



| | |
|----------------------------|----|
| Alberta: | C+ |
| Ontario: | C+ |
| Prince Edward Island: | C+ |
| Manitoba: | C+ |
| Quebec: | C |
| British Columbia: | C |
| Saskatchewan: | C- |
| Yukon: | C- |
| Newfoundland and Labrador: | D- |
| New Brunswick: | F |
| Nova Scotia: | F |
| Northwest Territories: | F |

RATING THE PROVINCES AND TERRITORIES ON IGNITION INTERLOCK PROGRAMS:

THE 2008 REPORT CARD



Allstate Insurance Company of Canada

Allstate Insurance Company of Canada has been a proud sponsor of MADD Canada for over 20 years. During that time Allstate and MADD have reached out to millions of Canadians to advise, inform and educate people about the dangers and consequences of drinking and driving. Over the past six years Allstate has provided over \$600,000 in funding to MADD to promote safe and sober driving and to educate and inform Canadians about the perils of drinking and driving.

The *'Rating the Provinces and Territories on Ignition Interlock Programs: The 2008 Report Card,'* provides provinces with a framework on areas where improvements could be made to their respective programs. Allstate encourages close examination of research that can help improve safety on provincial roads. Allstate recognizes the prerogative of governments to introduce and implement laws, programs or services on behalf of their constituents and will respect them accordingly.

Allstate is and will continue to be a strong advocate against impaired driving. Allstate will continue to support the educational programs and initiatives that are carried out by the leading advocate and strongest voice against impaired driving, MADD Canada, in an effort to reduce the number of incidents of drinking and driving and to help keep our streets safe.

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**RATING THE PROVINCES AND
TERRITORIES ON IGNITION
INTERLOCK PROGRAMS:
THE 2008 REPORT CARD**

AUGUST 2008

EXECUTIVE SUMMARY

- Ignition interlock programs have been implemented in eight provinces and one territory in Canada. Plans to implement an ignition interlock program are currently under way in Nova Scotia and New Brunswick.
- MADD Canada has engaged a research team to identify the key elements of a model ignition interlock program and to evaluate the programs in each province and territory in terms of current best practices.
- MADD Canada has released this comprehensive study to provide the provinces and territories with information on realistic and effective measures that will improve the effectiveness of their ignition interlock programs. *Rating the Provinces and Territories on Ignition Interlock Programs: The 2008 Report Card* will serve as the basis for MADD Canada's ongoing discussions with the provincial and territorial governments on the critical role that they can play in reducing impaired driving.
- A summary of legislation, regulations and current practice was prepared for each province and territory (Nunavut was not included in the evaluation).
- The summaries examined five areas: device specifications; participation and eligibility; program structure; program monitoring and criteria for removal; and police powers and sanctions.
- Jurisdictions were rated against *The Rating Score sheet* by two leading experts in ignition interlock programs. The *Rating Score sheet* was based on the comprehensive review of the literature on best practices in ignition interlock programs. The review is detailed in a companion document, *Elements of a Model Ignition Interlock Program*, which is available on the MADD Canada website (www.madd.ca).
- *The Rating Score sheet* reflects the following underlying principles.
 - Ignition interlock devices should adhere to a recognized standard and contain features that prevent the device from being bypassed, or circumvented by another individual.
 - Ignition interlock programs should be mandatory for all *Criminal Code* offenders.
 - The program should include an incentive to encourage *Criminal Code* offenders serving a hard licence suspension/disqualification to apply for early reinstatement to a restricted licence subject to an ignition interlock order.
 - Program participants should be required to complete a remedial program prior to being eligible for full licence privileges.
 - Participants should be actively monitored and there should be established criteria for determining when participants are eligible for full licence privileges.
 - Minimum requirements for an ignition interlock should be one year for the first offence, three years for a second offence within a ten-year period, and five years for a third offence within a ten-year period.

- The program should be supported by effective police enforcement powers and resources, to prevent impaired driving offenders from driving unlicensed or driving without an ignition interlock.
 - Police should be trained to recognize an ignition interlock and should be carrying out licence status checks at all routine police stops.
 - Those who continue to drive unlicensed or improperly licensed should be subject to vehicle impoundment and forfeiture.
- In this first review of ignition interlock programs, Alberta led the way in overall scores, closely followed by Ontario and Prince Edward Island.
 - The Northwest Territories, Nova Scotia and New Brunswick which currently do not have an ignition interlock program were lowest in the rankings.
 - The table below summarizes the overall performance of the provinces and territories in 2008. For a more detailed discussion of each jurisdiction's 2008 ranking and grade, readers are encouraged to review the individual provincial and territorial summaries which start on page 13 of this report.

| Jurisdiction | Ranking | Grade |
|---------------------------|----------------|--------------|
| Alberta | 1 | C+ |
| Ontario | 2 | C+ |
| Prince Edward Island | 3 | C+ |
| Manitoba | 4 | C+ |
| Quebec | 5 | C |
| British Columbia | 6 | C |
| Saskatchewan | 7 | C- |
| Yukon | 8 | C- |
| Newfoundland and Labrador | 9 | D- |
| New Brunswick | 10 | F |
| Nova Scotia | 11 | F |
| Northwest Territories | 12 | F |

INTRODUCTION

MADD Canada has been in active dialogue with the provinces and territories with regard to impaired driving legislation. One of the tools they have used to engage the provinces and territories has been the *Rating the Provinces and Territories* project initiated in the late 1990s. Comprehensive reports were published in 2000, 2003 and 2006, with interim progress reports in each of the intervening years. The key objectives of the project have been to identify legislative initiatives which would minimize impaired driving deaths and injuries and to support the provinces and territories in enacting these measures.

Ignition interlock programs have been implemented in eight provinces and one territory in Canada. Plans to implement an ignition interlock program are currently under way in Nova Scotia and New Brunswick.

MADD Canada has engaged a research team to identify the key elements of a model ignition interlock program and to evaluate the programs in each province and territory in terms of current best practices.

Rating the Provinces and Territories on Ignition Interlock Programs: The 2008 Report Card is intended to begin a dialogue with the provinces and territories specifically on ignition interlock programs. For the *2008 Report Card*, all provinces and territories were reviewed with the exception of Nunavut. This report was prepared by Mr. Jeff Suggett, M. Sc., Manager of Special Projects with Synectics Transportation Consultants Inc., and Robert Solomon, Professor, Faculty of Law, University of Western Ontario. Mr. Andrew Murie, MADD Canada's CEO, and the Board of Directors reviewed the materials and approved the rankings and grades.

A number of steps were taken in preparing *The 2008 Report Card*.

