

Minnesota Felony Driving While Impaired Report 2013

December 2013
Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108-5219
(651) 361-7200
TTY (800) 627-3529
www.doc.state.mn.us

This information will be made available in alternative format upon request.
Printed on recycled paper with at least 10 percent post-consumer waste.

The total cost of salaries, printing, and supplies incurred in the development and preparation of this report is \$1,600 (reported as required by M.S. 3.197).

TABLE OF CONTENTS

Executive Summary	1
Introduction.....	3
Data and Methods	3
Commitments to Prison.....	4
County of Commitment	6
Offender Demographics.....	7
Criminal History	7
Sentences.....	8
Chemical Dependency Treatment in Prison	9
Releases and Reincarcerations.....	10
Challenge Incarceration Program	11
Per Diem	13
Conclusion.....	13
References.....	15
Appendix 1.....	16

TABLES

Table 1. Prison Admissions by Fiscal Year and Admission Type.....	4
Table 2. Prison Admissions by Committing County Location.....	6
Table 3. Prison Admissions by Committing County	7
Table 4. Demographic Characteristics at Prison Admission	7
Table 5. Criminal Histories at Prison Admission	8
Table 6. Sentence Length by Admission Type	8
Table 7. Probation Revocation Reasons	9
Table 8. Chemical Dependency Treatment Status.....	10
Table 9. Chemical Dependency Primary Treatment Outcome	10
Table 10. Supervision Status at Release	11
Table 11. Status of Offenders Admitted to CIP	11
Table 12. Reasons Offenders Failed CIP.....	12
Table 13. Failure Rates by Phase for Offenders Admitted to CIP.....	12
Table 14. Average Adult Operational Per Diem by Fiscal Year	13

FIGURES

Figure 1. Prison Admissions by Month	5
Figure 2. Prison Admissions by Month and Admission Type.....	6

EXECUTIVE SUMMARY

This is the fifth legislatively-mandated report (Minnesota Statute 2009, Section 244.085) on felony driving while impaired (DWI) offenders committed to the commissioner of corrections. In 2009, the legislature amended the statute, narrowing the scope of the report from all persons convicted of a felony DWI to only those felony DWI offenders admitted to prison.

Incidence and County Characteristics

- Between September 1, 2002, and June 30, 2013, a total of 2,409 offenders were admitted to prison 2,721 times for a felony DWI offense as either a new court commitment or a probation violator.
- Admissions increased sharply in the first few months after the law went into effect and then continued to increase gradually until early in fiscal year 2009. Admissions then appeared to level off and perhaps decline slightly in the next few years, although with considerable month-to-month variations. Fiscal year 2013 showed an uptick in admissions, particularly of new court commitments.
- An average of 145 offenders were admitted each year as a new court commitment compared to an average of 102 offenders admitted each year as a probation violator.
- The state's two most populous counties, Hennepin and Ramsey, together account for 27.4 percent of the offenders admitted to prison for a felony DWI offense, which is slightly less than the percentage of the population (31.3%) residing in those counties.
- Counties from outside of the metropolitan area accounted for over 59 percent of the offenders admitted to prison for a felony DWI, yet 46 percent of the state's population reside in these counties.

Offender Characteristics

- The typical felony DWI offender admitted to prison is a male who is in his thirties or early forties.
- Felony DWI offenders have been convicted of an average of four non-felony DWI offenses prior to prison admission. Most have not had a prior felony DWI conviction. Many of these offenders have received convictions for other criminal behavior that does not involve drinking and driving. On average, these offenders have been convicted of a total of roughly nine non-felony offenses and 2.5 felony offenses prior to admission.

Sentencing Characteristics

- On average, new court commitments received a sentence of 50.9 months while probation violators received a sentence of 44.9 months.
- Half (50.7%) of the offenders given an executed sentence and committed to prison as a new court commitment received a sentence of 49 months or more compared to 16.1 percent of those given an executed sentence upon revocation of probation.
- Offenders can have their probation revoked for multiple reasons and all revocation reasons were collected for those admitted as a probation violator. Alcohol use was cited for more than half (57.0%) of the probation violators, and use of drugs was cited for almost 20 percent (19.3%). Commission of a new offense was cited for 41.2 percent of the cases. Refusing chemical dependency treatment or failing to complete

chemical dependency treatment was cited as a revocation reason for 23.8 percent of the cases.

