



# Owatonna Police Department

## 2008 and 2009 DWI Statistics: A Comparative Overview

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**DRUNK DRIVING**  
**OVER THE LIMIT. UNDER ARREST.**





# Overview of MN DWI Law:



## **169A.20.1:**

- Subdivision 1: **Drive, operate** or be in **physical control** of a motor vehicle, meeting the criteria of any of the following:
  - (1) Under the influence of **alcohol**;
  - (2) Under the influence of a **controlled substance**;
  - (3) Knowingly under the influence of a **hazardous substance**;
  - (4) Any combination of (1), (2), and or (3);
  - (5) Alcohol Concentration is **0.08 or more** at the time or within 2 hours;
  - (6) Commercial vehicle with an alcohol concentration of **0.04 or more**; or
  - (7) Body contains **any amount of a controlled substance listed in schedule I or II**, or its metabolite (other than marijuana or tetrahydrocannabinols).

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## **169A.20.2:**

- Subdivision 2: Refusal to submit to chemical testing to determine blood alcohol content.



# Overview of MN DWI Criteria:



Level of DWI:	Criteria to Meet:	Seize:
1 <sup>st</sup> Degree (Felony):	<p><b>1:</b> 3 or more qualified prior impaired driving incidents within 10 years; or</p> <p><b>2:</b> Prior felony DWI conviction; or</p> <p><b>3:</b> Prior felony conviction for an impaired driving related criminal vehicular homicide or operation.</p>	<p>1: Driver's license must be invalidated and returned if:</p> <ul style="list-style-type: none"> <li>• 0.08 or more;</li> <li>• 0.04 or more in a commercial vehicle;</li> <li>• Refusal to submit to chemical testing.</li> </ul> <p>2: MN license plates. 3: Vehicle may be forfeited. 4: Mandatory booking in jail.</p>
2 <sup>nd</sup> Degree (Gross Misdemeanor)	<p><b>1:</b> DWI with 2 or more aggravating factors; or</p> <p><b>2:</b> Refusal to submit to chemical testing and 1 or more aggravating factors.</p>	<p>1: Driver's license must be invalidated and returned if:</p> <ul style="list-style-type: none"> <li>• 0.08 or more;</li> <li>• 0.04 or more in a commercial vehicle.</li> </ul> <p>2: MN license plates. 3: Vehicle may be forfeited. 4: Mandatory booking in jail.</p>
3 <sup>rd</sup> Degree (Gross Misdemeanor)	<p><b>1:</b> DWI with 1 aggravating factor; or</p> <p><b>2:</b> Refusal to submit to chemical testing (no aggravating factors).</p>	<p>1: Driver's license must be invalidated and returned if:</p> <ul style="list-style-type: none"> <li>• 0.08 or more;</li> <li>• 0.04 or more in a commercial vehicle.</li> </ul> <p>2: MN license plates. 3: Mandatory booking in jail may apply.</p>
4 <sup>th</sup> Degree (Misdemeanor)	<p><b>1:</b> DWI (no aggravating factors).</p>	<p>1: Driver's license must be invalidated and returned if:</p> <ul style="list-style-type: none"> <li>• 0.08 or more;</li> <li>• 0.04 or more in a commercial vehicle.</li> </ul>

**\*Aggravating Factors:**

- Each prior DWI convictions of implied consent revocation within last 10 years.
- Current test 0.20 or over;
- Child endangerment (passenger less than 16 years of age and greater than 36 months difference from offender).

# 2008 DWI Arrests and Forfeitures:

- **Total DWI Arrests: 136**
  - 4<sup>th</sup> Degree: 78
  - 3<sup>rd</sup> Degree: 45
  - 2<sup>nd</sup> Degree: 10
  - 1<sup>st</sup> Degree: 3
- **Vehicle Forfeitures: 13\***

\* Number is amount of forfeitures initiated; not actual amount seized by police.

A large, semi-transparent police badge is centered in the background. The badge is shield-shaped with a yellow border and a blue center. At the top, the word "POLICE" is written in a stylized, blue, blocky font. Below the word, there is a central figure of a person in a uniform, possibly a police officer, holding a shield. The badge is surrounded by a yellow starburst pattern.

