

Survey of Canadian Lawyers' Attitudes and Perceptions of DWI



**17th International Conference on Alcohol,
Drugs and Traffic Safety**

Glasgow, Scotland

Paul Bose, Road Safety, Transport Canada

Co-authors

B. Jonah – Transport Canada

**K. Quaye – Saskatchewan Government
Insurance**

H. Pruden – Justice Canada

**S. Stewart – Ministry of the Attorney General,
Ontario**

G. Yost – Justice Canada



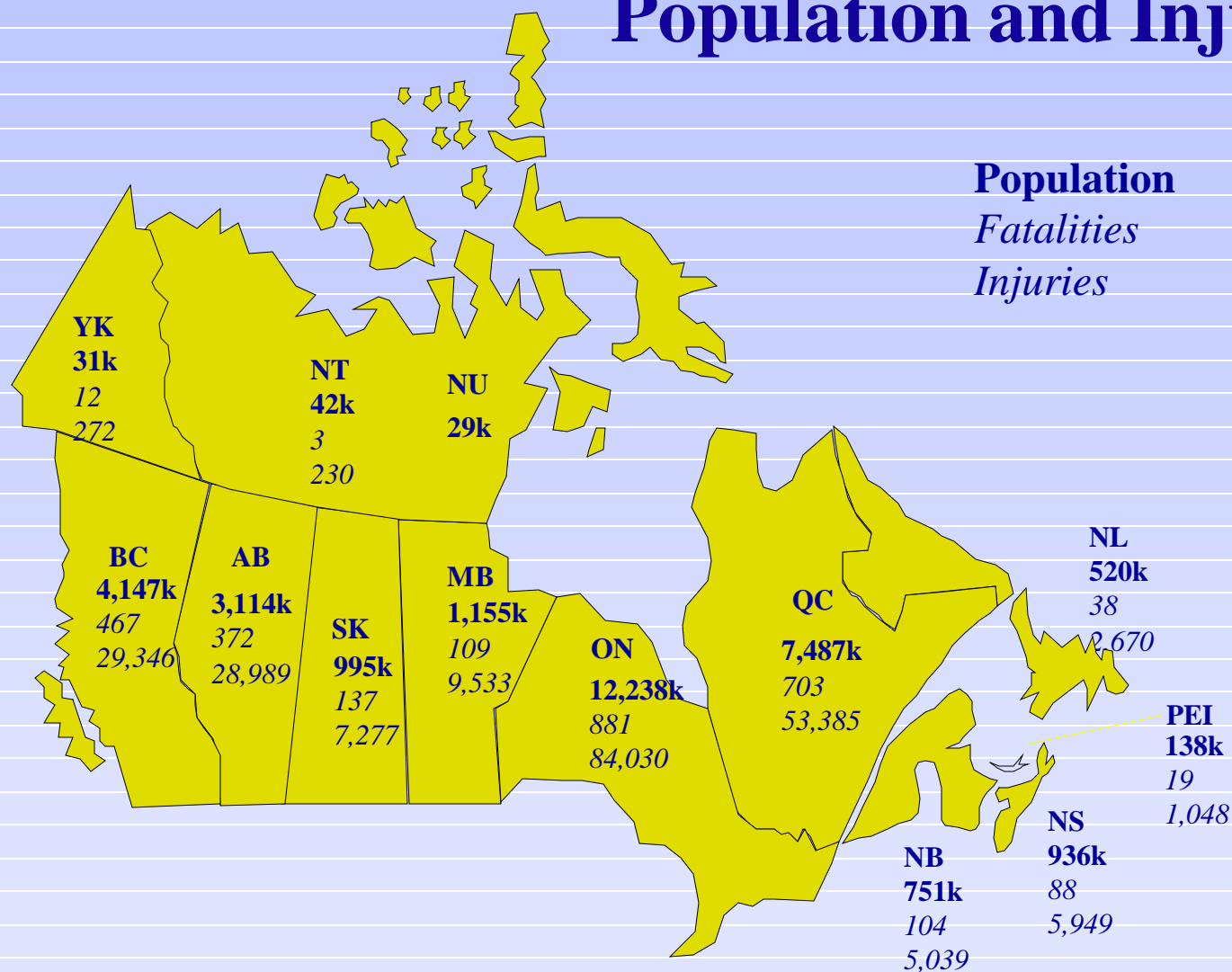
**Making Canada's Roads
the Safest in the World**



