

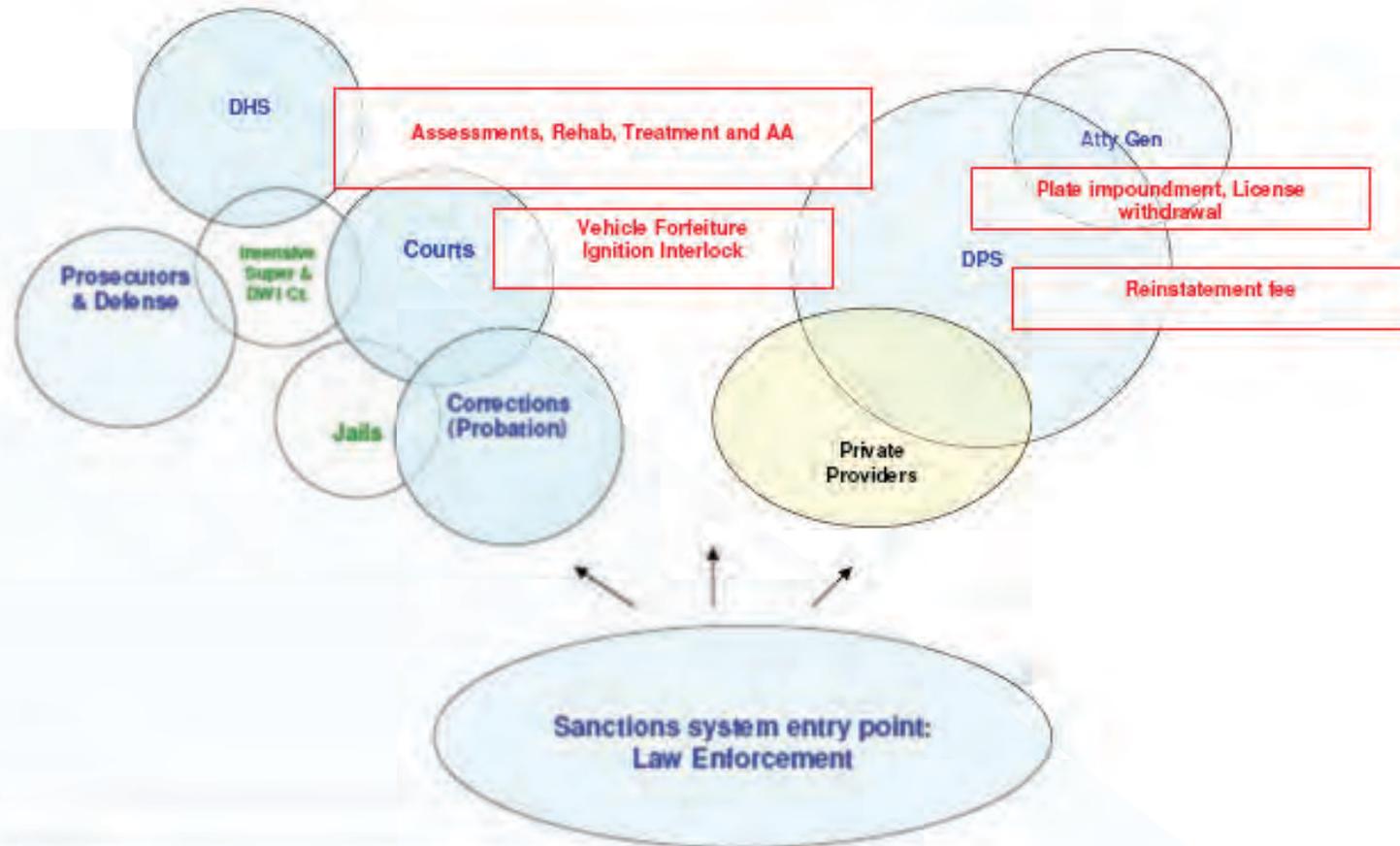
Driver License Sanctions

Review Committee

Acknowledgements

- ❑ Jody Oscarson † was Driver and Vehicle Services now Office of Traffic Safety
- ❑ Robert Roeglin † Hennepin County Community Corrections
- ❑ Mathew Marrin † Driver and Vehicle Services
- ❑ Diane Hulzebus † Department of Human Services
- ❑ Bill Lemons - County Attorney's Association
- ❑ Minnesota Management Analysis Division

Minnesota Impaired Driver Organizations, Sanctions & Relationships



Legend:

- Blue Type = Key Public Sector Institutions
- Red Type = Administrative DL sanction tools
- Green = Judicial/Court Tools
- Black Type = Private Entities

October 1, 2008

Why Change?