## 2008 Statistics:

- Average Portable Breath Test Result: **.145**
- Average Blood Alcohol Concentration: **.135**
- Highest Blood Alcohol Concentration: **.29**
  - Highest DWI Month: **May (19)**
  - Lowest DWI Month: **June (6)**

**What is the difference between a Portable Breath Test (PBT) result and Blood Alcohol Concentration (BAC)?** During initial field sobriety testing, an officer uses a Portable Breath Tester (PBT), to determine the blood alcohol concentration of a DWI suspect (such as 0.08 or 0.12). If the suspect is arrested for DWI, he or she shall submit to chemical testing in one of three forms: Intoxilyzer breath sample, urine sample, or a blood sample. The sample is then used to determine an “official” Blood Alcohol Concentration (BAC), which is then used as evidence in the prosecution of a DWI suspect.

# 2009 DWI Arrests and Forfeitures:

- **Total DWI Arrests: 156**
  - 4<sup>th</sup> Degree: 82
  - 3<sup>rd</sup> Degree: 46
  - 2<sup>nd</sup> Degree: 21
  - 1<sup>st</sup> Degree: 3
- **Vehicle Forfeitures: 27\***

\* Number is amount of forfeitures initiated; not actual amount seized by police.

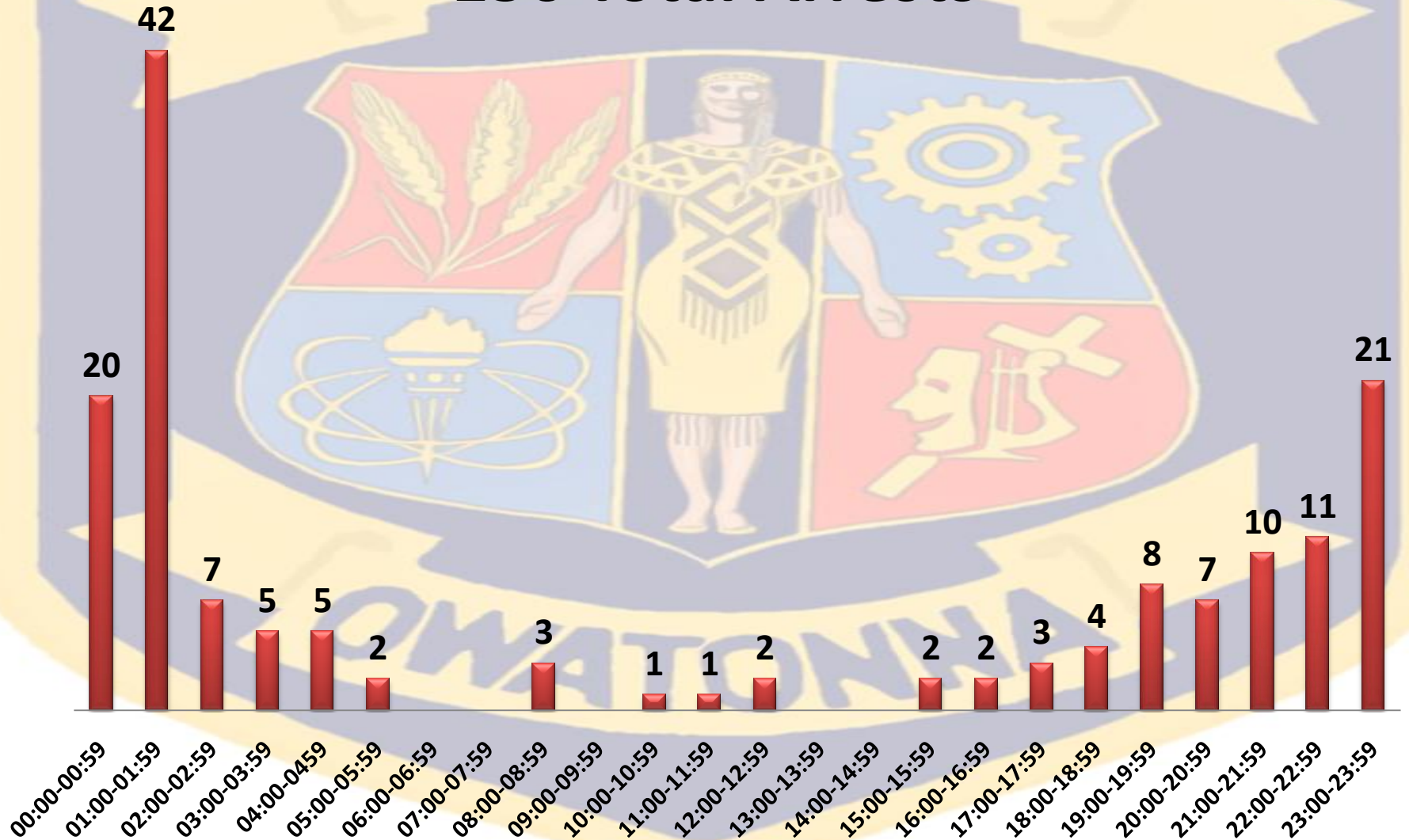
The background of the slide features a large, semi-transparent police department seal. The seal is shield-shaped with a yellow border. At the top, the word "POLICE" is written in a blue, serif font. Below this, there is a central figure, possibly a person in uniform or a symbol of justice, surrounded by various symbols including a gear, a scale, and a sword. The seal is set against a light blue background.