**Transport Canada
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Canada, 2002

Population and Injuries



Population 31.6M
Fatalities 2,936
Injuries 227,768



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Road Safety in Canada – a Shared Responsibility:

- **Federal Government**
 - National leadership (Transport Canada) – data, research, program development, program evaluation, knowledge transfer
 - New vehicle safety standards (Transport Canada)
 - Extra-provincial truck and bus regulations (Transport Canada)
 - Criminal Code of Canada (Justice Canada) – impaired driving, dangerous driving



Road Safety in Canada – a Shared Responsibility

- Provincial/Territorial Governments
 - Driver/vehicle licensing (e.g. driver suspension)
 - Police enforcement (e.g. R.I.D.E.-type programs)
 - Criminal Code and Highway Traffic Act prosecutions
 - Data and research (e.g. roadside surveys of DWI)
 - Program development, implementation and evaluation (e.g. ALS, assessment/rehabilitation)



Impaired Driving Offences in Canada

Criminal Code of Canada

- Section 253(a)-Impaired Driving (alcohol & drugs)
- Section 253(b)-BAC over 80mg%
- Section 254(5)-Refusing to Provide Breath Sample
- Section 255(2)-Impaired Driving Causing Bodily Harm
- Section 255(3)-Impaired Driving Causing Death

Provincial/Territorial HTAs

- Set age of majority (drinking age)
- Programs related to driver and vehicle licensing
- Suspensions beyond CCC level
- Reinstatement requirements (medical assessment, interlocks)



Road Safety Vision 2001

RSV 2001 Vision: The safest roads in the world

- **Approved in 1996 by the Council of Ministers Responsible for Transportation and Highway Safety**
- **Strategic Objectives:**
 - to raise public awareness of road safety issues;
 - to improve communication, cooperation and collaboration among road safety agencies;
 - to toughen traffic law enforcement;
 - to improve national road safety data collection and quality.



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Strategy to Reduce Impaired Driving (STRID) 2001

- Target was a 20% reduction in alcohol-related fatalities and serious injuries
- Continuation of original 1990 STRID aimed at 20% reduction in fatalities
- Increase licence suspensions to 1, 3, 5 yrs for 1st, 2nd, 3rd + convictions, more enforcement, public awareness
- Result was a 15% reduction in alcohol-related fatalities and serious injuries
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RSV 2010: The National Target

- 30% decrease in the average number of road users killed or seriously injured during the 2008-2010 period compared to 1996-2001 figures
- This means having fewer than 2,100 fatalities and 13,000 serious injuries (admitted to hospital)



