Criminal History Score Overview

Part I: Introduction

Authors of the Guidelines originally proposed four sentencing purposes

- Deterrence
- Incapacitation
- Rehabilitation
- Retribution

The top row contains “utilitarian” theories of sentencing

A retributive, “just deserts” model emerged as MSGC’s dominant view

Role of criminal history in punishment

“JUST DESERTS”

Repetition alters culpability
- Greater consciousness of wrongdoing
- Greater defiance of the law

*Alternative view:* Offender has already been punished for prior behavior

**UTILITARIAN THEORIES**

Repeat offenders are more likely to repeat again; thus, incapacitation is more important for repeat offenders

Rehabilitation is less possible, and deterrence has evidently failed, for those higher criminal histories

*Alternative view:* Criminal history score is a crude proxy for risk

*Original MSGC employed criminal history as a measure of blameworthiness, not future risk.*


Use of criminal history in “in/out” prison disposition decision

**IN JUST-DEERTS MODEL, OFFENSE SEVERITY (BLAMEWORTHINESS) MAY BE DOMINANT**

**IN UTILITARIAN MODEL, CRIMINAL HISTORY (RISK) MAY BE DOMINANT**

Current Guidelines employ mixed dispositional model

Some offenses are severe enough to warrant prison, regardless of criminal history

Some criminal histories are great enough to warrant prison, regardless of offense severity

Four components of Minnesota’s criminal history score

- Felony, 73%
- Misdemeanor, 4%
- Juvenile, 1%
- Custody Status, 22%

2014 Average CHS
Average criminal history scores have grown over the Guidelines’ history

Percentage of offenders with zero criminal history score has fallen
The road ahead

In future meetings, we may have a chance to—

Unpack each of the four criminal history components
Review special cases (sex offenses, DWI)
Look at what policies have changed over time
Examine why average criminal history scores have changed over time