

# **Minnesota Felony Driving While Impaired Report, 2007**



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# **TABLE OF CONTENTS**

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Executive Summary .....	1
Introduction.....	3
The Felony DWI Law .....	5
The Present Study: Data and Method .....	6
Incidence and County Characteristics.....	6
Demographic Characteristics .....	8
Criminal History .....	9
Felony DWI Trials .....	10
Sentencing Characteristics .....	10
Probation Revocations .....	11
Chemical Dependency Treatment.....	11
Post-Release Supervision.....	12
Per Diem .....	13
Conclusion .....	13
References.....	14

## **TABLES**

Table 1. Felony DWI Sentences by County.....	8
Table 2. Felony DWI Sentences Among Metro and Non-Metro Counties.....	8
Table 3. Demographic Characteristics of Felony DWI Offenders .....	8
Table 4. Criminal Histories of Felony DWI Offenders .....	9
Table 5. Sentencing of Felony DWI Offenders .....	10
Table 6. Probation Revocation Reasons .....	11
Table 7. Chemical Dependency Treatment Status.....	12
Table 8. Chemical Dependency Treatment Outcome .....	12

## **FIGURES**

1. Minnesota and U.S. DWI Arrest Rates, 1975-2005.....	3
2. Trends in Minnesota and U.S. Traffic Fatality Rates, 1982-2005 .....	4
3. Felony DWI Sentences August 1, 2002-June 30, 2006 .....	6
4. Felony DWI Convictions by Month August 1, 2002-June 30, 2006 .....	7

# **EXECUTIVE SUMMARY**

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This legislatively-mandated report (Minnesota Session Laws 2002, Chapter 220, Article 6, Section 14) examines the implementation and effects of Minnesota's felony driving while impaired (DWI) law enacted on August 1, 2002. This is the fifth and final report. Below are the major findings from the study:

## **Incidence and County Characteristics**

- There have been 2,978 felony DWI sentences between August 1, 2002, and June 30, 2006, involving 2,692 offenders.
  - 2,429 (90 percent) have one felony DWI conviction, 242 (9 percent) have two convictions, and 21 (1 percent) have three or more convictions.
- After increasing sharply during the first eight months the law was in effect, the overall growth rate in the number of sentences tapered off by March of 2003 but remained steady. Total number of felony DWI convictions peaked in March of 2005 with 99 sentences that month, giving way to a mild but overall decrease in convictions by June 2006. The average monthly number of sentences during the four-year reporting period is 63 per month.
- March has consistently had the greatest number of felony DWI convictions; the fewest number occurred in August.
- Hennepin and Ramsey counties have been responsible for 25 percent of the felony DWI sentences.
  - The seven metro-area counties have accounted for 43 percent of felony DWI sentences compared to 57 percent for greater Minnesota.

## **Offender Characteristics**

- Felony DWI offenders are more likely to be white males in their 30s who have extensive criminal histories that include numerous misdemeanor, gross misdemeanor, and felony convictions.
- The average criminal history score of incarcerated DWI offenders is more than twice that of those not sentenced to prison.

## **Court and Sentencing Characteristics**

- Since the inception of the felony DWI law, there have been 199 trials that have been taken to verdict, of which 184 have resulted in a conviction.
- Of the 2,978 felony DWI sentences, 80 percent resulted in a stayed sentence, 17 percent in an executed sentence, and 3 percent in a stay of imposition.
  - The average length of probation given to offenders receiving either a stay of execution or imposition was 75 months, whereas the average jail term was 216 days.
  - The average prison sentence was 42 months for those receiving a stay of execution and 51 months for those receiving an executed sentence.

- A stayed sentence was the result in 93 percent of the cases in which the offender had a criminal history score less than three. Conversely, 53 percent of the cases in which the offender had a criminal history score of three or more resulted in an executed sentence.
- Of the 2,482 cases in which the offender received probation, 13 percent (N = 322) have resulted in a revocation.
- Use of alcohol was the most common reason for probation revocation, accounting for 49 percent of the 312 probation violations.
  - Other common reasons for probation revocation include a new offense (47 percent), failure to follow probation rules (38 percent), failure to complete chemical dependency treatment (14 percent), and use of drugs (16 percent).

