

OFFICE OF THE SUPERINTENDENT OF MOTOR VEHICLES

Ignition Interlock Policy



Ministry of
Public Safety
and Solicitor General

FOREWORD

The Office of the Superintendent of Motor Vehicles regulates drivers to help ensure the safe and responsible operation of motor vehicles in British Columbia. To meet this mandate, policies are required in a variety of program areas.

The goal of the Ignition Interlock Program (IIP) Policy is to provide guidance and policy rationale for OSMV adjudicators for assigning drinking drivers to the program. The document is a central repository for policy information regarding the program.

The RDP Policy and Procedures will provide team leaders with a mechanism for training new staff and conducting performance evaluations and reviews.

Approved by:

Steve Martin
Superintendent of Motor Vehicles

Date

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SECTION 2: IGNITION INTERLOCK POLICY

2.0 INTRODUCTION

The Ignition Interlock Program, introduced on June 15, 2005, is a provincial program designed to reduce drinking driving recidivism. People at risk or caught drinking and driving may be required to have an interlock device installed in their vehicle at their own expense to prevent the vehicle from being started or operated when the driver has been drinking.

An ignition interlock is a device that measures a driver's alcohol level and is linked to the vehicle's ignition system. The vehicle will not start unless the driver's alcohol concentration is below a pre-set BAC. Once the vehicle has been started, the interlock device requires the driver to provide breath samples at random intervals while the engine is running. If a breath sample is not provided or if alcohol is detected, the device will issue a warning, record the event and blood alcohol content (BAC) and activate an alarm until an acceptable sample is provided or the vehicle is turned off. They are highly accurate, using the same breath test technology as many evidential instruments used by law enforcement agencies.

Individuals who commit an impaired driving offence under the Criminal Code of Canada and are subsequently convicted are subject to this program. Other drivers may be subject to this program at the discretion of the Superintendent of Motor Vehicles, based on alcohol-related events on their driving records. At this time, the Program does not allow offenders to take advantage of the reduction in the period of driving prohibition allowed by federal law.

If a driver is referred to the interlock program, it will be a mandatory condition of licence reinstatement. Program participants will obtain a conditional driver's licence which will allow them to operate vehicles equipped with an interlock device only. They must ensure that the device is operated properly and not tampered with. Clients who violate the program conditions may be removed from the program and lose their driver's licence or may have the ignition interlock period extended. When someone registered in the program is apprehended for driving a vehicle without the device, police may issue a violation ticket and provide a report to the Superintendent which may result in a prohibition from driving.

2.1 IGNITION INTERLOCK PROGRAM

Policy Rationale

Drinking driving remains a leading cause of injuries and fatalities on British Columbia highways. Many jurisdictions in North America have enacted legislation that has created interlock programs for drinking driving offenders.

Interlock devices allow offenders to resume driving legally while substantially reducing their ability to drive drunk. Despite the differences in the various studies and programs, evaluations of interlock programs are remarkably consistent. The re-arrest rate among offenders with an interlock device has been found to be as much as 75% lower than those without the device (source Traffic Injury Research Foundation). Once the interlock is removed from the vehicle, recidivism returns to a rate similar to that among drinking drivers who did not participate in an interlock program.

The effectiveness of the interlock device was also recognized by the federal government during the 1999 Canadian Criminal Code amendments. The amendments added a provision supporting the early use of interlocks by provinces and territories to combat impaired driving. National organizations opposed to drinking and driving, such as Mothers Against Drunk Driving (MADD) and the internationally acclaimed Traffic Injury Research Foundation, support the use of interlock devices.

Policy

2.1.1 Eligibility

As of February 01, 2009 any driver referred to take the RDP must also participate in the Ignition Interlock Program. Prior to February 1, 2009 referral to the Ignition Interlock program was based on a risk assessment after completion of the RDP. The goal of the Interlock program is to prevent subsequent drinking driving problems and at the end of the program to have the driver become fully reinstated licensed driver with little risk of recidivism.

There are six possible “triggering events” which might result in OSMV making a referral into the Responsible Driver Program:

- An alcohol-related Criminal Code or Motor Vehicle Act conviction;
- One 90-day driving prohibition;
- Three separate administrative driving prohibitions;
- Any combination of three separate and unrelated administrative driving prohibitions or 90 day driving prohibitions;
- Drivers with 3 or more criminal code convictions who have served a minimum of 5 years in the Indefinite Licence Suspension program;
- At the discretion of the Superintendent of Motor Vehicles.

2.1.2 FACTORS TO CONSIDER

Some drivers referred to complete both the RDP and Ignition Interlock Programs may continue to drive with an interlock device, after serving any driving prohibitions, and while participating in the RDP. These drivers who are eligible to have their driver's licence reinstated will have an ignition interlock condition placed on their driver's licence for a minimum of 12 months. Drivers who do not install a device must not drive.

For clients who do not meet the post February 1/09 mandatory interlock criteria, program adjudicators must review each case individually to determine whether the interlock requirement will be required of the driver. In deciding whether a referral to the interlock program is necessary, the adjudicator will review the post-intervention assessment report, or education program report and the driving record of the client. Those drivers who have a higher than acceptable risk of re-offending should be referred to the program to facilitate a safe return to driving.

The following should be considered:

- Alcohol-related Driving record
 - History of drinking driving incidents that lead to the concern that the client has a high risk to re-offend (first or repeat offender);
 - Whether the drinking driving incident(s) were 24 hour prohibitions, Administrative Driving Prohibitions or a Criminal Code convictions;
 - BAC level and whether the drinking driving involved a crash (if available)
- A post-intervention assessment report from Stroh Health Care
 - Risk to re-offend;
 - Length of sobriety;
 - Evidence of alcohol abuse or misuse problem;
 - Participation scores;
 - Lifestyle changes and personal supports;
 - Demographic or economic factors;
 - Recognition of the potential harms of drinking driving.

- Education Program Report
 - Level of participation
 - Summary comments
- Any other relevant information
 - Medical reports (i.e., a physician's report of a drinking problem)
 - Unsolicited reports

Low risk offenders may receive full unrestricted driving privileges.

