

DRIVING WHILE IMPAIRED CONVICTIONS STATISTICAL REPORT

FISCAL YEAR
2022

DRIVING WHILE IMPAIRED CONVICTIONS AND SENTENCES IMPOSED

STATISTICAL REPORT

FISCAL YEAR
2022

JUNE 2023



THE HONORABLE CHARLIE BROWN
CHAIRMAN

MICHELLE HALL
EXECUTIVE DIRECTOR

WWW.NCSPAC.ORG

SENTENCING AND POLICY ADVISORY COMMISSION MEMBERSHIP

Hon. Charlie Brown, Chairman
Chief District Court Judge

Frances Battle
Victim Assistance Network

Chief Henry King, Jr.
Association of Chiefs of Police

Art Beeler
Private Citizen, Governor's Appointee

James Markham
Department of Adult Correction

Hon. Danny Britt, Jr.
State Senator

Sheriff Garry McFadden
Sheriffs' Association

Hon. Warren Daniel
State Senator

Dr. Harvey McMurray
Academic Member

Louise Davis
Community Sentencing Association

Hon. Charles Miller
State Representative

Danielle Marquis Elder
Attorney General's Office

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

Hon. Sherri Elliott
District Court Judges' Association

Hon. Mujtaba Mohammed
State Senator

Hon. John Faircloth
State Representative

Luther Moore
Retail Merchants' Association

Willis Fowler
Post-Release Supervision & Parole Commission

Hon. Fred Morrison, Jr.
Justice Fellowship

Lindsey Granados
Advocates for Justice

Calvin Suber
Commission Chairman's Appointee

Hon. Dudley Greene
State Representative

Hon. Michael Waters
Conference of District Attorneys

Hon. R. Gregory Horne
Conference of Superior Court Judges

Patrick Weede
Bar Association

Joseph Houchin
Lieutenant Governor's Appointee

Hon. Valerie Zachary
Court of Appeals

Tracey Johnson
Association of County Commissioners

SENTENCING AND POLICY ADVISORY COMMISSION STAFF

Michelle Hall

Executive Director

John Madler

Associate Director for Policy, Staff Attorney

Ginny Hevener

Associate Director for Research

Tamara Flinchum

Senior Research & Policy Associate

John King

Senior Research & Policy Associate

Meghan Boyd Ward

Research & Policy Associate

Julio Cazares

Research & Policy Associate

Melissa Lugo

Research & Policy Associate

Sierra Satterfield

Research & Policy Associate

Shelley Kirk

Administrative Secretary

TABLE OF CONTENTS

INTRODUCTION	i
SUMMARY OF FINDINGS FY 2022 DWI CONVICTIONS.....	ii
DWI CONVICTIONS IN FY 2022.....	1
DWI Convictions.....	1
Definition of the Unit of Analysis.....	1
Data Limitations.....	1
Distribution of DWI Convictions by Punishment Level.....	1
Figure 1: Convictions by Punishment Level.....	2
Time to Sentencing.....	2
Figure 2: Time to Sentencing by Punishment Level.....	3
Month of Sentencing.....	3
Figure 3: Convictions by Month of Sentencing.....	3
Method of Disposition.....	4
Figure 4: Convictions by Method of Disposition.....	4
Judicial District.....	4
Figure 5: Convictions by Judicial District.....	5
Offender Characteristics.....	6
Sex, Race, and Age at Offense.....	6
Figure 6: Convictions by Sex and Race.....	6
Table 1: Convictions by Age at Offense and Punishment Level.....	7
Figure 7: Distribution of Convictions by Age at Offense.....	7
Blood Alcohol Concentration (BAC).....	8
Figure 8: Convictions by BAC.....	8
Figure 9: Distribution of BAC.....	8
Figure 10: Convictions by Mitigating and Aggravating BAC Levels and Punishment Level.....	9
SENTENCES IMPOSED AND METHOD OF DISPOSITION	9
Type of Sentence Imposed and Punishment Level.....	9
Figure 11: Convictions by Type of Sentence Imposed and Punishment Level.....	10
Table 2: Convictions by Type of Sentence Imposed and Punishment Level.....	10
Figure 12: Rate of Active Sentences by Method of Disposition and Punishment Level.....	11
Sentence Length Imposed.....	11
Table 3: Average Length of Active Sentences (Months) by Punishment Level.....	12
Figure 13: Average Sentence Length (Months) for Active and Suspended Sentences by Punishment Level.....	12
Suspended Sentences with Probation.....	12
Figure 14: Suspended Sentences by Type of Probation and Punishment Level.....	13
Figure 15: Average Length of Probation (Months) by Type of Probation and Punishment Level..	14
Table 4: Most Frequently Imposed Probation Length (Months) by Type of Probation and Punishment Level.....	14
Figure 16: Mandatory Probation Conditions by Punishment Level.....	15
Table 5: Suspended Sentences with Special Probation by Punishment Level.....	15
Table 6: Suspended Sentences with a Fine Imposed by Punishment Level.....	16

SPECIAL ISSUES.....	16
Time to Sentencing by Punishment Level and Method of Disposition.....	16
Figure 17: Median Time to Sentencing (Months) by Punishment Level and Method of Disposition for District Court and Superior Court.....	17
Sentence Length Relative to the Statutory Minimum and Maximum Sentences	17
Figure 18: Sentence Length Relative to the Statutory Minimum and Maximum Sentences	18
Use of Minimum and Maximum Sentences.....	18
Figure 19: Use of Minimum and Maximum Sentences.....	19
Credit for Time Served.....	19
Table 7: Convictions with Credit for Time Served (Days) by Punishment Level	20
TRENDS FOR DWI CONVICTIONS.....	21
Volume of DWI Convictions	21
Figure 20: DWI Convictions.....	21
Punishment Level.....	21
Figure 21: Convictions by Punishment Level	22
Time to Sentencing	22
Figure 22: Time to Sentencing	22
Method of Disposition	22
Figure 23: Convictions by Method of Disposition.....	23
Offender Characteristics	23
Figure 24: Convictions by Race	23
Figure 25: Convictions by Age at Offense	24
Figure 26: Convictions by BAC	24
Sentences Imposed and Method of Disposition.....	24
Figure 27: Convictions by Type of Sentence Imposed	25
Figure 28: Active Rate by Punishment Level.....	25
Table 8: Average Sentence Length for Active and Suspended Sentences by Punishment Level ...	26
Figure 29: Suspended Sentences by Type of Probation.....	26
Table 9: Average Length of Probation by Type of Probation.....	27
Sentence Length Relative to the Statutory Minimum and Maximum Sentences	27
Figure 30: Sentence Length Relative to the Statutory Minimum and Maximum Sentence	27
APPENDIX A: MAPS OF JUDICIAL DIVISIONS AND DISTRICTS.....	28
APPENDIX B: DWI PUNISHMENT TABLE	31
Table B.1: Sentencing for Impaired Driving Offenses	32
APPENDIX C: ADDITIONAL CONVICTION DATA BY JUDICIAL DISTRICT AND COUNTY	34
Table C.1: Convictions by Judicial District and County	35
Figure C.1: Convictions by Judicial District and Punishment Level	37
Figure C.2: Convictions by Judicial District and Type of Punishment	38
APPENDIX D: ADDITIONAL CONVICTION DATA BY PUNISHMENT LEVEL	39
Table D.1: Offender Characteristics and Punishment Imposed by Punishment Level	40
Table D.2: Conditions of Probation for Suspended Sentences by Punishment Level.....	41

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 2022 (July 1, 2021 through June 30, 2022). 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.

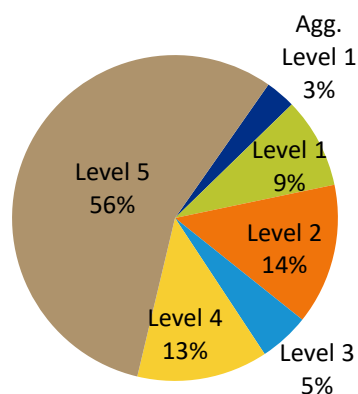
While the COVID-19 pandemic had an impact on the criminal justice system and court operations, DWI convictions have returned to near pre-pandemic levels. However, time to sentencing has continued to be impacted with cases taking longer to process and thus increasing the average time to sentencing.

SUMMARY OF FINDINGS

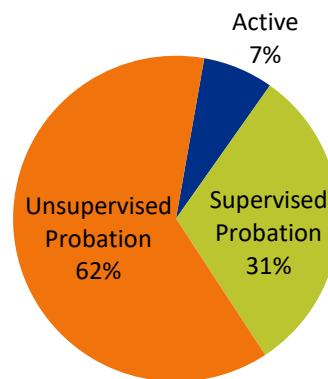
FY 2022 DWI CONVICTIONS

During FY 2022, sentences for 26,333 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, Level 1 through Level 5). As shown in the figures below, most DWI convictions were sentenced in Level 5 (56%) and a majority of offenders received unsupervised probation (62%).

Convictions by Punishment Level

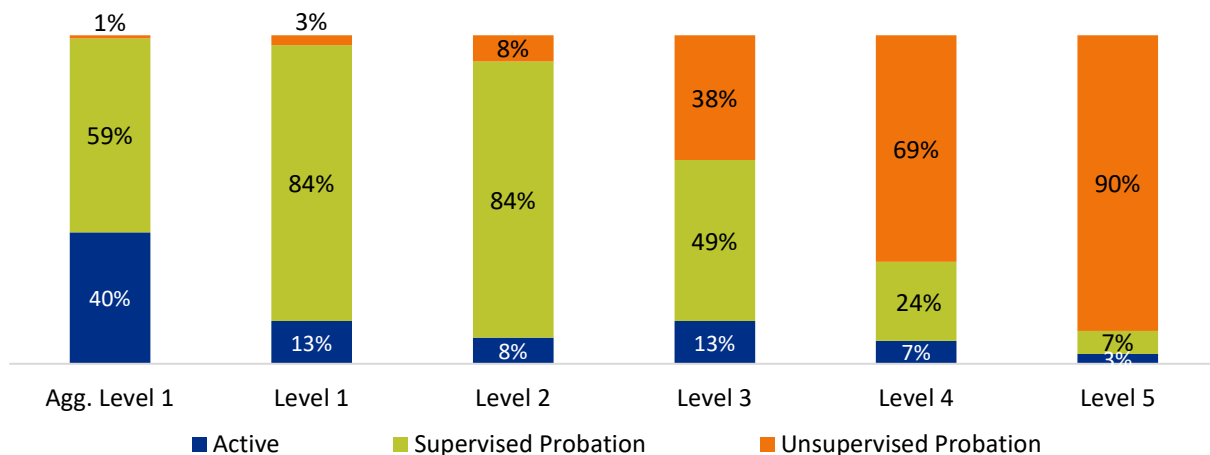


Convictions by Type of Sentence



The type of sentence imposed by punishment level is shown below. Overall, 7% of DWI convictions resulted in an active sentence; the highest percentage of active sentences was imposed for offenders with an Aggravated Level 1 punishment (40%). Supervised probation was the most frequently imposed among Aggravated Level 1 and Level 1 through Level 3 convictions – ranging from 49% for Level 3 to 84% each for Level 1 and Level 2. Unsupervised probation was most frequently imposed among Level 4 (69%) and Level 5 (90%) convictions.

Type of Sentence Imposed by Punishment Level



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

DWI CONVICTIONS IN FY 2022

DWI CONVICTIONS

This report contains information on DWI convictions sentenced under G.S. 20-179¹ during Fiscal Year 2022 (July 1, 2021 through June 30, 2022) and reflects the laws and practices that were in place during this time period. Overall, sentences for 26,333 DWI convictions were imposed.² (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) 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 a *sentencing episode*, which includes cases disposed through conviction on a given day of court.³ Within a sentencing episode, this report examines 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 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).

Data Limitations

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

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=14,707 or 56%). The percentage of convictions increased from Aggravated Level 1 (3%) through Level 2 (14%), and then again from Level 3 (5%) through Level 5 (56%). Aggravated Level 1 through

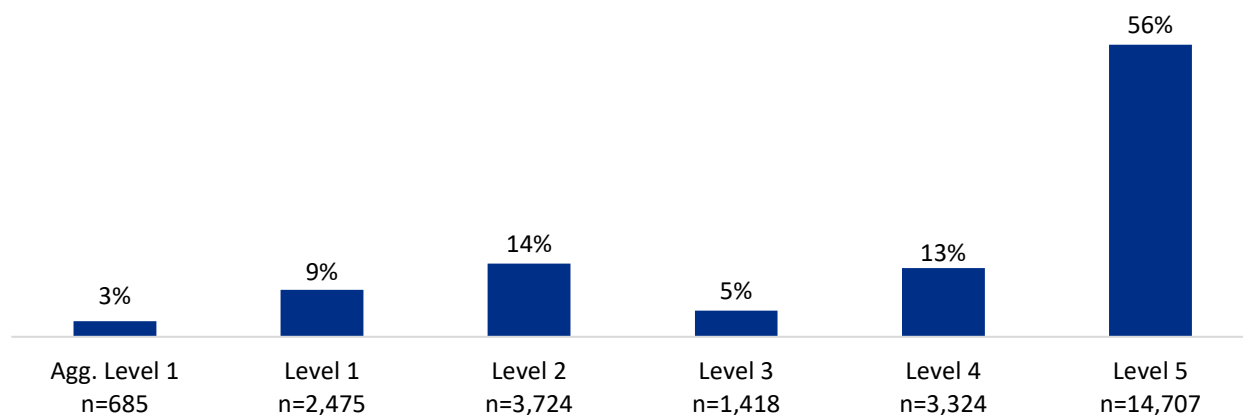
¹ In addition to convictions for impaired driving (G.S. 20-138.1), G.S. 20-179 also prescribes sentencing for impaired driving in a commercial vehicle (G.S. 20-138.2), a second or subsequent conviction for operating a commercial vehicle after consuming alcohol (G.S. 20-138.2A), and a second or subsequent 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.

