

DRIVING WHILE IMPAIRED CONVICTIONS STATISTICAL REPORT

FISCAL YEAR
2017

DRIVING WHILE IMPAIRED CONVICTIONS AND SENTENCES IMPOSED

STATISTICAL REPORT

FISCAL YEAR
2017



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TABLE OF CONTENTS

INTRODUCTION i

SUMMARY OF FINDINGS ii

DWI CONVICTIONS IN FY 2017

I. DWI CONVICTIONS IN FY 2017..... 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 (Months) by Punishment Level..... 11

 Figure L: Average Length of Active Sentences (Months) by Method of Disposition and Punishment Level..... 11

 Figure M: Average Sentence Length (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 (Months) by Type of Probation and Punishment Level..... 13

 Table 4: Most Frequently Imposed Probation Length (Months) 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
IV. SPECIAL ISSUES.....	16
A. Time to Sentencing.....	16
Figure Q: Median Time to Sentencing (Months) by Punishment Level and Method of Disposition for District Court and Superior Court	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

APPENDIX A: MAPS OF JUDICIAL DIVISIONS AND DISTRICTS	
North Carolina Superior Court Districts.....	22
North Carolina District Court Districts	23
APPENDIX B: DWI PUNISHMENT TABLE	
Sentencing for Impaired Driving Offenses.....	25
APPENDIX C: ADDITIONAL CONVICTION DATA BY JUDICIAL DISTRICT AND COUNTY	
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
APPENDIX D: ADDITIONAL CONVICTION DATA BY PUNISHMENT LEVEL	
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 North Carolina General Statute (hereinafter G.S.) 20-179 during Fiscal Year 2017 (July 1, 2016 through June 30, 2017). 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).

The following impaired driving offenses are excluded from this report:

- Aiding and abetting DWI (G.S. 20-179(f1))
- Habitual Impaired Driving (G.S. 20-138.5(b))

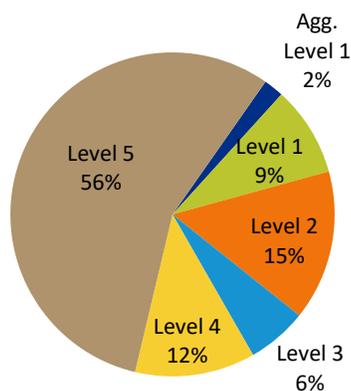
The report presents information on the number of DWI convictions, the distribution of DWI convictions across the six punishment levels, and the types of sentences imposed, as well as data about several other issues. The Appendix includes data on DWI convictions by district and county, as well as additional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

SUMMARY OF FINDINGS

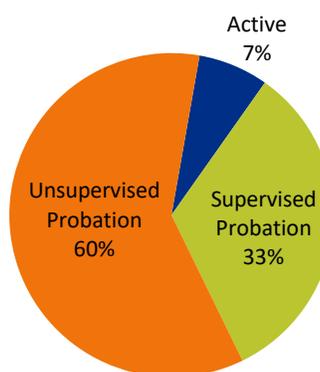
FY 2017 DWI CONVICTIONS

During FY 2017, sentences for 32,359 DWI convictions were imposed.¹ 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 (56%) and a majority of offenders received unsupervised probation (60%).

Convictions by Punishment Level

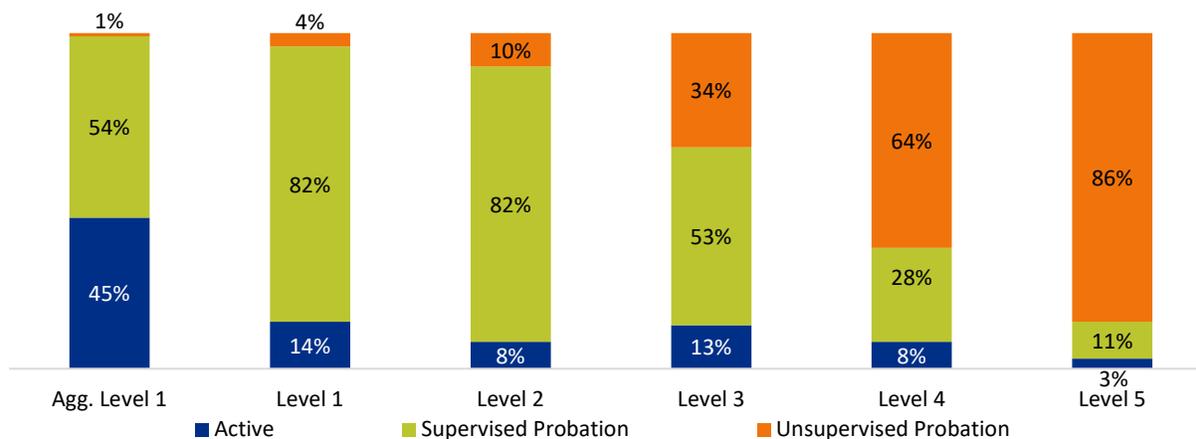


Convictions by Type of Sentence



The type of sentence imposed by punishment level is shown in the figure below. Nearly half (45%) of all offenders sentenced with an Aggravated Level 1 punishment received an active sentence. Supervised probation was the most frequent sentence imposed among Aggravated Level 1 (54%), Level 1 (82%), Level 2 (82%), and Level 3 (53%) convictions. Unsupervised probation was most frequently imposed among Level 4 (64%) and Level 5 (86%) convictions.

Type of Sentence Imposed by Punishment Level



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

¹ For many of the tables and figures in this report, 12 of the 32,359 DWI convictions were excluded because the type of sentence imposed could not be determined.

DWI CONVICTIONS
FY 2017

I. DWI CONVICTIONS IN FY 2017

A. DWI Convictions

This report contains information on DWI convictions sentenced under G.S. 20-179² during Fiscal Year 2017 (July 1, 2016 through June 30, 2017) and reflects the laws and practices that were in place during this time period. Overall, sentences for 32,359 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 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*.³

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."

A *SENTENCING EPISODE* IS IDENTIFIED FROM COURT RECORDS AS THE SENTENCE IMPOSED FOR THE *MOST SERIOUS CONVICTION* ON A GIVEN DAY OF COURT.

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

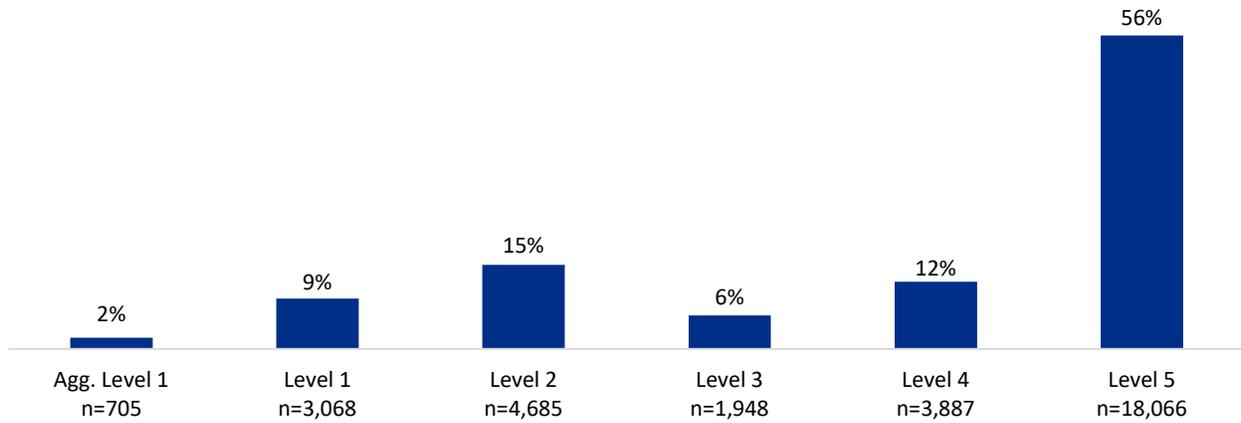
Figure A shows the distribution of DWI convictions across punishment levels. The majority of convictions were in Level 5 (n=18,066 or 56%). The percentage of convictions increased from Aggravated Level 1 (2%) through Level 2 (15%), and then again from Level 3 (6%) through Level 5 (56%). Aggravated Level 1 through

² 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 included in this report.

³ 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 for detail.

Level 2 punishments are based on the presence of grossly aggravating factors while Levels 3 through 5 are not.⁴

Figure A: Convictions by Punishment Level



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

E. Convictions by Month of Sentencing

Figure B shows the number of convictions by month of sentencing during FY 2017. Convictions were highest in March and lowest in December.