2.1.3 PROGRAM DURATION

Once the ignition interlock device has been installed, it must remain in the vehicle for a minimum ignition interlock period.

The recommended periods are:

- At least 12 months for a 1st criminal code driving offence (or combinations of administrative driving prohibitions);
- At least 24 months for a 2nd criminal code driving offence;
- At least 36 months for a third and subsequent criminal drinking driving offence.

The interlock must remain on the individual's vehicle(s) for a minimum of 12 months from the issue date on the Ignition Interlock Restricted Driver's licence. Individuals issued an Ignition Interlock Restricted Driver's licence may only operate a vehicle equipped with an interlock device until they are issued an unrestricted licence.

If the interlock device is removed before the ignition interlock period is completed, the conditional driver's licence will be cancelled.

2.1.4 PROGRAM VIOLATIONS

The driver is required to report to the interlock installer to have the ignition interlock device checked and the information recorded and provided to OSMV for monitoring purposes. Actions will be taken against participants who do not comply with the program's conditions or who incur violations. Program violations include but are not limited to:

- attempts to drive after drinking
- attempts to bypass or tamper with the device
- failing to report for monitoring checks
- failing to take a test or re-test when required
- a start violation
- having a high blood alcohol content level

- tampering with the device
- using an emergency override

Note: The applicant is accountable for the activities of other persons using the interlock-equipped vehicle

Participants with a record of repeated interlock fails (i.e., high BACs) are at higher risk of recidivism than those with few or no fails. Therefore, swift action should be taken by the adjudicator if a driver registers an unexplained fail or warn.

The action that may be applied to program violations range from a warning, to an extension of the interlock period to the most serious action which is removal of the driver from the interlock program and prohibition from driving. However, the type and severity of the sanctions imposed also depends on a number of factors, including the nature and circumstances of the violation, the number of previous warnings, the post-intervention assessment report, the driving record and any driver submissions.

2.1.5 REVIEW/APPEALS

The Interlock restricted driver may have a review of the decision to extend the interlock period. The review will be conducted by an adjudicator who was not involved in making the original decision.

2.1.6 SERVICE STANDARDS

The service standard for correspondence is 30 days.

2.1.7 PROCEDURES

1. The adjudicator will consider all the factors outlined in policy above and, where an interlock assignment is not mandatory, they will determine whether to refer the driver to the interlock program.
2. If an ignition interlock device is recommended, the adjudicator will prepare a written decision letter notifying the client that they are required to have an ignition interlock device installed in their vehicle prior to obtaining a driver's licence.
3. The decision letter must include:

- The decision and reasons (why the driver is required to participate in the program)
 - Length of interlock requirement
 - Relevant law
 - Ignition interlock Program Information for participants fact sheet (if the driver is being referred to the program)
4. If the client is not assigned to the Ignition Interlock Program upon completion of the RDP, the driver will be sent a letter advising them that they may proceed with their application for a driver's licence. If the client possesses a valid driver's licence they will be notified that they are fit to drive. In both cases, the letter to the client will also advise that their driving record will be monitored for a 5 year period and any re-offences will result in their having to re-take the RDP and may be subject to the ignition interlock program while they re-take the RDP.

2.1.8 REINSTATEMENT OF UNRESTRICTED DRIVING PRIVILEGES

The reinstatement of unrestricted driving privileges depends on the driver's performance in the program.

In addition to completing the interlock period, the client will have to have demonstrated their ability to completely separate drinking from attempting to drive by showing no unexplained warns or fails on the interlock device installed in their vehicle for a consistent period of time. If the driver does receive warns or fails that can be attributed to alcohol consumption, their interlock period may be extended at the discretion of a Programs Adjudicator. The interlock term will continue to be extended if the client continues to receive unexplained or alcohol-related warns or fails. The client will be notified in writing of any extension to their interlock term and Guardian Interlock Systems will be notified of the client's new anticipated end date by email.

In order for the licence condition to be removed, an offender must complete the minimum period without any, or minimal, unexplained or alcohol-related warn or fail readings on the interlock device installed in their vehicle.

2.1.9 AUTHORITY

The authority for the ignition interlock program and the licence condition is found in section 25.1 and 25 (12) of the *Motor Vehicle Act*.



Responsible Driver Program Policy

JANUARY 2011

REMEDIAL PROGRAM POLICY

FOREWORD

The Office of the Superintendent of Motor Vehicles regulates drivers to help ensure the safe and responsible operation of motor vehicles in British Columbia. To meet this mandate, policies are required in a variety of program areas.

The goal of the Responsible Driver Program (RDP) Policy and Procedures is to provide guidance and policy rationale for OSMV adjudicators for assigning drinking drivers to the RDP. The document is a central repository for policy information regarding the program.

The RDP Policy and Procedures will provide team leaders with a mechanism for training new staff and conducting performance evaluations and reviews.

Approved by:

Steve Martin
Superintendent of Motor Vehicles

Date

REMEDIAL PROGRAM POLICY

DISCLAIMER

The RDP Policy and Procedures are intended to provide guidance to adjudicators in the application of legislation, without fettering the discretion of adjudicators.

REMEDIAL PROGRAM POLICY

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SECTION 1: INTRODUCTION

1.1 Purpose

The purpose of the RDP Policy and Procedures is to provide information about the policy and legislation supporting RDP and provide guidelines for adjudicators for assigning drivers into the program and adjudicating licensing decisions at program completion.

1.1.1 Program Overview and Rationale

Alcohol related traffic crashes claim more lives annually than homicides, fires and drowning combined. Every Canadian province, as well as many jurisdictions throughout the world, has a compulsory rehabilitation program for drinking drivers. Evaluations of these rehabilitation programs indicate that they reduce the risk of repeat driving while impaired accidents and convictions, especially when used in conjunction with other sanctions. Research indicates that remedial programs for drinking drivers reduces subsequent alcohol-related convictions and crashes, and positively influences attitudes, beliefs and, ultimately, alcohol use for drivers who attend them.

