by so many families, is little less than that caused by assault or murder. For them, an alcohol-related accident is no mere accident, and it is not simply another unfortunate fact of life. As a citizen, I share their outrage at the senseless violence on our highways; as Minister of Justice, I am committed to doing all that I can to combat this very serious problem. In fact, it has been one of my foremost priorities as Minister of Justice. And I must say that I am very encouraged to see so many people at this conference today who share my commitment.

What can the law do about the impaired driver? First of all, it can express its condemnation through a range of tough and effective penalties. Traditionally, this has meant fines and prison sentences, and I have proposed amendments to the Criminal Code which would strengthen these penalties. For example, at present the mandatory minimum

fine for impaired driving is a mere \$50 -- which is totally inappropriate for such a crime, and out of step with the fines usually imposed by judges. I have proposed to increase the minimum fine to \$300 for a first offence. And there would be a minimum fourteen day prison sentence for a second offence, a 90 day prison sentence for any subsequent offence. The maximum penalties, of course, would be much higher; for the more serious indictable offences, the maximum penalties would be increased from two to five years imprisonment and there would be no limit on the fine that could be imposed by the courts.

I am also proposing that we create two new types of offences. At present, the Criminal Code prohibits impaired driving. It also contains offences such as manslaughter and criminal negligence causing death or injury. Unfortunately there is a considerable gap between these types of offences; in many cases, the impaired driver who kills or seriously injures someone can only be charged with impaired driving and is liable only for impaired driving penalties.

I believe that this is intolerable: drinking is not a licence to kill. That is why I have proposed two new offences. Dangerous or impaired driving would be a special offence if it caused death, subject to a maximum penalty of 14 years imprisonment; impaired driving causing bodily harm would be subject to a maximum 10 years imprisonment.

The traditional penalties of fines and imprisonment are necessary. But research and experience has shown that other forms of punishment are often more effective for impaired driving, and we are providing the courts with a wide variety of other measures to deal with drunk drivers. One of these is a mandatory suspension of driving privileges. Anyone convicted of impaired driving would automatically be prohibited from driving for a minimum of three months on a first offence, six months on a second offence, and one year for a third or subsequent offence. For the more serious offence involving death or injury, the courts may choose to order a much longer prohibition period -- even a life prohibition in some cases. When these prohibitions are in effect, there would be no exceptions or "restricted" driving privileges allowed. Violating a court order of this kind could bring a two year prison sentence.

The measures I have proposed would also give the courts a number of flexible options. For example, if it became clear that an offender was determined to ignore an order suspending his or her driving privileges a judge could order the immobilization of the vehicle used in the offence. In such a case, the determined offender would at least be unable to drive his or her own car.

When people drink and drive even when they are aware of the gravity of their action, it is often an early indication of chronic alcohol abuse or dependency. Research shows that alcohol or drug dependent offenders are rarely deterred, no matter how severe the penalty. In these cases, proper treatment may be more effective in place of, or in addition to, the more traditional penalties. Under the proposals I have brought forward, the court could order the medical examination of an offender suspected of alcohol dependency. If it is determined that the offender might benefit from an alcohol treatment program, and is a suitable candidate the court could then prescribe such a program as a condition of probation, in addition to any other penalty that the Court must or may impose.

In addition to these measures, the courts could order enrolment in a driver education or improvement program as a condition of probation. And under the amendments I have

proposed concerning the general sentencing provisions of the Criminal Code, the courts could order the forfeiture of the motor vehicle or restitution to the victim. These options give the courts much greater flexibility in fitting the sentence to the circumstances of the individual case. I believe such flexibility is essential if the law is to be applied effectively.

Of course, tougher laws are one thing, enforcement is another; the laws against impaired driving must be backed up by more persistent law enforcement. Law enforcement is largely within provincial jurisdiction, and as I am sure Mr. McMurtry will tell you later today, enforcement is often a very formidable task.

While the federal government is not directly involved in enforcing impaired driving laws, it can provide for measures which will facilitate that task. That is why I have proposed that we allow blood samples to be taken from suspected offenders involved in alcohol-related accidents.

Some people believe that mandatory blood samples would be a violation of human rights. But I believe that concern for individual rights must be limited by an overriding concern

for protecting innocent people on Canada's highways. In many cases, the conviction of an offender is impossible without the evidence that could be provided by blood samples. However, there would be strict safeguards to protect the individual: a blood sample could be requested only if a breath sample could not be obtained, and it would be mandatory only where the driver is unable to consent, for example if he or she is unconscious, and a death or injury is involved. Even then, a judicial warrant would be required. And of course, any sample would be taken under proper medical supervision, and the driver could request a second, independent analysis.

I believe that the measures I have proposed are essential for an effective response to the problem of impaired driving. But we must realize that tougher laws, and even tougher law enforcement, will not prove sufficient in the long run. The problem is essentially a social one, and it has deep roots in social attitudes that must be examined. That is why we are here today.

It is our ambivalent attitudes towards drinking and driving that make this such a difficult and perplexing problem to deal with effectively. A national survey conducted late

last year indicates that a full 98% of all Canadians find drinking and driving to be personally "offensive and unacceptable behaviour." And yet only 57% say that a person who drinks and drives is acting "irresponsibly". Fifty per cent admit that they would not refuse to ride with a driver who has been drinking too much -- for them, apparently, the impaired driver is not really a very serious threat. And as I mentioned earlier, one in three who drink admit to driving themselves while impaired; as one journalist said, if you are one of them then no matter what you say you don't think it's very serious.

What is so distressing is that so many Canadians apparently fail to realize how serious and detestable impaired driving really is until they are directly affected by its tragic consequences. Despite what people say, they do not seem to realize that impaired drivers are not just "rascals", they are not in the least "amusing", and they do not have a merely personal problem. Impaired drivers kill.

Clearly, what we need is a long-term strategy of public education and information that will demonstrate our collective responsibility to stop the senseless violence on

our highways. The legislation I have proposed is a necessary, but only a first step in such a strategy. My officials are now examining ways in which the Department's limited funds can be used to support the legislation through a national education and information campaign.

Ultimately, the solution lies in a genuine grass-roots movement to achieve lasting change in social attitudes. This means people working together, within their own community, to identify the roots of the problem and to mount an effective, community-based plan of action. This means each of us, individually and together, working to make it clear that any one who drinks and drives is a potential killer. That is what this conference is all about. And that is what I hope we are starting to achieve today for our community, here in Ottawa.

**END**