Chemical Health Assessment

- ❏ Current law requires everyone convicted of a DWI or other conviction that resulted from the DWI arrest to have an assessment
- ❏ Law refers to a rule 25 assessment



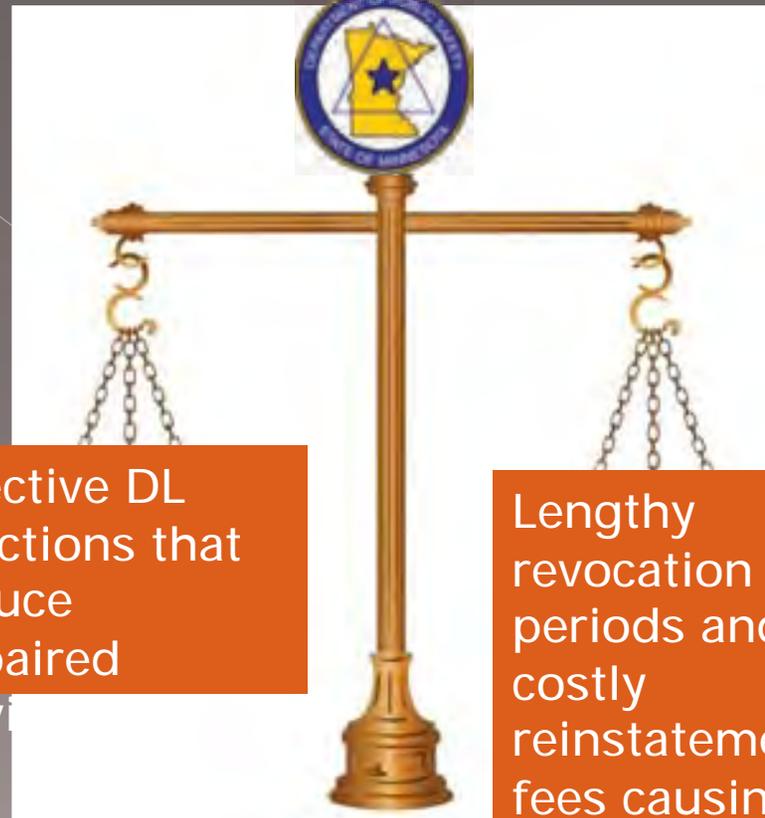
DWI provides an opportunity to assess a need in an attempt to prevent it from

reocc

40,000 DWI arrests. Assessments take time and resources. Difficult to accurately identify

Revocation Periods

- ☒ Swift and certain sanction
- ☒ Alternative countermeasures
 - Ý Ignition Interlock
 - Ý Scram



Effective DL sanctions that reduce impaired driving

Lengthy revocation periods and costly reinstatement fees causing DAR

Cancellation and Rehabilitation Requirements

- ❏ 50% of people that complete rehabilitation are arrested for impaired driving
- ❏ 87% of people that are cancelled for a subsequent time are cancelled within 10 years of completing rehabilitation
- ❏ Knowledge of chemical health issues has changed
- ❏ Ignition interlock use



