

Failure to Register as Predatory Offenders 2014



- ➔ 16,145 FELONY-LEVEL OFFENDERS WERE SENTENCED IN MINNESOTA IN 2014.
- ➔ 414 (3%) OF THOSE WERE FAILURE TO REGISTER AS PREDATORY OFFENDERS (FRPO) UNDER MINN. STAT. § [243.166](#).

DEMOGRAPHICS

FRPO has increased every year since 2010. *In 2014, it reached its highest level at 414 offenders* (Figure 1). Compared to other felony offenders, FRPO offenders were:

- Less likely to be white (55% vs. 59%) (Figure 2) and more likely to be male (98% vs. 81%);
- Three years older on average (35 vs. 32 yrs.);
- Equally likely to be sentenced in Greater MN (49% vs. 50%).

INCARCERATION RATES

Of the 414 offenders sentenced for FRPO:

- 214 (52%) were sentenced to prison;
- 180 (44%) received jail¹ (Figure 3);
- 20 (5%) received other sanctions (e.g., a fine);
- Avg. prison sentence was 21 months;
- Avg. jail term was 123 days.

Taking into account both jail and prison time, the total incarceration rate was 95%, which was a 2% increase from 2013.

DEPARTURE RATES

The Guidelines presumptive disposition for all FRPO offenders is prison because of the statutory mandatory minimum.²

- 48% of offenders received a mitigated dispositional departure (Figure 4);
- 39% of pronounced prison cases received a mitigated durational departure;
- One of the pronounced prison cases received an aggravated durational departure.
- Total dispositional departures increased from 2013 (46% to 48%), but decreased slightly for first-time FRPO and increased for subsequent (Figure 5).

¹ In this report, "jail" refers to time in a jail or a workhouse as a condition of a stayed probationary sentence.

² FRPO carries a mandatory minimum penalty of 1 year and 1 day in prison for a first offense; 24-months prison for a subsequent. Minn. Stat. § 243.166, subd. 5(b)(c). Subd. 5(d) allows sentencing without regard to the mandatory minimum.

Figure 1.

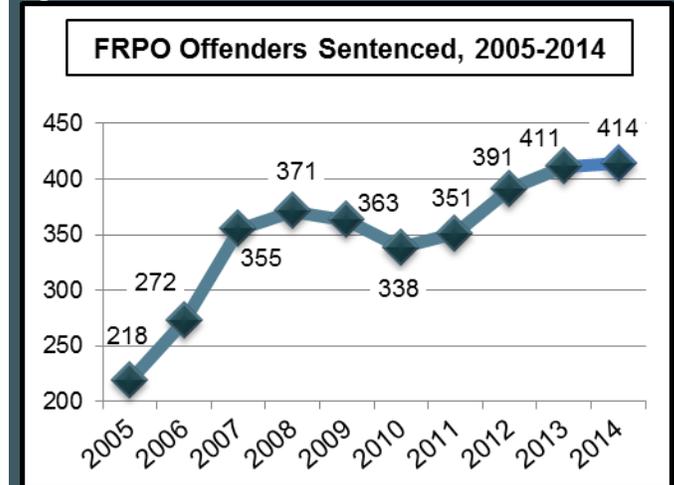


Figure 2.

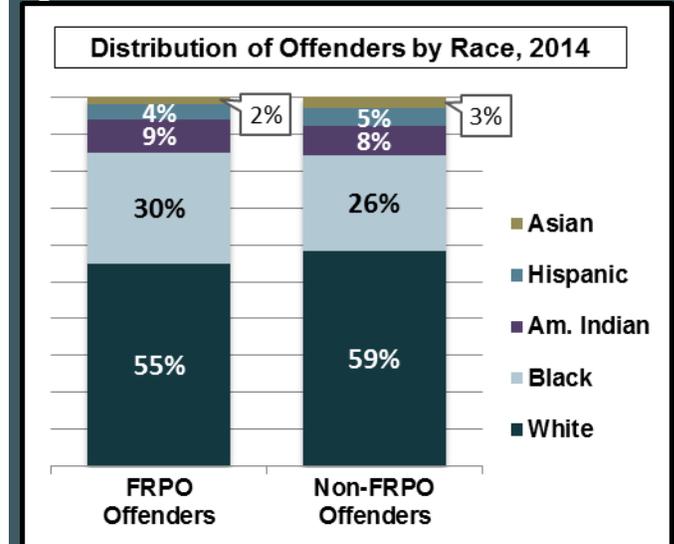
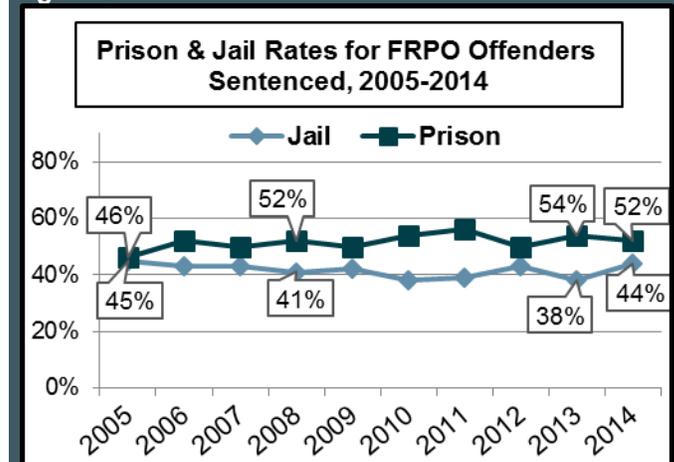
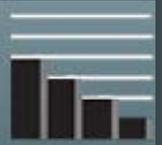


Figure 3.





