

# MINNESOTA SENTENCING GUIDELINES COMMISSION

## Probation Revocations

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Offenders Sentenced from 2001-2013 and  
Revoked to Prison

Published January 2016

**Minnesota Sentencing Guidelines Commission**

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## *About This Report*

This data report has been prepared by the research staff of the Minnesota Sentencing Guidelines Commission in fulfillment of the Commission’s statutory role as a clearinghouse and information center for information on sentencing practices. This is not a policy document. Nothing in this report should be construed as a statement of existing policy or recommendation of future policy on behalf of the Commission itself, or as an authoritative interpretation of the Minnesota Sentencing Guidelines, Minnesota statutes, or case law.

## Introduction

The 2014 Minnesota Sentencing Guidelines Commission Probation Revocation Report provides information about felony-level offenders sentenced from 2001 to 2013 who were revoked to prison due to probation violations through the end of 2014. A probation violation occurs when an offender's behavior or criminality violates conditions of probation, but does not result in a new felony criminal conviction for which the offender receives a prison sentence.<sup>1</sup> An offender's probation can be revoked if probation revocation proceedings are initiated and the court makes appropriate findings to support the revocation. The court, rather than the Minnesota Department of Corrections (DOC), makes the determination as to whether probation will be revoked.<sup>2</sup>

Offenders were tracked for revocations through December 31, 2014. Of all felony offenders in Minnesota initially sentenced to probationary sentences from 2001 to 2013, 16.5 percent had their stayed sentences revoked<sup>3</sup> due to probation violations, and were committed to State prison.

The probation revocations in this report were analyzed in two ways. First, the revocation data were analyzed by year. That is, as each year of revocation data became available, it was added to the prior years' data to generate a cumulative revocation rate for offenders sentenced each year from 2001 through 2013. Thus, the revocation rate for 2012 shows an increase in this report from the rate that was reported last year because additional probationers who had originally been sentenced in 2012 were revoked in 2014. Second, the data were combined to present overall revocation rates for the entire period. Results were broken down by Judicial District, race, ethnicity, gender, offense type, departure type and county.

This report is not intended to be a recidivism study; rather, it describes, in very basic terms, revocation data for felony offenders who were originally sentenced to probation. It is the Commission's intention to update this report annually, when new DOC and Minnesota Sentencing Guidelines Commission (MSGC) data become available for analysis. An explanation of how the Guidelines work, along with the Standard Grid and Sex Offender Grid, can be found in the Commission's report entitled *2014 Sentencing Practices: Annual Summary Statistics for Felony Offenders*, available at [mn.gov/sentencing-guidelines/reports](http://mn.gov/sentencing-guidelines/reports).

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<sup>1</sup>The behavior resulting in a probation revocation may include a conviction for a gross misdemeanor or misdemeanor offense. These non-felony convictions would not, in and of themselves, result in the offender going to prison because they do not carry the potential for a DOC prison sentence. However, the non-felony criminal behavior may trigger a probation revocation proceeding on a felony-level case, which may then result in a probation revocation for violating the conditions of felony probation.

<sup>2</sup> The DOC has the authority to revoke an offender who was on parole or supervised release.

<sup>3</sup> See "Procedures for Calculating Revocations" on page 14 for a more complete explanation of this terminology.

## Data Summary

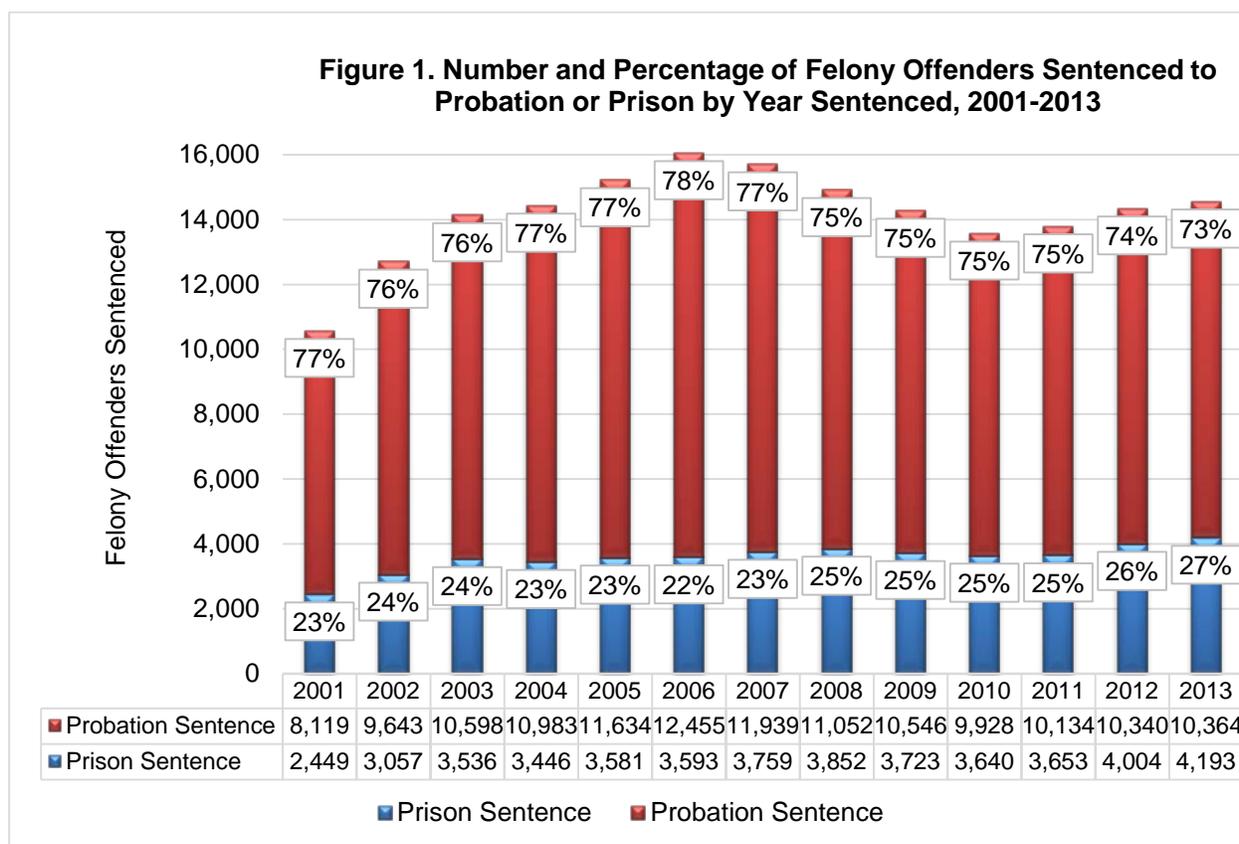
Through the end of 2014, the overall revocation rate in Minnesota was 16.5 percent (Table 1 and Table 2). The majority of revocations occurred within the first two years after being sentenced (Figure 2). Revocation rates tended to be higher for offenders for whom the Guidelines had originally recommended prison (Figure 8).

