

# **Minnesota Felony Driving While Impaired Report, 2011**

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## **EXECUTIVE SUMMARY**

This is the third legislatively-mandated report (Minnesota Statute 2010, 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, 2011, there were 1,976 offenders admitted to prison once as a new commitment for a felony DWI offense and 168 offenders were admitted to prison twice as a new commitment for a felony DWI offense. Three offenders were admitted to prison three times for three separate, felony DWI offenses.
- Admissions increased sharply in the first few months after the law went into effect and then continued to increase gradually until the end of fiscal year 2007. Admissions appeared to level off and perhaps decline slightly with the exception of April 2011 when admissions suddenly jumped to 35.
- An average of 11 offenders were admitted each month as a new court commitment compared to an average of 8 offenders admitted each month as a probation violator.
- The state's two most populous counties, Hennepin and Ramsey, together account for 27.5 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 almost 60 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 30s or early 40s.
- 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 two felony offenses prior to admission.

### **Sentencing Characteristics**

- On average, new court commitments received a sentence of 50.8 months while probation violators received a sentence of 45.0 months.
- Half (50.2%) 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 16.9 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 (56.2%) of the probation violators, and use of drugs was cited for almost 20 percent (18.7%). Commission of a new offense was cited for 40.9 percent of the cases. Refusing chemical dependency treatment or failing to complete

chemical dependency treatment was cited as a revocation reason for 22.9 percent of the cases.

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

- The majority (81.0%) 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 1,739 offenders who have entered a primary chemical dependency treatment program in prison, 112 of these offenders (6.4%) entered a primary treatment program twice, and three (0.2%) entered a primary treatment program three times.
  - Roughly 65 percent of primary treatment episodes were completed.
- A total of 1,360 (63.3%) of the 2,147 felony DWI offenders admitted to prison during the time frame examined were released from prison. Approximately 16 percent (15.3%) were placed in the Challenge Incarceration Program (CIP), and less than two percent (1.9%) 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, 38.5 percent were returned to prison for violating one or more conditions of his or her supervision.
  - Of those released to supervision, 11.5 percent were returned to prison for a new felony sentence.
- A total of 382 offenders, accounting for 17.8 percent of all felony DWI offenders incarcerated, entered CIP.
  - As of June 30, 2011, 91 of these offenders were in one of the three phases of the program, 193 had completed the program, and 98 had failed.
    - Failure rates were slightly higher in Phases I and II than Phase III: Failure rates for Phase I and Phase II were 10.6 and 11.3 percent, respectively, compared to 8.2 percent for Phase III.

## **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. 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 third 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 1,976 offenders were admitted to prison 2,147 times as either a new court commitment or a probation violator between September 1, 2002, and June 30, 2011. An additional 465 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). All data were collected prior to July 1, 2011.

## COMMITMENTS TO PRISON

Table 1 shows the total number of offenders admitted for a felony DWI offense as either a new court commitment or a probation violator by fiscal year.<sup>1</sup> 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. Fiscal year 2009 was the first year in which total felony DWI admissions decreased. In that year, the overall decline was due to a drop in probation violator admissions: Admissions of probation violators dropped from 141 in 2008 to 119 in 2009. In fiscal year 2010, admissions of both new court commitments and probation violators decreased, contributing to an even greater decline in total admissions than seen in the previous fiscal year. Both figures increased slightly in fiscal year 2011, resulting in the admission of 17 more DWI offenders in 2011 than in 2010.

Table 1 also shows that, on average, the department admitted to prison 239 felony DWI offenders in each of the last nine fiscal years. Fifty-eight percent of these admissions were new court commitments.

