
2019 Probation Revocations

Offenders Sentenced from 2004–2018
Revoked to Prison through 2019

Published September 2, 2020



MINNESOTA

SENTENCING GUIDELINES COMMISSION

658 Cedar Street, Suite G-58

Saint Paul, MN 55155

Voice: (651) 296-0144

Website: <http://mn.gov/sentencing-guidelines>

Email: sentencing.guidelines@state.mn.us

Persons with hearing or speech disabilities may contact us via their preferred Telecommunications Relay Service.

COMMISSION MEMBERS

Kelly Lyn Mitchell, Chair and Public Member

Christopher Dietzen, Associate Supreme Court Justice (Retired), Designee of the Chief Justice of the Minnesota Supreme Court

Valerie Estrada, Corrections Unit Supervisor, Hennepin County Community Corrections & Rehabilitation

Abby Honold, Public Member

Tonja Honsey, Public Member

Michelle A. Larkin, Minnesota Court of Appeals Judge

Kevin Mark, First Judicial District Court Judge

Cathryn Middlebrook, Chief Appellate Public Defender

Salim Omari, Saint Paul Police Sergeant

Paul Schnell, Commissioner of Corrections

Vacant, County Attorney

COMMISSION STAFF

Nathaniel J. Reitz, Executive Director

Nicole Jasperson, Research Analyst

Kathleen Madland, Research Analyst Intermediate

Linda McBrayer, Management Analyst 4

Jill Payne, Senior Research Analysis Specialist

Anne Wall, Senior Research Analysis Specialist

ABOUT THIS REPORT

This data report has been prepared by the research staff of the Minnesota Sentencing Guidelines Commission 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 report 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.

Table of Contents

Introduction	1
Data Summary	2
Volume of Cases and Revocation Data by Year	2
Revocation Data by Year Sentenced	4
Combined Revocation Data, 2004–2018	6
Revocation Rates by Offense Type	6
Revocation Rates by Gender, Race & Ethnicity	8
Revocation Rates by Judicial District	10
Revocation Rates by Dispositional Departures.....	11
Revocation Rates by County	12
Appendixes	15
Appendix 1. Procedures for Calculating Revocations	15
Appendix 2. Average Pronounced Probation Lengths	16
Appendix 3. How the Guidelines Work.....	18
Appendix 4. Minnesota Judicial District Map	19

Table of Figures and Tables

Figure 1. Number of Offenders Sentenced to Probation or Prison by Year Sentenced, 2004–2018.....	3
Figure 2. Percent of Offenders Revoked by Year Sentenced, 2004–2018, Revoked through 2019.....	5
Figure 3. Probation Revocation Rates by Offense Type, Sentenced 2004–2018, Revoked through 2019	6
Table 1. Probation Revocation Rates by Offense Groups	7
Figure 4. Probation Revocation Rates by Race & Ethnicity, Sentenced 2004–2017, Revoked through 2019	8
Figure 5. Probation Revocation Rates by Gender by Race & Ethnicity, Sentenced 2004–2018, Revoked through 2019.....	9
Figure 7. Probation Revocation Rates by Judicial District, Sentenced 2004–2018, Revoked through 2019	10
Figure 8. Probation Revocation Rates by Judicial District by Race & Ethnicity, Sentenced 2004–2018, Revoked through 2019	11
Figure 9. Probation Revocation Rates by Dispositional Departure, Sentenced 2004–2018, Revoked through 2019	12
Table 2. Revocation Data by County, Sentenced 2004-2018, Sentenced through 2019	12
Figure 10. Average Pronounced Probation Length, in Months, by Offense Type, 2016–2018.....	16
Figure 11. Average Pronounced Probation Length, in Months, by Judicial District, 2016–2018.....	16
Figure 12. Average Pronounced Probation Term, in Months, by District and Offense Type, 2016–2018.....	17

Introduction

The 2019 Minnesota Sentencing Guidelines Commission Probation Revocation Report provides information about felony-level offenders sentenced from 2004 to 2018 who were revoked to prison due to probation violations through year-end 2019.¹ Of all felony offenders in Minnesota initially sentenced to probationary sentences from 2004 to 2018, 15.8 percent had their stayed sentences revoked² due to probation violations, and were committed to state prison, by December 31, 2019.

A probation violation occurs when an offender's behavior or criminality violates conditions of probation but does not result in a new felony conviction for which the offender receives a prison sentence.³ An offender's probation can be revoked if probation revocation proceedings are initiated and the court makes appropriate findings to support the revocation. The court, rather than the Minnesota Department of Corrections (DOC), makes the determination as to whether probation will be revoked.⁴ The majority of revocations occurred within the first two years of receiving a felony probationary sentence. For probationers supervised by DOC-Field Services, the three most frequently cited reasons for probation violations reported in 2019 were alcohol and drug issues (including use, testing, etc.), offender contact issues (unapproved travel out of state, failure to contact agent, etc.), and failure to remain law abiding (including failure to notify agent after any contact with law enforcement).⁵

The probation revocations in this report were analyzed in two ways. First, the revocation data were analyzed by year. That is, as each year of revocation data became available, it was added to the prior years' data to generate a cumulative revocation rate for offenders sentenced each year from 2004 through 2018. Thus, the revocation rate for 2016 shows an increase in this report from the rate that was reported last year because additional probationers who had originally been sentenced in 2016 were revoked in 2018. Second, the data were combined to present total revocation rates for the entire period. Results were broken down by judicial district, race and ethnicity, gender, offense type, departure type, and county.

This report is not intended to be a recidivism study; rather, it describes, in very basic terms, revocation data for felony offenders who were originally sentenced to probation. It is the Commission's intention to update this report annually, when new DOC and Minnesota Sentencing Guidelines Commission (MSGC) data become available for analysis. An explanation of how the Guidelines work, along with the Standard Grid, Sex Offender Grid, and Drug Offender Grid can be found in the Commission's report entitled *2018 Sentencing Practices: Annual Summary Statistics for Felony Offenders*, available at mn.gov/sentencing-guidelines/reports.

¹ Offenders were included in this report if revocation occurred on or before December 31, 2019.

² See Appendix 1 on p. 14 for a more complete explanation of this terminology.

³ The behavior resulting in a probation revocation may include a conviction for a gross misdemeanor or misdemeanor offense. These non-felony convictions would not, in and of themselves, result in the offender going to prison because they do not carry the potential for a DOC prison sentence. However, the non-felony criminal behavior may trigger a probation revocation proceeding on a felony-level case, which may then result in a probation revocation for violating the conditions of felony probation.

⁴ The DOC has the authority to revoke an offender who was on parole or supervised release.

⁵ Source: DOC-Field Services. 3,061 violation reasons for 924 probationers revoked to prison in 2019. Obtained 6/4/2020.

Data Summary

Through the end of 2019, the total revocation rate in Minnesota was 15.8 percent (Table 1, p. 7, and Table 2, p. 12). The majority of revocations occurred within the first two years after being sentenced (Figure 2, p. 5).

Among offense types, offenders convicted of person offenses had the highest rate of revocation at 19.3 percent, while the “other”⁶ category had the lowest at 12 percent (Figure 3, p. 6). As a group, offenders convicted of criminal sexual conduct (CSC) had the highest revocation rates (26.0%).

American Indian offenders had their probation revoked at a higher rate (25.6%) than any other racial or ethnic group (Figure 4, p. 8). American Indian offenders also had the highest revocation rate in each offense type (Figure 6, p. 9) and in each judicial district in Minnesota (Figure 8, p. 11).

The First Judicial District had the lowest rate of revocation (10.6%), while the Ninth District had the highest (25.0%). Rice County, which is located in the Third Judicial District, had the lowest revocation rate (7.9%), and Beltrami County, which is in the Ninth Judicial District, had the highest revocation rate (32.3%) (Figure 7, p. 10 and Table 2, p. 12). Revocation rates tended to be higher for offenders for whom the Guidelines had originally recommended prison (Figure 9, p. 12).

