

CITY OF BURNABY

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COMMUNITY POLICING COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

**RE: DRINKING AND DRIVING ISSUES AND STRATEGIES IN
BRITISH COLUMBIA**

RECOMMENDATION:

1. **THAT** Council receive the attached report for information.

R E P O R T

The Community Policing Committee, at the Open meeting held on 2003 October 09, received and adopted the attached report providing information on a recent Provincial review of the issue of impaired driving, and on specific Provincial initiatives which could have an impact on the problem of impaired driving.

Respectfully submitted,

Councillor D. Evans
Chair

Councillor C. Jordan
Vice Chair

Councillor P. Calendino
Member

<p>COPY - CITY MANAGER - DEPUTY CITY MANAGER - DIRECTOR PLANNING AND BUILDING - OIC RCMP - CHIEF LICENSE INSPECTOR</p>
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TO: COMMUNITY POLICING COMMITTEE 2003 October 2
FROM: DIRECTOR PLANNING AND BUILDING OUR FILE: 2410-20
SUBJECT: DRINKING AND DRIVING ISSUES AND STRATEGIES IN BRITISH COLUMBIA
PURPOSE: To provide the Committee and Council with information on a recent Provincial review of the issue of impaired driving, and on specific Provincial initiatives which could have an impact on the problem of impaired driving.

RECOMMENDATION:

1. **THAT** the Committee forward this report to Council for information.

REPORT

1.0 BACKGROUND

At its meeting of 2003 July 21, Council considered correspondence from the Provincial Ministry of Public Safety and Solicitor General regarding the need to develop new approaches to address the problem of impaired driving. The correspondence solicited City input into a public consultation process which was then underway, and noted that a Provincially-sponsored forum on drinking and driving would be held in Vancouver on 2003 September 4. Council requested that City staff attend the forum, and prepare a report on the information presented at it for the Community Policing Committee. Arising from the discussion, Council also requested that the report address the impact of the privatization of liquor sales and distribution, and the impact of reduced funding for the Counterattack Program on drinking and driving.

This report responds to Council's request.

2.0 PROVINCIAL REVIEW OF IMPAIRED DRIVING

2.1 Context

Vehicle accidents involving alcohol use take a devastating toll on families and individuals, and exert a major impact on medical, policing and insurance costs in British Columbia. While there has been considerable improvement in reducing the incidence of impaired

driving since the early 1980s, according to the Provincial Superintendent of Motor Vehicles, those gains have leveled off.¹ As a result, the Province initiated a review of impaired driving in order to:

- establish ways to enhance public safety by reducing the incidence and harm of drinking and driving; and
- improve the efficiency and effectiveness of the justice system response to impaired driving.

In 2003 June, the Province released a Discussion Paper entitled *Drinking and Driving Issues and Strategies in British Columbia* in order to stimulate discussion about approaches to addressing the problem of drinkers who drive. The Paper outlines the issues pertaining to drinking and driving, and presents a range of possible strategies which could be adopted to address those issues. Following the release of the Discussion Paper, the Province invited comments on the issue of impaired driving through correspondence with a range of stakeholders, including municipal governments, through its website, and through the aforementioned September 4, 2003 Impaired Driving Forum (which City staff did attend.) Specifically, respondents were asked to consider:

- the preferred strategies for addressing drinking and driving
- whether there are other strategies which should be considered and, if so, why
- how new strategies should be funded.

The public consultation aspect of the review ended on 2003 September 12. It is staff's understanding that feedback gathered during the consultation, as well as research conducted by the Province on strategies which have proved successful in other jurisdictions, will be considered in the development of new approaches for British Columbia.² It is expected that a new strategy aimed at drinking and driving will be submitted to the Provincial Cabinet in October or November 2003, with possible legislative changes to be introduced in spring 2004.

2.2 Strategies Being Considered by the Province

The possible strategies outlined in the Discussion Paper focus on five areas of activity, including:

- education and awareness

¹ According to the Province, possible factors in the leveling off include low driver awareness of the consequences of drinking and driving, the low risk of being stopped and charged with impaired driving, the slow handling of criminal cases and low conviction rates, and the lack of mandatory rehabilitation for drinking drivers in British Columbia.

² The Provincial representatives at the Impaired Driving Forum did not indicate which strategies were most likely to be adopted.

- influencing the decision to drive
- enforcement
- sanctions
- rehabilitation

A brief synopsis of the issues and possible strategies included in each area is provided below. It is important to note that some of the possible strategies are complementary and could be pursued at the same time, while others are mutually-exclusive and could not be undertaken concurrently.

2.2.1 Education and Awareness

Although 80% of British Columbians view drinking and driving as a serious social problem, this rate is lower than in other regions of the country. As well, awareness of the consequences of drinking and driving is relatively low in British Columbia.

The Discussion Paper outlines the following possible strategies to increase awareness of the seriousness of drinking and driving:

- publicize what happens when a drinking driver is caught
- increase impaired driving education in secondary schools, perhaps as a mandatory curriculum component
- develop a strategic plan for education and awareness which optimizes the use of existing resources, develops partnerships and identifies objectives and success measures.

