Substance Abuse is an issue in

1. My immediate family, including me
2. My extended family, but not my immediate family
3. My circle of friends, but not my family
4. None of the above
I believe that DWI is primarily a

1. Public health issue
2. Criminal issue caused by poor choices
3. Criminal issue caused by a disease
I believe DWI punishment is

1. Too harsh
2. Not harsh enough
3. Just right
I believe that the most effective sanction for DWI offenders is

1. Jail
2. License revocation
3. Financial penalty
4. Treatment and education
Most of the people I work with

1. Don’t have a substance abuse problem
2. Are social consumers only
3. Abuse substances, but are not addicted
4. Are addicted
Illegal drug use contributes to more deaths each year than tobacco use

1. Yes
2. No
In fatal crashes in 2009, the age group with the highest percentage of drivers above .08 was.

1. 21-24
2. 25-34
3. 35-44
What percent of drivers with 0.15 or higher BAC who cause a fatal accident had a prior DWI conviction?

1. 9%
2. 23%
3. 47%
4. 62%
What percent of drivers with 0.08 or higher BAC who cause a fatal accident had a prior DWI conviction?

1. 2%
2. 8%
3. 27%
4. 43%
Alcohol-related motor vehicle crashes kill someone every 31 minutes and injure someone every 2 minutes.

12% of all adults drive under the influence at least once a year.
Alcohol related crash fatalities, 2009

Fatalities in Crashes Involving an Alcohol-Impaired Driver (BAC = .08+)
Fatality Rate, 2009

Fatalities in Crashes Involving an Alcohol-Impaired Driver (BAC = .08+) per 100,000 Population

Compare Individual County Rate to the Rates of all US Counties

- 0
- Middle Third [4.25-9.12]
- Lower Third [Under 4.25]
- Upper Third [9.12+]
Alcohol-Impaired Driving Fatalities per 100 Million VMT


North Carolina: 0.45, 0.45, 0.48, 0.42, 0.37
U.S.A: 0.42, 0.41, 0.43, 0.39, 0.35
## Alcohol-Impaired Driving Fatalities

### Alcohol-Impaired Driving Fatalities (BAC = .08+)

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Fatalities in all Crashes</th>
<th>Alcohol-Impaired Driving Fatalities</th>
<th>Number</th>
<th>Percent</th>
<th>Per 100 Million VMT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>US</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>North Carolina</td>
<td>1,547</td>
<td>429</td>
<td>28</td>
<td>0.42</td>
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<tr>
<td></td>
<td>US</td>
<td>43,510</td>
<td>13,582</td>
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<td>0.45</td>
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<tr>
<td></td>
<td>Best State*</td>
<td></td>
<td>12</td>
<td></td>
<td>0.13</td>
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<tr>
<td>2006</td>
<td>North Carolina</td>
<td>1,554</td>
<td>421</td>
<td>27</td>
<td>0.41</td>
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<tr>
<td></td>
<td>US</td>
<td>42,708</td>
<td>13,491</td>
<td>32</td>
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<tr>
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<td>Best State*</td>
<td></td>
<td>18</td>
<td></td>
<td>0.20</td>
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<tr>
<td>2007</td>
<td>North Carolina</td>
<td>1,676</td>
<td>497</td>
<td>30</td>
<td>0.48</td>
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<tr>
<td></td>
<td>US</td>
<td>41,259</td>
<td>13,041</td>
<td>32</td>
<td>0.43</td>
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<tr>
<td></td>
<td>Best State*</td>
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<td>19</td>
<td></td>
<td>0.21</td>
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<tr>
<td>2008</td>
<td>North Carolina</td>
<td>1,428</td>
<td>423</td>
<td>30</td>
<td>0.42</td>
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<tr>
<td></td>
<td>US</td>
<td>37,423</td>
<td>11,711</td>
<td>31</td>
<td>0.39</td>
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<tr>
<td></td>
<td>Best State*</td>
<td></td>
<td>16</td>
<td></td>
<td>0.16</td>
</tr>
<tr>
<td>2009</td>
<td>North Carolina</td>
<td>1,314</td>
<td>363</td>
<td>28</td>
<td>0.35</td>
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<tr>
<td></td>
<td>US</td>
<td>33,808</td>
<td>10,839</td>
<td>32</td>
<td>0.37</td>
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<tr>
<td></td>
<td>Best State*</td>
<td></td>
<td>16</td>
<td></td>
<td>0.15</td>
</tr>
</tbody>
</table>
Source of Pain Relievers for Most Recent Non Medical Use

Source: SAMHSA, 2008 National Survey on Drug Use and Health (September 2009).
Children and Parents in Three Systems

