

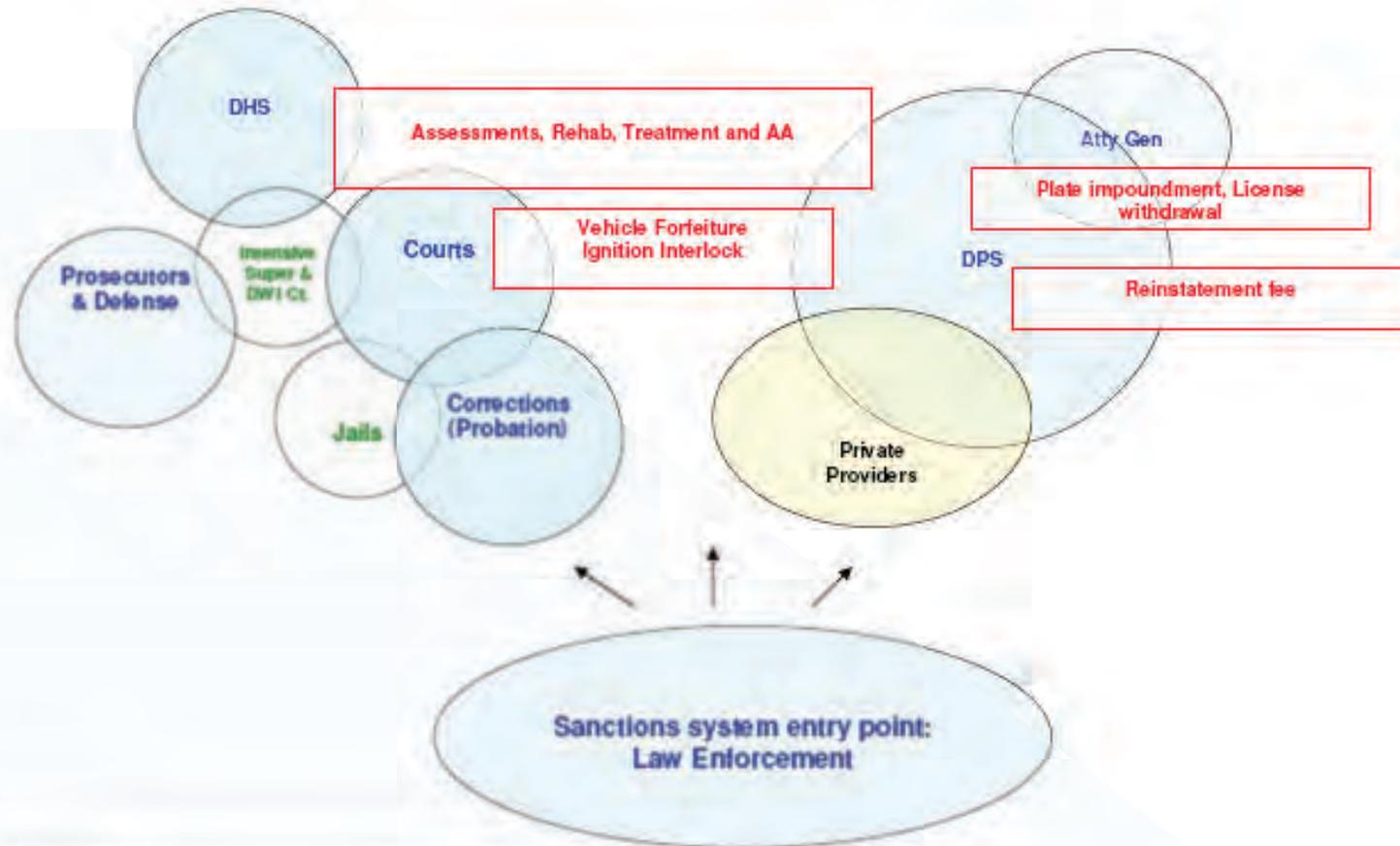
# Driver License Sanctions

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



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



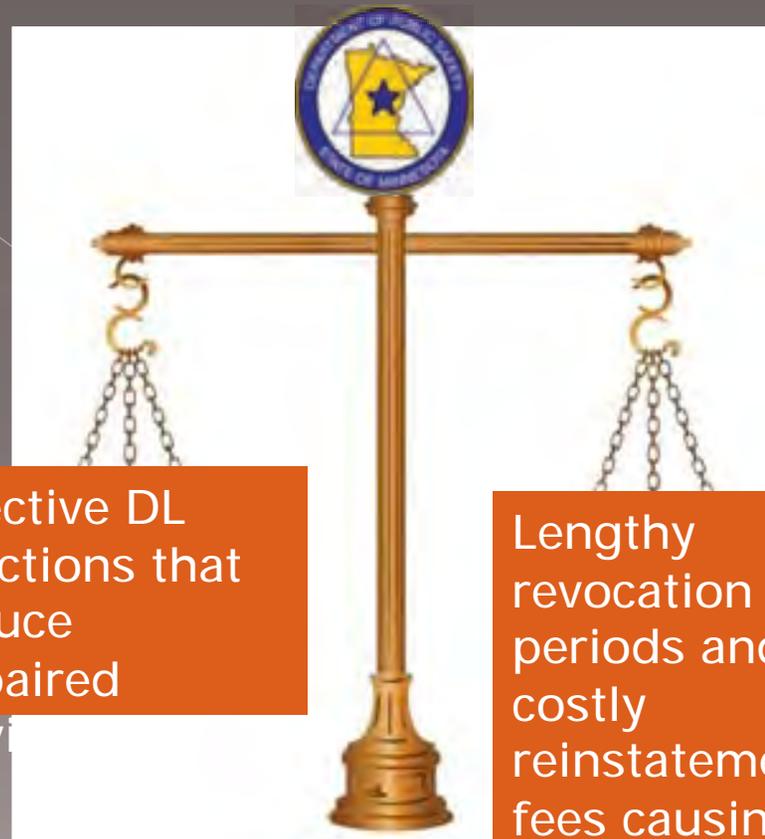
DWI provides an opportunity to assess a need in an attempt to prevent it from

