

# DRIVING WHILE IMPAIRED CONVICTIONS STATISTICAL REPORT

FISCAL YEAR  
**2023**

# DRIVING WHILE IMPAIRED CONVICTIONS AND SENTENCES IMPOSED

## STATISTICAL REPORT

FISCAL YEAR  
**2023**

JULY 2024



THE HONORABLE CHARLIE BROWN  
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# INTRODUCTION

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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 2023 (July 1, 2022 through June 30, 2023). 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))

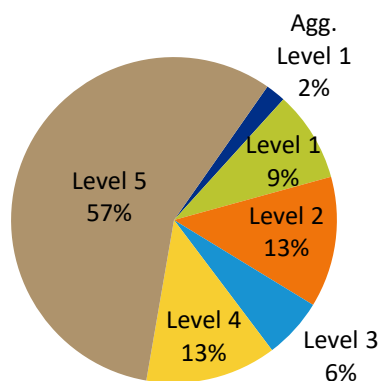
The report presents information on the number of DWI convictions, the distribution of DWI convictions across the six punishment levels, the types of sentences imposed, as well as data about several other issues. The Appendix includes data on DWI convictions by district and county, as well as additional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

# SUMMARY OF FINDINGS

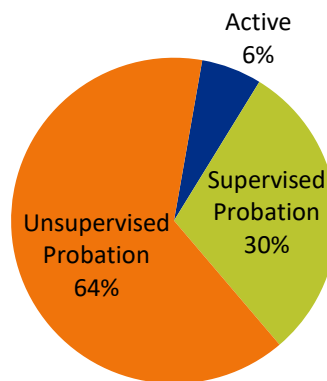
## FY 2023 DWI CONVICTIONS

During FY 2023, sentences for 27,369 DWI convictions were imposed. Under G.S. 20-179, offenders convicted of DWI are subject to punishment in one of six punishment levels (Aggravated Level 1 and Level 1 through Level 5). Most DWI convictions were sentenced in Level 5 (57%) and a majority of offenders received unsupervised probation (64%).

**Convictions by Punishment Level**

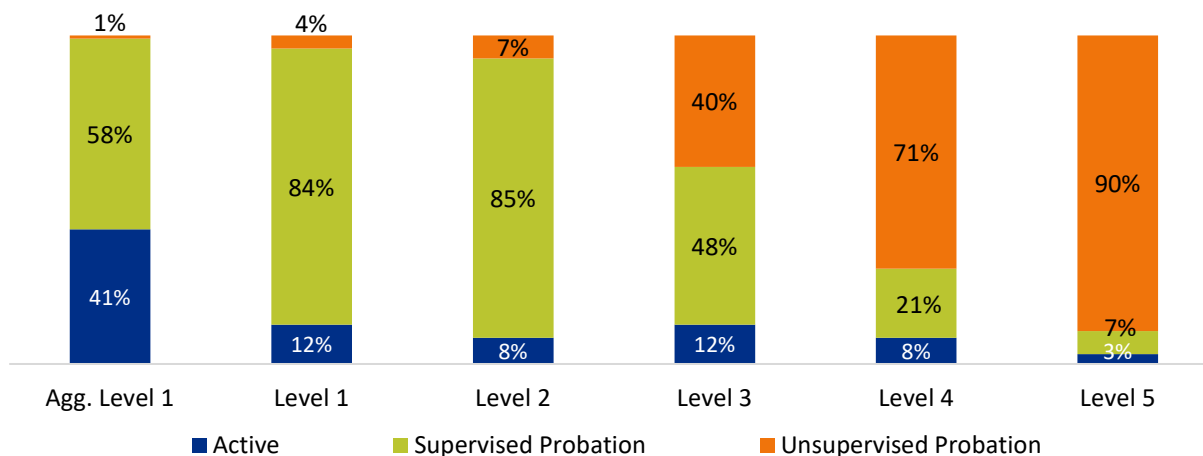


**Convictions by Type of Sentence**



Overall, 6% of DWI convictions resulted in an active sentence; the highest percentage of active sentences imposed was for offenders in Aggravated Level 1 (41%). Supervised probation was the most frequently imposed among Aggravated Level 1 and Level 1 through Level 3 convictions – ranging from 48% for Level 3 to 84% and 85% for Level 1 and Level 2 respectively. Unsupervised probation was most frequently imposed for Level 4 (71%) and Level 5 (90%) convictions.

**Type of Sentence Imposed by Punishment Level**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data



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# DWI CONVICTIONS IN FY 2023

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## DWI CONVICTIONS

This report contains information on DWI convictions sentenced under G.S. 20-179<sup>1</sup> during Fiscal Year 2023 (July 1, 2022 through June 30, 2023) and reflects the laws and practices that were in place during this time period. Overall, sentences for 27,369 DWI convictions were imposed. (This number excludes sentences imposed for aiding and abetting DWI, even though convictions for this offense are sentenced in 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.

### Definition of the Unit of Analysis

The report is based on data entered into the Administrative Office of the Courts' (AOC's) legacy criminal case index and integrated case management systems by the court clerk following the imposition of the sentence. The report covers all North Carolina counties. The unit of analysis is a *sentencing episode*, which includes cases disposed through conviction on a given day of court.<sup>2</sup> Within a sentencing episode, this report examines only the most serious conviction. 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.

While a sentencing episode involves one offender, in the 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).

During FY 2023, the AOC began transitioning from its long-standing database, the Automated Criminal Infraction System (ACIS), to Enterprise Justice (Odyssey). Enterprise Justice was implemented in four pilot counties – Wake, Johnston, Harnett, and Lee – in February 2023. The data reflected in this report are based on data migrated or entered into Enterprise Justice for the pilot counties and data entered into ACIS for the remaining counties. As implementation continues, more data in this report will be based on information entered into Enterprise Justice.

### Data Limitations

AOC data do not contain information on the factors (grossly aggravating, aggravating, and mitigating) that determine offenders' punishment levels.

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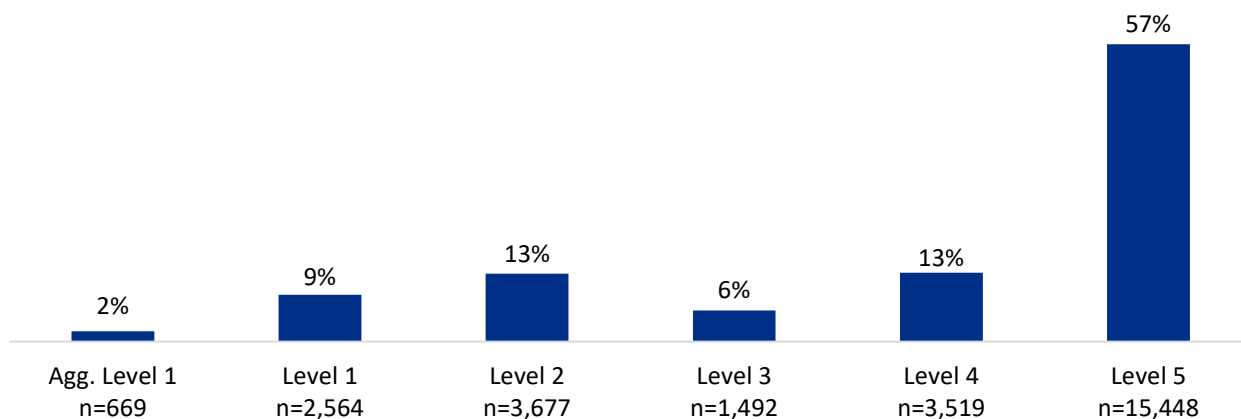
<sup>1</sup> In addition to convictions for impaired driving (G.S. 20-138.1), G.S. 20-179 also prescribes sentencing for impaired driving in a commercial vehicle (G.S. 20-138.2), a second or subsequent conviction for operating a commercial vehicle after consuming alcohol (G.S. 20-138.2A), and a second or subsequent conviction for operating a school bus, school activity bus, child care vehicle, ambulance, other EMS vehicle, firefighting vehicle, or law enforcement vehicle after consuming alcohol (G.S. 20-138.2B). Convictions for these offenses are included in this report.

<sup>2</sup> The report's unit of analysis differs from the unit of analysis used in the AOC's Trial Court Caseload Statistics. See *A Comparison of Trial Court Caseload Statistics and the Structured Sentencing Statistical Report* available at [www.NCSPAC.org](http://www.NCSPAC.org) for details.

## Distribution of DWI Convictions by Punishment Level

Figure 1 shows the distribution of DWI convictions across punishment levels. The majority of convictions were in Level 5 (n=15,448 or 57%). The percentage of convictions increased from Aggravated Level 1 (2%) through Level 2 (13%), and then again from Level 3 (6%) through Level 5 (57%). Aggravated Level 1 through Level 2 punishments are based on the presence of grossly aggravating factors, while Level 3 through Level 5 punishments are based on the presence and weighing of aggravating and mitigating factors.<sup>3</sup>

**Figure 1**  
**Convictions by Punishment Level**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

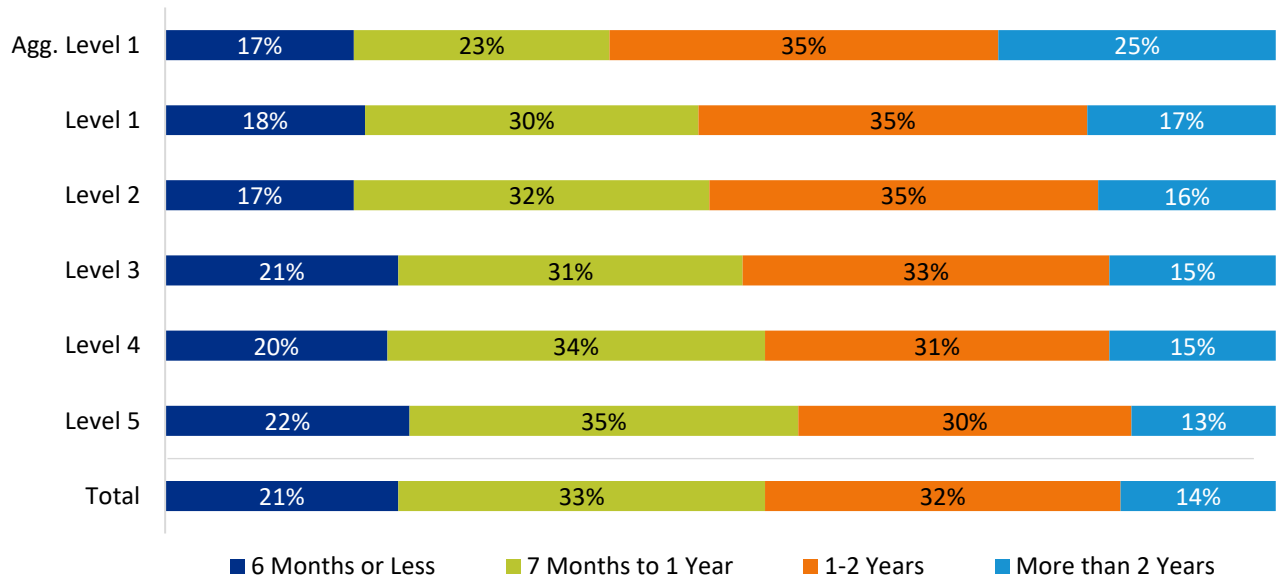
## Time to Sentencing

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 2 illustrates the distribution of time to sentencing for convictions by punishment level. Overall, 21% of convictions occurred within 6 months or less, 33% occurred within 7 months to 1 year, 32% occurred within 1 to 2 years, and 14% occurred in over 2 years; over half (54%) of convictions were sentenced within 1 year or less. A smaller percentage of Aggravated Level 1 convictions were sentenced within 1 year compared to Level 1 through Level 5 convictions. Information on time to sentencing by method of disposition can be found in the Special Issues section.

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<sup>3</sup> For a list of the four grossly aggravating factors, see G.S. 20-179(c).

**Figure 2**  
**Time to Sentencing by Punishment Level**



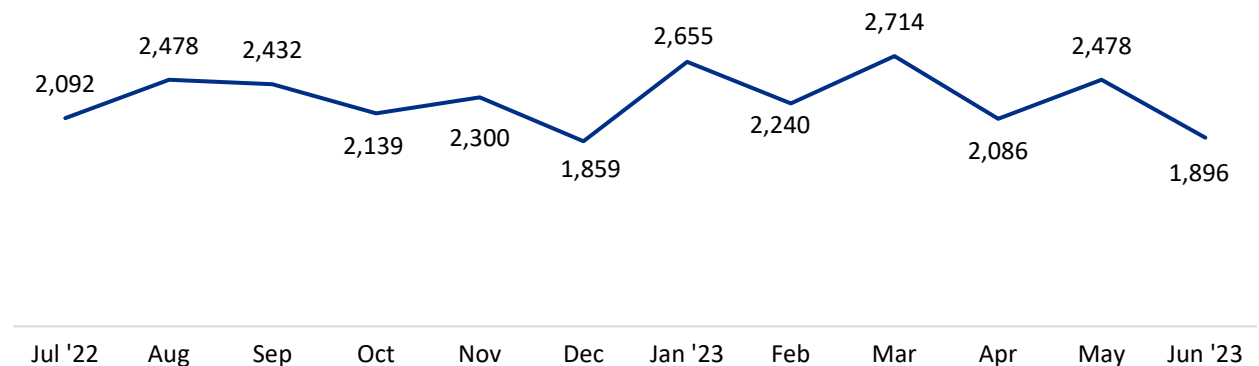
Note: Of the 27,369 DWI convictions in FY 2023, 94 convictions with discrepant date values were excluded from the figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

### Month of Sentencing

Figure 3 shows the number of convictions by month of sentencing during FY 2023. Convictions generally decreased during the first half of the fiscal year and increased during the second half. Convictions were lowest in December 2022 and were highest in March 2023.