Prison-Based Treatment and Post-Release Supervision

- The majority (83.2%) of the felony DWI offenders admitted to prison have entered a primary chemical dependency treatment program. Many of the remaining offenders have been assessed as chemically dependent or abusive of one or more substances and are awaiting treatment.
 - Of the 2,265 offenders who have entered a primary chemical dependency treatment program in prison, 300 of these offenders (13.2%) entered a primary treatment program twice, and 50 (2.2%) entered a primary treatment program three or four times.
 - Roughly 67 percent of primary treatment episodes were completed.
- A total of 2,222 (81.7%) of the 2,721 felony DWI offenders admitted to prison during the time frame examined were released from prison. Approximately 20 percent (20.1%) were released to Challenge Incarceration Program (CIP) Phase II community supervision, and only two percent were released to Intensive Supervised Release (ISR). Most were placed on supervised release or another form of community supervision, such as work release, at the time of release from prison.
 - Of those released to supervision, 25.4 percent were returned to prison for violating one or more conditions of their supervision.
 - Of those released to supervision, 4.7 percent were returned to prison for a new felony sentence.
- A total of 563 offenders, accounting for 20.7 percent of all felony DWI prison admissions, entered CIP.
 - As of June 30, 2013, 104 of these offenders were in one of the three phases of the program, 313 had completed the program, and 146 had failed.
 - The failure rate was slightly higher in Phase I than in Phase II or Phase III. Failure rates for Phase II and Phase III were 9.6 and 10.4 percent, respectively, compared to 13.7 percent for Phase I.

INTRODUCTION

In June 2001, the Minnesota Legislature amended the state's DWI laws by creating a felony-level offense. The felony offense applies to individuals who violate the state's DWI laws and have prior convictions for three or more DWIs within the last ten years, a previous conviction for a felony DWI, or a previous conviction for criminal vehicular homicide or injury under M.S. 609.21 (offenders convicted under 609.21 are often but not always found to be under the influence of alcohol or a controlled substance). The law stipulates a mandatory sentence that can be no less than three years but no greater than seven years, and the court may stay execution of the sentence but not imposition of the sentence.

Minnesota Sentencing Guidelines presume an executed sentence of imprisonment for offenders convicted of a felony DWI who have a criminal history score greater than two or those who have a previous felony DWI conviction, regardless of criminal history score. Offenders who receive an executed sentence also are placed on conditional release for an additional five years after their release from prison. Those who fail to comply with the conditions of their release may have their supervised release revoked and may be returned to prison. Sentencing guidelines presume a stayed sentence for offenders convicted of a felony DWI who have a criminal history score of two or less. For those who receive a stayed sentence, the court must apply the mandatory penalties for non-felony DWI offenses which may include a jail term, intensive supervised release, long-term alcohol monitoring, and any chemical dependency treatment recommended. The court may order the stayed sentence to be executed if any conditions are violated; if so, the offender is committed to the commissioner of corrections and incarcerated in prison.

This is the fifth report on felony DWI offenders committed to the commissioner of corrections. Between fiscal years 2003 and 2007, the DOC published annual reports on all offenders convicted of a felony DWI as required by Minnesota Statutes, Section 244.085. In 2009, the legislature amended that statute and narrowed the scope of the report. Specifically, the scope was reduced from all persons convicted of a felony DWI to those convicted of a felony DWI and sentenced to prison, which includes offenders given an executed sentence (new court commitments) and those whose stayed sentence was executed following a probation violation (probation violators).

DATA AND METHODS

The felony DWI law went into effect on August 1, 2002, and the first felony DWI offender was admitted to prison in September 2002. A total of 2,409 offenders were admitted to prison 2,721 times as either a new court commitment or a probation violator between September 1, 2002, and June 30, 2013. An additional 557 admissions of release violators occurred during this time; these offenders are not included in the primary analysis for this report but are included in the section addressing release violation rates. A portion of the data on offenders incarcerated prior to July 1, 2007, was obtained from the 2007 report submitted by the commissioner of corrections (Minnesota Department of Corrections, 2007) and the database created for that report. Reasons for probation revocation were collected from the counties in which the offender was convicted, and all other data were derived from the Department of Corrections' Correctional Operations Management System (COMS).

COMMITMENTS TO PRISON

Table 1 shows the number of new court commitment and probation violator admissions by fiscal year, of offenders with a felony DWI as their governing offense.¹ The table reveals a rapid increase in felony DWI admissions occurring in the first three fiscal years after the law went into effect. Total admissions continued to increase, but more slowly, peaking at 323 in fiscal year 2008. In years since, probation violator admissions have been down from their peak levels. However, new court commitments reached a new high in fiscal year 2013, with 192.

Table 1 also shows that, on average, the department admitted to prison 247 felony DWI offenders per year, over the last eleven fiscal years. Fifty-nine percent of these admissions were new court commitments.