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 is unsafe

Long cancellation periods that result in people DAR  
Difficult to determine

# Driving After Revocation, Suspension, and Cancellation

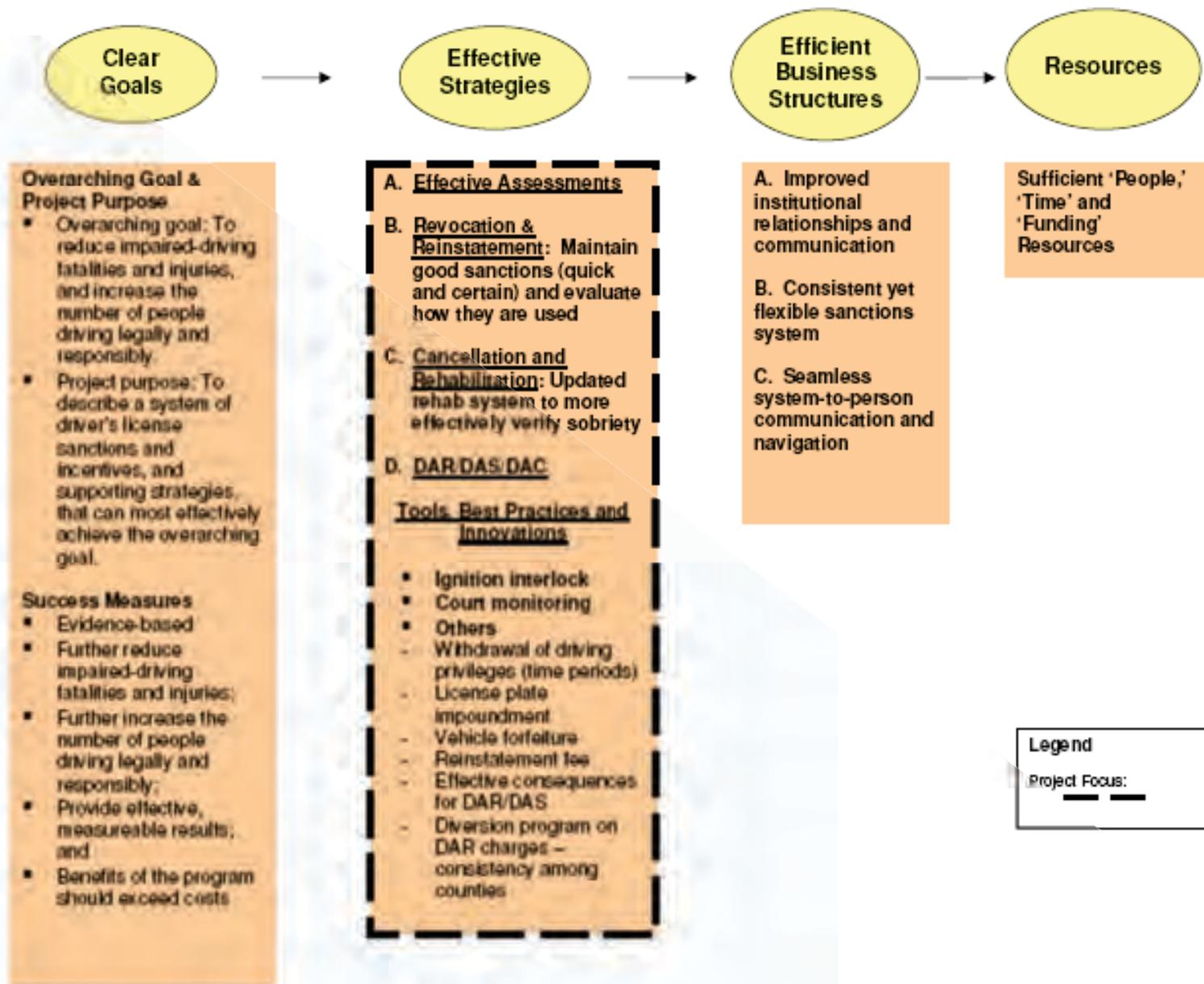