### **Prison-Based Treatment and Post-Release Supervision**

- Of the 2,692 felony DWI offenders, 697 (26 percent) have been admitted to prison as either a new court commitment or probation violator.
  - Sixty-two percent of the 697 felony DWI offenders have already entered a chemical dependency treatment program.
    - Sixty-five percent of the offenders who have entered a program have either completed treatment or are currently participating.
  - Thirty-five percent of the incarcerated felony DWI offenders are awaiting placement in a treatment program.
  - Nineteen felony DWI offenders (3 percent) have refused treatment.
- One hundred and seventy-eight felony DWI offenders have been released to supervision. Of the 40 offenders (22 percent) who violated the conditions of their release prior to July 1, 2006, 33 returned for a technical violation while the remaining 7 returned for a new crime.

# INTRODUCTION

Since the 1960s, efforts to promote greater awareness of drunk driving have led to the creation of numerous measures to control it (Jacobs, 1989). Due in large part to federal funding incentives, states have passed a variety of legislative initiatives over the last 35 years to reduce the incidence and impact of drunk driving (Hedlund and McCartt, 2002). In Minnesota, for example, some of the more significant DWI legislation includes the enactment of a “per se” standard in 1971<sup>1</sup>, administrative license revocation in 1974, an increase in the minimum legal drinking age to 21 in 1986, administrative license plate impoundment in 1990, vehicle forfeiture in 1998, increased penalties for drivers with a high blood alcohol concentration (BAC) in 1998 and, most recently, a reduction in the legal per se threshold from .10 to .08 in 2005 (Cleary and Cox, 2003; Cleary and Shapiro, 2001).

As efforts to control drunk driving increased, particularly during the late 1970s and early 1980s, so did DWI arrest rates for Minnesota and the nation as a whole. Figure 1 shows that Minnesota DWI arrest rates, though below the national average, increased dramatically during the late 1970s and early 1980s, reaching a peak in 1984. Although DWI arrest rates in the state have been on the decline since that time, they have, nevertheless, almost invariably been above the national average.

**FIGURE 1. Minnesota and U.S. DWI Arrest Rates, 1975-2005**

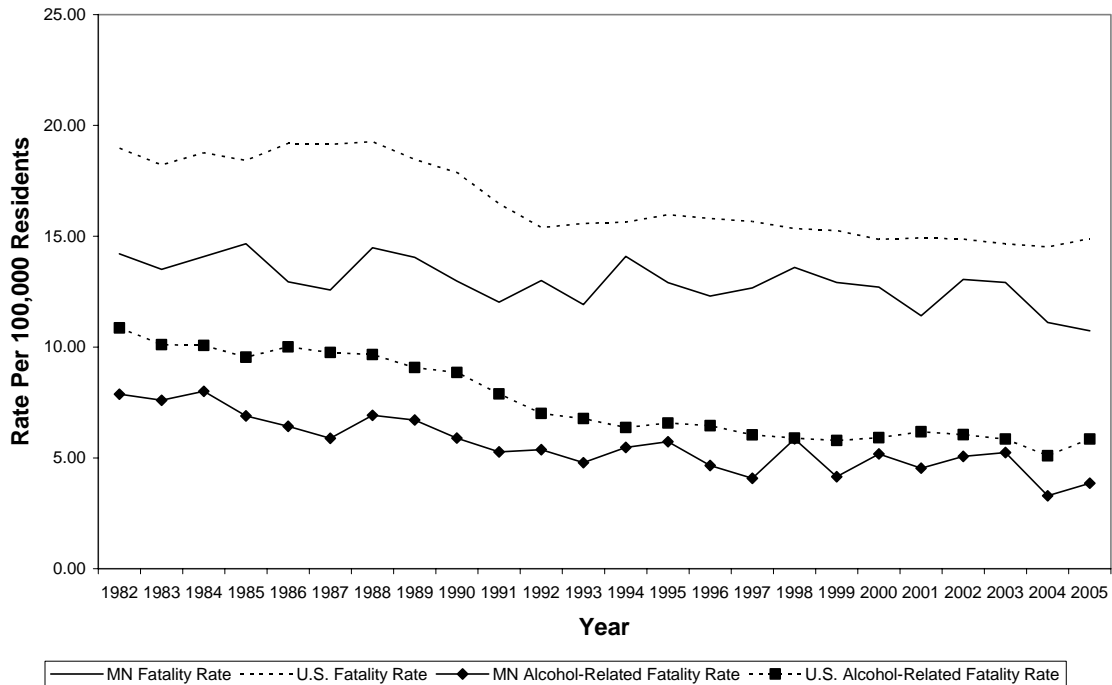


Sources: Federal Bureau of Investigation, *Crime in the United States* (1975-2005); Minnesota Department of Public Safety, *Minnesota Crime Information* (1975-2005); U.S. Census Bureau (2000a, 2005)

<sup>1</sup> Per se laws do not require evidence of impaired driving. Rather, they simply require the driver to have an alcohol concentration that meets or exceeds the legal limit.