² For many of the tables and figures in this report, 11 of the 26,333 DWI convictions were excluded because the type of sentence imposed could not be determined.

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 details.

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.⁴

Figure 1
Convictions by Punishment Level



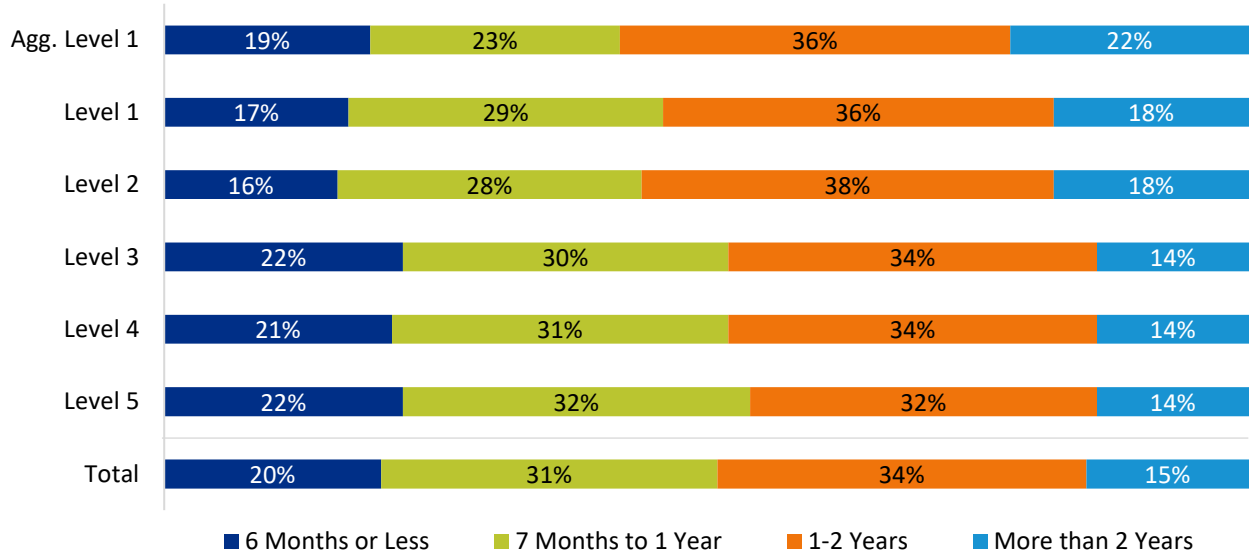
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

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, 20% of convictions occurred within 6 months or less, 31% occurred within 7 months to 1 year, 34% occurred within 1 to 2 years, and 15% occurred in more than 2 years; Half (51%) 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.

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

Figure 2
Time to Sentencing by Punishment Level



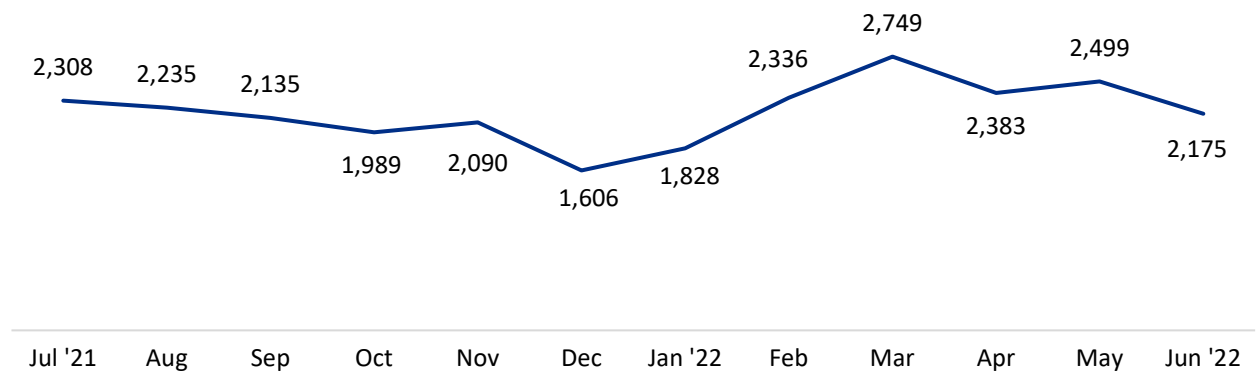
Note: Of the 26,333 DWI convictions in FY 2022, 40 convictions with discrepant date values were excluded from the figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

Month of Sentencing

Figure 3 shows the number of convictions by month of sentencing during FY 2022. Convictions generally decreased during the first half of the fiscal year and increased during the second half. Convictions were lowest in December 2021 and were highest in March 2022.

Figure 3
Convictions by Month of Sentencing

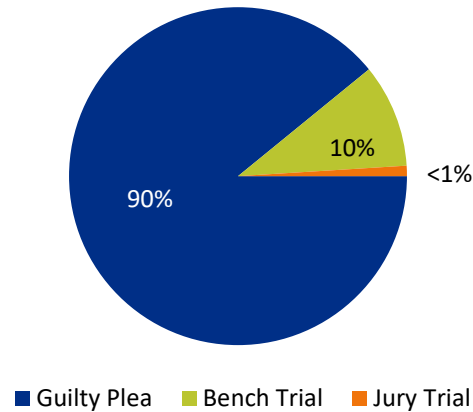


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

Method of Disposition

Figure 4 shows that 90% of DWI convictions in FY 2022 resulted from guilty pleas and 10% from bench trials. Jury trials occurred for less than 1% of convictions (n=74). Across all punishment levels, Level 1 convictions had the highest percentage of guilty pleas (91%), 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

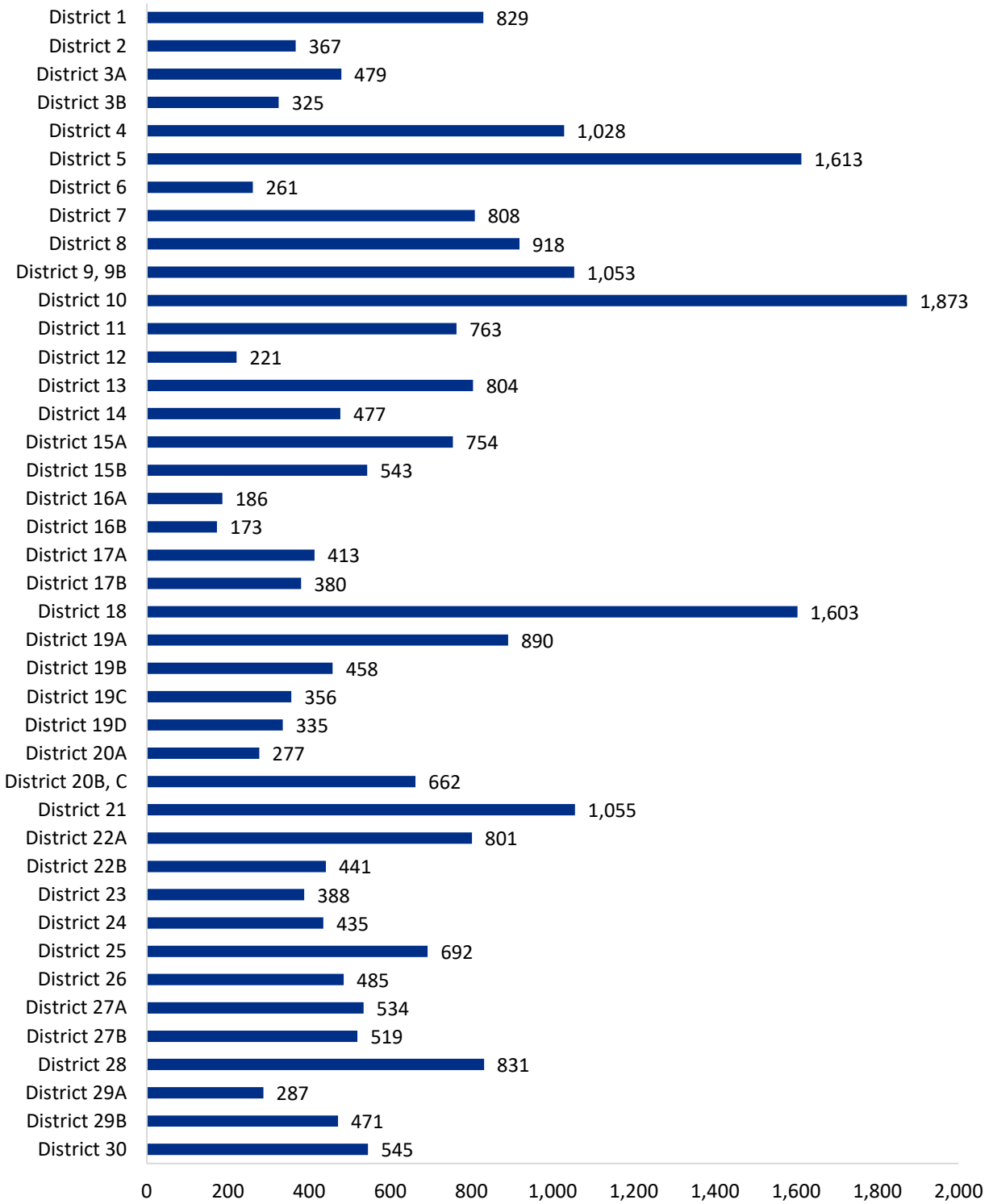


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

Judicial District

Figure 5 shows the total number of convictions by judicial district (N=26,333). District 10 (Wake County, n=1,873), District 5 (New Hanover County and Pender County, n=1,613), and District 18 (Guilford County, n=1,603) had the most DWI convictions and accounted for a combined 19% of convictions in FY 2022. 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 2022 DWI Statistical Report Data

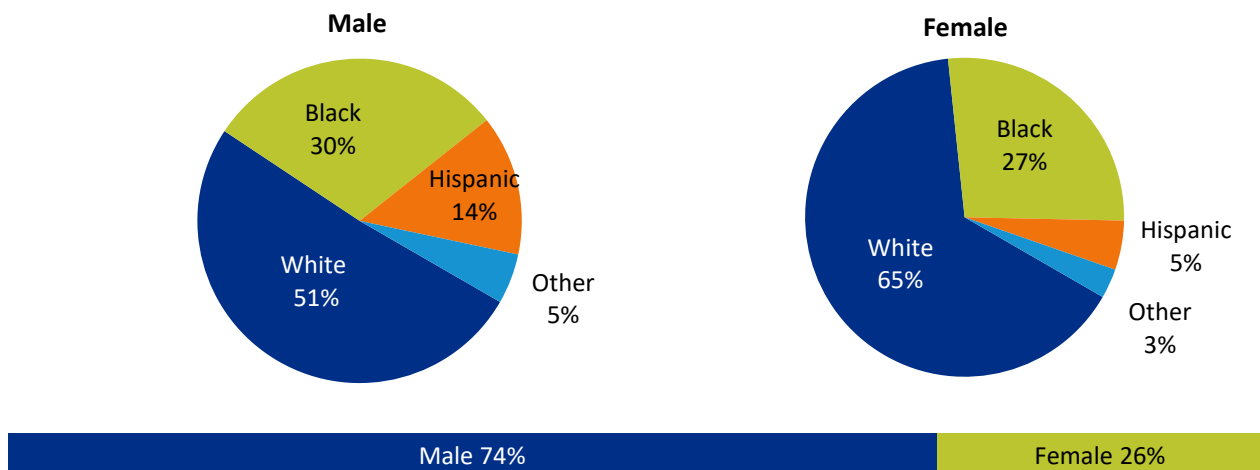
OFFENDER CHARACTERISTICS

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 26,333 DWI convictions in FY 2022, 74% were for males (see Figure 6). Overall, the majority of DWI offenders were White (55%), followed by Black (29%), Hispanic (11%), and Other (5%). White females comprised a larger percentage of convictions for females (65%) compared to White males as a percentage of convictions for males (51%). While Black males and females comprised similar percentages by sex (30% and 27% respectively), the percentage of convictions for Hispanic males was larger (14%) compared to Hispanic females (5%).

