

DWI



- DWI injuries are down, but nobody feels safe
- Nobody feels safe, but we are tougher on DWI than ever before
- We are tougher on DWI than ever before, but nobody feels we are tough enough
- Nobody feels we are tough enough, but we have raised penalties, lowered *per se*'s, taken cars, etc.
- We've lowered the boom on everyone, and DWI deaths and injuries are down
- Deaths and injuries are down, but everyone says we have a big problem
- In summary, we've made a lot of progress and now we have a big problem

Number alcohol-related vehicle deaths in NC per year

1. 100
2. 500
3. 1500
4. 3000
5. 5000

Number DWI events in NC per year

1. 200,000
2. 500,000
3. 2,000,000
4. 4,000,000
5. 10,000,000

DWI cases are harder to try than they were five years ago

1. Yes
2. No
3. Abstain

It is more likely that a defendant will be found guilty than five years ago

1. Yes
2. No
3. Abstain

The balance between protecting the public and protecting the rights of defendants is about right

1. Yes
2. No
3. Abstain

The balance favors

1. State
2. Defendant
3. Neither

DWI Cases Are Important

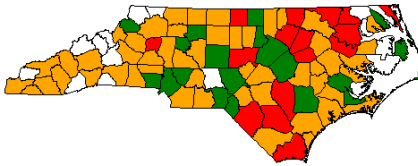
Alcohol-related motor vehicle crashes kill someone every **31** minutes and injure someone every **2** minutes.



The Magnitude of the Nation's DWI Problem

- 32.5 million drove under the influence of alcohol during 2004
- 10.6 million drove under the influence of an illicit drug during 2004
- 1.4 million persons were arrested for driving under the influence of alcohol or drugs (1 arrest for every 135 licensed drivers in U.S.) in 2003

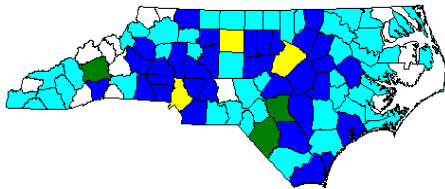
Alcohol Related Deaths, 2005, Rank per 100,000 people,
Compared to US Counties



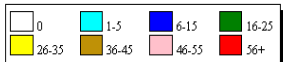
National Center for Statistics and Analysis, NHTSA

www-nrd.nhtsa.dot.gov/departments/nrd-30/nca/STSI/37_NC/2005/37_NC_2005.htm

Alcohol-Related Fatalities, NC, 2005



National
Center for
Statistics
and
Analysis,
NHTSA



Impaired Driving Statutory Scheme

- Problem drinkers
- Young drinkers
- Social drinkers

- Sanctions
 - Treatment
 - Licenses
 - Vehicles
 - Criminal punishments

DWI 1979-2006

- 1979--ADETS a condition of limited privilege in most cases; successful completion gives 6 mo. revocation reduction
- 1983--Safe Roads Act; major revision of all facets of impaired driving laws. Single offense, CVR, tighten limited privileges, zero per se for underage drivers, drinking age to 19, no drinking beer while driving

DWI 1979-2006

- 1983 Safe Roads Act
 - ADETS required; not linked to LDP
 - Assessment/Treatment required if 0.20 or prior and over .10
 - Failure to complete--one year revocation

DWI 1979-2006

- 1986--Drinking age raised to 21
 - Fee for ADETS raised to \$100 in all cases
- 1987--Jail Credit for inpatient treatment
- 1988--DWI in Commercial Vehicle at 0.04
- 1989—Treatment or education for all
 - Universal assessment
 - No relicensing until complete treatment
 - Requires assessment for those on active sentence as condition of relicensing

DWI 1979-2006

- 1990—Habitual DWI Felony; house arrest allowed as partial credit for jail time
- 1991--CVR fees \$50; automated breath tests
- 1993--Per se level reduced to 0.08

DWI 1979-2006

- 1995-First report of DWI Task Force
 - Assessment required before Limited Privilege
 - Revocation lasts education or treatment
 - No transporting beer while or after drinking
 - Zero per se age raised to 21

DWI 1979-2006

- 1997--Second report of Task Force
 - Vehicle Forfeiture for repeat offenders
 - Registration revocations
 - Active time for first offenders; no parole till treated
 - CVR up to 30 days, LDP allowed, indefinite in some cases
 - Chemical testing for drugs
 - State pay for inpatient treatment for credit

DWI 1979-2006

- 1998--Third report
 - Zero tolerance for commercial vehicles, school buses and activity busses, child care vehicles
 - CVR applies to underage drinkers
 - Maximum fines doubled

DWI 1979-2006

- 1999
 - Lower per se levels for repeat offenders; not a new DWI offense
 - Ignition interlock
 - No alcohol in commercial vehicles

DWI 1979-2006

- 2000-Open container-beer and wine—passenger violations
- 2001-Clerks determine innocence of vehicle owners of seized vehicles
- 2003-Multiple substance abuse assessments
- 2005--ADETS fees, minimum hours, class size

DWI 1979-2006

- Soup to nuts
 - Alcohol sales
 - New crimes
 - Investigations
 - Court procedures
 - Licensing and interlocks
 - Report Card
 - Etc.

Report Cards are Threat to Judicial Independence

1. Yes
2. No
3. Abstain

Five years from now conviction rates will be

1. Higher than in 2006
2. Lower than in 2006
3. About the same

% Drivers in Fatal accidents with prior DWI conviction

1. 8%
2. 34%
3. 53%
4. 62%

I expect this course to

1. Help me
2. Depress me
3. Excite me
4. 1 and 2
5. 1 and 3
6. 2 and 3