Table 1. Prison Admissions by Fiscal Year and Admission Type

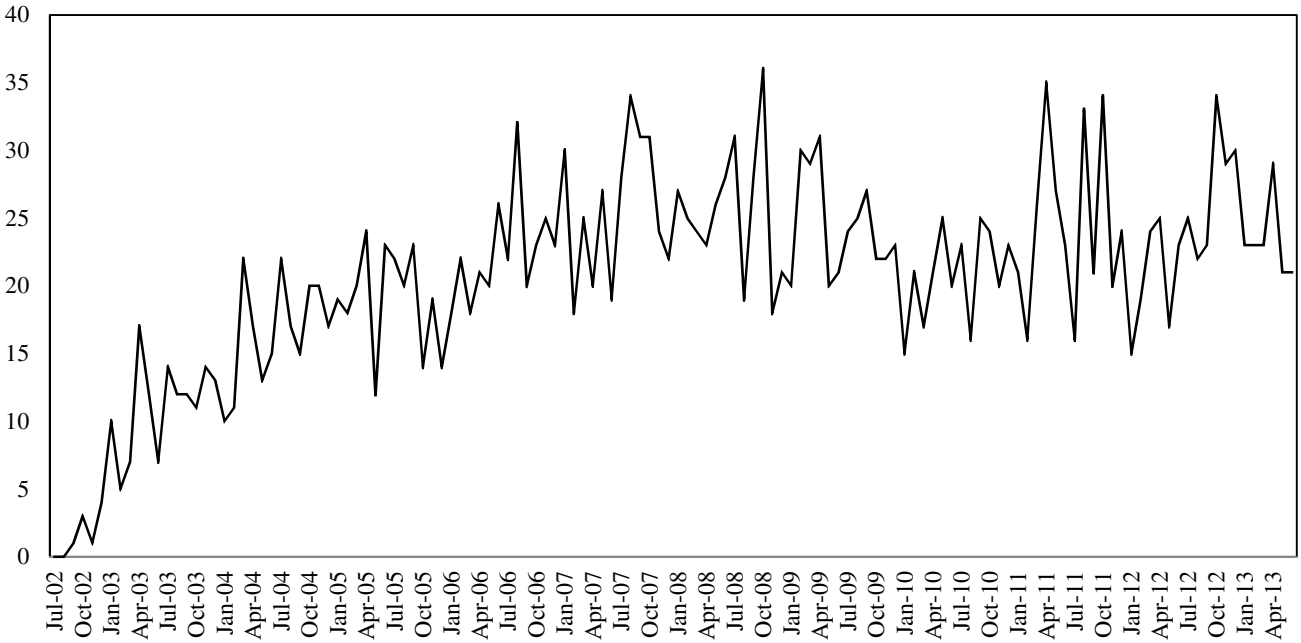
Fiscal Year	New Court Commitment		Probation Violator		Total	
	Number	Percent	Number	Percent	Number	Percent
2003	57	85.1	10	14.9	67	100.0
2004	113	68.9	51	31.1	164	100.0
2005	116	51.1	111	48.9	227	100.0
2006	129	54.4	108	45.6	237	100.0
2007	150	52.8	134	47.2	284	100.0
2008	182	56.3	141	43.7	323	100.0
2009	185	60.9	119	39.1	304	100.0
2010	151	57.6	111	42.4	262	100.0
2011	160	57.3	119	42.7	279	100.0
2012	165	60.9	106	39.1	271	100.0
2013	192	63.4	111	36.6	303	100.0
Total	1,600	58.8	1,121	41.2	2,721	100.0
Average	145	--	102	--	247	--

Figure 1 shows the total number of offenders admitted for a felony DWI offense as either a new court commitment or a probation violator by month of admission.² The graph shows a gradual increase in total admissions between August 2002 (the month the law went into effect) through early in fiscal year 2009. Since that time, admissions have leveled off, or in some years declined slightly. During fiscal year 2013, monthly admissions ranged from a high of 34 in October 2012 to a low of 21 (occurring twice, in May 2013 and June 2013). On average, the DOC has admitted 21 offenders per month for a felony DWI offense over the past eleven years.

¹ Offenders returned to prison for violating their release conditions who initially were incarcerated for a felony DWI offense – release violators – are not included in this table but are included in a later section of this report.

² The monthly admission figures charted in Figures 1 and 2 are given in Appendix 1.