Consistent with an increased emphasis on controlling drunk drivers, both the incidence and prevalence of alcohol-related traffic injuries and fatalities have dropped considerably since the early 1980s. From 1982-2005, the number of alcohol-related traffic fatalities in the U.S. declined by more than 30 percent, and the percentage of traffic fatalities involving alcohol dropped by more than 40 percent. In Minnesota, the decrease has not been quite as pronounced, as the number of alcohol-related traffic fatalities has fallen by a little more than 20 percent from 1982-2005. Still, compared to the U.S. in general, Minnesota has consistently had lower alcohol-related traffic fatality rates since 1982 (see Figure 2).

**FIGURE 2. Trends in Minnesota and U.S. Traffic Fatality Rates, 1982-2005**



Sources: National Highway Traffic Safety Administration, Fatality Analysis Reporting System (1982-2005); U.S. Census Bureau (2000b, 2005)

Despite the long-term decline in alcohol-related traffic fatalities, concern over drunk drivers, especially repeat offenders, persists. As of 2004, the most recent year for which data are available, there were 3.85 million licensed drivers in Minnesota, of whom 12 percent had at least one DWI incident on their record. Of that 12 percent with a DWI, 57 percent had one incident, 23 percent had two incidents, and the remaining 20 percent had three or more incidents. Further, 32 percent of the 34,202 DWI incidents that occurred in Minnesota in 2004 were committed by offenders who had a DWI conviction or implied consent violation on their record within the previous ten years (Minnesota Department of Public Safety, 2006).

Although these figures suggest that most DWI offenders do not recidivate, those who do are more likely to have slightly higher BAC levels than first-time offenders (Gould and Gould, 1992) and to be involved in an alcohol-related crash (Jones and Lacey, 2000; National Transportation Safety Board, 2000). Research has indicated, for example, that a

DWI conviction increases the likelihood of an alcohol-related crash by about 20 percent. Thus, an offender with four DWI convictions is 60 percent more likely to be involved in an alcohol-related crash than an offender with one conviction. Moreover, a driver with one or more DWI convictions is approximately 40 percent more likely than a driver with no DWI convictions to be involved in a traffic fatality (Jones and Lacey, 2000).

## **THE FELONY DWI LAW<sup>2</sup>**

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In response to continued concern over drivers who repeatedly drink and drive, the Minnesota Legislature amended the state's DWI laws in June 2001 by creating a felony offense for individuals who violate the state's DWI law and have three or more DWIs over the last ten years or have a previous felony DWI.<sup>3</sup> The law, which took effect on August 1, 2002, led to the creation of a new severity level (VII) for the felony DWI offense within Minnesota sentencing guidelines, thereby increasing the number of severity levels from 10 to 11. Crimes that were previously in severity levels VII to X were reclassified and are now found in severity levels VIII to XI.

The felony DWI law stipulates a mandatory sentence that can be no less than three years but no greater than seven years. As a result, the court may stay execution, but not imposition, of the sentence. For offenders who have either a criminal history score greater than two or a previous felony DWI conviction (regardless of the criminal history score), Minnesota sentencing guidelines presume an executed sentence of imprisonment. Offenders who receive an executed sentence are not eligible for any program that allows for release (e.g., Challenge Incarceration Program) until they complete a chemical dependency treatment program. Following their release from prison, offenders are placed on conditional release for an additional five years. If they fail to comply with the conditions of release, their supervised release may be revoked and they may be returned to prison.

Sentencing guidelines presume a stayed sentence for offenders who have a criminal history score less than three. For offenders who receive a stayed sentence, the court must apply the mandatory penalties for non-felony DWI offenses, which may include a jail term, intensive supervised release, long-term alcohol monitoring, and the recommended chemical dependency treatment. Offenders receiving their fourth conviction must serve a minimum of 180 days in jail, while those receiving their fifth conviction must serve a minimum jail sentence of one year. If any conditions are violated, the court may order the stayed sentence to be executed, resulting in incarceration.

