



Just Facts

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Research and Statistics Division

Impaired Driving-Related Offences Subject to a Mandatory Minimum Penalty, 2014/2015 to 2019/2020

This fact sheet presents information on criminal court cases where the most serious offence in the case is an impaired driving-related offence subject to a mandatory minimum penalty (MMP).¹ Data were obtained through a request to the Canadian Centre for Justice and Community Safety Statistics (CCJCSS) and cover the period from 2014/2015 to 2019/2020.

In 2012, the *Safe Streets and Communities Act* imposed mandatory minimum penalties for certain impaired driving-related offences. In April of 2017, the Government of Canada introduced former Bill C-46, *An Act to amend the Criminal Code (offences relating to conveyances)* to strengthen existing drug impaired driving laws and create an even stronger impaired driving sentencing regime. Although all impaired driving-related offences subject to an MMP were included in the study's dataset, offences relating to conveyances only have one or two years of data, depending on the offence.

All impaired driving-related offences subject to an MMP during the period from 2014/2015 to 2019/2020 were included in the study's dataset, specifically:

- s. 253, operation while impaired (72% of all impaired driving-related offences included in the dataset);
- s. 254, testing for presence of alcohol or drug (8%);
- s. 255, impaired driving causing bodily harm (10%); and,
- various s. 320.1 and 320.2 driving-impaired offences relating to conveyances (10%).

¹ There are five offence groups subject to an MMP: firearm-related offences, child-related sexual offences, drug offences, impaired-driving offences, and other offences such as murder and treason offences.





The number of cases² with an impaired driving-related offence subject to an MMP decreased, but comprises a high proportion of all cases involving offences subject to an MMP

The number of cases with an impaired driving offence-related subject to an MMP as the most serious offence in the case decreased by 23% over the course of the study period, from 39,121 in 2014/2015 to 30,172 in 2019/2020. However, cases with an impaired driving offence subject to an MMP as the most serious offence in the case comprised the majority (89%) of all cases with an MMP (most serious in case) during this six-year period.

Trends in the type of decision for cases with an impaired driving-related offence subject to an MMP remained stable

Over the course of the study period, the most common type of decision in cases with an impaired driving-related offence subject to an MMP was a finding of guilt.³ From 2014/2015 to 2019/2020, the proportion of cases with a guilty decision remained relatively stable, between 80% and 82%.

Withdrawn decisions, the second most common type of decision in cases with an impaired driving-related offence subject to an MMP, stayed rather stable during the study period representing about 12% of cases. Acquittals, stays of proceedings or other decisions, each comprised less than 5% of all decisions in cases related to an impaired driving-related offence subject to an MMP.

Trends in sentencing for cases with an impaired driving-related offence subject to an MMP remained relatively stable, though a decrease in fines was observed in 2019/2020

A fine was the most common sentence in cases with an impaired driving-related offence subject to an MMP with a finding of guilt during the study period.⁴ The proportion of guilty cases sentenced to a fine stayed relatively stable, between 80% and 83% from 2014/2015 to 2018/2019. This proportion decreased to 73% in 2019/2020. During this time, there was a corresponding increase in the proportion of guilty cases receiving “other” sentences⁵ as the most serious sentence, from 4% in 2018/2019 to 10% in 2019/2020.

² Data are based on cases, not single offences. A case was included in the dataset only when the impaired driving offence subject to an MMP was the most serious offence in the case.

³ Findings of guilt include both findings of guilt by the court and guilty pleas, since the current data do not allow for the examination of guilty pleas on their own.

⁴ These findings are based on the most serious sentence in a case.

⁵ “Other” sentences includes restitution, absolute and conditional discharge, suspended sentence, community service order and prohibition orders, among others.



Custody was the second most common type of sentence for guilty cases with an impaired driving-related offence subject to an MMP. The proportion of cases that received a custody sentence between 2014/2015 and 2019/2020 remained stable at around 9%.

Custodial sentence lengths for cases with an impaired driving-related offence subject to an MMP were often short (i.e., under 1 year)

The median⁶ custodial sentence length for impaired driving-related offences subject to an MMP fluctuated between 30 and 34 days (approximately 1 month) from 2014/2015 to 2019/2020.

During the six-year study period, the majority of cases (96%) with an impaired driving-related offence subject to an MMP sentenced to custody fell within the “less than 1 year” sentence length range. Specifically, the most common sentence length range was “over 1 to 2 months” (47% of impaired driving cases with an MMP that were sentenced to custody), followed by “over 3 to 6 months” (21%).

The time to case resolution decreased slightly, but overall averaged around 3.5 months

The median case processing time (i.e., how long it takes a case to be resolved)⁷ for cases with an impaired driving-related offence subject to an MMP fluctuated over the course of the study period, but saw an overall decrease. In 2014/2015, the median case processing time was 115 days (or 3.7 months). By 2019/2020, the median case processing time had decreased by 10% to 104 days (or 3.4 months).

⁶ The median is the halfway point in a distribution of counted figures: half of all counted figures lie above the median and half of all counted figures lie below the median.

⁷ The median elapsed time (in days) from a first court appearance to final decision in the case; or the sentencing date for cases that result in a finding of guilt.