2.2.2 Influencing the Decision to Drive

Liquor establishments and servers are required to participate in the Provincial server intervention program (Serving it Right). However, according to the Province, the program suffers somewhat from lack of follow-up training or refresher courses, and lack of enforcement of valid certification.

The Discussion Paper outlines the following possible strategies aimed at influencing a drinker's decision to drive:

- work with the hospitality industry to enhance server intervention training and examination requirements
- work with the hospitality industry to increase enforcement of the requirements
- provide consequences to servers and establishments which do not meet the requirements
- provide promotional material for liquor establishments to promote designated driver strategies

2.2.3 Enforcement

While enforcement of drinking and driving laws is a key deterrent and an effective method for reducing traffic accidents, traffic enforcement, including drinking and driving enforcement, faces increasing competition for policing resources. Moreover, the administration of the Breathalyzer test, which can result in 90 day Administrative Driving Prohibition (ADP), is time consuming and involved for police³, who tend, rather, to simply issue a 24 hour driving prohibition.

The Discussion Paper outlines the following possible strategies for improving enforcement:

- renew the Provincial drinking and driving enforcement strategy including enhanced availability of officers, flexibility to deploy enforcement when and where needed, data collection and monitoring to support planning and strategic deployment, and police training in recognizing alcohol and drug impairment
- use roadside blood alcohol screening devices approved under the Criminal Code of Canada to collect evidence in support of an ADP, to reduce both the need to transport drivers to a police station, and the tendency of police to avoid the ADP process by issuing a 24 hour prohibition.

2.2.4 Sanctions

It is believed that sanctions or penalties for drinking and driving serve as a deterrent for all drivers and prevent repetition by those already caught. However, according to the Province, the increase in the use of 24 hour driving prohibitions suggests that criminal charges are not being used as often as circumstances may warrant. Moreover, there is concern that when criminal charges are laid, the severity of license suspensions in British Columbia motivates drivers to fight the charges through the court system. This could create uncertainty as to whether those drivers will face prompt criminal consequences, if any at all.

The Discussion Paper outlines the following possible strategies for improving the effectiveness of sanctions⁴:

³ Police in British Columbia currently use a breath analysis instrument approved under the Criminal Code of Canada to provide evidence in support of the ADP. Obtaining a breath sample involves transporting the driver to a police station where the testing device is located. An ADP can only be issued if the driver has a blood alcohol content of .08 within three hours of driving.

⁴ As noted above, some of the possible strategies are mutually exclusive and could not be adopted concurrently.

- establish a separate 24 hour driving prohibition, based on the driver attaining a result of .05 or greater blood alcohol content in a roadside test using an approved screening device⁵
- establish a mandatory 90 day driving prohibition for drivers who get two 24 hour prohibitions within a specified period (e.g., two years)
- apply the 90 day driving prohibition to drivers who register a blood alcohol content of .05 within three hours of driving
- reduce the motivation for drivers to contest charges by allowing convicted drinking drivers to maintain a provisional driving license for work purposes
- implement an Ignition Interlock Program. Through such a program, ignition interlock devices are installed on identified vehicles, and drivers are required to provide an acceptable breath sample before the vehicle will start.
- establish Provincial offences for impaired driving and refusing a Breathalyzer which would entail a 90 day driving prohibition, provisional licensing for work purposes, a fine, and ignition interlock.

2.2.5 Rehabilitation

Rehabilitation programs have been found to significantly reduce repeat drinking driving accidents and convictions. According to the Province, every Canadian province except British Columbia has a mandatory rehabilitation program for convicted impaired drivers.

The only possible strategy for addressing rehabilitation presented in the Discussion Paper is the implementation of a user-pay rehabilitation program. The proposed Program would apply to drivers who have a Criminal Code drinking and driving conviction, a 24 hour or 90 day driving prohibition within two years after a Criminal Code drinking and driving prohibition, or any combination of three 90 day and 24 hour driving prohibitions within two years. A program of this scope would apply to approximately 14,000 suspended or prohibited drivers in British Columbia annually. To re-obtain a driving license, such drivers would be required to complete education or treatment, and to pass an addiction assessment.

3.0 THE PRIVATIZATION OF LIQUOR SALES AND DISTRIBUTION

As a result of the Core Review process, the Province announced its intention in 2002 July to privatize the sales and distribution of alcohol over a five year period. The privatization process has sparked a number of changes to date, including the authorization for licensee

⁵ There is evidence to suggest that the risk of being in a traffic accident is significantly increased once blood alcohol content reaches .05.

retail stores (more commonly known as cold beer and wine stores) to sell spirits (April 2002), the lifting of the moratorium on new applications for licensee retail stores (LRS) (August 2002) and the repeal of size restrictions on LRSs (March 2003). The British Columbia Liquor Distribution Branch 2002-2003 Annual Report notes that as a result of these and other changes, "the shift to private sector retailing made a strong showing" in the fiscal year 2002/03: the number of licensee retail stores increased by 12% (for a total of 327), the number of rural agency stores increased by 60% (for a total of 230), the number of government liquor stores was reduced by five, and gross sales increased by 5%. Based on these figures, it would seem that privatization is increasing the availability of alcohol.

