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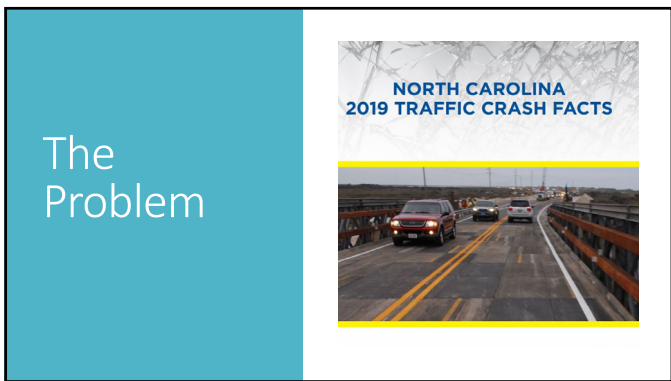
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**The Problem of Impaired Driving**

Get ready to compete!

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**Which driving behavior is involved in the largest percentage of fatal crashes in NC each year?**

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**Which driving behavior is involved in the largest percentage of fatal crashes in NC each year?**

DWI

Speeding

Lane Departure

Distracted Driving

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**Which driving behavior is involved in the largest percentage of fatal crashes in NC each year?**

DWI

Speeding

Lane Departure

Distracted Driving

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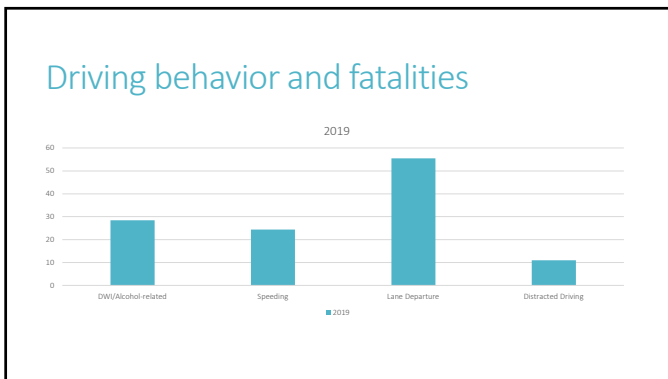
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Most drivers in fatal crashes involving alcohol impairment have a BAC of .15 or higher

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Most drivers in fatal crashes involving alcohol impairment have a BAC of .15 or higher

True

False

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**Most drivers in fatal crashes involving alcohol impairment have a BAC of .15 or higher**

True

False

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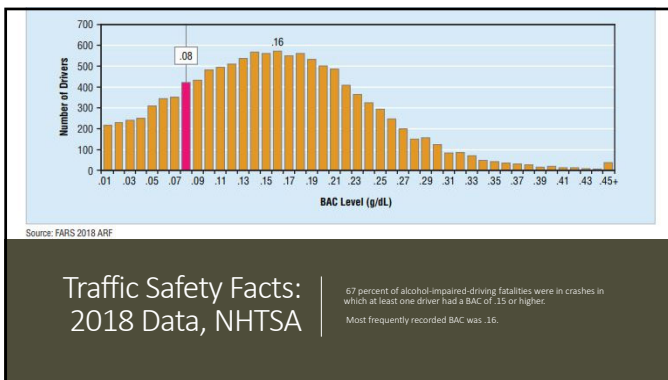
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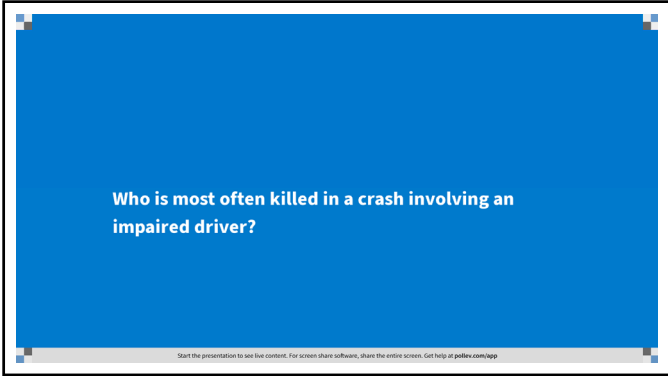
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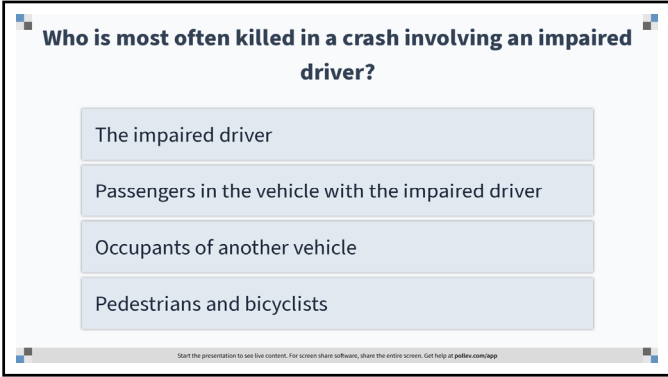
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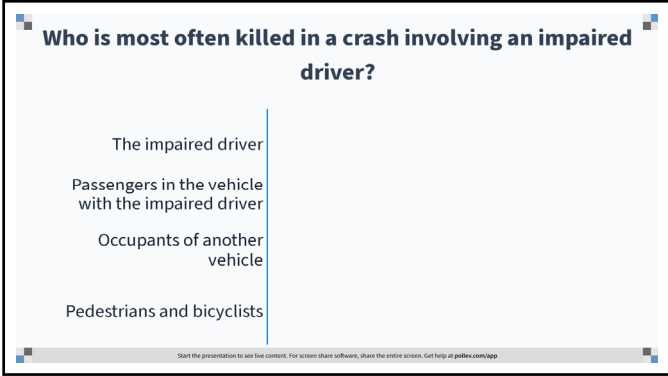
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Table 1  
**Fatalities, by Role, in Crashes Involving at Least One Alcohol-Impaired Driver, 2018**

