

# DRIVING WHILE IMPAIRED CONVICTIONS STATISTICAL REPORT

FISCAL YEAR  
**2018**

# DRIVING WHILE IMPAIRED CONVICTIONS AND SENTENCES IMPOSED

## STATISTICAL REPORT

FISCAL YEAR  
**2018**

DECEMBER 2019



THE HONORABLE CHARLIE BROWN  
CHAIRMAN

MICHELLE HALL  
EXECUTIVE DIRECTOR

[WWW.NCSPAC.ORG](http://WWW.NCSPAC.ORG)

**NC SENTENCING AND POLICY ADVISORY COMMISSION  
MEMBERSHIP**

---

**Hon. Charlie Brown, Chairman**  
*Chief District Court Judge*

**Frances Battle**  
*Victim Assistance Network*

**Hon. Maureen Krueger**  
*Conference of District Attorneys*

**Art Beeler, Jr.**  
*Lieutenant Governor's Appointee*

**Hon. Tammy Lee**  
*Association of County Commissioners*

**Sheriff James Clemmons, Jr.**  
*Sheriffs' Association*

**Dr. Harvey McMurray**  
*Academic Member*

**Hon. Warren Daniel**  
*State Senator*

**Hon. Allen McNeill**  
*State Representative*

**Louise Davis**  
*Community Sentencing Association*

**Hon. James Mixson, III**  
*Association of Clerks of Superior Court*

**Danielle Marquis Elder**  
*Attorney General's Office*

**Luther Moore**  
*Retail Merchants' Association*

**Hon. Sherri Elliott**  
*District Court Judges' Association*

**Timothy Moose**  
*Department of Public Safety*

**Hon. John Faircloth**  
*State Representative*

**Hon. Fred Morrison, Jr.**  
*Justice Fellowship*

**Christopher Fialko**  
*Advocates for Justice*

**Hon. William Richardson**  
*State Representative*

**Hon. Milton "Toby" Fitch, Jr.**  
*State Senator*

**Hon. Bob Steinburg, Sr.**  
*State Senator*

**Willis Fowler**  
*Post-Release Supervision & Parole Commission*

**Calvin Suber**  
*Commission Chairman's Appointee*

**Hon. R. Gregory Horne**  
*Conference of Superior Court Judges*

**Patrick Weede**  
*Bar Association*

**Susan Katzenelson**  
*Private Citizen, Governor's Appointee*

**Hon. Valerie Zachary**  
*Court of Appeals*

**Chief Henry King, Jr.**  
*Association of Chiefs of Police*

**NC SENTENCING AND POLICY ADVISORY COMMISSION  
STAFF**

---

**Michelle Hall**

*Executive Director*

**John Madler**

*Associate Director for Policy, Staff Attorney*

**Ginny Hevener**

*Associate Director for Research*

**Tamara Flinchum**

*Senior Research & Policy Associate*

**Rebecca Dial**

*Research & Policy Associate*

**John King**

*Research & Policy Associate*

**Jennifer Lutz, Ph.D.**

*Research & Policy Associate*

**Meghan Boyd Ward**

*Research & Policy Associate*

**Becky Whitaker**

*Research & Policy Associate*

**Shelley Kirk**

*Administrative Secretary*

## TABLE OF CONTENTS

INTRODUCTION .....	i
--------------------	---

SUMMARY OF FINDINGS .....	ii
---------------------------	----

### DWI CONVICTIONS IN FY 2018

I. DWI CONVICTIONS IN FY 2018.....	2
A. DWI Convictions .....	2
B. Definition of the Unit of Analysis .....	2
C. Data Limitations .....	2
D. Convictions by Punishment Level.....	2
Figure A: Convictions by Punishment Level .....	3
E. Convictions by Month of Sentencing .....	3
Figure B: Convictions by Month of Sentencing.....	3
F. Convictions by Judicial District .....	3
Figure C: Convictions by Judicial District.....	4
II. CHARACTERISTICS OF OFFENDERS.....	5
A. Convictions by Sex, Race, and Age at Offense .....	5
Figure D: Convictions by Sex and Race .....	5
Table 1: Convictions by Age at Offense and Punishment Level.....	6
Figure E: Distribution of Convictions by Age at Offense.....	6
B. Convictions by Blood Alcohol Concentration (BAC) .....	7
Figure F: Convictions by BAC.....	7
Figure G: Distribution of BAC.....	7
Figure H: Convictions by Mitigating and Aggravating BAC Levels and Punishment Level ..	8
III. SENTENCES IMPOSED AND METHOD OF DISPOSITION .....	8
A. Convictions by Type of Sentence Imposed and Punishment Level .....	8
Figure I: Convictions by Type of Sentence Imposed and Punishment Level.....	9
Table 2: Convictions by Type of Sentence Imposed and Punishment Level.....	9
B. Convictions by Method of Disposition .....	9
Figure J: Convictions by Method of Disposition.....	10
Figure K: Rate of Active Sentences by Method of Disposition and Punishment Level.....	10
C. Average Sentence Length.....	10
Table 3: Average Length of Active Sentences Imposed by Punishment Level.....	11
Figure L: Average Active Sentence by Method of Disposition (Months) and Punishment Level .....	11
Figure M: Average Sentence Imposed (Months) by Punishment Level.....	12
D. Probation Sentences .....	12
Figure N: Probation Sentences by Type of Probation and Punishment Level .....	13
Figure O: Average Length of Probation by Type of Probation (Months) and Punishment Level .....	13
Table 4: Most Frequently Imposed Probation Length (Mode) by Type of Probation and Punishment Level.....	14
Figure P: Mandatory Probation Conditions by Punishment Level.....	14

Table 5: Probation Sentences with Special Probation by Punishment Level.....	15
Table 6: Probation Sentences with a Fine Imposed by Punishment Level .....	15
<b>IV. SPECIAL ISSUES.....</b>	<b>16</b>
A. Time to Sentencing.....	16
Figure Q: Median Time to Sentencing by Punishment Level and Method of Disposition for District Court and Superior Court (Months) .....	16
Figure R: Distribution of Time to Sentencing by Punishment Level .....	17
B. Sentence Length Relative to the Statutory Minimum and Maximum Sentences.....	17
Figure S: Sentence Length Relative to Statutory Minimum and Maximum Sentences....	18
C. Use of Minimum and Maximum Sentences .....	18
Figure T: Use of Minimum and Maximum Sentences.....	19
D. Credit for Time Served.....	19
Table 7: Convictions with Credit for Time Served (Days) by Punishment Level .....	20

## **APPENDICES**

<b>APPENDIX A: MAPS OF JUDICIAL DIVISIONS AND DISTRICTS</b>	
North Carolina Superior Court Districts.....	22
North Carolina District Court Districts .....	23
<b>APPENDIX B: DWI PUNISHMENT TABLE</b>	
Sentencing for Impaired Driving Offenses.....	25
<b>APPENDIX C: ADDITIONAL CONVICTION DATA BY JUDICIAL DISTRICT AND COUNTY</b>	
Appendix C, Table 1: Convictions by Judicial District and County .....	28
Appendix C, Figure 1: Convictions by Judicial District and Punishment Level.....	30
Appendix C, Figure 2: Convictions by Judicial District and Type of Punishment .....	31
<b>APPENDIX D: ADDITIONAL CONVICTION DATA BY PUNISHMENT LEVEL</b>	
Appendix D, Table 1: Offender Characteristics and Punishment Imposed by Punishment Level.....	33
Appendix D, Table 2: Conditions of Probation for Probation Sentences by Punishment Level.....	34

---

## INTRODUCTION

---

This report provides detailed information about driving while impaired (DWI) convictions sentenced under N.C. Gen. Stat. (hereinafter G.S.) 20-179 during Fiscal Year 2018 (July 1, 2017 through June 30, 2018). These data reflect the laws and practices that were in place during this time period.

G.S. 20-179 prescribes sentencing for convictions for impaired driving (G.S. 20-138.1), impaired driving in a commercial vehicle (G.S. 20-138.2), a second or subsequent conviction for operating a commercial vehicle after consuming alcohol (G.S. 20-138.2A), and a second or subsequent conviction for operating a school bus, school activity bus, child care vehicle, ambulance, other EMS vehicle, firefighting vehicle, or law enforcement vehicle after consuming alcohol (G.S. 20-138.2B). Under G.S. 20-179, offenders convicted of any of the above offenses are subject to punishment in one of six punishment levels (Aggravated Level 1, Level 1 through Level 5).

Other offenses related to impaired driving, but not sentenced under G.S. 20-179, are excluded from this report. Sentences imposed for aiding and abetting DWI are excluded, even though convictions for this offense are sentenced at Level 5 (G.S. 20-179(f1)). The offense of Habitual Impaired Driving is sentenced under Structured Sentencing as a Class F felony (*see* G.S. 20-138.5(b)) and is excluded from this report.

The report presents information on the number of DWI convictions, the distribution of DWI convictions across the six punishment levels, and the types of sentences imposed, as well as data about several other issues. The Appendix includes data on DWI convictions by district and county, as well as additional analyses by punishment level.

### REPORTING OF CONVICTIONS AND SENTENCES

The report is based on data entered into the Administrative Office of the Courts' (AOC's) management information system by the court clerk following the imposition of the sentence. The report covers all North Carolina counties. The unit of analysis is convictions disposed of in a *sentencing episode*.<sup>1</sup>

#### **Definition of a Sentencing Episode:**

A *sentencing episode* is identified from court records as the sentence imposed for the *most serious DWI conviction* on a given day of court. While a sentencing episode involves one offender, in this reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity, throughout the report the unit of analysis is referred to as "conviction."

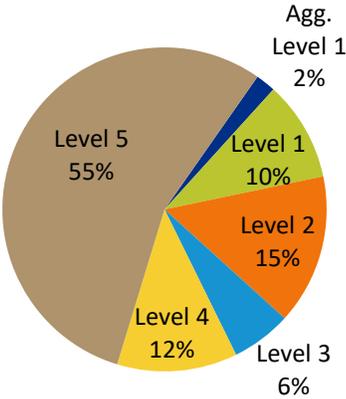
---

<sup>1</sup> The report's unit of analysis differs from the unit of analysis used in the AOC's Trial Court Caseload Statistics. See *A Comparison of Trial Court Caseload Statistics and the Structured Sentencing Statistical Report* available at [www.NCSPAC.org](http://www.NCSPAC.org) for detail.

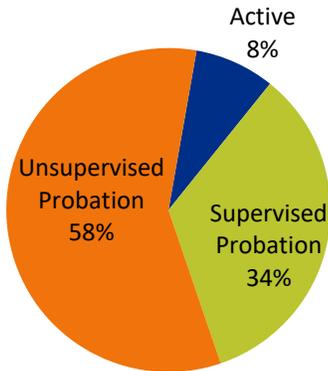
# DWI STATISTICAL REPORT SUMMARY OF FINDINGS FY 2018 CONVICTIONS

During FY 2018, sentences for 28,614 DWI convictions were imposed.<sup>2</sup> Under G.S. 20-179, offenders convicted of DWI are subject to punishment in one of six punishment levels (Aggravated Level 1, Level 1 through Level 5). As shown in the figures below, a majority of DWI offenders were sentenced in Level 5 (55%) and a majority of offenders received unsupervised probation (58%).

**Convictions by Punishment Level**

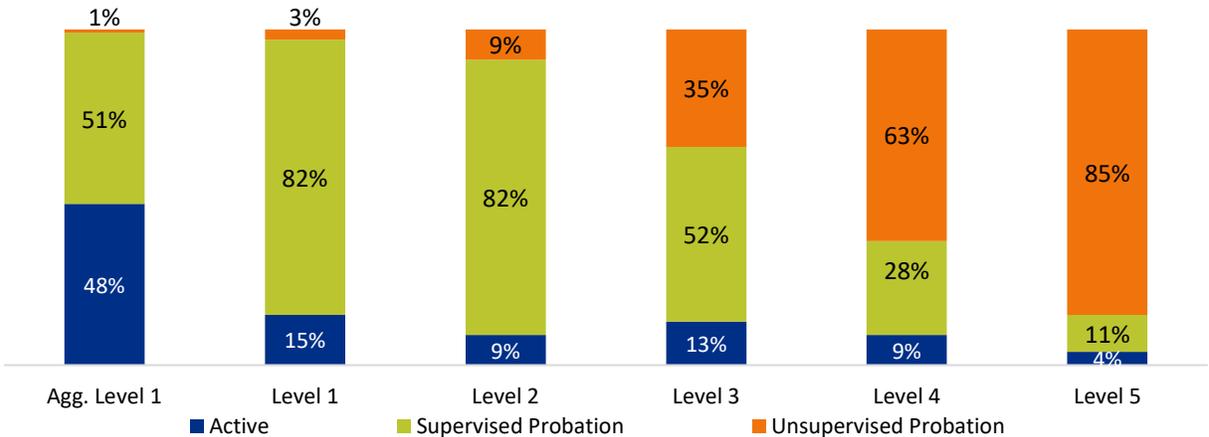


**Convictions by Type of Sentence**



The type of sentence imposed by punishment level is shown in the figure below. Nearly half (48%) of all offenders sentenced to Aggravated Level 1 received an active sentence. Supervised probation was the most likely sentence imposed among Level 1 (82%), Level 2 (82%), and Level 3 (52%) convictions. Unsupervised probation was most frequently imposed among Level 4 (63%) and Level 5 (85%) convictions.