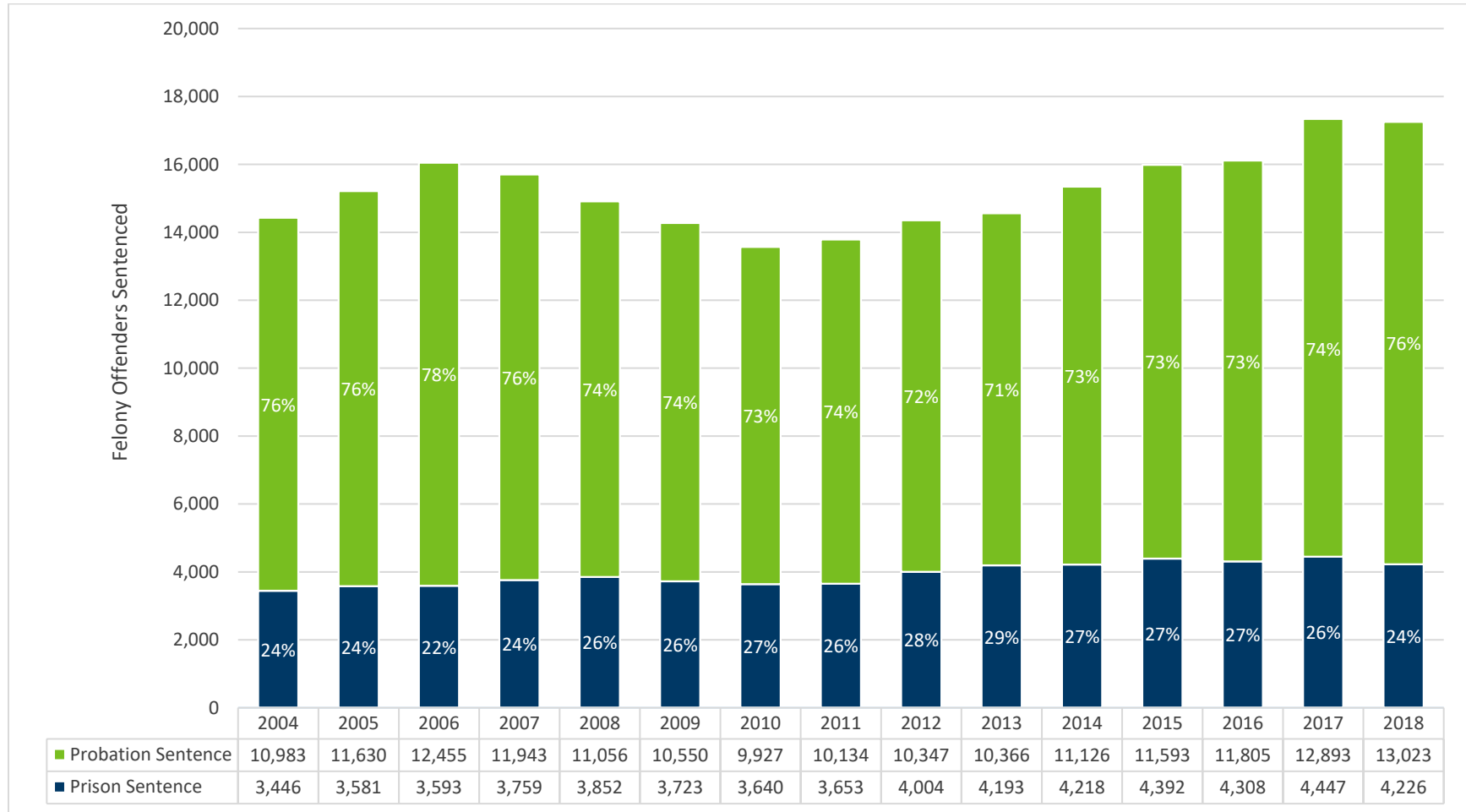
Volume of Cases and Revocation Data by Year

Figure 1 (p. 3) illustrates the total number of offenders sentenced to prison or probation for felony convictions from 2004 to 2018. Offenders are displayed by the type of sentence received. Excluded from Figure 1 are offenders who received a misdemeanor or gross misdemeanor sentence, or fine-only sentence, for a felony offense. These offenders are not subject to imprisonment as a result of a probation violation. On average, for people who were sentenced to either prison or probation, 75 percent were placed on probation and 25 percent were committed to prison.

Among those placed on probation, the length of probation varies by offense type and judicial district. More information on pronounced probation durations may be found in Appendix 2 on page 16.

⁶ “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

Figure 1. Number of Offenders Sentenced to Probation or Prison by Year Sentenced, 2004–2018



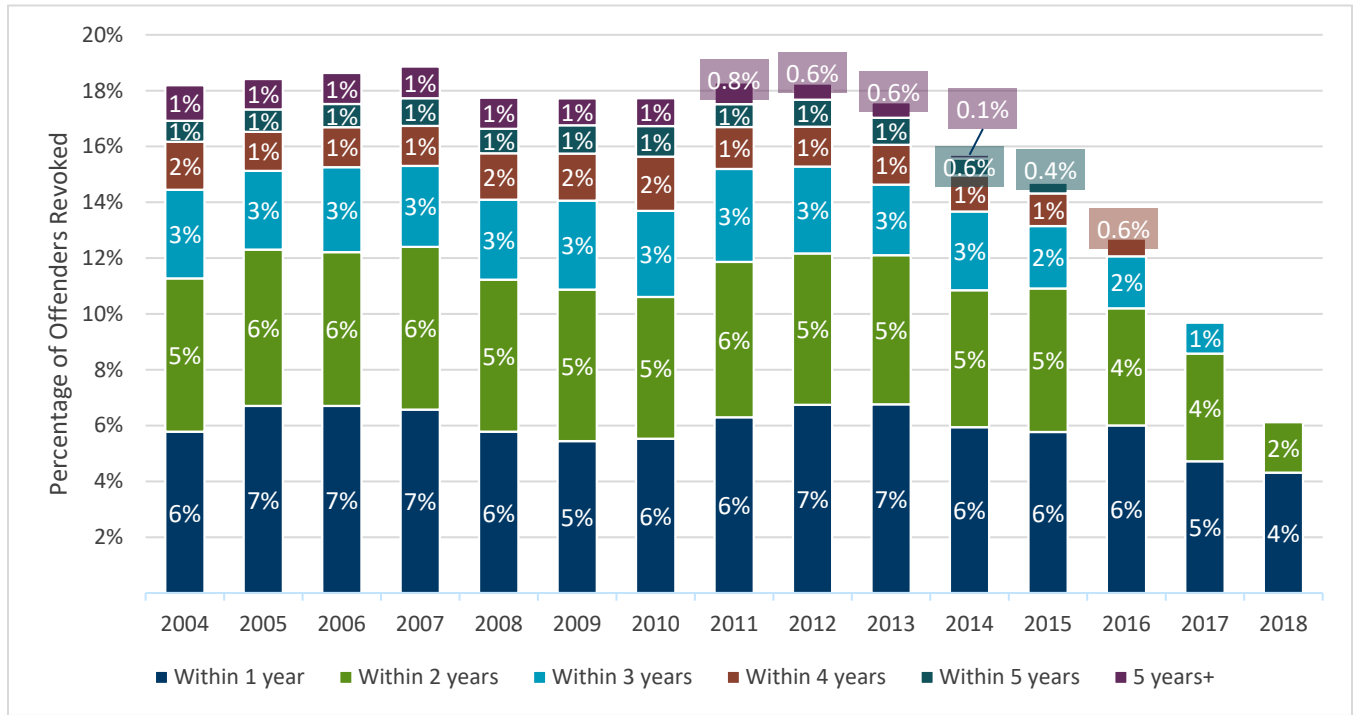
Revocation Data by Year Sentenced

While the total revocation rate is 15.8 percent, for most years for which six or more years of revocation data are available (cases sentenced 2004–2013) the revocation rate is about 18 percent. In Figure 2, the revocation data are presented by year sentenced.⁷ Revocation data reported for the most recent years are incomplete. Offenders sentenced more recently have had less time at risk for revocation than offenders sentenced in earlier years. It is expected that the numbers for the more recent years will increase as more time passes, and as more data are added to this report.