RDP is British Columbia's mandatory rehabilitation program for drivers with a record of impaired driving offences. RDP draws from best practices in substance abuse and focuses on increasing public safety on provincial roads and highways by providing drivers with an opportunity to change their drinking driving behaviour. Although other substance abuse programs and services may have some similarities to RDP, they are not considered to take the place of RDP.

RDP is designed to address problem driving behaviour associated with either alcohol or drug abuse. Depending on their specific needs, RDP participants will be screened individually in to an eight hour education component or a sixteen hour counselling component. RDP is delivered province-wide by Stroh Health Care (Stroh).

RDP was introduced in British Columbia on June 15, 2005. Section 25.1 of the *Motor Vehicle Act (MVA)* makes the program mandatory for drivers referred to it by the Superintendent of Motor Vehicles (the Superintendent). Section 117 of the *MVA* authorizes the Superintendent to delegate duties, functions and decision-making powers to appropriate employees of the OSMV.

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Drinking drivers are routinely assigned to RDP when their driving record indicates a *Criminal Code of Canada (CC)* or *MVA* impaired driving conviction or multiple *MVA* drinking driving events occurring after the launch of the program on June 15, 2005. Other drivers may also be assigned to RDP if the Superintendent considers it to be in the public interest for the driver to participate.

Drivers may be allowed to drive while in RDP, but must complete the program in order to retain or obtain their driver's licence. When participants complete the program, they are assessed for their fitness to drive and may be referred to additional programs if the Superintendent considers it necessary.

Participants that are found unfit to drive and denied a driver's licence may apply for an administrative review of the Superintendent's decision.

1.2 Audience

The RDP Policies and Procedures are provided to all OSMV employees, who have delegated authority to make decisions under Section 25.1 and 233 of the *MVA*.

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SECTION 2: GENERAL POLICY MATTERS

2.1 Legislative Authority

[Section 25.1](#) of the *MVA* authorizes the Superintendent to require a driver to take a driver training course, a remedial program or an ignition interlock program, when considered necessary. Under this legislation, the Superintendent can require the completion of a program as a condition of retaining an existing driver's licence, or as a condition of licence reinstatement for those who have lost driving privileges.

[Section 233\(7\)](#) of the *MVA* automatically extends a driving licence suspension resulting from a motor vehicle related CC offence when the suspension expires and the driver has not paid for, attended, participated in or satisfactorily completed RDP.

2.1.1 Other Relevant Legislation

The following is a list of sections of the *MVA* and *CC* commonly referred to in the application of RDP policy.

Motor Vehicle Act (MVA)

MVA s29	Examination of licences for fitness and ability to drive
MVA s90.3	12-hour licence suspension
MVA s92	Prohibition from driving relating to fitness or ability to drive
MVA s93	Prohibition from driving by Superintendent
MVA s94	Appeal of prohibition from driving
MVA s94.1	Notice of driving prohibition
MVA s94.2	Effect of notice of driving prohibition
MVA s94.3	Duties of peace officer
MVA s94.4	Review of driving prohibition
MVA s94.5	Considerations
MVA s94.6	Decision of the Superintendent
MVA s98	Court prohibition from driving
MVA s99	Automatic 12 month prohibition from driving on conviction
MVA s215	24-hour driving prohibition

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MVA s215.1	Review of driving prohibition
MVA s215.2	Superintendent review of driving prohibition considerations
MVA s215.3	Decision of the Superintendent
MVA 215.43(1)	Effect of driving prohibition under section 215.41
MVA 215.46(2)	Effect of driving prohibition under section 215.41
MVA 215.5	Decision of superintendent after review under section 215.48
MVA s224	Driving with more than 80 milligrams of alcohol in blood
MVA s225	Demand for blood sample
MVA s226	Refusal to give blood sample
MVA s230	Report of psychologist, optometrist and medical practitioner
MVA s232	Automatic licence suspension
MVA s234	Driving while licence suspended

Criminal Code of Canada (CC)

CCC s220	Causing death by criminal negligence
CCC s221	Causing bodily harm by criminal negligence
CCC s236	Manslaughter involving a motor vehicle
CCC s249(1)(a)	Dangerous operation of a motor vehicle causing bodily harm
CCC s249.1(1)	Flight
CCC s249.1(3)	Flight causing bodily harm or death
CCC s249.2	Causing death by criminal negligence – Street Racing
CCC s249(3)	Dangerous operation of a motor vehicle causing death
CCC s249.3	Street racing causing bodily harm
CCC s249(4)	Dangerous operation of a motor vehicle causing death
CCC s249.4(1)	Dangerous operation of a motor vehicle while street racing
CCC s249.4(3)	Dangerous operation of a motor vehicle causing bodily harm – street racing
CCC s252(1)	Failure to stop at the scene of an accident
CCC s253(1)(a)	Operating a motor vehicle while impaired by drugs or alcohol
CCC s253(1)(b)	Operating a motor vehicle with more than 80 mg % alcohol in

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	blood
CCC s254(5)	Failure/refusal to provide a sample of breath or blood
CCC s255(2)	Operating a motor vehicle while impaired causing bodily harm
CCC s255.21	Impaired over /08 causing accident resulting in bodily harm
CCC s255.22	Fail/refuse to provide sample – bodily harm
CCC s255(3)	Operating a motor vehicle while impaired causing death
CCC s255.31	Impaired over .08 causing accident resulting in
CCC s255.32	Refusal to provide breath/blood sample – causing death

2.2 Delegation of Authority

[Section 117](#) of the MVA gives the Superintendent authority to delegate any or all powers, duties or functions. Under this legislation the Superintendent delegates decisions related to RDP referrals to OSMV and Insurance Corporation of British Columbia (ICBC) employees.

2.3 Role of the Adjudicator

The role of the adjudicator is to make appropriate assignments to the RDP, taking into account the purpose of legislation, the facts of the case, the principles of administrative fairness, and the four pillars of OSMV: safety, service, fairness and mobility.

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SECTION 3: RDP ASSIGNMENT

3.1 Legislative Authority

The legislative authority for requiring driver participation in RDP is [Sections 25.1](#) and 233 of the MVA. This legislation came into effect on June 15, 2005.