- Based on a thorough review of the best available research from Canada and abroad, a document describing a model ignition interlock program was developed. This document, *Elements of a Model Ignition Interlock Program*, was completed in September 2007 and is available on MADD Canada's website. (www.madd.ca)
- *The Rating Scoresheet* was then developed based on the model. This scoresheet allows for a standardized approach to evaluating the current ignition interlock programs in each province and territory.
- The interlock legislation, regulations and administrative practices were reviewed in each jurisdiction. The jurisdictions were contacted directly and asked to respond to a number of questions. In addition, information on their ignition interlock programs was found on their websites. Upon completion of the research, a set of twelve draft Fact Sheets were developed summarizing the legislation. A copy was sent to the jurisdictions for their review and comment. A written reply was prepared addressing all of the comments each jurisdiction raised. Where appropriate, the draft Fact Sheets were revised.
- The final Fact Sheets were then sent to two leading experts in the field of ignition interlocks, Mr. Mark Ashbridge, Ph.D (Dalhousie University), and Mr. Paul Marques, Ph.D (Pacific Institute for Research and Evaluation), along with the *Rating Scoresheet*. These individuals were asked to score each of the twelve provinces and territories using the *Rating Scoresheet* and to provide comments.

- Upon completion of the *Rating Scoresheets*, areas of strength and need were identified for each of the twelve provinces and territories' ignition interlock programs.

The Fact Sheets and *Rating Scoresheets* were divided into the following five sections:

- Device Specifications;
- Participation and Eligibility;
- Program Structure;
- Program Monitoring and Criteria for Removal; and
- Police Powers and Sanctions.

Device Specifications refer to:

- The technical standards the jurisdiction requires the ignition interlock device to adhere to;
- The various security features required to ensure the device is not bypassed by an impaired driver; and
- The BAC settings in place that would prevent the driver from starting or setting the vehicle in motion.

Participation and Eligibility refers to:

- Whether the program is voluntary or mandatory;
- Whether all impaired drivers convicted of a *Criminal Code* offence are eligible to participate in the program; and
- Whether the length of a provincial/territorial hard licence suspension is reduced to encourage offenders to participate in the ignition interlock program.

Program Structure refers to:

- Mandatory participation in a remedial measures program;
- Mandatory surrender of one's licence upon conviction;
- Communication with the offender regarding his/her suspension and ignition interlock requirements;
- The availability of ignition interlock service providers in the jurisdiction;
- A user-pay structure to the program;
- Subsidies and insurance premium protection for those who cannot afford the ignition interlock;
- Display of the ignition interlock restriction on the face of the participant's licence; and
- Minimum time requirements for participation in the program.

Program Monitoring and Criteria for Removal refers to:

- The data reviewed by the road authority;
- The ignition interlock service provider's duties;
- The conduct constituting a program violation;
- Whether operating a vehicle without an ignition interlock constitutes a provincial/territorial offence of driving while disqualified;
- Discussion of unacceptable BAC results with the participant;
- Using a criteria-based approach in determining whether the offender is eligible for full licence privileges;
- The flexibility of increasing the ignition interlock order to a lifetime requirement; and

-
- The legal duty to continue the ignition interlock order beyond the minimum prescribed period, until the authority is convinced that the offender does not pose a significant risk of re-offending.

Police Powers and Sanctions refer to:

- Provincial legislation authorizing the police to stop vehicles at random, demand that drivers produce documentation, and to establish licence status checkpoints;
- Police training on ignition interlocks;
- Roadside checks of driver's licences at randomly selected dates and times;
- Impoundment/immobilization powers and minimum periods; and
- Vehicle forfeiture.

Based on the Fact Sheets, *Rating Scoresheets* and the reports of the independent raters, MADD Canada has prepared an individualized legislative reform agenda for each jurisdiction. The reform agendas are quite detailed and are not included in this document. Rather, the reform agendas are part of a longer jurisdiction-specific report that has been prepared for each province and territory. MADD Canada will be contacting government officials in each jurisdiction to arrange a meeting to discuss their individual provincial or territorial report and to offer support in implementing the proposed legislative agenda.

ASSESSING THE PROVINCES AND TERRITORIES

We have included a copy of the *Rating Scoresheet* that was used by the two independent evaluators to rate the provincial and territorial ignition interlock programs. The scoresheet has been included to ensure that readers understand the basis upon which the jurisdictions were ranked and graded. The total possible points for each initiative and each section of the scoresheet are included. The weighting for each initiative and section reflects MADD Canada's assessment of the relative importance of the specific issue.

There are several aspects of the rating process that require elaboration. First, the raters were not restricted to whole numbers and could award $\frac{1}{2}$ points in this process. Second, they had considerable discretion in awarding points. For example, in the first question under Participation and Eligibility, the raters could award partial marks even if the jurisdiction's ignition interlock program for first time offenders and repeat offenders was voluntary. How strongly they felt about the mandatory requirement dictated whether they scored closer to six or closer to zero.

Third, as became apparent early in this exercise, there was relatively little consistency in the twelve jurisdictions' use of terminology. We suggested to the raters that they focus on the impact of a jurisdiction's provision and not on the terminology used to describe it. Thus, the raters were encouraged to try to assess whether the provision brings about the result sought by the recommendation in the Rating Sheet.

Fourth, the Fact Sheets present the relevant legislation, regulations, or administrative practice that were in force as of August 30, 2007. Legislative provisions or regulations that came into force after this date were also included, if they were available electronically or discussed on the jurisdiction's website. The Fact Sheets also included a description of legislation that had been enacted by August 30, 2007, but which had not yet been proclaimed in force. We suggested to the raters that unproclaimed legislation warranted, at best, partial credit. Regardless of the approach they adopted, we urged the raters to be as consistent as possible across jurisdictions.

Fifth, in many jurisdictions, the licensing authority or other government officials are given broad discretionary power in terms of imposing suspensions, conditions of the ignition interlock program, and other matters. The provincial and territorial summaries include a discussion of these delegated discretionary powers, but may or may not contain commentary on how jurisdictions currently exercise their discretion. This information was included in the *Fact Sheet* if the jurisdiction has outlined its current administrative practices on its website or provided the information to the authors. Phrases such as, "it is administrative practice," were used to indicate that a practice is based on discretionary decision-making. We had no way of verifying whether such discretionary powers are, in fact, exercised consistently or in the manner outlined by a government official or website. Moreover, since such discretionary practices can be altered without notice at any time, they do not provide as clear or permanent a foundation as legislation. Consequently, while full marks may be appropriate if a jurisdiction has legislation in place making a particular practice a statutory requirement, only partial marks are warranted if an issue is only established by administrative practice.

IGNITION INTERLOCK PROGRAM RATING SHEET

Jurisdiction: _____

I. Device Specifications

a) Does the province or territory require that the ignition interlock adhere to any technical standards? (e.g NHTSA, Transport Canada) [] [2]

b) Are ignition interlocks required to have the following features? [] [4]

- *The ignition is locked out when a specified level of alcohol is detected
- *Safeguards to prevent another individual from starting the device on the driver's behalf (e.g. detection of unique driver breath signature, hum codes, and random retesting while vehicle is running)
- *Sealed tamper-proof wiring
- *Event log or recording system that tracks any violations (failed attempts, incorrect breath delivery or attempt to tamper with device)

c) Is the ignition interlock set to prevent the driver from starting or setting the vehicle in motion if the driver's BAC level exceeds .02%? [] [4]

CATEGORY TOTAL: [] [10]

COMMENTS:

II. Participation and Eligibility

a) Are ignition interlocks a mandatory condition for relicensing for all individuals convicted of a *Criminal Code* offence of impaired driving, driving with a BAC above .08%, refusing to provide a sample, and impaired driving causing death or bodily harm? [] [6]