- ❧ National research indicates that 70% of drivers that are revoked or cancelled drive illegally
- ❧ Approximately 36,000 charges are filed each year for driving after withdrawal.



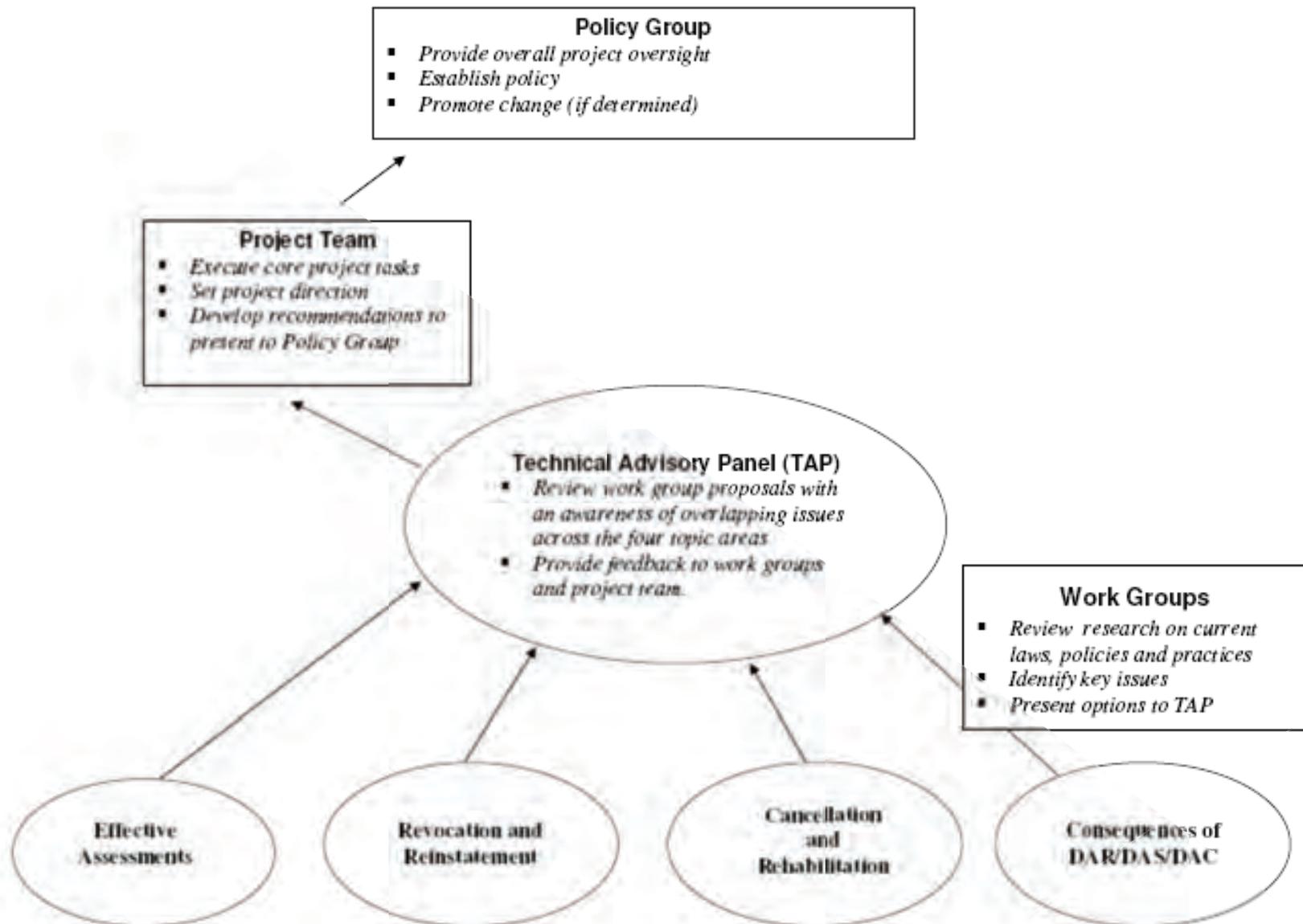
Consequences for violating imposed DL sanctions

