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# 2019 Sentencing Practices

Annual Summary Statistics for Felony Cases  
Sentenced in 2019

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# MINNESOTA

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### 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.

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## Background Information

Minnesota adopted a sentencing guidelines system effective May 1, 1980, in order to create a more uniform and determinate sentencing system.

A sentencing guidelines system provides the legislature with a structure for determining and maintaining a rational sentencing policy. Through the development of sentencing guidelines, the legislature determines the goals and purposes of the state's sentencing system. The Guidelines represent the general goals of the criminal justice system. They also specifically recommend what the appropriate sentence should be for an individual offender, given the offender's conviction offense and criminal record.

The system is intended to ensure that offenders convicted of serious crimes, particularly crimes against persons, or with lengthy criminal records are sentenced to prison. The Guidelines may be, and often have been, modified to increase penalties for offenders. The system allows these modifications to be implemented uniformly throughout the state. A monitoring system has been developed to provide information on sentencing practices. This information is used to evaluate sentencing policy, identify sentencing trends and to determine how sentencing policy impacts correctional resources.

## Goals of the Minnesota Sentencing Guidelines

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The goals of the Minnesota Sentencing Guidelines are:

- To better assure **public safety**.
- To promote **uniformity** in sentencing so that offenders who are convicted of similar types of crimes and who have similar types of criminal records are similarly sentenced.
- To provide **truth and certainty** in sentencing.
- To establish **proportionality** in sentencing by emphasizing a "just deserts" philosophy. Offenders convicted of serious violent offenses (even with no prior record), those with repeat violent records, and those with more extensive non-violent criminal records are recommended the most severe penalties.

## How the Sentencing Guidelines Work

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To understand the data on sentencing practices, it is necessary to have a general knowledge of how the Guidelines work and what factors are used to determine the recommended sentence. The following pages provide a brief explanation of how the Minnesota Sentencing Guidelines are applied to individual cases.

Minnesota's Guidelines are based on a grid structure. The vertical axis represents the severity of the offense of conviction. The Commission has ranked offenses that are felonies under Minnesota law into eleven severity levels. Offenses for which a life sentence is mandated by statute (first-degree murder and certain criminal sexual conduct offenses) are excluded from the Guidelines.

A separate Sex Offender Grid, with severity levels from H<sup>1</sup> to A (most serious), is used for sentencing sex offenses. A separate Drug Offender Grid, with severity levels from D1 to D9 (most serious), was implemented for drug offenses committed after July 31, 2016.

The horizontal axis represents the offender’s criminal history and includes points for: variously weighted prior felony sentences; some prior misdemeanor/gross misdemeanor sentences; limited prior serious juvenile offenses; and “custody status,” if the offender was placed in confinement or on community supervision before the current offense was committed.

Standard Sentencing Grid

	CRIMINAL HISTORY						
	0	1	2	3	4	5	6+
11							
10							
9							
8							
7							
6							
5							
4							
3							
2							
1							

Sex Offender Grid

	CRIMINAL HISTORY						
	0	1	2	3	4	5	6+
A							
B							
C							
D							
E							
F							
G							
H							

Drug Offender Grid

	CRIMINAL HISTORY						
	0	1	2	3	4	5	6+
D9							
D8							
D7							
D6							
D5							
D4							
D3							
D2							
D1							

<sup>1</sup> Failure to register as a predatory offender, which carries a mandatory minimum prison sentence (Minn. Stat. § [243.166](#)), is ranked alone at severity level H. The recommended Guidelines disposition for severity level H is therefore commitment.



## Presumptive Sentence

The recommended Guidelines sentence (presumptive sentence) is generally found in the cell of the Sentencing Guidelines Grid where the offender's criminal history score and severity level intersect. The numbers in the cells are recommended lengths of prison sentences in months.

For cells within the gray shaded area of the Grids (generally below and to the left of the solid line), the Guidelines recommend a stayed sentence. When a sentence is stayed, the court typically places the offender on probation and may impose up to one year of local confinement (i.e., county jail or workhouse). Other conditions such as fines, restitution, community work service, treatment, house arrest, etc., may also be imposed.

For cells within the white area of the Grids (generally above and to the right of the solid line), the Guidelines recommend incarceration in a state prison. The Guidelines provide a range of 15 percent downward and 20 percent upward from a specified duration. The court may pronounce a sentence within that range without departing from the Guidelines.

The court may depart from the presumptive Guidelines sentence for reasons that are substantial and compelling. The court must state the reason(s) for departure on the record, and either the prosecution or the defense has the right to appeal the pronounced sentence. (A deeper discussion of departures begins on page 25.)

Regardless of whether or not the court follows the Guidelines, the sentence pronounced is fixed; there is no parole board to grant early release from prison. According to Minn. Stat. § [244.101](#), when an offender receives an executed prison sentence, the sentence pronounced by the court consists of two parts: a term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to one-third the total executed sentence.

The amount of time the offender actually serves in prison may be extended by the Department of Corrections if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender serving the entire executed sentence in prison. Certain offenses (such as criminal sexual conduct and felony DWI) have a period of mandatory conditional release that must be served upon release from prison.

The presumptive Guidelines sentence cannot always be determined by simply looking at one of the sentencing grids. The presumptive Guidelines sentence is sometimes more severe than it might appear from the grids alone, due to mandatory minimum sentences and other enhanced sentences provided by the Legislature.

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

## Changes to the Sentencing Grid Over Time

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The following types of changes should be noted when evaluating sentencing information over time:

### 2019

Changes to the criminal history score, intended to improve fairness and rationality, were made. The custody status point became waivable in certain circumstances. A sentencing enhancement for repeat severe violent offenders was added.

### 2016

A separate Drug Offender Grid was introduced with severity levels D1–D9. The new grid was similar to the standard grid, but D7—similar to level 8 on the standard grid—had a presumptive stayed disposition at criminal history scores of zero and one, and D8 had new presumptive durations.

### 2006

A separate Sex Offender Grid was introduced with severity levels H–A. More severe policies were adopted for repeat sex offenders including an enhanced weighting scheme for prior sex offenses and the possibility of a second custody status point.

### 2005

In response to a judicial requirement that a jury find aggravating factors,<sup>2</sup> grid ranges were increased to

allow the court to pronounce a sentence without departure that is up to 20% greater than, or 15% less than, the presumptive number of months on the Guidelines Grid.

### 2002

Felony Driving While Impaired (DWI) took effect. A new Severity Level 7 was created, with higher severity levels renumbered accordingly.

### 1997

A package of changes, which increased sentences in some cells and decreased sentences in other cells at severity levels 2–6, went into effect.

### 1989

A number of dramatic changes were made. Pre-sumptive durations at severity levels 7–10 were increased significantly and a weighting scheme was implemented for prior felonies. Previously, felony sentences that were included in the criminal history score were given one point, regardless of the severity of the prior offense.

*The following 2019 legislation<sup>3</sup> affected the Guidelines:*

- New 3rd and 4th degree criminal sexual conduct where the actor is a peace officer;
- Higher statutory maximums for child pornography offenses by repeat or predatory offenders, or when involving a child victim under age 13;
- A new surreptitious observation device offense with a child victim and there is sexual intent;
- A new offense of wage theft; and
- Terminology changes to harassment and stalking.

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<sup>2</sup> See footnotes 28 & 29 (p. 33) and accompanying text.

<sup>3</sup> Modifications detailed on page 67 of the Minn. Sentencing Guidelines Comm’n, Report to the Legislature (Jan. 15, 2020) at <http://mn.gov/msgc-stat/documents/reports/2020/2020MinnSentencingGuidelinesCommReportLegislature.pdf>.

## MSGC Monitoring Data

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One of the primary functions of the Sentencing Guidelines Commission is to monitor sentencing practices. The monitoring system is designed to maintain data on everyone convicted of a felony in adult court and sentenced under the Guidelines in Minnesota. A “case” is defined when a sentencing worksheet is received from the probation officer and matched with sentencing data from the District Court. A person sentenced in the same county on more than one offense within a 30-day period is counted as one case; information on the most serious offense is included in the MSGC monitoring data.

Sentencing Guidelines worksheets, submitted by probation officers to the court and to the Commission, contain demographic information about the person sentenced (e.g., date of birth, gender, race or ethnicity), the person’s criminal history, the conviction offense(s), and the presumptive Guidelines sentence. This information is matched with sentencing data from the District Court. The monitoring data sets include information on the sentence pronounced by the court and, if the sentence was a departure, the substantial and compelling reasons cited by the court.

Beginning in 2006, first-degree murder offenses were included in the Commission’s data. Previously, only attempted first-degree murder and conspiracy to commit first-degree murder had been included. First-degree murder has a mandatory life sentence; the presumptive sentence is not determined by the Sentencing Guidelines. It was decided to include first-degree murder in the Commission’s data following the Legislature’s creation of life sentences for some sex offenses in 2005. The MSGC now monitors all life sentences pronounced, by offense type.

Prior to 1988, a “year” of sentencing data contained twelve months of sentences, beginning with the first of November of the previous year and extending to the end of October of the year specified. Beginning in 1988, the twelve-month period was converted to the calendar year. The slight shift in the time frames does not significantly interfere with analysis.

## Data for Cases Sentenced in 2019

The following pages display summary data about sentencing practices and case volume and distribution. As noted in the description of the Guidelines, the recommended sentence is based primarily on the severity of the offense of conviction and secondarily on criminal history. In most cases, the recommended sentence is applied.

Because sentencing practices are closely related to the recommended Guidelines sentence, it is important to be aware of the effect of differences in offense severity and criminal history when evaluating sentencing practices. This is particularly important when comparing cases (e.g., by gender, race/ethnicity, or judicial district). For example, if in a particular district the proportion of serious person offenses is fairly high, the imprisonment rate for that district will likely be higher than for districts with predominantly lower-severity offenses.

## Case Volume and Distribution

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In 2019, 17,335 people were sentenced for felony offenses in Minnesota, a 5.2 percent decrease from the record-high case volumes in 2017 and 2018 (18,288 and 18,284 cases, respectively). The 2019 case volume represented the first significant annual decline since 2010, and the steepest single-year decrease since 1983.

All seven offense categories decreased from 2018 to 2019. This decrease ranged from less than one percent to nine percent. Drug offenses decreased more than most categories, by 6.5 percent.

By contrast, in the nine years from 2010 to 2019, the number of drug offenses grew by 56 percent, accounting for most of the 21-percent overall growth in people sentenced for felonies over that time. Only the “weapon”<sup>4</sup> category surpassed the drug category in growth from 2010 to 2019 (77.5% increase). The specific “weapon” offense that contributed the most to that growth was possession of a firearm by a felon convicted of a crime of violence, which increased from 234 cases in 2010 to 473 cases in 2019—a 102 percent increase. Person offenses grew by ten percent during these nine years, while property offenses had the smallest growth rate, at eight percent. Non-CSC sex offenses<sup>5</sup> grew by 13 percent, and “other”<sup>6</sup> offenses grew by 32 percent. The only offense category that showed a decline from 2010 to 2019 was felony driving while impaired (DWI), which fell by 20 percent.

The total volume of cases sentenced over time is illustrated in Figure 1 (p. 7), and changes in annual growth rates are illustrated in Figure 2 (p. 8). In addition to the growth from 2010 to 2017, discussed above, significant growth also occurred between 2001 and 2006, when the total volume of cases sentenced rose by 52 percent. That increase was largely attributable to growth in the number of drug cases, particularly involving methamphetamine, as well as the implementation of the felony DWI law.

According to Department of Public Safety data, Minnesota’s index crime rate<sup>7</sup> has fluctuated over time, but was generally falling between 1996 and 2017. In 2018 and 2019, the index crime rate rose.<sup>8</sup>

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<sup>4</sup> “Weapon” offenses include: possession of a firearm by a felon convicted of a crime of violence, firearm discharge, possession of teargas and explosive devices, and other weapon related offenses.

<sup>5</sup> “Non-CSC sex offenses” are offenses 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).

<sup>6</sup> “Other” category: Fleeing police, escape, and other offenses of less frequency including crimes against the government such as tax offenses, failure to appear in court, and aiding an offender.

<sup>7</sup> “Index crimes” are comprised of “violent crimes” (Murder, Forcible Rape, Robbery, Aggravated Assault, & Human Trafficking) and “property crimes” (Burglary, Larceny, Motor Vehicle Theft, & Arson). The rate is population-adjusted.

<sup>8</sup> Minn. Uniform Crime Report – 2019, Minn. Dep’t of Public Safety, obtained Nov. 2020 at <https://dps.mn.gov/divisions/bca/bca-divisions/mnjis/Pages/uniform-crime-reports.aspx> & <https://dps.mn.gov/divisions/bca/bca-divisions/mnjis/Documents/2019UCR-HistoricalCrimeIndex.xls>.

Figure 1. Number of Cases Sentenced for Felony Convictions, 1981–2019

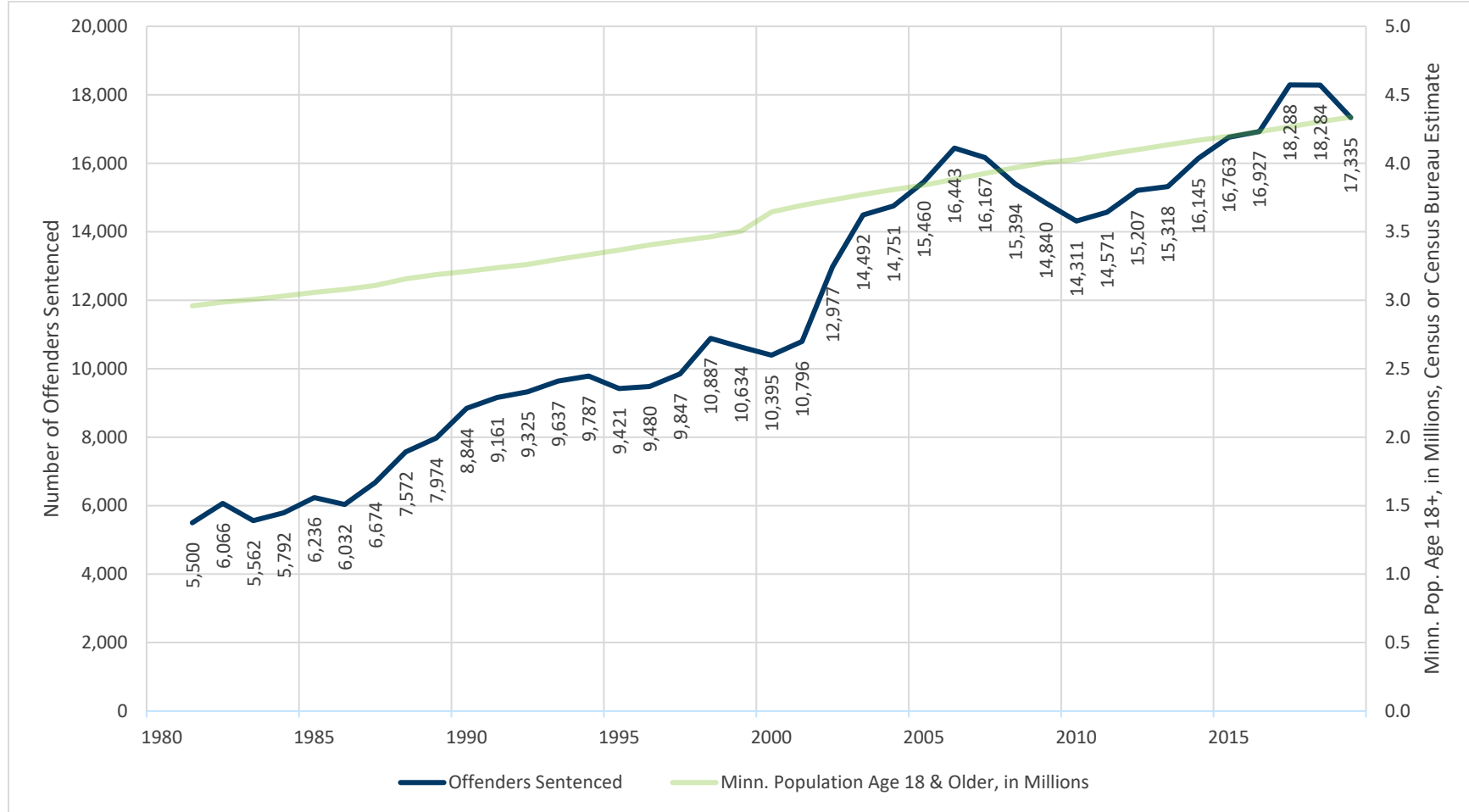
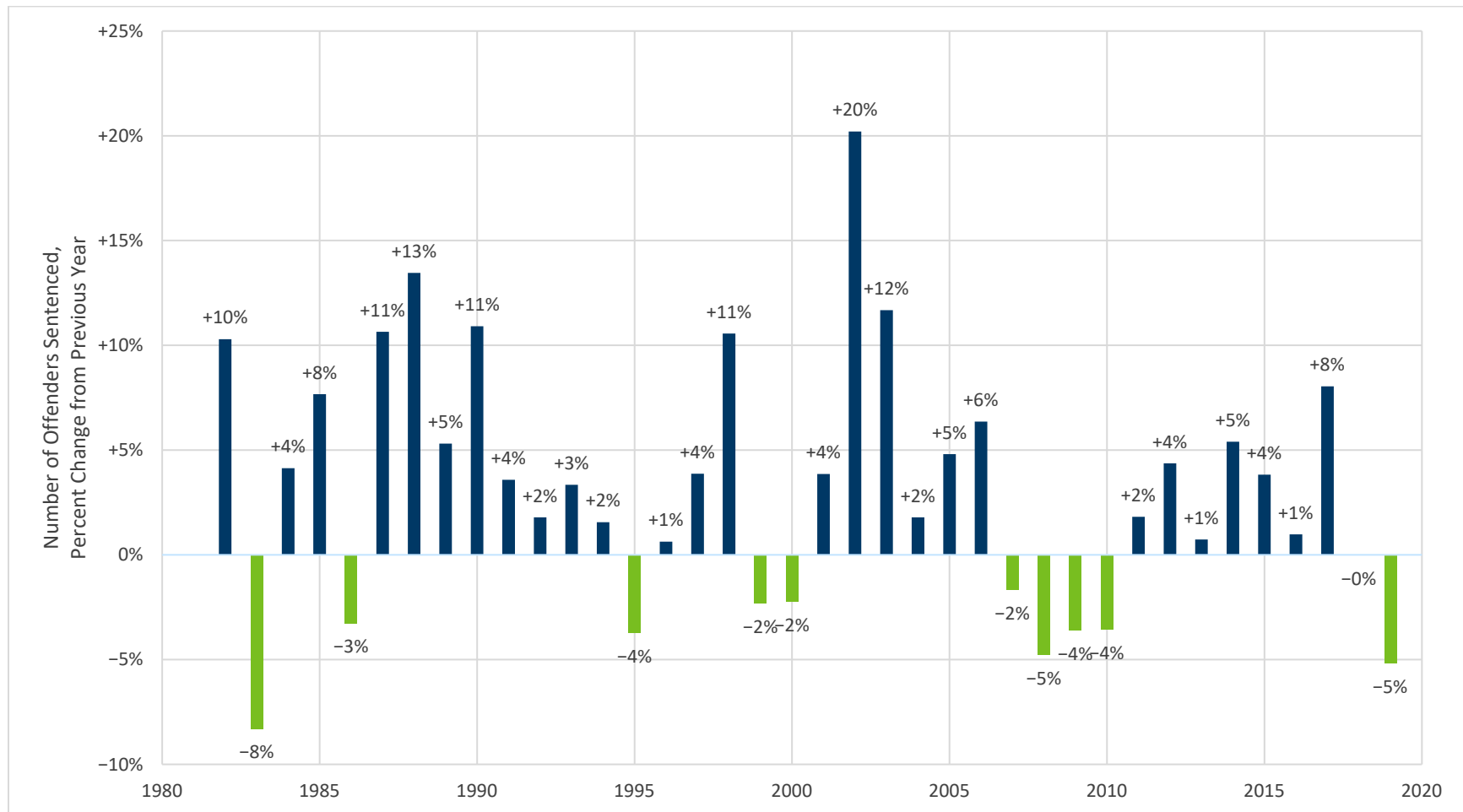


Figure 2. Annual Percent Change in Number of Cases Sentenced for Felony Convictions, 1982–2019



## Changes in Case Volume by Offense Type

Figure 3 (p. 12) shows recent trends in felony case volume by offense types. While cases are divided into seven offense types, the first three offense categories (in bold) generally total at least 85 percent of each year's case volume:

- **Person offenses** (including criminal sexual conduct (CSC));
- **Drug offenses;**
- **Property offenses;**
- Felony DWI;
- Non-CSC sex offenses;
- Weapon offenses; and
- Other offenses.<sup>9</sup>

Figure 4 (p. 13) displays the year-to-year percent change in case volume by offense type.

### *Person Offenses*

Except for a slight decrease in 2013 and a decrease of 2.5 percent in 2016, the number of person offenses increased every year from 2001 to 2018, including a 1.5-percent increase in 2018. In 2019, the number decreased by almost five percent, the largest annual decrease since 2000 (Figure 4, p. 13). Person offenses accounted for 29 percent of all felony crimes sentenced in 2017 to 2019, a decrease from the peak years of 2010 to 2013, when they comprised 32 percent of the total (Figure 3, p. 12).

The following discussion details three subcategories of person offenses: criminal sexual conduct, domestic assault-related offenses, and other assault offenses.

- *Criminal Sexual Conduct (CSC)*

In 2019, there were 526 CSC cases; up one percent from 2018. The increases in 2017, 2018, and 2019 followed a decline in 2016 when there was 481 cases, which was the lowest number since 1983. The number has fluctuated since 1981, peaking at 880 cases in 1994 (41% more than in 2019). Almost all of the growth since 1981 has been in the CSC child provisions (intra-familial sex abuse and provisions specifying the age of the victim). For a more detailed discussion, see MSGC's Criminal Sexual Conduct data report at <http://mn.gov/sentencing-guidelines/reports>.

- *Domestic Assault-Related*

Much of the growth in person offenses has been attributable to an increase in domestic assault-related cases, including domestic assault, domestic assault by strangulation, and violations of restraining orders. This was, in part, due to 2006 legislative changes removing the requirement that a prior offense be against the same victim,

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<sup>9</sup> For a description of what offenses are included within the categories "Non-CSC sex offenses," "Weapon," and "Other," refer to footnotes 14–16 (p. 13).

expanding the look-back period to 10 years, and expanding the list of qualified priors.<sup>10</sup> The number of felony domestic-assault cases grew dramatically from 2006 (100 cases) to its 2014 peak (612 cases). Between 2011 and 2019, the domestic-assault case volume has fluctuated between 521 and 612 cases. The 2019 case volume (595 cases) was a 10-percent increase over 2018. With respect to domestic assault by strangulation, 246 cases were sentenced in 2019, an 11-percent decrease from 2018 and the lowest case volume since the crime was established in 2005<sup>11</sup> (Figure 5, p. 14).

Violations of domestic abuse no contact orders (VDANCO) have increased in all but three of the years following the offense's 2007 creation.<sup>12</sup> In 2019, the number of VDANCO cases increased to 623 (up 8%), the highest number ever observed. Violations of harassment restraining orders (VHRO)<sup>13</sup> declined in 2019 (down 9%), as did violations of orders for protection (VOFP) (down 8%). Combined, the total number of cases for VDANCO, VHRO, and VOFPP grew by three percent between 2018 and 2019 (Figure 5, p. 14). For a more detailed discussion, see MSGC's Assaults and Violations of Harassment Restraining Orders data report at <http://mn.gov/sentencing-guidelines/reports>.

- *Other Assault*

The number of first- through (felony) fifth-degree assault cases has fluctuated in recent years—remaining nearly flat (2014–15), decreasing (2015–16), and increasing (2016–17). In both 2018 and 2019, the number fell. In 2019, a 7.5 percent increase in third-degree assault was more than offset by decreases in the other five degrees, resulting in a total 7.3-percent decrease across all five degrees (Figure 5, p. 14).

### *Drug Offenses*

Drug offenses grew for seven consecutive years from 2010 to 2017, making drug offenses the largest offense category beginning in 2016 (Figure 3, p. 12). Although the number of drug cases decreased in 2018 and 2019, drug offenses remain the largest offense category, accounting for 30 percent of cases. The 2019 case volume (5,175 cases) was a 6.5 percent decrease from 2018 (Figure 4, p. 13). For a more detailed discussion, see MSGC's Controlled Substance Offenses data report at <http://mn.gov/sentencing-guidelines/reports>.

### *Property Offenses*

The property offense category has declined in most years since 2006 (Figure 4, p. 13). After increasing in 2017 and 2018, property offenses decreased by five percent in 2019. As a share of all felony cases, the property offense category fell from 30 percent in 2013 to 27 percent in 2019. Before 2003, property offenses had comprised over 40 percent of the cases sentenced (Table 6, p. 44).

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<sup>10</sup> [2006 Minn. Laws ch. 260](#), art. 1, §§ 12 & 19.

<sup>11</sup> [2005 Minn. Laws ch. 136](#), art. 17, § 13 (establishing felony domestic assault by strangulation).

<sup>12</sup> [2007 Minn. Laws ch. 54](#), art. 2, § 1 (enhancing DANCO violations by repeat offenders to felony level).

<sup>13</sup> This offense is not necessarily related to domestic assault, as the victim need not be a relative of the perpetrator.



### *Felony DWI*

The number of felony DWI cases peaked in 2004, at 860, and has declined in most years since. The 2019 volume, 534 cases, is 62 percent of that peak volume. In the five years between 2012 and 2017, the numbers fluctuated sharply (Figure 4, p. 13), possibly in connection with the timing of legal challenges to DWI laws and evidence-collection practices. The decreases in 2018 and 2019 (of 2.6% and 3.8%, respectively) were less dramatic than the changes seen in the previous five years.

### *Non-CSC Sex Offenses*

There was a nine percent decrease in the non-CSC sex offense category (Figure 4, p. 13). The most common offense in this category, failure to register as a predatory offender, decreased by five percent (from 428 in 2018 to 405 in 2019). Following a one-year increase, 2019 child pornography case volumes returned to 2017 levels (81 in 2017, 101 in 2018, and 80 in 2019).

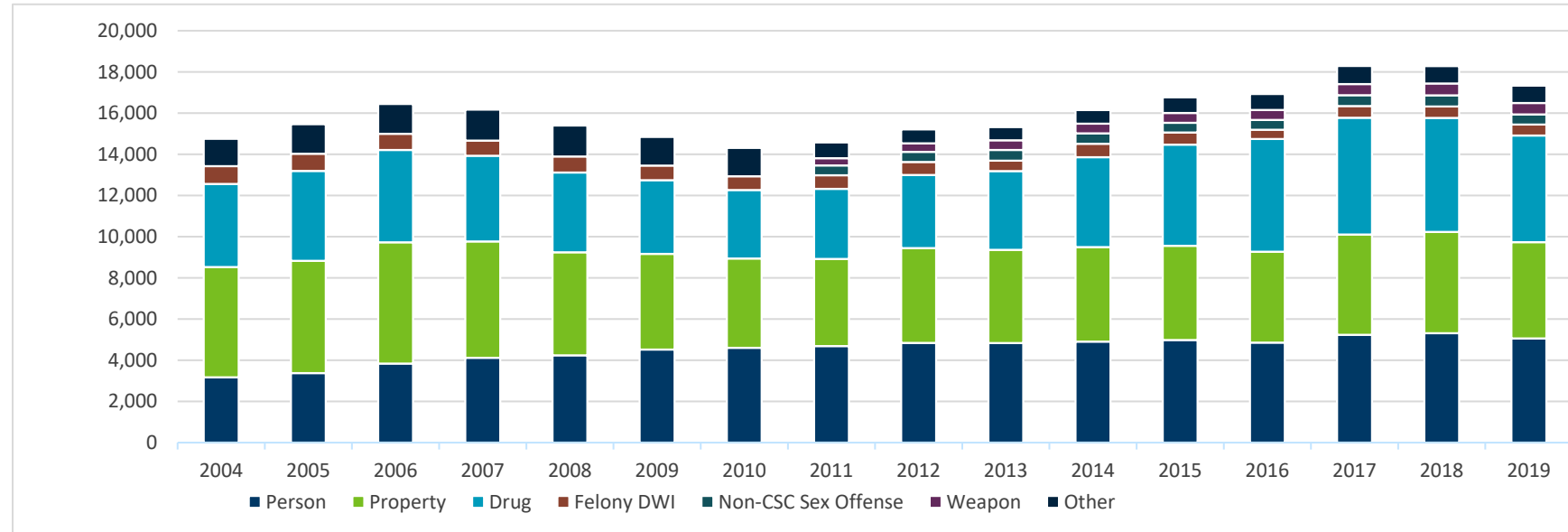
### *Weapon Offenses*

The number of weapon offenses sentenced decreased over three percent from 2018 to 2019 (Figure 4, p. 13). Ineligible felon in possession of firearm/ammunition increased by one percent (from 468 to 473).

### *Other Offenses*

The number of cases in the “other” offense category—largely crimes against the government—decreased slightly, by 0.4 percent. Fleeing a peace officer, the most common offense in this category, increased from 547 cases in 2018 to 572 cases in 2019 (up 4.5%). Tax offenses saw an increase to 29 cases after remaining relatively steady in 2017 and 2018 (18 cases in 2017, 17 in 2018). Little change was seen in failure to appear in court (18 cases in 2018, 19 in 2019). Following an 81 percent increase from 2015 to 2017 (from 64 to 116 cases), the number of escape from custody cases decreased in 2018 by 15.5 percent (to 98 cases) and decreased again in 2019 by seven percent (to 91 cases).