American Indian offenders have had their probation revoked at a higher rate (26%) than any other racial group (Figure 3). Part of the reason why revocation rates are so high among American Indian offenders may be because a higher percentage of offenders who are American Indian are convicted of person crimes. Among offense types, offenders convicted of person offenses had the highest rate of revocation at 20.5 percent, while property offenders had the lowest at 13 percent (Figure 7). However, American Indian offenders have the highest revocation rates in each offense type (Figure 4).

Some differences were also observed when comparing overall revocation rates between Minnesota's ten judicial districts and Minnesota's 87 counties (Figure 9 and Table 2). The First Judicial District had the lowest rate of revocation (11.2%), while the Ninth District had the highest (23.6%, respectively). In line with district-wide rates, Carver County, which is located in the First Judicial District, had one of the lowest revocation rates (7%), and Beltrami County, which is located in the Ninth Judicial District, had the highest revocation rate (31.9%).

## Volume of Cases and Revocation Data by Year

Figure 1 illustrates the overall number of offenders sentenced to prison or probation for felony convictions from 2001 to 2013. Offenders are displayed by the type of sentence received. Excluded from Figure 1 are offenders who received a misdemeanor or gross misdemeanor sentence, or fine-only sentence, for a felony offense. These offenders are not subject to imprisonment as a result of a probation violation. On average, for people who were sentenced to either prison or probation, 75 percent were placed on probation and 25 percent were committed to prison.

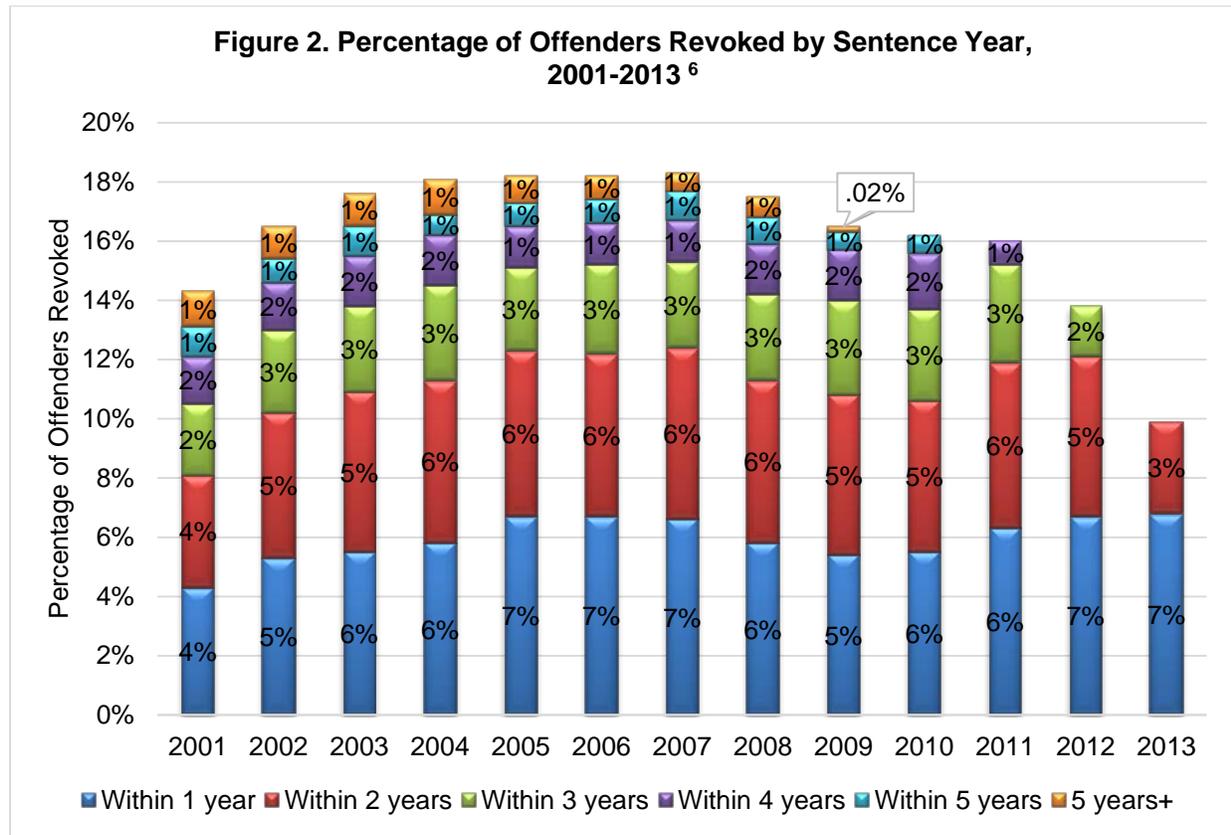


## Revocation Data by Year Sentenced

In Figure 2, the revocation data are presented by year sentenced. Revocation data reported for the most recent years are incomplete. Offenders sentenced more recently have had less time at risk for revocation than offenders sentenced in earlier years. It is expected that the numbers for the more recent years will increase as more time passes, and as more data are added to this report. This report will be updated annually as data become available.

