

# Alcohol and Drug Impaired Driving



GSPS Traffic Management Unit  
Greater Sudbury Police Services Board  
Wednesday, September 28<sup>th</sup>, 2022

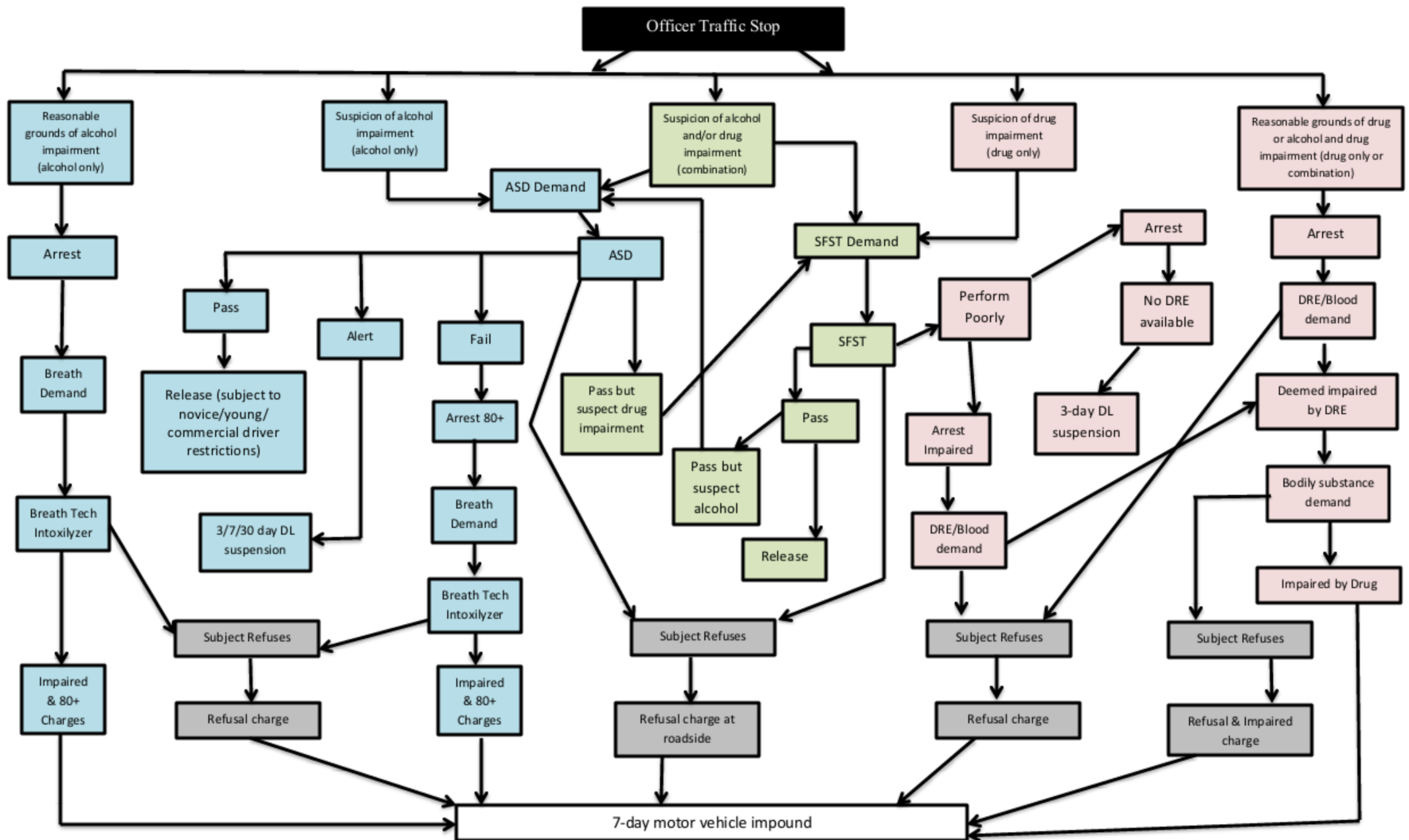


# What is Impaired Driving?

- Criminal Code of Canada
- Operation while impaired:
  - 320.14 (1) Everyone commits an offence who
  - (a) operates a conveyance while the person's ability to operate it is impaired to any degree by alcohol or a drug or by a combination of alcohol and a drug;
  - (b) subject to subsection (5), has, within two hours after ceasing to operate a conveyance, a blood alcohol concentration that is equal to or exceeds 80 mg of alcohol in 100 mL of blood;
  - (c) subject to subsection (6), has, within two hours after ceasing to operate a conveyance, a blood drug concentration that is equal to or exceeds the blood drug concentration for the drug that is prescribed by regulation; or
  - (d) subject to subsection (7), has, within two hours after ceasing to operate a conveyance, a blood alcohol concentration and a blood drug concentration that is equal to or exceeds the blood alcohol concentration and the blood drug concentration for the drug that are prescribed by regulation for instances where alcohol and that drug are combined.







# Testing for Impaired by Alcohol

- Criminal Code provides two ways for Police to test for alcohol in the body:

#1 – Breath alcohol testing

#2 – Blood alcohol analysis



# Testing for Impaired by Alcohol

- #1 – Use of approved roadside screening device:



# Testing for Impaired by Alcohol

- Officer makes Mandatory Alcohol Screening Demand (MAS)
- OR
- Officer forms suspicion that driver has consumed alcohol





## APPENDIX A

### Summary of differences between ASD demands under s. 320.27(1)(b) and (2)

Requirements of a Conventional ASD Demand under s. 320.27(1)(b)	Requirements of a MAS ASD Demand under s. 320.27(2)
Reasonable suspicion that subject has operated (or had care or control) of a <b>conveyance</b> within the preceding three hours	Subject must be operating (or have care or control) of a <b>motor vehicle</b> when the ASD demand is made
Reasonable suspicion of alcohol in the body	
Demand must be made immediately upon suspicions being formed	Demand must be made immediately
ASD must be administered immediately following demand	ASD must be administered immediately following demand