**Type of Sentence Imposed by Punishment Level**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

<sup>2</sup> For many of the tables and figures in this report, 12 of the 28,614 DWI convictions were excluded because the type of sentence imposed could not be determined.

---

DWI CONVICTIONS  
IN FY 2018

---

# I. DWI CONVICTIONS IN FY 2018

## A. DWI Convictions

This report contains information on DWI convictions sentenced under G.S. 20-179<sup>3</sup> during Fiscal Year 2018 (July 1, 2017 through June 30, 2018) and reflects the laws and practices that were in place during this time period. Overall, sentences for 28,614 DWI convictions were imposed. (This number excludes sentences imposed for aiding and abetting DWI, even though convictions for this offense are sentenced at Level 5 (G.S. 20-179(f1)).

The offense of Habitual Impaired Driving is sentenced under Structured Sentencing as a Class F felony. Information on convictions for this offense is also excluded from this report.

## B. Definition of the Unit of Analysis

The unit of analysis for this report is convictions disposed of in a *sentencing episode*.

### **Definition of a Sentencing Episode:**

A *sentencing episode* is identified from court records as the sentence imposed for the *most serious DWI conviction* on a given day of court. While a sentencing episode involves one offender, in this reporting time frame an offender may be represented by more than one sentencing episode (meaning that within the fiscal year the number of offenders will be the same as or less than the number of sentencing episodes reported). For the sake of simplicity, throughout the report the unit of analysis is referred to as "conviction."

## C. Data Limitations

The report is based on data entered into the Administrative Office of the Courts' (AOC's) management information system by the court clerk following the imposition of the sentence. AOC data do not contain information on the factors (grossly aggravating, aggravating, and mitigating) that determine offenders' punishment levels.

## D. Convictions by Punishment Level

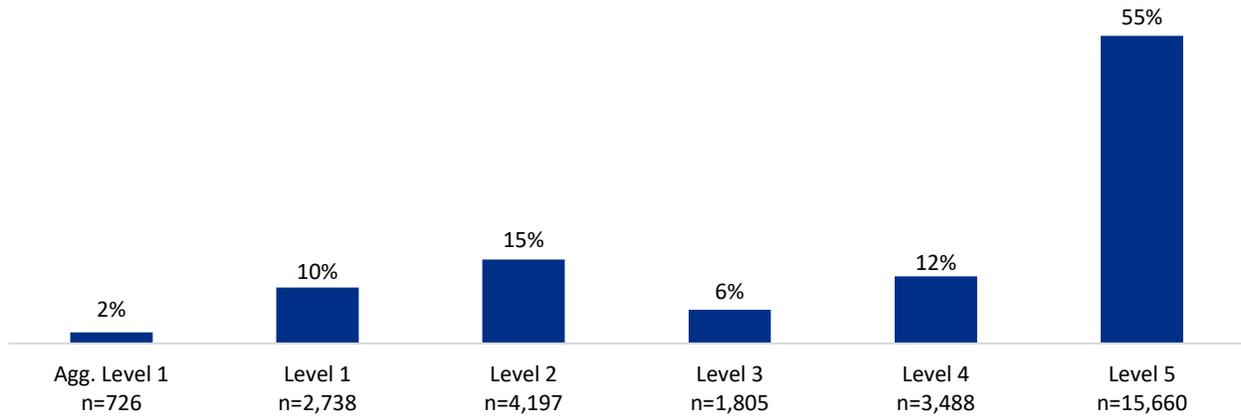
Figure A shows the distribution of DWI convictions across punishment levels. The majority of convictions were in Level 5 (n=15,660 or 55%). The percentage of convictions increased from Aggravated Level 1 (2%) through Level 2 (15%), then again from Level 3 (6%) through Level 5 (55%). Aggravated Level 1 through Level 2 convictions are based on the presence of grossly aggravating factors while Levels 3 through 5 are not.<sup>4</sup>

---

<sup>3</sup> In addition to convictions for impaired driving (G.S. 20-138.1), G.S. 20-179 also prescribes sentencing for impaired driving in a commercial vehicle (G.S. 20-138.2), a second or subsequent conviction for operating a commercial vehicle after consuming alcohol (G.S. 20-138.2A), and a second or subsequent conviction for operating a school bus, school activity bus, child care vehicle, ambulance, other EMS vehicle, firefighting vehicle, or law enforcement vehicle after consuming alcohol (G.S. 20-138.2B). Convictions for these offenses are also included in this report.

<sup>4</sup> For a list of the four grossly aggravating factors, see G.S. 20-179(c).

**Figure A: Convictions by Punishment Level**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

**E. Convictions by Month of Sentencing**

Figure B shows the number of convictions by month of sentencing during FY 2018. Convictions were highest in August and lowest in December.

**Figure B: Convictions by Month of Sentencing**

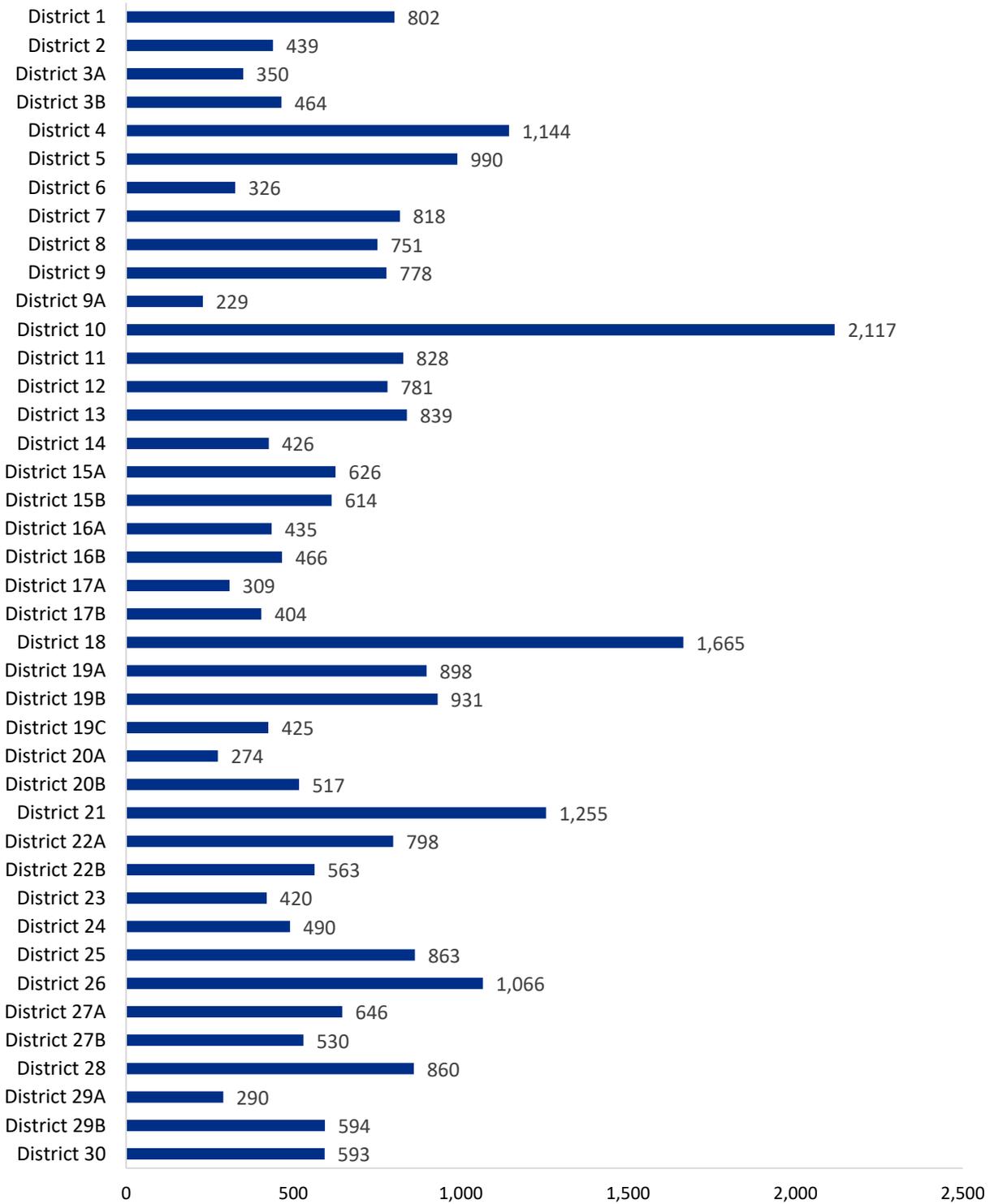


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

**F. Convictions by Judicial District**

Figure C shows the total number of convictions by judicial district (N=28,614). The districts with the most DWI convictions were District 10 (Wake County, n=2,117), District 18 (Guilford County, n=1,665), and District 21 (Forsyth County, n=1,255). Additional information about DWI convictions by district and county can be found in Appendix C.

**Figure C: Convictions by Judicial District**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

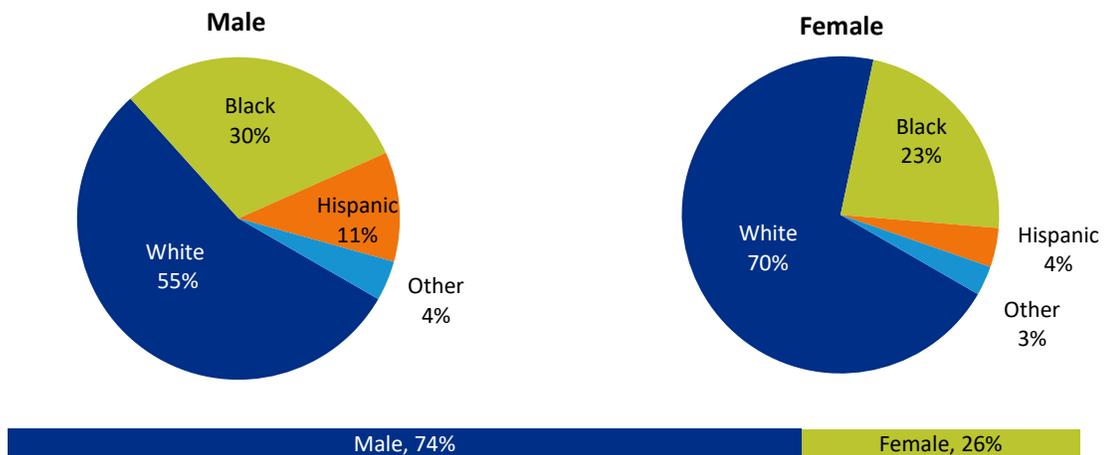
## II. CHARACTERISTICS OF OFFENDERS

This section provides information about convictions by offenders' sex, race, age at offense, and blood alcohol concentration (BAC).

### A. Convictions by Sex, Race, and Age at Offense

Of the 28,614 DWI convictions in FY 2018, 74% were for males (see Figure D). The majority of DWI offenders were white (59%). White females made up a larger percentage of female convictions (5,083 or 70%) than white males did for male convictions (11,687 or 55%). Black males and females comprised the second largest racial category for each sex (30% and 23% respectively, and 28% overall).

**Figure D: Convictions by Sex and Race**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

Table 1 shows convictions by offenders' age at offense and punishment level. Overall, the average age of DWI offenders was 36, with Level 5 offenders being slightly younger on average (35) than offenders sentenced in the other punishment levels. Except for Level 3, at least 60% of convictions were accounted for by offenders aged 21-40 at the time of offense. Nearly half (47%) of all Level 5 convictions were for offenders aged 30 and younger.

**Table 1: Convictions by Age at Offense and Punishment Level**

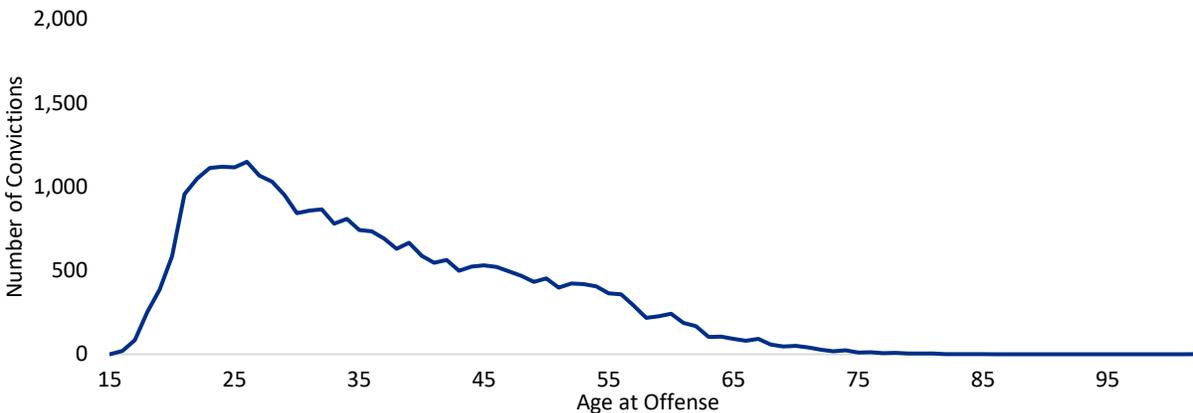
Punishment Level	#	Average Age	Age at Offense				
			<21 %	21-30 %	31-40 %	41-50 %	>50 %
<b>Agg. Level 1</b>	725	38	<1	32	33	21	14
<b>Level 1</b>	2,733	37	2	32	32	20	14
<b>Level 2</b>	4,193	38	2	32	28	21	17
<b>Level 3</b>	1,803	39	3	27	29	22	19
<b>Level 4</b>	3,482	37	4	32	28	19	17
<b>Level 5</b>	15,641	35	6	41	23	15	15
<b>Total</b>	<b>28,577</b>	<b>36</b>	<b>5</b>	<b>36</b>	<b>26</b>	<b>17</b>	<b>16</b>

Note: Of the 28,614 DWI convictions in FY 2018, 37 convictions with missing values for offender’s age were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

Figure E illustrates that the volume of offenders peaked at age 26, and then generally declined as age increased.