**Figure 3**  
**Convictions by Month of Sentencing**

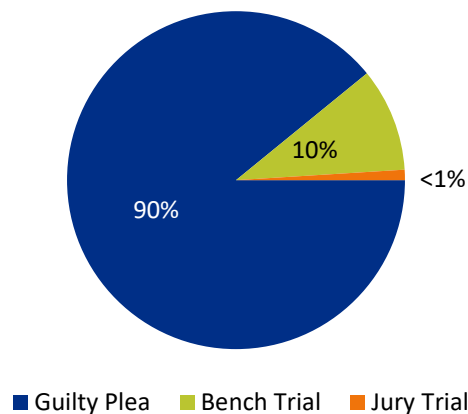


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

## Method of Disposition

Figure 4 shows that 90% of DWI convictions in FY 2023 resulted from guilty pleas and 10% from bench trials. Jury trials occurred for less than 1% of convictions (n=17). Across all punishment levels, Level 4 convictions had the highest percentage of guilty pleas (92%); conversely, Level 5 convictions had the highest percentage of bench trials (11%). Method of disposition was otherwise similar across the other punishment levels.

**Figure 4**  
**Convictions by Method of Disposition**

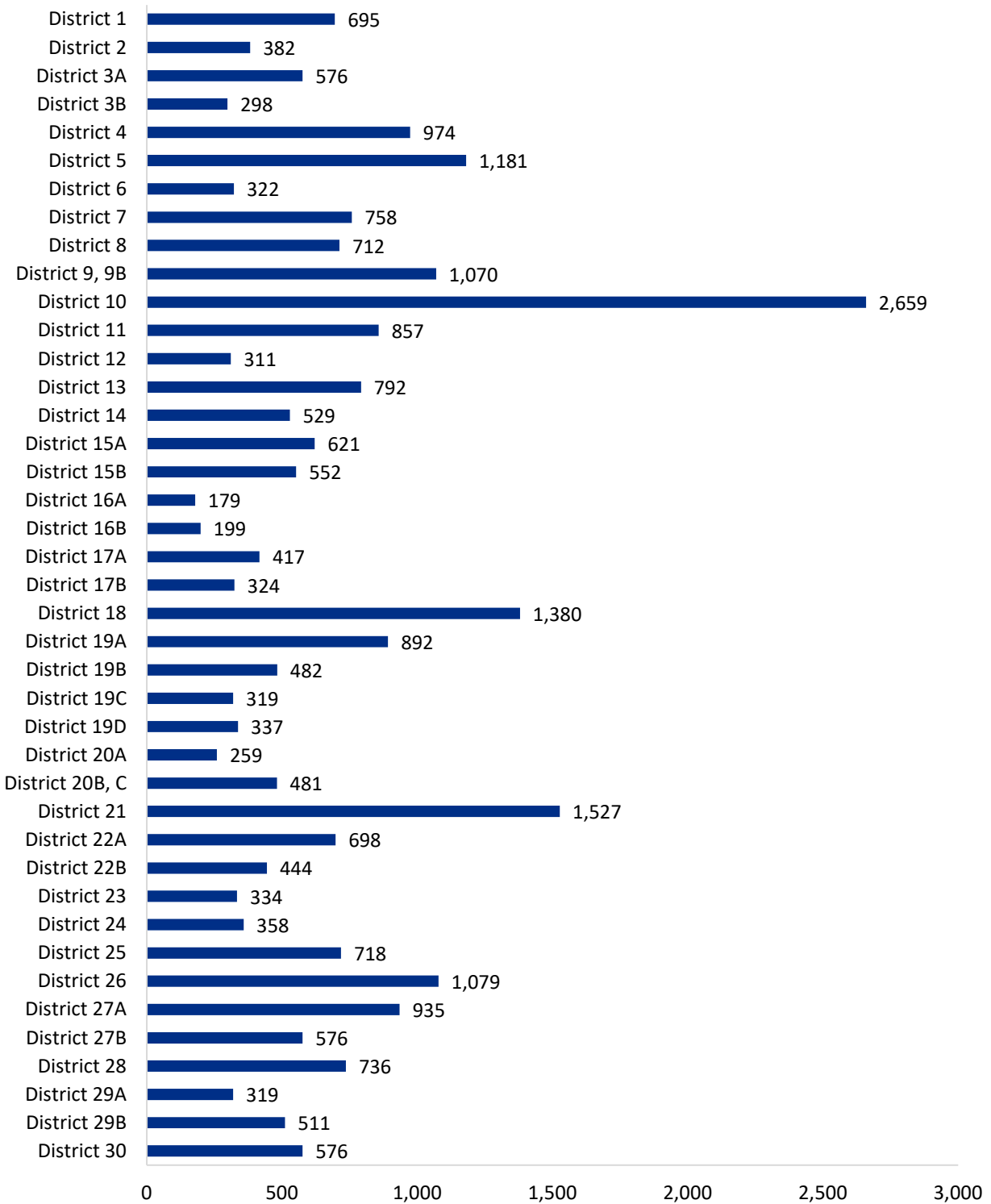


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

## Judicial District

Figure 5 shows the total number of convictions by judicial district (N=27,369). District 10 (Wake County, n=2,659), District 21 (Forsyth County, n=1,527), and District 18 (Guilford County, n=1,380) had the most DWI convictions and accounted for a combined 20% of convictions in FY 2023. Additional information about DWI convictions by district and county can be found in Appendix C.

**Figure 5**  
**Convictions by Judicial District**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

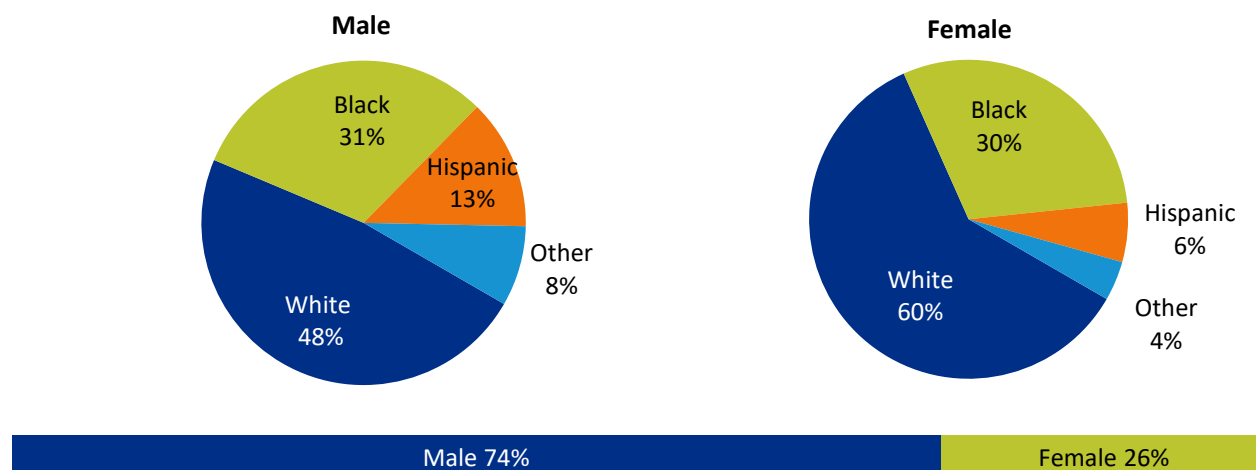
## OFFENDER CHARACTERISTICS

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

### Sex, Race, and Age at Offense

Of the 27,369 DWI convictions in FY 2023, 74% were for males (see Figure 6). Overall, the majority of DWI offenders were White (51%), followed by Black (31%), Hispanic (11%), and Other (7%). White females comprised a larger percentage of convictions for females (60%) compared to White males as a percentage of convictions for males (48%). While Black males and females comprised similar percentages by sex (31% and 30% respectively), the percentage of convictions for Hispanic males was larger (13%) compared to Hispanic females (6%).

**Figure 6**  
**Convictions by Sex and Race**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

Table 1 shows convictions by age at offense and punishment level. Overall, the average age of DWI offenders was 36, with Level 3 offenders being slightly older on average (39) than offenders sentenced in the other punishment levels. Most convictions were for offenders aged 21-40 at the time of offense, ranging from a low of 59% for Level 3 to a high of 71% for Level 5. Just under half (45%) of all Level 5 convictions were for offenders aged 30 and younger. As shown in Figure 7, the volume of offenders peaked at age 28, and then generally declined as age increased.

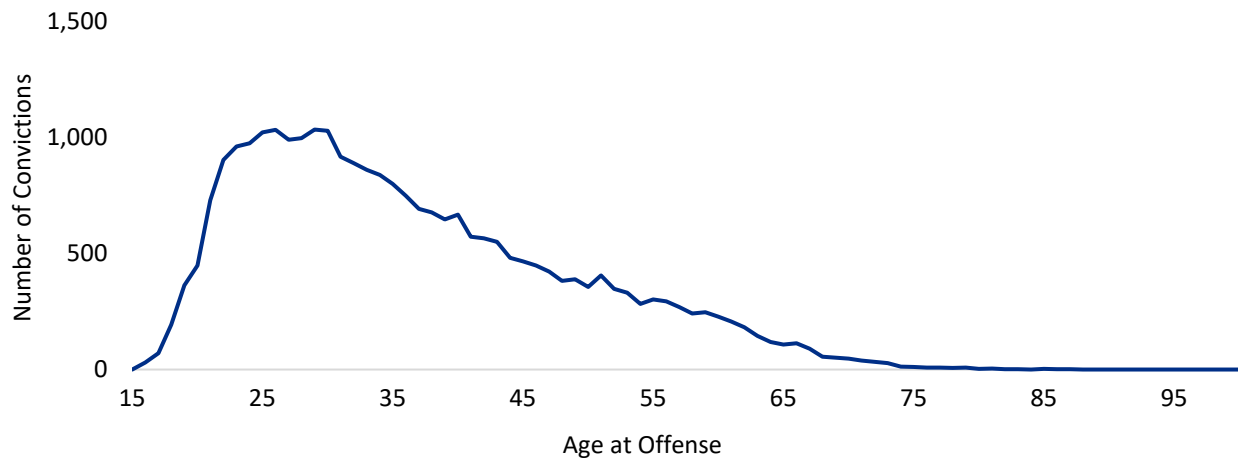
**Table 1**  
**Convictions by Age at Offense and Punishment Level**

Punishment Level	#	Average Age	Age at Offense				
			<21 %	21-30 %	31-40 %	41-50 %	>50 %
<b>Agg. Level 1</b>	669	38	1	29	35	22	13
<b>Level 1</b>	2,563	37	1	32	36	19	13
<b>Level 2</b>	3,677	38	2	30	31	19	18
<b>Level 3</b>	1,491	39	3	26	30	21	20
<b>Level 4</b>	3,516	38	3	31	30	18	18
<b>Level 5</b>	15,439	35	5	40	26	15	14
<b>Total</b>	<b>27,355</b>	<b>36</b>	<b>4</b>	<b>35</b>	<b>28</b>	<b>17</b>	<b>16</b>

Note: Of the 27,369 DWI convictions in FY 2023, 14 convictions with missing values for offender age were excluded from the table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

**Figure 7**  
**Distribution of Convictions by Age at Offense**



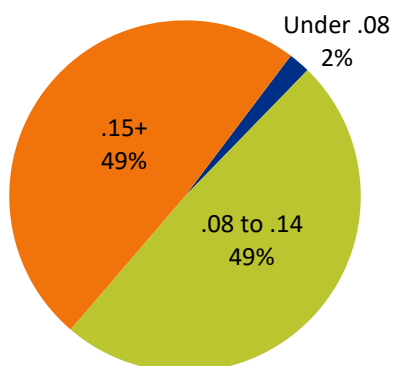
Note: Of the 27,369 DWI convictions in FY 2023, 14 convictions with missing values for offender age were excluded from the figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

## Blood Alcohol Concentration (BAC)

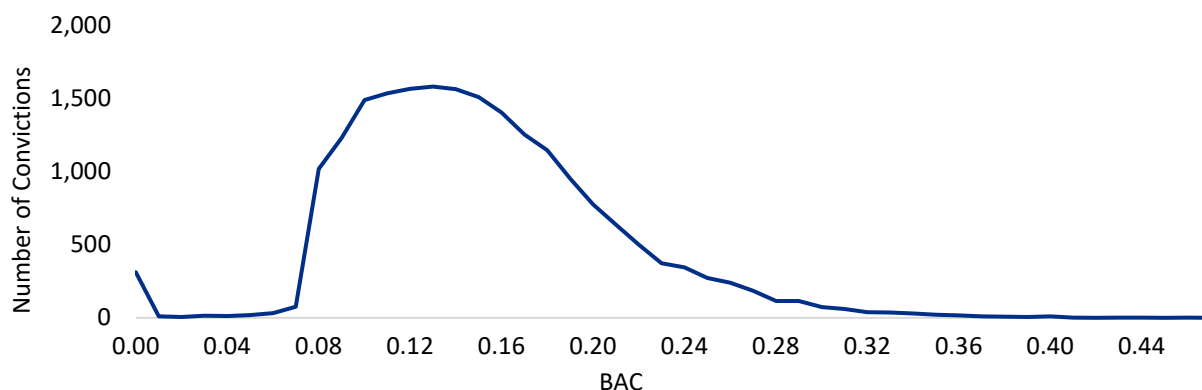
BAC levels were recorded for 75% of convictions.<sup>4</sup> Figure 8 shows the percentage of convictions by BAC category. The highest percentage of convictions were in the .08 to .14 category and the .15+ category (both 49%). Figure 9 illustrates the distribution of BAC for DWI offenders for each individual BAC recorded. A BAC of .13 or .12 were the most frequent (1,583 and 1,568 respectively), followed closely by .14 (n=1,565). These three BAC levels accounted for a combined total of 23% of all convictions with a BAC recorded.

