

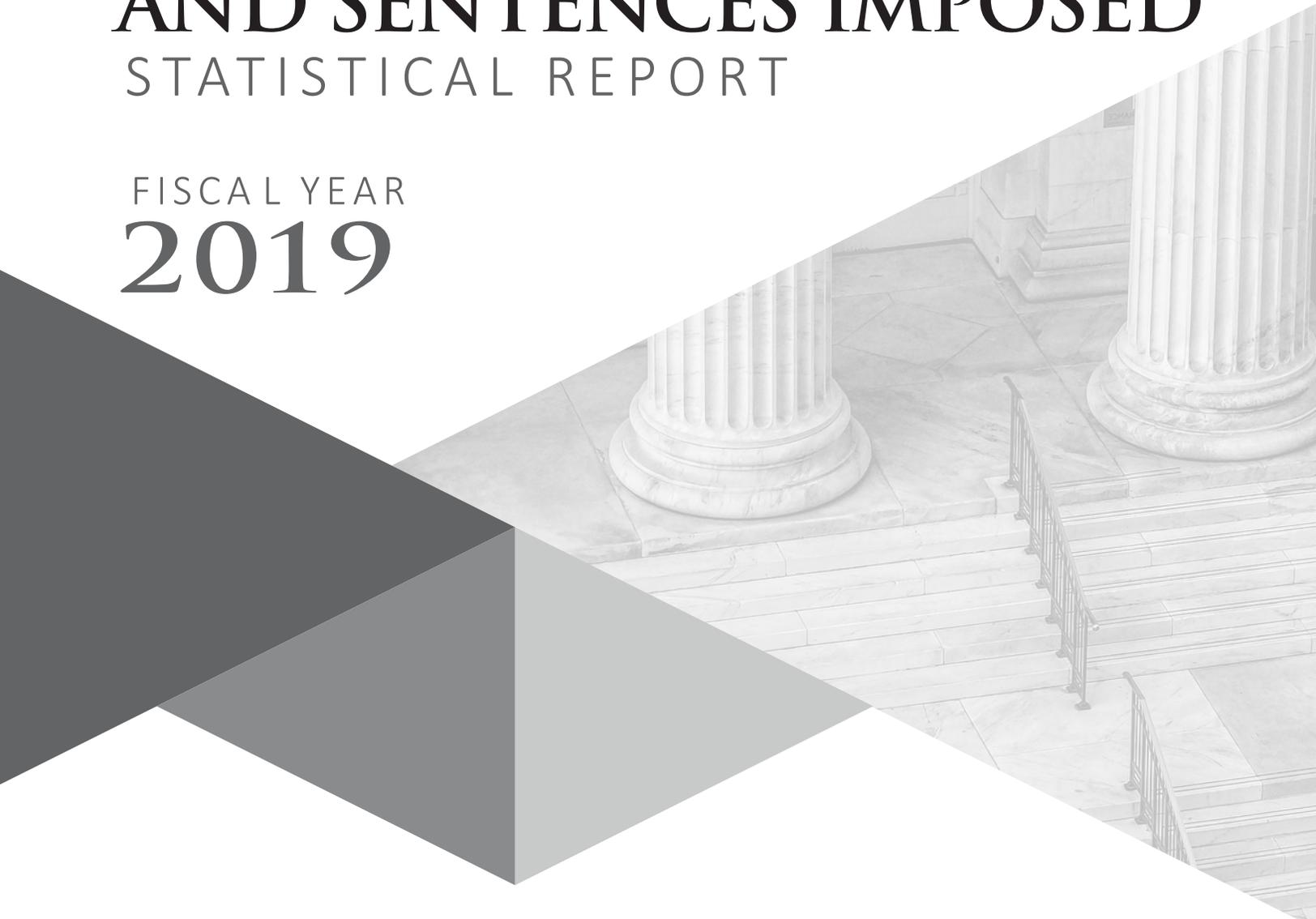
DRIVING WHILE IMPAIRED CONVICTIONS STATISTICAL REPORT

FISCAL YEAR
2019

DRIVING WHILE IMPAIRED CONVICTIONS AND SENTENCES IMPOSED

STATISTICAL REPORT

FISCAL YEAR
2019



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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 2019 (July 1, 2018 through June 30, 2019). 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))

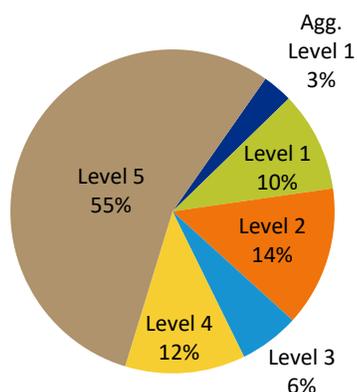
The report presents information on the number of DWI convictions, the distribution of DWI convictions across the six punishment levels, and the types of sentences imposed, as well as data about several other issues. The Appendix includes data on DWI convictions by district and county, as well as additional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

SUMMARY OF FINDINGS

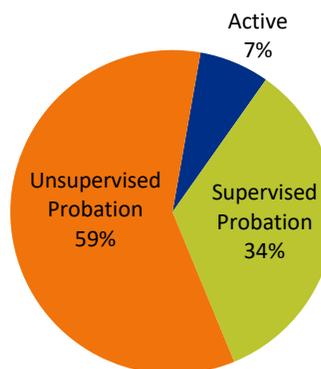
FY 2019 DWI CONVICTIONS

During FY 2019, sentences for 27,591 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 (55%) and a majority of offenders received unsupervised probation (59%).

Convictions by Punishment Level

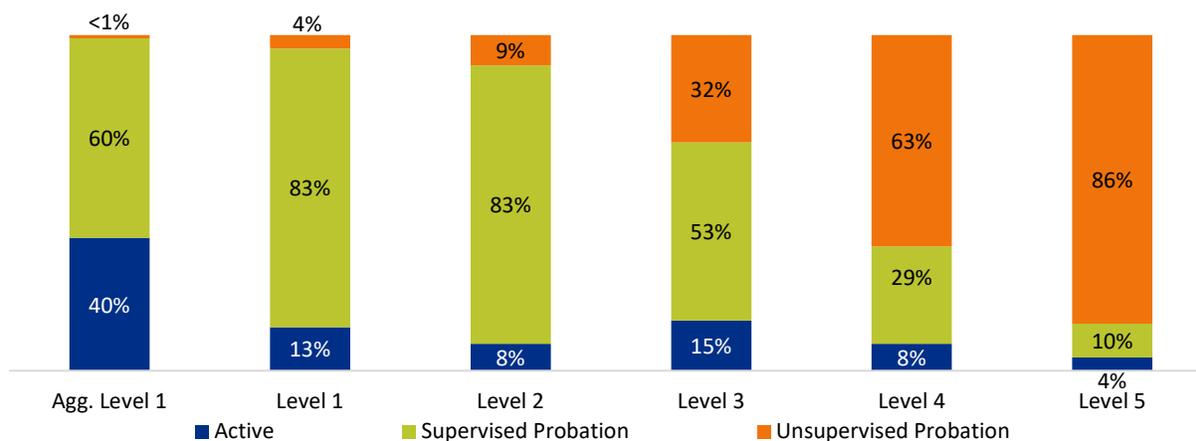


Convictions by Type of Sentence



The type of sentence imposed by punishment level is shown in the figure below. Forty percent (40%) of all offenders sentenced with an Aggravated Level 1 punishment received an active sentence. Supervised probation was the frequent sentence imposed among Aggravated Level 1 (60%), Level 1 (83%), Level 2 (83%), and Level 3 (53%) convictions. Unsupervised probation was most frequently imposed among Level 4 (63%) and Level 5 (86%) convictions.

Type of Sentence Imposed by Punishment Level



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

¹ For many of the tables and figures in this report, 15 of the 27,591 DWI convictions were excluded because the type of sentence imposed could not be determined.

DWI CONVICTIONS
FY 2019

I. DWI CONVICTIONS IN FY 2019

A. DWI Convictions

This report contains information on DWI convictions sentenced under G.S. 20-179² during Fiscal Year 2019 (July 1, 2018 through June 30, 2019) and reflects the laws and practices that were in place during this time period. Overall, sentences for 27,591 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

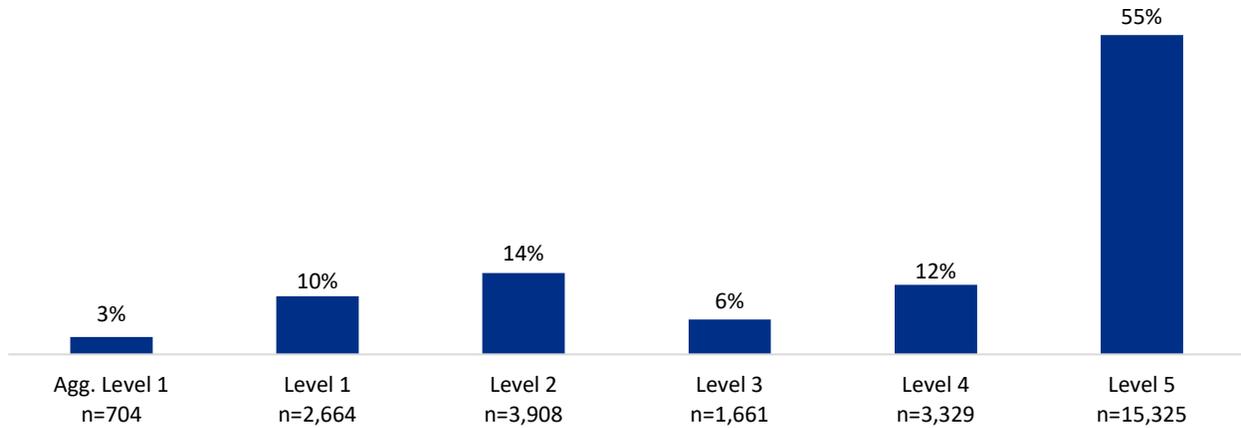
Figure A shows the distribution of DWI convictions across punishment levels. The majority of convictions were in Level 5 (n=15,325 or 55%). The percentage of convictions increased from Aggravated Level 1 (3%) through Level 2 (14%), and then again from Level 3 (6%) through Level 5 (55%). Aggravated Level 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