Figure B: Convictions by Month of Sentencing



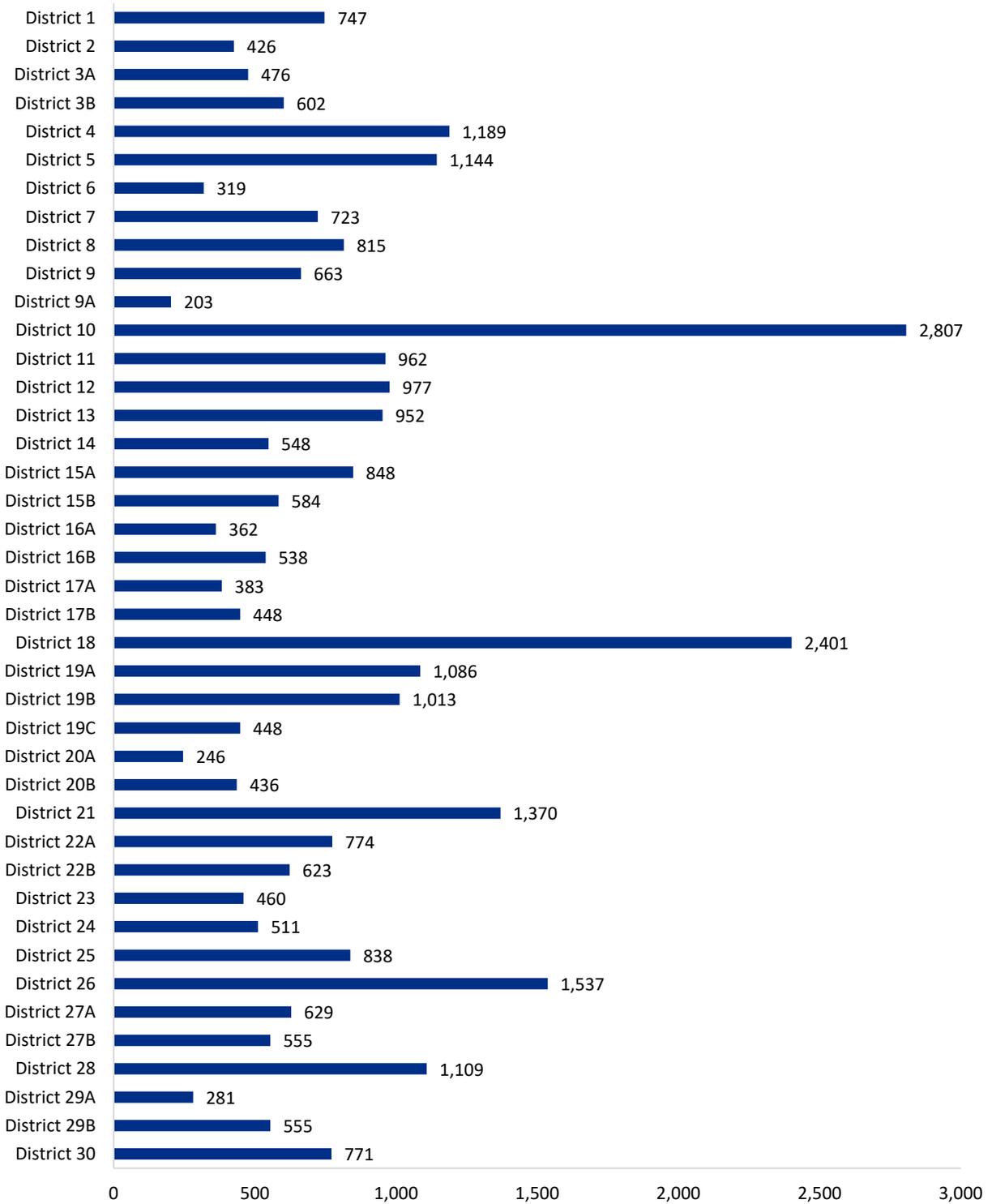
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

F. Convictions by Judicial District

Figure C shows the total number of convictions by judicial district (N=32,359). The districts with the most DWI convictions were District 10 (Wake County, n=2,807), District 18 (Guilford County, n=2,401), and District 26 (Mecklenburg County, n=1,537). Additional information about DWI convictions by district and county can be found in Appendix C.

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

Figure C: Convictions by Judicial District



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

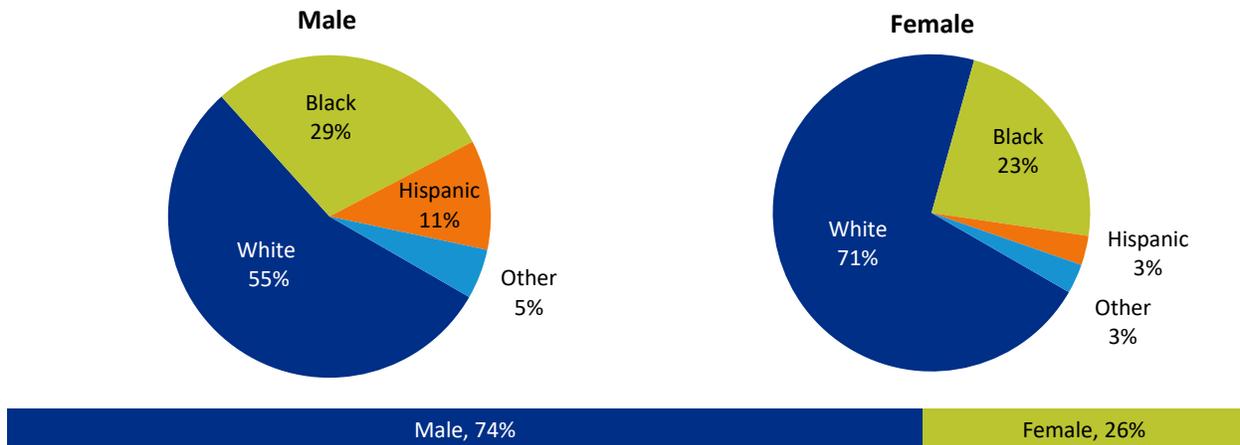
II. CHARACTERISTICS OF OFFENDERS

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 32,359 DWI convictions in FY 2017, 74% were for males (see Figure D). Overall, the majority of DWI offenders were white (59%). White females comprised a larger percentage of female convictions (71%) than white males did for male convictions (55%). Black males and females comprised the second largest racial category for each sex (29% and 23% respectively, and 28% overall).

Figure D: Convictions by Sex and Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 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. Regardless of punishment level, the largest concentrations of convictions were accounted for by offenders aged 21-40 at the time of offense. Nearly half (49%) of all Level 5 convictions were for offenders aged 30 and younger.

Table 1: Convictions by Age at Offense and Punishment Level

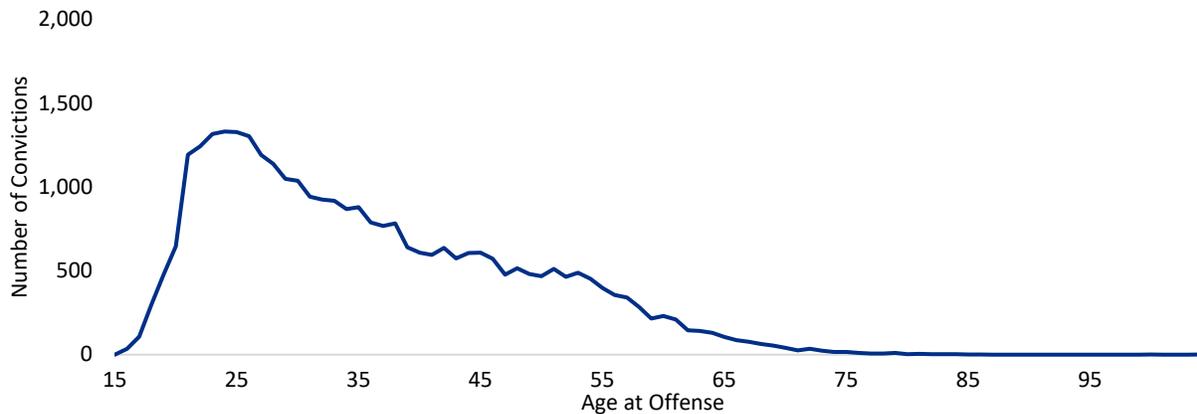
Punishment Level	#	Average Age	Age at Offense				
			<21	21-30	31-40	41-50	>50
			%	%	%	%	%
Agg. Level 1	703	39	1	27	34	21	17
Level 1	3,063	37	3	33	32	19	13
Level 2	4,677	38	2	33	28	20	17
Level 3	1,946	39	2	28	30	21	19
Level 4	3,884	37	4	34	25	19	18
Level 5	18,047	35	7	42	22	15	14
Total	32,320	36	5	38	25	17	15

Note: Of the 32,359 DWI convictions in FY 2017, 39 convictions with missing values for offender’s age were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

The volume of offenders peaked at age 24, and then generally declined as age increased (see Figure E).

Figure E: Distribution of Convictions by Age at Offense



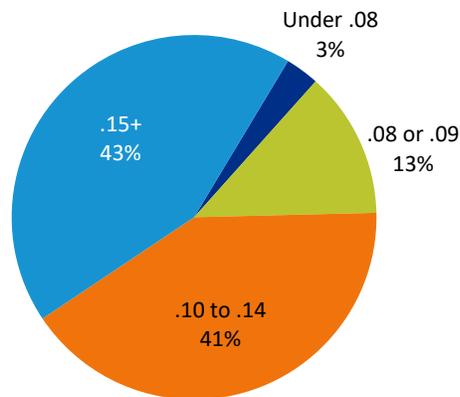
Note: Of the 32,359 DWI convictions in FY 2017, 39 convictions with missing values for offender’s age were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

B. Convictions by Blood Alcohol Concentration (BAC)

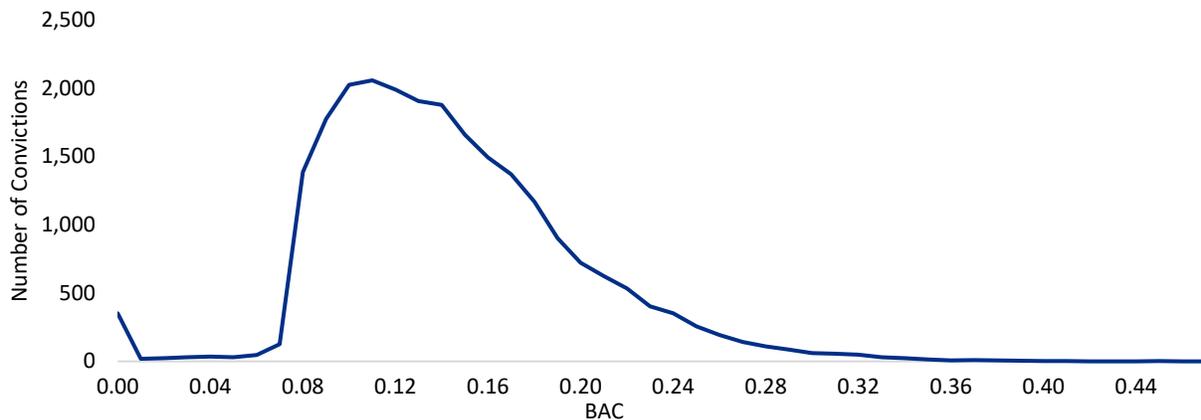
BAC levels were recorded for 74% of the 32,359 convictions.⁵ Figure F shows the percentage of convictions by BAC. The greatest percentage of convictions were in the .15+ category (43%), followed closely by the .10 to .14 category (41%). Figure G illustrates the distribution of BAC for offenders convicted of DWI in FY 2017. A BAC of .11 was the most frequent (n=2,059), followed by .10 (n=2,026) and .12 (n=1,991).