**Figure 8**  
**Convictions by BAC**



Note: Of the 27,369 DWI convictions in FY 2023, 6,745 without recorded BAC levels were excluded from the figure.  
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

**Figure 9**  
**Distribution of BAC**



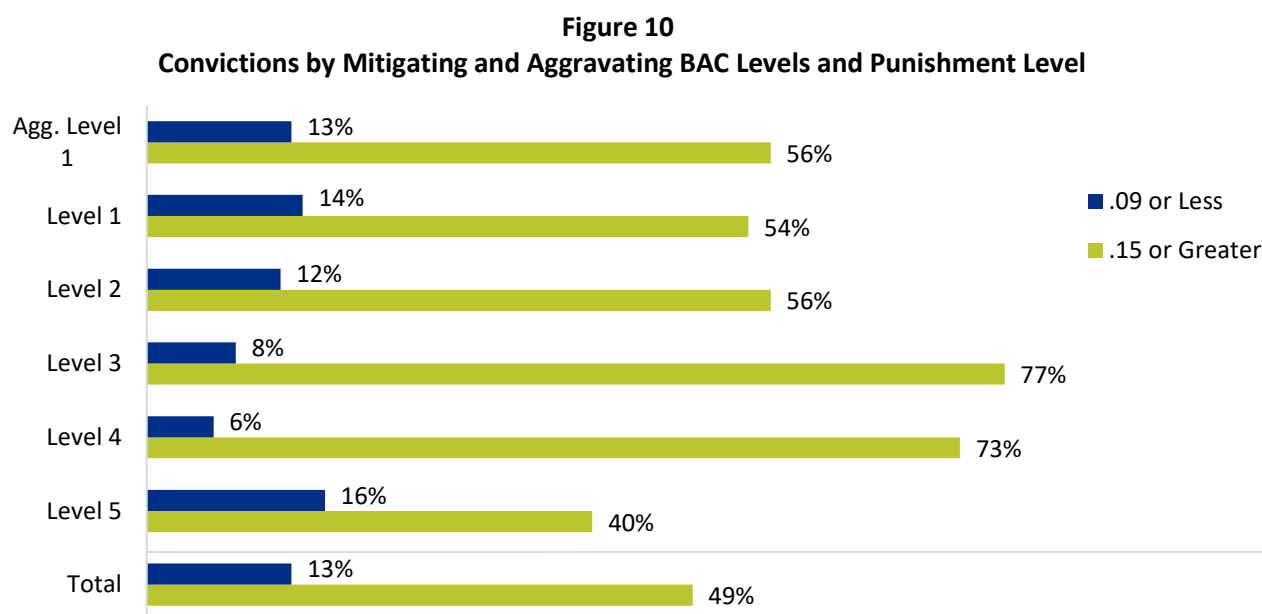
Note: Of the 27,369 DWI convictions in FY 2023, 6,745 convictions without BAC levels were excluded from the figure.  
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

<sup>4</sup> This section examines data contained in the AOC's BAC field at sentencing. The AOC's BAC data include information beyond numeric BAC values. Clerks use the same field to record refusals, blood tests, and whether the DWI charge stemmed from drugs or controlled substances other than alcohol. Data on these occurrences were incomplete, however, because clerks may overwrite initial data (e.g., blood test) with information that becomes available later (e.g., the BAC result of the blood test). The FY 2023 data showed refusals occurred in 9% of convictions, blood tests occurred in 5% of convictions, DWI under controlled substances other than alcohol occurred in 2% of convictions, and BAC was unknown in 8% of convictions. However, given the possibility of overwriting, the actual percentages of convictions involving refusals and blood tests were not known.



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

Figure 10 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 BAC levels higher than .15 (77% and 73% respectively). Correspondingly, these same punishment levels also had the lowest percentage of convictions with BAC levels of .09 or less (8% and 6% respectively). Level 5 convictions had the highest percentage of convictions with BAC levels of .09 or less (16%).



Note: Of the 27,369 DWI convictions in FY 2023, 6,745 convictions without BAC levels were excluded from the figure.  
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

## SENTENCES IMPOSED AND METHOD OF DISPOSITION

This section provides information on DWI convictions by the type of sentence imposed (active sentence, supervised probation, or unsupervised probation) and the method of disposition (guilty plea, bench trial, or jury trial).<sup>7</sup>

### Type of Sentence Imposed and Punishment Level

Figure 11 and Table 2 show that 6% of DWI convictions in FY 2023 resulted in an active sentence, 30% resulted in supervised probation, and 64% resulted in unsupervised probation. The highest percentage of

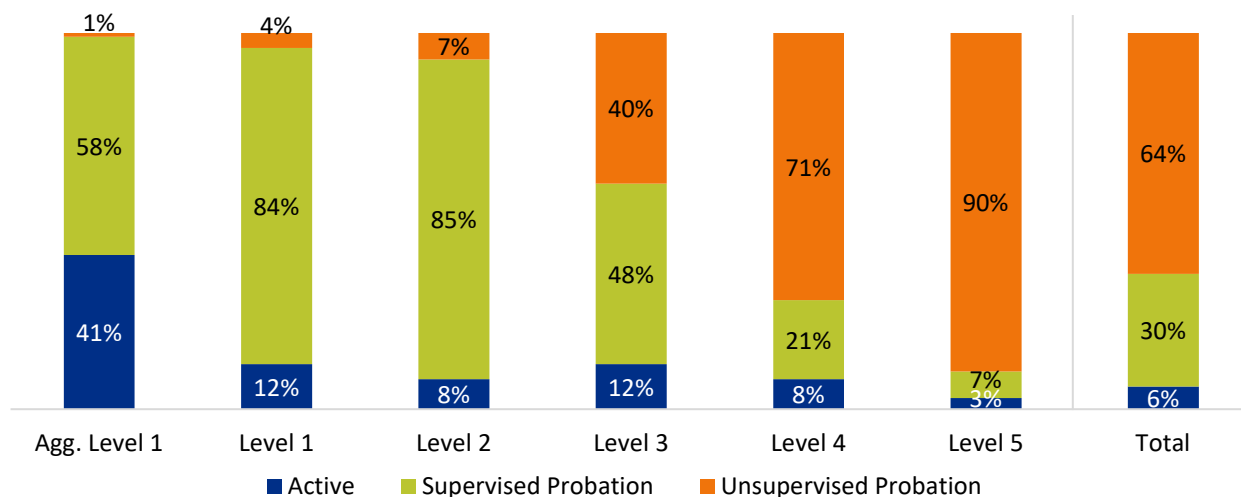
<sup>5</sup> G.S. 20-179(f)(1)-(3)

<sup>6</sup> G.S. 20-179(c)

<sup>7</sup> This section excludes 32 of the 27,369 DWI convictions in FY 2023 for which the type of sentence imposed could not be determined. An additional 7 convictions were excluded from any analysis involving suspended sentence lengths.

active sentences was imposed for offenders with an Aggravated Level 1 punishment (41%). Supervised probation was most frequently imposed among Aggravated Level 1 and Level 1 through Level 3 convictions – ranging from 48% for Level 3, to 84% for Level 1, and 85% for Level 2. Unsupervised probation was most frequently imposed among Level 4 (71%) and Level 5 (90%) convictions. Despite being a lower punishment level, the percentage of convictions that resulted in an active sentence for Level 3 punishments (12%) was higher 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 Level 3 through Level 5 are not.

**Figure 11**  
**Convictions by Type of Sentence Imposed and Punishment Level**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

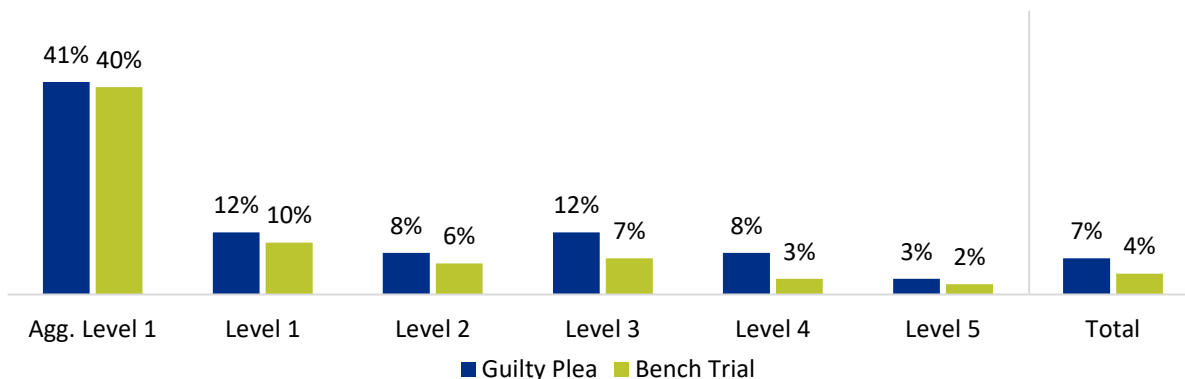
**Table 2**  
**Convictions by Type of Sentence Imposed and Punishment Level**

Punishment Level	Type of Sentence Imposed						Total
	Active		Supervised Probation		Unsupervised Probation		
	#	%	#	%	#	%	
Agg. Level 1	276	41	388	58	5	1	669
Level 1	298	12	2,163	84	100	4	2,561
Level 2	284	8	3,121	85	269	7	3,674
Level 3	172	12	723	48	596	40	1,491
Level 4	280	8	755	21	2,479	71	3,514
Level 5	439	3	1,099	7	13,890	90	15,428
Total	1,749	6	8,249	30	17,339	64	27,337

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

Figure 12 shows the percentage of convictions that resulted in an active sentence for each punishment level by method of disposition. In FY 2023, 7% of all convictions obtained by guilty plea resulted in an active sentence compared to 4% of all convictions resulting from bench trials. Higher rates of active sentences for guilty plea convictions than for bench trials were found across all punishment levels.

**Figure 12**  
**Rate of Active Sentences by Method of Disposition and Punishment Level**



Note: The overall rate of active sentences for jury trials was 24% (n=4). Jury trials were excluded from the figure due to the limited number of observations (n=17).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

### Sentence Length Imposed

Under G.S. 15A-1351(b), judges must impose a maximum term of imprisonment and may impose a minimum term. For the purpose of this analysis, sentence length refers to the maximum term imposed.<sup>8</sup> Table 3 examines active sentences only and shows the average active sentence within the context of the possible statutory minimum and statutory maximum sentences. When an active sentence was imposed (n=1,749), 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**

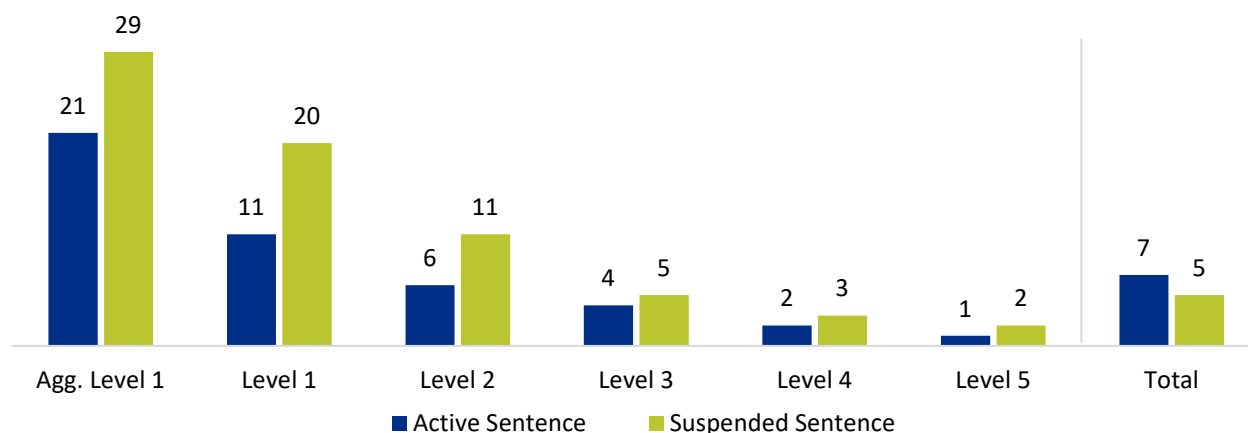
Punishment Level	Statutory Minimum	Average Active Sentence	Statutory Maximum
Agg. Level 1	12 months	21 months	36 months
Level 1	30 days	11 months	24 months
Level 2	7 days	6 months	12 months
Level 3	72 hours	4 months	6 months
Level 4	48 hours	2 months	120 days
Level 5	24 hours	1 month	60 days
Total		7 months	

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

<sup>8</sup> For more information on the use of minimum and maximum terms, see Figure 19.

Figure 13 provides a comparison of the average sentence imposed for active sentences and suspended sentences. As punishment level decreased, the average sentence length decreased for both active and suspended sentences. Aggravated Level 1 DWI convictions had the longest average active and suspended sentences 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.