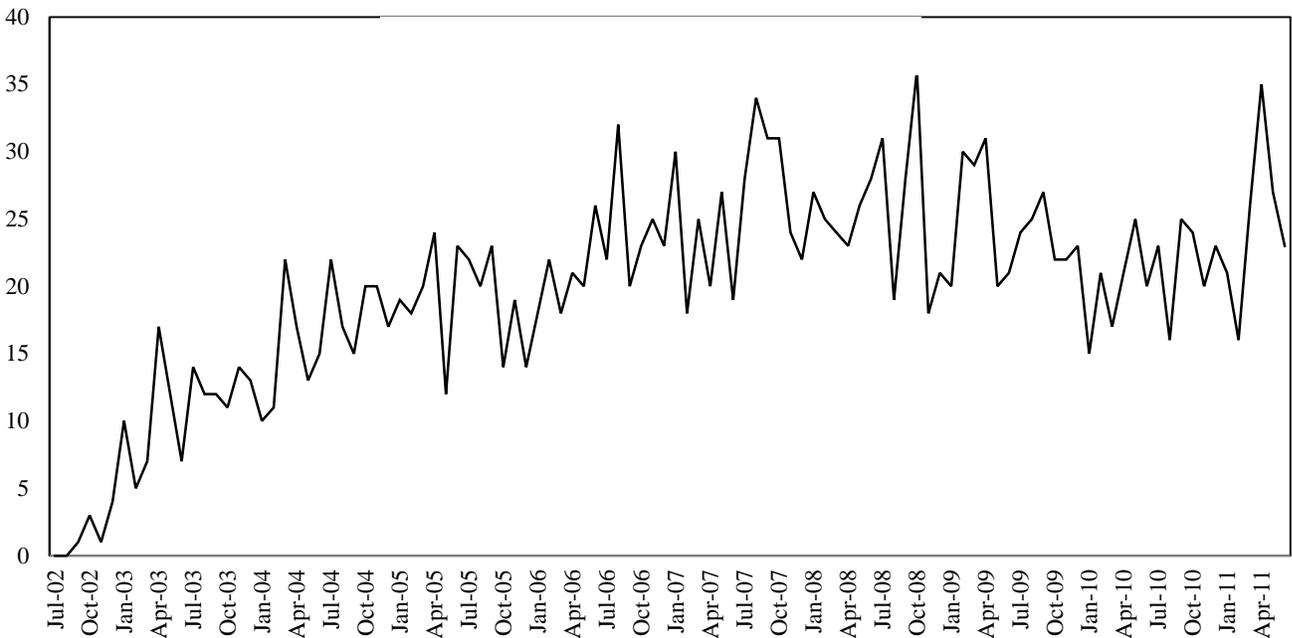
**Table 1. Prison Admissions by Fiscal Year and Admission Type**

<b>Fiscal Year</b>	<b>New Court Commitment</b>		<b>Probation Violator</b>		<b>Total</b>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
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
Total	1,243	57.9	904	42.1	2,147	100.0
Average	138	--	100	--	239	--

<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 chart but are included in a later section of this report.

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. The graph shows a gradual increase in total admissions between the month the law went into effect through the end of fiscal year 2006. Around that time, admissions leveled off and perhaps declined slightly until April of 2011 when the total number of admissions jumped to 35. This was the second largest group of felony DWI offenders admitted in one month, the largest being 36 offenders admitted in October of 2008. On average, the DOC admits 20 offenders each month for a felony DWI offense.