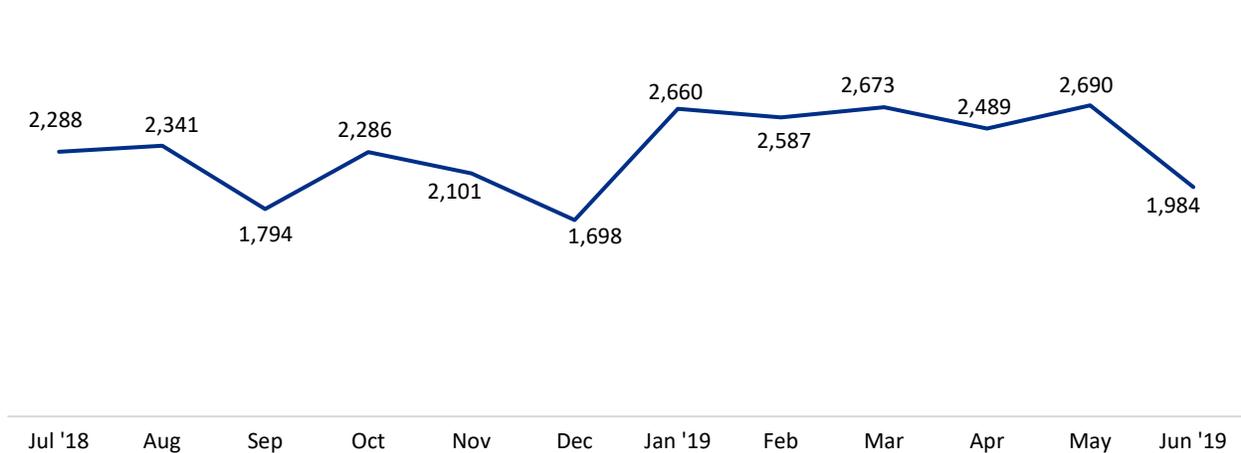


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

E. Convictions by Month of Sentencing

Figure B shows the number of convictions by month of sentencing during FY 2019. Convictions were highest in May and lowest in December.

Figure B: Convictions by Month of Sentencing



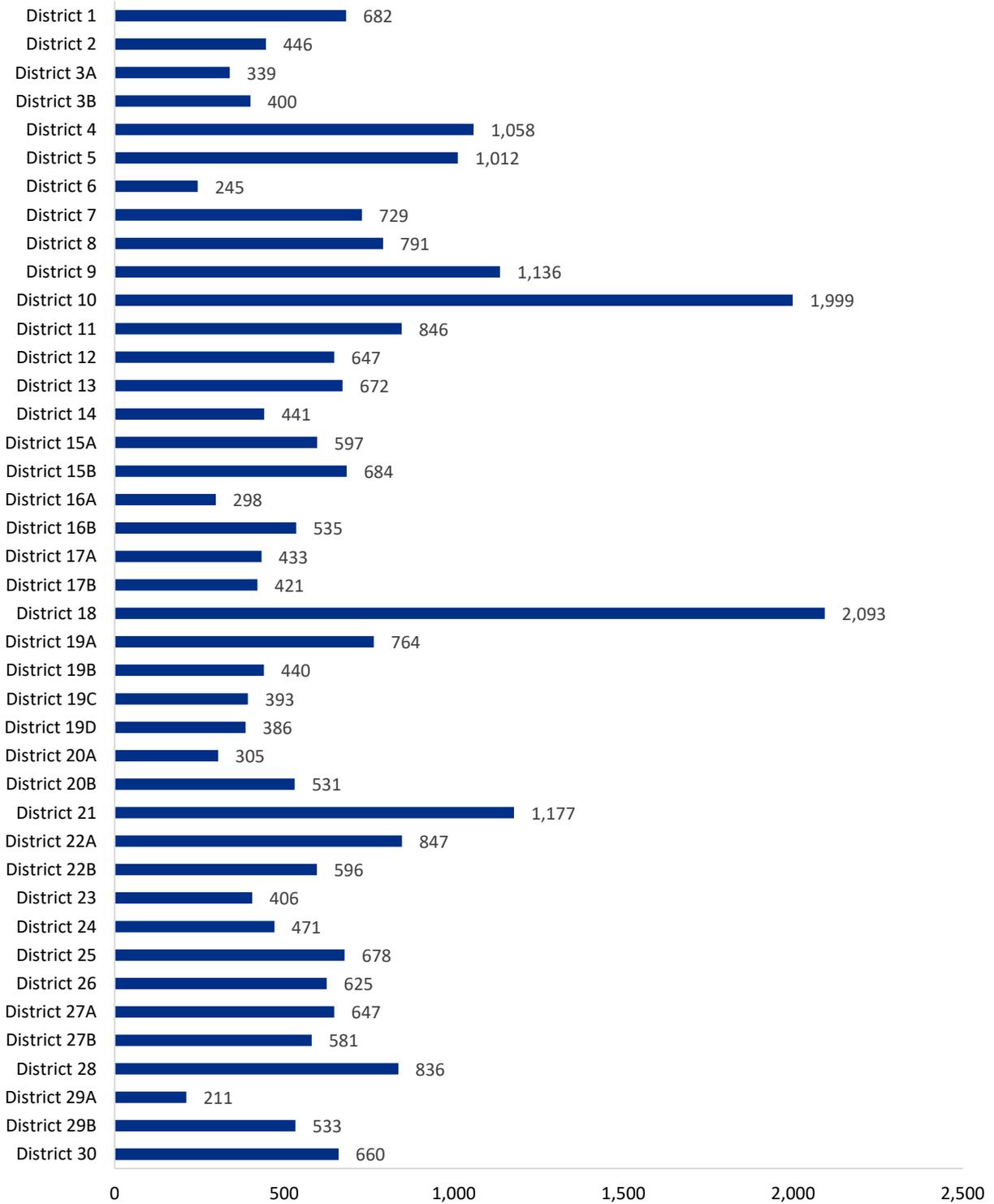
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

F. Convictions by Judicial District

Figure C shows the total number of convictions by judicial district (N=27,591). The districts with the most DWI convictions were District 10 (Wake County, n=1,999), District 18 (Guilford County, n=2,093), and District 21 (Forsyth County, n=1,177). 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 2019 DWI Statistical Report Data

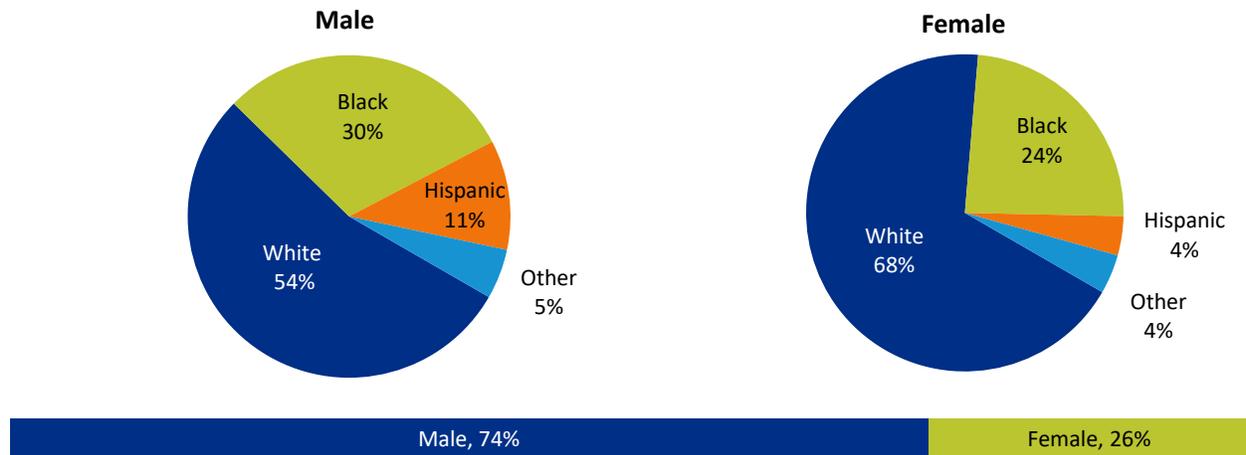
II. CHARACTERISTICS OF OFFENDERS

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 27,591 DWI convictions in FY 2019, 74% were for males (see Figure D). Overall, the majority of DWI offenders were white (58%). White females comprised a larger percentage of female convictions (68%) than white males did for male convictions (54%). Black males and females comprised the second largest racial category for each sex (30% and 24% respectively, and 29% overall).

Figure D: Convictions by Sex and Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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. Almost half (47%) of all Level 5 convictions were for offenders aged 30 and younger.

Table 1: Convictions by Age at Offense and Punishment Level

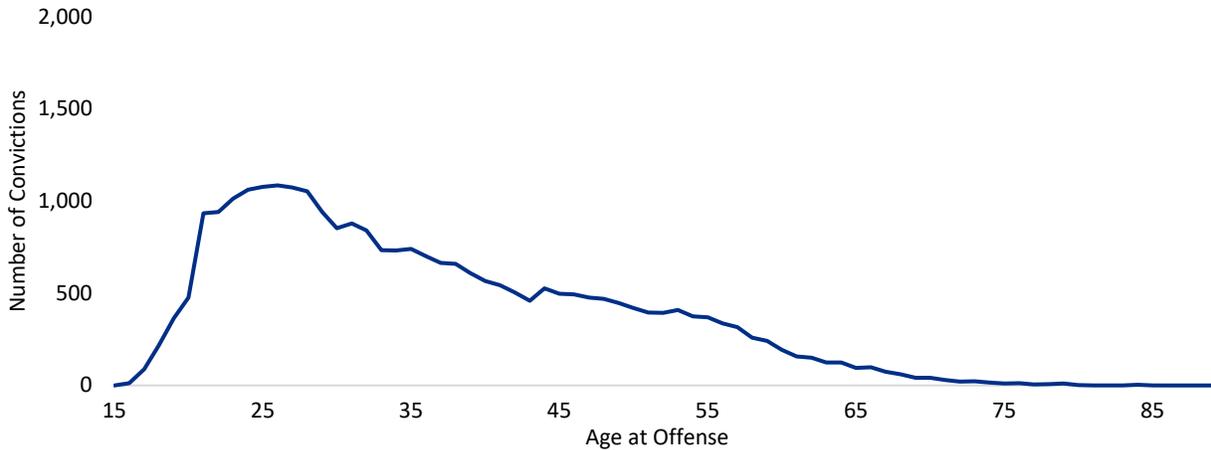
Punishment Level	#	Average Age	Age at Offense				
			<21 %	21-30 %	31-40 %	41-50 %	>50 %
Agg. Level 1	704	38	<1%	31	32	22	15
Level 1	2,663	37	1	32	34	20	13
Level 2	3,901	38	2	32	27	21	18
Level 3	1,658	39	3	24	28	25	20
Level 4	3,323	37	4	32	28	18	18
Level 5	15,305	35	6	41	23	15	15
Total	27,554	36	4	36	26	18	16

Note: Of the 27,591 DWI convictions in FY 2019, 37 convictions with missing values for offender’s age were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

The volume of offenders peaked at age 26, and then generally declined as age increased (see Figure E).