**Figure 13**  
**Average Sentence Length (Months) for Active and Suspended Sentences by Punishment Level**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

### Suspended Sentences with Probation

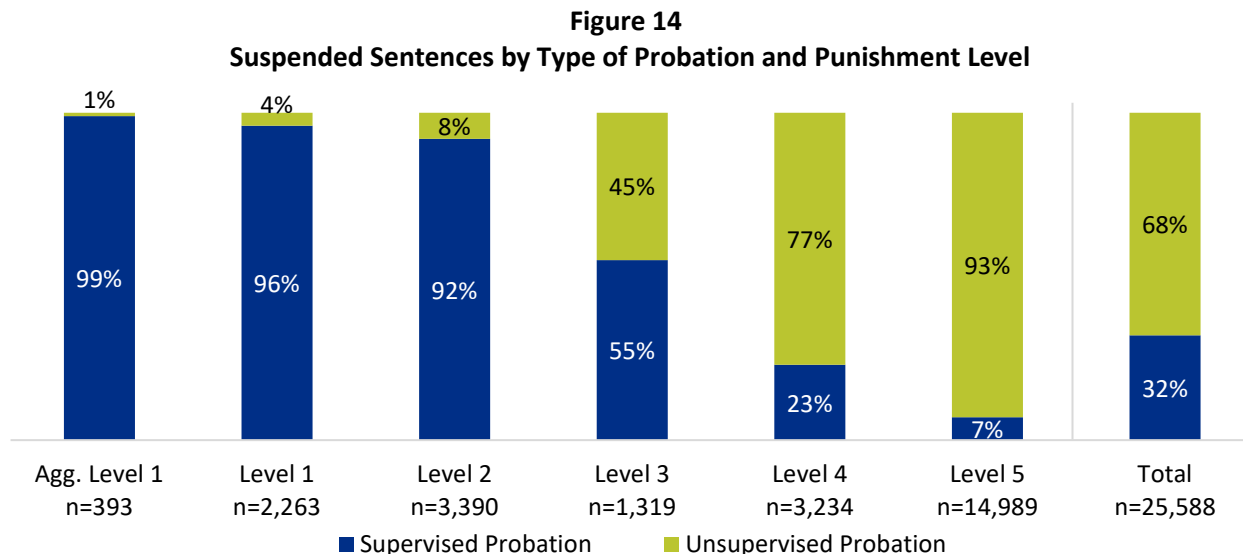
This section summarizes information about suspended (i.e., probationary) sentences. Pursuant to G.S. 20-179, a suspended sentence may be imposed in each of the six levels of DWI punishment if the sentence contains certain conditions of probation (e.g., special probation). For all punishment levels receiving 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 conditions<sup>9</sup> 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.<sup>10</sup>

Probation was imposed for all 25,588 DWI convictions in FY 2023 with a suspended sentence. Figure 14 summarizes the type of probation – supervised or unsupervised – for suspended sentences. Overall, two-thirds (68%) of offenders received unsupervised probation. Nearly all Aggravated Level 1 and Level 1 offenders with a suspended sentence received supervised probation (99% and 96% respectively). Level 5 offenders accounted for almost 60% of all suspended sentences with probation (i.e., 14,989 of 25,588

<sup>9</sup> 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 3, Level 4, or Level 5 punishment is imposed, and 3) if the defendant has obtained a substance abuse assessment and completed any recommended treatment or education.

<sup>10</sup> Pursuant to G.S. 15A-1342.

offenders). As punishment level decreased, a higher percentage of offenders received unsupervised probation.<sup>11</sup>



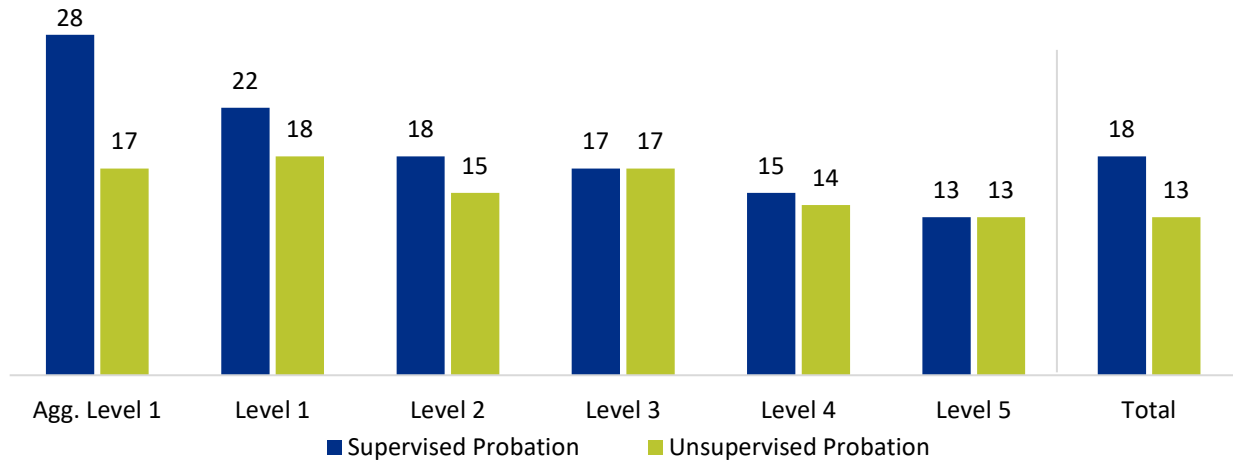
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

Figure 15 provides the average length of probation by punishment level and type of probation. The average length of probation was 18 months for supervised and 13 months for unsupervised probation. Most offenders with supervised probation received longer probation terms than offenders with unsupervised probation, except for Level 3 and Level 5 where they were the same (17 months and 13 months respectively). Generally, as punishment level decreased, the average length of probation supervision decreased.

Table 4 explores the most frequently imposed probation length (mode) for each punishment level by type of probation. Among all offenders who received unsupervised probation, 12 months was the most frequently imposed probation length. More variation in probation length occurred among offenders who received supervised probation ranging from 12 to 36 months.

<sup>11</sup> G.S. 20-179(r) outlines the circumstances in which offenders sentenced to Levels 3, 4, and 5 should receive unsupervised probation.

**Figure 15**  
**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 5 observations.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

**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		
		#	Months (Mode)	%	#	Months (Mode)	%
Agg. Level 1	393	388	36	39	5	12	80
Level 1	2,263	2,163	24	49	100	12	42
Level 2	3,390	3,121	18	42	269	12	57
Level 3	1,319	723	12	42	596	12	54
Level 4	3,234	755	12	68	2,479	12	73
Level 5	14,989	1,099	12	80	13,890	12	86
<b>Total</b>	<b>25,588</b>	<b>8,249</b>	<b>12</b>	<b>38</b>	<b>17,339</b>	<b>12</b>	<b>82</b>

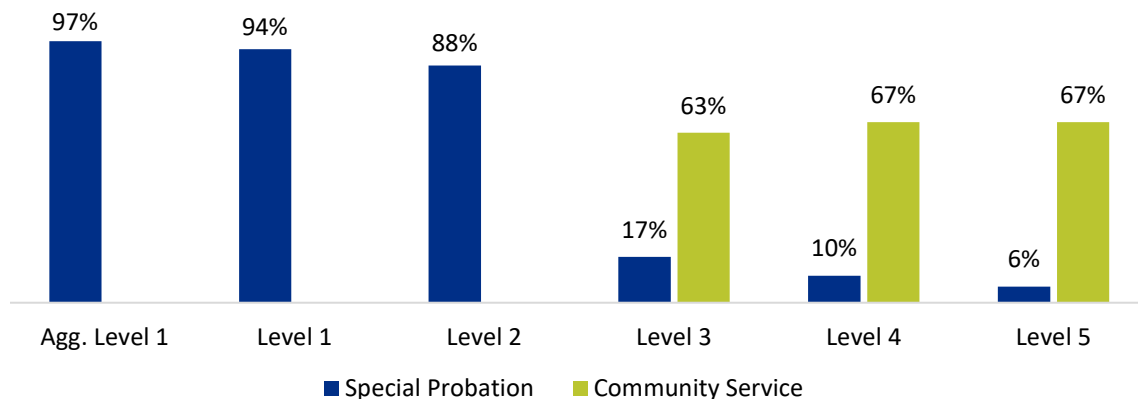
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

Special probation is required for Aggravated Level 1 through Level 2 offenders who receive probation,<sup>12</sup> while either special probation or community service is required for Level 3 through Level 5 offenders who receive probation.<sup>13</sup> Mandatory probation conditions by punishment level are shown in Figure 16.

<sup>12</sup> Offenders sentenced in Aggravated Level 1 through Level 2 may receive community service as part of their sentence. Four percent (4%) of Aggravated Level 1 sentences, 6% of Level 1 sentences, and 9% of Level 2 sentences included community service.

<sup>13</sup> Special probation and community service may be imposed together in Level 3 through Level 5, although this occurred for less than 1% of the convictions.

**Figure 16**  
**Mandatory Probation Conditions by Punishment Level**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

Table 5 shows the number, percent, and average days of special probation ordered within the context of statutory requirements. Of all suspended sentences with probation, 27% (n=6,868) had special probation ordered (see Table 5). The average number of special probation days was highest for Aggravated Level 1 offenders and decreased as punishment level decreased.

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

Punishment Level	Suspended Sentences #	Special Probation Ordered %	Average Special Probation Days	Statutory Length Days
Agg. Level 1	381	97	129	At least 120
Level 1	2,128	94	32	At least 30 or at least 10 (if CAM)
Level 2	2,992	88	10	At least 7
Level 3	220	17	7	At least 3
Level 4	308	10	4	2
Level 5	839	6	4	1
<b>Total</b>	<b>6,868</b>	<b>27</b>	<b>23</b>	<b>N/A</b>

Note: All suspended 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). CAM stands for continuous alcohol monitoring.  
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

Table 6 provides information on fines imposed for suspended sentences with probation by punishment level. Fines were imposed for the majority of DWI convictions (85%), ranging from a low of 73% for Aggravated Level 1 offenders to a high of 86% for Level 5 offenders. For each punishment level, the average fine amounts were much lower than the statutory maximum. Nearly all fines imposed (96%) were \$500 or less. The average fine amount decreased as punishment level decreased.

**Table 6**  
**Suspended Sentences with a Fine Imposed by Punishment Level**

Punishment Level	#	Fine Imposed %	Statutory Maximum	Average	Most Frequent Amount
Agg. Level 1	287	73	\$10,000	\$935	\$500
Level 1	1,824	81	\$4,000	\$511	\$500
Level 2	2,802	83	\$2,000	\$372	\$300
Level 3	1,125	85	\$1,000	\$269	\$200
Level 4	2,747	85	\$500	\$173	\$100
Level 5	12,929	86	\$200	\$109	\$100
<b>Total</b>	<b>21,714</b>	<b>85</b>	<b>N/A</b>	<b>\$204</b>	<b>\$100</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

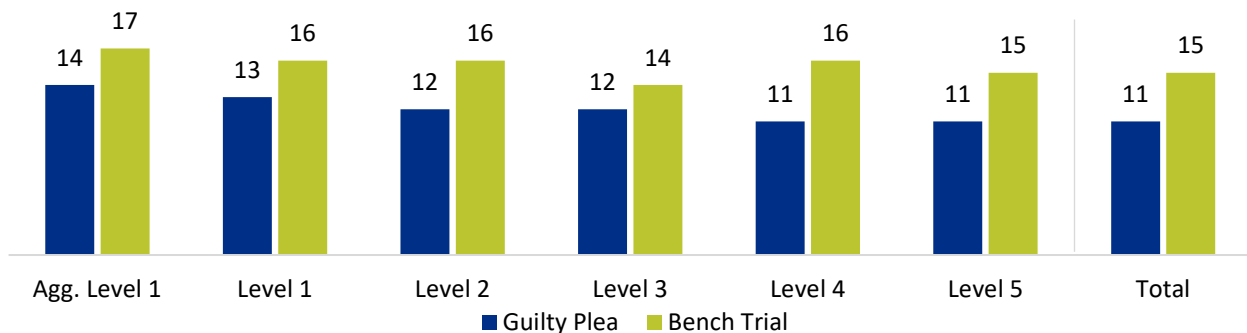
## SPECIAL ISSUES

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.<sup>14</sup>

### Time to Sentencing by Punishment Level and Method of Disposition

Figure 17 examines the median time to sentencing by punishment level and method of disposition. The median time to sentencing for DWI convictions was 12 months. Overall, and across all punishment levels, bench trials took longer than guilty pleas.

**Figure 17**  
**Median Time to Sentencing (Months) by Punishment Level and Method of Disposition**



Note: Of the 27,369 DWI convictions in FY 2023, 94 convictions with discrepant date values were excluded. There were 17 jury trials (not included in figure); their median time to sentencing was 24 months.

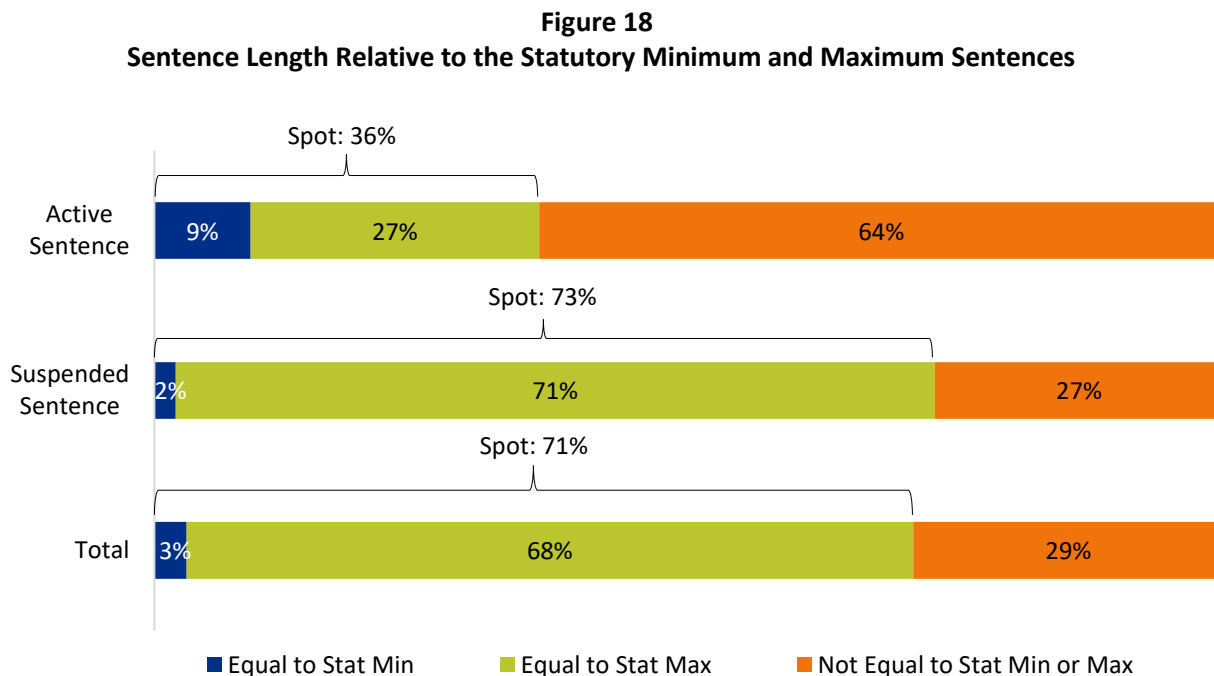
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

<sup>14</sup> For some analyses in this section, 32 of the 27,369 DWI convictions in FY 2023 for which the type of sentence imposed could not be determined were excluded. An additional 7 convictions were excluded from any analysis involving suspended sentence lengths.



