



**Central Office**

1450 Energy Park Drive, Suite 200 | St. Paul, MN 55108  
Main: 651.361.7200 | Fax: 651.642.0223 | TTY: 800.627.3529  
[www.mn.gov/doc](http://www.mn.gov/doc)

January 15, 2021

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

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

Senator Ron Latz, DFL Lead  
2215 Minnesota Senate Bldg.  
St. Paul, MN 55155

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

Representative Carlos Mariani, Chair  
479 State Office Building  
St. Paul, MN 55155

Representative, Brian Johnson, Republican Lead  
243 Rev. Dr. Martin Luther King Jr. Blvd.  
St Paul, MN 55155

**RE: Annual Submission of the Department of Corrections Felony DWI Report, as Required by Minnesota Statutes, Section 244.085**

Dear Legislators:

Minnesota Statutes, section 244.085 requires that by January 15, annually, the Department of Corrections submit a report on felony DWI data from the preceding calendar year, to the chairs and ranking minority members of the legislative policy and budget committees with jurisdiction over the Department.

If you have any questions regarding this report, please contact Safia Khan, Director, Government and Partner Relations, at 651-361-7219.

Sincerely,

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

Paul Schnell, Commissioner  
Minnesota Department of Corrections

Enclosure

c: Safia Khan

# **Minnesota Felony Driving While Impaired Report 2020**

December 2020  
Minnesota Department of Corrections  
1450 Energy Park Drive, Suite 200  
St. Paul, Minnesota 55108-5219  
(651) 361-7200  
TTY (800) 627-3529  
<https://mn.gov/doc>

This information will be made available in alternative format upon request.

The total cost of salaries, printing, and supplies incurred in the development and preparation of this report is \$1,350 (reported as required by M.S. 3.197).

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## **EXECUTIVE SUMMARY**

This is the twelfth legislatively-mandated report (Minnesota Statute 2009, Section 244.085) on felony driving while impaired (DWI) individuals 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 persons with felony DWIs admitted to prison.

### **Incidence and County Characteristics**

- Between September 1, 2002, and June 30, 2020, a total of 3,541 people were admitted to prison 4,337 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; 146 admissions occurred in fiscal year 2020.
- An average of 147 people were admitted each year as a new court commitment compared to an average of 94 people admitted each year as a probation violator.
- The state's two most populous counties, Hennepin and Ramsey, together account for 28.1 percent of the people 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 people 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 (63.3%) are white.
- The average age at admission is 39.8 years.
- Felony DWI individuals 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 individuals have received convictions for other criminal behavior that does not involve drinking and driving. On average, felony DWI individuals have been convicted of a total of 11.6 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 45.3 months.
- Over half (53%) of the people 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.
- Individuals 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 (57.2%) of the probation violators, and use of drugs was cited for 23.4 percent. Commission of a new offense was cited for 42.9 percent of the cases. Refusing chemical dependency treatment or failing to complete chemical dependency treatment was cited as a revocation reason for 26.6 percent of the cases.

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

- The majority (86.5%) of the felony DWI individuals admitted to prison have entered a primary chemical dependency treatment program. An additional 3.3 percent have been assessed as chemically dependent or abusive of one or more substances and are awaiting treatment.
  - Of the 3,753 admissions who have entered a primary chemical dependency treatment program in prison, 158 people entered a primary treatment program three or more times, and 609 entered a primary treatment program twice.
  - Seventy-one percent of primary treatment episodes were completed.
- A total of 4,042 (93.2%) of the 4,337 felony DWI individuals admitted to prison during the time frame examined were released from prison. Twenty-five 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, 39.5 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 1,245 people, accounting for 28.7 percent of all felony DWI prison admissions, entered CIP.
  - As of June 30, 2020, 121 of these people were in one of the three phases of the program, 732 had completed the program, and 392 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 the same at 11.8 percent, compared to 14.7 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 (people 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 people 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. People 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 people 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 12<sup>th</sup> report on felony DWI individuals committed to the commissioner of corrections. Between fiscal years 2003 and 2007, the DOC published annual reports on all individuals 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 those 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 individual was admitted to prison in September 2002. A total of 3,541 offenders were admitted to prison 4,337 times as either a new court commitment or a probation violator between September 1, 2002, and June 30, 2020. An additional 1,581 admissions of release violators occurred during this time; these people 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 people 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 person 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 those 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 2020 there were 146 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.