Figure E: Distribution of Convictions by Age at Offense



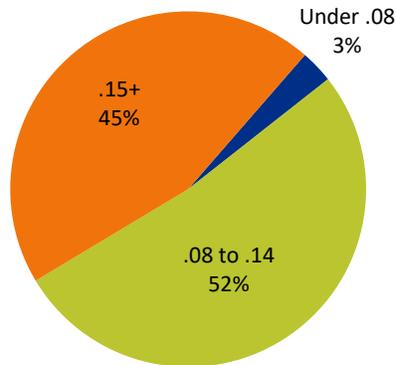
Note: Of the 27,591 DWI convictions in FY 2019, 37 convictions with missing values for offender’s age were excluded from this table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

B. Convictions by Blood Alcohol Concentration (BAC)

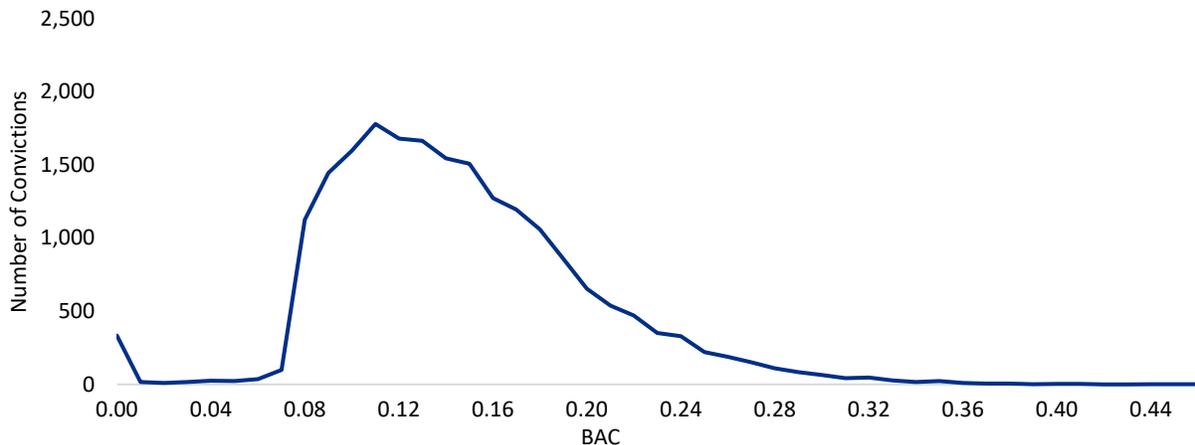
BAC levels were recorded for 75% of the 27,591 convictions.⁵ Figure F shows the percentage of convictions by BAC. The greatest percentage of convictions were in the .08 to .14 category (52%), followed closely by the .15+ category (45%). Figure G illustrates the distribution of BAC for offenders convicted of DWI in FY 2019. A BAC of .11 was the most frequent (n=1,781), followed by .12 (n=1,681) and .13 (n=1,666).

Figure F: Convictions by BAC



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

Figure G: Distribution of BAC



Note: Of the 27,591 DWI convictions in FY 2019, 6,935 convictions without BAC levels were excluded from these figures.

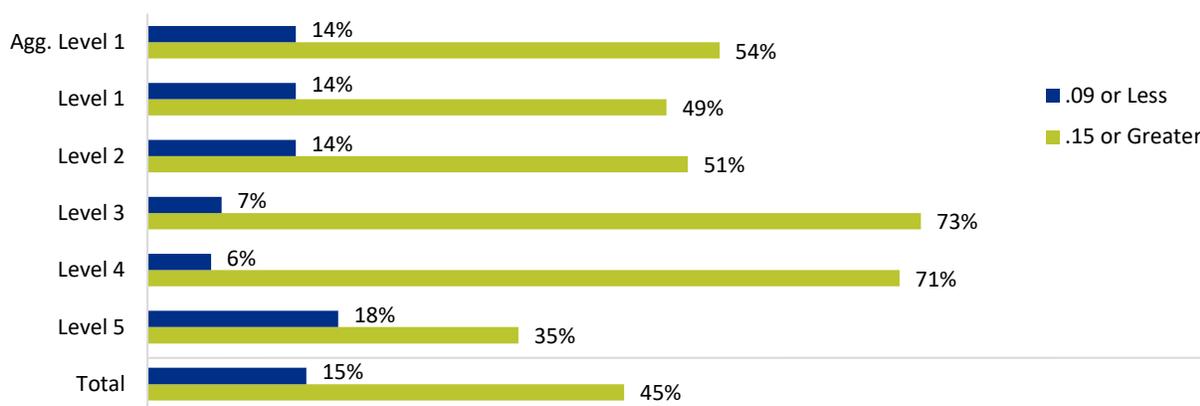
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

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 2019 data showed refusals occurred in 12% of convictions, blood tests occurred in 6% of convictions, DWI under controlled substances other than alcohol occurred in 3% of convictions, and BAC was unknown in 4% 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 greater. Level 3 and Level 4 convictions had the highest percentage of convictions with BACs of .15 or greater (73% and 71% respectively). Correspondingly, these same punishment levels also had the lowest percentage of convictions with BACs of .09 or less (7% and 6% respectively).

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



Note: Of the 27,591 DWI convictions in FY 2019, 6,935 convictions without BAC levels were excluded from these figures.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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 2019 resulted in an active sentence, 34% resulted in supervised probation, and 59% resulted in unsupervised probation. Forty percent (40%) 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 (60%), Level 1 (83%), Level

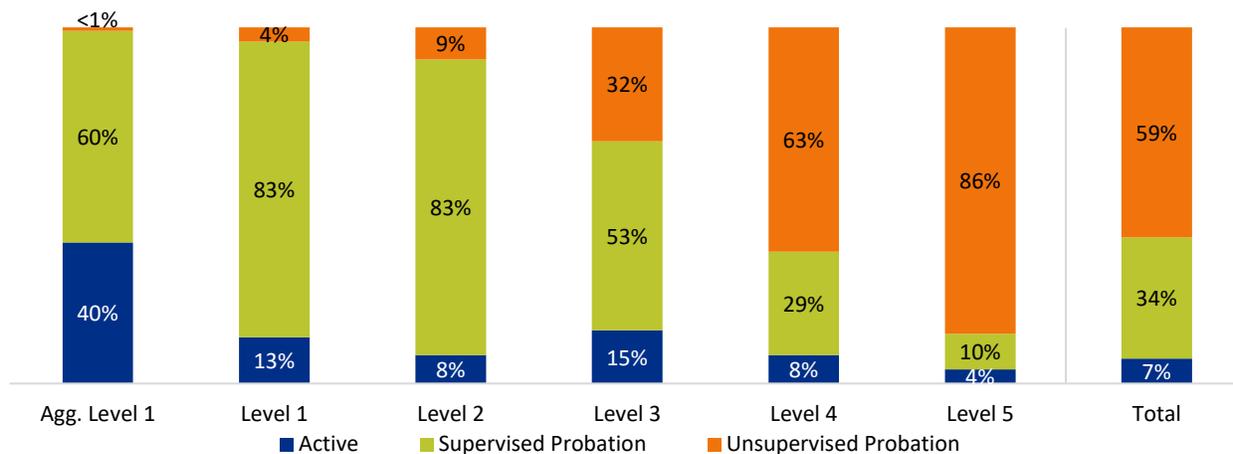
⁶ G.S. 20-179(f)(1)-(3)

⁷ G.S. 20-179(c)

⁸ Section III excludes 15 of the 27,591 DWI convictions in FY 2019 for which the type of sentence imposed could not be determined.

2 (83%), and Level 3 (53%) convictions. Unsupervised probation was most frequently imposed among Level 4 (63%) 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 (15%) 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 2019 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	282	40	420	60	2	<1%	704
Level 1	344	13	2,220	83	99	4	2,663
Level 2	303	8	3,238	83	366	9	3,907
Level 3	246	15	874	53	540	32	1,660
Level 4	255	8	969	29	2,104	63	3,328
Level 5	584	4	1,582	10	13,148	86	15,314
Total	2,014	7	9,303	34	16,259	59	27,576

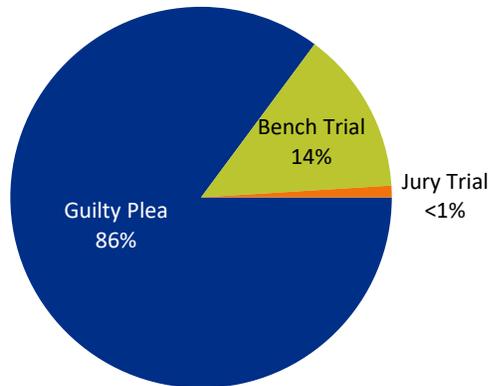
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

B. Convictions by Method of Disposition

Figure J shows that 86% of DWI convictions in FY 2019 were disposed by guilty plea and 14% by bench trial. Jury trials occurred in less than 1% of convictions (n=114). Across all punishment levels, Level 3 convictions had the highest percentage of guilty pleas (90%) and Level 5 convictions had the lowest

percentage (84%). Conversely, Level 5 convictions had the highest percentage of bench trials (16%) and Aggravated Level 1 and Level 3 had the lowest percentage (10% each).