Figure 3. Number of Cases Sentenced by Offense Type, 2004–2019



Offense Type		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
● Person	#	3,174	3,376	3,839	4,117	4,238	4,517	4,605	4,685	4,841	4,836	4,905	4,982	4,857	5,237	5,313	5,060
	%	21.5	21.8	23.3	25.5	27.5	30.4	32.2	32.2	31.8	31.6	30.4	29.7	28.7	28.6	29.1	29.2
● Property	#	5,350	5,455	5,886	5,650	5,003	4,651	4,334	4,232	4,604	4,528	4,589	4,575	4,411	4,870	4,918	4,675
	%	36.3	35.3	35.8	34.9	32.5	31.3	30.3	29.0	30.3	29.6	28.4	27.3	26.1	26.6	26.9	27.0
● Drug	#	4,038	4,364	4,484	4,166	3,878	3,578	3,326	3,409	3,552	3,821	4,363	4,913	5,475	5,670	5,536	5,175
	%	27.4	28.2	27.3	25.8	25.2	24.1	23.2	23.4	23.4	24.9	27.0	29.3	32.3	31.0	30.3	29.9
● Felony DWI	#	860	834	788	735	779	704	667	660	631	510	656	587	475	570	555	534
	%	5.8	5.4	4.8	4.5	5.1	4.7	4.7	4.5	4.1	3.3	4.1	3.5	2.8	3.1	3.0	3.1
● Non-CSC Sex Offense	#								476	495	518	507	471	451	527	539	491
	%								3.3	3.3	3.4	3.1	2.8	2.7	2.9	2.9	2.8
● Weapon Offense	#								346	411	466	467	477	483	537	579	559
	%								2.4	2.7	3.0	2.9	2.8	2.9	2.9	3.2	3.2
● Other	#	1,329	1,431	1,446	1,499	1,496	1,390	1,379	765	677	642	659	758	775	877	844	841
	%	9.0	9.3	8.8	9.3	9.7	9.4	9.6	5.3	4.5	4.2	4.1	4.5	4.6	4.8	4.6	4.9
<b>Total</b>	<b>#</b>	<b>14,751</b>	<b>15,460</b>	<b>16,443</b>	<b>16,167</b>	<b>15,394</b>	<b>14,840</b>	<b>14,311</b>	<b>14,571</b>	<b>15,207</b>	<b>15,318</b>	<b>16,145</b>	<b>16,763</b>	<b>16,927</b>	<b>18,288</b>	<b>18,284</b>	<b>17,335</b>

Figure 4. Cases Sentenced, Percent Change from Previous Year, by Offense Type, 2000–2019

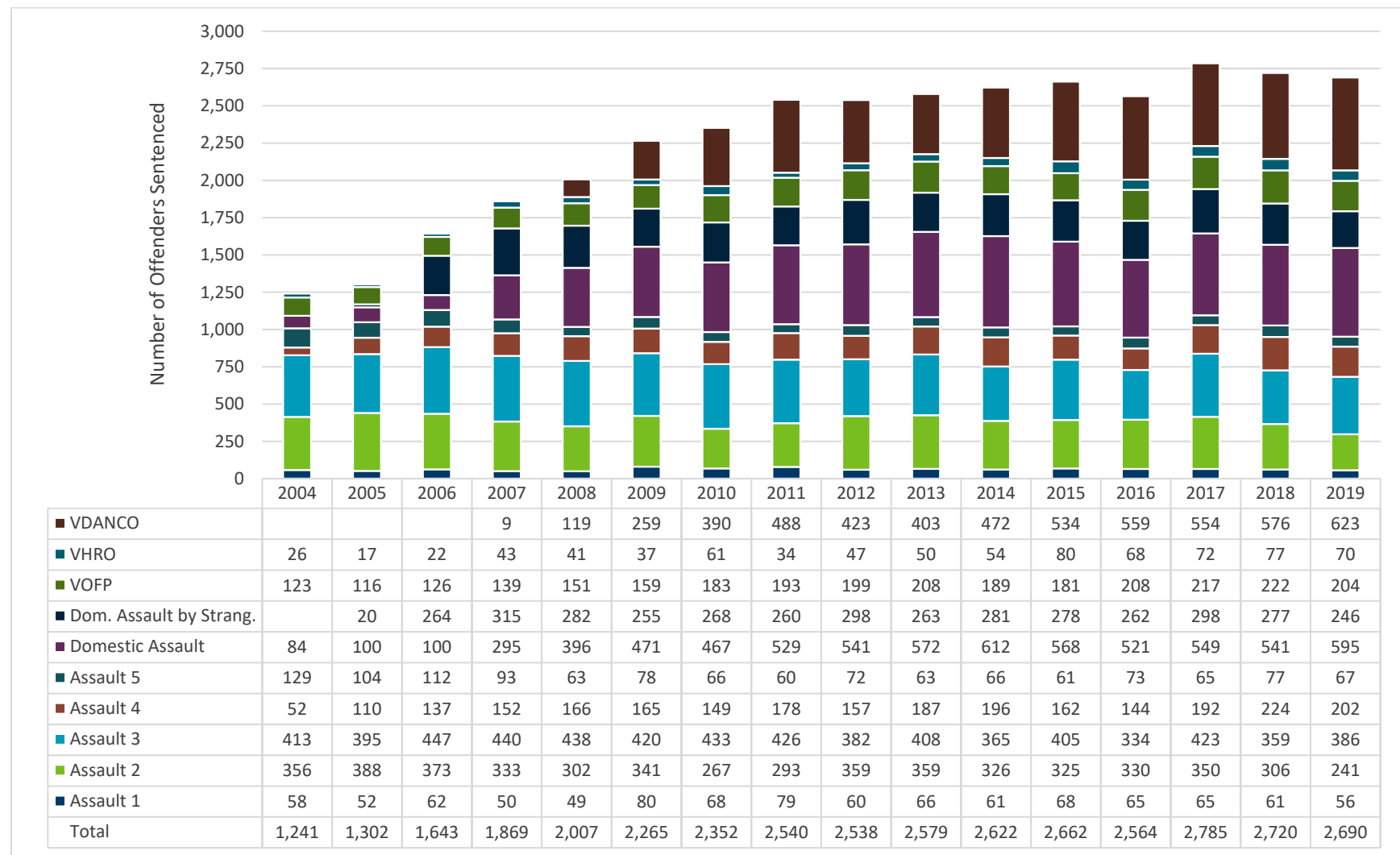
Year Sentenced	All Offenses	Person	Property	Drug	Felony DWI	Non-CSC Sex Offense <sup>14</sup>	Weapon <sup>15</sup>	Other <sup>16</sup>
2000	-2.2%	-5.1%	-7.4%	+8.6%				+4.2%
2001	+3.9%	+3.8%	+4.2%	0.0%				+13.3%
2002	+20.2%	+10.4%	+17.9%	+31.9%				+16.3%
2003	+11.7%	+6.2%	+2.4%	+13.8%				+2.2%
2004	+1.8%	+1.1%	-0.8%	+3.6%	+6.2%			+6.2%
2005	+4.8%	+6.4%	+2.0%	+8.1%	-3.0%			+7.6%
2006	+6.4%	+13.7%	+7.9%	+2.7%	-5.5%			+1.1%
2007	-1.7%	+7.3%	-4.0%	-7.1%	-6.7%			+3.7%
2008	-4.8%	+2.9%	-11.5%	-6.9%	+6.0%			-0.1%
2009	-3.6%	+6.6%	-7.0%	-7.7%	-9.6%			-7.0%
2010	-3.6%	+2.0%	-6.8%	-7.0%	-5.3%	+3.1%	-1.3%	-3.0%
2011	+1.8%	+1.7%	-2.4%	+2.5%	-1.0%	+9.9%	+9.8%	+20.3%
2012	+4.4%	+3.5%	+8.8%	+4.2%	-4.4%	+4.0%	+18.8%	-11.5%
2013	+0.7%	-0.1%	-1.7%	+7.6%	-19.2%	+4.6%	+13.4%	-5.2%
2014	+5.4%	+1.4%	+1.3%	+14.2%	+28.6%	-2.1%	+0.2%	+2.6%
2015	+3.8%	+1.6%	-0.3%	+12.6%	-10.5%	-7.1%	+2.1%	+15.0%
2016	+1.0%	-2.5%	-3.6%	+11.4%	-19.1%	-4.3%	+1.3%	+2.2%
2017	+8.0%	+7.8%	+10.4%	+3.6%	+20.0%	+16.9%	+11.2%	+13.2%
2018	-0.0%	+1.5%	+1.0%	-2.4%	-2.6%	+2.3%	+7.8%	-3.8%
2019	-5.2%	-4.8%	-4.9%	-6.5%	-3.8%	-8.9%	-3.5%	-0.4%

<sup>14</sup> “Non-CSC sex offenses” are offenses 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).

<sup>15</sup> “Weapon” category includes: Possession of a firearm by a felon convicted of a crime of violence, discharge of firearm, and other weapon related offenses.

<sup>16</sup> “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency. “Other” category also includes DWI before 2004 and non-CSC sex offenses and weapon offenses before 2010.

Figure 5. Number of Cases Sentenced, Assault and Restraining Order Offenses, 2004–2019



## Distribution of Cases by Gender, Race/Ethnicity and Judicial District

Of those sentenced in 2019, 80.4 percent were male and 19.6 percent were female. The female percentage was slightly lower than in 2018, the only year when females accounted for more than 20 percent of cases (Table 5, p. 42). Figure 6 shows the gender composition of cases from 1981 through 2019.

Figure 6. Distribution of Cases by Gender, 1981–2019

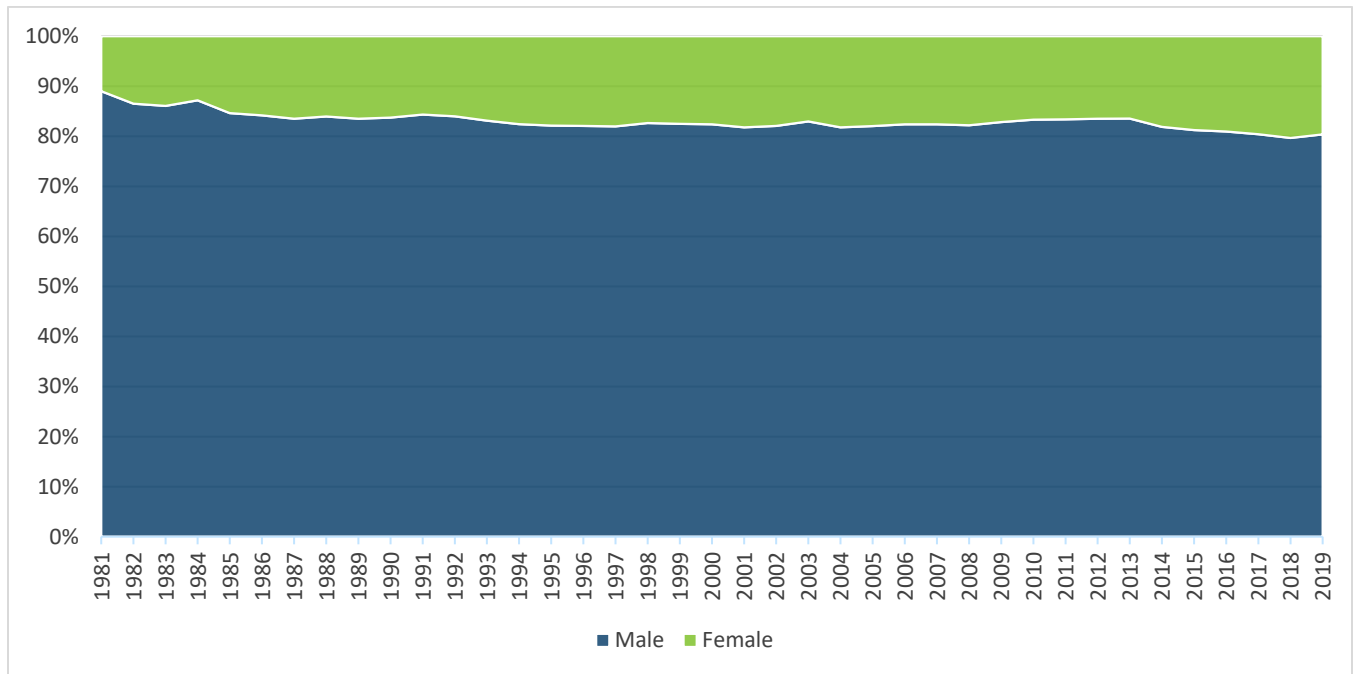


Figure 7 (p. 16) shows the racial or ethnic composition of those sentenced from 1981 through 2019. The white percentage decreased by 25 points between 1981 (81.8%) and 2009 (56.5%). This was largely due to an increase in the black percentage, although the percentages of other races or ethnicities (particularly Hispanic) also increased.

From 2018 to 2019, the white percentage increased from 56.6 percent to 56.8 percent. The black percentage decreased from 26.7 percent in 2018 to 26.4 percent in 2019. The percentage of other races or ethnicities remained similar to that seen in 2018.

Figure 8 (p. 16) displays the distribution of the racial or ethnic composition of those sentenced in 2019 by Minnesota judicial district. The districts with the largest black percentages were the Second Judicial District (Ramsey County) and the Fourth Judicial District (Hennepin County). These districts include the cities of St. Paul and Minneapolis, respectively. More information on case volume and distribution can be found in Table 5 (p. 42), Table 6 (p. 44), Table 7 (p. 46), Table 8 (p. 48), Table 9 (p. 52), Table 10 (p. 53), Table 11a (p. 56), Table 11b (p. 57), and Table 11c (p. 58). County-level information can be found in Table 23 (p. 75), Table 24 (p. 78), and Table 25 (p. 81). A map of the judicial districts can be found in Appendix 1 (p. 84).

Figure 7. Distribution of Cases by Race/Ethnicity, 1981–2019

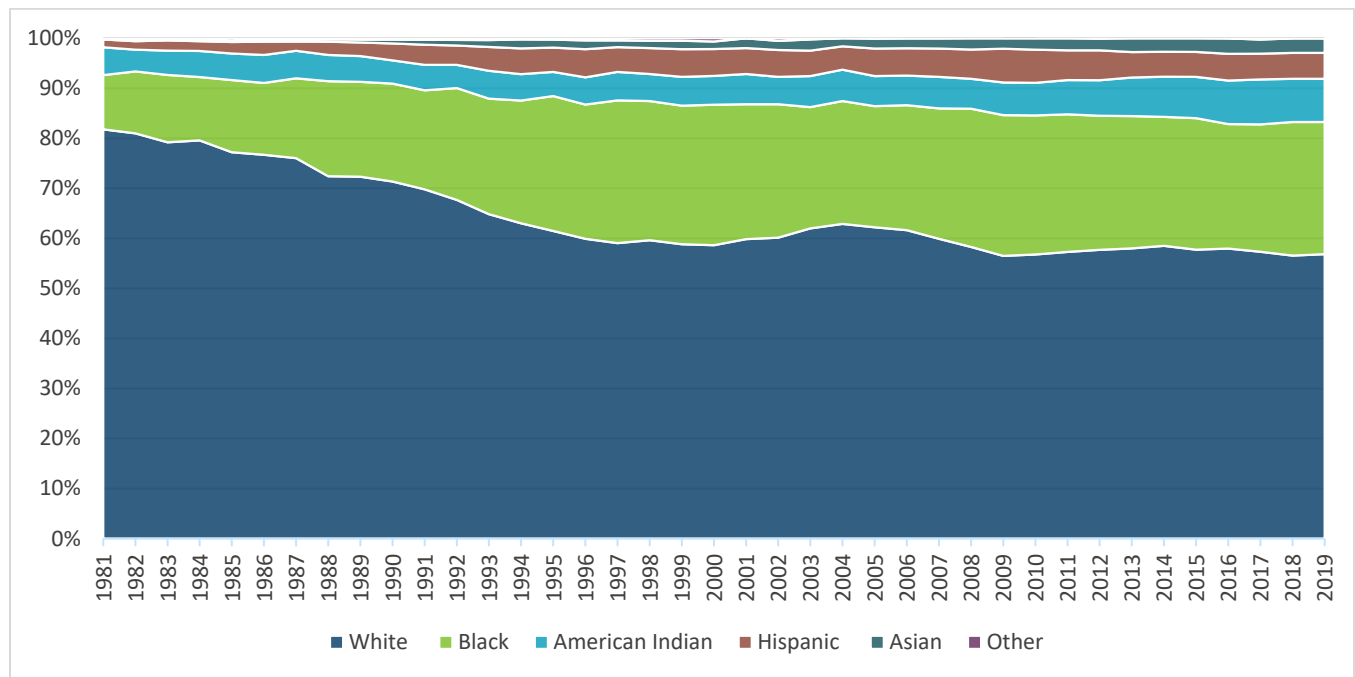
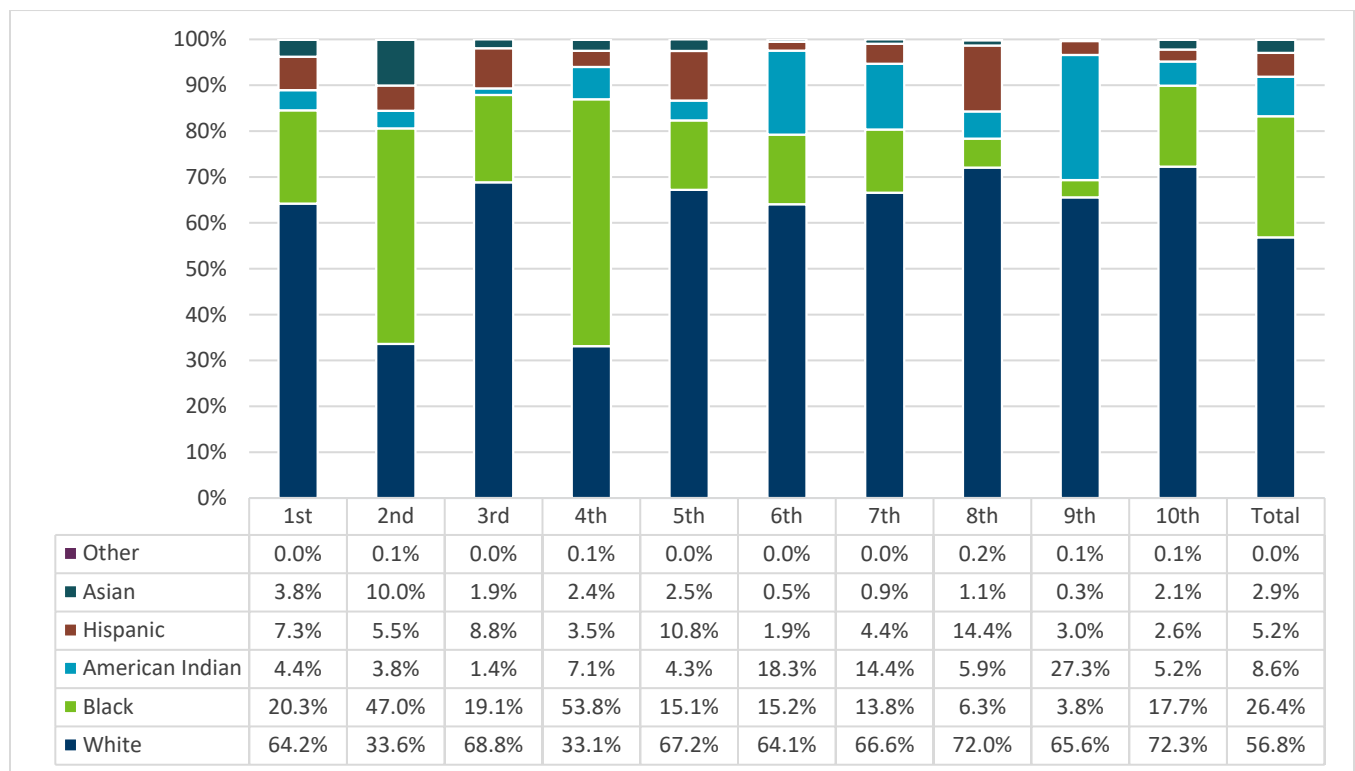


Figure 8. Distribution of Cases by Race and Judicial District, 2019



## Incarceration Rates

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Under Minn. Stat. § [609.02](#), a felony sentence must be at least 366 days long. Sentences of one year or less are gross misdemeanors or misdemeanors and are served in local correctional facilities (i.e., county jail or workhouse).

The Guidelines presume who should go to state correctional institutions (prison) and for how long. Imprisonment rates are related to the Guidelines recommendations and are based on the seriousness of the offense and the criminal history score. In cases in which prison sentences are stayed, the court usually places the defendant on probation. As a condition of probation, the court may impose up to one year of incarceration in a local correctional facility. Probationers usually serve time in a local facility and are often given intermediate sanctions such as treatment (residential or nonresidential), restitution, and fines.

There are few specific guidelines to the court regarding the imposition of these intermediate sanctions.<sup>17</sup> MSGC's monitoring system, which provided the information used in this report, includes limited information regarding these sanctions. This monitoring system contains information on whether the court pronounced local confinement time as a condition of probation and for how long, but does not contain information regarding other sanctions imposed. Sanctions for violations of probation conditions, which may ultimately include probation revocation and state imprisonment, are likewise not included in the monitoring data.<sup>18</sup> The local incarceration rate reported in this data summary represents the percentage of felony convictions for which the court pronounced local confinement time as a condition of a stayed sentence or for which the felony conviction was sentenced as a misdemeanor or gross misdemeanor.

The total incarceration rate describes the percentage of cases in which the sentence included incarceration in a state prison or local correctional facility, such as a county jail or workhouse. Figure 9 (p. 19) shows the total incarceration rate, as well as the separate rates for prison and local confinement, from 1982 to 2019. The total incarceration rate in 1978 (pre-Guidelines) was 55.8 percent (20.4% incarcerated in state prison and 35.4% in local confinement). In 1981, the total incarceration rate was 61.2 percent (15% incarcerated in state prison and 46.2% in local confinement). The total incarceration rate has grown steadily over the last 33 years, from 61 percent in 1981, to 85 percent or more since 1991. Except for 2010, the total incarceration rate has remained above 90 percent since 2003. In 2019, 91.5 percent of sentences for felony convictions included incarceration in a state prison or a local correctional facility.

The 2012–2015 imprisonment rates were the highest rates observed since the Guidelines were implemented. The imprisonment rate declined from 26.2 percent in 2015 to 23.1 percent in 2018. In 2019, the imprisonment

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<sup>17</sup> For general guidance, see 2019 Minn. Sentencing Guidelines § 3.A.

<sup>18</sup> For a discussion of probation revocations, see MSGC's most recent Probation Revocation report under "Special Topics" at <http://mn.gov/sentencing-guidelines/reports>.

rate increased to 24 percent. Of those who did not receive an executed prison sentence, 89 percent received local confinement.<sup>19</sup>

For comparison, Figure 9 also displays the Guidelines-recommended (“presumptive”) imprisonment rate over time. More cases are recommended imprisonment than actually receive prison sentences. In 2019, the Sentencing Guidelines recommended imprisonment in 34.4 percent of cases, compared to the actual imprisonment rate of 24 percent. The difference between these two rates—of 10.4 percentage points—was easily the largest disparity between presumptive and actual imprisonment rates on record. See Table 12 (p. 59), Table 13 (p. 61), and Table 14 (p. 63) for presumptive imprisonment rates over time by race, gender, and judicial district.

### **Incarceration by Race/Ethnicity and Judicial District**

Table 1 (p. 20) provides total incarceration information for cases sentenced in 2019. “Total Incarceration” includes all sentences that included a prison sentence or local confinement time as a condition of a stayed sentence. When comparing imprisonment rates across various demographic groups (sex, race/ethnicity, or judicial district), it is important to note that much of the variation is directly related to the proportion of cases in any particular group recommended a prison sentence by the Guidelines. Table 12 (p. 59), Table 13 (p. 61), and Table 14 (p. 63) display presumptive imprisonment rates.

#### *Race/Ethnicity*

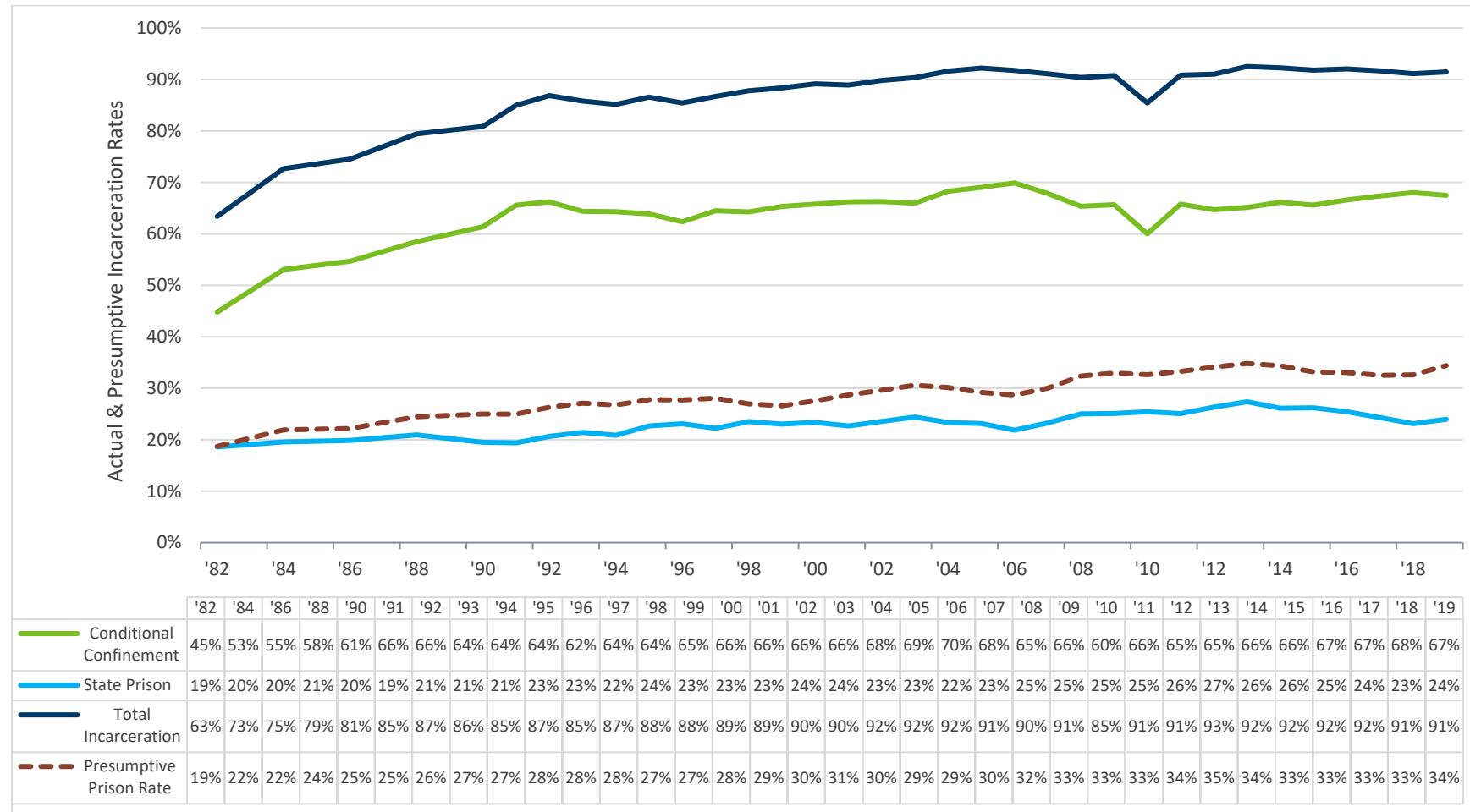
Some variation in the 2019 total incarceration rate was observed across the five racial or ethnic groups, ranging from 90.4 percent (observed in the white group) to 93.6 percent (observed in the Asian group) (Figure 10, p. 21). Greater variation existed in the separate rates for imprisonment and local confinement. The white and Asian groups had the lowest imprisonment rate at 21.4 percent. (For these two groups, the “presumptive prison rate”—the rate at which prison is recommended—was 31.0% and 34.3%, respectively.) The American Indian group had an imprisonment rate of 22.4 percent (and the lowest presumptive prison rate of 29.0%). The black group had the highest imprisonment rate at 30.1 percent (and the highest presumptive prison rate at 43.3%) (Table 13, p. 61).

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<sup>19</sup> This figure includes either confinement time as a condition of probation or a non-felony local confinement sentence. See Table 1. Of the 17,335 cases, 4,154 received prison and 13,181 did not. The 11,700 receiving local confinement totaled 89% of the 13,181 not receiving prison.



Figure 9. Actual & Presumptive Incarceration Rates, 1982, 1984, 1986, 1988, 1990–2019



## Judicial District

Variation in incarceration rates was also observed by judicial district (Figure 11, p. 21). The Second Judicial District (Ramsey County) had the highest total incarceration rate (98.7%) and the Ninth Judicial District (northwest Minnesota) had the lowest total incarceration rate (77.9%). Variation was also seen with respect to the separate rates for prison and local confinement. The Eighth and Seventh Judicial Districts (west-central counties) had the highest imprisonment rates (27.6% and 27.5%), and the First Judicial District (southern metro counties) had the lowest imprisonment rate (18.5%). With regard to use of local confinement, the Second District had the highest rate (76.5%), and the Ninth Judicial District had the lowest rate (52.0%). See Appendix 1 (p. 84) for a map of Minnesota's ten judicial districts.

Historical information for incarceration rates can be found in Table 12 (p. 59), Table 13 (p. 61), Table 14 (p. 63), Table 15 (p. 65), Table 16 (p. 67), and Table 17 (p. 69). Additionally, Table 23 (p. 75) records incarceration rates by county.

*Table 1. Incarceration Rates by Gender, Race/Ethnicity, and Judicial District, 2019*

		Total	Total Incarceration		Local Confinement		State Prison		
		Number	Number	Rate (%)	Number	Rate (%)	Number	2019 Rate (%)	2015–19 5-Yr. Rate
	Male	13,937	12,889	92.5	9,081	65.2	3,808	27.3	27.8
	Female	3,398	2,965	87.3	2,619	77.1	346	10.2	11.4
Race/Ethnicity	White	9,853	8,908	90.4	6,804	69.1	2,104	21.4	21.5
	Black	4,580	4,279	93.4	2,902	63.4	1,377	30.1	30.7
	American Indian	1,492	1,364	91.4	1,030	69.0	334	22.4	25.3
	Hispanic	903	831	92.0	599	66.3	232	25.7	27.9
	Asian	499	467	93.6	360	72.1	107	21.4	22.7
	Other/Unknown	8	5	62.5	5	62.5	0	0.0	12.2
Judicial District	First	2,213	2,035	92.0	1,625	73.4	410	18.5	19.6
	Second	1,902	1,878	98.7	1,455	76.5	423	22.2	25.4
	Third	1,254	1,080	86.1	777	62.0	303	24.2	24.6
	Fourth	3,551	3,206	90.3	2,261	63.7	945	26.6	27.8
	Fifth	1,064	967	90.9	735	69.1	232	21.8	20.8
	Sixth	732	643	87.8	472	64.5	171	23.5	21.8
	Seventh	1,810	1,744	96.4	1,246	68.8	498	27.5	28.6
	Eighth	522	501	96.0	357	68.4	144	27.6	27.8
	Ninth	1,620	1,262	77.9	842	52.0	420	25.9	25.4
	Tenth	2,667	2,538	95.2	1,930	72.4	608	22.8	22.3
	<b>Total</b>	<b>17,335</b>	<b>15,854</b>	<b>91.5</b>	<b>11,700</b>	<b>67.5</b>	<b>4,154</b>	<b>24.0</b>	<b>24.6</b>

Figure 10. Actual & Presumptive Incarceration Rates by Gender & Race/Ethnicity, 2019

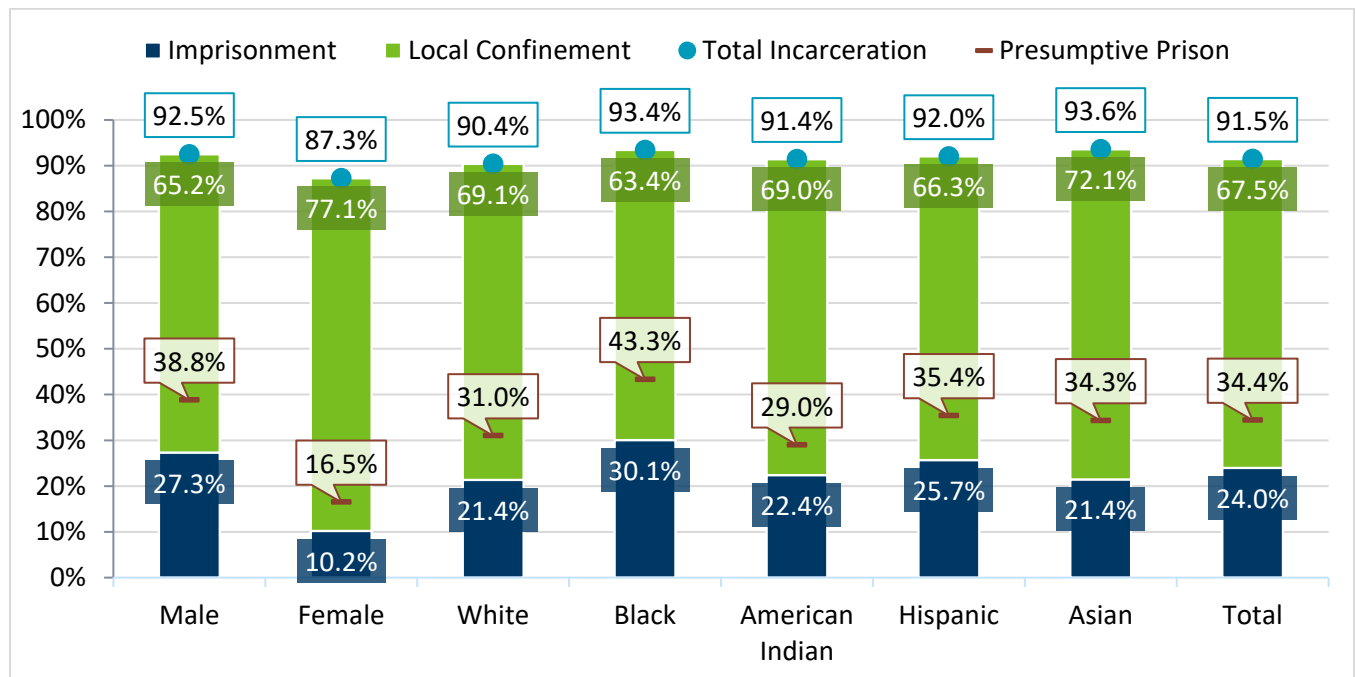
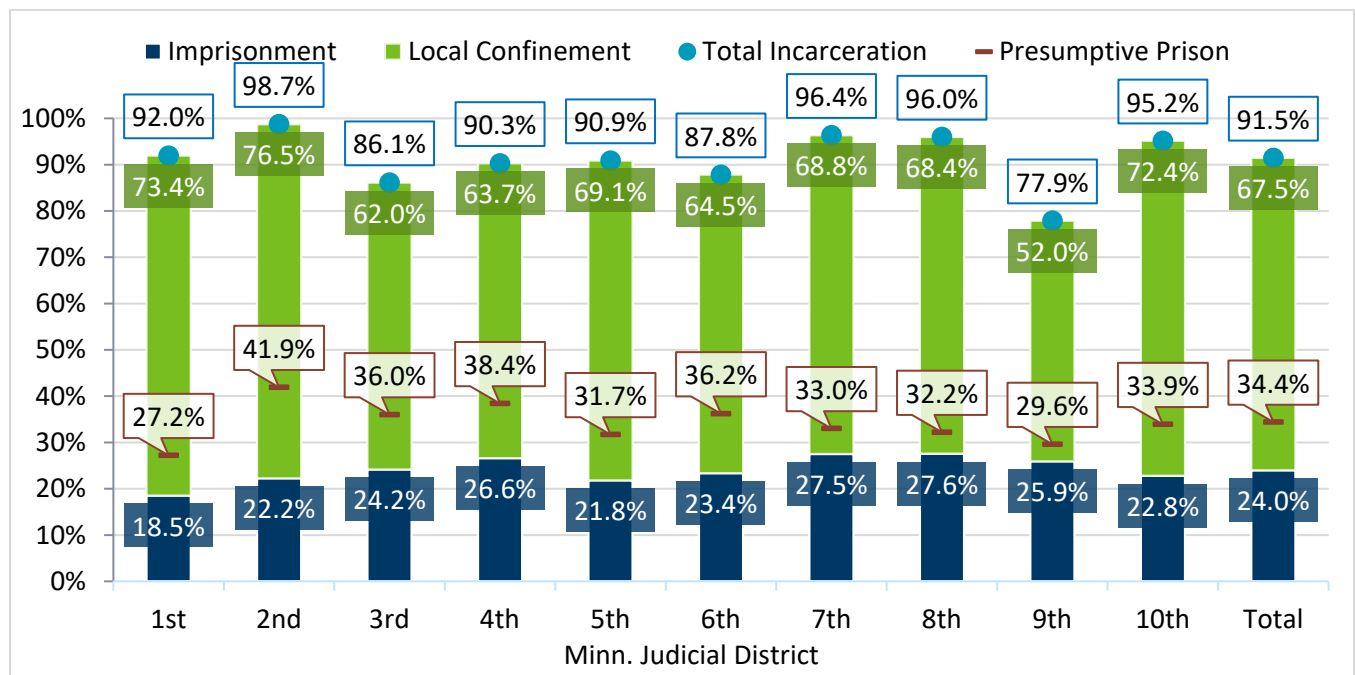


Figure 11. Actual & Presumptive Incarceration Rates by Judicial District, 2019



## Average Pronounced Sentences (Durations)

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### State Prison

Among executed prison sentences in 2019, the average pronounced prison duration was 48.4 months, a slight increase from 2018 (Table 2, p. 23). The average varied by applicable Grid: 44 months for cases on the Standard Grid; 87 months for cases on the Sex Offender Grid;<sup>20</sup> and 42 months for cases on the Drug Offender Grid.

