



**MINNESOTA
JUDICIAL BRANCH**
FIFTH JUDICIAL DISTRICT

Ignition Interlock Update

July 2014

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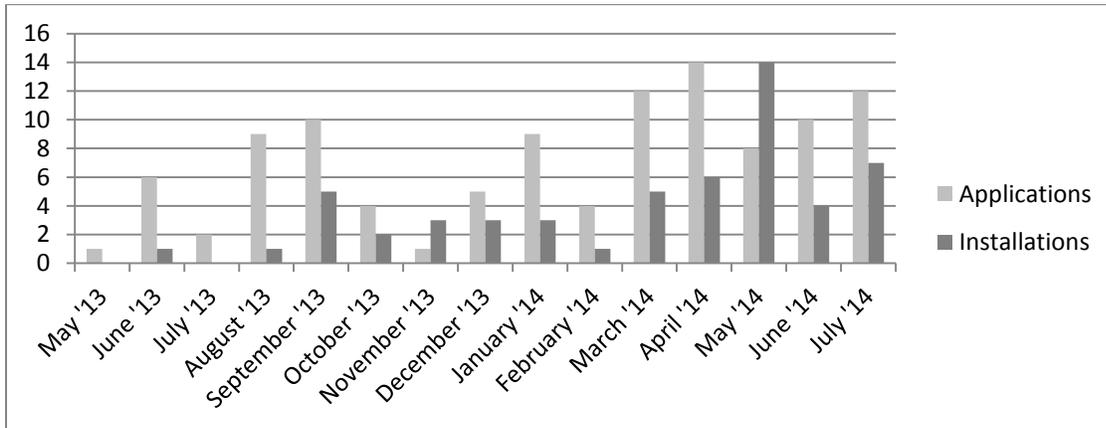
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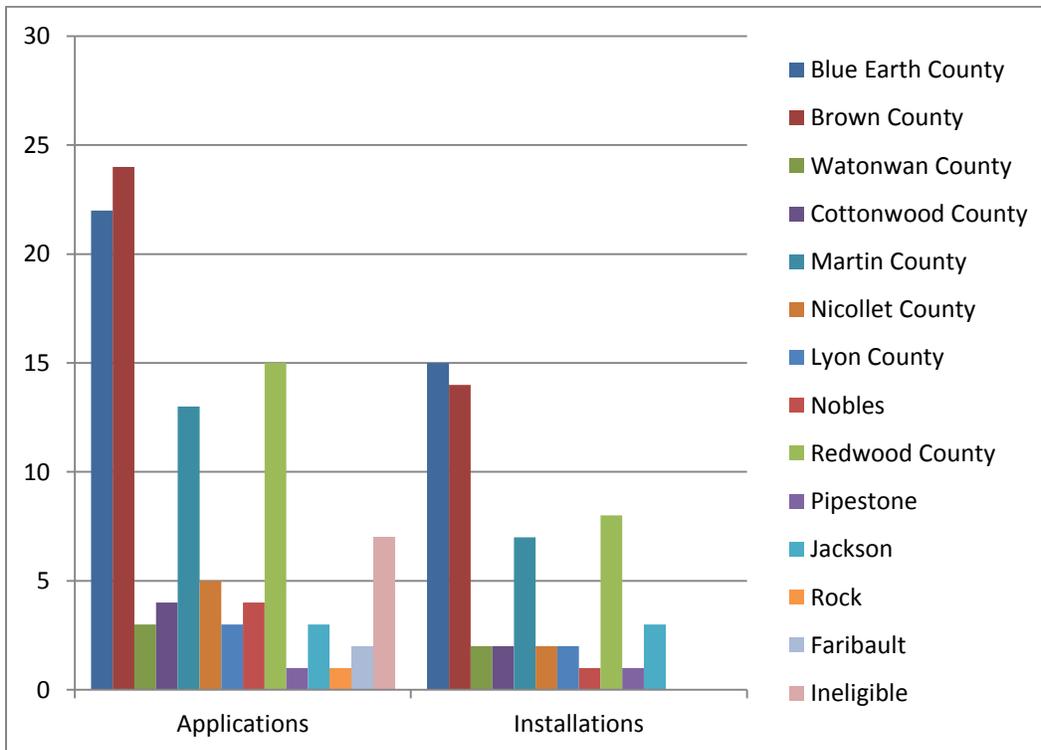
Fifth Judicial District Ignition Interlock Program Statistics

Our program reached a total of 106 applications and 57 installations. Court-ordered referrals are coming in from Brown, Faribault and Martin Counties. Voluntary applications for the program are coming in from across the Fifth District, through Brown and Blue Earth Counties have continued to have the highest participation in the program.

Applications & Installations by Month



Applications & Installs by County



Panel weighs ending DWI vehicle forfeitures

[By: Mike Mosedale June 19, 2014](#)

With the goal of reducing the incidence of drunk driving, a panel of police, prosecutors and other stakeholders is weighing a counterintuitive and likely controversial proposal: an overhaul of the criminal forfeiture statutes that are now commonly used to take away drunken drivers' vehicles.

Although the details remain unsettled, several members of the working group – the DWI Law Review Committee – said they expect to float such a measure before the Legislature as soon as next session.

"It's a work in progress, but everybody has come to the consensus that we should get rid of the DWI forfeiture law," said attorney Jeff Sheridan, who serves on the committee alongside representatives from the Department of Public Safety and the Minnesota County Attorneys Association.

Sheridan, a DWI specialist, said the panel's thinking has been driven largely by research that shows vehicle forfeiture is an ineffective way of reducing recidivism. "There is no public safety rationale for continuing to do this," said Sheridan.