Person continuously demonstrates driving behavior that ri safety

Long cancellation periods that result in people DAR Difficult to determine

Driving After Revocation, Suspension, and Cancellation

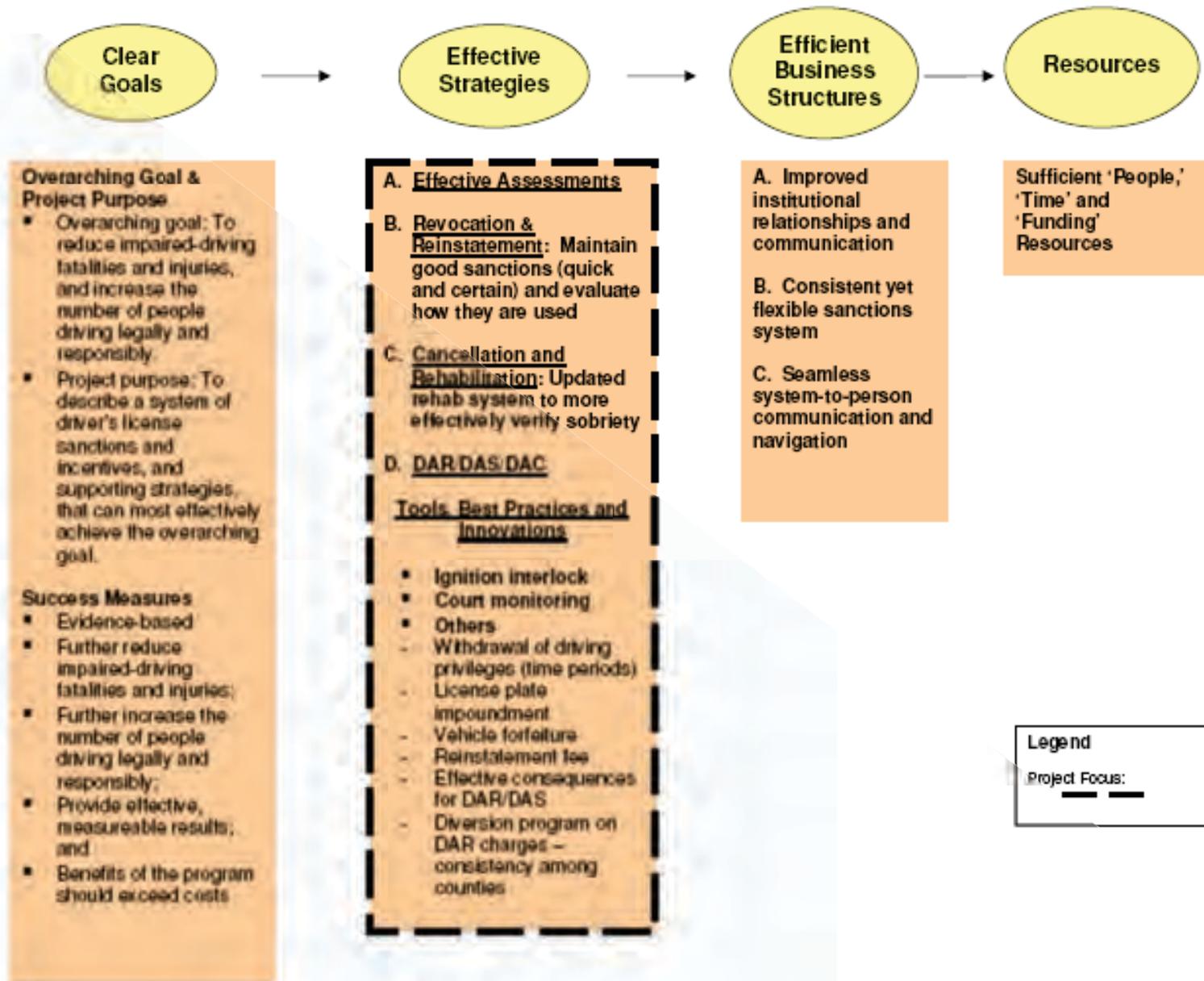
- ❧ National research indicates that 70% of drivers that are revoked or cancelled drive illegally
- ❧ Approximately 36,000 charges are filed each year for driving after withdrawal.



