

# THE LAST DRINK PROGRAM

## TARGETING LICENSED PREMISES TO REDUCE IMPAIRED DRIVING

PEEL REGIONAL POLICE, ONTARIO, CANADA, 1996

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- THE PROBLEM:** In 1993, there were 28 fatal motor vehicle collisions of which 17% involved an impaired driver in the Region of Peel.
- ANALYSIS:** Typically, it takes 4 to 5 hours to process an impaired driver when an arrest is made. This comprises the ability of police officers to respond to other types of calls. Nearly 45% of court time is spent on trials of impaired drivers in Ontario. Out of the 1019 persons arrested for impaired driving, it has been estimated that nearly 46% had been drinking at a licensed premise.
- RESPONSE:** The Peel Regional Police established a database of all licensed premises within the Region in which people had been drinking prior to their arrest for impaired driving. By analyzing this data, the police were able to identify the establishments, which continually posed a problem and take corrective measures including informing the establishment of the problem, initiating covert surveillance, and taking disciplinary actions when necessary.
- ASSESSMENT:** The Last Drink program allows the police and the Liquor Licence Board of Ontario (LLBO) to use their resources in the most efficient manner. The information provided to the LLBO by police makes it possible for their inspectors to target specific premises and provides details of all incidents involving a subject establishment for use in any subsequent judicial hearing. In 1994, 19 impaired drivers arrested advised that they had been drinking at one establishment. Through warning letters and site inspections this figure was reduced by 50% in 1995.
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### SCANNING

Impaired driving has been a continuous problem within society. It often results in tragic consequences such as death or serious injury.

In 1993, there were 630 homicides in Canada. Compare that to the 3,241 Canadians killed in traffic accidents across the country. In that year, 36% of drivers killed in Canada had a blood alcohol level in excess of 80 milligrams, while 45% had some detectable level of alcohol in their blood.

In that same year in the Region of Peel there were 28 fatal motor vehicle collisions of which 17% involved a drinking driver. Although this figure is well below the national average of 45%, impaired driving remains a danger to every member of society, from motorist to pedestrian, from infant to the elderly.

Although substantial efforts have gone into the enforcement of drinking and driving laws as well as public education, the number of impaired drivers within Peel Region remained

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unacceptably high. In 1993, 1,555 people were charged. Although this figure represented a decrease of 1.4% over 1992 charges it still remained a fact that within the Region of Peel there were still a large number of impaired drivers on the road who posed a threat to the public.

## ANALYSIS

As a result of an opinion Survey on Policing Priorities conducted by the Peel Regional Police, citizens of Brampton and Mississauga identified impaired driving as the fifth most serious crime threat within the Region of Peel.

Mr. Justice Peter Cory of the Supreme Court of Canada echoed the concerns of the community in a judgment when he stated,

“Every year, drunk driving leaves a terrible trail of death, injury, heartbreak and destruction... In terms of deaths and serious injuries resulting in hospitalization, drunk driving is clearly the crime which causes the most significant social loss to the country .The social cost of the crime, great as it is, fades in comparison to the personal loss suffered by the victims of this crime through the death and injury of their loved ones.”

The availability of Peel Regional Police to answer other calls is also greatly affected by this particular offence. It takes approximately 4 to 5 hours to process an impaired driver when such an arrest is made; Ontario’s Addiction Research Foundation further estimates that approximately 45% of court time is spent on trials of impaired drivers. Once again the availability of a police officer is in jeopardy.

In the past, the Peel Regional Police handled the problem of impaired driving through directed patrol, year round and festive season RIDE (Reduce Impaired Driving Everywhere) spot check programs, poster campaigns, lectures, presentations and displays.

The Peel Regional Police have also been actively involved with such organizations as Against

Drunk Driving (ADD) and the Ontario Community Council on Impaired Driving (OCCID). In 1992 the Peel Regional Police and ADD developed “Operation Lookout,” a program that provides a designated phone number where citizens can report impaired drivers.

These programs were reactive, as they tended to approach the problem after the impaired driver had entered their vehicle. The accreditation process, adopted by the Peel Regional Police, invited its members to consider new approaches in which to solve this old and persistent problem.

The accreditation program for law enforcement agencies is a joint effort of the Commission on Accreditation for Law Enforcement Agencies Inc., (CALEA) and four major law enforcement executive membership associations. CALEA was formed in 1979 to establish a body of standards designed to (1) increase law enforcement agency capabilities to prevent and control crime; (2) increase agency effectiveness and efficiency in the delivery of law enforcement service; (3) increase cooperation and coordination with other law enforcement agencies and with other agencies of the criminal justice systems; and (4) increase citizen and employee confidence in the goals, objectives, policies and practices of the agency.

In addition, the Commission was formed to develop an accreditation process that provided law enforcement agencies an opportunity to demonstrate voluntarily that they meet an established set of professional standards.

CALEA standard 61.1.10 deals with alcohol enforcement countermeasures and encourages alternate means in dealing with impaired drivers. One proactive measure would be to study and identify the supplier of the beverage, and attempt to address the problem from that end.

Constable Carrier together with Computer Services developed a reporting system in which data relating to all criminal driving offences as well as all 12-hour driver’s licence suspensions is down loaded for further analysis. This data includes but was not limited to the following:

1. Date, time, day of the week, and location of the offence
2. Date, time, day of the week, and location of the arrest
3. Age, sex, and occupation of the accused
4. All charges involved in the occurrence (impaired, excess, drive while disqualified, etc.)
5. "Drinking at" location
6. Blood alcohol concentrations
7. Whether the arrest was made as a result of a collision and, if so, the type of collision (property damage, personal injury, fail to remain, fatal)
8. Year, make, model, style, and colour of the accused's vehicle

This data is then forwarded monthly to Constable Carrier, the program coordinator, for analysis and distribution.