STRID 2010

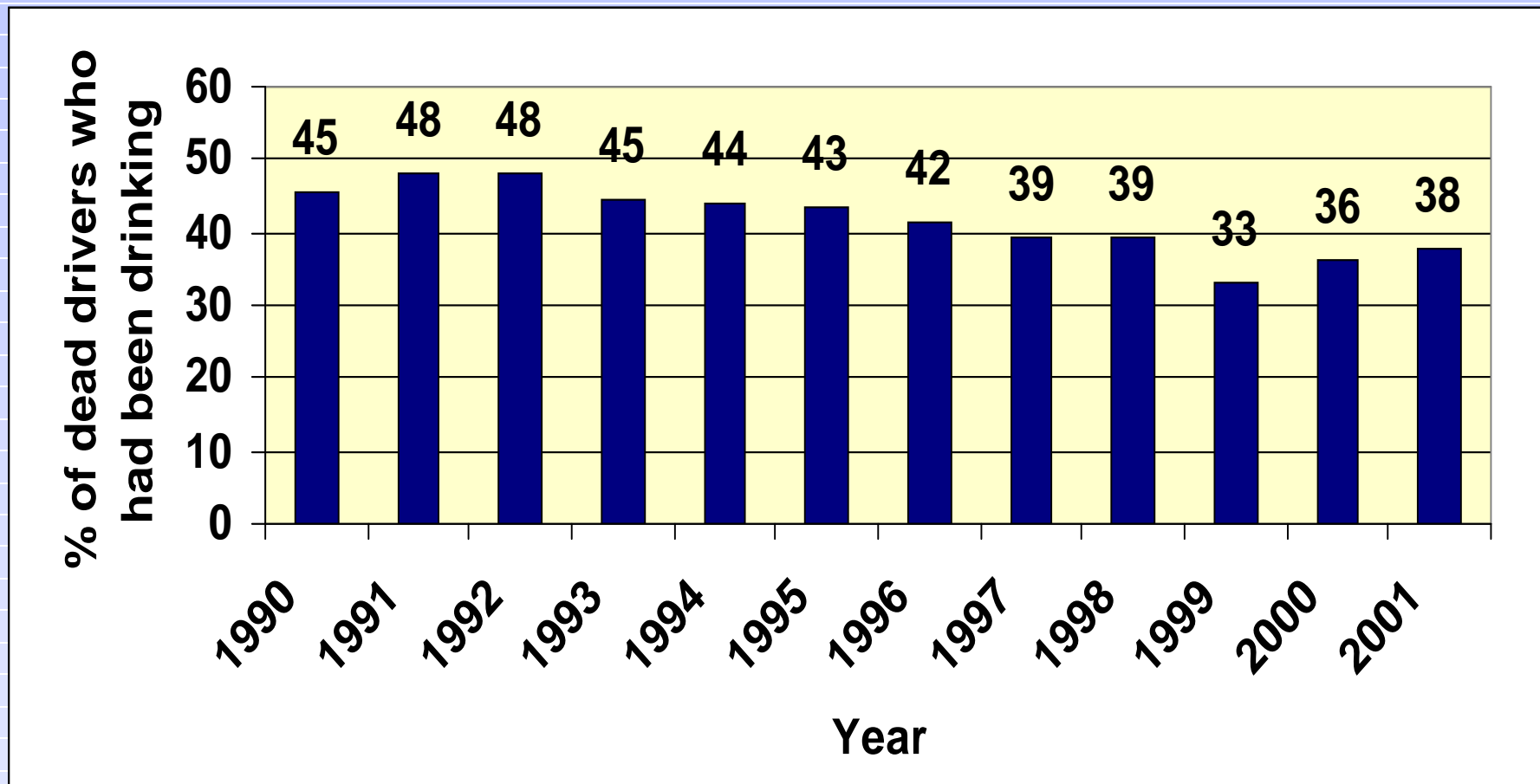
- **Objective: 40% decrease in percent of road users fatally or seriously injured in crashes involving drinking drivers**
 - » **Target groups: Hard core drinking drivers, young drivers, first offenders, social drinkers**
 - » **Measures: Greater enforcement, administrative license suspension, vehicle impoundment, ignition interlocks, medical assessment and rehabilitation, public education**
 - » **Elements: Education/awareness, enforcement, legislation, health promotion, linkages, research**