25.1 Remedial courses and programs for drivers

- (1) This section applies if a person has a driving record that in the opinion of the superintendent is unsatisfactory or the superintendent considers that, with respect to the person's driving skills, fitness or ability to drive and operate a motor vehicle, it is in the public interest for the person to attend or participate in one or more of the following:
 - (a) a driver training course specified by the superintendent;*
 - (b) a remedial program or a component of it specified by the superintendent;*
 - (c) an ignition interlock program specified by the superintendent.**
- (2) The superintendent may require a statement in, endorsement on or attachment to the person's driver's licence, adding as a condition of the driver's licence that the person must, in order to continue to hold the licence, attend or participate in and complete, to the satisfaction of the superintendent, a course or program referred to in subsection (1) if it is not, in the superintendent's opinion, contrary to the public interest to allow the person to hold a driver's licence while attending or participating in the course or program.*
- (3) The superintendent may
 - (a) as part of a condition of a driver's licence under subsection (2), specify a date by which or a period of time during which the person must complete the program, and*
 - (b) at any time extend, change or cancel a date or period of time specified under paragraph (a).**
- (4) Section 25 (13) applies to a condition imposed in respect of a person's driver's licence under this section.*
- (5) If it is, in the superintendent's opinion, contrary to the public interest to allow the person to hold a driver's licence while attending or participating in a course or program referred to in subsection (1), the superintendent may require that the person attend and complete, to the satisfaction of the superintendent, a course or program referred to in subsection (1) (a) or (b) before being eligible to apply for a driver's licence under section 25.*
- (6) A person who is required to attend or participate in and complete a program referred to in subsection (1) must pay the prescribed fees.*

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The legislative authority for automatically extending driver's licence suspensions for drivers who do not complete RDP is [Section 233](#) of the *MVA*.

233 Reinstatement of suspended licence

- (1) In this section, "program" means a remedial program or component of it or an ignition interlock program specified by the superintendent.
- (2) The superintendent must notify the Insurance Corporation of British Columbia of a person's right
- (a) to have his or her suspended driver's licence reinstated or to apply for a new driver's licence, as the case may be, in the following circumstances:
 - (i) the person's driver's licence is suspended and the person's right to apply for or obtain a driver's licence is suspended under section 232 (2) and (3) (a) or (b);
 - (ii) the person has,
 - (A) to the satisfaction of the superintendent, attended or participated in and completed a program as required by the superintendent, and
 - (B) paid the prescribed fees, or
 - (b) to apply for a driver's licence at the end of a suspension period of 5 years in the following circumstances:
 - (i) the person's driver's licence is suspended and the person's right to apply for or obtain a driver's licence is suspended under section 232 (2) and (3) (c);
 - (ii) the person has,
 - (A) to the satisfaction of the superintendent, attended or participated in and completed a program as required by the superintendent, and
 - (B) paid the prescribed fees.
- (3) If it is, in the superintendent's opinion, in the public interest for a person in the circumstances referred to in subsection (2) (a) or (b) to participate in an ignition interlock program specified by the superintendent and the person pays the prescribed fees for the ignition interlock program, the superintendent may require a statement in, endorsement on or attachment to the person's driver's licence adding a condition of the driver's licence that the person participate in and complete the ignition interlock program, to the satisfaction of the superintendent.
- (4) The superintendent may
- (a) as part of a condition of a driver's licence under subsection (3), specify a date by which or a period of time during which the person must complete the program, and
 - (b) at any time extend, change or cancel a date or period of time specified under paragraph (a).
- (5) Section 25 (13) applies to a condition imposed in respect of a person's driver's licence under this section.
- (6) If the superintendent notifies the Insurance Corporation of British Columbia
- (a) under subsection (2) (a), the corporation must,
 - (i) on the expiry of the suspension, reinstate the driver's licence if
 - (A) the driver's licence has not expired or been cancelled,

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- (B) the person is otherwise qualified to hold the licence, and*
 - (C) there is no other suspension, cancellation or prohibition under this Act in respect of the driver's licence or the person, or*
 - (ii) on receipt of the notification, allow the person to apply for a new driver's licence, subject to any other suspension, cancellation or prohibition under this Act, or*
- (b) under subsection (2) (b), the corporation must, at the expiry of the suspension period, allow the person to apply for a new driver's licence, subject to any other suspension, cancellation or prohibition under this Act.*
- (7) The suspension of a person's driver's licence and of the person's right to apply for or obtain a driver's licence is extended*
 - (a) if, on the expiry of a suspension under section 232 (2) and (3) (a) or (b), the person has not*
 - (A) attended or participated in and completed a program to the satisfaction of the superintendent, and*
 - (B) paid the prescribed fees, and*
 - (b) until the person has done the things referred to in paragraph (a).*

3.2 Routine RDP Assignments

The Superintendent assigns drivers to RDP when their driving records indicate that it is in the public interest to do so. A drinking driving conviction or multiple alcohol-related prohibitions is evidence of the requirement for remedial intervention. As such, drivers with a record of alcohol related prohibition(s) on their driving record are routinely assigned to RDP and must complete the program in order to obtain or retain their drivers licence.

It is mandatory for drivers to attend RDP when assigned by the Superintendent. However, drivers who are convicted of CC or MVA offences may appeal their convictions through the judicial system. Drivers who receive an Administrative Driving Prohibition (ADP) or a 24-hour driving prohibition may request a review of the prohibition.

3.2.1 Alcohol-Related *Criminal Code* or *Motor Vehicle Act* Convictions

Sections 224 of the *MVA* and Sections 253 and 255 of the *CC* make it an offence for drivers to operate a vehicle when impaired or when the concentration of alcohol in the blood exceeds 80 milligrams of alcohol per 100 millilitres of blood. Section 226 of the *MVA* and Section 254 and 255 of the *CC* make it an offence for a driver to refuse to provide a blood or breath sample when requested by a police officer.

Drivers convicted of offences under Section 224 or 226 of the *MVA* or Section 253, 254 or 255 of the *CC* **are required to complete RDP** before they can re-apply for their driver's licence.