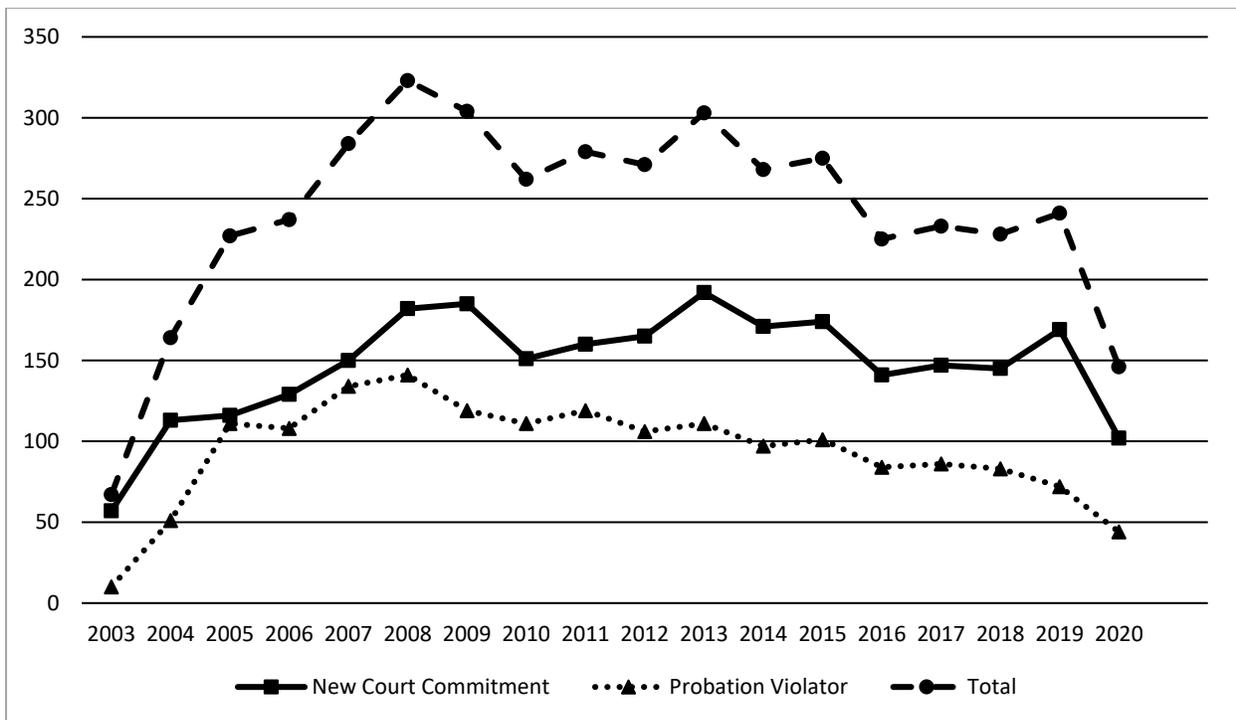
Table 1 also shows that, on average, the department admitted to prison 241 felony DWI individuals per year, over the last 18 fiscal years. Sixty-one percent of these admissions were new court commitments.

**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
2020	102	69.9	44	30.1	146	100.0
<b>Total</b>	<b>2,649</b>	<b>61.1</b>	<b>1,688</b>	<b>38.9</b>	<b>4,337</b>	<b>100</b>
<b>Average</b>	<b>147</b>	<b>--</b>	<b>94</b>	<b>--</b>	<b>241</b>	<b>--</b>

**Figure 1. Prison Admissions by Fiscal Year and Admission Type**

<sup>1</sup> Individuals 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.



## COUNTY OF COMMITMENT

Prison admissions for felony DWI disproportionately originate in non-metropolitan counties (Table 2). Just 41 percent of the those 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 people 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	1,768	40.8	53.6
Non-Metro Counties	2,569	59.2	46.4
Total	4,337	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 no difference between metropolitan and non-metropolitan counties. New court commitments accounted for approximately 61 percent of those committed, for both metropolitan counties and non-metropolitan counties.