Figure 6
Convictions by Sex and Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

Table 1 shows convictions by age at offense and punishment level. Overall, the average age of DWI offenders was 37, with Level 5 offenders being slightly younger on average (35) 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 55% for Level 3 to a high of 65% for Level 1. 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.

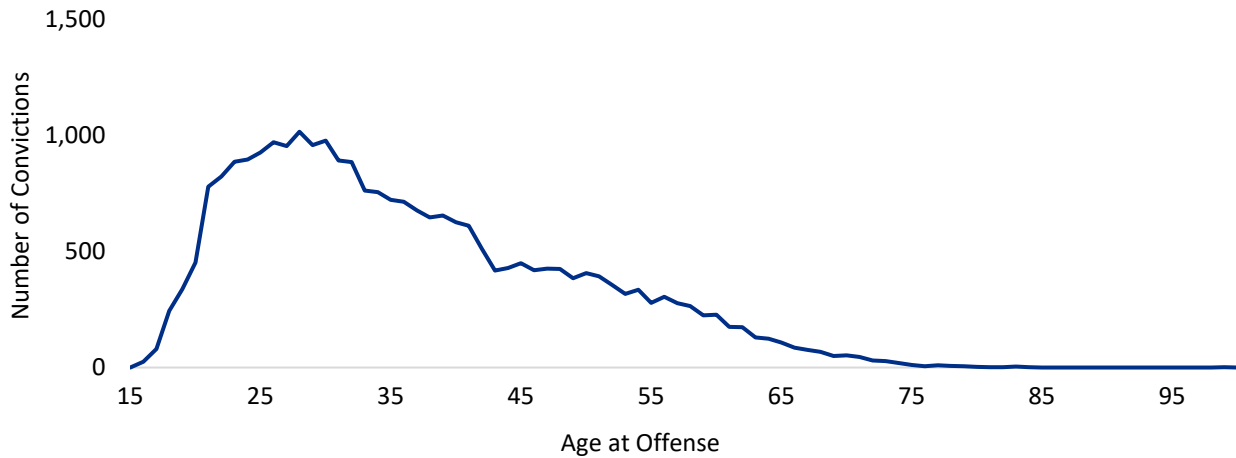
Table 1
Convictions by Age at Offense and Punishment Level

Punishment Level	#	Average Age	Age at Offense				
			<21 %	21-30 %	31-40 %	41-50 %	>50 %
Agg. Level 1	685	38	1	28	34	23	14
Level 1	2,475	37	1	32	33	20	14
Level 2	3,724	38	2	30	31	19	18
Level 3	1,417	39	3	25	30	21	21
Level 4	3,320	38	4	30	29	19	18
Level 5	14,700	35	6	39	25	15	15
Total	26,321	37	4	35	28	17	16

Note: Of the 26,333 DWI convictions in FY 2022, 12 convictions with missing values for offender age were excluded from the table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

Figure 7
Distribution of Convictions by Age at Offense



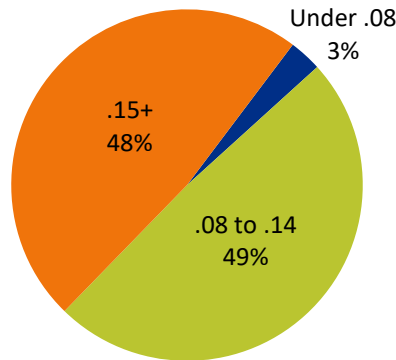
Note: Of the 26,321 DWI convictions in FY 2022, 12 convictions with missing values for offender age were excluded from the figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

Blood Alcohol Concentration (BAC)

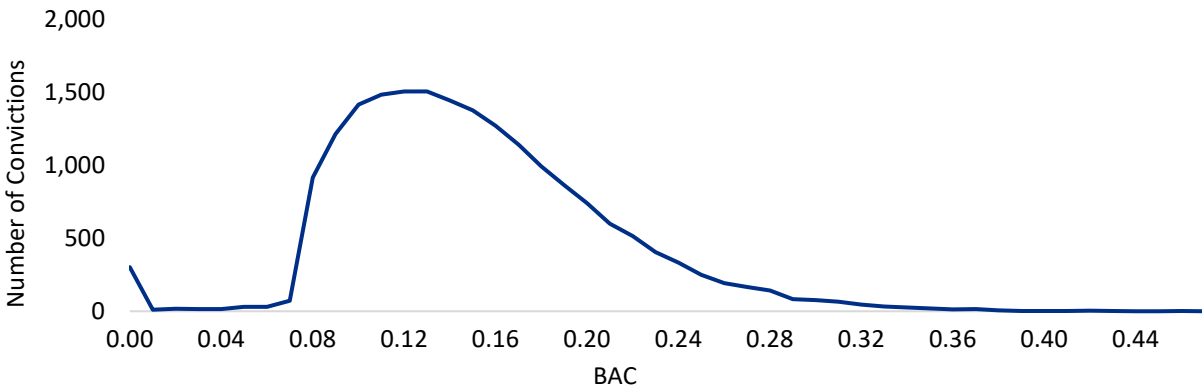
BAC levels were recorded for 73% of convictions.⁵ Figure 8 shows the percentage of convictions by BAC category. The highest percentage of convictions were in the .08 to .14 category (49%), followed closely by the .15+ category (48%). Figure 9 illustrates the distribution of BAC for DWI offenders for each individual BAC recorded. A BAC of .13 or .12 were the most frequent (1,505 and 1,504 respectively), followed closely by .11 (n=1,482). These three BAC levels accounted for a combined total of 23%.

Figure 8
Convictions by BAC



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

Figure 9
Distribution of BAC



Note: Of the 26,333 DWI convictions in FY 2022, 6,987 convictions without BAC levels were excluded from the figure.

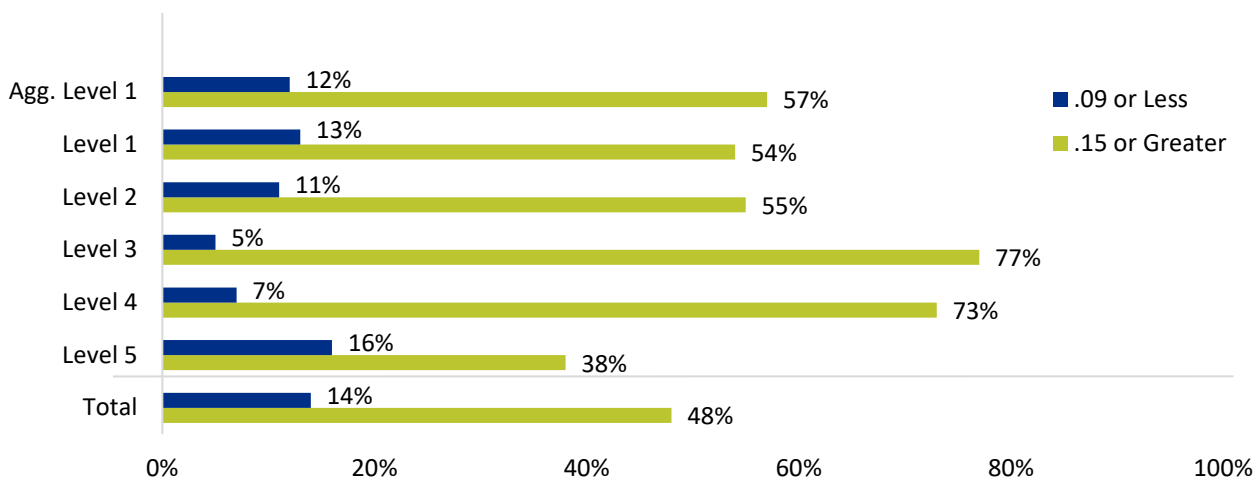
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

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 2022 data showed refusals occurred in 11% of convictions, blood tests occurred in 5% of convictions, DWI under controlled substances other than alcohol occurred in 3% 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 5.⁶ 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 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 greater 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 (5% and 7% respectively). Level 5 convictions had the highest percentage of convictions with BAC levels of .09 or less (16%).

Figure 10
Convictions by Mitigating and Aggravating BAC Levels and Punishment Level



Note: Of the 26,333 DWI convictions in FY 2022, 6,987 convictions without BAC levels were excluded from the figure.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 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).⁸

Type of Sentence Imposed and Punishment Level

Figure 11 and Table 2 show that 7% of DWI convictions in FY 2022 resulted in an active sentence, 31% resulted in supervised probation, and 62% resulted in unsupervised probation. The highest percentage of active sentences was imposed for offenders with an Aggravated Level 1 punishment (40%). Supervised

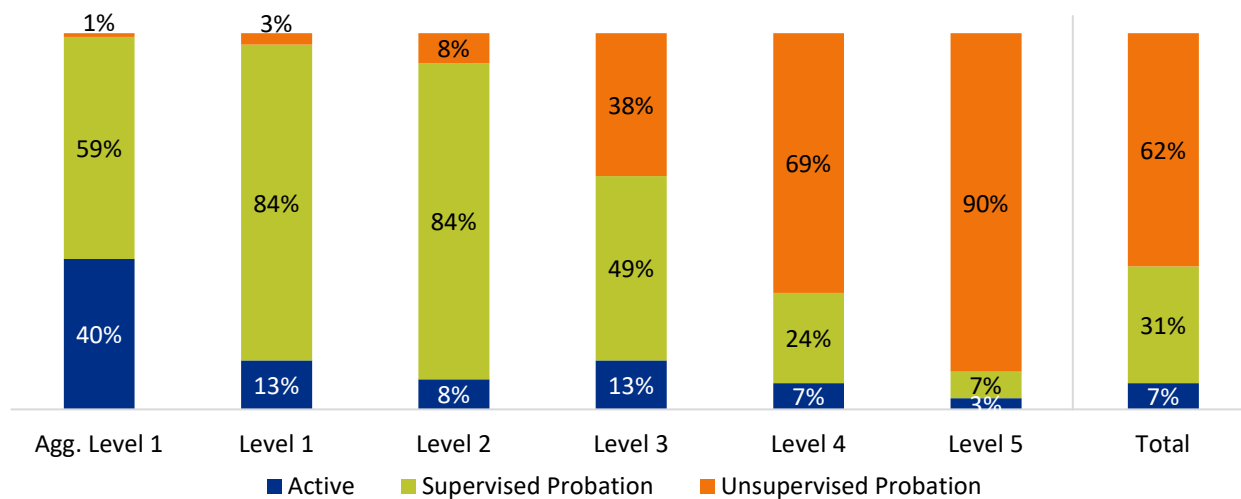
⁶ G.S. 20-179(f)(1)-(3)

⁷ G.S. 20-179(c)

⁸ This section excludes 11 of the 26,333 DWI convictions in FY 2022 for which the type of sentence imposed could not be determined.

probation was most frequently imposed among Aggravated Level 1 and Level 1 through Level 3 convictions – ranging from 49% for Level 3 to 84% each for Level 1 and Level 2. Unsupervised probation was most frequently imposed among Level 4 (69%) 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 (13%) 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 2022 DWI Statistical Report Data

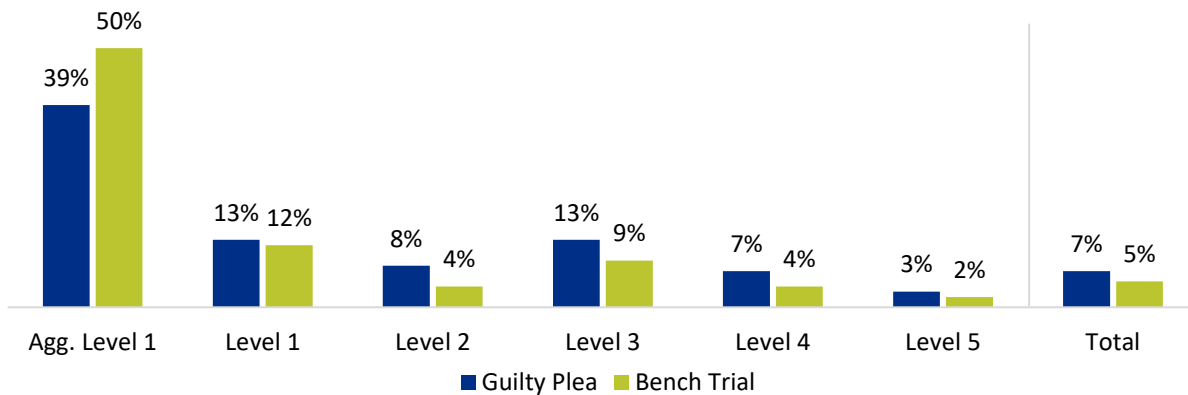
Table 2
Convictions by Type of Sentence Imposed and Punishment Level

Punishment Level	Type of Sentence Imposed						Total
	Active		Supervised Probation		Unsupervised Probation		
	#	%	#	%	#	%	
Agg. Level 1	277	40	404	59	4	1	685
Level 1	310	13	2,081	84	82	3	2,473
Level 2	297	8	3,119	84	307	8	3,723
Level 3	184	13	693	49	541	38	1,418
Level 4	230	7	798	24	2,295	69	3,323
Level 5	452	3	1,079	7	13,169	90	14,700
Total	1,750	7	8,174	31	16,398	62	26,322

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 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 2022, 7% of all convictions obtained by guilty plea resulted in an active sentence compared to 5% 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 except Aggravated Level 1.