- *Including those who are first-time offenders?
- *Including those who are repeat offenders?

b) Does the province/territory provide an incentive which reduces the length of the provincial/territorial hard licence suspension for first, second and subsequent offenders who participate in the ignition interlock program? [] [6]

CATEGORY TOTAL: [] [12]

COMMENTS:

III. Program Structure

| | | | |
|---|---|--|----|
| a) Are all drivers convicted of a <i>Criminal Code</i> offence of impaired driving, driving with a BAC above .08%, refusing to provide a sample and impaired driving causing death or bodily harm required to participate in an alcohol rehabilitation or treatment program (remedial measures)? | <table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 80%;"></td> <td style="width: 20%; text-align: center;">4</td> </tr> </table> | | 4 |
| | 4 | | |
| b) Upon conviction, is the driver required to surrender his/her licence? | <table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 80%;"></td> <td style="width: 20%; text-align: center;">2</td> </tr> </table> | | 2 |
| | 2 | | |
| c) Immediately following conviction, does the road authority send the driver a letter that: | <table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 80%;"></td> <td style="width: 20%; text-align: center;">4</td> </tr> </table> | | 4 |
| | 4 | | |
| <ul style="list-style-type: none"> *Clearly details the terms of the hard licence suspension (including the requirement to complete remedial measures); *Informs him or her of the option and applicable date for early reinstatement by having an ignition interlock placed on his or her vehicle; and *Clearly details the provincial and federal consequences for violating the terms of the hard licence suspension. | | | |
| d) Prior to the time at which the impaired driving offender become eligible for an ignition interlock, does the road authority send the driver an information package that: | <table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 80%;"></td> <td style="width: 20%; text-align: center;">2</td> </tr> </table> | | 2 |
| | 2 | | |
| <ul style="list-style-type: none"> *Clearly outlines the terms of the ignition interlock program; and *Lists program infractions and consequences of those infractions. | | | |
| e) Is there a network of qualified ignition interlock service providers in all major cities throughout the province/territory? | <table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 80%;"></td> <td style="width: 20%; text-align: center;">4</td> </tr> </table> | | 4 |
| | 4 | | |
| f) Are the following items an integral part of the program? | <table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 80%;"></td> <td style="width: 20%; text-align: center;">4</td> </tr> </table> | | 4 |
| | 4 | | |
| <ul style="list-style-type: none"> *The driver is required to pay for the cost of installing, maintaining and removing the ignition interlock *Subsidies are provided for those who truly cannot afford the ignition interlock *Legislation is in place that provides insurance fee protection to those participating in the program. | | | |
| g) When the road authority returns the licence to the driver, is the ignition interlock order clearly displayed on the face of the licence? | <table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 80%;"></td> <td style="width: 20%; text-align: center;">2</td> </tr> </table> | | 2 |
| | 2 | | |
| h) Is the minimum requirement for an ignition interlock: | <table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 80%;"></td> <td style="width: 20%; text-align: center;">4</td> </tr> </table> | | 4 |
| | 4 | | |
| <ul style="list-style-type: none"> *One year for the first offence; *Three years for a second offence within a ten-year period; and *Five years for a third offence within a ten-year period? | | | |
| CATEGORY TOTAL: | <table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 80%;"></td> <td style="width: 20%; text-align: center;">26</td> </tr> </table> | | 26 |
| | 26 | | |

COMMENTS:

IV. Program Monitoring and Criteria for Removal

| | | | |
|--|---|---|----|
| <p>a) Does the road authority have access to the following?</p> <ul style="list-style-type: none"> *Ignition interlock data log; and *Entire driving record. | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"></td> <td style="text-align: center;">4</td> </tr> </table> | | 4 |
| | 4 | | |
| <p>b) Does the service provider:</p> <ul style="list-style-type: none"> *Forward the data log results to the road authority after each visit; and *Check the accuracy of the ignition interlock at the same time? | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"></td> <td style="text-align: center;">4</td> </tr> </table> | | 4 |
| | 4 | | |
| <p>c) Are the following considered violations of the terms of the ignition interlock program?</p> <ul style="list-style-type: none"> *Failing to report to the ignition interlock service provider within the allotted time (every 30 - 60 days); *Evidence of tampering with or attempting to circumvent the ignition interlock; *Evidence that the driver received assistance in starting the vehicle; and *Operating a vehicle without an ignition interlock. | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"></td> <td style="text-align: center;">6</td> </tr> </table> | | 6 |
| | 6 | | |
| <p>d) Does operating a vehicle without an ignition interlock constitute the provincial/territorial offence driving while disqualified?</p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"></td> <td style="text-align: center;">2</td> </tr> </table> | | 2 |
| | 2 | | |
| <p>e) Are the results of the data log (e.g. high BAC levels) discussed with the driver?</p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"></td> <td style="text-align: center;">2</td> </tr> </table> | | 2 |
| | 2 | | |
| <p>f) Does the road authority use a criterion-based approach in determining whether or not the driver is eligible for full licence privileges? Does the criteria include the following?</p> <ul style="list-style-type: none"> *History of program violations; *History of prohibited BAC readings within the past three months; *History of decreased driving starts within the past three months; and *History of at-fault crashes and traffic violations while in the program. | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"></td> <td style="text-align: center;">8</td> </tr> </table> | | 8 |
| | 8 | | |
| <p>g) Does the road authority have the flexibility to increase the ignition interlock requirement under specific circumstances, even to the point of a lifetime ignition interlock requirement, if warranted?</p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"></td> <td style="text-align: center;">2</td> </tr> </table> | | 2 |
| | 2 | | |
| <p>h) Does the road authority have a legal duty to continue the interlock order beyond the minimum prescribed interlock period, until the authority is convinced that the offender no longer poses a significant risk of re-offending and has overcome any underlying alcohol problem? Is the road authority required to consider the offender's performance in the interlock program and any remedial program in making this decision?</p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"></td> <td style="text-align: center;">4</td> </tr> </table> | | 4 |
| | 4 | | |
| <p>CATEGORY TOTAL:</p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%; text-align: center;">0</td> <td style="text-align: center;">32</td> </tr> </table> | 0 | 32 |
| 0 | 32 | | |

COMMENTS:

V. Police Powers and Sanctions

a) Are the following provincial legislation/police powers in place? 3

*Legislation that expressly authorizes the police to stop any vehicle at random and demand that any driver produce his or her licence, insurance and ownership documents

*Legislation that makes it a provincial/territorial offence for drivers to fail to stop when directed to do so, or to fail to identify themselves and present their licence, insurance and ownership documents when requested to do so by an officer

*Legislation that gives police express statutory authority to establish systematic licence status checkpoints

b) Have police received specific training on recognizing an ignition interlock that is properly connected to a vehicle and in good working order? 2

c) Are roadside checks of a drivers' licences at randomly selected dates and times an integral part of traffic enforcement, and included in any RIDE, seatbelt or spot check initiatives? 4

d) Are police required to impound or immobilize: 3

*Any vehicle they have reasonable grounds to believe is uninsured?

*Any vehicle driven by a driver they have reasonable grounds to believe is unlicensed, suspended, prohibited, or disqualified?

