

## Staff Information Paper

---

# Interim Communication to Practitioners – Partial Points in Criminal History Scores

February 3, 2021

In recent meetings, the Commission has identified and discussed the problem of a partial point appearing in the criminal history scores of those with one-half custody status point. The Commission has not yet resolved this problem. Some Commission members have asked staff to provide practitioners with interim guidance regarding this problem, even if no solution can yet be provided.

The statement below is staff's draft of such communication. In order not to prejudice the Commission's ultimate resolution to this problem, this statement does not guide practitioners as to what presumptive sentence, if any, may apply in such cases. Instead, this statement simply alerts practitioners to the fact that the problem exists.

In order for this statement to be communicated to courts and to all parties in criminal cases, staff intends to prepare this statement as a standalone MSGC staff document and disseminate it through probation channels, with a recommendation that probation officers attach the statement to all sentencing worksheets containing one-half custody status point.

At this time, modifications to the Electronic Worksheet System (EWS) itself are not intended. The EWS modification process would take several months, and it is hoped that the Commission will have decided how to resolve the underlying policy problem by then.

## MSGC Staff Statement on Partial Points in Criminal History Scores (Draft)

---

It has been brought to MSGC staff's attention that some criminal history scores displayed on sentencing worksheets are wrong. This error occurs when one-half custody status point is present. Because the Sentencing Guidelines' only rounding rule—found in section 2.B.1.i—applies to the felony point total only, one-half custody status point is not rounded. This creates a partial point in the criminal history score—that is, a criminal history score ending in “.5”—when one-half custody status point is present. This partial point is not displayed on the sentencing worksheet; instead, a criminal history score one-half point above or below the actual criminal history score is displayed.

---

*This document was prepared by the staff of the Minnesota Sentencing Guidelines Commission for the Commission's review. This document has not been adopted by the Commission and does not necessarily represent its views.*

The presence of a partial point in a criminal history score is problematic because, for criminal history scores below 6, the sentencing grids' horizontal axes do not display partial points. At this time, MSGC staff can offer no guidance as to what presumptive sentence applies when a partial point is present in a criminal history score. If and when the Commission provides such guidance, staff will publish it on the MSGC web site and communicate it to probation supervisors.

MSGC staff recommends that probation officers attach this statement to sentencing worksheets containing one-half custody status point.