The majority of revocations occurred within the first two years of receiving a felony probationary sentence (Figure 2). In 2018, four percent were revoked within the first year of being sentenced to probation. Of offenders sentenced in 2017, five percent were revoked within the first year and another four percent were revoked within the second year. Of the offenders who were sentenced to probation in 2004, six percent were revoked to prison within one year of being sentenced, another six percent were revoked within the second year, three percent within the third year, two percent within the fourth year, one percent within the fifth year, and another one percent after five years.

⁷ The data are cumulative, not standardized to a particular timeframe for revocation (e.g., tracking only offenders revoked within a three-year standardized timeframe). MSGC includes all revocations going back to 2004. For each year presented, the last data bar is incomplete. For example, in 2015, the “within 4 years” bar is only a partial year of the data. An offender sentenced in Jan. 2015 would fall in the “within 4 years” category if he/she was revoked at any time between Jan. 2015 and Dec. 2018, but an offender sentenced in Dec. 2015 would fall in that same category between Dec. 2015 and Nov. 2019. Since 2019 revocation data are not available, data are incomplete for the final bar.

Figure 2. Percent of Offenders Revoked by Year Sentenced, 2004–2018, Revoked through 2019



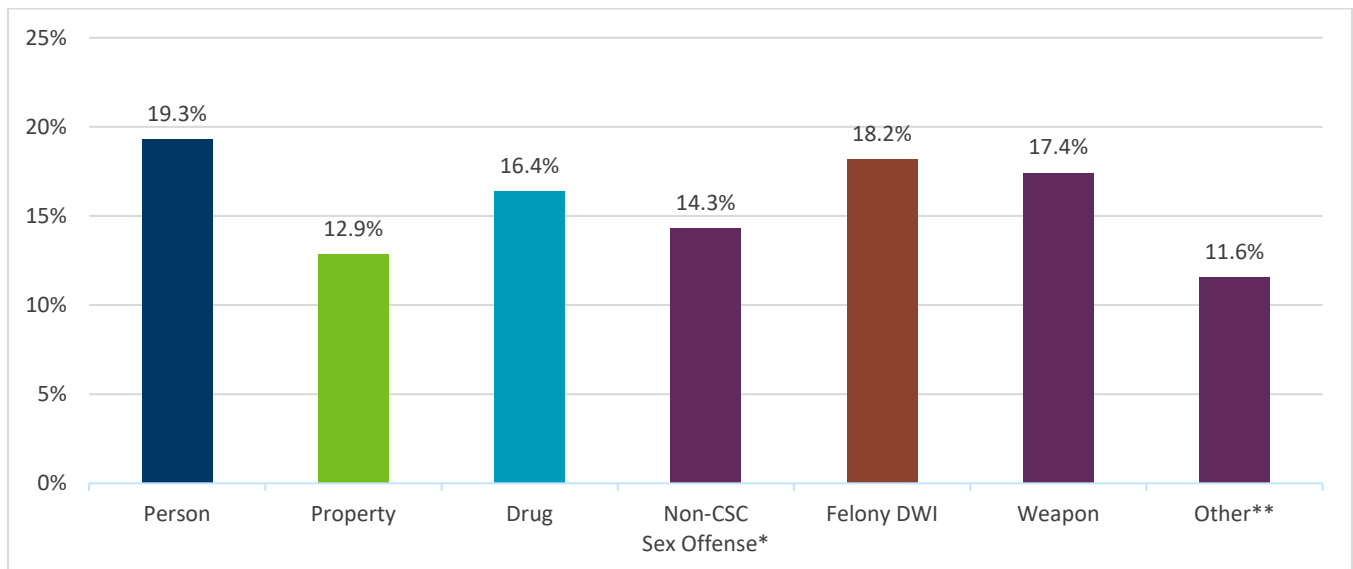
Combined Revocation Data, 2004–2018

In the figures and tables below, the revocation data were combined to provide information on total revocations for all cases sentenced between 2004 and 2018. Through December 31, 2019, the total combined revocation rate for cases sentenced during these years was 15.8 percent.

Revocation Rates by Offense Type

Figure 3 shows the percentage of offenders revoked within each offense type. Offenders convicted of person offenses were revoked at a higher rate. Property and “other” category offenders were revoked at the lowest rates.

Figure 3. Probation Revocation Rates by Offense Type, Sentenced 2004–2018, Revoked through 2019



* Non-CSC sex offense is an offense on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

** “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, other offenses of less frequency.

Table 1 (p. 7) displays revocation rates for offenses organized into general offense groups.⁸ As a group, offenders convicted of criminal sexual conduct (CSC) had the highest revocation rates (26.0%). Among the CSC offenses, second-degree CSC had the lowest revocation rate at 22.9 percent, while third degree had the highest revocation rate at 29.5 percent.

In the assault group, revocation rates for domestic assault by strangulation and first- through fourth-degree assaults ranged from 16 percent to 19 percent, while the revocation rates for fifth-degree assault and domestic assault were higher: 28 percent and 23 percent, respectively.

⁸ Offenses were grouped for easier comparison. It is important to note that there can be variation in revocation rates within these offense groups.

The revocation rates for possession or dissemination of child pornography and failure to register as a predatory offender (14%) were lower than those observed for CSC offenses. These offenses are on the Sex Offender Grid and are included in the non-CSC sex offense group in Table 1.

Among the controlled substance offenses (“Drug,” Table 1), the revocation rate ranged from 14 percent for first-degree to 18 percent for third-degree. The revocation rate was slightly higher for fourth-degree offenses at 21 percent. The revocation rate for fifth-degree offenses, the largest drug offense category, was 16.1 percent.

Among the theft offenses, the revocation rate for motor vehicle theft (20%) was much higher than the rate for theft of movable property (9.6%). The total rate for the general theft offense group was 11.1 percent (Table 1).

Table 1. Probation Revocation Rates by Offense Groups

Offense Type and Offense	Total Number Probation Cases 2003–2018	Total Number Revocations through 12/31/2019	Percentage of Cases Revoked
Person	35,562	8,516	19.3
Murder/Manslaughter	227	287	12.3
Assault	17,361	3,305	19.0
Criminal Sexual Conduct	5,033	1,310	26.0
Robbery	3,181	708	22.3
Threats of Violence/Stalking	11,672	2,587	18.1
Other Person	3,440	450	13.1
Property	55,538	7,149	12.9
Theft	21,335	2,365	11.1
Burglary	12,377	2,377	19.2
Other Property	22,403	2,535	11.3
Drug	48,997	8,024	16.4
First Degree	2,032	279	13.7
Second Degree	2,584	411	15.9
Third Degree	5,720	1,003	17.5
Fourth Degree	1,483	312	21.0
Fifth Degree	36,189	5,829	16.1
Felony DWI	7,343	1,334	18.2
Non-CSC Sex Offense*	3,427	490	14.3
Weapon	2,513	438	17.4
Other**	7,935	917	11.6
Total	169,831	26,868	15.8

* “Non-CSC sex offense” is an offense on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

