

# MINNESOTA

Department of Public Safety  
Office of Traffic Safety



## DRIVER'S LICENSE DWI ADMINISTRATIVE SANCTIONS INITIATIVE

### Summary Report

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*This document summarizes the results of Minnesota's Driver's License Administrative Sanctions Initiative and is prepared for policy makers, agencies, and other stakeholders in Minnesota and other states. The initiative resulted in many changes to Minnesota's impaired driving administrative sanctions, including the implementation of a permanent ignition interlock program.*

*For terminology and definitions, see Appendix A.*

*For more information on Minnesota's current statewide Ignition Interlock (II) Pilot Program, including a 2010 report to the legislature about the 2009-2010 statewide II Pilot Program, see [http://www.dps.state.mn.us/ots/Laws\\_Legislation/Ignition\\_Interlock.asp](http://www.dps.state.mn.us/ots/Laws_Legislation/Ignition_Interlock.asp).*

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## Executive Summary

In the spring of 2008, the Department of Public Safety (DPS) launched the *Minnesota Driver's License Administrative Sanctions (DLAS) Initiative* to examine and improve Minnesota's system of sanctions associated with impaired (drunk) driving. The purpose of the initiative was to:

Describe a system of driver's license administrative sanctions and incentives and supporting strategies that can most effectively be used to reduce impaired driving fatalities and injuries, and increase the number of people driving legally and responsibly.

DPS involved nearly 70 people in the project, with representation from the courts, law enforcement, human services, private sector treatment programs, several DPS divisions (Office of Traffic Safety, Driver and Vehicle Services, Commissioner's Office, and State Patrol), state and county probation, the Minnesota Driving While Impaired (DWI) Task Force, and other stakeholders (e.g., MADD and Minnesotans for Safe Driving). DPS and its partners implemented a comprehensive nine-step process for system review and recommendation development. Project process and structure were as important as the final recommendations for achieving policy changes and implementation. The process nurtured "buy-in" from stakeholders who later supported the policy change.

After discussion and analysis, the project team identified four key areas for further research and recommendation development:

- Strategies for effectively assessing chemical health issues and appropriate recommendations for treatment
- Countermeasures for addressing impaired drivers who had their licenses revoked after one or two DWI offenses
- Countermeasures for impaired drivers who had their license cancelled due to multiple DWIs and were required to meet rehabilitation requirements
- Strategies related to individuals who drive illegally after having their driver's licenses revoked or cancelled

Teams met between October 2008 and December 2009 to review findings about the system and lay the groundwork for research-based recommendations. Project members developed six major recommendations:

1. Lower the alcohol concentration level that triggers enhanced DLAS
  2. Lengthen the revocation time for first and second time DWI offenders
  3. Update sanctions for people who are "cancelled inimical to public safety" (three offenses in 10 years or four in a lifetime)
  4. Provide effective chemical health screens and assessments
  5. Focus enhanced consequence on people who continue to drive after their driving privileges have been withdrawn due to risky driving behavior
  6. Determine effective programs that achieve long-term behavior changes by the use of cognitive-based education and statewide intensive supervision programs (ISP) and DWI Court Programs
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The initiative was very successful in identifying changes to the DLAS that could more effectively reduce alcohol-related fatalities and increase legal driving. Many of the recommendations were included in the Governor's Initiative that passed into law May 18, 2010. The bill had support from a wide-range of stakeholders due to the inclusiveness of the committee structure, resulting in groups testifying for the bill that would not normally support stronger DWI Sanctions.

Throughout the process DPS identified factors that contributed to success. These include:

- Be inclusive - identify all stakeholders and make sure to include them in the process
- Educate all stakeholders on the current system; many of them only know their slice of the system
- Provide administrative support for documentation and meeting facilitation
- Allow time to research state's data along with national best practices; inform stakeholders on research results
- Recommendations must be data driven – this is critical
- Be deliberate in prioritizing those areas where compromise is not possible, and those areas where flexibility is possible

The *Driver's License Administrative Sanctions Initiative* provides a roadmap for future impaired driving traffic safety initiatives and identifies key strategies that can reduce alcohol-related deaths and increase legal driving. Consideration should be given to implementing additional recommendations in the future.

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## I. INTRODUCTION

### Purpose of the Initiative

In the spring of 2008, the Department of Public Safety (DPS) launched the *Minnesota Driver's License Administrative Sanctions Initiative* to examine and improve Minnesota's system of sanctions associated with impaired (drunk) driving. DPS research and experience had identified several key issues and trends, but a more holistic and in-depth assessment was needed to determine system-wide priorities and improvements.

The driver's license administrative sanctions "system" was and is a compilation of complex laws, policies, procedures, agencies, and interests associated with implementing administrative sanctions after an individual is arrested for impaired driving. The reach of this system extends beyond the DPS Office of Traffic Safety (OTS) and Driver and Vehicles Services (DVS) to include law enforcement, the courts, probation, treatment, and other stakeholders. The system had changed over time, but a comprehensive review had not been conducted in nearly 30 years.

The purpose of the *DLAS Initiative* was to:

Describe a system of driver's license administrative sanctions and incentives and supporting strategies that can most effectively be used to reduce impaired driving fatalities and injuries, and increase the number of people driving legally and responsibly.

The project was initiated by DPS and conducted with other internal and external agencies, interests and work groups, resulting in research-based recommendations. Many recommendations were enacted into law in early 2010 while others still need implementation.

### Purpose of This Report

This report describes the Driver's License Administration Sanctions Initiative process, findings, recommendations and outcomes. The process and structure of the project was as important as the final recommendations. Without the process and structure, the recommendations would not have had the level of success in achieving policy changes.

#### Results of the project:

- The process Minnesota used to conduct the review and develop recommendations was comprehensive and successful. Despite divergent perspectives and interests, the many groups involved reached a consensus in understanding, researching and prioritizing recommended administrative sanction changes.
- The project's key findings provided a critical base of information for staff, work groups, and advisory teams to develop a holistic view of the sanctions system and its component parts. Findings often challenged the assumptions each stakeholder brought to the table and led to new insights about needed change.



- The final six recommendations were evidence-based. They were developed and supported at a level sufficient to result in many of the recommendations being enacted into law in their proposed form or close to it.
- The resulting legislation will become effective on July 1, 2011 and includes major policy changes such as implementation of a statewide ignition interlock (II) program.
- Key recommendations that were not included in the law are important to consider in future proposed changes. Much has been accomplished through this initiative and related efforts, but more work remains to be done.

## Use of Terms

In understanding the work and recommendations of this initiative, it is helpful to know the three commonly used terms below. For more information on terminology, see Appendix A.

**DWI incident** is an alcohol-related offense associated with an implied consent incident and/or a DWI conviction. A person may have an implied consent incident on their driving record with no associated DWI conviction or a DWI conviction with no associated implied consent revocation. Either situation is considered a DWI incident. A DWI conviction and implied consent revocation arising from the same behavioral incident are only counted as one incident.

**Driver's License Administrative Sanctions (DLAS)** refers to the administrative sanctions imposed on drivers by the Department of Public Safety (the driver licensing authority) for violating their privilege to drive by engaging in driving behavior that risks the public's safety. Specific administrative sanctions that were reviewed were those imposed on a driver who is arrested for driving a vehicle with an alcohol concentration level of 0.08 or above or refusing to take a test to determine their alcohol concentration level. These are referred to as "administrative" sanctions to distinguish them from criminal penalties imposed by the courts. For the purposes of this initiative, administrative sanctions were reviewed only in terms of their relevance to impaired driving and violations of driving after withdrawal of driving privileges due to an impaired driving incident. Administrative sanctions imposed on drivers for other reasons, such as multiple moving violations or driving after withdrawal of a suspension for unpaid fines, were not reviewed by this committee.

**The DLAS system** refers to the compilation of people, agencies, policies, laws, rules, procedures and interests involved with DLAS for impaired driving. The word "system" is used loosely to refer to the interconnectedness of all these individuals and groups involved in setting, administering, enforcing and experiencing the effects of driver's license administrative sanctions.

## II. PROCESS

### Impetus for the DLAS Initiative

In the years preceding the *DLAS Initiative* launch, DPS was increasingly aware that a holistic review of the DLAS system was needed. The complex set of policies, rules, agencies and stakeholder groups had evolved over 20-30 years, and changes were often implemented without thoughtful consideration of how different elements worked with or against each other. A holistic review of the *system* was a new way of looking at the issues. DPS's interest was primarily focused on its own administrative sanctions, yet it was clear that those sanctions interacted with issues in the courts, law enforcement, corrections, treatment and non-driving sanctions.

Even as the state experienced decreasing numbers of alcohol-related traffic crashes leading to death and injury, the impact of those crashes on individuals and families as well as public budgets was devastating. In 2007, for example, 164 people were killed in alcohol-related crashes and 3,252 were injured. In addition, the percentage of traffic fatalities that were alcohol-related held steady at 30 to 40 percent over many years, and associated costs amounted to more than \$261 million (DPS, 2007).

Examining the issues from a more systematic approach is also consistent with Minnesota's "Toward Zero Deaths" (TZD) Initiative. TZD was (and is) working to "create a culture for which traffic fatalities and serious injuries are no longer acceptable through the integrated application of education, engineering, enforcement, and emergency medical and trauma services. These efforts are driven by data, best practices and research."<sup>1</sup>

In addition, DPS was finding that offenders in DWI court had difficulty complying with court requirements under the current sanctions system. The removal of a license after a DWI could hamper one's ability to get to work, treatment, AA groups, therapy and court appearances—the very things associated with compliance, responsibility and sobriety. The issue could be especially problematic in rural areas where transportation alternatives were lacking. Based on the number of "Driving after Withdrawal" violations issued, many people continue to drive illegally after their license had been revoked or cancelled. Often these individuals are also driving without insurance. Illegal driving is not just a Minnesota problem. Nationally it is estimated that at least 70 percent of people continue driving even after their license has been revoked or cancelled (Griffin II and De La Zerda 2000).

DPS research was also showing high recidivism rates among DWI offenders. In 2007, for example, nearly half of Minnesotans whose licenses were canceled as "inimical to public safety" re-offended within ten years of completing the chemical dependency treatment required for license reinstatement (DPS, 2007).

A systemic review was also necessitated by research showing the benefits of ignition interlock (II) programs<sup>2</sup> and Minnesota's increased use of this tool. In 2007, DPS began a two-year pilot II program

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<sup>1</sup> Toward Zero Deaths (TZD) is a Minnesota partnership led by the Department of Public Safety, the Department of Transportation, and the Department of Health, in cooperation with County Engineers, and the Center for Transportation Studies at the University of Minnesota ([www.minnesotatzd.org](http://www.minnesotatzd.org), 2010).

<sup>2</sup> An ignition interlock system is a breath-testing system installed on a motor vehicle that prevents the vehicle from operating when a certain level of blood alcohol is detected. For more information on Minnesota's program, see [http://www.dps.state.mn.us/ots/Laws\\_Legislation/Ignition\\_Interlock.asp](http://www.dps.state.mn.us/ots/Laws_Legislation/Ignition_Interlock.asp).

in one rural and one metropolitan county, as required by statute. Ignition interlock was viewed by many as a way to help insure public safety while allowing an individual to drive legally. The 2007-2009 pilot project targeted individuals living in Beltrami and Hennepin Counties with two or more DWI offenses. DPS sought to integrate its knowledge and experience about II from the pilot program and other states into the state's sanctions system. For Minnesota to gain public safety benefits from the use of II, the DLAS needed to be changed.

Other DLAS system components were signaling their readiness to examine the DLAS. The DPS Driver and Vehicle Services (DVS) for instance, was seeking to update its policies and procedures to take advantage of new technology and research. Courts and probation agencies were also seeking ways to more effectively deal with large numbers of DWI and illegal driving cases.

## Process Overview

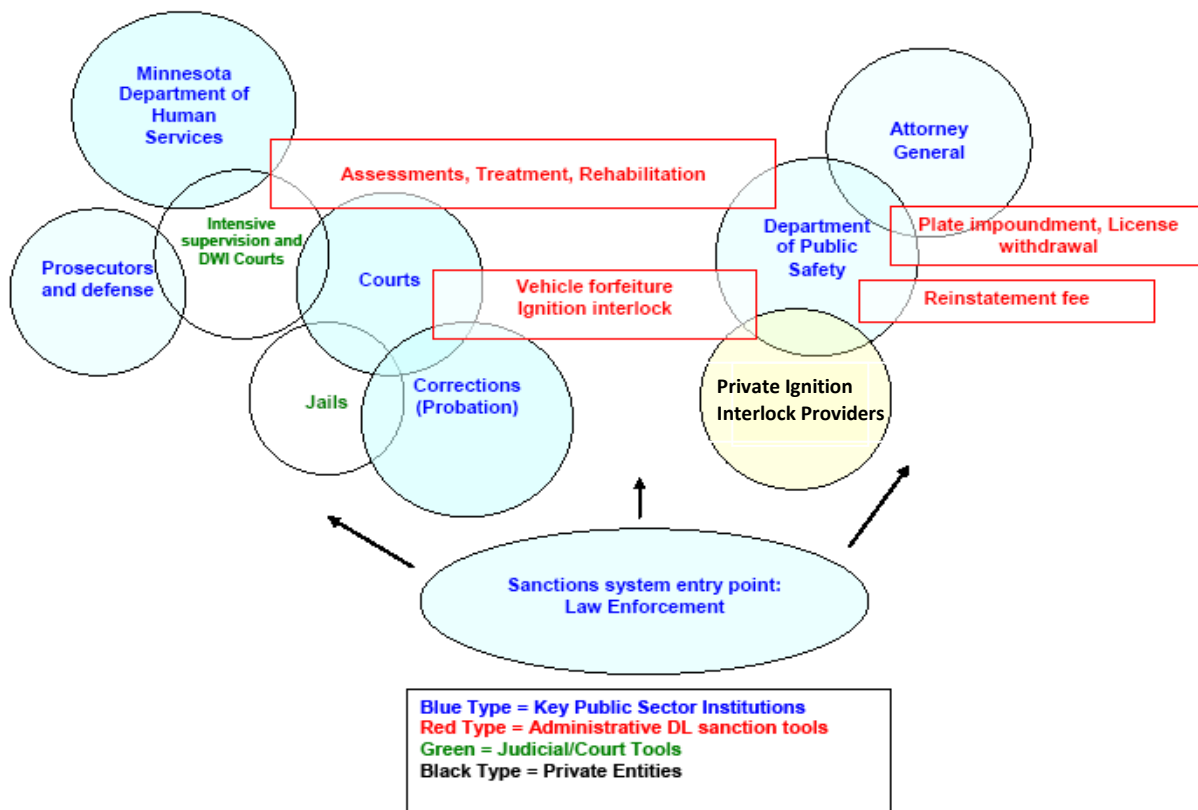
DPS and its project partners developed a comprehensive process for developing recommendations. Careful planning and execution were needed to assure the development of practical, effective, and widely supported recommendations. Table 1 (next page) presents a summary of the process and knowledge gained. Each step is further described below.

## Process Steps

- 1. The DPS Commissioner authorized the project and assigned OTS to lead the charge.** The Office of Traffic Safety proposed a project to conduct a thorough review of DLAS sanctions to the Commissioner of Public Safety. The proposal was supported by the need to review current policies and procedures and expand the use of new technologies. The Commissioner's office approved the project. Early support of the Commissioner's office built credibility, added high-level expertise, facilitated legislative efforts, and generally helped assure a positive outcome.
- 2. DPS created a core project team with extensive expertise and broad DLAS system representation.** Members included OTS, DVS, Probation, Minnesota Department of Human Services (DHS) and the Traffic Safety Resource Prosecutor, which enabled the team to address the large number of issues involved in the DLAS system. The range of issues studied included the administration of DLAS; traffic safety policy, impaired driving research, and programs; II pilot programs and research; chemical dependency assessments and treatment; DLAS interdependencies with criminal penalties for DWI convictions; causes of illegal driving and consequences; and enforcement of the laws. The project team was the driving force of the *DLAS Initiative*. Extensive expertise and broad representation allowed the team to refine work group ideas and strategies into an integrated set of recommendations.