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



Note: The overall rate of active sentences for jury trials was 14% (n=10). Jury trials were excluded from the figure due to the limited number of observations (n=74).

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 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.⁹ 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=1,750), 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.

⁹ For more information on the use of minimum and maximum terms, see Figure 19.

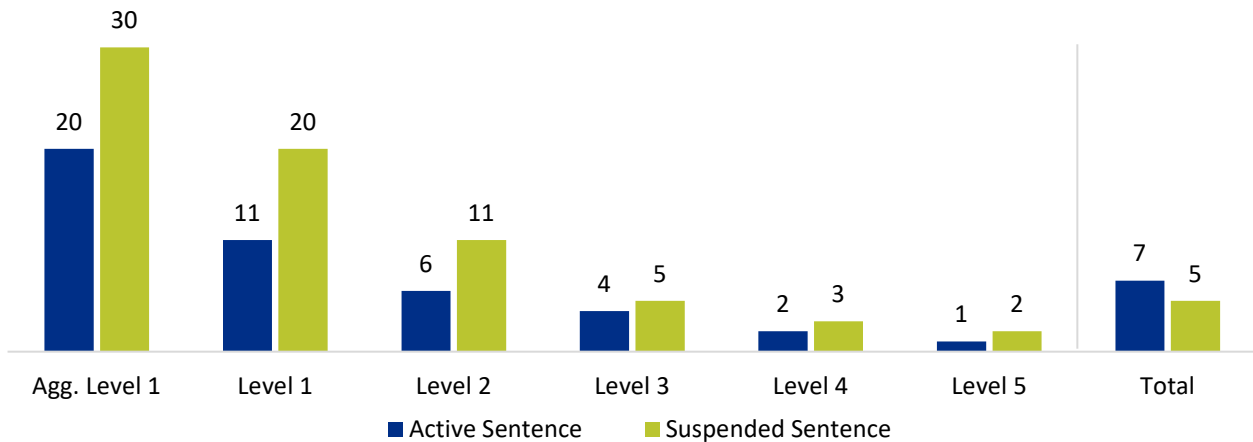
Table 3
Average Length of Active Sentences (Months) by Punishment Level

Punishment Level	Statutory Minimum	Average Active Sentence	Statutory Maximum
Agg. Level 1	12 months	20 months	36 months
Level 1	30 days	12 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 2022 DWI Statistical Report Data

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. 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 (n=14,248).

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



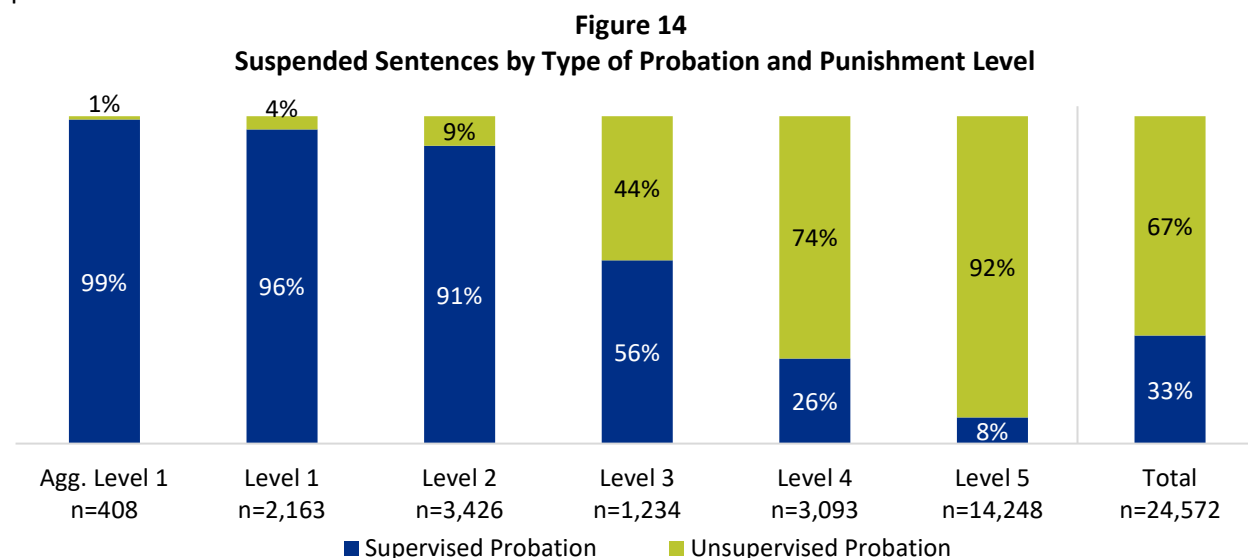
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

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 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 24,572 DWI convictions in FY 2022 with a suspended sentence. Figure 14 summarizes the type of probation – supervised or unsupervised – for suspended sentences. Overall, two-thirds (67%) 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., 14,248 of 24,572 offenders). As punishment level decreased, a greater percentage of offenders received unsupervised probation.¹²



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 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. Offenders with supervised probation received longer probation terms than offenders with unsupervised probation. Generally, as punishment level decreased, the average length of probation supervision decreased.

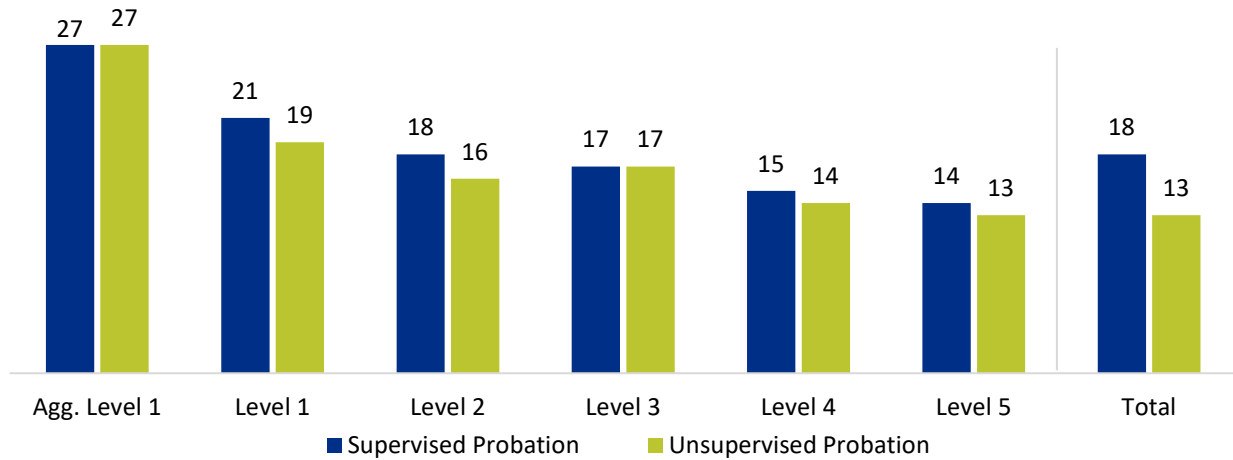
Table 4 explores the most frequently imposed probation length (mode) for each punishment level by type of probation. Except for Aggravated Level 1 convictions, among offenders who received unsupervised probation, 12 months was the most frequently imposed probation length. More variation in probation length occurred among offenders who received supervised probation ranging from 12 to 24 months.

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 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.

¹¹ Pursuant to G.S. 15A-1342.

¹² 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 fewer than 5 observations.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 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	408	404	24	41	4	36	50
Level 1	2,163	2,081	24	45	82	12	41
Level 2	3,426	3,119	18	40	307	12	48
Level 3	1,234	693	18	43	541	12	56
Level 4	3,093	798	12	61	2,295	12	77
Level 5	14,248	1,079	12	75	13,169	12	87
Total	24,572	8,174	12	38	16,398	12	84

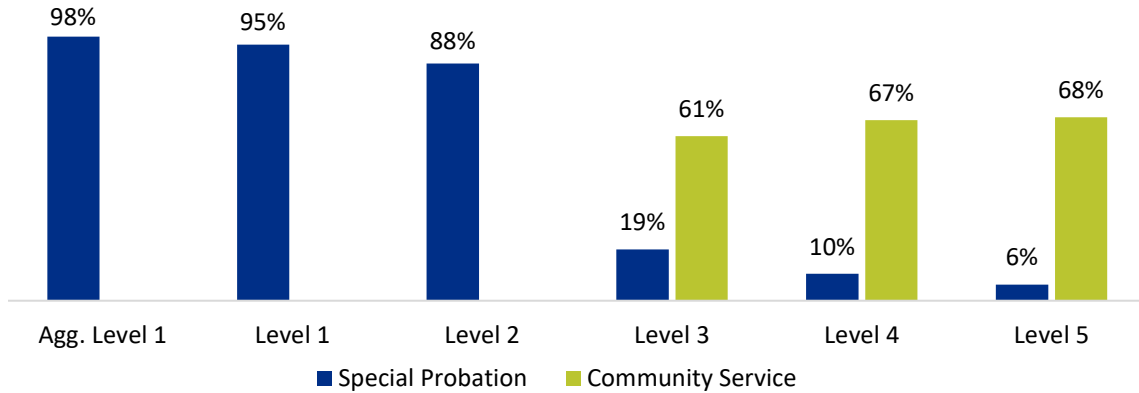
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

Special probation is required for Aggravated Level 1 through Level 2 offenders who receive probation,¹³ while either special probation or community service is required for Level 3 through Level 5 offenders who receive probation.¹⁴ Mandatory probation conditions by punishment level are shown in Figure 16.

¹³ Offenders sentenced in Aggravated Level 1 through Level 2 may receive community service as part of their sentence. Three percent (3%) of Aggravated Level 1 sentences, 5% of Level 1 sentences, and 9% of Level 2 sentences included community service.

¹⁴ 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 2022 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, 28% (n=6,938) 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 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	398	98	129	At least 120
Level 1	2,060	95	31	At least 30 or at least 10 (if CAM)
Level 2	3,015	88	9	At least 7
Level 3	239	19	7	At least 3
Level 4	313	10	5	2
Level 5	913	6	2	1
Total	6,938	28	21	N/A

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 2022 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 70% for Aggravated Level 1 offenders to a high of 87% for Level 4 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	284	70	\$10,000	\$775	\$500
Level 1	1,764	82	\$4,000	\$476	\$500
Level 2	2,856	83	\$2,000	\$366	\$300
Level 3	1,047	85	\$1,000	\$269	\$200
Level 4	2,704	87	\$500	\$176	\$100
Level 5	12,190	86	\$200	\$108	\$100
Total	20,845	85	N/A	\$201	\$100

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

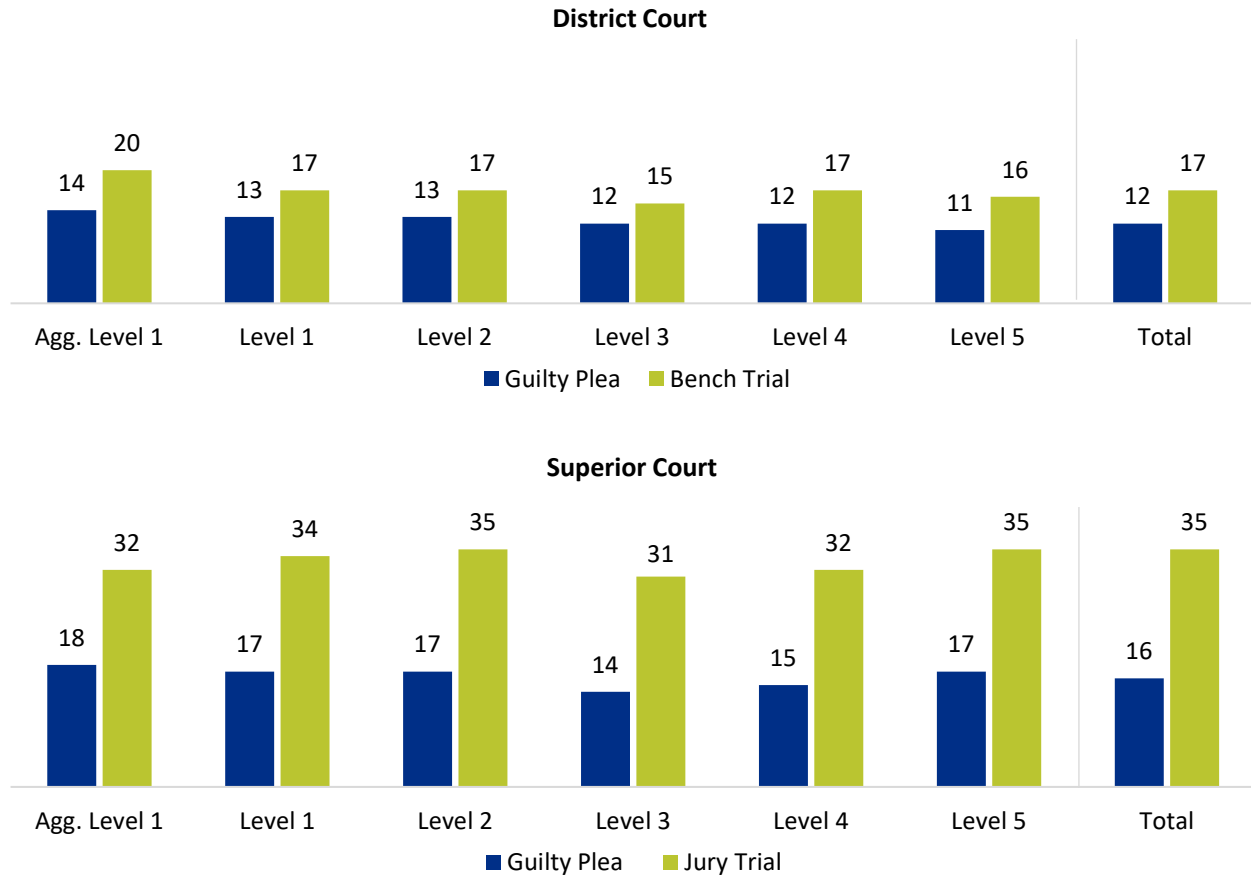
SPECIAL ISSUES

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.