*Any vehicle that is not equipped with an interlock which is being driven by an individual who has an interlock restricted licence?

e) Is the impoundment or immobilization period at least: 4

*45 days for a first occurrence?

*90 days for a second occurrence within three years involving the same vehicle or owner?

f) Does provincial/territorial legislation authorize the forfeiture of the driver's vehicle, if he or she has been the driver responsible for three or more vehicle impoundments or immobilizations during a ten-year period? 4

CATEGORY TOTAL: 20

COMMENTS:

| | | |
|--|--|-----|
| I DEVICE SPECIFICATIONS | | 10 |
| II PARTICIPATION AND ELIGIBILITY | | 12 |
| III PROGRAM STRUCTURE | | 26 |
| IV PROGRAM MONITORING AND CRITERIA FOR REMOVAL | | 32 |
| V POLICE POWERS AND SANCTIONS | | 20 |
| GRAND TOTAL: | | 100 |

CURRENT INITIATIVES

Table 1 provides an overview of some key initiatives that exist in the various jurisdictions. For the most part, a low threshold was adopted in assigning the checkmarks. The checklist should be seen as providing only a cursory review. For a more detailed discussion, see the individual provincial and territorial summaries.

Table 1 – OVERVIEW OF CURRENT INITIATIVES

| | AB | BC | MB | NB | NL | NS | NT | ON | PE | QC | SK | YK |
|---|----|----|----|----|----|----|----|----|----|----|----|----|
| Device Specifications | | | | | | | | | | | | |
| Technical standards | ✓ | ✓ | ✓ | | | | | ✓ | ✓ | ✓ | | |
| Security features | ✓ | ✓ | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| BAC .02% threshold | ✓ | ✓ | ✓ | | ✓ | | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Participation and Eligibility | | | | | | | | | | | | |
| Mandatory participation | | | | | | | | | | ✓ | | |
| Early reinstatement incentive | ✓ | | | | ✓ | | | | ✓ | ✓ | ✓ | ✓ |
| Program Structure | | | | | | | | | | | | |
| Remedial measures | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Licence surrendered to court | ✓ | ✓ | ✓ | | | | ✓ | ✓ | ✓ | | | ✓ |
| Service provider availability | ✓ | ✓ | ✓ | | | | | ✓ | ✓ | ✓ | ✓ | |
| Interlock order displayed on licence | ✓ | ✓ | ✓ | | ✓ | | | ✓ | ✓ | | ✓ | ✓ |
| Minimum time requirements for interlock* | | | ✓ | | | | | ✓ | ✓ | ✓ | | |
| Program Monitoring and Criteria for Removal | | | | | | | | | | | | |
| Operating vehicle w/o interlock** | ✓ | ✓ | ✓ | | ✓ | | | | ✓ | ✓ | | ✓ |
| Discussion of high BAC levels with driver | ✓ | | | | | | | | ✓ | | | ✓ |
| Criteria-based approach to removal | ✓ | ✓ | ✓ | | | | | | ✓ | | ✓ | ✓ |
| Flexibility to increase interlock requirement | ✓ | ✓ | ✓ | | ✓ | | | | ✓ | | ✓ | ✓ |
| Legal duty to continue interlock requirement | | | | | | | | | | | | |
| Police Powers and Sanctions | | | | | | | | | | | | |
| Stop vehicles and demand documentation | ✓ | ✓ | ✓ | | | | ✓ | ✓ | ✓ | ✓ | | |
| Training on recognizing interlocks | ✓ | ✓ | ✓ | | | | | ✓ | ✓ | | | |
| Licence status checks at routine police stops | | | | | | | | | | | | |
| Impoundment and immobilization | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Vehicle forfeiture | | | ✓ | | | | | □ | | | | |
| Notes: | | | | | | | | | | | | |
| ✓ Initiative/legislation in place as of August 31, 2007. | | | | | | | | | | | | |
| □ Legislation in place as of August 31, 2008. | | | | | | | | | | | | |
| * Minimum time requirements approach or exceed MADD's desired standards. | | | | | | | | | | | | |
| * Operating a vehicle in violation of an ignition interlock order is considered a provincial offence of driving while disqualified. | | | | | | | | | | | | |

BEST PRACTICES

The score for each jurisdiction was examined to identify areas of strength in each of the five areas reviewed. The results are discussed below.

Five jurisdictions scored high in device specifications: British Columbia, Quebec, Ontario, Prince Edward Island, and Alberta. Generally speaking, these jurisdictions had rigorous technical standards for their ignition interlocks, all or most of the recommended features, and a BAC threshold of .02%.

Only one jurisdiction, Quebec, scored high in the area of participation and eligibility. Quebec has a mandatory program for first-time *Criminal Code* offenders who are assessed as having an alcohol dependency. Subject to certain conditions, all participants are eligible for early reinstatement to a restricted licence, after serving the minimum period of prohibition/suspension. Moreover, these individuals cannot “sit out” the program and apply for a licence after the minimum ignition interlock period has ended.

Three jurisdictions scored high on their program structure: Ontario, Manitoba and Prince Edward Island. Generally speaking, these jurisdictions had:

- A solid remedial measure program for *Criminal Code* offenders;
- A requirement that the driver surrender his or her licence upon conviction;
- Clear communication with offenders regarding their hard licence suspension and ignition interlock requirements;
- Good network coverage of qualified ignition interlock service providers;
- A user-pay system;
- A requirement that the ignition interlock restriction be displayed on the face of the licence;
- A minimum duration for ignition interlock orders that approached or exceeded MADD Canada’s standards.

None of the jurisdictions had a subsidy for those who truly could not afford the ignition interlock. Only provinces with a public insurance system offered insurance premium protection to those participating in the program, with the exception of Prince Edward Island.

Two jurisdictions scored high on program monitoring and criteria for removal: Alberta and Yukon. These jurisdictions:

- Gave their road authority access to key data required for monitoring the program participants;
- Had clear reporting requirements for ignition interlock service providers;
- Recognized all or most of the program violations that MADD Canada considered to be best practices;
- Made operating a vehicle without an ignition interlock a provincial/territorial offence of driving while disqualified;
- Ensured that the data log results were discussed with the driver;
- Used a criteria-based approach in determining whether or not a driver is eligible for full licence privileges; and

-
- Could increase the ignition interlock requirement, if necessary, to a lifetime requirement.

No jurisdiction imposes a duty on the road authority to continue the interlock order beyond the minimum prescribed period, until it is convinced that the offender no longer poses a significant risk of re-offending and has overcome any underlying alcohol problem.

Only one jurisdiction, Manitoba, scored high on police powers and sanctions. It gives the police express statutory authority to stop any vehicle at random, require drivers to produce documentation and to establish systematic licence checkpoints. Police have specific training on recognizing an ignition interlock.

Manitoba also scored well on its vehicle impoundment program. Manitoba's minimum impoundment periods approach what MADD Canada considers to be best practice. It also has a vehicle forfeiture program. However, in Manitoba, and other jurisdictions, it is not clear whether the police conduct licence status checks on a routine basis at all roadside stops.

Table 2 identifies jurisdictions that scored well in the specific areas of *The 2008 Rating Scoresheet*.