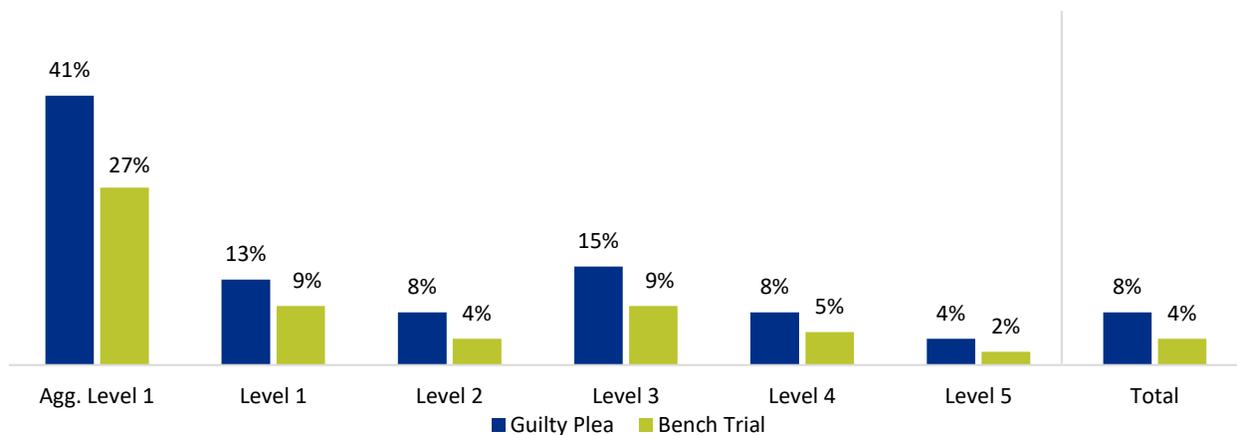
Figure J: Convictions by Method of Disposition



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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 2019, 8% of all convictions obtained by guilty plea resulted in an active sentence compared to 4% 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=114) was 11% 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 2019 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=2,014), the average length was 7 months. Among convictions in Level 1 through Level 5, the average active sentence length was about half of the statutory maximum.

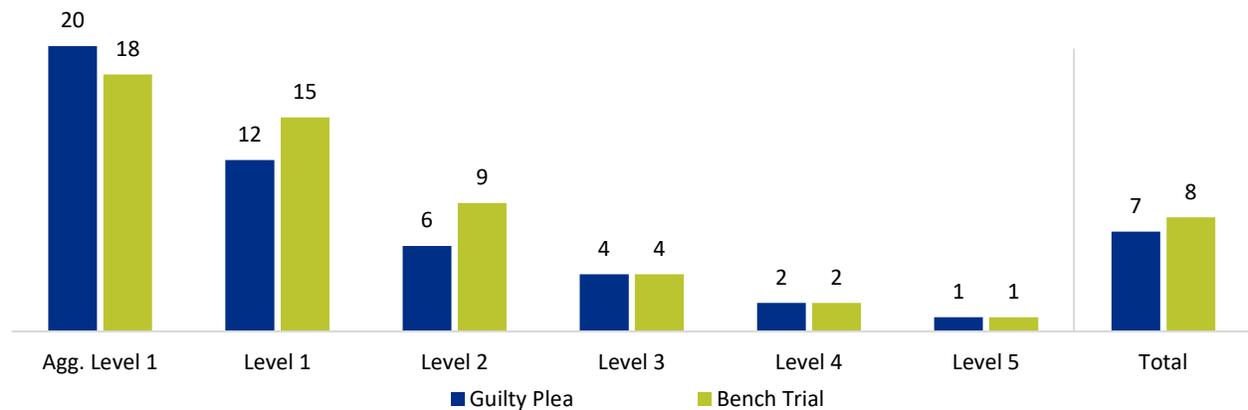
Table 3: Average Length of Active Sentences (Months) by Punishment Level

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	7 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 2019 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 Level 1 and Level 2 offenses (see Figure L).

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

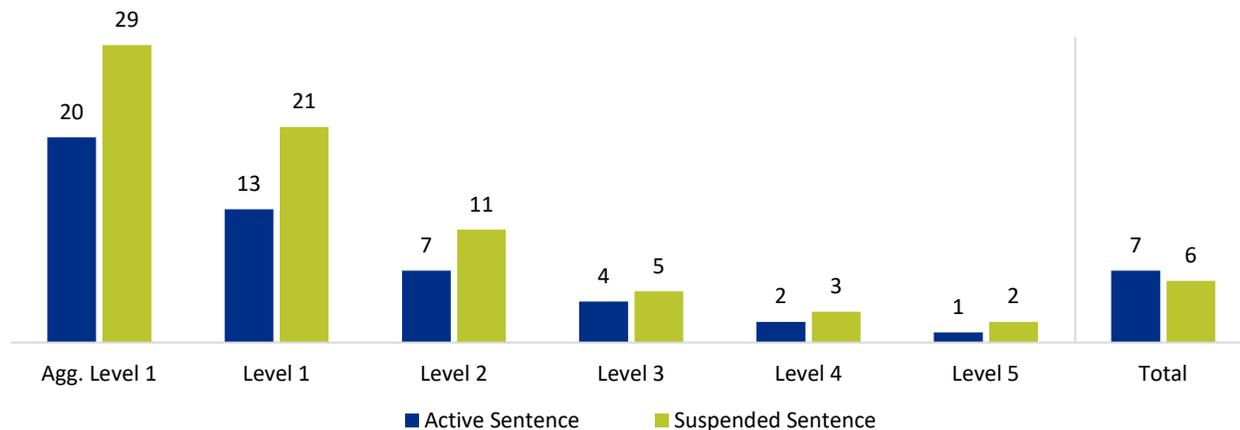


Note: The average active sentence length for jury trial convictions (n=12) was 15 months and is not depicted in this figure due to the limited number of observations.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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=14,730).

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



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

D. Probation Sentences

This section summarizes information about suspended (i.e., probationary) sentences. Pursuant to G.S. 20-179, a suspended sentence may be imposed in each of the six levels of DWI punishment if the sentence contains certain conditions of probation (e.g., special probation). For all punishment levels receiving a suspended sentence, the defendant must obtain a substance abuse assessment and complete any recommended treatment or education. Unless a judge determines that supervised probation is necessary, an offender who receives a suspended sentence for DWI and meets certain conditions¹⁰ must be placed on unsupervised probation. The precise length of a probation term for a DWI conviction is not prescribed by statute. The court may place a convicted offender on probation for a period not to exceed five years.¹¹

Probation was imposed for all 25,562 DWI convictions in FY 2019 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, the majority of Aggravated Level 1 and Level 1 offenders (100% and 96% respectively) received supervised probation. Level 5 offenders accounted for 58% of all probation sentences imposed

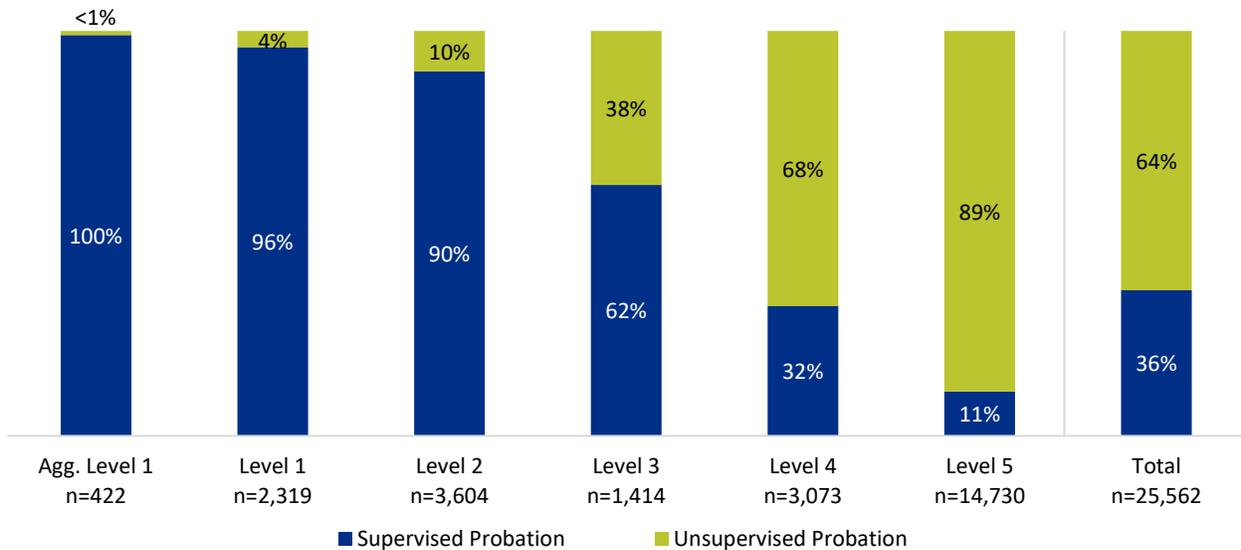
¹⁰ Absent a judge’s determination that supervised probation is necessary, unsupervised probation must be imposed if the following conditions are met: 1) if the person has not been convicted of an offense of impaired driving within the seven years preceding the date of the offense for which the defendant is being sentenced, 2) if Level Three, Four, or Five punishment is imposed, and 3) if the defendant has obtained a substance abuse assessment and completed any recommended treatment or education.

¹¹ Pursuant to G.S. 15A-1342.

(i.e., 14,730 of 25,562 probation sentences). As the punishment level decreased, a greater percentage of offenders received unsupervised probation.¹²

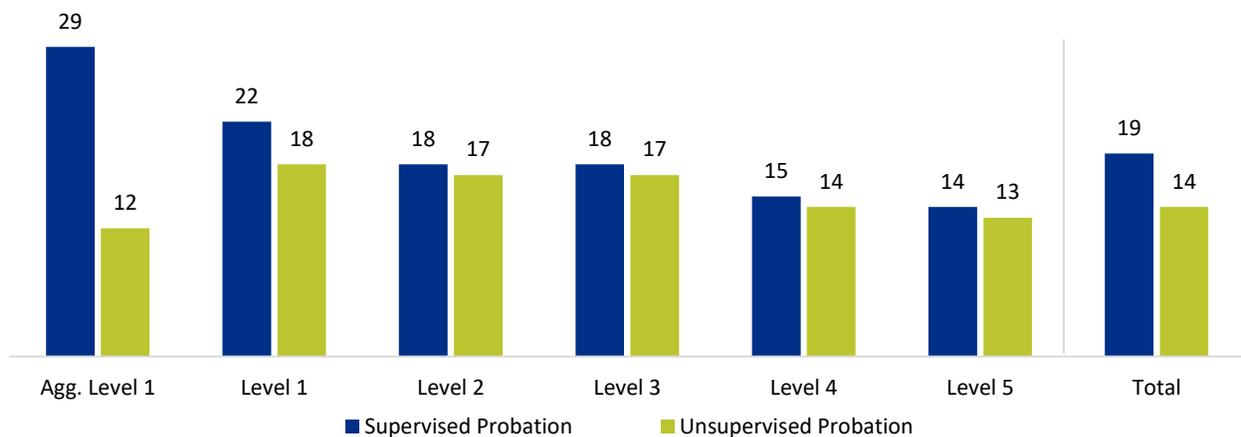
Figure O provides the average length of probation by punishment level and type of probation. The average length of probation was 19 months for supervised and 14 months for unsupervised probation. Generally, offenders with supervised probation received longer probation terms than offenders with unsupervised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

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



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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 2019 DWI Statistical Report Data

¹² G.S. 20-179(r) outlines the circumstances in which offenders sentenced to Levels 3, 4, and 5 should receive unsupervised probation.