The average has fluctuated over time, but sentence lengths increased after 1989. From 1981 to 1989, the average was 37.5 months, increasing to 47.7 months from 1991<sup>21</sup> to 2000 and 46.2 months from 2001 to 2019. Numerous changes in sentencing practices and policies, as well as changes in the distribution of cases affected the average. Increases after 1989 were due to both the increased presumptive sentences adopted by the Commission in 1989<sup>22</sup> and, until recent years, an increase in the number of upward durational departures.

Fluctuations since 1989 appear to be further impacted by changes to presumptive sentences and changes in the distribution of cases across severity and criminal history. In addition, variations in aggravated and mitigated durational departure rates have contributed to changes in the length of sentences pronounced. In 2005, the Commission widened the ranges on the Standard Grid. In 2006, a separate Sex Offender Grid was adopted, giving higher presumptive sentences to repeat offenses and people with criminal history.

### *Life Sentences*

Eight people received life sentences in 2019, down from sixteen in 2018, but similar to seven in 2017. Of the eight life sentences, seven were for first-degree murder and one was for first-degree criminal sexual conduct. For four of those life sentences, no release will ever be possible: three because the conviction was premeditated first-degree murder, and one for first-degree criminal sexual conduct under egregious circumstances.<sup>23</sup> The four life sentences with possibility of release resulted from convictions of first-degree murder while committing a specified felony. Life sentences are excluded from the average pronounced prison sentences reported here.

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<sup>20</sup> In 2019, 33 cases (0.2%) were sentenced in which the offense was committed before August 1, 2005, some of which were sex offenses. The applicable pre-2005 Standard Grid was therefore used to determine the presumptive sentence. Twelve of these 33 cases received prison sentences with an average pronounced sentence of 109 months. This is higher than the average on the Standard Grid and Drug Offender Grid because 7 of the prison sentences were for first-degree criminal sexual conduct (average sentence of 143 months) and 1 pronounced sentence of 121 months for second-degree murder.

<sup>21</sup> 1990 data is not included because of a mixture of presumptive sentences.

<sup>22</sup> See “Changes to the Sentencing Grid Over Time – 1989,” p. 4.

<sup>23</sup> Life imprisonment without possibility of release has been the mandatory sentence for premeditated murder and certain sex offenses since 2005. [2005 Minn. Laws ch. 136](#), art. 2, §§ 5 & 21, & art. 17, § 9.

Table 2. Average Pronounced Prison Sentence, 1981–2019

Year	Executed Prison Sentences (in months)	Year	Executed Prison Sentences (in months)	Year	Executed Prison Sentences (in months)
2019	48.4	2005	45.7	1991	45.2
2018	47.1	2004	45.1	1990	45.7
2017	46.0	2003	51.2	1989	37.7
2016	46.3	2002	47.2	1988	38.1
2015	45.0	2001	49.8	1987	36.3
2014	45.5	2000	49.7	1986	35.4
2013	45.2	1999	47.9	1985	38.4
2012	47.3	1998	47.0	1984	36.2
2011	45.6	1997	44.5	1983	36.5
2010	46.5	1996	47.4	1982	41.0
2009	42.8	1995	48.5	1981	38.3
2008	45.0	1994	51.3		
2007	44.8	1993	46.9		
2006	44.8	1992	48.6		

### Local Confinement (i.e., County Jails, Local Correctional Facilities and Workhouses)

Although information is available in the monitoring system regarding the amount of local confinement a judge pronounces as a condition of probation, case data on the actual amount of time served are not. The average term of local confinement pronounced as a condition of probation does not always provide a complete picture of how much time people are spending in local confinement. For a variety of reasons, many will not serve the full amount of time pronounced by the judge. Some who have served time prior to sentencing may receive credit for this time off of the post-sentence time. For some, this credited time will constitute the entire period of local confinement. Others may be released to a treatment program.

The average amount of local confinement pronounced was 92 days in 2019, the lowest average on record. The average amount of local confinement was also less than 100 days in 2018 and 2017, and had remained in a fairly narrow range—between 103 and 113 days—from 1988 through 2016 (Table 3, p. 24).

Table 3. Average Local Confinement, 1981–2019

Year	Local Confinement (in days)
2019	92
2018	95
2017	96
2016	106
2015	105
2014	107
2013	110
2012	107
2011	109
2010	109
2009	111
2008	110
2007	110
2006	107

Year	Local Confinement (in days)
2005	109
2004	112
2003	112
2002	106
2001	105
2000	104
1999	103
1998	107
1997	107
1996	107
1995	108
1994	113
1993	112
1992	109

Year	Local Confinement (in days)
1991	106
1990	110
1989	110
1988	108
1987	116
1986	113
1985	120
1984	126
1983	132
1982	144
1981	166

## Departures from the Sentencing Guidelines

A “departure” is a pronounced sentence other than that recommended in the appropriate cell of the applicable Grid. There are two types of departures—dispositional and durational—as further explained below. Since the presumptive sentence is based on “the typical case,” the appropriate use of departures by the courts when substantial and compelling circumstances exist can actually enhance proportionality by varying the sanction in an atypical case.

While the court ultimately makes the sentencing decision, other criminal justice professionals and victims participate in the decision-making process. Probation officers make recommendations to the courts regarding whether a departure from the presumptive sentence is appropriate, and prosecutors and defense attorneys may agree on acceptable sentences. Victims are provided an opportunity to comment regarding the appropriate sentence as well. Therefore, these departure statistics should be reviewed with an understanding that, when the court pronounces a particular sentence, there is commonly agreement or acceptance among the other actors that the sentence is appropriate. Only a small percent of cases (1% to 2%) result in an appeal of the sentence pronounced by the court.

When there is departure from the presumptive sentence, the court is required to submit reasons for the departure to the Commission.<sup>24</sup> Along with reasons for departure, the court may supply information about the position of the prosecutor regarding the departure. In 2019, the Commission received departure reasons, information about the position of the prosecutor, or both, in 97 percent of departure cases.

In 2019, 97 percent of felony convictions were obtained without a trial. The Commission recognizes the importance of plea agreements:

*Plea agreements are important to our criminal justice system because it is not possible to support a system where all cases go to trial. However, it is important to have balance in the criminal justice system where plea agreements are recognized as legitimate and necessary and the goals of the Guidelines are supported. If a plea agreement involves a sentence departure and no other reasons are provided, there is little information available to make informed policy decisions or to ensure consistency, proportionality, and rationality in sentencing.*

*Departures and their reasons highlight both the success and problems of the existing Guidelines. When a plea agreement involves a departure from the presumptive sentence, the court should cite the reasons that underlie the plea agreement or explain its reasons for accepting the negotiation.*

Minn. Sentencing Guidelines Comment 2.D.104.

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<sup>24</sup> Minn. R. Crim. P. [27.03](#), subd. 4(C).

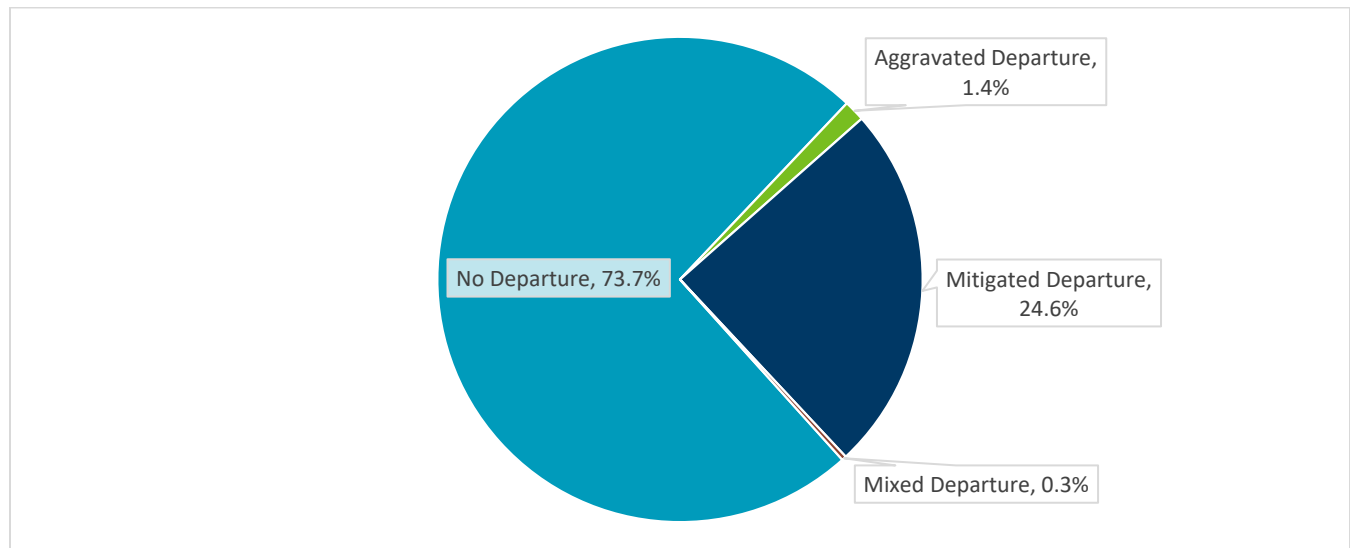
## Total Departures

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In 73.7 percent of cases in 2019, the sentence imposed was not a departure from the presumptive, Guidelines-recommended sentence (17,335 cases). In the remaining 26.3 percent of cases, there was some type of departure; *i.e.*, aggravated, mitigated, or mixed<sup>25</sup> (Figure 12).

Additional departure information can be found in Table 18 (p. 70), Table 19 (p. 71), Table 20 (p. 72), Table 21 (p. 73), and Table 22 (p. 74). Departure information by county can be found in Table 24 (p. 78) and Table 25 (p. 81).

Figure 12. Total Departure Rates, All Cases, 2019



## Dispositional Departures

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While Figure 12, above, reports both the dispositional and durational departure rates among all cases, this section examines only dispositional departures. A “dispositional departure” occurs when the court orders a disposition other than that recommended in the Guidelines. There are two types: aggravated and mitigated. An aggravated dispositional departure occurs when the Guidelines recommend a stayed sentence but the court pronounces an executed prison sentence. A mitigated dispositional departure occurs when the Guidelines recommend an executed prison sentence but the court pronounces a stayed sentence.

In 2,386 cases (14%) in 2019, the sentence was a dispositional departure from the Guidelines. In 33 cases (0.2%), the sentence was to prison when the Guidelines recommended probation (“aggravated dispositional departure”). In 2,353 cases (13.6%), the sentence was to probation when the Guidelines recommended prison (“mitigated dispositional departure”). The majority of the increase in the total departure rate since 1981 has resulted from increases in the mitigated dispositional departure rate (Figure 13, p. 27).

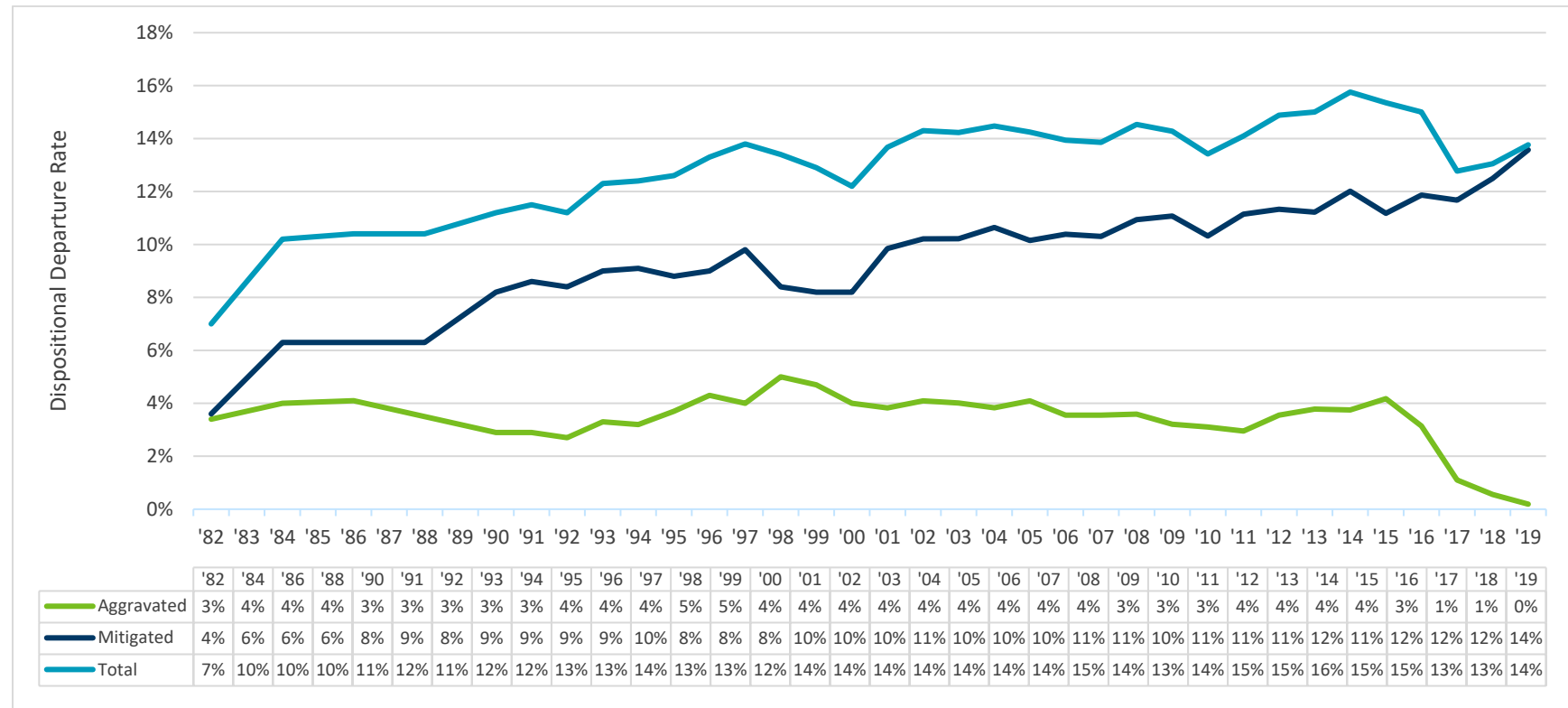
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<sup>25</sup> A “mixed” departure is a mitigated dispositional departure with an aggravated durational departure, or vice-versa.



## Types of Dispositional Departures

Figure 13. Dispositional Departure Rates, 1982, 1984, 1986, 1988, 1990–2019

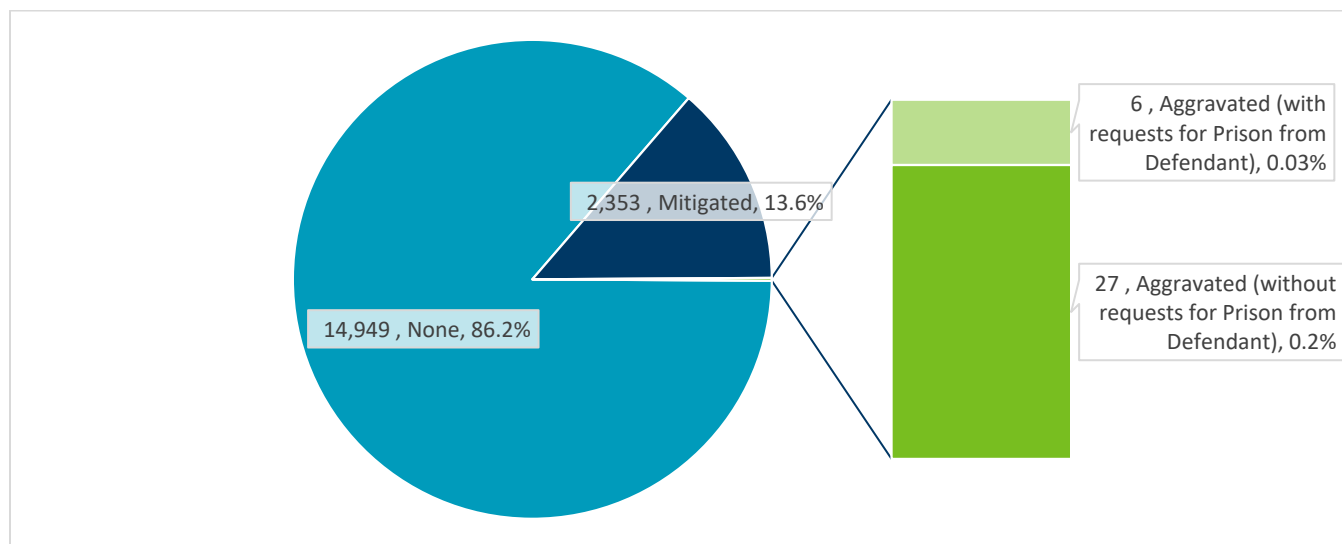


### Aggravated Dispositional Departures

Of all cases sentenced in 2019, 0.2 percent were aggravated dispositional departures (Figure 13). Among only those cases at risk to receive an aggravated dispositional departure—i.e., those with a presumptively stayed sentence—the aggravated dispositional departure rate was 0.3 percent (Table 19, p. 71).

Much of the apparent decrease in aggravated dispositional departures in recent years is due to a 2015 policy change: The Commission no longer considers an executed sentence, pursuant to a defendant’s demand, to be an aggravated dispositional departure. In 2018, 54 percent of aggravated dispositional departures occurred because the defendant—with a presumptively stayed sentence—requested an executed prison sentence or agreed to the departure as part of a plea agreement. In 2019, only 18 percent of aggravated dispositional departures were based on such a request.<sup>26</sup> Because aggravated dispositional departures now represent such a small percentage of cases, the remainder of this analysis will focus on mitigated dispositional departures.<sup>27</sup>

*Figure 14. Dispositional Departure Rates with and without Requests for Prison from Defendant, 2019*



### *Mitigated Dispositional Departures*

As discussed above, the sentence was a mitigated dispositional departure in 14 percent of cases sentenced in 2019. This next section focuses only on departures for presumptive commitment cases (those recommended prison). Because the next section’s departures are compared to a much smaller pool of cases, the departure rates shown will be significantly higher than the 14-percent rate shown above.

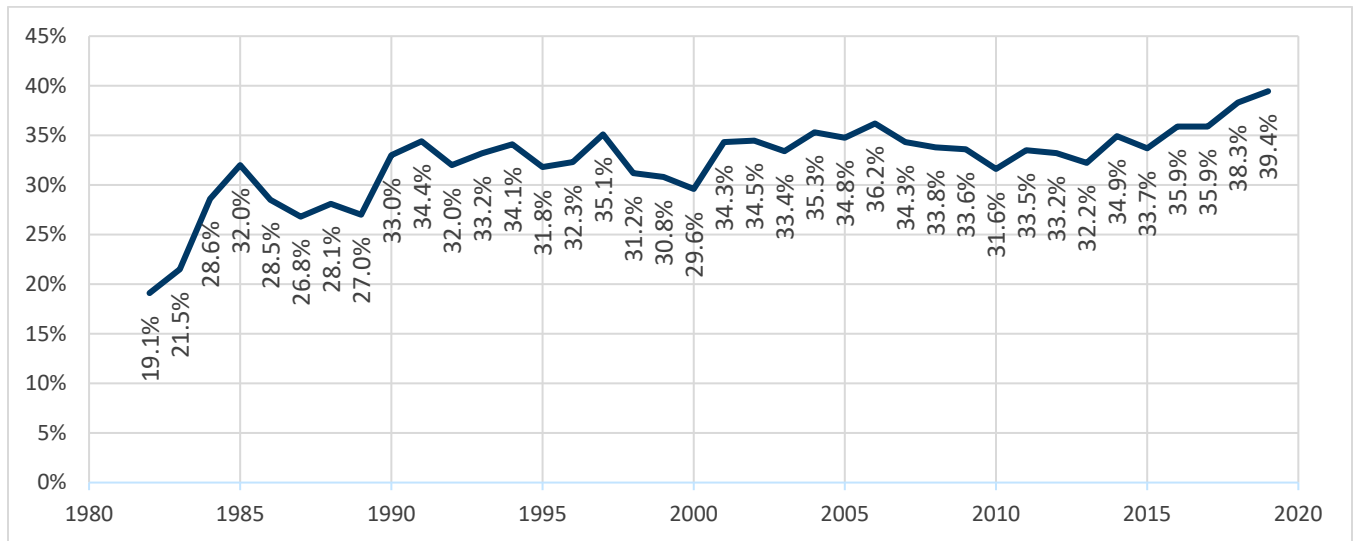
### **Mitigated Dispositional Departure Rates for Presumptive Commitments**

In 2019, the mitigated dispositional departure rate for cases recommended prison under the Guidelines was 39.4 percent (2,353 of the 5,965 cases recommended prison), which is the highest rate ever observed (Figure 15). The next-highest rates were 38.3 percent (2018) and 36.2 percent (2006).

<sup>26</sup> This number is not zero because some cases sentenced in 2019 were committed before the policy change took effect on August 1, 2015. In 2019, 496 cases committed on or after August 1, 2015, were presumptive stays where the defendant received a prison sentence pursuant to his or her right to demand execution; these were not counted as aggravated dispositional departures.

<sup>27</sup> The small number of aggravated dispositional departures may be related to mid-2000s caselaw requiring that a jury find aggravating factors to support such departures. See footnotes 28 & 29 (p. 33) and accompanying text.

Figure 15. Mitigated Dispositional Departure Rates, Presumptive Commitments Only, 1982–2019



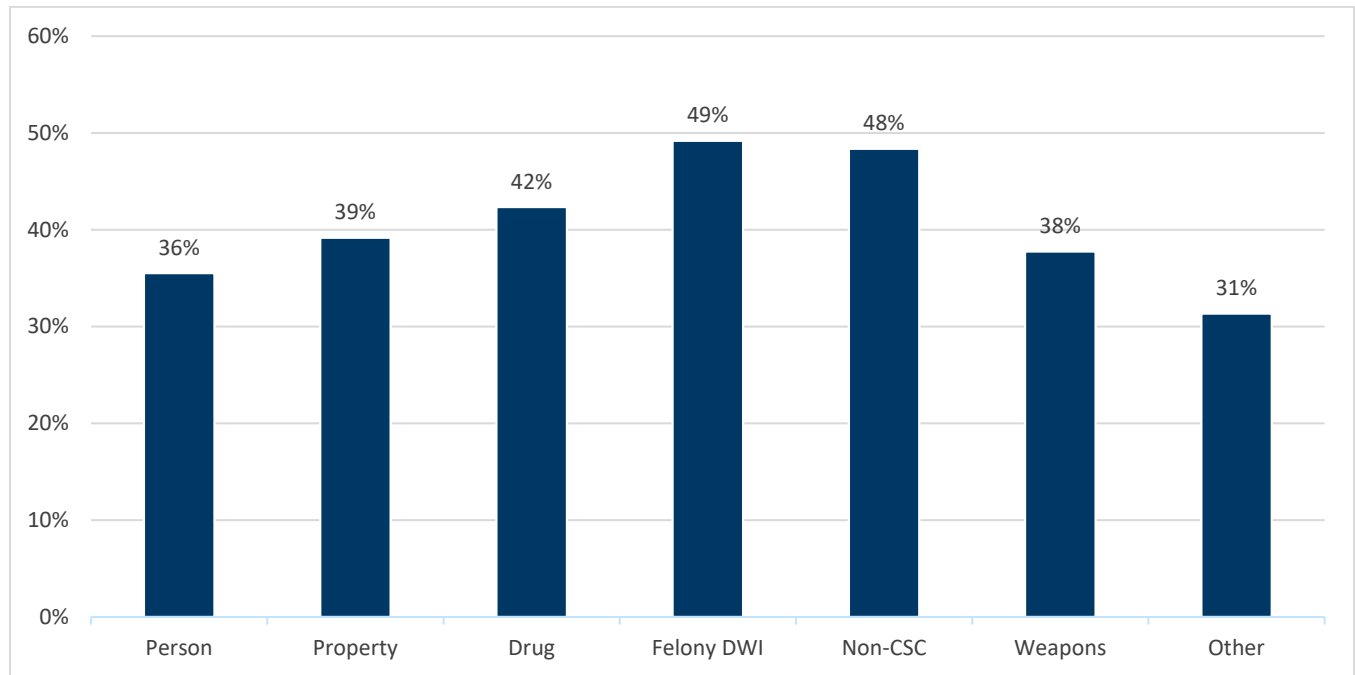
### Mitigated Dispositional Departure Rates by Gender, Race/Ethnicity, and Judicial District

Table 19 (p. 71) lists dispositional departure rates by gender, race or ethnicity, and judicial district for presumptive commitment offenses. These rates are illustrated graphically in Figure 26 (p. 39) and Figure 27 (p. 40). The mitigated dispositional departure rate is higher for females (59.5%) than males (37.4%). When examined by racial or ethnic group, the mitigated dispositional departure rate ranged from a low of 32.6 percent for the American Indian group to a high of 43.3 percent for the Asian group and 43.1 percent for the white group. There was also variation in the rate by judicial district, ranging from a low of 29.8 percent in the Eighth Judicial District (includes west-central counties) to a high of 50.9 percent in the Second Judicial District (Ramsey County). This is a larger variation than seen in 2018, where the range by judicial district was 32.3 to 48.3 percent. See Appendix 1 (p. 84) for a map of Minnesota’s ten judicial districts.

### Mitigated Dispositional Departure Rate by Offense Type

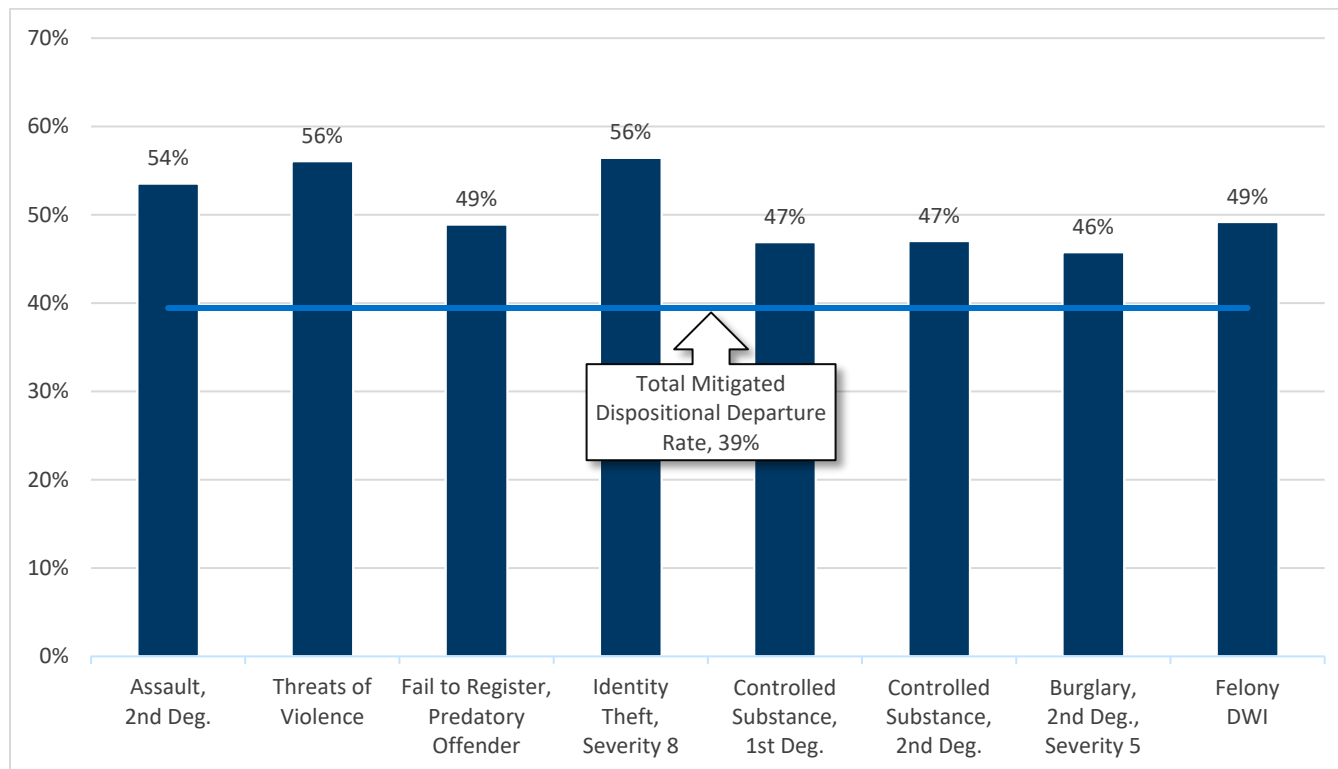
Figure 16 displays the mitigated dispositional departure rate by offense type. The rate is highest for felony DWI and lowest for person and “other” offenses. Compared to 2018 rates, mitigated dispositional departure rates increased in 2019 by at least two percentage point for property offenses (37% in 2018), drug offenses (38.5% in 2018), felony DWI offenses (43% in 2018), and weapon offenses (34.5% in 2018). The rates decreased for person offenses (37% in 2018) and “other” offenses (36.5% in 2018). For non-CSC sex offenses, the rate remained nearly unchanged (48.8% in 2018).