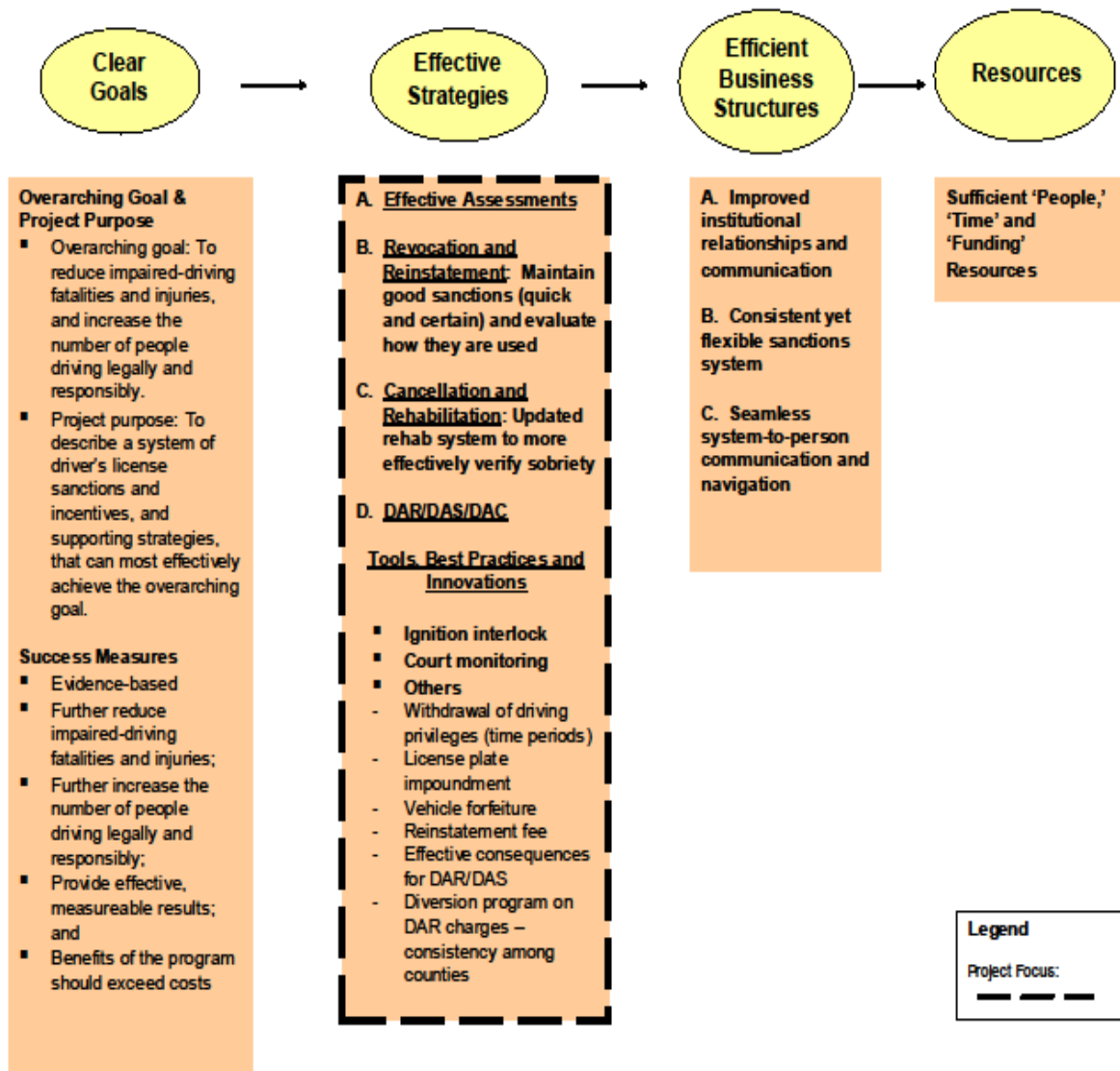
3. **DPS contracted two consultants from Management Analysis & Development (MAD) to assist with project design, management, and facilitation, and to provide research support.** MAD is the state government’s in-house consulting group at the Department of Minnesota Management and Budget. Their involvement freed-up members to fully engage in discussion and focus on developing the content of the recommendations. The MAD consultants also provided a high-level perspective external to the system to those enmeshed in the system, and promoted effective meeting processes.
  
4. **Using a broad scope, the Project Team identified interrelated elements of the DLAS system, as depicted in Figure 1.** The DPS is the state’s licensing authority and imposes impaired driving administrative sanctions. However, there is no real defined or coherent “system” that administers, provides, monitors, creates and enforces the sanctions and penalties affiliated with impaired driving. The boundaries can be unclear; perspectives can be highly divergent; and policy, research, and trends are constantly changing. Moreover, the elements of this system are highly visible and often controversial, reflecting life and death issues and a need to balance public safety with concerns about justice, due process, personal freedom and costs. By outlining system elements, the team outlined the project scope and paved the way for the identification of issues and people to include in project teams, see Figure 1.

**Figure 1: State of Minnesota impaired driver organizations, sanctions and relationships**



- The Project Team developed clear goals, articulated key strategies and business structures, and identified resources and system improvement by outlining the elements of an ideal DLAS system (Figure 2). The team identified system success measures, emphasizing the need for evidence-based recommendations that led to effective, measureable results, where program benefits exceeded costs. Clarity in goals and strategies was a prerequisite to launch the project and facilitated an understanding of the task at hand and its priorities. Four key strategies were identified early on so that efforts were focused on priority areas. The team created a project charter to define rules, roles, structure and expectations. (See Appendix B for Project Charter).

Figure 2: Minnesota Driver’s License Administrative Sanctions: Elements of an Ideal System



Note: DAR/DAS/DAC are acronyms for “Driving After” a license has been Revoked, Suspended, or Cancelled.

Key strategies identified for further research and recommendation development were:

- a. *Strategies for effectively assessing chemical health issues and appropriate recommendations for treatment.* Focusing on effective assessments and appropriate treatment assured that the research and recommendations would address the root cause of impaired driving and recidivism.
  - b. *Countermeasures for addressing impaired drivers who had their licenses revoked after one or two DWI offenses.* These individuals make up the majority of people who receive DWIs and are involved in an alcohol-related fatal crash. Approximately 40 percent of all first-time DWI offenders will re-offend and 80 percent of drinking drivers involved in an alcohol-related fatal crash have either one or no prior DWI (DPS, 2007). By concentrating on administrative license revocation and reinstatement, the working group addressed a large proportion of the alcohol-related fatalities.
  - c. *Countermeasures for impaired drivers who had their licenses cancelled due to multiple DWIs and were required to meet rehabilitation requirements before they could apply for a new license.* This category of impaired drivers includes the most serious offenders in terms of level of alcohol in their bloodstream and/or number of previous offenses. These individuals have their licenses cancelled because they are considered “inimical to public safety”<sup>3</sup> and they must complete certain requirements related to rehabilitation (chemical dependency treatment, etc) in order to have their licenses restored. While these offenders do not comprise the greatest percentage of drinking drivers involved in a fatal crash, they do cause the greatest burden on the criminal justice system.
  - d. *Strategies related to individuals who drive illegally after having their driver’s license revoked or cancelled.* Unfortunately, as noted, the vast majority of individuals who have their license revoked or cancelled continue to drive illegally. The problem is clearly pervasive and needed to be further addressed to improve system outcomes.
6. **DPS expanded the project structure to include a Policy Group, a Technical Advisory Panel (TAP), and four work groups (see Figure 3).** The use of six different teams (plus a core project team and two outside consultants) that consisted of nearly 70 members somewhat complicated project administration. However, this structure was critical to the project’s success by developing support and drawing expertise of individuals representing different levels, (e.g., from Commissioner to field staff), agencies, viewpoints and concerns. The purpose of each team is described below:
- The Policy Group provided project oversight, established policy and promoted change, and was comprised of the highest-level policy makers concerned with DWI sanctions issues in their respective organizations. Members had the ability to assess the broad implications of the policy recommendations and the authority to approve the recommendations. They also helped to move the recommendations toward implementation.
  - Members of the TAP were stakeholders with interest and knowledge that extended over all working groups. They reviewed work group proposals with an awareness of overlapping issues across the four topic areas, and provided feedback to work groups and the Project Team.

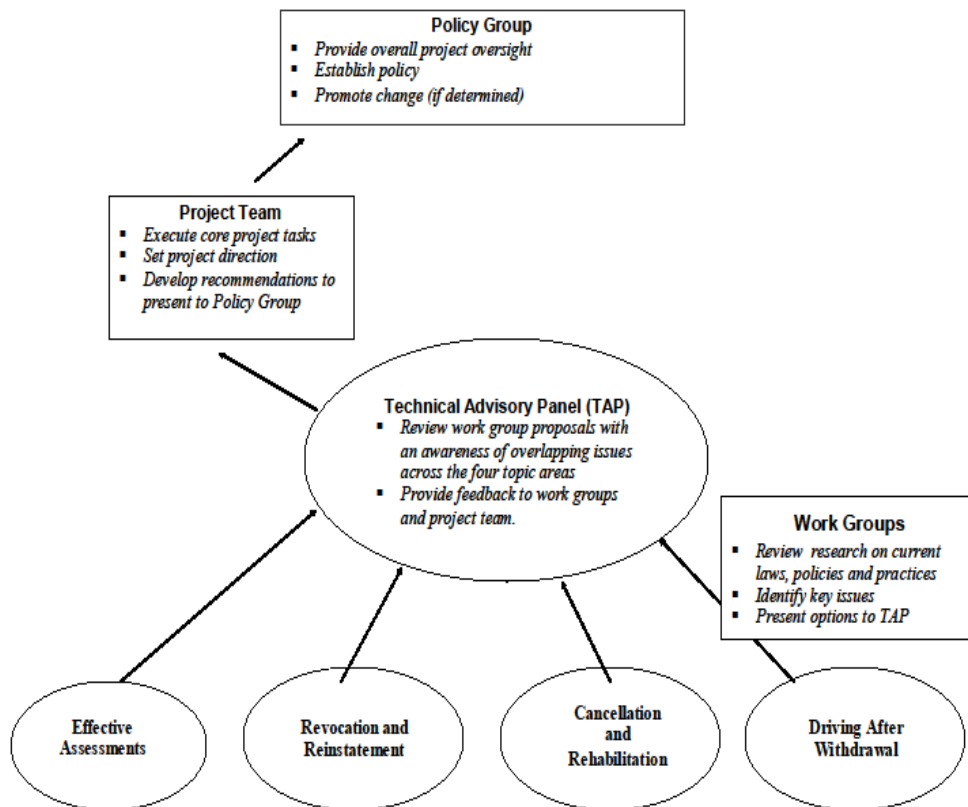
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<sup>3</sup> For a definition, see Appendix A.

- The work groups reviewed research on current laws, policies and practices, identified key issues, and proposed draft recommendations for the Project Team. The work groups consisted of experts in the field operations. The four topics of the work groups were the four strategies described in step 6 and depicted in Figure 3.
- The Project Team executed core tasks, set direction, and refined recommendations to present to the Policy Group. This group was comprised of work group co-chairs. They met frequently to coordinate and prepare for TAP meetings and to shape work group proposals into the recommendations presented and later approved by the Policy Group (See Figure 4).

The full-system approach was essential to the project’s success because it accounted for how system elements affect each other. For example, when the group mapped process steps from arrest, to sanctions, to license reinstatement, it confirmed that DLAS are effective in reducing recidivism and providing for public safety; however, sanctions for withdrawing an offender’s driving privileges also negatively affects their ability to attend treatment, hold a job, and participate in other activities needed to return to safe and legal driving. Knowing this helped shape the proposal to provide II sooner rather than later after a brief period of “hard revocation” (no driving permitted at all). A holistic view also improved coordination among those assisting offenders in resuming legal driving. Throughout the project, research was a crucial factor in forming recommendations. An analysis of crash and arrest data, for instance, showed that DLAS must focus on first-time DWI offenders in addition to repeat offenders, if they are to be effective in reducing alcohol-related fatalities.

**Figure 3: Minnesota Driver’s License Administrative Sanctions Initiative Committee Structure**



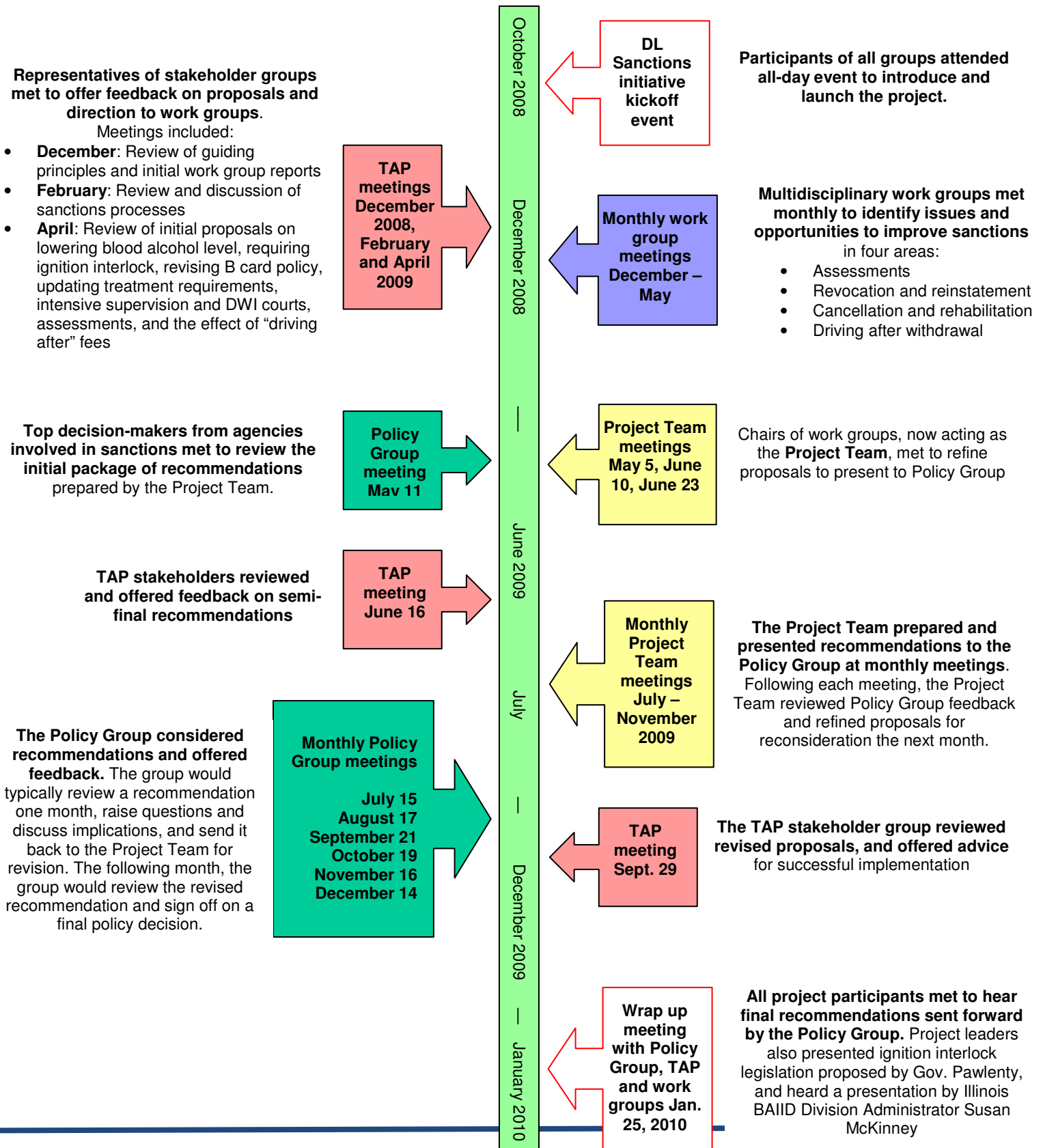
Representation on project groups included the courts (Judges, State Court Administration, prosecutor and defense attorneys), law enforcement, human services (state department, treatment providers and chemical health assessors), private sector programs, DPS (OTS, DVS, Commissioner's Office, State Patrol and legislative liaison), probation (state and county probation), and other stakeholders (e.g., MADD and Minnesotan' for Safe Driving) and the MN DWI Task Force. See Appendix C for list of participants by each of the project teams.