The majority of revocations occurred within the first two years of receiving a felony probationary sentence (Figure 2). In 2013, seven percent were revoked within the first year of being sentenced. In 2012, seven percent were revoked within the first year and another five percent were revoked

within the second year. Of the offenders who were sentenced to probation in 2001, four percent were revoked to prison within one year of being sentenced. Another four percent were revoked within the second year, two percent within the third year, two percent within the fourth year, one percent within the fifth year, and another one percent after five years.<sup>4</sup>



<sup>4</sup> Because the data are not standardized to a particular timeframe for revocations e.g., tracking offenders revoked within a three-year standardized timeframe, MSGC has more data on those offenders who were sentenced in earlier years. For example, in looking at offenders originally sentenced in 2011, the data can only go back as far as “within 4 years.” As mentioned earlier, MSGC intends to continue updating this report as new DOC data become available.

<sup>6</sup> For each year presented, the last data bar is incomplete. For example, in 2011, the “within 4 years” bar is only a partial year of the data. An offender sentenced in January of 2011 would fall in the “within 4 years” category if he/she was revoked at any time between January and December of 2013, but an offender sentenced in December of 2011 would fall in that same category between December of 2011 and November of 2015. Since 2015 revocation data are not available, we do not have complete data for the final bar.

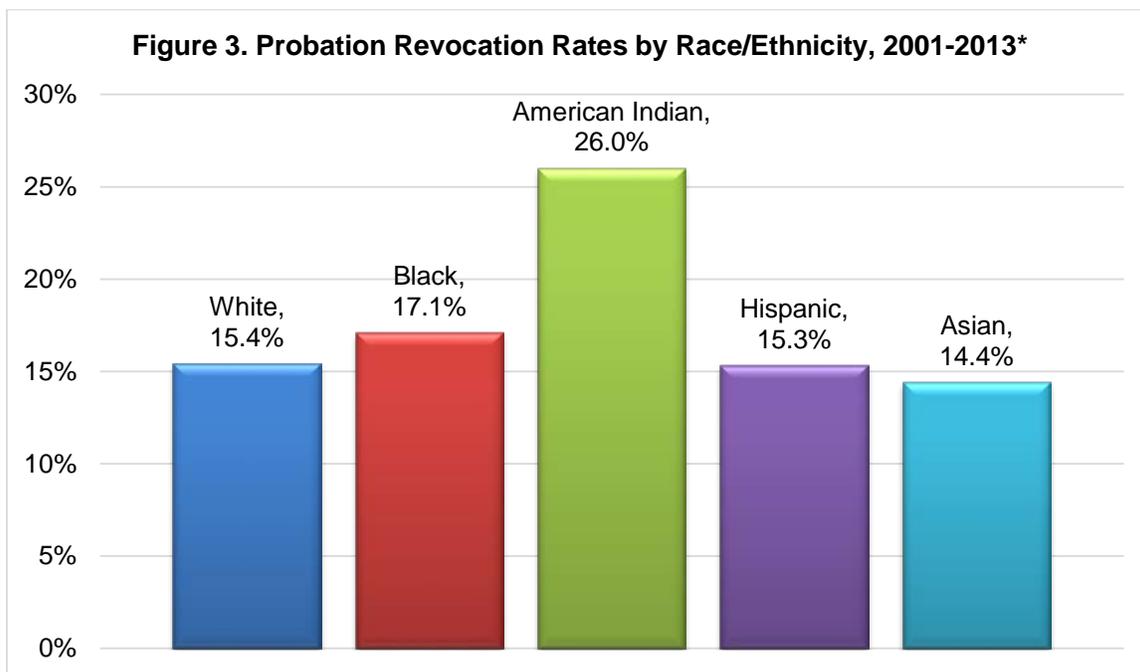
## Combined Revocation Data: 2001-2013

In the figures and tables below, the revocation data have been combined to provide information on total revocations for all cases sentenced between 2001 and 2013. Through December 31, 2014, the total combined revocation rate for cases sentenced during these years was 16.5 percent.

### Revocation Rates by Race and Ethnicity

The racial and ethnic make-up of felony probationers remained fairly constant over this timeframe. From 2001 to 2013, 62.4 percent of felony probationers were white, 23.8 percent black, 6.2 percent American Indian, 5.3 percent Hispanic, and 2.2 percent Asian.

Figure 3 shows probation revocations by race and ethnicity. American Indian offenders have had their probation revoked at a higher rate than any other racial group. Conversely, Asian offenders have the lowest rate of revocation. Between 2001 and 2013, the average revocation rate among Asian offenders was approximately 14 percent, while the average rate for American Indian offenders was 26 percent. The average revocation rates for the other groups were approximately 15 percent for both white and Hispanic offenders, and 17 percent for black offenders.