Role	Number	Percent
Alcohol-Impaired Drivers	6,364	61%
Passengers Riding With Alcohol-Impaired Drivers	1,389	13%
<b>Subtotal</b>	<b>7,753</b>	<b>74%</b>
Occupants of Other Vehicles	1,580	15%
Nonoccupants (pedestrians/pedalcyclists/other)	1,178	11%
<b>Total Alcohol-Impaired-Driving Fatalities</b>	<b>10,511</b>	<b>100%</b>

Source: FARS 2018 Annual Report File (ARF)

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**Most alcohol-impaired drivers involved in fatal crashes have a prior conviction for DWI in the past 5 years**

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**Most alcohol-impaired drivers involved in fatal crashes have a prior conviction for DWI in the past 5 years**

True

False

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**Most alcohol-impaired drivers involved in fatal crashes have a prior conviction for DWI in the past 5 years**

True

False

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Prior convictions?

**Figure 3  
Previous 5-Year Driving Records of Drivers Involved in Fatal Crashes, by BAC, 2010**

BAC Level	Previously Recorded Crashes	Previously Recorded DWI Convictions	Previously Recorded Licensing Convictions	Previously Recorded Suspensions or Revocations
No Record (BAC $\le 0.08$ g/dL)	18%	2%	18%	12%
BAC $0.09-0.17$ g/dL	23%	2%	23%	20%
Alcohol-impaired (BAC $0.18-0.29$ g/dL)	18%	8%	23%	24%
BAC $0.30$ g/dL	19%	8%	23%	25%

Source: NHTSA, 2014 IAP. Note: Convictions of drivers with previous records that were unknown.

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How many people were killed in alcohol-related crashes in NC in 2019?

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How many people were killed in alcohol-related crashes in NC in 2019?

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348
1,348
7,348

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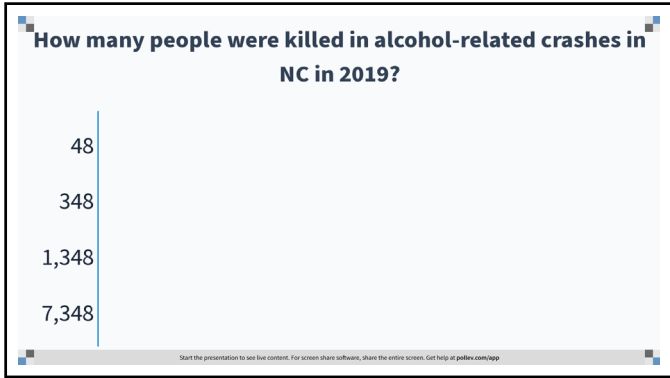
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2019						
January - December						
	2018	2017	2016	2015	2014	2013
<b>Alcohol</b>	1,470	1,470	1,470	1,470	1,470	1,470
Crashes	1,470	1,470	1,470	1,470	1,470	1,470
Fatalities	1,470	1,470	1,470	1,470	1,470	1,470
Injuries	1,470	1,470	1,470	1,470	1,470	1,470
Percent of Total	4.8%	4.6%	4.2%	4.1%	4.0%	4.0%
Crashes	29.1%	30.1%	27.9%	26.4%	28.5%	23.7%
Fatalities	7.1%	6.7%	6.3%	6.2%	6.1%	6.1%
Injuries						