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<sup>2</sup> The description of Minnesota's felony DWI law in this section borrows heavily from the synopsis of the law prepared by Cleary and Cox (2003).

<sup>3</sup> Minnesota is currently one of 45 states that have enacted a felony DWI/DUI law. The vast majority of the 45 states with felony DWI/DUI laws generally require three to four convictions within five to ten years for felony classification.

## **THE PRESENT STUDY: DATA AND METHOD**

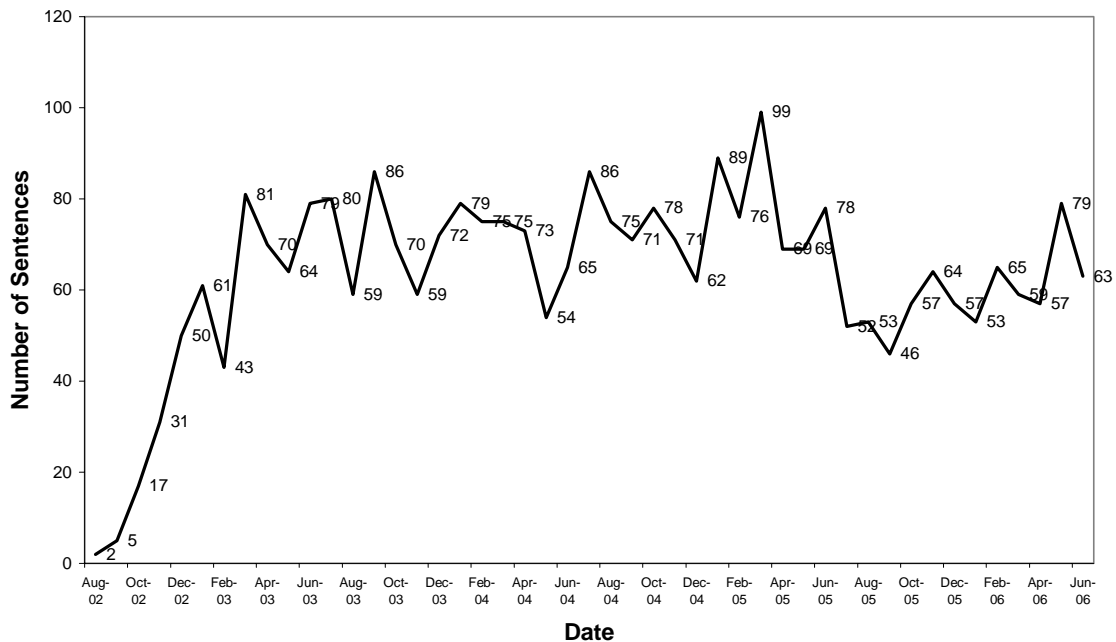
This report describes the implementation and effects of the felony DWI law from August 1, 2002, to June 30, 2006. Data on felony DWI sentences were provided by the Minnesota Supreme Court. Data on the criminal histories and chemical dependency treatment status of incarcerated felony DWI offenders were derived from the Department of Corrections' Correctional Operations Management System (COMS) database.

Although the legislation governing this report requests information on felony DWI offenders' previous impaired driving and criminal histories, data on prior impaired driving histories were not available for any of the 2,978 sentences. In addition, even though information on the criminal history score, as reported in the sentencing worksheets, was available for nearly all of the 2,978 sentences, more detailed criminal history data such as the number of previous misdemeanor, gross misdemeanor, and felony convictions were available only for the 697 offenders who have been sentenced to prison.

## **INCIDENCE AND COUNTY CHARACTERISTICS**

Between August 1, 2002, and June 30, 2006, there have been 2,978 felony DWI sentences involving 2,692 offenders. Ninety percent of the offenders (N = 2,429) have one felony DWI sentence, nine percent (N = 242) have two sentences, and one percent (N = 21) have three or more sentences.

