

# **Minnesota Felony Driving While Impaired Report 2017**

January 2018  
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 \$1,830 (reported as required by M.S. 3.197).

## TABLE OF CONTENTS

Executive Summary .....	1
Introduction .....	3
Data and Methods .....	4
Commitments to Prison .....	5
County of Commitment.....	6
Offender Demographics .....	8
Criminal History .....	8
Sentences .....	9
Chemical Dependency Treatment in Prison .....	10
Releases and Reincarcerations .....	11
Challenge Incarceration Program .....	12
Per Diem .....	14
Conclusion. ....	15
References .....	16

## TABLES

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

## FIGURES

Figure 1. Prison Admissions by Fiscal Year and Admission Type .....	6
---	---

## **EXECUTIVE SUMMARY**

This is the ninth 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, 2017, a total of 3,116 offenders were admitted to prison 3,722 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; 233 admissions occurred in fiscal year 2017.
- An average of 149 offenders were admitted each year as a new court commitment compared to an average of 99 offenders admitted each year as a probation violator.
- The state's two most populous counties, Hennepin and Ramsey, together account for 27.8 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 39.5 years.
- 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 11 non-felony offenses and 2.9 felony offenses prior to admission.

### **Sentencing Characteristics**

- On average, new court commitments received a sentence of 51.2 months while probation violators received a sentence of 45.0 months.
- Over half (52.4%) 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 16.5 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 (57.8%) of the probation violators, and use of drugs was cited for 21.4 percent. Commission of a new offense was cited for 41.9 percent of the cases. Refusing chemical dependency treatment or failing to complete chemical dependency treatment was cited as a revocation reason for 25.6 percent of the cases.

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

- The majority (86.0%) of the felony DWI offenders admitted to prison have entered a primary chemical dependency treatment program. An additional 3.6 percent have been assessed as chemically dependent or abusive of one or more substances and are awaiting treatment.
  - Of the 3,201 admissions who have entered a primary chemical dependency treatment program in prison, 119 offenders entered a primary treatment program three or more times, and 503 entered a primary treatment program twice.
  - Seventy percent of primary treatment episodes were completed.
- A total of 3,337 (89.7%) of the 3,722 felony DWI offenders admitted to prison during the time frame examined were released from prison. Twenty-three percent were released to the Challenge Incarceration Program (CIP) Phase II community supervision, and fewer than 2 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 supervision.
  - Of those released to supervision, 11.8 percent were returned to prison for a new felony sentence.
- A total of 938 offenders, accounting for 25.2 percent of all felony DWI prison admissions, entered CIP.
  - As of June 30, 2017, 119 of these offenders were in one of the three phases of the program, 558 had completed the program, and 261 had failed.
    - The failure rate was slightly higher in Phase I than in Phase II or Phase III. Failure rates for Phase II and Phase III were 10.7 and 10.4 percent, respectively, compared to 13.1 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 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 ninth 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 3,116 offenders were admitted to prison 3,722 times as either a new court commitment or a probation violator between September 1, 2002, and June 30, 2017. An additional 1,307 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 admissions have been declining in recent years of the report; in fiscal year 2017 there were 233 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.