**Table 2 – JURISDICTIONS THAT SCORED WELL IN THE SPECIFIC AREAS OF
THE 2008 RATING SCORESHEET**

| AREA | JURISDICTION |
|--|--|
| Device Specifications: <ul style="list-style-type: none"> • Technical standards • Security features • BAC settings | British Columbia Quebec Ontario Prince Edward Island Alberta |
| Participation and Eligibility: <ul style="list-style-type: none"> • Mandatory requirements • Eligibility for all <i>Criminal Code</i> impaired driving offenders • Incentives for early reinstatement | Quebec |
| Program Structure: <ul style="list-style-type: none"> • Mandatory remedial program for <i>Criminal Code</i> offenders • Licence surrendered upon conviction • Communication with offender • Availability of ignition interlock service providers • User-pay structure • Subsidies and insurance premium protection • Display of ignition interlock restriction on participant's licence • Minimum time requirements for participation | Ontario Manitoba Prince Edward Island |
| Program Monitoring and Criteria for Removal: <ul style="list-style-type: none"> • Data reviewed by road authority • Ignition interlock service provider's duties • Program violations • Penalty for operating vehicle without an ignition interlock • Discussion of high BAC results • Criteria-based approach in determining eligibility for full licence privileges • Flexibility of increasing ignition interlock order • Legal duty to continue ignition interlock order if warranted | Alberta Yukon |
| Police Powers and Sanctions: <ul style="list-style-type: none"> • Provincial legislation/police powers to stop vehicles at random, demand documentation, and establish licence checkpoints • Police training on recognizing ignition interlocks • Police roadside checks of licence status • Impoundment/immobilization powers • Impoundment/immobilization minimum periods • Vehicle forfeiture | Manitoba |

ALBERTA

SYNOPSIS: Alberta received high scores for its ignition interlock device specifications and moderate scores for the structure of its ignition interlock program, program monitoring and criteria for removal. The province fared poorly on the participation and eligibility requirements, and police powers and sanctions.

GRADE AND RANKING: Alberta received a C+ grade and ranked first in the report.

DEVICE SPECIFICATIONS:

Alberta received high scores on the ignition interlock device specifications. Ignition interlocks in Alberta have all of the features considered essential. The ignition interlock is calibrated to register a 'warn' if the driver's blood-alcohol content (BAC) is between .02% and .039%, and a 'fail' if it is .04% or more. The raters believe that allowing a BAC of .04% is too generous, but believe that the 'warn' feature will serve a useful educational purpose.

PARTICIPATION AND ELIGIBILITY:

Alberta scored poorly for the participation and eligibility requirements. The ignition interlock program is voluntary in Alberta, except in certain limited circumstances. One rater raised concern that the program does not extend to those convicted of impaired driving causing death or bodily harm. Alberta received moderate scores for providing an incentive which reduces the length of the licence suspension.

PROGRAM STRUCTURE:

Overall, Alberta received a moderate score on its program structure. It received favourable scores for its communication with *Criminal Code* offenders, the requirement that offenders surrender their licence, the availability of ignition interlock service providers, the display of the interlock requirement on the face of the licence, and its program fee requirement. The weak elements of the program structure were the remedial program, a lack of subsidies for those who cannot afford the ignition interlock, and a lack of insurance premium protection. Furthermore, the duration of the minimum interlock order did not meet MADD Canada's best practices.

PROGRAM MONITORING AND CRITERIA FOR REMOVAL:

Alberta has a comprehensive program for monitoring ignition interlock participants and related sanctions for program violations. The province received moderate scores for its approach to eligibility for full licence privileges. The Board does not have a legal duty to continue the ignition interlock order beyond the minimum prescribed interlock period until it is satisfied that the offender no longer poses a significant risk.

POLICE POWERS AND SANCTIONS:

Alberta received high scores for its police powers. Police in Alberta receive special training on recognizing an ignition interlock that is properly connected and in good working order. However, it is not clear if the police conduct licence checks at routine stops.

Police are required to impound or immobilize any vehicle that they believe to be uninsured, or driven by an unlicensed, suspended, prohibited, or disqualified driver. Similarly, the police must impound or immobilize a vehicle that they believe is being driven by a driver in violation of his or her interlock restricted licence. The mandatory impoundment or immobilization periods are below MADD Canada's desired standards. The province also lacks a vehicle forfeiture program.

BRITISH COLUMBIA

SYNOPSIS: British Columbia received high scores for its ignition interlock device specifications, and moderate scores for the program structure, program monitoring and criteria for removal, and police powers and sanctions. The only area in which the province fared poorly was its participation and eligibility requirements.

GRADE AND RANKING: British Columbia received a C grade and ranked sixth in the report.

DEVICE SPECIFICATIONS:

British Columbia received high scores on its ignition interlock device specifications. Ignition interlocks in British Columbia have most of the features considered essential. The ignition interlock is calibrated to prevent the driver from starting or setting the vehicle in motion if it detects a BAC of .02% or more.

PARTICIPATION AND ELIGIBILITY:

The ignition interlock in British Columbia is primarily intended for repeat impaired driving offenders. As a matter of administrative practice, the Superintendent makes participation in an ignition interlock program a condition of re-licensing for drivers who have three or more impaired driving convictions. One rater noted that the program relies heavily on the Superintendent's discretion rather than on statute. Moreover, British Columbia does not reduce the length of the minimum licence suspension to encourage offenders to participate in the program.

PROGRAM STRUCTURE:

British Columbia received a moderate score on its program structure. It received favourable scores for its requirement that offenders surrender their licence, the availability of providers, the display of the interlock requirement on the face of the licence and its program fee. The weak elements of the program structure were the remedial program, communication with offenders concerning the program requirements and a lack of subsidies for those who truly cannot afford the ignition interlock. Furthermore, the duration of the minimum interlock order fell short of MADD Canada's best practice guidelines.

PROGRAM MONITORING AND CRITERIA FOR REMOVAL:

British Columbia has a comprehensive program for monitoring ignition interlock participants and related sanctions for violating the program requirements. Driving in violation of an alcohol interlock restriction constitutes a provincial offence. Areas of need noted by the raters were the failure to discuss ignition interlock data with program participants and the criteria for determining eligibility for full licence privileges. The Superintendent does not have a legal duty to continue the ignition interlock order beyond the minimum prescribed interlock period until it is satisfied that the offender no longer poses a significant risk.

POLICE POWERS AND SANCTIONS:

British Columbia received a moderate score for police powers and sanctions. Police in British Columbia have broad powers to stop vehicles, request documentation, and establish systematic licence checkpoints. An additional area of strength was the province's impoundment and immobilization program which approaches MADD Canada's best practice standards. The province lacks a vehicle forfeiture program. Police are trained to recognize ignition interlocks but it is not clear if the police conduct licence checks at routine stops.

MANITOBA

SYNOPSIS: Manitoba scored well for the structure of its ignition interlock program, and police powers and sanctions. Moderate scores were given for the ignition interlock device specifications, and program monitoring and criteria for removal. The area in which the province fared poorly was the participation and eligibility component.

GRADE AND RANKING: Manitoba received a C+ grade and ranked fourth in the report.