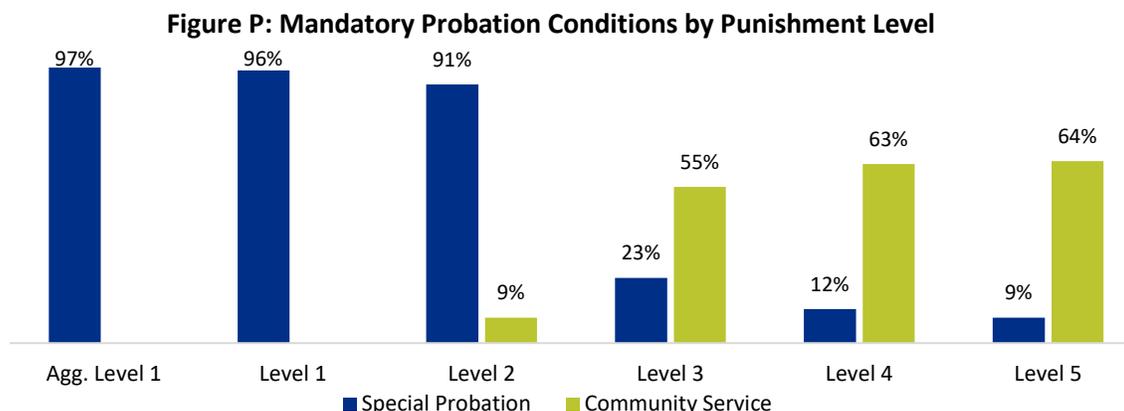
Table 4 explores the most frequently imposed probation length (mode) for each punishment level by type of probation. Among offenders who received unsupervised probation, 12 months of probation was the most frequently imposed probation length. More variation in probation length occurred among offenders 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	422	420	36	44	2	12	100
Level 1	2,319	2,220	24	51	99	12	42
Level 2	3,604	3,238	18	45	366	12	51
Level 3	1,414	874	18	44	540	12	48
Level 4	3,073	969	12	62	2,104	12	79
Level 5	14,730	1,582	12	74	13,148	12	86
Total	25,562	9,303	12	36	16,259	12	83

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

Special probation is required for Aggravated Level 1 through Level 2 offenders sentenced to probation,¹³ while either special probation or community service is required for Level 3 through 5 offenders sentenced to probation.¹⁴ Mandatory probation conditions by punishment level are shown in Figure P.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

¹³ Offenders sentenced in Aggravated Level 1 through Level 2 may receive community service as part of their sentence; it is required for some Level 2 offenders. Three percent (3%) of Aggravated Level 1 and 7% of Level 1 sentences had community service.

¹⁴ Special probation and community service may be imposed together in Levels 3 through 5; this occurred in less than 1% of the convictions.

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% (n=7,891) 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.

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	422	97	126	At least 120
Level 1	2,319	96	34	At least 30 or at least 10 (if CAM) ¹⁵
Level 2	3,604	91	10	At least 7
Level 3	1,414	23	7	At least 3
Level 4	3,073	12	4	2
Level 5	14,730	9	2	1
Total	25,562	31	21	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 2019 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 (86%), ranging from 72% for Aggravated Level 1 offenders to 88% 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	422	72	\$10,000	\$783	\$500
Level 1	2,319	84	\$4,000	\$558	\$500
Level 2	3,604	85	\$2,000	\$387	\$300
Level 3	1,414	84	\$1,000	\$287	\$200
Level 4	3,073	88	\$500	\$182	\$200
Level 5	14,730	87	\$200	\$109	\$100
Total	25,562	86	N/A	\$216	\$100

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

¹⁵ Continuous alcohol monitoring (CAM)

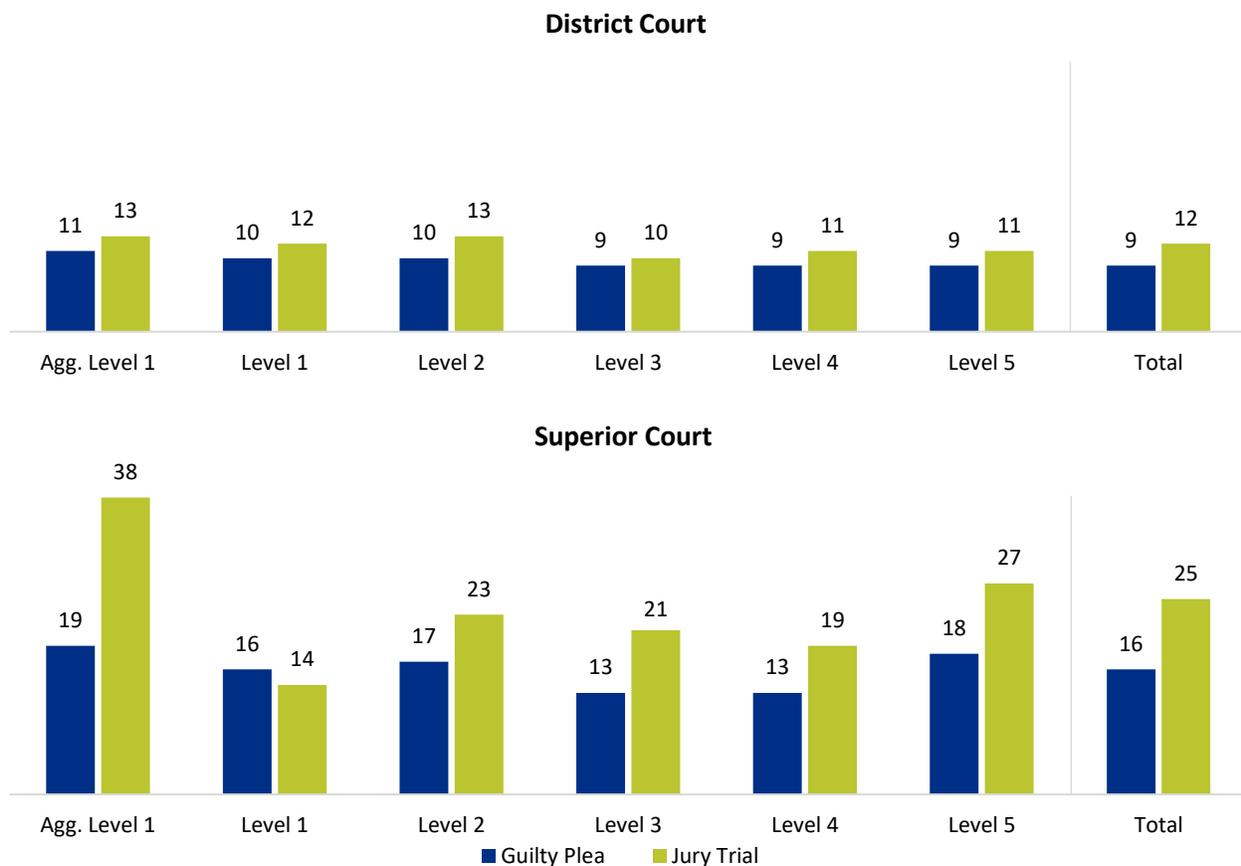
IV. SPECIAL ISSUES

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 9 months. District Court bench trials took 3 months longer to dispose of than guilty pleas (12 months compared to 9 months). The median time to sentencing for DWI convictions disposed in Superior Court was 17 months. Guilty pleas entered in Superior Court took 9 months less time to sentencing than jury trials (16 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

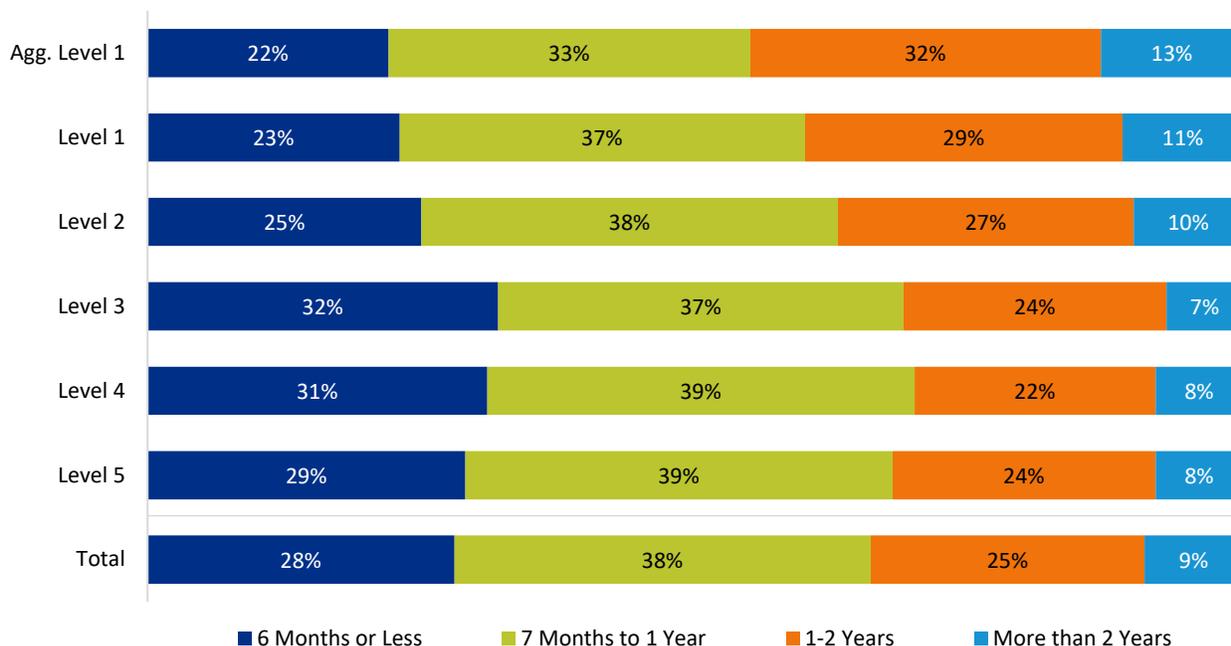


Note: Of the 27,591 DWI convictions in FY 2019, 5 Superior Court bench trials were excluded from this figure, as well as 31 convictions with discrepant date values. The median time to sentencing for Superior Court jury trials in Aggravated Level 1 through Level 4 were each based on fewer than 30 observations.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