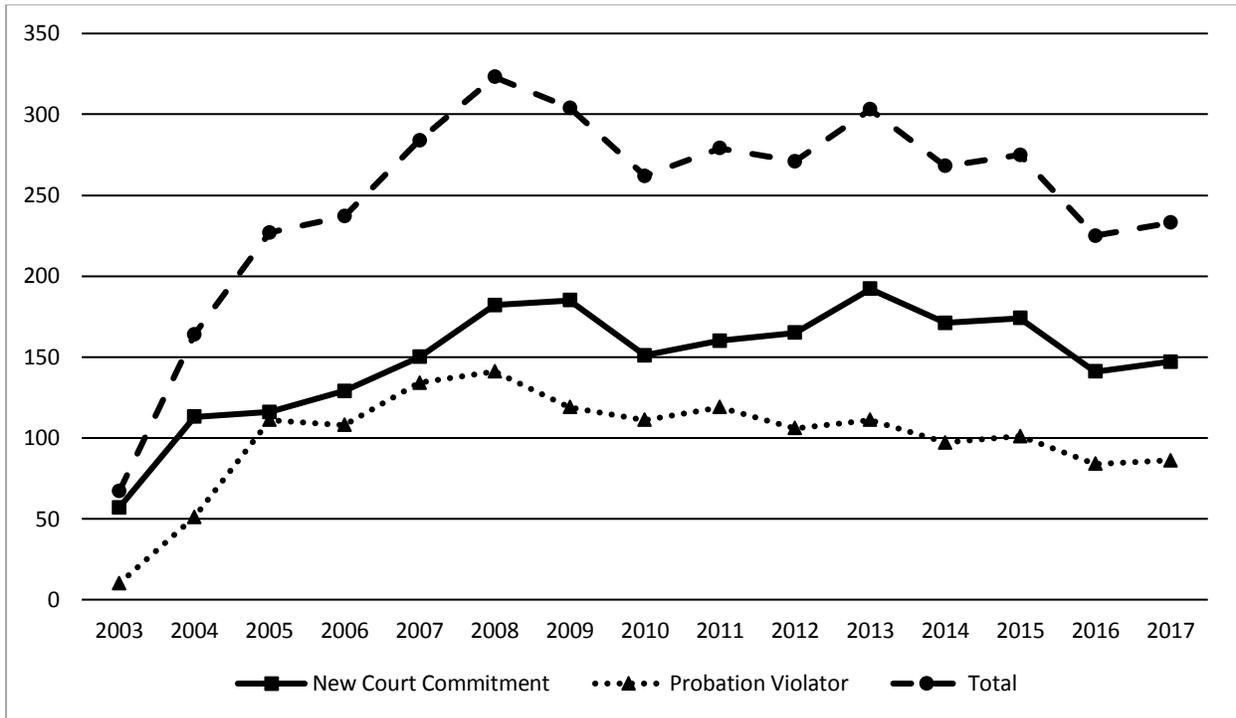
Table 1 also shows that, on average, the department admitted to prison 248 felony DWI offenders per year, over the last fifteen fiscal years. Sixty percent of these admissions were new court commitments.

**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
Total	2,233	60.0	1,489	40.0	3,722	100.0
Average	149	--	99	--	248	--

<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	1,522	40.9	53.6
Non-Metro Counties	2,200	59.1	46.4
Total	3,722	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 59 percent of the offenders committed by metropolitan counties and 60 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 27.8 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 metropolitan area.

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

<b>County</b>	<i>Number</i>	<i>Percent</i>	<i>Percent of Population</i>
Hennepin	683	18.4	21.7
Ramsey	352	9.5	9.6
Dakota	179	4.8	7.5
St. Louis	174	4.7	3.8
Clay	142	3.8	1.1
Anoka	142	3.8	6.2
Olmsted	118	3.2	2.7
Polk	102	2.7	0.6
Stearns	90	2.4	2.8
Becker	85	2.3	0.6
Remaining Counties	1,655	44.5	43.3
<b>Total</b>	<b>3,722</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, 2017. Ninety-one percent of the admissions were male. Sixty-four percent were white. The average age of these offenders at admission is 39.5 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	3,372	90.6	White	2,370	63.7	Under 25	94	2.5
Female	350	9.4	Black	592	15.9	25 – 29	539	14.5
			American Indian	517	13.9	30 – 34	756	20.3
			Hispanic	205	5.5	35 – 39	686	18.4
			Asian	36	1.0	40 – 44	596	16.0
			Unknown	2	0.1	45 – 49	524	14.1
						50 and over	527	14.2
Total	3,722	100.0		3,722	100.0		3,722	100.0

## CRIMINAL HISTORY

Data on offenders' prior criminal offenses were obtained through COMS. Prior offense information was obtained for all but 17 (0.5%) of the 3,722 felony DWI admissions in this study. Table 5 shows that offenders had been convicted of an average of 11 non-felony (i.e., misdemeanor or gross misdemeanor) offenses and 2.9 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 (76%) 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	19	8
Average	11.0	2.9	3.9	0.4

Thirty percent of the 3,116 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, 1,471 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 3,722 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 (52.4%) 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 16.5 percent of those given an executed sentence upon revocation of probation. On average, new court commitments received a sentence of 51.2 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	51.2 months		45.0 months		48.7 months	
24 months or less	19	0.9	7	0.5	26	0.7
25 to 36 months	285	12.8	361	24.2	646	17.4
37 to 48 months	760	34.0	875	58.8	1,635	43.9
49 to 60 months	788	35.3	143	9.6	931	25.0
61 months or more	381	17.1	103	6.9	484	13.0
Total	2,233	100.0	1,489	100.0	3,722	100.0