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

Figure 18 examines how often the minimum sentence imposed is equal to the statutory minimum or statutory maximum sentence length. Overall, the majority of minimum sentences imposed were equal to the statutory maximum (68%) and only 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 36% of the time compared to 73% of suspended sentences. The statutory minimum sentence was imposed very infrequently regardless of whether the sentence was active or suspended (with the exception of Aggravated Level 1 convictions).<sup>15</sup>



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

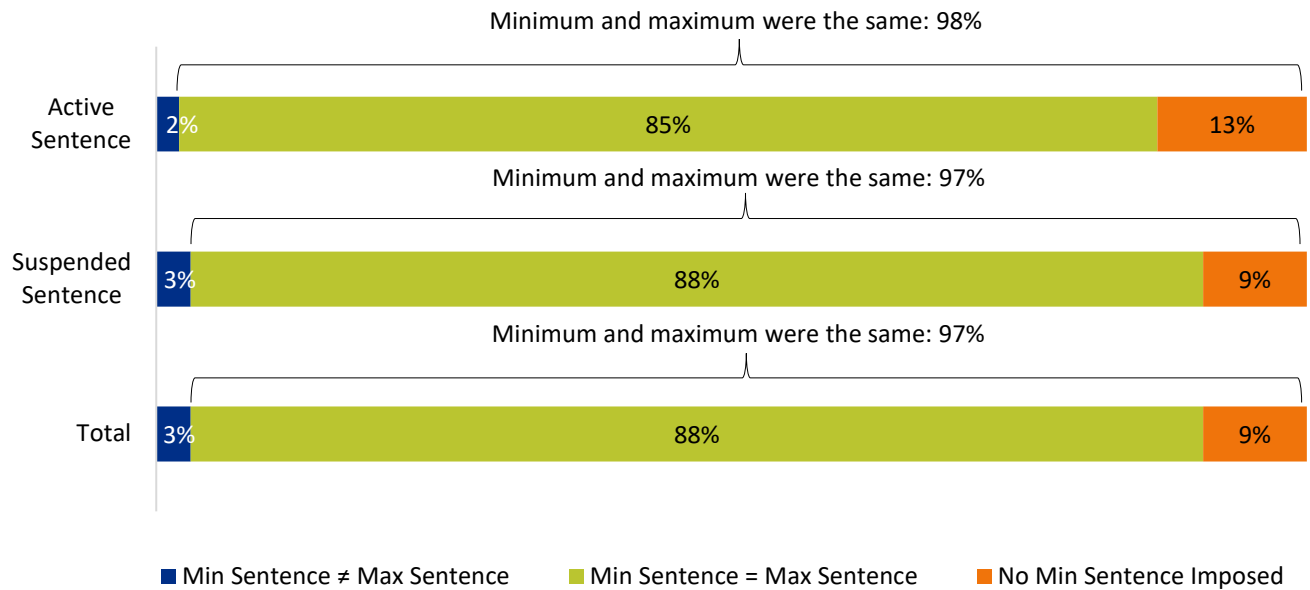
## Use of Minimum and Maximum Sentences

Judges must impose a maximum term of imprisonment and may impose a minimum term.<sup>16</sup> Figure 19 examines whether a minimum term was imposed and whether the minimum term equaled the maximum term. Overall, 88% 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 9% of 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.

<sup>15</sup> Overall, 23% of Aggravated Level 1 offenders were sentenced to the statutory minimum (12 months), 42% were sentenced to the statutory maximum (36 months), and 35% were sentenced to a different amount of time, for a total of 65% sentenced on either the statutory minimum or statutory maximum.

<sup>16</sup> G.S. 15A-1351(b)

**Figure 19**  
**Use of Minimum and Maximum Sentences**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

### 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). Sixty-one percent (61%) of offenders who received active sentences received credit for time served compared to only 14% of those who received suspended sentences. Offenders who received an active sentence averaged a higher amount of credit for time served than those who received a suspended sentence (61 and 15 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 Days	Median Days
Agg. Level 1	Active	276	49	73	52
	Suspended	393	41	53	30
	<b>Subtotal</b>	<b>669</b>	<b>44</b>	<b>62</b>	<b>34</b>
Level 1	Active	298	52	77	42
	Suspended	2,263	32	24	16
	<b>Subtotal</b>	<b>2,561</b>	<b>34</b>	<b>34</b>	<b>20</b>
Level 2	Active	284	55	72	52
	Suspended	3,390	26	14	7
	<b>Subtotal</b>	<b>3,674</b>	<b>28</b>	<b>23</b>	<b>7</b>
Level 3	Active	172	60	72	55
	Suspended	1,319	18	13	4
	<b>Subtotal</b>	<b>1,491</b>	<b>22</b>	<b>31</b>	<b>10</b>
Level 4	Active	280	72	58	45
	Suspended	3,234	14	9	2
	<b>Subtotal</b>	<b>3,514</b>	<b>18</b>	<b>24</b>	<b>5</b>
Level 5	Active	439	73	42	30
	Suspended	14,989	7	7	1
	<b>Subtotal</b>	<b>15,428</b>	<b>9</b>	<b>15</b>	<b>2</b>
Total	Active	1,749	61	61	42
	Suspended	25,588	14	15	4
<b>Total</b>		<b>27,337</b>	<b>17</b>	<b>26</b>	<b>7</b>

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

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## TRENDS FOR DWI CONVICTIONS

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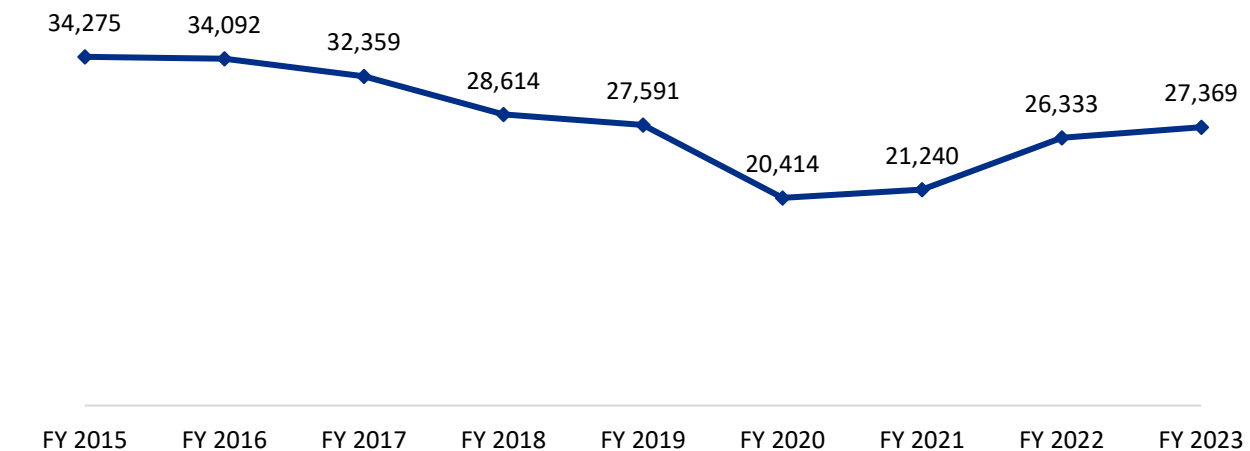
### TRENDS FOR DWI CONVICTIONS

The previous sections focused on a single fiscal year of data (FY 2023); this section examines DWI convictions from FY 2015<sup>17</sup> to FY 2023, with a focus on the past five years (FY 2019 through FY 2023). Trend data allow for the examination of changes over time, including (but not limited to) the composition of offenders and changes in sentencing practices.

#### Volume of DWI Convictions

The number of DWI convictions has declined since FY 2015 (see Figure 20). The sharpest decline occurred following the onset of the COVID-19 pandemic in March 2020, with a 26% decrease from FY 2019 to FY 2020. DWI convictions increased 4% from FY 2022 to FY 2023. With that increase, DWI convictions in FY 2023 were just below pre-pandemic levels, although they are still lower than in FY 2015.

**Figure 20**  
**DWI Convictions**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2015 – FY 2023 DWI Statistical Report Data

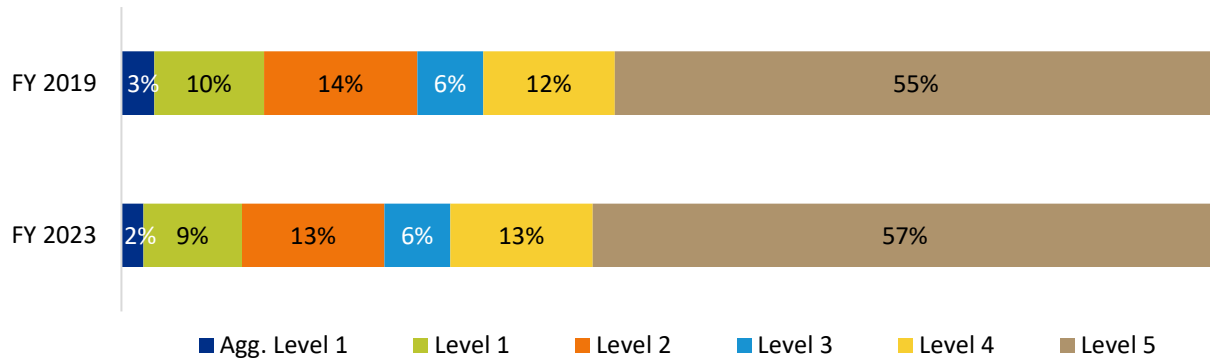
#### Punishment Level

The distribution of DWI convictions by punishment level has remained stable (see Figure 21). Most convictions were in Level 5, while a small percentage were in Aggravated Level 1.

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<sup>17</sup> FY 2015 is the first year the NC Sentencing and Policy Advisory Commission published data on DWI convictions.

**Figure 21**  
**Convictions by Punishment Level**

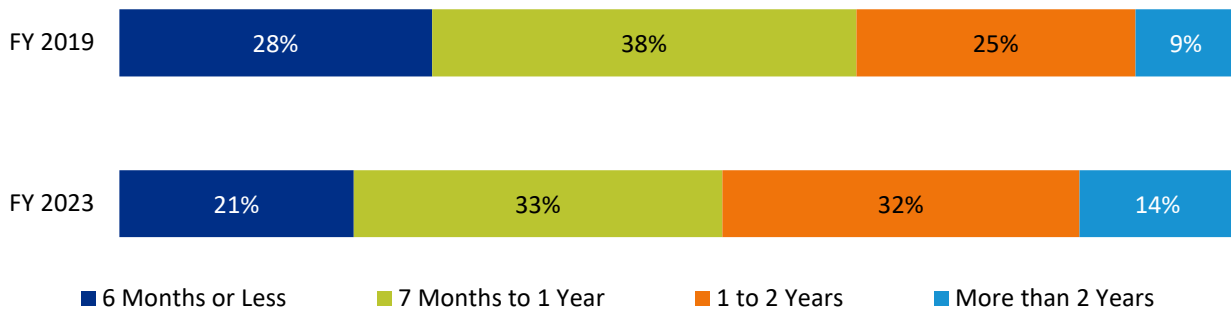


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2023 DWI Statistical Report Data

### Time to Sentencing

A smaller percentage of DWI convictions have been sentenced in one year or less; correspondingly, the percentage of convictions sentenced in more than two years has increased (see Figure 22).

**Figure 22**  
**Time to Sentencing**

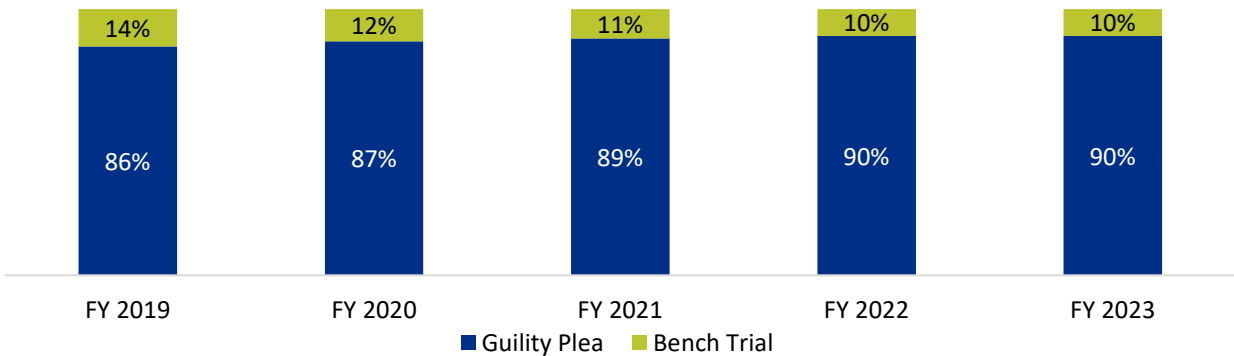


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2023 DWI Statistical Report Data

### Method of Disposition

The majority of DWI convictions resulted from guilty pleas (see Figure 23), increasing from 86% in FY 2019 to 90% in FY 2023. The percentage of DWI convictions that resulted from bench trials has declined. The percentage of convictions resulting from jury trials has remained stable at 1% or less.

