



Families For Justice
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The Standing Committee on Public Safety and National Security
Parliament of Canada
Ottawa, Ontario K1A 0A9

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Dear Honourable Members of Parliament and the Standing Committee on Public Safety and National Security;

Thank you for inviting me to be here today. My name is Markita Kaulius, and I am President of the Families For Justice Society. Families For Justice, is a non-profit organization made up of parents, family members and supporters who have all had a child or loved one killed by an impaired driver in Canada, and are advocating for tougher Impaired Driving Laws.

My 22 year old daughter Kassandra Kaulius was killed by an impaired driver on May 3, 2011. My daughter was driving home after coaching a Softball game, and had the right of way to make a left turn. Kassandra was struck in the driver's side door at 103 km by an impaired driver, and she was left to die as the impaired driver ran away from the collision. The driver was speeding thru the intersection on a red light that had been red for 12 seconds. Kassandra lost her life because an impaired driver made the choice to drink and then drive, while being impaired.

My world and that of my family has been changed forever. There are no words in the English language to describe to you, the shock, pain and heartache that a family is forced into, and must live in for the rest of their lives.

Impaired Driving is the number # 1 Criminal cause of death in Canada. Every year, impaired driving leaves a terrible trail of death, injury, heartbreak and destruction. From the point of view of numbers alone, it has a far greater impact on Canadian society than any other crime. In terms of the deaths and serious injuries resulting in hospitalization, lost work time, and rehabilitations, impaired driving is clearly the crime which causes the most significant social loss to the country.

Risky recreational and long term drinking can result in a wide range of negative impacts on society, including increased rates of premature illness, death, disability and disease, reduced productivity, a burdened on our health care system, and a high financial burden to both the individual, society and to the Government.

Research shows that drinking alcohol was the third highest risk factor for global disease and financial burden in 2010, moving up from being ranked sixth in 1990. Impaired driving creates a stress on law enforcement and health care costs. The stress also affects front line responders such as Police Officers, Firemen, Ambulance services, and Emergency medical care personnel. More and more we hear about how PTSD Post Traumatic Stress Syndrome, often affects them in the aftermath of a horrific collision. It causes a financial burden on insurance costs, loss of wages, property damages, rehabilitation treatments, counselling and therapy services. Stress can lead to the breakup of families, and the dissolution of marriage's that cannot survive the losses.

Stats show it is costing Canadian taxpayers billions of dollars in dealing with impaired driving. When the health and social costs for deaths, injuries and damage to vehicles are included, costs related to impaired driving (including alcohol and other drugs) were estimated at over \$20.6 billion a year in 2010 alone. For every dollar earned by the Liquor industry, it is costing the Federal Government of Canada \$3.00 in rehabilitation and related expenses for insurance and damage expenses.

In 2011 the year my daughter was killed, \$20.4 Billion Dollars was spent on the aftermath of impaired driving. Imagine for a moment...how that money could have otherwise been spent on other things like Health Care, Education, and Transportation and Infrastructure improvements?

Awareness campaigns are important for increasing knowledge and changing attitudes, but they do not always change drinking behaviours, or the intentions to drink. There is a lack of awareness among Canadians about the full impact of alcohol on health.

Among psychoactive drugs, alcohol-related disorders were the **top cause of hospitalizations** in Canada in 2011. Globally, alcohol was linked to over 3 million deaths per year in 2012, slightly more than lung cancer and HIV/AIDS combined.

In 1998, there were over 87,000 incidents of impaired driving linked to alcohol in Canada. The number of incidents has fluctuated over the years, reaching a low of over 76,000 incidents in 2006 before increasing again to a high of over 86,000 in 2009. More recently, the number of reported incidents was over 72,000 cases in 2015.

Millions of Canadians continue to drink and drive because they can do so with little fear of being stopped let alone charged and convicted. Recent survey results indicate that one could drive drunk once a week for more than three years, before even being charged with an impaired driving offence, and for over six years before ever being convicted.

Among those accused of impaired driving who cases were handled by a criminal court in 2014/2015, at least 16% had been charged in a previous impaired driving case within the past 10 years in the same jurisdiction, regardless of whether or not they had been found guilty.

Moreover, cases of impaired driving causing death or bodily harm were more likely (20%) to involve an accused who had prior contact with the courts for impaired driving offence. The same trend was observed in cases where the accused refused to provide a breath, urine, or blood sample (21%).