**Figure 1. Prison Admissions by Month**

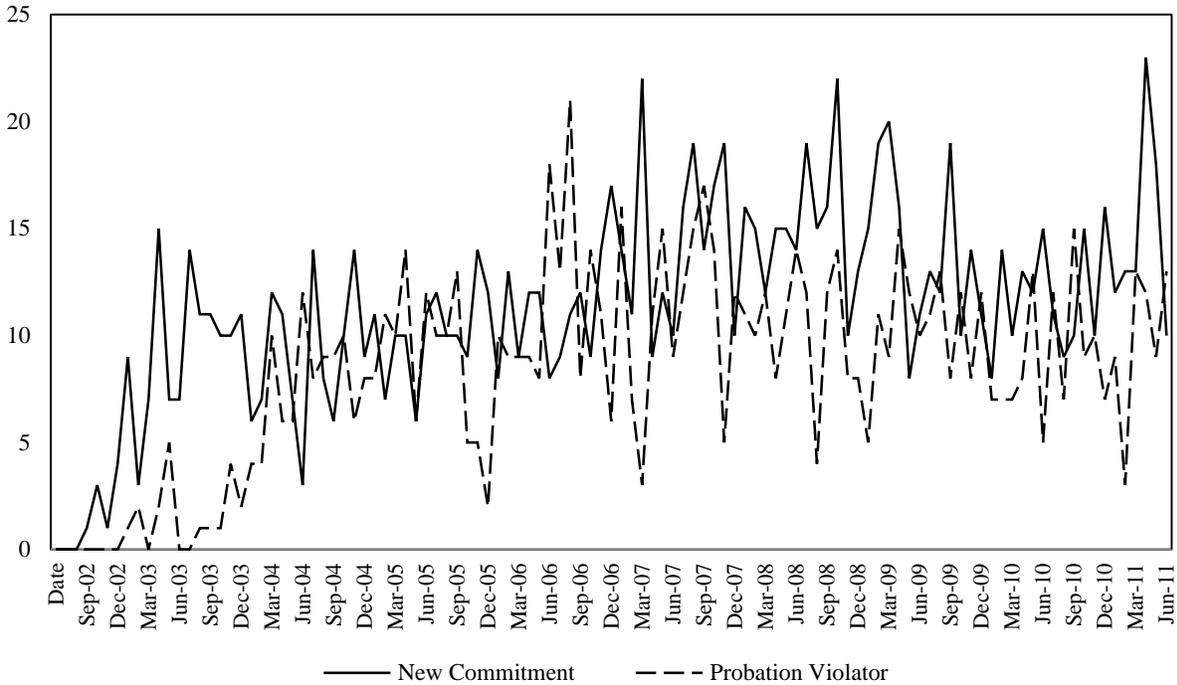


Disaggregating total monthly admissions into new court commitments and probation violators reveal slightly different trends for these two admission types. As shown in Figure 2, new court commitments increased rapidly after the felony DWI law went into effect and then remained fairly stable until the 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 when the data showed a possible decline in the number of new court commitments. The slight downward trend was interrupted near the end of fiscal year 2011, however, when the number of new commitments increased to 23 in April 2011. This spike in new court commitments, the largest number of new court commitments admitted in a month since the law went into effect, was responsible for the sudden increase in the total number of admissions occurring in that month noted above. New court commitments declined in both May and June of 2011, however, and the average number of new court commitments remains around 11 offenders each month.

As expected, the department initially admitted 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 eight 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 almost 60 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	869	40.5	53.6
Non-Metro Counties	1,278	59.5	46.4
Total	2,147	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, new court commitments accounted for approximately 56

percent of the offenders committed by metropolitan counties and 59 percent of non-metropolitan counties.

Table 3 shows the ten 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 27.5 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 the ten (Hennepin, Ramsey, Dakota, Anoka, and Washington) are within the metropolitan area.

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

<b>County</b>	<i>Number</i>	<i>Percent</i>	<i>Percent of Population</i>
Hennepin	371	17.3	21.7
Ramsey	218	10.2	9.6
St. Louis	105	4.9	3.8
Dakota	101	4.7	7.5
Anoka	89	4.1	6.2
Clay	73	3.4	1.1
Olmsted	62	2.9	2.7
Polk	58	2.7	0.6
Becker	52	2.4	0.6
Washington	52	2.4	4.5
Remaining Counties	966	45.0	41.7
<b>Total</b>	<b>2,147</b>	<b>100.0</b>	<b>100.0</b>

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, 2011. The typical DWI offender admitted to prison is a white male who is in his 30s or early 40s. The average age of these offenders at admission is 38.6 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	1,969	91.7	White	1,391	64.8	Under 25	72	3.4
Female	178	8.3	American Indian	316	14.7	25 – 29	336	15.6
			Black	308	14.3	30 – 34	395	18.4
			Hispanic	112	5.2	35 – 39	408	19.0
			Other/Unknown	20	0.9	40 – 44	384	17.9
						45 – 49	318	14.8
						50 and over	234	10.9
<b>Total</b>	<b>2,147</b>	<b>100.0</b>		<b>2,147</b>	<b>100.0</b>		<b>2,147</b>	<b>100.0</b>

## CRIMINAL HISTORY

Data on offenders' prior criminal offenses were obtained through COMS. Prior offense information was obtained for all but 12 (0.6%) of the 2,147 offenders in this study. Table 5 shows that offenders had been convicted of an average of roughly nine non-felony (i.e., misdemeanor or gross misdemeanor) offenses and two felony offenses prior to their admission to prison for a felony DWI. The average number of prior non-felony impaired driving convictions was just over four, and the average number of prior felony impaired driving convictions was less than one. Most of the offenders (83%) had not had a prior felony DWI conviction, and all of those who had three or more prior felony DWI convictions had numerous convictions in the neighboring states of Iowa and South Dakota. Only convictions for driving while impaired or refusal to submit to testing which resulted in a conviction for driving while impaired were included. 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>
Minimum	3	0	3	0
Maximum	40	20	19	8
Average	8.9	2.4	4.1	0.3

