

- ➔ 15,318 FELONY-LEVEL OFFENDERS WERE SENTENCED IN MINNESOTA IN 2013.
- ➔ 510 (3%) OF THOSE WERE FELONY DWIs UNDER MINN. STAT. § [169A.24](#).

DEMOGRAPHICS

Except in 2008, felony DWI offenses have steadily decreased since 2004. **In 2013, DWIs decreased by 19% from 2012.** Compared to all felons sentenced in 2013, felony DWI offenders were:

- More likely to be white (69% vs. 58%) and slightly more likely to be male (87% vs. 84%);
- Five years older on average (37yrs. vs. 32yrs.);
- More likely to be sentenced in Greater MN (56% vs. 50%).

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

INCARCERATION RATES

Of the 510 offenders sentenced for felony DWI:

- 154 (30%) were sentenced to prison;
- 338 (66%) received jail as a condition of probation;
- 3% received other sanctions (e.g., a fine);
- Avg. prison sentence was 53 months;
- Avg. jail term was 203 days;
- 68% of offenders receiving probation were given the 7-year statutory maximum term.

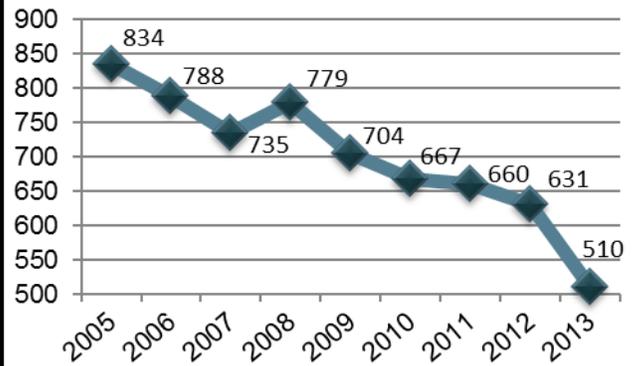
Since 2002, the average pronounced prison sentence has ranged from 50 to 53 months. Since 2005, the average pronounced jail term has ranged from 191 to 215 days.

DEPARTURE RATES

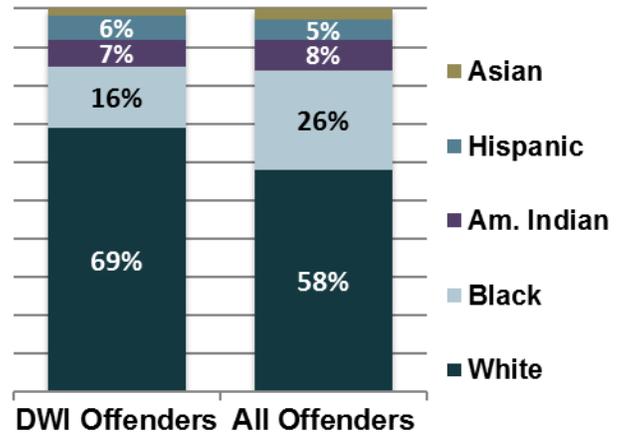
270 felony DWIs were presumptive commitments and 240 were presumptive stayed sentences.

- 36% of presumptive commitment cases received a mitigated dispositional departure;
- One presumptive stayed case received an aggravated dispositional departure;
- 16% of pronounced prison cases received a mitigated durational departure;
- One of the pronounced prison cases received an aggravated durational departure.

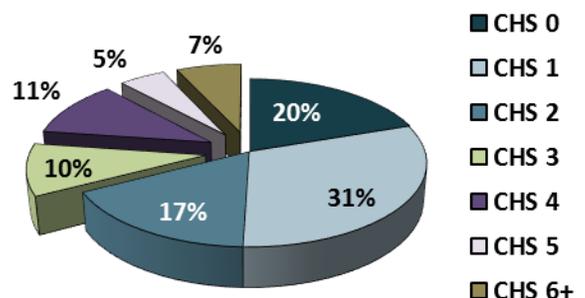
DWI Offenders Sentenced 2005-2013

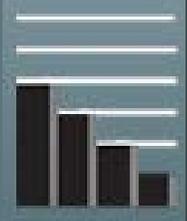


Distribution of Offenders by Race



Distribution of Offenders by CHS





DEPARTURE REASONS

For mitigated dispositional departures, the court most frequently cited “amenability to probation” (74%); and “amenability to treatment” (70%) as its reasons for departure. For offenders committed to prison, the most common reasons cited for mitigated durational departures were “offender showed remorse/accepted responsibility” (63%); and “amenability to treatment” (17%). The prosecutor recommended, or did not object to, the departure in:

- 48% of mitigated dispositional departures; and
- 58% of mitigated durational departures (prison commits only).

SUBSEQUENT FELONY OFFENSES

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

- 31% of felony DWIs were subsequent offenses.
- 5% of felony DWI offenders had a prior criminal vehicular operations (CVO) offense.
- 75% 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.

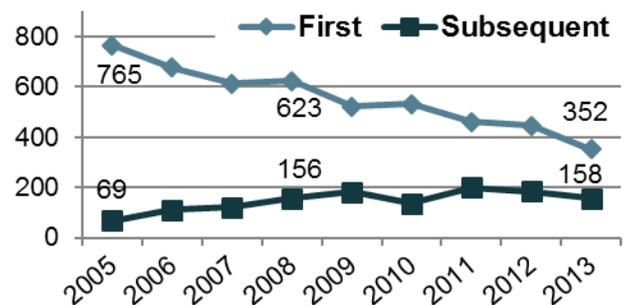
- 27% of subsequent felony DWI offenders received a mitigated dispositional departure (versus 54% for first-time DWI).
- 17% of subsequent DWI offenders that received prison received a mitigated durational departure (versus 13% for first-time DWI).

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

Dispositional Departure Rate by DWI Type

Felony DWI	Total	Presumptive Disposition		Mitigated Dispositional Departure (commit only)
		Stay	Commit	
First-Time	352	270 (77%)	82 (23%)	44 (54%)
Subsequent	158	0 (0%)	158 (100%)	43 (27%)

DWI Offenders Sentenced 2005-2013



Prison & Jail Rates for DWI Offenders: Sentenced 2005-2013