**Figure E: Distribution of Convictions by Age at Offense**



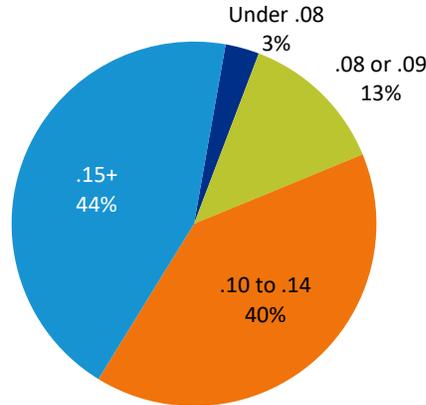
Note: Of the 28,614 DWI convictions in FY 2018, 37 convictions with missing values for offender’s age were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

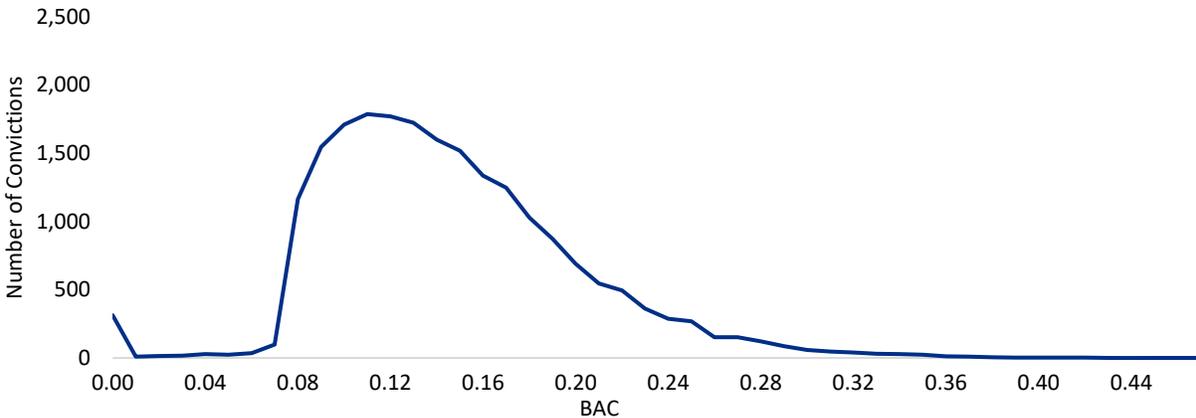
## B. Convictions by Blood Alcohol Concentration (BAC)

BAC levels were recorded for 75% of the 28,614 convictions.<sup>5</sup> Figure F shows the percentage of convictions by BAC. The greatest percentage of convictions were in the .15+ category (44%), followed closely by the .10 to .14 category (40%). Figure G illustrates the distribution of BAC for offenders convicted of DWI in FY 2018. A BAC of .11 was the most frequent (n=1,787), followed by .12 (n=1,769) and .13 (n=1,724).

**Figure F: Convictions by BAC**



**Figure G: Distribution of BAC**



Note: Of the 28,614 DWI convictions in FY 2018, 7,337 convictions without BAC levels were excluded from these figures.

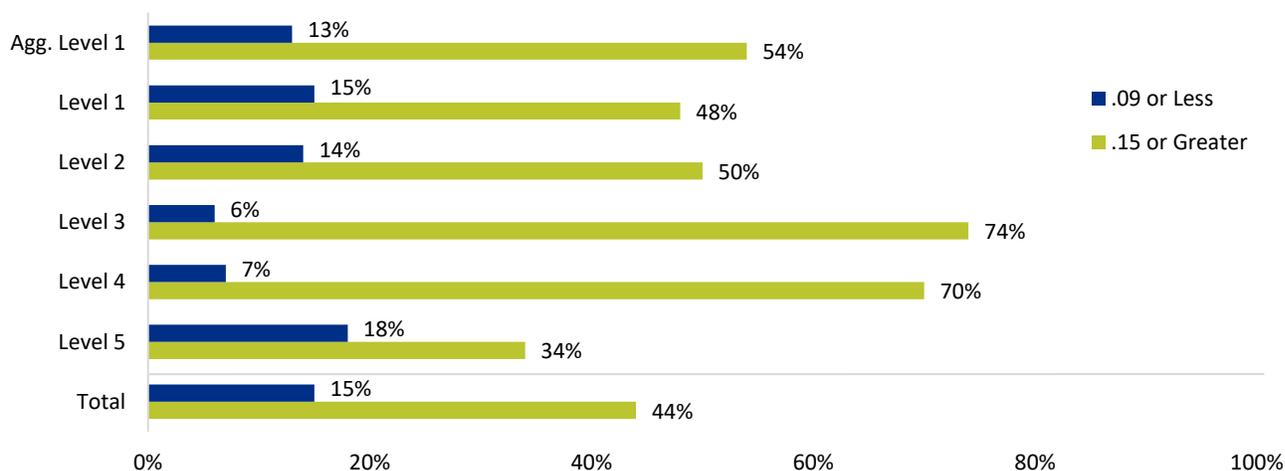
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

<sup>5</sup> This section examines data contained in the AOC's BAC field at sentencing. The AOC's BAC data include information beyond numeric BAC values. Clerks use the same field to record refusals, blood tests, and whether the DWI charge stemmed from drugs or controlled substances other than alcohol. Data on these occurrences were incomplete, however, because clerks may overwrite initial data (e.g., blood test) with information that becomes available later (e.g., the BAC result of the blood test). The FY 2018 data showed refusals occurred in 12% of convictions, blood tests occurred in 7% of convictions, DWI under controlled substances other than alcohol occurred in 2% of convictions, and BAC was unknown in 5% of convictions. However, given the possibility of overwriting, the actual percentages of convictions involving refusals and blood tests were not known.

G.S. 20-179(e)(1) defines an alcohol concentration that does not exceed .09 as a mitigating factor in terms of sentencing; likewise, G.S. 20-179(d)(1) establishes alcohol concentrations of .15 or more as an aggravating factor. A weighing of aggravating and mitigating factors determines whether offenders, who do not have any grossly aggravating factors, will be sentenced in Levels 3, 4, or 5.<sup>6</sup> Aggravating and mitigating factors may also be used in determining the type and length of sentences of offenders receiving Aggravated Level 1, Level 1, and Level 2 punishments.<sup>7</sup>

Figure H shows the percentage of convictions by punishment level with a BAC of .09 or less and those with a BAC of .15 or more. Level 3 and Level 4 convictions had the highest percentage of convictions with BACs greater than .15 (74% and 70% respectively). These same punishment levels also had the lowest percentage of convictions with BACs .09 or less (6% and 7% respectively).

**Figure H: Convictions by Mitigating and Aggravating BAC Levels and Punishment Level**



Note: Of the 28,614 DWI convictions in FY 2018, 7,337 convictions without BAC levels were excluded from this figure. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

### III. SENTENCES IMPOSED AND METHOD OF DISPOSITION

This section provides information on DWI convictions by the type of sentence imposed (active sentence, supervised probation, or unsupervised probation) and the method of disposition (guilty plea, bench trial, or jury trial).<sup>8</sup>

#### A. Convictions by Type of Sentence Imposed and Punishment Level

Figure I and Table 2 show that 8% of DWI convictions in FY 2018 resulted in an active sentence, 34% resulted in supervised probation, and 58% resulted in unsupervised probation. Nearly half (48%) of all offenders sentenced to Aggravated Level 1 received an active sentence. Supervised probation was the most likely sentence imposed among Level 1 (82%), Level 2 (82%), and Level 3 (52%) convictions. Unsupervised probation was most frequently imposed among Level 4 (63%) and Level 5 (85%) convictions.

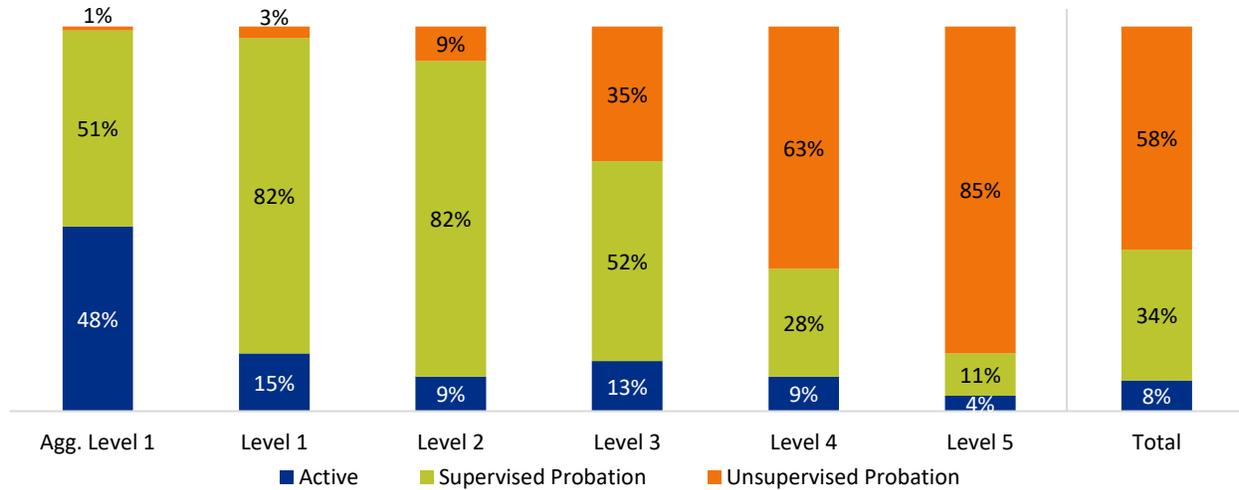
<sup>6</sup> G.S. 20-179(f)(1)-(3)

<sup>7</sup> G.S. 20-179(c)

<sup>8</sup> Section III excludes 12 of the 28,614 DWI convictions in FY 2018 for which the type of sentence imposed could not be determined.

Despite being a lower punishment level, the percentage of convictions that resulted in an active sentence for Level 3 punishments was higher (13%) than for Level 2 punishments (9%).

**Figure I: Convictions by Type of Sentence Imposed and Punishment Level**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

**Table 2: Convictions by Type of Sentence Imposed and Punishment Level**

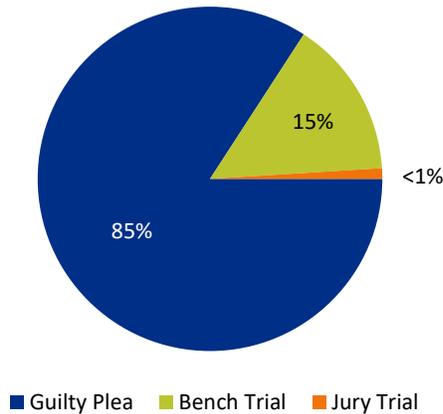
Punishment Level	Type of Sentence Imposed						Total
	Active		Supervised Probation		Unsupervised Probation		
	#	%	#	%	#	%	
<b>Agg. Level 1</b>	349	48	372	51	5	1	726
<b>Level 1</b>	410	15	2,247	82	78	3	2,735
<b>Level 2</b>	392	9	3,428	82	377	9	4,197
<b>Level 3</b>	240	13	930	52	633	35	1,803
<b>Level 4</b>	326	9	963	28	2,199	63	3,488
<b>Level 5</b>	613	4	1,676	11	13,364	85	15,653
<b>Total</b>	<b>2,330</b>	<b>8</b>	<b>9,616</b>	<b>34</b>	<b>16,656</b>	<b>58</b>	<b>28,602</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

## B. Convictions by Method of Disposition

Figure J shows that 85% of DWI convictions in FY 2018 were disposed by guilty plea and 15% by bench trial. Jury trials occurred in less than 1% of convictions (n=118). Across all punishment levels, Aggravated Level 1 and Level 3 convictions had the highest percentage of guilty pleas (89%) and Level 5 convictions had the lowest percentage (83%). Conversely, Level 5 convictions had the highest percentage of bench trials (17%) and Aggravated Level 1 had the lowest percentage (10%).

