

Staff Information Paper

Impact of Custody Status on Prison Sentences

April 7, 2022

To estimate the impact of the custody status point (CSP) on sentences, MSGC staff looked at all executed prison cases with a CSP in 2019. Table 1 displays, by severity level, the number and average sentence length of all such cases (life sentences and consecutive sentences excluded). It then displays the number and percentage of those cases whose prison disposition was due to the CSP; *i.e.*, cases that would no longer have a presumptive prison sentence at that severity level if the CSP were eliminated. For the remaining cases—those that would be prison commits even without the custody status, either due to the presumptive sentence or to the defendant’s demand to execute the sentence—Table 1 displays, in months, how much of the prison duration was attributable to the CSP, by subtracting the presumptive duration without the CSP from the actual pronounced duration.

The durational impact of custody status is most noticeable at severity levels in which all cases are recommended a prison sentence (*i.e.*, Severity Level (SL) 8 – SL 12 on Standard Grid; SL A – SL C on Sex Offender Grid; and SL D8 & D9 on Drug Offender Grid).

Table 1. Impact of Custody Status on Sentences, Prison Cases with Custody Status Sentenced 2019

Severity Level	Actual Sentences Prison Cases with Custody Status		Impact of Custody Status			
			Dispositional Impact Cases that Were Prison Commits Due to Custody Status		Durational Impact Among Cases that Were Prison Commits Without Custody Status	
	Cases	Average Duration (Months)	Cases	Percent of Cases	Cases	Average Duration Attributable to Custody Status (Months)
1	99	16.7	18	18.2%	81	+0.8
2	242	19.3	48	19.8%	194	+0.6
3	205	19.7	47	22.9%	158	+1.3
4	550	24.5	141	25.6%	409	+2.1
5	93	39.4	19	20.4%	74	+3.2
6	258	50.4	13	5.0%	245	+1.4

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.

Severity Level	Actual Sentences Prison Cases with Custody Status		Impact of Custody Status			
			Dispositional Impact Cases that Were Prison Commits Due to Custody Status		Durational Impact Among Cases that Were Prison Commits Without Custody Status	
	Cases	Average Duration (Months)	Cases	Percent of Cases	Cases	Average Duration Attributable to Custody Status (Months)
7	115	53.4	8	7.0%	107	+4.6
8	83	75.6			83	+7.6
9	29	125.7			29	+9.2
10	12	216.7			12	+24.6
11	14	349.7			14	+36.2
12 (Att. Murder 1)	4	234.5			4	+7.5
A	22	244.4			22	+22.2
B	6	138.8			6	+23.0
C	18	111.4			18	+10.3
D	11	83.5	4	36.4%	7	+13.9
E	2	92.5	0		2	+28.5
F	11	60.5	1	9.1%	10	+10.9
G	5	36.4	0		5	+3.0
H	125	22.4			125	+1.5
D1	1	19.0	1	100%	0	
D2	331	18	70	21.1%	261	+1.1
D3	3	14.3	0		3	+0.3
D4	17	26.2	6	35.3%	11	+1.6
D5	0		0		0	
D6	110	44.9	16	14.5%	94	+4.1
D7	51	80.9	9	17.6%	42	+6.0
D8	88	93.2			88	+7.6
D9	5	142.6			5	+9.2
All Severities	2,510	40.8	401	16.0%	2,109	+3.3