## SENTENCES

Table 6 shows the pronounced sentence length of the 2,147 offenders admitted to prison for a felony DWI offense 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 (50.2%) 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 16.9 percent of those given an executed sentence upon revocation of probation. On average, new court commitments received a sentence of 50.8 months while probation violators received a sentence of 45.0 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	50.8 months		45.0 months		48.4 months	
24 months or less	11	0.9	6	0.7	17	0.8
25 to 36 months	173	13.9	215	23.8	388	18.1
37 to 48 months	435	35.0	531	58.7	966	45.0
49 to 60 months	427	34.4	100	11.1	527	24.5
61 months or more	197	15.8	52	5.8	249	11.6
Total	1,243	100.0	904	100.0	2,147	100.0

Table 7 shows the reasons cited for the 904 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 56.2 percent of the cases; use of drugs was cited for 18.7 percent of the cases. Failing general probation rules was cited for 43.7 percent of the cases, and failing repeat DWI probation rules was cited for 15.3 percent. Commission of a new offense was noted for 40.9 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 (22.6%) 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	508	56.2
Failed general probation rules	395	43.7
New offense	370	40.9
Use of drugs	169	18.7
Failed treatment	155	17.1
Failed repeat DWI probation rules	139	15.3
Refused treatment	50	5.5
Other	44	4.9
Unknown	10	1.1

Note: Because an offender can have his or her probation revoked for multiple reasons, a total of 1,840 reasons were identified for the 904 probation violators. The percentages presented in this table are based on the total number of probation revocations (N=904).

## **CHEMICAL DEPENDENCY TREATMENT IN PRISON**

Table 8 summarizes treatment and assessment data for the 2,147 offenders and classifies each offender according to the highest level achieved in the assessment and treatment continuum. Most felony DWI offenders admitted to prison (81%) entered a primary chemical dependency treatment program while in prison. Approximately 10 percent (9.6%) were assessed as dependent on, or abusive of, one or more substances and presently are awaiting treatment, and nine percent (9.4%) had not been assessed as of June 30, 2011 or were assessed as chemically dependent or abusive but unable to complete 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>2</sup> Overall, the 1,739 offenders entered primary treatment in prison a total of 1,854 times. A total of 112 of these 1,739 offenders (6.4%) entered a primary treatment program twice, and three offenders (0.2%) did so three times.

<sup>2</sup> In the last nine 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	1,739	81.0
Awaiting treatment, assessed dependent or abusive	207	9.6
Not assessed/ not entering primary treatment	201	9.4
Total	2,147	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, 2011. Findings show that nearly two-thirds (64.6%) of primary treatment episodes were completed or the offender participated in treatment until he or she was released; this is slightly lower than the completion rate for all incarcerated offenders.<sup>3</sup> Approximately 17 percent (16.5%) of offenders were terminated from the program by program staff, and 14 percent of offenders quit.

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

<i>Treatment Outcome</i>	<i>Number</i>	<i>Percent</i>
Completed	1,174	63.3
Participated until released	25	1.3
Terminated	306	16.5
Offender quit	260	14.0
Discharged by administration <sup>4</sup>	89	4.8
Total	1,854	100.0

## **RELEASES AND REINCARCERATIONS**

A total of 1,360 (63.3%) of the 2,147 felony DWI offenders admitted to prison during the time frame examined were released from prison. Shown in Table 10, roughly 16 percent (16.3%) entered CIP. Only 26 of the 1,360 offenders, accounting for less than two percent of those released, were placed on ISR. The majority of offenders (80.0%) were released to the community under supervision such as supervised release or work release. Nineteen (1.4%) of the offenders were discharged by the court or an executive order and therefore could not be placed under supervision. Five offenders died while incarcerated.

Of the 1,336 offenders<sup>5</sup> released to supervision, 514 (38.5%) returned to prison on revocations for technical violations. In addition, 154 offenders (11.5%) were revoked after being resentenced for a new felony-level offense.

<sup>3</sup> Chemical dependency treatment completion rates for all adult inmates were 68 percent in FY09 and 70 percent in FY10.

<sup>4</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>5</sup> Offenders discharged by the court or executive order as well as those who died while incarcerated were excluded from this analysis.