**FIGURE 3. Felony DWI Sentences August 1, 2002-June 30, 2006  
(N = 2,978)**

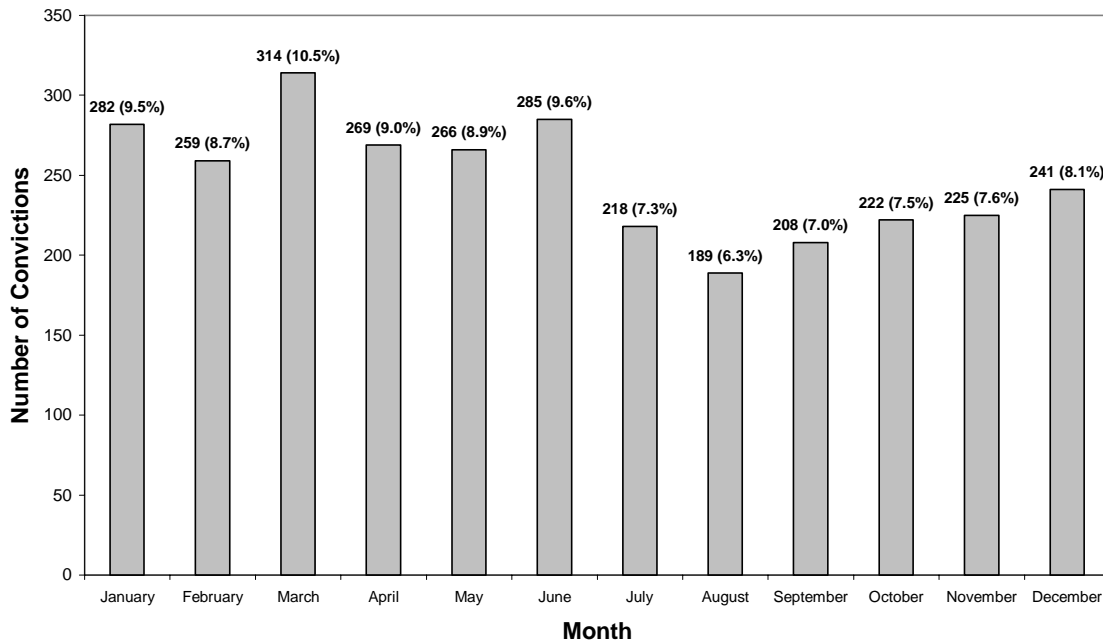




As seen in Figure 3, the number of sentences increased sharply and steadily from August 2002 through March 2003. While the growth rate tapered off, the number of sentences gradually rose. March of 2005 saw a peak in the rise of sentences, which was directly followed by a steady decline in sentences. This is evidenced by FY 2005's monthly average of 77 sentences and FY 2006's monthly average of 59, which is a 23 percent decrease and lower than the overall monthly average of 63 sentences per month.

Figure 4 depicts the monthly distribution of felony DWI sentences from August 1, 2002-June 30, 2006. March is the month when the most convictions have taken place, followed closely by June, January, and April. Conversely, the fewest number of convictions have occurred in August.

**Figure 4. Felony DWI Convictions by Month August 1, 2002-June 30, 2006**  
(N = 2,978)



As shown in Table 1, felony DWI convictions are more likely to take place in Minnesota's most populous counties. For example, the state's two most populous counties—Hennepin and Ramsey—have accounted for 25 percent of the felony DWI sentences. Further, just over half of the felony DWI sentences have occurred in only seven of the state's 87 counties.

**Table 1. Felony DWI Sentences by County**

<i>County</i>	<i>Number</i>	<i>Percent</i>
Hennepin	496	16.7
Ramsey	249	8.4
Dakota	226	7.6
St. Louis	179	6.0
Anoka	144	4.8
Washington	87	2.9
Clay	81	2.7
Olmsted	73	2.5
Remaining Counties	1,443	48.4
<b>Total</b>	<b>2,978</b>	<b>100.0</b>

Although the seven metro-area counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington) contain 56 percent of the state's population, they were responsible for only 43 percent of the felony DWI sentences (see Table 2). Greater Minnesota, on the other hand, accounted for 57 percent of the felony DWI sentences, which is 1.3 times its percentage (44 percent) of the state's population (U.S. Census Bureau, 2000a).

