

- ➔ 16,145 FELONY-LEVEL OFFENDERS WERE SENTENCED IN MINNESOTA IN 2014.
- ➔ 656 (4%) OF THOSE WERE FELONY DWIs UNDER MINN. STAT. § [169A.24](#).

## DEMOGRAPHICS

Felony DWIs have steadily decreased since 2004, except in 2008 and 2014. **In 2014, DWIs increased by 29% from 2013 (Figure 1).** Compared to all felons sentenced in 2014, DWI offenders were:

- More likely to be white (69% vs. 59%) (Fig. 2) and slightly more likely to be male (84% vs. 82%);
- Five years older on average (37yrs. vs. 32yrs.);
- More likely to be sentenced in Greater MN (53% vs. 50%).
- The majority of felony DWI offenders have a Criminal History Score of 1 or less (Figure 3).

## INCARCERATION RATES

Of the 656 offenders sentenced for felony DWI:

- 217 (33%) were sentenced to prison;
- 413 (63%) received jail<sup>1</sup> as a condition of probation (Figure 6);
- 4% received other sanctions (e.g., a fine);
- Avg. prison sentence was 51 months;
- Avg. jail time as a condition of the sentence was 204 days;
- 73% who received probation were given the 7-year statutory maximum term.

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

## DEPARTURE RATES

334 felony DWIs were presumptive commitments and 322 were presumptive stayed (Figure 4).

- 35% of presumptive commitments received a mitigated dispositional departure;
- One presumptive stayed offender received an aggravated dispositional departure;
- 23% of pronounced prison offenders received a mitigated durational departure; and no one got an aggravated durational departure.

Figure 1.

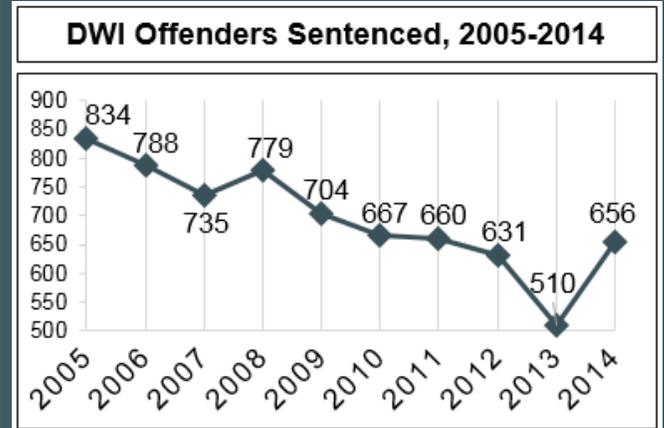


Figure 2.

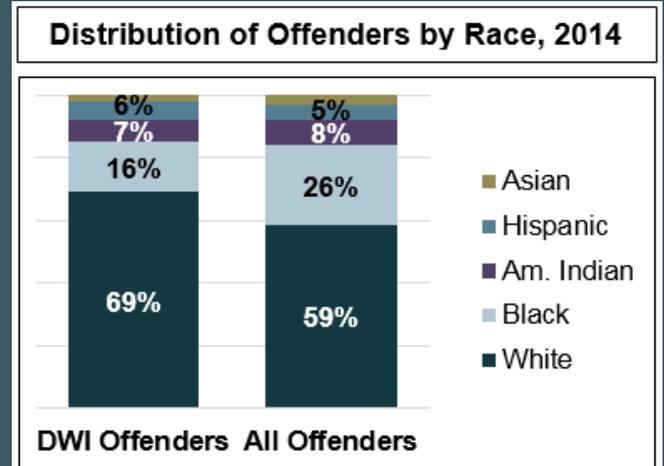
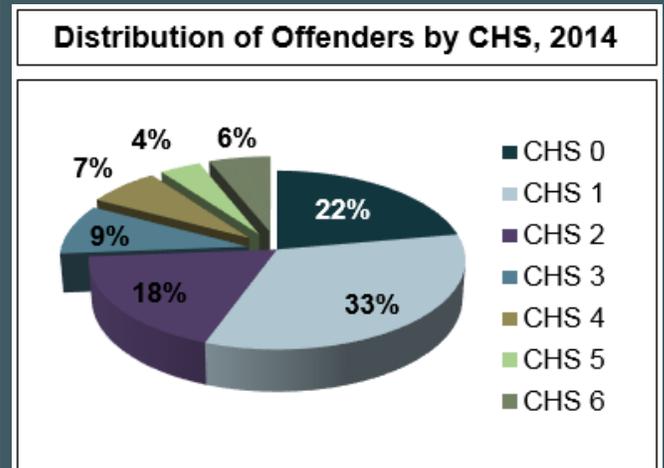
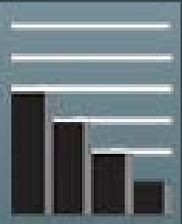


Figure 3.