Admissions to provincial sentenced custody for impaired driving, are more likely to be intermittent than admissions for other offences. The most common sentence was the payment of a fine. About 1 in 10 received a prison sentence, with a median of 33 days. Of all admissions to provincial sentenced custody for impaired driving about four in ten were for sentences to be served intermittently.

An intermittent sentence allows a person sentenced to custody to serve their sentence in separate time periods, usually on weekends. **About four in ten (41%) admissions to provincial sentenced custody for impaired driving in 2010/2011 were intermittent sentences, compared to 15% for all offences.**

Correctional Service Canada (CSC), which is responsible for inmates sentenced to two or more years of custody, reported just 70 admissions were for impaired driving in 2010/2011. This represented about 1% of all admissions to sentenced custody to Correctional Service Canada.

Over the past 30 years we have had education and awareness campaigns through advertising to educate the public. Yet we still continue to see impaired driving as the No. 1 Criminal cause of death in Canada! On average we are losing the lives of **1250 to 1500 Canadian's each year** to impaired driving collisions and over **60,000 people annually are injured** to a crime that is **100% preventable**. These figures work out to the deaths of **4 to 6 people per day in Canada** and roughly over **190 people are injured each and every day**.

In 2011, the year my daughter was killed there was **1074 other Canadians killed and over 62,000 were injured**. The destruction to families is permanent and life changing. Many families never recover from the loss of their children and loved ones.

Recently a woman in Victoria BC receive her 21st impaired driving charge and a gentleman in Nova Scotia receive his 19th impaired driving charge. The Canadian public is asking Government officials why these people still have a driver's license. They have proven that they have no respect for our current impaired driving laws as they have continued to drive over and over again putting others at risk. Many still drive while being prohibited from driving. How many more chances will they get to drive while being impaired, before they eventually take one or more innocent lives?

Driving is a privilege; not a right to drive!!!

Over the past 5 ½ years we have seen jail sentences anywhere from 1 day in jail, to \$1500.00 fines to 7 weekends in jail to 90 days to be served on weekends only. All of these sentences were given out to people who were convicted of Impaired Driving causing a death and in one case multiple deaths, in one case the driver was given a \$1500.00 fine and 7 weekends after killing 2 young women, one of these women left 6 children between the ages of 2 to 12 orphaned! This was the mpaired drivers 3rd impaired driving charge. With sentences like these given out, they are no deterrents. Sadly these have become case setting precedence for other Court cases, when sentences are being handed down.

We have seen drivers receive sentence's of 2 to 3 years for impaired driving causing a death, but the reality is the actual amount of time being served in jail is a mere 5 to 9 months out of that 2 to 3 year sentence. These types of sentences let Canadians know that you can drink and drive while being impaired, and should you kill someone in Canada you will receive only a minimal sentence for taking a life. We believe that if a **death is involved** there should be a minimum mandatory sentence of 5 years for causing a death.

This crime is no longer considered as acceptable "accidents" in our society. This is why mandatory minimum sentences should be in place. We agree that Mandatory minimum sentences are not for all crimes, but they should be in place to send a strong signal to the public that if you kill an innocent person you will be held accountable for the crime that you have committed in causing the death of an person.

Some may argue there was no intent, because the impaired driver didn't plan to cause a collision on purpose. There are **no** accidents in impaired driving. Accidents happen due to weather conditions or mechanical failures. Impaired driving is a choice made by reckless individuals, who make the decision to put others at risk on our roadways and highways, and they leave a trail of collisions and carnage in their paths.

On September 27, 2015 four family members from 2 separate families were killed. The Neville – Lake family from Vaughn Ontario lost their 3 young children Daniel age 9, Harrison age 5 and Milly age 2 along with their grandfather Gerry Neville. Their grandmother and great-grandmother were seriously injured.

On January 2, 2016 the Van De Vorst family from Saskatoon, Saskatchewan lost their son Jordan, his wife Chanda and their two grandchildren Kamryn age 5 and Maguire age 2 who were all killed by another impaired driver. Both families were wiped out by 2 separate drivers who made the choice to drink and then drive and who were both found to be 3 times over the legal limit to drive at the time of the collision.

