

Failure to Register as Predatory Offender: Sentenced 2015-2019

Minnesota Sentencing Guidelines Commission (MSGC) monitoring data are offender-based, meaning 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. This data request was prepared by the research staff of MSGC 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 request 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.

Information Requested: This data request consists of four parts: Part 1: A three-column table is requested. Scope: 243.166 cases sentenced 2015-2019 Column 1: Cases without a mitigated dispositional departure Column 2: Cases with a mitigated dispositional departure Column 3: All cases Row 1: Average annual case volume (i.e., case volume divided by 5) Row 2: Percentage distribution of the first two columns (column 3 = 100%). Row 3: Among those committed to DOC, average prison duration (mo.) Row 4: Among those not committed to DOC, average local confinement duration (days) Rows 5-6: Percentage distribution by sex (total of rows = 100%) Rows 7-11: Percentage distribution by race (total of rows = 100%) Rows 12-18: Percentage distribution by age category (total of rows = 100%) Rows 19-24: Percentage distribution by type of custody (total of rows = 100%) Rows 25-31: Percentage distribution by criminal history score (total of rows = 100%) Row 32: Percent sentenced under 243.166.5(c) (second or subsequent) or whatever your data field is Row 33: Percent with true prior sex offense (with a definition of true prior sex offense in the table notes) Part 2: A table identical to Table 7 in the 2021 Report to the Legislature is requested, but limited to 243.166 cases sentenced in 2019 without a mitigated dispositional departure. Part 3: A table identical to Table 7 in the 2021 Report to the Legislature is requested but limited to 243.166 cases sentenced in 2019 with a mitigated dispositional departure. Part 4: A table identical to Table 7 in the 2021 Report to the Legislature is requested but limited to 243.166 cases sentenced in 2019 (total).

Analysis:

- Sentenced 2015-2019
- Failure to Register as Predatory Offender (FRPO) under Minn. Stat. § 243.166
- Excludes attempts under Minn. Stat. § 609.17 (four cases)

From 2015-2019, 1,995 offenders were sentenced for FRPO under Minn. Stat. § 243.166 – 1,453 (73%) were convicted under subdivision 5(b) (first FRPO offense) and 542 (27%) were convicted under subdivision 5(c) (subsequent FRPO offense). 943 (47%) of the 1,995 offenders received a mitigated dispositional departure.

Table 1. Failure to Register as Predatory Offender (FRPO) Cases, Sentenced 2015-2019

		Dispositional Departure		All Cases
		None	Mitigated	
Total	Average Annual Case Volume	210.4	188.6	399 cases
	Percent	52.7	47.3	100 percent
	Average Prison Duration ¹	21.2 mos.	NA	1,047 cases
	Average Local Confinement Duration ²³	NA	110.2 days	784 cases
Sex	Male	98.7	96.4	97.6 percent
	Female	1.3	3.6	2.4 percent
Race/Ethnic.	White	46.8	53.9	50.1 percent
	Black	31.8	31.8	31.8 percent
	American Indian	11.0	6.7	9.0 percent
	Hispanic	8.4	5.6	7.1 percent
	Asian	1.9	1.9	1.9 percent
Age Category	18-21	6.3	10.3	8.2 percent
	22-25	13.9	13.7	13.8 percent
	26-30	18.3	17.3	17.8 percent
	31-40	35.5	29.1	32.4 percent
	41-50	16.6	16.5	16.6 percent
	51+	9.5	13.1	11.2 percent
Custody Status	None	37.1	59.6	47.7 percent
	Probation	34.1	27.6	31.0 percent
	Parole/Supervised Release	23.1	9.0	16.4 percent
	Confined	0.2	0.0	0.1 percent
	Release Pending Sentencing	1.6	1.5	1.6 percent
	Extended Jurisdiction Juvenile (EJJ)*	0.3	0.1	0.2 percent
	Within Original Probation Term*	1.1	1.2	1.2 percent
	Conditional Release	2.5	1.1	1.8 percent
CHS	CHS 0	2.6	16.0	8.9 percent
	CHS 1	7.2	15.0	10.9 percent
	CHS 2	13.8	20.4	16.9 percent
	CHS 3	19.4	15.6	17.6 percent
	CHS 4	18.0	13.7	15.9 percent
	CHS 5	15.3	8.4	12.0 percent
	CHS 6+	23.8	11.0	17.7 percent
Other	Subdivision 5(b) (first FRPO offense)	65.8	79.7	72.4 percent
	Subdivision 5(c) (subsequent FRPO)	34.2	20.3	27.6 percent
	True Prior Sex Offense ⁴	50.9	40.2	45.8 percent

* EJJ and within original probation term are no longer eligible for custody status.