**Table 10. Supervision Status at First Release**

<i>Supervision Status</i>	<i>Number</i>	<i>Percent</i>
Challenge Incarceration Program	222	16.3
Intensive Supervised Release	26	1.9
Other community supervision	1,088	80.0
Discharged by court/executive order	19	1.4
Deceased	5	0.4
Total	1,360	100.0

## **CHALLENGE INCARCERATION PROGRAM**

Nearly one of every five felony DWI offenders admitted to prison entered CIP. Table 11 shows that 382 offenders, accounting for 17.8 percent of all felony DWI offenders incarcerated, entered CIP. At the end of fiscal year 2011, 91 of these offenders were in one of the three phases of the program. Thirty-five of these offenders were in Phase I, the portion of the program which takes place while the offender is incarcerated; the remaining 56 offenders were in Phases II or III, the portions which take place in the community. A total of 193 offenders completed CIP and were placed on supervised release. Only one of these offenders reached his sentence expiration and is no longer under supervision. A total of 98 offenders failed to complete CIP.

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

	<i>Number</i>
In CIP	
Phase I	35
Phase II	27
Phase III	29
Total	91
Completed CIP	193
Failed CIP	98
Total	382

Table 12 shows the reasons offenders failed to complete CIP by the phase in which they failed.<sup>6</sup> Seventeen (40.5%) of the 42 offenders who failed in Phase I committed a program violation, were removed from the program, and returned to the general prison population. Roughly one-fourth (26.1%) quit, and approximately 29 percent (28.6%) were removed from the program administratively. Most 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. Only two (4.8%) offenders had mental or physical issues that precluded their participation in Phase I. All but one of the 35 offenders who failed in Phase II committed a program violation while under community supervision and were returned to prison. Finally, all of the 21 offenders who failed while on Phase III committed program violations while under community supervision and were returned to prison.

<sup>6</sup> 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	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Offender quit	11	26.1	0	0.0	0	0.0
Mental/physical issue	2	4.8	0	0.0	0	0.0
Administrative decision	12	28.6	1	2.9	0	0.0
Revoked and returned	17	40.5	34	97.1	21	100.0
Total	42	100.0	35	100.0	21	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, 2011, would still be in this phase by the end of time period covered in this report (June 30, 2011), 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, offenders who failed in Phase II but entered CIP after July 1, 2010, are excluded as are offenders who failed in Phase III but entered CIP after January 1, 2010. A total of ten offenders known to have failed are excluded from the failure rate analysis. Six of these offenders were in Phase I and four were in Phase II.

To illustrate the failure rate calculation for Phase I, Table 11 showed that 382 offenders entered CIP. Of these offenders, 35 are excluded from the calculation because they were participating in Phase I as of June 30, 2011. Moreover, as noted above, six additional offenders are removed because they entered Phase I after January 1, 2011, and, thus, did not have enough time to complete this phase by June 30, 2011. Therefore, of the 382 offenders who entered CIP, 341 had an opportunity to complete Phase I by June 30, 2011.

As shown in Table 13, failure rates were similar in Phases I and II but slightly lower in Phase III: The failure rate was 10.6 percent for Phase I and 11.3 percent for Phase II compared to 8.2 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	36	341	10.6
Phase II	31	274	11.3
Phase III	21	256	8.2

## 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 nine 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 \$85.52 (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	\$77.09
2005	\$76.43
2006	\$80.11
2007	\$86.14
2008	\$89.77
2009	\$89.24
2010	\$83.95
2011	\$85.52

## CONCLUSION

A total of 2,147 offenders were admitted to prison for a felony DWI offense between September 1, 2002, and June 30, 2011. Admissions increased sharply at first, and then continued to increase but at a slower pace until 2007 when admissions appeared to level off. On average, 11 offenders are admitted each month to prison as a new court commitment and 8 are 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 30s or early 40s 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 two felony convictions prior to admission. The average sentence received for those admitted as a new court commitment is 50.8 months compared to 45.0 months among probation violators. Many (81.0%) of the felony DWI offenders admitted to prison enter chemical dependency treatment while incarcerated. Among those who enter a primary treatment program, 63.0 percent successfully complete it.

Of those who have been released from prison, 382 offenders (17.8%) entered CIP. Twenty-six offenders (1.9%) were placed on ISR. Nearly 39 percent (38.5%) of offenders released were returned to prison for a technical violation, and 11.5 percent were returned for a new offense.

## **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