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 for District Court and Superior Court. The median time to sentencing for DWI convictions sentenced in District Court was 12 months. District Court bench trials took 5 months longer to complete than District Court guilty pleas (17 months compared to 12 months). The median time to sentencing for DWI convictions sentenced in Superior Court was 17 months. Superior Court jury trials took over twice as long to complete than guilty pleas entered in Superior Court (35 months and 16 months). Time to sentencing was remarkably similar across punishment levels regardless of method of disposition.

Figure 17
Median Time to Sentencing (Months) by Punishment Level and Method of Disposition for District Court and Superior Court



Note: Of the 26,333 DWI convictions in FY 2022, 9 Superior Court bench trials were excluded from the figure, as well as 40 convictions with discrepant date values.

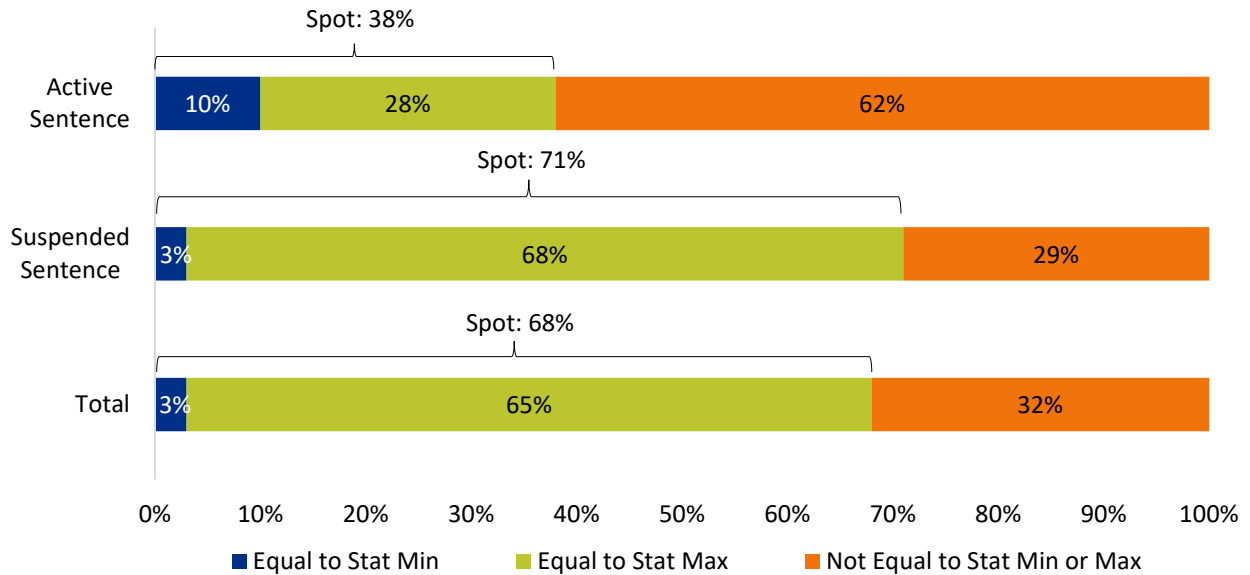
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

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 (65%) and only 3% were equal to the statutory minimum – for a total of 68% on one of these two “spots.” However, active sentences were only imposed on a spot 38% of the time compared to 71% of suspended sentences. The statutory minimum sentence was imposed very infrequently regardless of whether the sentence was active or suspended (with the exception of Aggravated Level 1 convictions).¹⁵

¹⁵ Overall, 21% of Aggravated Level 1 offenders were sentenced to the statutory minimum (12 months), 43% were sentenced to the statutory maximum (36 months), and 36% were sentenced to a different amount of time, for a total of 64% sentenced on either the statutory minimum or statutory maximum.

Figure 18
Sentence Length Relative to the Statutory Minimum and Maximum Sentences



Note: Of the 26,333 DWI convictions in FY 2022, 11 convictions with missing values for type of sentence imposed were excluded from the figure.

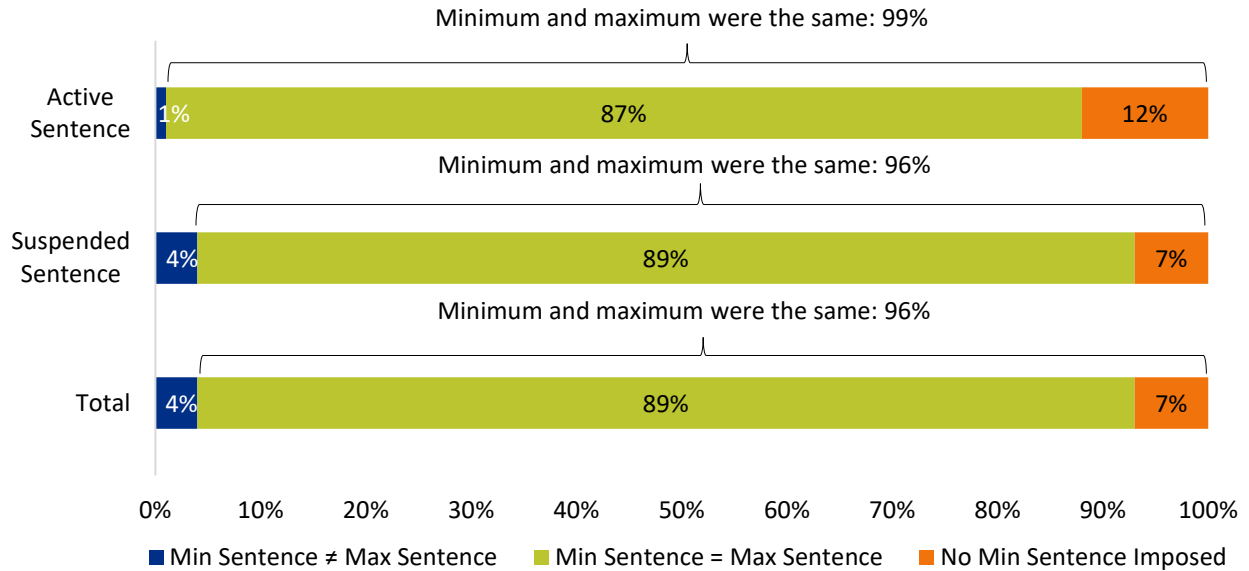
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

Use of Minimum and Maximum Sentences

Judges must impose a maximum term of imprisonment and may impose a minimum term.¹⁶ Figure 19 examines whether a minimum term was imposed and whether the minimum term equaled the maximum term. Overall, 89% 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 7% of sentences, no minimum term was indicated and only a maximum term was imposed. In the remaining 4% of sentences imposed, the minimum and maximum terms differed, indicating a range of months (e.g., 12 months minimum and 36 months maximum). The use of a sentencing range occurred infrequently regardless of whether an active or a suspended sentence was imposed.

¹⁶ G.S. 15A-1351(b)

Figure 19
Use of Minimum and Maximum Sentences



Note: Of the 26,333 DWI convictions in FY 2022, 11 convictions with missing values for type of sentence imposed were excluded from the figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 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. Eighteen percent (18%) of all DWI offenders received credit for time served (see Table 7). Fifty-seven percent (57%) of offenders who received active sentences 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 Days	Median Days
Agg. Level 1	Active	277	49	57	30
	Suspended	408	43	54	30
	Subtotal	685	45	55	30
Level 1	Active	310	49	65	37
	Suspended	2,163	32	26	17
	Subtotal	2,473	34	33	21
Level 2	Active	297	54	75	40
	Suspended	3,426	27	15	7
	Subtotal	3,723	29	24	7
Level 3	Active	184	55	84	36
	Suspended	1,234	20	20	4
	Subtotal	1,418	25	39	10
Level 4	Active	230	63	59	48
	Suspended	3,093	15	9	2
	Subtotal	3,323	18	21	4
Level 5	Active	452	67	37	30
	Suspended	14,248	9	6	1
	Subtotal	14,700	10	12	2
Total	Active	1,750	57	58	35
	Suspended	24,572	15	16	3
Total		26,322	18	25	7

Note: Of the 26,333 DWI convictions in FY 2022, 11 convictions with missing values for type of sentence imposed were excluded from the table.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

TRENDS FOR DWI CONVICTIONS

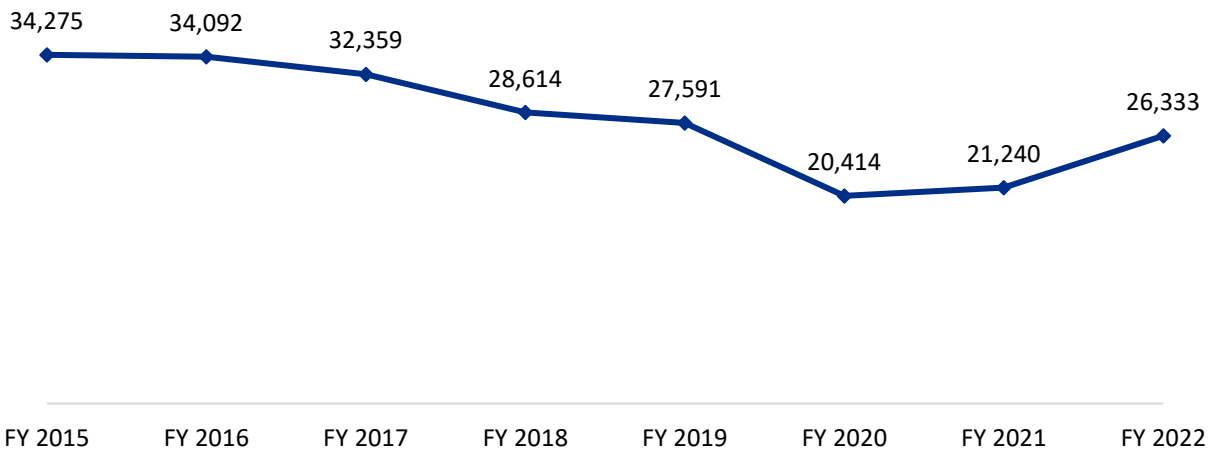
TRENDS FOR DWI CONVICTIONS

The previous sections focused on a single fiscal year of data (FY 2022); Trends for DWI Convictions examines DWI convictions from FY 2015¹⁷ to FY 2022, with a focus on the past five years (FY 2018 through FY 2022). 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 been declining 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 24% from FY 2021 to FY 2022. With that increase, DWI convictions in FY 2022 were just below pre-pandemic levels, although they are still lower than in FY 2015.

Figure 20
DWI Convictions



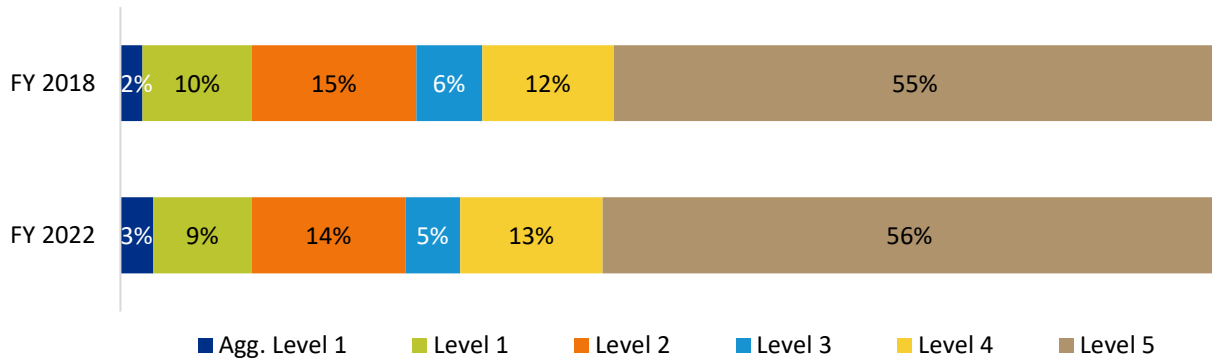
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2015 – FY 2022 DWI Statistical Report Data

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.