DEVICE SPECIFICATIONS:

Manitoba received moderate scores on its ignition interlock device specifications. Ignition interlocks have only some of the features considered essential. The ignition interlock is calibrated to prevent the driver from starting or setting the vehicle in motion if he or she has “any” alcohol in his or her blood.

PARTICIPATION AND ELIGIBILITY:

Manitoba scored poorly in participation and eligibility. The program is only mandatory for repeat offenders (within 10 years), those convicted of impaired offences involving a passenger under the age of 16 or impaired driving causing death or bodily harm. The program is voluntary for all first offenders. The raters also raised concerns that an offender could ‘sit out’ the entire ignition interlock program. There is no incentive for early licence reinstatement; individuals must prove ‘exceptional hardship’ to be eligible.

PROGRAM STRUCTURE:

Overall, Manitoba scored well on its program structure, receiving favourable scores for its communication with offenders, the requirement that offenders surrender their licence, the availability of ignition interlock providers, the program fee, and insurance premium protection.

PROGRAM MONITORING AND CRITERIA FOR REMOVAL:

Manitoba’s program for monitoring participants and criteria for removal received moderate scores. Areas of strength were the road authority’s access to data, the service providers’ duties, and comprehensiveness of the program violations. Driving in violation of the ignition interlock restriction constitutes driving while disqualified. The program does not provide for a discussion of the interlock data with the participant, and the eligibility criteria need to be improved. Also, the Board does not have a legal duty to continue the ignition interlock order beyond the minimum prescribed interlock period until it is satisfied that the offender no longer poses a significant risk.

POLICE POWERS AND SANCTIONS:

Manitoba received high scores for police powers and sanctions. Areas of strength included the express police powers to stop any vehicle at random, demand that drivers produce documentation and establish licence status checkpoints. Manitoba police receive special training on recognizing an ignition interlock that is properly connected and in good working order. However, it is not clear if the police conduct licence checks at routine stops. Police are required to impound or immobilize the vehicle of any driver who they believe is unlicensed, suspended, prohibited,

disqualified, or driving in violation of an interlock restriction. The Manitoba legislation does not authorize impoundment or immobilization of uninsured vehicles. The minimum impoundment or immobilization periods fell below MADD Canada's desired standards. Manitoba also scored well on its vehicle forfeiture program.

NEW BRUNSWICK

SYNOPSIS: While New Brunswick enacted ignition interlock legislation in 2006, it has not yet been proclaimed in force. It scored poorly on all areas reviewed due to a lack of detail on many elements of the program.

GRADE AND RANKING: New Brunswick received an F grade and ranked tenth in the report.

DEVICE SPECIFICATIONS:

New Brunswick received poor scores on its device specifications. No specific ignition interlock device specifications were available at the time of this report.

PARTICIPATION AND ELIGIBILITY:

The anticipated ignition interlock program will be voluntary. The minimum provincial licence suspension will be shortened to encourage impaired driving offenders to participate in the ignition interlock program.

PROGRAM STRUCTURE:

Given a lack of detail on the program structure, New Brunswick scored poorly. Credit was given for the program's anticipated user-pay structure and the remedial program requirements. However, one rater felt that there should have been more emphasis on treatment or rehabilitation. The duration minimum of the interlock orders fell short of MADD Canada's best practice guidelines.

PROGRAM MONITORING AND CRITERIA FOR REMOVAL:

Program monitoring and criteria for removal scored poorly. One rater stated, the "rather low scoring here reflects thin information provided on the prospective program." Partial credit was given for the road authority's access to information, the service provider's requirements and program violations. Some of the programs were not available to the raters.

POLICE POWERS AND SANCTIONS:

New Brunswick received moderate scores for its police powers. The province received low scores because it is not yet known if the police will receive training on recognizing an ignition interlock that is properly connected and in good working order. In addition, the police do not routinely undertake random roadside checks. New Brunswick has a limited vehicle impoundment or immobilization program. The impoundment or immobilization periods are less than MADD Canada's best practice guidelines. The province also lacks a vehicle forfeiture program.

NEWFOUNDLAND AND LABRADOR

SYNOPSIS: Newfoundland and Labrador received moderate scores for its ignition interlock device specifications, and program monitoring and criteria for removal. It scored poorly in terms of participation and eligibility, program structure, and police powers and sanctions.

GRADE AND RANKING: Newfoundland received a D- grade and ranked ninth in the report.

DEVICE SPECIFICATIONS:

Newfoundland received moderate scores on its device specifications. Guardian Interlock Systems, a private vendor, is responsible for the provision of ignition interlocks and all technical standards. Since all technical features are left to a private vendor, the province scored low in this area. Ignition interlocks in Newfoundland have all the security features that MADD Canada considers essential.

PARTICIPATION AND ELIGIBILITY:

Newfoundland scored poorly on participation and eligibility. With limited exceptions, the ignition interlock program is voluntary in Newfoundland. The province does reduce the length of the provincial licence suspension to encourage impaired driving offenders to participate in the program.

PROGRAM STRUCTURE:

Newfoundland also scored poorly on program structure. Areas of particular need were the lack of communication with program participants and a limited network of ignition interlock service providers. Subsidies are not provided for those who cannot afford an ignition interlock, nor is there insurance premium protection. Partial credit was given for the remedial programs and the minimum length of ignition interlock orders which approached MADD Canada's best practice guidelines.

PROGRAM MONITORING AND CRITERIA FOR REMOVAL:

Newfoundland scored moderately for program monitoring and criteria for removal. It has a comprehensive program for monitoring ignition interlock participants and related sanctions for the program requirements. However, the province scored poorly on its eligibility criteria for full licence privileges. The raters also raised concerns because the data log results were not discussed with participants. The Superintendent does not have a legal duty to continue the ignition interlock order beyond the minimum prescribed interlock period until it is satisfied that the offender no longer poses a significant risk.

POLICE POWERS AND SANCTIONS:

Newfoundland received low scores for police powers and sanctions. The police lack express authority to stop vehicles at random, demand documentation and establish licence checkpoints. The raters raised concern over the lack of specific police training in recognizing an ignition interlock. It is not clear whether police check driver licence status at routine stops. Police are required to impound or immobilize vehicles that they reasonably believe to be uninsured or driven by a disqualified or prohibited driver. The minimum impoundment or immobilization

periods did not meet MADD Canada's best practice guidelines. Furthermore, Newfoundland does not have a vehicle forfeiture program.

NORTHWEST TERRITORIES

SYNOPSIS: Although the Northwest Territories has endorsed the use of ignition interlocks, it currently does not have a program. Consequently, the Northwest Territories scored poorly in all five areas.

GRADE AND RANKING: The Northwest Territories received an F grade and ranked twelfth in the report.

DEVICE SPECIFICATIONS:

No specifications were available at the time of this report.

PARTICIPATION AND ELIGIBILITY:

Details on program participation were noted as being vague. Participation in any future program will be at the discretion of the Registrar of Motor Vehicles. There is no reduction in the minimum territorial licence suspension to encourage impaired driving offenders to participate.