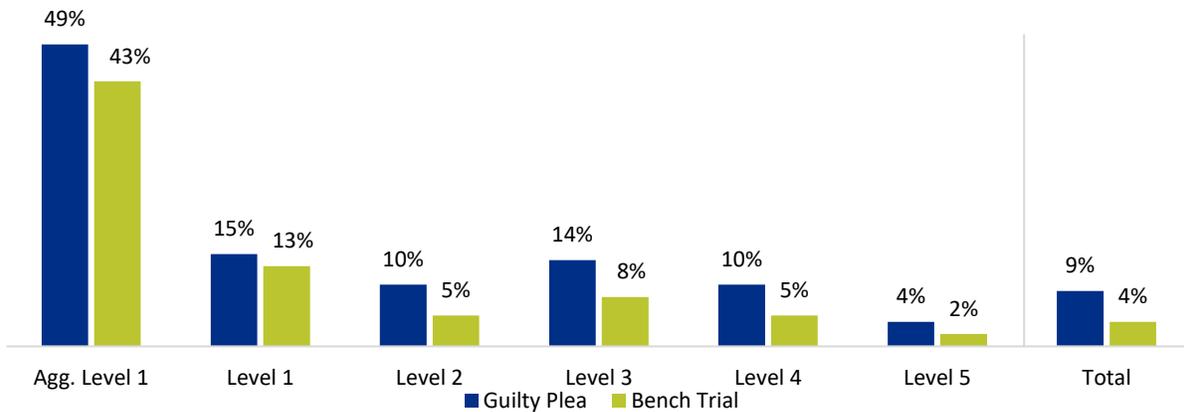
**Figure J: Convictions by Method of Disposition**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

Figure K shows the percentage of convictions that resulted in an active sentence for each punishment level by method of disposition. In FY 2018, 9% of all convictions obtained by guilty plea resulted in an active sentence, while 4% of all convictions disposed by bench trial resulted in an active sentence. This finding of higher rates of active sentences for guilty plea convictions than for bench trials held across all punishment levels. The overall rate of active sentences for jury trials (n=118) was 12% and is not depicted in this figure due to the limited number of observations.

**Figure K: Rate of Active Sentences by Method of Disposition and Punishment Level**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

### C. Average Sentence Length

Under G.S. 15A-1351(b), judges must impose a maximum term of imprisonment and may impose a minimum term. For the purpose of this analysis, sentence length refers to the maximum term imposed.<sup>9</sup> Table 3 examines active sentences only and shows the average active sentence within the context of the statutory minimum and statutory maximum possible sentences. When an active sentence was imposed

<sup>9</sup> For more information on the use of minimum and maximum terms, see Figure T in Section IV.

(n=2,330), the average length was 7 months. Among convictions in Level 2 through Level 5, the average active sentence length was about half of the statutory maximum.

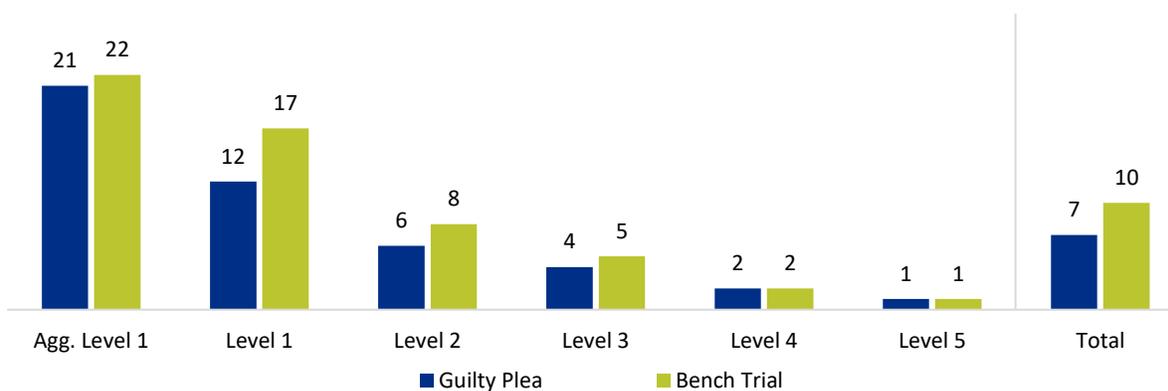
**Table 3: Average Length of Active Sentences Imposed by Punishment Level**

Punishment Level	Statutory Minimum	Average Active Sentence	Statutory Maximum
<b>Agg. Level 1</b>	12 months	21 months	36 months
<b>Level 1</b>	30 days	13 months	24 months
<b>Level 2</b>	7 days	6 months	12 months
<b>Level 3</b>	72 hours	4 months	6 months
<b>Level 4</b>	48 hours	2 months	120 days
<b>Level 5</b>	24 hours	1 month	60 days
<b>Total</b>		<b>7 months</b>	

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

Among active sentences, the average active sentence imposed differed slightly by method of disposition (see Figure L). Overall, the average active sentence was greater for convictions disposed by bench trials than by guilty pleas (7 months and 10 months respectively).

**Figure L: Average Active Sentence by Method of Disposition (Months) and Punishment Level**

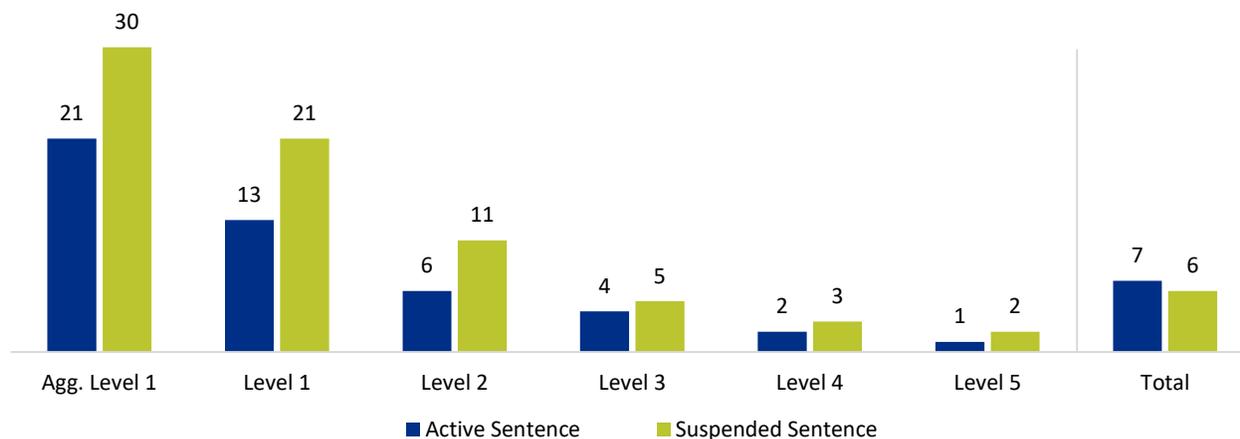


Note: The average active sentence for jury trial convictions (n=14) was 13 months and is not depicted in this figure due to the limited number of observations. The average active sentence for bench trials in Levels 3 and 4 were each based on fewer than 25 observations.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

Figure M provides a comparison of the average sentence imposed for active sentences and suspended sentences. Aggravated Level 1 DWIs had the longest average sentence imposed; as the punishment level decreased, the average sentence decreased. For each punishment level, the average sentence for offenders who received a suspended sentence was longer than the average sentence for those who received an active sentence. However, the overall average sentence for active sentences was longer than the average sentence imposed for suspended sentences due to the large volume of Level 5 suspended sentences (n=15,040).

**Figure M: Average Sentence Imposed (Months) by Punishment Level**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

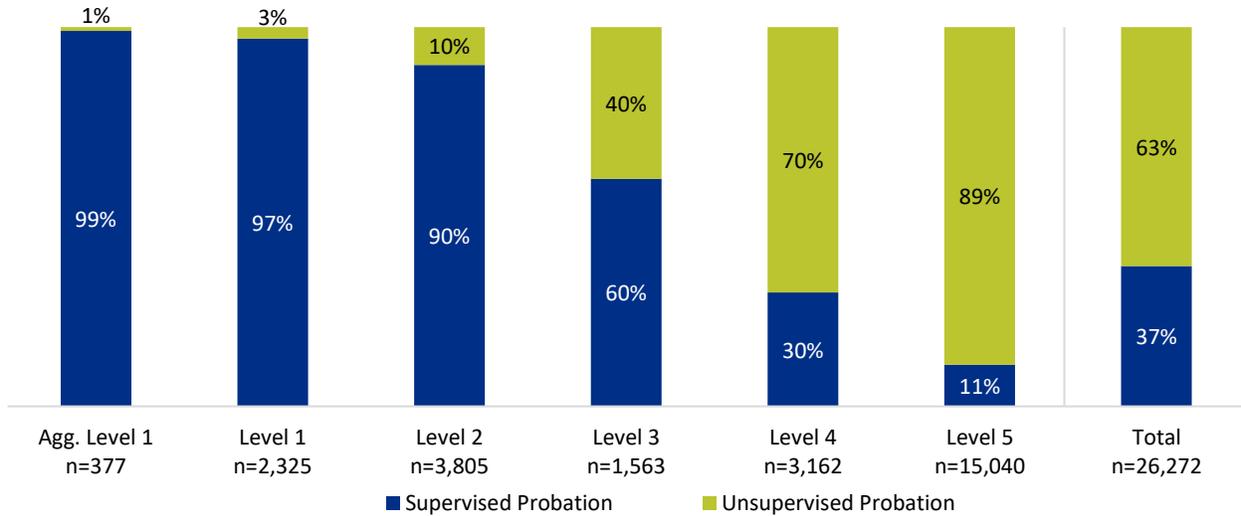
#### D. Probation Sentences

Probation was imposed for 26,272 DWI convictions in FY 2018. Figure N summarizes the type of probation – supervised or unsupervised – when probation sentences were imposed. Overall, unsupervised probation was imposed for almost two-thirds (63%) of all probation sentences. Supervised probation was imposed for nearly all Aggravated Level 1 and Level 1 offenders who received probation (99% and 97% respectively). Level 5 offenders accounted for over half of all probation sentences imposed (i.e., 15,040 of 26,272 probation sentences). As the punishment level decreased, a greater percentage of offenders received unsupervised probation.<sup>10</sup>

Figure O provides the average length of probation by punishment level and type of probation. The average length of probation was 19 months for supervised probation and 14 months for unsupervised probation. Offenders with supervised probation received longer probation terms than offenders with unsupervised probation. Generally, as the punishment level decreased, the average length of probation supervision decreased.

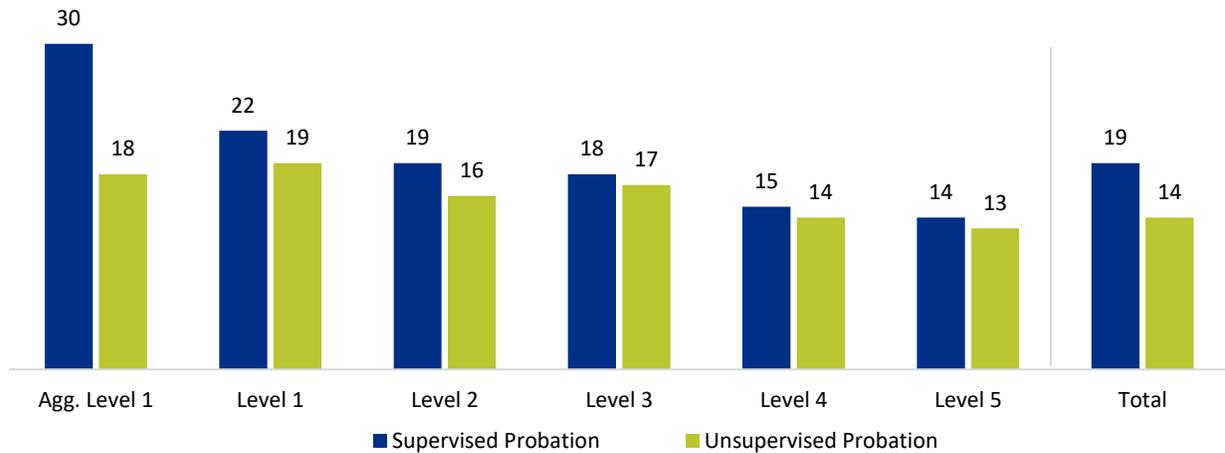
<sup>10</sup> G.S. 20-179(r) outlines the circumstances in which offenders sentenced to Levels 3, 4, and 5 should receive unsupervised probation.