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### Leaderboard

2019						
January - December						
	2018	2017	2016	2015	2014	2013
<b>Alcohol</b>	1,470	1,470	1,470	1,470	1,470	1,470
Crashes	1,470	1,470	1,470	1,470	1,470	1,470
Fatalities	1,470	1,470	1,470	1,470	1,470	1,470
Injuries	1,470	1,470	1,470	1,470	1,470	1,470
Percent of Total	4.8%	4.6%	4.2%	4.1%	4.0%	4.0%
Crashes	29.1%	30.1%	27.9%	26.4%	28.5%	23.7%
Fatalities	7.1%	6.7%	6.3%	6.2%	6.1%	6.1%
Injuries						

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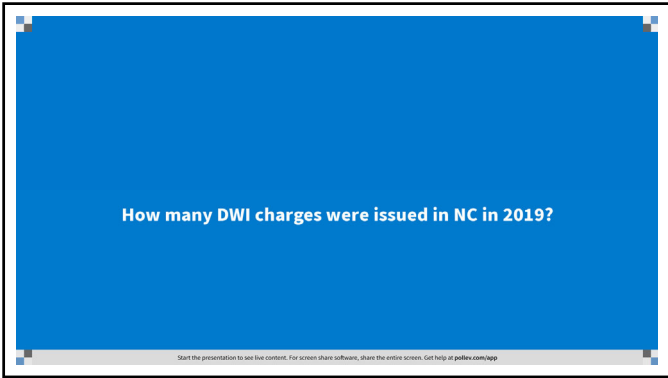
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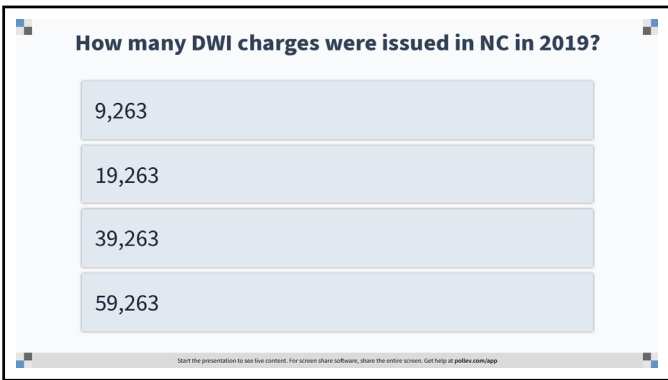
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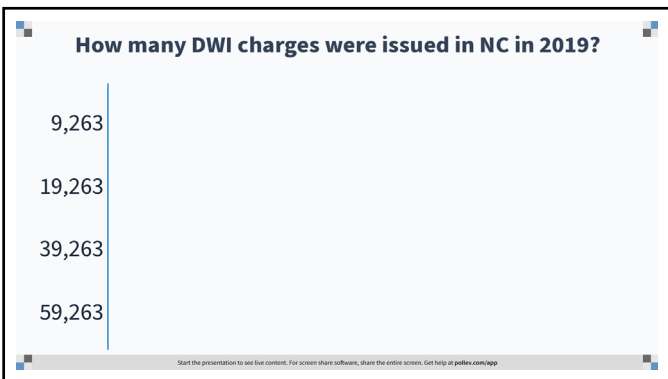
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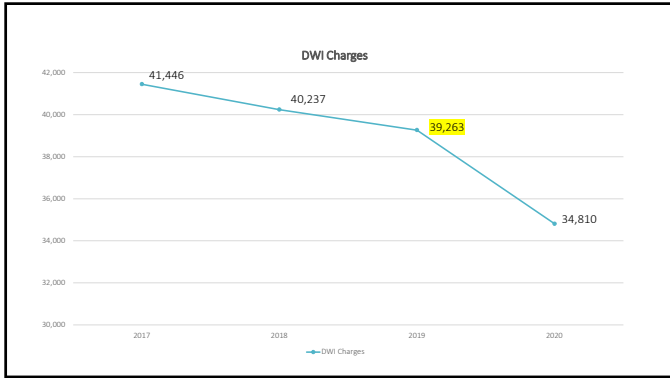
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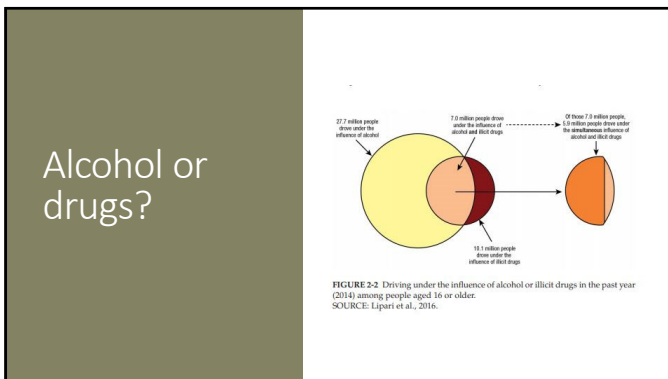
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**Leaderboard**