Figure R illustrates the distribution of time to sentencing for convictions by punishment level. Overall, 28% of convictions occurred within 6 months or less, 38% occurred within 7 months to 1 year, 25% occurred within 1 to 2 years, and 9% occurred in more than 2 years. Overall, two-thirds of convictions were disposed within a year or less (66%). 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



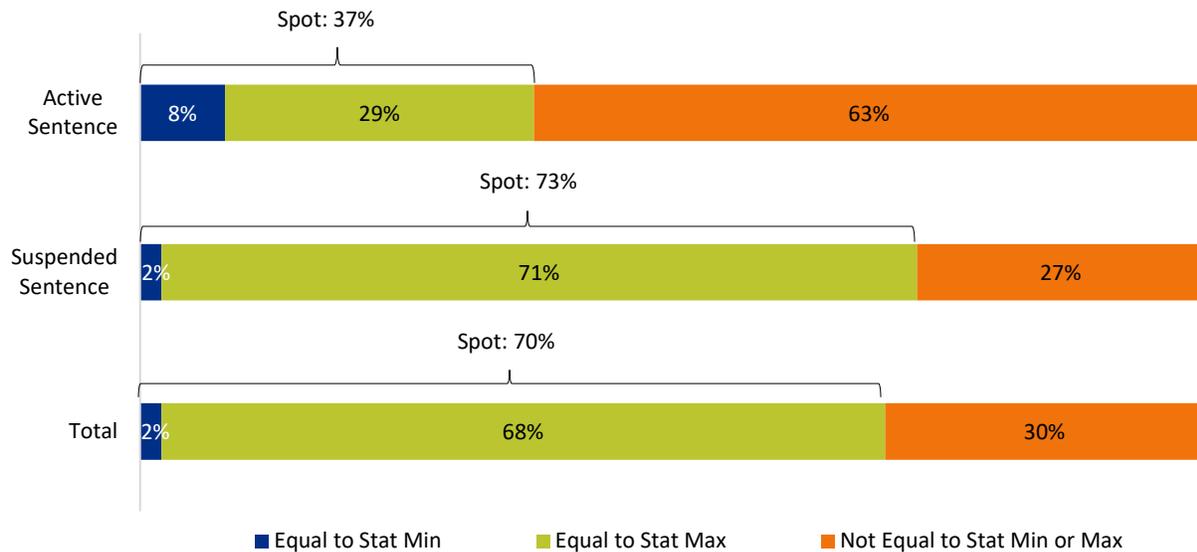
Note: Of the 27,591 DWI convictions in FY 2019, 31 convictions with discrepant date values were excluded.
 SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

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 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 37% 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).¹⁶

¹⁶ Overall, 26% of Aggravated Level 1 offenders were sentenced to the statutory minimum (12 months), 40% were sentenced to the statutory maximum (36 months), and 34% were sentenced to a different amount of time, for a total of 66% sentenced on either the statutory minimum or statutory maximum.

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



Note: Of the 27,591 DWI convictions in FY 2019, 15 convictions with missing values for type of sentence imposed were excluded from this figure.

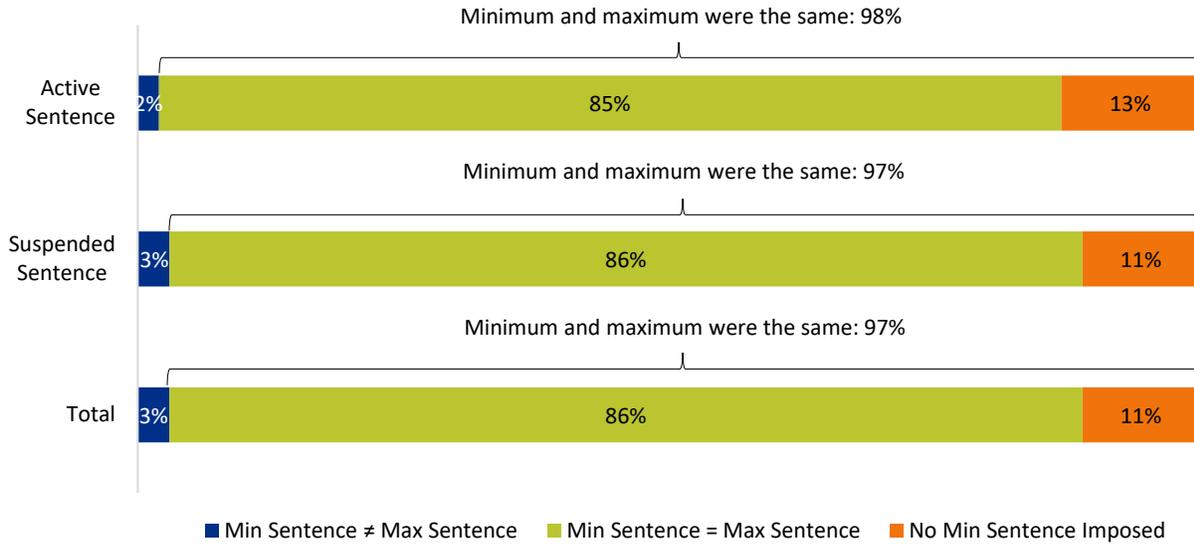
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

C. Use of Minimum and Maximum Sentences

Judges must impose a maximum term of imprisonment and may impose a minimum term.¹⁷ Figure T examines whether a minimum term was imposed and whether the minimum term equaled the maximum term. Overall, 86% 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 11% 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 (2%-3%).

¹⁷ G.S. 15A-1351(b)

Figure T: Use of Minimum and Maximum Sentences



Note: Of the 27,591 DWI convictions in FY 2019, 15 convictions with missing values for type of sentence imposed were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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. Nineteen percent (19%) of all DWI offenders received credit for time served (see Table 7). Nearly two-thirds (62%) 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 (58 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	282	57	63	36
	Suspended	422	40	50	28
	Subtotal	704	47	56	31
Level 1	Active	344	58	67	39
	Suspended	2,319	33	28	20
	Subtotal	2,663	36	36	24
Level 2	Active	303	63	77	49
	Suspended	3,604	27	15	7
	Subtotal	3,907	30	25	7
Level 3	Active	246	54	68	46
	Suspended	1,414	22	16	5
	Subtotal	1,660	27	31	11
Level 4	Active	255	65	50	39
	Suspended	3,073	15	10	2
	Subtotal	3,328	19	21	5
Level 5	Active	584	68	41	33
	Suspended	14,730	8	7	1
	Subtotal	15,314	11	15	2
Total	Active	2,014	62	58	39
	Suspended	25,562	15	16	4
	Total	27,576	19	26	7

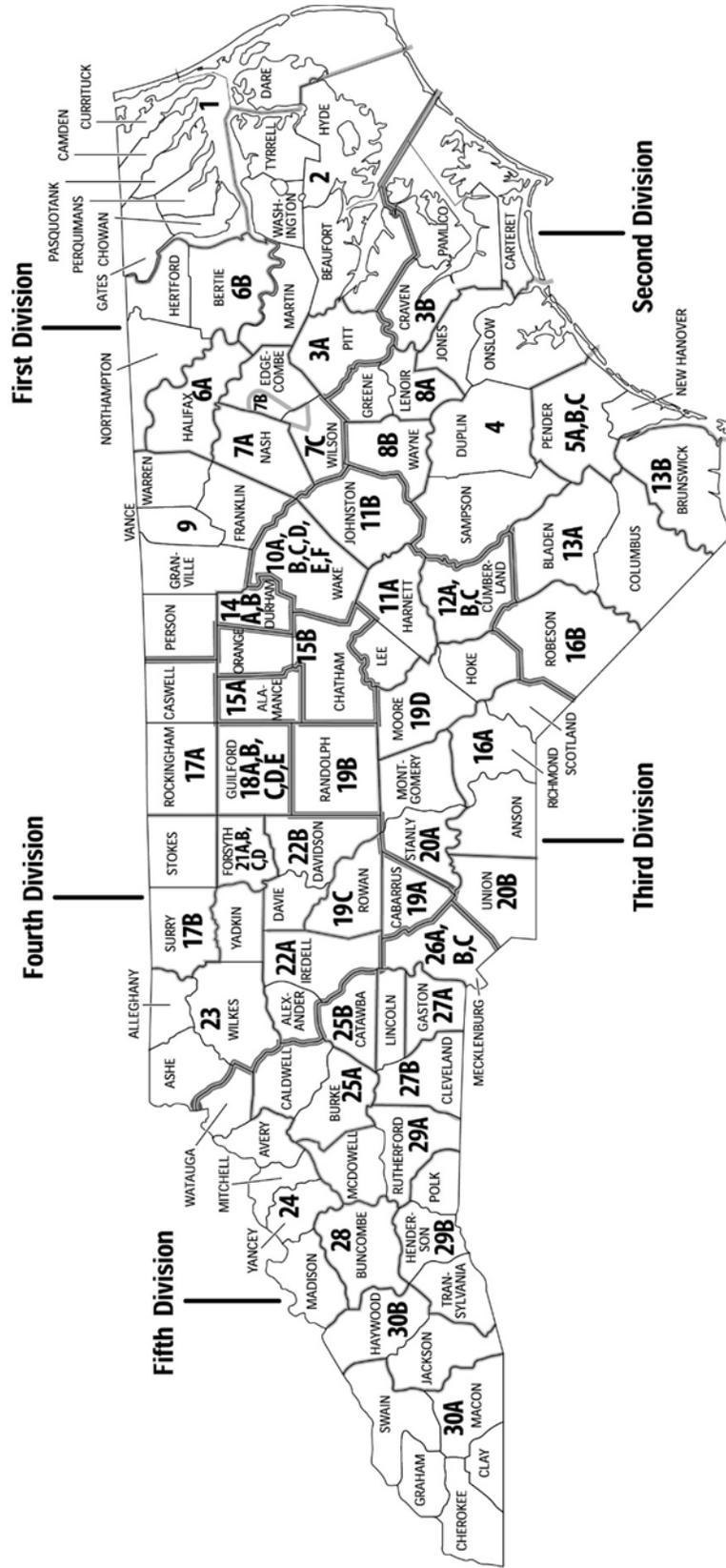
Note: Of the 27,591 DWI convictions in FY 2019, 15 convictions with missing values for type of sentence imposed were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

