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January 15, 2019

**Senate Judiciary and Public Safety Finance and Policy Committee**

Senator Warren Limmer, Chair  
3221 Minnesota Senate Bldg.  
St. Paul, MN 55155

**House Public Safety and Criminal Justice Reform Finance and Policy Division Committee**

Representative, Carlos Mariani, Chair  
381 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

Dear Senator Limmer and Representative Mariani:

Minnesota Statute 2009, Section 244.085 requires the Department of Corrections to submit, by January 15 of each year, this legislatively-mandated report on felony driving while impaired (DWI) offenders committed to the Commissioner of Corrections. Data in this report covers only those DWI offenders admitted to prison, per the 2009 legislative amended changes to the statute.

Please contact me if you have questions regarding this report.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Schnell', with a long horizontal flourish extending to the right.

Paul Schnell  
Commissioner

C: Senator Ron Latz  
Representative Brian Johnson  
Legislative Reference Library  
State Law Library  
Minnesota Historical Society

# **Minnesota Felony Driving While Impaired Report 2019**

December 2019  
Minnesota Department of Corrections  
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## **EXECUTIVE SUMMARY**

This is the eleventh 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, 2019, a total of 3,445 offenders were admitted to prison 4,191 times for a felony DWI offense as either a new court commitment or a probation violator.
- Admissions increased sharply in the early years after the law went into effect, peaking in fiscal year 2008 with 323. Annual admissions have declined in recent years; 241 admissions occurred in fiscal year 2019.
- An average of 150 offenders were admitted each year as a new court commitment compared to an average of 97 offenders admitted each year as a probation violator.
- The state's two most populous counties, Hennepin and Ramsey, together account for 28.0 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 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**

- Over 90 percent of felony DWI admissions are male; nearly two-thirds (63.7%) are white.
- The average age at admission is 39.7 years.
- Felony DWI offenders have been convicted of an average of 3.8 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 11.4 non-felony offenses and 2.9 felony offenses prior to admission.

### **Sentencing Characteristics**

- On average, new court commitments received a sentence of 51.3 months while probation violators received a sentence of 45.2 months.
- Over half (53.1%) 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 17.2 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 (57.1%) of the probation violators, and use of drugs was cited for 23.3 percent. Commission of a new offense was cited for 42.5 percent of the cases. Refusing chemical dependency treatment or failing to complete chemical dependency treatment was cited as a revocation reason for 26.5 percent of the cases.

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

- The majority (85.2%) of the felony DWI offenders admitted to prison have entered a primary chemical dependency treatment program. An additional 4.7 percent have been assessed as chemically dependent or abusive of one or more substances and are awaiting treatment.
  - Of the 3,572 admissions who have entered a primary chemical dependency treatment program in prison, 141 offenders entered a primary treatment program three or more times, and 576 entered a primary treatment program twice.
  - Seventy percent of primary treatment episodes were completed.
- A total of 3,811 (90.9%) of the 4,191 felony DWI offenders admitted to prison during the time frame examined were released from prison. Nearly 25 percent were released to the Challenge Incarceration Program (CIP) Phase II community supervision, and fewer than 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, 39.6 percent were returned to prison for violating one or more conditions of their release. In addition, 12.3 percent were returned to prison for a new felony sentence.
- A total of 1,150 offenders, accounting for 27.4 percent of all felony DWI prison admissions, entered CIP.
  - As of June 30, 2019, 125 of these offenders were in one of the three phases of the program, 676 had completed the program, and 349 had failed.
    - The failure rate was somewhat higher in Phase I than in Phase II or Phase III. Failure rates for Phase II and Phase III were 11.2 and 11.6 percent, respectively, compared to 14.1 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 supervision, 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 eleventh 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 3,445 offenders were admitted to prison 4,191 times as either a new court commitment or a probation violator between September 1, 2002, and June 30, 2019. An additional 1,494 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.<sup>1</sup> Figure 1 displays the Table 1 data graphically. 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 in the following few years, but more slowly, peaking at 323 in fiscal year 2008. Total annual admissions have declined since then; in fiscal year 2019 there were 241 total admissions.

Probation violator admissions peaked in fiscal year 2008, with 141. The years since have shown a generally downward trend in annual probation violator admissions. However, new court commitments reached their high in fiscal year 2013, with 192, before declining in subsequent fiscal years.

