



**Canadian Association of Chiefs of Police**  
**Association canadienne des chefs de police**

June 1, 2018

Senate of Canada  
Ottawa, Ontario, K1A 0A4

Dear Honourable Members of the Senate of Canada,

In 2009, the Canadian Association of Chiefs of Police (CACCP) voted overwhelmingly in support of Resolution #02-2009 (attached), which called on the Government of Canada “to include in the modernization of the driving provisions of the Criminal Code, Random Breath Testing.”

Since then, the CACP has joined MADD Canada in advocating for what is referred to today as mandatory alcohol screening (MAS). MADD Canada, on May 28, 2018, issued a [Letter to all Senators](#) calling on each of you to “restore this life saving measure to Federal Impaired Driving Bill” C-46. The reasoning is very sound and is well documented in MADD Canada’s article [“Why Mandatory Roadside Breath Screening?”](#). Simply put, MAS will save lives!

The CACP reminds Senators that this is not a partisan issue and should not be dealt with as such. In April, 2016, former Public Safety Minister, the Honourable Steven Blaney, introduced Bill C-226. In his [Speech to Parliament](#) he stated the following:

“More than two-thirds of Canadians agree that the police should be authorized to perform random breathalyzer tests on drivers to combat drunk driving. Why? Because it saves lives. Every country that has systematic breathalyzer tests has seen a significant drop in the number of deaths caused by drunk drivers.”

“All members of my party and most of their predecessors on the House of Commons Standing Committee on Justice and Human Rights have recommended the adoption of the third measure, random breath testing. This was done in 2009. We have been given the opportunity to move forward. Why? Because the bill would save lives.”

Police leadership throughout Canada joins with MADD in requesting Senators to reverse the amendment issued by the Senate Legal and Constitutional Affairs Committee which called for the removal of MAS from Bill C-46.

Yours sincerely,

Directeur Mario Harel SEP  
President,  
Canadian Association of Chiefs of Police

300 Terry Fox Drive, Suite 100/ 300, promenade Terry Fox, suite 100, Ottawa, Ontario K2K 0E3  
Tel: (613) 595-1101 • Fax/Télécopieur: (613) 383-0372 • E-mail/Courriel: [cacp@cacp.ca](mailto:cacp@cacp.ca)

David H. Hill, C.M./Q.C., Lynda A. Bordeleau General Counsel/Conseillers juridiques  
Perley-Robertson, Hill and McDougall LLP Barristers & Solicitors/Avocats et Procureurs

Caring • Courage • Equity • Integrity • Openness • Respect • Transparency • Trustworthiness  
Compassion • Courage • Équité • Intégrité • Ouverture • Respect • Transparence • Fiabilité



**MODERNIZING THE DRIVING PROVISIONS OF THE CRIMINAL CODE**

*Submitted by the Traffic Committee*

**WHEREAS** operating a vehicle is a privilege and not a right, it is therefore subject to limits regarding licensing, observance of the rules of the road and sobriety, and;

**WHEREAS** impaired driving is the leading criminal cause of death in Canada responsible for more than 900 fatalities annually, and;

**WHEREAS** research commissioned by Transport Canada on the social cost of motor vehicle collisions in 2007 reveals that the total social cost of road crashes in 2004 in Canada was \$63 billion; one-third of this cost can be attributed to crashes involving a drinking driver, and;

**WHEREAS** the breath testing provisions of the Criminal Code are 40 years old and have been repeatedly amended, and;

**WHEREAS** the Law Reform Commission Report on Recodifying Criminal Procedure, 1991 found that the law governing the procedure for the investigation and proof of alcohol- and drug-related driving offences was unnecessarily complex, and;

**WHEREAS** approved instruments when operated by qualified technicians provide reliable and accurate results of blood alcohol concentration, and;

**WHEREAS** research reveals that during the past decade, despite extensive public relations and education campaigns by various government agencies and special interest groups; as well as extensive anti-drinking and driving enforcement campaigns by the police, little progress has been made in reducing the scope of the impaired driving problem, and;

**WHEREAS** Parliament in the Tackling Violent Crime Act addressed the problem of the abuse of the evidence to the contrary defense but did not address many other technical requirements in the Criminal Code that detract from the ability of the police to enforce the Criminal Code particularly with respect to the over 80 offence, and;

**WHEREAS** the Standing Committee on Justice and Human Rights held hearings on impaired driving in February 2008 and again in February 2009,

**THEREFORE BE IT RESOLVED** that the Canadian Association of Chiefs of Police calls on the Government of Canada to give a high priority to modernizing the driving provisions of the Criminal Code to make it more effective by consulting with the provinces, the Alcohol Test Committee, law enforcement and other stakeholders to make the Criminal Code simpler to enforce including consideration of:

- Rewriting the entire impaired driving provisions in plain language rather than proceeding by piecemeal amendments;
- Reducing the number of driving offences;
- Rationalizing the penalties and prohibitions; and
- Eliminating unnecessary provisions and overly tight timelines.

**BE IT FURTHER RESOLVED** that the Canadian Association of Chiefs of Police calls on the Government of Canada to include in the modernization of the driving provisions of the Criminal Code Random Breath Testing (RBT).

Resolution #02 - 2009  
**MODERNIZING THE DRIVING PROVISIONS OF THE CRIMINAL CODE**

*Submitted by the Traffic Committee*

**Commentary:**

Despite extensive public relations and education campaigns by various government agencies and special interest groups; as well as extensive anti-drinking and driving enforcement campaigns by the police little progress has been made in the past decade to reduce the scope of the impaired driving problem in Canada.

Research conducted by the Traffic Injury Research Foundation (TIRF) in 2007 found that in a poll on drinking and driving some 1.84 million Canadians reported driving at least once while they thought they were over the legal limit, up from 1.7 million the previous year. This same poll also found that the percentage of motorists who drove while they thought they were over the legal limit climbed to 8.2%, up from 5.6% in 2004.

Repeated road safety polls by TIRF reveals that Canadians are more concerned about drinking and driving than any other societal issue and that almost one-quarter of Canadians report knowing a family member or close friend who was an innocent party to a vehicle collision involving a drinking driver.

The 2008 Road Safety Monitor reports that 77.7% of Canadians think that drivers should be required to submit to tests of physical coordination if suspected of being under the influence of alcohol or drugs and that 66.9% agreed or strongly agreed that the police should be allowed to do random breath tests to detect drinking drivers.

Impaired driving is the leading criminal cause of death in Canada, and the policing community has long recognized the need develop and adapt techniques to enable officers to more effectively detect, apprehend and convict impaired drivers.

The Canadian policing community has long been frustrated with the existing complex federal legislation governing driving offences and believes that modernizing this legislation will enhance public safety.

In evidence before the Standing Committee on Justice and Human Rights, Mr. Greg Yost of the Department of Justice said "With respect to the simplification, our federal- provincial committee has for many years recognized that this is a problem. However, we've been developing the drug-impaired driving provisions, and those things that went into Bill C-2. We are now meeting fairly regularly and going through the Code virtually line for line with the provincial prosecutors who deal with these things every day."

The Canadian Association of Chiefs of Police believes that this review by the Department of Justice and provincial prosecutors should be made public as a basis for consultations on the simplification of the Criminal Code.