7. **DPS hosted a project kick-off meeting involving all participants.** An all-inclusive kick-off meeting facilitated the process of developing a common understanding of the system, strategies, and current challenges. When participants formed work groups at the kick-off meeting, it signaled the move from planning to recommendation development. Leaders described why and how the project was being done and provided preliminary data. The day also included a presentation from a national expert on behavior change and impaired driving countermeasures. Work groups met for the first time and were able to identify real-life challenges in working with offenders and the current system. At the other end of the spectrum, policy makers identified their expectations from the initiative.
8. **The Project Team, work groups, TAP and Policy Group met between October 2008 and December 2009 to research, draft, recommend, refine and/or approve recommendations.** (See overview in Figure 4). Members researched, analyzed and discussed facts, best practices, problems, trends and issues associated with each of the four major work group/strategies, considering a range of questions and issues, such as:
  - What does the research say about each of these key strategy/work topic areas? How does this research confirm or challenge our assumptions?
  - How do different elements of the system work with and against each other?
  - In terms of number of offenses, recidivism, alcohol concentration (AC), and other variables, what is the likelihood of being involved in a fatal or serious injury crash?
  - How do II programs and other new technologies and best practices fit within the current and future DLAS system?
  - If the project is focused on the administrative side of sanctions, what do we need to be concerned about on the criminal justice side?

One lesson learned in the team meetings was that developing a shared understanding of the sanctions system takes time. Participants needed to understand basic information about each piece of the system to develop proposals for change. The groups were comprised of experts in their particular section of the system, but few understood the entire system. A common understanding was facilitated by developing and reviewing process maps describing, "what is" as a first step toward identifying "what could be." Process map development and review allowed participants to ask questions and clarify misunderstandings.



**Figure 4: DLAS Initiative Group Meetings Timeline**



9. **The project and policy teams finalized work group proposals. Section IV of the report identifies recommendations that were to be considered for implementation. DPS selected key recommendations and submitted them to the Governor's office. These recommendations became part of a Governor's initiative, with major legislation signed into law in May 2010.** The full Policy Group approved the set of recommendations, although there was not 100% agreement for every recommendation. The final project report identifies recommendations that remain to be considered for implementation (see section VI of this report).

**Table 1: Overview of Process Steps (April 2008 - May 2010)**

Step	Knowledge Gained
1. The DPS Commissioner authorized the project and assigned OTS to lead the charge.	OTS presented strong reasons to conduct the review. Early support of the Commissioner's office built project credibility and provided a critical liaison with the Governor's office and legislature.
2. DPS created a core project team with deep expertise and broad DLAS system representation.	The project team was the driving force of the <i>DLAS Initiative</i> ; dedication to the project, extensive expertise and broad representation allowed the team to refine work group ideas and strategies into an integrated set of recommendations.
3. DPS hired consultants to assist with project design, facilitation and research.	The use of consultants allowed members to focus on content. Consultants facilitated and documented meetings and provided the high-level perspective of individuals not involved in the system.
4. The project team identified interrelated elements of the driver's license sanctions "system."	Since a systems-perspective had not been used before, one of the first steps was to outline what was included in the DLAS system; this was critical in defining scope and identifying others to include on the project.
5. The Project Team developed clear goals, focus, and scope, including four key strategies that later became work group topics.	The group developed clarity by outlining the elements of an ideal DLAS system; this was requisite to launching the project and facilitated an understanding of the task at hand and its priorities. The key strategies were identified early on so that efforts were focused on priority areas.
6. DPS expanded the project structure to include a Policy Group, Technical Advisory Panel (TAP), and four work groups.	While the structure of this initiative complicated project administration, it was also crucial to assure the project's success by developing support and drawing expertise from individuals at different levels, agencies, viewpoints and concerns.
7. DPS hosted a project launch meeting involving all participants and including work group and team meetings.	An all-inclusive kick-off meeting facilitated the process of developing a common understanding of the system, strategies, and current challenges. When participants formed work groups at the launch meeting, it signaled the move from planning to recommendation development.
8. The Project Team, working groups, TAP and Policy Group met for 12-18 months to research, draft, recommend, refine and/or approve recommendations.	The involvement of individuals across levels, agencies and interests fostered the development of integrated strategies and approved recommendations. The project allowed time for teams to understand each system component, review data and process maps, draft proposals, conduct follow-up research, and build consensus. Recommendations were developed by the working groups, presented for comment to the TAP and finalized by the Policy Group.
9. The teams finalized recommendations and DPS submitted them to the Governor's office; a subset was enacted into law.	Many of the recommendations became part of a Governor's initiative, with legislation effective in July 2011. This final report identifies recommendations that remain to be implemented for future improvements.

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## III. GENERAL FINDINGS AND CONCLUSIONS

### Introduction

The *DLAS Initiative* relied on research from DPS's driver license data base, crash data, and other state and national sources. Topics of investigation included trends, best practices, outcomes and current practices associated with sanctions, expected or documented impacts on serious and fatal crashes, and the effect of variables such as AC levels, number of previous DWI offenses, and rates of recidivism. The research provided an understanding of promising strategies and identified DWI offenders who are at a higher risk for recidivating. This guided the groups toward avenues for improvement and provided the basis for recommendations.

This General Findings section provides highlights of the project's research, including:

- Snapshots of Minnesota's system and impaired driving statistics;
- The context for change; and
- Change principles developed by the Project Team and reviewed by the TAP.

In the next section, data and findings related to each of the Initiative's major recommendations are presented. Appendix E contains expansions of several of the tables discussed in the body of the report.

The *DLAS Initiative* relied on research from a large variety of sources, including: DPS (Driver License Database and Crash System), National Highway Traffic Safety Administration, Pacific Institute of Research and Evaluation, National Drug Court Institute, Traffic Injury Research Foundation, University of Minnesota, and the State Court Administrators Office Evaluation Unit.

## Snapshot of the Sanctions System and Impaired Driving

### Basic Arrest, Crash and Ignition Interlock Data

Each year nationally, nearly 14,000 people die in an alcohol-related crash, costing society over \$100 billion dollars (NPSR, 1993). In Minnesota, over one-third of traffic fatalities are alcohol-related and over 30,000 people are arrested for DWI. Other basic facts associated with an alcohol-related crash and DWI arrests are provided in Table 2.

**Table 2: Basic Arrest, Crash, and Ignition Interlock Data**

#### 2009 Crash Data

- 421 people died in traffic crashes in Minnesota.
- 141 (34 percent) of those deaths resulted from crashes classified as alcohol-related. This was an all-time low. Still, alcohol related crashes accounted for more than one-third of all traffic deaths, which is typical each year.
- 2,592 people sustained injuries in alcohol-related crashes.
- 63 percent of traffic fatalities in the 25- 29 year-old age group were alcohol-related.

#### 2009 DWI Arrest Data

- 32,756 motorists were arrested for DWI (an average of 90 per day). More than half a million Minnesotans with driver's license records have a DWI. This represents one of seven drivers.
- 41 percent of these violators had at least one prior DWI on record.
- One in 13 of the total DWIs were issued to drivers less than 21 years of age.
- Nearly half of the people arrested for DWI are between the ages of 20-29.

#### Ignition Interlock and Other Major Traffic Safety Law Changes

- Ignition interlock is one of many significant traffic safety laws passed in recent years. Other major laws include felony DWI (2001); 0.08 legal alcohol-concentration limit (2004, effective 2005); stronger teen graduated driver's licensing laws (2008); booster seat law (2008) and a primary seat belt law (2009) (Governor's Office, 2010).
- Results from the first year of Minnesota's Statewide Ignition Interlock Pilot Program showed that 1,129 individuals enrolled, and 97% continued to participate in the program. Two participants reoffended by circumventing the device and were subsequently arrested for DWI (DPS, 2010).

If a source is not identified above, it is DPS's *2009 Minnesota Impaired Driving Facts* and *2009 Minnesota Motor Vehicle Crash Facts*.

### Fatal Crashes by Prior DWI

Minnesota data from 2005-2007 show that the majority (60 percent) of drinking drivers who were involved in fatal crashes did not have a previous DWI on their driving record at the time of the crash. Driving records also indicate that 45 percent (85 out of 188) of the drinking drivers who had a prior DWI offense had one prior DWI. Therefore, nearly 80 percent of drinking drivers involved in a fatal crash had one or no prior DWI offense (see Table 3).

**Table 3: Minnesota Drunk Drivers in Fatal Crashes by Number of Prior DWIs**

Drinking Drivers Involved in a Fatal Crash Number of prior DWI offenses on the driving record								
Year	No prior offenses	1 prior offense	2 prior offenses	3 prior offenses	4 prior offenses	5 or more prior offenses	TOTAL	Total drivers with at least one prior DWI offense
2005	90 (55%)	27	24	12	5	5	163 (100%)	73 (45%)
2006	98 (66%)	25	14	6	4	2	149 (100%)	51 (34%)
2007	100 (61%)	33	18	5	5	3	164 (100%)	64 (39%)
<b>Total</b>	<b>288 (60%)</b>	<b>85</b>	<b>56</b>	<b>23</b>	<b>14</b>	<b>10</b>	<b>476 (100%)</b>	<b>188 (40%)</b>

Source: DPS, 2009c

### Fatal Crashes and DWI Arrests

Between 2005 and 2007, 476 drinking drivers were involved in a fatal crash. Of these 288 (60%) had no prior offense, 29 (6%) had a prior offense within the previous 12 months. The first 12 months after a DWI arrest is the highest 12 month period for drinking drivers with a previous DWI to be involved in a fatal crash (see Table 4).

**Table 4: Drunk Drivers by Fatal Crashes and Most Recent DWI Arrest**

Year	Drinking Drivers Involved in a Fatal Crash Number of Months between Previous DWI offense and fatal crash					Total drinking drivers
	No prior DWI offense	0-12 months	13 to 24 months	25 to 48 months (two years)	49 months of more (over 4 years)	
2005	90	11	10	12	40	163
2006	98	9	4	11	27	149
2007	100	9	6	9	40	164
<b>Total</b>	<b>288 (60%)</b>	<b>29 (6%)</b>	<b>20 (4%)</b>	<b>32 (7%)</b>	<b>107 (22%)</b>	<b>476 (100%)</b>

Source: DPS, 2009c. See more extensive data in Table 2 in Appendix E.

### Recidivism Rates

Repeat offenders are a problem in Minnesota and other states. Projected 2007 recidivism rates in Minnesota, based on historical data (DPS, 2009), show that:

- Forty percent of drivers that are arrested for impaired driving for the first time will recidivate.
- Fifty percent of repeat DWI offenders (two or more) will recidivate. This percentage remains relatively constant for rate of recidivism.
- Fifty percent of individuals who recidivate do so within four years, and approximately 90 percent do so within 10 years.
- By far the largest gain attainable in reducing the number of people rearrested for impaired driving is by reducing the number of first time DWI offenders who incur a second offense. (See Table 3 in Appendix E for more recidivism data).

### Alcohol Concentration Rates

Repeat DWI offenders are more likely to have an alcohol concentration of 0.15 or above (45% first time DWI offenders, 59% repeat DWI offenders).

**Table 5: Alcohol Concentration Test Results of Drivers Who Incurred an Impaired Driving Incident: 2005 – 2007 (DPS, 2009)**

Alcohol Concentration Level	0.08-0.09	0.10-0.14	0.15-0.19	0.20-0.24	0.25-0.29	0.30-0.34	0.35 +
First Time DWI Offenders	6,660	28,103	20,374	6,837	1,362	263	56
Repeat DWI Offenders	2,502	12,169	12,153	6,218	1,866	464	90
Total DWI Offenders	9,162	40,272	32,527	13,055	3,228	727	146

Source: DPS, 2009c.

AC data also shows that:

- First-time DWI offenders with an AC level of 0.15 to 0.19 will re-offend at nearly the same rate as an offender with an AC level of 0.20 or above.
- Those arrested for a repeat DWI offense are twice as likely to refuse to take a test to determine alcohol concentration at the time of arrest.
- A person's likelihood of being in a fatal crash significantly increases at a 0.15 AC level and the most common alcohol concentration level of a drinking driver involved in a fatal crash is 0.20.
- As a person's alcohol concentration level increases, the more likely the person will be involved in a fatal crash (see Table 8 and Figure 1 in Appendix E for more information).

## National Research

The *DLAS Initiative* project teams examined information from National Highway Traffic Safety Administration (NHTSA), Pacific Institute for Research and Education (PIRE), Traffic Injury Research Foundation (TIRF) and other national research organizations regarding the effectiveness of various types of sanctions being used throughout the United States. The NHTSA's summary of *Countermeasures That Work* - a 301-page document that indicates the most effective, evidence-based strategies for implementing sanctions to reduce impaired driving - lists the following as among the most effective strategies for states to pursue.

- Administrative license revocation or suspension
- High blood alcohol content sanctions
- BAC test refusal penalties, lower BAC limits for repeat offenders
- Ignition interlocks
- Vehicle sanctions including license plate impoundment (with Minnesota cited as a state using plate impoundment to reduce recidivism)
- Graduated driver licensing
- Saturation patrols
- DWI courts
- DWI offender monitoring
- Alcohol problem assessment and treatment
- Alcohol screening and brief interventions

All of these strategies are in some degree being used in Minnesota. It is often the implementation of these strategies that indicates the level of success in achieving the goal of reduced alcohol-related fatalities. NHTSA's *Update of Vehicle Sanction Law and Their Applications* (NHTSA, 2008) in addition to personal contact with states that have successful programs provided the team with insight on how other states are using vehicle sanctions to achieve greater success.

## Public and Private Costs

Everyone involved in alcohol-related fatalities, severe injuries and DWI arrest (victims, families, offenders, the state, local agencies, the criminal justice system, and many others) pays a high cost. According to NHTSA, alcohol-related fatalities cost more than \$100 billion annually, including \$51 billion in monetary costs and \$63 billion in quality-of-life losses. In Minnesota alone, the cost of alcohol-related crashes, fatalities, and injuries was more than \$261 million, according to the 2007 edition of *Minnesota Impaired Driving Facts* (DPS, 2007a). Any reduction in DWIs is expected to result in substantial savings to individuals, agencies, the court system, and taxpayers.

## Context for Change

After reviewing extensive data, members of the *DLAS Initiative* come to the following conclusions. These conclusions served to focus the group's efforts and provided the foundation for development of the recommendations specified in this document.



### **The current system is complex and not well understood**

In Minnesota, the criminal justice system and the civil system administered by the DPS addresses DWI offenders in different ways and for different reasons; DPS is concerned about maintaining the public's safety on the roadway and the criminal justice system punishes people for violating the law. Each system has undergone changes and adjustments over the years, resulting in a complex array of policies, laws, processes, requirements and fees. With this level of complexity, DWI offenders often do not understand the system, and even the people who work within it sometimes lack information about how to help offenders comply with administrative sanctions.

### **A focus on first- and second-time DWI offenders presents the greatest opportunity for reducing alcohol-related fatalities and increasing legal driving**

In 2007, first-time DWI offenders accounted for the greatest number of DWI violations (61 percent). First- and second-time offenders accounted for 83 percent of the 38,669 drivers cited with DWIs (Table 6). They also account for 82 percent of the total number of offenders who recidivate. Further, nearly 80 percent of drinking drivers involved in a fatal crash had one or no prior DWI offense.

**Table 6: Drivers with DWIs by Number of Offenses (2007)**

Offenses	Number	Percent
First	23,653	61
Second	8,489	22
Three or more	6,527	17
Total	38,669	100

Source: DPS, 2009c

Of first-time DWI offenders who are known to incur an additional offense, 17 percent reoffend within 12 months. This increases to slightly over 30 percent in 24 months, and by 48 months half of these people will have incurred their second offense.

### **Many offenders have repeat DWIs**

Approximately, 40 percent of all first-time DWI offenders re-offend. The likelihood of reoffending increases with each new offense. For example, by the time they reach their 5<sup>th</sup> offense, 63% will reoffend. Almost all (90%) of offenders who recidivate, do so within 10 years of their previous arrest.