Figure 16. Mitigated Dispositional Departure Rates by Offense Type, Presumptive Commitments Only, 2019



Even within offense types, departure rates vary by offense. Figure 17 (p. 31) displays the highest rates of mitigated dispositional departure compared to the total rate of 39 percent. The selected offenses were those with 50 or more presumptive commitment cases and a mitigated dispositional departure rate of 45 percent or more.

Figure 17. Mitigated Dispositional Departure Rates for Selected Offenses Compared to Total Rate, 2019



*Note: Offenses were selected based on criteria that there were 50 or more presumptive commitment cases and the mitigated dispositional departure rate was 45 percent or more.*

Two of the offenses highlighted in Figure 17, assault in the second degree and failure to register as a predatory offender, have mandatory minimum sentences specified in statute, with provisions allowing for departure from those mandatory minimums.

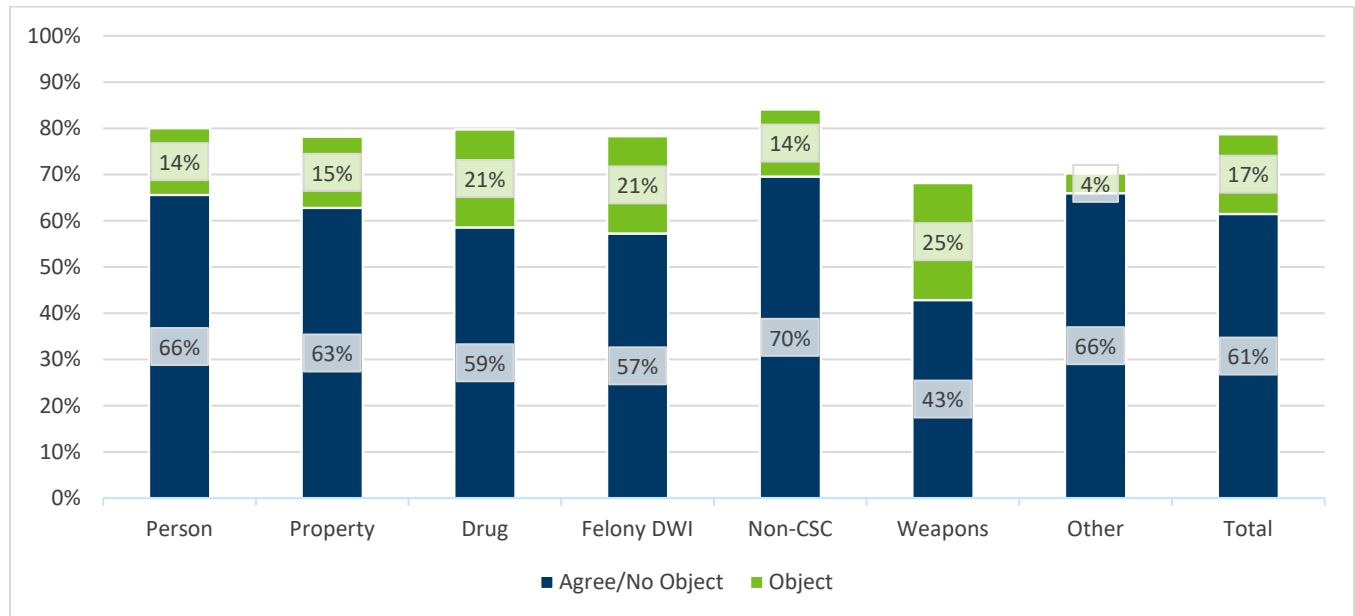
Assault in the second degree, by definition, involves the use of a dangerous weapon and therefore carries a mandatory minimum prison sentence (Minn. Stat. § [609.11](#), subds. 4, 5, and 9). The second-degree assault statute proscribes a broad range of misbehavior: Injury to, or physical contact with, the victim may or may not occur, and the type of dangerous weapon involved can vary widely, from a pool cue to a knife to a firearm. Circumstances surrounding the offense can also vary significantly, from barroom brawls to unprovoked confrontations. The mandatory minimum statute specifically permits the court to sentence without regard to the mandatory minimum, provided that substantial and compelling reasons are present (Minn. Stat. § [609.11](#), subd. 8). It is perhaps unsurprising to find many departures in the sentencing of a crime that can be committed in many different ways.

Failure to register as a predatory sex offender also has a statutory mandatory minimum sentence, accompanied by a statutory provision that allows for sentencing without regard to the mandatory minimum (Minn. Stat. § [243.166](#), subd. 5(d)).

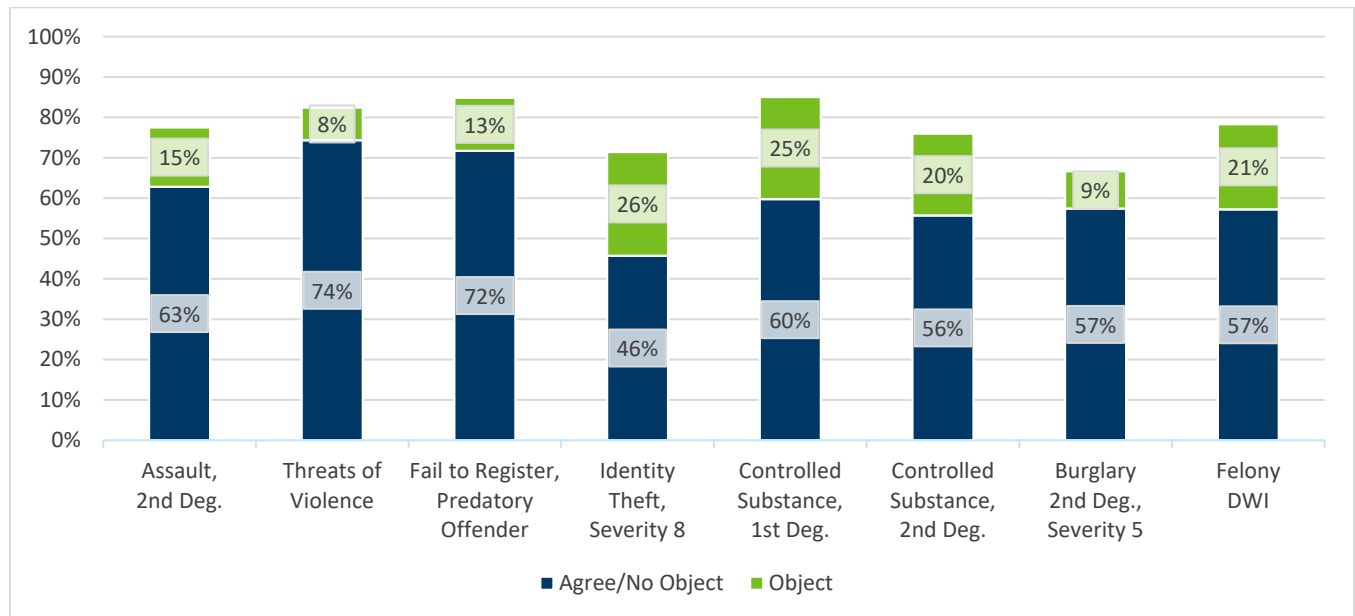
In 61.5 percent of the mitigated dispositional departures, the court stated that the prosecutor agreed to the departure, recommended the departure, or did not object to the departure. In 17 percent of these cases, the

court stated that the prosecutor objected to the departure (Figure 18). The court did not supply information on the prosecutor's position in 21 percent of these departures. Prosecutor agreement can vary by offense type (Figure 18) and offense (Figure 19). In all offense categories, amenability to probation and amenability to treatment were the most frequently cited substantial and compelling reasons for departure recorded.

*Figure 18. Court-Cited Position of Prosecutor for Mitigated Dispositional Departures, by Offense Type, 2019*



*Figure 19. Court-Cited Position of Prosecutor for Mitigated Dispositional Departures, Selected Offenses, 2019*



*Notes: Departure reports do not always include information on the prosecutor's position, which is why the columns do not add up to 100% for each offense. Offenses were selected based on criteria that there were 50 or more presumptive commitment cases and the mitigated dispositional departure rate was 45 percent or more.*

## Durational Departures

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While Figure 12 (p. 26) reports both the dispositional and durational departure rates among all cases, this section examines only durational departures. A “durational departure” occurs when the court orders a sentence with a duration that is other than the presumptive fixed duration or range in the appropriate cell on the applicable Grid. There are two types of durational departures: aggravated durational departures and mitigated durational departures. An aggravated durational departure occurs when the court pronounces a duration that is more than 20 percent higher than the fixed duration displayed in the appropriate cell on the applicable Grid. A mitigated durational departure occurs when the court pronounces a sentence that is more than 15 percent lower than the fixed duration displayed in the appropriate cell on the applicable Grid.

The total durational departure figures are given in Table 20 (p. 72) and Table 21 (p. 73). This section focuses on departures for executed prison sentences (those for whom a prison sentence was imposed), which are shown in Figure 20 (p. 34). Since the enactment of the Guidelines, the mitigated durational departure rate has consistently been higher than the aggravated durational departure rate.

Both mitigated and aggravated durational departures increased until the early 2000s. The increase in mitigated durational departures was particularly striking in 1997 and in the period immediately following the 1989 increases in presumptive durations. In 2001 and 2002, the mitigated durational departure rate, at almost 30 percent, was the highest since the enactment of the Guidelines. Since then, the rate has generally declined, though fluctuating from year to year. The mitigated durational rate appeared to have leveled off at around 25 percent, although five of the last six years have seen declines. Likewise, after reaching a high of 12 percent in 2000, the aggravated durational departure rate slowly declined, but appears to have leveled off around three percent.

From 2018 to 2019, the mitigated durational departure rate fell from 22.8 percent to 20.3 percent, the lowest rate since the mid-1990s. The aggravated durational departure rate rose, from 2.7 percent to 2.9 percent. The trend in lower aggravated durational departure rates since the mid-2000s likely reflects the impact of increased presumptive sentences over the past years and issues related to the U.S. Supreme Court ruling in *Blakely v. Washington*, 542 U.S. 296 (2004), which required a jury to find all facts—other than the fact of a prior conviction or those facts agreed to by the defendant—used to enhance a sentence under mandatory sentencing guidelines.<sup>28</sup>

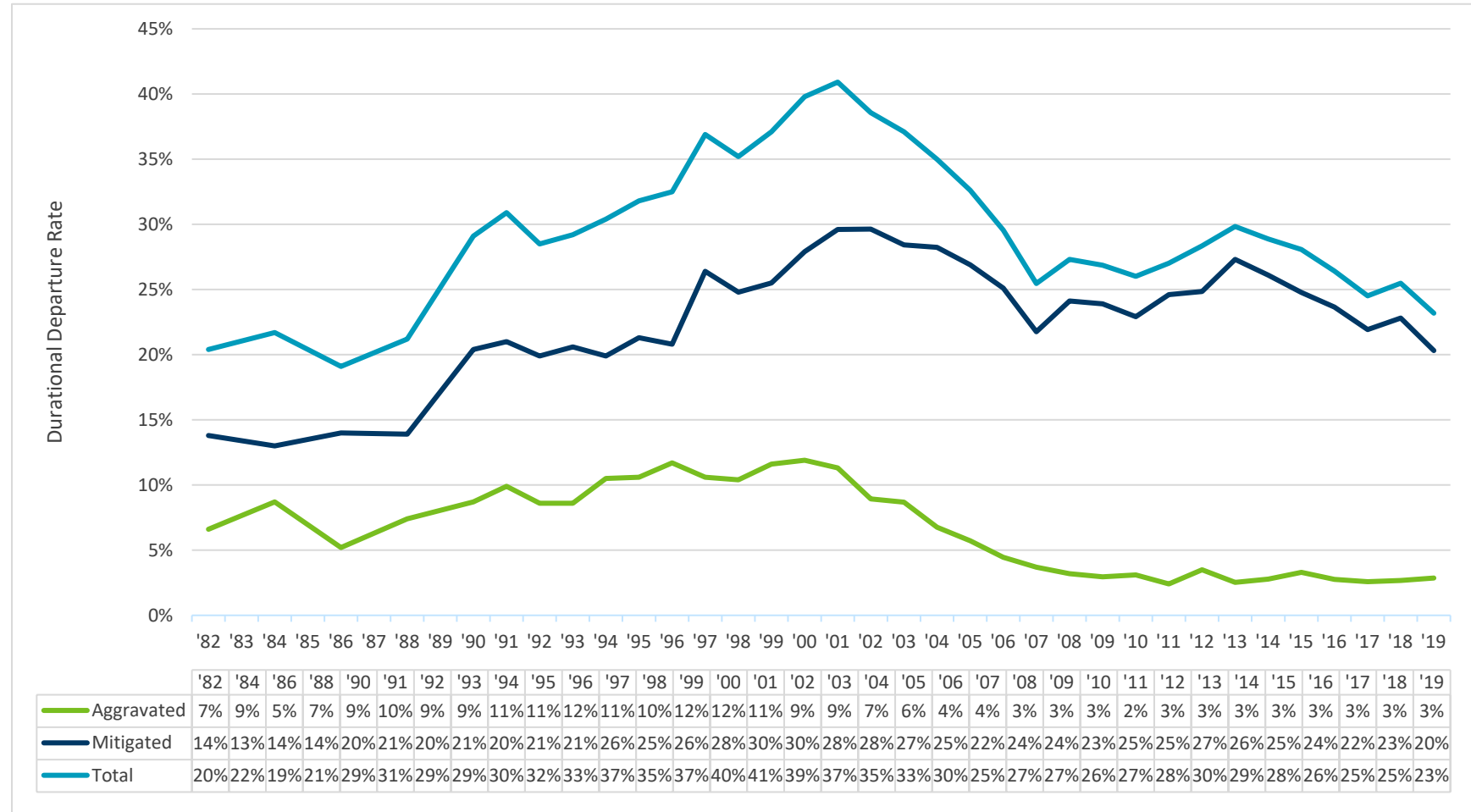
In response to the *Blakely* decision, the 2005 Legislature widened the ranges on the Standard Grid to 15 percent below and 20 percent above the presumptive fixed sentence, within which the court may sentence without departure. In 2006, a Sex Offender Grid was adopted. The Sex Offender Grid introduced higher presumptive sentences for repeat offenses and those with criminal history.<sup>29</sup>

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<sup>28</sup> The Minnesota Supreme Court determined that *Blakely*'s jury requirements applied to aggravated departures under the Sentencing Guidelines. *State v. Shattuck*, 689 N.W.2d 785 (Minn. 2004), *modified on reh'g*, 704 N.W.2d 131 (Minn. 2005).

<sup>29</sup> For a deeper examination of the effect of the *Blakely* decision on sentencing practices, see the MSGC special report: “Impact of *Blakely* and Expanded Ranges on Sentencing Grid,” at <http://mn.gov/sentencing-guidelines/reports>.

Figure 20. Durational Departure Rates for Cases Receiving an Executed Prison Sentence, 1982, 1984, 1986, 1988, 1990–2019





## Durational Departure Rates by Gender, Race/Ethnicity and Judicial District

Table 22 (p. 74) lists durational departure rates for executed prison sentences by gender, race or ethnicity, and Minnesota Judicial District. These rates are illustrated graphically in Figure 26 (p. 39) and Figure 27 (p. 40). The mitigated durational departure rate for males sentenced in 2019 was slightly higher than for females (20% vs. 19%). When the departure rate is examined by racial or ethnic group, the rate varies from a low of 15.4 percent for the white group to a high of 28.0 percent for the black group. There is also considerable variation in mitigated durational departure rates by Minnesota Judicial District, ranging from a low of 3.5 percent in the Eighth Judicial District to a high of 41.1 percent in the Second Judicial District. See Appendix 1 (p. 84) for a map of Minnesota's ten judicial districts.

## Durational Departures by Offense Type

As with dispositional departures, it can be useful to look at durational departures by offense type. As Figure 21 illustrates, offenses in the non-criminal sexual conduct (non-CSC sex offense) category have higher mitigated durational departure rates and lower aggravated durational departure rates than other offense types. The offense in the non-CSC sex offense category with the highest mitigated durational departures (excluding an offense with very few cases) is failure to register as a predatory offender. Person offenses had the highest aggravated durational departure rate at 4.8 percent.

Figure 21. Durational Departure Rates for Cases Receiving Executed Prison Sentences, by Offense Type, 2019

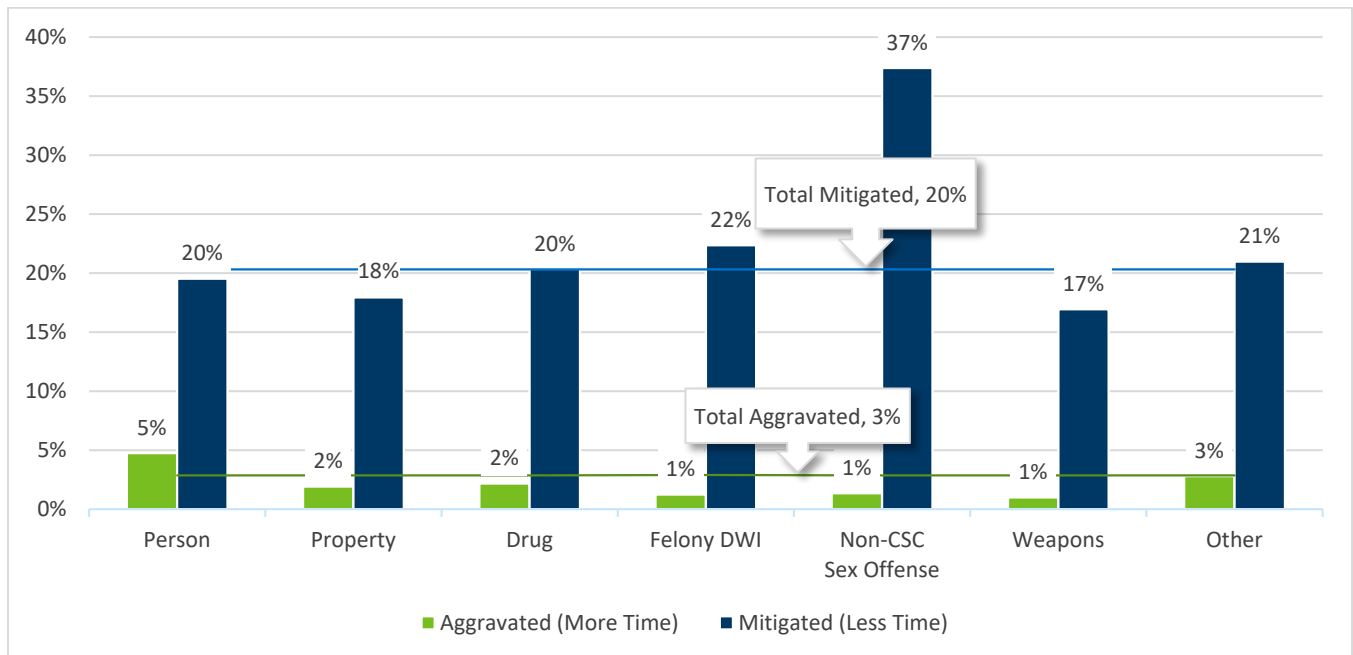
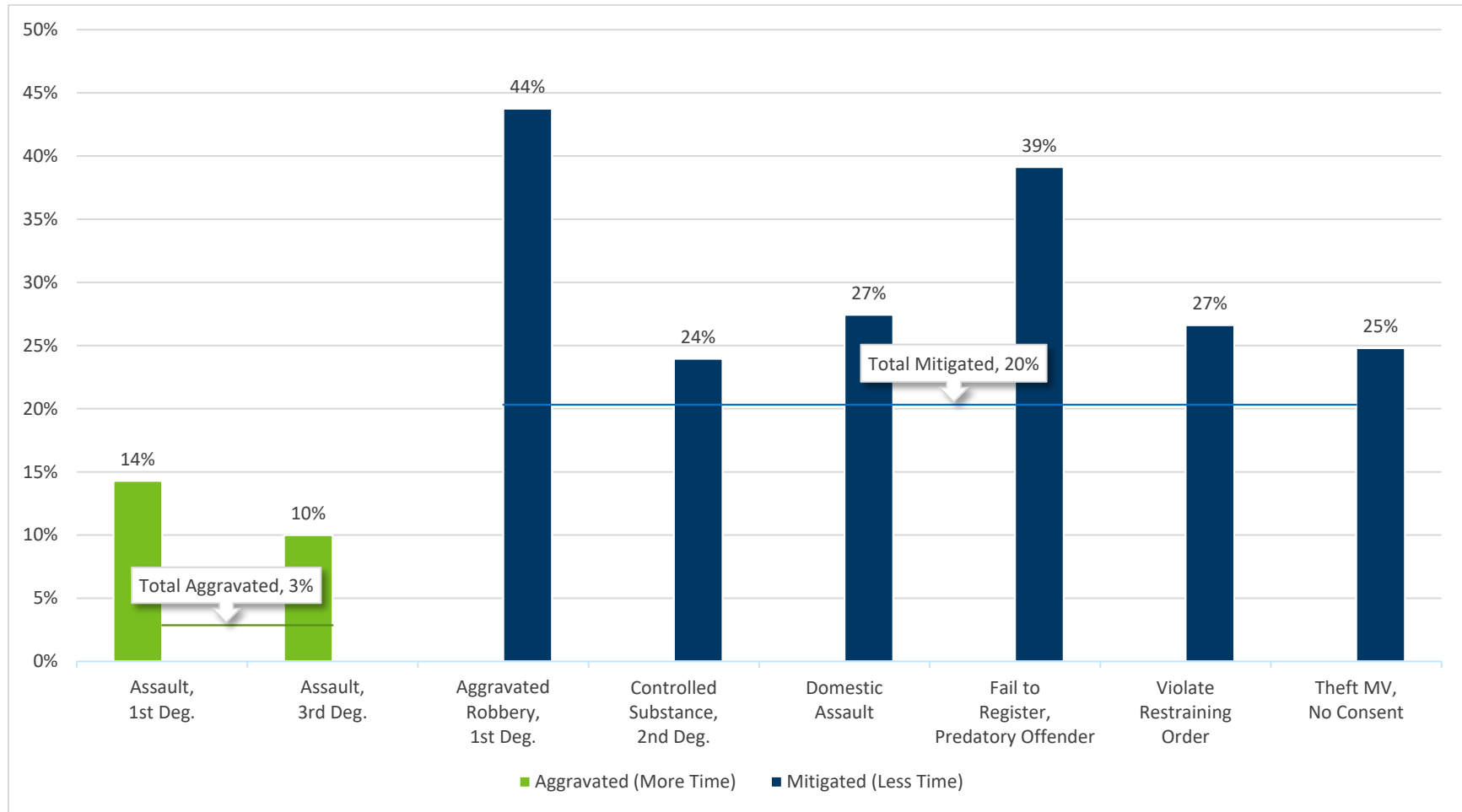


Figure 22 (p. 36) displays offenses with the highest durational departure rates among offenses with at least 40 executed prison cases. Included in this graph are offenses with a mitigated durational departure rate of 24 percent or more; or an aggravated durational departure rate of seven percent or more.

Figure 22. Durational Departure Rates for Cases Receiving Executed Prison Sentences, Selected Offenses, 2019



Note: Offenses were selected based on criteria that there were 40 or more executed prison cases and the aggravated durational departure rate was 7 percent or more or the mitigated durational departure rate was 24 percent or more.

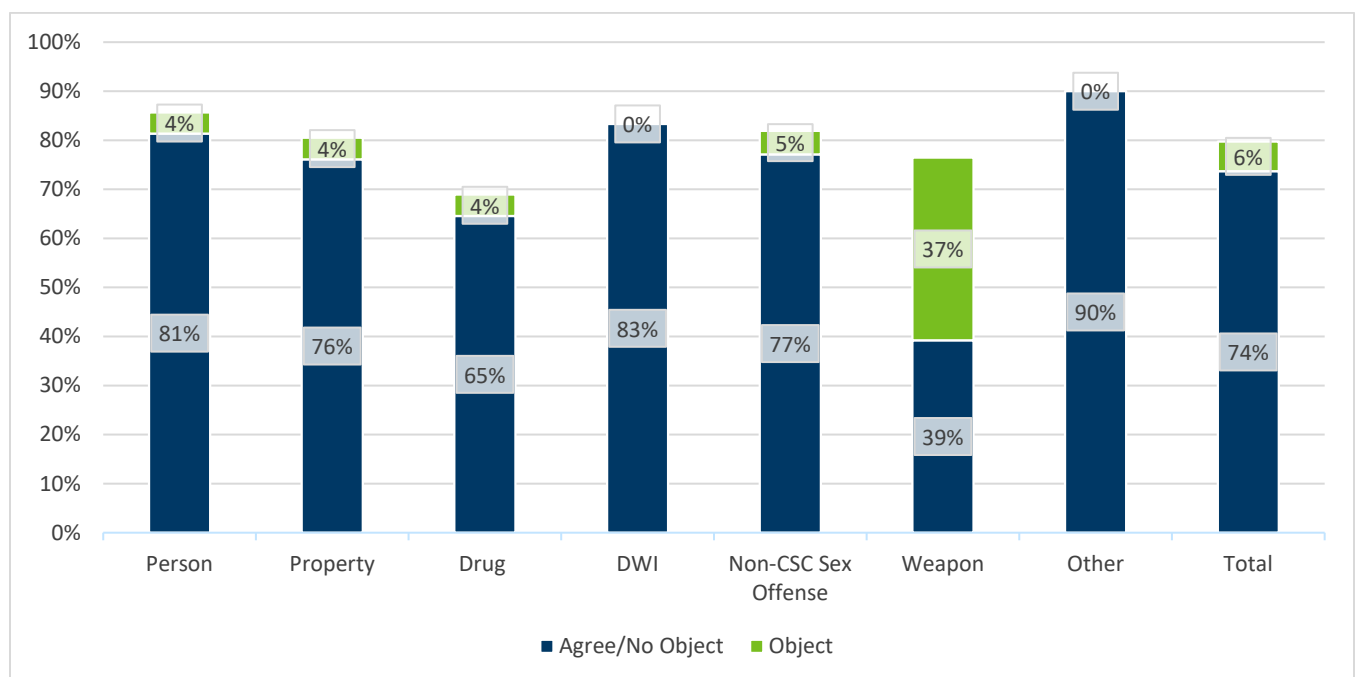
Aggravated durational departure rates were highest for assault in the first degree and assault in the third degree. Mitigated durational departure rates were highest for aggravated robbery in the first degree, controlled substance crime in the second degree, felony domestic assault, failure to register as a predatory offender, violations of restraining orders, and theft of motor vehicle with no consent.

For both mitigated and aggravated durational departures, plea agreement or recommendation of the prosecutor were the most frequently cited reasons for departure for all offense types.

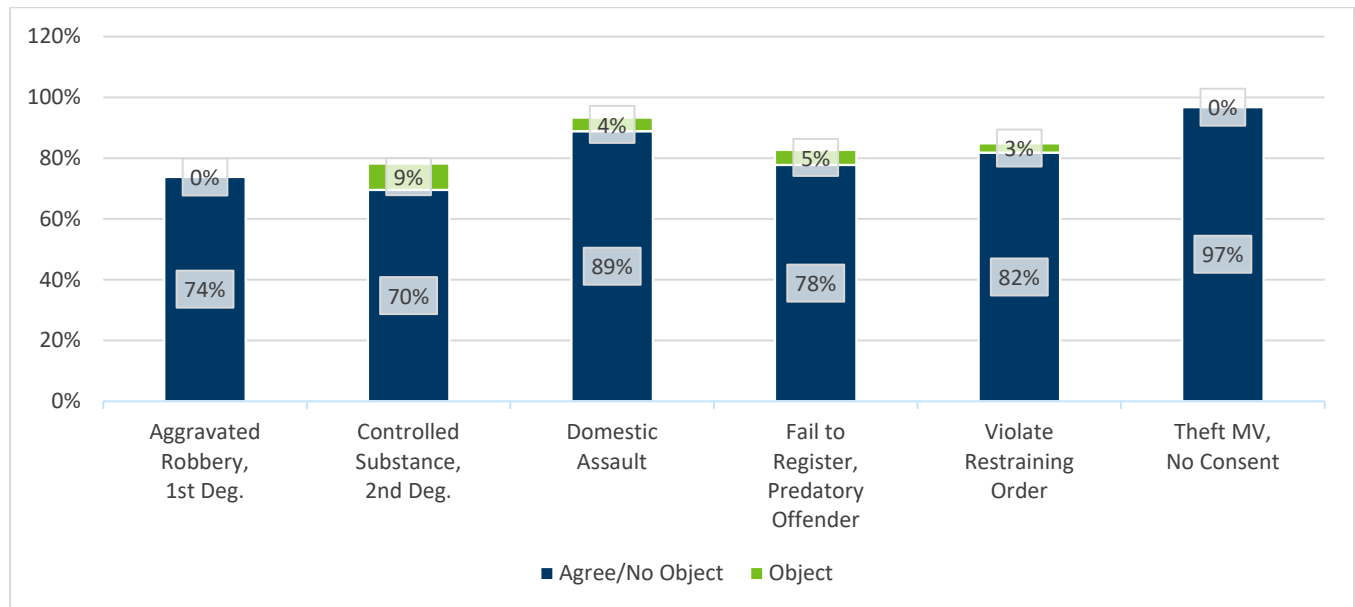
In 74 percent of the mitigated durational departures, the court stated that the prosecutor agreed to the departure, recommended the departure, or did not object to the departure (Figure 23). In six percent of these cases, the court stated that the prosecutor objected to the departure. In 20 percent of the mitigated durational departures, the court did not provide information on the position of the prosecutor. These rates varied somewhat by offense (Figure 24, p. 38).

In 59 percent of the aggravated durational departures, the court stated that the prosecutor agreed to the departure, recommended the departure, or did not object to the departure. In 41 percent of the aggravated durational departures, the court did not provide information on the position of the prosecutor. There were no cases in which the court stated that the prosecutor objected to the aggravated durational departure (Figure 25, p. 38).

*Figure 23. Court-Cited Position of Prosecutor, Mitigated Durational Departures, Executed Prison Sentences by Offense Type, 2019*

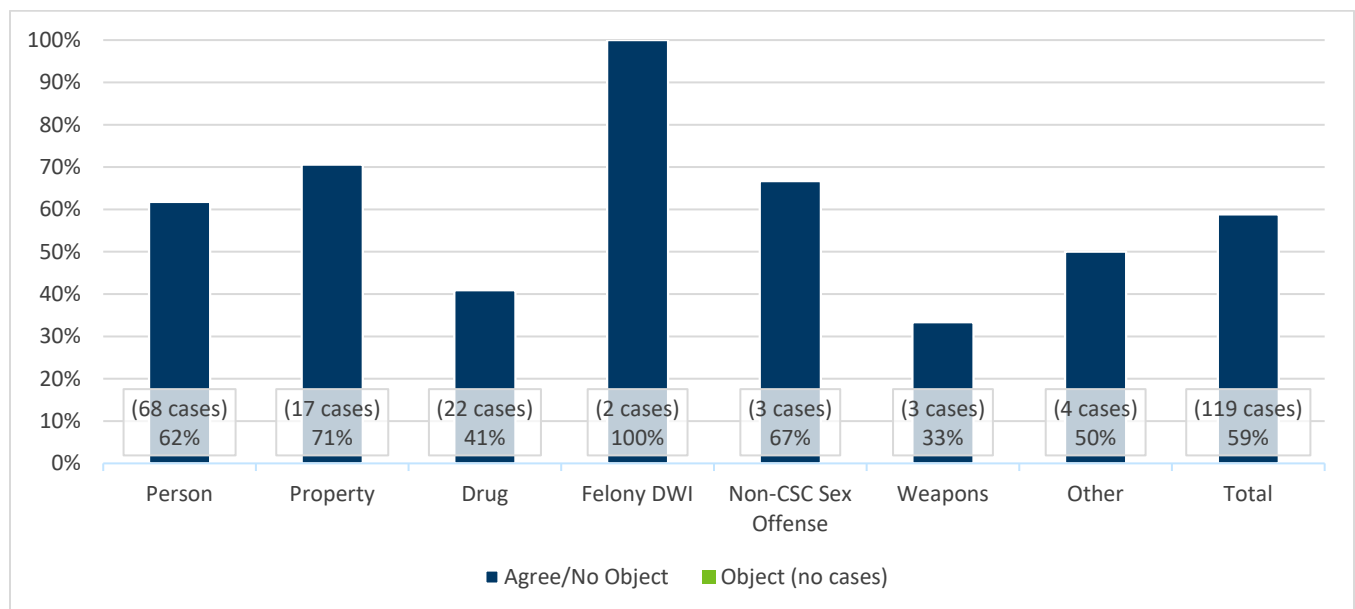


**Figure 24. Court-Cited Position of Prosecutor, Mitigated Durational Departures, Executed Prison Sentences, Selected Offenses, 2019**



Notes: Departure reports do not always include information on the prosecutor's position, which is why the columns do not add up to 100 percent for each offense type. Offenses were selected based on criteria that there were 40 or more executed prison cases and the mitigated durational departure rate was 24 percent or more.

