

Presumption of innocence

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The next time your minor hockey or baseball league decides to have a bottle drive as a fundraiser, you might want to consider having a backup vehicle manned by a local politician, a lawyer, a member of the clergy, and a former elementary school teacher who actually liked you riding shotgun to act as character witnesses for you and your crew of apparent delinquents.

The new laws regarding impaired driving have placed your presumed innocence in a state of peril.

Recently a man in Mississauga was pulled over after a police officer observed him returning what the cop thought was an excessive amount of empties to the beer store. Apparently the thought process was that if the guy was returning what was apparently three dozen beer bottles ? a case and a half ? and 10 wine bottles, he most likely had drunk them all immediately before taking the empties to the store.

Other than that, the vehicle driver had committed no offences at all while driving.

Well, news flash ? go to the Beer Store on Broadway in Orangeville and watch people bringing in their empties. They don't bring them in one bottle at a time and get their dime and return the next day with one more bottle.

The citizen was ordered to take a breath test under threat of arrest if he refused, even though there were no reasonable grounds to assume he had broken any law. The citizen said he felt 'violated' and I don't blame him one bit.

The problem here is that under the new legislation police do not have to have 'reasonable suspicion.' to stop a person and request a breath sample. In other words, arbitrary detainment is now allowed.

Make no mistake here ? I'm not saying anyone should get away with driving while impaired. It's against the law for good reason and the police do a pretty good job of enforcing the laws and responding to impaired driver complaints.

However, stopping people without reasonable suspicion opens the door to a huge potential for abuse by those that don't really have the public's best interest in mind.

As it is now, you could be arbitrarily stopped and told you are being detained because that red bow tie you are wearing fits the description of many people who drink martinis before 11:00 a.m.

Minister of Border Security and Organized Crime Reduction, Bill Blair, a former police chief in Toronto, referred to the new rules as police having 'new tools.' Arbitrary arrest (yes, arrest means stop, detainment, halt etc.) isn't a tool.

The really scary part of this new legislation is the statement 'commits an offence who has within two hours after ceasing to operate a motor vehicle.' This is a wide open opportunity for an innocent person to wind up in jail.

Imagine this ? after a long day at work, you invite some friends over to watch a football game and as host you pass out some beers or drinks while you watch the game. If you're in your own home it's up to you if you want to have a drink or get black-out drunk if that's what you like to do.

However, your ex-spouse who holds a grudge, or a neighbour who just doesn't like you for some reason calls the police and tells them you were driving drunk.

The police could potentially show up at your home, give you a breathalyzer, and if they determine you were behind the wheel of a

car within the previous two hours, charge you with impaired driving, even though you never left your house after cracking open a bottle. The onus is now on you to prove you weren't driving your car impaired.

In response, a government spokesman from the ministry of the attorney general said 'mandatory alcohol screening only applies at the roadside, nowhere else.'

While some may argue the old 'if you didn't do anything wrong, what are you afraid of' excuse, they are missing the point.

Rights are rarely taken away in one big sweep unless your government has just been usurped by Fidel Castro and Che Guevara.

I went through several RIDE spot checks this past holiday season where police set up their stops at good locations. The RIDE checks are effective, quick, and work well, and are tolerated by the public as an effective means to combat drunk driving.

For now, I will have to assume that police departments will exercise extreme caution with this new legislation, knowing full well that arbitrary detainment isn't good for anyone.

And if you're in Mississauga, take your empties back one at a time.