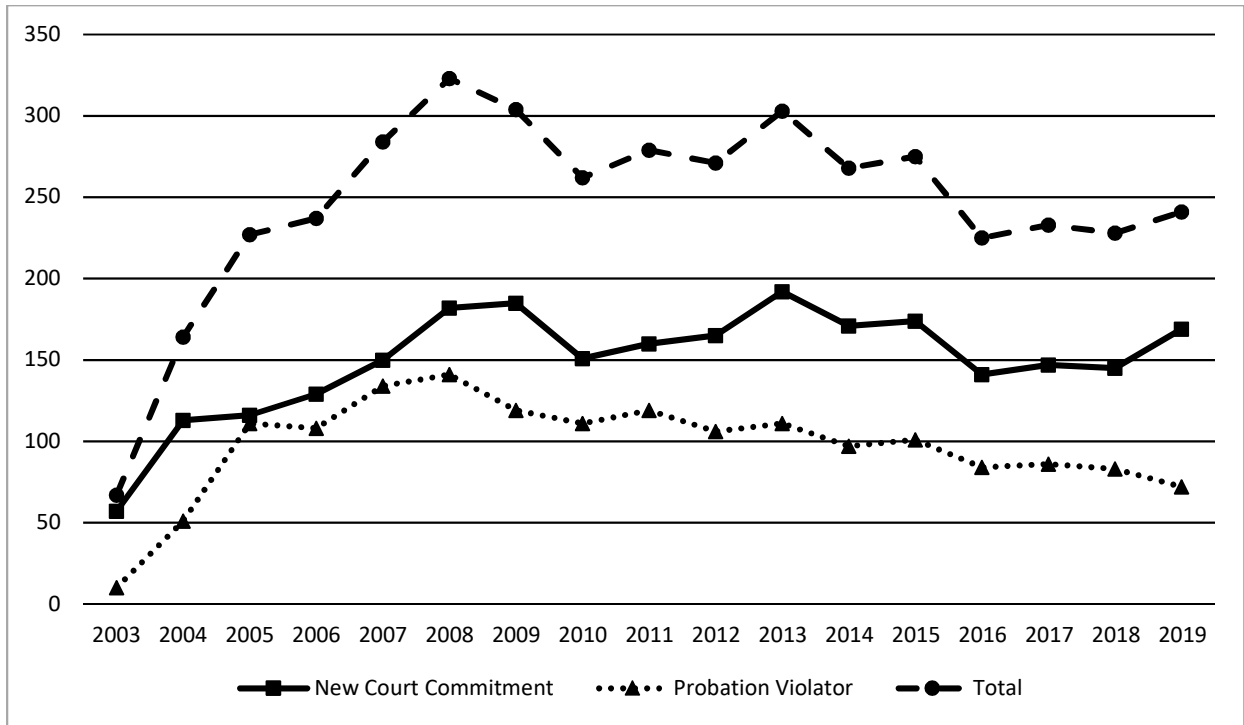
Table 1 also shows that, on average, the department admitted to prison 247 felony DWI offenders per year, over the last 17 fiscal years. Sixty-one percent of these admissions were new court commitments.

**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
2014	171	63.8	97	36.2	268	100.0
2015	174	63.3	101	36.7	275	100.0
2016	141	62.7	84	37.3	225	100.0
2017	147	63.1	86	36.9	233	100.0
2018	145	63.6	83	36.4	228	100.0
2019	169	70.1	72	29.9	241	100.0
Total	2,547	60.8	1,644	39.2	4,191	100.0
Average	150	--	97	--	247	--

<sup>1</sup> 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.

**Figure 1. Prison Admissions by Fiscal Year 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 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	Number	Percent	Percent of Population
Metro Counties	1,704	40.7	53.6
Non-Metro Counties	2,487	59.3	46.4
Total	4,191	100.0	100.0

Population Percentage 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, new court commitments accounted for approximately 60

percent of the offenders committed by metropolitan counties and 61 percent of non-metropolitan county commitments.

Table 3 shows the counties accounting for the greatest proportion of the felony DWI prison admissions as well as the percentage of the state’s population residing in each county. Hennepin and Ramsey counties, the state’s two most populous counties, together are responsible for 28 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 four of them (Hennepin, Ramsey, Dakota, and Anoka) are within the seven-county metropolitan area.