PROGRAM STRUCTURE:

No information on program structure was provided. However, credit was given to the Northwest Territories for its requirement that a driver must surrender his or her licence when convicted of a *Criminal Code* offence.

PROGRAM MONITORING AND CRITERIA FOR REMOVAL:

Given that there is no formal ignition interlock program, the raters were not able to score this section.

POLICE POWERS AND SANCTIONS:

The Northwest Territories received credit for police powers and legislation relating to stopping vehicles, demanding identification and establishing licence status checkpoints. The territory scored poorly for police roadside checks of licence status, vehicle impoundment and immobilization, and vehicle forfeiture.

NOVA SCOTIA

SYNOPSIS: Nova Scotia does not yet have an ignition interlock program. However, amendments came into force in 2007 which are being used to provide a framework for a program. Regulations are currently being developed and are expected to be completed this year. Nova Scotia received moderate scores for its proposed ignition interlock device specifications. It received poor scores for the structure of its ignition interlock program, program monitoring and criteria for removal, and police powers and sanctions.

GRADE AND RANKING: Nova Scotia received an F grade and ranked eleventh in the report.

DEVICE SPECIFICATIONS:

Nova Scotia received moderate scores on its device specifications. While no specifications were available at the time of this report, Nova Scotia was scored on the system that is currently being developed and is expected to be implemented this year. The proposed ignition interlock system will adhere to technical standards and has features to prevent the driver from operating the vehicle when a specified level of alcohol is detected and has an internal log. The ignition interlock is calibrated to prevent the driver from starting or setting the vehicle in motion, if it detects a BAC of .02% or more.

PARTICIPATION AND ELIGIBILITY:

Nova Scotia's proposed system received poor scores on participation and eligibility requirements. Participation in the program will be left to the Registrar's discretion. It appears that the minimum provincial licence suspension will be reduced to encourage impaired driving offenders to participate.

PROGRAM STRUCTURE:

Due to a lack of detail, Nova Scotia scored poorly on the structure of the anticipated program. However, credit was given for having a comprehensive remedial measures program.

PROGRAM MONITORING AND CRITERIA FOR REMOVAL:

Due to a lack of detail, Nova Scotia scored poorly on the anticipated program monitoring and criteria for removal.

POLICE POWERS AND SANCTIONS:

Nova Scotia scored poorly on police powers and sanctions. Police do not have express statutory authority to stop vehicles at random, demand documentation and establish licence status checkpoints. Moreover, the province does not have impoundment and forfeiture legislation.

ONTARIO

SYNOPSIS: Ontario received high scores for its device specifications, program structure, and program monitoring and criteria for removal, and moderate scores for its police powers and sanctions. It scored poorly for its participation and eligibility requirements.

GRADE AND RANKING: Ontario received a C+ grade and ranked second in the report.

DEVICE SPECIFICATIONS:

Ontario received high scores on its device specifications. The ignition interlock system adhered to MADD Canada's recommended technical standards. The raters felt that while Ontario has many of the required features, safeguards such as unique driver breath signatures or "hum codes" would be beneficial. The ignition interlock is calibrated to prevent drivers from starting or setting the vehicle in motion if it detects a BAC of .02% or more.

PARTICIPATION AND ELIGIBILITY:

Overall, Ontario scored poorly in terms of its participation and eligibility requirements. The program is currently not mandatory and both raters raised concerns over the option that drivers have to 'sit out' the entire program. Moreover, Ontario does not reduce the length of the minimum licence suspension to encourage offenders to participate in the program.

PROGRAM STRUCTURE:

Ontario received high scores for its program structure in all areas with the exception of subsidies for those who cannot afford an ignition interlock and legislation providing insurance premium protection for those participating in the program.

PROGRAM MONITORING AND CRITERIA FOR REMOVAL:

Ontario provides comprehensive monitoring of ignition interlock participants and has related sanctions for violating the program requirements. However, one of the raters commented that the province "appears to have quite a hands-off approach to the interlock program, deferring much of the monitoring and records review to the interlock provider." Areas of concern noted were: the failure to discuss the data log results with the participants; the lack of eligibility criteria for reinstatement of full licence privileges; and the lack of flexibility in extending the program.

POLICE POWERS AND SANCTIONS:

Ontario received high scores for police powers. Ontario police receive special training on recognizing an ignition interlock that is properly connected and in good working order. Yet it is unclear whether police conduct licence status checks at routine stops. Police have limited powers to impound or immobilize vehicles. However, the impoundment or immobilization periods exceed MADD Canada's desired standards. Ontario was given credit for its limited vehicle forfeiture program.

PRINCE EDWARD ISLAND

SYNOPSIS: Prince Edward Island received high scores for its ignition interlock device specifications and program structure, and moderate scores for program monitoring and criteria for removal. It received poor scores for participation and eligibility requirements, and police powers and sanctions.

GRADE AND RANKING: Prince Edward Island received a C+ grade and ranked third in the report.

DEVICE SPECIFICATIONS:

Prince Edward Island received high scores on its device specifications. The ignition interlock system has most of the features considered important. The raters felt that safeguards, such as unique driver breath signatures or “hum codes” and an event log or recording system, would be beneficial. The ignition interlock is calibrated to prevent drivers from starting or setting the vehicle in motion if it detects a BAC of .02% or more.

PARTICIPATION AND ELIGIBILITY:

The province scored poorly on participation and eligibility requirements. Ignition interlocks are voluntary in the province, even for repeat offenders. One rater noted that offenders are able to “wait out” the mandatory provincial licence suspension period. The province does reduce the length of the provincial licence suspension to encourage impaired driving offenders to participate in the program. Though incentives are offered, one rater felt that the details were too vague.

PROGRAM STRUCTURE:

Overall, Prince Edward Island scored well on its program structure. It received favourable scores in all areas, with the exception of the remedial programs and ignition interlock program subsidies. One rater stated, “This program appears to be well-thought through and has many features that more mature programs lack.”

PROGRAM MONITORING AND CRITERIA FOR REMOVAL:

Prince Edward Island received moderate scores for program monitoring and criteria for removal. Areas of strength noted were the road authority’s access to data, the service providers’ duties, discussion of the data log results with the participant and the flexibility to increase the ignition interlock requirement. The Board does not have a legal duty to continue the ignition interlock order beyond the minimum prescribed interlock period until it is satisfied that the offender no longer poses a significant risk.

POLICE POWERS AND SANCTIONS:

Overall, Prince Edward Island received low scores for police powers and sanctions. The police have explicit authority to stop vehicles at random and demand documentation. It is not clear whether police check driver licence status at routine stops. Police are required to impound or immobilize vehicles that they reasonably believe are uninsured or driven by a disqualified or prohibited driver. The minimum impoundment or immobilization periods did not meet MADD Canada’s best practice guidelines. Furthermore, Prince Edward Island does not have a vehicle forfeiture program.

QUEBEC

SYNOPSIS: Quebec received high scores for its ignition interlock device specifications, and participation and eligibility requirements, and moderate scores for its program structure. It scored poorly in terms of program monitoring and police powers and sanctions.

GRADE AND RANKING: Quebec received a C grade and ranked fifth in the report.