**Table 2. Felony DWI Sentences Among Metro and Non-Metro Counties**

<i>County</i>	<i>Number</i>	<i>Percent</i>	<i>Percent of Population</i>
Metro Counties	1,279	42.9	55.7
Non-Metro Counties	1,699	57.1	44.3
<b>Total</b>	<b>2,978</b>	<b>100.0</b>	<b>100.0</b>

Source: U.S. Census Bureau (2000a)

## **DEMOGRAPHIC CHARACTERISTICS**

Table 3 shows the demographic characteristics of the offenders who have been convicted of a felony DWI since August 1, 2002. Consistent with previous research on repeat drunk drivers (Jones and Lacey, 2000), felony DWI offenders in Minnesota are typically white males in their 30s, with an average age of 37.

**Table 3. Demographic Characteristics of Felony DWI Offenders**

<i>Sex</i>	<i>Number</i>	<i>Percent</i>	<i>Race</i>	<i>Number</i>	<i>Percent</i>	<i>Age</i>	<i>Number</i>	<i>Percent</i>
Male	2,714	91.1	White	2,303	77.3	Under 30	753	25.3
Female	264	8.9	African American	259	8.7	30-39	1,096	36.8
			American Indian	332	11.2	40-49	864	29.0
			Asian	22	0.7	50-59	214	7.2
			Other	30	1.0	60 and over	51	1.7
			Unknown	32	1.1			
<b>Total</b>	<b>2,978</b>	<b>100.0</b>		<b>2,978</b>	<b>100.0</b>		<b>2,978</b>	<b>100.0</b>

## **CRIMINAL HISTORY**

As noted earlier, although criminal history score data, as reported by offenders' sentencing worksheets, were available for nearly all 2,978 sentences, more detailed information on prior misdemeanor, gross misdemeanor, and felony convictions was available only for the 697 offenders who have been incarcerated. Table 4 indicates that the majority (77 percent) of offenders with a felony DWI sentence had a criminal history score less than three, which, per sentencing guidelines, calls for a stayed sentence in the absence of a previous felony DWI conviction.<sup>4</sup>

The results further show that of the 697 incarcerated offenders for which information on prior convictions is available, most have been convicted of a misdemeanor, gross misdemeanor, or felony. For example, 82 percent have a prior misdemeanor conviction, 89 percent have a previous gross misdemeanor conviction, and 72 percent have a prior felony conviction. The criminal histories for these offenders are generally more extensive than for the other felony DWI offenders. Indeed, based on available criminal history scores, the average criminal history score for the incarcerated offenders was 2.66, which is more than double the overall average score of 1.18.

**Table 4. Criminal Histories of Felony DWI Offenders**

	<i>Misdemeanor</i>	<i>Gross Misdemeanor</i>	<i>Felony</i>	<i>Criminal History Score</i>
<u>Average</u>	4.00	3.40	2.28	1.62
<u>Number</u>	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>
0	18.4	11.3	28.2	25.9
1	13.6	13.1	22.5	34.0
2	10.5	18.8	14.3	17.3
3	12.3	17.6	11.3	8.7
4	10.6	14.3	8.0	5.3
5	8.9	0.6	5.1	3.1
6 and over	25.7	24.3	10.6	3.7
Unknown				2.0
N	697	697	697	2,978

<sup>4</sup> An offender's criminal history score is based on both the number and severity of criminal offense convictions. Predicate offenses are not included in the criminal history score calculation for felony DWI offenders. That is, offenders without a prior felony DWI conviction need to have at least three misdemeanor or gross misdemeanor DWI violations on their record within the last 10 years to be able to be charged with a felony DWI. These predicate offenses are excluded, though, from the computation of the criminal history score. However, a felony DWI is counted as part of the criminal history score for those with a prior felony DWI.

## **FELONY DWI TRIALS**

Since August 1, 2002, there have been 202 felony DWI trials that have been taken to a verdict, which amounts to an average of about four per month. Of the 202 cases, 184 (92 percent) have resulted in a conviction. Of the 18 non-convictions, 6 (33 percent) ended with an acquittal, 11 (61 percent) with a dismissal, and 1 (6 percent) were convicted of lesser charges.

## **SENTENCING CHARACTERISTICS**

As indicated below in Table 5, 80 percent of the 2,978 convictions resulted in a stay of execution, another 17 percent in an executed sentence, and the remaining three percent in a stay of imposition. All of the stay of execution and stay of imposition cases (N = 2,482) were given probation, which averaged 75 months. In addition, 96 percent of the stay of execution and stay of imposition cases (N = 2,387) resulted in jail time, which averaged 216 days. Of the 2,897 cases (97 percent) that received a pronounced prison sentence, those with a stay of execution had an average sentence of 42.4 months, while those with an executed sentence had an average sentence of 50.9 months.