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

Figure 21
Convictions by Punishment Level

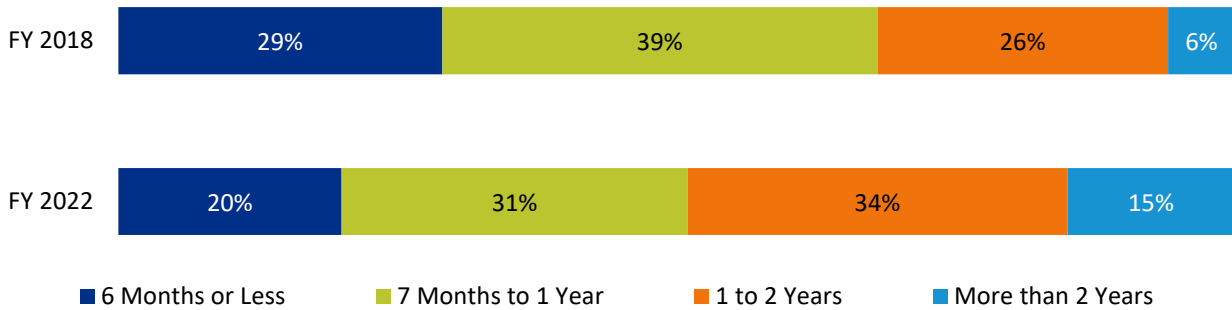


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 – FY 2022 DWI Statistical Report Data

Time to Sentencing

The COVID-19 pandemic has had a considerable impact on sentencing for DWI convictions (see Figure 22). 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 drastically increased.

Figure 22
Time to Sentencing

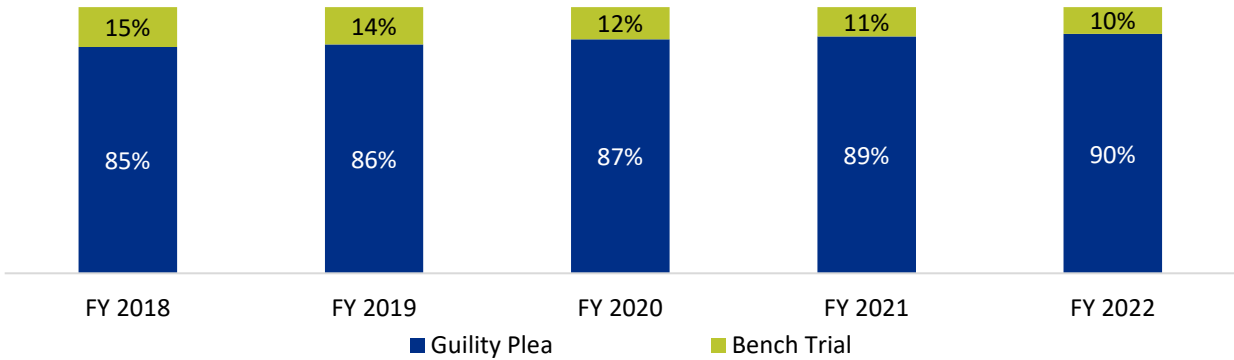


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 – FY 2022 DWI Statistical Report Data

Method of Disposition

The majority of DWI convictions resulted from guilty pleas (see Figure 23), increasing from 85% in FY 2018 to 90% in FY 2022. 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



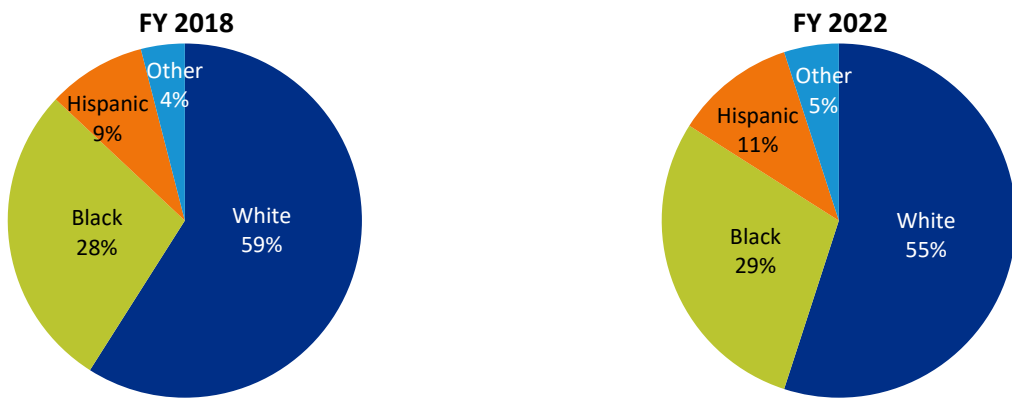
Note: Jury trials were excluded from the figure due to the limited number of observations. One percent (1%) or less of convictions resulted from jury trials in each of these fiscal years.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 – FY 2022 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 2018.

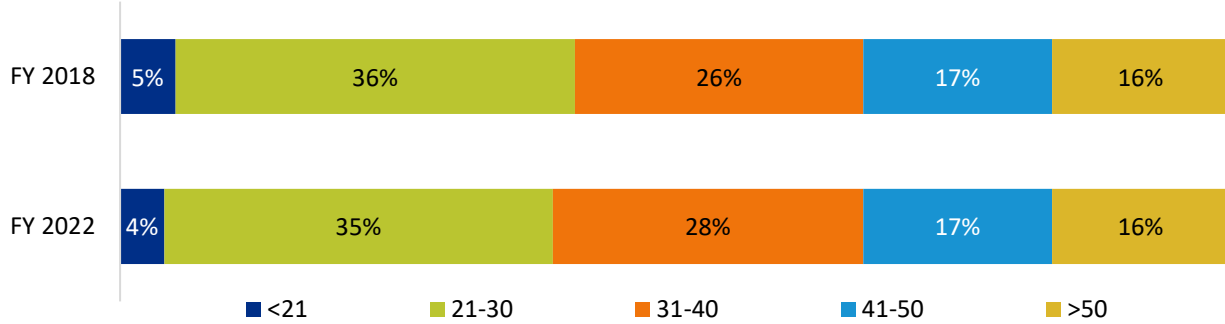
Figure 24
Convictions by Race



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 – FY 2022 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 offense. The average age at offense was also similar in FY 2018 (36) and in FY 2022 (37).

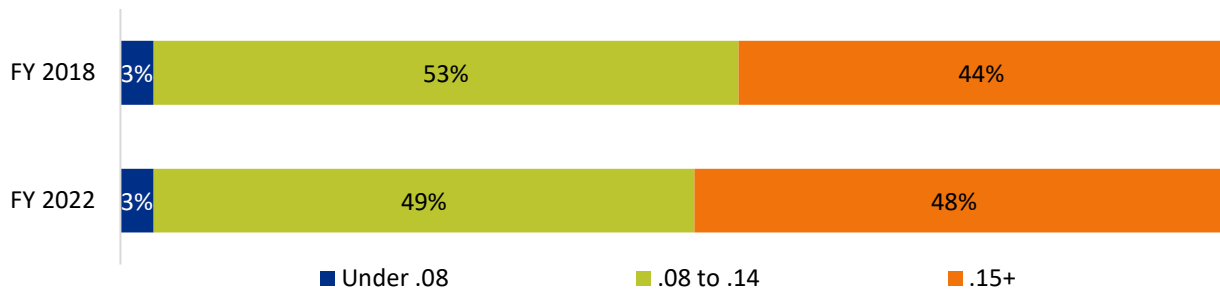
**Figure 25
Convictions by Age at Offense**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 – FY 2022 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 2022.

**Figure 26
Convictions by BAC**



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 – FY 2022 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 2018 and FY 2022, although the percentage of offenders receiving unsupervised probation has increased.

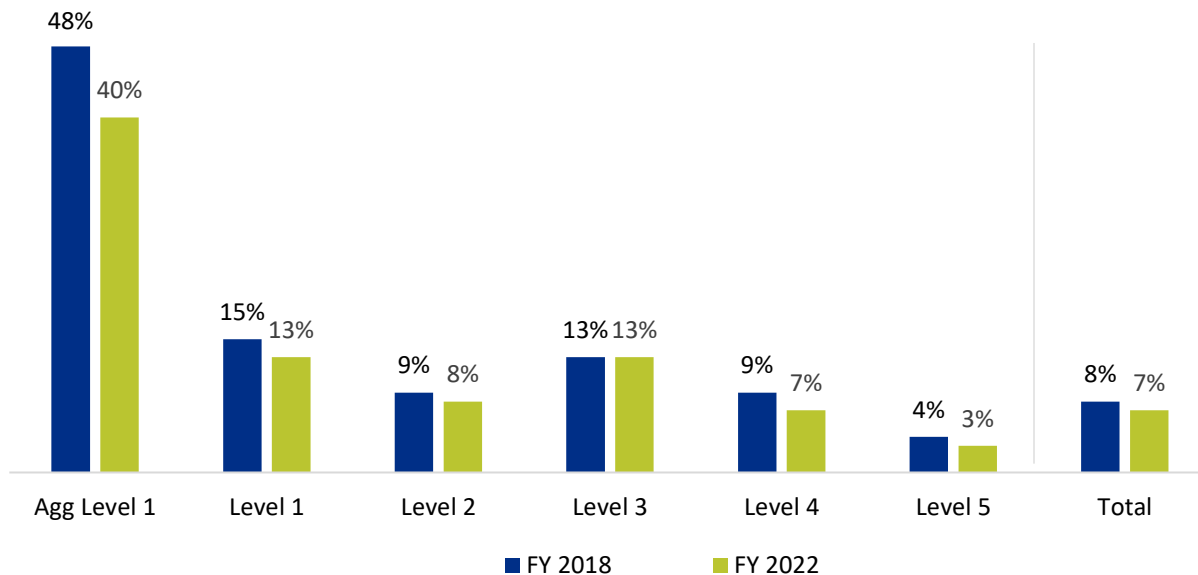
Figure 27
Convictions by Type of Sentence Imposed



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 – FY 2022 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 2018. The percentage of active sentences as a result of a guilty plea has decreased slightly since FY 2018 (9% in FY 2018 compared to 7% in FY 2022). Figure 28 shows the percentage of active sentences imposed (i.e., active rate) by punishment level. With the exception of Aggravated Level 1, active rates for each of the other punishment levels were similar in FY 2018 and FY 2022.

Figure 28
Active Rate by Punishment Level



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 – FY 2022 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 one month difference.

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

Punishment Level	Active				Suspended			
	2018		2022		2018		2022	
	#	Months	#	Months	#	Months	#	Months
Agg. Level 1	349	21	277	20	377	30	408	30
Level 1	410	13	310	12	2,325	21	2,163	20
Level 2	392	6	297	6	3,805	11	3,426	11
Level 3	240	4	184	4	1,563	5	1,234	5
Level 4	326	2	230	2	3,162	3	3,093	3
Level 5	613	1	452	1	15,040	2	14,248	2
Total	2,330	7	1,750	7	26,272	6	24,572	5

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 – FY 2022 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 2018.

Figure 29
Suspended Sentences by Type of Probation



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 – FY 2022 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 2018 and FY 2022.