Figure F: Convictions by BAC



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

Figure G: Distribution of BAC



Note: Of the 32,359 DWI convictions in FY 2017, 8,381 convictions without BAC levels were excluded from these figures.

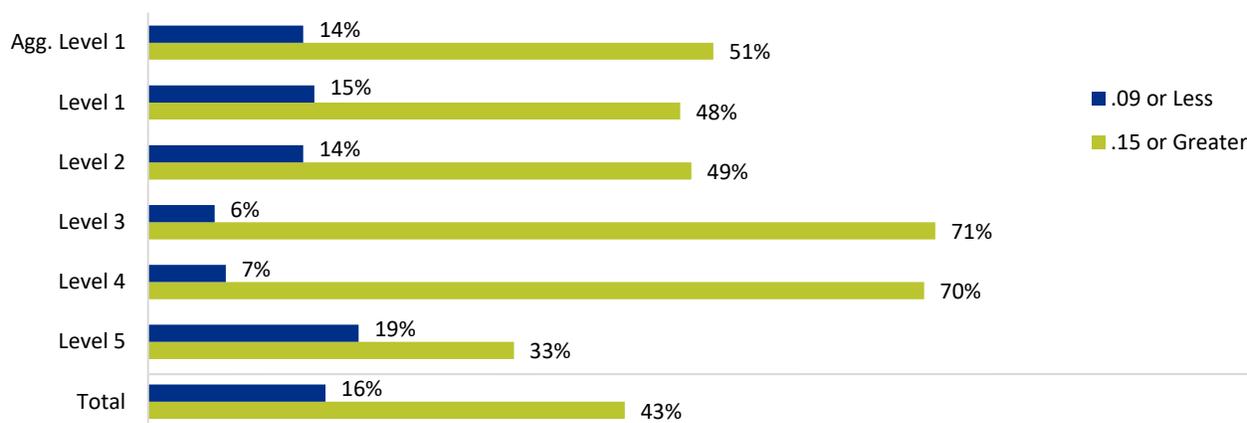
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

⁵ 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 2017 data showed refusals occurred in 13% of convictions, blood tests occurred in 7% of convictions, DWI under controlled substances other than alcohol occurred in 1% 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 5.⁶ 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.⁷

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 .15 or greater (71% and 70% respectively). Correspondingly, 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 32,359 DWI convictions in FY 2017, 8,381 convictions without BAC levels were excluded from this figure. SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 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).⁸

A. Convictions by Type of Sentence Imposed and Punishment Level

Figure I and Table 2 show that 7% of DWI convictions in FY 2017 resulted in an active sentence, 33% resulted in supervised probation, and 60% resulted in unsupervised probation. Nearly half (45%) of all offenders sentenced to an Aggravated Level 1 punishment received an active sentence. Supervised probation was the most frequent sentence imposed among Aggravated Level 1 (54%), Level 1 (82%), Level 2 (82%), and Level 3 (53%) convictions. Unsupervised probation was most frequently imposed among

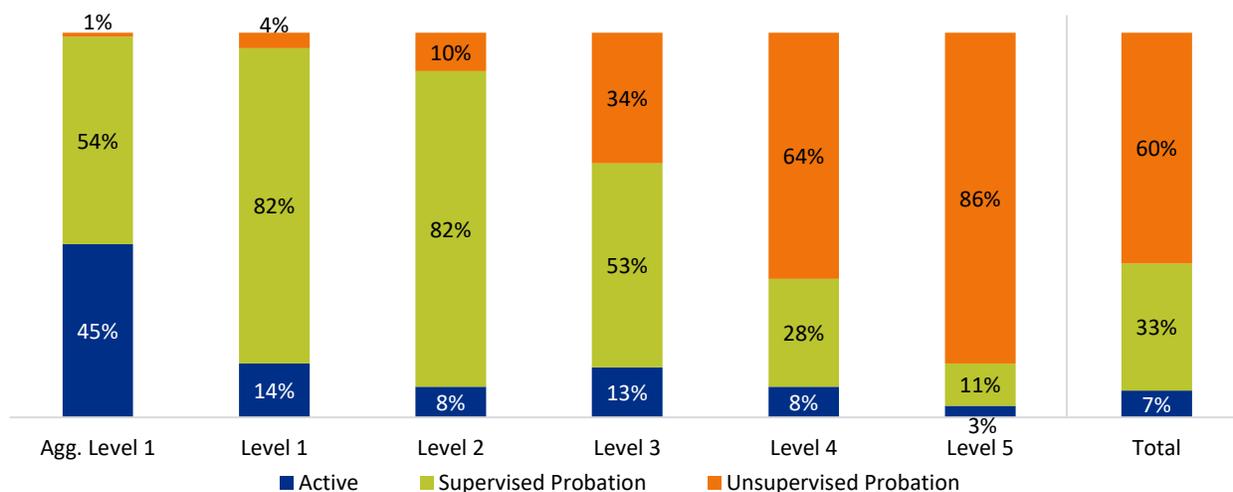
⁶ G.S. 20-179(f)(1)-(3)

⁷ G.S. 20-179(c)

⁸ Section III excludes 12 of the 32,359 DWI convictions in FY 2017 for which the type of sentence imposed could not be determined.

Level 4 (64%) and Level 5 (86%) convictions. 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 (8%). As noted previously, Aggravated Level 1 through Level 2 punishments are based on the presence of grossly aggravating factors while Levels 3 through 5 are not.

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



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 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		
	#	%	#	%	#	%	
Agg. Level 1	318	45	383	54	4	1	705
Level 1	433	14	2,505	82	129	4	3,067
Level 2	384	8	3,850	82	449	10	4,683
Level 3	257	13	1,021	53	670	34	1,948
Level 4	304	8	1,109	28	2,474	64	3,887
Level 5	568	3	1,933	11	15,556	86	18,057
Total	2,264	7	10,801	33	19,282	60	32,347

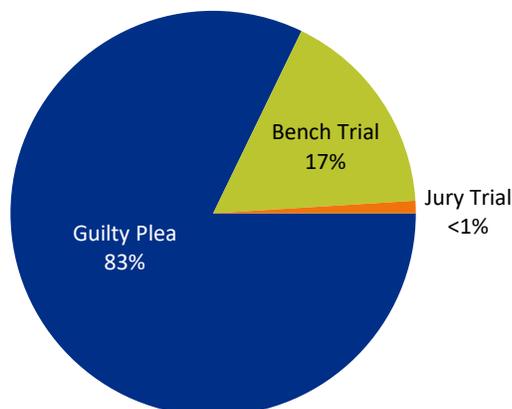
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

B. Convictions by Method of Disposition

Figure J shows that 83% of DWI convictions in FY 2017 were disposed by guilty plea and 17% by bench trial. Jury trials occurred in less than 1% of convictions (n=157). Across all punishment levels, Aggravated Level 1 and Level 3 convictions had the highest percentage of guilty pleas (89% and 88% respectively) and

Level 5 convictions had the lowest percentage (80%). Conversely, Level 5 convictions had the highest percentage of bench trials (19%) and Aggravated Level 1 had the lowest percentage (11%).

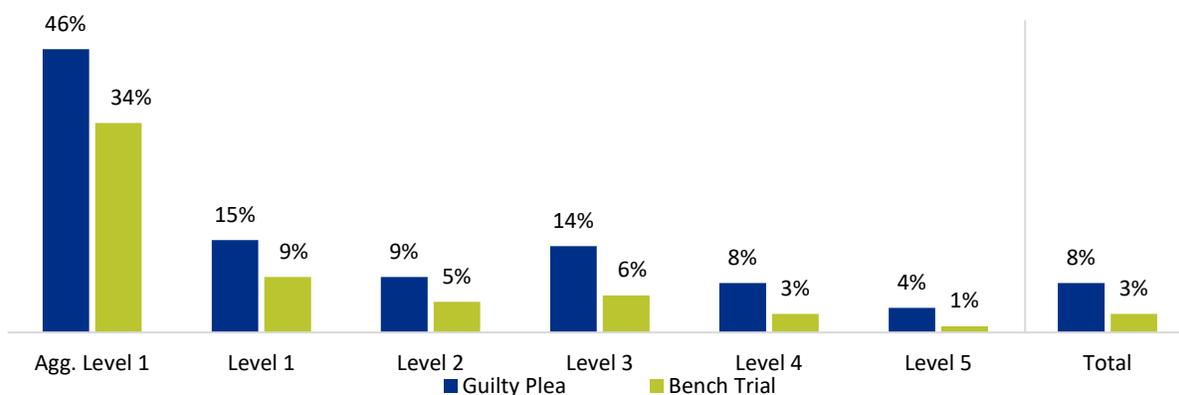
Figure J: Convictions by Method of Disposition



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 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 2017, 8% of all convictions obtained by guilty plea resulted in an active sentence compared to 3% of all convictions disposed by bench trial. Higher rates of active sentences for guilty plea convictions than for bench trials were found across all punishment levels. The overall rate of active sentences for jury trials (n=157) 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 2017 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.⁹

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

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 (n=2,264), 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.

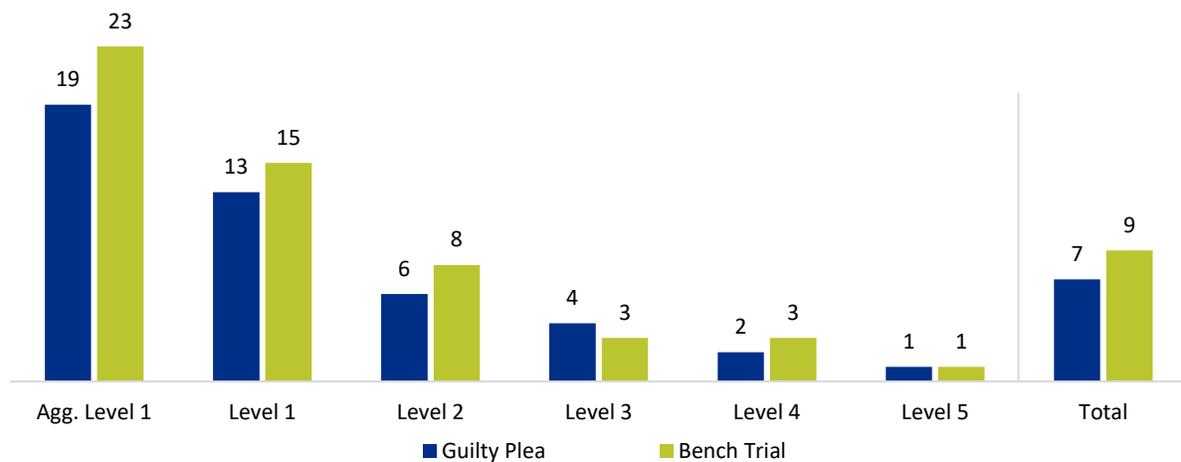
Table 3: Average Length of Active Sentences (Months) by Punishment Level

Punishment Level	Statutory Minimum	Average Active Sentence	Statutory Maximum
Agg. Level 1	12 months	20 months	36 months
Level 1	30 days	13 months	24 months
Level 2	7 days	6 months	12 months
Level 3	72 hours	4 months	6 months
Level 4	48 hours	2 months	120 days
Level 5	24 hours	1 month	60 days
Total		7 months	

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

Among active sentences, there was little variation in average active sentence length by method of disposition overall, as well as by punishment level with the exception of Aggravated Level 1 offenses (see Figure L).