**Table 5. Sentencing of Felony DWI Offenders**

	<i>Stay of Imposition</i>	<i>Stay of Execution</i>	<i>Executed Sentence</i>	<i>Total</i>
Probation	86 (100%) <sup>a</sup>	2,396 (100%) <sup>a</sup>	496 (100%) <sup>a</sup>	2,978 (100%) <sup>a</sup>
Average Length of Probation	72.7months	75.0 months	N/A	75.0 months
Jail	84 (97.7%) <sup>a</sup>	2,303 (96 %) <sup>a</sup>	N/A	2,387 (80.2%) <sup>a</sup>
Average Jail Term	209.3 days	215.7 days	N/A	215.5 days
Pronounced Prison Sentence	N/A	2,396 (100%) <sup>a</sup>	496 (100%) <sup>a</sup>	2,892 (97.1%) <sup>a</sup>
Average Sentence Length	N/A	42.4 months	50.9 months	43.9 months
<b>Total</b>	<b>86 (2.9%)<sup>b</sup></b>	<b>2,396 (80.5%)<sup>b</sup></b>	<b>496(16.6%)<sup>b</sup></b>	<b>2,978</b>

<sup>a</sup> Column percentage

<sup>b</sup> Row percentage

In the previous section on criminal history, it was shown that 77 percent (N = 2,298) of the 2,978 cases had a criminal history score of less than three. According to the sentencing guidelines, these cases should result in a stayed sentence so long as the offender does not have a prior felony DWI conviction. Only seven percent (N = 155) of the cases with a criminal history score of less than three were given an executed sentence. As for the 620 cases that had a criminal history score of three or more, which is a presumptive commit to prison, 289 (47 percent) did not receive an executed sentence. Rather, most of these cases were stays of execution (282 cases) while the rest (7 cases) were stays of imposition.

## **PROBATION REVOCATIONS**

From June 1, 2002-June 30, 2006, there were 2,482 cases that received a stayed sentence that included probation. Of these cases, 321 (13 percent) have already resulted in a probation revocation. Two hundred eighty-one (96 percent) of these cases initially received a stay of execution, whereas the remaining 12 cases (four percent) were given a stay of imposition.

**Table 6. Probation Revocation Reasons**

<i>Reason</i>	<i>Number</i>	<i>Percent of Total Probation Revocations</i>
Use of Alcohol	135	42.1
New Offense	129	40.2
Failed General Probation Rules	104	32.4
Use of Drugs	45	14.0
Failed Treatment	39	12.1
Failed Repeat DWI Probation Rules/Guidelines	39	12.1
Refused Treatment	14	4.4
Unknown	1	< 1.0

Note: Because an offender can have his or her probation revoked for multiple reasons, a total of 504 reasons were identified for the 321 probation violators. The percentages presented in this table are based on the total number of probation revocations (N = 321).

Although offenders can have their probation revoked for multiple reasons, the results in Table 6 indicate that 40 percent of the probation revocations involved the commission of a new criminal offense. The use of alcohol was cited as a reason for revocation in 42 percent of the cases, whereas the use of drugs was noted in another 14 percent. Failure to follow general probation rules was identified as a reason for 32 percent of the cases. Finally, the refusal of or failure to complete chemical dependency treatment was cited as a reason for revocation in nearly one-fifth of the cases.

## **CHEMICAL DEPENDENCY TREATMENT**

As discussed above, offenders sentenced to prison must successfully complete chemical dependency treatment to be eligible for programs that allow for release (e.g., Challenge Incarceration Program). Consistent with previous research on repeat drunk drivers (Jones and Lacey, 2000), most (83 percent) of the 697 incarcerated offenders have been diagnosed as alcohol dependent. Of the 581 offenders diagnosed as alcohol dependent, 36 percent (N = 208) abuse or are also dependent on another substance. The remainder of the incarcerated offenders either abuse alcohol (12 percent), abuse alcohol and another substance (4 percent), or are dependent on another substance (1 percent).