In Sheridan's view, the widespread use of forfeiture has effectively undermined more recent efforts to get convicted drunken drivers to use ignition interlock systems – and to drive legally – rather than continuing to flout the law by driving uninsured or borrowed vehicles.

"Ignition interlock was sold to the Legislature as a panacea, but the participation rates in the program are abysmal," Sheridan said.

Lt. Don Marose of the Minnesota State Patrol said the committee has been reviewing the array of existing approaches to DWI – ranging from license revocation to plate impound to ignition interlock – in an effort to figure out "how much of a bang for our buck we are getting for that sanction."

Like Sheridan, however, Marose said he is persuaded that vehicle forfeiture does little to get repeat drunken drivers to clean up their acts. "It may have a little effect but, from a recidivism standpoint, it's not a big hammer we're swinging."

Practices vary by locale

Even if it's a small hammer, police and prosecutors have been wielding it with greater frequency in recent years.

According to a report from the State Auditor, DWI-related cases accounted for a little under half the \$8.7 million worth of cash and property seized under the state's criminal forfeiture statutes in 2013. Law enforcement agencies seized a total of 3,128 vehicles in connection with DWIs, up from 2,851 in 2012.

The use of forfeiture varies widely by agency and municipality. While the St. Paul Police Department reported just five DWI-related forfeitures last year, for instance, the Minnetonka

Police Department – operating in a community with one-sixth the population of the capital city – reported 40.

Rep. John Lesch, DFL-St. Paul, who works as a prosecutor for the city of St. Paul, said some cities have decided that pursuing DWI forfeitures simply isn't worth the trouble or cost.

"We could do forfeitures all day long for \$90,000 Teslas. It's a very different story when it's a 1996 station wagon that takes up \$10,000 in attorney time," said Lesch. "Proponents see it as a necessary cost of doing business, but it is an extraordinarily expensive way to reduce drunk driving."

Lesch said he has yet to hear any details of the committee's discussions. While many lawmakers have concerns about forfeiture law, he added, the Legislature's appetite for change will likely hinge on two factors: the identification of a viable alternative to forfeiture and vigorous support from law enforcement groups.

Given the many stakeholders involved – and the considerable passions engendered by drunken driving – Marose said he is not confident that a bill will be ready in time for next session.

"If we don't come up with a proposal in the next month or so, we're probably looking at 2016," he said.

Politically delicate subject

Lee McGrath, an attorney with the libertarian Institute for Justice and a critic of forfeiture law, noted that any change to DWI law is politically fraught territory.

"Regardless of all the other sanctions available for people convicted of DWI offenses, state legislators are hesitant to make changes because of the scandalous use of the subject by political opponents," said McGrath, who was part of last session's successful push to require criminal convictions in forfeiture cases involving drug offenses.

Sheridan agreed that the politics could be problematic, noting, "Nobody ever got elected on the 'soft on DWI' plank." But the prospects would improve considerably if the measure has the backing of law enforcement groups.

Steve Simon, a retired University of Minnesota law professor who helped craft many of the state's DWI laws, said his research has demonstrated that forfeiture is not particularly effective in deterring repeat offenders.

But he said vehicle forfeiture was always intended as a sanction, not a remedy.

"To the extent that forfeiture is not effective in addressing recidivism, it may be better to put resources somewhere else," Simon said.

Despite progress in recent times, he added, drunken driving remains the most commonly charged crime in Minnesota and across the country.

"It's a very pervasive problem, and we need more cost effective ways of dealing with it," Simon said. "We need more dollars for enforcement and treatment."

Minnesota Drunk Driving Statistics

[2012 Minnesota Drunk Driving Statistics:](#)

- Drunk driving fatalities (.08 BAC or higher): 114 representing 29% of all total traffic deaths, a 4.6% increase from last year.
 - Alcohol related crash injuries (.01 BAC or higher): 2,644
 - Alcohol related crashes (.01 BAC or higher): 3837
 - DUI arrests: 28,418
 - DUI convictions: 21,548
 - DUI refusals: 3,688
 - Taxpayer subsidy of drunk driving fatalities: \$627 million
 - 3 time offenders: 69,296
 - 5 time offenders: 12,654
-

TIRF USA to participate in evaluation of the ignition interlock program in Minnesota

[Click here for a link to the original article](#)

The Traffic Injury Research Foundation USA (TIRF USA) and VHB, Inc. have been contracted by Greenway Transportation Planning to participate in an evaluation of the ignition interlock program in Minnesota. The goal of this project is to examine the effectiveness of the ignition interlock program in Minnesota and to provide a comprehensive report to the Minnesota Department of Public Safety, Office of Traffic Safety.

Following the implementation of a pilot ignition interlock program, Minnesota implemented a statewide ignition interlock program in 2011. The two primary goals of the program are to prevent impaired driving and reduce DWI re-offenses. This evaluation is critical as it represents the first evaluation of the program since its statewide implementation.

The evaluation will include advanced statistical analysis to determine if the program is having the desired effect of deterring motorists from driving while impaired and thereby enhancing road safety. Program participation rates as well as profiles of program participants will be explored. The evaluation will identify characteristics of those drivers most likely to complete the program successfully and those who are most likely to continue to attempt to drive while intoxicated despite the interlock being placed on their vehicle. The study will also provide information on recidivism rates for those all individuals who are eligible for the interlock program.

The evaluation is expected to be completed in September 2015.

2014 Towards Zero Death Conference

Before you know it, November will be here, as will the next Towards Zero Death Conference. [Click here for information on the next conference.](#)

Past Newsletters

Miss a newsletter? Past newsletters are available on our website: <http://www.mncourts.gov/district/5/?page=4992>.