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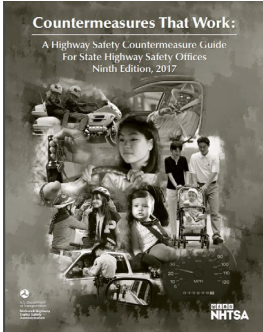
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Solutions



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**I. Deterrence: Laws**

Countermeasure	Effectiveness	Cost	Use	Time
1.1 Administrative License Revocation or Suspension (ALR/ALS)	★★★★★	\$\$\$	High	Medium
1.2 Open Container	★★★	\$	High	Short
1.3 High-BAC Sanctions	★★★	\$	Medium	Short
1.4 BAC Test Refusal Penalties	★★★	\$	Unknown	Short
1.5 Alcohol-Impaired Driving Law Review	★★★	\$\$	Unknown	Medium

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**2. Deterrence: Enforcement**

Countermeasure	Effectiveness	Cost	Use	Time
2.1 Publicized Sobriety Checkpoints	★★★★★	\$\$\$	Medium	Short
2.2 High-Visibility Saturation Patrols	★★★★	\$\$	High	Short
2.3 Preliminary Breath Test Devices (PBTs) <sup>†</sup>	★★★★	\$\$	High	Short
2.4 Passive Alcohol Sensors <sup>††</sup>	★★★★	\$\$	Unknown	Short
2.5 Integrated Enforcement	★★★	\$	Unknown	Short

<sup>†</sup> Proven for increasing arrests  
<sup>††</sup> Proven for detecting impaired drivers

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**4. Deterrence: DWI Offender Treatment, Monitoring, and Control**

Countermeasure	Effectiveness	Cost	Use	Time
4.1 Alcohol Problem Assessment and Treatment	★★★★★	Varies	High	Varies
4.2 Alcohol Ignition Interlocks <sup>†</sup>	★★★★★	\$\$	Medium	Medium
4.3 Vehicle and License Plate Sanctions <sup>†</sup>	★★★★	Varies	Medium	Medium
4.4 DWI Offender Monitoring <sup>†</sup>	★★★★	\$\$\$	Unknown	Varies
4.5 Lower BAC Limit for Repeat Offenders	★★★★	\$	Low	Short

<sup>†</sup> Proven for reducing recidivism

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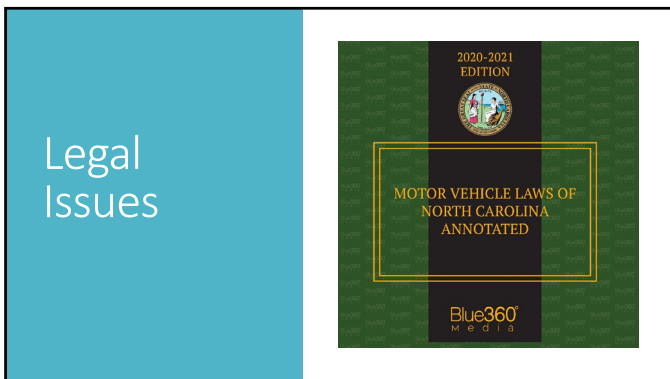
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### 1. Got probable cause?

Two highway patrol troopers discover Ms. Steinkrause's car in a ditch on the side of I-40.

Ms. Steinkrause said she ran off the road. No other vehicles were involved in the crash. The car rolled several times before coming to rest.

One of the troopers smells alcohol on Ms. Steinkrause. He tells his fellow officer what he smelled.

Does the remaining trooper have probable cause to arrest Ms. Steinkrause for DWI?

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When poll is active, respond at [pollev.com/sheadenning](https://pollev.com/sheadenning)  
 Text SHEADENNING to 37607 once to join

**Does the remaining trooper have probable cause to arrest Ms. Steinkrause for DWI?**

Yes

No

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*Steinkrause v. Tatum*, 201 N.C. App. 289 (2009), *aff'd per curiam*, 364 N.C. 419 (2010).

Probable cause for impaired driving existed based on odor of alcohol on the driver and her involvement in a severe one-vehicle accident that appeared to have resulted from swerving off the road at a high speed

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## 2. Got Probable Cause?

An officer investigates a crash that occurs in a restaurant parking lot.