<sup>1</sup> In this report "jail" refers to time in a jail or a workhouse as a condition of a stayed probationary sentence.



## DEPARTURE REASONS

For mitigated dispositional departures, the court most frequently cited “amenability to probation” (70%); and “amenability to treatment” (68%) as its reasons for departure. For offenders committed to prison, the most common reasons for mitigated durational departures were “offender showed remorse/accepted responsibility” (68%); and “amenability to treatment” (16%). The prosecutor recommended, or did not object, in:

- ◆ 56% of mitigated dispositional departures; and
- ◆ 80% of mitigated durational departures (prison commits only).

## SUBSEQUENT FELONY OFFENSES

Since 2008, the proportion of subsequent felony DWIs has leveled off (Figure 5). The imprisonment rate is much higher than for first-time felony DWI, due, in part, to the former being a presumptive commitment (prison) disposition (Figure 7).

- ◆ 37% of felony DWIs had a prior felony DWI.
- ◆ 4% of felony DWI offenders had a prior criminal vehicular operations (CVO) offense.
- ◆ 81% of felony DWI offenders sent to prison were sentenced for a subsequent felony DWI.

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

- ◆ 34% of subsequent felony DWI offenders received a mitigated dispositional departure (versus 41% for first-time DWI).
- ◆ 22% of subsequent DWI offenders that received prison received a mitigated durational departure (versus 29% for first-time DWI).

First-time felony DWI offenders are more likely to be given a “stayed” (probation) sentence including jail while subsequent offenders are more likely to receive prison sentences. This factor may account for the overall decline in the jail-time rate and increase in the prison rate.

Figure 4.

Felony DWI	Total	Presumptive Disposition		Mitigated Dispositional Departure (commit only)
		Stay	Commit	
First-Time	391	322 (82%)	69 (18%)	28 (41%)
Subsequent	265	0 (0%)	265 (100%)	90 (34%)

Figure 5.

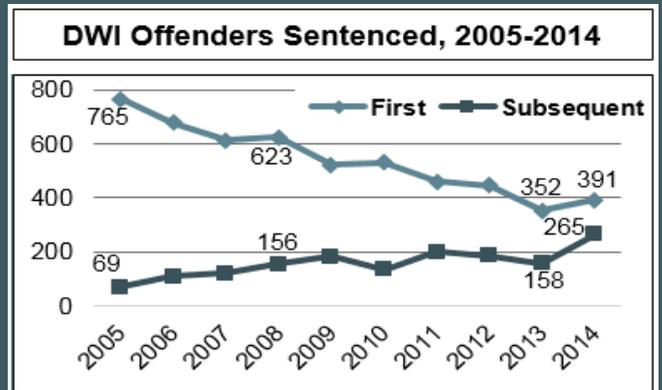


Figure 6.

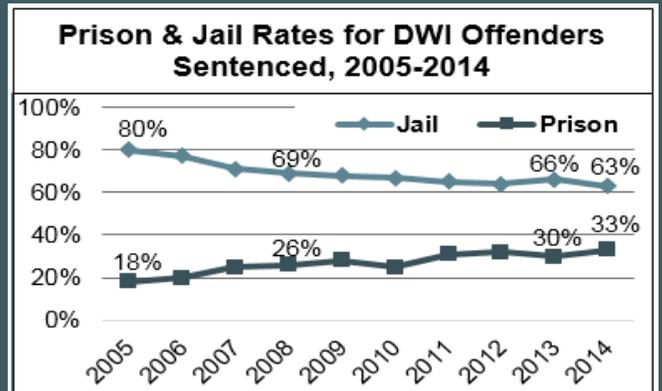


Figure 7.