**Figure 23**  
**Convictions by Method of Disposition**



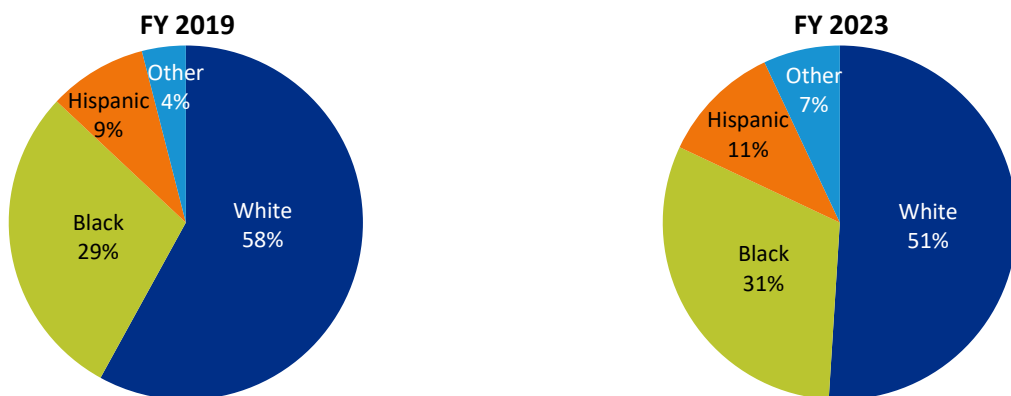
Note: Jury trials were excluded from the figure due to the limited number of observations. One percent (1%) or less of convictions resulted from jury trials in each of these fiscal years.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2023 DWI Statistical Report Data

### Offender Characteristics

The distribution of offenders by sex has remained consistent over time, with males accounting for around 75% of convictions. Figure 24 shows DWI convictions by race. White offenders comprised the majority of DWI convictions in both years shown; however, the percentage decreased since FY 2019.

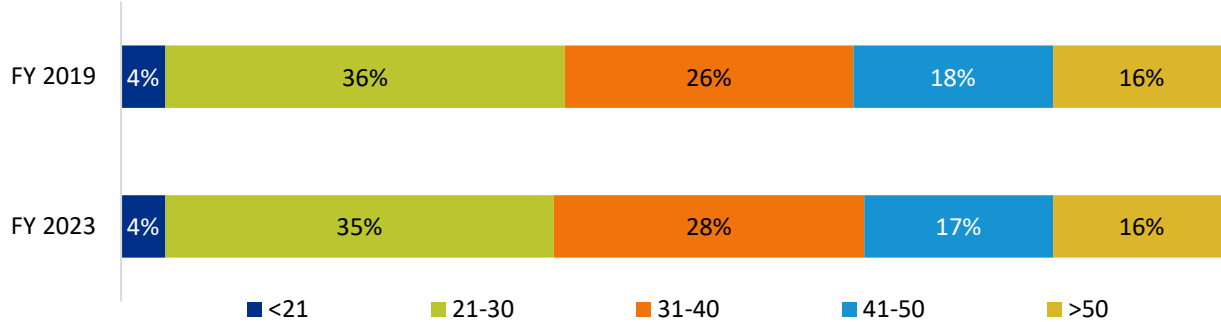
**Figure 24**  
**Convictions by Race**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2023 DWI Statistical Report Data

As shown in Figure 25, the age distribution for DWI convictions has remained similar with over 60% of offenders between age 21 and 40 at the time of offense. The average age at offense was the same in FY 2019 and in FY 2023 (both 36).

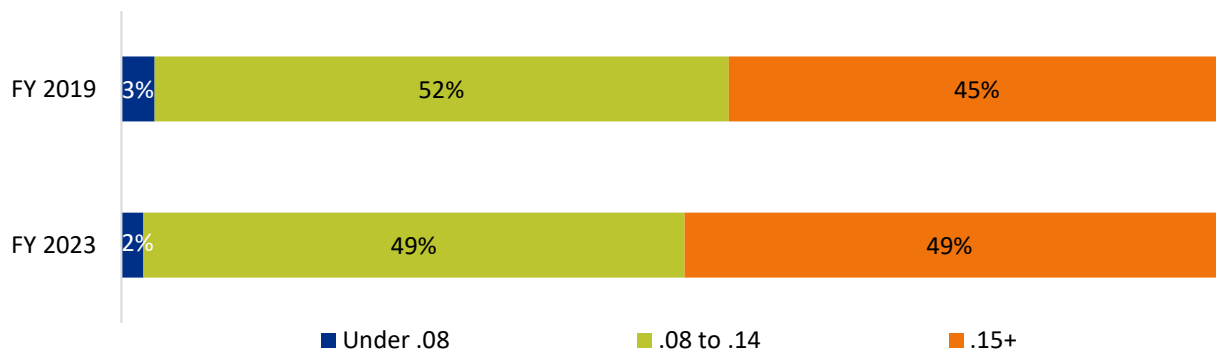
**Figure 25**  
**Convictions by Age at Offense**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2023 DWI Statistical Report Data

BAC levels were recorded for about three-fourths of convictions. As shown in Figure 26, the BAC distribution has shifted slightly, with a lower percentage of offenders having a BAC in the .08 to .14 range and a higher percentage having a BAC in the .15+ range in FY 2023.

**Figure 26**  
**Convictions by BAC**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2023 DWI Statistical Report Data

### Sentences Imposed and Method of Disposition

Figure 27 shows convictions by type of sentence imposed. The distribution of DWI convictions by type of sentence imposed was similar in FY 2019 and FY 2023, although the percentage of offenders receiving unsupervised probation has increased.

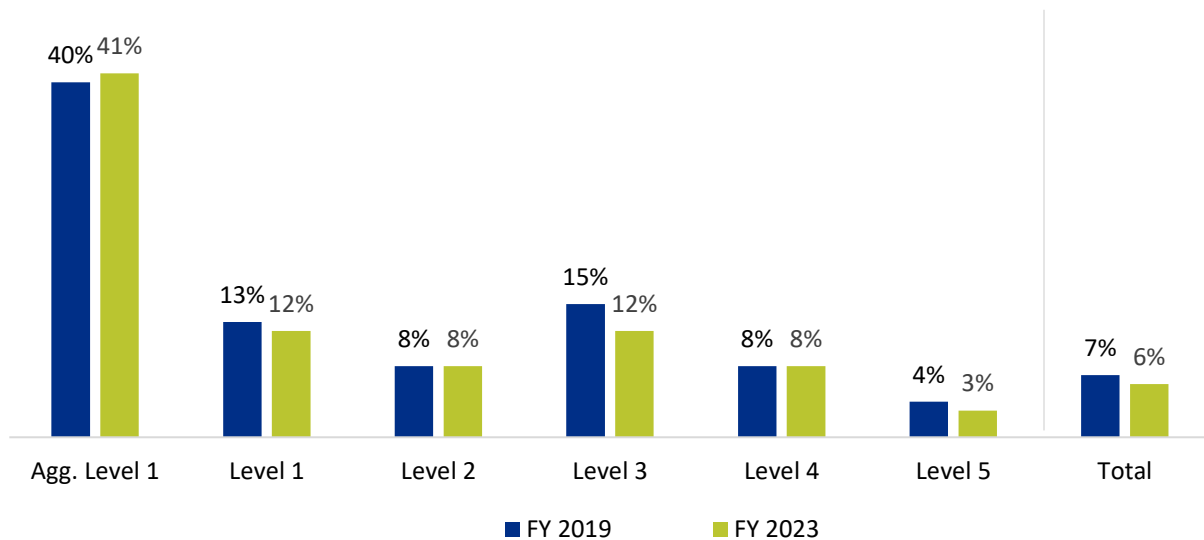
**Figure 27**  
**Convictions by Type of Sentence Imposed**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2023 DWI Statistical Report Data

The rate of active sentences by method of disposition has remained consistent. For convictions resulting from a bench trial, the percentage with an active sentence has remained between 3 and 4% since FY 2019. The percentage of active sentences as a result of a guilty plea has remained the same compared to FY 2019 (8% in FY 2019 compared to 8% in FY 2023). Figure 28 shows the percentage of active sentences imposed (i.e., active rate) by punishment level. Except for punishment Level 3, the active rate in each punishment level for FY 2023 were the same as FY 2019 or within 1%.

**Figure 28**  
**Active Rate by Punishment Level**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2023 DWI Statistical Report Data



Table 8 shows the average sentence length in months for active and suspended sentences by punishment level. Among both active and suspended sentences, the average length of sentences was remarkably consistent, with most sentence lengths either the same or within about a one month difference.

**Table 8**  
**Average Sentence Length for Active and Suspended Sentences by Punishment Level**

Punishment Level	Active				Suspended			
	2019		2023		2019		2023	
	#	Months	#	Months	#	Months	#	Months
<b>Agg. Level 1</b>	282	20	276	21	422	29	393	29
<b>Level 1</b>	344	13	298	11	2,319	21	2,262	20
<b>Level 2</b>	303	7	284	6	3,604	11	3,390	11
<b>Level 3</b>	246	4	172	4	1,414	5	1,319	5
<b>Level 4</b>	255	2	280	2	3,073	3	3,234	3
<b>Level 5</b>	584	1	439	1	14,730	2	14,983	2
<b>Total</b>	2,014	7	1,749	7	25,562	6	25,581	5

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2023 DWI Statistical Report Data

When a suspended sentence was imposed, most DWI offenders received unsupervised probation (see Figure 29). The use of unsupervised probation for suspended sentences has increased since FY 2019.

**Figure 29**  
**Suspended Sentences by Type of Probation**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2023 DWI Statistical Report Data

Table 9 shows the average length of probation in months by type of probation. As with average sentence length, the average length of supervised and unsupervised probation by punishment level were very similar for FY 2019 and FY 2023.

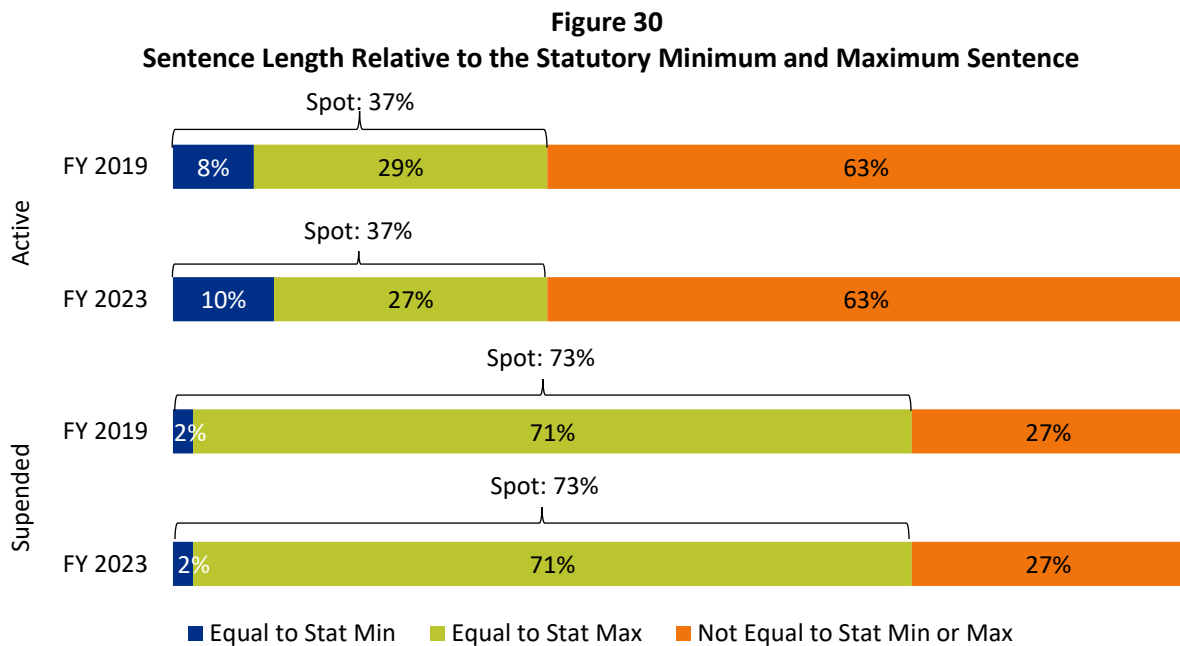
**Table 9**  
**Average Length of Probation by Type of Probation**

Punishment Level	Supervised Probation				Unsupervised Probation			
	2019		2023		2019		2023	
	#	Months	#	Months	#	Months	#	Months
<b>Agg. Level 1</b>	420	29	388	28	2	12	5	17
<b>Level 1</b>	2,220	22	2,163	22	99	18	100	18
<b>Level 2</b>	3,238	18	3,121	18	366	17	269	15
<b>Level 3</b>	874	18	723	17	540	17	596	17
<b>Level 4</b>	969	15	755	15	2,104	14	2,479	14
<b>Level 5</b>	1,582	14	1,099	13	13,148	13	13,890	13
<b>Total</b>	9,303	19	8,249	18	16,259	14	17,339	13

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2023 DWI Statistical Report Data

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

Figure 30 examines how often the minimum sentence imposed was equal to the statutory minimum or statutory maximum sentence length. For both years, the majority of active sentences were not equal to the statutory minimum or statutory maximum sentence, while the majority of suspended sentences were equal to the statutory maximum sentence. For active sentences, the percentage of sentences equal to the statutory minimum has increased.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2019 – FY 2023 DWI Statistical Report Data

