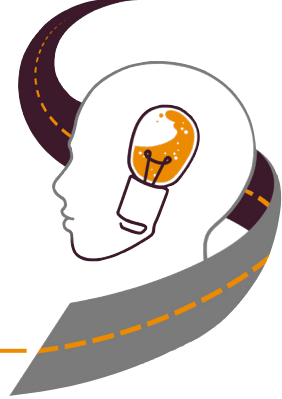


CONSEQUENCES OF IMPAIRED DRIVING

SoberSmartDriving.tirf.ca



The Sober Smart Driving education program is produced by the **Traffic Injury Research Foundation** with funding from **Beer Canada**. It shares knowledge and science to answer common questions about alcohol, its effects on driving skills, and impaired driving.

What are the consequences of an impaired driving charge and/or conviction?

There are a wide range of consequences that are associated with an impaired driving charge or conviction. Consequences in relation to criminal and administrative penalties that may be applied to impaired drivers were described previously and are summarized briefly below:

- > roadside driver licence suspension;
- > pre-conviction driver licence suspension;
- > post-conviction administrative licence suspension;
- > vehicle impoundment or forfeiture;
- > criminal driving prohibition;
- > remedial licensing program;
- > treatment program;
- > participation in an alcohol interlock program;
- > fines; and,
- > imprisonment.



There are also a variety of personal consequences that can impact on an individual's daily life, finances, and travel ability. These include:

- > stigma, social embarrassment associated with arrest or conviction;
- > legal fees and court costs;
- > increased insurance premiums and additional surcharges;
- > licence reinstatement fees;
- > a criminal record that inhibits employment opportunities that involve a routine police check or a background check by employers;
- > a criminal record will also affect and possibly limit an individual's ability to cross the border into other countries notably the United States;
- > costs of participation in a remedial licensing program; and,
- > costs of participation in an alcohol interlock program.

What penalties are applied to young impaired drivers (under age 18)?

Efforts to address impaired driving among youth over the past two decades have focused largely on the development of prevention, education, enforcement, and community-based intervention strategies aimed at reducing the risks associated with alcohol and driving while also seeking to reduce the number of impaired driving offences within this age group. However, less attention has been directed towards the nature of penalties that are applied to these offenders once they have been arrested and convicted, and the extent to which they are effective with this population.

Today, in many jurisdictions across Canada, young impaired drivers are frequently subject to the same traditional penalties that are applied to adult offenders (e.g., fines, probation, community service, treatment, and incarceration) despite limited evidence of the effectiveness of some of these strategies, even with adults (Dauvergne 2013).

- > **Licence suspensions.** Youth that are convicted of impaired driving are subject to some period of licence suspension and any related remedial programming. For example, youth convicted of impaired driving in Ontario are required to successfully complete the Back on Track program as a condition of licence reinstatement.
- > **Fines.** In Canada, when a youth is sentenced to pay a fine, they are required to pay a specific amount to the court that does not exceed \$1,000. In general, fines for traffic offences among youth are typically \$500.00. These fines do not include other costs associated with being charged, such as a licence reinstatement fee which can cost upwards of \$200.00 depending upon jurisdiction.
- > **Probation.** Compulsory conditions of probation include keeping the peace and appearing in court when required to do so. A judge may impose additional conditions such as a curfew, requiring a youth to report to a probation officer, enforcing abstinence, etc. The average length of probation for these probation orders is ten to 12 months.
- > **Community service.** A judge has the discretion to impose a community service order of up to 240 hours with a maximum completion term of 12 months. These orders are often overseen by community organizations, such as the John Howard Society, that have youth attendance/intervention centres which provide structured and supervised programming.
- > **Treatment.** If a youth offender is found to have alcohol/drug dependency issues, the court may order treatment as a condition of probation and this can be combined with non-residential, open-custody and closed-custody arrangements. Treatment may be a viable alternative to incarceration as it is more likely to address the root cause of the problem behaviour.

- > **Incarceration.** Incarceration is the most punitive sentence that can be given in an impaired driving case and it is an option that is not commonly used. Presumably, these cases were of such a severe nature that no alternative sanction was viewed as appropriate (e.g., impaired driving causing bodily harm or death).
- > **Other dispositions.** Other dispositions which involve a range of activities such as reprimands, conditional or absolute discharges, restitution, prohibition orders, seizure/forfeiture, essays, apologies, and counselling can be ordered by a judge as a form of sentence. However, recent laws in jurisdictions such as Ontario do have some mandatory minimum sanctions imposed as a punishment even for youth offences. In such cases, these disposition sanctions may be imposed in addition to the mandatory sanction.

Aside from the traditional dispositions that are commonly imposed, courts may also utilize some non-traditional dispositions such as restorative justice initiatives. In recent years there has been a trend towards restorative

measures to address youth crime. Restorative justice has many benefits as it seeks to give all parties involved a voice, assists in the healing process, and allows for the reduction of system costs. Some restorative justice measures include:

- > Family group conferencing;
- > Victim-offender mediation;
- > Victim-offender reconciliation; and,
- > Victim impact panels and emergency room visitation.

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References

Dauvergne, M. (2013). Youth court statistics in Canada, 2011/2012. Juristat: Canadian Centre for Justice Statistics, A1.

What does the Sober Smart Driving Education Program (SSD) contain?

The Sober Smart Driving Education Program contains facts to help Canadians learn about the risks associated with drinking and driving and encourages everyone to speak up and talk about why they choose not to drink and drive.

Key topics discussed on this site include:

- > Drinking and its effects on driving
- > Magnitude & characteristics of drinking & driving
- > Basics of the impaired driving system
- > Impaired driver programs & penalties

- > Myths & misconceptions about drinking and driving

Each of these topics contains a series of fact sheets structured in a question and answer format which are available for free download and sharing (with attribution). These resources are designed to support the education and prevention efforts of communities, schools, health and road safety professionals and advocacy organizations.

To view more fact sheets, or to get more information about alcohol, its effects on driving skills, and impaired driving, visit SoberSmartDriving.tirf.ca.



Traffic Injury Research Foundation

The mission of the Traffic Injury Research Foundation (TIRF) is to reduce traffic-related deaths and injuries. TIRF is a national, independent, charitable road safety research institute. Since its inception in 1964, TIRF has become internationally recognized for its accomplishments in a wide range of subject areas related to identifying the causes of road crashes and developing programs and policies to address them effectively.

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