## 2009 Statistics:

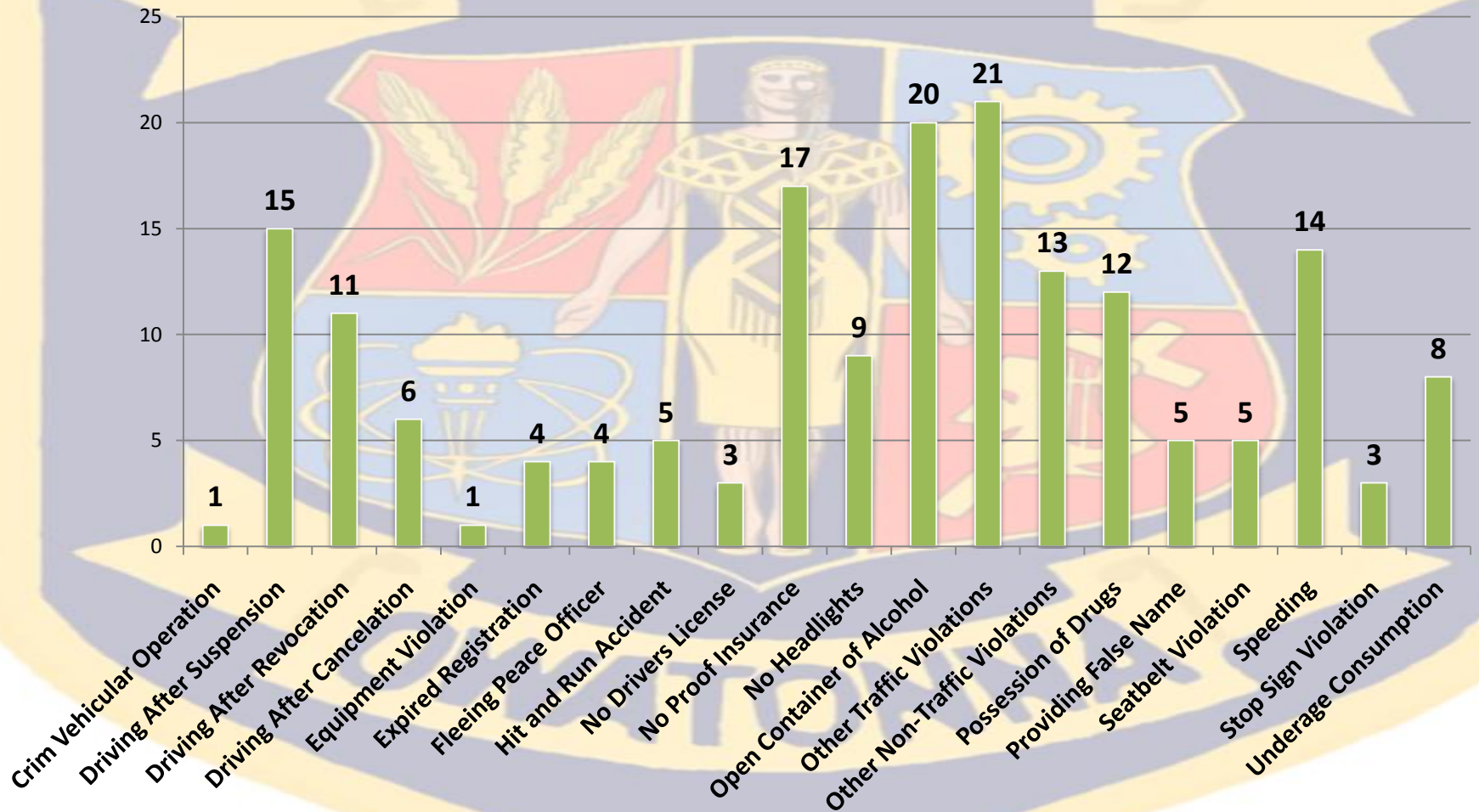
- Average Portable Breath Test Result : **.162**
- Average Blood Alcohol Concentration : **.148**
- Highest Blood Alcohol Concentration : **.366**
- Highest DWI Month: **June and December (21)**
  - Lowest DWI Month: **April and July (8)**