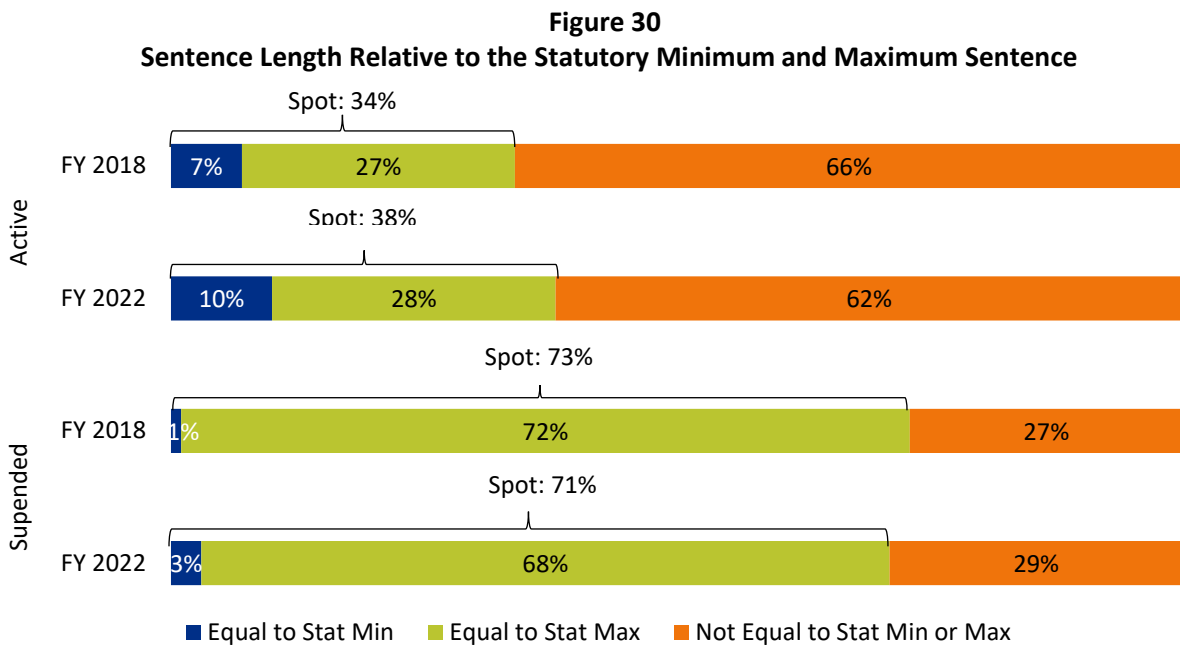
Table 9
Average Length of Probation by Type of Probation

Punishment Level	Supervised Probation				Unsupervised Probation			
	2018		2022		2018		2022	
	#	Months	#	Months	#	Months	#	Months
Agg. Level 1	372	30	404	27	5	18	4	27
Level 1	2,247	22	2,081	21	78	19	82	19
Level 2	3,428	19	3,119	18	377	16	307	16
Level 3	930	18	693	17	633	17	541	17
Level 4	963	15	798	15	2,199	14	2,295	14
Level 5	1,676	14	1,079	14	13,364	13	13,169	13
Total	9,616	19	8,174	18	16,656	14	16,398	13

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 – FY 2022 DWI Statistical Report Data

Sentence Length Relative to the Statutory Minimum and Maximum Sentences

Figure 30 examines how often the minimum sentence imposed is 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 both active sentences and suspended sentences, the percentage of sentences equal to the statutory minimum has increased.

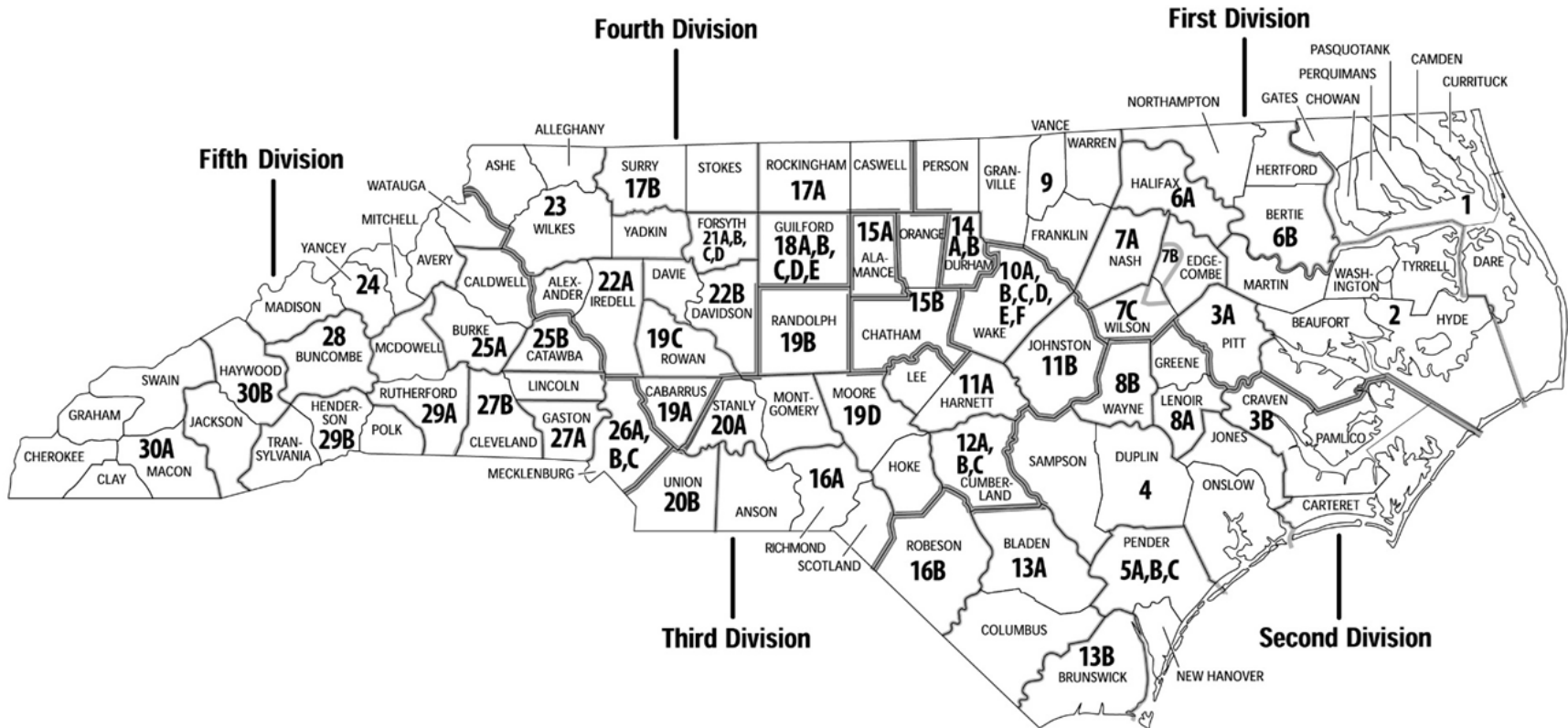


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2018 – FY 2022 DWI Statistical Report Data

APPENDIX A
MAPS OF JUDICIAL DIVISIONS AND DISTRICTS

North Carolina Superior Court Districts

Effective January 1, 2019

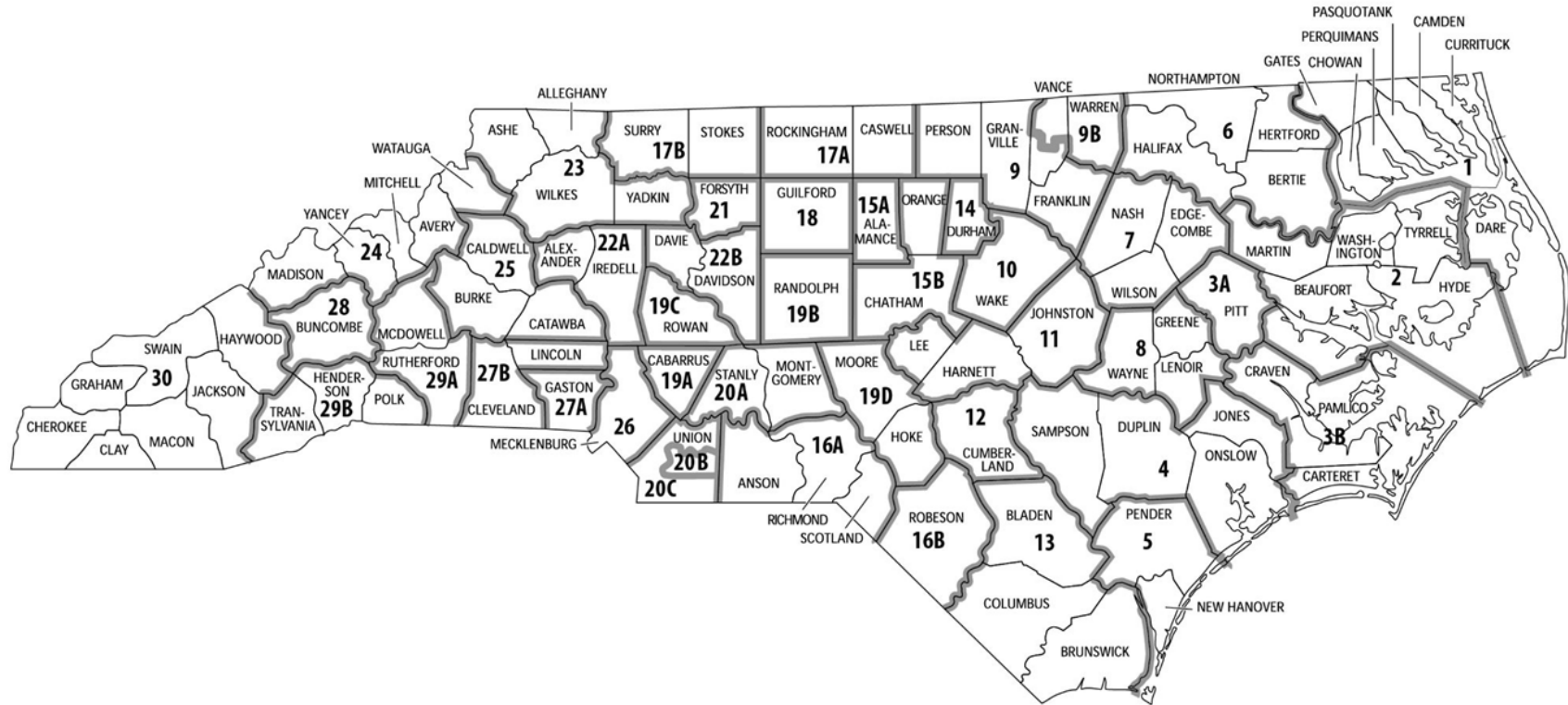


Note: Districts that have more than one letter associated with the district number (i.e., 10A, B, C, D) are divided into separate districts for electoral purposes. For administrative purposes, they are combined into a single district.

Copyright © 2019
 School of Government
 The University of North Carolina at Chapel Hill

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.

Copyright © 2019
 School of Government
 The University of North Carolina at Chapel Hill

APPENDIX B
DWI PUNISHMENT TABLE

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

PUNISHMENT LEVELS	FACTORS	PUNISHMENT	FINE
Aggravated Level 1 (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 1 (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 2 (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 3 (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 4 (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 5 (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

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

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

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (16+)
District 1	Camden	37	4
	Chowan	40	4
	Currituck	160	6
	Dare	385	12
	Gates	28	3
	Pasquotank	97	3
	Perquimans	82	7
	Total	829	6
District 2	Beaufort	216	6
	Hyde	27	7
	Martin	64	4
	Tyrrell	31	12
	Washington	29	3
Total	367	5	
District 3A	Pitt	479	3
	Total	479	3
District 3B	Carteret	173	3
	Craven	141	2
	Pamlico	11	1
Total	325	2	
District 4	Duplin	198	5
	Jones	39	5
	Onslow	502	3
	Sampson	289	6
Total	1,028	4	
District 5	New Hanover	1,305	7
	Pender	308	6
Total	1,613	6	
District 6	Bertie	30	2
	Halifax	154	4
	Hertford	51	3
	Northampton	26	2
Total	261	3	
District 7	Edgecombe	170	4
	Nash	351	4
	Wilson	287	5
Total	808	5	
District 8	Greene	103	6
	Lenoir	128	3
	Wayne	687	7
Total	918	6	