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 28.1 percent of those 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	839	19.3	21.7
Ramsey	381	8.8	9.6
Dakota	203	4.7	7.5
St. Louis	190	4.4	3.8
Clay	157	3.6	1.1
Anoka	154	3.6	6.2
Olmsted	125	2.9	2.7
Polk	122	2.8	0.6
Stearns	109	2.5	2.8
Becker	100	2.3	0.6
Remaining Counties	1,957	45.1	43.3
<b>Total</b>	<b>4,337</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, 2020. Ninety percent of the admissions were male. Sixty-three percent were white. The average age of these offenders at admission is 39.8 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	3,918	90.3	White	2,745	63.3	Under 25	105	2.4
Female	419	9.7	Black	738	17.0	25 – 29	587	13.5
			American Indian	575	13.3	30 – 34	882	20.3
			Hispanic	229	5.3	35 – 39	834	19.2
			Asian	47	1.1	40 – 44	698	16.1
			Unknown	3	0.1	45 – 49	583	13.4
						50 and over	648	14.9
Total	4,337	100.0		4,337	100.0		4,337	100.0

## CRIMINAL HISTORY

Data on 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 2020. Table 5 shows that individuals had been convicted of an average of about 12 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	69	32	25	8
Average	11.6	2.9	3.8	0.4

Thirty-one percent of the 3,541 distinct people 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, 1,741 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 4,337 felony DWI prison admissions, by admission type. The data reveal that sentence lengths for those given an executed prison sentence typically were longer than those who initially received a stay of imposition or stay of execution. Over half (53%) of those 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 45.3 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	51.3 months		45.3 months		48.9 months	
24 months or less	21	0.8	7	0.4	28	0.6
25 to 36 months	329	12.4	393	23.3	722	16.6
37 to 48 months	894	33.7	997	59.1	1,891	43.6
49 to 60 months	937	35.4	169	10.0	1,106	25.5
61 months or more	468	17.7	122	7.2	590	13.6
Total	2,649	100.0	1,688	100.0	4,337	100.0

Table 7 shows the reasons cited for the 1,688 offenders who were admitted to prison following revocation of a probation sentence. Individuals 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 57.2 percent of the cases; use of drugs was cited for 23.4 percent of the cases.<sup>2</sup> Failing general probation rules was cited for 46.7 percent of the cases, and failing repeat DWI probation rules was cited for 17.1 percent. Commission of a new offense was noted for 42.9 percent of the cases. Combined, refusing to enter or failing to complete chemical dependency treatment was cited as a revocation reason for one-fourth (26.6%) 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	965	57.2
Failed general probation rules	789	46.7
New offense	724	42.9
Use of drugs	395	23.4
Failed CD treatment	353	20.9
Failed repeat DWI probation rules	288	17.1
Refused CD treatment	96	5.7
Other	195	11.6
Unknown	11	0.7

Note: Because an offender can have his or her probation revoked for multiple reasons, a total of 3,816 reasons were identified for the 1,688 probation revocations. The percentages presented in this table are based on the total number of probation revocations (N=1,688).

## CHEMICAL DEPENDENCY TREATMENT IN PRISON

Table 8 summarizes treatment and assessment data for the 4,337 admissions and classifies each according to the highest level achieved in the assessment and treatment continuum. In most cases (86.5%), felony DWI individuals admitted to prison entered a primary chemical dependency (CD) treatment program while in prison. Approximately 3.3 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, 2020, or were assessed as chemically dependent or abusive but not entering primary treatment. Many of these people were probation violators who were not incarcerated long enough to complete treatment or were repeat felony DWI individuals who had completed treatment during a recent incarceration. A small number were determined to be unamenable to treatment.<sup>3</sup> Some felony DWI individuals have entered primary CD treatment more than once. One hundred fifty-eight have entered primary treatment three or more times, and 609 have entered primary treatment twice.

**Table 8. Chemical Dependency Treatment Status**

<i>Treatment Status</i>	<i>Number</i>	<i>Percent</i>
Entered primary treatment	3,753	86.5
Awaiting treatment, assessed dependent or abusive	142	3.3
Not assessed/not entering primary treatment	442	10.2
Total	4,337	100.0

Table 9 summarizes the outcomes of all treatment episodes for the felony DWI individuals who entered primary chemical dependency treatment and for whom the outcome of this treatment

<sup>3</sup> In the last 18 years, only eight felony DWI individuals 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, 2020. Findings show that nearly three-fourths (72.8%) of primary treatment episodes were completed or the person participated in treatment until he or she was released; this is similar to the completion rate for all incarcerated individuals.<sup>4</sup> About 13 percent of participants were terminated from the program by program staff, and 8.4 percent of participants quit.