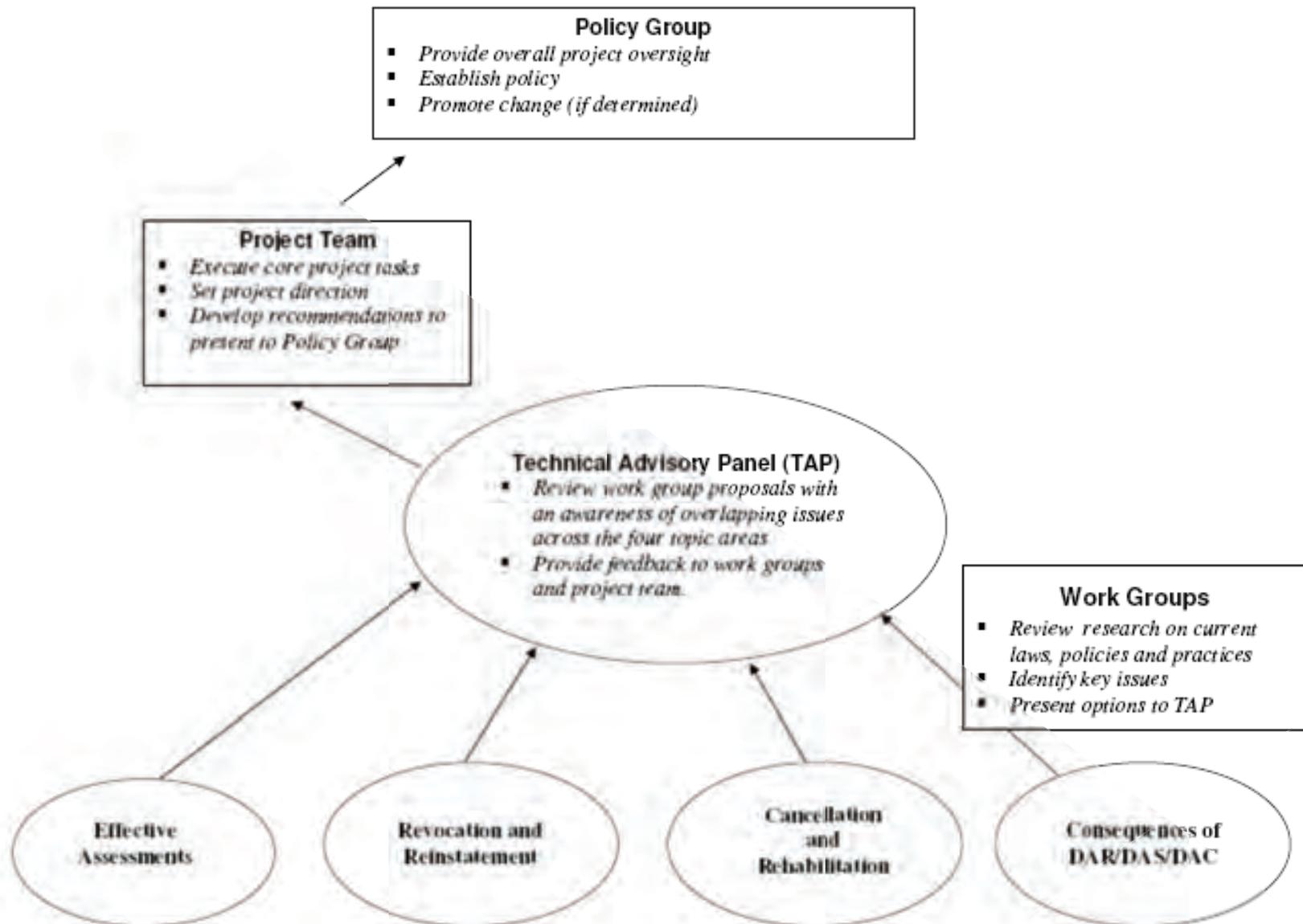
Consequences for violating imposed DL sanctions

Judicial system costs
Offenders not able to obtain a valid license and work themselves out of the system.

Minnesota Driver's License Administrative Sanctions: Elements of an Ideal System



Minnesota Driver's License Administrative Sanctions Initiative Committee Structure



Recommendations

Based on:

- National best practices
- National Research
- Minnesota impaired driving data

First Time DWI Offenders

Under 0.15 AC

Current Sanctions

Three-month revocation
15-day hard revocation
Eligible for limited license
Possibility of early reinstatement after thirty days revocation with plea of guilty to DWI*

