



Impaired Driving Policy

Purpose:

To provide an overview of relevant legislation to EPS sworn members when investigating impaired driving offences.

Statement of Principle:

The EPS is committed to providing traffic services pertaining to impaired driving to the City of Edmonton through the enforcement, investigation, and implementation of road safety initiatives.

Policy Statement:

There is applicable impaired driving legislation at both the Federal and Provincial level. This policy outlines available options for members to consider when determining the correct path to take when investigating incidents of impaired driving.

A. Immediate Roadside Sanctions (IRS) Program

1. The Alberta IRS program is a provincial administrative program that involves immediate and escalating consequences for an impaired driver including licence suspensions, vehicle seizures, and monetary fines. It can be used in the absence of criminal charges or in conjunction with criminal charges.
2. The program and the associated *Notice of Administrative Penalty Form* have 5 different sanction categories as follows:

- a. Section 1 (IRS Zero-Novice)

This section of the IRS Program is used when a Graduated Driver's Licence or Novice driver is found to have any alcohol or drugs in the body as part of the Zero Alcohol and Drug Tolerance Program.

- b. Section 2 (IRS Zero-Commercial)

This section is used when a Commercial Driver (operating a vehicle above 11,794kg or with capacity of 11 passengers or more including the driver) is found to have any alcohol or drugs in the body as part of the Zero Alcohol and Drug Tolerance Program.



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c. Section 3 (IRS WARN)

This section is used when a fully licenced driver provides a sample reading of “CAU” on an ASD or a sample of 50 mg% - 70 mg% on an Intoxilyzer EC/IR II.

d. Section 4 (IRS FAIL)

This section can be stand-alone or issued in conjunction with criminal charges. It is separate from criminal court proceedings and unaffected by those outcomes. An IRS Fail means police have reasonable and probable grounds (RPG) to believe a person has operated a vehicle while impaired by alcohol, drugs or a combination and or has a blood alcohol concentration equal to or greater than 80 mgs% (80 milligrams of alcohol in 100 millilitres of blood) or refused a lawful impaired related demand.

e. Section 5 (IRS 24-HOUR)

This section is used when a peace officer has reasonable grounds to suspect that a driver has a medical or physical condition (including fatigue) or has consumed alcohol, drugs or other related substance that may have affected their physical or mental ability to safely operate a motor vehicle.

B. Impaired Driving Criminal Charges

1. The following is a list of potential CC charges relating to impaired driving:

- a. Section 320.14(1)(a) CC – Impaired Operation
- b. Section 320.14(1)(b) CC – Blood alcohol concentration equal to/over 80mg
- c. Section 320.14(1)(c) CC – Blood drug concentration equal to/exceed prescribed limit
- d. Section 320.14(1)(d) – Blood alcohol concentration and blood drug concentration equal to/exceed prescribed limits
- e. Section 320.14(2) CC – Impaired Operation Causing Bodily Harm
- f. Section 320.14(3) CC – Impaired Operation Causing Death
- g. Section 320.15(1) CC– Failure or Refusal to comply with Demand.
- h. Section 320.15(2) CC – Failure or Refusal: Bodily Harm



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- i. Section 320.15(3) CC – Failure or Refusal: Death

C. Ignition Interlock Program

This is a program designed to limit the capacity of an individual with prior impaired driving offence from operating a vehicle while impaired. The program requires individuals who are part of this program to perform a breath alcohol test into ignition interlock technology prior to operating a motor vehicle.

D. Checkstop Program

The Edmonton Police Service Checkstop Program is intended to increase public safety and awareness while reducing crime and victimization on area roadways through the enforcement of impaired driving laws. The Checkstop Program achieves this goal through proactive operations designed to both deter and catch impaired drivers.

E. Curb the Danger

Curb the Danger is an impaired driving initiative that asks motorists to call police when they observe a vehicle being driven in a manner that would lead them to believe the driver might be impaired. This program seeks to intercept the reported vehicles. When an interception is not made, alternative steps are taken to follow-up with the vehicles registered owner when a licence plate is provided. When a licence plate has been previously reported to the Curb the Danger Program, a member of Specialized Traffic Section will review the circumstances to determine if further police follow-up is warranted.

The EPS is committed to deterring impaired driving and employs all the above tools, which includes, education, enforcement (Provincially and Federally) and public participation.