Figure L: Average Length of Active Sentences (Months) by Method of Disposition and Punishment Level

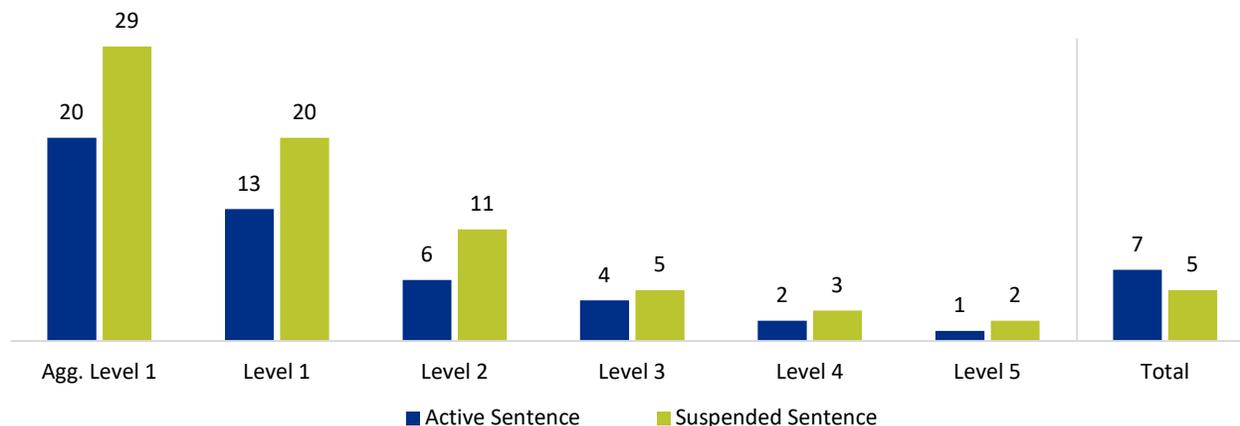


Note: The average active sentence length for jury trial convictions (n=18) was 15 months and is not depicted in this figure due to the limited number of observations. The average active sentence length for bench trials in Levels 3 and 4 were each based on fewer than 25 observations.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

Figure M provides a comparison of the average sentence imposed for active sentences and suspended sentences. As the punishment level decreased, the average sentence length decreased. Aggravated Level 1 DWIs had the longest average sentence imposed. 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=17,489).

Figure M: Average Sentence Length (Months) by Punishment Level



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

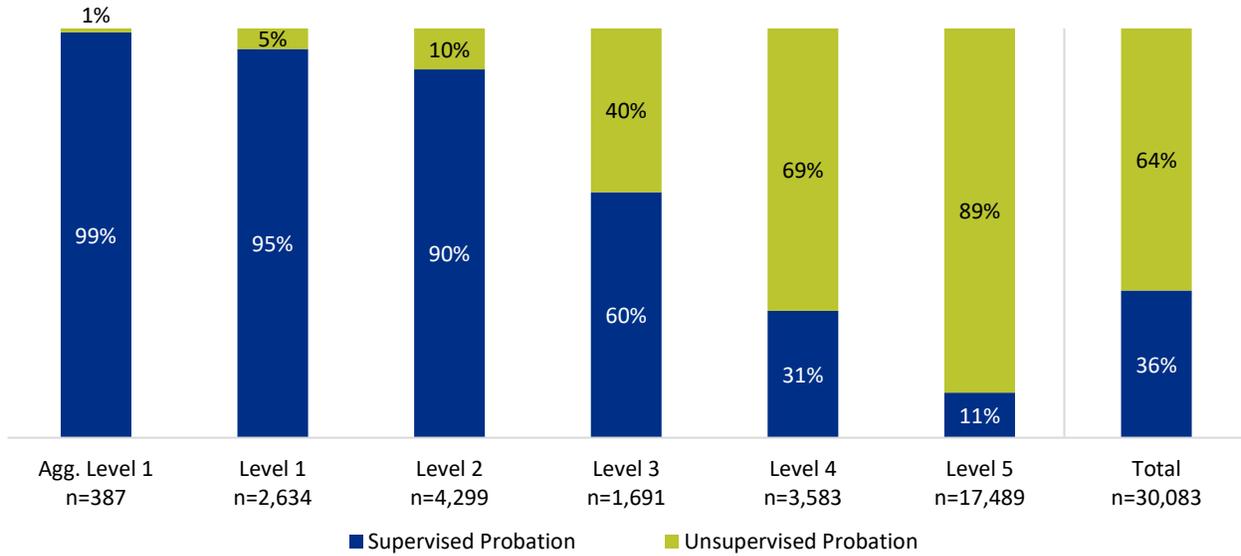
D. Probation Sentences

Probation was imposed for all 30,083 DWI convictions in FY 2017 with a suspended sentence. Figure N summarizes the type of probation – supervised or unsupervised – for probation sentences. Overall, unsupervised probation was imposed for almost two-thirds (64%) of all probation sentences. Of those with probation, nearly all Aggravated Level 1 and Level 1 offenders (99% and 95% respectively) received supervised probation. Level 5 offenders accounted for over half of all probation sentences imposed (i.e., 17,489 of 30,083 probation sentences). As the punishment level decreased, a greater percentage of offenders received unsupervised probation.¹⁰

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 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.

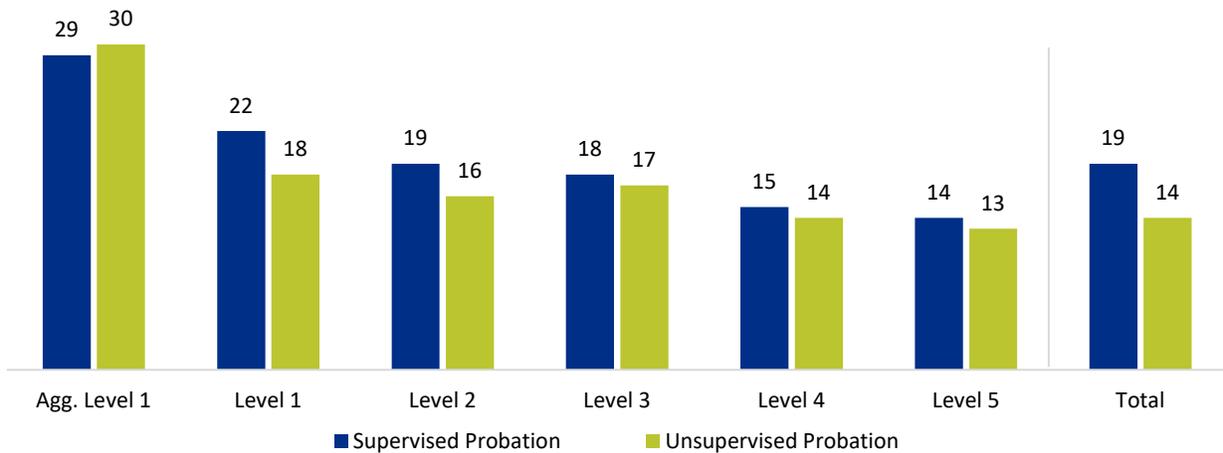
¹⁰ G.S. 20-179(r) outlines the circumstances in which offenders sentenced to Levels 3, 4, and 5 should receive unsupervised probation.

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



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

Figure O: Average Length of Probation (Months) by Type of Probation 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 2017 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. More variation in probation length occurred among offenders who received supervised probation.

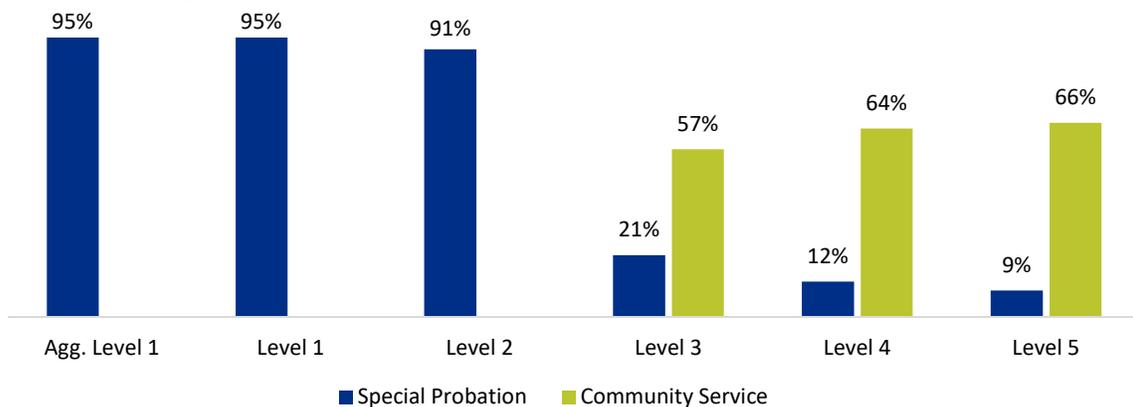
Table 4: Most Frequently Imposed Probation Length (Months) by Type of Probation and Punishment Level

Punishment Level	Total	Type of Probation					
		Supervised Probation			Unsupervised Probation		
		#	Mode	%	#	Mode	%
Agg. Level 1	387	383	36	41	4	12	50
Level 1	2,634	2,505	24	43	129	12	37
Level 2	4,299	3,850	18	44	449	12	56
Level 3	1,691	1,021	18	40	670	12	47
Level 4	3,583	1,109	12	61	2,474	12	75
Level 5	17,489	1,933	12	72	15,556	12	86
Total	30,083	10,801	12	36	19,282	12	82

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

Special probation is required for Aggravated Level 1 through Level 2 offenders sentenced to probation,¹¹ while either special probation or community service is required for Level 3 through 5 offenders sentenced to probation.¹² Mandatory probation conditions by punishment level are shown in Figure P.¹³

Figure P: Mandatory Probation Conditions by Punishment Level



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

Table 5 shows the number, percent, and average days of special probation ordered within the context of the statutory requirements for the duration of special probation. Of all probation sentences, 31%

¹¹ Offenders sentenced in Aggravated Level 1 through Level 2 may receive community service as part of their sentence. Seven percent (7%) of Aggravated Level 1 sentences, 7% of Level 1 sentences, and 9% of Level 2 sentences included community service.