Table 7 shows the reasons cited for the 1,489 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 57.8 percent of the cases; use of drugs was cited for 21.4 percent of the cases.<sup>2</sup> Failing general probation rules was cited for 46.3 percent of the cases, and failing repeat DWI probation rules was cited for 16.7 percent. Commission of a new offense was noted for 41.9 percent of the cases. Combined, refusing to enter or failing to complete chemical dependency treatment was cited as a revocation reason for one-fourth (25.6%) 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 treatment" category.

**Table 7. Probation Revocation Reasons**

<i>Reason</i>	<i>Number</i>	<i>Percent of Total Probation Revocations</i>
Use of alcohol	861	57.8
Failed general probation rules	689	46.3
New offense	624	41.9
Use of drugs	319	21.4
Failed treatment	300	20.1
Failed repeat DWI probation rules	249	16.7
Refused treatment	81	5.4
Other	151	10.1
Unknown	10	0.7

Note: Because an offender can have his or her probation revoked for multiple reasons, a total of 3,284 reasons were identified for the 1,489 probation revocations. The percentages presented in this table are based on the total number of probation revocations (N=1,489).

## **CHEMICAL DEPENDENCY TREATMENT IN PRISON**

Table 8 summarizes treatment and assessment data for the 3,722 admissions and classifies each according to the highest level achieved in the assessment and treatment continuum. In most cases (86.0%), felony DWI offenders admitted to prison entered a primary chemical dependency (CD) treatment program while in prison. Approximately 3.6 percent were assessed as dependent on, or abusive of, one or more substances and presently are awaiting treatment. About 10.4 percent had not been assessed as of June 30, 2017, 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 nineteen have entered primary treatment three or more times, and 503 have entered primary treatment twice.

**Table 8. Chemical Dependency Treatment Status**

<i>Treatment Status</i>	<i>Number</i>	<i>Percent</i>
Entered primary treatment	3,201	86.0
Awaiting treatment, assessed dependent or abusive	134	3.6
Not assessed/not entering primary treatment	387	10.4
Total	3,722	100.0

<sup>3</sup> In the last 15 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 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, 2017. Findings show that over two-thirds (70.7%) 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 13.7 percent of offenders were terminated from the program by program staff, and 9.4 percent of offenders quit.

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

<i>Treatment Outcome</i>	<i>Number</i>	<i>Percent</i>
Completed	2,339	68.8
Participated until released	66	1.9
Terminated	466	13.7
Offender quit	321	9.4
Discharged by administration <sup>5</sup>	208	6.1
Total	3,400	100.0

## RELEASES AND REINCARCERATIONS

A total of 3,337 (89.7%) of the 3,722 felony DWI prison admissions through fiscal year 2017 were released from prison as of June 30, 2017. As shown in Table 10, 23 percent were released to the CIP community supervision. Only 59 of the 3,337 offenders, accounting for fewer than 2 percent of those released, were placed on ISR. The majority of offenders (74.1%) were released to other community supervision, primarily supervised release or work release. Twenty-nine (0.9%) of the offenders were discharged (generally by the court or an executive order) and therefore were not placed on community supervision. Eight offenders died while incarcerated.

Of the 3,300 releases to community supervision,<sup>6</sup> 1,307 (39.6%) returned to prison on revocations for technical violations as of June 30, 2017. In addition, 391 offenders (11.8%) were revoked after being resentenced for a new felony-level offense.

<sup>4</sup> Chemical dependency treatment completion rates for all adult inmates were 74 percent in fiscal year 2015 and 73 percent in fiscal year 2016.

<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.