The information provides a means of identifying locations where a significant number of collisions and/or enforcement activity have occurred. This lets police focus enforcement, and identifies licensed premises which over-serve alcohol to their patrons.

### **Last Drink Findings**

In 1995, 1019 persons were arrested for impaired driving within the Region. All of these subjects were asked where they had been drinking prior to their arrest.

Of these subjects, 26% had been drinking at a licensed premise, 31% at another location (i.e. home, friend, work, etc.), and 43% did not reveal the location.

Assuming that the number of the unknown locations can be separated in the same ratio as outlined above, the actual percentage of persons drinking at a licensed premise prior to being arrested may be as high as 46%.

### **RESPONSE**

The goal of the program was to reduce incidents of impaired driving influencing licensed premises operators and alcohol servers into taking responsibility for their serving practices.

The Supreme Court of Canada was in agreement that licensed premises shared the responsibility for safety on the roadways as illustrated by Mr. Justice Jack Major when he stated,

"There is no question that commercial vendors of alcohol owe a duty of care to persons who can be expected to use the highways ... If the patron drives while intoxicated and is involved in an accident, it is only chance which results in the patron being injured rather than a third party. The risk to third parties from the patron's intoxicated driving is real and foreseeable..."

The first step by the Peel Regional Police was to keep a database of all licensed premises within the Region in which people had been drinking prior to their arrest for impaired driving. This database included:

1. Name and address of the licensed premises
2. The report number
3. The date, day of the week, and time of the occurrence
4. The age, sex, and occupation of the accused
5. Whether a collision was involved and if so, the type of collision
6. The blood alcohol concentrations

By analyzing this data, the police were able to identify the establishments, which continually posed a problem to the community, and take corrective measures including:

1. Advising the establishment's management and employees of the problem.
  2. Offering to help train management and employees in recognizing intoxicated patrons.
  3. Advising management and employees of their obligations and responsibilities under current legislation and civil law.
  4. Providing management and employees with appropriate literature.
  5. Increasing enforcement in the areas of these establishments.
3. A third offence, within 24 months of the second violation; a full investigation is launched, including covert surveillance, in order to stringently confront the situation and, if warranted, initiate some form of disciplinary action.
  4. Cases where the patron's BAC is less than 150 mg/ml, no action is taken unless there are three such referrals in twelve months. When this criterion is met, step one is taken.

Around this time, the Liquor Licence Board of Ontario (LLBO) was under public pressure to deal with crime-ridden licensed premises. With a view to preventing over-service and impaired driving the Peel Regional Police and the LLBO formed a partnership to share information on licensed premises. This became known as the "*Last Drink Campaign*."

With this information at hand, the LLBO was able to direct its limited resources to those premises with a demonstrated problem. By doing this, the LLBO reduced the workload of the police.

The LLBO adopted the following policy:

1. Cases where a patron is arrested with a blood alcohol concentration (BAC) in excess of 150 mg of alcohol per 100 ml of blood; an advisory letter is sent to caution the licensee on the implications of such an occurrence and the need to address the situation.
2. A second offence in relation to the same premises within a two-year time frame; a member of LLBO field staff is assigned to meet with the licensee, counsel them on their obligations and the legal implications of such occurrences, and provide applicable reference material and guidance as to avoidance measures.

The news of the cooperation between the police and the LLBO was published in local and the national media, as well as in the LLBO publication *Licenceline*, which is distributed to all licence holders within the province.

The Peel Regional Police also published its own pamphlet on the Last Drink Program for distribution to licensed premises within the region and the public. Constable Carrier, a member of the Regional Breathalyzer Bureau, appeared on a local television network to talk about the program.

## ASSESSMENT

As a result of the Last Drink Program, the police and LLBO resources are directed in the most efficient manner.

The information provided to the LLBO by police makes it possible for their inspectors to target specific premises without wasting valuable time on background checks. The police also supply details of all incidents involving a subject establishment for use in any subsequent judicial hearing.

At the same time, the LLBO has taken on the role of visiting and educating these problem establishments. Since the inception of the Last Drink Program, the LLBO has sent numerous letters of warning, made site inspections, cautioned several licensees, conducted several joint covert operations with the police, and are presently prosecuting one establishment.

In 1994, 19 impaired drivers arrested within the Region of Peel advised that they had been

drinking at one particular establishment. Through warning letters and site inspections this figure was reduced by 50% in 1995.

In the area of enforcement, the Last Drink Program is used to direct the RIDE spot check units to areas where they are most likely to encounter impaired drivers.

Other organizations have also become aware of the Last Drink Program, and have built on its success. For instance, the Ontario Provincial Police asked for the assistance of the Peel Regional Police in planning a Police and Alcohol Servers Seminar. Licensees of local establishments were invited to an one-day seminar where members of the police, the Judiciary and victims of drunk drivers gave presentations on the effects of drinking and driving. Emphasis was also placed on the liability of the licensee.

The Addiction Research Foundation requested some of the collected data to perform a study of their own. They also requested that Constable Carrier make a presentation at their North American conference on alcohol policy.

As a result of this campaign, the police have sent two key messages to the community. We are actively attempting to prevent impaired driving before the offence is actually committed, and anyone driving while impaired is more likely to be arrested.

#### **NOTES**

1. Constable Dan Carrier initiated the Last Drink Program. At the time, he had been empowered by management to develop directives for the Traffic Services Branch of the Organization for the accreditation process.
2. This officer has been trained in the aspects of Problem Oriented Policing and was the Traffic Services Problem Oriented Policing Coordinator. He has a background in engineering and is skilled in analyzing data. He has received a motivational award for his work on the Last Drink Program.