### **An AC of 0.15 or more among first-time DWI offenders is associated with higher recidivism and increased fatalities and injuries**

More than a third (36%) of first-time offenders with an AC of 0.15-0.19 incurred a second DWI offense within ten years. This recidivism rate is essentially equal to that of first-time offenders with an AC of 0.20, indicating that 0.15 AC may be a more appropriate threshold indicator of recidivism (see Appendix E, Table 7). Moreover, the number of people who die in an alcohol-related crash significantly increases at a 0.15 AC level and there is a minimal increase at a 0.20 AC level compared to a 0.15 AC level, suggesting that a person with a 0.15 AC is almost as likely to be in an alcohol-related fatal crash as a person with a 0.20 AC (see Appendix E, Table 8).

**Assessments and treatment are not as effective as they could be**

Minnesota statute section 169A.70 requires that all DWI offenders have a chemical use assessment determining the presence of alcohol abuse or dependency. However, the process is sometimes undermined by inconsistencies in assessment tools being used around the state, and the wide range of qualifications of people administering those assessments. Due to the large number of DWI offenders, some judicial districts have already begun using shorter, less comprehensive “screens” in place of the full assessment, which has contributed to the use of a wide variety of screening and assessment tools around the state.

Once offenders have been assessed and found chemically dependent, it is critical to ensure that they receive adequate treatment. The current DPS driver’s license reinstatement requirement of 48 hours of treatment is outdated, contradicts best practice and current treatment provider licensing requirements for development of a clinically appropriate treatment plan. It also does not meet the needs of most offenders who require individualized treatment and support to stay sober.

**Offenders who fail to reinstate and who drive illegally after a DWI are of significant concern**

Nearly three-quarters of DWI offenders continue to drive after their licenses are revoked. Some offenders may drive illegally after their revocation period has ended because they have not met the requirements for driver’s license reinstatement. A lack of strong criminal consequences for “driving after revocation” offenses further exacerbates the problem of illegal driving. In short, once the driver’s license is revoked, the offender has nothing else to lose.

**Minnesota can make better use of best practices and new technologies**

Nationwide, a number of initiatives and tools for reducing alcohol-related fatalities have been developed and proven effective. Minnesota has embraced many of these initiatives and tools (e.g. administrative license revocation and plate impoundment); however, significant gains in reducing fatalities may be achieved by greater use of the following:

- **Ignition interlock** - Most states have an ignition interlock program in which devices are placed in a DWI offender’s vehicle to measure their AC level prior to starting their vehicle. If alcohol is detected at a designated set point, the vehicle will not start. Several studies show that interlocks are an effective method for preventing alcohol-impaired driving while they are installed. In one study, interlocks cut DWI recidivism at least in half and at times up to 90 percent, compared to similar offenders without interlocks (Beirness and Marques, 2004).
- **Intensive Supervision and DWI Courts** - Many states use intensive supervision and DWI courts to deal with high-risk DWI offenders. These options provide a higher degree of interaction between corrections, judicial professionals and the DWI offender. Strong supervision programs have shown promising results in reducing recidivism. A Michigan study demonstrated that traditional probation offenders were 19 times more likely to be arrested for DWI than a DWI Court participant (NPC Research, 2008). However, these options do not consistently exist throughout Minnesota.
- **Cognitive-based skills education** - Cognitive-based education teaches DWI offenders to recognize and change patterns of behavior that lead to drinking and driving. Minnesota has limited experience with this approach, but for the last four years, Washington County has required all second-time DWI offenders to take a cognitive-based education course called *Driving With Care*. Over 90 percent of offenders entering the program have completed it, and of this group only 7.2 percent have recidivated.

## Change Principles

Based on research and extensive discussion, the Project Team and work groups established five change principles to guide their work. These were:

1. **Sanctions must be evidence-based.** Sanctions should be based on research that demonstrates measurable effectiveness. Proposed changes need to be realistic for today, and should consider incentives that encourage compliance.
2. **Public safety is the primary goal.** Sanctions should reduce impaired and other illegal driving by discouraging drinking and driving, and supporting behavior that keeps offenders law-abiding. The most serious sanctions should be reserved for people with higher risk levels of re-offense. Cost was not a driver of recommendations, as more effective policies may both save lives and reduce public expenditures.

The proposed sanctions are balanced to be swift, certain, and severe in deterring dangerous behavior across the state, and at the same time allow offenders to engage in positive activities in their communities (e.g., maintaining employment and attending chemical dependency treatment sessions) that can contribute to long-term safe and legal driving. Ignition interlock is one new tool that balances these goals; it is designed to improve roadway safety and also provide the ability for a person to function in society.

3. **Sanctions must represent statewide policy and be coordinated across systems.** The sanctions must be designed for application across urban, suburban and rural areas. Also, the administrative sanctions and criminal justice systems share the common objectives of reducing impaired-driving injuries and fatalities, and increasing the number of people driving legally. To this end, the two systems should avoid working at cross-purposes by using effective two-way communication and coordinating their approach.

Moreover, the sanctions must be coordinated with the chemical dependency treatment system, so that all of the possible consequences of DWI arrest (loss of driving privileges, court appearance, chemical health assessment, treatment, probation, etc.) work together to reduce the likelihood of re-offense.

4. **The process must be simplified and practical, and result in legal driving.** Administrative sanctions impose uniform, consistent and cost-effective consequences to maintain public safety. To increase the sanctions' effectiveness, every step must be easy to understand and uniformly consistent throughout the state system.

The recommendations are designed to simplify the driver's license sanction process and improve communication to drivers about consequences of driving while impaired. The current process is complicated, and drivers often do not understand the sanctions imposed on them or the process to reinstate their driving privileges.

A core element of practicality is a system that recognizes the fiscal responsibilities of offenders and their ability to pay in order to be reinstated. The recommendations address the reality that many people drive illegally because they do not have the ability to pay.

5. **Treatment approaches should be flexible to meet offenders' needs.** Current sanctions include one-size-fits-all rehabilitation requirements that do not always promote the success of efforts to reduce traffic-related deaths and injuries. The team's underlying values in this area included:
- Chemical dependency is a disease. Sobriety is a critical element in reducing recidivism among chemically dependent DWI offenders. DWI sanctions should not impede offenders' ability to receive appropriate treatment.
  - Early, appropriate, valid assessments help DWI offenders to receive appropriate interventions. Increased accuracy and consistency of assessments will lead to appropriate and effective education and treatment, and thereby decrease repeat DWI offenses.
  - Matching individual offenders with appropriate treatment and education programs will improve outcomes. High-quality treatment and effective education, such as cognitive-based skills training, are most effective when appropriately matched to the offender's situation.
  - Quality control is vital for a consistent statewide approach. Many different professionals using a wide variety of screening and assessment tools are involved in addressing impaired driving in Minnesota. It is important to create consistency and maintain quality control over the programs and services provided.

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## IV. RECOMMENDATIONS AND RELATED FINDINGS

### Summary of Recommendations Approved by the Policy Group

The Policy Group approved six recommendations for changes to the DLAS system, listed below. Detailed descriptions of each recommendation are found on page 24.

- 1. Reduce the alcohol concentration level that triggers enhanced DLAS from 0.20 to 0.15**
  - 2. Lengthen the revocation time for first- and second-time DWI offenders**
    - First-time DWI offenders with an AC level under 0.15
      - Six-month revocation period
      - 15-day hard revocation (period of no driving privileges)
      - Full driving privileges allowed with the installation of an ignition interlock device for the remainder of the 6 months
      - Eliminate option to obtain a limited license
    - First-time DWI Offenders with an alcohol concentration level of 0.15 and above
      - One-year revocation period
      - 15-day hard revocation
      - Full driving privileges allowed with the installation of an ignition interlock device for the remainder of the one year
      - Eliminate option to obtain a limited license
      - Impound license plates; issue regular license plates if an ignition interlock device is installed
    - First-time test refusals
      - First-time DWI offenders who refuse to take a test to determine their AC level should be sanctioned the same as those with an AC of 0.15 or above
    - Second-time DWI offenders (all second-time offenders receive the same sanction)
      - Two-year revocation period
      - 30-day hard revocation
      - Full driving privileges allowed with the installation of an ignition interlock device for the remainder of the two years
      - Eliminate option to obtain a limited license
      - Impound license plates; issue regular license plates if ignition interlock device is installed
  - 3. Update sanctions for people that are cancelled as “inimical to public safety” (three offenses in 10 years or four in a lifetime)**
    - Revocation periods
      - Third offense in 10 years or fourth on record – 3 years
      - Fourth offense in 10 years – 4 years
      - Fifth offense – 5 years
    - 30-day hard revocation
    - Limited license for one year allowing for completion of a set level of chemical health recovery
-

- Full driving privileges allowed with the installation of an ignition interlock device for the remainder of the revocation period
- Period of abstinence followed by a period of “not a drop” while driving a motor vehicle
- Removal of restrictions after 10 years of compliance with all DLAS
- Restrictions placed on the driving record, not on the driver’s license card

#### **4. Provide effective chemical health screens and assessments**

- Allow counties the option to use a chemical health screen, in place of an assessment, on first-time DWI offenders that are arrested with an AC level under 0.15
  - Mandate training for people who administer the screen
  - Screening tool used must be approved by a state designated authority
- Provide quality assurance to ensure that screens are administered correctly and appropriately
- Require the use of the Rule 25 assessment tool statewide
- Develop and maintain lists of court-appointed screeners and assessors

#### **5. Focus enhanced consequence on people who continue to drive after their driving privileges have been withdrawn due to risky driving behavior**

- Change the definitions of when a license is suspended and/or revoked
  - Suspension = loss of license for financial or other non-driving violations
  - Revocation/cancellation = loss of license for demonstrating risky driving behavior
- Consequences for “driving after revocation” or “driving after cancellation” offenses
  - First two violations
    - Payable offense
    - Additional loss of driving privileges
    - Required to meet with a DPS Driver Evaluator
  - Third violation
    - No longer a payable offense /mandatory court appearance
    - Additional loss of driving privileges
- Consequence for “driving after suspension” offense
  - All violations
    - Payable offense
    - No additional loss of driving privileges

#### **6. Determine effective programs that achieve long-term behavior change and assure statewide access**

- Create a multi-agency committee that would:
  - Research existing county programs
  - Determine how the Department of Public Safety could work with probation services and the Department of Human Services to assure that identified DWI offenders consistently receive appropriate long-term behavior-change services
  - Determine how a screen or assessment might be used to identify which people would be best served by cognitive-based education

## Full descriptions of recommendations approved by the Policy Group

### Recommendation 1

**Reduce the alcohol concentration level that triggers enhanced DLAS from 0.20 to 0.15**

#### Current Sanctions Overview

Current law imposes enhanced sanctions on first- and second-time DWI offenders with an AC at or above 0.20, which was twice the *per se* AC level for impairment (0.10) at the time the law was enacted in 1998. In 2005, the *per se* limit for impairment was reduced to 0.08 and no changes occurred that would reduce the AC level of enhanced sanctions.

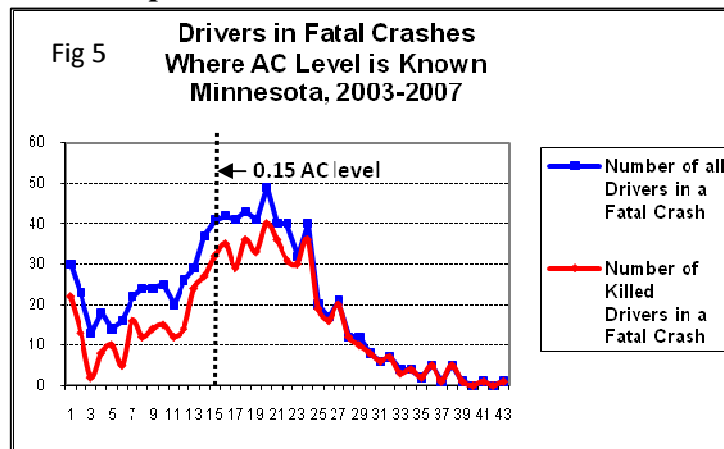
#### Description of Recommendation

Reduce the AC threshold that triggers enhanced DLAS for first-time DWI offenders from 0.20 to 0.15 AC, and apply enhanced sanctions to all repeat DWI offenders.

#### Support for Change

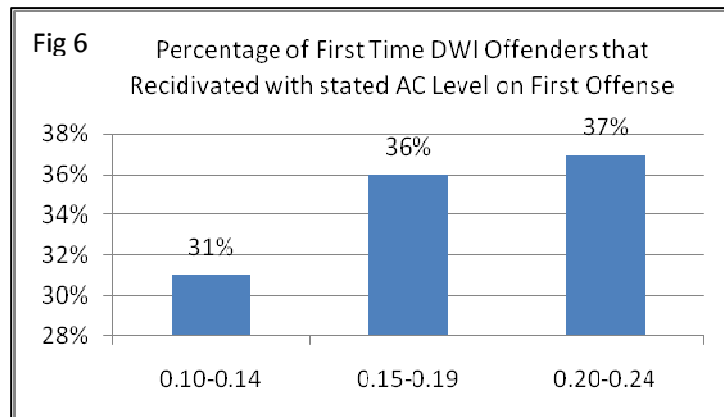
**Fatality statistics demonstrate a strong relationship between AC levels at 0.15 or above and alcohol-related fatalities**

- In Minnesota, more than 63 percent of drivers who were involved in fatal crashes and tested positively for alcohol had AC levels of 0.15 or above (DPS) (see Figure 5).
- Drivers with AC levels of 0.15 or above are 200 times more likely to be in a fatal crash than non-drinking drivers (TIRF, 2008).



**First-time offenders with AC levels 0.15 and above are more likely to commit a second offense**

- DWI offenders with 0.15-0.19 AC level will re-offend at essentially the same rate as offenders with AC levels of 0.20 and higher (Figure 6).
- DWI offenders arrested at 0.10 - 0.14 are less likely to recidivate, indicating that 0.15 AC is a more appropriate threshold for enhanced sanctions.



Source: DPS, 2009c for Fig 5 and Fig 6 (DPS 2007)

Of the 40 states that have established enhanced DLAS for high AC levels, half use 0.15 as the threshold; Minnesota is one of four remaining states that use 0.20 as the threshold.

**Recommendation 2**

**Lengthen the revocation time for first- and second-time DWI offenders**

**Current Sanctions Overview**

The current DLAS impose different revocation periods for first- and second-time DWI offenders based on number of offenses, alcohol concentration (AC) level, and test refusal. The revocation periods are short, sanctions are complicated, and they do not encourage the use of ignition interlock, an effective tool for reducing recidivism. Further, limited license that allow DWI offenders to work, attend school and treatment, are difficult to administer by the DPS. They do not always address changes in work hours and may result in illegal driving.

**Description of Recommendation**

Lengthen the revocation time for first-and second- time DWI offenders and provide the option of full driving privileges restored with the agreement that the offender is restricted to driving only a vehicle with an ignition interlock installed. Provide for a short period of no driving privileges (15-30 days) and eliminate the option of a limited license. Failed attempts to start the vehicle due to alcohol use in the last three months of the required restricted license time-period will result in a longer period of the ignition interlock restricted license. License plates are impounded at the time of arrest and license plates are only issued upon installation of an ignition interlock device (see Table 7).