**Figure N: Probation Sentences by Type of Probation and Punishment Level**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

**Figure O: Average Length of Probation by Type of Probation (Months) and Punishment Level**



Note: The average length of probation for unsupervised probation in Aggravated Level 1 was based on fewer than 10 observations.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

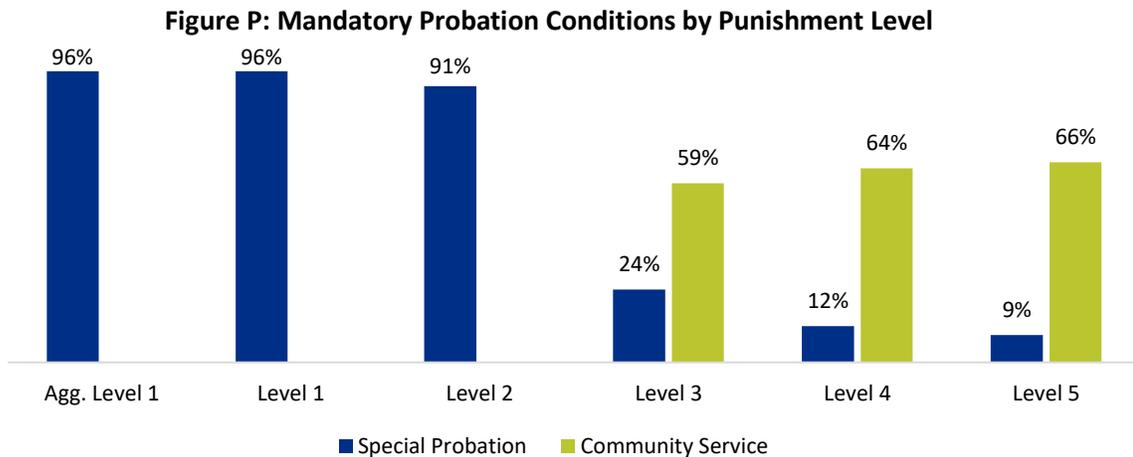
Table 4 explores the most frequently imposed probation length (mode) for each punishment level by type of probation. Among offenders who received unsupervised probation, 12 months of probation was the most frequently imposed probation length regardless of punishment level. More variation in probation length occurred among offenders who received supervised probation. Thirty-six months (Aggravated Level 1), 24 months (Level 1), 18 months (Levels 2 and 3), and 12 months (Levels 4 and 5) were the most common lengths for supervised probation.

**Table 4: Most Frequently Imposed Probation Length (Mode) by Type of Probation and Punishment Level**

Punishment Level	Total	Type of Probation					
		Supervised Probation			Unsupervised Probation		
		#	Mode	%	#	Mode	%
<b>Agg. Level 1</b>	377	372	36	48	5	12	40
<b>Level 1</b>	2,325	2,247	24	45	78	12	41
<b>Level 2</b>	3,805	3,428	18	43	377	12	49
<b>Level 3</b>	1,563	930	18	43	633	12	52
<b>Level 4</b>	3,162	963	12	64	2,199	12	74
<b>Level 5</b>	15,040	1,676	12	71	13,364	12	86
<b>Total</b>	<b>26,272</b>	<b>9,616</b>	<b>12</b>	<b>36</b>	<b>16,656</b>	<b>12</b>	<b>82</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

Aggravated Level 1 and Level 1 offenders sentenced to probation are required to receive special probation,<sup>11</sup> while Level 3 through 5 offenders sentenced to probation are required to receive special probation and/or community service.<sup>12</sup> The imposition of mandatory probation conditions by punishment level is shown in Figure P.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

Of all probation sentences, 31% (n=8,187) had special probation ordered (see Table 5). The average number of special probation days was highest for Aggravated Level 1 DWI offenders and decreased as the punishment level decreased.

<sup>11</sup> Offenders sentenced in Aggravated Level 1 through Level 2 may receive community service as part of their sentence. Three percent (3%) of Aggravated Level 1 sentences, 7% of Level 1 sentences, and 8% of Level 2 sentences included community service.

<sup>12</sup> Special probation and community service may be imposed together in Levels 3 through 5, although this occurred in less than 1% of the convictions.

**Table 5: Probation Sentences with Special Probation by Punishment Level**

<b>Punishment Level</b>	<b>Probation Sentences #</b>	<b>Special Probation Ordered %</b>	<b>Average Special Probation Days</b>	<b>Statutory Condition Days</b>
<b>Agg. Level 1</b>	377	96	131	At least 120
<b>Level 1</b>	2,325	96	34	At least 30 or at least 10 (if CAM) <sup>13</sup>
<b>Level 2</b>	3,805	91	10	At least 7
<b>Level 3</b>	1,563	24	7	At least 3
<b>Level 4</b>	3,162	12	3	2
<b>Level 5</b>	15,040	9	2	1
<b>Total</b>	<b>26,272</b>	<b>31</b>	<b>20</b>	<b>N/A</b>

Note: This table reflects all probation sentences with special probation ordered regardless of whether the lengths of special probation are consistent with the terms set forth in G.S. 20-179(f3), (g)-(k).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

Table 6 provides information on fines imposed for probation sentences by punishment level. Aggravated Level 1 offenders had fines imposed the least often (81%), but these offenders had the highest average fine imposed (\$866). Overall, fines were imposed in 89% of convictions and the average amounts were much lower than the statutory maximum for each punishment level. Fifty-seven percent (57%) of all fines imposed were \$100 or less, 76% were \$200 or less, and 95% were \$500 or less. The average fine amount decreased as the punishment level decreased.

**Table 6: Probation Sentences with a Fine Imposed by Punishment Level**

<b>Punishment Level</b>	<b>#</b>	<b>Fine Imposed %</b>	<b>Statutory Maximum</b>	<b>Average</b>	<b>Most Frequent Amount</b>
<b>Agg. Level 1</b>	377	81	\$10,000	\$866	\$500
<b>Level 1</b>	2,325	86	\$4,000	\$577	\$500
<b>Level 2</b>	3,805	88	\$2,000	\$392	\$300
<b>Level 3</b>	1,563	86	\$1,000	\$282	\$200
<b>Level 4</b>	3,162	89	\$500	\$179	\$100
<b>Level 5</b>	15,040	90	\$200	\$111	\$100
<b>Total</b>	<b>26,272</b>	<b>89</b>	<b>N/A</b>	<b>\$220</b>	<b>\$100</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

<sup>13</sup> Continuous alcohol monitoring (CAM)

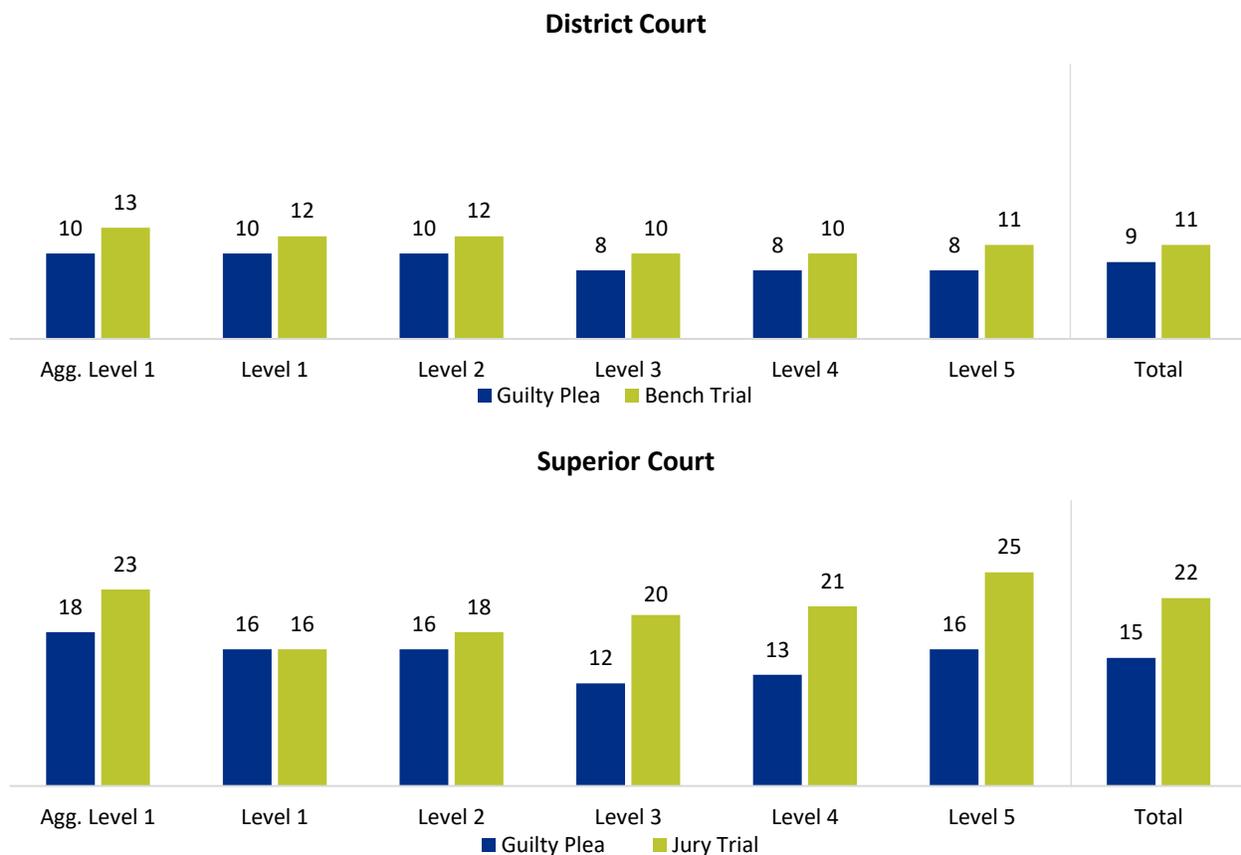
## IV. SPECIAL ISSUES

This section reviews issues of special interest including time to sentencing, sentence length relative to the statutory minimum and maximum sentences, and credit for time served.

### A. Time to Sentencing

Time to sentencing refers to the amount of time between the date the offender was charged with DWI and the date the sentence was imposed. Figure Q examines the median time to sentencing by punishment level and method of disposition for District Court and Superior Court. The median time to sentencing for DWI convictions disposed in District Court was 9 months. District Court bench trials took 2 months longer to dispose of than guilty pleas (11 months compared to 9 months). The median time to sentencing for DWI convictions disposed in Superior Court was 16 months. Guilty pleas entered in Superior Court took 7 months less time to sentencing than jury trials (15 months compared to 22 months). No distinct pattern emerged when examining time to sentencing by punishment level.

**Figure Q: Median Time to Sentencing by Punishment Level and Method of Disposition for District Court and Superior Court (Months)**

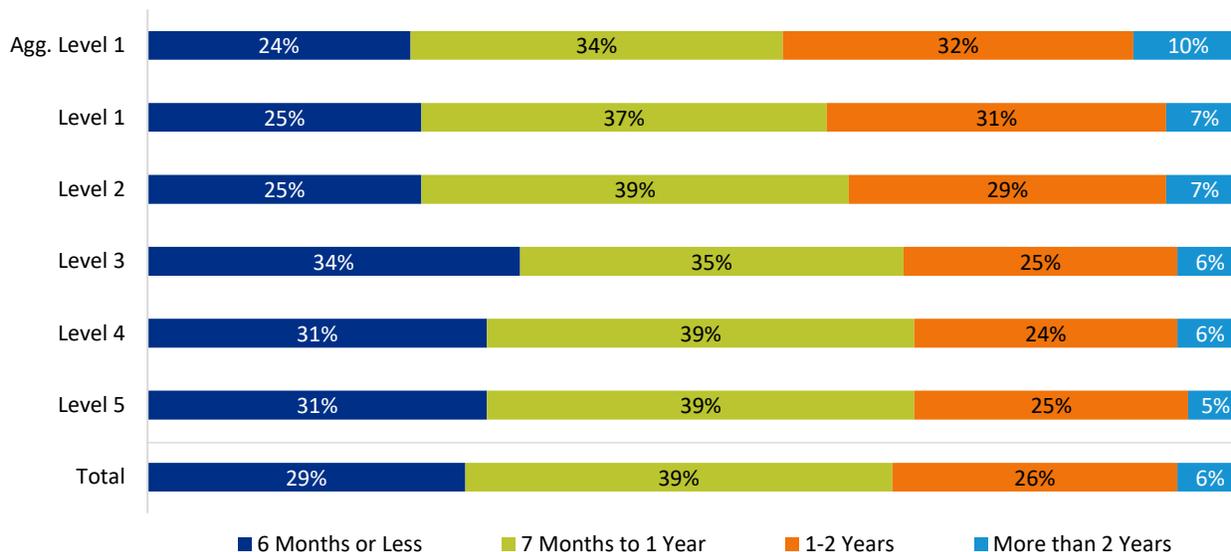


Note: Of the 28,614 DWI convictions in FY 2018, 5 Superior Court bench trials were excluded from this figure, as well as 30 convictions with discrepant date values. The median time to sentencing for Superior Court jury trials in Aggravated Level 1 through Level 4 were each based on fewer than 50 observations.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

Figure R illustrates the distribution of time to sentencing for convictions by punishment level. Overall, 29% of convictions occurred in 6 months or less, 39% occurred within 7 months to 1 year, 26% occurred within 1 to 2 years, and 6% occurred in more than 2 years. Regardless of punishment level, the distribution was nearly the same, with over two-thirds of convictions being disposed in a year or less (68%).