**Figure 25. Court-Cited Position of Prosecutor, Aggravated Durational Departures, Executed Prison Sentences by Offense Type, 2019**



Notes: Departure reports do not always include information on the prosecutor's position, which is why the columns do not add up to 100 percent for each offense type. In no case did the court record a prosecutorial objection to an aggravated durational departure.

## Mitigated Departures: Gender, Race/Ethnicity, & Judicial Districts

Previous sections of this report discussed variations—by gender, race or ethnicity, and judicial district—in mitigated *dispositional* departure rates for presumptive commitment offenses (p. 29) and in mitigated *durational* departure rates for executed prison sentences (p. 35). Figure 26 and Figure 27, below, present a combined illustration of these variations. Among racial or ethnic groups whose members were sentenced in 2019 (Figure 26)—

- The white group had a higher mitigated dispositional departure rate than the total rate, but a lower durational departure rate;
- The black and Hispanic groups had higher mitigated durational departure rates than the total rate, but lower dispositional departure rates;
- The American Indian group had a lower mitigated durational and dispositional departure rates than the total rate; and
- The Asian group had higher mitigated durational and dispositional departure rates than the total rate.

Recall from Figure 8 (p. 16) that racial or ethnic composition varies by Minnesota judicial district. When reviewing Figure 26, note that the observed variations may be partly explained by regional differences in charging, plea agreement, and sentencing practices, as well as by regional differences in case volume, the types of offenses sentenced, criminal history scores across racial groups, and available local correctional resources. (See p. 84 for a map of Minnesota’s ten judicial districts.)

Figure 26. Mitigated Departure Rates by Gender & Race/Ethnicity, 2019

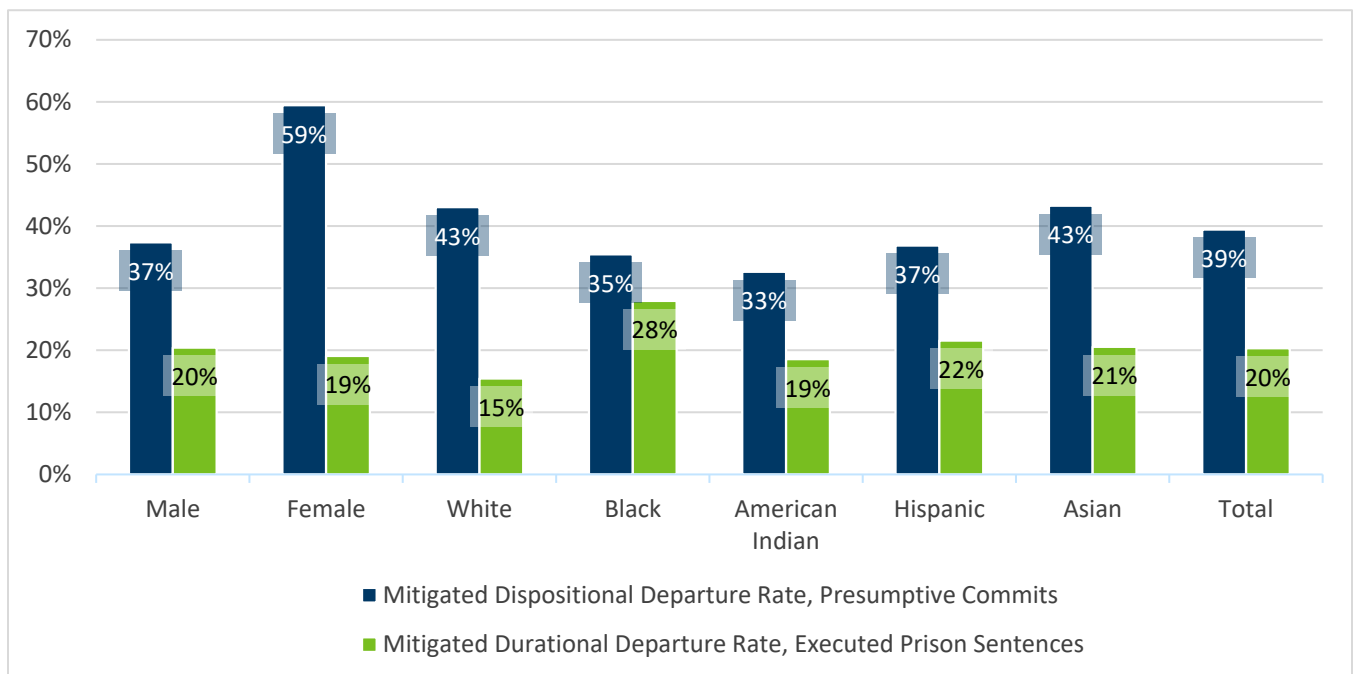
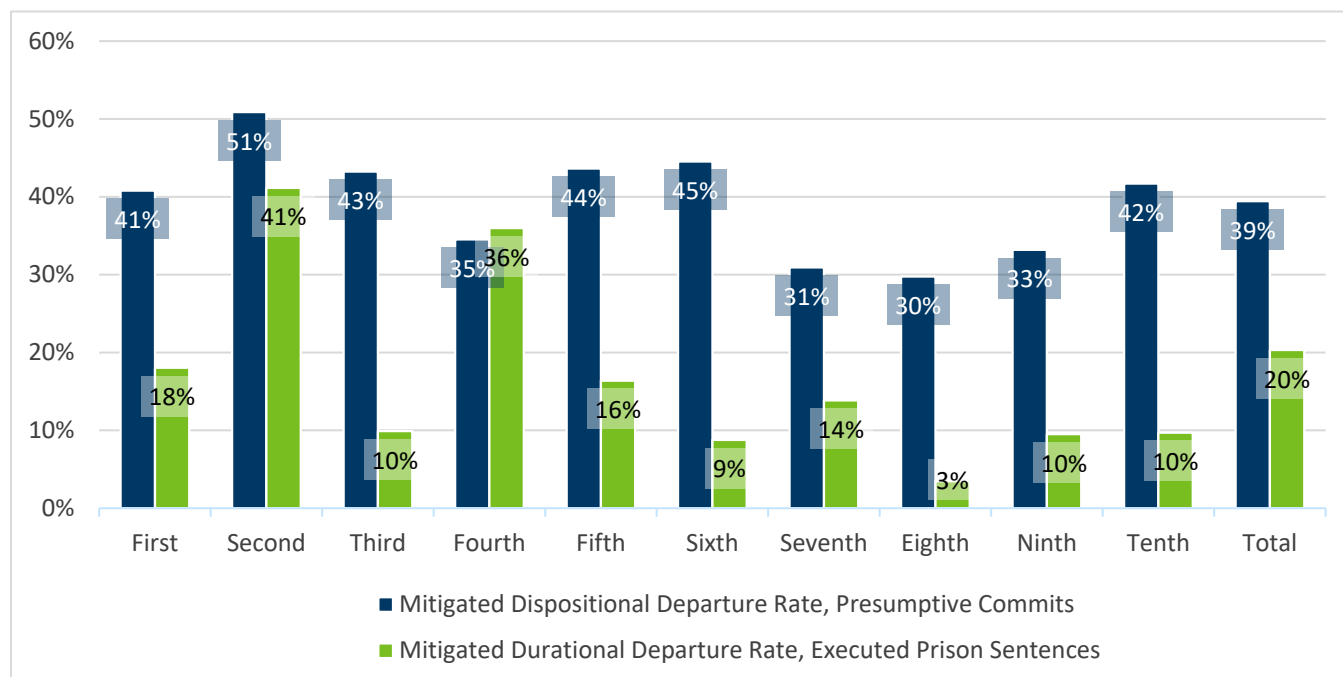


Figure 27. Mitigated Departure Rates by Minnesota Judicial District, 2019



## Data Tables

### Felony Convictions Receiving Misdemeanor or Gross Misdemeanor Sentences

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Under Minn. Stat. § [609.13](#), if the court pronounces a misdemeanor or gross misdemeanor sentence for a felony conviction, that conviction is deemed a gross misdemeanor or misdemeanor. The sentence is a mitigated durational departure from the Guidelines because it is below the appropriate range on the applicable Grid (i.e., a duration of less than one year and one day). Although still relatively rare, this type of departure has become more common in the past decade. In 2019, it was the highest it has ever been at 6.2 percent.

*Table 4. Felony Level Convictions Receiving Misdemeanor or Gross Misdemeanor Sentences, 1981–2019*

Year	Total Number of Cases	Number Receiving Non-Felony Sentences	Rate Receiving Non-Felony Sentences (%)
2019	17,335	1,071	6.2
2018	18,284	1,040	5.7
2017	18,288	944	5.2
2016	16,927	820	4.8
2015	16,763	783	4.7
2014	16,145	804	5.0
2013	15,318	765	5.0
2012	15,207	865	5.7
2011	14,571	793	5.4
2010	14,311	754	5.3
2009	14,840	584	3.9
2008	15,394	498	3.2
2007	16,167	512	3.2
2006	16,443	439	2.7
2005	15,460	305	2.0
2004	14,751	341	2.3
2003	14,492	365	2.5
2002	12,977	290	2.3
2001	10,796	235	2.2
2000	10,395	215	2.1
1999	10,634	215	2.0
1998	10,887	216	2.0
1997	9,847	137	1.4
1996	9,480	144	1.5
1995	9,421	89	0.9
1994	9,787	110	1.1

Year	Total Number of Cases	Number Receiving Non-Felony Sentences	Rate Receiving Non-Felony Sentences (%)
1993	9,637	125	1.3
1992	9,325	89	1.0
1991	9,161	87	1.0
1990	8,844	67	0.8
1989	7,974	61	0.8
1988	7,572	52	0.7
1987	6,674	60	0.9
1986	6,032	55	0.9
1985	6,236	62	1.0
1984	5,792	58	1.0
1983	5,562	44	0.8
1982	6,066	66	1.1
1981	5,500	115	2.1

## Case Volume and Distribution

Table 5. Volume of Cases by Gender, 1981–2019

Year	Total Number of Cases	Males		Females	
		Number	Percent	Number	Percent
2019	17,335	13,937	80.4	3,398	19.6
2018	18,284 <sup>30</sup>	14,566	79.7	3,717	20.3
2017	18,288 <sup>31</sup>	14,703	80.4	3,584	19.6
2016	16,927	13,702	80.9	3,225	19.1
2015	16,763	13,621	81.3	3,142	18.7
2014	16,145	13,219	81.9	2,926	18.1
2013	15,318	12,797	83.5	2,521	16.5
2012	15,207	12,699	83.5	2,508	16.5
2011	14,571	12,150	83.4	2,421	16.6
2010	14,311	11,926	83.3	2,385	16.7
2009	14,840	12,293	82.8	2,547	17.2
2008	15,394	12,654	82.2	2,740	17.8
2007	16,167	13,321	82.4	2,846	17.6
2006	16,443	13,547	82.4	2,896	17.6
2005	15,460	12,686	82.1	2,774	17.9

<sup>30</sup> "Total Number of Offenders" included one corporation which is not included in "Males" or "Females."

<sup>31</sup> "Total Number of Offenders" included one corporation which is not included in "Males" or "Females."



Year	Total Number of Cases	Males		Females	
		Number	Percent	Number	Percent
2004	14,751	12,063	81.8	2,688	18.2
2003	14,492	12,027	83.0	2,465	17.0
2002	12,977	10,653	82.1	2,324	17.9
2001	10,796	8,829	81.8	1,967	18.2
2000	10,395	8,565	82.4	1,830	17.6
1999	10,634	8,771	82.5	1,863	17.5
1998	10,887	8,998	82.6	1,889	17.4
1997	9,847	8,073	82.0	1,774	18.0
1996	9,480	7,781	82.1	1,699	17.9
1995	9,421	7,739	82.1	1,682	17.9
1994	9,787	8,067	82.4	1,720	17.6
1993	9,637	8,011	83.1	1,626	16.9
1992	9,325	7,834	84.0	1,491	16.0
1991	9,161	7,727	84.3	1,434	15.7
1990	8,844	7,405	83.7	1,439	16.3
1989	7,974	6,661	83.5	1,313	16.5
1988	7,572	6,358	84.0	1,214	16.0
1987	6,674	5,574	83.5	1,100	16.5
1986	6,032	5,078	84.2	954	15.8
1985	6,236	5,278	84.6	958	15.4
1984	5,792	5,050	87.2	742	12.8
1983	5,562	4,788	86.1	774	13.9
1982	6,066	5,248	86.5	818	13.5
1981	5,500	4,896	89.0	604	11.0

Table 6. Volume of Cases by Offense Type, 1981–2019

Year	Person		Property		Drug		Felony DWI		Non-CSC Sex Offense <sup>32</sup>		Weapon		Other <sup>33, 34</sup>		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
2019	5,060	29.2	4,675	27.0	5,175	29.9	534	3.1	491	2.8	559	3.2	841	4.9	17,335
2018	5,313	29.1	4,918	26.9	5,536	30.3	555	3.0	539	2.9	579	3.2	844	4.6	18,284
2017	5,237	28.6	4,870	26.6	5,670	31.0	570	3.1	527	2.9	537	2.9	877	4.8	18,288
2016	4,857	28.7	4,411	26.1	5,475	32.3	475	2.8	451	2.7	483	2.9	775	4.6	16,927
2015	4,982	29.7	4,575	27.3	4,913	29.3	587	3.5	471	2.8	477	2.8	758	4.5	16,763
2014	4,905	30.4	4,589	28.4	4,363	27.0	656	4.1	507	3.1	467	2.9	659	4.1	16,145
2013	4,836	31.6	4,528	29.6	3,821	24.9	510	3.3	518	3.4	466	3.0	642	4.2	15,318
2012	4,841	31.8	4,604	30.3	3,552	23.4	631	4.1	495	3.3	411	2.7	677	4.5	15,207
2011	4,685	32.2	4,232	29.0	3,409	23.4	660	4.5	476	3.3	346	2.4	765	5.3	14,571
2010	4,605	32.2	4,334	30.3	3,326	23.2	667	4.7	---	---	---	---	1,379	9.6	14,311
2009	4,517	30.4	4,651	31.3	3,578	24.1	704	4.7	---	---	---	---	1,390	9.4	14,840
2008	4,238	27.5	5,003	32.5	3,878	25.2	779	5.1	---	---	---	---	1,496	9.7	15,394
2007	4,117	25.5	5,650	34.9	4,166	25.8	735	4.5	---	---	---	---	1,499	9.3	16,167
2006	3,839	23.3	5,886	35.8	4,484	27.3	788	4.8	---	---	---	---	1,446	8.8	16,443
2005	3,376	21.8	5,455	35.3	4,364	28.2	834	5.4	---	---	---	---	1,431	9.3	15,460
2004	3,174	21.5	5,350	36.3	4,038	27.4	860	5.8	---	---	---	---	1,329	9.0	14,751
2003	3,141	21.7	5,395	37.2	3,896	26.9	810	5.6	---	---	---	---	1,250	8.6	14,492
2002	2,957	22.8	5,271	40.6	3,423	26.4	102	0.8	---	---	---	---	1,224	9.4	12,977
2001	2,679	24.8	4,470	41.4	2,596	24.0	0	0.0	---	---	---	---	1,051	9.7	10,796
2000	2,575	24.8	4,291	41.3	2,596	25.0	---	---	---	---	---	---	933	9.0	10,395
1999	2,714	25.5	4,634	43.6	2,391	22.5	---	---	---	---	---	---	895	8.4	10,634
1998	2,783	25.6	4,732	43.5	2,542	23.3	---	---	---	---	---	---	830	7.6	10,887

<sup>32</sup> “Non-CSC sex offenses” are offenses 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).

<sup>33</sup> “Other” category includes: Fleeing police, escape, voting violations, tax evasion laws, and other offenses of less frequency.

<sup>34</sup> “Other” includes non-CSC sex offenses and weapon offenses before 2011.

Year	Person		Property		Drug		Felony DWI		Non-CSC Sex Offense <sup>32</sup>		Weapon		Other <sup>33, 34</sup>		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
1997	2,543	25.8	4,651	47.2	2,127	21.6	---	---	---	---	---	---	526	5.3	9,847
1996	2,620	27.6	4,731	49.9	1,695	17.9	---	---	---	---	---	---	434	4.6	9,480
1995	2,726	28.9	4,527	48.1	1,719	18.2	---	---	---	---	---	---	449	4.8	9,421
1994	2,881	29.4	4,777	48.8	1,692	17.3	---	---	---	---	---	---	437	4.5	9,787
1993	2,602	27.0	4,932	51.2	1,800	18.7	---	---	---	---	---	---	303	3.1	9,637
1992	2,438	26.1	4,742	50.9	1,830	19.6	---	---	---	---	---	---	315	3.4	9,325
1991	2,305	25.2	4,897	53.5	1,693	18.5	---	---	---	---	---	---	266	2.9	9,161
1990	2,246	25.4	4,589	51.9	1,811	20.5	---	---	---	---	---	---	198	2.2	8,844
1989	1,862	23.4	4,296	53.9	1,602	20.1	---	---	---	---	---	---	214	2.7	7,974
1988	1,881	24.8	4,310	56.9	1,180	15.6	---	---	---	---	---	---	201	2.7	7,572
1987	1,577	23.6	4,145	62.1	766	11.5	---	---	---	---	---	---	186	2.8	6,674
1986	1,377	22.8	3,867	64.1	651	10.8	---	---	---	---	---	---	137	2.3	6,032
1985	1,590	25.5	3,841	61.6	651	10.4	---	---	---	---	---	---	154	2.5	6,236
1984	1,484	25.6	3,561	61.5	620	10.7	---	---	---	---	---	---	127	2.2	5,792
1983	1,204	21.6	3,664	65.9	585	10.5	---	---	---	---	---	---	109	2.0	5,562
1982	1,267	20.9	3,965	65.4	689	11.4	---	---	---	---	---	---	145	2.4	6,066
1981	1,145	20.8	3,438	62.5	808	14.7	---	---	---	---	---	---	109	2.0	5,500

Table 7. Volume of Cases by Race/Ethnicity, 1981–2019

Year	Total Number of Cases	White		Black		American Indian		Hispanic		Asian		Other	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
2019	17,335	9,853	56.8	4,580	26.4	1,492	8.6	903	5.2	499	2.9	8	0.0
2018	18,284	10,343	56.6	4,880	26.7	1,574	8.6	948	5.2	533	2.9	6	0.0
2017	18,288	10,480	57.3	4,656	25.5	1,640	9.0	942	5.2	514	2.8	55	0.3
2016	16,927	9,813	58.0	4,209	24.9	1,472	8.7	903	5.3	525	3.1	5	0.0
2015	16,763	9,677	57.7	4,409	26.3	1,382	8.2	836	5.0	458	2.7	1	0.0
2014	16,145	9,443	58.5	4,163	25.8	1,296	8.0	802	5.0	439	2.7	2	0.0
2013	15,318	8,884	58.0	4,050	26.4	1,177	7.7	780	5.1	426	2.8	1	0.0
2012	15,207	8,777	57.7	4,073	26.8	1,080	7.1	908	6.0	361	2.4	8	0.1
2011	14,571	8,346	57.3	4,007	27.5	998	6.8	864	5.9	356	2.4	0	0.0
2010	14,311	8,125	56.8	3,975	27.8	934	6.5	946	6.6	331	2.3	0	0.0
2009	14,840	8,384	56.5	4,175	28.1	965	6.5	1005	6.8	311	2.1	0	0.0
2008	15,394	8,970	58.3	4,255	27.6	918	6.0	901	5.9	348	2.3	2	0.0
2007	16,167	9,684	59.9	4,213	26.1	1,020	6.3	912	5.6	333	2.1	5	0.0
2006	16,443	10,133	61.6	4,107	25.0	973	5.9	900	5.5	326	2.0	4	0.0
2005	15,460	9,617	62.2	3,744	24.2	930	6.0	849	5.5	308	2.0	12	0.1
2004	14,751	9,278	62.9	3,620	24.5	922	6.3	691	4.7	240	1.6	0	0.0
2003	14,492	8,983	62.0	3,513	24.2	899	6.2	737	5.1	322	2.2	38	0.3
2002	12,977	7,800	60.1	3,460	26.7	709	5.5	697	5.4	237	1.8	71	0.5
2001	10,796	6,462	59.9	2,910	27.0	651	6.0	558	5.2	211	2.0	4	0.0
2000	10,395	6,096	58.6	2,915	28.0	599	5.8	558	5.4	158	1.5	69	0.7
1999	10,634	6,255	58.8	2,944	27.7	614	5.8	585	5.5	181	1.7	55	0.5
1998	10,887	6,491	59.6	3,027	27.8	588	5.4	565	5.2	162	1.5	54	0.5
1997	9,847	5,813	59.0	2,809	28.5	560	5.7	489	5.0	132	1.3	44	0.4
1996	9,480	5,680	59.9	2,541	26.8	516	5.4	534	5.6	168	1.8	41	0.4
1995	9,421	5,793	61.5	2,537	26.9	455	4.8	457	4.9	152	1.6	27	0.3
1994	9,787	6,166	63.0	2,401	24.5	515	5.3	505	5.2	176	1.8	24	0.2
1993	9,637	6,249	64.8	2,224	23.1	535	5.6	459	4.8	132	1.4	38	0.4
1992	9,325	6,311	67.7	2,085	22.4	432	4.6	360	3.9	105	1.1	32	0.3
1991	9,161	6,392	69.8	1,813	19.8	468	5.1	368	4.0	91	1.0	29	0.3
1990	8,844	6,310	71.3	1,732	19.6	408	4.6	300	3.4	69	0.8	25	0.3

Year	Total Number of Cases	White		Black		American Indian		Hispanic		Asian		Other	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1989	7,974	5,767	72.3	1,510	18.9	412	5.2	215	2.7	46	0.6	24	0.3
1988	7,572	5,483	72.4	1,437	19.0	397	5.2	203	2.7	35	0.5	17	0.2
1987	6,674	5,073	76.0	1,066	16.0	367	5.5	124	1.9	27	0.4	17	0.3
1986	6,032	4,627	76.7	865	14.3	337	5.6	160	2.7	25	0.4	18	0.3
1985	6,236	4,815	77.2	898	14.4	332	5.3	143	2.3	19	0.3	29	0.5
1984	5,792	4,608	79.6	735	12.7	301	5.2	113	2.0	16	0.3	19	0.3
1983	5,562	4,406	79.2	748	13.4	271	4.9	114	2.1	9	0.2	15	0.3
1982	6,066	4,912	81.0	751	12.4	263	4.3	103	1.7	16	0.3	21	0.3
1981	5,500	4,498	81.8	596	10.8	306	5.6	86	1.6	10	0.2	4	0.1

Table 8. Offense Type by Race, 2019

Category/ Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
<b>Person Offenses</b>	<b>5,060</b>	<b>47.0%</b>	<b>35.6%</b>	<b>7.8%</b>	<b>6.7%</b>	<b>2.8%</b>	<b>0.0%</b>
Accidents	2	50.0%	50.0%	0.0%	0.0%	0.0%	0.0%
Aggravated Robbery 1	162	17.3%	72.8%	1.9%	7.4%	0.6%	0.0%
Aggravated Robbery 2	47	31.9%	55.3%	6.4%	6.4%	0.0%	0.0%
Assault 1	56	37.5%	37.5%	8.9%	7.1%	8.9%	0.0%
Assault 2	241	45.2%	34.4%	9.1%	7.9%	3.3%	0.0%
Assault 3	386	43.5%	37.6%	10.1%	6.7%	2.1%	0.0%
Assault 4	202	48.0%	25.2%	18.8%	5.9%	2.0%	0.0%
Assault 5	67	34.3%	37.3%	23.9%	4.5%	0.0%	0.0%
Coercion	5	40.0%	60.0%	0.0%	0.0%	0.0%	0.0%
Burglary 1 (severity=8)	57	29.8%	52.6%	10.5%	3.5%	3.5%	0.0%
Criminal Sexual Conduct (CSC) 1 <sup>st</sup> Degree	160	48.8%	31.3%	5.0%	13.1%	1.9%	0.0%
CSC 2 <sup>nd</sup> Degree	124	56.5%	17.7%	1.6%	21.8%	2.4%	0.0%
CSC 3 <sup>rd</sup> Degree	156	61.5%	21.8%	2.6%	10.9%	2.6%	0.6%
CSC 4 <sup>th</sup> Degree	83	56.6%	20.5%	4.8%	13.3%	4.8%	0.0%
CSC 5 <sup>th</sup> Degree	3	66.7%	0.0%	33.3%	0.0%	0.0%	0.0%
Criminal Vehicular Homicide	32	81.3%	12.5%	6.3%	0.0%	0.0%	0.0%
Crim. Vehicular Injury (severity=3)	71	71.8%	19.7%	0.0%	5.6%	2.8%	0.0%
Crim. Vehicular Injury (severity=5)	22	81.8%	9.1%	0.0%	0.0%	4.5%	4.5%
Domestic Assault	595	45.0%	37.5%	10.1%	5.9%	1.5%	0.0%
Dom. Aslt. Strangulation	246	50.0%	30.9%	6.9%	10.2%	2.0%	0.0%
Drive-by Shooting	15	40.0%	46.7%	0.0%	13.3%	0.0%	0.0%
False Imprisonment	16	81.3%	6.3%	6.3%	6.3%	0.0%	0.0%
Interference with Privacy	5	60.0%	20.0%	0.0%	20.0%	0.0%	0.0%
Kidnapping(severity=8/9)	6	50.0%	16.7%	0.0%	0.0%	33.3%	0.0%
Kidnapping (severity=6)	5	40.0%	40.0%	0.0%	20.0%	0.0%	0.0%
Malicious Punish. of Child	18	55.6%	27.8%	11.1%	5.6%	0.0%	0.0%

\* Includes “unknown/other” race type.

<b>Category/ Offense Title</b>	<b>Total Number*</b>	<b>White</b>	<b>Black</b>	<b>American Indian</b>	<b>Hispanic</b>	<b>Asian</b>	<b>Other</b>
Manslaughter 1 (severity=9)	4	50.0%	50.0%	0.0%	0.0%	0.0%	0.0%
Manslaughter 2 (severity=8)	9	55.6%	44.4%	0.0%	0.0%	0.0%	0.0%
Murder 1	18	44.4%	44.4%	5.6%	0.0%	5.6%	0.0%
Murder 2 (severity=10)	24	37.5%	50.0%	4.2%	8.3%	0.0%	0.0%
Murder 2 (severity=11)	46	28.3%	52.2%	6.5%	4.3%	8.7%	0.0%
Murder 3 (severity=9/10)	18	50.0%	33.3%	11.1%	5.6%	0.0%	0.0%
Nonconsensual Dissemination of Private Sexual Images	15	40.0%	46.7%	0.0%	13.3%	0.0%	0.0%
Parental Rights	13	61.5%	7.7%	15.4%	15.4%	0.0%	0.0%
Prostitution	86	46.5%	30.2%	0.0%	8.1%	15.1%	0.0%
Simple Robbery	147	21.1%	63.3%	12.9%	2.7%	0.0%	0.0%
Solicit Minor for Sex	112	75.0%	12.5%	4.5%	2.7%	5.4%	0.0%
Stalking (severity=4)	22	54.5%	40.9%	0.0%	4.5%	0.0%	0.0%
Stalking (severity=5)	68	61.8%	26.5%	4.4%	4.4%	2.9%	0.0%
Terror istic Threats (severity=1, 2)	34	47.1%	35.3%	11.8%	2.9%	2.9%	0.0%
Terroristic Threats (severity=4)	719	50.5%	33.5%	5.4%	5.8%	4.7%	0.0%
Violate Restraining Order	897	45.7%	38.8%	8.7%	4.3%	2.5%	0.0%
Other Person Offenses**	32	50.0%	37.5%	12.5%	0.0%	0.0%	0.0%

*(Table 8 continues on next page)*

\* Includes “unknown/other” race type. \*\* Offenses having low numbers of offenders are grouped in the “other” categories.

Category/ Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
<b>Property Offenses</b>	<b>4,675</b>	<b>59.3%</b>	<b>25.5</b>	<b>8.1</b>	<b>3.8</b>	<b>3.3</b>	<b>0.1</b>
Arson 1	15	86.7%	0.0%	13.3%	0.0%	0.0%	0.0%
Arson 2	17	88.2%	11.8%	0.0%	0.0%	0.0%	0.0%
Arson 3	6	33.3%	66.7%	0.0%	0.0%	0.0%	0.0%
Burglary 1 (severity=6)	177	50.3%	38.4%	5.1%	5.1%	1.1%	0.0%
Burglary 2 (severity=4)	44	61.4%	29.5%	0.0%	4.5%	4.5%	0.0%
Burglary 2 (severity=5)	292	61.3%	23.3%	7.9%	6.5%	1.0%	0.0%
Burglary 3	458	69.9%	15.3%	8.7%	4.6%	1.5%	0.0%
Check Forgery (severity=1)	15	66.7%	13.3%	6.7%	6.7%	6.7%	0.0%
Check Forgery (severity=2)	302	67.2%	16.9%	7.6%	4.0%	4.0%	0.3%
Check Forgery (severity=3)	82	59.8%	26.8%	6.1%	4.9%	2.4%	0.0%
Check Forgery (severity=5)	4	75.0%	0.0%	0.0%	0.0%	25.0%	0.0%
Counterfeit Check	40	55.0%	22.5%	12.5%	0.0%	10.0%	0.0%
Counterfeit Currency	22	45.5%	31.8%	9.1%	0.0%	13.6%	0.0%
Criminal Damage Property	182	56.6%	28.6%	8.8%	1.6%	4.4%	0.0%
Financial Transaction Card Fraud	334	52.1%	38.0%	5.1%	2.7%	1.8%	0.3%
Identity Theft	123	48.8%	39.0%	3.3%	4.9%	4.1%	0.0%
Issue Dishonored Check	41	78.0%	9.8%	9.8%	0.0%	2.4%	0.0%
Mail Theft	48	68.8%	16.7%	8.3%	0.0%	6.3%	0.0%
MV Use w/o Consent (severity=3)	496	49.0%	23.8%	13.9%	4.6%	8.7%	0.0%
Other Forgery	26	76.9%	7.7%	0.0%	15.4%	0.0%	0.0%
Poss. Shoplifting Gear	39	51.3%	25.6%	15.4%	5.1%	2.6%	0.0%
Possess Burglary Tools	151	49.7%	30.5%	11.3%	4.0%	4.6%	0.0%
Receiving Stolen Property	440	67.5%	15.5%	10.7%	3.2%	3.2%	0.0%
Theft	1,004	57.4%	31.3%	6.5%	2.8%	2.0%	0.1%
Theft from Person	62	21.0%	62.9%	9.7%	4.8%	1.6%	0.0%
Theft of a Firearm	29	79.3%	10.3%	6.9%	0.0%	3.4%	0.0%
Theft of MV (severity=4)	54	74.1%	9.3%	7.4%	5.6%	3.7%	0.0%
Theft Over \$35,000	55	58.2%	27.3%	1.8%	1.8%	9.1%	1.8%
Wrongful Obtain. Assist.	50	66.0%	16.0%	4.0%	14.0%	0.0%	0.0%
Other Property Offenses**	67	80.6%	10.4%	4.5%	3.0%	1.5%	0.0%

\*Includes “unknown/other” race type. \*\* Offenses having low numbers of offenders are grouped in the “other” categories.



