



Severe Violent Crimes—Overview and Decision Points

MSGC Staff Presentation

July 26, 2018

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1

Severe Violent Crimes —Decision Points

1. List of Offenses vs Severity Levels
2. All Priors vs True Priors
3. Criminal History Score vs Enhanced Sentence Durations
 - ❖ If Enhanced, review how consecutive sentences would apply

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2

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1. List of Offenses vs Severity Levels

List of Offenses

- An offense is a severe violent crime if it is on the list designated by the Commission to be severe violent crimes.

Statute	Offense Description	Statutory Maximum	Severity Level	Attempts	Include 609.11
609.185	Murder 1	Life/20 yrs.	Off-Grid	Yes	Yes
609.2661	Murder 1 – Unborn Child	Life/20 yrs.	Off-Grid	Yes	Yes
609.19, subd. 1	Murder 2 – Intentional/drive-by shooting	40 years	11	Yes	Yes
609.19, subd. 2	Murder 2 – Unintentional	40 years	10	Yes	Yes
609.2662	Murder 2 – Unborn Child	40 years	10 or 11	Yes	Yes
609.195(a)	Murder 3 – eminently dangerous act and evincing depraved mind	25 years	10	No	Yes
609.2663	Murder 3 – Unborn Child	25 years	10	No	Yes
609.221	Assault 1 – great bodily harm/peace officer	20 years	9	No	Yes
609.222, subd. 2	Assault 2 – dangerous weapon and substantial bodily harm	10 years	6	No	Yes
609.245, subd. 1	Aggravated Robbery 1 st Degree – weapon/fake weapon/bodily harm	20 years	8	No	Yes
609.25, subd. 2(2)	Kidnapping – unsafe release	40 years	8	No	Yes
609.25, subd. 2(2)	Kidnapping – unsafe release/under 16	40 years	8	No	Yes
609.25, subd. 2(2)	Kidnapping – great bodily harm	40 years	9	No	Yes
609.282	Labor Trafficking	20/15 yrs.	Unranked	No	Yes
609.342, subd. 1(c), (d), (e), (f)	First-Degree Criminal Sexual Conduct (force, weapon, injury, accomplice)	30 years	A	No	Yes
609.343, subd. 1(c), (d), (e), (f)	Second-Degree Criminal Sexual Conduct (force, weapon, injury, accomplice)	25 years	B	No	Yes
609.498, subd. 1b	Aggravated First-Degree Witness Tampering	20 years	9	No	Yes
609.561, subd. 1, 2	First-Degree Arson	20 years	8	No	Yes
609.66, subd. 1c(b)	Drive-By Shooting – at person, occupied building/motor vehicle	10 years	8	No	Yes

1. List of Offenses vs Severity Levels

Severity Levels

- An offense is a severe violent crime based on its severity-level ranking e.g., Severity Levels 8-11

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in italics)	CRIMINAL HISTORY SCORE							
	0	1	2	3	4	5	6 or more	
<i>Murder, 2nd Degree (intentional murder; drive-by-shootings)</i>	11	306 261-367	326 278-392	346 295-415	366 312-439	386 329-463	406 346-480 ²	426 363-480 ²
<i>Murder, 3rd Degree</i>	10	150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
<i>Murder, 2nd Degree (unintentional murder)</i>	9	86 74-103	98 84-117	110 94-132	122 104-146	134 114-160	146 125-175	158 135-189
<i>Agg. Robbery, 1st Degree; Burglary, 1st Degree (w/ Weapon or Assault)</i>	8	48 41-57	58 50-69	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129
<i>Felony DWI; Financial Exploitation of a Vulnerable Adult</i>	7	36	42	48	54 46-64	60 51-72	66 57-79	72 62-84 ^{1,3}
<i>Assault, 2nd Degree; Burglary, 1st Degree (Occupied Dwelling)</i>	6	21	27	33	39 34-46	45 39-54	51 44-61	57 49-68
<i>Residential Burglary; Simple Robbery</i>	5	18	23	28	33 29-39	38 33-45	43 37-51	48 41-57
<i>Nonresidential Burglary</i>	4	12 ¹	15	18	21	24 21-28	27 23-32	30 26-36
<i>Theft Crimes (Over \$5,000)</i>	3	12 ¹	13	15	17	19 17-22	21 18-25	23 20-27
<i>Theft Crimes (\$5,000 or less); Check Forgery (\$251-\$2,500)</i>	2	12 ¹	12 ¹	13	15	17	19	21 18-25
<i>Assault, 4th Degree; Fleeing a Peace Officer</i>	1	12 ¹	12 ¹	12 ¹	13	15	17	19 17-22