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Drivers convicted of an offence under Section 224 or 226 of the *MVA* are prohibited from driving a motor vehicle for 12 months. Drivers convicted of offences under Section 253, 254 and 255 of the *CC* are prohibited from driving and their driver's licence is automatically suspended as follows:

- For the first conviction – minimum of one year
- For the second conviction within a ten year period – three years
- For three or more convictions – indefinite licence suspension (ILS). Drivers in the ILS program must wait a minimum of five years and complete RDP before they can reapply for a driver's licence.

Although drivers may appeal their *MVA* or *CC* conviction, they do not have a right to appeal a suspension of their driver's licence.

3.2.2 Multiple Alcohol-Related MVA Prohibitions

There are multiple types of driving prohibitions issued to impaired drivers under the *MVA*, they are: 24-hour driving prohibitions, 90 day driving prohibitions; escalating immediate roadside prohibitions and administrative driving prohibitions. These prohibitions may be issued by police officers at the same time as one of the above noted *CC* or *MVA* charges.

90 Day Driving Prohibitions

A 90-day driving prohibition is issued by police officers to impaired drivers who have a blood alcohol level over the legal limit (80 mg/100 ml) or who fail or refuse to comply with a breath or blood alcohol test. Drivers who are issued this must surrender their driver's licence immediately.

When the prohibition period ends, drivers may obtain a new driver's licence from an ICBC driver licensing office. New driver's licences issued as a result of an ADP are for a two year term, instead of the five year term, and are subject to a reinstatement fee.

24-Hour Driving Prohibition

Under Section 215 of the *MVA*, police officers can prohibit drivers from driving for a period of 24 hours if the police officer has reasonable and probable grounds to believe that the driver's ability to operate a vehicle is affected by

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alcohol or drugs. A 24-hour driving prohibition results in an immediate roadside prohibition of driving privileges. If considered necessary, police have the discretion to also impound the driver's vehicle.

Drivers may request an administrative review of their 24-hour driving prohibition if they apply to the Superintendent within seven days of receiving it. If the Superintendent revokes the 24-hour driving prohibition, it is removed from the driver's driving record and is not considered in any subsequent actions. Review decisions are final and binding, but subject to judicial review in BC Supreme Court.

Immediate Roadside Prohibitions (IRP)

As of September 20, 2010, drivers who provide a breath sample above 0.08 per cent BAC or refuse to provide a breath sample at the roadside will face an immediate, 90-day driving ban and a \$500 fine. As well, they will have their vehicle impounded for 30 days. They may also face criminal charges.

Drivers caught once in the "warn" range (between 0.05 and 0.08 per cent BAC) in a five-year period will face an immediate, three-day driving ban and a \$200 fine; a second time, a seven-day ban and a \$300 fine; and a third, a 30-day ban and a \$400 fine. Research shows that driving with a BAC in that range means a driver is seven times more likely to be in a fatal crash than if they have no alcohol in their body.

Drivers who have accumulated multiple ADPs, 24-hour driving prohibitions or Immediate Roadside Prohibitions since Section 25.1 of the *MVA* came into effect in June 2005 are also required to complete RDP before they can obtain or retain their driver's licence.

When a driving record indicates the following combination of *MVA* events occurring since the launch of the program on June 15, 2005, the driver is assigned to RDP:

- Three separate administrative driving events.
- Two separate 90 day prohibitions (only 1 is required if the event occurred after September 20, 2010)
- Any combination of three separate and unrelated 24-hour driving prohibition events or ADP / IRP events.

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3.3 Discretionary RDP Assignments

Other drivers may be assigned to RDP based on their drinking and driving history. Discretionary assignments are evidence-based and result from a thorough review of the driver's driving history and other reliable reports from credible sources indicating drinking and driving. The following factors are considered:

Severity of Offences

- Is there evidence of significant alcohol or drug abuse/addiction from medical reports or unsolicited reports from reliable sources?
- Are there reports from medical professionals indicating significant alcohol addiction or a significant history of alcohol abuse?
- Is there evidence of other drinking driving incidents (i.e., 12 hour licence suspensions)?
- In addition to drinking driving incidents, is there evidence of other bad driving behaviour, for example, excessive speeding, street racing, driving while cancelled or prohibited, and driving without insurance?
- Has the driver participated in other alcohol assessment or remediation programs in the past?
- Has the driver complied with previous program requirements?
- Is there evidence of involvement in motor vehicle crashes, where alcohol or drugs was a factor?
- Is the driver inexperienced (i.e., in the Graduated Licensing Program)?

Frequency of Offences

- Is there evidence that the number of alcohol related driving incidents have reduced/increased in frequency?
- Is there evidence that the driver has been consistently drinking and driving over a long period of time?
- Does the driving record indicate that the driver was assigned to and recently completed RDP?

NOTE: These considerations are not intended to override the policy described in the routine assignments section. Rather, they are intended to capture drivers who may not be routinely assigned but have, in the opinion of the adjudicator, a significant drinking driving history.

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3.4 Driving Restrictions While in RDP

Driving restrictions may be applied to RDP participants. Participants who are in possession of a driver's licence are generally allowed to retain it while completing RDP. Drivers who have had multiple prohibitions or severe drinking driving convictions may have already lost their driving privileges. In these cases, drivers must complete the driving prohibition and/or driver's licence suspension prior to applying for a reinstatement of their licence. When there is evidence that the driver is likely to continue drinking and driving, drivers are not allowed to obtain or retain their driver's licences.

For clients who received all their triggering events on or after February 1, 2009 they are subject to a mandatory minimum 12 month interlock term. These drivers can only retain their driving privileges while participating in RDP if they have an ignition interlock device installed in their vehicle. For post February 1, 2009 CCC clients, they must complete RDP and serve all driving prohibitions and licence suspensions before beginning their mandatory interlock term.