**Table 3. Prison Admissions by Committing County**

<b>County</b>	<i>Number</i>	<i>Percent</i>	<i>Percent of Population</i>
Hennepin	800	19.1	21.7
Ramsey	373	8.9	9.6
Dakota	195	4.7	7.5
St. Louis	187	4.5	3.8
Clay	153	3.7	1.1
Anoka	150	3.6	6.2
Olmsted	123	2.9	2.7
Polk	121	2.9	0.6
Stearns	108	2.6	2.8
Becker	94	2.2	0.6
Remaining Counties	1,887	45.0	43.3
<b>Total</b>	<b>4,191</b>	<b>100.0</b>	<b>100.0</b>

Population Percentage 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, 2019. Ninety percent of the admissions were male. Sixty-four percent were white. The average age of these offenders at admission is 39.7 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	3,787	90.4	White	2,668	63.7	Under 25	103	2.5
Female	404	9.6	Black	693	16.5	25 – 29	576	13.7
			American Indian	557	13.3	30 – 34	856	20.4
			Hispanic	225	5.4	35 – 39	801	19.1
			Asian	45	1.1	40 – 44	676	16.1
			Unknown	3	0.1	45 – 49	570	13.6
						50 and over	609	14.5
Total	4,191	100.0		4,191	100.0		4,191	100.0

## CRIMINAL HISTORY

Data on offenders' prior criminal offenses were obtained through COMS. Prior offense information was obtained for all but 18 (0.4%) of the felony DWI admissions through June 2019. Table 5 shows that offenders had been convicted of an average of about 11 non-felony (i.e., misdemeanor or gross misdemeanor) offenses and nearly three felony offenses prior to admission to prison for a felony DWI. The average number of prior non-felony impaired driving convictions was nearly four, and the average number of prior felony impaired driving convictions was less than one (0.4). Most of the admissions (73%) were not preceded by a prior felony DWI conviction. Only convictions for DWI or refusal to submit to testing which resulted in a conviction for DWI 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**

	<b>All Offenses</b>		<b>Impaired Driving Offenses</b>	
	<i>Non-Felony</i>	<i>Felony</i>	<i>Non-Felony</i>	<i>Felony</i>
Maximum	57	32	25	8
Average	11.4	2.9	3.8	0.4

Thirty percent of the 3,445 distinct 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, 1,681 prior commitments to the commissioner were identified in COMS for these felony DWI offenders. The most prevalent offense categories for these previous commitments were drug, assault, and burglary offenses.

## SENTENCES

Table 6 shows the pronounced sentence length of the 4,191 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. Over half (53.1%) 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 17.2 percent of those given an executed sentence upon revocation of probation. On average, new court commitments received a sentence of 51.3 months while probation violators received a sentence of 45.2 months.

**Table 6. Sentence Length by Admission Type**

Sentence Length	New Court Commitment		Probation Violator		Total	
	Number	Percent	Number	Percent	Number	Percent
Average	51.3 months		45.2 months		48.9 months	
24 months or less	20	0.8	7	0.4	27	0.6
25 to 36 months	314	12.3	388	23.6	702	16.8
37 to 48 months	860	33.8	967	58.8	1827	43.6
49 to 60 months	907	35.6	162	9.9	1069	25.5
61 months or more	446	17.5	120	7.3	566	13.5
Total	2,547	100.0	1,644	100.0	4,191	100.0

Table 7 shows the reasons cited for the 1,644 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 57.1 percent of the cases; use of drugs was cited for 23.3 percent of the cases.<sup>2</sup> Failing general probation rules was cited for 46.9 percent of the cases, and failing repeat DWI probation rules was cited for 17.2 percent. Commission of a new offense was noted for 42.5 percent of the cases. Combined, refusing to enter or failing to complete chemical dependency treatment was cited as a revocation reason for one-fourth (26.5%) of the cases. The average number of revocation reasons cited per offender was just over two.

<sup>2</sup> One respondent noted that their information system simply has "use of alcohol/drugs" as a violation type; they reported these violations in the "use of alcohol" category. Similarly, they noted that their information system combines "treatment failure" and "treatment refusal" as one violation type; they reported these violations in the "failed CD treatment" category.



