

- ➔ 15,207 FELONY-LEVEL OFFENDERS WERE SENTENCED IN MINNESOTA IN 2012.
- ➔ 631 (4%) OF THOSE WERE FELONY DWIs UNDER MINN. STAT. § [169A.24](#).

DEMOGRAPHICS

Except in 2008, felony DWI offenses have steadily decreased since 2004. Compared to all offenders sentenced for felony offenses, in 2012, DWI offenders were:

- More likely to be white (68% vs. 58%) and slightly more likely to be male (87% vs. 84%);
- Six years older on average (37 yrs. vs. 31 yrs.);
- More likely to be sentenced in Greater MN (56% vs. 49%).

Most felony DWI offenders have a Criminal History Score of 2 or less.

INCARCERATION RATES

Of the 631 offenders sentenced for felony DWI:

- 199 (32%) were sentenced to prison;
- 401 (64%) received jail as a condition of probation;
- 5% received other sanctions (e.g., a fine);
- Avg. prison sentence was 52 months;
- Avg. jail term was 194 days;
- 69% of offenders receiving probation were given the 7-year statutory maximum term.

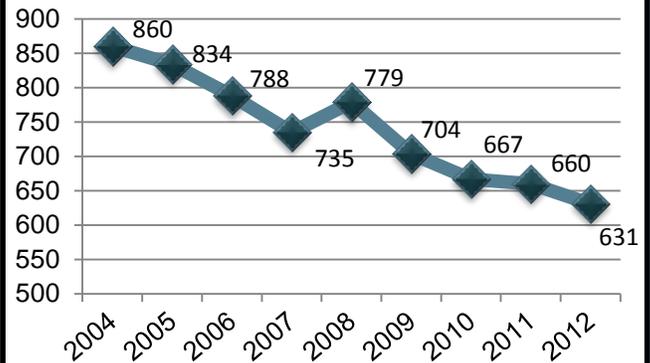
Since 2002, the average pronounced prison sentence has ranged from 50-53 months. Since 2005, the average pronounced jail term has ranged from 191-215 days.

DEPARTURE RATES

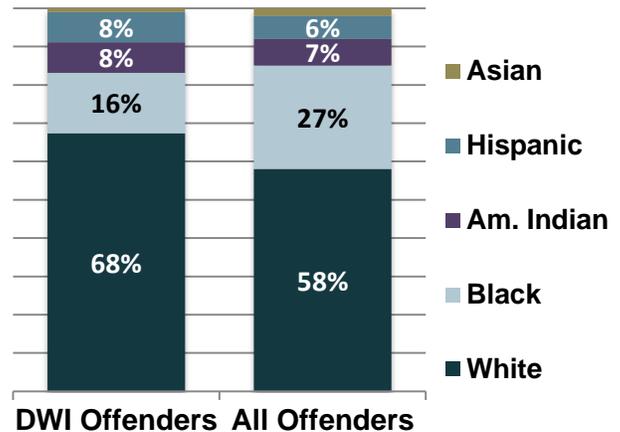
303 felony DWIs were presumptive commitments and 328 were presumptive stayed sentences.

- 36% of presumptive commitment cases received a mitigated dispositional departure;
- 2% of presumptive stayed cases received an aggravated dispositional departure;
- 25% of pronounced prison cases received a mitigated durational departure;
- None of the pronounced prison cases received an aggravated durational departure.

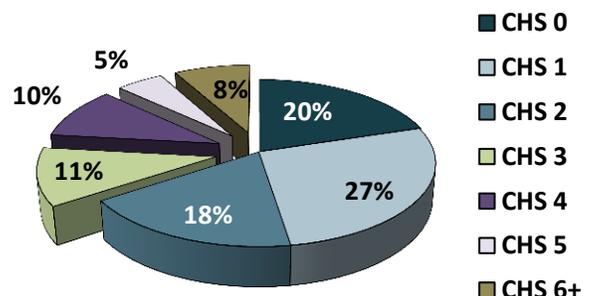
DWI Offenders Sentenced 2004-2012

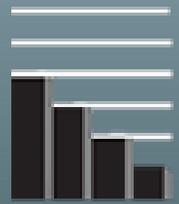


Distribution of Offenders by Race



Distribution of Offenders by CHS





DEPARTURE REASONS

For mitigated dispositional departures, the court most frequently cited “amenability to probation” (73%); and “amenability to treatment” (68%) as its reasons for departure. For mitigated durational departures, the most common reasons cited were “offender showed remorse/accepted responsibility” (59%); and “amenability to treatment” (14%).

- In 45% of mitigated dispositional departures, and 65% of mitigated durational departures, the prosecutor recommended or did not object to the departure.
- In all five aggravated dispositional departures the court cited that the offender requested the sentence be executed.

SUBSEQUENT OFFENSES

After increasing since 2004, the proportion of offenders sentenced for a subsequent DWI appears to have leveled off. The imprisonment rate for a subsequent felony DWI is much higher than for a first-time felony DWI, due, in part, to being a presumptive “commit” (prison) disposition.

- 30% of felony DWIs were subsequent offenses.
- 4% of felony DWI offenders had a prior criminal vehicular operations (CVO) offense.
- 66% of DWI offenders sentenced to prison were sentenced for a subsequent felony DWI.

Departure rates for subsequent felony DWIs are noticeably lower than that for first-time felony DWIs.

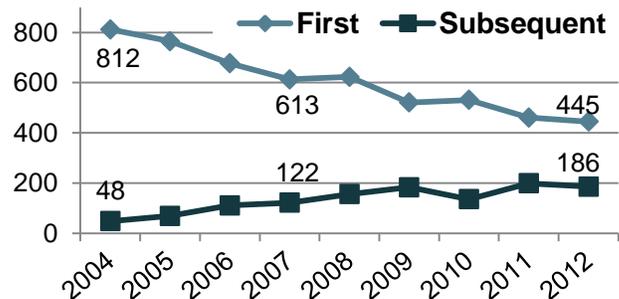
- 29% of subsequent felony DWI offenders received a mitigated dispositional departure (versus 47% for first-time DWI).
- 21% of subsequent DWI offenders that received prison received a mitigated durational departure (versus 33% for first-time DWI)

Although first-time felony DWI offenders are more likely to be given a “stayed” (probation) sentence than to be given an executed prison sentence, subsequent offenders receive sentences that are just the opposite. This factor, combined with the increase in the number of subsequent offenders, accounts for the overall decline in the jail rate and increase in the prison rate.

Dispositional Departure Rate by DWI Type

Felony DWI	Total	Presumptive		Mitigated Dispositional Departure (commit. only)
		Stay	Commit.	
First-Time	445	328 (74%)	117 (26%)	55 (47%)
Subsequent	186	0 (0%)	186 (100%)	54 (29%)

DWI Offenders Sentenced 2004-2012



Prison & Jail Rates for DWI Offenders: Sentenced 2004-2012