Decisions regarding whether or not to allow a driver to drive while participating in the RDP program are evidence-based and include:

- A thorough review of the driving record.
- A thorough review of the driver fitness file, if any.
- A consideration of the length of time the driver has been accumulating alcohol related driving incidents and whether there has been any indication of change of frequency (i.e., reduction or increase).
- A consideration of unsolicited reports from reliable sources indicating significant alcohol addiction or a significant history of alcohol abuse.
- A consideration of previous participation in remedial or assessment programs and compliance with program requirements.

Factors to Consider:

- How did the driver enter RDP (ILS, CC conviction, MVA offences, other)?
- Is the driver currently licenced?
- Has the driver re-offended following previous interventions?
- Is there a public safety risk as evidenced by recent medical/assessment reports and/or recent driving behaviour?
- Is there evidence of drinking and driving incidents while being involved in any alcohol rehabilitation or counselling programs, including the RDP?

REMEDIAL PROGRAM POLICY

- Is the driver an inexperienced driver, i.e., in the Graduated Licensing Program?

General Guidelines for Driver's Licence Decision

Driver's Licence Allowed	Driver's Licence Not Allowed
<ul style="list-style-type: none">• Driver would otherwise be allowed to apply for a driver's licence at the end of a driving prohibition.• At least one triggering event occurred prior to Feb 1/09	<ul style="list-style-type: none">• Driver is in the ILS Program.• Driver has recent multiple offences.• Driver has a current or previous alcohol-related MVA or• Driver is in the ILS program• Driver has multiple recent offences• Driver has a CC conviction.• Driver has previously participated in RDP and was non-compliant with program requirements.• Driver has recently completed RDP and re-offended.• All triggering events occurred after Feb 1/09.

REMEDIAL PROGRAM POLICY

3.5 Procedures for RDP Assignment

3.5.1 System Triggers

The Driver Licensing System (DLS) automatically triggers an RDP referral when the driving record indicates one of the following events¹:

Motor vehicle related *Criminal Code Conviction (CCC) Triggers*

- One CC conviction or one MVA Section 224 or 226 conviction

Administrative (ADM) Triggers

- One 90 day driving prohibition
- Three administrative driving prohibitions
- One 90 day immediate roadside prohibition

3.5.2 Trigger(s) Review and Assessment

The driving record must be reviewed to determine whether system CCC and ADM triggers are appropriate for an assignment to RDP. CC convictions are reviewed to ensure that they are alcohol-related, and both CC and MVA convictions are reviewed to determine whether an appeal is in process. Administrative events are reviewed to ensure there is the appropriate number of events, events are not related, and events are not under review.

CCC and MVA Triggers (not under appeal)

- All Section 224 and 226 MVA convictions are assigned to RDP.
- CC convictions must be reviewed to determine whether they are alcohol-related. CC convictions under the following sections are clearly alcohol-related, and are assigned to RDP:

- Section 253(a) and 1(a)
- Section 253(b) and 1(b)
- Section 254(5)
- Section 255(2)
- Section 255(3)

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- The following CC convictions which are not clearly alcohol-related will also result in a system generated CCC Trigger. In these cases the driving record must be reviewed to determine whether the conviction is linked to an alcohol-related event (i.e., 12 hour suspension, 24 hour driving prohibition or an ADP), and whether it is under appeal. CC convictions under the following sections which are linked to an alcohol-related event are assigned to RDP:
 - Section 220
 - Section 221
 - Section 236
 - Section 249(1)(a)
 - Section 249(3)
 - Section 249(4)
 - Section 249.1(1)
 - Section 249.1(3)
 - Section 249.4(1)
 - Section 249.4(3)
 - Section 252(1)

Cases that are triggered as a result of non-alcohol related *Criminal Code* Convictions are not assigned to the RDP.

ADM Triggers (that are not under review)

- All drivers with one 90 day driving prohibition or three separate administrative driving prohibitions within the appropriate time frame as noted previously are assigned to RDP.
- Driving records with a combination of events must be reviewed to ensure the events are unrelated to one another. If there is a combination of three separate and unrelated 24-hour driving prohibitions and ADP events within the appropriate time frame that are not under review, the driver is assigned to RDP.

Cases that are triggered and result in less than three separate events are not routinely assigned to RDP. If driving record indicates alcohol-related driving issues, discretion is applied to determine if an assignment is required.

SECTION 4: REGISTRATION COMPLIANCE

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4.1 RDP Registration Requirements

Drivers, who have been granted a driver's licence while they participate in RDP, are advised in writing that they have thirty days to register and twelve months to complete the program.

Exception

The requirement to participate in RDP is postponed to a later date when the driving record indicates the driver has appealed the CC or MVA conviction.

Drivers may contact Stroh through their toll free number for information about the registration process and RDP program components. Stroh will provide drivers with appropriate registration and consent forms. Stroh notifies OSMV when drivers have registered and paid for the program. Screening assessments are scheduled for fifteen calendar days after participants have registered and paid the program fee, if payment is made by cheque. Screening assessments are scheduled as soon as possible for all other methods of payment.

4.2 Non-Compliance

Drivers, who have been allowed to retain their driver's licence or obtain it when their prohibition period has ended, and subsequently fail to register for RDP and/or IIP within the appropriate time frame, will have their driver's licence cancelled. Drivers, who have been allowed to retain their licence, and who subsequently fail to complete RDP within twelve months may have their licence cancelled.

REMEDIAL PROGRAM POLICY

SECTION 5: POST-PROGRAM ASSESSMENT

5.1 Program Information

Stroh delivers RDP for the entire province. RDP consists of a screening interview, education or counseling session(s) and a post-intervention assessment. Stroh service delivery staff are trained professionals with experience and qualifications in addictions from an accredited university or college.

Registration in RDP includes the completion of a Registration and Informed Consent Form and payment of RDP fee. Participants consent to the release of driving-related information relevant to the driver's participation in the program between OSMV and Stroh.

Screening Interview

The purpose of the screening interview is to determine participants' reasons for drinking and driving and the level of risk they pose to continue to drink and drive. Stroh staff use the results of the screening interview to refer participants to the rehabilitation stream that is most appropriate. There are two rehabilitation streams – education and counselling.