¹ 12¹=One year and one day

Severe Violent Crimes —Decision Points

- List of Offenses vs Severity Levels
- All Priors vs True Priors: Should all prior SVCs be used to enhance, or just “True Priors”- priors sentenced before the current offense was committed.
- Criminal History Score vs Enhanced Sentence Durations
 - ❖ If Enhanced, review how consecutive sentences would apply

2. All Priors Illustrated – One Incident, Multiple Victims

All Priors

- All severe violent crimes count in criminal history regardless of whether they are a “true” prior offense, a series of offenses, or one offense with multiple victims.
- Displayed are the worksheets for one incident with multiple victims-this is a non-true prior

Offender: One, Incident - 06/25/1986

- Court Case (1)
 - Court Case: CR999991 - Hennepin(27) - Conviction Date: 7/18/2016
 - Offense (2)
 - Sentence #2 - Count #2 - 1/23/2016 - Aggravated Robbery-1st Degree
 - Priors (1)
 - F1 - 7/18/2016 - Aggravated Robbery-1st Degree - MN CR999991 - 1.5 Points
 - Total Points/Presumptive Sentence - Reviewed - Commit to Commissioner - 58.0 Months
 - Sentence #1 - Count #1 - 1/23/2016 - Aggravated Robbery-1st Degree
 - Priors (1)
 - F1 - 7/18/2016 - Aggravated Robbery-1st Degree - MN CR999991 - 1.5 Points
 - Total Points/Presumptive Sentence - Reviewed - Commit to Commissioner - 48.0 Months

Count 2,
CHS=1.5

Count 1,
CHS=0

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7

All Priors Illustrated-Serial Offenses

- This is a worksheet for an offender with a series of offenses sentenced on the same day.
- The offenses have different dates of offense-10/25/15, 12/14/15, 12/19/15, and 12/21/15
- All were sentenced after the last offense occurred

Offender: Serial, Offender - 07/14/1988

- Court Case (1)
 - Court Case: CR999993 - Hennepin(27) - Conviction Date: 1/27/2016
 - Offense (1)
 - Sentence #1 - Count #1 - 12/21/2015 - Aggravated Robbery-1st Degree
 - Priors (3)
 - F1 - 1/1/2016 - Aggravated Robbery-1st Degree - MN - 1.5 Points
 - F2 - 1/1/2016 - Aggravated Robbery-1st Degree - MN - 1.5 Points
 - F3 - 1/1/2016 - Aggravated Robbery-1st Degree - MN - 1.5 Points
 - Total Points/Presumptive Sentence - Reviewed - Commit to Commissioner - 88.0 Months

Series of
offenses with
different
offense dates,
sentenced on
same day.

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8

“True Priors” Illustrated

- This is a worksheet for an offender with a true priors
- Date of Offense is 9/6/2015
- He has true priors sentenced in 1999, 2001, and 2003
- He also has a prior offense that was sentenced 1/16-after he committed the current offense

Offender: True, Prior - 01/29/1977

- Court Case (1)
 - Court Case: CR999992 - Hennepin(27) - Conviction Date: 4/21/2016
 - Offense (1)
 - Sentence #1 - Count #1 - 9/6/2015 - Aggravated Robbery-1st Degree
 - Priors (6)
 - F1 - 1/1/2016 - First Degree Aggravated Robbery - MN - 1.5 Points
 - F2 - 10/1/2003 - Armed Robbery/Possess Firearm - GA - 1.5 Points
 - F3 - 11/1/1999 - Armed Robbery - GA - 1.5 Points
 - F4 - 3/1/2001 - Armed Robbery - GA - 1.5 Points
 - F5 - 3/1/2001 - Armed Robbery - GA - 1.5 Points
 - F6 - 3/1/2001 - Armed Robbery - GA - 1.5 Points

Total Points/Presumptive Sentence - Reviewed - Commit to Commissioner - 111.0 Months

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3. Criminal History Score vs Enhanced Sentence Durations

Criminal History Score

- Increase the CHS to 3.0 pts. when the current and prior offenses are severe violent crimes. This is similar to how repeat sex offenses are treated.