** “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, other offenses of less frequency.

Revocation Rates by Gender, Race & Ethnicity

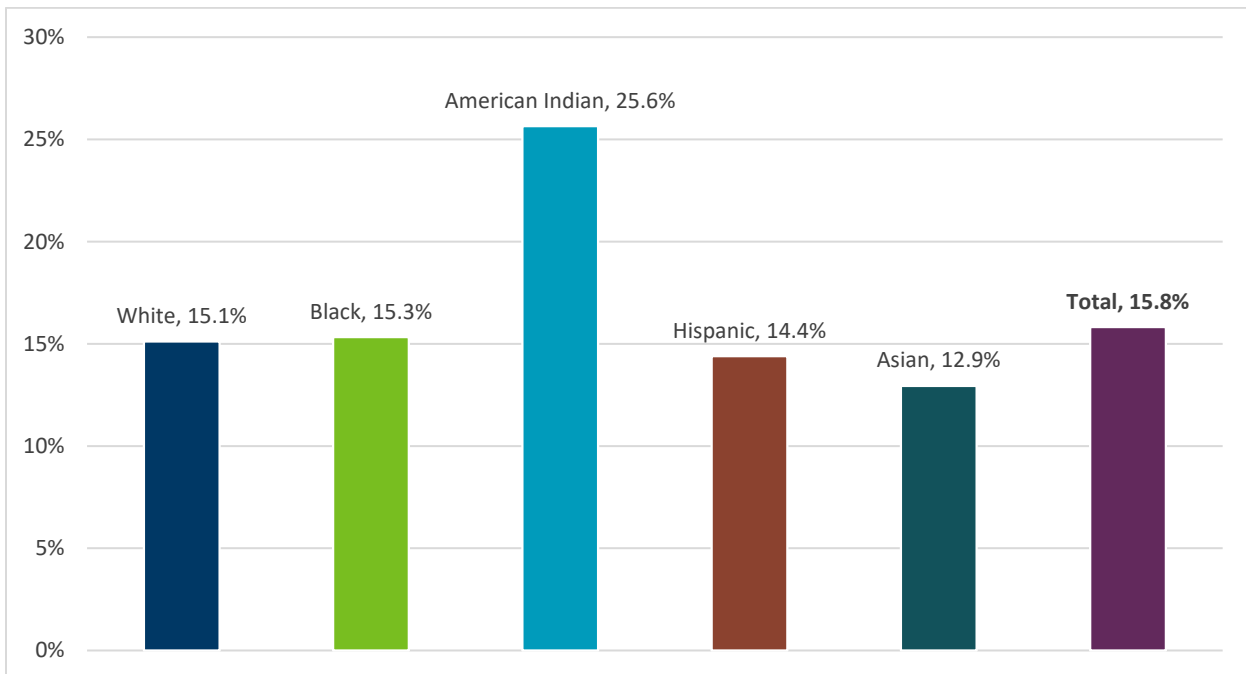
Approximately 79 percent of felony probationers are male and 21 percent are female. Figure 5 (“Total”) shows the percentage of offenders revoked by gender. Male offenders had a higher rate of probation revocation than female offenders (16.6% versus 12.9%).

From 2004 to 2018, 61.7 percent of felony probationers were white, 23.5 percent black, 7.1 percent American Indian, 5.3 percent Hispanic, and 2.5 percent Asian. The racial and ethnic make-up of felony probationers remained fairly constant over this timeframe.

Figure 4 shows probation revocations by race and ethnicity. American Indian offenders have their probation revoked at a higher rate than any other racial or ethnic group. Asian offenders have the lowest rate at 12.9 percent, while the rate for American Indian offenders was 25.6 percent. The average revocation rates for the other groups were approximately 13 to 15 percent.

American Indian offenders had the highest revocation rates for both male and female offenders (Figure 5, p. 9) and the highest revocation rate in each offense type (Figure 6, p. 9).

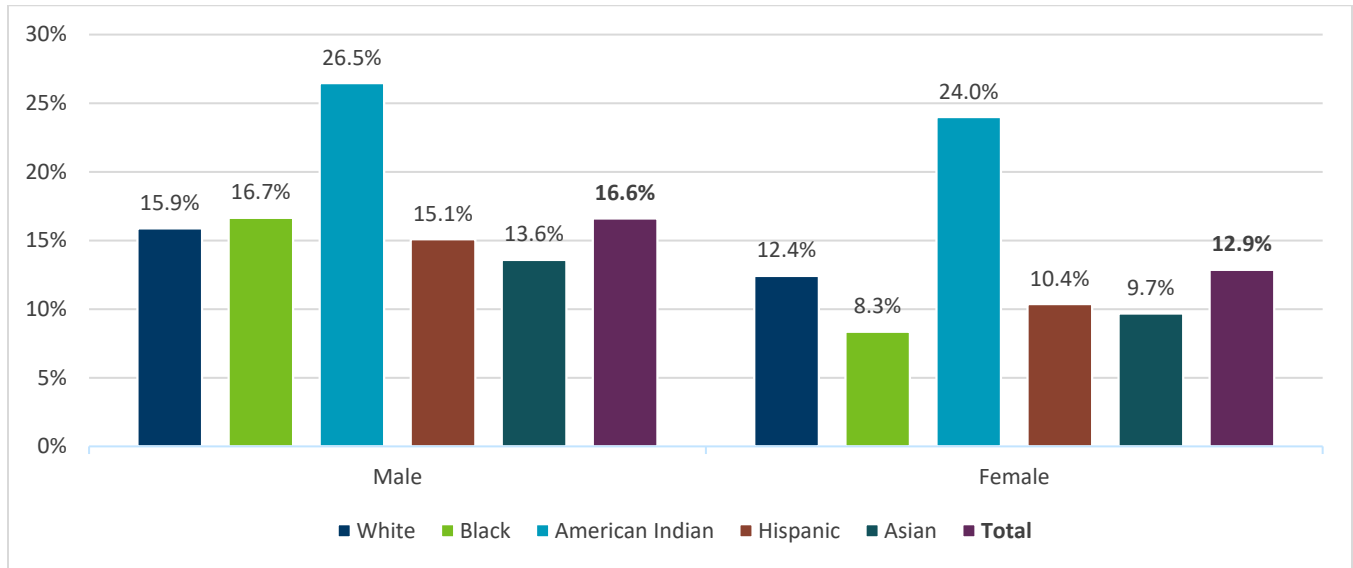
Figure 4. Probation Revocation Rates by Race & Ethnicity, Sentenced 2004–2018, Revoked through 2019



Note: Nine revoked offenders for whom race is “other” or “unknown” were excluded.

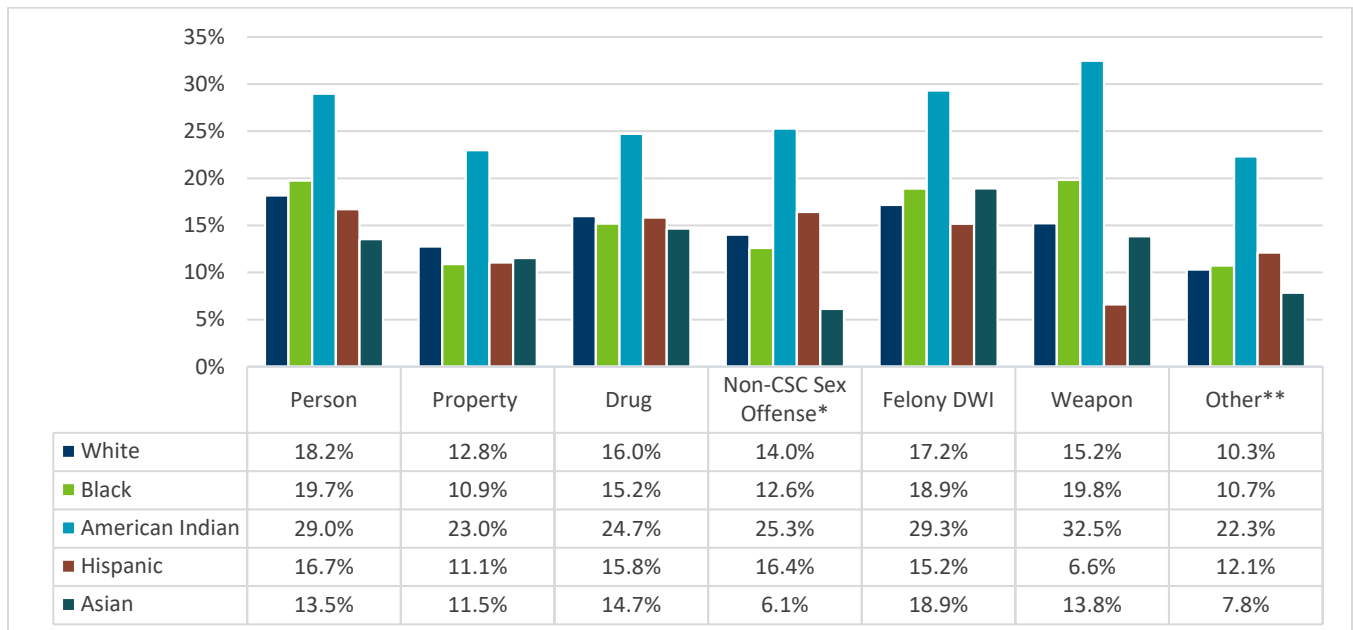
When revocation rates are examined by race & ethnicity and offense type (Figure 6), American Indian offenders have higher revocation rates than other racial and ethnic groups in all offense types. The revocation rates for property offenses are particularly notable because the rates for people of other racial and ethnic groups are, on average, 12 percent, while the rate for American Indians is almost double, at 23 percent.