5.5 Million Children Reported for Abuse and Neglect

- 1.24 Million Children Received Post Investigation Services
- 268,000 Removed From Home or Placed in Foster Care

1.84 Million Substance Abuse Treatment Admissions

- 1.085 Million (59%) Parents with Minor Children
- 40% without Minor Children

1.81 Million Juvenile and Dependency Court Cases Filed

- 268,000 Dependency Court
- 1.61 Million Juvenile Offenders

2004 (SAMSA)
If There Were No Substance Abuse
We’d have this many prisoners
Injury reduction

• Impaired driving efforts have to focus on several groups
  – Young people
  – Addicted drivers
  – Adult, non addicted drivers who drink or drug
Systems Approach

• Have to focus on several areas
  – Deterrence
  – Detection
  – Apprehension
  – Prosecution
  – Punishment
  – Treatment/education
  – License issues
Why Injury Prevention?

• To prevent deaths we have to reach
  – Young people coming on line as drivers
  – People who haven’t been caught, but who have a problem
  – People who don’t have a problem, but who take unnecessary risks

• Criminal justice system can’t do it alone
• But criminal justice system can’t be ignored
What’s the Answer?

• For those we catch, we have to be sure that treatment or education or license sanction or punishment is effective
• For those that we don’t catch, we have to be sure that we get the message to them in a variety of ways
DWI 1979-2008

• 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, mandatory assessments for some, zero per se for underage drivers, possible forfeiture of vehicle, drinking age to 19, no drinking beer while driving
• 1983 Safe Roads Act
  - ADETS required unless already attended; fee shared with Comm. Service
  - Assessment/Treatment required if 0.20 or prior and over .10
  - ADETS not linked to limited privilege
  - Failure to complete--one year revocation
• 1986--Drinking age raised to 21
  – Fee for ADETS raised to $100 in all cases

• 1987--Rewrite of ADETS law to:
  – in 90 counties, lower threshold for assessment to 0.15 or refusal
  – in 10 counties, universal assessment on pilot basis
  – fee raised to $50
  – No relicensing until complete treatment
  – Limits on length of treatment tied to AC
  – Jail Credit for inpatient treatment
DWI 1979-2008

• 1988--DWI in Commercial Vehicle at 0.04
• 1989--extends pilot to all counties, and makes permanent
  – Amends it to allow person to appeal denial of completion certificate to court
  – Requires assessment for those on active sentence as condition of relicensing
  – Fees required to be paid before submitting completion certificate
DWI 1979-2008

• 1990--Felony for habitual impaired driving; house arrest allowed as partial credit for mandatory jail time under regular DWI

• 1991--CVR fees raised to $50; charging officer allowed to read rights to person taking chemical test for blood tests and automated breath tests
1993--Per se level reduced to 0.08; other technical changes

1995-First report of DWI Task Force
- Assessment required before Limited Privilege
- Revocations do not end until education or treatment completed; not dependent on court’s sentence
- No transporting beer while or after drinking
- Zero per se age raised to 21
• 1997--Second report of Task Force
  – Vehicle Forfeiture for repeat offenders
  – Registration revocations
  – Active time for first offenders allowed; no parole till treated
  – Assessment must be included in probation (but does not affect revocation based on completion of treatment)
  – CVR up to 30 days, LDP allowed, indefinite in some cases
  – Chemical testing for drugs allowed
  – State pay for inpatient treatment for credit
DUI 1979-2008

• 1998--Third report
  – Major revision of vehicle forfeiture laws
  – Zero tolerance for commercial vehicles, school buses and activity busses, child care vehicles
  – CVR applies to underage drinkers
  – Maximum fines for DWI doubled
DWI—1979-2008

• 1999
  – Lower per se levels for repeat offenders; not a new DWI offense
  – Ignition interlock on LDP and as license restoration condition for repeaters and those over 0.16
  – No alcohol in commercial vehicles
DWI 1979-2008

• 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 1979-2008

• 2006
  – Changes to Impaired Driving Offense
  – New and modified other offenses
  – Driver’s License changes
  – Investigative, chemical analysis changes
  – Trial procedures
  – Sentencing changes
  – Record-keeping changes
2007

– Medical exception to interlock
– High-risk (0.15) drivers
– Sentencing loop changes
– SCRAM
– Fingerprints of impaired drivers
– Miscellaneous license changes
S.L. 2011-119 (S 16)
S.L. 2011-191 (H 49); S.L. 2011-329 (S 241)  
Effective 12/1/2011