Percent of Fatally Injured Drivers Positive for Alcohol

Increases in drink-driving interventions have resulted in progress

However, since 1999, the results are trending upward



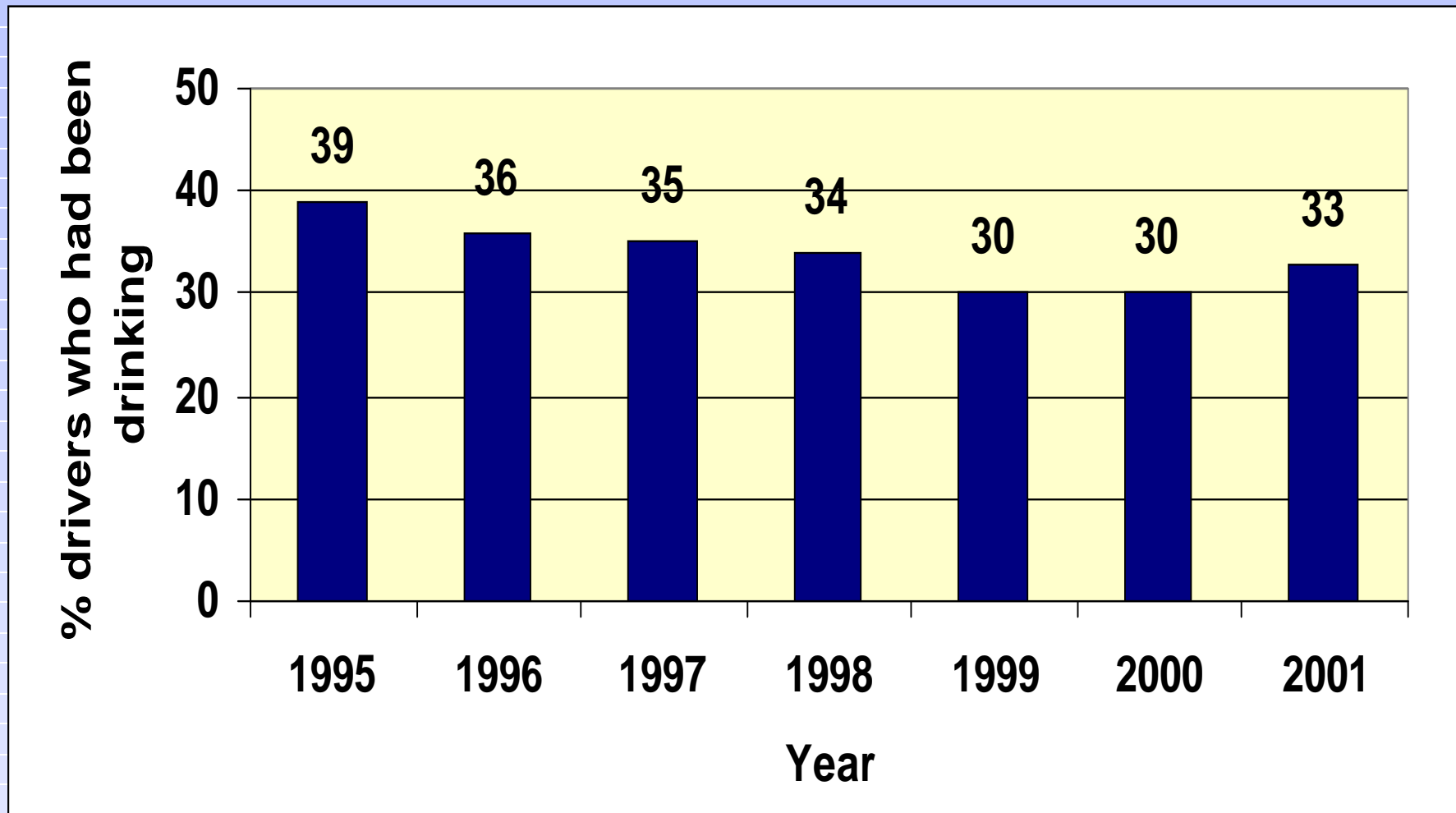
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% Motor Vehicle Fatalities Involving a Drinking Driver