Proposed Sanctions

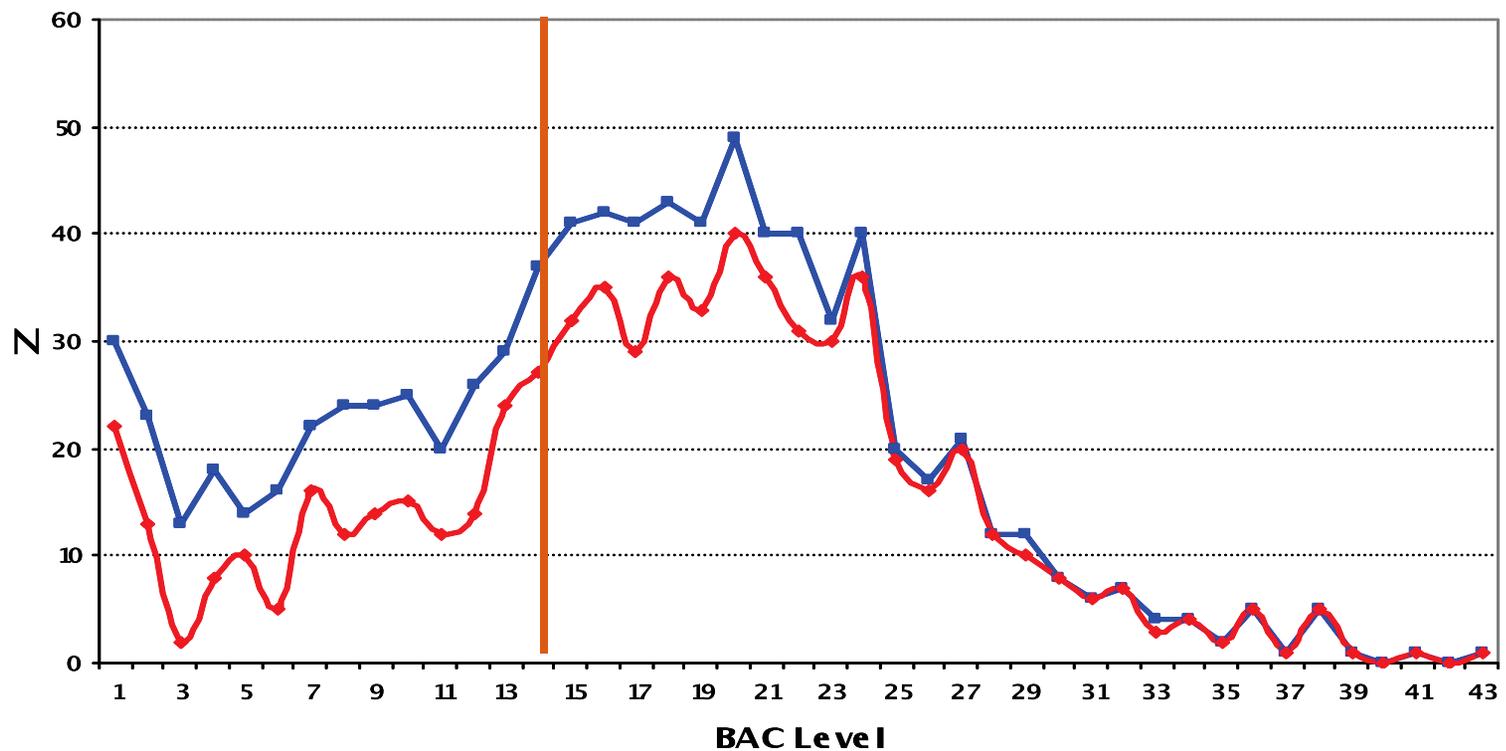
Six-month revocation
15-day hard revocation
Full privileges issued with ignition interlock
Possibility of early reinstatement after **three months** revocation with plea of guilty to DWI*
Screen/assessment

First Time DWI Offenders

	Current Sanctions		Proposed Sanctions
0.20 AC or Above or Test Refusal	<p>0.20 - six- month revocation</p> <p>Test Refusal 1 Year revocation</p> <p>30-day hard revocation</p> <p>Eligible for limited license</p>	0.15 AC or Above or Test	<p>0.15 - One Year revocation</p> <p>15-day hard revocation</p> <p>Full privileges issued with ignition interlock</p>

Why 0.15 AC Level for Enhanced Sanctions?

Drivers in Fatal Crashes
Where BAC Level is Known
Minnesota, 2003–2007



■ Number of ALL Drivers ◆ Number of Killed Drivers

Why First Time DWI Offenders?