¹² Special probation and community service may be imposed together in Levels 3 through 5; this occurred in less than 1% of the convictions.

¹³ The imposition of mandatory special probation and community service is reported as recorded in the AOC's management information system. It is not clear whether these data reflect actual sentencing practices or how information is captured in the AOC's database.

(n=9,193) had special probation ordered (see Table 5). The average number of special probation days decreased as the punishment level decreased.

Table 5: Probation Sentences with Special Probation by Punishment Level

Punishment Level	Probation Sentences #	Special Probation Ordered %	Average Special Probation Days	Statutory Length Days
Agg. Level 1	387	95	128	At least 120
Level 1	2,634	95	34	At least 30 or at least 10 (if CAM) ¹⁴
Level 2	4,299	91	10	At least 7
Level 3	1,691	21	8	At least 3
Level 4	3,583	12	4	2
Level 5	17,489	9	2	1
Total	30,083	31	19	N/A

Note: All probation sentences with special probation ordered are shown regardless of whether the lengths of special probation are consistent with the terms in G.S. 20-179(f3), (g)-(k).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

Table 6 provides information on fines imposed for probation sentences by punishment level. Fines were imposed for the majority of DWI convictions (90%), ranging from a low of 82% for Aggravated Level 1 offenders to 92% for Level 4 offenders. For each punishment level, the average fine amounts were much lower than the statutory maximum. Nearly all fines imposed (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

Punishment Level	#	Fine Imposed %	Statutory Maximum	Average	Most Frequent Amount
Agg. Level 1	387	82	\$10,000	\$1,013	\$500
Level 1	2,634	87	\$4,000	\$574	\$500
Level 2	4,299	91	\$2,000	\$398	\$300
Level 3	1,691	89	\$1,000	\$281	\$200
Level 4	3,583	92	\$500	\$182	\$100
Level 5	17,489	91	\$200	\$111	\$100
Total	30,083	90	N/A	\$220	\$100

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

¹⁴ Continuous alcohol monitoring (CAM)

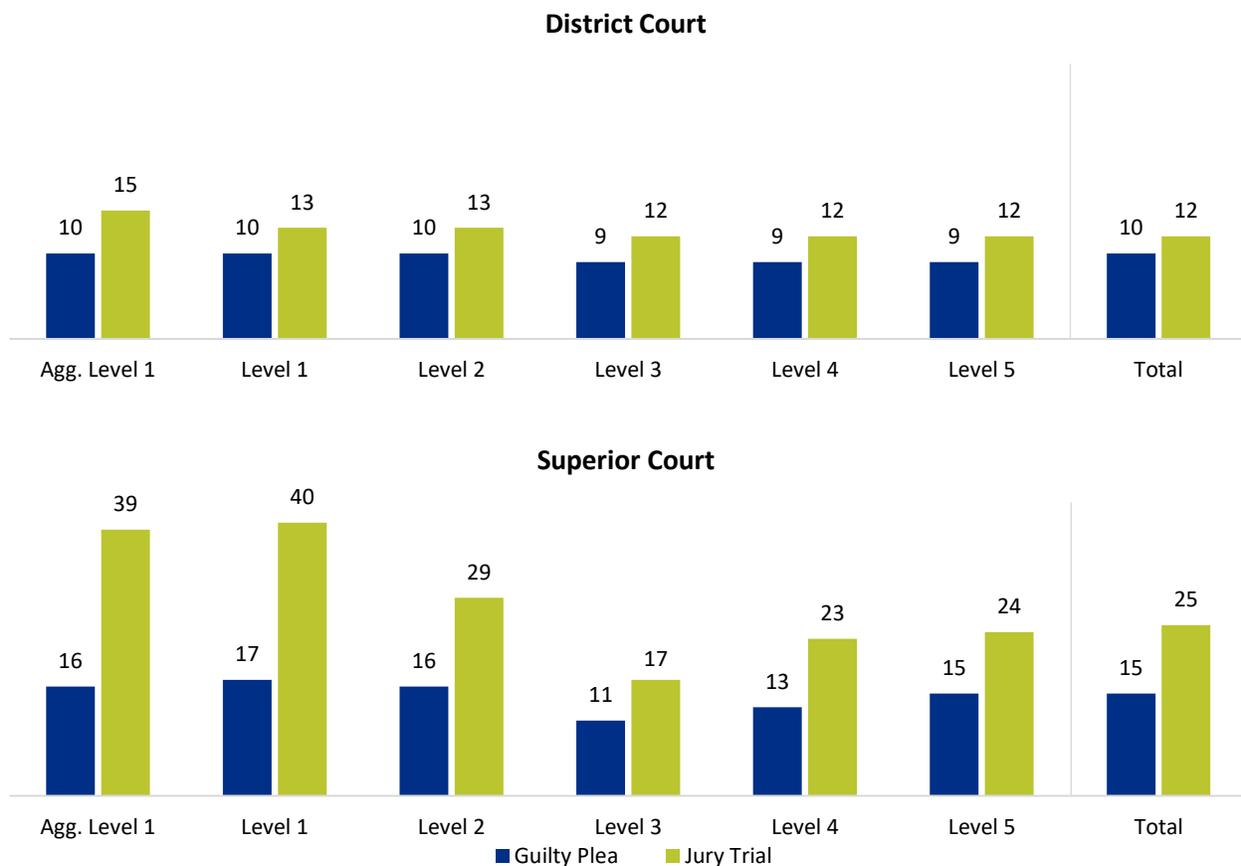
IV. SPECIAL ISSUES

This section reviews issues of special interest including time to sentencing, sentence lengths imposed 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 10 months. District Court bench trials took 2 months longer to dispose of than guilty pleas (12 months compared to 10 months). The median time to sentencing for DWI convictions disposed in Superior Court was 16 months. Guilty pleas entered in Superior Court took 10 months less time to sentencing than jury trials (15 months compared to 25 months). No distinct pattern emerged when examining time to sentencing by punishment level.

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

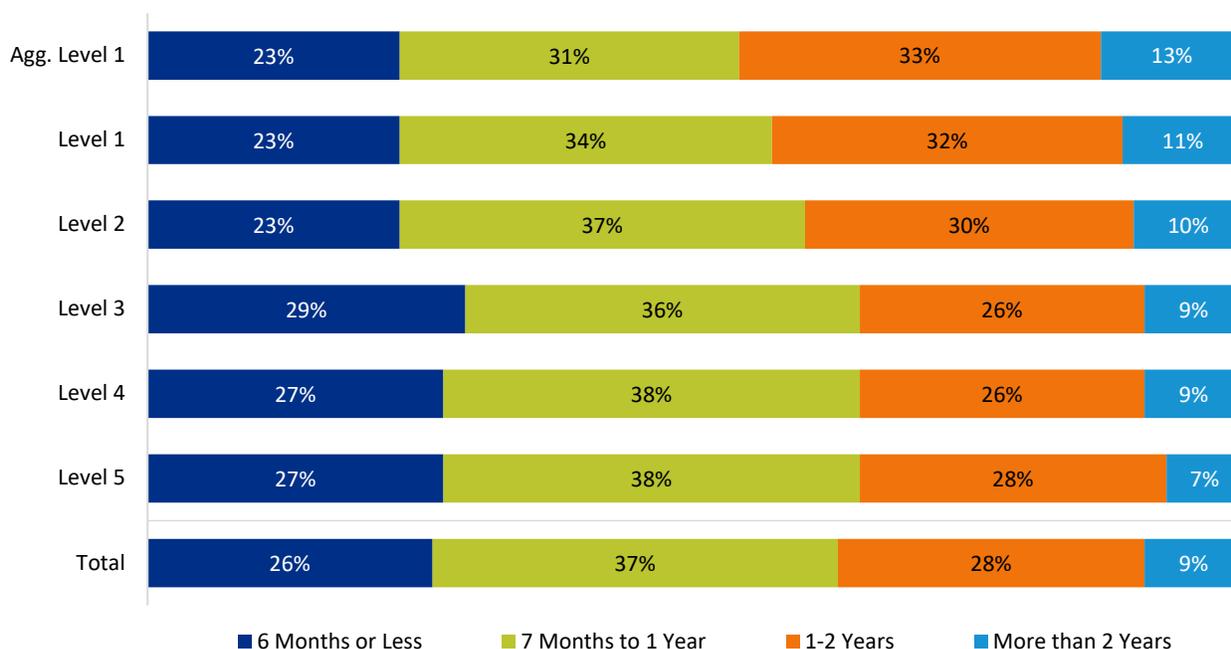


Note: Of the 32,359 DWI convictions in FY 2017, 12 Superior Court bench trials were excluded from this figure, as well as 38 convictions with discrepant date values. The median time to sentencing for Superior Court jury trials in Aggravated Level 1 through Level 4 were each based on fewer than 30 observations.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

Figure R illustrates the distribution of time to sentencing for convictions by punishment level. Overall, 26% of convictions occurred in 6 months or less, 37% occurred within 7 months to 1 year, 28% occurred within 1 to 2 years, and 9% occurred in more than 2 years. Overall, nearly two-thirds of convictions were disposed within a year or less (63%). Fewer Aggravated Level 1 through Level 2 convictions were disposed within one year compared to Level 3 through Level 5 convictions.