**Table 7: Current and proposed sanctions for first and second-time offenders**

	Current	Proposed
<b>First-time offender</b>	<ul style="list-style-type: none"> <li>• 3-month revocation of driving privileges                             <ul style="list-style-type: none"> <li>– 15-day period of no driving privileges</li> <li>– Limited license provided for remaining revocation period</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• 6-month revocation of driving privileges                             <ul style="list-style-type: none"> <li>– 15-day period of no driving privileges</li> <li>– Full privileges with ignition interlock for remaining revocation period (no limited option)</li> <li>– No failed tests for alcohol in the last three months</li> </ul> </li> </ul>
<b>First Time Offender High AC</b>	<p><b>0.20 alcohol concentration level</b></p> <ul style="list-style-type: none"> <li>• 6-months revocation of driving privileges                             <ul style="list-style-type: none"> <li>– 30-day period of no driving privileges</li> <li>– Limited license provided for remaining revocation period</li> <li>– License plate impoundment</li> </ul> </li> </ul>	<p><b>0.15 alcohol concentration level</b></p> <ul style="list-style-type: none"> <li>• One-year revocation of driving privileges                             <ul style="list-style-type: none"> <li>– 15-day period of no driving privileges</li> <li>– Full privileges with ignition interlock for remaining revocation period (no limited option)</li> <li>– No failed tests for alcohol in the last three months</li> <li>– License plate impoundment</li> </ul> </li> </ul>
<b>First Time Offender Test Refusal</b>	<ul style="list-style-type: none"> <li>• 1-year revocation of driving privileges                             <ul style="list-style-type: none"> <li>– 15-day period of no driving privileges</li> <li>– Limited license provided for remaining revocation period</li> </ul> </li> </ul>	<p><b>Same as first time offender with high AC level</b></p>



**Table 7: Current and proposed sanctions for first and second-time offenders**

	Current	Proposed
<b>Second-time offender</b>	<ul style="list-style-type: none"> <li>• 6-months revocation of driving privileges                             <ul style="list-style-type: none"> <li>– 90-day period of no driving privileges</li> <li>– Limited license provided for remaining revocation period</li> <li>– License plate impoundment</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• 2-year revocation of driving privileges                             <ul style="list-style-type: none"> <li>– 30-day period of no driving privileges</li> <li>– Full privileges with ignition interlock for remaining revocation period (no limited option)</li> <li>– No failed tests for alcohol in the last three months</li> <li>– License plate impoundment</li> </ul> </li> </ul>
<b>Second Time Offender (High AC or Test Refusal)</b>	<p><b>0.20 alcohol concentration level</b></p> <ul style="list-style-type: none"> <li>• 1-year revocation of driving privileges                             <ul style="list-style-type: none"> <li>– 6-month period of no driving privileges</li> <li>– Limited license provided for remaining revocation period</li> <li>– License plate impoundment</li> </ul> </li> </ul>	<b>Same as above</b>

**Support for Change**

Data indicates that providing more serious sanctions for first- and second-time offenders, and promoting ignition interlock use, will have an impact on reducing alcohol-related fatalities and severe injuries, reducing DWI recidivism, and increasing legal driving.

Strengthened DLAS can help reduce repeat offenses. Research indicates that swift and certain sanctions act as a general deterrent, preventing some drivers who might consider drinking and driving from doing so. They also act as a specific deterrent in preventing repeat offenses. A summary of 12 evaluations concluded that administrative sanctions reduced alcohol-related crashes by 13 percent (Wagenaar, Zobek, Williams, & Hingson, 2000).

A focus on first- and second-time offenders can make a significant difference in the number of people that will re-offend.

- In Minnesota, first- and second-time offenders accounted for 84 percent of all drivers with DWIs (DPS, 2007b).
- First-time DWI offenders who are re-arrested account for over 50 percent of the total number of repeat DWI offenders (DPS, 2007b).
- Of the population of first-time DWI offenders who are known to re-offend, approximately 20 percent do so within 12 months of their previous DWI arrest and one-third will re-offend within 24 months (DPS, 2007 arrest data).

Addressing first- and second-time DWI offenders will also have the most significant effect on reducing alcohol-related fatalities. Of all drinking drivers in Minnesota involved in a fatal crash 60 percent had no previous DWI. Of the 40 percent who had a previous DWI, 75 percent had one or two DWIs (DPS, 2009b).

The proposed recommendation eliminates a longer revocation for those that refuse a test and treats those people similar to a person with an alcohol concentration level at 0.15 and above. The current DLAS imposes a longer revocation period for test refusal. This has been in place since 1961 when Minnesota first enacted an implied consent law to revoke the driver's license of drivers who refuse to submit to chemical testing. The intent was to compel the offender's cooperation with chemical testing and reduce the refusal rate. The longer revocation period remained in place after Minnesota enacted the nation's first administrative license revocation law for test failure. However, Minnesota has since enacted a statute that makes refusal to submit to chemical testing a criminal offense, a more serious crime than Driving While Impaired. Data shows that the criminal refusal law has effectively lowered the refusal rate. In 2008, Minnesota's refusal rate was 12%, which is approximately half of what it was in 1991 and significantly lower than the national average (DPS 2009a). Furthermore, the criminal refusal statute makes the refusal rate less concerning because drivers are prosecuted for refusing the test and the refusal conviction is treated as an impaired driving conviction under Minnesota law. The DLAS is unnecessarily complicated by providing a third revocation period for the 12% of offenders who refuse testing and there is no benefit to continuation of the longer revocation period for test refusal. States without strong criminal refusal statutes may wish to maintain more severe administrative license sanctions for test refusal.

### **Ignition Interlock Support**

Research confirms the effectiveness of ignition interlock in reducing recidivism and therefore encouraging first-and second-time DWI offenders to install an II device will result in a reduction of impaired and illegal driving.

- Four studies, each with a unique population, different measures of recidivism, and varying evaluation periods, have concluded that II is effective in reducing recidivism among first-time offenders (EMT Group 1990; Morse and Elliot 1992; Tippetts and Voas 1998; Voas et al. 1999).
- A Canadian study compared first offenders with II to a control group of reinstated and non-interlocked drivers and found an 89% reduction in recidivism when comparing first offenders with II to reinstated drivers (Voas et al. 1999).
- More than 10 evaluations of II applications have reported reductions in recidivism ranging from 35 – 90% (Voas and Marques 2003; Vezina 2002; Tippetts and Voas 1997; Coben and Larkin 1999) with an average reduction of 64% (Willis et al. 2005).
- Positive tests for alcohol use reported by an II device, is a predictor of increased risk for re-offense and should be used to determine the time-period that the offender is required to drive a vehicle with it installed. This recommendation would require the offender to continue to drive a vehicle with an II installed until they have no failed test due to alcohol use in the last three months of their ignition interlock use.
- A high rate of failed tests due to alcohol consumption from the II data recording device, particularly in excess of .02%, is predictive of the likelihood of recidivism (Marques et al. 2003; Beirness and Marques 2004).

Ignition interlock allows offenders to resume driving earlier while also ensuring public safety. The recommendation offers those who install an II device full driving privileges, compared to the current restrictions of limited or no driving privileges, and as a result will increase legal driving.

More states are implementing II programs. In 2009, 21 states required II use for first-time offenders; twelve states required II on all first-time offenders and nine required it on first-time offenders with an AC level of 0.15 and above.

### Recommendation 3

#### Update sanctions for people who are cancelled as “inimical to public safety” (three offenses in 10 years or four in a lifetime)

##### Current Sanctions Overview

Minnesota has not reviewed sanctions imposed on drivers that are cancelled as “inimical to public safety” for over 30 years. Due to their demonstration of risky driving behavior, offenders are required to experience lengthy time periods of no driving privileges. Since many of these offenders need to drive to maintain employment, attend AA, treatment, court and other requirements of their rehabilitation, a lengthy cancellation period encourages illegal driving; an estimated 70 percent of people continue to drive despite not having driving privileges. Further, in the last 30 years, treatment professionals have developed a much greater understanding of chemical dependency and expectations from a person that is going through the recovery process.

##### Description of Recommendation

The proposed sanctions for these drivers incorporate the following information, while maintaining a focus on reducing alcohol-related driving fatalities and severe injuries and increasing legal driving.

##### Considerations acknowledged by this recommendation

- “Cancelled” drivers have repeatedly demonstrated risky driving behavior, which compromises public safety.
- People in chemical health recovery often need to drive to be productive citizens.
- Chemical dependency is a medical condition that can be managed through a lifetime process of recovery, and the process of recovery may include relapses.
- Incentives are important for acknowledging success in recovery.

In the proposed system, the cancellation period would range from three to five years, depending upon the number of offenses (see Tables 8 and 9). After a 30-day hard revocation, a person could return to driving with a limited II license that would allow them to drive to work, attend treatment, court and other requirements. They would also enter a monitoring period including abstinence and not-a-drop alcohol restrictions. Full, unrestricted driving privileges would be obtained after 10 years of no alcohol or drug violations.

**Table 8: Current and Proposed Sanctions for “Cancelled” Offenders**

Current	Proposed (see Table 9 for addition information)
<ul style="list-style-type: none"> <li>• Time-periods of cancellation of driving privileges – no driving privileges allowed                             <ul style="list-style-type: none"> <li>– 3 offense in 10 years or 4 on record - 1 year</li> <li>– Additional arrest or indication of alcohol use with previous completion of rehabilitation - 3 years</li> <li>– Additional arrest or indication of alcohol use with two previous completions of rehabilitations – 6 years</li> </ul> </li> </ul> <p style="text-align: center;"><b>Conditions of Reinstatement</b></p> <ul style="list-style-type: none"> <li>• 1, 3 or 6 years demonstration of no alcohol or controlled substance usage                             <ul style="list-style-type: none"> <li>– Completion of treatment</li> <li>– Verified by 5 letters and AA attendance</li> </ul> </li> <li>• Life-long restriction of no alcohol or controlled substance usage</li> </ul> <p style="text-align: center;"><b>Driver License Restrictions</b></p> <ul style="list-style-type: none"> <li>• Lifetime restriction prohibiting the use of alcohol (B Card), whether behind the wheel or outside of a vehicle</li> </ul>	<ul style="list-style-type: none"> <li>• Time-periods of revocation/cancellation (option of a limited license with the use of ignition interlock after 30 days)                             <ul style="list-style-type: none"> <li>– 3 offenses in 10 years or 4 on record – 3 years</li> <li>– 4 offenses in 10 years – 4 years</li> <li>– 5 offenses – 5 years</li> </ul> </li> </ul> <p style="text-align: center;"><b>Conditions of Reinstatement</b></p> <ul style="list-style-type: none"> <li>• After one-year of a limited license and completion of treatment, full driving privileges are restored with an ignition interlock restriction</li> <li>• Ignition interlock restriction may be removed after 3, 4 or 5 years of demonstrated abstinence verified by reports from the ignition interlock device (<i>Time may be extended if alcohol use is detected</i>)</li> <li>• Combination of abstinence and “not a drop behind the wheel” restrictions during the 10 year monitoring period</li> <li>• Consequences that allow for continued restricted driving if relapse occurs (see detailed sanction periods and consequences for relapse in Table 11 below)</li> <li>• Reports of alcohol or drug usage must be substantiated by a blood, breath, or urine test, or refusal of a chemical test</li> </ul> <p style="text-align: center;"><b>Driver License Restrictions</b></p> <ul style="list-style-type: none"> <li>• Elimination of abstinence restriction on the driver’s license card</li> <li>• Elimination of the lifetime abstinence restriction</li> </ul>

**Table 9: Sanctions and Restriction for Drivers “Inimical to Public Safety”**

Sanctions and restrictions for drivers whose licenses are cancelled “inimical to public safety”					
Number of Offenses	Cancellation period (requiring abstinence and fulfillment of treatment requirements)			Regular driver’s license reinstatement with “Not a Drop behind the wheel” restriction <i>Time is dependent on meeting the requirement of 10 years no alcohol violations</i>	Full driver’s license reinstatement, no restriction
	Hard revocation period	Revocation period (possibility for driving with ignition interlock)			
		Limited License Period With Ignition Interlock	Full Driving Privileges with Ignition Interlock Restriction		
3 within 10 years or 4 <sup>th</sup> on record	30 days	1 year (limited license) Three years of ignition interlock	Additional 2 years	7 years minimum	After 10 years of no violation
4 within 10 years	30 days	1 year (limited license) Four years of ignition interlock	Additional 3 years	6 years minimum	After 10 years of no violation
5 or more on record	30 days	1 year (limited license) Five years of ignition interlock	Additional 4 years	5 years minimum	After 10 years of no violation
<b>Proposed consequences for violations of abstinence and “not a drop behind the wheel” restrictions</b>					
<b>During abstinence period</b>					
<b>Incidents not involving driving</b>		<b>Incidents involving driving</b>		<b>During “Not a drop behind the wheel” period</b>	
Any documented use of alcohol = one additional year of ignition interlock (these additional years are not cumulative)		Any documented use of alcohol behind the wheel= return to beginning of cancellation/ll/abstinence period		Any documented use of alcohol involving driving = one additional year of ignition interlock	

### Support for Change

- The proposed 3, 4 and 5-year abstinence periods correspond to the evidence that 45 percent of those cancelled drivers that recidivate do so within three years, and that 70 percent of those who recidivate do so within five years (DPS, 2009c).
- The requirement for 10 years with no alcohol violations is based on the evidence that 90 percent of drivers with cancelled licenses who recidivate do so within 10 years (DPS, 2009c).
- The abstinence sanctions would help to assure public safety by supporting a regimen of strategies for managing chemical addiction, thus focusing on the underlying reason individuals are designated as “inimical to public safety.” The “not a drop behind the wheel” provision is designed to balance public safety needs with individuals’ needs and responsibilities.
- Removing the current lifetime abstinence restriction provides an incentive for people in recovery and acknowledges their success.
- The DPS recognizes chemical dependency is a medical condition, and the department has a history of cancelling licenses based on medical conditions, such as epilepsy and diabetes, which may have an impact on public safety.
- The limited license is intended to restrict driving during the first year of cancellation and until the offender has completed treatment, when the risk of relapse is considered to be the greatest.
- The sanctions recognize the possibility of relapse, and allow for continued driving while individuals participate in treatment and recovery.

## Recommendation 4

### Provide effective chemical health screens and assessments

#### Current Sanctions Overview

Minnesota Statutes, section 169A.70 requires everyone to have a chemical health assessment if they are convicted of any violation resulting from a DWI arrest. The statute references rules adopted by the Commissioner of the Department of Human Services (DHS) under section 254A.03.<sup>4</sup> Prior to 2008, many different assessment tools were compliant with the rule criteria. As of July 1, 2008, the criteria was updated to specify a single statewide assessment tool for use by counties, tribes, and state contracted managed health care plans. While this assessment tool is required for all public pay individuals, or for those requesting a Rule 25 assessment per MS section 256M.70, the tool is of significant length, and may not be required for all offenders. About 50% of offenders currently are required to have a full Rule 25 assessment.

#### Description of Recommendation

Policies and processes for screening and assessing offenders for alcohol dependency should be improved in order to improve the delivery of recovery resources to individual offenders’ unique chemical dependency needs.

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<sup>4</sup>subdivision 3 (Minnesota Rules, parts 9530.6600 to 9530.6655 - Rule 25).

This recommendation includes three sub-proposals:

**1. Allow screening to appropriately determine need for a full assessment.** Allow counties the option to use an approved screen for first-time DWI offenders who test under 0.15 AC who are not public pay or who have not requested assessment per MS section 256M.70. Full assessments would be given to first-time offenders with 0.15 AC and higher, those who refuse the alcohol test, repeat offenders, those whose screen indicates a need for a full assessment, and those who are public pay or request assessment per MS, section 256M.70. DHS would provide a valid screening tool and variances could be granted for tools that meet the same standards. Requirements of a screening program would include:

- Mandated training for people who administer the screen.
- Provide quality assurance to ensure that screens are administered correctly and appropriately.

Approved screening tools used as an alternative to a state-approved screen would have to be:

- Score-able
- Validated to predict need for services
- Address mental health and chemical dependency
- Low-cost

**2. Require chemical health assessments** to be completed according to Minnesota Rules 9530.6600-9530.6655 statewide, and revise MS 169A.70 to require a single assessment tool and to incorporate the tool into a coherent assessment process.

**3. Develop and maintain lists of court-appointed screeners and assessors** who meet the requirements of MS 169A. Persons administering the screen would either meet the same requirements as would assessors, or be a Human Services professional. Lists of approved assessors and screeners would be created at the local level and maintained at the state level.

### Support for Change

Appropriate use of a screening tool on first-time DWI offenders with an AC level of below 0.15 would provide:

- More efficient use of resources, by filtering who gets a full assessment.
- More appropriate referrals.
- Earlier intervention, in accordance with “best practices”, for people with substance use disorders.

