

Criminal History Score Overview

Part I: Introduction

MINNESOTA SENTENCING GUIDELINES COMMISSION

MARCH 23, 2016

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

Source: D.G. Parent, *Structuring Criminal Sentences* (1988)

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

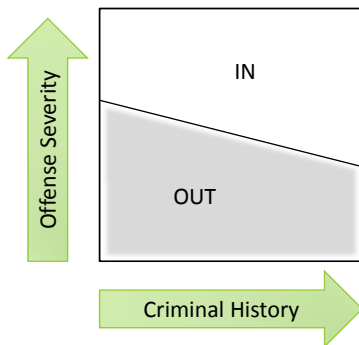
Alternative view: Criminal history score is a crude proxy for risk

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

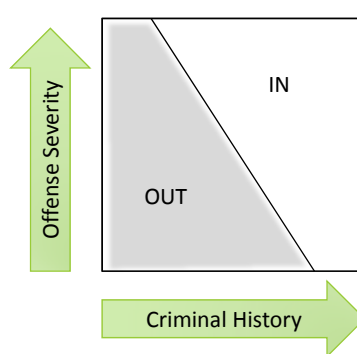
Source: D.G. Parent, *Structuring Criminal Sentences* (1988)

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

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



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

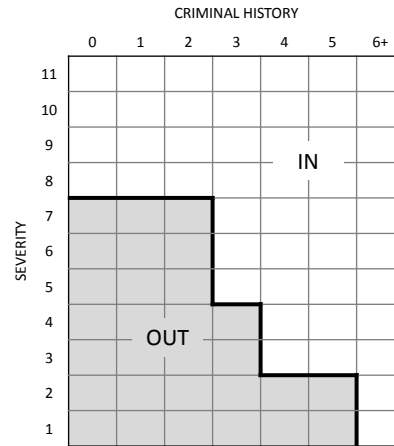


Source: D.G. Parent, *Structuring Criminal Sentences* (1988)

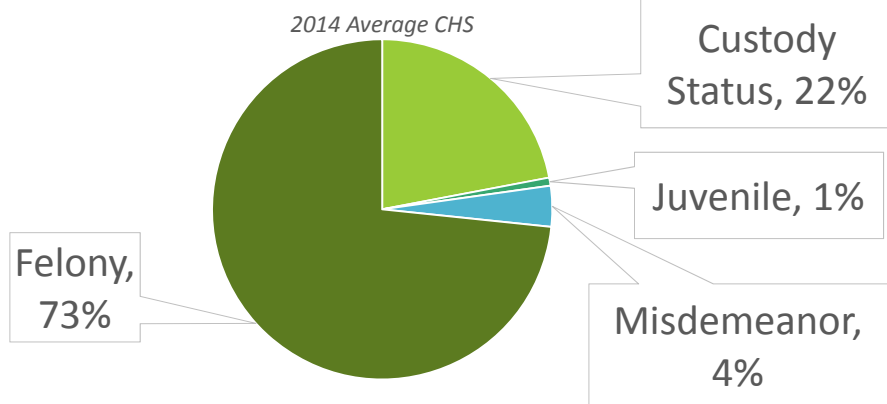
Current Guidelines employ mixed dispositional model

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

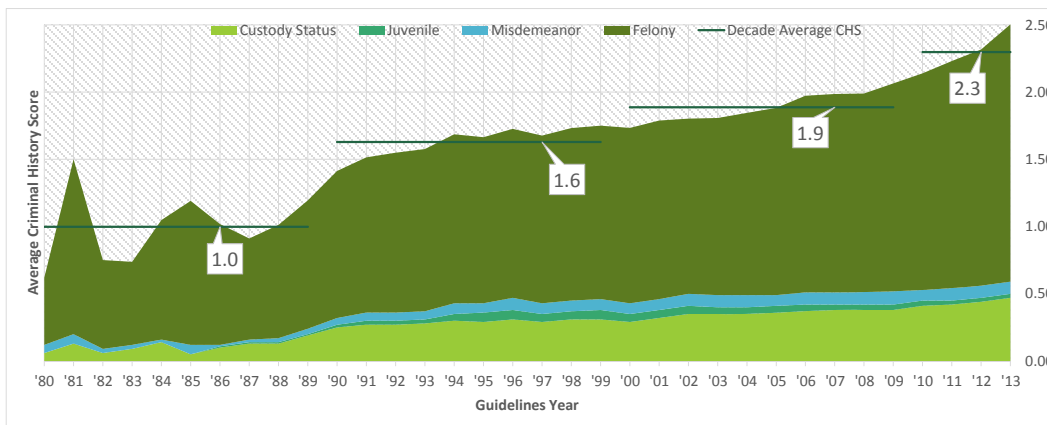
Some criminal histories are great enough to warrant prison, regardless of offense severity



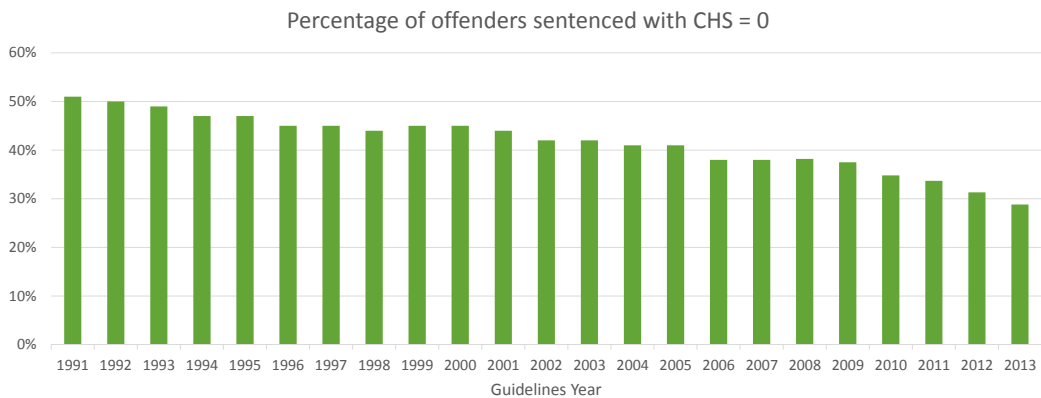
Four components of Minnesota's criminal history score



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