The impaired drivers in each of these cases received a sentence of 10 years which was reduced automatically to 9 years and 4 months for time served. This sounds like a long sentence but that equates to a sentence of 2 ½ year sentence for each person's death. Taking off time for good behaviour and day parole which they will receive and out of those 10 year jail sentences, they will actually only serve about 2 years in jail or less, for killing four people in each family. That works out to a petty 6 month's jail time served, - per death!

In supporting families and attending several trials over the last 5 ½ years families have told us, it seems to be that the victims are forgotten, and a human life is not considered valuable within our laws and in our courtroom trials. It seems that the accused is no longer on trial, and it has become the investigation's themselves are on trial. Families are forced into facing a nightmare of having their loved ones killed or injured, and then forced to watch as the accused is protected and has their case pled down to lesser charges in plea deals that are made. When they attend Court, the families have told us how they walk out of our Courts feeling very angry and re-victimized by the Criminal Justice System that the life of their family member was not valued by the very

Criminal Justice System that was to protect them due to the light sentences that are handed down.

The Victims who died, were given a death sentence, and the Families were given a life time sentence, of living without their children and loved ones. Neither Judges nor Lawmakers can make these families whole again. However, "YOU" - as Members of Parliament; can and must work toward preventing the next tragedies!

Currently in Canada if someone is convicted of causing the death of another person by using a gun or knife, they would be sentenced to 7 to 10 years to life. Why is it that after killing someone by impaired driving, our jail sentences so much less? Thousand of Canadians are dying each year in impaired driving collisions. The shock, loss and grief is just as strong when a loved one has been killed by an impaired driver and Canadians believe these crimes are vehicular homicides.

The Criminal Code of Canada states that "Impaired driving causing a death should be punishable by up to a maximum sentence of 10 years." However this is not the usual amount of time given out or the actual amount of time served in prison. In most cases this length of sentence is rarely ever given out by Judges. It has only been a couple of cases recently and the public still feels it wasn't enough jail time handed down based on the severity of the crime.

Any vehicle in the hands of an impaired driver becomes a lethal weapon. A speeding vehicle in the hands of an impaired driver is like holding a 2000 to 3000 pound weapon between someone's hands, aiming it down a roadway. A vehicle driven by an impaired driver does far more damage to a human body, then a gun or knife ever could!

Families For Justice has submitted a Petition with over **117,000** names on it to the Federal Government of Canada; signed by Canadians across the country who are asking for tougher new Impaired Driving Laws including mandatory minimum sentences for impaired driving causing a death. Currently the minimum penalty for killing someone while driving drunk is \$1000. In speaking with other Canadians over the last 5 ½ years; they also want to see tougher prison sentences handed down, because they recognize that the current education campaigns, are just not working to prevent impaired driving deaths.

On September 20, 2010 in the Province of BC the Provincial Government implemented a program that would allow the Police to give out IRP's - Immediate Roadside Prohibitions, ADP's-Administrative Driving Prohibitions and 24 Hour Suspensions to people who were found to be driving while impaired.

In the last 6 years the Police have given out **170,155** Immediate Roadside Prohibitions, Administrative Driving Prohibitions and 24 Hour Suspensions to people who were driving while being impaired. On average the Police are catching between 2200 to 2500 people per month driving while impaired, just in BC. Imagine these numbers in each Province per month or more putting everyone at risk.

Families For Justice has received letters of support from the Alberta RCMP in K Division, the RCMP of E Division in BC, the BC Chiefs of Police Association, the Alberta Federation of

Police Association, the Edmonton Police Department and the Canadian Chiefs of Police Association, who all support us in our efforts to bring about changes to Canada's impaired driving laws. Those in these organizations are the very people who are faced with the reality of impaired driving and deal with the aftermath.

We believe our laws must focus on those who continue to break the law. As a Society we require new responses to the challenges we face, to help reshape attitudes about being impaired by alcohol, and especially in lieu of the upcoming legalization of recreational marijuana drugs, which will add a much higher burden in our communities. We urgently ask this Government to keep our Communities safe, as we owe all Citizens of Canada the commitment to make our streets a safer place.

We hope through a better understanding of the huge loss and costs the impaired driving collisions bring, new and tougher impaired driving laws and restrictions will be the important added deterrent for the public. It will let Canadians know that if they choose to drink and drive and cause a collision while being impaired, new laws will prevail, and they will be held accountable for their actions, and the serious consequences that will befall them.