Figure 5. Probation Revocation Rates by Gender by Race & Ethnicity, Sentenced 2004–2018, Revoked through 2019



Note: Nine offenders for whom race is “other” or “unknown” were excluded

Figure 6. Probation Revocation Rates by Offense Type and Race/Ethnicity, Sentenced 2004–2018, Revoked through 2019



Note: Nine revoked offenders for whom race is “other” or “unknown” were excluded.

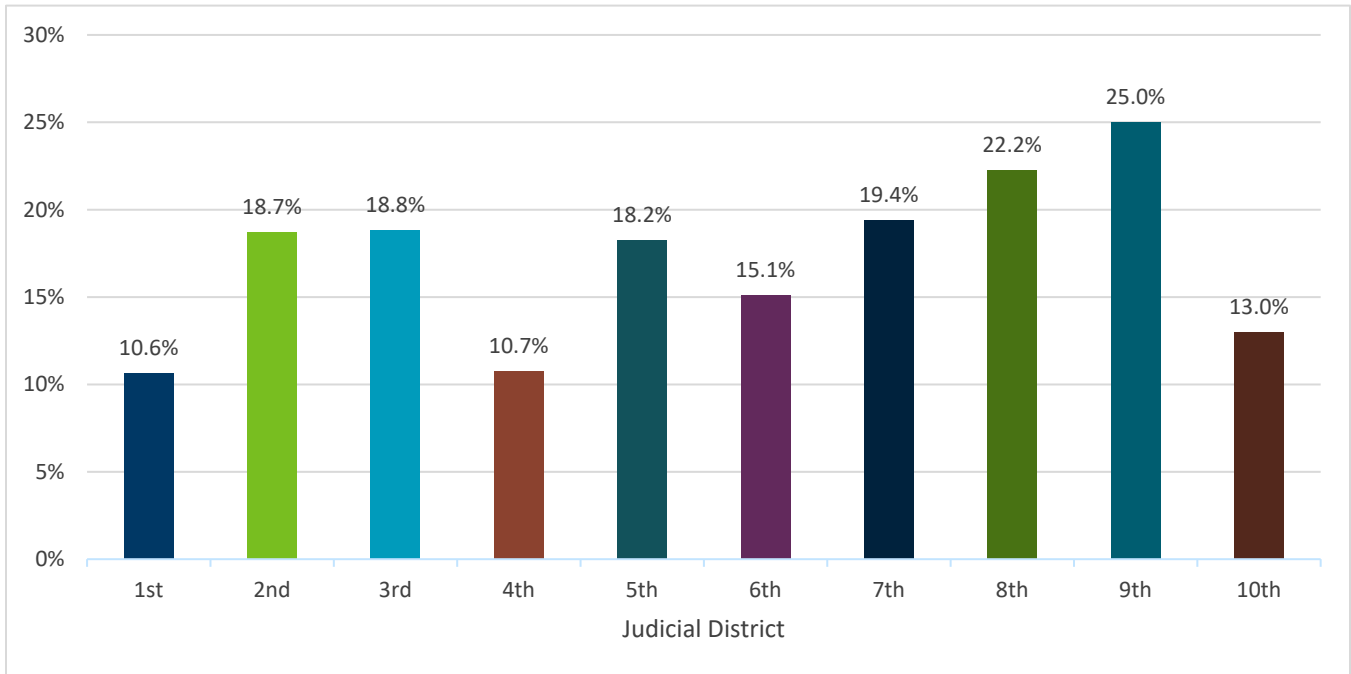
* “Non-CSC sex offense” is an offense on the sex offender grid other than criminal sexual conduct (chiefly failure to register as a predatory offender and possession and dissemination of child pornography).

** “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

Revocation Rates by Judicial District

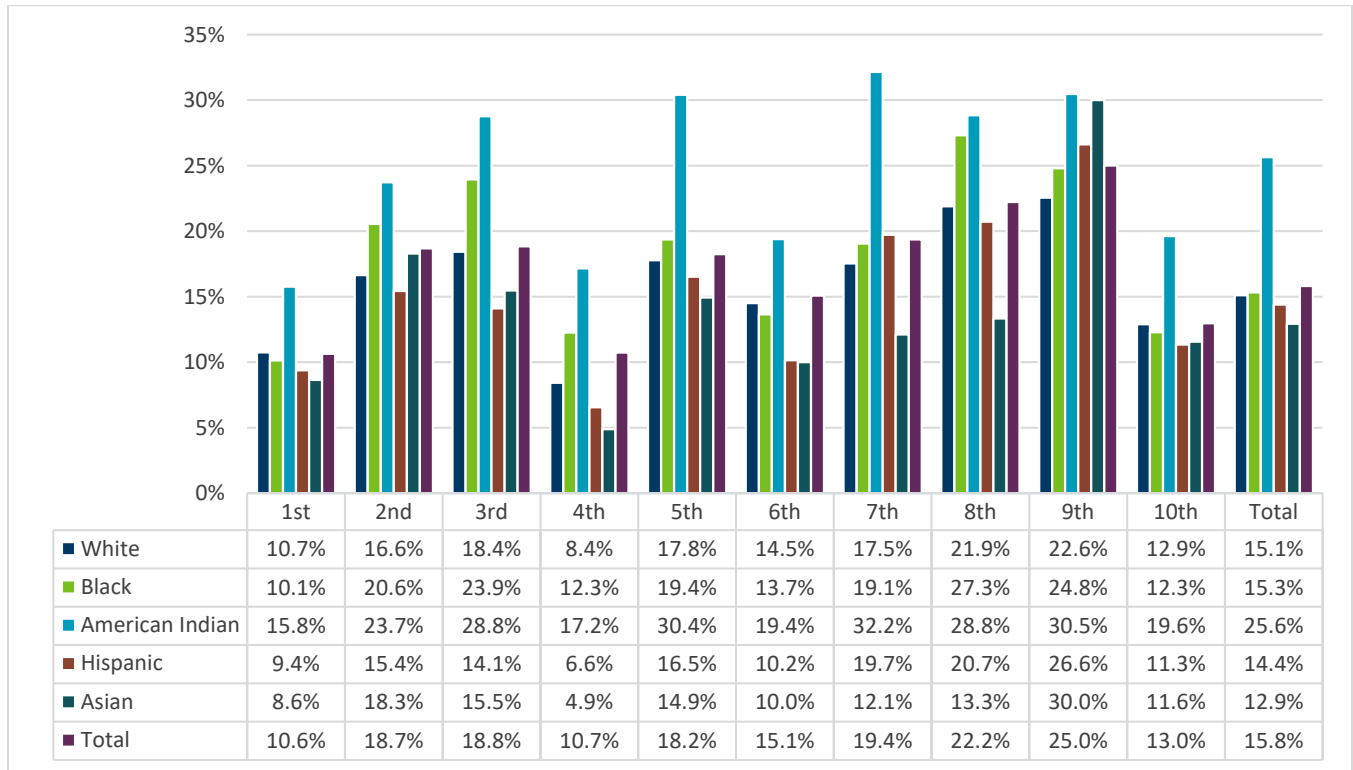
Figure 7 provides revocation rates by Minnesota judicial district. The Eighth Judicial District and Ninth Judicial District have the highest rates of revocation (over 22%), while the First Judicial District and Fourth Judicial District have the lowest (under 11%). See Appendix 4 (p. 15) for a map of Minnesota’s ten judicial districts.

Figure 7. Probation Revocation Rates by Judicial District, Sentenced 2004–2018, Revoked through 2019



The relatively high revocation rate for probationers who are American Indian (Figure 4, p. 8) is not explained by the facts that the Ninth Judicial District has the highest revocation rate among judicial districts (Figure 7) and that American Indians make up a larger proportion of probationers in the Ninth Judicial District than other districts (28.1% of probationers in the Ninth District compared to 5.1% of probationers in other districts). Probationers who are American Indian have the highest revocation rates in all judicial districts (Figure 8, p. 11). Even when the American Indian category is excluded, revocation rates remain highest in the Ninth Judicial District compared with other judicial districts (22.9% in the Ninth District compared to 15.1% statewide).