Mr. Overocker returned to his car after consuming three alcoholic drinks in the restaurant.

He backed his SUV into a motorcycle that was unlawfully parked behind his vehicle.

The investigating officer smelled a light odor of alcohol on Mr. Overocker.

Mr. Overocker performed standardized field sobriety tests, which did not indicate impairment.

Does the officer have probable cause to arrest Mr. Overocker for DWI?

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**Does the officer have probable cause to arrest Mr. Overocker for DWI?**

Yes

No

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*State v. Overocker, 236 N.C. App. 423 (2014)*

Evidence that the defendant smelled “faint[ly]” of alcohol, had consumed drinks at a bar, registered a positive result on a portable breath test and backed over a motorcycle in a parking lot that was parked illegally behind his sports utility vehicle was not sufficient to establish probable cause that the defendant was driving while impaired.

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### 3. Got Probable Cause?

Mr. Townsend is stopped at a checkpoint. The officer notices that Mr. Townsend smells of alcohol and has red, bloodshot eyes. Mr. Townsend tells the officer he consumed several beers earlier. He registers positive results on a portable breath test. The officer observed clues on the three standardized field sobriety tests that Mr. Townsend performed. The officer, who has 22 years of experience, forms an opinion that Mr. Townsend is impaired.

Does the officer have probable cause to charge Mr. Townsend with DWI?

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When poll is active, respond at [polllev.com/sheadenning](https://polllev.com/sheadenning)  
Text SHEADENNING to 37607 once to join

**Does the officer have probable cause to charge Mr. Townsend with DWI?**

Yes  
No

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*State v. Townsend,*  
236 N.C.  
App. 456  
(2014)

Probable cause established by the defendant's bloodshot eyes, the odor of alcohol on the defendant's person, clues on three field sobriety tests, and positive results on two alcohol sensor tests.

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## Search warrants

A search warrant may properly be issued based on probable cause that contraband or evidence of a crime will be found in a particular place.

I, the undersigned, find that there is probable cause to believe that the property and person described in the application on the reverse side and on the attached sheets and related to the commission of a crime are located at the address stated in the application.

I am commanded to take the person named in the application to a physician, registered nurse, or other qualified person to obtain sample(s) of blood and/or urine of the person named in the application. You are to seize the sample(s), have the sample(s) tested for one or more impinging substances and keep the unconsumed sample(s) subject to law.

I shall execute this Search Warrant within forty-eight (48) hours from the time indicated on the reverse side of this application as the Clerk of Superior Court.

I certify that the information furnished under oath or affirmation by the person(s) named in the application is true and correct.

I made a search of \_\_\_\_\_

Name (Type or print) \_\_\_\_\_ Signature \_\_\_\_\_

Sheriff/DCP  Assistant DCP  DCP  Magistrate  District Ct. Judge  Superior Ct. Judge

NOTE: When issuing a search warrant, the issuing official must retain a copy of the warrant and warrant application and must promptly file them with the clerk of Superior Court.

This Search Warrant was delivered to me on the \_\_\_\_\_ date and at the time shown below when the Office of Superior Court is closed for the transaction of business. By signing below, I certify that I will file this Search Warrant to the Office of the Clerk of Superior Court as soon as possible on the Clerk's next business day.

Date \_\_\_\_\_ Time \_\_\_\_\_ Name Of Magistrate \_\_\_\_\_ Type or print \_\_\_\_\_ Signature Of Magistrate \_\_\_\_\_

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## How much force may be used to execute?

Use of force must be reasonable

*State v. Hoque*, 269 N.C.App. 347 (2020) (reasonable for two officers and two nurses to hold the handcuffed defendant down to draw blood after defendant refused to comply with warrant)

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## Medical Records

May these be disclosed pursuant to a search warrant? Yes.

*State v. Smith*, 248 N.C. App. 804 (2016) (Medical records establishing his defendant's blood alcohol concentration after he crashed his motorcycle were properly obtained pursuant to a search warrant and properly admitted at trial).

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## Ignition Interlock Violations

Violation of ignition interlock restriction is **driving while license revoked for impaired driving**, a Class 1 misdemeanor.

G.S. 20-17.8(f)

If a magistrate finds probable cause for driving while license revoked based on an ignition interlock violation, the magistrate must notify the person that his or her license is suspended pending the resolution of the case and must require the person to surrender the license.

AOC-CR-341

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## Alcohol concentration restriction violations

A person who operates a motor vehicle in violation of an alcohol concentration restriction or who refuses to be transported for chemical testing commits the offense of failure to comply with a license restriction, G.S. 20-7(e), a Class 3 misdemeanor.

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Thank you.

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