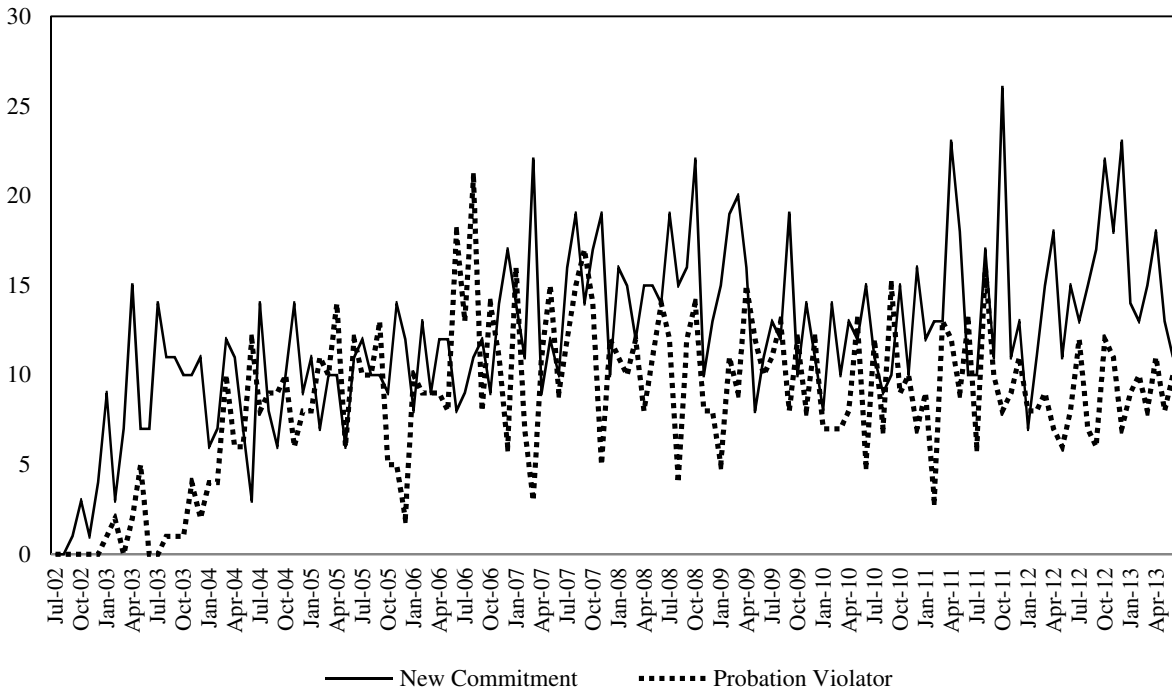
Figure 1. Prison Admissions by Month



Disaggregating total monthly admissions into new court commitments and probation violators reveal slightly different trends for these two admission types. As shown in Figure 2, new court commitments increased rapidly after the felony DWI law went into effect and then remained fairly stable until the end of fiscal year 2006. At that time, the number of new court commitments increased slightly again and then stayed at the new, higher level through fiscal year 2009. Since then, monthly new court commitment figures have been slightly lower on average, although these numbers can fluctuate considerably from one month to another. In fact, October 2011 had the highest-ever monthly number of felony DWI new court commitments, at 26. Over the eleven years of data shown in this chart, the average number of new court commitments is 12 offenders per month.

As expected, the department initially received only a small number of offenders as probation violators. Admissions of probation violators began increasing in 2004, and monthly admissions of probation violators peaked at 21 in August of 2006. On average, the department admits about 8.5 probation violators each month.

Figure 2. Prison Admissions by Month and Admission Type



COUNTY OF COMMITMENT

Prison admissions for felony DWI disproportionately originate in non-metropolitan counties (Table 2). Just 41 percent of the offenders admitted to prison for a felony DWI offense were committed by one of the seven counties comprising the metropolitan area – Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington – but nearly 54 percent of the state’s population reside in one of these seven counties. Counties from outside of the metropolitan area accounted for over 59 percent of the offenders admitted to prison for a felony DWI, yet 46 percent of the state’s population reside in these counties.

Table 2. Prison Admissions by Committing County Location

County	<i>Number</i>	<i>Percent</i>	<i>Percent of Population</i>
Metro Counties	1,104	40.6	53.6
Non-Metro Counties	1,617	59.4	46.4
Total	2,721	100.0	100.0

Source: U.S. Census Bureau (2010)

Additional analysis, not shown here, which separated prison admissions into new court commitments and probation violators showed little difference between metropolitan and non-metropolitan counties. Specifically, during fiscal year 2013 new court commitments accounted for about 63.6 percent of the felony DWI offenders admitted from metropolitan counties, and for non-metropolitan counties it was 63.2 percent.

Table 3 shows the counties accounting for the greatest proportion of the felony DWI prison admissions as well as the percent of the state’s population residing in each county. Hennepin and Ramsey counties, the state’s two most populous counties, together are responsible for 27.4 percent of the offenders admitted to prison for a felony DWI offense. This figure is slightly less than the percentage of the population (31.3%) residing in those counties. Many of the counties in the table are the most populous counties in the state, and five of them (Hennepin, Ramsey, Dakota, Anoka, and Washington) are within the metropolitan area.

Table 3. Prison Admissions by Committing County

County	<i>Number</i>	<i>Percent</i>	<i>Percent of Population</i>
Hennepin	473	17.4	21.7
Ramsey	271	10.0	9.6
Dakota	132	4.9	7.5
St. Louis	129	4.7	3.8
Anoka	108	4.0	6.2
Clay	98	3.6	1.1
Olmsted	88	3.2	2.7
Polk	75	2.8	0.6
Stearns	70	2.6	2.8
Washington	65	2.4	4.5
Remaining Counties	1,212	44.5	38.9
Total	2,721	100.0	100.0

Source: U.S. Census Bureau (2010)

OFFENDER DEMOGRAPHICS

Table 4 shows the demographic characteristics of all felony DWI offenders admitted to prison between September 1, 2002, and June 30, 2013. The typical DWI offender admitted to prison is a white male who is in his thirties or early forties. The average age of these offenders at admission is 39.2 years.