If no ASD on scene, it may be brought to scene, provided "immediacy" requirement is complied with	ASD must be on scene and in demanding officer's possession when demand is made
No comparable statutory provision. However, officers must always be acting lawfully when stopping motor vehicles and engaging in screening measures.	Express statutory requirement that demanding officer must be in the lawful exercise of powers under federal or provincial statute or at common law



# Testing for Impaired by Alcohol

- ▶ **Pass:** 0 – 49 mg of alcohol in 100 ml of blood
- ▶ **Warn Range:** Driver produces between 50 – 99 mg of alcohol in 100 ml of blood – In Ontario this results in 3-day driver's licence suspension.
- ▶ **Fail:** Driver produces > 100 mg of alcohol in 100 ml of blood → Arrest for Operating with 80+ mg/100 ml



# Testing for Impaired by Alcohol

- #2 - Officer forms reasonable grounds to believe driver is impaired by alcohol by observing indicia of impairment such as: slurred speech, glossy eyes or bloodshot eyes, unsteadiness while walking or standing, odour of alcoholic beverage on breath.
- Arrest for Operation while Impaired by alcohol



# Intoxilyzer 8000 C





# What happens if driver can't blow?

- The Criminal Code provides Police with the authority to demand a sample of blood to be analyzed by the Center of Forensic Sciences
- This occurs when the driver is unable to provide suitable breath samples due to injury or medical condition as prescribed by a medical physician.



# How about a Refusal?

- The Criminal Code stipulates that drivers must comply with a legal breath or blood demand made by the police.
- If the driver refuses to comply, he/she is arrested and charged with the Refusal offence which carries the same criminal consequences as Operation while Impaired upon conviction.



# Immediate Provincial Penalties:

- A driver provides two samples 80+ mg/100 ml or refuse to provide breath/blood samples:
- 90-day administrative driver's licence suspension
- 7-day motor vehicle impoundment



# Testing for Impaired by Drug

- Standard Field Sobriety Test
- Horizontal Gaze Nystagmus
- Walk and Turn
- One Leg Stand





# What is a drug?

- In general, a drug is any substance that when taken into the body alters its function.