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

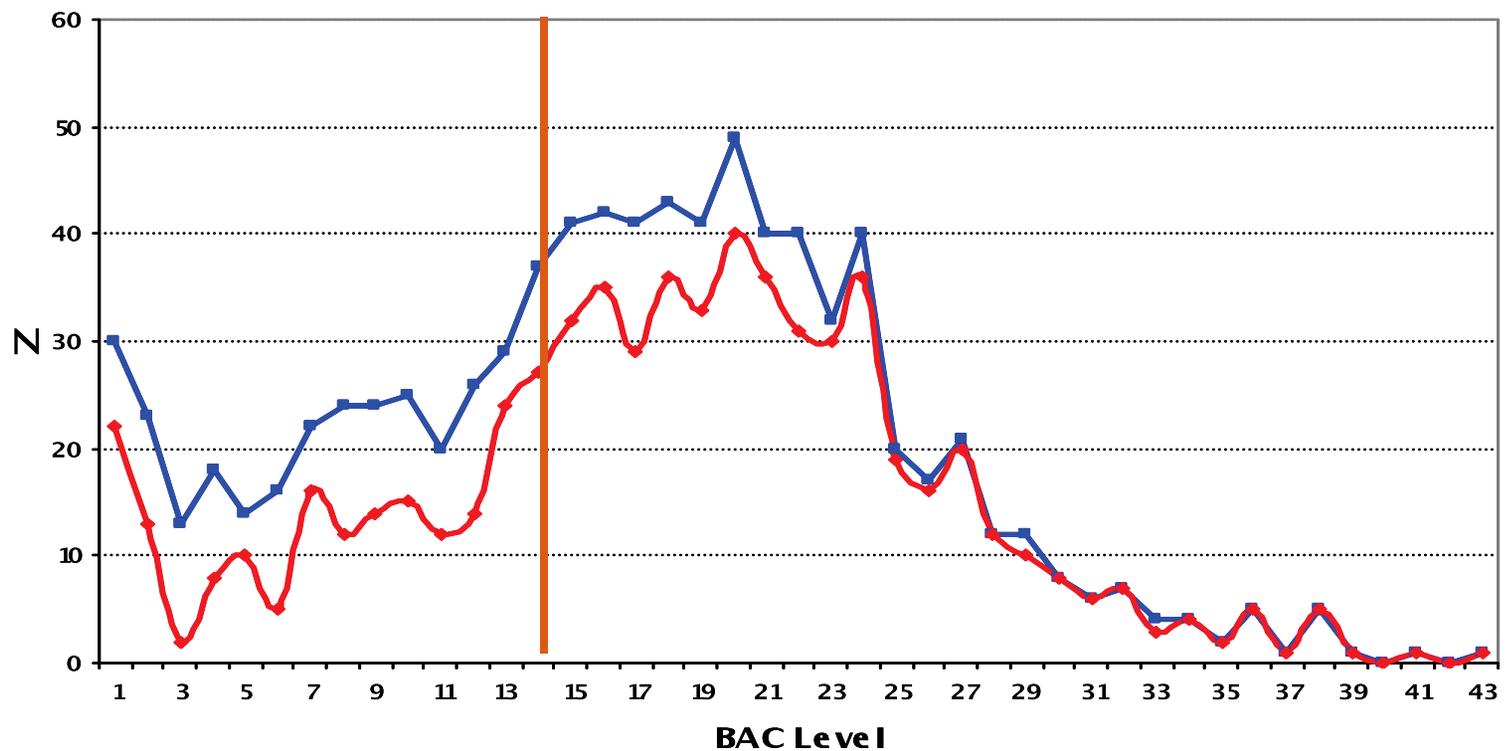
**Six-month** revocation  
15-day hard revocation  
Full privileges issued with ignition interlock  
Possibility of early reinstatement after **three months** revocation with plea of guilty to DWI\*  
Screen/assessment