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (16+)
District 9,9B	Franklin	316	5
	Granville	250	5
	Person	169	5
	Vance	235	7
	Warren	83	5
Total	1,053	5	
District 10	Wake	1,873	2
	Total	1,873	2
District 11	Harnett	121	1
	Johnston	568	3
	Lee	74	1
Total	763	2	
District 12	Cumberland	221	1
	Total	221	1
District 13	Bladen	127	5
	Brunswick	513	4
	Columbus	164	4
Total	804	4	
District 14	Durham	477	2
	Total	477	2
District 15A	Alamance	754	5
	Total	754	5
District 15B	Chatham	131	2
	Orange	412	3
Total	543	3	
District 16A	Anson	55	3
	Richmond	53	2
	Scotland	78	3
Total	186	2	
District 16B	Robeson	173	2
	Total	173	2
District 17A	Caswell	66	4
	Rockingham	347	5
Total	413	4	
District 17B	Stokes	143	4
	Surry	237	4
Total	380	4	
District 18	Guilford	1,603	4
	Total	1,603	4
District 19A	Cabarrus	890	5
	Total	890	5

continued

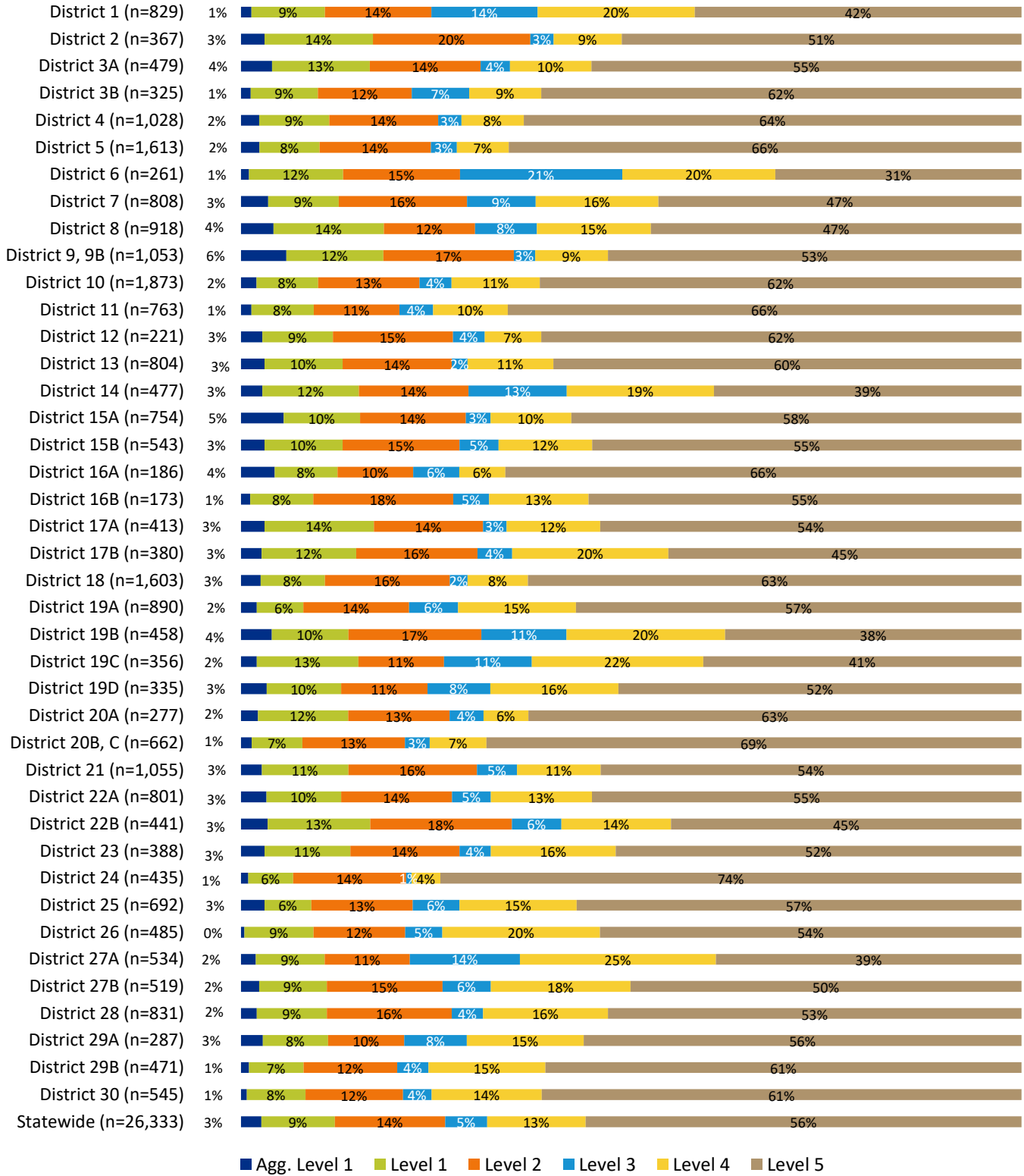
**Table C.1
Convictions by Judicial District and County**

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (16+)
District 19B	Randolph	458	4
	Total	458	4
District 19C	Rowan	356	3
	Total	356	3
District 19D	Hoke	88	2
	Moore	247	3
	Total	335	3
District 20A	Montgomery	87	4
	Stanly	190	4
	Total	277	4
District 20B,C	Union	662	3
	Total	662	3
District 21	Forsyth	1,055	3
	Total	1,055	3
District 22A	Alexander	113	4
	Iredell	688	4
	Total	801	4
District 22B	Davidson	325	2
	Davie	116	3
	Total	441	2
District 23	Alleghany	12	1
	Ashe	60	3
	Wilkes	176	3
	Yadkin	140	5
	Total	388	3
District 24	Avery	63	4
	Madison	63	3
	Mitchell	68	5
	Watauga	174	4
	Yancey	67	4
	Total	435	4

Judicial District and County		DWI Convictions	Convictions per 1,000 Adults (16+)
District 25	Burke	159	2
	Caldwell	130	2
	Catawba	403	3
	Total	692	3
District 26	Mecklenburg	485	1
	Total	485	1
District 27A	Gaston	534	3
	Total	534	3
District 27B	Cleveland	292	4
	Lincoln	227	3
	Total	519	3
District 28	Buncombe	831	4
	Total	831	4
District 29A	McDowell	114	3
	Rutherford	173	3
	Total	287	3
District 29B	Henderson	285	3
	Polk	82	5
	Transylvania	104	4
	Total	471	3
District 30	Cherokee	50	2
	Clay	47	5
	Graham	12	2
	Haywood	161	3
	Jackson	102	3
	Macon	127	4
	Swain	46	4
	Total	545	3
	State Total	26,333	3

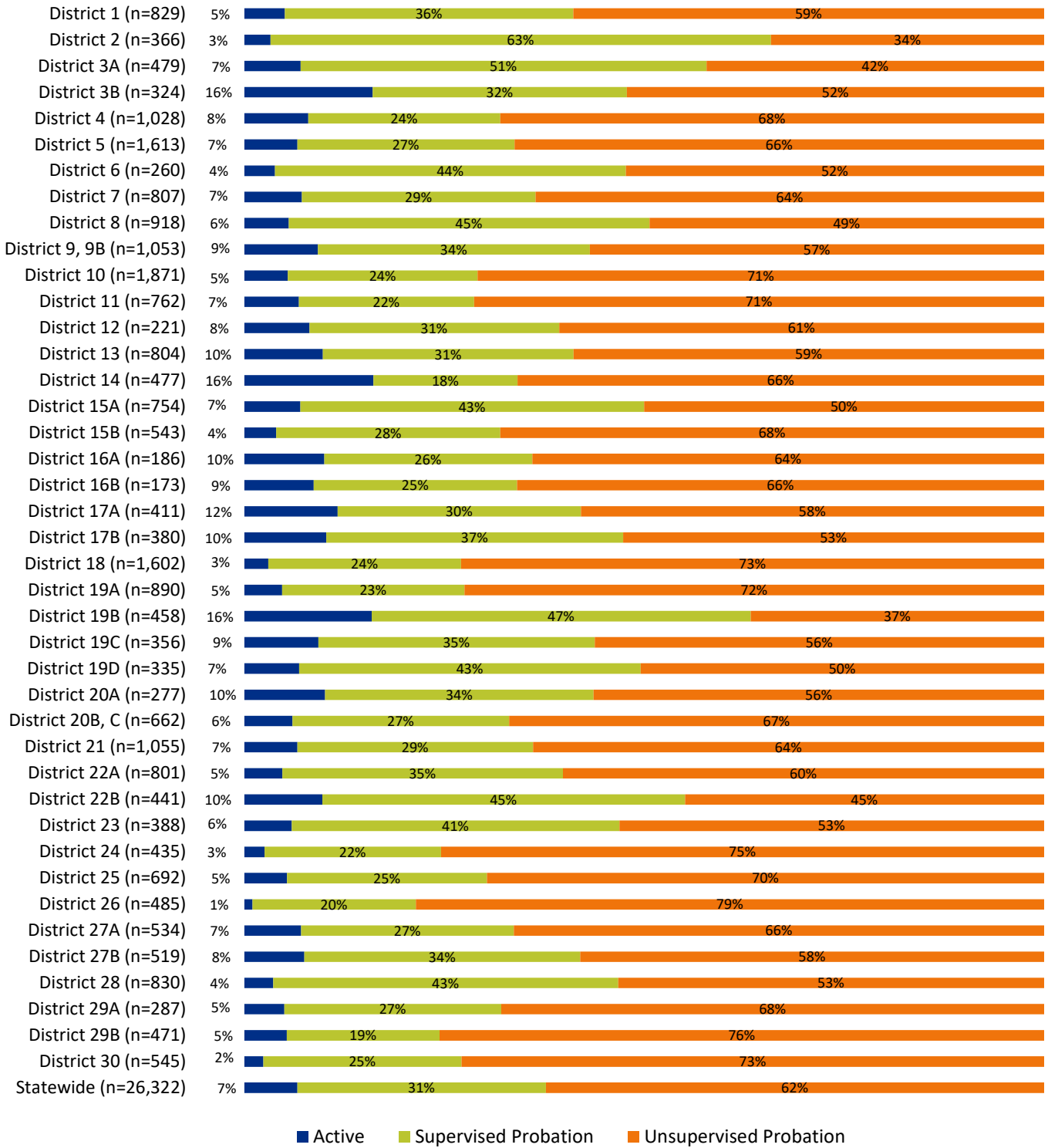
SOURCES: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data and NC Office of State Management and Budget, 2022 Population Estimates from <https://demography.osbm.nc.gov/explore/> (see Population Projections).

Figure C.1
Convictions by Judicial District and Punishment Level



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

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



Note: Of the 26,333 DWI convictions in FY 2022, 11 convictions with missing values for type of sentence imposed were excluded from the figure.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

APPENDIX D
ADDITIONAL CONVICTION DATA
BY PUNISHMENT LEVEL

**Table D.1:
Offender Characteristics and Punishment Imposed by Punishment Level
N=26,333**

		Agg. Level 1 n=685	Level 1 n=2,475	Level 2 n=3,724	Level 3 n=1,418	Level 4 n=3,324	Level 5 n=14,707
Offender Characteristics							
Gender							
Male	%	80	74	78	82	78	72
Female	%	20	26	22	18	22	28
Race/Ethnicity							
White	%	44	46	56	48	53	57
Black	%	45	40	31	37	29	25
Hispanic	%	7	10	9	11	14	12
Other	%	4	4	4	4	4	6
Age at Offense							
Less than 21 Years	%	1	1	2	3	4	6
21-30 Years	%	28	32	30	25	30	39
31-40 Years	%	34	33	31	30	29	25
41-50 Years	%	23	20	19	21	19	15
Over 50 Years	%	14	14	18	21	18	15
Average Age		38	37	38	39	38	35
Median Age		36	35	36	38	36	32
Blood Alcohol Concentration							
Less than .08	%	4	3	3	2	3	3
.08 to .14	%	39	44	42	20	24	59
.15 or More	%	57	53	55	78	73	38
Punishment Imposed							
Method of Disposition							
Guilty Plea	%	90	91	90	91	90	89
Bench Trial	%	10	9	10	9	10	11
Jury Trial	%	<1	<1	<1	<1	<1	<1
Sentence Type							
Active Sentence	%	40	13	8	13	7	3
Supervised Probation	%	59	84	84	49	24	7
Unsupervised Probation	%	1	3	8	38	69	90
Sentence Length/Location							
Active							
Average Length (Months)		20	12	6	4	2	1
Sentenced at Stat. Minimum	%	13	3	2	1	2	3
Sentenced at Stat. Maximum	%	64	64	78	62	57	69
Sent. Other than Stat. Min/Max	%	23	33	20	37	41	28
Suspended							
Average Length (Months)		30	20	11	5	3	2
Sentenced at Stat. Minimum	%	33	11	9	2	1	3
Sentenced at Stat. Maximum	%	13	17	32	37	29	37
Sent. Other than Stat. Min/Max	%	54	72	59	61	70	60

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

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2022 DWI Statistical Report Data

Table D.2
Conditions of Probation for Suspended Sentences by Punishment Level
n=24,572

		Agg. Level 1 n=408	Level 1 n=2,163	Level 2 n=3,426	Level 3 n=1,234	Level 4 n=3,093	Level 5 n=14,248
Supervised Probation	%	99	96	91	56	26	8
Length							
1 Year or Less	%	4	20	35	38	62	76
13-18 Months	%	17	26	41	44	27	17
19-24 Months	%	41	45	21	16	10	6
More than 2 Years	%	38	9	3	2	1	1
Average Length (Months)		27	21	18	17	15	14
Unsupervised Probation	%	1	4	9	44	74	92
Length							
1 Year or Less	%	25	41	49	57	77	90
13-18 Months	%	0	26	37	31	17	7
19-24 Months	%	25	24	12	8	5	2
More than 2 Years	%	50	9	2	4	1	1
Average Length (Months)		27	19	16	17	14	13
Mandatory Conditions							
Special Probation	%	97	95	88	19	10	6
Community Service	%	3	5	9	61	67	68
Both	%	3	5	6	1	<1	<1
Fines							
Conv. with Fine Imposed	%	70	82	83	85	87	86
Fine Amount							
Less than \$100	%	2	3	4	4	8	11
\$100 to \$199	%	8	12	16	25	48	81
\$200 to \$299	%	14	18	23	33	32	7
\$300 to \$499	%	14	26	32	20	10	1
\$500 or More	%	62	41	25	18	2	<1
Average Fine Imposed		\$775	\$476	\$366	\$269	\$176	\$108
Median Fine Imposed		\$500	\$400	\$300	\$200	\$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 2022 DWI Statistical Report Data

Disclaimer for AOC Data

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