Category/ Offense Title	Total Number*	White	Black	American Indian	Hispanic	Asian	Other
<b>Drug Offenses</b>	<b>5,175</b>	<b>65.7%</b>	<b>16.5%</b>	<b>9.7%</b>	<b>5.1%</b>	<b>2.9%</b>	<b>0.0%</b>
Con Sub Intent to Manuf.	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Controlled Substance 1	371	63.1%	15.6%	5.7%	8.6%	7.0%	0.0%
Controlled Substance 2	323	60.4%	17.3%	8.0%	7.4%	6.8%	0.0%
Controlled Substance 3	647	63.1%	22.7%	7.1%	4.8%	2.3%	0.0%
Controlled Substance 4	87	60.9%	14.9%	8.0%	11.5%	4.6%	0.0%
Controlled Substance 5	3,680	66.9%	15.7%	10.8%	4.3%	2.3%	0.1%
Other Drug Offenses**	66	72.7%	9.1%	6.1%	12.1%	0.0%	0.0%
<b>Felony DWI</b>	<b>534</b>	<b>60.9%</b>	<b>24.9%</b>	<b>6.9%</b>	<b>5.1%</b>	<b>2.2%</b>	<b>0.0%</b>
<b>Non-CSC Sex Offense</b>	<b>491</b>	<b>59.7%</b>	<b>26.3%</b>	<b>5.9%</b>	<b>7.5%</b>	<b>0.6%</b>	<b>0.0%</b>
Child Pornography	80	90.0%	1.3%	0.0%	8.8%	0.0%	0.0%
Fail to Register-Predatory Offender	405	53.3%	31.4%	7.2%	7.4%	0.7%	0.0%
Use Minors Sex. Performance	3	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Indecent Exposure	3	66.7%	33.3%	0.0%	0.0%	0.0%	0.0%
<b>Weapons</b>	<b>559</b>	<b>36.5%</b>	<b>49.0%</b>	<b>7.2%</b>	<b>4.1%</b>	<b>3.2%</b>	<b>0.0%</b>
Discharge Firearm	38	50.0%	42.1%	0.0%	2.6%	5.3%	0.0%
Felon with Gun	473	33.6%	51.2%	8.0%	4.2%	3.0%	0.0%
Other Weapon Related	47	55.3%	31.9%	4.3%	4.3%	4.3%	0.0%
<b>Other Offenses</b>	<b>841</b>	<b>57.2%</b>	<b>23.4%</b>	<b>13.1%</b>	<b>4.3%</b>	<b>2.0%</b>	<b>0.0%</b>
Accomplice After Fact	29	27.6%	51.7%	10.3%	3.4%	6.9%	0.0%
Aid Offender	31	51.6%	25.8%	16.1%	6.5%	0.0%	0.0%
Bribery	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Escape (severity=3)	91	53.8%	15.4%	23.1%	7.7%	0.0%	0.0%
Failure to Appear	19	52.6%	5.3%	42.1%	0.0%	0.0%	0.0%
Flee Police in MV	572	57.7%	24.5%	11.7%	4.4%	1.7%	0.0%
Lottery Fraud	14	78.6%	21.4%	0.0%	0.0%	0.0%	0.0%
Obstruct Legal Process	5	40.0%	40.0%	0.0%	0.0%	20.0%	0.0%
Perjury	10	60.0%	20.0%	20.0%	0.0%	0.0%	0.0%
Tamper with Witness	2	33.3%	33.3%	16.7%	16.7%	0.0%	0.0%
Tax Offenses	29	79.3%	10.3%	3.4%	0.0%	6.9%	0.0%
Not Listed Elsewhere**	49	57.1%	28.6%	8.2%	2.0%	4.1%	0.0%
<b>Total</b>	<b>17,335</b>	<b>56.8%</b>	<b>26.4%</b>	<b>8.6%</b>	<b>5.2%</b>	<b>2.9%</b>	<b>0.0%</b>

\*Includes “unknown/other” race type. \*\*Offenses having low numbers of offenders are grouped in the “other” categories.

Table 9. Volume of Cases by Judicial District, 1981–2019

Year	Judicial District									
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup>	10 <sup>th</sup>
2019	2,213	1,902	1,254	3,551	1,064	732	1,810	522	1,620	2,667
2018	2,484	1,813	1,361	4,070	1,016	831	1,874	453	1,755	2,627
2017	2,404	1,815	1,426	3,819	1,006	912	1,972	492	1,818	2,624
2016	2,192	1,784	1,344	3,341	1,075	862	1,689	432	1,688	2,520
2015	2,049	2,055	1,381	3,240	918	919	1,691	435	1,696	2,379
2014	1,864	2,008	1,264	3,192	871	967	1,708	430	1,510	2,331
2013	1,806	1,925	1,333	2,983	763	964	1,543	384	1,407	2,210
2012	1,898	2,099	1,296	2,891	819	930	1,499	417	1,323	2,035
2011	1,756	1,961	1,232	2,936	661	921	1,472	401	1,183	2,048
2010	1,762	1,794	1,346	2,987	700	861	1,393	401	1,098	1,969
2009	1,611	2,010	1,285	3,278	720	835	1,512	402	1,141	2,046
2008	1,634	2,009	1,355	3,337	802	866	1,631	400	1,170	2,190
2007	1,817	2,060	1,440	3,403	818	880	1,706	387	1,202	2,454
2006	1,800	2,057	1,347	3,630	821	1,014	1,646	431	1,220	2,477
2005	1,833	2,032	1,221	3,096	739	930	1,653	389	1,216	2,351
2004	1,648	1,928	1,206	3,177	664	837	1,579	392	1,206	2,114
2003	1,899	1,955	1,173	3,095	660	854	1,483	343	1,100	1,930
2002	1,468	1,901	878	2,984	611	793	1,253	298	1,012	1,779
2001	1,229	1,670	750	2,516	420	672	1,013	238	834	1,454
2000	1,031	1,637	613	2,761	419	604	948	264	833	1,285
1999	1,205	1,590	603	2,739	390	627	985	261	792	1,442
1998	1,043	1,834	588	2,782	498	694	999	274	814	1,361
1997	953	1,647	526	2,449	424	577	897	234	750	1,390
1996	968	1,636	487	2,134	487	543	871	214	860	1,280
1995	975	1,735	516	2,158	447	525	864	192	760	1,249
1994	1,036	1,673	565	2,273	542	547	921	181	762	1,287
1993	865	1,497	673	2,289	529	541	965	234	794	1,250
1992	891	1,499	527	2,370	482	546	810	192	726	1,282
1991	909	1,466	567	2,345	444	535	742	233	698	1,222
1990	811	1,501	562	2,258	385	530	683	209	681	1,224
1989	711	1,212	507	2,183	344	496	620	218	608	1,075
1988	624	1,133	452	2,213	314	424	713	141	605	953
1987	591	984	454	1,551	353	454	674	149	547	917
1986	478	1,038	394	1,324	375	469	595	180	503	676
1985	520	945	431	1,490	310	412	615	173	602	738
1984	477	860	375	1,362	325	417	565	194	522	695
1983	409	965	383	1,248	317	438	514	165	440	683
1982	545	992	411	1,268	391	459	532	203	446	819
1981	413	784	382	1,287	315	551	439	186	503	640

**How to read Table 10:** Due to the addition of a severity level on the Standard Grid for offenses committed on or after August 1, 2002, it was necessary to modify the way this information is reported. The severity levels reflected in this table represent the current ranking of an offense. Since 2006, both completed and attempted first-degree murder offenses have been assigned a Severity Level 12. In August 2006, the Sex Offender Grid went into effect and, in 2016, the Drug Offender Grid went into effect. Those cases are included in the severity-level groups that most closely correspond to how those offenses were ranked before the implementation of those Grids.

*Table 10. Volume of Cases by Severity-Level Group & Criminal-History Group, 1978, 1981–2019*

Year	Distribution by Severity-Level Group						Distribution by Criminal History Score Group					
	Severity Level 1-4/H-F/D1-4		Severity Level 5-7/E,D/D5,D6		Severity Level 8-12/C-A/D7-9		CHS 0		CHS 1 - 3		CHS 4 or more	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
2019	12,741	73.5	3,089	17.8	1,505	8.7	4,800	27.7	7,446	43.0	5,089	29.4
2018	13,488	73.8	3,162	17.3	1,634	8.9	5,505	30.1	7,888	43.1	4,891	26.8
2017	13,513	73.9	3,167	17.3	1,608	8.8	5,796	31.7	7,867	43.0	4,625	25.3
2016	12,334	72.9	2,989	17.7	1,604	9.5	5,345	31.6	7,459	44.1	4,123	24.4
2015	12,138	72.4	3,108	18.5	1,517	9.0	5,549	33.1	7,202	43.0	4,012	23.9
2014	11,403	70.6	3,199	19.8	1,543	9.6	5,318	32.9	6,882	42.6	3,945	24.4
2013	10,856	70.9	3,073	20.1	1,389	9.1	5,155	33.7	6,461	42.2	3,702	24.2
2012	10,567	69.5	3,299	21.7	1,341	8.8	5,266	34.6	6,369	41.9	3,572	23.5
2011	10,257	70.4	2,976	20.4	1,338	9.2	5,228	35.9	6,072	41.7	3,271	22.4
2010	9,959	69.6	2,998	20.9	1,354	9.5	5,502	38.4	5,731	40.0	3,078	21.5
2009	10,195	68.7	3,116	21.0	1,529	10.3	5,778	38.9	6,003	40.5	3,059	20.6
2008	10,615	69.0	3,167	20.6	1,612	10.5	5,851	38.0	6,354	41.3	3,189	20.7
2007	11,424	70.7	3,145	19.5	1,598	9.9	6,325	39.1	6,744	41.7	3,099	19.2
2006	11,673	71.0	3,188	19.4	1,582	9.6	6,758	41.1	6,600	40.1	3,088	18.8
2005	10,632	68.8	3,231	20.9	1,599	10.3	6,328	40.9	6,295	40.7	2,839	18.4
2004	9,994	67.8	3,111	21.1	1,646	11.2	6,160	41.8	5,933	40.2	2,658	18.0
2003	9,614	66.3	3,041	21.0	1,837	12.7	6,072	41.9	5,865	40.5	2,554	17.6
2002	9,283	71.5	2,180	16.8	1,515	11.7	5,619	43.3	4,955	38.2	2,404	18.5
2001	7,731	71.6	1,880	17.4	1,185	11.0	4,740	43.9	4,187	38.8	1,869	17.3
2000	7,406	71.2	1,892	18.2	1,097	10.6	4,713	45.3	3,897	37.5	1,785	17.2
1999	7,848	73.8	1,715	16.1	1,071	10.1	4,786	45.0	4,090	38.5	1,758	16.5
1998	8,044	73.9	1,744	16.0	1,099	10.1	4,903	45.0	4,183	38.4	1,801	16.5
1997	7,190	73.0	1,694	17.2	963	9.8	4,501	45.7	3,636	36.9	1,710	17.4
1996	6,889	72.7	1,655	17.5	936	9.9	4,401	46.4	3,480	36.7	1,599	16.9
1995	6,716	71.3	1,805	19.2	900	9.6	4,464	47.4	3,373	35.8	1,584	16.8
1994	6,968	71.2	1,854	18.9	965	9.9	4,897	50.0	3,385	34.6	1,505	15.4
1993	6,751	70.1	1,901	19.7	985	10.2	4,845	50.3	3,270	33.9	1,522	15.8
1992	6,554	70.3	1,888	20.2	883	9.5	4,724	50.7	3,164	33.9	1,437	15.4
1991	6,711	73.3	1,671	18.2	779	8.5	4,775	52.1	3,039	33.2	1,347	14.7
1990	6,281	71.0	1,774	20.1	789	8.9	4,594	51.9	3,015	34.1	1,235	14.0
1989	5,612	70.4	1,723	21.6	639	8.0	3,989	50.0	2,704	33.9	1,281	16.1

Year	Distribution by Severity-Level Group						Distribution by Criminal History Score Group					
	Severity Level 1-4/H-F/D1-4		Severity Level 5-7/E,D/D5,D6		Severity Level 8-12/C-A/D7-9		CHS 0		CHS 1 - 3		CHS 4 or more	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1988	5,402	71.3	1,611	21.3	559	7.4	3,849	50.8	2,493	32.9	1,230	16.2
1987	4,863	72.9	1,356	20.3	455	6.8	3,372	50.5	2,234	33.5	1,068	16.0
1986	4,502	74.6	1,114	18.5	416	6.9	3,149	52.2	2,025	33.6	858	14.2
1985	4,514	72.4	1,245	20.0	477	7.6	3,243	52.0	2,076	33.4	917	14.7
1984	4,211	72.7	1,122	19.4	459	7.9	3,111	53.7	1,950	33.7	731	12.6
1983	4,413	79.3	757	13.6	392	7.0	2,964	53.3	1,871	33.6	727	13.1
1982	4,896	80.7	735	12.1	435	7.2	3,545	58.4	1,812	29.9	709	11.7
1981	4,487	81.6	644	11.7	369	6.7	3,399	61.8	1,650	30.0	451	8.2
1978	3,406	78.0	609	13.9	355	8.1	2,554	58.5	1,505	34.4	309	7.1

**How to read Tables 11a, 11b, and 11c:** The format of Tables 11a–11c mirror the formats of the Standard Grid, Sex Offender Grid and Drug Offender Grid, respectively. The first number in each cell is the number of cases sentenced at that severity level and that criminal history score. The second number is the percentage of cases at that severity level who had that specific criminal history score. The third number is the percent, at that criminal history score, who were also at that severity level.

For example, of cases sentenced in 2019, 357 had a Criminal History Score of 0 and were sentenced for a Severity Level 1 offense. Of the cases sentenced for Severity Level 1 offenses, 35.8 percent had a Criminal History Score of 0 (the row percent). Of the cases at a Criminal History Score of 0, 10.6 percent were sentenced for a Severity Level 1 offense (the column percent).

The Sex Offender Grid went into effect August 1, 2006. In 2019, 1,130 cases were sentenced using the Sex Offender Grid. Those cases are excluded from Table 11a (p. 56) and are displayed on Table 11b (p. 57).

The Drug Offender Grid went into effect August 1, 2016. In 2019, 4,735 cases were sentenced using the Drug Offender Grid. Those cases are excluded from Table 11a (p. 56) and Table 11b (p. 57) and are displayed on Table 11c (p. 58).

Table 11a. Distribution of Cases by Severity Level & Criminal History Score for Offenses on the Standard Grid, 2019

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
<b>Murder 1</b>	2	4	1	4	2	3	2	18
	11.1%	22.2%	5.6%	22.2%	11.1%	16.7%	11.1%	100.0%
	0.1%	0.2%	0.1%	0.3%	0.2%	0.4%	0.1%	0.2%
<b>Severity Level 11</b>	14	6	9	8	0	5	4	46
	30.4%	13.0%	19.6%	17.4%	0.0%	10.9%	8.7%	100.0%
	0.4%	0.3%	0.6%	0.6%	0.0%	0.6%	0.3%	0.4%
<b>Severity Level 10</b>	13	4	5	4	5	1	0	32
	40.6%	12.5%	15.6%	12.5%	15.6%	3.1%	0.0%	100.0%
	0.4%	0.2%	0.3%	0.3%	0.5%	0.1%	0.0%	0.3%
<b>Severity Level 9</b>	37	20	8	16	4	6	16	107
	34.6%	18.7%	7.5%	15.0%	3.7%	5.6%	15.0%	100.0%
	1.1%	1.0%	0.5%	1.2%	0.4%	0.8%	1.0%	0.9%
<b>Severity Level 8</b>	140	52	40	29	33	21	49	364
	38.5%	14.3%	11.0%	8.0%	9.1%	5.8%	13.5%	100.0%
	4.2%	2.7%	2.6%	2.2%	3.3%	2.7%	3.2%	3.2%
<b>Severity Level 7</b>	85	171	87	72	54	33	53	555
	15.3%	30.8%	15.7%	13.0%	9.7%	5.9%	9.5%	100.0%
	2.5%	9.0%	5.6%	5.4%	5.5%	4.2%	3.5%	4.8%
<b>Severity Level 6</b>	249	172	166	123	96	79	154	1,039
	24.0%	16.6%	16.0%	11.8%	9.2%	7.6%	14.8%	100.0%
	7.4%	9.0%	10.7%	9.2%	9.7%	10.1%	10.1%	9.1%
<b>Severity Level 5</b>	256	99	84	52	50	24	82	647
	39.6%	15.3%	13.0%	8.0%	7.7%	3.7%	12.7%	100.0%
	7.6%	5.2%	5.4%	3.9%	5.1%	3.1%	5.4%	5.6%
<b>Severity Level 4</b>	936	618	516	513	345	275	472	3,675
	25.5%	16.8%	14.0%	14.0%	9.4%	7.5%	12.8%	100.0%
	27.8%	32.4%	33.2%	38.3%	35.0%	35.2%	30.9%	32.0%
<b>Severity Level 3</b>	448	240	188	164	123	100	216	1,479
	30.3%	16.2%	12.7%	11.1%	8.3%	6.8%	14.6%	100.0%
	13.3%	12.6%	12.1%	12.2%	12.5%	12.8%	14.1%	12.9%
<b>Severity Level 2</b>	834	389	328	259	181	170	350	2,511
	33.2%	15.5%	13.1%	10.3%	7.2%	6.8%	13.9%	100.0%
	24.7%	20.4%	21.1%	19.3%	18.4%	21.7%	22.9%	21.9%
<b>Severity Level 1</b>	357	131	123	97	93	65	131	997
	35.8%	13.1%	12.3%	9.7%	9.3%	6.5%	13.1%	100.0%
	10.6%	6.9%	7.9%	7.2%	9.4%	8.3%	8.6%	8.7%
<b>Column Total</b>	3,371	1,906	1,555	1,341	986	782	1,529	11,470
	29.4%	16.6%	13.6%	11.7%	8.6%	6.8%	13.3%	100.0%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 11b. Distribution of Cases by Severity Level & Criminal History Score for Offenses on the Sex Offender Grid, 2019

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
Severity Level A	71	17	11	23	8	5	16	151
	47.0%	11.3%	7.3%	15.2%	5.3%	3.3%	10.6%	100.0%
	16.1%	13.6%	8.0%	17.3%	9.0%	7.5%	11.6%	13.4%
Severity Level B	19	5	6	5	1	1	1	38
	50.0%	13.2%	15.8%	13.2%	2.6%	2.6%	2.6%	100.0%
	4.3%	4.0%	4.3%	3.8%	1.1%	1.5%	0.7%	3.4%
Severity Level C	46	12	5	5	1	6	10	85
	54.1%	14.1%	5.9%	5.9%	1.2%	7.1%	11.8%	100.0%
	10.5%	9.6%	3.6%	3.8%	1.1%	9.0%	7.2%	7.5%
Severity Level D	100	22	11	11	4	6	8	162
	61.7%	13.6%	6.8%	6.8%	2.5%	3.7%	4.9%	100.0%
	22.7%	17.6%	8.0%	8.3%	4.5%	9.0%	5.8%	14.3%
Severity Level E	31	12	6	6	2	3	3	63
	49.2%	19.0%	9.5%	9.5%	3.2%	4.8%	4.8%	100.0%
	7.0%	9.6%	4.3%	4.5%	2.2%	4.5%	2.2%	5.6%
Severity Level F	17	2	2	2	4	3	5	35
	48.6%	5.7%	5.7%	5.7%	11.4%	8.6%	14.3%	100.0%
	3.9%	1.6%	1.4%	1.5%	4.5%	4.5%	3.6%	3.1%
Severity Level G	117	21	19	13	11	3	8	192
	60.9%	10.9%	9.9%	6.8%	5.7%	1.6%	4.2%	100.0%
	26.6%	16.8%	13.8%	9.8%	12.4%	4.5%	5.8%	17.0%
Severity Level H <i>Failure to Register</i>	39	34	78	68	58	40	87	404
	9.7%	8.4%	19.3%	16.8%	14.4%	9.9%	21.5%	100.0%
	8.9%	27.2%	56.5%	51.1%	65.2%	59.7%	63.0%	35.8%
Column Total	440	125	138	133	89	67	138	1,130
	38.9%	11.1%	12.2%	11.8%	7.9%	5.9%	12.2%	100.0%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Table 11c. Distribution of Cases by Severity Level & Criminal History Score for Offenses on the Drug Offender Grid, 2019

Grid Cell Count Row Percent Column Percent	Criminal History Score							Row Total
	0	1	2	3	4	5	6+	
Severity Level D9	3	0	2	0	3	0	1	9
	33.3%	0.0%	22.2%	0.0%	33.3%	0.0%	11.1%	100.0%
	0.3%	0.0%	0.3%	0.0%	0.6%	0.0%	0.2%	0.2%
Severity Level D8	110	55	40	40	40	20	45	350
	31.4%	15.7%	11.4%	11.4%	11.4%	5.7%	12.9%	100.0%
	11.1%	6.4%	5.2%	6.5%	7.4%	5.7%	7.4%	7.4%
Severity Level D7	111	47	37	31	22	19	38	305
	36.4%	15.4%	12.1%	10.2%	7.2%	6.2%	12.5%	100.0%
	11.2%	5.4%	4.8%	5.1%	4.1%	5.4%	6.2%	6.4%
Severity Level D6	150	124	103	53	57	36	99	622
	24.1%	19.9%	16.6%	8.5%	9.2%	5.8%	15.9%	100.0%
	15.2%	14.4%	13.3%	8.6%	10.6%	10.3%	16.3%	13.1%
Severity Level D5	1	0	0	0	0	0	0	1
	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Severity Level D4	17	19	8	15	12	3	10	84
	20.2%	22.6%	9.5%	17.9%	14.3%	3.6%	11.9%	100.0%
	1.7%	2.2%	1.0%	2.4%	2.2%	0.9%	1.6%	1.8%
Severity Level D3	25	15	4	3	3	1	1	52
	48.1%	28.8%	7.7%	5.8%	5.8%	1.9%	1.9%	100.0%
	2.5%	1.7%	0.5%	0.5%	0.6%	0.3%	0.2%	1.1%
Severity Level D2	569	600	576	470	401	271	414	3,301
	17.2%	18.2%	17.4%	14.2%	12.1%	8.2%	12.5%	100.0%
	57.5%	69.5%	74.6%	76.7%	74.4%	77.4%	68.0%	69.7%
Severity Level D1	3	3	2	1	1	0	1	11
	27.3%	27.3%	18.2%	9.1%	9.1%	0.0%	9.1%	100.0%
	0.3%	0.3%	0.3%	0.2%	0.2%	0.0%	0.2%	0.2%
Column Total	989	863	772	613	539	350	609	4,735
	20.9%	18.2%	16.3%	12.9%	11.4%	7.4%	12.9%	100.0%
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%



## Incarceration Rates

**How to read Table 12:** The following table shows the percentage of cases by gender for which the Guidelines recommended prison (“Presumptive”) and a prison sentence was pronounced (“Actual”). For example, of the 13,937 males sentenced in 2019 (Table 5, p. 42), 38.8 percent had a presumptive prison disposition and 27.3 percent received a sentence of imprisonment. The actual imprisonment rates in this table and the local incarceration rates in Table 15 can be added together to derive the total incarceration rates.

*Table 12. Presumptive and Actual Imprisonment Rates by Gender, 1978, 1981–2019*

Year	Total Number Sentenced	Total Imprisonment Rate			Male Imprisonment Rate (%)		Female Imprisonment Rate (%)	
		Presumptive Rate (%)	Actual		Presumptive	Actual	Presumptive	Actual
			Number	Rate				
2019	17,335	34.4	4,154	24.0	38.8	27.3	16.5	10.2
2018	18,284	32.6	4,226	23.1	36.9	26.3	15.8	10.6
2017	18,288	32.5	4,447	24.3	36.6	27.5	16.0	11.2
2016	16,927	33.1	4,308	25.5	36.7	28.4	17.6	12.8
2015	16,763	33.2	4,392	26.2	37.0	29.3	16.5	12.6
2014	16,145	34.4	4,218	26.1	37.9	29.0	18.4	13.0
2013	15,318	34.8	4,193	27.4	38.1	30.3	18.0	12.6
2012	15,207	34.1	4,004	26.3	37.4	29.1	17.4	12.4
2011	14,571	33.3	3,653	25.1	36.6	27.9	16.4	10.9
2010	14,311	32.7	3,640	25.4	36.0	28.3	15.7	11.0
2009	14,840	33.0	3,723	25.1	36.4	27.7	16.3	12.2
2008	15,394	32.4	3,852	25.0	35.8	27.9	16.4	11.8
2007	16,167	30.0	3,759	23.3	33.1	25.8	15.6	11.5
2006	16,443	28.7	3,593	21.9	31.8	24.4	14.2	9.8
2005	15,460	29.2	3,581	23.2	32.3	25.8	15.1	11.2
2004	14,751	30.1	3,443	23.4	33.3	26.1	16.0	11.0
2003	14,492	30.6	3,536	24.4	33.8	27.2	14.8	10.9
2002	12,977	29.6	3,057	23.6	32.9	26.4	14.5	10.7
2001	10,796	28.7	2,449	22.7	31.7	25.6	15.3	9.5
2000	10,395	27.6	2,428	23.4	31.0	26.2	11.7	10.1
1999	10,634	26.6	2,451	23.0	29.6	25.6	12.4	11.0
1998	10,887	27.0	2,561	23.5	30.3	26.4	11.3	9.8
1997	9,847	28.1	2,189	22.2	31.6	25.2	12.1	8.7
1996	9,480	27.7	2,189	23.1	31.4	26.2	10.8	8.8
1995	9,421	27.8	2,136	22.7	31.2	25.6	12.1	9.4
1994	9,787	26.7	2,043	20.9	30.0	23.7	11.3	7.6
1993	9,637	27.1	2,064	21.4	30.5	24.4	10.3	6.9
1992	9,325	26.4	1,925	20.6	29.2	23.1	11.1	7.8
1991	9,161	25.0	1,777	19.4	27.8	21.9	9.8	6.0
1990	8,844	25.0	1,725	19.5	27.6	21.9	11.4	7.6
1989	7,974	25.5	1,752	22.0	28.2	24.2	11.6	10.7

Year	Total Number Sentenced	Total Imprisonment Rate			Male Imprisonment Rate (%)		Female Imprisonment Rate (%)	
		Presumptive Rate (%)	Actual		Presumptive	Actual	Presumptive	Actual
			Number	Rate				
1988	7,572	24.5	1,586	20.9	27.4	23.5	9.0	7.4
1987	6,674	23.5	1,443	21.6	26.4	24.2	8.5	8.4
1986	6,032	22.2	1,198	19.9	24.9	22.3	7.5	6.9
1985	6,236	23.3	1,186	19.0	26.0	21.1	8.0	7.6
1984	5,792	21.9	1,134	19.6	24.1	21.5	6.9	6.6
1983	5,562	20.4	1,140	20.5	22.6	22.3	7.2	8.8
1982	6,066	18.7	1,128	18.6	20.8	20.5	5.4	6.4
1981	5,500	15.0	825	15.0	16.2	16.2	5.6	5.5
1978	4,369	NA	891	20.4	NA	21.9	NA	9.2

**How to read Table 13:** The following table shows the percentage for each race/ethnicity in which the Guidelines presumed an executed prison sentence (“Presumptive”) and for which actually received an executed prison sentence (“Actual”). For example, of the 9,853 people sentenced in 2019 who are white (Table 7, p. 46), 31 percent had a presumptive prison disposition and 21.4 percent received a sentence of imprisonment. The actual imprisonment rates in this table and the local incarceration rates in Table 16 (p. 67) can be added together to derive the total incarceration rate.

*Table 13. Presumptive and Actual Imprisonment Rate by Race/Ethnicity, 1978, 1981–2019*

Year	Imprisonment Rate (%) by Race/Ethnicity											
	White		Black		American Indian		Hispanic		Asian		Other	
	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual
2019	31.0	21.4	43.3	30.1	29.0	22.4	35.4	25.7	34.3	21.4	0.0	0.0
2018	28.0	19.5	42.8	30.0	28.8	23.7	36.5	27.2	32.6	21.6	0.0	0.0
2017	28.6	21.3	41.2	29.7	32.6	27.4	35.6	27.1	29.4	23.0	30.9	16.4
2016	28.8	22.3	43.8	31.2	29.1	26.8	39.2	31.6	27.8	23.0	20.0	0.0
2015	29.5	23.2	42.7	32.6	28.9	26.3	36.4	28.2	27.5	24.9	0.0	0.0
2014	30.3	22.7	43.1	31.9	35.6	30.9	38.5	30.0	29.2	24.6	0.0	0.0
2013	29.9	23.5	44.9	34.5	35.1	28.8	40.3	33.3	29.3	24.4	0.0	0.0
2012	29.7	22.6	43.2	33.6	35.5	28.2	36.3	28.1	30.7	24.7	25.0	25.0
2011	28.3	21.0	41.8	31.4	37.4	30.2	37.5	31.2	30.6	18.8	--*	--
2010	27.6	21.2	41.8	32.9	37.8	30.3	32.9	27.0	31.1	21.8	--	--
2009	28.6	20.9	40.8	31.7	36.8	30.9	33.3	26.5	32.5	26.7	--	--
2008	28.0	21.5	40.6	31.6	36.8	29.4	33.9	26.3	29.0	21.0	50.0	50.0
2007	26.2	20.0	38.4	30.0	31.6	24.8	31.3	26.6	27.9	18.3	0.0	0.0
2006	25.2	18.9	35.8	26.9	33.2	28.1	32.2	25.9	26.1	20.9	0.0	0.0
2005	24.6	19.8	38.8	29.4	34.8	29.2	31.3	26.8	32.8	26.0	41.7	5.3
2004	25.9	19.9	39.2	30.2	33.0	27.4	34.6	28.2	31.7	22.9	--	--
2003	27.2	22.0	37.3	29.3	29.6	24.6	38.5	30.9	34.8	23.3	31.6	26.3
2002	26.1	20.7	35.5	27.7	33.0	27.5	36.3	31.3	31.2	24.9	23.9	15.5
2001	24.7	19.3	36.1	28.6	31.5	25.3	31.4	27.6	34.1	23.7	0.0	0.0
2000	23.4	19.7	34.6	29.3	29.7	26.4	37.1	30.5	22.2	22.2	17.4	15.9
1999	22.2	19.2	33.7	28.6	29.6	27.7	33.7	30.6	30.4	25.4	25.5	21.8
1998	22.1	19.9	35.7	30.2	29.6	26.9	33.6	28.3	29.0	20.4	20.4	11.1

\* In this table, “--” means there were no cases sentenced in the category.