**Figure R: Distribution of Time to Sentencing by Punishment Level**



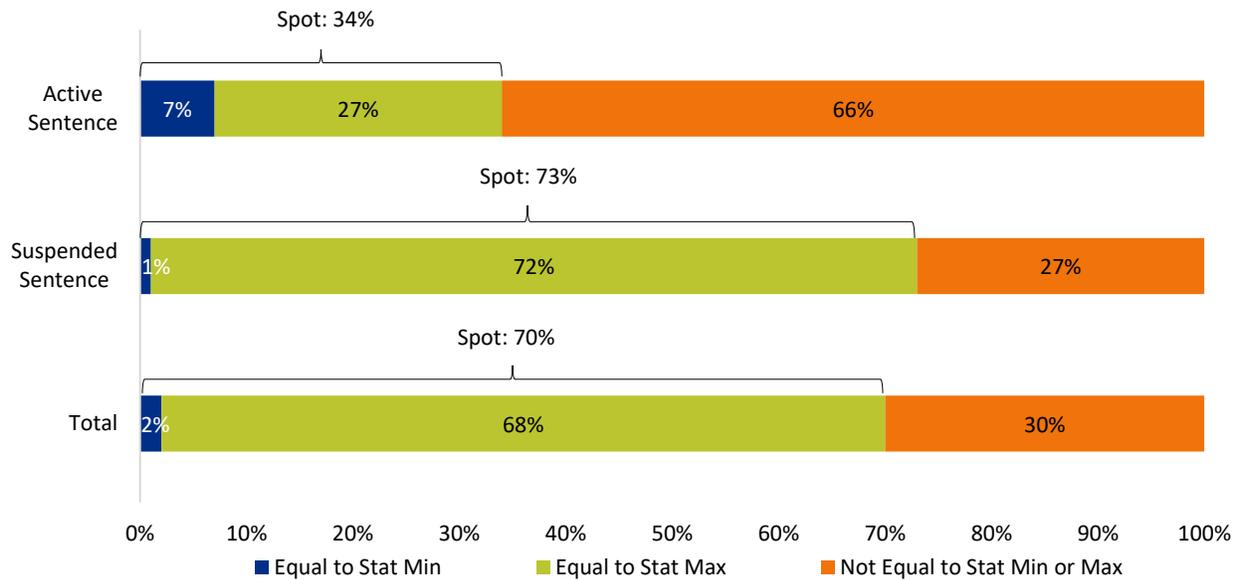
Note: Of the 28,614 DWI convictions in FY 2018, 30 convictions with discrepant date values were excluded.  
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

### B. Sentence Length Relative to the Statutory Minimum and Maximum Sentences

Figure S examines how often the minimum sentence imposed is equal to the statutory minimum or statutory maximum sentence length. Overall, the majority of minimum sentences imposed were equal to the statutory maximum (68%) and only 2% were equal to the statutory minimum – for a total of 70% on one of these two “spots.” However, active sentences were only imposed on a spot 34% of the time compared to 73% of suspended sentences. The statutory minimum sentence was imposed very infrequently regardless of whether the sentence was active or suspended (with the exception of Aggravated Level 1 convictions).<sup>14</sup>

<sup>14</sup> Overall, 21% of Aggravated Level 1 offenders were sentenced to the statutory minimum (12 months), 41% were sentenced to the statutory maximum (36 months), and 38% were sentenced to a different amount of time, for a total of 62% sentenced on either the statutory minimum or statutory maximum.

**Figure S: Sentence Length Relative to the Statutory Minimum and Maximum Sentences**



Note: Of the 28,614 DWI convictions in FY 2018, 12 convictions with missing values for type of sentence imposed were excluded from this figure.

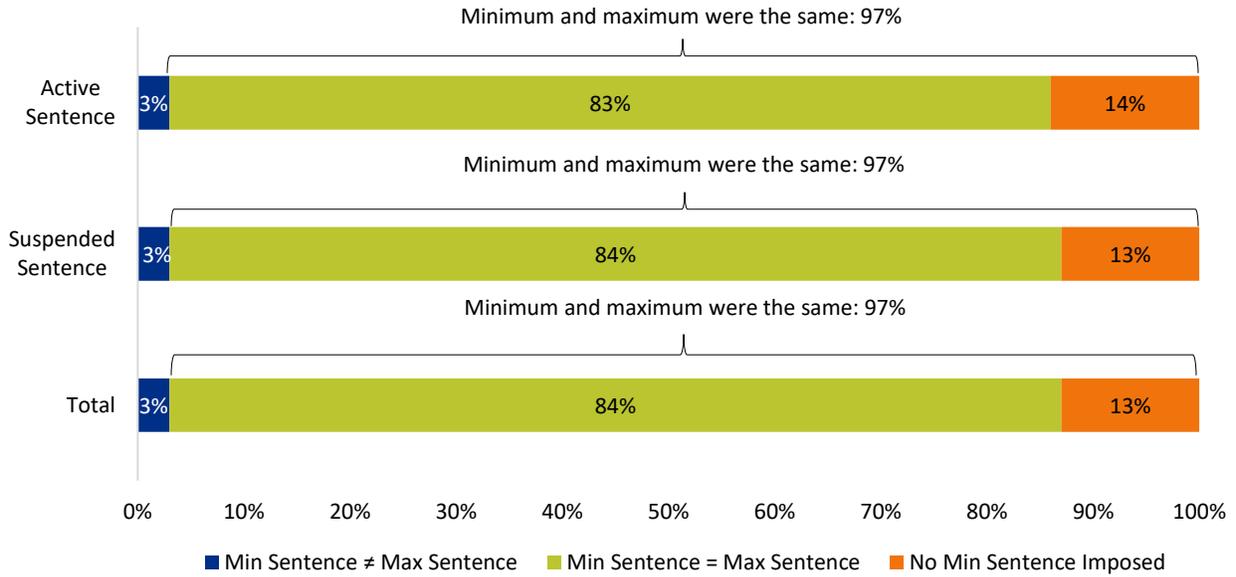
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

### C. Use of Minimum and Maximum Sentences

Judges must impose a maximum term of imprisonment and may impose a minimum term.<sup>15</sup> Figure T examines whether a minimum term was imposed and whether the minimum term equaled the maximum term. Overall, 84% of sentences imposed included a minimum term that was equal to the maximum term (e.g., 12 months minimum and 12 months maximum). In an additional 13% of the sentences, no minimum term was indicated and only a maximum term was imposed. In the remaining 3% of sentences imposed, the minimum and maximum terms differed, indicating a range of months (e.g., 12 months minimum and 36 months maximum). The use of a sentencing range occurred infrequently regardless of whether an active or a suspended sentence was imposed (3% each).

<sup>15</sup> G.S. 15A-1351(b)

**Figure T: Use of Minimum and Maximum Sentences**



Note: Of the 28,614 DWI convictions in FY 2018, 12 convictions with missing values for type of sentence imposed were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

#### D. Credit for Time Served

Credit for time served is the amount of time an offender has spent committed to or confined in a State or local correctional, mental, or other institution prior to trial. Nineteen percent (19%) of all DWI offenders received credit for time served (see Table 7). Almost two-thirds (65%) of offenders who received active sentences also received credit for time served compared to only 15% of those who received suspended sentences. Offenders who received an active sentence averaged a greater amount of credit for time served than those who received a suspended sentence (54 and 16 days respectively).

**Table 7: Convictions with Credit for Time Served (Days) by Punishment Level**

Punishment Level	Sentence Type	#	Convictions with Credit for Time Served		
			%	Average	Median
Agg. Level 1	Active	349	58	64	40
	Suspended	377	40	61	39
	<b>Subtotal</b>	<b>726</b>	<b>48</b>	<b>63</b>	<b>39</b>
Level 1	Active	410	57	74	52
	Suspended	2,325	34	27	18
	<b>Subtotal</b>	<b>2,735</b>	<b>37</b>	<b>38</b>	<b>27</b>
Level 2	Active	392	58	64	37
	Suspended	3,805	27	16	7
	<b>Subtotal</b>	<b>4,197</b>	<b>30</b>	<b>25</b>	<b>7</b>
Level 3	Active	240	65	57	41
	Suspended	1,563	22	17	5
	<b>Subtotal</b>	<b>1,803</b>	<b>28</b>	<b>30</b>	<b>14</b>
Level 4	Active	326	77	49	38
	Suspended	3,162	15	9	2
	<b>Subtotal</b>	<b>3,488</b>	<b>21</b>	<b>23</b>	<b>7</b>
Level 5	Active	613	73	37	30
	Suspended	15,040	8	6	1
	<b>Subtotal</b>	<b>15,653</b>	<b>11</b>	<b>14</b>	<b>2</b>
<b>Subtotal</b>	<b>Active</b>	<b>2,330</b>	<b>65</b>	<b>54</b>	<b>36</b>
	<b>Suspended</b>	<b>26,272</b>	<b>15</b>	<b>16</b>	<b>4</b>
<b>Total</b>		<b>28,602</b>	<b>19</b>	<b>27</b>	<b>8</b>

Note: Of the 28,614 DWI convictions in FY 2018, 12 convictions with missing values for type of sentence imposed were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