Figure R: Distribution of Time to Sentencing by Punishment Level



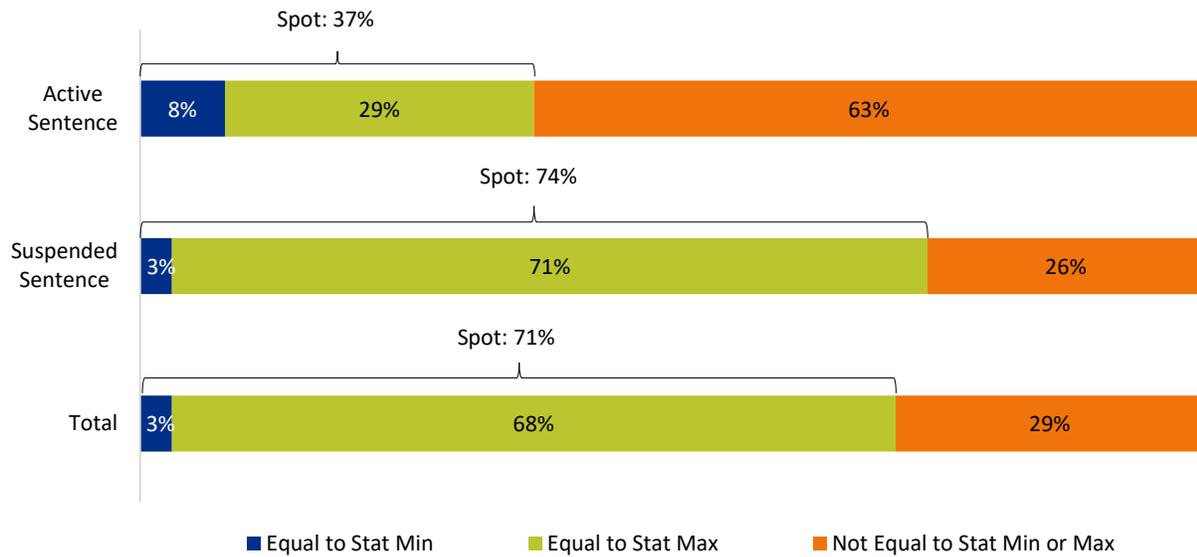
Note: Of the 32,359 DWI convictions in FY 2017, 38 convictions with discrepant date values were excluded.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

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 (68%) were equal to the statutory maximum and only 3% were equal to the statutory minimum – for a total of 71% on one of these two “spots.” However, active sentences were only imposed on a spot 37% of the time compared to 74% 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).¹⁵

¹⁵ Overall, 28% of Aggravated Level 1 offenders were sentenced to the statutory minimum (12 months), 39% were sentenced to the statutory maximum (36 months), and 33% were sentenced to a different amount of time, for a total of 67% sentenced on either the statutory minimum or statutory maximum.

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



Note: Of the 32,359 DWI convictions in FY 2017, 12 convictions with missing values for type of sentence imposed were excluded from this figure.

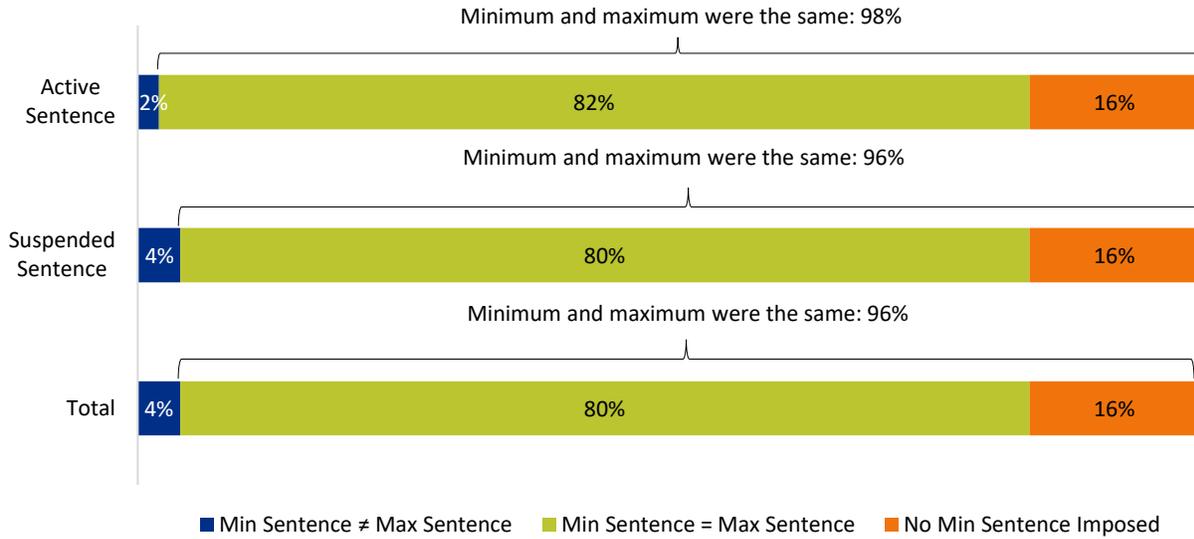
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

C. Use of Minimum and Maximum Sentences

Judges must impose a maximum term of imprisonment and may impose a minimum term.¹⁶ Figure T examines whether a minimum term was imposed and whether the minimum term equaled the maximum term. Overall, 80% 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 16% of the sentences, no minimum term was indicated and only a maximum term was imposed. In the remaining 4% 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 (4% for suspended sentences and 2% for active sentences).

¹⁶ G.S. 15A-1351(b)

Figure T: Use of Minimum and Maximum Sentences



Note: Of the 32,359 DWI convictions in FY 2017, 12 convictions with missing values for type of sentence imposed were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

D. Credit for Time Served

Credit for time served refers to the amount of time an offender has spent committed to or confined in a State or local correctional, mental, or other institution prior to sentencing. Seventeen percent (17%) of all DWI offenders received credit for time served (see Table 7). Over half (59%) of offenders who received active sentences also received credit for time served compared to only 14% 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 (55 and 14 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	387	51	70	46
	Suspended	318	43	46	26
	Subtotal	705	47	58	33
Level 1	Active	433	56	65	38
	Suspended	2,634	31	25	20
	Subtotal	3,067	34	34	22
Level 2	Active	384	59	60	40
	Suspended	4,299	25	15	7
	Subtotal	4,683	28	23	7
Level 3	Active	257	64	63	43
	Suspended	1,691	21	14	3
	Subtotal	1,948	27	30	10
Level 4	Active	304	63	49	39
	Suspended	3,583	13	9	2
	Subtotal	3,887	17	21	6
Level 5	Active	568	62	39	30
	Suspended	17,489	8	6	1
	Subtotal	18,057	9	13	2
Total	Active	2,264	59	55	35
	Suspended	30,083	14	14	4
	Total	32,347	17	24	7

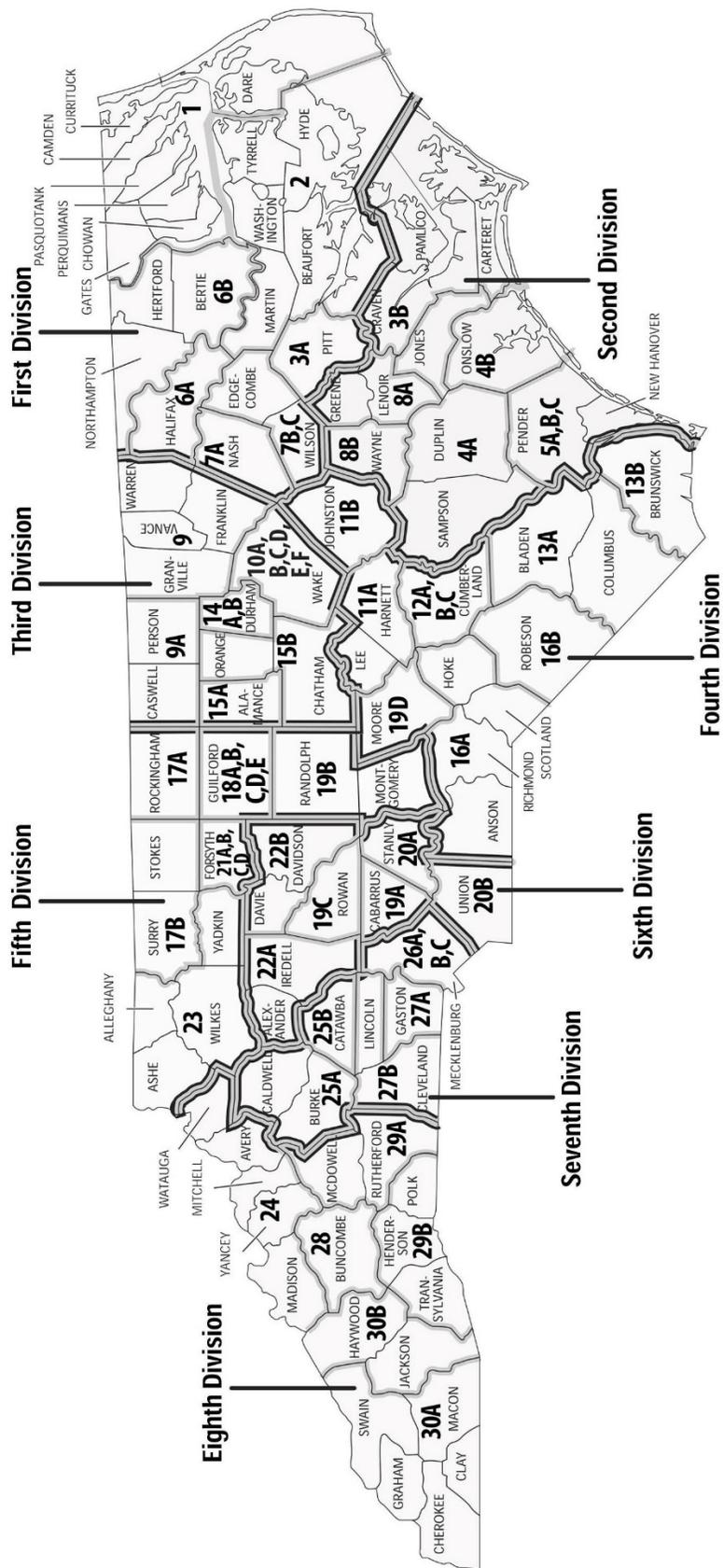
Note: Of the 32,359 DWI convictions in FY 2017, 12 convictions with missing values for type of sentence imposed were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