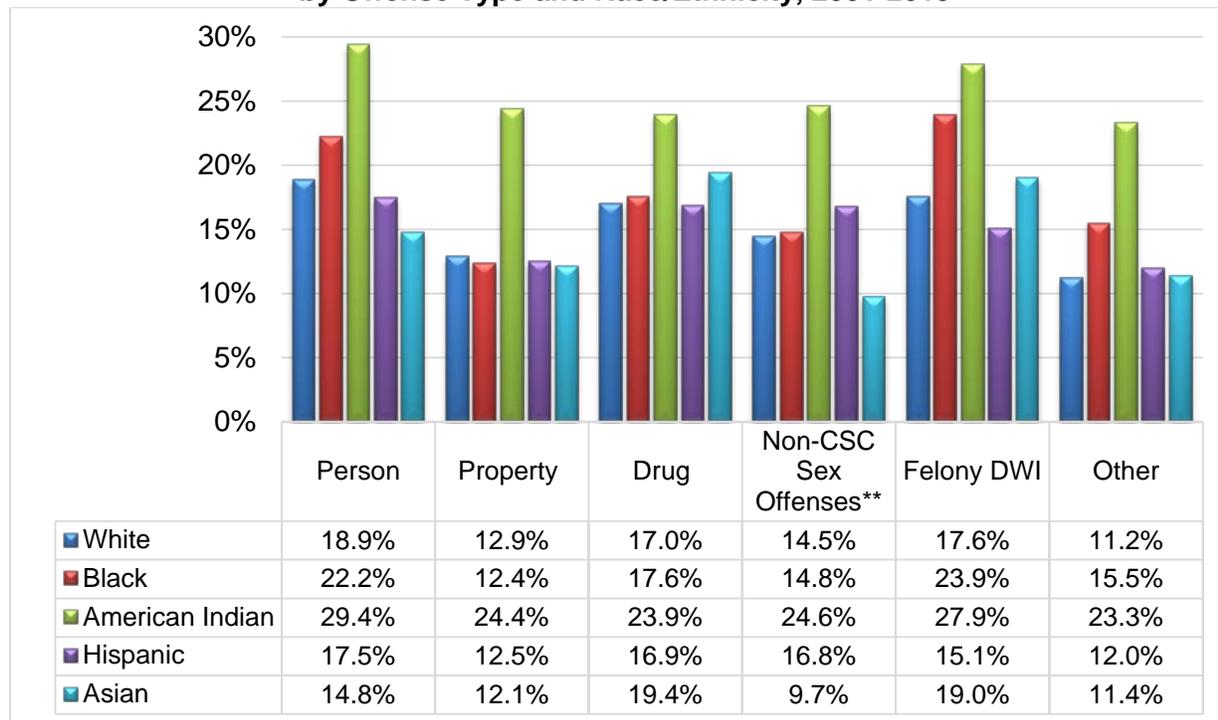


\* Nineteen revoked offenders for whom race is "other" or "unknown" were excluded.

Part of the reason revocation rates are so high for American Indian offenders may have to do with the type of offenses for which they were convicted. A high percentage of American Indian offenders sentenced within the timeframe of this report were convicted for person offenses, which is consistently the offense type with the highest rate of revocation (20.5%). Approximately 24 percent of offenders who received probation between 2001 and 2013 were convicted of person offenses; when looking only at American Indian offenders, this number increases to 32 percent.

While offense type may play a role in the higher revocation rate for American Indian offenders, it does account for the entire disparity. When revocation rates are examined by race/ethnicity and offense type (Figure 4), American Indian offenders have higher revocation rates than other races in all offense types. The revocation rates for property offenses are particularly interesting because the rates for other races are almost identical (about 12%), but the rate for American Indians is double at 24 percent.

**Figure 4. Probation Revocation Rates by Offense Type and Race/Ethnicity, 2001-2013\***

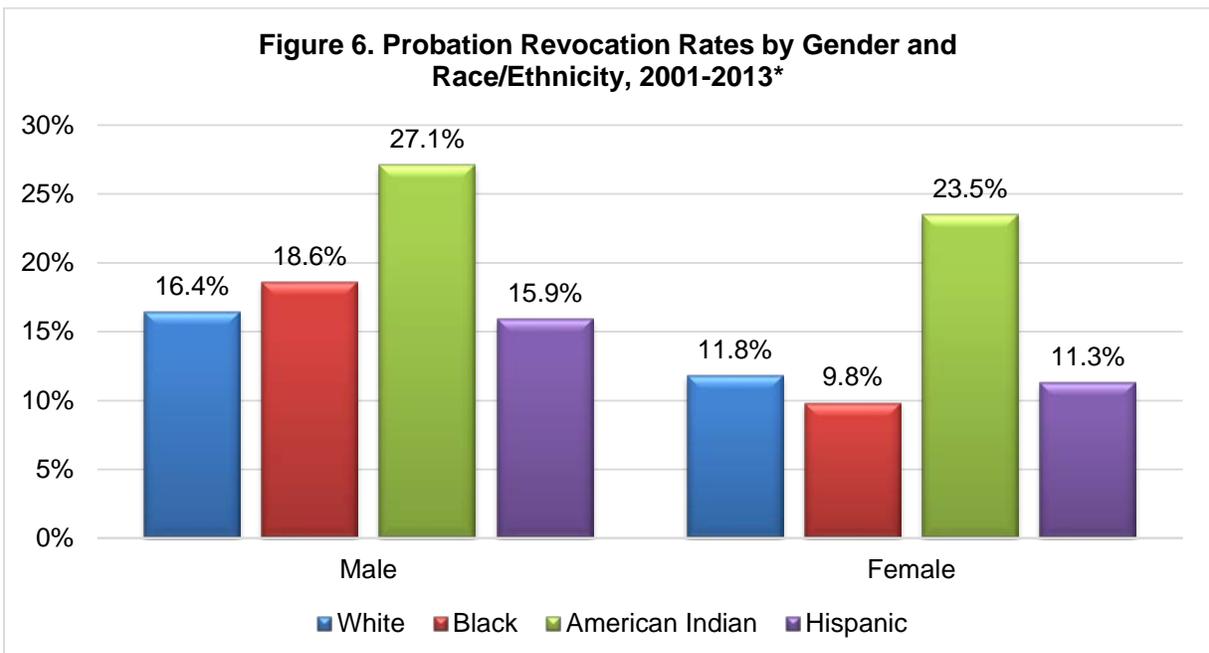
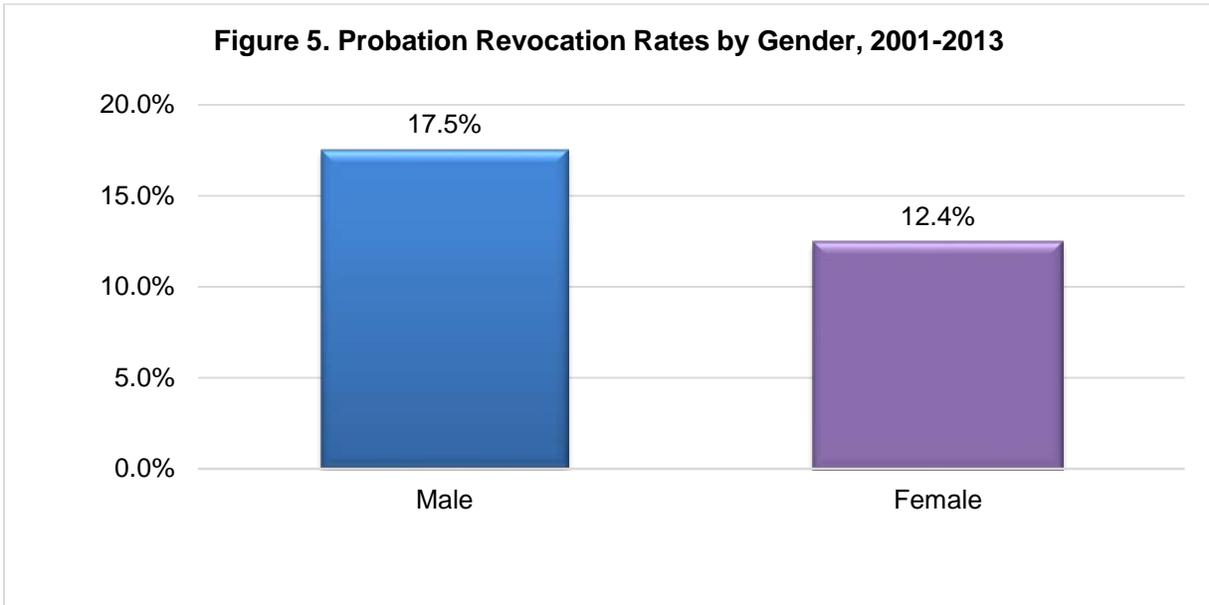