**What is the difference between a Portable Breath Test (PBT) result and Blood Alcohol Concentration (BAC)?** During initial field sobriety testing, an officer uses a Portable Breath Tester (PBT), to determine the blood alcohol concentration of a DWI suspect (such as 0.08 or 0.12). If the suspect is arrested for DWI, he or she shall submit to chemical testing in one of three forms: Intoxilyzer breath sample, urine sample, or a blood sample. The sample is then used to determine an “official” Blood Alcohol Concentration (BAC), which is then used as evidence in the prosecution of a DWI suspect.

# 2009 DWI Arrests By Time of Day: 156 Total Arrests



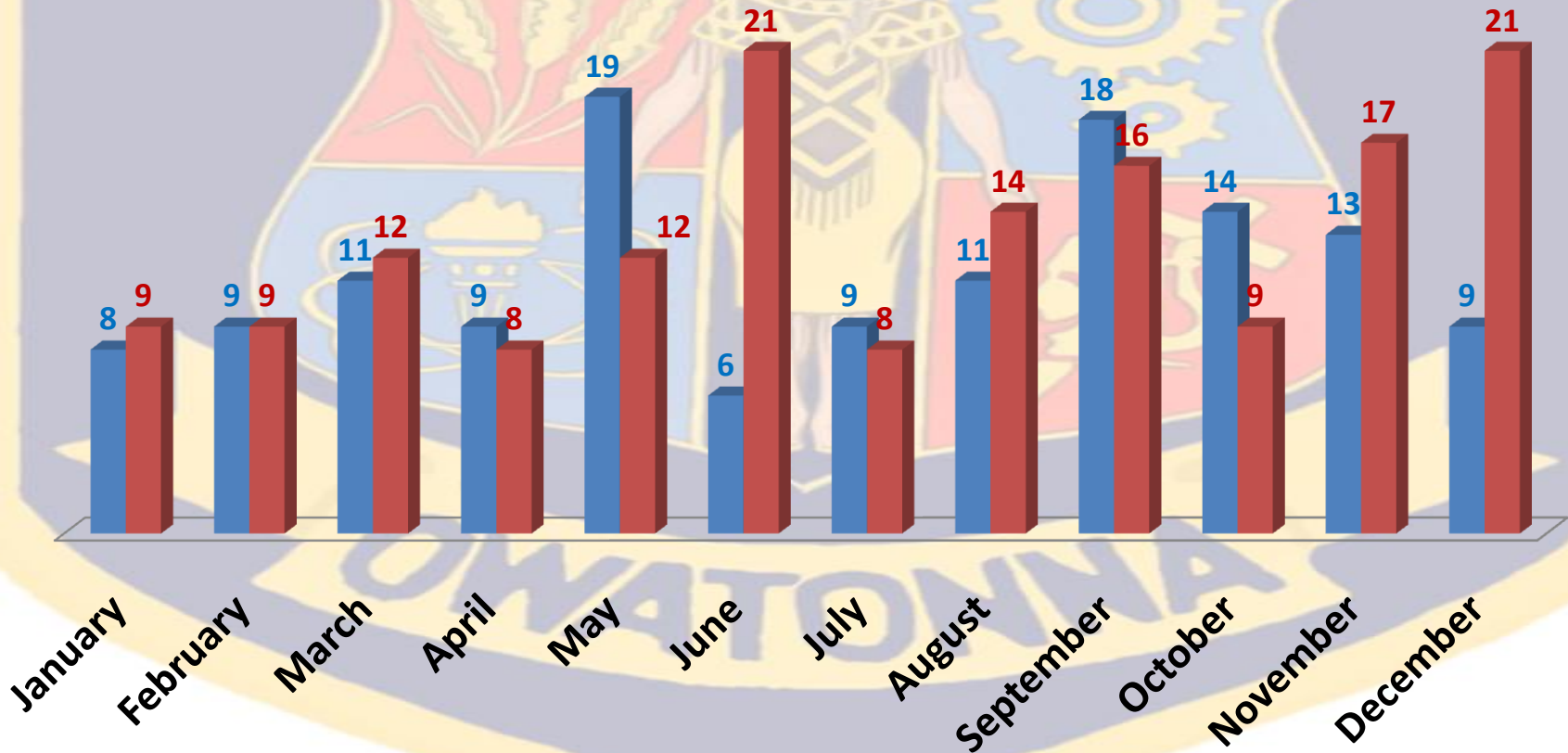
# Additional Charges Resulting From 2009 DWI Stops: 177 Total