For the purposes of impaired driving investigations, a drug is any substance that when taken into the body impairs a person's ability to drive



# What is a DRE?

- A DRE is a specially trained police officer who uses a 12-step standardized and systematic evaluation to determine if a subject is impaired by drugs and by which drug category(ies).



# DRE – 12-step process

1. Breath Alcohol Test
2. Interview of arresting officer
3. Preliminary examination
4. Examination of the eyes
5. Divided attention tests
6. Examination of vital signs
7. Darkroom examination
8. Examination of muscle tone
9. Examination of injection sites
10. Suspect's statement
11. DRE Opinion
12. Toxicology Examination





# Seven Drug Categories as Defined for Impaired Driving Charges

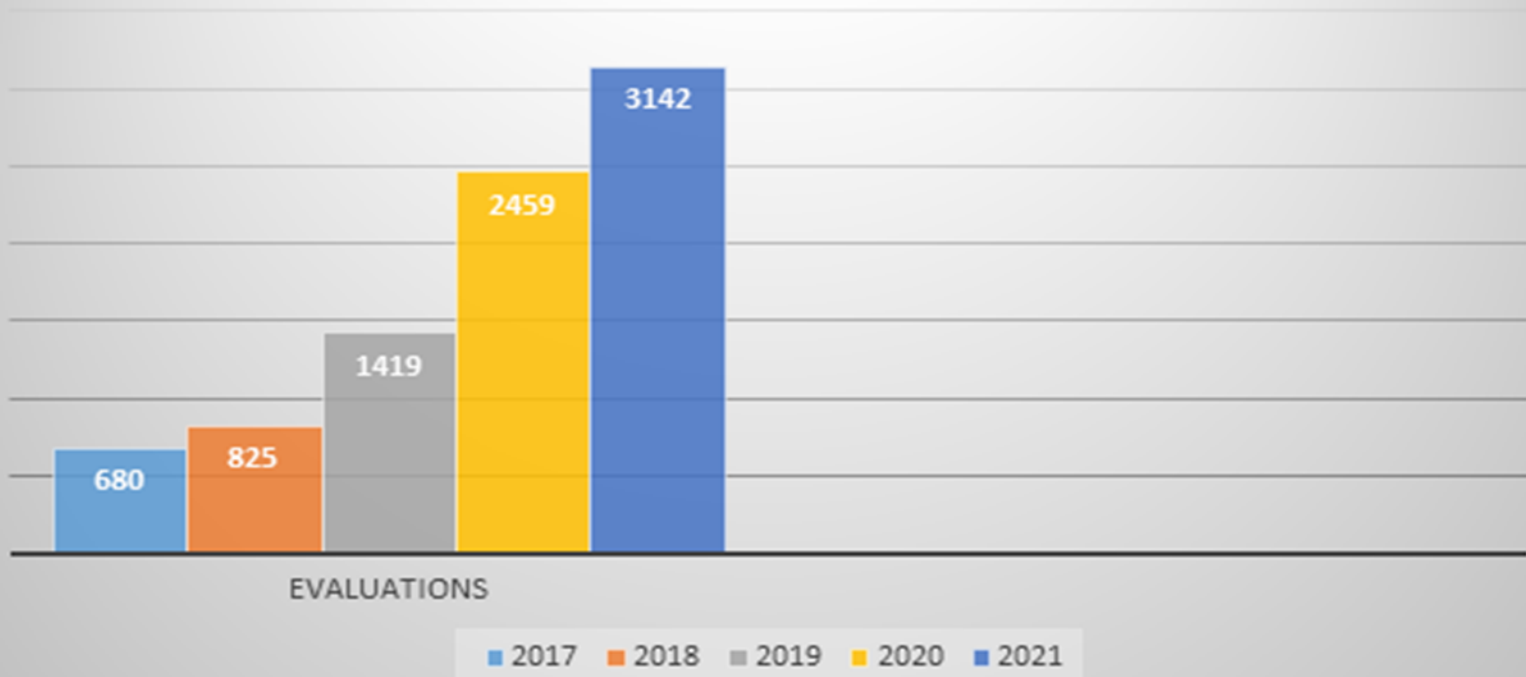
- Central Nervous System Depressants
- Inhalants
- Dissociative Anesthetics
- Cannabis
- Central Nervous System Stimulants
- Hallucinogens
- Narcotic Analgesics