¹ The average prison duration excludes four cases that received a consecutive sentence.

² The average local confinement duration is based on cases that received jail as a condition of probation (785 cases) and does not include cases that received other sanctions (137 cases) or a jail sentence (21 cases).

³ The average local confinement duration excludes one case that received a consecutive sentence.

⁴ A "true prior" is defined as an offense with a disposition date before the date the FRPO offense was committed. "True prior," within the meaning of this report, is not a statutory or Guidelines term, and may or may not correlate with statutory or Guidelines terms such as "prior," "previous," or "subsequent."

Table 2 compares, by the categories of sex, race or ethnicity, and judicial district, the population of felony FRPO cases sentenced in 2019 that did not receive a mitigated dispositional departure with the 2019 estimated state adult population. Within those comparison categories, Table 2 also calculates the rate of cases sentenced in 2019 per 100,000 Minnesota residents age 18 and older on July 1 of the respective year.

Table 2. FRPO Cases Sentenced, Received Presumptive Disposition (Prison), 2019, by Gender, Race/Ethnicity, and Judicial District, Compared to 2019 Estimated Adult Population

	Cases Sentenced in 2019		U.S. Census Category	2019 Estimated Adult Population		Cases Sentenced per 100,000	
	MSGC Category	Number		Percent	Number		Percent
	Male	204	98.6%	Male	2,144,041	49.4%	9.5
	Female	3	1.4%	Female	2,192,434	50.6%	0.1
Race & Ethnicity	White	108	52.2%	White*	3,629,537	83.7%	3.0
	Black	65	31.4%	Black or African American*	278,909	6.4%	23.3
	American Indian	15	7.2%	American Indian*	66,414	1.5%	22.6
	Hispanic**	17	8.2%	Hispanic**	197,548	4.6%	8.6
	Asian	2	1.0%	Asian*	228,242	5.3%	0.9
	Other/Unknown	0	0.0%	Native Hawaiian/Other Pacific Islander*	4,975	0.1%	0.0
Judicial District***	First	16	7.7%	First	608,254	14.0%	2.6
	Second	36	17.4%	Second	422,368	9.7%	8.5
	Third	21	10.1%	Third	372,086	8.6%	5.6
	Fourth	31	15.0%	Fourth	989,707	22.8%	3.1
	Fifth	26	12.6%	Fifth	221,404	5.1%	11.7
	Sixth	11	5.3%	Sixth	202,578	4.7%	5.4
	Seventh	20	9.7%	Seventh	379,092	8.7%	5.3
	Eighth	9	4.3%	Eighth	122,619	2.8%	7.3
	Ninth	17	8.2%	Ninth	264,123	6.1%	6.4
	Tenth	20	9.7%	Tenth	754,244	17.4%	2.7
	Total	207	100.0%	Total	4,336,475	100.0%	4.8

Source of July 1, 2019, population estimate: U.S. Census Bureau (Sept. 2020).

*Not Hispanic, alone or in combination with one or more other races. The sum of percentages of residents in each racial or ethnic category exceeds 100 percent (101.6%) because residents of more than one race are counted in more than one category.

**Table 2 lists all Hispanic offenders and residents as Hispanic, regardless of race.

***The MSGC category of "Other/Unknown" is not a valid comparison group to the U.S. Census category of "Native Hawaiian/Other Pacific Islander."

Table 3 compares, by the categories of sex, race or ethnicity, and judicial district, the population of felony FRPO cases sentenced in 2019 that received a mitigated dispositional departure with the 2019 estimated state adult population. Within those comparison categories, Table 3 also calculates the rate of cases sentenced in 2019 per 100,000 Minnesota residents age 18 and older on July 1 of the respective year.