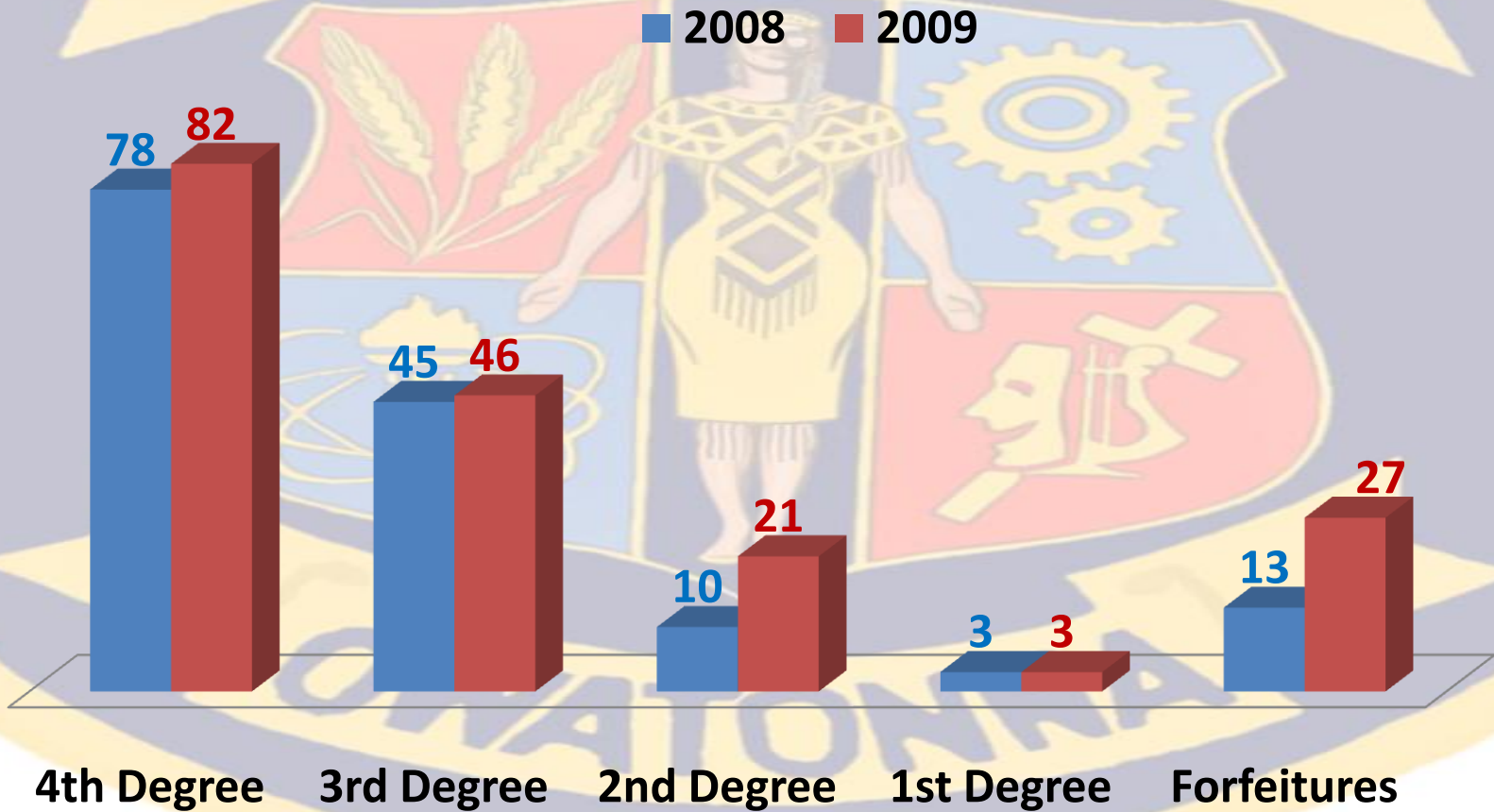
\*Based on citations/charges, does not include warnings issued.

# 2008 – 2009 DWI Comparison:

■ 2008 ■ 2009



# 2008 – 2009 Degree and Forfeiture Comparison:





**DRUNK DRIVING  
OVER THE LIMIT. UNDER ARREST.**



**Minnesota cops are stepping up impaired driving enforcement now.**

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