APPENDIX A
MAPS OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court

Effective January 1, 2015

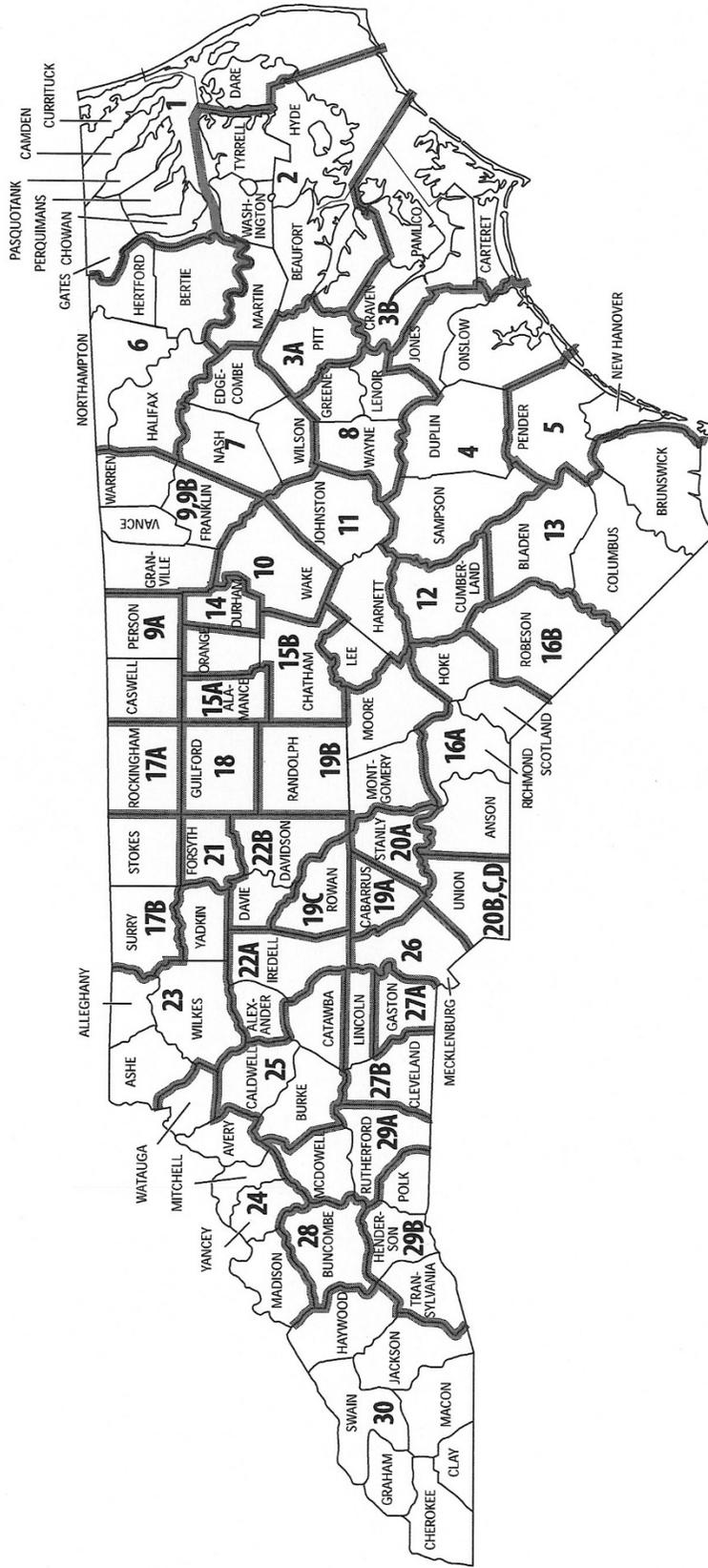


Note: Districts that have more than one letter associated with the district number (i.e., 10A, B, C, D) are divided into separate districts for electoral purposes. For administrative purposes, they are combined into a single district.

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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.

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APPENDIX B
DWI PUNISHMENT TABLE

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

SENTENCING FOR IMPAIRED DRIVING OFFENSES

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

^a Child under 18 or person with mental or physical disability in the vehicle at the time of the offense.

^b 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.

^c 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+)
District 1	Camden	34	4
	Chowan	34	3
	Currituck	140	6
	Dare	344	11
	Gates	44	4
	Pasquotank	127	4
	Perquimans	24	2
	Total	747	6
District 2	Beaufort	252	6
	Hyde	25	5
	Martin	93	5
	Tyrrell	22	6
	Washington	34	3
Total	426	6	
District 3A	Pitt	476	3
	Total	476	3
District 3B	Carteret	363	6
	Craven	194	2
	Pamlico	45	4
Total	602	4	
District 4	Duplin	290	6
	Jones	36	4
	Onslow	580	4
	Sampson	283	6
Total	1,189	5	
District 5	New Hanover	928	5
	Pender	216	4
Total	1,144	5	
District 6	Bertie	55	3
	Halifax	153	4
	Hertford	82	4
	Northampton	29	2
Total	319	3	
District 7	Edgecombe	204	5
	Nash	304	4
	Wilson	215	3
Total	723	4	
District 8	Greene	55	3
	Lenoir	195	4
	Wayne	565	6
Total	815	5	

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (16+)
District 9	Franklin	182	3
	Granville	89	2
	Vance	294	8
	Warren	98	6
Total	663	4	
District 9A	Caswell	53	3
	Person	150	5
Total	203	4	
District 10	Wake	2,807	3
	Total	2,807	3
District 11	Harnett	253	3
	Johnston	605	4
	Lee	104	2
Total	962	3	
District 12	Cumberland	977	4
	Total	977	4
District 13	Bladen	150	5
	Brunswick	591	5
	Columbus	211	5
Total	952	5	
District 14	Durham	548	2
	Total	548	2
District 15A	Alamance	848	7
	Total	848	7
District 15B	Chatham	130	2
	Orange	454	4
Total	584	3	
District 16A	Anson	62	3
	Hoke	110	3
	Richmond	94	3
	Scotland	96	3
Total	362	3	
District 16B	Robeson	538	5
	Total	538	5
District 17A	Rockingham	383	5
	Total	383	5
District 17B	Stokes	184	5
	Surry	264	4
Total	448	5	

continued

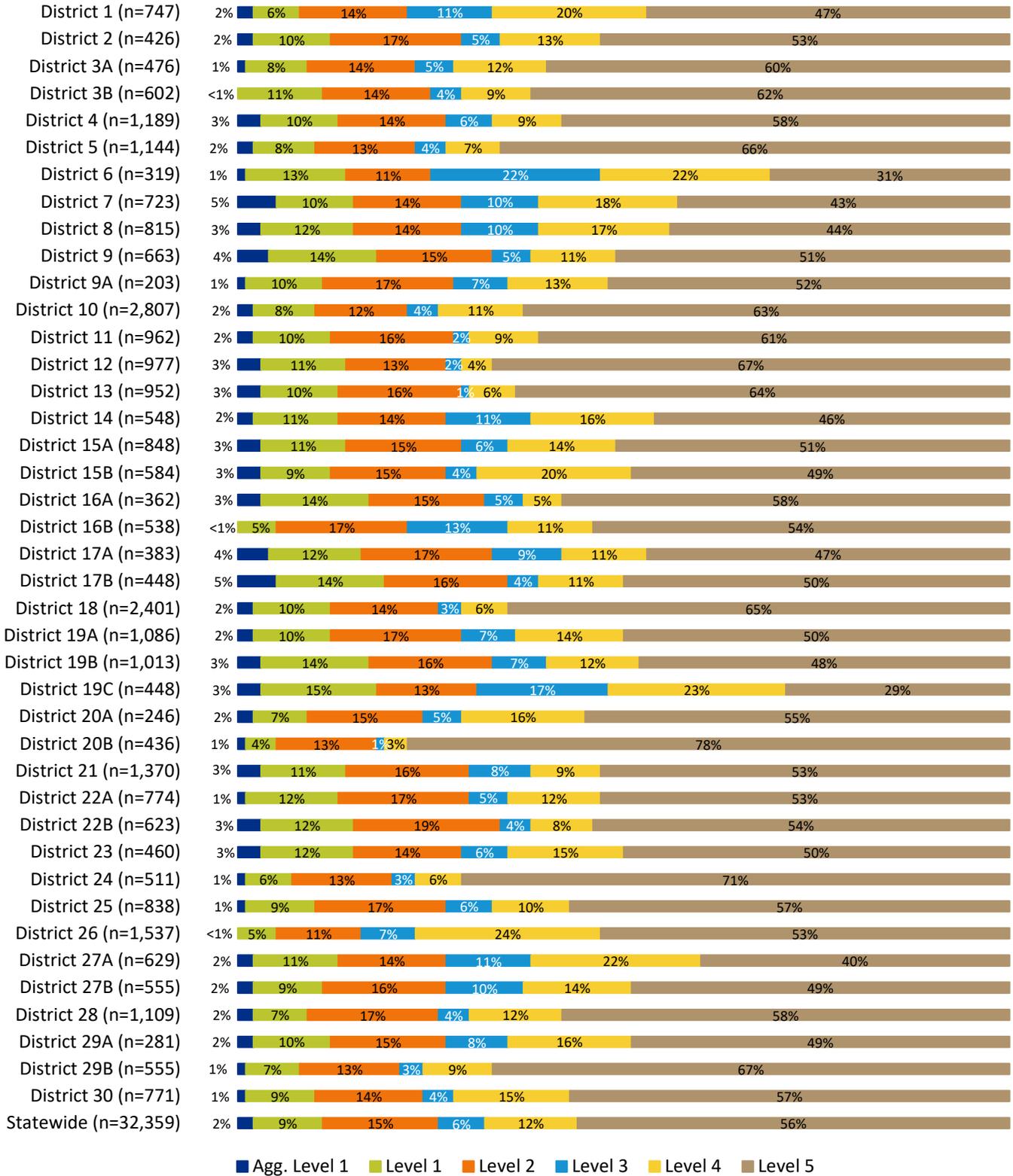
Appendix C, Table 1: Convictions by Judicial District and County