# Drug Impaired Driving Evaluations Provincial Statistics

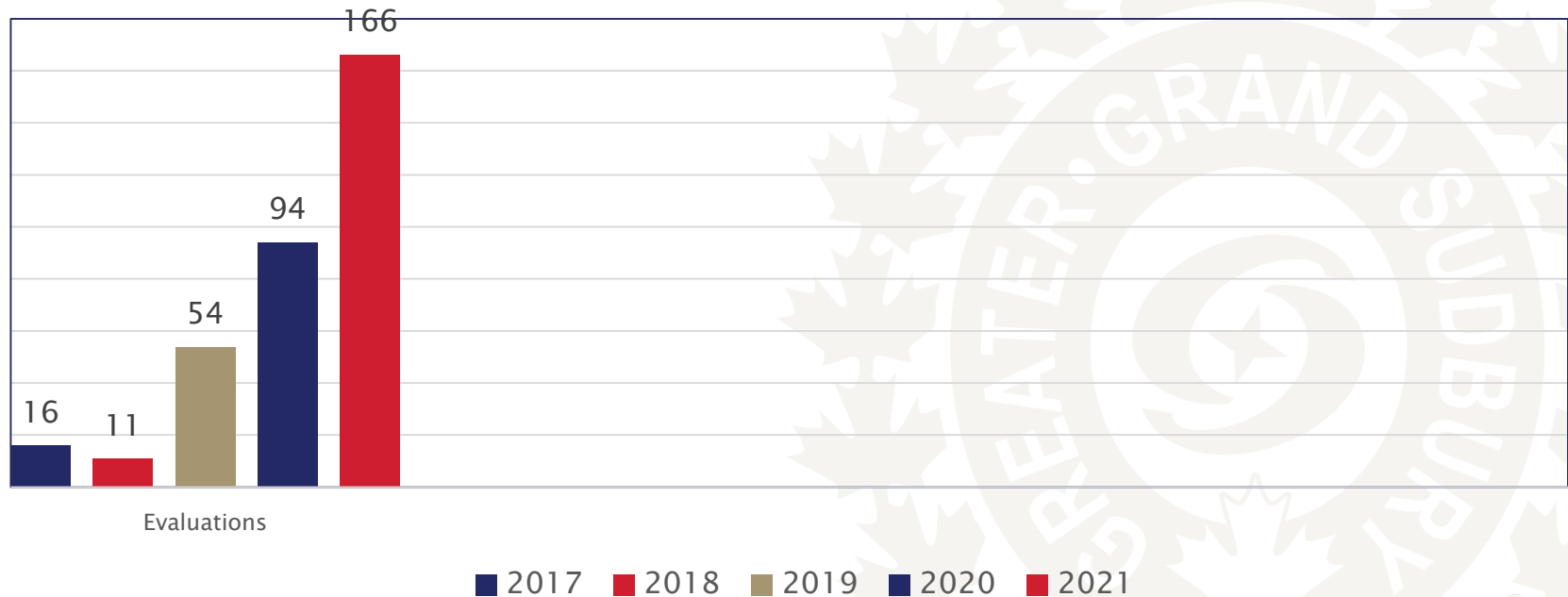
Ontario DRE 5 Yr Evaluation Trend



# Drug Impaired Driving Evaluations

## Local Statistics

GSPS DRE 5 year Evaluation Trend



# GSPS 2021 Impaired Statistics:

Total Drivers Charged:	338
Male:	247
Female:	91
Alcohol:	171
Drug:	158
Refusal:	9



# Questions