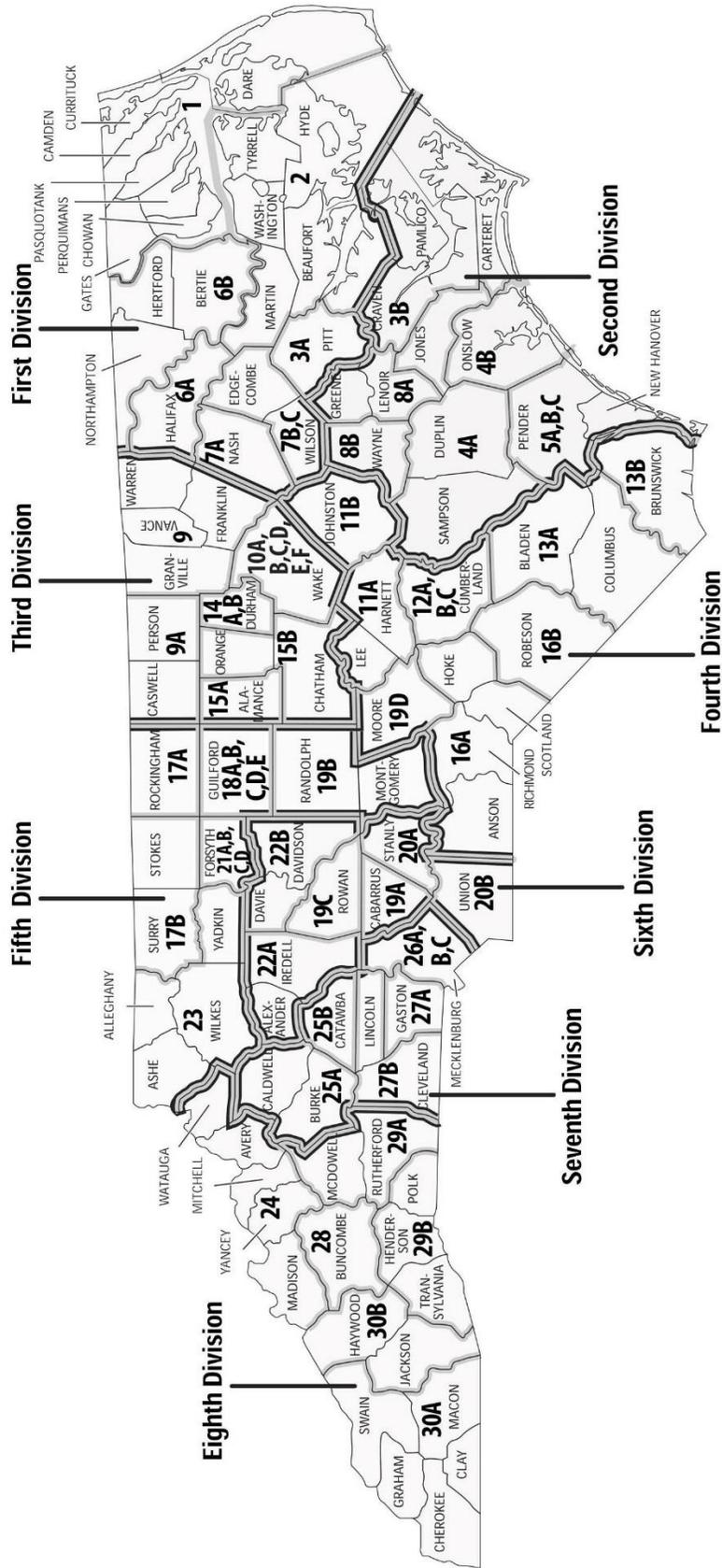
---

APPENDIX A  
MAPS OF JUDICIAL DIVISIONS AND DISTRICTS

---

# North Carolina Superior Court

## Effective January 1, 2015

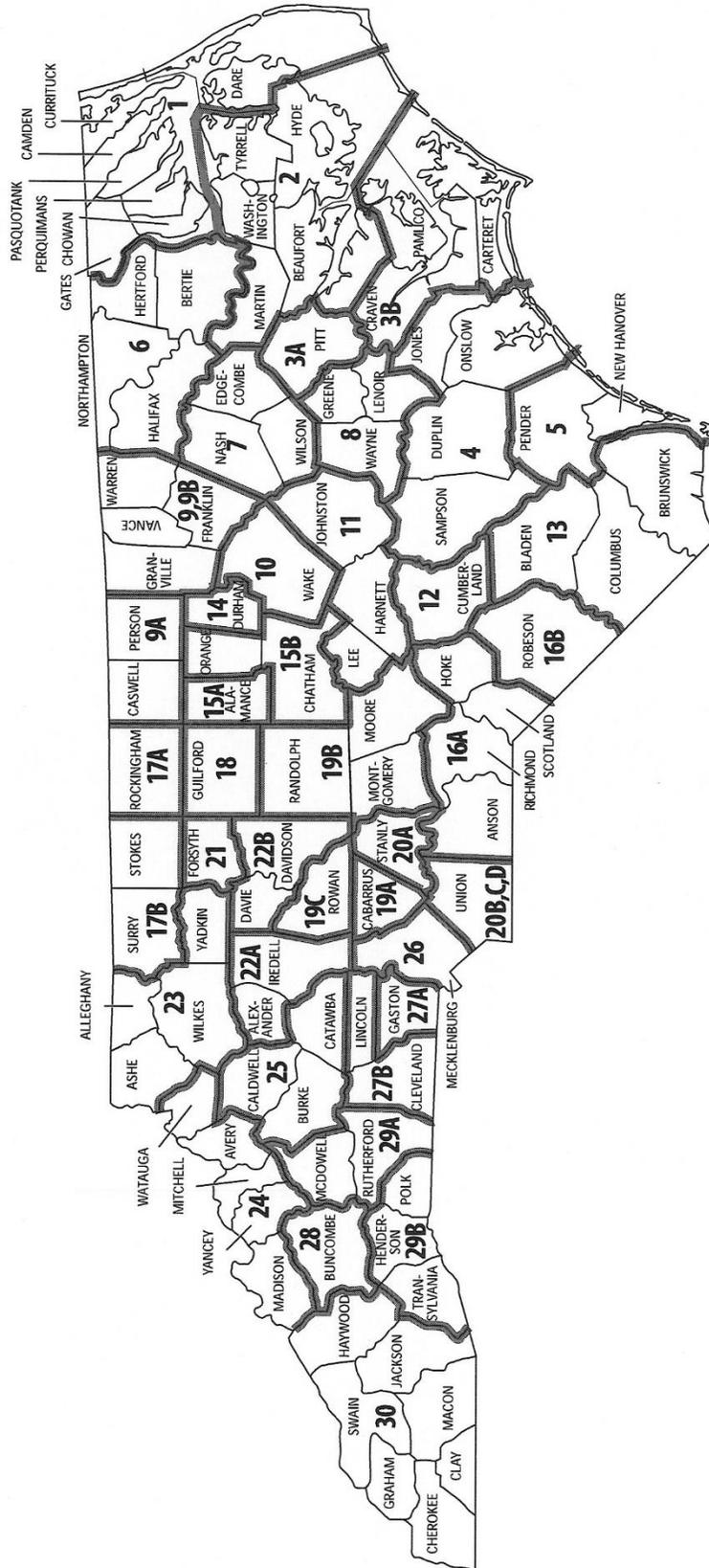


Note: Districts that have more than one letter associated with the district number (i.e., 10A, B, C, D) are divided into separate districts for electoral purposes. For administrative purposes, they are combined into a single district.

Copyright © 2014  
 School of Government  
 The University of North Carolina at Chapel Hill

# North Carolina District Court Districts

Effective January 1, 2015



Note: Districts 9 and 9B, and districts 20B, 20C, and 20D are districts for electoral purposes only. They are combined for administrative purposes.

Copyright © 2014  
 School of Government  
 The University of North Carolina at Chapel Hill

---

APPENDIX B  
DWI PUNISHMENT TABLE

---

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

**SENTENCING FOR IMPAIRED DRIVING OFFENSES**

<b>PUNISHMENT LEVELS</b>	<b>FACTORS</b>	<b>PUNISHMENT</b>	<b>FINE</b>
<b>Aggravated Level One</b> (20-179(f3))	3 grossly aggravating factors apply. (20-179(c))	<b>Active sentence range:</b> Min: 12 months Max: 36 months <b>Or split sentence:</b> at least 120 days	Maximum of \$10,000
<b>Level One</b> (20-179(g))	Grossly aggravating factor #4 <sup>a</sup> or 2 other grossly aggravating factors apply.	<b>Active sentence range:</b> Min: 30 days Max: 24 months <b>Or split sentence:</b> at least 30 days <sup>b</sup>	Maximum of \$4,000
<b>Level Two</b> (20-179(h))	1 grossly aggravating factor (other than #4 <sup>a</sup> ) applies.	<b>Active sentence range:</b> Min: 7 days Max: 12 months <b>Or split sentence:</b> at least 7 days <sup>c</sup>	Maximum of \$2,000
<b>Level Three</b> (20-179(i))	Aggravating factors substantially outweigh mitigating factors. (20-179(d) and (e))	<b>Active sentence range:</b> Min: 72 hours Max: 6 months <b>Or split sentence:</b> at least 72 hours <b>Or community service:</b> 72 hours	Maximum of \$1,000
<b>Level Four</b> (20-179(j))	No aggravating or mitigating factors or factors substantially counterbalance each other.	<b>Active sentence range:</b> Min: 48 hours Max: 120 days <b>Or split sentence:</b> 48 hours <b>Or community service:</b> 48 hours	Maximum of \$500
<b>Level Five</b> (20-179(k))	Mitigating factors substantially outweigh aggravating factors.	<b>Active sentence range:</b> Min: 24 hours Max: 60 days <b>Or split sentence:</b> 24 hours <b>Or community service:</b> 24 hours	Maximum of \$200

<sup>a</sup> Child under 18 or person with mental or physical disability in the vehicle at the time of the offense.

<sup>b</sup> Not less than 10 days if a condition of special probation is imposed to require that a defendant abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety, for a period of not less than 120 days.

<sup>c</sup> Abstain from consuming alcohol for at least 90 consecutive days, as verified by a continuous alcohol monitoring system.

## NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

### **Offenses**

- Impaired driving. (G.S. 20-138.1)
- Impaired driving in a commercial vehicle. (G.S. 20-138.2)
- Operating a commercial vehicle after consuming alcohol. (Second or subsequent) (G.S. 20-138.2A)
- Operating a school bus, school activity bus, child care vehicle, ambulance, other EMS vehicle, firefighting vehicle, or law enforcement vehicle after consuming alcohol. (Second or subsequent) (G.S. 20-138.2B)

### **Sentence**

A sentence to imprisonment must impose a maximum term and may impose a minimum term. The impaired driving judgment may state the minimum term or may state that a term constitutes both the minimum and maximum terms. (G.S. 15A-1351(b))

### **Place of confinement for active sentences**

*For convictions on or after January 1, 2015:*

- DWI defendants must be sentenced to the Statewide Misdemeanant Confinement Program. (G.S. 15A-1352(f))

---

APPENDIX C  
ADDITIONAL CONVICTION DATA BY  
JUDICIAL DISTRICT AND COUNTY

---

Appendix C, Table 1: Convictions by Judicial District and County

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (16+)
<b>District 1</b>	Camden	33	4
	Chowan	25	2
	Currituck	141	6
	Dare	374	12
	Gates	28	3
	Pasquotank	154	5
	Perquimans	47	4
	<b>Total</b>	<b>802</b>	<b>6</b>
<b>District 2</b>	Beaufort	263	7
	Hyde	28	6
	Martin	74	4
	Tyrrell	35	10
	Washington	39	4
	<b>Total</b>	<b>439</b>	<b>6</b>
<b>District 3A</b>	Pitt	350	2
	<b>Total</b>	<b>350</b>	<b>2</b>
<b>District 3B</b>	Carteret	254	4
	Craven	181	2
	Pamlico	29	3
	<b>Total</b>	<b>464</b>	<b>3</b>
<b>District 4</b>	Duplin	260	6
	Jones	53	6
	Onslow	504	3
	Sampson	327	7
	<b>Total</b>	<b>1,144</b>	<b>5</b>
<b>District 5</b>	New Hanover	805	4
	Pender	185	4
	<b>Total</b>	<b>990</b>	<b>4</b>
<b>District 6</b>	Bertie	32	2
	Halifax	198	5
	Hertford	57	3
	Northampton	39	2
	<b>Total</b>	<b>326</b>	<b>3</b>
<b>District 7</b>	Edgecombe	232	5
	Nash	345	5
	Wilson	241	4
	<b>Total</b>	<b>818</b>	<b>4</b>
<b>District 8</b>	Greene	25	1
	Lenoir	165	4
	Wayne	561	6
	<b>Total</b>	<b>751</b>	<b>5</b>

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (16+)
<b>District 9</b>	Franklin	178	3
	Granville	147	3
	Vance	357	10
	Warren	96	6
	<b>Total</b>	<b>778</b>	<b>5</b>
<b>District 9A</b>	Caswell	63	3
	Person	166	5
	<b>Total</b>	<b>229</b>	<b>4</b>
<b>District 10</b>	Wake	2,117	2
	<b>Total</b>	<b>2,117</b>	<b>2</b>
<b>District 11</b>	Harnett	219	2
	Johnston	499	3
	Lee	110	2
	<b>Total</b>	<b>828</b>	<b>3</b>
<b>District 12</b>	Cumberland	781	3
	<b>Total</b>	<b>781</b>	<b>3</b>
<b>District 13</b>	Bladen	135	5
	Brunswick	526	5
	Columbus	178	4
	<b>Total</b>	<b>839</b>	<b>4</b>
<b>District 14</b>	Durham	426	2
	<b>Total</b>	<b>426</b>	<b>2</b>
<b>District 15A</b>	Alamance	626	5
	<b>Total</b>	<b>626</b>	<b>5</b>
<b>District 15B</b>	Chatham	105	2
	Orange	509	4
	<b>Total</b>	<b>614</b>	<b>3</b>
<b>District 16A</b>	Anson	99	5
	Hoke	114	3
	Richmond	98	3
	Scotland	124	4
	<b>Total</b>	<b>435</b>	<b>3</b>
<b>District 16B</b>	Robeson	466	4
	<b>Total</b>	<b>466</b>	<b>4</b>
<b>District 17A</b>	Rockingham	309	4
	<b>Total</b>	<b>309</b>	<b>4</b>
<b>District 17B</b>	Stokes	198	5
	Surry	206	3
	<b>Total</b>	<b>404</b>	<b>4</b>

*continued*

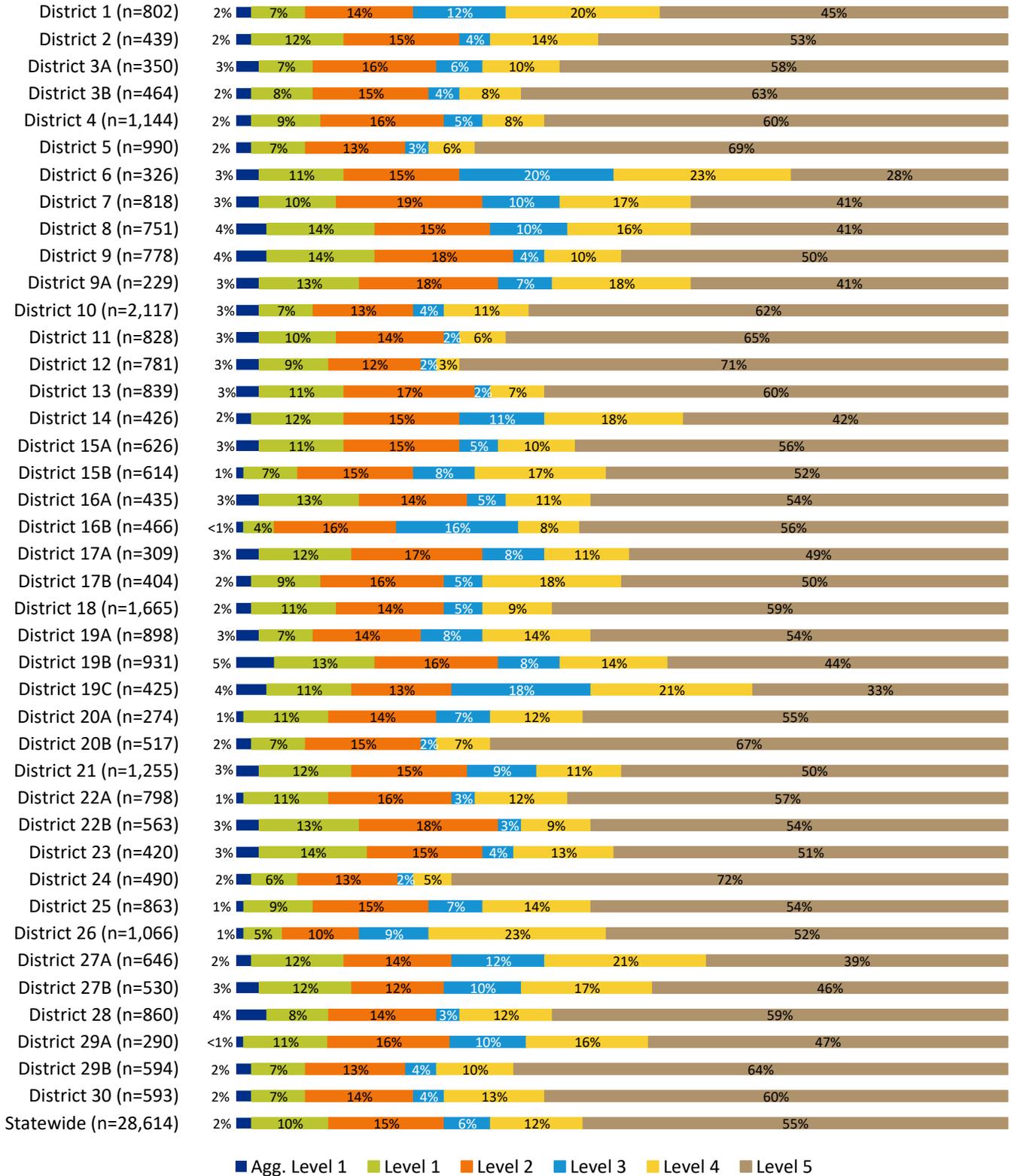
**Appendix C, Table 1: Convictions by Judicial District and County**