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (16+)
District 18	Guilford	2,401	6
	Total	2,401	6
District 19A	Cabarrus	1,086	7
	Total	1,086	7
District 19B	Montgomery	155	7
	Moore	310	4
	Randolph	548	5
	Total	1,013	5
District 19C	Rowan	448	4
	Total	448	4
District 20A	Stanly	246	5
	Total	246	5
District 20B	Union	436	2
	Total	436	2
District 21	Forsyth	1,370	5
	Total	1,370	5
District 22A	Alexander	116	4
	Iredell	658	5
	Total	774	4
District 22B	Davidson	448	3
	Davie	175	5
	Total	623	4
District 23	Alleghany	41	4
	Ashe	61	3
	Wilkes	200	3
	Yadkin	158	5
	Total	460	4
District 24	Avery	58	4
	Madison	79	4
	Mitchell	34	3
	Watauga	268	5
	Yancey	72	5
	Total	511	5

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (16+)
District 25	Burke	343	5
	Caldwell	140	2
	Catawba	355	3
	Total	838	3
District 26	Mecklenburg	1,537	2
	Total	1,537	2
District 27A	Gaston	629	4
	Total	629	4
District 27B	Cleveland	321	4
	Lincoln	234	3
	Total	555	4
District 28	Buncombe	1,109	5
	Total	1,109	5
District 29A	McDowell	142	4
	Rutherford	139	2
	Total	281	3
District 29B	Henderson	376	4
	Polk	89	5
	Transylvania	90	3
	Total	555	4
District 30	Cherokee	62	2
	Clay	37	4
	Graham	18	2
	Haywood	244	5
	Jackson	184	5
	Macon	145	5
	Swain	81	7
Total	771	4	
State Total		32,359	4

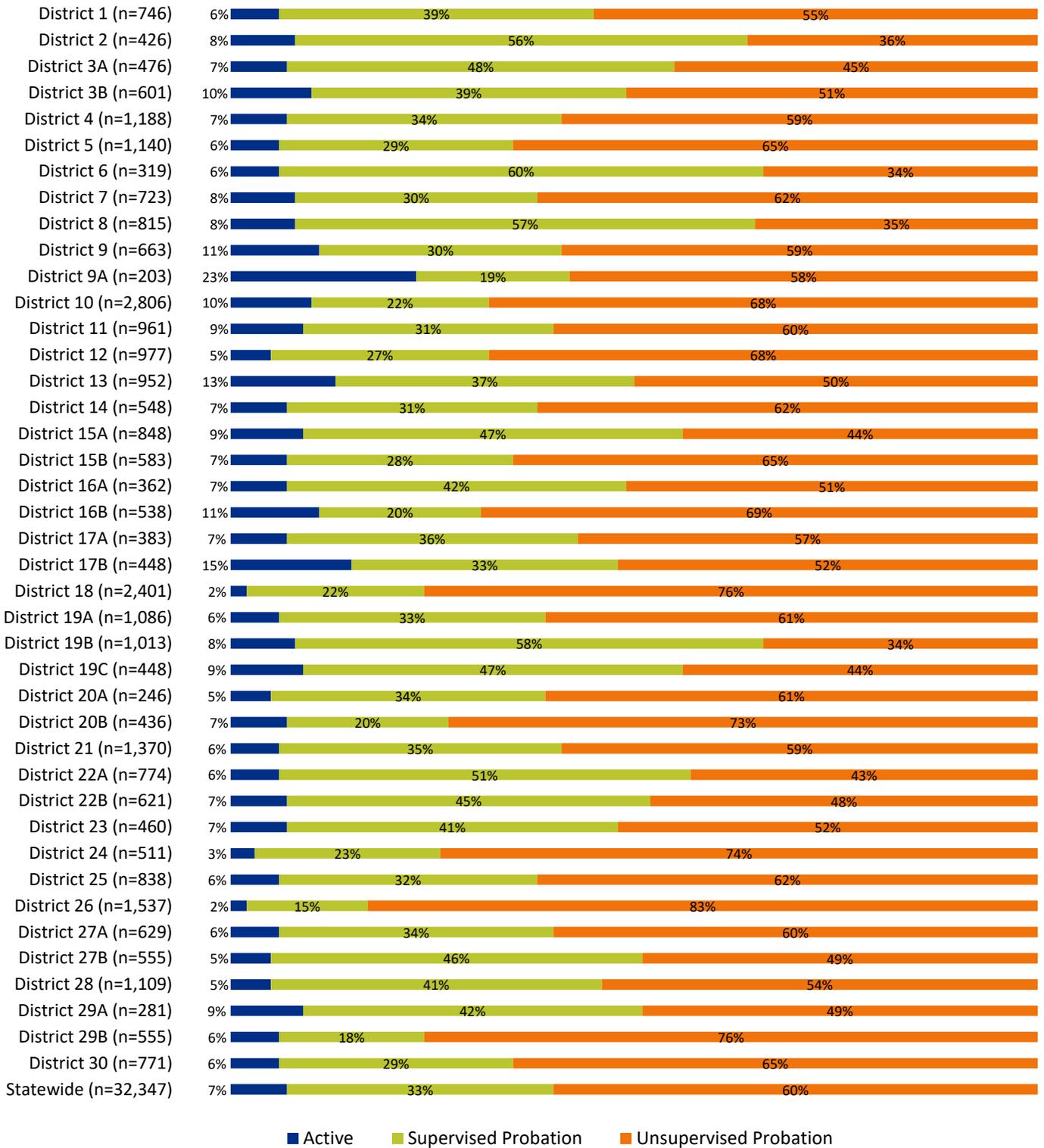
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data and NC Office of State Management and Budget, 2017 Population Estimates from <https://demography.osbm.nc.gov/explore/> (see Population Projections).

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



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

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



Note: Of the 32,359 DWI convictions in FY 2017, 12 convictions with missing values for type of sentence imposed were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 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=32,359**

	Agg. Level 1 n=705	Level 1 n=3,068	Level 2 n=4,685	Level 3 n=1,948	Level 4 n=3,887	Level 5 n=18,066
Offender Characteristics						
Gender						
Male	82%	75%	79%	82%	77%	71%
Female	18%	25%	21%	18%	23%	29%
Race						
White	49%	53%	61%	53%	55%	61%
Black	42%	34%	28%	33%	30%	25%
Hispanic	7%	10%	7%	9%	11%	9%
Other	2%	3%	4%	5%	4%	5%
Age at Offense						
Less than 21 Years	1%	3%	2%	2%	4%	7%
21-30 Years	27%	33%	33%	28%	34%	42%
31-40 Years	34%	32%	28%	30%	25%	22%
41-50 Years	21%	19%	20%	21%	19%	15%
Over 50 Years	17%	13%	17%	19%	18%	14%
Average Age	39	37	38	39	37	35
Median Age	36	34	35	37	35	31
Blood Alcohol Concentration						
Less than .08	4%	4%	3%	2%	2%	3%
.08 or .09	10%	11%	12%	4%	5%	17%
.10 to .14	35%	37%	37%	23%	23%	48%
.15 or More	51%	48%	48%	71%	70%	32%
Punishment Imposed						
Method of Disposition						
Guilty Plea	89%	86%	84%	88%	86%	80%
Bench Trial	11%	13%	15%	12%	13%	19%
Jury Trial	<1%	1%	1%	0%	1%	1%
Sentence Type						
Active Sentence	45%	14%	8%	13%	8%	3%
Supervised Probation	54%	82%	82%	53%	28%	11%
Unsupervised Probation	1%	4%	10%	34%	64%	86%
Sentence Length/Location						
Active						
Average Length (Months)	20	13	6	4	2	1
Sentenced at Stat. Minimum	41%	5%	4%	2%	1%	2%
Sentenced at Stat. Maximum	15%	25%	31%	35%	23%	38%
Sentence Other than Stat. Min/Max	44%	70%	65%	63%	76%	60%
Suspended						
Average Length (Months)	29	20	11	5	3	2
Sentenced at Stat. Minimum	17%	3%	3%	1%	1%	3%
Sentenced at Stat. Maximum	58%	68%	78%	69%	57%	73%
Sentence Other than Stat. Min/Max	25%	29%	19%	30%	42%	24%

Note: Convictions with missing data were excluded.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2017 DWI Statistical Report Data

**Appendix D, Table 2: Conditions of Probation for Probation Sentences by Punishment Level
N=30,083**

	Agg. Level 1 n=387	Level 1 n=2,634	Level 2 n=4,299	Level 3 n=1,691	Level 4 n=3,583	Level 5 n=17,489
Supervised Probation	99%	95%	90%	60%	31%	11%
Length						
1 Year or Less	4%	16%	29%	36%	62%	72%
13-18 Months	16%	27%	45%	41%	25%	19%
19-24 Months	32%	43%	20%	20%	12%	8%
More than 2 Years	48%	14%	6%	3%	1%	1%
Average Length (Months)	29	22	19	18	15	14
Unsupervised Probation	1%	5%	10%	40%	69%	89%
Length						
1 Year or Less	50%	38%	57%	47%	77%	87%
13-18 Months	0%	27%	30%	35%	15%	8%
19-24 Months	0%	30%	7%	14%	7%	4%
More than 2 Years	50%	5%	6%	4%	1%	1%
Average Length (Months)	30	18	16	17	14	13
Mandatory Conditions						
Special Probation	95%	95%	91%	21%	12%	9%
Community Service	7%	7%	9%	57%	64%	66%
Both	7%	7%	8%	2%	1%	<1%
Fines						
Convictions with Fine Imposed	82%	87%	91%	89%	92%	91%
Fine Amount						
Less than \$100	0%	1%	1%	1%	3%	5%
\$100 to \$199	10%	11%	15%	24%	50%	86%
\$200 to \$299	11%	14%	22%	33%	35%	8%
\$300 to \$499	11%	25%	32%	23%	10%	1%
\$500 or More	68%	49%	30%	19%	2%	<1%
Average Fine Imposed	\$1,013	\$574	\$398	\$281	\$182	\$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 2017 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.