

## **IMPAIRED DRIVING - 10(A) - REASONS FOR DETENTION**

**R. v. Klontz** - Nov. 5, 2007 ABPC  
311 per Anderson, PCJ:

Impaired driving trial. Police called after accused struck a vehicle in a parking lot. Accused questioned upon arrival and no odour of alcohol detected and no admissions made. Accused then placed in a locked police cruiser. Screening demand read 15 minutes later, and accused refused to comply.

**Held: 10(a) breach, words of refusal excluded.**

“At a minimum, individuals who are detained for investigative purposes must be advised, in clear and simple language, of the reasons for the detention”: *Mann*. Accused never told of the impaired driving investigation until the reading of the demand. The breach was not trivial, and was temporally tied to the words of refusal. Court also found a 10(b) breach as the accused was detained upon being placed in the police vehicle, and as a matter of fairness, ought to have been provided with his 10(b) rights. Authorities reviewed.