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (16+)
<b>District 18</b>	Guilford	1,665	4
	<b>Total</b>	<b>1,655</b>	<b>4</b>
<b>District 19A</b>	Cabarrus	898	5
	<b>Total</b>	<b>898</b>	<b>5</b>
<b>District 19B</b>	Montgomery	168	7
	Moore	248	3
	Randolph	515	4
	<b>Total</b>	<b>931</b>	<b>4</b>
<b>District 19C</b>	Rowan	425	4
	<b>Total</b>	<b>425</b>	<b>4</b>
<b>District 20A</b>	Stanly	274	5
	<b>Total</b>	<b>274</b>	<b>5</b>
<b>District 20B</b>	Union	517	3
	<b>Total</b>	<b>517</b>	<b>3</b>
<b>District 21</b>	Forsyth	1,255	4
	<b>Total</b>	<b>1,255</b>	<b>4</b>
<b>District 22A</b>	Alexander	132	4
	Iredell	666	5
	<b>Total</b>	<b>798</b>	<b>5</b>
<b>District 22B</b>	Davidson	385	3
	Davie	178	5
	<b>Total</b>	<b>563</b>	<b>3</b>
<b>District 23</b>	Alleghany	36	4
	Ashe	64	3
	Wilkes	201	4
	Yadkin	119	4
	<b>Total</b>	<b>420</b>	<b>3</b>
<b>District 24</b>	Avery	59	4
	Madison	77	4
	Mitchell	36	3
	Watauga	270	5
	Yancey	48	3
	<b>Total</b>	<b>490</b>	<b>4</b>

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (16+)
<b>District 25</b>	Burke	404	5
	Caldwell	123	2
	Catawba	336	3
	<b>Total</b>	<b>863</b>	<b>3</b>
<b>District 26</b>	Mecklenburg	1,066	1
	<b>Total</b>	<b>1,066</b>	<b>1</b>
<b>District 27A</b>	Gaston	646	4
	<b>Total</b>	<b>646</b>	<b>4</b>
<b>District 27B</b>	Cleveland	299	4
	Lincoln	231	3
	<b>Total</b>	<b>530</b>	<b>4</b>
<b>District 28</b>	Buncombe	860	4
	<b>Total</b>	<b>860</b>	<b>4</b>
<b>District 29A</b>	McDowell	142	4
	Rutherford	148	3
	<b>Total</b>	<b>290</b>	<b>3</b>
<b>District 29B</b>	Henderson	371	4
	Polk	100	6
	Transylvania	123	4
	<b>Total</b>	<b>594</b>	<b>4</b>
<b>District 30</b>	Cherokee	59	2
	Clay	28	3
	Graham	13	2
	Haywood	176	3
	Jackson	128	4
	Macon	119	4
	Swain	70	6
<b>Total</b>	<b>593</b>	<b>3</b>	
<b>State Total</b>		<b>28,614</b>	<b>3</b>

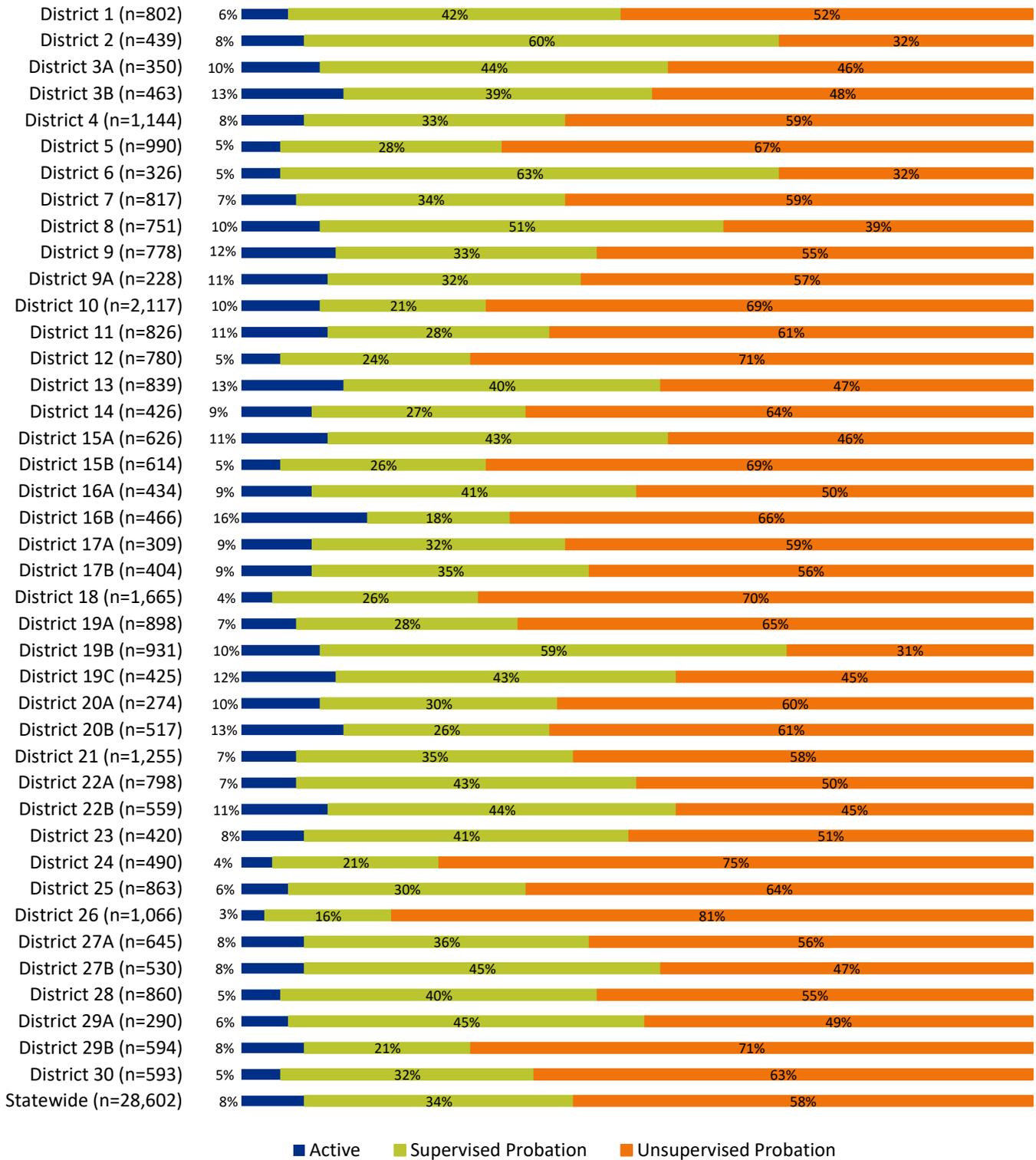
SOURCES: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data and NC Office of State Management and Budget, 2018 Population Estimates from [https://ncosbm.s3.amazonaws.com/s3fs-public/demog/countytotals\\_singleage\\_2018.html](https://ncosbm.s3.amazonaws.com/s3fs-public/demog/countytotals_singleage_2018.html)

**Appendix C, Figure 1: Convictions by Judicial District and Punishment Level**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

**Appendix C, Figure 2: Convictions by Judicial District and Type of Punishment**



Note: Of the 28,614 DWI convictions in FY 2018, 12 convictions with missing values for type of sentence imposed were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

---

APPENDIX D  
ADDITIONAL CONVICTION DATA  
BY PUNISHMENT LEVEL

---

**Appendix D, Table 1: Offender Characteristics and Punishment Imposed by Punishment Level  
N=28,614**

	Agg. Level 1 n=726	Level 1 n=2,738	Level 2 n=4,197	Level 3 n=1,805	Level 4 n=3,488	Level 5 n=15,660
<b>Offender Characteristics</b>						
<b>Gender</b>						
Male	83%	74%	79%	81%	78%	71%
Female	17%	26%	21%	19%	22%	29%
<b>Race</b>						
White	49%	54%	59%	52%	55%	61%
Black	40%	35%	30%	35%	31%	25%
Hispanic	8%	8%	7%	9%	11%	9%
Other	3%	3%	4%	4%	3%	5%
<b>Age at Offense</b>						
Less than 21 Years	<1%	2%	2%	3%	4%	6%
21-30 Years	32%	32%	32%	27%	32%	41%
31-40 Years	33%	32%	28%	29%	28%	23%
41-50 Years	21%	20%	21%	22%	19%	15%
Over 50 Years	14%	14%	17%	19%	17%	15%
Average Age	38	37	38	39	37	35
Median Age	35	35	35	37	35	32
<b>Blood Alcohol Concentration</b>						
Less than .08	4%	3%	3%	2%	2%	2%
.08 or .09	9%	11%	11%	4%	5%	16%
.10 to .14	33%	37%	36%	20%	23%	48%
.15 or More	54%	49%	50%	74%	70%	34%
<b>Punishment Imposed</b>						
<b>Method of Disposition</b>						
Guilty Plea	89%	87%	87%	89%	88%	83%
Bench Trial	10%	13%	13%	11%	11%	17%
Jury Trial	1%	<1%	<1%	<1%	1%	<1%
<b>Sentence Type</b>						
Active Sentence	48%	15%	9%	13%	9%	4%
Supervised Probation	51%	82%	82%	52%	28%	11%
Unsupervised Probation	1%	3%	9%	35%	63%	85%
<b>Sentence Length/Location</b>						
Active						
Average Length (Months)	21	13	6	4	2	1
Sentenced at Stat. Minimum	32%	5%	5%	<1%	2%	3%
Sentenced at Stat. Maximum	17%	21%	29%	36%	18%	35%
Sentence Other than Stat. Min/Max	51%	74%	66%	64%	80%	62%
Suspended						
Average Length (Months)	30	21	11	5	3	2
Sentenced at Stat. Minimum	10%	2%	2%	<1%	1%	1%
Sentenced at Stat. Maximum	64%	70%	81%	66%	57%	73%
Sentence Other than Stat. Min/Max	26%	28%	17%	34%	42%	26%

Note: Convictions with missing data were excluded.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

**Appendix D, Table 2: Conditions of Probation for Probation Sentences by Punishment Level  
N=26,272**

	<b>Agg. Level 1</b> n=377	<b>Level 1</b> n=2,325	<b>Level 2</b> n=3,805	<b>Level 3</b> n=1,563	<b>Level 4</b> n=3,162	<b>Level 5</b> n=15,040
<b>Supervised Probation</b>	99%	97%	90%	60%	30%	11%
Length						
1 Year or Less	3%	15%	28%	32%	64%	72%
13-18 Months	12%	28%	44%	44%	24%	19%
19-24 Months	30%	45%	23%	22%	11%	8%
More than 2 Years	55%	12%	5%	2%	1%	1%
Average Length (Months)	30	22	19	18	15	14
<b>Unsupervised Probation</b>	1%	3%	10%	40%	70%	89%
Length						
1 Year or Less	40%	42%	50%	52%	77%	88%
13-18 Months	40%	31%	37%	32%	14%	7%
19-24 Months	0%	17%	8%	11%	7%	4%
More than 2 Years	20%	10%	5%	5%	2%	1%
Average Length (Months)	18	19	16	17	14	13
<b>Mandatory Conditions</b>						
Special Probation	96%	96%	91%	24%	12%	9%
Community Service	3%	7%	8%	53%	62%	65%
Both	3%	7%	7%	2%	<1%	<1%
<b>Fines</b>						
Convictions with Fine Imposed	81%	86%	88%	86%	89%	90%
Fine Amount						
Less than \$100	1%	2%	2%	3%	6%	6%
\$100 to \$199	7%	13%	14%	24%	48%	85%
\$200 to \$299	10%	15%	24%	33%	33%	8%
\$300 to \$499	13%	23%	31%	20%	11%	1%
\$500 or More	69%	47%	29%	20%	2%	<1%
Average Fine Imposed	\$866	\$577	\$392	\$282	\$179	\$111
Median Fine Imposed	\$500	\$400	\$300	\$250	\$150	\$100

Note: Convictions with missing data were excluded. The average length of probation for unsupervised probation in Aggravated Level 1 was based on fewer than 10 observations.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 DWI Statistical Report Data

#### Disclaimer for AOC Data

These data are from the Administrative Office of the Courts' (AOC) Automated Criminal Infraction System (ACIS). These data are a snapshot in time and are subject to change from such factors as the sealing or expungement of records, corrections made to data entry, motions, appeals, or other legal actions that may change the nature, status or outcome of a case, and other factors. Data maintained in ACIS are intended for management of caseloads, basic record-keeping, and general statistics. These data reveal nothing about evidence presented or its weight or credibility, the reasons or validity of factual or legal arguments or conclusions presented or made, or any other of the myriad circumstances relevant to the results of any particular case. Therefore, the data should not be used or represented to reflect on the merits of the facts or the outcomes of cases. For that and many analytic purposes, it would be inappropriate and misleading to use these data as a substitute for a review of actual case files and/or transcripts. No analysis of or conclusions drawn from these data may be attributed to the AOC. Neither the analysis nor any conclusions in this report are accepted as accurate or endorsed by the AOC.