DEVICE SPECIFICATIONS:

Quebec received high scores on its device specifications. Although the ignition interlock system adheres to a technical standard, the raters were concerned that the provincial standards were dated. Ignition interlocks in Quebec have all of the desired features. The ignition interlock is calibrated to prevent the driver from starting or setting the vehicle in motion if it detects a BAC of .02% or more.

PARTICIPATION AND ELIGIBILITY:

Quebec scored well for participation and eligibility. Quebec has a mandatory program for first-time *Criminal Code* offenders who are assessed as having an alcohol dependency and for all repeat offenders. All participants are, under certain conditions, eligible for early reinstatement to a restricted licence after serving the minimum federal prohibition and provincial suspension. Moreover, these individuals cannot “sit out” the program and apply for a licence after the minimum ignition interlock period has ended.

PROGRAM STRUCTURE:

Quebec received a high score on its program structure. Areas of strength were: the remedial measures program, communication with *Criminal Code* offenders and the availability of ignition interlock providers. Lower scores were noted because impaired driving offenders were not required to surrender their licence, and the ignition interlock order is not clearly displayed on the licence of an interlock restricted driver. The minimum length of the ignition interlock orders did not meet MADD Canada’s best practice guidelines.

PROGRAM MONITORING AND CRITERIA FOR REMOVAL:

Quebec scored poorly for program monitoring and criteria for removal. Areas of strength are the road authority’s access to data, the service providers’ duties, and the fact that operating a vehicle in violation of the interlock requirement constitutes the provincial offence of driving while disqualified. The program would be strengthened by adding some key program violations, discussing the data log results with the driver, and setting out the eligibility criteria for reinstatement of full licence privileges. The SAAQ does not have a legal duty to continue the ignition interlock order beyond the minimum prescribed interlock period until it is satisfied that the offender no longer poses a significant risk.

POLICE POWERS AND SANCTIONS:

Overall, Quebec received a poor score for police powers and sanctions. Credit was given for the clear police powers to stop vehicles at random, demand documentation and establish licence status checkpoints. However, there was no police training on ignition interlock devices and it is

not clear if the police conduct licence status checks at routine stops. Moreover, the province scored poorly for the scope of police impoundment powers and their relatively short minimum impoundment periods. The province also lacks vehicle forfeiture.

SASKATCHEWAN

SYNOPSIS: Saskatchewan received moderate scores for its ignition interlock device specifications, program structure, and program monitoring and criteria for removal. The province fared poorly on participation and eligibility requirements, and police powers and sanctions.

GRADE AND RANKING: Saskatchewan received a C- grade and ranked seventh in the report.

DEVICE SPECIFICATIONS:

Saskatchewan received moderate scores on its device specifications. The province has no known technical requirements for its ignition interlock devices. While the province provides for many of the required features, the raters felt that safeguards, such as unique driver breath signatures to prevent third party use and a tamper-proof wiring system, would be beneficial. The ignition interlock is calibrated to prevent the driver from starting or setting the vehicle in motion if it detects a BAC of .02% or more.

PARTICIPATION AND ELIGIBILITY:

Saskatchewan received poor scores for participation and eligibility requirements. The ignition interlock program is voluntary in Saskatchewan. However, the mandatory minimum provincial licence suspension that would otherwise apply is reduced to encourage impaired driving offenders to participate.

PROGRAM STRUCTURE:

Overall, Saskatchewan received a moderate score on its program structure. It received favourable scores for: communication with *Criminal Code* offenders; availability of ignition interlock service providers; the display of the ignition interlock requirement on the face of the licence; and user-pay fees. Elements of the program structure cited as lacking were judicial discretion noted for licence surrender. The minimum duration of the interlock orders did not meet MADD Canada's best practice guidelines.

PROGRAM MONITORING AND CRITERIA FOR REMOVAL:

Saskatchewan received a moderate score for program monitoring and criteria for removal. Areas of strength were: the road authority's access to data; the service providers' duties; comprehensive program violations; flexibility to increase the ignition interlock requirement; and the eligibility criteria for reinstatement to full licence privileges.

The program could be strengthened by defining the provincial offence of driving while disqualified to include driving in violation of the interlock order and by discussing the data log results with the driver. SGI does not have a legal duty to continue the ignition interlock order beyond the minimum prescribed interlock period until it is satisfied that the offender no longer poses a significant risk.

POLICE POWERS AND SANCTIONS:

Saskatchewan scored poorly for police powers and sanctions. Credit was given for giving police express statutory authority to stop vehicles at random, demand documentation and establish licence status checkpoints. Police also have broad powers to impound vehicles and the minimum impoundment periods approach MADD Canada's best practice guidelines. Areas of weakness include the failure to train police to recognize ignition interlock devices. It is not clear if the police conduct licence status checks at routine stops. Finally, Saskatchewan lacks a vehicle forfeiture program.

YUKON

SYNOPSIS: The Yukon received moderate scores for its ignition interlock device specifications, program structure, and program monitoring and criteria for removal. The territory scored poorly on participation and eligibility requirements, and police powers and sanctions

GRADE AND RANKING: Yukon received a C- grade and ranked eighth in the report.

DEVICE SPECIFICATIONS:

The Yukon received moderate scores on its device specifications. The territory has no known technical requirements for its ignition interlock devices. While the territory provides for many of the required features, the raters felt that safeguards such as unique driver breath signatures to prevent third party use and a tamper-proof wiring system, would be beneficial. The ignition interlock is calibrated to prevent the driver from starting or setting the vehicle in motion if it detects a BAC of .01% or more.

PARTICIPATION AND ELIGIBILITY:

The Yukon received a poor score overall for participation and eligibility requirements. Both raters noted that the program is voluntary, even for repeat offenders. Credit was given because the territory reduced its minimum licence suspension that would otherwise apply in order to encourage impaired driving offenders to participate.

PROGRAM STRUCTURE:

Overall, the Yukon received a moderate score on its program structure. Areas of strength were: the requirement that drivers surrender their licence upon conviction, and communication with the convicted driver on the terms of the licence suspension. The program could be improved by: not leaving participation to the discretion of the Driver Control Board; interlock program requirements; expanding the ignition interlock provider's network; providing subsidies and insurance premium protection; and increasing the duration of the ignition interlock orders.

PROGRAM MONITORING AND CRITERIA FOR REMOVAL:

The Yukon received moderate scores for program monitoring and criteria for removal. Areas of strength were: the road authority's access to data; the service providers' duties; discussion of data log results with the driver; comprehensive program violations; flexibility to increase the ignition interlock requirement; and the eligibility criteria for reinstatement to full licence privileges. One rater stated, "it is a remarkably thorough program for such a small population centre." The primary concern was the Driver Control Board does not have a legal duty to continue the ignition interlock order beyond the minimum prescribed interlock period until it is satisfied that the offender no longer poses a significant risk.

POLICE POWERS AND SANCTIONS:

The Yukon received a poor score for police powers and sanctions. Credit was given for police impoundment powers and the minimum duration of impoundment orders. The territory received poor scores for not giving police express statutory authority to stop vehicles, demand documentation and establish licence status checkpoints. Police are not trained to recognize

ignition interlock devices and it is not clear if the police conduct licence status checks at routine stops. The territory does not have a vehicle forfeiture program.