Year	Imprisonment Rate (%) by Race/Ethnicity											
	White		Black		American Indian		Hispanic		Asian		Other	
	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual	Presumptive	Actual
1997	23.4	19.1	36.0	26.5	32.5	30.0	35.4	28.2	24.2	13.6	18.2	15.9
1996	23.8	20.2	36.6	29.9	28.3	25.4	29.2	22.3	21.4	16.1	24.4	14.6
1995	23.4	19.5	35.8	28.5	35.4	29.5	30.0	23.6	30.3	23.0	25.9	18.5
1994	22.9	18.1	36.1	27.8	31.1	25.2	26.1	18.8	23.3	17.6	33.3	20.8
1993	22.8	17.9	37.7	30.2	31.0	25.0	28.5	21.4	33.3	25.8	18.4	18.4
1992	22.9	17.8	35.2	28.2	31.3	24.3	28.1	23.1	29.5	17.1	25.0	25.0
1991	21.0	16.5	35.2	27.1	34.2	27.1	29.1	23.6	36.3	16.5	27.6	10.3
1990	22.1	16.8	32.6	26.5	34.1	28.2	27.3	23.3	36.2	29.0	24.0	16.0
1989	22.6	19.4	34.6	32.1	33.7	26.2	22.8	14.0	26.1	10.9	20.8	25.0
1988	21.6	18.3	32.7	29.1	31.5	28.2	28.1	22.2	22.9	11.4	35.3	11.8
1987	21.2	19.4	33.4	30.8	26.2	26.7	27.4	18.5	18.5	18.5	17.6	17.6
1986	20.9	18.6	29.2	26.1	21.4	22.3	21.3	17.5	24.0	12.0	38.9	38.9
1985	21.2	16.8	33.0	27.7	25.0	25.0	25.9	23.1	26.3	21.1	27.6	20.7
1984	20.5	17.5	29.8	30.2	25.2	26.2	20.4	19.5	6.3	0.0	31.6	15.8
1983	18.7	18.1	29.9	31.4	22.1	29.2	19.3	21.9	11.1	11.1	33.3	26.7
1982	15.9	15.6	32.1	32.1	25.5	28.9	35.0	34.0	18.8	12.5	23.8	23.8
1981	12.3	12.2	28.9	29.2	23.2	26.1	26.7	25.6	20.0	10.0	100.0	75.0
1978	NA	19.3	NA	28.9	NA	22.7	NA	17.6	NA	0.0	NA	31.4

**How to read Table 14:** The following table shows the percentage of cases sentenced in each Minnesota Judicial District in which the Guidelines presumed an executed prison sentence (“Pres.”) and for which an executed prison sentence was received (“Act.”). For example, of the 3,551 cases sentenced in the Fourth Judicial District in 2019 (Table 9, p. 52), 38.4 percent had a recommended prison disposition and 26.6 percent received a sentence of incarceration in a state prison. The actual imprisonment rates in this table and the local incarceration rates in Table 17 (p. 69) can be added together to derive the total incarceration rate.

*Table 14. Presumptive and Actual Imprisonment Rates by Minnesota Judicial District, 1978, 1981–2019*

Year	Imprisonment Rate (%) by Judicial District																			
	1st		2nd		3rd		4th		5th		6th		7th		8th		9th		10th	
	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.
2019	27.2	18.5	41.9	22.2	36.0	24.2	38.4	26.6	31.7	21.8	36.2	23.4	33.0	27.5	32.2	27.6	29.6	25.9	33.9	22.8
2018	26.3	18.2	41.7	24.5	35.3	24.0	36.5	26.5	28.7	19.3	35.6	19.3	32.9	27.7	27.8	22.3	26.7	23.2	30.0	20.6
2017	27.7	20.3	39.1	25.2	33.0	25.7	36.5	25.9	29.8	20.7	36.1	24.8	33.1	27.9	30.3	27.4	28.2	26.1	29.1	21.0
2016	27.1	20.2	38.8	28.7	31.5	24.6	40.8	29.0	30.1	21.8	31.3	21.7	33.4	29.2	28.0	29.9	29.1	25.7	29.8	22.8
2015	27.3	21.0	34.7	26.4	33.2	24.5	41.2	31.8	27.3	20.0	32.0	20.1	35.1	30.8	36.3	32.0	28.1	25.9	30.3	24.5
2014	28.6	20.8	38.0	26.8	31.7	25.6	42.2	31.0	29.7	22.7	35.8	23.2	35.7	29.3	29.1	24.9	31.3	27.0	29.9	23.3
2013	28.0	20.8	41.0	33.3	32.6	28.1	43.6	31.2	29.5	21.4	34.1	23.4	34.5	30.4	28.4	27.1	31.6	27.9	29.8	23.4
2012	28.6	20.8	37.8	31.5	31.3	25.2	41.5	29.7	30.5	22.6	30.9	20.2	35.7	29.9	32.9	27.1	31.6	26.8	30.4	23.2
2011	28.8	20.7	33.7	28.3	29.5	26.5	43.7	30.6	27.1	19.8	30.2	21.1	32.5	24.3	32.2	28.7	31.5	25.3	29.2	20.3
2010	28.0	19.1	35.0	29.5	27.8	23.8	41.8	31.5	28.3	21.0	29.2	18.1	34.4	30.2	32.2	30.9	31.5	25.1	26.8	19.8
2009	27.9	19.8	33.7	29.4	28.5	24.2	40.2	28.8	26.5	19.6	29.3	19.8	36.9	29.9	28.4	28.6	33.0	23.7	29.0	20.3
2008	30.9	22.4	31.7	27.2	29.8	26.5	39.6	27.8	31.4	20.7	27.0	20.2	33.8	30.1	26.5	26.3	30.9	22.3	27.9	20.8
2007	27.7	19.7	31.2	26.2	27.2	22.6	37.3	26.5	26.8	18.1	25.3	19.9	30.8	28.1	26.9	24.0	28.0	23.0	26.0	18.9
2006	26.4	17.7	29.6	24.0	27.2	25.3	34.0	23.3	26.9	20.6	24.4	16.1	28.1	25.2	30.4	26.7	28.0	21.6	25.5	19.0
2005	26.3	18.9	30.5	24.1	28.0	25.4	37.0	26.4	28.3	21.7	23.1	17.8	28.5	26.0	27.0	26.5	29.4	26.2	24.2	18.7
2004	24.8	15.8	33.5	27.9	28.4	24.0	35.9	25.5	29.8	27.3	24.7	17.8	28.8	24.1	27.8	26.8	32.3	26.3	26.1	19.7
2003	25.9	20.0	32.8	27.1	31.0	25.4	34.4	26.1	34.5	27.9	25.1	18.6	27.5	24.9	31.8	27.7	31.5	26.7	29.3	21.7
2002	26.6	19.8	31.2	25.5	30.2	24.7	34.5	25.3	30.9	25.4	25.1	19.5	25.4	22.7	26.8	26.8	25.7	22.5	29.3	22.9
2001	23.4	17.3	31.2	25.4	30.7	23.2	34.9	26.9	24.3	20.5	22.9	15.5	24.6	23.1	24.4	24.8	27.1	21.8	26.8	20.4
2000	23.8	19.6	28.5	25.5	27.4	22.8	33.1	26.7	26.0	21.7	22.7	18.9	22.0	20.2	26.9	26.9	25.9	23.3	25.8	21.2
1999	22.5	18.4	27.2	22.5	22.6	20.1	34.2	29.0	22.6	25.6	23.3	17.9	22.6	20.6	24.1	30.7	22.0	21.2	24.8	20.5
1998	22.3	18.6	26.9	24.3	27.0	26.5	37.1	29.4	23.5	20.9	19.2	15.1	24.0	21.6	27.7	27.0	22.2	23.1	20.0	19.1
1997	22.8	19.6	27.9	22.5	28.1	21.3	37.9	26.5	20.3	19.6	25.1	17.0	24.1	22.4	24.8	21.8	26.0	25.1	22.5	17.8
1996	25.5	20.6	29.9	25.1	26.1	22.2	36.8	27.6	20.5	19.7	23.6	20.1	20.6	19.4	25.7	22.9	26.0	21.7	23.0	21.3

Year	Imprisonment Rate (%) by Judicial District																			
	1st		2nd		3rd		4th		5th		6th		7th		8th		9th		10th	
	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.	Pres.	Act.
1995	21.6	18.4	26.6	21.4	25.6	19.2	39.5	29.8	25.5	23.5	27.2	18.9	22.5	17.9	27.1	28.6	21.7	22.0	23.3	20.9
1994	19.1	14.5	25.0	18.4	25.0	15.9	40.2	30.1	18.3	18.3	21.9	16.8	23.1	21.5	28.2	23.2	24.4	20.6	21.7	17.2
1993	22.9	18.5	26.8	23.6	21.8	15.6	41.1	29.6	17.0	15.7	23.3	17.7	21.1	18.2	24.8	20.9	20.8	18.0	22.6	17.7
1992	20.4	15.7	24.4	20.7	23.1	16.5	38.4	27.1	20.7	19.9	21.4	19.0	20.7	18.6	21.4	20.8	22.2	18.3	22.4	17.3
1991	20.2	16.3	22.9	18.6	19.9	11.8	36.6	27.6	19.4	16.4	17.8	15.3	19.5	16.3	19.7	18.0	21.8	17.8	22.3	16.4
1990	23.8	16.5	19.6	18.5	24.4	17.3	33.7	25.3	21.3	18.2	21.1	16.0	20.9	19.3	21.1	24.9	22.3	15.1	23.9	16.9
1989	23.8	19.1	23.7	21.3	27.2	22.3	32.3	29.4	27.3	23.5	21.8	19.6	18.5	15.2	20.6	22.0	19.9	16.0	23.0	17.4
1988	21.6	15.7	25.1	24.0	21.7	15.7	30.5	23.9	18.5	19.4	19.6	18.4	20.3	18.4	29.8	23.4	18.2	21.8	23.3	18.9
1987	23.4	17.8	23.9	26.1	20.0	16.3	31.0	27.5	19.3	16.1	15.6	19.2	21.1	18.1	26.2	22.1	18.6	21.4	21.8	18.0
1986	20.9	18.0	18.7	19.2	26.1	18.5	29.5	24.5	18.7	16.8	16.2	18.3	18.3	14.5	20.6	15.6	19.1	22.1	24.0	21.0
1985	19.2	15.4	23.4	21.4	19.5	13.2	29.5	21.8	15.2	13.9	24.5	19.7	20.7	17.2	19.7	17.9	19.9	19.8	24.0	19.0
1984	21.2	15.8	20.7	20.6	17.1	11.5	28.0	25.0	20.6	17.2	21.8	19.7	18.1	14.9	23.2	18.0	18.8	20.5	20.4	19.3
1983	17.8	16.9	20.0	22.1	18.3	19.1	27.8	29.3	18.3	17.7	18.7	18.5	15.4	13.6	21.2	14.5	15.5	19.3	19.3	15.4
1982	16.1	14.9	18.5	20.0	15.1	14.1	29.7	29.7	8.7	10.2	15.9	16.1	16.5	16.9	17.2	15.3	16.8	15.9	14.5	13.2
1981	9.9	6.3	14.2	15.7	12.0	11.0	26.3	24.2	4.4	5.1	10.3	14.0	11.2	11.8	8.1	8.1	13.3	14.1	13.4	14.5
1978	NA	17.0	NA	22.7	NA	25.7	NA	23.9	NA	17.4	NA	13.4	NA	13.2	NA	18.5	NA	17.0	NA	21.7

**How to read Table 15:** The following table shows the percentage of cases by gender receiving incarceration time in a local correctional facility as a condition of a stayed sentence. For example, of the 13,937 males sentenced in 2019 (Table 5, p. 42), 65.2 percent received incarceration in a local correctional facility as a condition of a stayed sentence.

*Table 15. Incarceration in Local Facilities as Condition of a Stayed Sentence by Gender, 1978, 1981–2019*

Year	Total Number Sentenced	Local Incarceration as a Condition of Probation		Rate (%) by Gender	
		Number	Rate (%)	Male	Female
2019	17,335	11,700	67.5	65.2	77.1
2018	18,284	12,434	68.0	65.7	77.2
2017	18,288	12,317	67.4	65.0	76.9
2016	16,927	11,271	66.6	64.3	76.2
2015	16,763	10,996	65.6	63.4	75.2
2014	16,145	10,678	66.1	64.4	73.9
2013	15,318	9,979	65.1	63.1	75.4
2012	15,207	9,838	64.7	63.0	73.3
2011	14,571	9,583	65.8	64.2	73.4
2010	14,311	8,587	60.0	58.6	67.1
2009	14,840	9,746	65.7	64.0	73.6
2008	15,394	10,062	65.4	63.8	72.7
2007	16,167	10,970	67.9	66.4	74.6
2006	16,443	11,492	69.9	68.3	77.4
2005	15,460	10,672	69.0	67.6	75.8
2004	14,751	10,071	68.3	66.9	74.4
2003	14,492	9,557	66.0	64.6	72.3
2002	12,977	8,599	66.3	65.2	71.3
2001	10,796	7,150	66.2	65.0	71.8
2000	10,395	6,838	65.8	64.9	70.1
1999	10,634	6,946	65.3	64.9	67.2
1998	10,887	6,999	64.3	64.0	65.4
1997	9,847	6,349	64.5	64.4	64.8
1996	9,480	5,911	62.4	62.5	61.8
1995	9,421	6,019	63.9	65.0	58.7
1994	9,787	6,292	64.3	65.1	60.7
1993	9,637	6,205	64.4	65.1	60.8
1992	9,325	6,176	66.2	66.7	63.8
1991	9,161	6,009	65.6	67.0	58.2
1990	8,844	5,428	61.4	63.3	51.5
1989	7,974	4,669	58.6	60.8	47.1
1988	7,572	4,428	58.5	60.3	49.0
1987	6,674	3,700	55.4	57.6	44.4
1986	6,032	3,298	54.7	57.5	39.5
1985	6,236	3,324	53.3	56.0	38.5
1984	5,792	3,074	53.1	55.4	37.1
1983	5,562	2,781	50.0	52.9	31.8
1982	6,066	2,717	44.7	47.3	28.2
1981	5,500	2,539	46.2	48.2	29.8

Year	Total Number Sentenced	Local Incarceration as a Condition of Probation		Rate (%) by Gender	
		Number	Rate (%)	Male	Female
1978	4,369	1,547	35.4	37.5	19.9



**How to read Table 16:** The following table shows the percentage of cases by race/ethnicity receiving incarceration time in a local correctional facility as a condition of a stayed sentence. For example, of the 9,853 cases sentenced in 2019 in which the person was white (Table 7, p. 46), 69.1 percent received incarceration in a local facility as a condition of a stayed sentence.

*Table 16. Incarceration in Local Correctional Facilities by Race/Ethnicity, 1978, 1981–2019*

Year	Total Number Cases	Local Incarceration as a Condition of Probation		Rate (%) By Race/Ethnicity					
		Number	Rate (%)	White	Black	Am. Indian	Hispanic	Asian	Other
2019	17,335	11,700	67.5	69.1	63.4	69.0	66.3	72.1	62.5
2018	18,284	12,434	68.0	70.6	63.0	66.6	65.8	71.9	33.3
2017	18,288	12,317	67.4	69.5	62.9	65.8	65.5	70.6	74.5
2016	16,927	11,271	66.6	68.8	62.4	65.9	61.0	70.3	100.0
2015	16,763	10,996	65.6	67.7	60.8	66.1	64.2	68.1	100.0
2014	16,145	10,678	66.1	68.4	62.6	61.5	64.0	69.5	100.0
2013	15,318	9,979	65.1	67.7	60.4	62.8	60.4	71.1	100.0
2012	15,207	9,838	64.7	67.2	59.6	63.7	63.5	67.9	50.0
2011	14,571	9,583	65.8	68.4	61.9	62.2	59.5	73.3	---
2010	14,311	8,587	60.0	62.8	55.9	57.0	53.7	66.2	---
2009	14,840	9,746	65.7	69.1	61.6	61.8	57.4	66.2	---
2008	15,394	10,062	65.4	68.1	61.1	61.0	60.9	70.7	50.0
2007	16,167	10,970	67.9	70.0	63.2	67.7	64.0	73.3	100.0
2006	16,443	11,492	69.9	72.0	66.1	66.2	66.2	73.9	25.0
2005	15,460	10,672	69.0	71.7	65.0	62.8	62.8	69.5	75.0
2004	14,751	10,071	68.3	71.1	62.9	63.9	64.4	69.2	---
2003	14,492	9,557	66.0	67.5	62.8	67.3	60.2	67.4	65.8
2002	12,977	8,599	66.3	68.7	63.0	62.3	58.5	64.1	76.1
2001	10,796	7,150	66.2	68.5	62.5	64.8	61.8	63.0	75.0
2000	10,395	6,838	65.8	68.7	61.2	65.3	59.0	65.2	63.8
1999	10,634	6,946	65.3	68.9	59.7	64.3	57.3	61.9	65.5
1998	10,887	6,999	64.3	67.5	58.1	62.8	62.1	64.8	64.8
1997	9,847	6,349	64.5	67.8	58.0	61.6	63.2	70.5	72.7
1996	9,480	5,911	62.4	65.8	53.1	64.3	66.5	63.7	75.6
1995	9,421	6,019	63.9	66.7	58.7	60.7	63.7	52.6	74.1
1994	9,787	6,292	64.3	66.7	57.8	64.3	66.7	61.4	75.0
1993	9,637	6,205	64.4	67.4	56.3	64.7	62.3	62.9	68.4
1992	9,325	6,176	66.2	68.0	60.9	65.7	66.4	66.7	62.5
1991	9,161	6,009	65.6	67.7	58.7	63.7	64.1	68.1	65.5
1990	8,844	5,428	61.4	63.9	53.5	56.6	62.3	46.4	68.0
1989	7,974	4,669	58.6	60.9	47.7	60.0	66.0	65.2	62.5
1988	7,572	4,428	58.5	60.8	49.8	58.4	60.6	60.0	29.4
1987	6,674	3,700	55.4	57.2	46.6	56.7	54.8	44.4	76.5
1986	6,032	3,298	54.7	56.2	44.4	59.1	57.5	52.0	44.4
1985	6,236	3,324	53.3	55.2	45.4	53.9	42.7	36.8	44.8
1984	5,792	3,074	53.1	54.2	46.1	51.2	54.9	56.3	68.4
1983	5,562	2,781	50.0	50.6	47.3	49.1	45.6	55.6	46.7
1982	6,066	2,717	44.7	45.4	40.3	42.6	38.8	37.5	42.9

Year	Total Number Cases	Local Incarceration as a Condition of Probation		Rate (%) By Race/Ethnicity					
		Number	Rate (%)	White	Black	Am. Indian	Hispanic	Asian	Other
1981	5,500	2,539	46.2	46.3	44.5	50.0	43.0	30.0	0.0
1978	4,369	1,547	35.4	35.3	34.1	41.7	58.0	0.0	2.9

**How to read Table 17:** The following table shows the percentage of cases sentenced in each Minnesota Judicial District receiving incarceration time in a local correctional facility as a condition of a stayed sentence. For example, of the 3,551 cases sentenced in the Fourth Judicial District in 2019 (Table 1, p. 20), 63.7 percent received a sentence including incarceration in a local correctional facility.

*Table 17. Incarceration Rates in Local Correctional Facilities by Judicial District, 1978, 1981–2019*

Year	Incarceration Rate (%) by Judicial District									
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup>	10 <sup>th</sup>
2019	73.4	76.5	62.0	63.7	69.1	64.5	68.8	68.4	52.0	72.4
2018	74.7	72.3	62.0	63.9	71.7	66.3	68.8	72.0	55.3	74.5
2017	73.0	73.2	60.7	63.1	70.2	66.0	69.3	66.9	55.7	74.0
2016	71.8	70.5	61.8	60.2	69.7	67.4	67.6	66.9	59.5	72.8
2015	68.4	71.7	57.6	59.9	70.8	67.2	67.1	63.2	61.1	70.2
2014	69.7	72.5	55.5	62.3	69.9	61.6	67.8	69.3	58.1	72.7
2013	71.5	66.2	55.1	60.9	71.3	62.4	66.8	68.5	58.1	72.6
2012	65.4	67.8	56.8	60.5	67.5	63.5	67.2	66.9	60.0	71.9
2011	65.5	70.6	52.3	60.9	68.1	62.3	71.8	65.6	62.4	74.9
2010	63.0	63.2	48.3	55.8	62.1	60.3	61.0	56.1	57.4	69.5
2009	70.0	69.4	51.8	62.4	71.1	59.3	66.2	66.7	64.4	73.4
2008	67.9	70.5	52.9	64.5	64.5	51.6	65.9	69.0	65.0	72.6
2007	72.0	71.5	59.4	63.6	68.7	59.3	67.7	69.3	67.3	75.6
2006	72.4	74.1	60.1	68.5	68.2	59.8	71.1	70.8	69.5	75.8
2005	71.9	72.9	57.3	67.6	68.2	62.0	70.5	69.9	63.8	75.8
2004	72.5	67.3	61.2	66.3	64.5	65.4	70.7	65.6	66.1	75.3
2003	68.7	66.1	59.3	64.9	62.1	61.9	69.7	63.3	63.6	70.8
2002	68.7	66.9	55.2	64.6	65.1	61.2	72.2	65.8	68.1	69.4
2001	68.0	67.1	61.3	62.1	68.1	60.6	70.5	70.6	67.9	70.8
2000	66.8	63.5	64.3	62.8	64.7	60.1	73.8	69.7	68.2	69.6
1999	68.1	66.9	64.0	57.2	58.7	61.6	73.9	62.8	69.2	75.8
1998	65.7	63.7	57.7	56.3	62.7	61.1	72.8	67.2	69.2	75.8
1997	67.9	62.4	62.4	55.0	64.6	57.2	71.3	72.2	69.5	76.7
1996	63.8	57.2	59.3	52.0	64.3	58.7	75.0	69.6	68.5	73.1
1995	64.2	59.8	65.3	57.9	56.8	57.5	74.7	64.6	72.1	71.7
1994	65.0	60.1	68.0	58.0	60.5	55.8	70.0	64.1	72.3	75.1
1993	64.5	55.3	66.7	56.5	63.5	66.5	74.2	67.5	74.1	73.4
1992	67.0	62.3	69.6	59.4	67.2	63.2	74.1	70.3	72.2	73.5
1991	64.5	61.7	71.3	57.4	71.4	63.7	74.3	75.1	72.9	71.8
1990	63.3	49.8	65.3	56.4	61.3	57.0	71.2	68.4	73.3	70.3
1989	61.5	48.6	62.1	50.7	54.9	52.2	68.9	65.1	72.4	71.1
1988	58.0	45.5	68.4	55.9	56.7	50.9	68.7	65.2	63.3	67.7
1987	47.9	42.0	65.2	50.7	62.3	55.3	61.0	62.4	61.1	66.8
1986	47.3	44.8	63.7	50.7	60.8	51.8	62.5	65.6	59.2	63.0
1985	44.0	46.3	70.8	45.8	56.8	53.2	55.0	55.5	63.5	62.1
1984	41.3	47.9	74.9	49.6	49.2	51.8	51.9	57.2	60.9	59.1
1983	35.7	43.1	67.9	54.2	43.8	48.6	48.4	41.2	59.8	51.2
1982	27.5	42.5	69.0	43.7	48.3	55.3	34.0	30.8	56.8	45.0
1981	29.1	42.2	65.2	49.0	49.8	49.0	29.4	45.7	58.4	42.8
1978	35.9	39.3	38.9	40.8	26.0	45.5	12.0	22.3	47.8	23.0

## Departures

Table 18. Dispositional Departures by Gender, Race, & Judicial District, 2019

		Total Number	Total Dispositional Departure Rate (%)	All Cases by Dispositional Departure Type					
				No Departure		Aggravated		Mitigated	
				Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
	Male	13,937	14.7	11,895	85.3	22	0.2	2,020	14.5
	Female	3,398	10.1	3,054	89.9	11	0.3	333	9.8
Race/Ethnicity	White	9,853	13.6	8,513	86.4	23	0.2	1,317	13.4
	Black	4,580	15.4	3,874	84.6	3	0.1	703	15.3
	American Indian	1,492	9.8	1,346	90.2	5	0.3	141	9.5
	Hispanic	903	13.3	783	86.7	2	0.2	118	13.1
	Asian	499	14.8	425	85.2	0	0.0	74	14.8
	Other/ Unknown	8	0.0	8	100.0	0	0.0	0	0.0
Judicial District	First	2,213	11.3	1,963	88.7	4	0.2	246	11.1
	Second	1,902	21.3	1,496	78.7	1	0.1	405	21.3
	Third	1,254	15.9	1,055	84.1	4	0.3	195	15.6
	Fourth	3,551	13.3	3,077	86.7	3	0.1	471	13.3
	Fifth	1,064	14.2	913	85.8	4	0.4	147	13.8
	Sixth	732	16.3	613	83.7	1	0.1	118	16.1
	Seventh	1,810	10.6	1,619	89.4	6	0.3	185	10.2
	Eighth	522	9.6	472	90.4	0	0.0	50	9.6
	Ninth	1,620	10.3	1,453	89.7	8	0.5	159	9.8
	Tenth	2,667	14.2	2,288	85.8	2	0.1	377	14.1
	<b>Total</b>	<b>17,335</b>	<b>13.8</b>	<b>14,949</b>	<b>86.2</b>	<b>33</b>	<b>0.2</b>	<b>2,353</b>	<b>13.6</b>

Table 19. Dispositional Departures by Presumptive Disposition, by Gender, Race/Ethnicity, & Judicial District, 2019

		Total Number	Presumptive Stays			Presumptive Commitments			
			Total	Aggravated Dispositional Departure		Total	Mitigated Dispositional Departure		
				Number	Rate (%)		Number	2019 Rate (%)	2015–19 5-Yr. Rate
	Male	13,937	8,532	22	0.3	5,405	2,020	37.4	34.7
	Female	3,398	2,838	11	0.4	560	333	59.5	55.3
Race/Ethnicity	White	9,853	6,794	23	0.3	3,059	1,317	43.1	39.8
	Black	4,580	2,597	3	0.1	1,983	703	35.5	34.0
	American Indian	1,492	1,060	5	0.5	432	151	32.6	30.2
	Hispanic	903	583	2	0.3	320	118	36.9	33.0
	Asian	499	328	0	0.0	171	74	43.3	38.8
	Other/Unknown	8	8	0	---	0	---	---	66.7
Judicial District	First	2,213	1,610	4	0.2	603	246	40.8	40.1
	Second	1,902	1,106	1	0.1	796	405	50.9	41.1
	Third	1,254	803	4	0.5	451	195	43.2	39.7
	Fourth	3,551	2,187	3	0.1	1,364	471	34.5	34.0
	Fifth	1,064	727	4	0.6	337	147	43.6	43.3
	Sixth	732	467	1	0.2	265	118	44.5	44.2
	Seventh	1,810	1,212	6	0.5	598	185	30.9	28.6
	Eighth	522	354	0	0.0	168	50	29.8	28.8
	Ninth	1,620	1,141	8	0.7	479	159	33.2	32.7
	Tenth	2,667	1,763	2	0.1	904	377	41.7	37.7
	<b>Total</b>	<b>17,335</b>	<b>11,370</b>	<b>33</b>	<b>0.3</b>	<b>5,965</b>	<b>2,353</b>	<b>39.4</b>	<b>36.7</b>

Table 20. Durational Departures, 1981–2019

Year	Total Number Sentenced	Total Durational Departure Rate (%)	All Cases, by Durational Departure Type					
			No Departure		Aggravated		Mitigated	
			Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
2019	17,335	13.7	12,008	86.2	251	1.4	2,131	12.3
2018	18,284	13.5	15,811	86.5	258	1.4	2,215	12.1
2017	18,288	13.0	15,912	87.0	215	1.2	2,161	11.8
2016	16,927	13.3	14,669	86.7	218	1.3	2,040	12.1
2015	16,763	13.9	14,438	86.1	275	1.6	2,050	12.2
2014	16,145	14.4	13,820	85.6	239	1.5	2,086	12.9
2013	15,318	15.1	13,008	84.9	203	1.3	2,107	13.8
2012	15,207	15.1	12,910	84.9	237	1.6	2,060	13.5
2011	14,571	14.1	12,522	85.9	196	1.3	1,853	12.7
2010	14,311	13.7	12,355	86.3	215	1.5	1,741	12.2
2009	14,840	12.7	12,959	87.3	223	1.5	1,658	11.2
2008	15,394	12.2	13,517	87.8	252	1.6	1,625	10.6
2007	16,167	11.8	14,262	88.2	319	2.0	1,587	9.8
2006	16,443	12.2	14,447	87.8	349	2.1	1,650	10.0
2005	15,460	12.3	13,562	87.7	381	2.5	1,519	9.8
2004	14,751	13.9	12,701	86.1	445	3.0	1,605	10.9
2003	14,492	15.3	12,276	84.7	542	3.7	1,674	11.6
2002	12,977	15.4	10,980	84.6	522	4.0	1,476	11.4
2001	10,796	16.3	9,035	83.7	541	5.0	1,220	11.3
2000	10,395	15.8	8,753	84.2	529	5.1	1,113	10.7
1999	10,634	14.9	9,050	85.1	516	4.9	1,068	10.0
1998	10,887	14.8	9,294	85.4	514	4.7	1,079	9.9
1997	9,847	13.8	8,484	86.2	394	4.0	969	9.8
1996	9,480	11.0	8,437	89.0	428	4.5	615	6.5
1995	9,421	10.1	8,474	89.9	383	4.1	564	6.0
1994	9,787	9.3	8,879	90.7	396	4.0	512	5.2
1993	9,637	9.0	8,768	91.0	336	3.5	533	5.5
1992	9,325	10.3	8,367	89.7	359	3.9	599	6.4
1991	9,161	9.9	8,250	90.1	334	3.6	577	6.3
1990	8,844	9.4	8,012	90.6	298	3.4	534	6.0
1989	7,974	8.5	7,293	91.5	221	2.8	460	5.8
1988	7,572	7.3	7,016	92.7	196	2.6	360	4.8
1987	6,674	7.4	6,180	92.6	162	2.4	332	5.0
1986	6,032	6.5	5,639	93.5	114	1.9	279	4.6
1985	6,236	6.8	5,815	93.2	107	1.7	314	5.0
1984	5,792	7.7	5,347	92.3	167	2.9	278	4.8
1983	5,562	7.7	5,135	92.3	109	2.0	318	5.7
1982	6,066	7.2	5,627	92.8	144	2.4	295	4.9
1981	5,500	8.5	5,030	91.5	142	2.6	328	6.0

Table 21. Durational Departures by Gender, Race, & Judicial District, 2019

		Total Number	Total Durational Departure Rate (%)	All Cases, by Durational Departure Type					
				No Departure		Aggravated		Mitigated	
				Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
	Male	13,937	13.8	12,008	85.9	221	1.6	1,708	12.3
	Female	3,398	13.3	2,945	86.7	30	0.9	423	12.4
Race/Ethnicity	White	9,853	10.9	8,777	89.1	129	1.3	947	9.6
	Black	4,580	20.1	3,661	79.9	84	1.8	835	18.2
	American Indian	1,492	11.0	1,328	89.0	16	1.1	148	9.9
	Hispanic	903	14.2	775	85.8	16	1.8	112	12.4
	Asian	499	18.8	405	81.2	6	1.2	88	17.6
	Other/ Unknown	8	12.5	7	87.5	0	---	1	12.5
Judicial District	First	2,213	13.8	1,907	86.2	52	2.3	254	11.5
	Second	1,902	26.9	1,391	73.1	23	1.2	488	25.7
	Third	1,254	6.3	1,175	93.7	13	1.0	66	5.3
	Fourth	3,551	23.5	2,716	76.5	88	2.5	747	21.0
	Fifth	1,064	10.4	953	89.6	10	0.9	101	9.5
	Sixth	732	6.0	688	94.0	6	0.8	38	5.2
	Seventh	1,810	9.2	1,644	90.8	22	1.2	144	8.0
	Eighth	522	3.6	503	96.4	7	1.3	12	2.3
	Ninth	1,620	6.1	1,521	93.9	17	1.0	82	5.1
	Tenth	2,667	7.9	2,455	92.1	13	0.5	199	7.5
	<b>Total</b>	<b>17,335</b>	<b>13.7</b>	<b>14,953</b>	<b>86.3</b>	<b>251</b>	<b>1.4</b>	<b>2,131</b>	<b>12.3</b>

Table 22. Durational Departures for Executed Prison Sentences by Gender, Race/Ethnicity, & Judicial District, 2019