The law requires that everyone convicted of DWI or a lesser charge must have a chemical health assessment according to Minnesota Rules 9530.6600 to 9530.6655. Currently, some counties inappropriately use a screen instead of an assessment as a filter to determine who gets an assessment. Providing clear direction as to when an allowable screen may be used and when the full assessment is required would provide consistency in service in identifying treatment and education needs of DWI offenders which is not present in the current process of using multiple screens and assessments throughout the state.

Use of a screen might not save resources in all circumstances. Some probation officers will choose to “sit down” and use a more complete interview process with offenders regardless of screen availability.



Cost depends on the volume and the way the county structures the work. For DWI offenders with an AC of 0.15 or less, who are not public pay and do not request assessment per MS 256M.70, counties would be allowed to choose whether to use a screen or conduct an assessment according to Minnesota Rules 9530.6600-9530.6655.

As part of this recommendation, DHS would regularly train practitioners on the use of the assessment in response to concern that in the current system some practitioners lack sufficient skills to accurately administer the assessment.

Chemical health assessors must meet criteria established in Rule 9530.6615. These assessors would also be qualified to administer the screening tool, but practitioners authorized to administer the screening tool would not necessarily be authorized to administer the assessment.

## Recommendation 5

### **Focus enhanced consequence on people who continue to drive after their driving privileges have been withdrawn due to risky driving behavior**

#### **Current Sanctions Overview**

Minnesota has three levels of driver's license withdrawal (DAW): *suspension*, *revocation*, and *cancellation*, with increasingly severe consequences for each consecutive level. Each level involves a consequence for poor driving behavior. However, the majority of suspended licenses are a result of outstanding financial payments (e.g. unpaid fine or failure to pay child support). In 2009, in an effort to manage increasing caseloads with diminishing resources, Minnesota's district courts stopped requiring court appearances for DAW cases. These offenses are treated like petty misdemeanor offenses with a payable fine. An unintended consequence of this change was that the riskiest driving-after-withdrawal violators were treated the same way as non-driving-related violators.

#### **Description of Recommendation**

The current complicated set of driver's license suspensions, revocations and cancellations should be redefined so that suspensions are reserved for non-driving-related offenses, and revocations and cancellations are reserved for offenders demonstrating risky driving behavior. Persons with one or two "driving after revocation (DAR)" or "driving after cancellation (DAC)" violations would be required to meet with a Driver Evaluator at the DPS Driver and Vehicle Services. The Driver Evaluator would counsel the offender on the steps required to obtain a legal license and assure compliance with licensing requirements. If the offender incurs a third or more DAR or DAC, a mandatory court appearance would be imposed (see Table 10)

**Table 10: Sanctions for Driving After Suspension, Revocation or Cancellation**

	First Offense	Second Offense	Third or More
<b>DAS</b>	<ul style="list-style-type: none"> <li>• Payable</li> <li>• No additional loss of driving privileges</li> </ul>	<ul style="list-style-type: none"> <li>• Payable</li> <li>• No additional loss of driving privileges</li> </ul>	<ul style="list-style-type: none"> <li>• Payable</li> <li>• No additional loss of driving privileges</li> </ul>
<b>DAR /DAC</b>	<ul style="list-style-type: none"> <li>• Payable</li> <li>• Additional loss of driving privileges</li> <li>• Required meeting with a Driver Evaluator</li> </ul>	<ul style="list-style-type: none"> <li>• Payable</li> <li>• Additional loss of driving privileges</li> <li>• Required meeting with a Driver Evaluator</li> </ul>	<ul style="list-style-type: none"> <li>• Mandatory court appearance</li> <li>• Additional loss of driving privileges</li> </ul>

Proposed definitions of license suspension and revocation

- Suspension = loss of license for financial or other non-driving violations
- Revocation/cancellation = loss of license for demonstrating risky driving behavior

The recommendation would require additional Driver Evaluators to conduct the hearings with DAW violators. Additional staff could be funded by a slight increase (\$10.00 to \$20.00) of the \$30.00 reinstatement fee for non-alcohol driver license revocations.

**Support for Change**

DAW data from 2007 indicates:

- Only 9% of license suspensions were for moving violations; therefore, the majority of license suspensions are already for financial reasons and changing the definition of license suspension will have minimal impact.
- Over half the time (54%), the reason for driving privilege withdrawal is for non-driving violations; 104,155 of all 193,181 withdrawals were *suspensions* for non-driving violations, such as unpaid fines and unpaid child support.
- By focusing only on those drivers that “drive after revocation/cancellation” it eliminates over half of the people that lose their driving privileges and allows the limited resources available time to focus on those drivers that put others at risk on the roadway.
- Driving after withdrawal violators continue to violate and are often not held accountable for their actions. Some of these violators are confused on the steps needed to reinstate their license and would benefit from a meeting with a Driver Evaluator that can explain the reinstatement requirements. The 15,539 repeat DAW violations were incurred by 10,990 drivers; half of repeat DAW drivers will re-offend and 35% of all DAW violations are incurred by people with three or more violations.

Source: DPC, 2009c

## Recommendation 6

### Determine effective programs that achieve long-term behavior change and assure statewide access

#### Current Sanctions Overview

Current sanctions try to encourage long-term DWI behavior changes by requiring some repeat offenders to complete chemical dependency treatment, participate in a support group, and provide five letters attesting to the offender's abstinence. In addition, some counties provide special services such as DWI courts and intensive supervision programs, which are known to be effective where they are available. However, these measures are not provided statewide.

#### Description of Recommendation

Achieving long-term DWI behavior change requires cooperation among multiple agencies concerned with reducing DWIs. This recommendation would create a multi-agency committee to:

- Further research what each county is doing to address long-term behavior change of DWI offenders, including cognitive-based education, DWI courts, and intensive supervision programs.
- Determine how an assessment or screen could be used to identify which people would be best served by cognitive-based education.
- Determine how the Department of Public Safety could work jointly with the three-tier delivery system of probation services and the Department of Human Services to assure that identified DWI offenders consistently receive appropriate long-term behavior-change services.

#### Support for Change

New approaches are needed to help address long-term behavior change, such as cognitive-based education, DWI courts and intensive supervision programs. A study on DWI Courts demonstrated that traditional probation offenders were 19 times more likely to be arrested for DWI than a DWI Court participant (NPC Research, 2008). Currently, Minnesota has 10 DWI Courts and several other Hybrid (DWI and Drug) Courts; however, supervision is not consistent throughout the state. Another promising tool being used increasingly to address behavior change is cognitive-based education. The *Driving with Care* program, for example, is being used in several Minnesota counties.

Additional research is needed on the effectiveness of these programs and a plan for statewide implementation. This recommendation would create a committee of knowledgeable professionals working with DWI offenders to develop and implement the new approaches described above.

Committee members would include:

- Minnesota Association of County Probation Officers (MACPO);
- MN Association of Community Corrections Act Counties (MACCAC);
- MN Department of Corrections;
- MN Department of Human Services; and
- MN Department of Public Safety.

## V. FINAL OUTCOMES AND NEXT STEPS

On May 18, 2010, Governor Tim Pawlenty signed a major piece of legislation calling for strong DWI sanctions and requiring the use of ignition interlocks. The legislation is effective July 1, 2011. Many of the recommendations of the *DLAS Initiative* were included in the Governor's initiative. The outcome of each recommendation from the *DLAS Initiative* is shown in Table 10.

**Table 10: Proposed *DLAS Initiative* System Changes and Legislative Outcomes**

Proposed Recommendation <sup>5</sup>	Legislative Outcome (2010 legislation effective on July 1, 2011)
<b>Recommendation 1</b>	
Reduce the AC level that triggers enhanced administrative sanctions from 0.20 to 0.15.	The AC level that triggers enhanced administrative sanctions was reduced from 0.20 to 0.16 (instead of 0.15 as recommended).
Simplify DLAS by eliminating the use of enhanced administrative sanctions for repeat offenders.	The tiered system of enhancing sanctions for high AC levels of second-time offenders remained.
<b>Recommendation 2</b>	
Lengthen revocation periods for DWI offenders and provide the option of full driving privileges with the restriction of driving only a vehicle with II installed.	Revocations were lengthened for all DWI offenders except first-time offenders with an AC level less than 0.16.
Provide for a short period of no driving privileges (hard revocation).	A short period of no driving privileges was eliminated.
Eliminate the use of a limited license.	The use of limited licenses was eliminated with the exception of first-time DWI offenders with an AC level of less than 0.16.
<b>Recommendation 3</b>	
Update administrative sanctions for people that are cancelled as "inimical to public safety" (three offenses in 10 years or four in a lifetime).	Legislation was passed that updated many of the proposed recommendations into law and provided the ability to write into rule other recommendations.

<sup>5</sup> Summarized; see Section IV for full proposals.

Proposed Recommendation <sup>5</sup>	Legislative Outcome (2010 legislation effective on July 1, 2011)
<b>Recommendation 4</b>	
Provide effective chemical health screens and assessments.	These recommendations were not included in the 2010 legislation.
<b>Recommendation 5</b>	
Focus enhanced consequence on those that continue to driver after their driving privileges were withdrawn due to risky driving behavior.	These recommendations were not included in the 2010 legislation.
<b>Recommendation 6</b>	
Determine effective programs that achieve long-term behavior change and assure statewide access.	No action has been taken at this time.

### Conclusion

The *DLAS Initiative* was very successful in identifying administrative sanctions that could more effectively reduce alcohol-related fatalities and increase legal driving. Many of the recommendations were included in the Governor’s Initiative that passed into law May 18, 2010. The bill had support from a wide-range of stakeholders due to the inclusiveness of the committee structure, resulting in groups testifying for the bill that would not normally support stronger DWI Sanctions. The bill passed into law with only one opposing vote in both the Senate and the House.

Not all recommendations were included in the Governor’s Initiative. The recommendations that were included will have significant impact on the driver licensing division and time is needed to enact such significant changes.

Through the process, DPS identified key factors that contributed to project success. These included:

- Be inclusive - identify all stakeholders and make sure to include them in the process.
- Educate all stakeholders on the current system; many of them only know their slice of the system.
- Provide administrative support for documentation and meeting facilitation.
- Allow time to research state’s data along with national best practices; inform stakeholders on research results.
- Recommendations must be data driven – this is critical.
- Be deliberate in prioritizing those areas where compromise is not possible, and those areas where flexibility is possible.

The *Driver’s License Administrative Sanctions Initiative* provides a roadmap for future impaired driving traffic safety initiatives and identifies key strategies that can reduce alcohol-related deaths and increase legal driving. These recommendations were developed by a dedicated group of impaired driving stakeholders and consideration should be given to implementing additional recommendations in the future.

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## Appendix A: Sanctions Terminology and Definitions

**AC (alcohol concentration)** – Is defined by statute as: the number of grams of alcohol per 100 milliliters of blood; the number of grams of alcohol per 210 liters of breath; or the number of grams of alcohol per 67 milliliters of urine.

**Cancelled as inimical to public safety** – If the Commissioner of Public Safety has good cause to believe that the operation of a motor vehicle on the highways by a person would be inimical to public safety or welfare, the Commissioner has the authority to cancel driving privileges. A person is defined as inimical to public safety for three or more impaired driving arrests in ten years or four impaired driving arrests in a life time.

**DWI incident** – An alcohol-related offense associated with an implied consent incident and/or a DWI conviction. A person may have an implied consent incident on their driving record with no associated DWI conviction or a DWI conviction with no associated implied consent revocation. Either situation is considered a DWI incident. A DWI conviction and implied consent revocation arising from the same behavioral incident are only counted as one DWI incident.

**Driver's License Administrative Sanctions (DLAS)** refers to the administrative sanctions imposed on drivers by the Department of Public Safety (the driver licensing authority) for violating their privilege to drive by putting others drivers at risk on the roadway. Specific administrative sanctions that were reviewed were those imposed on a driver that is arrested for driving a vehicle with an alcohol concentration level of 0.08 or above or refusing to take a test to determine their alcohol concentration level. These are referred to as "administrative" sanctions to distinguish them from criminal penalties which are imposed by the courts. For the purposes of this initiative, administrative sanctions were reviewed only in terms of their relevance to impaired driving and legal/responsible driving after withdrawal of driving privileges due to an DWI incident.

**The DLAS System** refers to the compilation of people, agencies, policies, laws, rules, procedures and interests involved with DLAS for impaired driving. The word "system" is used loosely to refer to the interconnectedness of all these individuals and groups involved in setting, administering, enforcing and experiencing the effects of driver's license administrative sanctions.

**Hard revocation** – Revocation of driving privileges for which a DWI offender is not eligible for any type of driving privileges.

**Ignition interlock device** – A breath alcohol analyzer that is connected to a motor vehicle ignition. In order to start the motor vehicle engine, a driver must blow an alveolar breath sample into the analyzer which measures the alcohol concentration. If the alcohol concentration exceeds the startup set point on the interlock device, the motor vehicle engine will not start.

**Implied Consent** – A driver's consent to drug or alcohol testing that is implied by the driver's actions in applying for a driver's license.

**Implied Consent Incident-** An incident whereas a driver, when requested by law enforcement, withdraws implied consent and refuses to submit to a drug or alcohol test. The term is commonly used to include chemical test failures (i.e. drivers who test above the *per se* limit for alcohol) and chemical test refusals.

**Limited license** – A restricted license issued to a person while their driving privileges are under revocation or suspension. It provides the ability for a person to drive to work, school, and support programs such as Alcoholics Anonymous (AA).

**Per Se** - Latin phrase used in English to mean "in itself". Meaning that driving a vehicle with an alcohol concentration level of 0.08 and above is in itself enough cause for administrative sanctions to be imposed.

**Recidivism** – An act of a person re-offending for an offense of driving while impaired.

**Revocation** – Loss of driving privileges. To reinstate a driver license after a license revocation, a person must take a driving test, pay a reinstatement fee and apply for a new license, in addition to comply with any other imposed requirements

**Suspension** – Loss of driving privileges. To reinstate a driver license after a license suspension, a person must pay a reinstatement fee, in addition to comply with any other imposed requirements.

## Appendix B: Project Charter

### MN Driver's License Administrative Sanctions Initiative

#### Project charter

#### Project Overview

The Office of Traffic Safety seeks the input and advice of professionals on ways to enhance the driver's license administrative sanctions system so that the number of fatalities and severe injuries resulting from alcohol-related traffic crashes in Minnesota is further reduced and the number of people driving legally and responsibly increases. The project will produce recommendations to the Minnesota Department of Public Safety on ways to enhance the driver's license administrative sanction system to measurably and cost-effectively reduce alcohol-related fatalities and severe injuries, and increase legal and responsible driving.

#### Background

On average, 35% of traffic fatalities in Minnesota are alcohol-related. The most effective countermeasure known to reduce alcohol-related fatalities is a driving-while-impaired arrest. Driver's license sanctions are imposed on drivers when arrested for impaired driving. While driver's license sanctions have been effective in decreasing alcohol-related fatalities and severe injuries, several challenges exist:

- National research indicates that 70% of drivers that are revoked or cancelled drive illegally. In Minnesota, approximately 36,000 charges are filed each year for driving after withdrawal. Besides driving illegally, many of these people are driving uninsured.
- Recidivism after rehabilitation: 87% of people that are cancelled as inimical to public safety for a second or subsequent time are cancelled within 10 years of completing rehabilitation requirements for license reinstatement.

The driver's license sanctions for driving while impaired have not been reviewed for 20 – 30 years, during which time national innovations and improved practices have been developed. Emerging research and improved technologies known to reduce impaired driving offer new opportunities that may improve the results of Minnesota's system of administrative sanctions.

#### Program Organizational Structure

The following groups serve the following roles to support the project:

**Work groups** – Four work groups will review research on current laws, policies and practices, identify key issues, and develop options and present them to TAP.

**Technical Advisory Panel (TAP)** – Work group representatives and other stakeholders will review work group proposals with an awareness of overlapping issues across the four topic areas and provide feedback to work groups and project team.



**Project Team** – Staff of DPS, courts, and county attorneys will execute core project tasks, set project direction, and develop recommendations to present to the Policy Group.