A similar trend can be seen

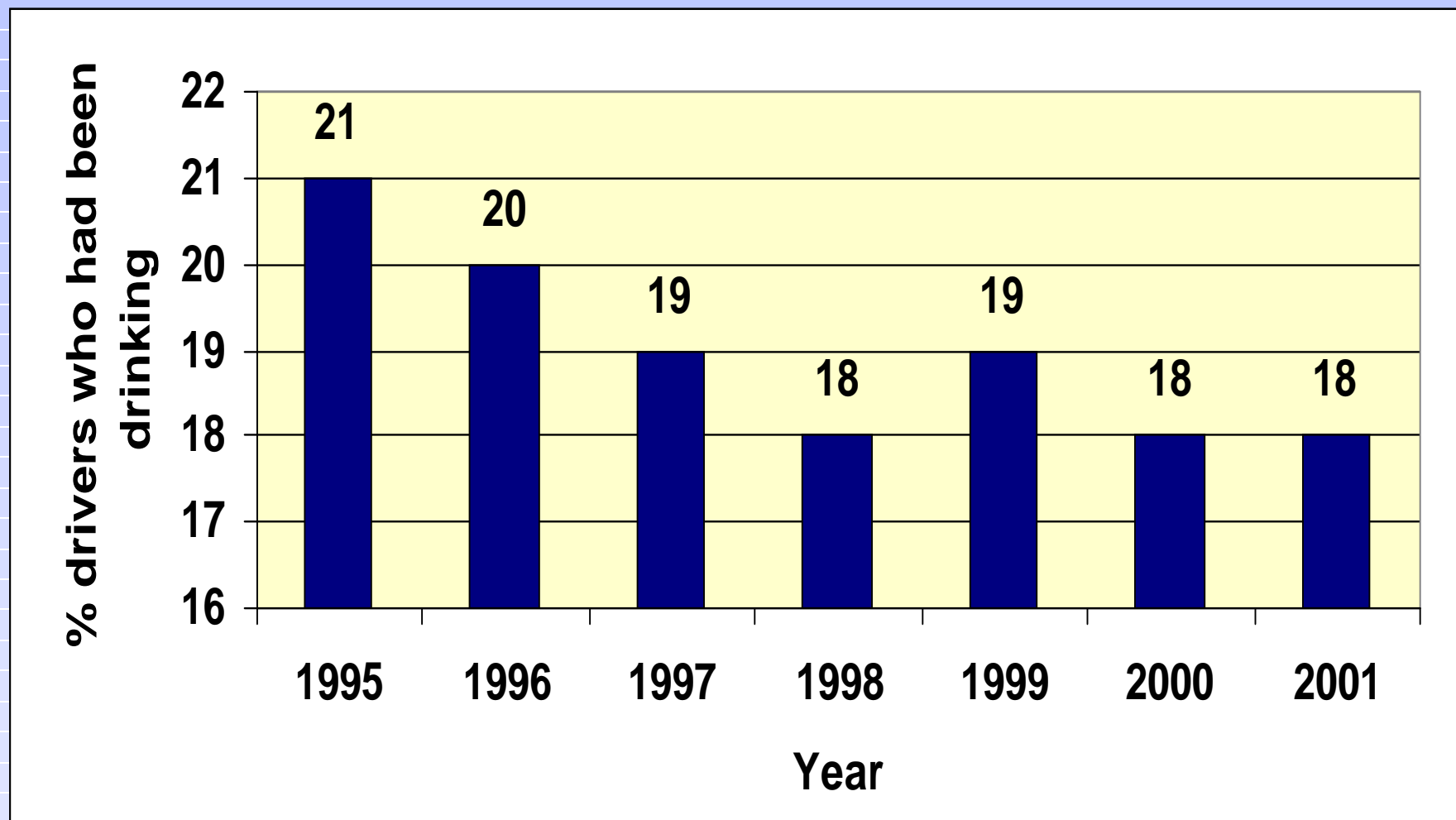


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% of Drivers in Serious Injury Crashes Involving Alcohol



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Survey of Police

- **Partnership with CACP and TC**
- **Attitude, perceptions and practices of Front-line police officers (Jonah et al, 2000)**
- **Multi-stage stratified sample**
- **71% response rate**



Results of Police Survey

- **Almost 3 hours to process a charge**
- **Video tape could help prosecution**
- **DWI trials average 4 hours**
- **Concerns regarding prosecutor preparation**
- **Plea bargaining is an issue**
- **Other lesser penalties often used, (short-term suspensions)**
- **“Legal technicalities” are perceived issue**



Context

- **1999 Parliamentary Committee review**
- **TIRF work in the U.S.A.**
 - Across professions
- **Objectives:**
 - Examine the legal processes from the point of view of both the Crown Attorney and Defence Counsel,
 - Identify evidentiary or procedural factors impacting the legal process and the rights of the accused, and
 - Compliment the police survey



Project

- **Joint partnership with TC and CCMTA**
- **Multidisciplinary steering committee**
 - Transport Canada
 - Justice Canada
 - Attorney General of Ontario
 - CCMTA
 - Canadian Bar Association
- **3 phase project**
 - Sample plan and survey instrument
 - Focus group testing and finalizing instrument
 - Survey and report



Sample Plan

- **Utilize same regional breakdown as police survey (5 regions)**
- **Crown Attorneys and Defence Counsels**
- **Involved in DWI prosecution within 24 months**
- **Very difficult to identify population**
 - No complete list
 - Don't break down type of criminal law
 - Different systems across jurisdictions



Focus Groups

- **1 for Crowns and 1 for Defence**
 - Difficult to schedule, even with payment
- **Crown responses**
 - Don't have the time
 - Letter for Attorney General not persuasive
 - Specific wording a significant issue
- **Defence Counsel**
 - Time is money
 - Seen helping law become tougher on clients
 - Specialists and generalists
 - Specific wording an issue



Current Status

- **2 survey instruments complete**
- **National focus testing abandoned**
- **Making contact with provincial associations**
- **Send letter and questionnaire with their help**
- **Challenges**
 - Sample plan not possible
 - Regional representation can't be controlled
 - Potential response bias