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

<i>Treatment Outcome</i>	<i>Number</i>	<i>Percent</i>
Completed	2,869	70.9
Participated until released	75	1.9
Terminated	523	12.9
Offender quit	341	8.4
Discharged by administration <sup>5</sup>	239	5.9
<b>Total</b>	<b>4,047</b>	<b>100.0</b>

## RELEASES AND REINCARCERATIONS

A total of 4,042 (93.2%) of the 4,337 felony DWI prison admissions through fiscal year 2020 were released from prison as of June 30, 2020. As shown in Table 10, 25 percent were released to the CIP community supervision. Only 71 of the 4,042, accounting for fewer than 2 percent of those released, were placed on ISR. The majority of people (71.8%) were released to other community supervision, primarily supervised release or work release. Thirty-two (0.8%) of the people were discharged (generally by the court or an executive order) and therefore were not placed on community supervision. Nine individuals died while incarcerated.

Of the 4,001 releases to community supervision,<sup>6</sup> 1,581 (39.5%) returned to prison on revocations for technical violations as of June 30, 2020. In addition, 491 people (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	1,027	25.4
Intensive supervised release	71	1.8
Other community supervision	2,903	71.8
Discharged	32	0.8
Deceased	9	0.2
<b>Total</b>	<b>4,042</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> Individuals 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 those who are terminated from treatment or those who quit, these people do not receive a sanction for leaving treatment.

<sup>6</sup> Those 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, 2020, there were 1,245 CIP admissions of people serving a felony DWI sentence. In other words, about 28.7 percent of all felony DWI prison admissions enter the CIP. As of June 30, 2020, 121 of these individuals were in one of the three phases of the program. Thirty-eight of these individuals were in Phase I, the portion of the program which takes place while the person is incarcerated; the remaining 83 participants were in Phases II or III, the portions which take place in the community. A total of 732 participants completed the CIP and were placed on supervised release. A total of 392 people failed to complete the CIP.

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

	<i>Number</i>
<b>In CIP</b>	<b>121</b>
Phase I	38
Phase II	47
Phase III	36
<b>Completed CIP</b>	<b>732</b>
<b>Failed CIP</b>	<b>392</b>
<b>Total</b>	<b>1,245</b>

Table 12 shows the reasons people failed to complete the CIP by the phase in which they failed.<sup>7</sup> Eighty-three (46.1%) of the 180 people who failed in Phase I committed a program violation, were removed from the program, and returned to the general prison population. Forty-two quit, and 31 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-four individuals had mental or physical issues that precluded their continued participation in Phase I. All but one of the 125 people who failed in Phase II committed a program violation while under community supervision and were returned to prison. Finally, all of the 87 people who failed while on Phase III committed program violations while under community supervision and were returned to prison.

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

Reasons	Phase I		Phase II		Phase III		Total	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Participant quit	42	23.3	1	0.8	0	0.0	43	11.0
Mental/physical issue	24	13.3	0	0.0	0	0.0	24	6.1
Administrative decision	31	17.2	0	0.0	0	0.0	31	7.9
Revoked and returned	83	46.1	124	99.2	87	100.0	294	75.0
<b>Total</b>	<b>180</b>	<b>100.0</b>	<b>125</b>	<b>100.0</b>	<b>87</b>	<b>100.0</b>	<b>392</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, 2020 are included.<sup>8</sup> The failure rate was highest in Phase I (14.7%), and somewhat lower in Phases II and III. All individuals 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	177	1,204	14.7
Phase II	116	983	11.8
Phase III	93	791	11.8

<sup>8</sup> Since each CIP phase lasts approximately six months, those who entered a phase on or after January 1, 2020 would not have enough time to complete the phase by June 30, 2020, 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 individuals committed to the commissioner of corrections. Per diem information, however, is available only on incarcerated adults in general and is not disaggregated by offense type. In the 18 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 \$111.07 (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
2020	\$111.07

## **CONCLUSION**

A total of 4,337 prison admissions of felony DWI individuals occurred between September 1, 2002, and June 30, 2020. 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 146 admissions in fiscal year 2020. 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 (63.3%) are white. The average age of all felony DWI offenders at admission is 39.8 years.

On average, a felony DWI individual has been convicted of a non-felony DWI nearly four times prior to his/her incarceration. These people have committed other types of offenses as well, averaging a total of 11.6 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 45.3 months among probation violators.

Most (89.8%) of the felony DWI individuals admitted to prison enter chemical dependency treatment while incarcerated, or are currently incarcerated and awaiting treatment. Among those who enter a primary treatment program, nearly 73 percent successfully complete it or participate until their release.

Of those who have been released from prison, 1,027 people (25.4%) were released to CIP community supervision. Seventy-one (1.8%) were placed on intensive supervised release. Nearly 40 percent of people 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**

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

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