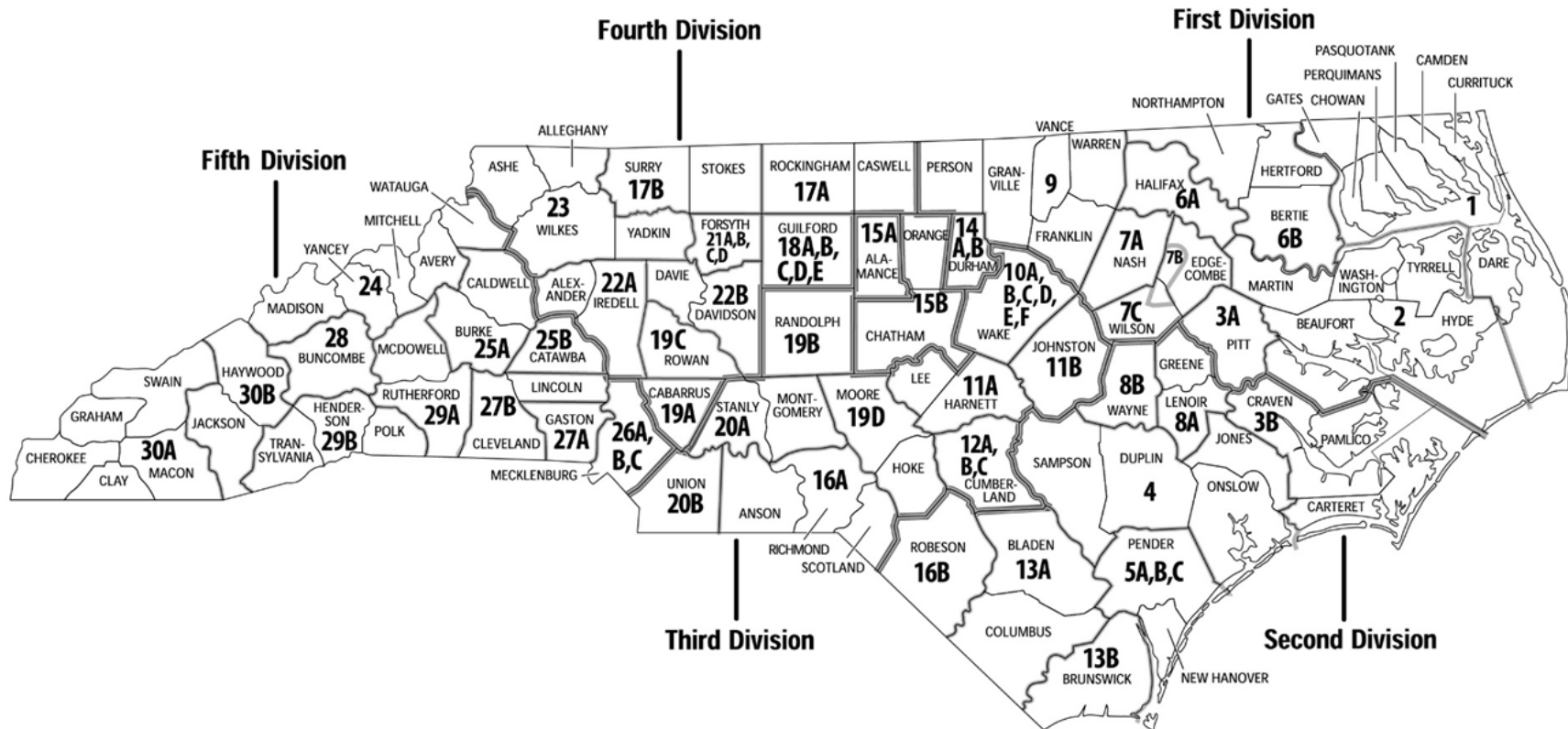
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APPENDIX A  
MAPS OF JUDICIAL DIVISIONS AND DISTRICTS

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# North Carolina Superior Court Districts

Effective January 1, 2019

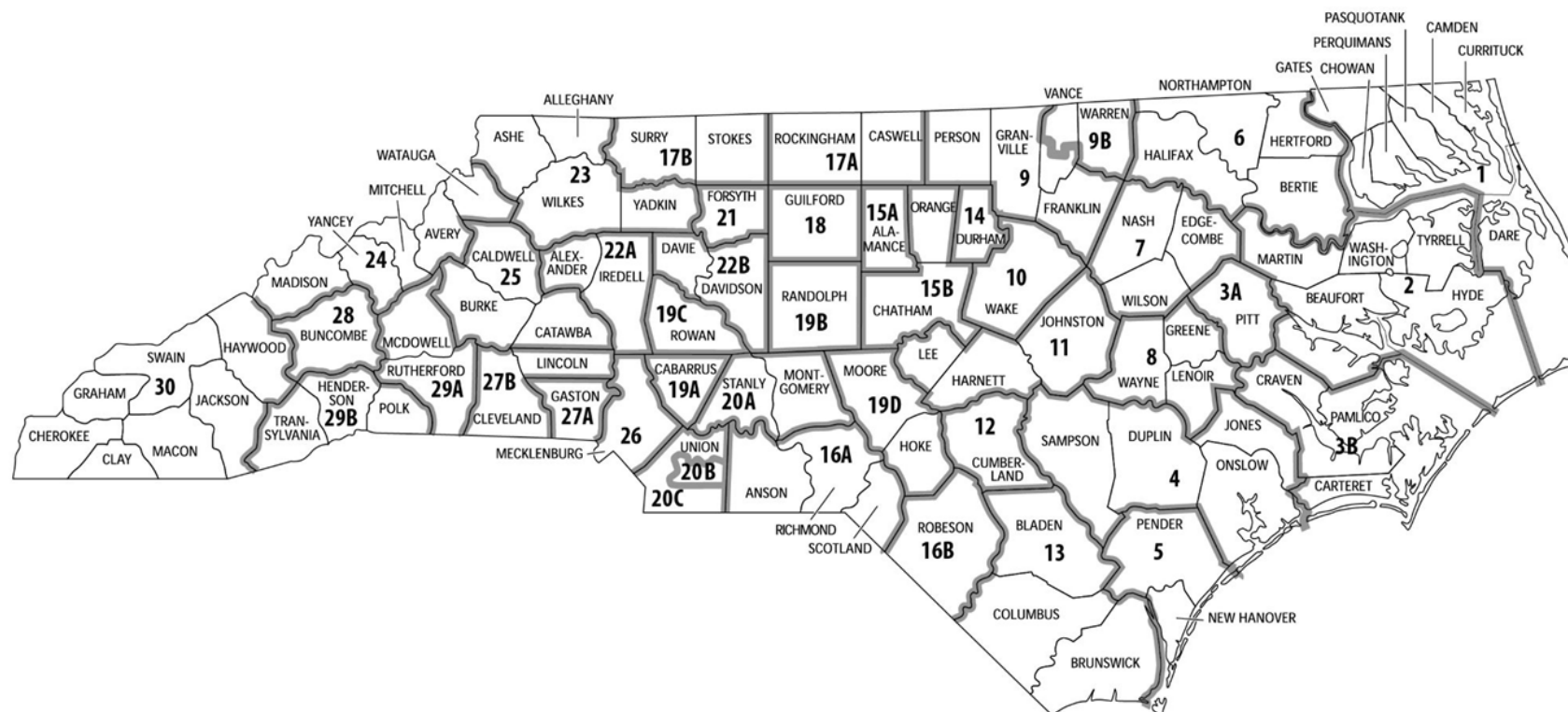


Note: Districts that have more than one letter associated with the district number (i.e., 10A, B, C, D) are divided into separate districts for electoral purposes. For administrative purposes, they are combined into a single district.

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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

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**Table B.1**  
**Sentencing for Impaired Driving Offenses**

<b>PUNISHMENT LEVELS</b>	<b>FACTORS</b>	<b>PUNISHMENT</b>		<b>FINE</b>
<b>Aggravated Level 1</b> (20-179(f3))	3 grossly aggravating factors apply. (20-179(c))	<b>Active sentence range:</b> Min: 12 months Max: 36 months	<b>Or split sentence:</b> at least 120 days	Maximum of \$10,000
<b>Level 1</b> (20-179(g))	Grossly aggravating factor #4 <sup>18</sup> or 2 other grossly aggravating factors apply.	<b>Active sentence range:</b> Min: 30 days Max: 24 months	<b>Or split sentence:</b> at least 30 days <sup>19</sup>	Maximum of \$4,000
<b>Level 2</b> (20-179(h))	1 grossly aggravating factor (other than #4) applies.	<b>Active sentence range:</b> Min: 7 days Max: 12 months	<b>Or split sentence:</b> at least 7 days <sup>20</sup>	Maximum of \$2,000
<b>Level 3</b> (20-179(i))	Aggravating factors substantially outweigh mitigating factors. (20-179(d) and (e))	<b>Active sentence range:</b> Min: 72 hours Max: 6 months	<b>Or split sentence:</b> at least 72 hours <b>Or community service:</b> 72 hours	Maximum of \$1,000
<b>Level 4</b> (20-179(j))	No aggravating or mitigating factors or factors substantially counterbalance each other.	<b>Active sentence range:</b> Min: 48 hours Max: 120 days	<b>Or split sentence:</b> 48 hours <b>Or community service:</b> 48 hours	Maximum of \$500
<b>Level 5</b> (20-179(k))	Mitigating factors substantially outweigh aggravating factors.	<b>Active sentence range:</b> Min: 24 hours Max: 60 days	<b>Or split sentence:</b> 24 hours <b>Or community service:</b> 24 hours	Maximum of \$200

### **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))

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

<sup>19</sup> Not less than 10 days if a condition of special probation is imposed to require that a defendant abstain from alcohol consumption and be monitored by a continuous alcohol monitoring system, of a type approved by the Division of Adult Correction of the Department of Public Safety, for a period of not less than 120 days.

<sup>20</sup> Abstain from consuming alcohol for at least 90 consecutive days, as verified by a continuous alcohol monitoring system.

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APPENDIX C  
ADDITIONAL CONVICTION DATA BY  
JUDICIAL DISTRICT AND COUNTY

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**Table C.1**  
**Convictions by Judicial District and County**

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (18+)
<b>District 1</b>	Camden	35	4
	Chowan	23	2
	Currituck	136	5
	Dare	387	12
	Gates	24	3
	Pasquotank	55	2
	Perquimans	35	3
	<b>Total</b>	<b>695</b>	<b>5</b>
<b>District 2</b>	Beaufort	219	6
	Hyde	11	3
	Martin	77	5
	Tyrrell	41	15
	Washington	34	4
	<b>Total</b>	<b>382</b>	<b>6</b>
<b>District 3A</b>	Pitt	576	4
	<b>Total</b>	<b>576</b>	<b>4</b>
<b>District 3B</b>	Carteret	185	3
	Craven	105	1
	Pamlico	8	1
	<b>Total</b>	<b>298</b>	<b>2</b>
<b>District 4</b>	Duplin	222	6
	Jones	24	3
	Onslow	349	2
	Sampson	379	8
	<b>Total</b>	<b>974</b>	<b>4</b>
<b>District 5</b>	New Hanover	998	5
	Pender	183	3
	<b>Total</b>	<b>1,181</b>	<b>5</b>
<b>District 6</b>	Bertie	44	3
	Halifax	162	4
	Hertford	69	4
	Northampton	47	4
	<b>Total</b>	<b>322</b>	<b>4</b>
<b>District 7</b>	Edgecombe	164	4
	Nash	325	4
	Wilson	269	4
	<b>Total</b>	<b>758</b>	<b>4</b>
<b>District 8</b>	Greene	59	4
	Lenoir	121	3
	Wayne	532	6
	<b>Total</b>	<b>712</b>	<b>5</b>

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (18+)
<b>District 9,9B</b>	Franklin	313	5
	Granville	234	5
	Person	149	5
	Vance	268	8
	Warren	106	7
	<b>Total</b>	<b>1,070</b>	<b>6</b>
<b>District 10</b>	Wake	2,659	3
	<b>Total</b>	<b>2,659</b>	<b>3</b>
<b>District 11</b>	Harnett	142	1
	Johnston	648	3
	Lee	67	1
	<b>Total</b>	<b>857</b>	<b>2</b>
<b>District 12</b>	Cumberland	311	1
	<b>Total</b>	<b>311</b>	<b>1</b>
<b>District 13</b>	Bladen	134	6
	Brunswick	527	4
	Columbus	131	3
	<b>Total</b>	<b>792</b>	<b>4</b>
<b>District 14</b>	Durham	529	2
	<b>Total</b>	<b>529</b>	<b>2</b>
<b>District 15A</b>	Alamance	621	4
	<b>Total</b>	<b>621</b>	<b>4</b>
<b>District 15B</b>	Chatham	136	2
	Orange	416	3
	<b>Total</b>	<b>552</b>	<b>3</b>
<b>District 16A</b>	Anson	61	4
	Richmond	35	1
	Scotland	83	3
	<b>Total</b>	<b>179</b>	<b>2</b>
<b>District 16B</b>	Robeson	199	2
	<b>Total</b>	<b>199</b>	<b>2</b>
<b>District 17A</b>	Caswell	75	4
	Rockingham	342	5
	<b>Total</b>	<b>417</b>	<b>4</b>
<b>District 17B</b>	Stokes	105	3
	Surry	219	4
	<b>Total</b>	<b>324</b>	<b>3</b>
<b>District 18</b>	Guilford	1,380	3
	<b>Total</b>	<b>1,380</b>	<b>3</b>
<b>District 19A</b>	Cabarrus	892	5
	<b>Total</b>	<b>892</b>	<b>5</b>