- ❑ Drinking drivers involved in a fatal crash and had a previous DWI, 45 percent had only one DWI on their driving record
- ❑ 20 % of first-time DWI offenders that are known to recidivate will do so within the first 12 months
- ❑ 15% of drinking drivers involved in a fatal crash had a previous DWI within 12 months for the crash

Second Time DWI Offender Sanctions

Current Sanctions	Proposed Sanctions
Less than 0.20 AC	All second time DWI offenders
Six- month revocation 90 day hard revocation Eligible for a limited license	Two Year revocation 30-day hard revocation Full privileges issued with ignition interlock
0.20 or above AC Level and test refusal	
12 month revocation 6 months hard revocation Eligible for a limited license	

Revocations Periods

Current Sanctions

Lengthy revocation periods

Proposed Sanctions

Short revocation 15 ÷ 30 days followed by driving privileges with ignition interlock



- Illegal driving
- No research to support time periods

- Time periods based on recidivism data
- Option to drive legally and maintain public safety

Current Sanctions

Three or More Offenses

Number of Offenses	Abstinence	License Restriction
	Hard Revocation	Any Use of Alcohol or Drugs
3 within 10 years of 4 th on record	1 year	Permanent
2 nd cancellation	3 years	Permanent
3 rd cancellation	6 years	Permanent

Three or More Offenses Proposed Sanctions

Number of Offenses	Hard Revocation	Abstinence		Not-a-Drop Period Behind the Wheel <i>Time is dependent on meeting the requirement of 10 years no alcohol violations</i>	No Restriction
		Limited License Period With Ignition Interlock	Full Driving Privileges with Ignition Interlock Restriction		
3 within 10 years of 4 th on record	30 days	1 year limited license	Additional 2 years	7 years minimum	After 10 years of no violation
4 th within 10 years	30 days	1 year limited license	Additional 3 years	After 10 years of no violation	After 10 years of no violation
5 th or more on record	30 days	1 year limited license	Additional 4 years	5 years minimum	After 10 years of no violation

Cancelled Inimical to Public Safety

Current Sanctions

Completion of treatment
AA attendance
Five letters

Proposed Sanctions

Achieving a level of success in treatment program
Ignition interlock



- No alternative to drive legally.
- No alternative to prove success

- Option to drive legally and maintain public safety.
- Option to prove success

Chemical Health Assessment

Current Sanctions

Chemical health assessment

- No consistency

Proposed Sanctions

Allow for the use of a chemical health screen for first time DWI offender under 0.15

Complete rule 25 assessment for all other offenders

Maintain a statewide list of licensed screens, screeners and assessors

- Option for the use of a screen
- Consistent assessment
- Both known effective tools