\* Nineteen revoked offenders for whom race is “other” or “unknown” were excluded.

\*\* “Non-CSC sex offenses are offenses on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

## Revocation Rates by Gender

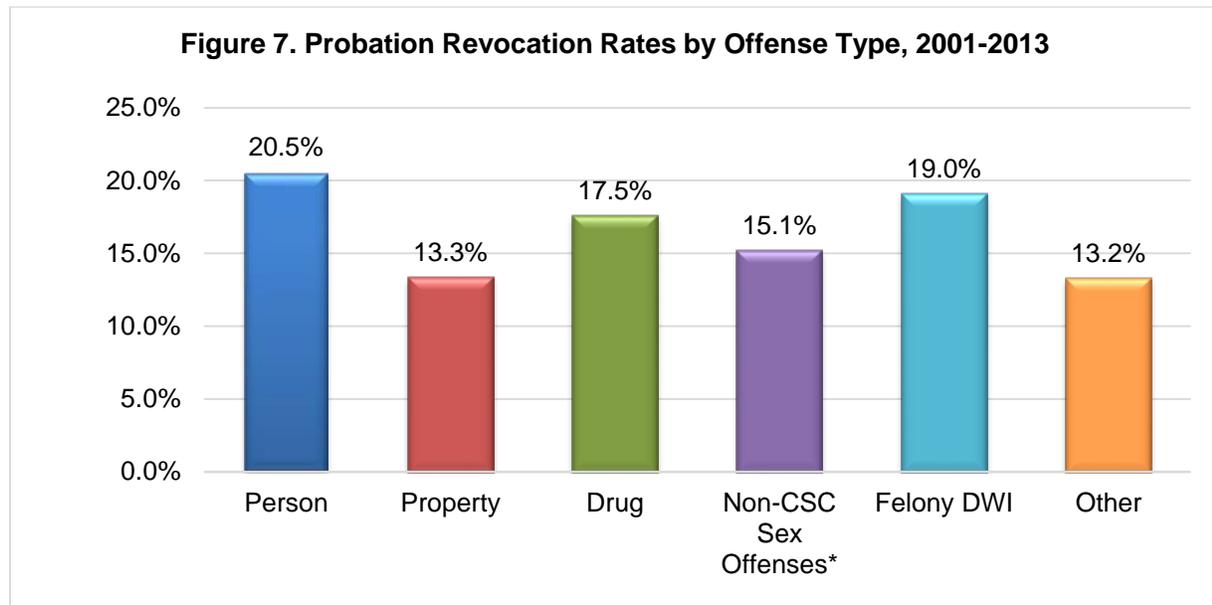
Approximately 80 percent of felony probationers are male and 20 percent are female. Figure 5 shows the percentage of offenders revoked by gender. Male offenders have a higher rate of probation revocation than female offenders (17.5% versus 12.4%). American Indian offenders have the highest revocation rates for both male and female offenders (Figure 6).



\* Nineteen offenders for whom race is "other" or "unknown" were excluded.

## Revocation Rates by Offense Type

Figure 7 shows the percentage of offenders revoked within each offense type. Offenders who had been convicted for person offenses were revoked at a higher rate than offenders who had been convicted of other types of offenses. Offenders in the property and “other” category were revoked at the lowest rates.



\* “Non-CSC sex offenses are offenses on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

Table 1 displays revocation rates for offenses organized into general offense groups. Rather than providing the revocation rates for every felony offense, offenses were grouped for easier comparison. It is important to note that there can be variation in revocation rates within these offense groups. In the assault group, revocation rates for domestic assault by strangulation and first- through fourth-degree assaults ranged from 17 percent to 22 percent, while the revocation rates for fifth-degree assault and domestic assault were higher: 29 percent and 25 percent, respectively.

As a group, offenders convicted of criminal sexual conduct (CSC) had the highest revocation rates. Among the CSC offenses, first-degree CSC had the lowest revocation rate at 22 percent, while second- through fourth-degree ranged from 25 percent to 30 percent.

Possession and dissemination of child pornography and failure to register as a predatory offender are on the Sex Offender Grid, and are included in the non-CSC sex offense group in Table 1. The revocation rates for these offenses were lower than those observed for CSC offenses: 16 percent for failure to register, and 14 percent for child pornography.

Among the controlled substance offenses, there was not much variation in revocation rates—ranging from 15 and 17 percent for first- and second-degree to 18 through 20 percent for third-through fifth-degree.

Among the theft offenses, the revocation rate for motor vehicle theft was approximately 24 percent, which is much higher than the rate for theft of movable property (10%). The overall rate for the general theft offense group was 11.6 percent (Table 1).