**Table 7. Chemical Dependency Treatment Status**

<i>Treatment Status</i>	<i>Number</i>	<i>Percent</i>
Entered Treatment	429	61.5
Awaiting Placement	247	35.4
Refused Treatment	19	2.7
Other	2	0.4
Total	697	100.0

As seen in Table 7, 429 (62 percent) have already entered treatment while the remainder are either awaiting placement (35 percent) or have refused treatment (3 percent).<sup>5</sup> Nearly two-thirds of the offenders who have entered treatment have either completed the program (37 percent) or are currently participating (28 percent). Conversely, 35 percent have either quit or been terminated from the treatment program (see Table 8).

**Table 8. Chemical Dependency Treatment Outcome**

<i>Discharge Status</i>	<i>Number</i>	<i>Percent</i>
Completed Treatment	158	36.8
Currently Participating	120	28.0
Participated Until Release	3	0.7
Quit	77	18.0
Program Termination	43	10.0
Disciplinary Termination	22	5.1
Administrative Discharge	6	1.4
Total	429	100.0

## **POST-RELEASE SUPERVISION**

Of the 2,692 felony DWI offenders in this study, 496 (18 percent) have received an executed sentence, which has averaged 50.9 months.<sup>6</sup> Given that this report is limited to examining the first 47 months the felony DWI law has been in effect, the majority of felony DWI offenders who have received an executed sentence are still incarcerated. Accordingly, there have been 178 offenders who have been released to supervision. Of the 178 offenders, 115 were placed on supervised release, 56 on work release, four on intensive supervised release, and three were released to intensive supervision after completing Phase I of the Challenge Incarceration Program.

<sup>5</sup> Two offenders, designated as “Other” in Table 7, did not have a sufficient amount of time to enter treatment because one had his sentence vacated by the court while the other died shortly after he was admitted to prison.

<sup>6</sup> Although 48 months is the average sentence, few, if any, of the incarcerated felony DWI offenders will actually serve this entire time in prison. When offenders are committed to prison for crimes committed after August 1, 1993, they receive sentences that consist of two parts: a minimum prison term equal to two-thirds of the total executed sentence and a supervised release term equal to the remaining one-third. If offenders violate disciplinary rules while imprisoned or violate the conditions of supervised release, the time they serve in prison may be extended. Therefore, the incarcerated felony DWI offenders should serve, on average, 32 months in prison (two-thirds of 48 months) so long as they do not incur any disciplinary or release violations.

Forty (22 percent) of these offenders returned to prison prior to July 1, 2006, for violating the conditions of their release. Of the 40 offenders, 33 returned for a technical violation, resulting in an average of 3.9 additional months of incarceration. The remaining seven offenders returned for a new crime, five of which were for a new felony DWI conviction.

## **PER DIEM**

The legislation governing this report requests information on the costs associated with the incarceration and treatment of felony DWI offenders. Although per diem data disaggregated by either governing offense or treatment type are unavailable and, thus, not presented here, per diem information is available on adult offenders in general. In the four fiscal years (2003, 2004, 2005, and 2006) since the inception of the felony DWI law, the average adult per diem was \$80.52 (FY 2003), \$76.80 (FY 2004), \$76.43 (FY 2005), and \$80.11 (FY 2006).

## **CONCLUSION**

This report has examined the implementation and effects of the felony DWI law during the first 47 months of its existence. Following an early ramp-up period, convictions have occurred at a rate of 69 per month since the beginning of March 2003. Relatively few cases have gone to trial, and those that have tend to end in a conviction.

The results presented here indicate that felony DWI offenders are typically white males in their 30s who have an extensive criminal history. The sentencing of felony DWI cases has generally followed Minnesota sentencing guidelines. Offenders with lower criminal history scores (i.e., less than three) tend to receive a stay of execution and are sentenced to probation and a jail term. Offenders with higher criminal history scores (i.e., three or more), on the other hand, are more often than not given an executed sentence.

The findings in this report further reveal that when felony DWI offenders have their probation revoked, it is often for a new criminal offense or the use of alcohol or drugs. For the offenders who have been admitted to prison as either a new court commitment or a probation violator, alcohol dependency is, not surprisingly, the most common diagnosis. The majority of incarcerated offenders (62 percent) have entered treatment, with nearly two-thirds completing treatment or participating in a program as of June 30, 2006. Finally, although relatively few felony DWI offenders have been released to supervision, the rate of return has, thus far, been relatively modest at 22 percent.

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