APPENDIX A
MAPS OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court Districts

Effective January 1, 2019

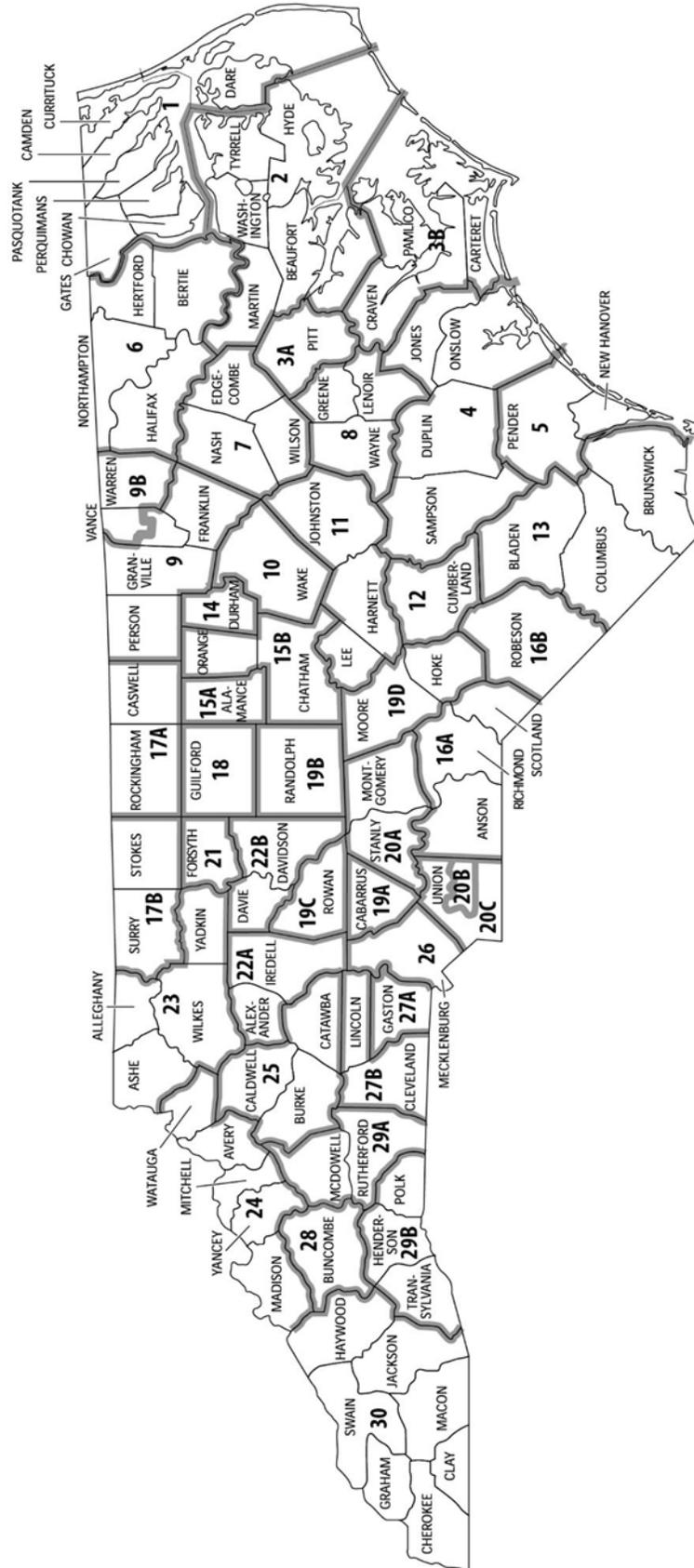


Note: Districts that have more than one letter associated with the district number (i.e., 10A, B, C, D) are divided into separate districts for electoral purposes. For administrative purposes, they are combined into a single district.

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North Carolina District Court Districts

Effective January 1, 2019



Note: Districts 9 and 9B, and districts 20B and 20C 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	26	3
	Chowan	22	2
	Currituck	137	6
	Dare	327	10
	Gates	21	2
	Pasquotank	107	3
	Perquimans	42	4
	Total	682	5
District 2	Beaufort	244	6
	Hyde	28	6
	Martin	78	4
	Tyrrell	42	12
	Washington	54	6
Total	446	6	
District 3A	Pitt	339	2
	Total	339	2
District 3B	Carteret	215	4
	Craven	171	2
	Pamlico	14	1
Total	400	3	
District 4	Duplin	197	4
	Jones	45	5
	Onslow	530	4
	Sampson	286	6
Total	1,058	4	
District 5	New Hanover	846	4
	Pender	166	3
Total	1,012	4	
District 6	Bertie	35	2
	Halifax	139	3
	Hertford	44	2
	Northampton	27	2
Total	245	3	
District 7	Edgecombe	196	5
	Nash	363	5
	Wilson	170	3
Total	729	4	
District 8	Greene	65	4
	Lenoir	182	4
	Wayne	544	6
Total	791	5	

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (16+)
District 9	Franklin	253	5
	Granville	220	4
	Person	256	8
	Vance	334	9
	Warren	73	4
	Total	1,136	6
District 10	Wake	1,999	2
	Total	1,999	2
District 11	Harnett	250	2
	Johnston	510	3
	Lee	86	2
Total	846	3	
District 12	Cumberland	647	3
	Total	647	3
District 13	Bladen	127	4
	Brunswick	418	3
	Columbus	127	3
Total	672	3	
District 14	Durham	441	2
	Total	441	2
District 15A	Alamance	597	4
	Total	597	4
District 15B	Chatham	147	2
	Orange	537	4
	Total	684	4
District 16A	Anson	85	4
	Richmond	106	3
	Scotland	107	4
Total	298	3	
District 16B	Robeson	535	5
	Total	535	5
District 17A	Caswell	79	4
	Rockingham	354	5
Total	433	5	
District 17B	Stokes	190	5
	Surry	231	4
Total	421	4	

continued

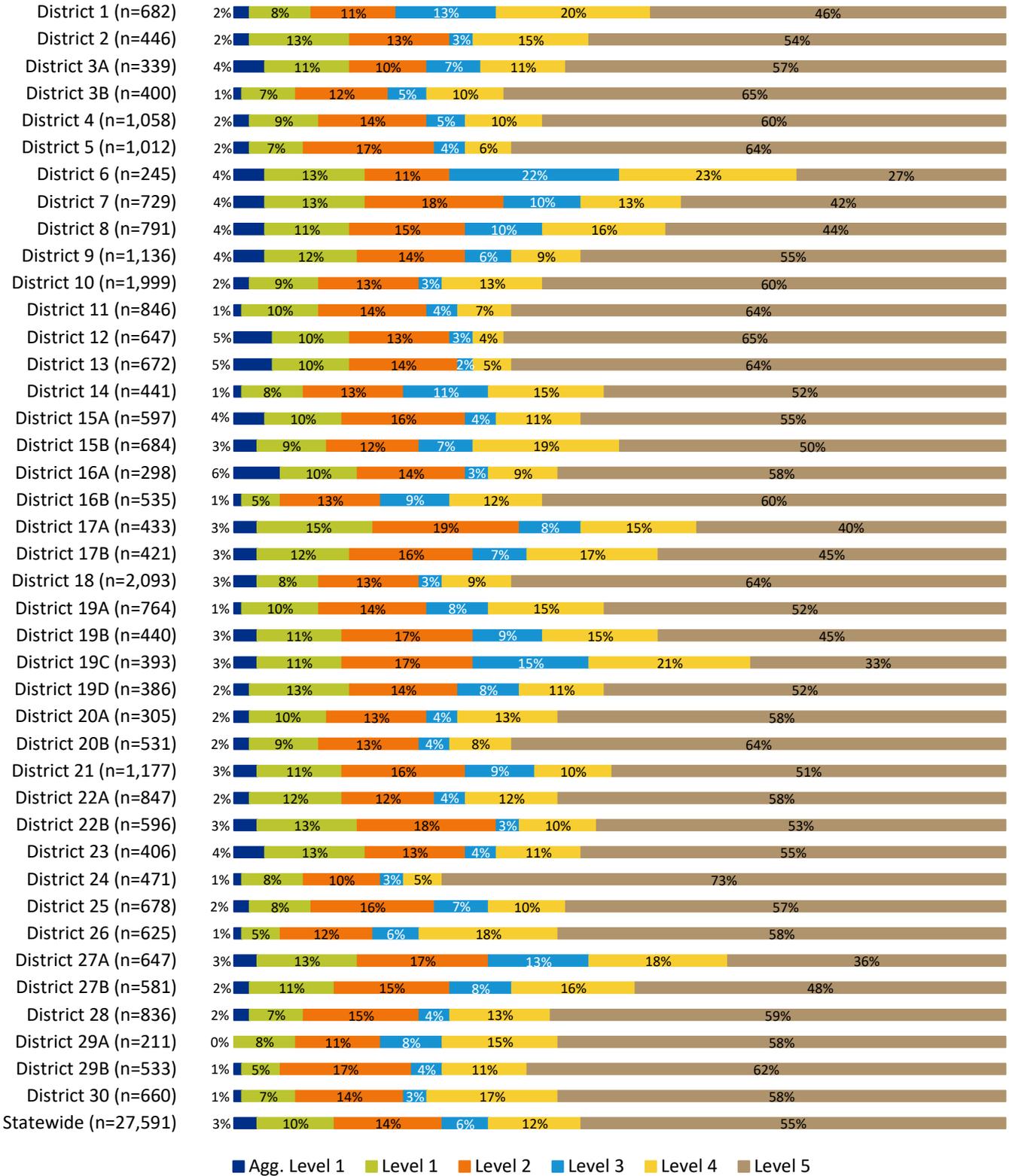
Appendix C, Table 1: Convictions by Judicial District and County