Table 4. Demographic Characteristics at Prison Admission

<i>Sex</i>	<i>Number</i>	<i>Percent</i>	<i>Race</i>	<i>Number</i>	<i>Percent</i>	<i>Age</i>	<i>Number</i>	<i>Percent</i>
Male	2,480	91.1	White	1,753	64.4	Under 25	82	3.0
			Black	400	14.7	25 – 29	410	15.1
Female	241	8.9	American Indian	396	14.6	30 – 34	533	19.6
			Hispanic	146	5.4	35 – 39	494	18.2
			Asian	26	1.0	40 – 44	469	17.2
						45 – 49	394	14.5
						50 and over	339	12.5
Total	2,721	100.0		2,721	100.0		2,721	100.0

CRIMINAL HISTORY

Data on offenders’ prior criminal offenses were obtained through COMS. Prior offense information was obtained for all but 12 (0.5%) of the 2,721 felony DWI admissions in this study. Table 5 shows that offenders had been convicted of an average of 9.4 non-felony (i.e.,

misdemeanor or gross misdemeanor) offenses and 2.5 felony offenses prior to admission to prison for a felony DWI. The average number of prior non-felony impaired driving convictions was four, and the average number of prior felony impaired driving convictions was less than one (0.3). Most of the admissions (80%) were not preceded by a prior felony DWI conviction. Only convictions for driving while impaired or refusal to submit to testing which resulted in a conviction for driving while impaired were included when counting prior impaired driving offenses. Convictions for other offenses which often, but not always, involve impaired drivers (e.g., careless driving or criminal vehicular operation) were not included. Offenses that often occur after an impaired driving offense, including driving after license suspension or license revocation, also were not included.

Table 5. Criminal Histories at Prison Admission

	All Offenses		Impaired Driving Offenses	
	<i>Non-Felony</i>	<i>Felony</i>	<i>Non-Felony</i>	<i>Felony</i>
Maximum	44	22	19	8
Average	9.4	2.5	4.0	0.3

Nearly 30 percent of the 2,409 offenders admitted for a felony DWI offense had one or more commitments to the commissioner for other offenses, prior to their first felony DWI admission. In all, 1,101 prior commitments to the commissioner were identified in COMS for these felony DWI offenders. The most prevalent offense categories for these previous commitments were assault, drug, and burglary offenses.

SENTENCES

Table 6 shows the pronounced sentence length of the 2,721 felony DWI prison admissions, by admission type. The data reveal that sentence lengths for offenders given an executed prison sentence typically were longer than those who initially received a stay of imposition or stay of execution. Half (50.7%) of the offenders given an executed sentence and committed to prison as a new court commitment received a sentence of 49 months or more, compared to 16.1 percent of those given an executed sentence upon revocation of probation. On average, new court commitments received a sentence of 50.9 months while probation violators received a sentence of 44.9 months.

Table 6. Sentence Length by Admission Type

Sentence Length	New Court Commitment		Probation Violator		Total	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Average	50.9 months		44.9 months		48.4 months	
24 months or less	15	0.9	6	0.5	21	0.8
25 to 36 months	220	13.8	270	24.1	490	18.0
37 to 48 months	554	34.6	664	59.2	1,218	44.8
49 to 60 months	553	34.6	117	10.4	670	24.6
61 months or more	258	16.1	64	5.7	322	11.8
Total	1,600	100.0	1,121	100.0	2,721	100.0

Table 7 shows the reasons cited for the 1,121 offenders who were admitted to prison following revocation of a probation sentence. Offenders can have their probation revoked for multiple reasons, and all reasons are included in the following table. Use of alcohol, the most common revocation reason, was cited for 57.0 percent of the cases; use of drugs was cited for 19.3 percent of the cases. Failing general probation rules was cited for 44.2 percent of the cases, and failing repeat DWI probation rules was cited for 15.2 percent. Commission of a new offense was noted for 41.2 percent of the cases. Combined, refusing to enter or failing to complete chemical dependency treatment was cited as a revocation reason for just under one-fourth (23.8%) of the cases. The average number of violations per offender was two.

Table 7. Probation Revocation Reasons

<i>Reason</i>	<i>Number</i>	<i>Percent of Total Probation Revocations</i>
Use of alcohol	639	57.0
Failed general probation rules	495	44.2
New offense	462	41.2
Use of drugs	216	19.3
Failed treatment	206	18.4
Failed repeat DWI probation rules	170	15.2
Refused treatment	60	5.4
Other	58	5.2
Unknown	10	0.9

Note: Because an offender can have his or her probation revoked for multiple reasons, a total of 2,306 reasons were identified for the 1,121 probation revocations. The percentages presented in this table are based on the total number of probation revocations (N=1,121).