SEVERITY LEVEL OF PRIOR OFFENSE	CURRENT POINTS	PROPOSED POINTS
SL 6-8 <i>Includes 2nd degree assault, 1st degree arson, 1st degree aggravated robbery, kidnapping unsafe release</i>	1.5 points	3 points
SL 9-11 <i>Includes murder, 1st degree assault, aggravated 1st degree witness tampering, kidnapping great bodily harm</i>	2 points	3 points
SL A <i>1st degree criminal sexual conduct, with force</i>	2 points <i>(3 if current and prior offense on Sex Grid)</i>	3 points
SL B <i>2nd degree criminal sexual conduct with force</i>	1.5 points <i>(2 if current and prior offense on Sex Grid)</i>	3 points

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11

3. Criminal History Score vs Enhanced Sentence Durations

Enhanced Sentence Durations

- Add time to the presumptive duration when it's a severe violent crime—similar to benefit of gang & aggravated sex trafficking where 6 mos., 12 mos., 24 mos., or 48 mos. is added.; or criminal sexual predatory conduct where 25% or 50% is added.

Illustration of how this may work...

If the severe violent crime is:

- *severity level 6, add 6 mos.*
- *severity level 8, add 12 mos.*
- *severity level 9, add 18 mos.*
- *severity level 10 and 11, add 24 mos.*

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12

3. Criminal History Score vs Enhanced Sentence Durations Policies Applied to Example Cases

Impact of CHS Policy Compared to Sentence Enhancement Policy for Example Criminal History Types

All examples are aggravated robbery offenses at Severity Level 8.

HISTORY TYPE	CHS POLICY	SENTENCE ENHANCEMENT POLICY
Single Incident, Multiple Victims: CHS = 1, Got 58 mo. (mid-point), Range = 50 – 69 mo.	New CHS = 3 Get = 78, Range 67 - 93	Add 12 mo. Get = 70, Range 62 - 81
Serial Offenses: CHS = 4, Got 75 mo. (low-end), Range = 75 – 105 mo.	New CHS = 8 Get = 92, Range 92 - 129	Add 12 mo. Get = 87, Range 87 - 117
True Prior(s): CHS = 10, Got 111 mo. (mid-point), Range = 95 – 132 mo.	New CHS = 17 Get = 111 (no change)	Add 12 mo. Get = 123, Range 109 - 141

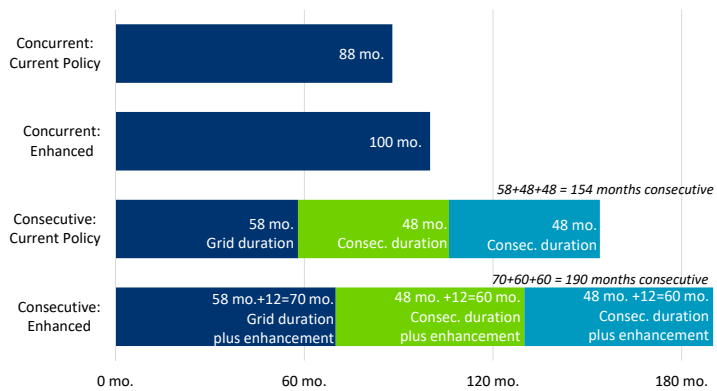
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13

Interplay Between Sentence Enhancement and Consecutive Sentences

- Current Policy: Durations at CHS 0 used for consecutive sentences.
- Should the enhancement be added if there is a consecutive sentence?
- The enhanced duration is applied in other enhanced offenses, like Benefit of a Gang.
- Illustration (right) shows three current sentences for a severity level 8 offense e.g., aggravated robbery (with one true prior aggravated robbery)

Concurrent vs Consecutive
Current Policy vs Enhanced Sentence



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14