**Table 1. Probation Revocation Rates by Offense Groups, 2001-2013**

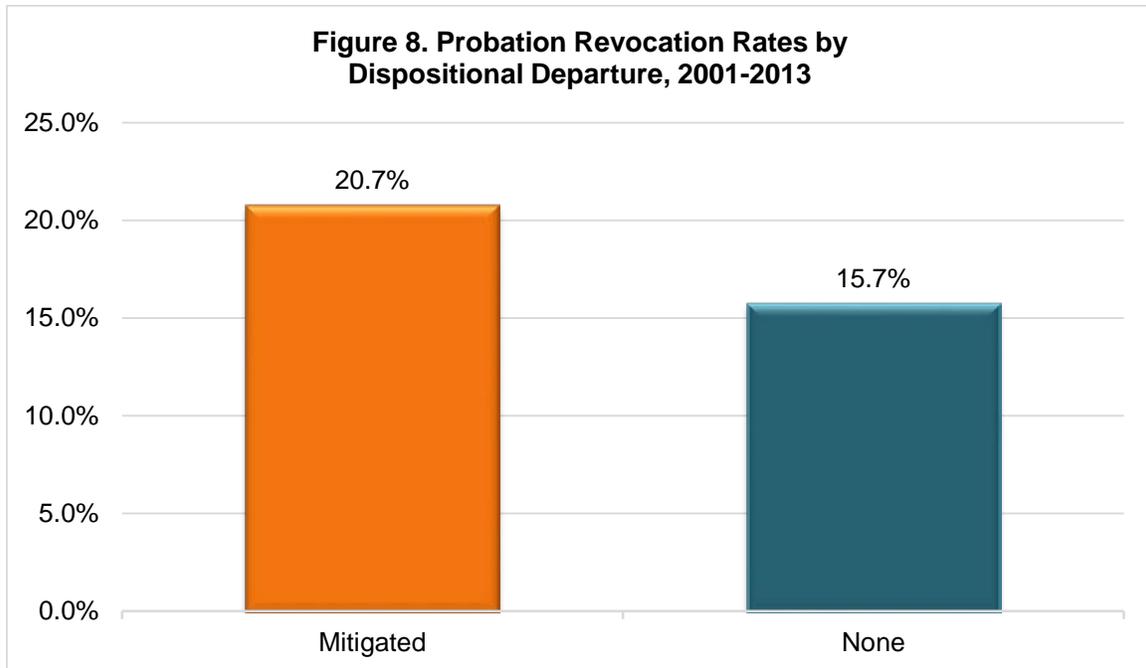
<b>Offense Type and Offense</b>	<b>Total Number of Probation Cases (2001-2013)</b>	<b>Total Number of Revocations (through 12/31/2014)</b>	<b>Percentage of Cases Revoked</b>
<b>Person</b>	<b>33,043</b>	<b>6,766</b>	<b>20.5%</b>
<i>Murder / Manslaughter</i>	288	46	16.0%
<i>Assault</i>	13,138	2,648	20.2%
<i>Criminal Sexual Conduct</i>	4,601	1,212	26.3%
<i>Robbery</i>	2,336	568	24.3%
<i>Terroristic Threats / Stalking</i>	9,980	1,913	19.2%
<i>Other Person</i>	2,700	379	14.0%
<b>Property</b>	<b>50,969</b>	<b>6,835</b>	<b>13.4%</b>
<i>Theft</i>	19,456	2,261	11.6%
<i>Burglary</i>	10,756	2,067	19.2%
<i>Other Property</i>	20,757	2,507	12.1%
<b>Drug</b>	<b>36,270</b>	<b>6,358</b>	<b>17.5%</b>
<b>Felony DWI</b>	<b>6,198</b>	<b>1,175</b>	<b>19.0%</b>
<b>Non-CSC Sex Offenses*</b>	<b>2,425</b>	<b>367</b>	<b>15.1%</b>
<b>Other Crimes</b>	<b>8,846</b>	<b>1,165</b>	<b>13.2%</b>
<b>Total</b>	<b>137,751</b>	<b>22,666</b>	<b>16.5%</b>

\* "Non-CSC sex offenses are offenses on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

## Revocation Rates by Dispositional Departures

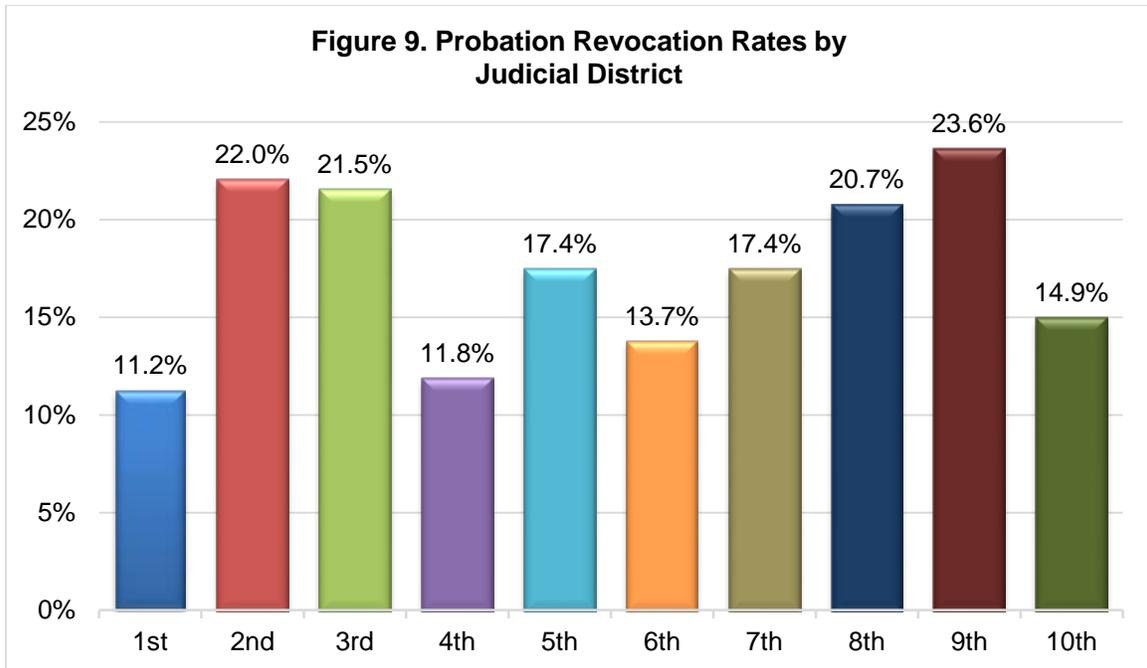
Revocation rates are higher for offenders who were originally given mitigated dispositional departures at sentencing. A mitigated dispositional departure occurs when the Guidelines recommend a prison sentence, but the court imposes a stayed probationary sentence instead. The Guidelines recommend prison for offenders who have either committed more serious offenses or who have accumulated multiple criminal history points. Figure 8 shows the revocation rate for offenders who had received mitigated dispositional departures (20.7%) compared with those who had received presumptive probation sentences (15.7%). Overall, 14 percent of the

felony offenders on probation received mitigated dispositional departures. For more information on overall departure rates, see MSGC's report entitled *2014 Sentencing Practices: Annual Summary Statistics for Felony Offenders*, available at [mn.gov/sentencing-guidelines/reports](http://mn.gov/sentencing-guidelines/reports).