**Table 7. Probation Revocation Reasons**

<i>Reason</i>	<i>Number</i>	<i>Percent of Total Probation Revocations</i>
Use of alcohol	938	57.1
Failed general probation rules	771	46.9
New offense	698	42.5
Use of drugs	383	23.3
Failed CD treatment	341	20.7
Failed repeat DWI probation rules	283	17.2
Refused CD treatment	95	5.8
Other	184	11.2
Unknown	10	0.6

Note: Because an offender can have his or her probation revoked for multiple reasons, a total of 3,703 reasons were identified for the 1,644 probation revocations. The percentages presented in this table are based on the total number of probation revocations (N=1,644).

## CHEMICAL DEPENDENCY TREATMENT IN PRISON

Table 8 summarizes treatment and assessment data for the 4,191 admissions and classifies each according to the highest level achieved in the assessment and treatment continuum. In most cases (85.2%), felony DWI offenders admitted to prison entered a primary chemical dependency (CD) treatment program while in prison. Approximately 4.7 percent were assessed as dependent on, or abusive of, one or more substances and presently are awaiting treatment. Ten percent had not been assessed as of June 30, 2019, 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.<sup>3</sup> Some felony DWI offenders have entered primary CD treatment more than once. One hundred forty-one have entered primary treatment three or more times, and 576 have entered primary treatment twice.

**Table 8. Chemical Dependency Treatment Status**

<i>Treatment Status</i>	<i>Number</i>	<i>Percent</i>
Entered primary treatment	3,572	85.2
Awaiting treatment, assessed dependent or abusive	199	4.7
Not assessed/not entering primary treatment	420	10.0
Total	4,191	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

<sup>3</sup> In the last 17 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.

was known as of June 30, 2019. Findings show that nearly three-fourths (72.1%) 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.<sup>4</sup> About 13.3 percent of offenders were terminated from the program by program staff, and 8.8 percent of offenders quit.

**Table 9. Chemical Dependency Primary Treatment Outcome**

<i>Treatment Outcome</i>	<i>Number</i>	<i>Percent</i>
Completed	2,687	70.2
Participated until released	72	1.9
Terminated	508	13.3
Offender quit	336	8.8
Discharged by administration <sup>5</sup>	224	5.9
<b>Total</b>	<b>3,827</b>	<b>100.0</b>

## RELEASES AND REINCARCERATIONS

A total of 3,811 (90.9%) of the 4,191 felony DWI prison admissions through fiscal year 2019 were released from prison as of June 30, 2019. As shown in Table 10, nearly 25 percent were released to the CIP community supervision. Only 65 of the 3,811 offenders, accounting for fewer than 2 percent of those released, were placed on ISR. The majority of offenders (72.6%) were released to other community supervision, primarily supervised release or work release. Thirty-one (0.8%) of the offenders were discharged (generally by the court or an executive order) and therefore were not placed on community supervision. Nine offenders died while incarcerated.

Of the 3,771 releases to community supervision,<sup>6</sup> 1,494 (39.6%) returned to prison on revocations for technical violations as of June 30, 2019. In addition, 464 offenders (12.3%) were revoked after being resentenced for a new felony-level offense.

**Table 10. Supervision Status at Release**

<i>Supervision Status</i>	<i>Number</i>	<i>Percent</i>
Challenge Incarceration Program community supervision	939	24.6
Intensive supervised release	65	1.7
Other community supervision	2,767	72.6
Discharged	31	0.8
Deceased	9	0.2
<b>Total</b>	<b>3,811</b>	<b>100.0</b>

<sup>4</sup> The chemical dependency treatment completion rate for all adult inmates was 74 percent in fiscal year 2018.

<sup>5</sup> 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.

<sup>6</sup> Offenders discharged as well as those who died while incarcerated were excluded from this analysis.

## CHALLENGE INCARCERATION PROGRAM

Table 11 shows that as of June 30, 2019, there were 1,150 CIP admissions of offenders serving a felony DWI sentence. In other words, about 27.4 percent of all felony DWI prison admissions enter the CIP. As of June 30, 2019, 125 of these offenders were in one of the three phases of the program. Forty-nine of these offenders were in Phase I, the portion of the program which takes place while the offender is incarcerated; the remaining 76 offenders were in Phases II or III, the portions which take place in the community. A total of 676 offenders completed the CIP and were placed on supervised release. A total of 349 offenders failed to complete the CIP.