**Policy Group** – Key leaders in organizations involved with driver’s license administrative sanctions will provide overall project oversight, establish policy, and promote change, if needed.

### **Project Timeline**

Phase 1 (June – September 2008): Identification of priority issues

Phase 2 (October 2008 – September 2009): Issue analysis and development of recommendations

Phase 3: Implementation

### **Expectations of members**

- Members will strive to attend each meeting. If unable to attend, members should contact the key contact person for that meeting.
- If members miss meetings, they should review materials from the missed meeting and talk to a member who was present, in order to keep up with the rest of the group when they return.
- Nonmembers are welcome to attend meetings. While only members will participate in decision-making, nonmembers will be able to contribute input during meetings and by submitting written comments and questions.

### **Operating guidelines**

- Unity of purpose: Though participants come from diverse organizations, they share responsibility for the group’s success.
- Atmosphere of respect: Each group member acknowledges the value of other members and gives genuine consideration to others’ ideas. Each has an equal opportunity to influence the group’s thinking.

### **Consensus**

- We define consensus as when the whole group consents, or can live with the decision (70 per cent comfortable/100 per cent willing to support). Each decision will have some members more comfortable on the matter than others. Consensus will reflect a decision that everyone can live with, after thorough discussion and exchange of ideas.
- Documents produced by the group will reflect not only the consensus, but will include minority viewpoints in a less formal way than minority reports.

### **Communications outside this group**

- We will strive to communicate externally in ways that support the work of this group.
- At the end of each meeting, we will plan for needed communications with colleagues and others before the next meeting.
- We will not report the remarks of other members without permission.
- Meeting summaries are in “draft” status until they are approved at the next meeting.

- We will let committee staff know of media contacts or concerns.
- We will work to characterize decisions accurately.
- We will share information with our organizations, recognizing our responsibility to communicate in a manner that does not create barriers to future cooperation.
- We acknowledge a possibility of discord between this group's decisions and an organization's objectives. Group members agree not to criticize the decisions of the group but are free to identify the discord.

For more information, please contact Project Manager Jean Ryan, Impaired Driving Program Coordinator with the Office of Traffic Safety at 651-201-7074; or via e-mail at [Jean.M.Ryan@state.mn.us](mailto:Jean.M.Ryan@state.mn.us).

## Appendix C: Driver's License Sanctions Initiative participant list

### Policy Committee

Chair, Cheri Marti - Director Office of Traffic Safety Department of Public Safety  
Jill Carlson - Field Supervision Manager Department of Corrections  
Sue Dosal - State Court Administrator State Court Administrator's Office  
Mark Dunaski – Chief of MN State Patrol Department of Public Safety  
Mary Ellison - Deputy Commissioner Department of Public Safety  
Carol Falkowski - Director Chemical Health Division Department of Human Services  
Jim Franklin - Executive Director Minnesota Sheriffs' Association  
Steve Holmgren - Chief Public Defender Board of Public Defense  
Harlan Johnson - Executive Director Chiefs of Police Association  
Jared Jordal - Legislative Director Commissioner's Office Department of Public Safety,  
Eric Lipman - Administrative Law Judge Office of Administrative Hearings  
Rick Maes - Board of Directors Minnesota County Attorney's Association  
Peter Marker - Assistant Attorney General Mgr. Public Safety Division Attorney General's Office  
Patricia McCormack - Director Driver and Vehicle Services Department of Public Safety  
Paul Nelson - Chief Judge Eighth Judicial District  
John Stuart - State Public Defender, Board of Public Defense  
Major Michele Tuchner – Minnesota State Patrol Department of Public Safety

### Effective Assessments Work Group

Chair, Diane Hulzebos - Chemical Health Division Department of Human Services  
Co-chair, Lee Gartner - Chemical Health Division Department of Human Services  
Thomas Feddema - Wright County Probation Minnesota Association of County Probation Officers  
Laurie Mayo - Brown/Nicollet/Watonwan Adult Drug Court  
David, Miller - Common Ground  
Bill Plum - Center for Alcohol and Drug Treatment  
Tom Turner - Hennepin County Chemical Health

### Cancellation and Rehab

Chair, Jody Oscarson - Office of Traffic Safety Department of Public Safety  
Co-chair, Matthew Marrin - Driver and Vehicle Services Department of Public Safety  
Sandy Clark - Dakota County Jail Treatment Program  
Kevin Evenson - Director Glenmore Recovery Center  
Jeffrey Hunsberger - Chemical Health Division Department of Human Services  
Jeremie Reinhart - Pine County Probation  
Dianne Wilson - Chemical Health Division Department of Human Services

### Revocation and Reinstatement

Chair, Jean Ryan - Office of Traffic Safety Department of Public Safety  
Co-chair, Robert Roeglin - Supervisor Hennepin County Corrections  
Jessica McConaughy - St Paul City Attorney's Office

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Emil Carlson-Clark - Hennepin County Corrections  
Dan Day - St. Paul Police Department  
Tom Evans - Driver and Vehicle Services Department of Public Safety,  
Sheila Fontaine - Beltrami County Department of Corrections  
Mary Jo Cunningham - Driver and Vehicle Services Department of Public Safety  
Peter Martin - Defense Attorney

**Driving After Withdrawal Work Group**

Chair, Bill Lemons - Traffic Safety Resource Prosecutor  
Jeanette Boerner - Assistant Public Defender Hennepin County  
Erica, Glassberg - Bloomington City Attorney  
Bob Jirele - Rock-Nobles Community Corrections  
Cassie Johnson - Farmington Police Department  
Sergeant Don Marose – Minnesota State Patrol Department of Public Safety  
Melissa Rossow - Assistant Director of Human Services Ramsey County Attorney's Office  
Robert Scopatz - Data Nexus

**Project Team**

Chair, Jean Ryan - Office of Traffic Safety Department of Public Safety  
Diane, Hulzebos - Chemical Health Division Department of Human Services  
Bill Lemons - Traffic Safety Resource Prosecutor  
Matthew Marrin - Driver and Vehicle Services Department of Public Safety  
Jody Oscarson - Office of Traffic Safety Department of Public Safety  
Robert Roeglin – Hennepin County Corrections

**Technical Advisory Panel**

Chair, Jean Ryan, Department of Public Safety Office of Traffic Safety  
Bill Lemons - County Attorney's Association  
Dan Cain - Director RS Eden  
Dan Day - St. Paul Police Department  
Deborah Blee - State Court Administrator's Office  
Diane Hulzebos - Chemical Health Division Department of Human Services  
Don Marose – Minnesota State Patrol Department of Public Safety  
Jean Mulvey - Mothers Against Drunk Driving  
Jeffrey McCormick - Cannon Falls Chief of Police  
Jessica, McConaughy - St. Paul City Attorney's Office  
Joan Kopcinski - Driver and Vehicle Services Department of Public Safety  
Jody Oscarson – Office of Traffic Safety Department of Public Safety  
Joseph Newton - Commissioner's Office Department of Public Safety  
Kurt Koehler - Ramsey County Human Services  
Lee Gartner - Chemical Health Division Department of Human Services  
Lynne Goughler - Mothers Against Drunk Driving  
Mike Schiks - Project Turnabout  
Nancy Johnson - Minnesotans for Safe Driving

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Peter Marker - Assistant Attorney General Mgr. Public Safety Division Attorney General's Office  
Robert Roeglin - Hennepin County Corrections  
Robert Ellingson - Board of Public Defense  
Ron Sager - Isanti Chief of Police  
Shari Schluchter - Beltrami County Judge  
Steve Simon - MN DWI Task Force  
Swantje Willers - Department of Corrections  
Tom Evans - Driver and Vehicle Services Department of Public Safety

Appendix D: Current and proposed sanctions

Appendix D, Table 1: Current Sanctions										
Sanction	1 <sup>st</sup> offense below 0.20	1 <sup>st</sup> offense 0.20 and above	1 <sup>st</sup> offense, refused test	2 <sup>nd</sup> offense below 0.20	2 <sup>nd</sup> offense 0.20 and above or test refusal	3 <sup>rd</sup> offense in 10 yrs below 0.20 (1 <sup>st</sup> cancellation)	3 <sup>rd</sup> offense in 10 yrs 0.20 and above or test refusal (1 <sup>st</sup> cancellation)	4 <sup>th</sup> offense (2 <sup>nd</sup> cancellation)	5 <sup>th</sup> offense (3 <sup>rd</sup> cancellation)	6 <sup>th</sup> or more offenses (add'l cancellations)
<b>Hard revocation</b>	15 days	30 days	15 days	90 days	180 days	1 year	1 year	many variables	many variables	many variables
<b>Revocation</b>	90 days (30 days if plead guilty to DWI)	180 days (30 days if plead guilty to DWI)	1 year (30 days if plead guilty to DWI)	180 days	1 year	180 days	1 year	many variables	many variables	many variables
<b>Cancellation</b>	N/A	N/A	N/A	N/A	N/A	Cancelled a minimum of 1 yr abstinence or 2 yrs w/o treatment	Cancelled a minimum of 1 yr abstinence or 2 yrs w/o treatment	Cancelled a minimum 3 yrs of abstinence or 4 yrs w/o treatment	Cancelled a minimum of 6 yrs abstinence or 7 yrs w/o treatment	Cancelled a minimum of 6 yrs abstinence or 7 yrs w/o treatment
<b>Impound all offender's plates</b>	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Vehicle Forfeiture</b>	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
<b>Limited Paper License</b>	Yes	Yes	Yes	Yes	Yes	N/A	N/A	N/A	N/A	N/A
<b>No Alcohol Use Restriction</b>	No	No	No	No	No	Yes, life time	Yes, life time	Yes, life time	Yes, life time	Yes, life time

<b>Appendix D, Table 2: Proposed Sanctions</b>					
<b>Sanction</b>	<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense in 10 yrs including test refusal</b>	<b>3<sup>rd</sup> offense in 10 yrs, 4<sup>th</sup> in a lifetime (1<sup>st</sup> cancellation)</b>	<b>5<sup>th</sup> and 6<sup>th</sup> offenses (2<sup>nd</sup> and 3<sup>rd</sup> cancellations)</b>	<b>More than 6 offenses (add'l cancellations)</b>
<b>Hard revocation</b>	15 days	30 days	30 days	30 days	30 days
<b>Revocation or Ignition Interlock (II)</b>	1 year or full driving privileges under II	2 years or full driving privileges under II	3 years or limited driving privileges for 1 <sup>st</sup> year and 2 years full driving privileges under II	4 years or limited driving privileges for 1 <sup>st</sup> year and 3 years full driving privileges under II	5 years or limited driving privileges for 1 <sup>st</sup> year and 4 years full driving privileges under II
<b>Cancellation</b>	N/A	N/A	Cancelled a minimum of 3 years abstinence (if II detected drinking incident, II time starts over)	Cancelled a minimum of 4 years abstinence (if II detected drinking incident, II time starts over)	Cancelled a minimum of 5 years abstinence (if II detected drinking incident, II time starts over)
<b>Impoundment of all offender's plates</b>	Yes, until II	Yes, until II	Yes, until II	Yes, until II	Yes, until II
<b>Limited Paper License (e.g., days of wk, hrs)</b>	No	No	Yes (partial period)	Yes (partial period)	Yes (partial period)
<b>Abstinence and "Not a drop"<sup>6</sup> Requirements</b>	No	No	Yes, 10 years <ul style="list-style-type: none"> <li>• Three years abstinence, 7 years "not a drop"</li> <li>• Alcohol-use violations add time to existing sanctions</li> </ul>	Yes, 10 years. <ul style="list-style-type: none"> <li>• Four years abstinence, 6 years "not a drop"</li> <li>• Alcohol-use violations add time to existing sanctions</li> </ul>	Yes, 10 years. <ul style="list-style-type: none"> <li>• Five years abstinence, five years "not a drop"</li> <li>• Alcohol-use violations add time to existing sanctions</li> </ul>
<b>Offender Assessment &amp; Completion of Requirements</b>	Yes	Yes	Yes	Yes	Yes

<sup>6</sup> Abstinence requires no alcohol consumption, whether or not one is driving. "Not a drop" restrictions prohibit a driver from having any alcohol in his/her bloodstream when driving.

## Appendix E: Selected Minnesota Office of Traffic Safety Impaired Driving Statistics

Table 1

Drinking Drivers Involved in a Fatal Crash							
Number of prior DWI offenses on the driving record							
Year	No prior offenses	1 prior offenses	2 prior offenses	3 prior offenses	4 prior offenses	5 or more prior offenses	Total drivers with a prior DWI offense involved in a fatal crash
2005	90	27	24	12	5	5	73
2006	98	25	14	6	4	2	51
2007	100	33	18	5	5	3	64
Total	288	85	56	23	14	10	188

### Key Findings

- Table 1 indicates the number of DWI offenses on the driving record of drinking drivers prior to being involved in a fatal crash.
- The majority (60%) of drinking drivers did not have any DWI on their driving record at the time of the fatal crash.
- Driving records indicate that 45 percent (85 out of 190) of the drinking drivers who had a prior DWI offense only had one prior.



**Table 2**

Drinking Drivers Involved in a Fatal Crash							
Length (in months) between previous DWI offense and fatal crash							
Year	No prior DWI offense	0-12 months	13-24 months	25-36 months	37-48 months	49+ months	Total drinking drivers
2005	90	11	10	7	5	40	163
2006	98	9	4	5	6	27	149
2007	100	9	6	6	3	40	164
<b>Total</b>	288	29	20	18	14	107	476

**Key Findings**

- Table 2 above indicates the number of drinking drivers involved in a fatal crash and the number of months between the date of the previous DWI arrest and the occurrence of the fatal crash.
- Over a three year period, 29 drinking drivers were involved in a fatal crash within 12 months of a DWI arrest.

Table 3 Projected 2007 recidivism rate based on historical data

Month	1 <sup>st</sup> to 2 <sup>nd</sup> Offense			2 <sup>nd</sup> to 3 <sup>rd</sup> Offense			3 <sup>rd</sup> to 4 <sup>th</sup> Offense		
	Cumulative Recidivating	Percentage of Offenders who are Known to incur an Additional Offense	Percent of all Offenders who Incur an Additional Offense	Cumulative Recidivating	Percentage of Offenders who are Known to incur an Additional Offense	Percent of all Offenders who Incur an Additional Offense	Cumulative Recidivating	Percentage of Offenders who are Known to incur an Additional Offense	Percent of all Offenders who Incur an Additional Offense
12	1,696	17%	7.17%	774	17%	9.12%	327	18%	9.16%
24	3,082	31%	13.03%	1,457	33%	17.16%	597	33%	16.72%
36	4,255	43%	17.99%	2,030	45%	23.91%	818	45%	22.91%
48	5,249	54%	22.19%	2,537	57%	29.88%	1,025	57%	28.70%
60	6,105	62%	25.81%	2,935	66%	34.57%	1,180	65%	33.05%
72	6,839	70%	28.91%	3,214	72%	37.86%	1,296	72%	36.29%
84	7,396	75%	31.27%	3,461	78%	40.77%	1,403	78%	39.30%
96	7,879	80%	33.31%	3,682	82%	43.37%	1,482	82%	41.50%
108	8,276	84%	34.99%	3,853	86%	45.39%	1,553	86%	43.49%
120	8,657	88%	36.60%	4,000	90%	47.12%	1,603	89%	44.90%
132	8,927	91%	37.74%	4,110	92%	48.42%	1,653	92%	46.31%
144	9,156	93%	38.71%	4,207	94%	49.56%	1,693	94%	47.41%
156	9,393	96%	39.71%	4,288	96%	50.51%	1,726	96%	48.36%
168	9,579	98%	40.50%	4,375	98%	51.54%	1,771	98%	49.62%
180	9,804	100%	41.45%	4,464	100%	52.59%	1,804	100%	50.54%
Not Recidivating	13,849			4,025			1,766		
Total in 2007 Cohort	23,653			8,489		100.00	3,570		100.00

Table 3, Continued

	4 <sup>th</sup> to 5 <sup>th</sup> Offense			5 <sup>th</sup> to 6 <sup>th</sup> Offense		
	Cumulative Recidivating	Percentage of Offenders who are Known to incur an Additional Offense	Percent of all Offenders who Incur an Additional Offense	Cumulative Recidivating	Percentage of Offenders who are Known to incur an Additional Offense	Percent of all Offenders who Incur an Additional Offense
<b>Month</b>						
12	187	21%	12.01%	90	22%	13.82%
24	330	37%	21.18%	172	42%	26.38%
36	437	50%	28.06%	218	53%	33.54%
48	523	59%	33.55%	256	62%	39.32%
60	594	67%	38.14%	288	70%	44.22%
72	647	73%	41.52%	312	76%	47.99%
84	700	80%	44.96%	330	80%	50.75%
96	732	83%	47.01%	352	85%	54.02%
108	772	88%	49.55%	368	89%	56.53%
120	800	91%	51.36%	379	92%	58.17%
132	816	93%	52.38%	388	94%	59.55%
144	834	95%	53.53%	398	96%	61.18%
156	851	97%	54.62%	407	99%	62.56%
168	866	98%	55.58%	411	99%	63.07%
180	881	100%	56.55%	413	100%	63.44%
<b>Not Recidivating</b>	<b>677</b>			<b>238</b>		<b>0.3656</b>
<b>Total in 2007 Cohort</b>	<b>1,558</b>		<b>100.00</b>	<b>651</b>		<b>100.00</b>

**Key Findings:**

- Appendix B, Table 3 indicates the number of people arrested for impaired driving based on the number of offenses at the time of arrest and recidivism rate of those people. Based on historical recidivism rate data, the table also indicates the percentage of people that will recidivate at set time periods.
- Fifty percent of those that will recidivate do so within four years and approximately 90% do so within 10 years. This is true at all degrees of recidivism.
- Forty percent of drivers that are arrested for impaired driving for the first time will recidivate.
- After the second offense, 50% of offenders will recidivate. This percentage remains relatively constant for rate of recidivism.
- By far the largest gain attainable in reducing the number of people re-arrested for impaired driving is by reducing the number of first time DWI offenders who incur a second offense.