Increasing knowledge and shifting attitudes is a key first step in the difficult process of changing societal views on drinking alcohol. Some suggestions have been brought to our attention to bring awareness to the public by showing photos of collisions from impaired drinking on alcohol bottles labels, similar to the photos showed on tobacco cigarette packages showing the risks of Cancer. This would bring awareness to the risks and devastation of impaired driving.

Modernization

What is now required is the "modernization of our existing impaired driving laws!"

The various transportation related provisions of the *Criminal Code* have been developed over many decades in response to specific incidents, scientific advances, and court decisions particularly relating to impaired driving. This approach has resulted in some inconsistencies, such as how offenders are sentenced following conviction for impaired and dangerous driving.

There have been numerous amendments to transportation-related offences within the *Criminal Code*, in the area of impaired driving. While these reforms have strengthened measures to combat impaired driving, they have also added to the complexity of the *Criminal Code* which has affected the efficiency of investigation, prosecution, and sentencing.

The proposed legislation would amend all transportation-related provisions in the *Criminal Code* to resolve inconsistencies and increase certain penalties to reflect the seriousness of the conduct.

The proposed legislation would introduce a new Part of the *Criminal Code* that would restructure, simplify, and add new provisions related to transportation offences.

The Bill proposes three impaired driving offences:

- operating while impaired;
- operating with a blood alcohol concentration (BAC) at or over 80 within two hours of driving; and
- refusing to comply with a valid demand.

And four other transportation-related offences:

- dangerous operation of a motor vehicle;
- failure to stop after a collision;
- flight from police; and
- driving while prohibited.

Most of the offences would have corresponding aggravating offences, of causing bodily harm or causing death.

The offence of driving with a BAC over 80 would be changed to having a BAC of 80 or more within two hours of driving. This would eliminate the “*bolus* drinking defence” and strictly limit the intervening drink defence.

- “*Bolus* drinking” is the defence used when the accused claims to have quickly consumed several drinks just before driving and therefore claims that their BAC was not over 80 at the time of driving.
- The “intervening drink defence” is when an accused claims to have consumed alcohol after being stopped by the police or after a collision and therefore claims that their BAC would not have been over 80 while driving.

Strengthened penalties

The proposed legislation would include a harmonized approach to penalties across all transportation-related offences in the *Criminal Code*.

It would include the following:

- Escalating penalties for repeat offenders.
- Making all transportation offences prior offences for one another with the effect of increasing penalties for repeat offenders.
- Doubling maximum penalties for offences without bodily harm or death on indictment from five years to 10 years imprisonment and on summary conviction from 18 months imprisonment to two years less a day.
- Making maximum penalties for all indictable offences causing bodily harm 14 years imprisonment with mandatory minimum penalties of 30 days imprisonment on summary conviction and 120 days on indictment.
- Increasing mandatory minimum penalties for impaired driving and refusal offences causing death from a \$1,000 fine to 5 years in prison.

Public Safety for Canadians must be a priority for this Government! We believe that the Government has a responsibility to protect ALL Canadians, and to ensure that the perpetrators who commit crimes against them, will be punished appropriately. “There should be legislation in place to ensure tougher sentences for those who kill innocent people, and put others at risk in our society!”

Today, I whole heartedly request each of you to take responsibility, and look at what you can do to make Communities safer. Every Canadian Citizen deserves the right to their life, liberty, and the expectations that they can return home safely at the end of each day without the worry of being killed or losing their loved ones to an impaired driver.

Bill C-226 before you, is an extremely important Bill; and as members of the Standing Committee on Public Safety and National Security YOU have the opportunity to make one of the most important decisions in the future laws in Canada!

We feel that Bill C-226 should be a non partisan bill and it should be reviewed in the interest of public safety for all Canadians.

We owe it to the families who have lost loved ones, to rededicate ourselves to the task of finding the most effective measures to finally put an end to impaired driving on our roads. Canadians are counting on this Government, not to give in to the temptation to simply talk tough in the wake of these past tragedies. They are counting on you to stop the next crash, the next injury, the next death. That means having the debate our country needs, founded on the evidence, guided by the lessons of other jurisdictions, and focused on effective deterrence. It is time we measured our progress not in years past; but in the future lives saved.

Respectfully Submitted by;

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