It is staff's understanding that police departments and other police bodies in British Columbia have not taken an official position on the Province's privatization initiative. The Burnaby RCMP advises that, at this time, it does not have concerns about the impact of privatization on impaired driving. However, over seventy-five municipalities, school districts, and other stakeholder organizations have called repeatedly on the Province to delay the privatization initiative until appropriate consultation has taken place. In 2003 May, the Province announced that its plans for privatizing government liquor stores and rural agency stores (RAS) were being suspended temporarily. Staff have been informed by the Provincial Liquor Control and Licensing Board that the government's strategy for the distribution, warehousing and retailing of alcohol through government liquor stores and RASs is still under review. In the meantime, according to those sources, those applications for LRSs which were received by the Province on or before 2002 November 29 - including six in Burnaby - remain eligible for Provincial approval. It should be noted that the City of Burnaby has not yet received a rezoning application for any of the six Burnaby-based proposals.

It is difficult to assess the impact of this shift towards private sector retailing on impaired driving in British Columbia, particularly since the changes are recent and still evolving. It is also difficult because research on the relationship between increased availability of alcohol, increased consumption, and increased harm seems to be somewhat inconclusive. While the research indicates there is a relationship between increased availability and an increased level of alcohol-related harm, there is no consensus on the strength of that relationship. For example, the May 2002 Report of British Columbia's Provincial Health Officer, entitled *Public Health Approach to Alcohol Policy*, notes that evidence from other jurisdictions suggests that increased access and increased consumption may be associated with increasing levels of alcohol-related harms. The organization Mothers Against Drunk Driving, however, maintains that it has been proven that the incidence of alcohol-related problems, such as drinking and driving accidents, increases with the availability of alcohol. Further, a June 2003 report by the Canadian Centre for Policy Alternatives and the Parkland Institute entitled *Sobering Result: The Alberta Liquor Retailing Industry Ten Years After Privatization*, notes that alcohol consumption has increased in Alberta since the privatization

of the liquor retailing industry⁶, and that Alberta has the highest per capita consumption of alcohol and the second highest impaired driving charge rates in Canada. At this time, it is impossible to determine whether the apparent correlation between these Alberta statistics and privatization is direct, and whether similar results would ensue as a result of privatization in British Columbia.

4.0 THE DRINKING-DRIVING COUNTERATTACK PROGRAM

The Counterattack Program, which involves static roadside checks of drivers, was initiated by the Province and the Insurance Corporation of British Columbia (ICBC) in 1984 to reduce the number of impaired drivers on roads in British Columbia. In 1995, the Enhanced Counterattack Program (ECA) was introduced. Through the enhanced program, ICBC provides funding for police departments to mount extra patrols. The Burnaby RCMP participated in both Counterattack Programs from their inception until 2002, when RCMP "E" Division advised all RCMP ECA participants to opt out of the program. "E" Division's decision was taken because of differences in objectives for the program between ICBC and the RCMP. Thus any changes to funding levels for the Counterattack Program are unlikely to affect drinking and driving in Burnaby.

As an alternative to Enhanced Counterattack, the Burnaby RCMP Detachment adopted an Enhanced Road Safety Initiative. Under the new initiative, targeted roving patrols⁷ have replaced static road checks. Figures supplied by the RCMP comparing the first six months of 2002 with the same time period in 2001 suggest that the targeted roving patrols are more effective than static road checks in the following ways:

- the number of charges for impaired driving increased by 110% in 2002
- Burnaby RCMP officers attended 23% fewer alcohol related motor vehicle collisions in 2002.

5.0 SUMMARY AND CONCLUSIONS

In 2003 June, the Province announced a review of strategies, policies and legislation pertaining to drinking and driving. Between June and September 2003, the Province consulted with a range of stakeholders regarding possible new approaches to address the issue. Based on research and on feedback received through the consultation process, it is expected that a new strategy aimed at drinking and driving will be submitted to the Provincial Cabinet in October or November 2003, with possible legislative changes to be introduced in spring 2004.

⁶ Alberta is the only Canadian province to have privatized alcohol sales and distribution.

⁷ The roving patrols are strategic: target specific, time specific and location specific.

While the aims of the Provincial review are laudable, there are concerns that any new strategies targeting drinkers who drive may be undermined by the concurrent Provincial initiative to privatize the sales and distribution of alcohol. The shift to private sector retailing likely means the increased availability of alcohol, and some studies indicate that increased availability leads to increased alcohol-related problems such as drinking and driving accidents.

As the Burnaby RCMP no longer participates in the Enhanced Counterattack Program, any funding changes to that program are unlikely to affect the level of impaired driving in Burnaby. As an alternative to ECA, the Burnaby RCMP advises that it has developed targeted roving patrols, which is a more effective means of removing impaired drivers from Burnaby streets.

This report is for the information of the Committee.



J.S. Belhouse, Director
PLANNING AND BUILDING

JS/sa

cc: City Manager
Deputy City Manager
OIC RCMP
Chief License Inspector