		Number Executed Prison	Total Durational Departure Rate (%)	Durational Departures, Executed Prison Sentences Only						
				No Departure		Aggravated		Mitigated		
				Number	Rate	Number	Rate	Number	2019 Rate	2015–19 5-Yr. Rate
	Male	3,808	23.3	2,922	76.7	108	2.8	778	20.4	23.0
	Female	346	22.3	269	77.7	11	3.2	66	19.1	20.0
Race/Ethnicity	White	2,104	18.3	1,720	81.7	59	2.8	325	15.4	18.2
	Black	1,377	30.9	952	69.1	40	2.9	385	28.0	31.6
	American Indian	334	21.3	263	78.7	9	2.7	62	18.6	17.1
	Hispanic	232	25.0	174	75.0	8	3.4	50	21.6	18.8
	Asian	107	23.4	82	76.6	3	2.8	22	20.6	28.0
	Other/Unknown	0	---	---	---	---	---	---	---	11.1
Judicial District	First	410	22.7	317	77.3	19	4.6	74	18.0	17.6
	Second	423	42.8	242	57.2	7	1.7	174	41.1	37.4
	Third	303	13.2	263	86.8	10	3.3	30	9.9	8.6
	Fourth	945	40.5	562	59.5	43	4.6	340	36.0	42.6
	Fifth	232	17.7	191	82.3	3	1.3	38	16.4	18.8
	Sixth	171	11.1	152	88.9	4	2.3	15	8.8	12.3
	Seventh	498	16.7	415	83.3	14	2.8	69	13.9	16.5
	Eighth	144	6.3	135	93.8	4	2.8	5	3.5	4.5
	Ninth	420	11.2	373	88.8	7	1.7	40	9.5	10.7
	Tenth	608	11.0	541	89.0	8	1.3	59	9.7	11.6
	<b>Total</b>	<b>4,154</b>	<b>23.2</b>	<b>3,191</b>	<b>76.8</b>	<b>119</b>	<b>2.9</b>	<b>844</b>	<b>20.3</b>	<b>22.7</b>



## County Tables

Table 23. Volume of Cases Sentenced & Incarceration Rates by County, 2019

County	Number of Cases Sentenced			Incarceration Type				Total Incarceration	
	2018	2019	Percent Change	Prison		Local Confinement		Number	Rate (%)
				Number	Rate (%)	Number	Rate (%)		
Aitkin	94	102	8.5%	14	14	77	75	91	89
Anoka	947	942	-0.5%	171	18	715	76	886	94
Becker	180	187	3.9%	49	26	134	72	183	98
Beltrami	266	207	-22.2%	57	28	146	71	203	98
Benton	140	142	1.4%	51	36	91	64	142	100
Big Stone	11	19	72.7%	6	32	13	68	19	100
Blue Earth	303	308	1.7%	77	25	210	68	287	93
Brown	66	61	-7.6%	18	30	40	66	58	95
Carlton	143	107	-25.2%	22	21	79	74	101	94
Carver	169	151	-10.7%	38	25	94	62	132	87
Cass	139	130	-6.5%	33	25	73	56	106	82
Chippewa	39	46	17.9%	16	35	28	61	44	96
Chisago	132	140	6.1%	36	26	99	71	135	96
Clay	277	283	2.2%	70	25	209	74	279	99
Clearwater	20	24	20.0%	5	21	17	71	22	92
Cook	12	9	-25.0%	0	0	6	67	6	67
Cottonwood	47	35	-25.5%	10	29	9	26	19	54
Crow Wing	340	304	-10.6%	64	21	94	31	158	52
Dakota	1,368	1,139	-16.7%	222	19	839	74	1,061	93
Dodge	54	42	-22.2%	9	21	30	71	39	93
Douglas	73	112	53.4%	26	23	85	76	111	99
Faribault	42	46	9.5%	4	9	40	87	44	96
Fillmore	17	29	70.6%	5	17	19	66	24	83
Freeborn	111	90	-18.9%	12	13	64	71	76	84
Goodhue	269	224	-16.7%	32	14	180	80	212	95
Grant	16	15	-6.3%	4	27	11	73	15	100
Hennepin	4,070	3,551	-12.8%	945	27	2261	64	3,206	90
Houston	26	25	-3.8%	6	24	16	64	22	88
Hubbard	84	81	-3.6%	24	30	56	69	80	99
Isanti	121	152	25.6%	35	23	112	74	147	97
Itasca	235	206	-12.3%	42	20	146	71	188	91

County	Number of Cases Sentenced			Incarceration Type				Total	
	2018	2019	Percent Change	Prison		Local Confinement		Incarceration	
				Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Jackson	28	31	10.7%	3	10	24	77	27	87
Kanabec	47	62	31.9%	11	18	49	79	60	97
Kandiyohi	127	134	5.5%	38	28	96	72	134	100
Kittson	5	7	40.0%	0	0	3	43	3	43
Koochiching	43	46	7.0%	9	20	29	63	38	83
Lac Qui Parle	7	14	100.0%	3	21	9	64	12	86
Lake	25	12	-52.0%	2	17	6	50	8	67
Lake of the Woods	7	9	28.6%	0	0	6	67	6	67
Le Sueur	53	69	30.2%	13	19	42	61	55	80
Lincoln	3	9	200.0%	0	0	9	100	9	100
Lyon	97	109	12.4%	26	24	77	71	103	94
McLeod	124	141	13.7%	19	13	116	82	135	96
Mahnomen	102	64	-37.3%	17	27	35	55	52	81
Marshall	15	12	-20.0%	0	0	5	42	5	42
Martin	68	95	39.7%	17	18	75	79	92	97
Meeker	55	66	20.0%	20	30	45	68	65	98
Mille Lacs	201	155	-22.9%	50	32	96	62	146	94
Morrison	114	110	-3.5%	22	20	85	77	107	97
Mower	175	193	10.3%	63	33	91	47	154	80
Murray	16	23	43.8%	1	4	15	65	16	70
Nicollet	78	54	-30.8%	16	30	33	61	49	91
Nobles	99	111	12.1%	23	21	70	63	93	84
Norman	21	22	4.8%	7	32	8	36	15	68
Olmsted	440	389	-11.6%	97	25	237	61	334	86
Otter Tail	182	195	7.1%	37	19	137	70	174	89
Pennington	65	81	24.6%	18	22	19	23	37	46
Pine	204	181	-11.3%	41	23	126	70	167	92
Pipestone	25	35	40.0%	8	23	25	71	33	94
Polk	272	264	-2.9%	114	43	96	36	210	80
Pope	15	13	-13.3%	3	23	10	77	13	100
Ramsey	1,813	1,902	4.9%	423	22	1,455	76	1,878	99
Red Lake	18	13	-27.8%	3	23	3	23	6	46
Redwood	98	90	-8.2%	22	24	63	70	85	94
Renville	51	49	-3.9%	12	24	32	65	44	90
Rice	146	143	-2.1%	43	30	86	60	129	90

County	Number of Cases Sentenced			Incarceration Type				Total Incarceration	
	2018	2019	Percent Change	Prison		Local Confinement		Number	Rate (%)
				Number	Rate (%)	Number	Rate (%)		
Rock	9	13	44.4%	0	0	11	85	11	85
Roseau	29	48	65.5%	13	27	29	60	42	88
St. Louis	651	604	-7.2%	147	24	381	63	528	87
Scott	469	453	-3.4%	77	17	328	72	405	89
Sherburne	289	304	5.2%	91	30	204	67	295	97
Sibley	32	36	12.5%	9	25	26	72	35	97
Stearns	614	541	-11.9%	177	33	345	64	522	96
Steele	147	111	-24.5%	31	28	70	63	101	91
Stevens	13	25	92.3%	7	28	18	72	25	100
Swift	26	49	88.5%	15	31	33	67	48	98
Todd	43	45	4.7%	7	16	37	82	44	98
Traverse	22	14	-36.4%	4	29	10	71	14	100
Wabasha	52	42	-19.2%	5	12	29	69	34	81
Wadena	50	40	-20.0%	9	23	27	68	36	90
Waseca	65	59	-9.2%	8	14	38	64	46	78
Washington	570	579	1.6%	146	25	408	70	554	96
Watonwan	37	44	18.9%	7	16	34	77	41	93
Wilkin	19	27	42.1%	5	19	19	70	24	89
Winona	128	131	2.3%	24	18	97	74	121	92
Wright	317	307	-3.2%	77	25	217	71	294	96
Yellow Medicine	52	51	-1.9%	11	22	33	65	44	86
<b>Total</b>	<b>18,284</b>	<b>17,335</b>	<b>-5.2%</b>	<b>4,154</b>	<b>24</b>	<b>11,700</b>	<b>67</b>	<b>15,854</b>	<b>91</b>

Table 24. Dispositional Departure Rates by County, 2019

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate (%)		Number	Rate (%)		Number	Rate (%)
Aitkin	102	87	85.3	75	0	0.0	27	15	55.6
Anoka	942	771	81.8	621	1	0.2	321	170	53.0
Becker	187	163	87.2	123	2	1.6	64	22	34.4
Beltrami	207	198	95.7	146	1	0.7	61	8	13.1
Benton	142	136	95.8	94	0	0.0	48	6	12.5
Big Stone	19	16	84.2	10	0	0.0	9	3	33.3
Blue Earth	308	274	89.0	211	1	0.5	97	33	34.0
Brown	61	50	82.0	34	0	0.0	27	11	40.7
Carlton	107	97	90.7	79	0	0.0	28	10	35.7
Carver	151	141	93.4	106	0	0.0	45	10	22.2
Cass	130	125	96.2	96	1	1.0	34	4	11.8
Chippewa	46	43	93.5	29	0	0.0	17	3	17.6
Chisago	140	120	85.7	90	1	1.1	50	19	38.0
Clay	283	265	93.6	210	0	0.0	73	18	24.7
Clearwater	24	22	91.7	17	0	0.0	7	2	28.6
Cook	9	8	88.9	8	0	0.0	1	1	100.0
Cottonwood	35	27	77.1	18	0	0.0	17	8	47.1
Crow Wing	304	256	84.2	205	0	0.0	99	48	48.5
Dakota	1,139	999	87.7	800	1	0.1	339	139	41.0
Dodge	42	29	69.0	23	1	4.3	19	12	63.2
Douglas	112	105	93.8	85	0	0.0	27	7	25.9
Faribault	46	38	82.6	35	0	0.0	11	8	72.7
Fillmore	29	19	65.5	15	0	0.0	14	10	71.4
Freeborn	90	86	95.6	77	0	0.0	13	4	30.8
Goodhue	224	194	86.6	166	0	0.0	58	30	51.7
Grant	15	14	93.3	12	0	0.0	3	1	33.3
Hennepin	3,551	3,077	86.7	2,187	3	0.1	1,364	471	34.5
Houston	25	25	100.0	21	0	0.0	4	0	0.0
Hubbard	81	77	95.1	54	0	0.0	27	4	14.8
Isanti	152	135	88.8	107	0	0.0	45	17	37.8
Itasca	206	172	83.5	143	0	0.0	63	34	54.0
Jackson	31	22	71.0	19	0	0.0	12	9	75.0
Kanabec	62	48	77.4	40	0	0.0	22	14	63.6

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate (%)		Number	Rate (%)		Number	Rate (%)
Kandiyohi	134	124	92.5	90	0	0.0	44	10	22.7
Kittson	7	7	100.0	7	0	0.0	0	0	---
Koochiching	46	40	87.0	36	1	2.8	10	5	50.0
Lac Qui Parle	14	13	92.9	12	0	0.0	2	1	50.0
Lake	12	8	66.7	6	0	0.0	6	4	66.7
Lake of the Woods	9	6	66.7	6	0	0.0	3	3	100.0
Le Sueur	69	58	84.1	46	0	0.0	23	11	47.8
Lincoln	9	9	100.0	9	0	0.0	0	0	---
Lyon	109	95	87.2	72	1	1.4	37	13	35.1
McLeod	141	126	89.4	109	0	0.0	32	15	46.9
Mahnomen	64	56	87.5	43	0	0.0	21	8	38.1
Marshall	12	12	100.0	12	0	0.0	0	0	---
Martin	95	79	83.2	66	0	0.0	29	16	55.2
Meeker	66	57	86.4	40	0	0.0	26	9	34.6
Mille Lacs	155	139	89.7	94	0	0.0	61	16	26.2
Morrison	110	96	87.3	82	0	0.0	28	14	50.0
Mower	193	171	88.6	113	0	0.0	80	22	27.5
Murray	23	21	91.3	21	0	0.0	2	2	100.0
Nicollet	54	48	88.9	38	0	0.0	16	6	37.5
Nobles	111	102	91.9	81	0	0.0	30	9	30.0
Norman	22	20	90.9	14	0	0.0	8	2	25.0
Olmsted	389	307	78.9	222	0	0.0	167	82	49.1
Otter Tail	195	171	87.7	140	0	0.0	55	24	43.6
Pennington	81	71	87.7	63	2	3.2	18	8	44.4
Pine	181	157	86.7	127	0	0.0	54	24	44.4
Pipestone	35	33	94.3	28	1	3.6	7	1	14.3
Polk	264	248	93.9	176	2	1.1	88	14	15.9
Pope	13	10	76.9	9	0	0.0	4	3	75.0
Ramsey	1,902	1,496	78.7	1,106	1	0.1	796	405	50.9
Red Lake	13	12	92.3	10	0	0.0	3	1	33.3
Redwood	90	71	78.9	57	1	1.8	33	18	54.5
Renville	49	44	89.8	32	0	0.0	17	5	29.4
Rice	143	128	89.5	93	1	1.1	50	14	28.0
Rock	13	11	84.6	11	0	0.0	2	2	100.0

County	All Cases			Presumptive Stays			Presumptive Commits		
	Total	No Departure		Total	Aggravated Departure		Total	Mitigated Departure	
		Number	Rate (%)		Number	Rate (%)		Number	Rate (%)
Roseau	48	44	91.7	38	1	2.6	10	3	30.0
St. Louis	604	500	82.8	374	1	0.3	230	103	44.8
Scott	453	413	91.2	359	3	0.8	94	37	39.4
Sherburne	304	279	91.8	197	0	0.0	107	25	23.4
Sibley	36	32	88.9	24	0	0.0	12	4	33.3
Stearns	541	463	85.6	316	4	1.3	225	74	32.9
Steele	111	90	81.1	66	0	0.0	45	21	46.7
Stevens	25	24	96.0	20	0	0.0	5	1	20.0
Swift	49	48	98.0	35	0	0.0	14	1	7.1
Todd	45	43	95.6	37	0	0.0	8	2	25.0
Traverse	14	13	92.9	10	0	0.0	4	1	25.0
Wabasha	42	35	83.3	30	0	0.0	12	7	58.3
Wadena	40	38	95.0	31	0	0.0	9	2	22.2
Waseca	59	54	91.5	47	0	0.0	12	5	41.7
Washington	579	509	87.9	375	0	0.0	204	70	34.3
Watonwan	44	33	75.0	27	0	0.0	17	11	64.7
Wilkin	27	24	88.9	21	0	0.0	6	3	50.0
Winona	131	111	84.7	96	2	2.1	35	18	51.4
Wright	307	269	87.6	206	0	0.0	101	38	37.6
Yellow Medicine	51	42	82.4	34	0	0.0	17	9	52.9
<b>Total</b>	<b>17,335</b>	<b>14,949</b>	<b>86.2</b>	<b>11,370</b>	<b>33</b>	<b>0.3</b>	<b>5,965</b>	<b>2,353</b>	<b>39.4</b>

Table 25. *Durational Departures by County for Cases Receiving an Executed Prison Sentence, 2019*

County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Aitkin	14	13	93	0	0	1	7
Anoka	171	152	89	2	1	17	10
Becker	49	48	98	1	2	0	0
Beltrami	57	53	93	1	2	3	5
Benton	51	48	94	2	4	1	2
Big Stone	6	6	100	0	0	0	0
Blue Earth	77	71	92	1	1	5	6
Brown	18	15	83	0	0	3	17
Carlton	22	15	68	1	5	6	27
Carver	38	26	68	0	0	12	32
Cass	33	30	91	0	0	3	9
Chippewa	16	15	94	1	6	0	0
Chisago	36	33	92	0	0	3	8
Clay	70	67	96	0	0	3	4
Clearwater	5	5	100	0	0	0	0
Cook	0	0	---	0	---	0	---
Cottonwood	10	7	70	0	0	3	30
Crow Wing	64	57	89	1	2	6	9
Dakota	222	167	75	15	7	40	18
Dodge	9	8	89	0	0	1	11
Douglas	26	25	96	0	0	1	4
Faribault	4	4	100	0	0	0	0
Fillmore	5	5	100	0	0	0	0
Freeborn	12	12	100	0	0	0	0
Goodhue	32	25	78	0	0	7	22
Grant	4	4	100	0	0	0	0
Hennepin	945	562	59	43	5	340	36
Houston	6	6	100	0	0	0	0
Hubbard	24	24	100	0	0	0	0
Isanti	35	33	94	1	3	1	3
Itasca	42	35	83	0	0	7	17
Jackson	3	1	33	0	0	2	67
Kanabec	11	11	100	0	0	0	0
Kandiyohi	38	36	95	0	0	2	5
Kittson	0	0	---	0	---	0	---
Koochiching	9	9	100	0	0	0	0

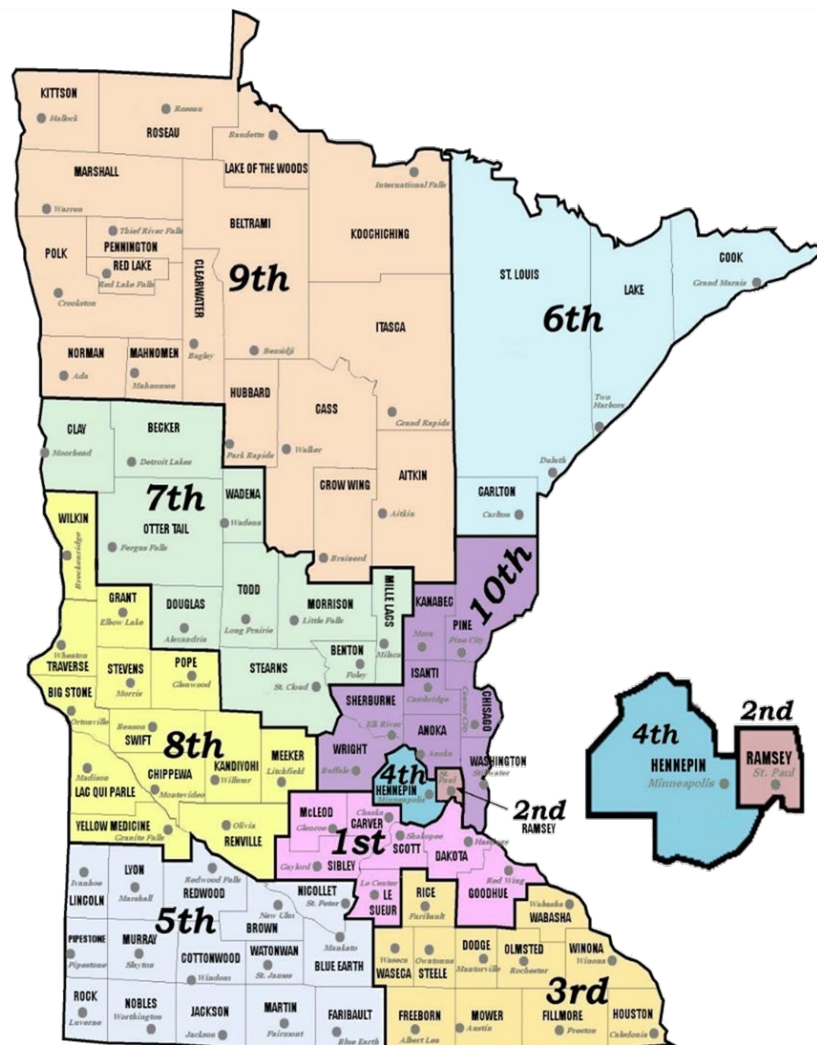
County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Lac Qui Parle	3	3	100	0	0	0	0
Lake	2	2	100	0	0	0	0
Lake of the Woods	0	0	---	0	---	0	---
Le Sueur	13	9	69	1	8	3	23
Lincoln	0	0	---	0	---	0	---
Lyon	26	25	96	0	0	1	4
McLeod	19	15	79	0	0	4	21
Mahnomen	17	13	76	0	0	4	24
Marshall	0	0	---	0	---	0	---
Martin	17	5	29	1	6	11	65
Meeker	20	20	100	0	0	0	0
Mille Lacs	50	41	82	1	2	8	16
Morrison	22	17	77	1	5	4	18
Mower	63	58	92	0	0	5	8
Murray	1	1	100	0	0	0	0
Nicollet	16	15	94	0	0	1	6
Nobles	23	16	70	1	4	6	26
Norman	7	7	100	0	0	0	0
Olmsted	97	80	82	5	5	12	12
Otter Tail	37	29	78	2	5	6	16
Pennington	18	13	72	1	6	4	22
Pine	41	38	93	0	0	3	7
Pipestone	8	7	88	0	0	1	13
Polk	114	100	88	3	3	11	10
Pope	3	3	100	0	0	0	0
Ramsey	423	242	57	7	2	174	41
Red Lake	3	2	67	1	33	0	0
Redwood	22	19	86	0	0	3	14
Renville	12	12	100	0	0	0	0
Rice	43	38	88	2	5	3	7
Rock	0	0	---	0	---	0	---
Roseau	13	12	92	0	0	1	8
St. Louis	147	135	92	3	2	9	6
Scott	77	67	87	3	4	7	9
Sherburne	91	84	92	2	2	5	5
Sibley	9	8	89	0	0	1	11
Stearns	177	126	71	7	4	44	25
Steele	31	29	94	0	0	2	6



County	Number of Executed Prison Sentences	No Departure		Aggravated Departure		Mitigated Departure	
		Number	Rate (%)	Number	Rate (%)	Number	Rate (%)
Stevens	7	6	86	1	14	0	0
Swift	15	14	93	1	7	0	0
Todd	7	7	100	0	0	0	0
Traverse	4	3	75	0	0	1	25
Wabasha	5	3	60	0	0	2	40
Wadena	9	7	78	0	0	2	22
Waseca	8	7	88	1	13	0	0
Washington	146	127	87	1	1	18	12
Watonwan	7	5	71	0	0	2	29
Wilkin	5	3	60	1	20	1	20
Winona	24	17	71	2	8	5	21
Wright	77	63	82	2	3	12	16
Yellow Medicine	11	10	91	0	0	1	9
<b>Total</b>	<b>4,154</b>	<b>3,191</b>	<b>77</b>	<b>119</b>	<b>3</b>	<b>844</b>	<b>20</b>

# Appendixes

## Appendix 1. 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	Swift	Koochiching	
		Waseca		Nicollet		Wadena	Traverse	Lake of the Woods	
		Winona		Nobles			Wilkin	Mahnomen	
				Pipestone			Yellow Medicine	Marshall	
				Redwood				Norman	
				Rock				Pennington	
				Watonwan				Polk	
								Red Lake	
								Roseau	

Source: Minn. Judicial Branch.

## Appendix 2. Standard Sentencing Guidelines Grid – Effective August 1, 2019

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

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; Drive-By-Shootings)</i>	<b>11</b>	306 261-367	326 278-391	346 295-415	366 312-439	386 329-463	406 346-480 <sup>2</sup>	426 363-480 <sup>2</sup>
<i>Murder, 2nd Degree (Unintentional)</i> <i>Murder, 3rd Degree (Depraved Mind)</i>	<b>10</b>	150 128-180	165 141-198	180 153-216	195 166-234	210 179-252	225 192-270	240 204-288
<i>Murder, 3rd Degree (Controlled Substances)</i> <i>Assault, 1st Degree</i>	<b>9</b>	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</i> <i>Burglary, 1st Degree (w/ Weapon or Assault)</i>	<b>8</b>	48 41-57	58 50-69	68 58-81	78 67-93	88 75-105	98 84-117	108 92-129
<i>Felony DWI</i> <i>Financial Exploitation of a Vulnerable Adult</i>	<b>7</b>	36	42	48	54 46-64	60 51-72	66 57-79	72 62-84 <sup>2, 3</sup>
<i>Assault, 2nd Degree</i> <i>Burglary, 1st Degree (Occupied Dwelling)</i>	<b>6</b>	21	27	33	39 34-46	45 39-54	51 44-61	57 49-68
<i>Residential Burglary</i> <i>Simple Robbery</i>	<b>5</b>	18	23	28	33 29-39	38 33-45	43 37-51	48 41-57
<i>Nonresidential Burglary</i>	<b>4</b>	12 <sup>1</sup>	15	18	21	24 21-28	27 23-32	30 26-36
<i>Theft Crimes (Over \$5,000)</i>	<b>3</b>	12 <sup>1</sup>	13	15	17	19 17-22	21 18-25	23 20-27
<i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i>	<b>2</b>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19	21 18-25
<i>Assault, 4th Degree</i> <i>Fleeing a Peace Officer</i>	<b>1</b>	12 <sup>1</sup>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19 17-22

<sup>1</sup> 12<sup>1</sup>=One year and one day



Presumptive commitment to state imprisonment. First-degree murder has a mandatory life sentence and is excluded from the Guidelines under Minn. Stat. § 609.185. See section 2.E, for policies regarding those sentences controlled by law.



Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. See sections 2.C and 2.E.

<sup>2</sup> Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. See section 2.C.1-2.

<sup>3</sup> The stat. max. for Financial Exploitation of Vulnerable Adult is 240 months; the standard range of 20% higher than the fixed duration applies at CHS 6 or more. (The range is 62-86.)

## Appendix 3. Sex Offender Grid – Effective August 1, 2019

Presumptive sentence lengths are in months. Italicized numbers within the grid denote the discretionary range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subject to local confinement.

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in <i>italics</i> )		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Criminal Sexual Conduct (CSC) 1st Degree</i>	<b>A</b>	144 <i>144-172</i>	156 <i>144-187</i>	168 <i>144-201</i>	180 <i>153-216</i>	234 <i>199-280</i>	306 <i>261-360</i>	360 <i>306-360</i> <sup>2</sup>
<i>CSC 2nd Degree–1(c)(d)(e)(f)(h) (e.g., contact, force, &amp; injury)</i>	<b>B</b>	90 <i>90<sup>3</sup>-108</i>	110 <i>94-132</i>	130 <i>111-156</i>	150 <i>128-180</i>	195 <i>166-234</i>	255 <i>217-300</i>	300 <i>255-300</i> <sup>2</sup>
<i>CSC 3rd Degree–1(c)(d)(g)(h)(i)(j) (k)(l)(m)(n)(o)(p) (e.g., penetration &amp; force/occupation)</i>	<b>C</b>	48 <i>41-57</i>	62 <i>53-74</i>	76 <i>65-91</i>	90 <i>77-108</i>	117 <i>100-140</i>	153 <i>131-180</i>	180 <i>153-180</i> <sup>2</sup>
<i>CSC 2nd Degree–1(a)(b)(g) (e.g., contact &amp; victim under 13)</i> <i>CSC 3rd Degree–1(a)(e)(f) or 1(b) with 2(1) (e.g., penetration &amp; child victim)</i>	<b>D</b>	36	48	60 <i>51-72</i>	70 <i>60-84</i>	91 <i>78-109</i>	119 <i>102-142</i>	140 <i>119-168</i>
<i>CSC 4th Degree–1(c)(d)(g)(h)(i)(j) (k)(l)(m)(n)(o)(p) (e.g., contact &amp; force/occupation)</i> <i>Dissemination of Child Pornography</i> <sup>2</sup>	<b>E</b>	24	36	48	60 <i>51-72</i>	78 <i>67-93</i>	102 <i>87-120</i>	120 <i>102-120</i> <sup>2</sup>
<i>CSC 4th Degree–1(a)(b)(e)(f) (e.g., contact &amp; child victim)</i> <i>CSC 5th Degree</i> <i>Possession of Child Pornography (Subseq./Pred. Off./Under 13)</i>	<b>F</b>	18	27	36	45 <i>39-54</i>	59 <i>51-70</i>	77 <i>66-92</i>	84 <i>72-100</i>
<i>CSC 3rd Degree–1(b) with 2(2) (i.e., penetration &amp; child victim 24–48 mo. younger)</i> <i>Possession of Child Pornography</i> <i>Solicit Child for Sexual Conduct</i> <sup>2</sup>	<b>G</b>	15	20	25	30	39 <i>34-46</i>	51 <i>44-60</i>	60 <i>51-60</i> <sup>2</sup>
<i>Failure to Register as a Predatory Offender</i>	<b>H</b>	12 <sup>1</sup> <i>12<sup>1</sup>-14</i>	14 <i>12<sup>1</sup>-16</i>	16 <i>14-19</i>	18 <i>16-21</i>	24 <i>21-28</i>	30 <i>26-36</i>	36 <i>31-43</i>

<sup>1</sup> 12<sup>1</sup>=One year and one day



Presumptive commitment to state imprisonment. Sex offenses under Minn. Stat. § 609.3455, subd. 2, have mandatory life sentences and are excluded from the Guidelines. See section 2.E, for policies regarding those sentences controlled by law, including conditional release terms for sex offenders.



Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenders in the shaded area of the Grid may qualify for a mandatory life sentence under Minn. Stat. § 609.3455, subd. 4. See sections 2.C and 2.E.

<sup>2</sup> Minn. Stat. § 244.09 requires that the Guidelines provide a range for sentences that are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. See section 2.C.1-2.

<sup>3</sup> Solicits, Promotes, or Receives Profit Derived from Prostitution; Sex Trafficking 1st Degree is not subject to a 90-month minimum statutory presumptive sentence so the standard range of 15% lower and 20% higher than the fixed duration applies. (The range is 77–108.)

## Appendix 4. Drug Offender Grid – Effective August 1, 2019

Presumptive sentence lengths are in months. Italicized numbers within the grid denotes range within which a court may sentence without the sentence being deemed a departure. Offenders with stayed felony sentences may be subjected to local confinement.

SEVERITY LEVEL OF CONVICTION OFFENSE (Example offenses listed in <i>italics</i> )		CRIMINAL HISTORY SCORE						
		0	1	2	3	4	5	6 or more
<i>Aggravated Controlled Substance Crime, 1st Degree Manufacture of Any Amt. Meth</i>	<b>D9</b>	86 <i>74*-103</i>	98 <i>84*-117</i>	110 <i>94*-132</i>	122 <i>104*-146</i>	134 <i>114*-160</i>	146 <i>125*-175</i>	158 <i>135*-189</i>
<i>Controlled Substance Crime, 1st Degree</i>	<b>D8</b>	65 <i>56*-78</i>	75 <i>64*-90</i>	85 <i>73*-102</i>	95 <i>81*-114</i>	105 <i>90*-126</i>	115 <i>98*-138</i>	125 <i>107*-150</i>
<i>Controlled Substance Crime, 2nd Degree</i>	<b>D7</b>	48	58	68 <i>58-81</i>	78 <i>67-93</i>	88 <i>75-105</i>	98 <i>84-117</i>	108 <i>92-129</i>
<i>Controlled Substance Crime, 3rd Degree Failure to Affix Stamp</i>	<b>D6</b>	21	27	33	39 <i>34-46</i>	45 <i>39-54</i>	51 <i>44-61</i>	57 <i>49-68</i>
<i>Possess Substances with Intent to Manufacture Meth</i>	<b>D5</b>	18	23	28	33 <i>29-39</i>	38 <i>33-45</i>	43 <i>37-51</i>	48 <i>41-57</i>
<i>Controlled Substance Crime, 4th Degree</i>	<b>D4</b>	12 <sup>1</sup>	15	18	21	24 <i>21-28</i>	27 <i>23-32</i>	30 <i>26-36</i>
<i>Meth Crimes Involving Children and Vulnerable Adults</i>	<b>D3</b>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>	21 <i>18-25</i>	23 <i>20-27</i>
<i>Controlled Substance Crime, 5th Degree</i>	<b>D2</b>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19	21 <i>18-25</i>
<i>Sale of Simulated Controlled Substance</i>	<b>D1</b>	12 <sup>1</sup>	12 <sup>1</sup>	12 <sup>1</sup>	13	15	17	19 <i>17-22</i>

\* Lower range may not apply. See section 2.C.3.c(1) and Minn. Stat. § 152.021, subdivisions 3(c) & 3(d).

<sup>1</sup> 12<sup>1</sup>=One year and one day



Presumptive commitment to state imprisonment.



Presumptive stayed sentence; at the discretion of the court, up to one year of confinement and other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in the shaded area of the Grid always carry a presumptive commitment to state prison. See sections 2.C and 2.E.