# First Time DWI Offenders

	Current Sanctions		Proposed Sanctions
<b>0.20 AC or Above or Test Refusal</b>	<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>	<b>0.15 AC or Above or Test</b>	<p><b>0.15 - One Year</b> 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	<b>Two Year</b> 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 <sup>th</sup> on record	1 year	Permanent
2 <sup>nd</sup> cancellation	3 years	Permanent
3 <sup>rd</sup> 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 <sup>th</sup> on record	30 days	1 year limited license	Additional 2 years	7 years minimum	After 10 years of no violation
4 <sup>th</sup> 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 <sup>th</sup> 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

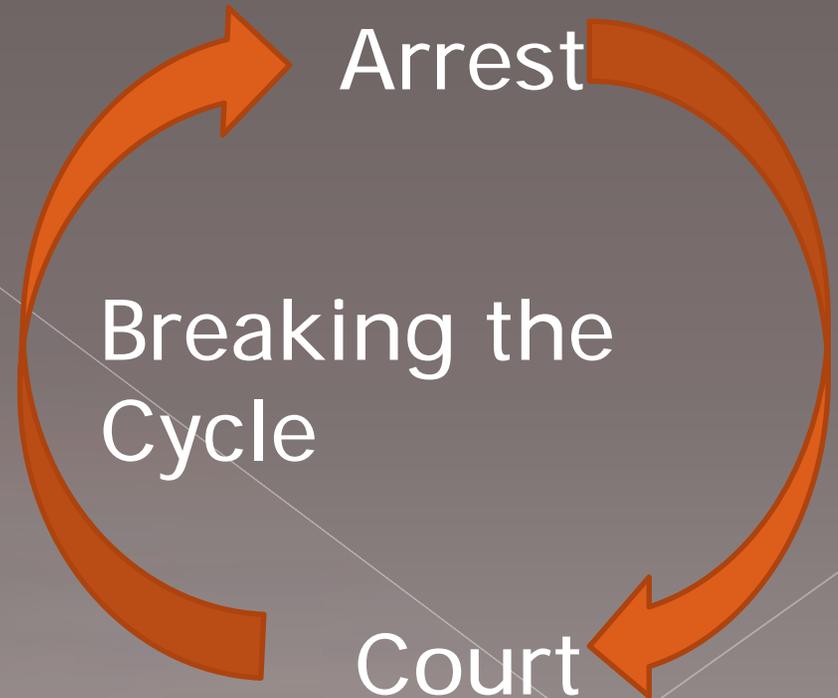
First time DWI offenders 0.15 or above and repeat DWI offenders