The screening process includes an interview with Stroh staff. As a first step, participants are required to complete a Research Institute on Addictions Self Inventory ("RIASI"), a standardized evidence-based screening instrument in a pre-screening telephone interview. At that time, the screening interview appointment is set up and Stroh staff share and discuss screening with each participant. During the screening interview, Stroh staff provide participants orientation and reassurance about the content and expectations of RDP, and provide information about the rehabilitation process.

Education Component

The purpose of the education component is to inform participants of the risks of drinking and driving, provide information on the legal consequences, provide strategies to deal with peer pressure, and help identify early warning signs of impairment.

Participants assigned to this stream have been assessed in the screening interview to be of relatively low risk to re-offend and typically do not have an alcohol dependency.

REMEDIAL PROGRAM POLICY

The education component is eight hours in length and addresses the following elements:

- legal issues around drinking and driving;
- alcohol consumption effects on blood alcohol concentration (BAC), how fast the body gets rid of alcohol;
- acute effects of alcohol and other drugs on driving skill (such as effects on perception, judgment, reaction time, motor skills, and the probability of accidents);
- consequences of drinking and driving (such as accidents, lives lost, and financial costs);
- physical, psychological and social effects of abusive drinking;
- effects of other drugs and combining drugs and alcohol on the body and driving skill;
- special issues of multiple offenders, e.g., causes of premature death in second offenders; and
- alternative transportation strategies before judgment is impaired.

Participants are considered to have completed the education component if they attend and participate in the course and complete a Personal Action Plan.

At the end of each education course, Stroh submits a report to the OSMV for each driver indicating they have completed the required program.

Counselling

The purpose of the counselling component is to provide participants with insight into their behaviour and their triggers, help them to accept responsibility, change their driving behaviour and reduce their risk of re-offending. The focus in the counselling component is to assist participants deal with emotional problems without resorting to alcohol, prevent relapses, and establish a healthier lifestyle. Participants also receive advice about where to look for further help in dealing with substance abuse issues.

Participants assigned to the counselling stream have been assessed by addictions counsellors to have more serious problems with their use of alcohol and generally exhibit high risk-taking behaviour.

REMEDIAL PROGRAM POLICY

The counselling component includes elements of the education component, as well as providing the following specific counselling elements:

- motivational enhancement (e.g., providing feedback on assessment, task assignments on personal costs of driving while impaired ("DWI"), victim impact messages);
- taking stock of current drinking habits (self-monitoring);
- assessing personal impact of alcohol;
- setting personal goals and developing strategies to reach them;
- identifying temptations and high-risk situations;
- developing strategies to deal with personal high-risk situations involving emotional upset, learning to use public transportation when necessary;
- practicing the strategies, (e.g., through role-playing, self-monitoring);
- more attention to dealing with emotional problems;
- relapse prevention training (more emphasis on changing lifestyle);
- finding social support for sobriety; and
- contact with self-help groups and other community resources.

Sessions consist of intensive, interactive counselling in small groups with a maximum of eight people. Sessions generally occur over a three month period and consist of eight 2-hour sessions for a total of 16 hours.

Participants are considered to have completed the counselling component when they have completed all the items on the counselling checklist, have attended all sessions and have completed a Personal Action Plan.

After completing the required counselling sessions, participants are directed to attend a post-intervention assessment (PIA) interview.

Post-Intervention Assessment (PIA)

The purpose of the PIA is to determine if there has been a change in attitude and/or behaviour of participants. Participants who successfully complete the education component are not required to complete a PIA.

The PIA includes an in-depth personal interview with a Stroh addictions counsellor, a review of the participant's driving record, and a review of the participant's treatment results. It also includes a review of the participant's personal action plan to eliminate drinking driving behaviour. Stroh's Program Manager then prepares a PIA Report indicating the program participant's risk of re-offending and submits it to OSMV.

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5.2 Conflicts Related to Program Delivery/Administration

Participants have access to a formal complaint resolution process through Stroh. Complaints or conflicts regarding any aspect of driver participation in the program or payment of fees follow a four step process, which is articulated in the province's contract with Stroh. The first step involves direct personal contact between conflicting people; the second step is providing a written submission to the Stroh Program Manager. The third step is providing a written submission to the CEO of Stroh, and the fourth and final step involves a referral to OSMV. Stroh and OSMV review the complaint at the appropriate stage and the participant is notified of the decision.

Participants who successfully complete the Education or Counselling Component of RDP are assessed by OSMV Adjudicators for their fitness to drive.

5.3.1 Assessing Fitness to Drive

When participants have completed RDP, OSMV staff review the RDP PIA Report and the participant's driving record to make a decision about their fitness to drive.

The factors delineated below are used to determine, on a case-by-case basis, whether the participant:

- Is allowed to retain their driving privileges
- Is allowed to apply for a full privilege driver's licence.
- Is required to have an ignition interlock device installed in their vehicle.
- Is found unfit to drive and not permitted to obtain a driver's licence.

Driving Record

- How did the driver enter RDP (i.e., ILS Program, CC conviction, MVA offences, other)?
- Has the driver re-offended following previous interventions?
- Is there a public safety risk as evidenced by recent medical/assessment reports and/or recent driving behaviour?
- Is there evidence of drinking and driving incidents while being involved in any alcohol rehabilitation or counselling programs, including the RDP?
- Is the driver an inexperienced driver (i.e., in the Graduated Licensing Program)?

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Severity of Offences

- Is there evidence of significant alcohol or drug abuse/addiction from medical reports or unsolicited reports from reliable sources?
- Are there reports from medical professionals indicating significant alcohol addiction or a significant history of alcohol abuse?
- In addition to drinking driving incidents, is there evidence of other bad driving behaviour, for example, excessive speeding, street racing, driving while cancelled or prohibited, and driving without insurance?
- Has the driver participated in other alcohol assessment or remediation programs in the past?
- Has the driver complied with previous program requirements?
- Is there evidence of involvement in motor vehicle crashes, where alcohol or drugs was a factor?
- Is there evidence the client is attempting to drink and drive while participating in the Ignition Interlock Program.