CHEMICAL DEPENDENCY TREATMENT IN PRISON

Table 8 summarizes treatment and assessment data for the 2,721 admissions and classifies each according to the highest level achieved in the assessment and treatment continuum. In most cases (83.2%), felony DWI offenders admitted to prison entered a primary chemical dependency (CD) treatment program while in prison. Approximately seven percent were assessed as dependent on, or abusive of, one or more substances and presently are awaiting treatment. Over nine percent (9.6%) had not been assessed as of June 30, 2013, or were assessed as chemically dependent or abusive but not entering primary treatment. Many of these offenders were probation violators who were not incarcerated long enough to complete treatment or were repeat felony DWI offenders who had completed treatment during a recent incarceration. A small number were determined to be unamenable to treatment.³ Some felony DWI offenders have entered primary CD treatment more than once. Six offenders have had four primary treatment episodes, while 44 have entered primary treatment three times, and 300 have entered primary treatment twice.

³ In the last eleven years, only eight felony DWI offenders were assessed as chemically abusive or dependent and determined to be unamenable to treatment. Several entered pre-treatment programming and were removed for assaultive or other behavior requiring disciplinary action.

Table 8. Chemical Dependency Treatment Status

<i>Treatment Status</i>	<i>Number</i>	<i>Percent</i>
Entered primary treatment	2,265	83.2
Awaiting treatment, assessed dependent or abusive	196	7.2
Not assessed/not entering primary treatment	260	9.6
Total	2,721	100.0

Table 9 summarizes the outcomes of all treatment episodes for the felony DWI offenders who entered primary chemical dependency treatment and for whom the outcome of this treatment was known as of June 30, 2013. Findings show that just over two-thirds (67.1%) of primary treatment episodes were completed or the offender participated in treatment until he or she was released; this is similar to the completion rate for all incarcerated offenders.⁴ Approximately 15 percent (15.4%) of offenders were terminated from the program by program staff, and 12.3 percent of offenders quit.

Table 9. Chemical Dependency Primary Treatment Outcome

<i>Treatment Outcome</i>	<i>Number</i>	<i>Percent</i>
Completed	1499	64.8
Participated until released	54	2.3
Terminated	357	15.4
Offender quit	285	12.3
Discharged by administration ⁵	118	5.1
Total	2,313	100.0

RELEASES AND REINCARCERATIONS

A total of 2,222 (81.7%) of the 2,721 felony DWI prison admissions through fiscal year 2013 were released from prison as of June 30, 2013. As shown in Table 10, roughly 20 percent were released to Challenge Incarceration Program community supervision. Only 44 of the 2,222 offenders, accounting for two percent of those released, were placed on intensive supervised release. The majority of offenders (76.6%) were released to other community supervision, primarily supervised release or work release. Twenty-two (1.0%) of the offenders were discharged (generally by the court or an executive order) and therefore were not placed on community supervision. Eight offenders died while incarcerated.

Of the 2,192 releases to community supervision,⁶ 557 (25.4%) returned to prison on revocations for technical violations as of June 30, 2013. In addition, 104 offenders (4.7%) were revoked after being resentenced for a new felony-level offense.

⁴ Chemical dependency treatment completion rates for all adult inmates were 68 percent in FY09 and 70 percent in FY10.

⁵ Offenders who are discharged by administration are removed from treatment for a variety of non-disciplinary reasons by prison administration and are not considered treatment failures. Unlike offenders who are terminated from treatment or those who quit, these offenders do not receive a sanction for leaving treatment.

⁶ Offenders discharged as those who died while incarcerated were excluded from this analysis.

Table 10. Supervision Status at Release

<i>Supervision Status</i>	<i>Number</i>	<i>Percent</i>
Challenge Incarceration Program (CIP) community supervision	446	20.1
Intensive supervised release	44	2.0
Other community supervision	1,702	76.6
Discharged	22	1.0
Deceased	8	0.4
Total	2,222	100.0

CHALLENGE INCARCERATION PROGRAM

Roughly one of every five felony DWI prison admissions enters Challenge Incarceration Program (CIP). Table 11 shows that as of June 30, 2013, there were 563 CIP admissions of offenders serving a felony DWI sentence. As of that date, 104 of these offenders were in one of the three phases of the program. Forty-one of these offenders were in Phase I, the portion of the program which takes place while the offender is incarcerated; the remaining 63 offenders were in Phases II or III, the portions which take place in the community. A total of 313 offenders completed CIP and were placed on supervised release. A total of 146 offenders failed to complete CIP.