Limited special plates issued

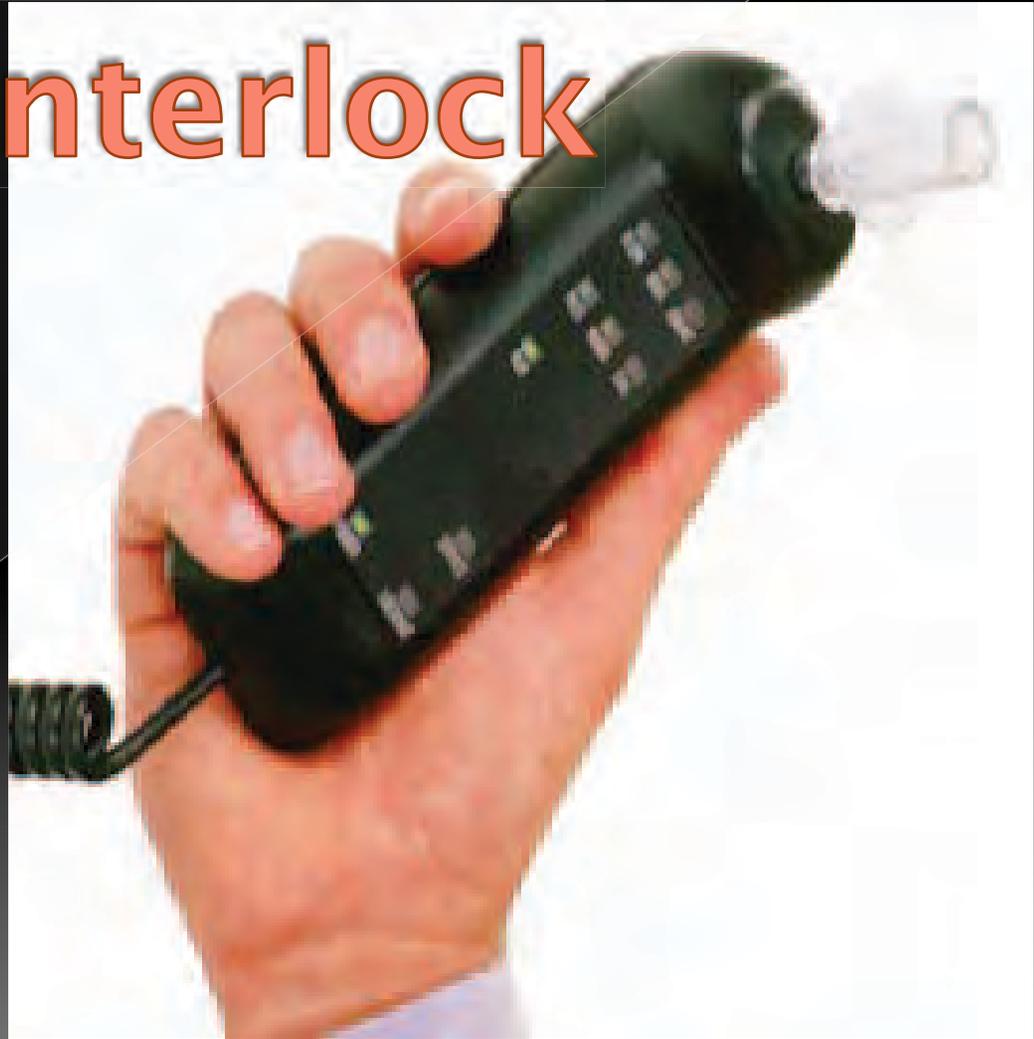
# Proposed Sanctions

## 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 1<sup>st</sup> offense 1 year
  - Ÿ 2<sup>nd</sup> offense 1 ½ years
  - Ÿ 3<sup>rd</sup> offense/1<sup>st</sup> cancellation 2 years (1<sup>st</sup> year limited privileges)
  - Ÿ 2<sup>nd</sup> cancellation 4 years (1<sup>st</sup> year limited privileges)
  - Ÿ 3<sup>rd</sup> cancellation 6 years (1<sup>st</sup> year limited privileges)

# Participation

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