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (16+)
District 18	Guilford	2,093	5
	Total	2,093	5
District 19A	Cabarrus	764	5
	Total	764	5
District 19B	Randolph	440	4
	Total	440	4
District 19C	Rowan	393	3
	Total	393	3
District 19D	Hoke	93	2
	Moore	293	4
	Total	386	3
District 20A	Montgomery	89	4
	Stanly	216	4
	Total	305	4
District 20B	Union	531	3
	Total	531	3
District 21	Forsyth	1,177	4
	Total	1,177	4
District 22A	Alexander	111	3
	Iredell	736	5
	Total	847	5
District 22B	Davidson	444	3
	Davie	152	4
	Total	596	3
District 23	Alleghany	37	4
	Ashe	53	2
	Wilkes	187	3
	Yadkin	129	4
	Total	406	3
District 24	Avery	70	4
	Madison	85	4
	Mitchell	45	4
	Watauga	230	4
	Yancey	41	3
	Total	471	4

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (16+)
District 25	Burke	241	3
	Caldwell	127	2
	Catawba	310	2
	Total	678	2
District 26	Mecklenburg	625	1
	Total	625	1
District 27A	Gaston	647	4
	Total	647	4
District 27B	Cleveland	328	4
	Lincoln	253	4
	Total	581	4
District 28	Buncombe	836	4
	Total	836	4
District 29A	McDowell	121	3
	Rutherford	90	2
	Total	211	2
District 29B	Henderson	357	4
	Polk	83	4
	Transylvania	93	3
	Total	533	4
District 30	Cherokee	63	2
	Clay	26	3
	Graham	19	3
	Haywood	185	3
	Jackson	175	5
	Macon	121	4
	Swain	71	6
	Total	660	4
State Total		27,591	3

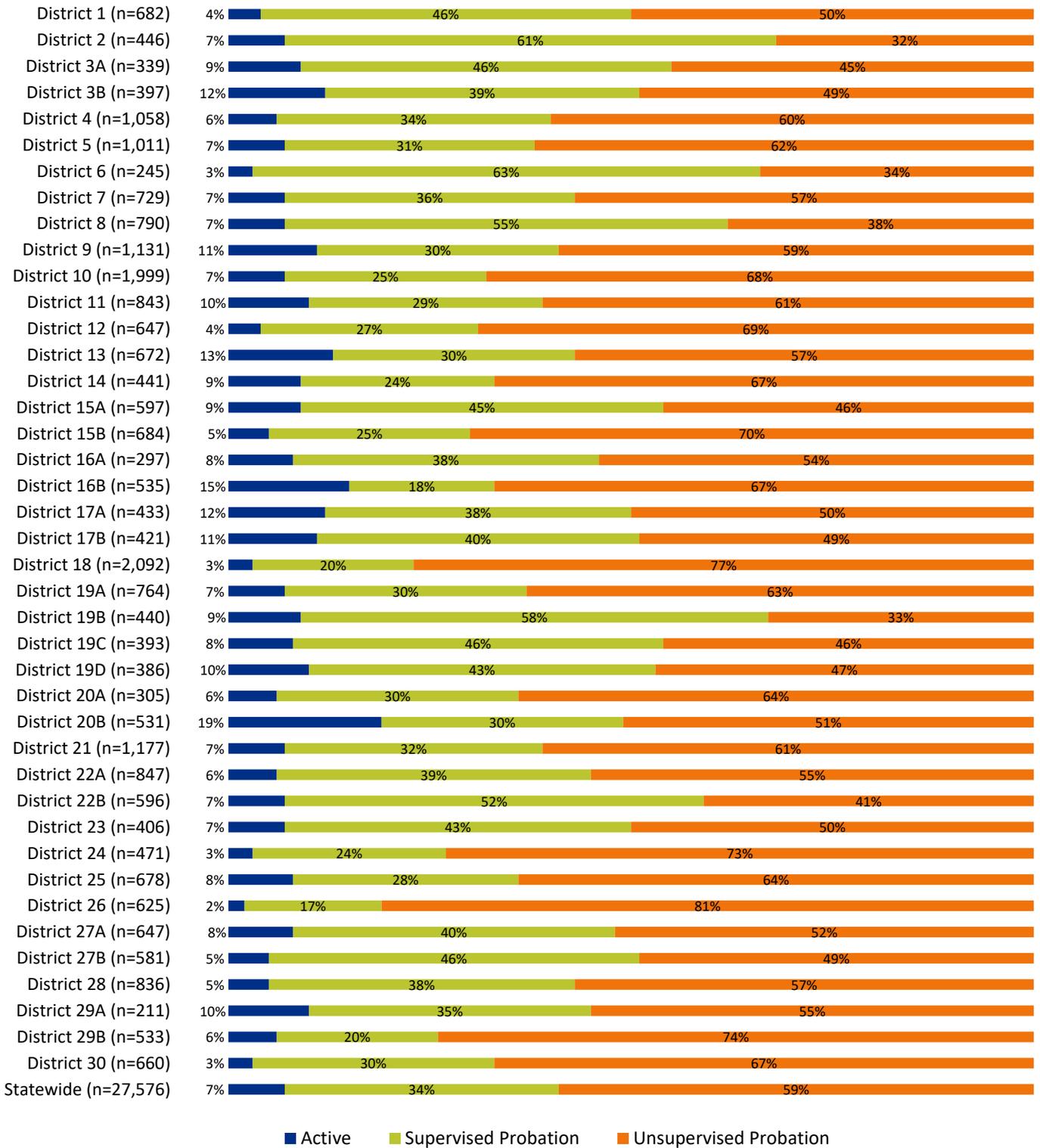
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data and NC Office of State Management and Budget, 2019 Population Estimates from <https://demography.osbm.nc.gov/explore/> (see Population Projections (By Age) - Vintage 2019).

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



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

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



Note: Of the 27,591 DWI convictions in FY 2019, 15 convictions with missing values for type of sentence imposed were excluded from this figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 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=27,591**

	Agg. Level 1 n=704	Level 1 n=2,664	Level 2 n=3,908	Level 3 n=1,661	Level 4 n=3,329	Level 5 n=15,325
Offender Characteristics						
Gender						
Male	82%	74%	79%	84%	77%	71%
Female	18%	26%	21%	16%	23%	29%
Race						
White	44%	52%	58%	52%	54%	61%
Black	45%	36%	31%	34%	31%	25%
Hispanic	8%	8%	7%	10%	11%	9%
Other	3%	4%	4%	4%	4%	5%
Age at Offense						
Less than 21 Years	<1%	1%	2%	3%	4%	6%
21-30 Years	31%	32%	32%	24%	32%	41%
31-40 Years	32%	34%	27%	28%	28%	23%
41-50 Years	22%	20%	21%	25%	18%	15%
Over 50 Years	15%	13%	18%	20%	18%	15%
Average Age	38	37	38	39	37	35
Median Age	36	35	36	39	35	32
Blood Alcohol Concentration						
Less than .08	3%	3%	3%	3%	2%	2%
.08 to .14	44%	48%	46%	24%	27%	63%
.15 or More	53%	49%	51%	73%	71%	35%
Punishment Imposed						
Method of Disposition						
Guilty Plea	89%	89%	88%	90%	89%	84%
Bench Trial	10%	11%	12%	10%	11%	16%
Jury Trial	1%	<1%	<1%	<1%	<1%	<1%
Sentence Type						
Active Sentence	40%	13%	8%	15%	8%	4%
Supervised Probation	60%	83%	83%	53%	29%	10%
Unsupervised Probation	<1%	4%	9%	32%	63%	86%
Sentence Length/Location						
Active						
Average Length (Months)	20	13	7	4	2	1
Sentenced at Stat. Minimum	40%	4%	2%	1%	2%	2%
Sentenced at Stat. Maximum	15%	25%	33%	37%	26%	35%
Sentence Other than Stat. Min/Max	45%	71%	65%	62%	72%	63%
Suspended						
Average Length (Months)	29	21	11	5	3	2
Sentenced at Stat. Minimum	16%	1%	1%	1%	1%	1%
Sentenced at Stat. Maximum	57%	70%	81%	69%	56%	73%
Sentence Other than Stat. Min/Max	27%	29%	18%	30%	43%	26%

Note: Convictions with missing data were excluded.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 DWI Statistical Report Data

**Appendix D, Table 2: Conditions of Probation for Probation Sentences by Punishment Level
N=25,562**

	Agg. Level 1 n=422	Level 1 n=2,319	Level 2 n=3,604	Level 3 n=1,414	Level 4 n=3,073	Level 5 n=14,730
Supervised Probation	100%	96%	90%	62%	32%	11%
Length						
1 Year or Less	5%	15%	29%	33%	62%	74%
13-18 Months	13%	24%	46%	45%	26%	17%
19-24 Months	33%	51%	21%	19%	11%	8%
More than 2 Years	49%	10%	4%	3%	1%	1%
Average Length (Months)	29	22	18	18	15	14
Unsupervised Probation	<1%	4%	10%	38%	68%	89%
Length						
1 Year or Less	100%	44%	51%	49%	80%	88%
13-18 Months	0%	26%	34%	35%	13%	8%
19-24 Months	0%	26%	10%	11%	6%	3%
More than 2 Years	0%	4%	5%	5%	1%	1%
Average Length (Months)	12	18	17	17	14	13
Mandatory Conditions						
Special Probation	97%	96%	91%	23%	12%	9%
Community Service	3%	7%	9%	55%	63%	64%
Both	3%	7%	7%	2%	1%	<1%
Fines						
Convictions with Fine Imposed	72%	84%	85%	84%	88%	87%
Fine Amount						
Less than \$100	1%	2%	2%	2%	3%	6%
\$100 to \$199	11%	11%	16%	22%	48%	86%
\$200 to \$299	12%	17%	21%	34%	36%	7%
\$300 to \$499	11%	26%	33%	21%	11%	1%
\$500 or More	65%	44%	28%	21%	2%	<1%
Average Fine Imposed	\$783	\$558	\$387	\$287	\$182	\$109
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 2019 DWI Statistical Report Data

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