Impound Plates

Current Sanctions

First time DWI Offenders 0.20 AC or above and repeat DWI offenders

Special plates issued

Proposed Sanctions

First time DWI offenders 0.15 or above and repeat DWI offenders

Limited special plates issued

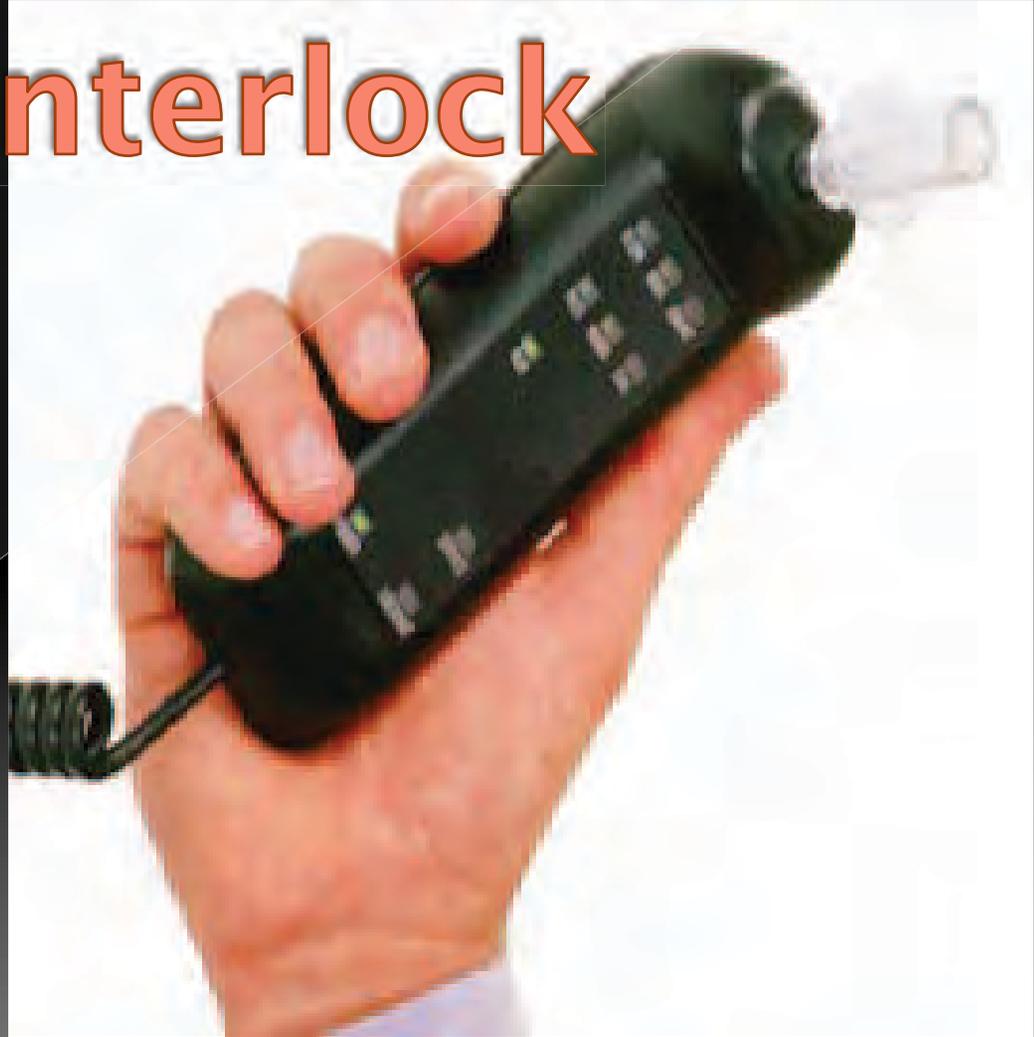
Proposed Sanctions

Behavior Change is key

- ☑ Cognitive based education
- ☑ Expansion of DWI courts and intensive supervision program



Ignition interlock



What is it?

- ❑ A breath-testing device attached to a car starter
- ❑ Prevents vehicle from starting if alcohol is detected from a breath sample
 - Ÿ Minnesota standards detection level is .02
- ❑ Rolling retest is required while driving
- ❑ Lockout occur if device detects failures
- ❑ Requires monthly calibration

Research – what do we know

- ❑ Reduces recidivism up to 90%.
- ❑ Elevated and early morning AC tests can predict likelihood of future offenses
- ❑ Offenders agree interlock is a fair sanction
- ❑ Provides assurances to family members that offender is not drinking and driving
- ❑ Norwegian study demonstrated a cost benefit ratio of 8.75

Myths and Legends

- ❌ Can't other people blow into the device for the drunk driver?
- ❌ Can a person use a balloon to start the device?
- ❌ Won't mouth alcohol trigger the device?
- ❌ Can't the device be circumvented?
- ❌ Won't people just drive another car?
- ❌ Isn't the device unreliable?

Isn't it costly?

☒ \$50.00 installation

☒ \$75 - \$125.00 per month calibration

☒ \$3.00-4.00 per day

☒ \$50.00 removal



Not a Silver Bullet.... A useful tool

☒ Department of Public Safety

☒ Judicial

☒ Probation



Program Guidelines

- ☑ Short revocation periods 15 to 30 days
- ☑ Full driving privileges with ignition interlock
 - Ÿ 1st offense 1 year
 - Ÿ 2nd offense 1 ½ years
 - Ÿ 3rd offense/1st cancellation 2 years (1st year limited privileges)
 - Ÿ 2nd cancellation 4 years (1st year limited privileges)
 - Ÿ 3rd cancellation 6 years (1st year limited privileges)

Participation

- ❑ 100 Hennepin and Beltrami pilot projects
- ❑ Over 300 since July 1, 2009
- ❑ Extremely effective in reducing recidivism