### Revocation Rates by Judicial District

Figure 9 provides revocation rates by Judicial District. The Second, Third, Eighth, and Ninth Judicial Districts have the highest rates of revocation, while the First and Fourth Judicial Districts have the lowest.



### Revocation Rates by County

Table 2 displays revocation rates by county. Through the end of 2014, the overall revocation rate was 16.5 percent. Carver County (in the First Judicial District) had the lowest revocation rate (7%), and Beltrami County (in the Ninth Judicial District) had the highest revocation rate (31.9%).

**Table 2. Revocation Data by County**

County	Total Number of Probation Cases (2001-2013)	Total Number of Revocations (through 12/31/2014)	Percentage of Cases Revoked
Aitkin	473	100	21.1%
Anoka	7948	1,266	15.9%
Becker	1,223	271	22.2%
Beltrami	1,656	529	31.9%
Benton	1,280	283	22.1%
Big Stone	82	19	23.2%
Blue Earth	1,322	223	16.9%
Brown	402	76	18.9%
Carlton	1,261	92	7.3%
Carver	1,224	86	7.0%
Cass	1,170	229	19.6%
Chippewa	262	62	23.7%
Chisago	1,208	198	16.4%

<b>County</b>	<b>Total Number of Probation Cases (2001-2013)</b>	<b>Total Number of Revocations (through 12/31/2014)</b>	<b>Percentage of Cases Revoked</b>
Clay	1,935	440	22.7%
Clearwater	290	61	21.0%
Cook	109	15	13.8%
Cottonwood	341	37	10.9%
Crow Wing	1,610	391	24.3%
Dakota	9,773	1,023	10.5%
Dodge	373	101	27.1%
Douglas	849	105	12.4%
Faribault	376	63	16.8%
Fillmore	285	57	20.0%
Freeborn	926	269	29.0%
Goodhue	1251	145	11.6%
Grant	92	16	17.4%
Hennepin	26,847	3,175	11.8%
Houston	453	87	19.2%
Hubbard	479	86	18.0%
Isanti	1,068	102	9.6%
Itasca	1,570	424	27.0%
Jackson	239	39	16.3%
Kanabec	682	166	24.3%
Kandiyohi	1,397	301	21.5%
Kittson	93	13	14.0%
Koochiching	259	61	23.6%
Lac qui Parle	75	10	13.3%
Lake	265	33	12.5%
Lake of the Woods	83	6	7.2%
Le Sueur	390	54	13.8%
Lincoln	95	13	13.7%
Lyon	794	126	15.9%
McLeod	1,163	144	12.4%
Mahnomen	487	80	16.4%
Marshall	200	23	11.5%
Martin	715	189	26.4%
Meeker	394	102	25.9%
Mille Lacs	1,145	240	21.0%
Morrison	927	195	21.0%
Mower	1,381	402	29.1%
Murray	168	21	12.5%
Nicollet	480	101	21.0%

County	Total Number of Probation Cases (2001-2013)	Total Number of Revocations (through 12/31/2014)	Percentage of Cases Revoked
Nobles	689	75	10.9%
Norman	174	46	26.4%
Olmsted	3,827	972	25.4%
Otter Tail	1,343	160	11.9%
Pennington	555	66	11.9%
Pine	1,000	71	7.1%
Pipestone	223	37	16.6%
Polk	1,546	442	28.6%
Pope	179	35	19.6%
Ramsey	17,654	3,880	22.0%
Red Lake	102	17	16.7%
Redwood	623	137	22.0%
Renville	309	38	12.3%
Rice	1,371	96	7.0%
Rock	110	16	14.5%
Roseau	460	66	14.3%
St Louis	7,432	1,099	14.8%
Scott	2,418	346	14.3%
Sherburne	1,975	260	13.2%
Sibley	332	49	14.8%
Stearns	4,101	521	12.7%
Steele	929	173	18.6%
Stevens	118	30	25.4%
Swift	145	36	24.8%
Todd	481	92	19.1%
Traverse	59	9	15.3%
Wabasha	461	82	17.8%
Wadena	496	97	19.6%
Waseca	391	91	23.3%
Washington	4,339	786	18.1%
Watsonwan	353	51	14.4%
Wilkin	134	19	14.2%
Winona	1,217	162	13.3%
Wright	2,432	223	9.2%
Yellow Medicine	204	37	18.1%
<b>Total (Statewide)</b>	<b>137,751</b>	<b>22,666</b>	<b>16.5%</b>

## Procedures for Calculating Revocations

This analysis includes felony offenders who initially received a stayed probationary sentence between 2001 and 2013. Offenders were tracked for revocations through December 31, 2014. Probation revocations are determined through a process of matching DOC prison admission data with MSGC sentencing data.<sup>5</sup> The DOC data include admissions as a result of revocations. An offender who was revoked to prison following a conviction for a new felony crime are classified by DOC as a “new admissions” and are not included in this analysis.

