

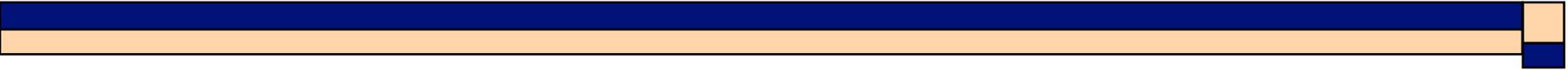
**From Research to Reform:
Academics, Grassroots Organizations and Advocacy**

**Ontario Public Health Association:
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WHY PUBLIC HEALTH AND WHY ADVOCACY?

- Impairment-related traffic deaths are not accidents, they are a direct result of our alcohol policies and impaired driving laws.
- The major problem in impaired driving and likely many other areas of public health is not a lack of research, but rather a lack of public and political will.
- The public needs and has a right to know that:
 - impaired driving is Canada's No.1 criminal cause of death, claiming almost twice as many lives as all categories of homicide combined;
 - impaired driving takes a devastating toll among 16-25 year olds (13.7% of the pop., but 33.4% of the alcohol-related crash deaths);
 - traffic crashes are the largest cause of death among young people and over half remain impairment-related.
 - Canada's impaired driving record is extremely poor by international standards For example, Canada's per capita rate of alcohol-related crash death is 5 times that of Germany, even though Germans consume 46% more alcohol per capita.

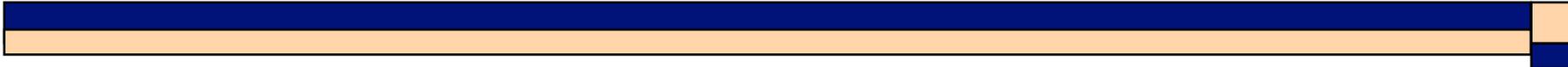
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- the persistence of impaired driving is not a problem that was unique to Canada, but most countries have introduced effective laws and achieved substantial and sustained reductions in impaired driving deaths and injuries.
 - the Sept. 27th crash killing three children and their grandfather, the Oct. 9th crash killing an 18-year old Western student, and the Oct. 24th crash in Vaughn killing two minors are the price we pay for our failed policies and ineffective law.
 - No doubt the media, politicians and the alcohol industry apologists will again call for stiffer sentences. They want us to respond night after night one crash at a time, while ignoring broader preventive measures that will deter impaired driving.
 - That a mug's game! Appropriate sentencing is important, but it only addresses what happens after the death.
 - If we are to do any good, we have to focus on prevention not punishment.

WHY MADD CANADA?

- ❑ MADD Canada is a grassroots victim support, public awareness and advocacy organization that began operating in 1990. Its mission is to assist victims and minimize impaired driving deaths and injuries.
- ❑ It is a registered charity that receives little government funding and does not accept alcohol industry money. MADD Canada has:
 - more than 100 Chapters and Community Leaders, and 7,500 volunteers across Canada;
 - about 1 million donors, 20,000 users of its victim support services, 730,000 visitors to its website, and 4.45 million page views; and
 - a \$16.3 million annual budget, 17 full-time staff and 22 part-time staff.
- ❑ As National Director of Legal Policy, my responsibilities include: ensuring the legal accuracy of all documents and policies; high-level advocacy (*e.g.* briefing the Attorney General and testifying before Parliamentary Committees); and preparing the ongoing federal and provincial legislative reform policies.

The Constitutional Framework

- ❑ The federal government has constitutional authority over criminal law and procedure.
- ❑ The provinces and territories have constitutional authority over:
 - driver licences (age, qualifications and suspensions), vehicle ownership and insurance, roads, and traffic enforcement;
 - the alcohol and hospitality industries including drinking age, prices, hours of operation, and liquor licensing; and
 - enforcement and prosecution of *Criminal Code* offences.
- ❑ The provinces and territories also have constitutional authority to enact offences relating to these and other matters within their constitutional powers.
- ❑ Thus, both levels of government have broad constitutional power that could be used to minimize impaired driving.
- ❑ Today's focus is on the "Rating the Provinces and Territories Project."



The Rating the Provinces & Territories Project: 1998-2015

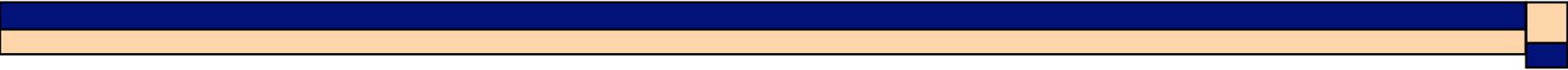
- ❑ The Project encourages the provinces and territories to enact legislation that will minimize impaired driving deaths and injuries.
- ❑ Research began in 1998, and the first set of comprehensive reports were released in 2000. Subsequent comprehensive reports were published every three years, including this year.
- ❑ MADD Canada's recommendations are based on an exhaustive review of the domestic and international traffic safety research.
- ❑ The recommendations are also drafted to comply with Canada's unique constitutional division of legislative power and the requirements of the *Canadian Charter of Rights and Freedoms (Charter)*.
- ❑ MADD Canada's CEO has worked directly with the jurisdictions during the last 17 years to encourage their implementation of proven impaired driving countermeasures.