Figure 8. Probation Revocation Rates by Judicial District by Race & Ethnicity, Sentenced 2004–2018, Revoked through 2019



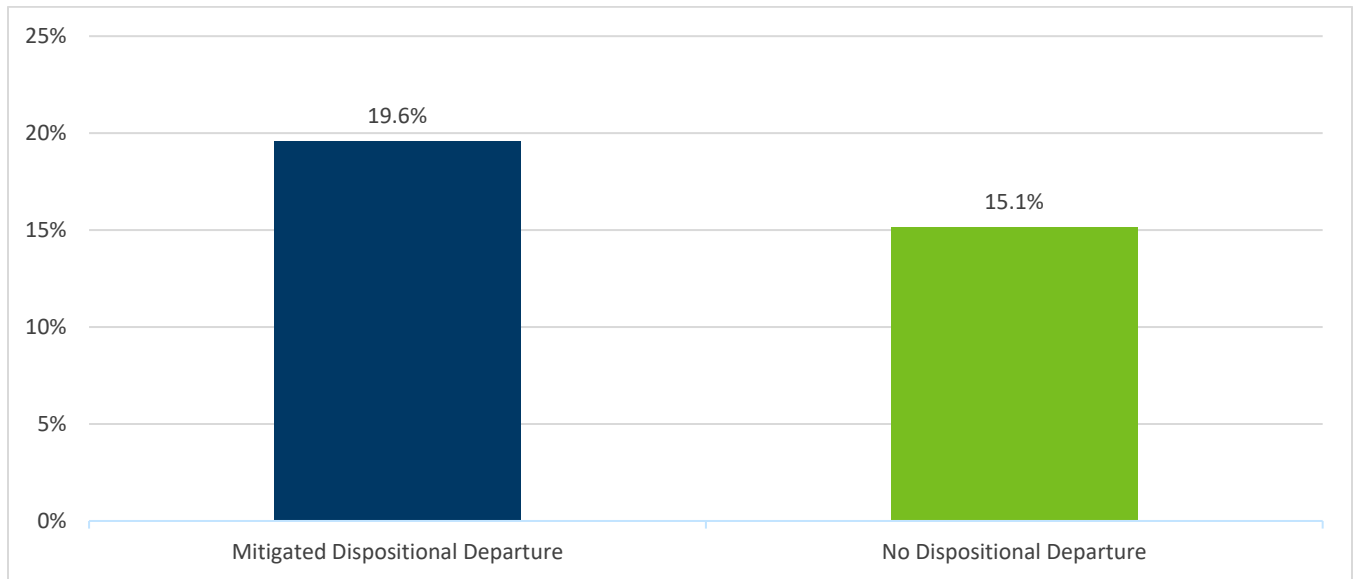
Note: Nine revoked offenders for whom race is “other” or “unknown” were excluded.

Revocation Rates by Dispositional Departures

Revocation rates were higher for offenders who were originally given mitigated dispositional departures at sentencing. A mitigated dispositional departure occurs when the Guidelines recommend a prison sentence, but the court imposes a stayed probationary sentence instead. The Guidelines recommend prison for offenders who either have committed more serious offenses or who have accumulated multiple criminal history points.

Figure 9 shows the revocation rate for offenders who had received mitigated dispositional departures (19.6%) compared with those who had received presumptive probation sentences (15.1%). A total 15 percent of the felony offenders on probation received mitigated dispositional departures. For more information on total departure rates, see MSGC’s report entitled *2018 Sentencing Practices: Annual Summary Statistics for Felony Offenders*, available at mn.gov/sentencing-guidelines/reports.

Figure 9. Probation Revocation Rates by Dispositional Departure, Sentenced 2004–2018, Revoked through 2019



Revocation Rates by County

Table 2. Revocation Data by County, Sentenced 2004-2018, Sentenced through 2019

County	Total Number of Probation Cases 2004–2018	Total Number of Revocations through 12/31/2019	Percentage of Cases Revoked
Aitkin	734	171	23.3
Anoka	9,764	1,160	11.9
Becker	1,602	380	23.7
Beltrami	2,236	723	32.3
Benton	1,558	338	21.7
Big Stone	110	26	23.6
Blue Earth	2,374	396	16.7
Brown	545	102	18.7
Carlton	1,563	128	8.2
Carver	1,547	131	8.5
Cass	1,534	319	20.8
Chippewa	350	87	24.9
Chisago	1,582	222	14.0
Clay	2,331	595	25.5
Clearwater	342	62	18.1
Cook	133	19	14.3
Cottonwood	440	64	14.5
Crow Wing	2,393	594	24.8

County	Total Number of Probation Cases 2004–2018	Total Number of Revocations through 12/31/2019	Percentage of Cases Revoked
Dakota	11,684	1,095	9.4
Dodge	465	106	22.8
Douglas	1,015	167	16.5
Faribault	499	74	14.8
Fillmore	327	60	18.3
Freeborn	1,156	303	26.2
Goodhue	1,706	168	9.8
Grant	107	23	21.5
Hennepin	31,890	3,423	10.7
Houston	531	94	17.7
Hubbard	776	131	16.9
Isanti	1,383	141	10.2
Itasca	2,033	604	29.7
Jackson	299	55	18.4
Kanabec	761	156	20.5
Kandiyohi	1,697	378	22.3
Kittson	90	14	15.6
Koochiching	403	98	24.3
Lac qui Parle	108	15	13.9
Lake	330	52	15.8
Lake of the Woods	123	23	18.7
Le Sueur	515	70	13.6
Lincoln	82	18	22.0
Lyon	922	203	22.0
McLeod	1,289	175	13.6
Mahnomen	806	141	17.5
Marshall	210	42	20.0
Martin	918	234	25.5
Meeker	479	124	25.9
Mille Lacs	1,462	327	22.4
Morrison	1,162	291	25.0
Mower	1,773	491	27.7
Murray	197	28	14.2
Nicollet	621	112	18.0
Nobles	838	93	11.1
Norman	209	62	29.7
Olmsted	4,649	953	20.5
Otter Tail	1,697	228	13.4
Pennington	672	110	16.4
Pine	1,492	127	8.6

County	Total Number of Probation Cases 2004–2018	Total Number of Revocations through 12/31/2019	Percentage of Cases Revoked
Pipestone	252	42	16.7
Polk	1,919	575	30.0
Pope	202	49	24.3
Ramsey	19,998	3,736	18.7
Red Lake	127	16	12.6
Redwood	863	184	21.3
Renville	444	75	16.9
Rice	1,629	128	7.9
Rock	127	17	13.4
Roseau	527	100	19.0
St Louis	8,581	1,402	16.3
Scott	3,677	514	14.0
Sherburne	2,469	300	12.2
Sibley	422	63	14.9
Stearns	5,055	701	13.9
Steele	1,284	196	15.3
Stevens	137	28	20.4
Swift	214	59	27.6
Todd	583	121	20.8
Traverse	104	21	20.2
Wabasha	586	92	15.7
Wadena	590	157	26.6
Waseca	522	115	22.0
Washington	5,469	931	17.0
Watonwan	462	99	21.4
Wilkin	152	31	20.4
Winona	1,561	191	12.2
Wright	2,047	330	10.8
Yellow Medicine	324	69	21.3
Total (Statewide)	169,831	26,868	15.8

Appendixes

Appendix 1. Procedures for Calculating Revocations

This analysis includes felony offenders who initially received a stayed probationary sentence between 2004 and 2018. Offenders were tracked for revocations through December 31, 2019. Probation revocations are determined through a process of matching Department of Corrections (DOC) prison admission data with MSGC sentencing data.⁹ The DOC data include admissions as a result of revocations. An offender who was revoked to prison following a conviction for a new felony crime are classified by DOC as a “new admissions” and are not included in this analysis. MSGC would like to stress the following limitations in this report:

1. This is not intended to be a recidivism study. It describes, in very basic terms, revocation data for felony offenders who were originally sentenced to probation. The analysis does not statistically control for a variety of factors that may influence an offender’s success.
2. The data were not standardized: All offenders sentenced between 2004 and 2018 were tracked through December 31, 2019. Therefore, an offender sentenced to probation on January 2, 2004 is tracked for a longer period of time (fifteen years, 11 months, 30 days), while an offender sentenced to probation on January 2, 2018 is tracked for a shorter period of time (1 year, 11 months, 30 days). It is our intention to update this report annually when new prison admissions data are available from DOC.
3. This analysis captures only revocations due to probation violations. Any revocations due to new felony commitments are excluded. This analysis does include revocations due to new misdemeanor or gross misdemeanor convictions, as well as “technical” violations, as these are all considered violations of the terms of felony probation. Also, this analysis does not account for any previous attempts by the court to “restructure” an offender’s stayed sentence before revoking it.¹⁰
4. MSGC recognizes that offenders are not typically “at risk” for violating terms of probation while they are confined in a jail or workhouse. In the majority of cases, some conditional confinement time was pronounced as part of the initial stayed sentence. For the offenders placed on probation from 2004-2018, the total conditional confinement rate was 89 percent.
5. Although MSGC has data for offenders sentenced in 2019, these offenders have been excluded from this report because there had not been a full calendar year in which to track them while on probation.
6. This report excludes offenders who originally had a stay of adjudication and received a prison sentence upon revocation. A stay of adjudication does not meet the definition of an initial stayed sentence, as described above, because the offender was not convicted.¹¹ This report tracks revocations of probationary sentences imposed following conviction.

⁹ MSGC monitoring data are offender-based; cases represent offenders rather than individual charges. Offenders sentenced within the same county in a one-month period are generally counted once, based on their most serious offense.

¹⁰ See [Minn. Stat. § 609.14](#). Even if considered to be a revocation (of, for example, a stay of imposition), a restructuring of sentence that does not result in commitment to the Commissioner of Corrections is outside the scope of this report.

¹¹ See Minn. Sentencing Guidelines § 2.D.1.e and 2.D.106.

Appendix 2. Average Pronounced Probation Lengths

The following information displays the average pronounced¹² probation length, in months, for felony¹³ cases¹⁴ sentenced from 2017–2019. The average pronounced probation duration was 62.4 months. The most common probation term was 60 months and 86 percent of probation terms were of 5 years or less.

Figure 10 displays the average pronounced probation length by offense type. Criminal sexual conduct offenses received significantly longer probation terms when compared to other offense types.

Figure 10. Average Pronounced Probation Length, in Months, by Offense Type, 2017–2019

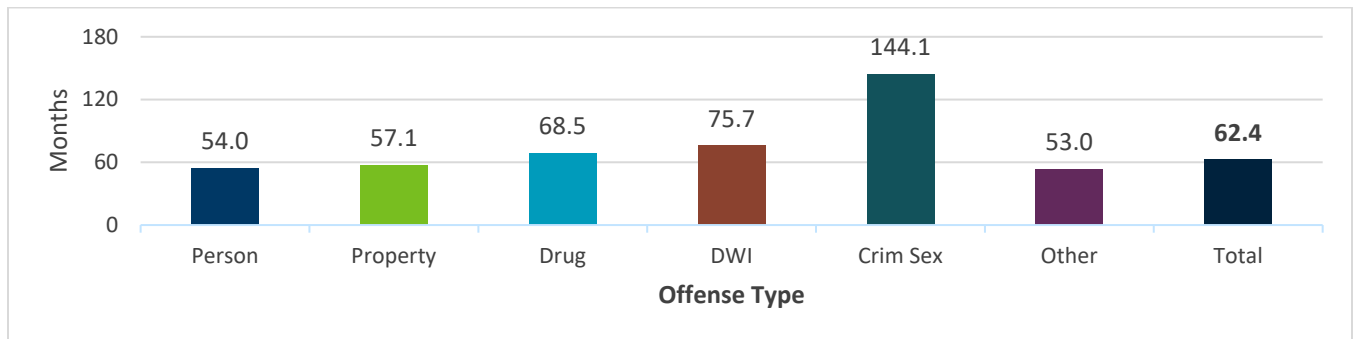
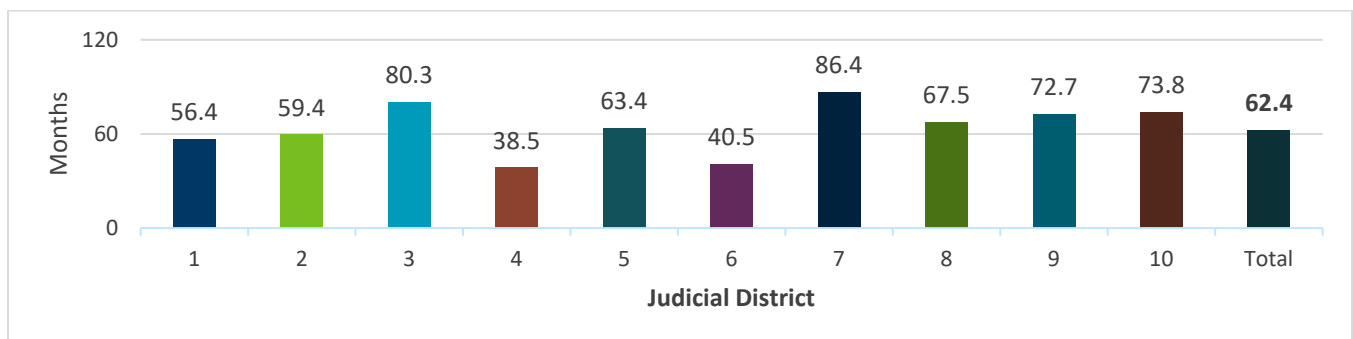


Figure 11 displays average pronounced probation terms by judicial district. While the average pronounced probation term ranged from a low of 38 months in the fourth district to a high of 86 months in the seventh district; in all districts, more than 75 percent of probation terms were of 60 months or less. In the fourth district, 99 percent of probation terms were of 60 months or less; while in the seventh district, 75 percent of probation terms were of 60 months or less.

Figure 11. Average Pronounced Probation Length, in Months, by Judicial District, 2017–2019



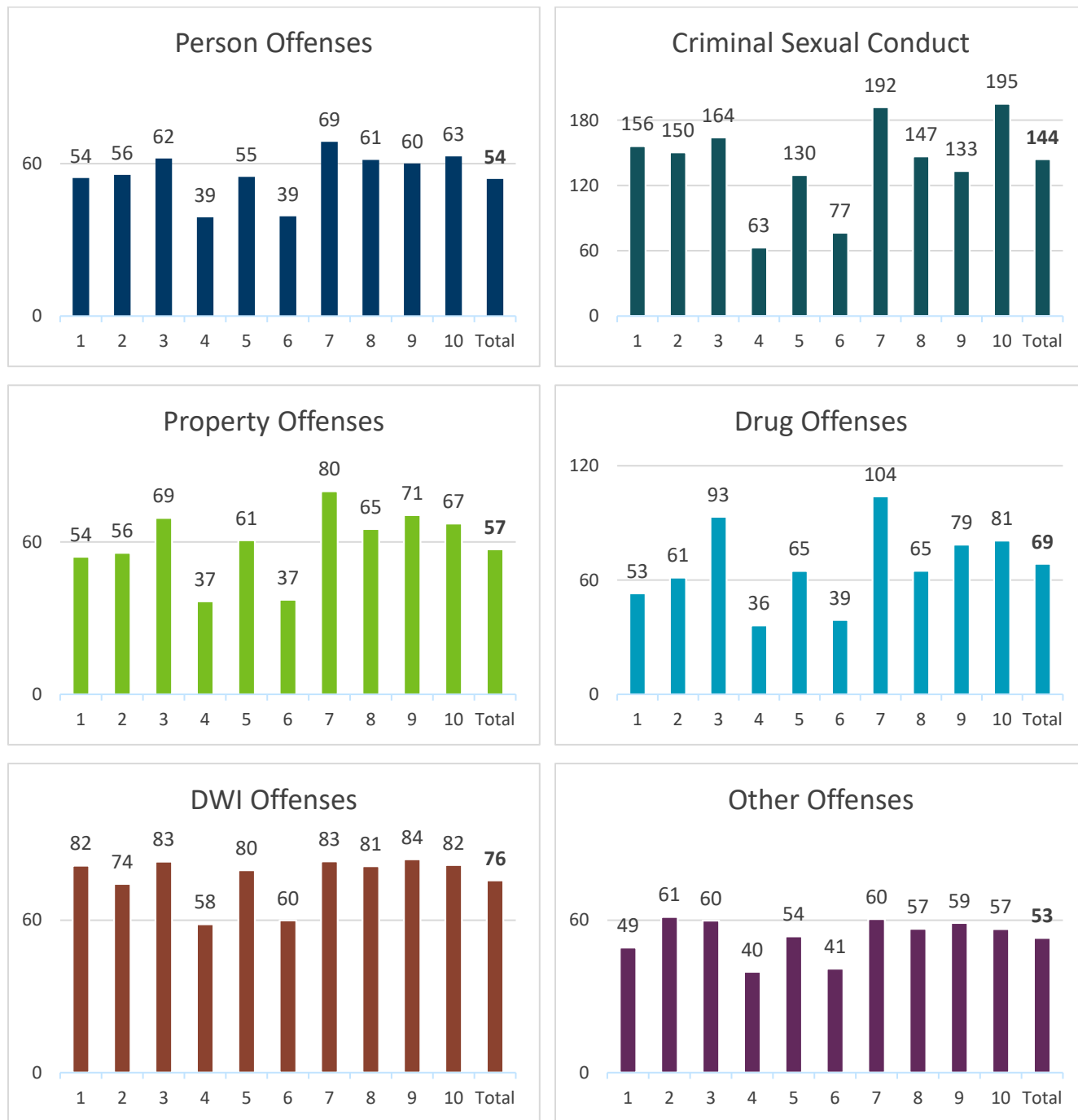
¹² MSGC data does not include how long offenders actually serve on probation before they are discharged.