### Alcohol Concentration Test Results of Drivers Who Incurred an Impaired Driving Incident: 2005 – 2007

**Table 4: BAC Level and Number of Offenders**

Alcohol Concentration Level	0.08-0.09	0.10-0.14	0.15-0.19	0.20-0.24	0.25-0.29	0.30-0.34	0.35+
First Time DWI Offenders	6,660	28,103	20,374	6,837	1,362	263	56
Repeat DWI Offenders	2,502	12,169	12,153	6,218	1,866	464	90
Total DWI Offenders	9,162	40,272	32,527	13,055	3,228	727	146

#### Key Findings

- Appendix B, Table 4a indicates the number of first time DWI offenders, repeat DWI offenders and total DWI offenders at set alcohol concentration levels.
- Half of people arrested have an alcohol concentration level of 0.15 or above. Repeat DWI offenders are more likely to have an alcohol concentration of 0.15 or above (45% first time DWI offenders 59% repeat DWI offenders).

**Table 5: Repeat Offenders Have Higher BAC**

	Average AC level	Total tested	Test refusals	Total incidents	Average yearly DWI offenders 0.15 AC or above	Percent of DWI offenders 0.15 AC or above	Average yearly DWI offenders 0.20 AC or above	Percent of DWI offenders AC 0.20 of above	Percent of DWI offenders who refused to test
First-time DWI offenders	0.146	63,696	8,461	72,157	9,631	45%	2,839	4%	12%
Repeat DWI offenders	0.16	35,481	9,984	45,465	6,930	59%	2,879	8%	22%
Total DWI offenders	0.15	99,177	18,445	117,622	16,561	50%	5,719	6%	16%

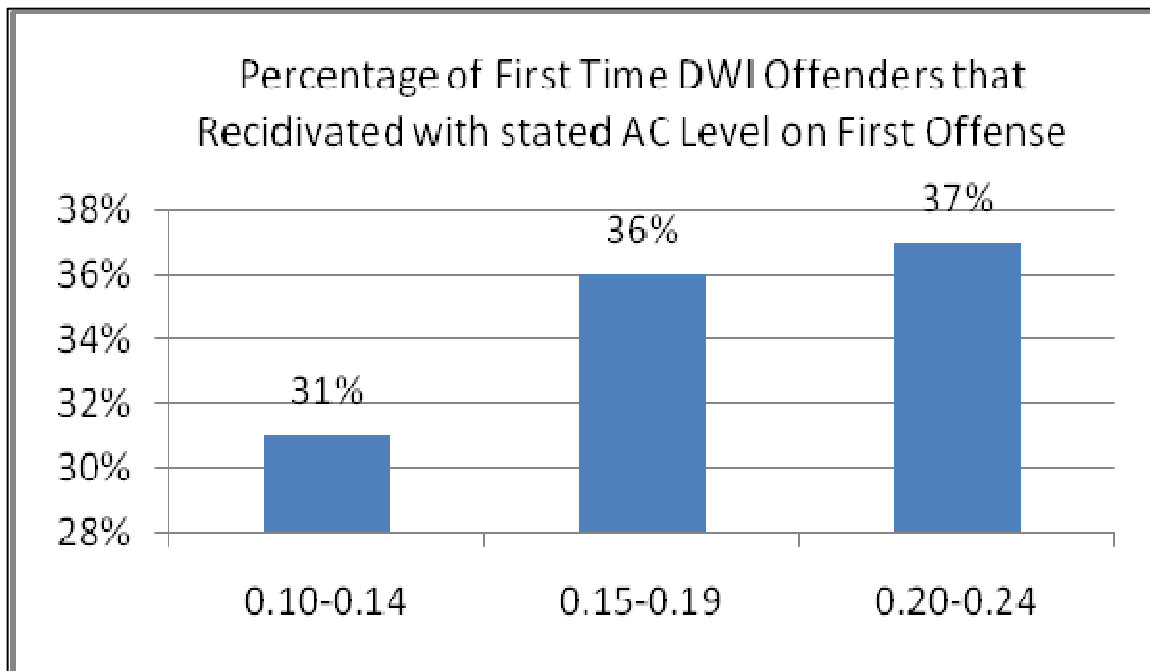
**Key Findings**

- Appendix C, Table 4b indicates the number and percentage of all first time DWI offenders and repeat DWI offenders who are arrested at 0.15 or above and 0.20 and above over a three year time period. It also indicates the number of offenders who refused to take a test.
- Those arrested for a repeat DWI offense are twice as likely to have an alcohol concentration level of 0.20 or above than those arrested for the first time.
- Those arrested for a repeat DWI offense are twice as likely to refuse to take a test to determine alcohol concentration at the time of arrest.

**Table 6. Alcohol concentration (AC) level of first-time DWI offenders who incurred a second offense<sup>7</sup>**

AC Level	0.01 – 0.07	0.08-0.09	0.10-0.14	0.15-0.19	0.20-0.24
Total First-time offenders	8	32	6,201	5,152	2480
Total recidivating	2	13	1952	1833	913
Percentage of first-time DWI offenders who recidivated with stated AC level on first offense	25%	41%	31%	36%	37%

**Table 7: Percentage of first-time DWI offenders who recidivated in 1998**

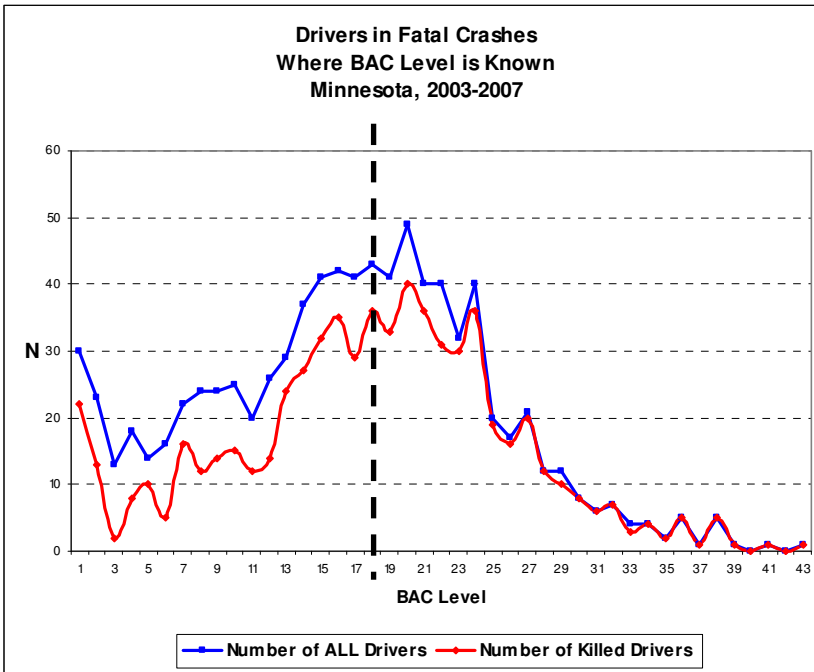


<sup>7</sup> Based on first-time DWI offenders in 1998 that incurred a second offense (does not include all test results).

Table 8. Alcohol concentration level of drivers killed in a fatal crash 2003 – 2007

Alcohol Concentration Level	Number of Killed Drivers in a Fatal Crash	Number of all Drivers in a Fatal Crash
0.01	22	30
0.02	13	23
0.03	2	13
0.04	8	18
0.05	10	14
0.06	5	16
0.07	16	22
0.08	12	24
0.09	14	24
0.10	15	25
0.11	12	20
0.12	14	26
0.13	24	29
0.14	27	37
0.15	32	41
0.16	35	42
0.17	29	41
0.18	36	43
0.19	33	41
0.20	40	49
0.21	36	40
0.22	31	40
0.23	30	32
0.24	36	40
0.25	19	20
0.26	16	17
0.27	20	21
0.28	12	12
0.29	10	12
0.30	8	8
0.31	6	6
0.32	7	7
0.33	3	4
0.34	4	4
0.35	2	2
0.36	5	5
0.37	1	1
0.38	5	5
0.39	1	1
0.40	0	0
0.41	1	1
0.42	0	0
0.43	1	1
<b>Total</b>	<b>653</b>	<b>857</b>



**Figure 1: Drivers in Fatal Crashes Where BAC Level is Known****Key Findings**

- Figure 1 is a ten year look at first time DWI offenders in 1998 that incurred a second offense and the alcohol concentration level of the offender at the time of the first offense. In 1998 the per se alcohol concentration level for impaired driving was 0.10, therefore there were very few people arrested at the 0.01 to 0.09 AC level.
- The largest increase of AC levels that were over the per se alcohol concentration level was 0.15-0.19.
- There is very little difference in recidivism rates for first-time DWI offenders with BAC of 0.15 to 0.19 or with BAC levels of over 0.20.
- Table 6 is the alcohol concentration level of killed drivers and all drivers involved in a fatal crash that were positive for alcohol use.
- The most common alcohol concentration level of a drinking driver involved in a fatal crash is 0.20.

As a person's alcohol concentration level increases, the more likely the person will be involved in a fatal crash.

## Driving after Withdrawal Data

Table 9: 2007 Withdrawal Suspension Data

Reason for Suspension Withdrawal	Number of Incidents	Total Incidents
Court ordered withdrawal (unpaid fines, fail to appear, civil judgments, child support, court ordered)	104,155	
<b>Total non moving violation suspensions</b>		<b>104,155</b>
– Multiple moving violations	5761	
– No driver license or endorsements	3302	
– Under 21 alcohol consumption	2193	
<b>Total suspensions for moving violations</b>	<b>11,256</b>	
<b>Total all suspension</b>	<b>115,411</b>	
Revocation Withdrawals	58,911	
Cancellation Withdrawals	18,859	
<b>Total all revocation and cancellation</b>	<b>77,770</b>	
<b>Total moving violation withdrawals</b>		<b>89,026</b>
<b>Total all withdrawals</b>		<b>193,181</b>

## Key Findings

- 9% of suspensions are for moving violations.
- 46% of all withdrawals are for moving violations.

Table 10: 2008 Driving after Withdrawal Violation

Offense Level	Number of Incidents	Total Incidents
1 <sup>st</sup>	11,755	
2 <sup>nd</sup>	6,021	
<b>Subtotal 1<sup>st</sup> and 2<sup>nd</sup></b>		<b>17,776</b>
3 <sup>rd</sup>	3,437	
4 or more	6,081	
<b>Subtotal 3 or more</b>		<b>9,518</b>
<b>Total Violations</b>		<b>27,294</b>

## Key Findings

- The 15,539 repeat DAW violations were incurred by 10,990 drivers, one third of violations are the same violator.
- Thirty five percent of all driving after withdrawal are 3 or more violations.

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## GOVERNOR PAWLENTY SIGNS LEGISLATION FOR STRONGER DWI SANCTIONS; REQUIRES USE OF IGNITION INTERLOCKS -- May 18, 2010

**Saint Paul** – Governor Tim Pawlenty today signed legislation to strengthen sanctions against DWI offenders and require certain offenders to use ignition interlock devices. The legislation becomes effective July 1, 2011, and aims to enhance road safety to prevent alcohol-related crashes which account for one-third of all Minnesota traffic deaths annually. The legislation gives DWI offenders a chance to regain driving privileges by ensuring safe and legal driving through the use of interlocks.

Interlock devices are installed in a vehicle and require a driver to provide a breath sample in order for the vehicle to start. The vehicle will not start if the device detects an alcohol-concentration level of 0.02 or above after the driver blows into its tube. Interlocks require rolling re-tests after the initial test, and have features to deter others from starting the vehicle for the intended user.

“This legislation demonstrates Minnesota is serious about preventing impaired driving and the tragedies that result from the deadly decision to get behind the wheel after drinking too much,” Governor Pawlenty said. “Stronger sanctions and employing smarter tools such as interlock devices are necessary to step up the fight against this illegal and dangerous behavior. With this law, if you don’t breathe, you don’t leave.”

Highlights of the legislation include:

- DWI offenders with a 0.16 and above alcohol-concentration level will be required to have ignition interlock devices installed on any vehicle they drive.
- DWI offenders with a 0.16 and above alcohol-concentration level that choose not to use ignition interlocks will not have driving privileges ranging from one year to six years — depending on offense level. Offenders with three or more DWIs in a 10-year period will be required to use interlocks.
- Interlock users will regain full driving privileges immediately after the offense, ensuring they are driving with a valid license and not a threat on the roadway.
- Interlocks will be used to monitor chronic DWI offenders (three or more DWIs in 10 year period) to verify chemical use.

In the United States, 46 states have implemented interlock requirements for DWI offenders. Research from the leading ignition interlock institution, Pacific Institute for Research and Evaluation, reports interlocks can reduce repeat DWI offenses by 45 percent to 90 percent.

Minnesota Department of Public Safety (DPS) Commissioner Michael Campion says the increased sanctions and use of interlocks will help to deter motorists from driving impaired, and therefore reduce alcohol-related fatalities.

“Minnesota cannot continue to allow these preventable deaths and injuries on our roads due to drinking and driving,” says Campion. “This law is about saving lives, keeping motorists safe, and sending a message to motorists that impaired driving is a serious crime with serious consequences.”

Campion says the benefits of the new legislation will include safer roads and reduced costs through the use of ignition interlock on high-risk drivers. He adds the law creates a method for all offenders to obtain a valid driver's license to address the epidemic of DWI offenders driving without a valid license. Campion says the use of interlocks also encourages behavior modification and rehabilitation, and diminishes the probability and possibility of repeat DWI.

“Minnesota has made progress in limiting alcohol-related traffic deaths in recent years,” says Campion, citing enhanced, targeted enforcement and education outreach efforts. “To continue this trend, it’s important that legislators and the governor took action to embrace interlock technology to prevent impaired driving crimes.”

The interlock legislation is one of many traffic safety legislative pieces in recent years — felony DWI (2004); 0.08 legal alcohol-concentration limit (2005); ban on cell phone use for new teen drivers (2006); stronger teen graduated driver’s licensing laws (2008); ban on texting, emailing and web access (2008); primary seat belt law (2009); and booster seat law requirement for children (2009).

A current Minnesota ignition interlock pilot program began in July 2009 and more than 1,000 DWI offenders have enrolled to regain their driver’s licenses sooner and are legally driving with interlocks.

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