DEPARTURE REASONS

For mitigated dispositional departures, the court most frequently cited “amenability to probation” (54%); and “shows remorse/accepts responsibility” (51%) as its reasons for departure. For mitigated durational departures, the most common reasons cited were “shows remorse/accepts responsibility (46%); and “offense less onerous” (30%).

- In 64% of mitigated dispositional departures, the prosecutor agreed to, recommended, or did not object to the departure.
- In 76% of mitigated durational departures, the prosecutor agreed to, recommended, or did not object to the departure.

SUBSEQUENT OFFENSES

The number of subsequent FRPO offenders sentenced has increased over time (Figure 6).³ The imprisonment rate for subsequent FRPO is much higher than for first-time FRPO (Figure 7).

- 30% of FRPOs were subsequent offenses.
- 64% of subsequent FRPO offenders received prison compared to 47% of first-time offenders.
- The average pronounced prison term for subsequent FRPO was 23 months, which is 1 month less than the mandatory minimum.

The dispositional departure rate for subsequent vs. first-time FRPO is notably lower (Figure 5).

- 36% of subsequent FRPO offenders received a mitigated dispositional departure (versus 53% for first-time FRPO).
- 46% of subsequent FRPO offenders that received prison received a mitigated durational departure (versus 36% for first-time FRPO).

Although first-time felony FRPO offenders are more likely to be given a “stayed” (probation) sentence than to be given an executed prison sentence, subsequent offenders are more likely to receive a mitigated durational departure. The higher imprisonment rate, combined with the gradual increase in the number of subsequent offenders, may result to an increase in the future need for more prison beds for this offense.

Figure 4.

Dispositional Departure Rate by Type, 2014			
FRPO	Total	Dispositional Departure	
		None	Mitigated
First-Time	290	135 (47%)	155 (53%)
Subsequent	124	79 (64%)	45 (36%)
Total	414	214 (52%)	200 (48%)

Figure 5.

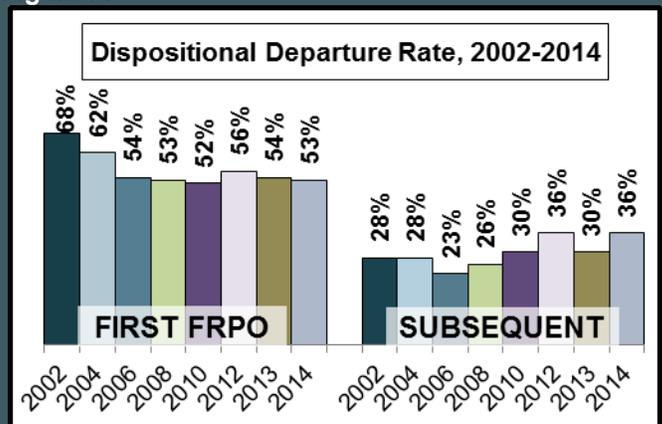


Figure 6.

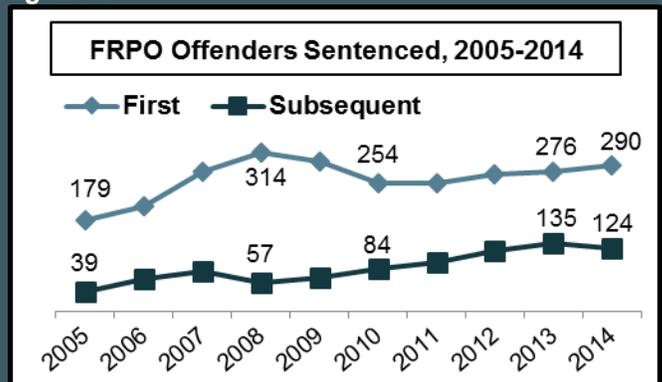
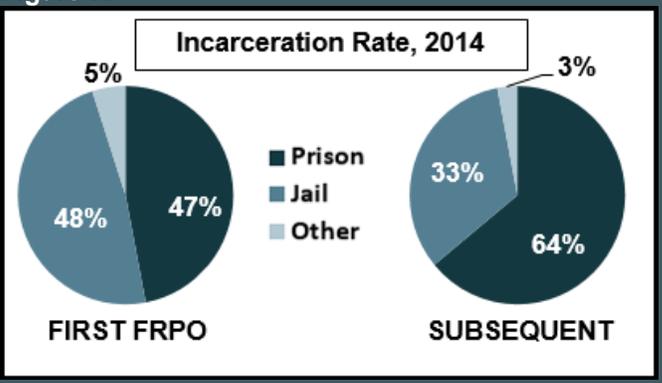


Figure 7.



³ A subsequent FRPO is defined as an offender who was previously convicted or adjudicated delinquent for this offense. Minn. Stat. § 243.166, subd. 5(c).