¹³ Probation terms for felony offenses that received misdemeanor or gross misdemeanor sentences are excluded, as were probation terms of less than one month since such terms involve almost immediate discharges from probation with credit for time served.

¹⁴ Minnesota Sentencing Guidelines Commission 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.

The following set of graphs (Figure 12) display the average pronounced probation terms by offense type and judicial district. For example, from 2017–2019, the average pronounced probation term for person offenses in District 1 was 54 months. Criminal sexual conduct offenses have the longest average pronounced probation term in every district.

Figure 12. Average Pronounced Probation Term, in Months, by District and Offense Type, 2017–2019



Appendix 3. How the Guidelines Work

Minnesota’s guidelines are based on a grid structure. The vertical axis of the Grid represents the **severity** of the offense for which the offender was convicted. The horizontal axis represents a measure of the offender’s **criminal history**. The Commission has ranked felony level offenses into eleven severity levels. Offenses included in each severity level are listed in the **Severity Reference Table** in the *Minnesota Sentencing Guidelines and Commentary*.

The criminal history index measures the offender’s prior record and consists of four measures of prior criminal behavior: (1) a weighted measure of prior felony sentences; (2) a limited measure of prior misdemeanor/gross misdemeanor sentences; (3) a limited measure of the prior serious juvenile record; and (4) a “custody status” measure which indicates if the offender was on probation or parole when the current offense was committed.

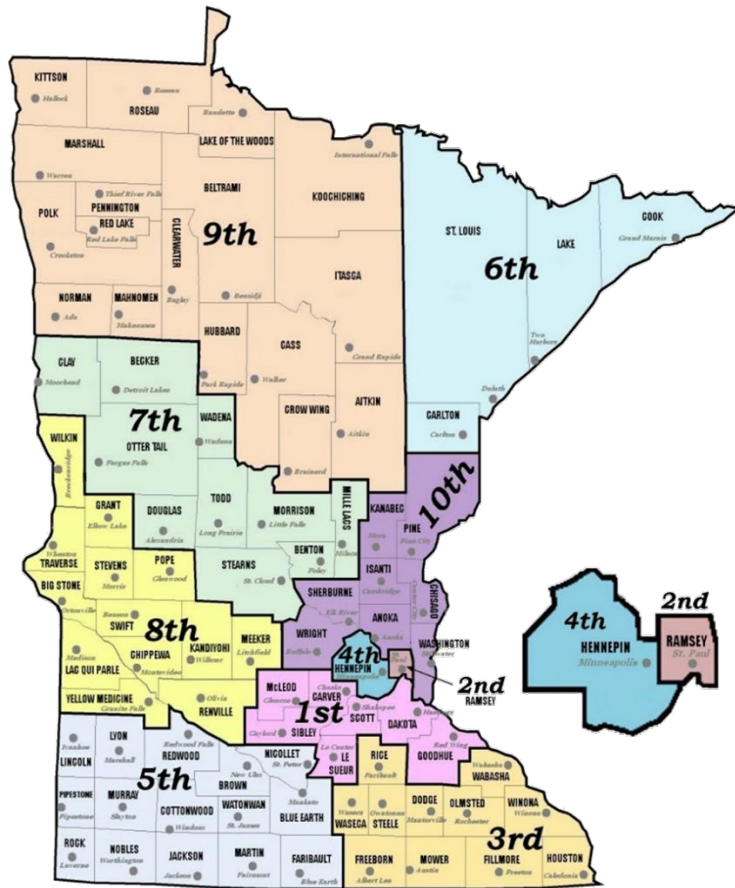
The recommended (presumptive) guideline sentence is found in the cell of the sentencing grid in which the offender’s criminal history score and severity level intersect. The Guidelines recommend imprisonment in a state prison in the non-shaded cells of the grid.

The Guidelines generally recommend a stayed sentence for cells in the shaded area of the applicable Grid. When a sentence is stayed, the court typically places the offender on probation and may require up to a year of local confinement (i.e., local correctional facility, county jail or workhouse) as a condition of probation. Other conditions such as fines, restitution, community work service, treatment, house arrest, etc. may also be applied to an offender’s sentence. There are, however, a number of offenses that carry a presumptive prison sentence regardless of where the offender is on the applicable Guidelines Grid (e.g., offenses involving dangerous weapons which carry mandatory minimum prison terms, and drug and burglary offenses).

The number in the cell is the recommended length of the prison sentence in months. As explained above, sentences in shaded boxes are generally stayed probationary sentences. For cases in the non-shaded cells of the applicable Grid, the Guidelines also provide a narrow range of months around the presumptive duration that a judge may pronounce and still be within the Guidelines.

It is not possible to fully explain all of the policies in this brief summary. Additional information on the Guidelines is available by contacting the Commission’s office. *The Minnesota Sentencing Guidelines and Commentary* is available online at <http://mn.gov/sentencing-guidelines>.

Appendix 4. Minnesota Judicial District Map



<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fourth</u>	<u>Fifth</u>	<u>Sixth</u>	<u>Seventh</u>	<u>Eighth</u>	<u>Ninth</u>	<u>Tenth</u>
Carver	Ramsey	Dodge	Hennepin	Blue Earth	Carlton	Becker	Big Stone	Aitkin	Anoka
Dakota		Fillmore		Brown	Cook	Benton	Chippewa	Beltrami	Chisago
Goodhue		Freeborn		Cottonwood	Lake	Clay	Grant	Cass	Isanti
Le Sueur		Houston		Faribault	St. Louis	Douglas	Kandiyohi	Clearwater	Kanabec
McLeod		Mower		Jackson		Mille Lacs	Lac qui Parle	Crow Wing	Pine
Scott		Olmsted		Lincoln		Morrison	Meeker	Hubbard	Sherburne
Sibley		Rice		Lyon		Otter Tail	Pope	Itasca	Washington
		Steele		Martin		Stearns	Renville	Kittson	Wright
		Wabasha		Murray		Todd	Stevens	Koochiching	
		Waseca		Nicollet		Wadena	Swift	Lake of the Woods	
		Winona		Nobles			Traverse	Mahnomen	
				Pipestone			Wilkin	Marshall	
				Redwood			Yellow Medicine	Norman	
				Rock				Pennington	
				Watonwan				Polk	
								Red Lake	
								Roseau	

Source: Minn. Judicial Branch.