MSGC would like to stress the following limitations in this report:

1. This is not intended to be a recidivism study. It describes, in very basic terms, revocation data for felony offenders who were originally sentenced to probation. The analysis does not statistically control for a variety of factors that may influence an offender’s success.
2. The data were not standardized: All offenders sentenced between 2001 and 2013 were tracked through December 31, 2014. Therefore, an offender sentenced to probation in January 2001 is tracked for a longer period of time (almost a full thirteen years), while an offender sentenced to probation in January 2013 is tracked for a shorter period of time (1 year and 11 months). It is our intention to update this report annually when new prison admissions data are available from DOC.
3. This analysis captures only revocations due to probation violations. Any revocations due to new felony commitments are excluded. This analysis does include revocations due to new misdemeanor or gross misdemeanor convictions, as well as “technical” violations, as these are all considered violations of the terms of felony probation. Also, this analysis does not account for any previous attempts by the court to “restructure” an offender’s stayed sentence before revoking it.<sup>6</sup>
4. MSGC recognizes that offenders are not typically “at risk” for violating terms of probation while they are confined in a jail or workhouse. In the majority of cases, some conditional confinement time was pronounced as part of the initial stayed sentence. For the offenders placed on probation from 2001-2013, the overall conditional confinement rate was 88 percent.
5. Although MSGC has data for offenders sentenced in 2014, these offenders have been excluded from this report because there had not been a full calendar year in which to track them while on probation.
6. This report excludes offenders who originally had a stay of adjudication and received a prison sentence upon revocation. A stay of adjudication does not meet the definition of an initial stayed sentence, as described above, because the offender was not convicted.<sup>7</sup> This report tracks revocations of probationary sentences imposed following conviction.

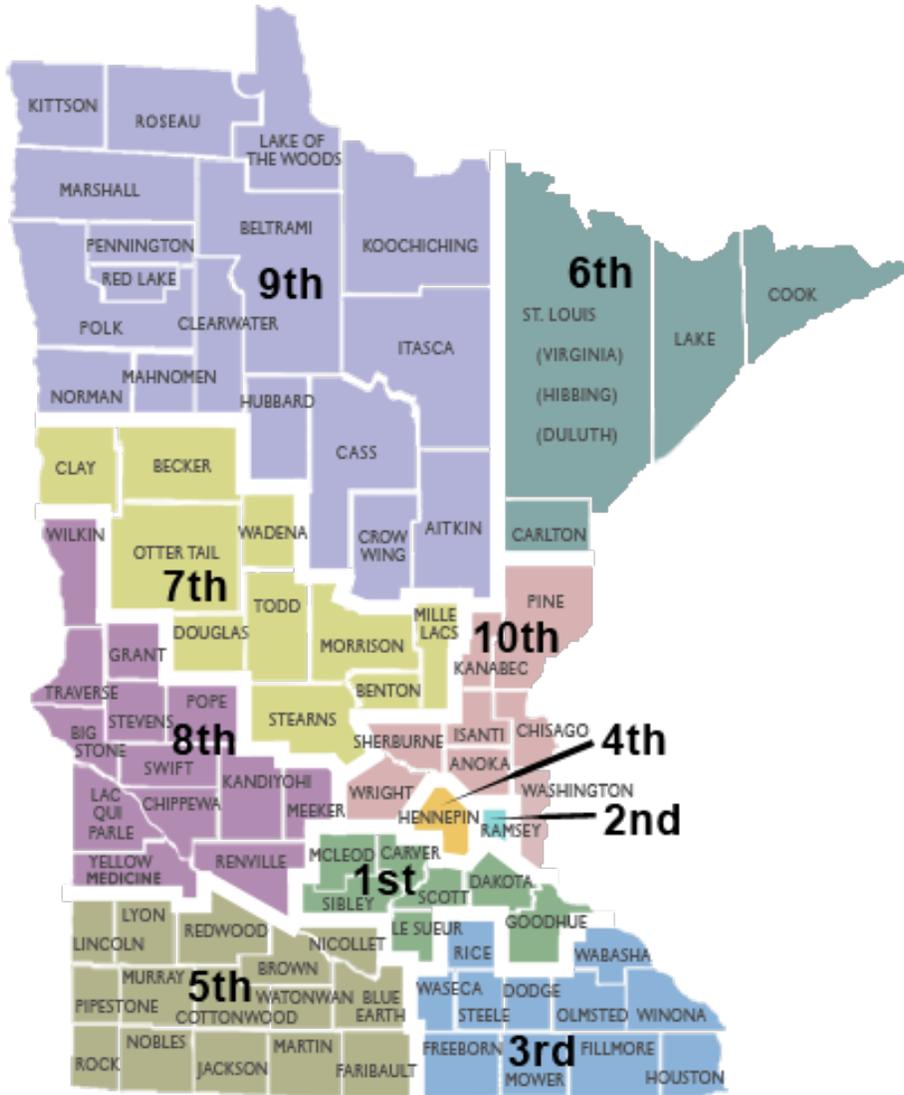
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<sup>5</sup> MSGC monitoring data are offender-based; cases represent offenders rather than individual charges. Offenders sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense.

<sup>6</sup> See [Minn. Stat. § 609.14](#). Even if considered to be a revocation (of, for example, a stay of imposition), a restructuring of sentence that does not result in commitment to the Commissioner of Corrections is outside the scope of this report.

<sup>7</sup> See Minn. Sentencing Guidelines § 2.D.1.e and comments 2.C.10 and 2.D.106.

# Minnesota Judicial District Map



<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fourth</u>	<u>Fifth</u>	<u>Sixth</u>	<u>Seventh</u>	<u>Eighth</u>	<u>Ninth</u>	<u>Tenth</u>
Carver	Ramsey	Dodge	Hennepin	Blue Earth	Carlton	Becker	Big Stone	Aitkin	Anoka
Dakota		Fillmore		Brown	Cook	Benton	Chippewa	Beltrami	Chisago
Goodhue		Freeborn		Cottonwood	Lake	Clay	Grant	Cass	Isanti
Le Sueur		Houston		Faribault	St. Louis	Douglas	Kandiyohi	Clearwater	Kanabec
McLeod		Mower		Jackson		Mille Lacs	Lac qui Parle	Crow Wing	Pine
Scott		Olmsted		Lincoln		Morrison	Meeker	Hubbard	Sherburne
Sibley		Rice		Lyon		Otter Tail	Pope	Itasca	Washington
		Steele		Martin		Stearns	Renville	Kittling	Wright
		Wabasha		Murray		Todd	Stevens	Koochiching	
		Waseca		Nicollet		Wadena	Swift	Lake-Woods	
		Winona		Nobles			Traverse	Mahnomen	
				Pipestone			Wilkin	Marshall	
				Redwood			Yellow Medicine	Norman	
				Rock				Pennington	
				Watonwan				Polk	
								Red Lake	
								Roseau	