The Core Elements of the 2015 Provincial Report

- Priority was given to five major initiatives that would likely garner the greatest support and most significantly reduce impaired driving.
 - A comprehensive 3-year graduated licensing program (GLP) for all new drivers, including night-time, passenger and high-speed road limits.
 - A .00% blood-alcohol concentration (BAC) limit on new drivers for three years after the GLP, and a parallel prohibition on being positive for any illicit psychoactive drug.
 - A 7-day .05% BAC administrative licence suspension (ALS) and vehicle impoundment, recording of suspensions on the driver's record, and mandatory remedial measures for repeat offenders.
 - A parallel ALS and impoundment program for drug-impaired drivers based on a failed Standard Field Sobriety Test (SFST).
 - A mandatory provincial alcohol interlock program for all federal impaired driving offenders, coupled with reduced provincial licence suspensions to encourage participation.

Lessons Learned in the Rating the Provinces Project

- ❑ Make a long-term commitment in order to establish credibility, good relationships with government, and accountability.
- ❑ Define goals in concrete terms, and distinguish means from ends.
- ❑ Focus on achievable goals (GLP & .00% BAC limit on drivers for three years after GLP versus raising the drinking age), and goals that will do the greatest good (prevention versus punishment).
- ❑ Base recommendations on a comprehensive review of the best available Canadian and international research. The research must be made available to the government officials and published in appropriate academic journals.
- ❑ Keep recommendations as simple as possible. The greatest progress was made on easy to explain issues and the least progress was made on technically or legally complex issues.
- ❑ Limit the number of recommendations.

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- ❑ Assign grades and rankings to provide clear performance measures for each jurisdiction.
 - ❑ Solicit government input on draft reports and provide detailed written responses to all comments. Thank officials for responding, and clearly acknowledge mistakes and quickly correct them.
 - ❑ Make it effortless to adopt the recommendations by providing the government with a comprehensive package of research, empirical and legal analyses and, if needed, polling data and draft legislation.
 - ❑ Be, and be seen to be, objective and even-handed in both praising progress and criticizing government failures to act.
 - ❑ Maintain independence from the government of the day and work with all political parties.

Assessing the Project's Overall Impact

- ❑ About 200 amendments could be traced to the Project as of 2012.
- ❑ Considerable gains have been made in: GLPs; .00% BAC limits for drivers under 21; .05% BAC ALS suspensions and impoundments; mandatory alcohol interlocks; and remedial programs.
- ❑ Very little progress on drug-impaired driving initiatives, and almost no progress on earlier proposals regarding passive alcohol sensors, automobile insurance, victim's rights, and administrative vehicle forfeiture.
- ❑ Most jurisdictions address, in some fashion, almost all of the current priorities, but this legislation needs to be strengthened.
- ❑ There are often long delays between enacting legislation and proclaiming it in force.
- ❑ Sadly, it often takes a horrendous crash or series of crashes to prompt legislative action.

Challenges

- ❑ Alcohol availability and per capita consumption have increased, as have pressures to further deregulate alcohol marketing.
- ❑ Public, media and government interest in alcohol-impaired driving has decreased.
- ❑ Significant increases in drug-impaired driving, particularly among the young. Drug research and enforcement technology is not well developed. While an estimated 10.4 million trips were made after using cannabis in 2012, there were only 1,140 impaired driving charges involving all types of drugs.
- ❑ Sharp increases in both lawful and unlawful medical marijuana use, and calls for legalizing recreational use. These developments will increase impairment-related crash deaths and injuries.
- ❑ Distracted driving involving electronic communication devices has become a significant traffic safety problem, again particularly among young drivers who are already uniquely vulnerable.

The Need for Partnerships

- ❑ Governments seem to be increasingly indifferent and dismissive of policy research regardless of its academic merits.
- ❑ Without my partnership with MADD Canada, my work would have no real-world impact on impaired driving deaths and injuries.
- ❑ The other benefits of partnership have included: hassle-free, long-term research funding; an efficient and productive working relationship; and access to key decision-makers.
- ❑ In deciding whether to work with MADD I had to consider if:
 - I shared the organization's goals, and had confidence in its governance model, leadership and institutional competence;
 - it took research seriously and respected scholarly principles; and
 - there was an appropriate division of responsibility and authority.

The Advocacy Environment

- MADD Canada's direct, public and somewhat confrontational advocacy style may be inappropriate for other organizations, which have a different structure and goals.
- Among other distinguishing characteristics, MADD Canada is:
 - a relatively small, private sector grassroots organization that receives very little government funding and does not accept alcohol/hospitality industry money;
 - reliant on its annual fundraising campaigns, which target individual and corporate donors;
 - heavily dependent on victim volunteers operating at the local level across Canada;
 - focused on impaired driving deaths and injuries, a narrow issue that invariably involves both violations of the federal *Criminal Code* and provincial and territorial traffic law; and
 - frequently opposed by the alcohol/hospitality industry, which is a very well-funded, politically powerful adversary.

CONCLUSION

- ❑ In my cynical moments, I think that: the bad guys lie; the politicians are uninformed and/or indifferent; the media sensationalize; and the rhetoric of punishment prevails far too often over the proven effectiveness of prevention.
- ❑ Nevertheless, I know that MADD Canada has prompted legislation that has significantly reduced impaired driving deaths and injuries, particularly among the young. I feel extremely fortunate to have been able to use my legal skills to contribute to these gains.
- ❑ The field of public health provides limitless opportunities to make a real-world difference. For example, we know that even small decreases in the rates of smoking, suicides and falls, and even small increases in immunization, seatbelt use and safe sex impact tens of thousands of Canadians.
- ❑ If you want fortune, fame and glory become a heart transplant surgeon, but if you want to save lots of lives become a public health professional.