

Most Drunken Driving Citations in College Communities Could be Students

By David Johnson

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A study of DUI rates in three North Carolina college towns over the past five years suggests that the state's college students might be responsible for the majority of drunken driving-related offenses in college communities.

Out of about 8.8 million North Carolina residents, a total of 59,435 driving while impaired arrests were registered from January 2003 to October 2007. Of this figure, the percentage of DUI citations was fairly consistent across the studied counties of Pitt, Wake and Watauga.

These three counties encompass the college communities of Greenville, Raleigh and Boone, which host East Carolina University, North Carolina State University and Appalachian State University, respectively.

In each county's case, drivers pulled for DUI accounted for the smallest number of overall traffic stops. Yet, in all three counties, the collegiate age group accounted for the greatest number of DUIs. Those under age 20 and those aged 20-24 accounted for a noticeably higher rate of drunk driving in each of these three college communities.

Students, police officers and lawyers offer various explanations for this incriminating rate of drunken driving among North Carolina's collegiate populace.

"I think college towns have a different atmosphere," Phil Dixon, a Greenville attorney, says. "A lot of students don't take [drunk driving] very seriously, whereas someone who is 35 or 45 years old knows the consequences something like that can have on their career, so they take it very, very seriously. I don't think there would be a great difference [in DUI rates] between Greenville, Chapel Hill, Raleigh or any other college town."

Over the past five years, Pitt County has registered a total of 84 DUI arrests, with the under 20 and 20-24 age groups accounting for more than a third of these, a number in line with the age breakdown of DUI cases that Phil Dixon handles each year.

Dixon, a partner with the Greenville law firm Dixon, Connor, Allen and Garcia, says that about a third of the drunken driving cases he handles involve ECU or Pitt Community College students in the age range of 17 to 24. A general practice attorney who has lived and worked in Greenville since 1975, he says that he and each of his three partners handle "about two dozen" drunk driving cases a year from Pitt County and the surrounding areas. He estimates that he has personally worked at least 150 DUI or driving after consuming underage cases over the past five years.

Dixon is quick to point out how North Carolina law has changed over the years in regard to drunk driving. When Dixon saw his first DUI case 32 years ago, the allowable blood alcohol content limit, measured by police officers' most commonly given sobriety test, the Breathalyzer, was .10, and even then was not the only relevant factor leading to a DUI conviction. Other factors, such as how unsteady the driver was on his or her feet during the field sobriety tests, how

powerful the smell of alcohol was on the person's body or whether or not the person appeared to give a glassy-eyed stare to the officer were taken into account. Even if a driver exhibited all of these telltale signs, they were sometimes allowed to plead guilty to careless and reckless driving, a charge that more or less means a person was caught speeding, driving carelessly or operating a motor vehicle after consuming any amount of alcohol.

In time, however, state laws were tightened. Today, the allowable BAC a person can have is .08 if driving a regular car, or .06 for operating a commercial motor vehicle such as a Mack truck. Today, a .08 BAC reading will immediately result in a driver's license being suspended for 30 days and a DUI charge being filed.

As Dixon neatly sums it up: "They have been ratcheting up the penalties for DWI."

If a driver is underage, the consequences can be even more severe. An underage driver who blows a .08 or higher on the test is charged with two serious crimes: DUI and driving after consuming underage. In most cases, this is what happens to underage drivers who have been drinking. In court, an underage driver is most often forced to plead guilty to DUI in order to have the driving after consuming underage charge dropped.

However, being charged with this seemingly less-serious crime can still have dire consequences for those unfortunate enough to have to pay for them in court. Matt Simmons, a junior at ECU, counts himself among the many college students pulled over for such a violation. Early one morning while out driving, he was flagged down by an officer because his headlights were turned off. Having had only one beer, he was surprised when he registered a .02 on the officer's breath test. Unfortunately, Simmons was still underage at the time, only four months shy of his 21st birthday. He was charged with both underage drinking and driving after consuming underage.

Simmons was able to continue his case for over a year, finally being given a Prayer for Judgment Continued (PJC) in court, a rare outcome in such a case. PJC is almost never given in cases involving DUI. Phil Dixon assumes that Simmons was given one because, after drinking only one beer, he registered so low on the breath test for the test results to be of little importance to his case.

Police officers say that drivers are never pulled over merely because they are suspected of being intoxicated. Almost all cases of DUI begin with a driver being pulled for reasons such as speeding or swerving across the road. Marcus Lawning, an ECU graduate now working as a North Carolina deputy sheriff, says that drivers are typically pulled over for minor traffic violations, then are discovered to be intoxicated. The most common reason that young adults are pulled over is, as illustrated by Simmons' case, forgetting to turn on their headlights.

Cops everywhere take drunk driving very seriously, and have devised countless strategies to combat it. One such strategy is a police roadblock, in which a chosen area of a main street is blocked off and drivers are stopped and asked whether or not they have been drinking that night. Lawning says that many college students who are caught drinking and driving are caught at police roadblocks.

Lawning is a proponent of the roadblock technique, finding it “very important for the safety of others.” According to him, Greenville police usually set up roadblocks during the after hours, when the clubs have closed. As he says: “It’s assumed that many college kids have been drinking, and then they decide to drive.”

ECU sophomore David Jackson knows firsthand how effective the roadblock technique can be. One night, while riding home with a friend he had been drinking with, he spotted a roadblock ahead in the distance. As they approached it, Jackson urged his friend to turn off onto the last available side road in order to avoid it. As he and his friend turned on this road, they ran headlong into another roadblock. The one they had seen on the main street turned out to be a fake, designed to lure drunken drivers into turning off to avoid it, thus running straight into the real one. Jackson’s friend was pulled, tested, and given a ticket for driving after drinking underage. The friend went to jail. Jackson walked home.

Jackson and Simmons both claim to know “a lot” of people at ECU who have gotten drunken driving tickets. Each holds that the considerable police presence in the downtown area contributes to the high rate of DUI or driving after consuming underage citations. Simmons maintains that the popular perception of ECU as a “party school” and Greenville being a place in which “alcohol is the sacrament of the city” contribute to a police presence eager to punish drunken drivers by any possible means.

Students from Appalachian State in Boone and Meredith College in Raleigh echo the unsettling sentiments that most ECU students seem to espouse: the perception that drunken driving, seen on a massive scale after almost any party, is somehow more able to be condoned if it is done with a smaller amount of alcohol in the driver’s system than most believe is needed in order to be charged with DUI. Whitney Rizzi of Meredith College in Raleigh says she has driven after drinking before but doesn’t “if she knows she shouldn’t.” And Stephanie Sims of Appalachian State University, where just 23 DUI arrests have been made in the past five years, tells of a roommate of hers who “never, ever drinks and drives,” unless she’s “only had, like, two beers.”

Two beers may not sound like a lot to drink, but, as Phil Dixon would be quick to point out, even that amount can put many people over the legal limit.

Allison Query contributed to this story.