**Table 11. Status of Offenders Admitted to the CIP**

	<i>Number</i>
<b>In CIP</b>	<b>125</b>
Phase I	49
Phase II	49
Phase III	27
<b>Completed CIP</b>	<b>676</b>
<b>Failed CIP</b>	<b>349</b>
<b>Total</b>	<b>1,150</b>

Table 12 shows the reasons offenders failed to complete the CIP by the phase in which they failed.<sup>7</sup> Seventy-six (46.9%) of the 162 offenders who failed in Phase I committed a program violation, were removed from the program, and returned to the general prison population. Thirty-five quit, and 30 were removed from the program administratively. Some of the latter were found to have an outstanding warrant, the presence of which was not known by DOC staff at the time program eligibility was determined. Twenty-one offenders had mental or physical issues that precluded their continued participation in Phase I. All but one of the 109 offenders who failed in Phase II committed a program violation while under community supervision and were returned to prison. Finally, all of the 78 offenders who failed while on Phase III committed program violations while under community supervision and were returned to prison.

**Table 12. Reasons Offenders Failed the CIP**

Reasons	Phase I		Phase II		Phase III		Total	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Offender quit	35	21.6	1	0.9	0	0.0	36	10.3
Mental/physical issue	21	13.0	0	0.0	0	0.0	21	6.0
Administrative decision	30	18.5	0	0.0	0	0.0	30	8.6
Revoked and returned	76	46.9	108	99.1	78	100.0	262	75.1
<b>Total</b>	<b>162</b>	<b>100.0</b>	<b>109</b>	<b>100.0</b>	<b>78</b>	<b>100.0</b>	<b>349</b>	<b>100.0</b>

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

Failure rates for each phase of the program are reported in Table 13. For each phase, only those participants who entered the phase before January 1, 2019 are included.<sup>8</sup> The failure rate was highest in Phase I (14.1%), and somewhat lower in Phases II and 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. CIP Failure Rate by Phase**

<i>Phase</i>	<i>Failures</i>	<i>Participants</i>	<i>Failure Rate</i>
Phase I	154	1,093	14.1
Phase II	101	899	11.2
Phase III	84	725	11.6

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<sup>8</sup> Since each CIP phase lasts approximately six months, those who entered a phase on or after January 1, 2019 would not have enough time to complete the phase by June 30, 2019, the end of the time period covered by this report.

## 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 17 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 \$104.96 (Table 14).

**Table 14. Average Adult Operational Per Diem by Fiscal Year**

<i>Fiscal Year</i>	<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
2014	\$86.47
2015	\$91.56
2016	\$92.14
2017	\$98.84
2018	\$100.79
2019	\$104.96

## **CONCLUSION**

A total of 4,191 prison admissions of felony DWI offenders occurred between September 1, 2002, and June 30, 2019. Admissions increased sharply at first; annual admissions peaked in fiscal year 2008 with 323. In recent years, felony DWI admissions have been in decline; there were 241 admissions in fiscal year 2019. Fifty-nine 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. Over 90 percent of the felony DWI admissions are male, and nearly two-thirds (63.7%) are white. The average age of all felony DWI offenders at admission is 39.7 years.

On average, a felony DWI offender has been convicted of a non-felony DWI nearly four times prior to his/her incarceration. These offenders have committed other types of offenses as well, averaging a total of 11.4 non-felony convictions and 2.9 felony convictions prior to admission. The average sentence for those admitted as a new court commitment is 51.3 months compared to 45.2 months among probation violators.

Most (89.9%) of the felony DWI offenders admitted to prison enter chemical dependency treatment while incarcerated, or are currently incarcerated and awaiting treatment. Among those who enter a primary treatment program, over 72 percent successfully complete it or participate until their release.

Of those who have been released from prison, 939 offenders (24.6%) were released to CIP community supervision. Sixty-five offenders (1.7%) were placed on intensive supervised release. Nearly 40 percent of offenders released to community supervision were returned to prison for a technical violation, and an additional 12.3 percent were returned for a new offense.

## **REFERENCES**

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