Table 11. Status of Offenders Admitted to CIP

	<i>Number</i>
In CIP	
Phase I	41
Phase II	33
Phase III	30
Total	104
Completed CIP	313
Failed CIP	146
Total	563

Table 12 shows the reasons offenders failed to complete CIP by the phase in which they failed.⁷ Twenty-eight (37.3%) of the 75 offenders who failed in Phase I committed a program violation, were removed from the program, and returned to the general prison population. Eighteen quit, and 22 were removed from the program administratively. Some of the latter were found to have a warrant outstanding, the presence of which was not known by DOC staff at the time program eligibility was determined. Seven offenders had mental or physical issues that precluded their continued participation in Phase I. All but one of the 41 offenders who failed in Phase II committed a program violation while under community supervision and were returned to prison. Finally, all of the 30 offenders who failed while on Phase III committed program violations while under community supervision and were returned to prison.

⁷ Violation data are not available as only those violations which result in program failure are recorded in COMS.

Table 12. Reasons Offenders Failed CIP

Reasons	Phase I		Phase II		Phase III		Total	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Offender quit	18	24.0	0	0.0	0	0.0	18	12.3
Mental/physical issue	7	9.3	0	0.0	0	0.0	7	4.8
Administrative decision	22	29.3	1	2.4	0	0.0	23	15.8
Revoked and returned	28	37.3	40	97.6	30	100.0	98	67.1
Total	75	100.0	41	100.0	30	100.0	146	100.0

Failure rates were calculated for each phase of the program and reported in Table 13. To compute failure rates by program phase, one must determine how many offenders had the opportunity to complete (and thus are “eligible to fail”) each phase. Because each phase in CIP lasts approximately six months, offenders were included in the failure rate calculations for each phase only if they had enough time in the program to complete a phase.

For example, an offender who began Phase I after January 1, 2013, would still be in this phase by the end of time period covered in this report (June 30, 2013, the end of fiscal year 2013), since each phase takes a minimum of six months to complete. Including this offender, if he or she failed, would artificially increase Phase I failure rates since his or her successful counterpart who began at the same time is not included. Similarly, an offender who entered Phase II or Phase III after January 1, 2013, would not have had time to complete that phase by the end of FY 2013. Three offenders known to have failed as of June 30, 2013 are excluded from the failure rate analysis on this basis; all of them failed Phase I.

To illustrate the failure rate calculation for Phase I, Table 11 showed that 563 offenders entered CIP. Of these offenders, 44 are excluded from the calculation because they entered Phase I on or after January 1, 2013, and thus did not have enough time to complete this phase by June 30, 2013. Therefore, of the 563 offenders who entered CIP, 519 had an opportunity to complete Phase I by June 30, 2013.

As shown in Table 13, failure rates were similar in Phases II and III but somewhat higher in Phase I. The failure rate was 13.7 percent for Phase I, compared to 9.6 percent for Phase II and 10.4 percent for Phase III. All offenders who failed were removed from the program and returned to prison to serve their remaining sentence as determined by state statute.

Table 13. Failure Rates by Phase for Offenders Admitted to CIP

Phase	<i>Number Failed</i>	<i>Number</i>	
		<i>“Eligible” to Fail</i>	<i>Failure Rate</i>
Phase I	71	519	13.7
Phase II	40	416	9.6
Phase III	34	326	10.4

PER DIEM

The legislation governing this report requests information on the costs associated with the incarceration and treatment of felony DWI offenders committed to the commissioner of corrections. Per diem information, however, is available only on incarcerated adult offenders in general and is not disaggregated by offense type. In the eleven fiscal years since the inception of the felony DWI law, the average adult operational per diem, which includes treatment costs, increased from \$80.52 to \$86.27 (Table 14).

Table 14. Average Adult Operational Per Diem by Fiscal Year

Fiscal Year	<i>Average Adult Operational Per Diem</i>
2003	\$80.52
2004	\$76.80
2005	\$76.43
2006	\$80.11
2007	\$86.14
2008	\$89.77
2009	\$89.24
2010	\$83.95
2011	\$85.52
2012	\$84.59
2013	\$86.27

CONCLUSION

A total of 2,721 prison admissions of felony DWI offenders occurred between September 1, 2002, and June 30, 2013. Admissions increased sharply at first, and then continued to increase but at a slower pace until early in fiscal year 2009 when admissions appeared to level off until fiscal year 2013. During fiscal year 2013, an average of 16 offenders per month were admitted to prison as a new court commitment, as this past year showed the highest number to date of this type of admission. Just over nine offenders per month were admitted following revocation of probation. Nearly 60 percent of all admissions come from counties outside of the metropolitan area, although these counties account for just 46 percent of the state's population.