Table 3. FRPO Cases that Received a Mitigated Dispositional Departure, 2019, by Gender, Race/Ethnicity, and Judicial District, Compared to 2019 Estimated Adult Population

	MSGC Category	Cases Sentenced in 2019		U.S. Census Category	2019 Estimated Adult Population		Cases Sentenced per 100,000
		Number	Percent		Number	Percent	
	Male	195	98.5%	Male	2,144,041	49.4%	9.1
	Female	3	1.5%	Female	2,192,434	50.6%	0.1
Race & Ethnicity	White	108	54.5%	White*	3,629,537	83.7%	3.0
	Black	62	31.3%	Black or African American*	278,909	6.4%	22.2
	American Indian	14	7.1%	American Indian*	66,414	1.5%	21.1
	Hispanic**	13	6.6%	Hispanic**	197,548	4.6%	6.6
	Asian	1	0.5%	Asian*	228,242	5.3%	0.4
	Other/Unknown	0	0.0%	Native Hawaiian/Other Pacific Islander*	4,975	0.1%	0.0
Judicial District***	First	17	8.6%	First	608,254	14.0%	2.8
	Second	40	20.2%	Second	422,368	9.7%	9.5
	Third	24	12.1%	Third	372,086	8.6%	6.5
	Fourth	28	14.1%	Fourth	989,707	22.8%	2.8
	Fifth	24	12.1%	Fifth	221,404	5.1%	10.8
	Sixth	4	2.0%	Sixth	202,578	4.7%	2.0
	Seventh	12	6.1%	Seventh	379,092	8.7%	3.2
	Eighth	10	5.1%	Eighth	122,619	2.8%	8.2
	Ninth	14	7.1%	Ninth	264,123	6.1%	5.3
	Tenth	25	12.6%	Tenth	754,244	17.4%	3.3
	Total	198	100.0%	Total	4,336,475	100.0%	4.6

Source of July 1, 2019, population estimate: U.S. Census Bureau (Sept. 2020).

*Not Hispanic, alone or in combination with one or more other races. The sum of percentages of residents in each racial or ethnic category exceeds 100 percent (101.6%) because residents of more than one race are counted in more than one category.

**Table 3 lists all Hispanic offenders and residents as Hispanic, regardless of race.

***The MSGC category of "Other/Unknown" is not a valid comparison group to the U.S. Census category of "Native Hawaiian/Other Pacific Islander."

Table 4 compares, by the categories of sex, race or ethnicity, and judicial district, the population of all felony FRPO cases sentenced in 2019 with the 2019 estimated state adult population. Within those comparison categories, Table 4 also calculates the rate of cases sentenced in 2019 per 100,000 Minnesota residents age 18 and older on July 1 of the respective year.

Table 4. FRPO Cases Sentenced, 2019, by Gender, Race/Ethnicity, and Judicial District, Compared to 2019 Estimated Adult Population

	MSGC Category	Cases Sentenced in 2019		U.S. Census Category	2019 Estimated Adult Population		Cases Sentenced per 100,000
		Number	Percent		Number	Percent	
	Male	399	98.5%	Male	2,144,041	49.4%	18.6
	Female	6	1.5%	Female	2,192,434	50.6%	0.3
Race & Ethnicity	White	216	53.3%	White*	3,629,537	83.7%	6.0
	Black	127	31.4%	Black or African American*	278,909	6.4%	45.5
	American Indian	29	7.2%	American Indian*	66,414	1.5%	43.7
	Hispanic**	30	7.4%	Hispanic**	197,548	4.6%	15.2
	Asian	3	0.7%	Asian*	228,242	5.3%	1.3
	Other/Unknown	0	0.0%	Native Hawaiian/Other Pacific Islander*	4,975	0.1%	0.0
	Judicial District***	First	33	8.1%	First	608,254	14.0%
Second		76	18.8%	Second	422,368	9.7%	18.0
Third		45	11.1%	Third	372,086	8.6%	12.1
Fourth		59	14.6%	Fourth	989,707	22.8%	6.0
Fifth		50	12.3%	Fifth	221,404	5.1%	22.6
Sixth		15	3.7%	Sixth	202,578	4.7%	7.4
Seventh		32	7.9%	Seventh	379,092	8.7%	8.4
Eighth		19	4.7%	Eighth	122,619	2.8%	15.5
Ninth		31	7.7%	Ninth	264,123	6.1%	11.7
Tenth		45	11.1%	Tenth	754,244	17.4%	6.0
	Total	405	100.0%	Total	4,336,475	100.0%	9.3

Source of July 1, 2019, population estimate: U.S. Census Bureau (Sept. 2020).

*Not Hispanic, alone or in combination with one or more other races. The sum of percentages of residents in each racial or ethnic category exceeds 100 percent (101.6%) because residents of more than one race are counted in more than one category.

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