*continued*

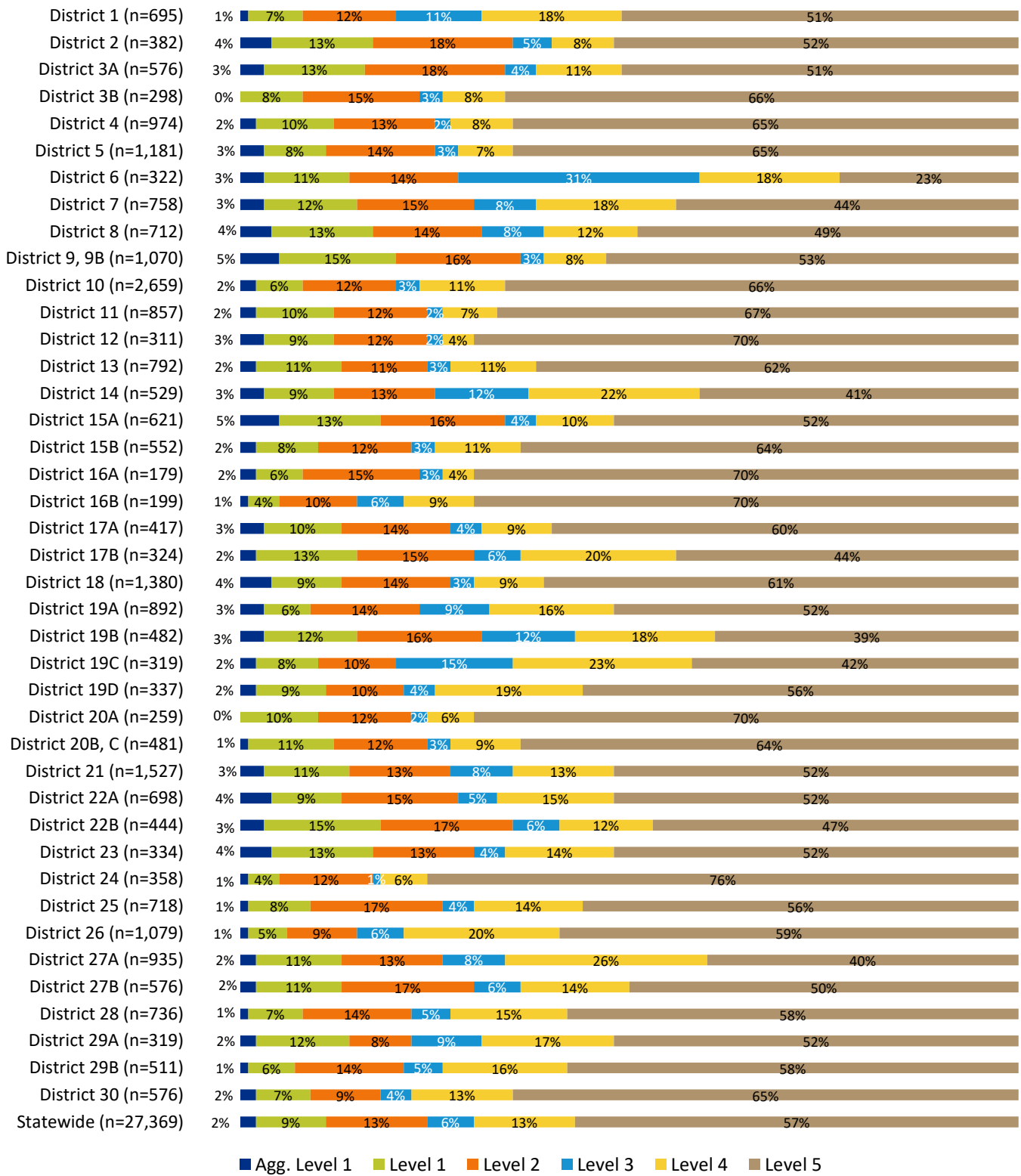
**Table C.1**  
**Convictions by Judicial District and County**

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (18+)
District 19B	Randolph	482	4
	<b>Total</b>	<b>482</b>	<b>4</b>
District 19C	Rowan	319	3
	<b>Total</b>	<b>319</b>	<b>3</b>
District 19D	Hoke	85	2
	Moore	252	3
	<b>Total</b>	<b>337</b>	<b>3</b>
District 20A	Montgomery	77	4
	Stanly	182	4
	<b>Total</b>	<b>259</b>	<b>4</b>
District 20B,C	Union	481	2
	<b>Total</b>	<b>481</b>	<b>2</b>
District 21	Forsyth	1,527	5
	<b>Total</b>	<b>1,527</b>	<b>5</b>
District 22A	Alexander	74	3
	Iredell	624	4
	<b>Total</b>	<b>698</b>	<b>4</b>
District 22B	Davidson	318	2
	Davie	126	3
	<b>Total</b>	<b>444</b>	<b>3</b>
District 23	Alleghany	14	1
	Ashe	55	2
	Wilkes	144	3
	Yadkin	121	4
	<b>Total</b>	<b>334</b>	<b>3</b>
District 24	Avery	44	3
	Madison	59	3
	Mitchell	56	5
	Watauga	157	3
	Yancey	42	3
	<b>Total</b>	<b>358</b>	<b>3</b>

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (18+)
District 25	Burke	230	3
	Caldwell	116	2
	Catawba	372	3
	<b>Total</b>	<b>718</b>	<b>3</b>
District 26	Mecklenburg	1,079	1
	<b>Total</b>	<b>1,079</b>	<b>1</b>
District 27A	Gaston	935	5
	<b>Total</b>	<b>935</b>	<b>5</b>
District 27B	Cleveland	325	4
	Lincoln	251	3
	<b>Total</b>	<b>576</b>	<b>4</b>
District 28	Buncombe	736	3
	<b>Total</b>	<b>736</b>	<b>3</b>
District 29A	McDowell	132	4
	Rutherford	187	4
	<b>Total</b>	<b>319</b>	<b>4</b>
District 29B	Henderson	321	3
	Polk	74	4
	Transylvania	116	4
	<b>Total</b>	<b>511</b>	<b>4</b>
District 30	Cherokee	54	2
	Clay	55	6
	Graham	13	2
	Haywood	169	3
	Jackson	108	3
	Macon	132	4
	Swain	45	4
	<b>Total</b>	<b>576</b>	<b>3</b>
<b>State Total</b>		<b>27,369</b>	<b>3</b>

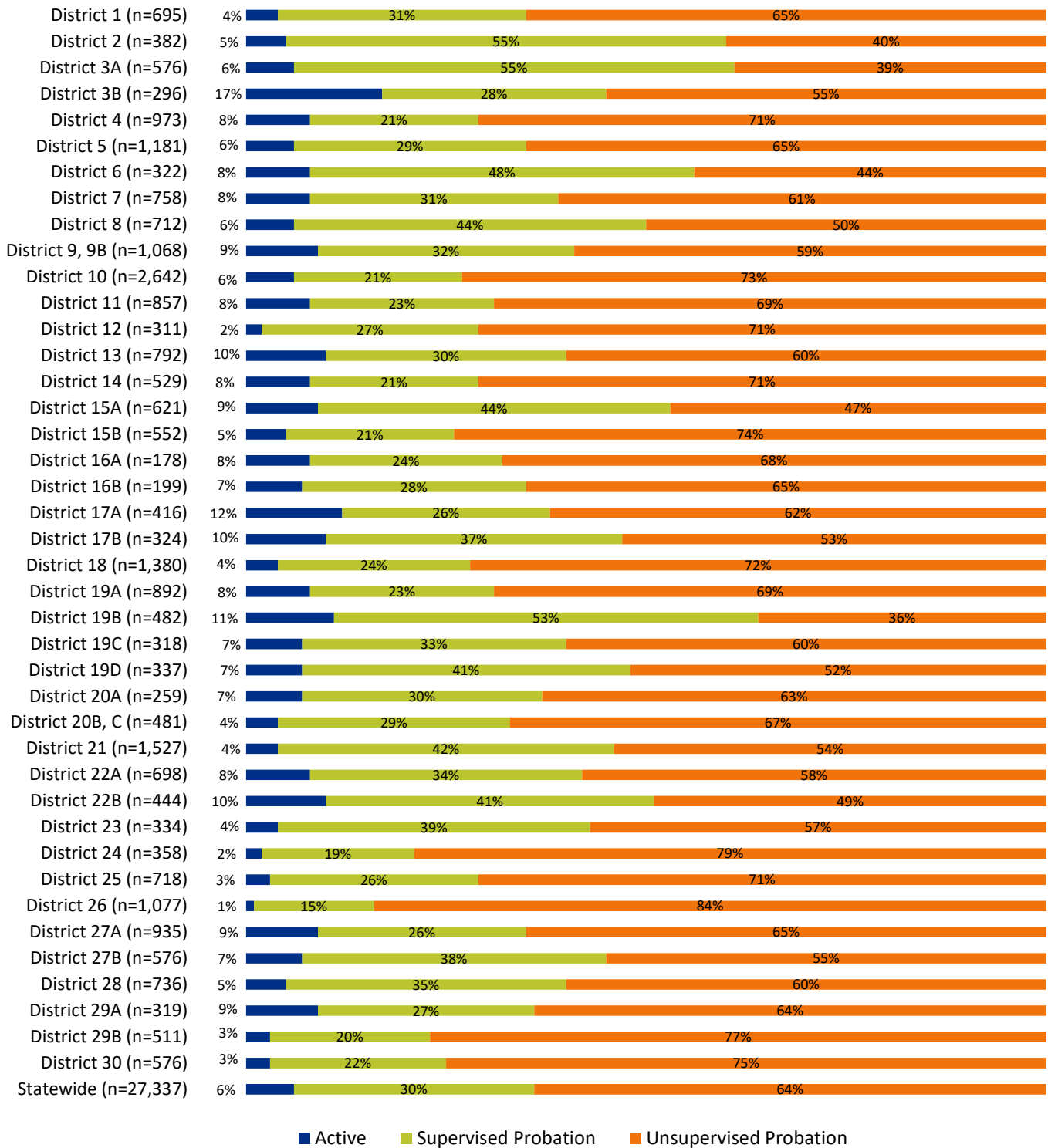
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data and NC Office of State Management and Budget, 2023 Population Estimates from <https://demography.osbm.nc.gov/explore/> (see Population Projections)

**Figure C.1**  
**Convictions by Judicial District and Punishment Level**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

**Figure C.2**  
**Convictions by Judicial District and Type of Punishment**



Note: Of the 27,337 DWI convictions in FY 2023, 7 convictions with missing values for type of sentence imposed were excluded from the figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

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APPENDIX D  
ADDITIONAL CONVICTION DATA  
BY PUNISHMENT LEVEL

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**Table D.1:**  
**Offender Characteristics and Punishment Imposed by Punishment Level**  
**N=27,369**

			Agg. Level 1 n=669	Level 1 n=2,564	Level 2 n=3,677	Level 3 n=1,492	Level 4 n=3,519	Level 5 n=15,448
<b>Offender Characteristics</b>								
<b>Gender</b>								
Male	%		82	72	78	81	77	71
Female	%		18	28	22	19	23	29
<b>Race/Ethnicity</b>								
White	%		36	44	51	46	49	54
Black	%		52	39	35	41	33	26
Hispanic	%		7	10	9	8	11	13
Other	%		5	7	5	5	7	7
<b>Age at Offense</b>								
Less than 21 Years	%		1	1	2	3	3	5
21-30 Years	%		28	32	30	26	31	40
31-40 Years	%		35	36	31	30	30	26
41-50 Years	%		23	18	19	21	18	15
Over 50 Years	%		13	13	18	20	18	14
Average Age			38	37	38	39	38	35
Median Age			36	35	36	37	35	32
<b>Blood Alcohol Concentration</b>								
Less than .08	%		4	3	3	4	2	2
.08 to .14	%		40	43	42	19	25	58
.15 or More	%		56	54	55	77	73	40
<b>Punishment Imposed</b>								
<b>Method of Disposition</b>								
Guilty Plea	%		90	91	90	91	92	89
Bench Trial	%		10	9	10	9	8	11
Jury Trial	%		<1	<1	<1	<1	<1	<1
<b>Sentence Type</b>								
Active Sentence	%		41	12	8	12	8	3
Supervised Probation	%		58	84	85	48	21	7
Unsupervised Probation	%		1	4	7	40	71	90
<b>Sentence Length/Location</b>								
Active								
Average Length (Months)			21	11	6	4	2	1
Sentenced at Stat. Minimum	%		34	7	9	1	2	4
Sentenced at Stat. Maximum	%		18	16	29	34	31	34
Sent. Other than Stat. Min/Max	%		48	77	62	65	67	62
Suspended								
Average Length (Months)			29	20	11	5	3	2
Sentenced at Stat. Minimum	%		16	2	3	1	1	2
Sentenced at Stat. Maximum	%		59	69	80	68	62	71
Sent. Other than Stat. Min/Max	%		25	29	17	31	37	27

Note: Convictions with missing data were excluded from the table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2023 DWI Statistical Report Data

**Table D.2**  
**Conditions of Probation for Suspended Sentences by Punishment Level**  
**N=25,588**

		Agg. Level 1 n=393	Level 1 n=2,263	Level 2 n=3,390	Level 3 n=1,319	Level 4 n=3,234	Level 5 n=14,989
<b>Supervised Probation</b>	%	99	96	92	55	23	7
Length							
1 Year or Less	%	4	17	35	44	69	83
13-18 Months	%	16	26	43	39	22	12
19-24 Months	%	37	49	20	16	8	5
More than 2 Years	%	43	8	2	1	1	<1
Average Length (Months)		28	22	18	17	15	13
<b>Unsupervised Probation</b>	%	1	4	8	45	77	93
Length							
1 Year or Less	%	80	42	59	55	74	88
13-18 Months	%	0	26	28	31	18	7
19-24 Months	%	0	28	12	10	7	4
More than 2 Years	%	20	4	1	4	1	1
Average Length (Months)		17	18	15	17	14	13
<b>Mandatory Conditions</b>							
Special Probation	%	97	94	88	17	10	6
Community Service	%	3	6	12	83	90	94
Both	%	4	6	6	3	1	<1
<b>Fines</b>							
Conv. with Fine Imposed	%	73	81	83	85	85	86
Fine Amount							
Less than \$100	%	2	4	3	4	6	10
\$100 to \$199	%	11	14	17	20	49	83
\$200 to \$299	%	11	16	21	34	35	7
\$300 to \$499	%	12	24	33	27	8	<1
\$500 or More	%	64	42	26	15	2	<1
Average Fine Imposed		\$935	\$511	\$372	\$269	\$173	\$109
Median Fine Imposed		\$500	\$400	\$300	\$250	\$150	\$100

Note: Convictions with missing data were excluded from the table. 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 2023 DWI Statistical Report Data

#### Disclaimer for AOC Data

These data are from the Administrative Office of the Courts' (AOC) integrated case management systems (Automated Criminal Infraction System, or ACIS, and Enterprise Justice). 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 and Enterprise Justice 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.