The typical felony DWI offender admitted to prison is a male who is in his thirties or early forties and has been convicted of a non-felony DWI four times prior to his incarceration. These offenders have committed other types of offenses as well, averaging a total of nine non-felony convictions and 2.5 felony convictions prior to admission. The average sentence for those admitted as a new court commitment is 50.9 months compared to 44.9 months among probation violators. Many (83.2%) of the felony DWI offenders admitted to prison enter chemical dependency treatment while incarcerated. Among those who enter a primary treatment program, 64.8 percent successfully complete it.

Of those who have been released from prison, 446 offenders (20.1%) were released to CIP community supervision. Forty-four offenders (2.0%) were placed on intensive supervised release. Over 25 percent (25.4%) of offenders released to community supervision were returned

to prison for a technical violation, and 4.7 percent were returned for a new offense, before expiration of the original felony DWI sentence.

REFERENCES

United States Census Bureau (2010). *Census 2010*. Washington, D.C.

Minnesota Department of Corrections (2007). *Minnesota Felony Driving While Impaired Report, 2007*. St. Paul, Minnesota

APPENDIX 1: PRISON ADMISSIONS BY MONTH AND ADMISSION TYPE

Month	New Court Commitment	Probation Violator	Total
July 2002	0	0	0
August 2002	0	0	0
September 2002	1	0	1
October 2002	3	0	3
November 2002	1	0	1
December 2002	4	0	4
January 2003	9	1	10
February 2003	3	2	5
March 2003	7	0	7
April 2003	15	2	17
May 2003	7	5	12
June 2003	7	0	7
July 2003	14	0	14
August 2003	11	1	12
September 2003	11	1	12
October 2003	10	1	11
November 2003	10	4	14
December 2003	11	2	13
January 2004	6	4	10
February 2004	7	4	11
March 2004	12	10	22
April 2004	11	6	17
May 2004	7	6	13
June 2004	3	12	15
July 2004	14	8	22
August 2004	8	9	17
September 2004	6	9	15
October 2004	10	10	20
November 2004	14	6	20
December 2004	9	8	17
January 2005	11	8	19
February 2005	7	11	18
March 2005	10	10	20
April 2005	10	14	24
May 2005	6	6	12
June 2005	11	12	23
July 2005	12	10	22
August 2005	10	10	20
September 2005	10	13	23
October 2005	9	5	14

Month	New Court Commitment	Probation Violator	Total
November 2005	14	5	19
December 2005	12	2	14
January 2006	8	10	18
February 2006	13	9	22
March 2006	9	9	18
April 2006	12	9	21
May 2006	12	8	20
June 2006	8	18	26
July 2006	9	13	22
August 2006	11	21	32
September 2006	12	8	20
October 2006	9	14	23
November 2006	14	11	25
December 2006	17	6	23
January 2007	14	16	30
February 2007	11	7	18
March 2007	22	3	25
April 2007	9	11	20
May 2007	12	15	27
June 2007	10	9	19
July 2007	16	12	28
August 2007	19	15	34
September 2007	14	17	31
October 2007	17	14	31
November 2007	19	5	24
December 2007	10	12	22
January 2008	16	11	27
February 2008	15	10	25
March 2008	12	12	24
April 2008	15	8	23
May 2008	15	11	26
June 2008	14	14	28
July 2008	19	12	31
August 2008	15	4	19
September 2008	16	12	28
October 2008	22	14	36
November 2008	10	8	18
December 2008	13	8	21
January 2009	15	5	20
February 2009	19	11	30
March 2009	20	9	29
April 2009	16	15	31

Month	New Court Commitment	Probation Violator	Total
May 2009	8	12	20
June 2009	11	10	21
July 2009	13	11	24
August 2009	12	13	25
September 2009	19	8	27
October 2009	10	12	22
November 2009	14	8	22
December 2009	11	12	23
January 2010	8	7	15
February 2010	14	7	21
March 2010	10	7	17
April 2010	13	8	21
May 2010	12	13	25
June 2010	15	5	20
July 2010	11	12	23
August 2010	9	7	16
September 2010	10	15	25
October 2010	15	9	24
November 2010	10	10	20
December 2010	16	7	23
January 2011	12	9	21
February 2011	13	3	16
March 2011	13	13	26
April 2011	23	12	35
May 2011	18	9	27
June 2011	10	13	23
July 2011	10	6	16
August 2011	17	16	33
September 2011	11	10	21
October 2011	26	8	34
November 2011	11	9	20
December 2011	13	11	24
January 2012	7	8	15
February 2012	11	8	19
March 2012	15	9	24
April 2012	18	7	25
May 2012	11	6	17
June 2012	15	8	23
July 2012	13	12	25
August 2012	15	7	22
September 2012	17	6	23
October 2012	22	12	34

Month	New Court Commitment	Probation Violator	Total
November 2012	18	11	29
December 2012	23	7	30
January 2013	14	9	23
February 2013	13	10	23
March 2013	15	8	23
April 2013	18	11	29
May 2013	13	8	21
June 2013	11	10	21