- Aggravated Level One DWI
  - 3 or more grossly aggravating factors
  - No parole
  - Released four months before maximum period
    - Subject to post-release supervision
    - CAM for four months
  - If placed on probation
    - CAM required for at least 120 days

- Level One DWI sentence required if any of the following persons are in vehicle
  - Person under 18
  - Person with mental development of person under 18
  - Person with physical disability that prevents person from getting out of vehicle without assistant
<table>
<thead>
<tr>
<th>Level</th>
<th>Factors</th>
<th>Minimum Sentence</th>
<th>Maximum Sentence</th>
<th>If Suspended, Special Probation Requiring:</th>
<th>Maximum Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>3 GAFs</td>
<td>12 months</td>
<td>36 months</td>
<td>Active term of at least 120 d + 120 days CAM</td>
<td>$10,000</td>
</tr>
<tr>
<td>1</td>
<td>2 GAFs or 1 minor/disabled GAF</td>
<td>30 days</td>
<td>24 months</td>
<td>Active term of at least 30 d</td>
<td>$4,000</td>
</tr>
<tr>
<td>2</td>
<td>1 GAF</td>
<td>7 days</td>
<td>12 months</td>
<td>Active term of at least 7 d</td>
<td>$2,000</td>
</tr>
<tr>
<td>3</td>
<td>Agg. &gt; Mitig.</td>
<td>72 hours</td>
<td>6 months</td>
<td>Active term of at least 72 hrs And/or at least 72 hrs CS</td>
<td>$1,000</td>
</tr>
<tr>
<td>4</td>
<td>Agg = Mitig.</td>
<td>48 hours</td>
<td>120 days</td>
<td>48 hrs active and/or 48 hrs CS</td>
<td>$500</td>
</tr>
<tr>
<td>5</td>
<td>Mitig. &gt; Agg.</td>
<td>24 hours</td>
<td>60 days</td>
<td>24 hrs active and/or 24 hrs CS</td>
<td>$200</td>
</tr>
</tbody>
</table>
S.L. 2011-191 (H 49)

• CAM authorized as pretrial release condition
  – If D charged with impaired driving offense and has prior impaired driving conviction within 7 years

• $100 court cost for convictions sentenced under G.S. 20-179
What about Robert?

Drives while impaired on February 2, 2011
Convicted on August 2, 2011
Sentenced at Level 5
Alcohol Concentration of 0.15

What are the consequences?
24 hours community service (or worse)
$250 community service fee
$190 court costs; up to $200 fine
45 day delay before limited privilege ($100)
Ignition interlock for limited privilege
Substance Abuse Assessment ($100) & treatment
One year revocation
Upon restoration ($100 fee) must have ignition interlock for a total of one year—can credit ignition interlock time from limited privilege
0.04 AC restriction for 3 years upon restoration
What about Sue?
Drives while impaired on February 2, 2011.
Preceding convicted (3/30/2005) of impaired driving.
Alcohol concentration is 0.10

What are the consequences?
Level 2: At least 7 days in jail ($40/day jail fee if split sentence)
$190 court costs; fine up to $2,000
No limited privilege
Substance abuse assessment and treatment
One year revocation
Upon restoration 0.00 AC restriction for three years
Ignition interlock for one year on all vehicles
What about Lewis?

Drives while impaired on May 1, 2011

Two prior DWI convictions:


Subject to indefinite CVR

Alcohol Concentration is 0.16

What are the consequences?

Level One; at least 30 days in jail; up to $4,000 fine; $190 court costs

Substance Abuse Assessment and Treatment

Permanent revocation

If license restored, ignition interlock required for 7 years

Upon restoration, 0.00 A/C restriction for 7 years
What about Lisa?
Lisa is 18 years old.
Drives while impaired on December 2, 2011
Her boyfriend, Mark, who is 17, is in the vehicle
Alcohol Concentration of 0.08
Sentenced on March 30, 2012

What are the consequences?
Level One: min. 30 days in jail; up to $4,000 fine
(if split sentence, $1,200 in jail fees)
$290 court costs (new $100 fee)
Substance Abuse Assessment & ADETS
One year revocation
0.04 AC restriction for 3 years upon restoration
What about George?

Drives while impaired on December 3, 2011
He refuses the breath test.
His ten-year-old granddaughter is in the car
He was previously convicted of impaired driving on January 2, 2005 for offense committed June 1, 2004.
He never paid the fee to end his CVR, though he obtained the assessment and completed ADETS

What are the consequences?
Level A1 DWI; at least 120 days in jail and 120 days of CAM
(potential for $4,800 in jail fees; approx. $1,440 in CAM fees)
$290 court costs
1 year revocation
0.04 A/C restriction