Number of Offences

- Is there evidence that the number of alcohol related driving incidents have reduced/increased in frequency?
- Is there evidence that the driver has been consistently drinking and driving over a long period of time?

Post-Intervention Assessment Report

Does the report indicate:

- There was behaviour change as a result of RDP?
- The driver developed a meaningful action plan to eliminate drinking driving behaviour that demonstrates his/her understanding of the issues?
- The driver understands the importance of not drinking and driving?
- The driver accepts responsibility?

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5.3.2 OSMV Decision Review

Participants, who are denied a driver's licence, or have a restriction or condition applied to their driver's licence, may have the decision reviewed by a different OSMV Adjudicator than the one who made the original decision.

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SECTION 6: OUT-OF-PROVINCE TRANSFERS

6.1 Background

Most other jurisdictions in Canada have compulsory rehabilitation programs for drinking drivers. BC's RDP program is considered the most rigorous remedial program for drinking drivers in Canada. RDP draws on best practices from all jurisdictions and demands considerable commitment on the part of the program contractor and participants. The \$880 participation fee for RDP in BC - a higher fee than other provinces - reflects the fact that the program is user-pay in BC and not provincially subsidized as in other provinces.

6.2 Policy Rationale

The mobility of Canadians from one province to another must not be fettered by the requirement to attend a rehabilitation program in a previous province of residence. To facilitate freedom of movement and ensure driver fitness, drivers referred to remedial programs in other provinces will be required to demonstrate their fitness to drive prior to obtaining a driver's licence in BC. Alternatively, drivers who move to another province after being referred to RDP in BC may make application to have the BC requirement to attend RDP provisionally waived to allow for licensing in their new province of residence.

Drinking driving remedial programs are designed provincially to meet provincial goals and objectives. The out-of-province transfer policy is intended to discourage BC drinking drivers from moving temporarily to another province to avoid participation in BC's remedial program.

6.3 Policy

Outstanding Out of Province Requirements

Drivers with outstanding rehabilitation program requirements from their previous province of residence will be required to complete RDP prior to obtaining a drivers licence in BC.

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Outstanding RDP Requirements

Drivers who move to another province after being referred to RDP in BC may apply to have the requirement to attend RDP waived so that they may apply for a drivers licence in their new province of residence. However, if the move to another jurisdiction is temporary and drivers return to BC within one year of being assigned to RDP, they will be required to complete RDP prior to obtaining a driver's licence in BC.

The following factors are considered when determining if the requirement to attend RDP may be waived for drivers with outstanding RDP assignments, when they return to BC from another jurisdiction and request a re-instatement of their driver's licence in BC:

- Driver can demonstrate satisfactory completion of a recognized provincial drinking driver program (or a required component of the program) in another province.
- Driver can demonstrate residence in other province or territory for at least 12 months after completing the rehabilitation program.
- Driver has maintained a "clean" driving history (i.e. no drinking driving offences).

OR

- If the other province does not have a recognized provincial drinking driver program, the driver can demonstrate residence in the other province for at least 10 years.

Drinking drivers who are unable to demonstrate residence and/or program completion requirements will be required to take the RDP or an assessment component of the RDP. If the assessment component indicates that drivers present a risk to other road users, they will be required to complete the entire RDP and/or participate in the Ignition Interlock Program prior to obtaining a drivers licence in BC.

SECTION 7: RDP FEES

7.1 Policy Rationale

The fee for RDP is based upon the principle of full user-pay. During the consultation process, the public indicated a high level of support for a user-pay rehabilitation program not subsidized by government. The user-pay principle ensures that ordinary taxpayers do not have to pay the cost of remedial programs for drinking drivers who choose to put other British Columbians at risk with their dangerous driving behaviour. The user-pay principle is consistent with other jurisdictions, and the fee is based on the cost of the program per individual.

7.2 RDP Fee Policy

The prescribed fee for participating in RDP is \$880 plus HST (\$105.60) = \$985.60. Fees must be paid in full prior to attending RDP. Fee exemptions are not made in cases of financial hardship, as there are no public funds available for financial assistance, or to reimburse the contractor for reduction or waiver of the fee.

Participants who are required to repeat the program will be required to pay the full RDP fee. Participants are allowed to reschedule appointments for RDP participation if they provide a legitimate reason. Participants who do not attend or complete any of the RDP components without demonstrating a legitimate reason, may be allowed to re-take any component or individual session, and may be charged an additional “per component/session” fee. Participants who fail to attend the re-take component within a six month period will be required to pay the full RDP fee to continue in the program.

RDP Fee Refunds

The following are circumstances in which OSMV will consider refunding an RDP review fee:

1. Letter received from payee advising that fee was paid on the driver's behalf (proof must be provided); and,
2. The person who paid the fee provides a satisfactory explanation for why the driver will not be participating in the program; and,
3. Stroh has not delivered any services to the client (service is deemed to have been delivered once a client has undergone their initial pre-screening phone interview).

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Administrative Driving Prohibitions (ADP) Served in British Columbia, January 1, 2011 – August 31, 2012.

An Administrative Driving Prohibition (ADP) is a 90 day driving prohibition served to impaired drivers, separate from criminal code charges. The ADP is a driving prohibition based on a refusal to provide a breath sample, or BAC greater than 0.08 that is administered at the police station. If an officer has reasonable probable grounds that a driver is affected by alcohol then they may request that the driver provide a breath sample for testing. If the driver refuses to provide a breath sample, or if they provide a breath sample at the station that is over 0.08 BAC, then the driver may be served with an ADP. Police officers may serve a 24 hour prohibition and/or proceed with impaired driving criminal charges in addition to an ADP.

Table 1: ADPs Served in B.C., January 1, 2011 – August 31, 2012.

Year	Month	ADPs Served
2011	Jan	180
	Feb	153
	Mar	163
	Apr	160
	May	160
	Jun	136
	Jul	159
	Aug	153
	Sep	134
	Oct	132
	Nov	100
	Dec	786
2012	Jan	589
	Feb	601
	Mar	701
	Apr	611
	May	610
	Jun	353
	Jul	164
	Aug	140

Source: Data extracted from ADP/VI on September 12, 2012.