**Table 10. Supervision Status at Release**

<i>Supervision Status</i>	<i>Number</i>	<i>Percent</i>
Challenge Incarceration Program community supervision	769	23.0
Intensive supervised release	59	1.8
Other community supervision	2,472	74.1
Discharged	29	0.9
Deceased	8	0.2
<b>Total</b>	<b>3,337</b>	<b>100.0</b>

### **CHALLENGE INCARCERATION PROGRAM**

Table 11 shows that as of June 30, 2017, there were 938 CIP admissions of offenders serving a felony DWI sentence. In other words, about 25.2% of all felony DWI prison admissions enter the CIP. As of June 30, 2017, 119 of these offenders were in one of the three phases of the program. Forty-eight of these offenders were in Phase I, the portion of the program which takes place while the offender is incarcerated; the remaining 71 offenders were in Phases II or III, the portions which take place in the community. A total of 558 offenders completed the CIP and were placed on supervised release. A total of 261 offenders failed to complete the CIP.

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

	<i>Number</i>
<b>In CIP</b>	<b>119</b>
Phase I	48
Phase II	42
Phase III	29
<b>Completed CIP</b>	<b>558</b>
<b>Failed CIP</b>	<b>261</b>
<b>Total</b>	<b>938</b>

Table 12 shows the reasons offenders failed to complete the CIP by the phase in which they failed.<sup>7</sup> Fifty-three (44.2%) of the 120 offenders who failed in Phase I committed a program violation, were removed from the program, and returned to the general prison population. Twenty-five quit, and 27 were removed from the program administratively. Some of the latter were found to have a warrant outstanding, the presence of which was not known by DOC staff at the time program eligibility was determined. Fifteen offenders had mental or physical issues that precluded their continued participation in Phase I. All but one of the 84 offenders who failed in Phase II committed a program violation while under community supervision and were returned to prison. Finally, all of the 57 offenders who failed while on Phase III committed program violations while under community supervision and were returned to prison.

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

**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	25	20.8	0	0.0	0	0.0	25	9.6
Mental/physical issue	15	12.5	0	0.0	0	0.0	15	5.7
Administrative decision	27	22.5	1	1.2	0	0.0	28	10.7
Revoked and returned	53	44.2	83	98.8	57	100.0	193	73.9
Total	120	100.0	84	100.0	57	100.0	261	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, 2017, would still be in this phase by the end of time period covered in this report (June 30, 2017, the end of fiscal year 2017), since each phase takes a minimum of six months to complete. Including this offender, if he or she failed, would artificially increase Phase I failure rates since his or her successful counterpart who began at the same time is not included. Similarly, an offender who entered Phase II or Phase III after January 1, 2017, would not have had time to complete that phase by the end of fiscal year 2017. Six offenders known to have failed as of June 30, 2017, are excluded from the failure rate analysis on this basis.

To illustrate the failure rate calculation for Phase I, Table 11 showed that 938 offenders entered the CIP. Of these offenders, 51 are excluded from the calculation because they entered Phase I on or after January 1, 2017, and thus did not have enough time to complete this phase by June 30, 2017. Therefore, of the 938 offenders who entered the CIP, 887 had an opportunity to complete Phase I by June 30, 2017.

As shown in Table 13, failure rates were highest in Phase I, and somewhat lower in Phases II and III. The failure rate was 13.1 percent for Phase I, compared to 10.7 percent for Phase II and 10.4 percent for Phase III. All offenders who failed were removed from the program and returned to prison to serve their remaining sentence as determined by state statute.

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

<i>Phase</i>	<i>“Eligible” Failures</i>	<i>Number “Eligible” to Fail</i>	<i>Failure Rate</i>
Phase I	116	887	13.1
Phase II	78	731	10.7
Phase III	61	587	10.4

## PER DIEM

The legislation governing this report requests information on the costs associated with the incarceration and treatment of felony DWI offenders committed to the commissioner of corrections. Per diem information, however, is available only on incarcerated adult offenders in general and is not disaggregated by offense type. In the 15 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 \$98.84 (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

## **CONCLUSION**

A total of 3,722 prison admissions of felony DWI offenders occurred between September 1, 2002, and June 30, 2017. 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 233 admissions in fiscal year 2017. 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 39.5 years.

On average, a felony DWI offender 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 11 non-felony convictions and 2.9 felony convictions prior to admission. The average sentence for those admitted as a new court commitment is 51.2 months compared to 45.0 months among probation violators.

Most (89.6%) 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, nearly 71 percent successfully complete it or participate until their release.

Of those who have been released from prison, 769 offenders (23.0%) were released to CIP community supervision. Fifty-nine offenders (1.8%) were placed on intensive supervised release. Nearly 40 percent of offenders released to community supervision were returned to prison for a technical violation, and 11.8 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